



**City Council Meeting
Minutes
Work Session 6:30 p.m.
Regular Session 7:00 p.m.
November 15, 2007**

Council Present: Mayor Breitenstein, Council Member Walden, Council Member Neely, Council Member Maxfield, Council Member Smallwood (arrived at 6:35 pm)

Absent: Council Member Martini (arrived at 7:40 pm), Council Member Tallent (arrived at 7:50 pm)

City Staff Present: Betsy Elam, City Attorney; Paul Waldrip, Chief of Police; Mary Beth Thomas, City Secretary; Lorrie Jones, Deputy Municipal Court Clerk; LaDonna Davis, Finance; Bruce Hewitt, Street Department; Lawrence Robbins, Management Analyst

Mayor Breitenstein announced a quorum was present and called the Work Session to order at 6:34 p.m.

I. Work Session – 6:30 pm

A. Items Discussed Regarding Staff Reports Were:

There was no discussion.

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.

Due to the absence of the City Manager this item was not discussed.

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

There was no discussion on this item.

D. Requests For Future Reports And Agenda Items.

Council Member Smallwood requested a report detailing sound reports required by the Gas Well Ordinance.

Council Member Maxfield requested a review of the zoning ordinance.

There being no further business the work session recessed at 6:40 p.m.

II. Regular Session – 7:00 p.m.

Mayor Breitenstein called the regular session to order at 7:01 p.m.

Absent: Council Member Martini (arrived at 7:40 pm); Council Member Tallent (arrived at 7:50 pm)

A. Invocation was given by Council Member Neely.

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

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.

Shelli Wilson, 1005 Glenwood, Joshua, TX, spoke regarding the variance request by Chesapeake.

Jeff Monk, 5004 Hunters Wood Ct, Joshua, TX, spoke regarding an early warning siren pole that leans.

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 October 18, 2007 Regular Session**
- 2. Approval of Minutes for the November 1, 2007 Special Session**
- 3. Entryway Sign Design Proposal**
- 4. Ratification Of Texas State Library & Archives Commission Lone Star Libraries Grant**
- 5. Authorize The 4A Economic Development Board Chairman To Sign Road Development Agreement For Construction Of Roadway Improvements In Joshua Station Overlay District.**
- 6. Authorize City Manager To Sign Letter Of Agreement For Design Services Related To Roadway Improvements**

Council Member Neely made a motion to approve the consent agenda with a correction being made to the vote on Item #10 of the October 18, 2007 Regular Session minutes. Council Member Maxfield seconded the motion.

Motion Carried - 5-0. Absent: Council Members Martini & Tallent

F. Action and Discussion Items:

The regular session recessed and a public hearing was opened at 7:13 p.m.

1. Convene A Public Hearing To Obtain Public Input Regarding A Request To Final Re-Plat Lot 4, Block 2, East Hills Addition To Lot 4R-1, Lot 4R-2 And Lot 4R-3, Block 2, East Hills Addition.

A. Applicants Statement

Erik Dumas, Dumas Land Surveying, presented the request on behalf of the applicant.

B. Staff Comments

Mary Beth Thomas, City Secretary, presented this item.

C. Those in Favor

No one spoke at this time.

D. Those Against

No one spoke at this time

E. Applicant's Rebuttal

None required

F. Adjournment

The public hearing recessed and the regular session reconvened at 7:15 p.m.

2. Discuss, Consider And Act Regarding A Request To Final Re-Plat Lot 4, Block 2, East Hills Addition To Lot 4R-1, Lot 4R-2 And Lot 4R-3, Block 2, East Hills Addition.

Council Member Walden inquired if the cul-de-sac met the requirements of the subdivision ordinance. Council Member Maxfield asked about the off-set area. Council Member Smallwood made a motion to approve the final re-plat. Council Member Walden seconded the motion.

Motion Carried - 5-0. Absent: Council Members Martini & Tallent

Due to a conflict of interest with Items 3 & 4, Mayor Breitenstein excused himself from the meeting.

The regular session recessed and a public hearing was opened at 7:19 p.m.

3. Convene A Public Hearing To Obtain Public Input Regarding A Request To Change The Zoning From "R-1L" Single Family Residential Large Lot To "R-2" Two Family Residential On A 3.36 Acre Tract Of Land Located In The E. M. Thomason Survey, Abstract No. 827, More Commonly Known As 710 N. Main And A Zoning Change Request From "R-1" Single Family Residential To "R-2" Two Family Residential On Lot 9, Block 6, Oak Trail Estates, Phase II.

A. Applicant's Comments

Robby Rumfield, Rumfield Custom Homes, presented his request

B. Staff Comments

Dan Boutwell, City Planner, spoke at this time.

C. Those In Favor

No one spoke at this time.

D. Those Against

Angie Wilkerson, 619 Linda Ct., Joshua, TX
Tim Mankins, 623 Linda Ct., Joshua, TX
Christy Argumaniz, 1008 Linda Dr., Joshua, TX
Ashley Mauldin, 1010 Linda Dr., Joshua, TX
Katherine Love, 710 Linda Dr., Joshua, TX

E. Applicant's Rebuttal

Dusty Rumfield and Robby Rumfield, Rumfield Custom Homes, addressed some of the concerns.

F. Adjournment

The public hearing recessed and the regular session reconvened at 7:34 p.m.

Council Member Martini arrived at 7:40 p.m.

4. Discuss, Consider And Act Regarding An Ordinance Of The City Of Joshua, Texas, Amending Ordinance No. 366-2003, The Comprehensive Zoning Ordinance Of The City, To Rezone Approximately 3.36 Acres Out Of The E. M. Thomason Survey, Abstract No. 827, More Commonly Known As 710 N. Main, Joshua, Texas, From R1L Single-Family Large Lot Residential To R2 Two Family Residential And To Rezone Lot 9, Block 6, Oak Trail Estates, Phase II From R1 Single Family Residential To R2 Two Family Residential; Changing The Official Zoning Map Of The City; Providing For A Repealer Clause; Severability; A Savings Clause; Providing For A Penalty Not To Exceed \$2,000 And Authorization To Seek Injunctive Relief To Enjoin Violations Which Constitute An Imminent Hazard Or Danger To The Public Health And Safety; Providing For Engrossment And Enrollment; Providing For Publication And An Effective Date.

Council Member Maxfield made a motion to table this item until all Council Members were present. After discussion, the motion died for lack of a second.

Council Member Smallwood made a motion to deny the zoning change. Council Member Neely seconded the motion. The vote was as follows:

Ayes: Council Member Neely, Council Member Smallwood

Nays: Council Member Maxfield, Council Member Walden, Council Member Martini

The motion did not carry.

Council Member Maxfield made a motion to table this item until the next meeting.

Council Member Martini seconded the motion. The vote was as follows:

Ayes: Council Member Maxfield, Council Member Walden, Council Member Martini

Nays: Council Member Neely, Council Member Smallwood

Motion Carried - 3-2. Absent: Council Member Tallent, Mayor Breitenstein

The regular session recessed at 7:43 p.m.

At this time, Mayor Breitenstein returned to the meeting.

Council Member Tallent arrived at 7:50 p.m.

The regular session reconvened at 7:53 p.m.

Due to a conflict of interest on Items 5 & 6, Council Member Tallent and Council Member Smallwood excused themselves from the meeting.

The regular session recessed and adjourned into Executive Session at 7:54 p.m.

The Executive Session recessed and the regular session reconvened at 8:12 p.m.

Mayor Breitenstein requested to discuss Item #9 at this time.

Council Member Tallent and Council Member Smallwood returned to the meeting.

9. Discuss, Consider And Act Regarding Park Plan Update Contract.

Mark Spencer, MHS Planning & Design, briefed Council Members on this item. Council Member Smallwood briefed Council Members on the meeting held with the 4B Economic Corporation Board and Mr. Spencer. After discussion, Council Member Tallent made a motion to approve the park plan update and authorize the City Manager to sign a letter of agreement with MHS Planning & Design. Council Member Martini seconded the motion.

Motion Carried 7-0. Absent: None

Due to a conflict of interest with Items 5 & 6, Council Member Tallent and Council Member Smallwood excused themselves from the meeting.

The regular session recessed and a public hearing was opened at 8:24 p.m.

5. Convene A Public Hearing To Obtain Public Input Regarding A Request For A Variance To Ordinance No. 418-2006, Gas Well Ordinance, Related To An Application To Drill Sandlin 1H, A1H, And A2H Wells By Chesapeake Energy.

A. Applicant's Statement

Pete Vermillion, Chesapeake Energy, presented this item

B. Staff Comments

Due to the absence of the City Manager, there were none

C. Those In Favor

Dave Brannen, Chesapeake Energy
Robert Bradley, Chesapeake Energy

D. Those Against

Shelli Wilson, 1005 Glenwood Dr., Joshua, TX
Jeff Monk, 5004 Hunters Wood Ct., Joshua, TX
Diane Rogers, 2005 Running Brook, Joshua, TX

E. Applicant's Rebuttal

Pete Vermillion, Chesapeake Energy, addressed some of the concerns

F. Adjournment

The public hearing recessed and the regular session reconvened at 8:48 p.m.

6. Discuss, Consider And Act Regarding A Request For A Variance To Ordinance No. 418-2006, Gas Well Ordinance, Related To An Application To Drill Sandlin 1H, A1H, And A2H Wells By Chesapeake Energy.

After discussion, the main concern raised by Council Members was safety of the residents in that area. Council Member Walden made a motion to table this item until the next meeting to allow Chesapeake Energy time to locate another route. Council Member Maxfield seconded the motion.

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

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

The regular session recessed and a public hearing was opened at 9:12 p.m.

7. Convene A Public Hearing To Obtain Public Input Regarding Taxation Of Super Freeport Goods.

Betsy Elam, City Attorney, presented this item.

The public hearing recessed and the regular session reconvened at 9:18 p.m.

8. Discuss, Consider And Act Regarding An Ordinance Of The City Of Joshua, Texas, To Tax Tangible Personal Property In Transit Which Would Otherwise Be Exempt Pursuant To Texas Tax Code, Section 11.253.

Council Member Smallwood made a motion to approve the ordinance. Council Member Walden seconded the motion. The vote was as follows:

Ayes: Council Member Walden, Council Member Smallwood, Mayor Breitenstein, Council Member Maxfield, Council Member Tallent, Council Member Neely

Nays: Council Member Martini

Motion Carried - 6-1. Absent: None

10. Discuss, Consider And Act Regarding A Request For A Variance To Section 10-3(J)(2) Of Subdivision Ordinance No. 326-2000 Related To The Plat Of Lot 1 & Lot 2, Block 1 Of The Joshua Independent School District Stadium Addition.

Jeff Crannell, Crannell, Crannell, & Martin, presented this item. Dan Boutwell, City Planner, answered questions by Council. After discussion, Council Member Martini made a motion to grant a variance from the required 60' right-of-way to 50' right-of-way on a portion of Henderson St. Council Member Walden seconded the motion.

Motion Carried - 7-0. Absent: None

11. Discuss, Consider And Act Regarding A Preliminary Plat Of Lot 1 And Lot 2, Block 1, Joshua ISD Stadium Addition.

Dan Boutwell, City Planner, presented this item. Paul Whaley, City Engineer, briefed Council Members on the drainage issues. After discussion, Council Member Martini made a motion to approve the preliminary plat with a correction that Tract 1 and Tract 2 be changed to read Lot 1 and Lot 2. Council Member Smallwood seconded the motion.

Motion Carried - 7-0. Absent: None

At this time, Item #16 was discussed.

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

Greg Saunders, Teague, Nall & Perkins, presented this item. Council Member Tallent questioned if the concept plan submitted indicated the correct zoning. Ray Tolson,

applicant, stated the zoning is already in place and that his request is for the concept plan. Council Member Tallent made a motion to table this item until a correct concept plan is submitted. Council Member Walden seconded the motion.

Motion Carried - 7-0. Absent: None

12. Discuss, Consider And Act Regarding An Ordinance Of The City Of Joshua, Texas, Regulating The Discharge Of Firearms; Providing A Cumulative Clause; Providing A Severability Clause; Providing A Penalty For Violations Hereof; Providing A Savings Clause; Providing For Publication In The Official Newspaper; And Providing An Effective Date.

Paul Waldrip, Chief of Police, presented this item. After discussion, general consensus was to bring this ordinance back for consideration after adding more language and definitions. Council Member Smallwood made a motion to table this item until the next meeting. Mayor Breitenstein seconded the motion.

Motion Carried - 7-0. Absent: None

14. Discuss, Consider And Act Regarding A Resolution Of The City Of Joshua, Texas Affirming The Casting Of Votes In The 2008-2009 Election Of The Board Of Directors For The Central Appraisal District Of Johnson County, Texas.

After discussion, Council Member Walden made a motion to approve a resolution voting for Sid Pruitt to the Board of Directors for the Central Appraisal District of Johnson County, Texas. Council Member Tallent seconded the motion.

Motion Carried - 7-0. Absent: None

13. Discuss, Consider And Act To Set A Date For A Joint Session With The Planning & Zoning Commission To Commence The Comprehensive Plan Update.

Due to the absence of Paulette Hartman, City Manager, this item was not discussed.

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

Council Member Tallent made a motion to appoint Jerry Moore to the 4B Economic Development Corporation Board. Council Member Walden seconded the motion.

Motion Carried - 7-0. Absent: None

17. Discuss And Review City Of Joshua Charter Amendments Submitted By The City Attorney.

Betsy Elam, City Attorney, briefed Council Members on this item. Council Member Martini made a motion to ask the City Manager to schedule a special work session to discuss this item for December 5, 2007. Council Member Walden seconded the motion.

Motion Carried - 7-0.

Absent: None

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).

The regular session recessed and Council convened in Executive Session at 10:32 p.m.

The Executive Session recessed and the regular session reconvened at 10:54 p.m.

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

No action was taken as a result of Executive Session.

V. Adjournment.

There being no further business the meeting adjourned at 10:55 p.m.

Merle Breitenstein, Mayor
City of Joshua, Texas

ATTEST:

Mary Beth Thomas, City Secretary
City of Joshua, Texas