



**City Council Meeting
Minutes
Work Session 6:30 p.m.
Regular Session 7:00 p.m.
January 17, 2008**

Council Present: Mayor Breitenstein, Council Member Walden, Council Member Tallent, Council Member Neely, Council Member Maxfield, Council Member Martini, Council Member Smallwood

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; LaDonna Davis, Finance; Dan Boutwell, City Planner; Greg Saunders, City Engineer; Nader Jeri, Building Official; Duwayne Capps, Fire Chief

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:

At this time, Paulette Hartman, City Manager, introduced Nader Jeri, the city's new Building Official.

Council Member Maxfield had questions regarding the Police Department reports and the Fire Department reports.

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.

Council Member Tallent requested the minutes from other Board/Commission meetings be included in council packets.

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

Paulette Hartman, City Manager, stated that the closing was done on the refunding of the Series 2007 bonds and the city will save \$76,000.00 over the next 12 years in bond payments.

D. Report On Status Of Street Department Building And Equipment.

Paulette Hartman, City Manager, and Bruce Hewett, Street Department Supervisor, presented this item.

E. Requests For Future Reports And Agenda Items.

There were none.

There being no further business the work session recessed at 7:06 p.m.

II. Regular Session – 7:00 p.m.

Mayor Breitenstein called the regular session to order at 7:13 p.m.

Mayor Breitenstein recognized Austin Martini and Josh Higgins, Boy Scouts, and asked them to lead the Pledge of Allegiance.

A. Invocation was given by Council Member Neely.

B. Pledge of Allegiance was led by Boy Scouts, Austin Martini and Josh Higgins.

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.

Jill Miller, 3049 Big Springs, spoke regarding the Charter Amendment item on the agenda.

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 December 17, 2007 Joint Session**
- 2. Approval of Minutes for the December 20, 2007 Regular Session**

- 3. Approve And Authorize City Manager Signature On Contracts With Emergency Services District.**
- 4. Approve Interlocal Mutual Aid Agreement With Johnson County.**

Council Member Smallwood made a motion to approve the consent agenda. Council Member Martini seconded the motion

Motion Carried – 7-0.

F. Action and Discussion Items:

- 1. Discuss, Consider And Act Upon Fiscal Year 2006/2007 Audit Report.**
(Hartman)

Paulette Hartman, City Manager, introduced Woody Matthews, AuldridgeGriffin P. C., who presented this item. Mr. Matthews stated the city audit is in good shape and the city is in good standing.

The regular session recessed and a public hearing opened at 7:29 p.m.

- 2. Convene A Public Hearing To Obtain Public Input Regarding A Request For A Zoning Change From “C-1” Restricted Commercial To “R-1” Single Family Residential On A One Acre Tract Of Land Out Of The W. P. Gentry Survey, Abstract No. 307 And The Joshua Minett Survey, Abstract No. 547, Tract 6, More Commonly Known As 1424 N. Main St.**

A. Applicants Statement

The applicant was not in attendance due to illness.

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 recessed and the regular session reconvened at 7:31 p.m.

- 3. 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 1.00 Acre Out Of The W.**

P. Gentry Survey, Abstract No. 307 And The Joshua Minett Survey, Abstract No. 547, Tract 6, More Commonly Known As 1424 N. Main, Joshua, Texas, From C-1 Restricted Commercial To R-1 Single 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)

After a brief discussion, Council Member Tallent made a motion to approve the zoning change from C-1 Restricted Commercial to R-1 Single Family Residential on the property located at 1424 n. main. Council Member Maxfield seconded the motion.

Motion Carried – 7-0.

The regular session recessed and a public hearing was opened at 7:35 p.m.

4. Convene A Public Hearing To Obtain Public Input Regarding A Request For A Zoning Change From “R-1” Single Family Residential To “PD” Planned Development And Consider A Concept Plan On 6.3 Acres Of Land Located In The McKinney & Williams Survey, Abstract No. 636, More Commonly Known As 531 Cooper Lane.

A. Applicant’s Statement

Mark Hickman, Hickman Engineers, presented the request.

B. Staff Comments

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

C. Those In Favor

No one spoke at this time.

D. Those Against

Patricia Isles, 209 Sierra, Joshua, Texas.

E. Applicants Rebuttal

Clint Robertson, Developer, addressed some of the concerns from Council and audience members.

F. Adjournment

The public hearing recessed and the regular session reconvened at 8:08 p.m.

5. Discuss, Consider And Act Regarding An Ordinance Amending Ordinance No. 366-2003, The Comprehensive Zoning Ordinance Of The City Of Joshua, Texas, By Amending The Official Zoning Map And Changing The Zoning Of

Approximately 6.00 Acres Out Of The McKinney & Williams Survey, Abstract No. 636, City Of Joshua, Johnson County, Texas, From The “R-1” Single Family Residential District To “PD” Planned Development District; Making This Ordinance Cumulative Of Prior Ordinances; Providing For The Violations Of This Ordinance; Providing A Savings Clause; Authorizing Publication; And Providing An Effective Date. (Hartman)

Paulette Hartman, City Manager, presented this item. The concerns discussed were: drainage, setbacks less than 10 feet and increased traffic. After discussion, Council Member Smallwood made a motion to approve the alternate concept plan contingent upon the following:

- 1) all setbacks should be a minimum of 10 feet
- 2) update ordinance language in Section 2.02 (B) Permitted Uses to state: “Land uses required within the greenbelt area is as follows:”.
- 3) Section 2.02 (B) Permitted Uses (9) to state: “Appurtenances for the facilitation of playgrounds and play fields. (a) Picnic tables and park benches”.
- 4) Add language that tot lots shall be allowed but not required.

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

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

Nays: Council Member Tallent

Motion Carried – 6-1.

- 6. Discuss, Consider And Act Upon A Resolution Authorizing The Filing Of A Project Application With The North Central Texas Council Of Governments For A Regional Solid Waste Program Local Implementation Project; Authorizing The City Manager To Act On Behalf Of The City Of Joshua In All Matters Related To The Application; And Pledging That If Funding For This Project Is Received, The City Of Joshua Will Comply With All Project Requirements Of NCTCOG, Texas Commission On Environmental Quality And The State Of Texas. (Hartman)**

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

Motion Carried – 7-0.

- 7. Discuss, Consider And Act Regarding A Resolution Of The City Of Joshua, Texas, Authorizing Participation By The City In The Local Government Purchasing Cooperative, Authorizing The City Manager To Execute An Interlocal Participation Agreement, And Providing An Effective Date. (Hartman)**

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

Motion Carried – 7-0.

8. Discuss, Consider And Act Regarding Charter Amendments As Proposed By The City Attorney. (Hartman)

Paulette Hartman, City Manager, presented this item. Betsy Elam, City Attorney, reviewed with Council Members the proposed charter amendments. The ballot language for the charter amendments will be presented to Council at the February Council meeting.

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.
- B. §551.074 Personnel Matters related to the evaluation of the City Manager.

City Council convened into executive session at 10:07 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 10:48 pm.

Council Member Walden made a motion to authorize Mayor Breitenstien and the City Manager to enter into an employment contract with terms as discussed in Executive Session. Council Member Tallent seconded the motion.

Motion Carried - 7-0.

V. Adjournment.

There being no further business the meeting adjourned at 10:50 p.m.

Merle Breitenstein, Mayor
City of Joshua, Texas

ATTEST:

Mary Beth Thomas, City Secretary
City of Joshua, Texas