



**City Council Meeting
Minutes
Work Session 6:30 p.m.
Regular Session 7:00 p.m.
October 16, 2008**

Council Present: Mayor Breitenstein, Council Member Neely, Council Member Isom, Council Member Smallwood, Council Member Tallent (arrived at 7:34 pm)

Absent: Council Member Walden, Council Member Maxfield

City Staff Present: Paulette Hartman, City Manager; Betsy Elam, City Attorney; Annabeth Robertson, Interim Chief of Police; Mary Beth Thomas, City Secretary; Bruce Hewett, Street Superintendent; Nader Jeri, Building Official; Greg Saunders, City Engineer; LaDonna Davis, Finance and Human Resources Manager; Mike Peacock, Management Assistant; Carla Bonham, Court Clerk

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

A. Discuss And Review Legislative Matters And Receive Direction On Legislative Issues For The Upcoming State Legislative Session.

Paulette Hartman, City Manager, presented this item. General consensus was to provide the Council with a statement of priorities during the Legislative Session.

B. Update On Status Of Mountain Air Mobile Home Park And Plum Street.

Paulette Hartman, City Manager, and Mike Peacock, Management Assistant, updated Council on the status of Mountain Air Mobile Home Park.

C. Review And Discuss Status Of City Manager Work Plan Including Review Of Policy Action Items, Management Action Items, Activities Last Month, And Questions Related To Drilling Permits.

There was no discussion.

D. Questions Related To Staff Reports Including:

There was no discussion.

E. Review And Questions Related To The Budget Report And Financial Statements For The Month Of September 2008.

There was no discussion.

F. Request For Future Reports And Agenda Items.

Mayor Breitenstein requested that an item regarding staff reports be on the next agenda.

The work session recessed at 7:03 p.m.

II. Regular Session – 7:00 p.m.

Mayor Breitenstein called the regular session to order at 7:12 p.m.

A. Invocation was given by Council Member Neely.

B. Pledge of Allegiance was led by Paulette Hartman, City Manager. The Texas Pledge was led by Annabeth Robertson, Interim Police Chief.

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.

No one spoke at this time.

D. Proclamations & 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 15, 2008 Special Session.**
- 2. Approval Of Minutes for the September 18, 2008 Regular Session.**
- 3. Ratification Of Mayor's Signature On Emergency Services District Contracts.**
- 4. Approve Ordinance To Increase The Rate Of Deposits To The Texas Municipal Retirement System By The Employees Of The City Of Joshua.**
- 5. Approve An Ordinance Affecting Participation Of City Employees In The Texas Municipal Retirement System Granting The Additional Rights Authorized By Section 854.202(g) Of Title 8, Texas Government Code, As Amended, And Prescribing The Effective Date For The Ordinance.**
- 6. Approve Contract With MHS Planning To Design The City Park.**

Council Member Isom made a motion to approve the consent agenda. Council Member Neely seconded the motion. Council Member Smallwood requested that Item #6 be pulled from the consent agenda. Council Member Isom amended his motion to approve Item #'s 1-5 of the consent agenda. Council Member Neely seconded the motion.

Motion Carried – 4-0. Absent: Council Members Walden, Maxfield, Tallent

Item #6 – Approve Contract With MHS Planning To Design The City Park.

Council Member Smallwood stated that at the 4B EDC meeting held on October 14, 2008 the Board stipulated some revisions to the contract. Council Member Smallwood made a motion to table this item until the next Council Meeting. Council Member Neely seconded the motion. The vote was as follows:

Ayes: Mayor Breitenstein, Council Member Neely, Council Member Smallwood

Nays: Council Member Isom

Motion Carried – 3-1. Absent: Council Members Walden, Maxfield, Tallent

F. Action and Discussion Items:

- 1. Discuss, Consider And Take Action Regarding An Ordinance By The City Council Of The City Of Joshua, Texas Authorizing The Issuance Of “City Of Joshua, Texas Tax Notes, Series 2008”, Levying An Annual Ad Valorem Tax, Within The Limitations Prescribed By Law, For The Payment Of The Notes; Prescribing The Form, Terms, Conditions And Resolving Other Matters Incident And Related To The Issuance, Sale And Delivery Of The Notes; 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 Mark McLiney, Southwest Securities, who presented this item. After a brief discussion, Council Member Smallwood made a motion to approve the ordinance. Council Member Isom seconded the motion.

Motion Carried – 4-0. Absent: Council Members Walden, Maxfield, Tallent

- 2. Discuss, Consider And Act Regarding A Final Plat Request For Lot 1, Block 1, Joshua Station Addition.** (Hartman)

Paulette Hartman, City Manager, presented this item. Greg Saunders, City Engineer, stated his comments have been addressed. Bob Wright, Pate Engineers, requested that filing of the 25' emergency access easement not be required before the plat is recorded at the County. After discussion, Council Member Neely made a motion that no building permits will be issued on this property until the easement document is filed and a volume and page number are supplied to the City and the construction plans are approved by the City Engineer. Council Member Isom seconded the motion.

Motion Carried – 5-0. Absent: Council Members Walden, Maxfield (Council Member Tallent arrived at 7:34 p.m.)

- 3. Discuss, Consider And Act Upon Scope Of Services And Contract For Drainage Study To Be Conducted By Teague, Nall And Perkins, Authorize City Manager’s Signature On Same.**
(Hartman)

Paulette Hartman, City Manager, presented this item. After discussion, Council Member Smallwood made a motion to accept the scope of services with the correction that the amount of \$68,500 be corrected to reflect \$104,000 to include Mountain Valley Subdivision. Council Member Tallent seconded the motion.

Motion Carried – 5-0. Absent: Council Members Walden, Maxfield

4. Discuss, Consider And Act Upon Proposal By Dawson Geophysical Company To Conduct Seismic Exploration. (Hartman)

Paulette Hartman, City Manager, presented this item. After discussion with a representative from Dawson Geophysical Company, the City Attorney asked the Council to convene into executive session 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 the agenda.

The regular session recessed and the executive session convened at 8:16 p.m.

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

Council Member Tallent made a motion to deny the request for seismic exploration on city property due to the city does not have leases on the property and to deny the request for city wide exploration until City Staff receives a proposal from the Dawson Geophysical Company. Council Member Smallwood seconded the motion.

Motion Carried – 5-0. Absent: Council Members Walden, Maxfield

5. Discuss, Consider And Act Upon An Ordinance Adopting Regulations Regarding The Keeping Of Animals Within The City Of Joshua; Providing A Repealer Clause; Providing A Severability Clause; Providing A Penalty Clause; Providing A Savings Clause; Providing For Engrossment And Enrollment; Providing For Publication; And Providing An Effective Date. (Hartman)

Interim Police Chief, Annabeth Robertson, presented this item. Mrs. Robertson explained the new ordinance. After a lengthy discussion, Mayor Breitenstein recommended the ordinance be sent back to the Animal Control Advisory Board for revisions. Council Member Isom stated that the majority of the Council did not get a chance to vote on this. Council Member Neely made a motion to approve as was submitted. Council Member Isom seconded the motion. The vote was as follows:

Ayes: Council Member Neely, Council Member Isom

Nays: Council Member Tallent, Council Member Smallwood, Mayor Breitenstein

Motion Denied – 3-2 Absent: Council Members Walden, Maxfield

Council Member Tallent made a motion to send this back to the Animal Control Advisory Board to discuss the noted revisions:

- 1) Unabated Nuisance – being more clear if a nuisance or not and what creates a nuisance
- 2) Spay – exception for reclaimed animals or when deemed inappropriate by a veterinarian
- 3) Definition for Repeat Offenders
- 4) Beekeeping – allow by permit, regulate distance requirements to adjacent residence
- 5) Barking Dogs – Refer to noise ordinance and penal code
- 6) Feral Cats – none allowed make sure language in current ordinance is reflected in this ordinance
- 7) Change fee schedule to reflect 1st year is free on city tags
- 8) Impoundment Fee – why is fee different on sterilized and non-sterilized

Council Member Smallwood seconded the motion.

Motion Carried – 5-0. Absent: Council Members Walden, Maxfield

6. Discuss, Consider And Act Upon Joint Resolution And Agreement Relinquishing A Portion Of The City Of Burleson Extraterritorial Jurisdiction To The City Of Joshua. (Hartman)

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

Motion Carried – 5-0. Absent: Council Members Walden, Maxfield

7. Discuss, Consider And Act Regarding An Ordinance Of The City Council Of The City Of Joshua, Texas, Amending The City's Budget For The Fiscal Year Beginning On October 1, 2007 And Ending On September 30, 2008 As Adopted By Ordinance No. 437-2007 For An Increase In Revenues And Expenditures In The General Fund Operating Budget; Providing That Expenditures For Said Fiscal Year Shall Be Made In Accordance With Said Budgets, As Amended And Adopted; Providing For The Incorporation Of Premises; Providing A Cumulative Repealer Clause; Providing For Severability; Providing For Publication; Providing For Engrossment And Enrollment; 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 ordinance. Council Member Isom seconded the motion.

Motion Carried – 5-0. Absent: Council Members Walden, Maxfield

8. Discuss, Consider And Review Interlocal Agreement For Road Repairs With Johnson County. (Hartman)

Paulette Hartman, City Manager, informed Council that she did not receive any information from Johnson County for this item and she recommended no action.

No action was taken on this item.

9. Discussion And Review Of Revised City Of Joshua Comprehensive Zoning Ordinance. (Hartman)

Paulette Hartman, City Manager, presented this item. Ms. Hartman explained each chapter and what each chapter contained. Council is to submit their questions/comments/revisions to the City Secretary no later than Friday, Oct. 24th for inclusion in the next draft document.

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.

The regular session convened in executive session at 10: 24 p.m.

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. §551.087 Economic Development Negotiations Related To Joshua Station Development.

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 10:34 p.m.

No action was taken as a result of the Executive Session.

V. Adjournment.

There being no further business the meeting adjourned at 10:34 p.m.

Merle Breitenstein, Mayor
City of Joshua, Texas

ATTEST:

Mary Beth Thomas, City Secretary
City of Joshua, Texas