



**City Council Meeting
Minutes
Work Session 6:30 p.m.
Regular Session 7:00 p.m.
October 18, 2007**

Council Present: Mayor Breitenstein, Council Member Walden, Council Member Tallent, Council Member Neely, Council Member Maxfield, Council Member Martini (arrived at 6:45 pm)

Absent: Council Member Smallwood

City Staff Present: Paulette Hartman, City Manager; Betsy Elam, City Attorney; Paul Waldrip, Chief of Police; Mary Beth Thomas, City Secretary; Carla Bonham, Municipal Court Clerk; LaDonna Davis, Finance; Duwayne Capps, Fire Chief; Bruce Hewitt, Street Department

Mayor Breitenstein announced a quorum was present and called the Work Session to order at 6:32 p.m.

I. Work Session – 6:30 pm

A. Items Discussed Regarding Staff Reports Were:

Paulette Hartman, City Manager, announced that Debbie Wallis, Animal Control Officer, received her certification in Administration in Animal Control. Mrs. Hartman also introduced Bruce Hewitt, Street Department Supervisor.

B. Review And Discuss Status Of City Manager Work Plan Including Review Of Detailed Work Plan Created As A Result Of The Council Strategic Planning Work Session, Report Of Activities Last Month And Status Of Drilling Permits.

Paulette Hartman, City Manager, presented a brief summary of the International Conference of Shopping Centers that Mayor Breitenstein, Lawrence Robbins, Management Analyst, and she attended.

C. Review And Questions Related To The Budget Report And Financial Statements For The Month Of September 2007.

Council Member Tallent inquired if budget amendments would be presented at this time. Paulette Hartman, City Manager, explained that budget amendments for the FY 2006/2007 budget would be presented at a later meeting.

D. Discussion And Overview Of Recent Fire Arm Issue.

Paulette Hartman, City Manager, presented this item. Paul Waldrip, Chief of Police, explained the history behind this item. After a brief discussion, Council asked staff to present an ordinance for consideration at the November meeting.

E. Requests For Future Reports And Agenda Items.

A request was made to review state burn laws.

There being no further business the work session recessed at 6:50 p.m.

II. Regular Session – 7:00 p.m.

Mayor Breitenstein called the regular session to order at 7:10 p.m.

Absent: Council Member Smallwood

A. Invocation was given by Council Member Neely.

B. Pledge of Allegiance was led by Council Member Martini.

C. Public Forum: The City Council invites citizens to speak on any topic; however, unless the item is specifically noted on this agenda, the City Council is required under the Texas Open Meetings Act to limit its response to responding with a statement of specific factual information, reciting the City's existing policy on that issue, or directing the person making the inquiry to visit with City Staff about the issue. No Council deliberation is permitted.

Brent Claiborne, 434 N. Broadway, Joshua, Texas, stated he felt there was a conflict of interest for one Council Member on Items #3 & 4.

Jill Miller, 3049 Big Springs, Joshua, Texas, stated the public hearing notice for Item # 1 was not published in the Joshua Star.

Dana Bruce, 306 E. 16th St., Joshua, Texas, stated there needs to be a city curfew for juveniles.

Darlene Monsour, 200 Bentley Dr., Joshua, Texas, spoke regarding several issues.

D. Presentations & Special Presentations:

There were none.

E. Consent Agenda: All items under this section are recommended for approval on the “Consent Agenda”. These items are of a routine nature and require only brief deliberation by the Council. The City Staff has briefed the Council on these items. Approval of the consent agenda authorizes the City Manager to implement each item in accordance with staff recommendation. The Mayor and Council may remove items on the consent agenda upon request.

- 1. Approval of Minutes for the September 11, 2007 Special Session**
- 2. Approval of Minutes for the September 18, 2007 Regular Session**

Council Member Maxfield made a motion to approve the consent agenda. Council Member Tallent seconded the motion.

Motion Carried – 6-0. Absent: Council Member Smallwood

F. Action and Discussion Items:

The regular session recessed and a public hearing was opened at 7:24 p.m.

At this time, Council Member Tallent excused himself from the meeting.

- 1. Convene A Public Hearing To Obtain Public Input Regarding Establishing A Zoning District Of PD – Planned Development And Consider A Development Plan On 351.80 Acres Located In The McKinney & Williams Survey, Abstract No. 636; The BBB&C Railroad Company Survey, Abstract No. 102; And The W. H. Miller Survey, Abstract No. 603, More Commonly Known As The Joshua Meadows Addition.**

A. Staff/Applicants Statement

Paulette Hartman, City Manager, explained the history of this project and also explained that the notices were published in the Cleburne Times Review.

B. Those in Favor

Ottis Lee, 1192 Boling Ranch Rd., Azle, Texas, a representative for Sandlin Homes spoke.

C. Those Against

Jill Miller, 3049 Big Springs, Joshua, Texas
Shelly Wilson, 1005 Glenwood Dr., Joshua, Texas
Jeff Monk, 5004 Hunters Wood Ct., Joshua, Texas
Ron Fischer, 3011 Running Brook, Joshua, Texas

D. Staff/Applicant Rebuttal

Paulette Hartman, City Manager, stated some issues were platting issues not zoning. Betsy Elam, City Attorney, stated the plan attached was a concept plan and not a development plan.

E. Adjournment

The public hearing recessed and the regular session reconvened at 7:40 p.m.

2. **Discuss, Consider And Act Regarding An Ordinance Of The City Of Joshua, Texas, Amending Ordinance No. 366-2003, The Zoning Ordinance And The Official Zoning Map Of The City To Reflect A Rezoning Of Certain Property To A Planned Development Zoning District For Single Family And Community And Recreational Facilities To Serve The Residents Of The District; Providing That This Ordinance Be Cumulative Of All Ordinances; Providing A Severability Clause; Providing A Penalty For Violations; Providing A Savings Clause; Providing For Publication In The Official Newspaper; And Providing An Effective Date. (Hartman)**

Paulette Hartman, City Manager, presented this item. Council Member Martini stated this is only correcting a procedural problem and is not allowing anything else. Council Member Walden stated the flooding and drainage issues would be addressed at platting. Council Member Walden made a motion to approve the ordinance with the exception of tabling the development plan "Exhibit B". Council Member Martini seconded the motion.

Motion Carried – 5-0. Absent: Council Member Smallwood, Council Member Tallent

At this time, Council Member Tallent returned to the meeting.

The regular session recessed and a public hearing was opened at 7:45 p.m.

Betsy Elam, City Attorney, explained conflict of interest.

The public hearing recessed at 7:45 p.m. for consultation with the City Attorney.

The public hearing reconvened at 7:52 p.m.

3. **Convene A Public Hearing To Obtain Public Input Regarding Amending City Of Joshua Zoning Ordinance #366-2003 By Deleting Section 19: MH Mobile Home Park And Section 20" MHS – Mobile Home Subdivision District And Adopting An Ordinance Establishing Regulations For Manufactured Housing In The City And Prohibiting Installation Of Mobile Homes.**

At this time, Council Member Maxfield excused himself from the meeting.

A. Staff Comments

Paulette Hartman, City Manager, presented this item.

B. Those in Favor

No one spoke at this time.

C. Those Against

Brent Claiborne, 434 N. Broadway, Joshua, Texas
Darlene Kettleborough, PO Box 907, Joshua, Texas
David Zulejka, 506 St. Michaels Way, Rockwall, Texas
Norman Beauchamp, 424 N. Broadway, Joshua, Texas
Marty Peters, PO Box 379, Cleburne, Texas
Ken Peters, PO Box 379, Cleburne, Texas
Ron Fischer, 3011 Running Brook, Joshua, Texas
Jill Miller, 3049 Big Springs, Joshua, Texas

D. Staff Rebuttal

Paulette Hartman, City Manager, addressed some of the issues discussed.

E. Adjournment

The public hearing recessed and the regular session reconvened at 8:25 p.m.

4. Discuss, Consider And Act Regarding An Ordinance Of The City Council Of The City Of Joshua, Texas, Amending Ordinance No. 366-2003 Establishing Regulations For Manufactured Housing In The City And Prohibiting Installation Of Mobile Homes; Providing A Cumulative Clause; Providing A Severability Clause; Providing A Penalty For Violations Hereof; Providing A Savings Clause; Providing For Engrossment And Enrollment; Providing For Publication; And Providing An Effective Date. (Hartman)

Paulette Hartman, City Manager, presented this item. Some issues raised by Council Members were – recreational vehicles allowed in parks, setbacks and road widths. Council Member Walden made a motion to approve the ordinance with a correction to Section 15 (g)(i) "Between any side of manufactured home and the property line Fifteen (15') feet." The motion died for the lack of a second. Council Member Martini made a motion to approve the ordinance as presented with the ten (10') feet setback requirement as presented by staff. Council Member Neely seconded the motion. Council Member Tallent questioned the City Manager regarding road widths. Council Member Martini amended the motion the ordinance reflect the two mobile home parks that currently have recreational vehicles with the consent and review of the City Attorney. Council Member Neely seconded the motion. The vote was as follows:

Ayes: Council Member Martini, Mayor Breitenstein, Council Member Tallent, Council Member Neely

Nays: Council Member Walden

Motion Carried – 4-1 Absent: Council Member Smallwood, Council Member Maxfield

5. Discuss, Consider And Act Regarding An Ordinance Of The City Of Joshua, Texas, Amending Ordinance No. 366-2003, The Joshua Zoning Ordinance, By Repealing Subsections I “General Requirements” And J “Additional Requirements” Of Section 19: “MH Mobile Home Park”, And Subsections H “Development And Installation Regulations”, And I

“Development As An R-1 Single Family District” Of Section 20: “MHS Mobile Home Subdivision District”; Amending Setback Requirements For Manufactured Housing; Providing A Cumulative Clause; Providing A Severability Clause; Providing For Publication In The Official Newspaper; Providing For A Penalty For Violations Hereof; Providing A Savings Clause; And Providing An Effective Date. (Hartman)

Paulette Hartman, City Manager, presented this item. After a brief discussion, Council Member Tallent made a motion to approve the ordinance. Council Member Martini seconded the motion.

Motion Carried – 5-0. Absent: Council Member Smallwood, Council Member Maxfield

Council Member Maxfield returned to the meeting at 8:58 p.m.

- 6. Discuss, Consider And Act Regarding An Ordinance Of The City Of Joshua, Texas, Amending The Rules And Regulations Relating To The Subdivision And Development Of Land, Approval Of Plats, And Land Dedications To Protect The Public Health, Safety And Welfare; Providing For Requirements Relating To Completeness Determinations For Plat And Development Applications; Providing For Rough Proportionality Determinations For Plat And Development Applications Which Impose Exaction Requirements; Providing For Definitions; Providing For Administration And Enforcement; Providing For The Repeal Of All Ordinances In Conflict; Providing A Savings Clause; Providing A Severability Clause; Providing A Penalty Or Fine Not To Exceed The Sum Of Five Hundred Dollars (\$500.00) For Each Offense And Providing An Effective Date. (Hartman)**

Paulette Hartman, City Manager, presented this item. After a brief discussion, Council Member Maxfield made a motion to approve the ordinance. Council Member Walden seconded the motion.

Motion Carried - 6-0. Absent: Council Member Smallwood

- 7. Discuss, Consider And Act Upon Submittal Of A Concept Plan For The Tax Increment Finance District #1 (Joshua Station Overlay District) Located In The George Casseland Survey, Abstract No. 173 Located Approximately In The 1200 Block On The West Side Of Hwy 174. (Hartman)**

Paulette Hartman, City Manager, stated the developer did not have time to submit another concept plan. Council Member Tallent made a motion to table this item until the November meeting. Council Member Neely seconded the motion.

Motion Carried – 6-0. Absent: Council Member Smallwood

- 8. Discuss, Consider And Act Regarding Adoption Of 2007/2008 Fiscal Year Budget For The 4A Economic Development Corporation Board. (Hartman)**

Paulette Hartman, City Manager, presented this item. Council Member Maxfield made a motion to approve the FY 2007/2008 budget for the 4A Economic Development Corporation Board. Council Member Martini seconded the motion.

Motion Carried – 6-0. Absent: Council Member Smallwood

The regular session recessed and a public hearing was opened at 9:10 p.m.

9. Convene A Public Hearing To Obtain Public Input Regarding Project Expenditures And Proposed Budget For The 4B Economic Development Corporation Board.

Paulette Hartman, City Manager, presented this item.

The public hearing closed and the regular session reconvened at 9:14 p.m.

10. Discuss, Consider And Act Regarding Adoption Of Project Expenditures And Proposed Budget For The 4B Economic Development Corporation Board. (Hartman)

Paulette Hartman, City Manager, presented this item. Council Member Walden made a motion to adopt the FY 2007/2008 4B Economic Development Corporation Board budget. Council Member Martini seconded the motion. The vote was as follows:

Ayes: Council Members Tallent, Walden, Martini, Maxfield, Mayor Breitenstein

Abstentions: Council Member Neely

Motion Carried – 5-1. Absent: Council Member Smallwood

11. Discuss, Consider And Act Regarding An Ordinance Authorizing The Issuance Of “City Of Joshua, Texas Combination Tax And Limited Pledge Revenue Certificates Of Obligation, Series 2007”; Providing For The Payment Of Said Certificates By The Levy Of An Ad Valorem Tax Upon All Taxable Property Within The City And Further Securing Said Certificates By A Lien On And Pledge Of The Pledged Revenues Of The System; Providing The Terms And Conditions Of Said Certificates And Resolving Other Matters Incident And Relating To The Issuance, Payment, Security, Sale, And Delivery Of Said Certificates; Authorizing The Execution Of A Paying Agent/Registrar Agreement And A Purchase And Investment Letter; Complying With The Requirements Of The Letter Of Representations With The Depository Trust Company; And Providing An Effective Date.
(Hartman)

Paulette Hartman, City Manager, introduced Ryan Cunningham with Southwest Securities. Mr. Cunningham presented this item and answered questions by Council Members. After a lengthy discussion, Council Member Tallent made a motion to authorize issuance of “City of Joshua, Texas, Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2007”. Council Member Maxfield seconded the motion.

Motion Carried – 6-0. Absent: Council Member Smallwood

12. Discuss, Consider And Act Upon Appointment To The Community Library Board. (Hartman)

Mayor Breitenstein presented this item. Council Member Martini made a motion to appoint Kenneth Bransom and Council Member Maxfield to the Community Library Board. Council Member Walden seconded the motion. The vote was as follows:

Ayes: Council Member Martini, Council Member Walden, Mayor Breitenstein, Council Member Tallent, Council Member Neely

Abstention: Council Member Maxfield

Motion Carried – 5-1 Absent: Council Member Smallwood

13. Discuss, Consider And Act Upon Appointment To 4A Economic Development Corporation Board. (Council)

Paulette Hartman, City Manager, presented this item and stated there was an application from Matt McWhorter in their packets. Council Member Martini made a motion to appoint Matt McWhorter to the 4A Economic Development Corporation Board. Council Member Maxfield seconded the motion.

Motion Carried – 6-0. Absent: Council Member Smallwood

14. Discuss, Consider And Act Upon Appointment To The 4B Economic Development Corporation Board. (Council)

Paulette Hartman, City Manager, presented this item and stated there was an application from Paula Hulcy in their packets. Council Member Tallent stated he knew of someone else that wanted to submit his application. Council Member Tallent made a motion to table this item until the November meeting. Council Member Martini seconded the motion.

Motion Carried – 6-0. Absent: Council Member Smallwood

Pursuant to Section 551.071 of the Texas Government Code, the City Council reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

III. Executive Session: The City Council shall convene in closed session in accordance with the Texas Local Government Code Section 551 to discuss the following:

- A. §551.072 Deliberation regarding value and purchase of real property in the Tax Increment Financing District (Joshua Station Overlay District).
- B. §551.087 Deliberation regarding Economic Development Negotiations related to a development project in the Tax Increment Financing District (Joshua Station Overlay District).

- C. §551.071 Consultation with Attorney regarding legal issues related to current and proposed City ordinances regulating mobile home parks.

Due to the time, City Council did not convene into executive session.

IV. Reconvene In Open Session: The City Council shall reconvene in open session to take action on items discussed in executive session as necessary.

V. Adjournment.

There being no further business the meeting adjourned at 9:37 p.m.

Merle Breitenstein, Mayor
City of Joshua, Texas

ATTEST:

Mary Beth Thomas, City Secretary
City of Joshua, Texas