



**City Council Meeting  
Minutes  
Work Session 6:30 p.m.  
Regular Session 7:00 p.m.  
December 20, 2007**

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**Council Present:** Mayor Breitenstein, Council Member Walden, Council Member Tallent, Council Member Neely, Council Member Maxfield, Council Member Martini (arrived at 7:30 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; Bruce Hewitt, Street Department; Lawrence Robbins, Management Analyst

Mayor Breitenstein announced a quorum was present and called the Work Session to order at 6:30 p.m.

**I. Work Session – 6:30 pm**

**A. Items Discussed Regarding Staff Reports Were:**

Council Member Walden inquired if there was a problem with the warning siren that went off.

**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.**

There was no discussion.

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

There was no discussion.

**D. Review And Questions Related To Initiating A Cell-Phone Recycling Program.**

Mary Beth Thomas, City Secretary, presented this item.

**E. Requests For Future Reports And Agenda Items.**

There were none.

There being no further business the work session recessed at 6:36 p.m.

At this time City Council members and members of the audience were invited to enjoy refreshments to celebrate the Christmas holidays.

## **II. Regular Session – 7:00 p.m.**

Mayor Breitenstein called the regular session to order at 7:00 p.m.

Absent: Council Member Smallwood, Council Member Martini (arrived at 7:30 pm)

**A. Invocation was given by Council Member Neely.**

**B. Pledge of Allegiance was led by Council Member Maxfield.**

**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.

Jeff Monk, 5004 Hunters Wood Ct., Joshua, Texas, thanked Council for getting the early warning siren installed correctly.

**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 November 15, 2007 Regular Session**
- 2. Approval of Minutes for the December 5, 2007 Special Session**

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

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

**F. Action and Discussion Items:**

- 1. Convene A Public Hearing To Obtain Public Input Regarding A Request For A Conditional Use Permit To Allow Construction Of A Church In A "R-1" Single Family Residential Zoning District. The Property Is A 3.03 Acre Tract Of Land Located In The George Wright Survey, Abstract No. 916, More Commonly Known As 120 Trailwood Drive.**

- A. Applicant Comments
- B. Staff Comments
- C. Those in favor
- D. Those against
- E. Applicant rebuttal
- F. Adjournment

The public hearing did not convene due to the applicant withdrawing the request.

- 3. 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, A2H Wells By Chesapeake Energy. (Hartman)**

Paulette Hartman, City Manager, briefed Council Members on the request from the applicant to table this item until the Council meeting on January 17, 2008. Council Member Neely made a motion to table this item until January 17, 2008. Council Member Maxfield seconded the motion.

**Motion Carried - 5-0.** Absent: Council Member Smallwood, Council Member Martini

- 4. Discuss, Consider And Act Regarding Consideration And Approval Of An Ordinance By The City Council Of The City Of Joshua, Texas Authorizing The Issuance Of "City Of Joshua, Texas General Obligation Refunding Bonds, Series 2007", Levying An Annual Ad Valorem Tax, Within The Limitations Prescribed By Law, For The Payment Of The Bonds; Prescribing The Form, Terms, Conditions, And Resolving Other Matters Incident And Related To The Issuance, Sale, And Delivery Of The Bonds; Authorizing The Execution Of A Paying Agent/Registrar Agreement, A Purchase And Investment Letter, And An Escrow And Trust Agreement; Complying With The Requirements Of The Blanket Letter Of Representations With The Depository Trust Company; Delegating The Authority Of Certain Members Of The City Staff To Execute Certain Documents Relating To The Sale Of The Bonds; And Providing An Effective Date. (Hartman)**

Paulette Hartman, City Manager, presented this item. Ryan Cunningham, Southwest Securities, went through the details of this item.

At this time, Santa arrived and delivered gifts to the Council Members.

Council Member Tallent made a motion to approve the ordinance given the figures presented tonight. After more discussion, Council Member Tallent withdrew his motion. Council Member Tallent made a motion to approve the ordinance provided the savings to the City is \$70,000.00 or greater. Council Member Neely seconded the motion.

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

- 5. Discuss, Consider And Act Regarding An Ordinance Of The City Council Of The City Of Joshua, Texas, Amending Ordinance No. 429-2007 To Amend The Payment Of Certain Fees; Providing A Severability Clause; Providing For Engrossment And Enrollment; And Providing An Effective Date.**  
(Hartman)

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

**Motion Carried - 5-0.** Absent: Council Member Smallwood, Council Member Martini

- 6. 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 For A Penalty For Violations Hereof; Providing A Savings Clause; Providing For Publication In The Official Newspaper; And Providing An Effective Date.** (Hartman)

Paulette Hartman, City Manager, presented this item. Paul Waldrip, Chief of Police, answered questions presented by Council members.

At 7:30 pm. Council Member Martini arrived.

After a brief discussion, Council Member Tallent made a motion to approve the ordinance. Council Member Walden seconded the motion.

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

At 7:33 pm Mayor Breitenstein excused himself from the meeting due to a conflict of interest with the following agenda item. Mayor Pro-Tem Walden took over proceedings of the meeting.

- 2. 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 "R-1L" Single Family Large Lot Residential To "R-2" Two Family Residential And To Rezone Lot 9, Block 6, Oak Trail Estates, Phase II From "R-1" Single Family Residential To "R-2" 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. (Hartman)**

Paulette Hartman, City Manager, stated the applicant has requested a change from his original zoning change request. He is now requesting to leave Lot 9, Block 6, Oak Trail Estates, Phase II as "R-1" Single Family Residential and is requesting to change 710 N. Main from "R1-L" Single Family Large Lot Residential to "R-2" Two Family Residential. The applicant briefed Council Members on reasons for the request change. After a brief discussion, Council Member Neely made a motion to approve 710 N. Main be changed from "R-1L" Single Family Large Lot Residential to "R-2" Two Family Residential. Council Member Maxfield seconded the motion.

**Motion Carried – 5-0.** Absent: Council Member Smallwood, Mayor Breitenstein

Mayor Breitenstein returned to the meeting at 7:48 p.m.

**7. Discuss And Review Boundary Adjustment Proposal. (Hartman)**

Paulette Hartman, City Manager, requested this item be tabled until the January 17, 2008 Council meeting. Council Member Martini made a motion to table this item until January 17, 2008. Council Member Neely seconded the motion.

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

**8. Discuss, Consider And Act Upon A Gas Pipeline Easement Contingent Upon Closing Of Purchase Of 14.56 Acres In The TIF district. (Hartman)**

Paulette Hartman, City Manager, stated before action was taken on this item Council will need to convene in Executive Session for consultation with the Attorney. Mike Smith, Mustang Engineering, briefed Council on the request.

**9. Discuss, Consider And Act Upon Re-Appointments To The Planning And Zoning Commission. (Hartman)**

Paulette Hartman, City Manager, presented this item. Council Member Neely made a motion to re-appoint Glenn Reue, Kenneth Bransom, Joe Hollarn and Noelym Isom to the Planning & Zoning Commission. Council Member Tallent 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. §551.074 Personnel Matters related to the evaluation of the city manager.

City Council convened into executive session at 7:53 pm.

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

City Council reconvened into open session at 8:25 pm.

**8. Discuss, Consider And Act Upon A Gas Pipeline Easement Contingent Upon Closing Of Purchase Of 14.56 Acres In The TIF District.**

Council Member Martini made a motion to accept the gas pipeline easement. Council Member Walden seconded the motion.

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

**V. Adjournment.**

There being no further business the meeting adjourned at 8:30 p.m.

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Merle Breitenstein, Mayor  
City of Joshua, Texas

**ATTEST:**

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Mary Beth Thomas, City Secretary  
City of Joshua, Texas