



**City Council Meeting
Minutes
Work Session 6:30 p.m.
Regular Session 7:00 p.m.
May 15, 2008**

Council Present: Mayor Breitenstein, Council Member Walden, Council Member Neely, Council Member Maxfield; Council Member Smallwood; Council Member Martini (arrived 6:37 pm); Council Member Tallent (arrived 7:33 pm)

Absent: None

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 Hewett, Street Department; Nader Jeri, Building Official; Dwayne Capps, Fire Chief; Greg Saunders, City Engineer; Dan Boutwell, City Planner

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:

Council Member Maxfield had questions regarding the Municipal Court report. Council Member Walden had questions regarding the picking up of illegal signs. Council Member Smallwood inquired who attends the Development Review Committee meetings.

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, Status Of Drilling Permits And Report Of Gas Well Permit Locations.

Paulette Hartman, City Manager, reviewed with Council Members her staff report.

C. Review And Questions Related To The Budget Report And Financial Statements For The Month Of April 2008.

There was no discussion.

D. Review And Discuss Code Enforcement Efforts And Process.

Nader Jeri, Building Official, presented this item.

E. Requests For Future Reports And Agenda Items.

There were none.

There being no further business the work session recessed at 7:05 p.m.

II. Regular Session – 7:00 p.m.

Mayor Breitenstein called the regular session to order at 7:08 p.m.

A. Invocation was given by Council Member Neely.

B. Pledge of Allegiance and the Texas Pledge 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.

Billie Rhodes, 713 W. Sheila Circle, Joshua, TX spoke regarding dangerous dogs in her neighborhood.

Marsha Young, 740 E. Sheila Circle, Joshua, TX spoke regarding dangerous dogs in her neighborhood. She also spoke briefly regarding Item #6.

D. Proclamations & Special Presentations:

1. Recognize June 6, 2008 as "Relay for Life" Day.

Mayor Breitenstein read a proclamation designating June 6, 2008 as Relay for Life day.

2. Recognition of Ron Martini's service on the City Council.

Mayor Breitenstein presented Council Member Martini with a plaque for his service as a City Council Member.

3. Recognize May 18-24, 2008 as Emergency Medical Services Week.

Mayor Breitenstein read a proclamation designating May 18-24, 2008 as Emergency Medical Services Week.

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 April 17, 2008 Regular Session.**
- 2. Approve Invoices Submitted By PATE Engineering For Design Services Related To Road Development In The TIF District No. 1, Also Known As The Joshua Station Overlay District.**

Council Member Maxfield made a motion to approve the consent agenda with corrections to the minutes which includes Item #2 changed to reflect the vote was 5-0 due to Mayor Breitenstein was out of the room at the time. Council Member Neely seconded the motion

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

F. Action and Discussion Items:

At 7:18 p.m. Mayor Breitenstein excused himself from the meeting and Mayor Pro-Tem Walden conducted the meeting.

The regular session recessed and a public hearing opened at 7:18 p.m.

1. Convene A Public Hearing To Obtain Public Input Regarding A Request For A Re-Plat Of Lot 9, Block 6, Oak Trail Estates To Lot 5R And Lot 6R, Block 1, Rumfield Plaza Addition, More Commonly Known As 710 N. Main.

A. Applicants Statement

Robbie Rumfield, owner, presented his request.

B. Staff Comments

Paulette Hartman, City Manager, presented this item.

C. Those In Favor

No one spoke at this time.

D. Those Against

No one spoke at this time.

E. Applicants Rebuttal

None required.

F. Adjournment

The public hearing closed and the regular session reconvened at 7:20 p.m.

2. Discuss, Consider And Act Regarding A Request For A Re-Plat Of Lot 9, Block 6, Oak Trail Estates To Lot 5R And Lot 6R, Block 1, Rumfield Plaza Addition, More Commonly Known As 710 N. Main (Hartman)

3. Discuss, Consider And Act Regarding A Request For A Final Plat Of Lots 1 Thru 11, Block 1, Rumfield Plaza. (Hartman)

Paulette Hartman, City Manager, stated Items 2 & 3 could be considered at the same time. Greg Saunders, City Engineer, explained to Council Members there were a couple of issues that still need to be addressed before the final plat is recorded at the county. Council Member Smallwood made a motion to approve the re-plat and final plat contingent upon the City Engineer's approval. Council Member Neely seconded the motion.

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

Mayor Breitenstein returned to the meeting at 7:24 p.m. and took over proceedings of the meeting.

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

4. Convene A Public Hearing To Obtain Public Input Regarding Establishing A Zoning District Of "PD" Planned Development And Consider A Concept Plan On Approximately 34.74 Acres Located In The McKinney & Williams Survey, Abstract No. 636, More Commonly Known As Cooper Valley Phase 2A And Proposed Cooper Valley Phase 3. Also, Establish A Zoning District Of "PD" Planned Development And Consider A Concept Plan On Approximately 3.18 Acres Located In The John H. Cooper Survey, Abstract No. 145, More Commonly Known As Proposed Cooper Valley Phase 4.

A. Applicants Statement

David Reaves, Grant Engineering, presented this item.

B. Staff Comments

Paulette Hartman, City Manager, presented this item. Dan Boutwell, City Planner and Greg Saunders, City Engineer also presented this item.

C. Those In Favor

No one spoke at this time.

D. Those Against

Billie Rhodes, 713 W. Sheila Circle, Joshua, TX.

E. Applicants Rebuttal

David Reaves, Grant Engineering, answered questions from council and citizens.

F. Adjournment

The public hearing closed and the regular session reconvened at 7:51 p.m.

Council Member Tallent arrived at 7:33 p.m.

5. **Discuss, Consider And Act Regarding Establishing A Zoning District Of “PD” Planned Development And Consider A Concept Plan On Approximately 34.73 Acres Located In The McKinney And Williams Survey, Abstract No. 636, More Commonly Known As Cooper Valley Phase 2A And Proposed Cooper Valley Phase 3. Also, Establish A Zoning District Of “PD” Planned Development And Consider A Concept Plan On Approximately 3.18 Acres Located In The John H. Cooper Survey, Abstract No. 145, More Commonly Known As Proposed Cooper Valley Phase 4. (Hartman)**

Paulette Hartman, City Manager, presented this item. After a lengthy discussion, Council Member Martini made a motion to table this item until the next regular council meeting in order to receive cooperation from all parties involved. Council Member Tallent seconded the motion.

Motion Carried -7-0.

The regular session recessed and a public hearing opened at 7:27 p.m.

- 6 **Convene A Public Hearing To Obtain Public Input Regarding A Request To Change The Zoning From “C-1” Restricted Commercial To “C-2” General Commercial On Approximately 3.812 Acres Of Land, Located On Lot 1, Block 1, Sierra Plaza Addition And More Commonly Known As 501 S. Broadway.**

A. Applicants Statement

Anil Ram, Engineer, presented this item.

B. Staff Comments

Paulette Hartman, City Manager, presented this item. Dan Boutwell, City Planner, also presented. Betsy Elam, City Attorney, explained to impose conditions to the request would require a conditional use permit.

C. Those In Favor

No one spoke at this time.

D. Those Against

Marsha Young, 740 E. Sheila Circle, Joshua, TX
Ashley Klein, 516 Casa Linda, Joshua, TX
Mary Lou Harrison, Catie Lane, Joshua, TX

E. Applicant Rebuttal

Anil Ram, Engineer, addressed some of the concerns raised.

F. Adjournment

The public hearing closed and the regular session reconvened at 8:50 p.m.

7. Discuss, Consider And Act Regarding A Request To Change The Zoning From “C-1” Restricted Commercial To “C-2” General Commercial On Approximately 3.18 Acres Of Land, Located On Lot 1, Block 1, Sierra Plaza Addition And More Commonly Known As 501 S. Broadway. (Hartman)

Paulette Hartman, City Manager, presented this item. After a lengthy discussion Council Member Smallwood made a motion to leave the zoning at “C-1” Restricted Commercial with a conditional use permit in the event a hotel is constructed with the following conditions:

- 1) The items listed in Dan Boutwell’s letter dated be April 22, 2008 (attached to these minutes) be addressed
- 2) The swimming pool be enclosed
- 3) Height of the buildings not to exceed 50’
- 4) An 8’ fence with brick columns and grown trees be installed between the hotel and adjacent residential property
- 5) This hotel will not be allowed to be an extended stay facility
- 6) Awnings will be installed on the windows facing east
- 7) A site plan will be approved before re-platting by the Planning & Zoning Commission and City Council. Council Member Walden seconded the motion.

The vote was as follows:

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

Nays: Council Member Neely

Motion Carried – 6-1.

8. Discuss, Consider And Act Regarding A Preliminary Plat Of Joshua Crossing Subdivision, More Commonly Known As 531 Cooper Lane. (Hartman)

Paulette Hartman, City Manager, presented this item. Council Member Walden made a motion to approve the preliminary plat. Council Member Martini seconded the motion. The vote was as follows:

Ayes: Council Members Martini, Walden, Smallwood, Breitenstein, Maxfield, Neely

Nays: Council Member Tallent

Motion Carried - 6-1.

9. Discuss, Consider And Act Regarding A Variance Request To City Of Joshua Ordinance No. 364-2003, Section 1 – Amendment (A) #3 – Exceptions To Exterior Building Materials For The Proposed New Construction Located At 461 N. Broadway. (Hartman)

Paulette Hartman, City Manager, presented this item. Council Member Tallent made a motion to approve a variance to allow 20% masonry on the sides of buildings A & B, total variance to the ordinance on building C, due to the fact it does not face Hwy 174. Council Member Walden seconded the motion.

Motion Carried – 7-0.

At this time, Mayor Breitenstein moved Item 12 up for discussion.

12. Discuss, Consider And Act Regarding A Resolution Adopting The Parks, Recreation And Open Space Master Plan 2008-2018. (Hartman)

Paulette Hartman, City Manager, introduced Mark Spencer with MHS planning who presented to council. After discussion, Council Member Tallent made a motion approve the Parks, Recreation and Open Space Master Plan with the correction on #5, page 6, to include verbage stating in “cooperation with the JISD”. Council Member Maxfield seconded the motion.

Motion Carried – 7-0.

10. Discuss, Consider And Act Regarding An Ordinance Providing For A Hotel Occupancy Tax Of Seven Percent On The Price Paid For A Room In A Hotel; Defining Terms; Providing For A Tax Levy; Providing For Exceptions; Providing For The Disposition Of Revenue And Refunds; Providing For Responsibility For Collection, Reporting, And Payment Of The Tax; Providing For Reports, Payments And Fees; Providing Rules, Regulations And Penalties; Providing A Cumulative Clause; Providing A Severability Clause; Providing For Publication In Pamphlet Form; Providing For Publication; And Providing An Effective Date. (Hartman)

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

Motion Carried – 7-0.

11. Discuss, Consider And Act Regarding An Ordinance Amending The City Of Joshua Comprehensive Plan; Providing That This Ordinance Shall Be Cumulative Of All Ordinances; Providing A Severability Clause; And Providing An Effective Date. (Hartman)

Paulette Hartman, City Manager, presented Dan Boutwell, City Planner, who presented this item. After a brief discussion, Council Member Smallwood made a motion to approve the ordinance with the corrections of a zoning designation change and to make a change in a park designation. Council Member Tallent seconded the motion.

Motion Carried – 7-0.

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

Paulette Hartman, City Manager, read into the record a letter submitted by Larry Allen (attached to these minutes). After discussion, Council Member Tallent made a motion to table this item until the July Council meeting. Council Member Neely seconded the motion.

Motion Carried -7-0.

The regular session recessed and an executive session convened at 10:08 p.m.

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.

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 10:30 pm.

Council Member Smallwood made a motion to authorize the City Manager to issue a letter of intent for the purchase of property as discussed in executive session. Mayor Breitenstein seconded the motion.

Motion Carried – 7-0.

Council Member Martini made a motion to authorize the City Manager to negotiate a contract for the purchase of property as discussed in executive session. Council Member Smallwood seconded the motion.

Motion Carried - 7-0.

V. Adjournment.

There being no further business the meeting adjourned at 10:32 p.m.

Merle Breitenstein, Mayor
City of Joshua, Texas

ATTEST:

Mary Beth Thomas, City Secretary
City of Joshua, Texas