



**City Council Meeting  
Minutes  
Work Session 6:30 p.m.  
Regular Session 7:00 p.m.  
February 26, 2009**

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**Council Present:** Mayor Breitenstein, Council Member Neely, Council Member Isom, Council Member Walden, Council Member Maxfield, Council Member Smallwood, Council Member Tallent (arrived at 7:17 pm)

**Absent:** None

**City Staff Present:** Paulette Hartman, City Manager; Steve Wood, City Attorney; Annabeth Robertson, Chief of Police; Mary Beth Thomas, City Secretary; Mike Peacock, Management Assistant

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

**A. Review And Discuss Potential For E-Citation System.**

Annabeth Robertson, Chief of Police, presented this item and the City Council provided consensus to proceed with procurement of the E-Citation System.

**B. Review And Discuss Process And Timeline To Plan For Bond Election.**

Paulette Hartman, City Manager, presented this item and suggested that an advisory committee be established to recommend potential projects to the City Council. Council directed staff to place an item on the next Council meeting agenda to appoint such a committee.

**C. Review And Discuss Draft Council Rules Of Procedure.**

Paulette Hartman, City Manager, presented this item and the City Council discussed suggested changes and revisions to the draft.

**D. Legislative Update.**

Paulette Hartman, City Manager, presented this item. The City Council requested that a resolution regarding the groundwater conservation district be placed on the next Council meeting agenda, and that a presenter be invited who can explain the issue and answer questions of the Council.

**E. Report Of The City Manager Including Policy Action Items And Questions Related To Drilling Permits And Activity.**

Paulette Hartman, City Manager, presented this item.

**F. Review And Discuss Questions Related To The Budget Report And Financial Statements For The Month Of January 2009.**

Paulette Hartman, City Manager, presented this item. Mayor Pro Tem Walden asked about the Animal Control Building Maintenance line item being over budget. Ms. Hartman explained that this may be due to the HVAC repairs which should have been reflected in the CIP budget not in the operating budget.

## **G. Questions Regarding Regular Session Agenda Items.**

Paulette Hartman, City Manager, explained this process. Council had no further questions on regular session agenda items.

## **H. Requests For Future Reports And Agenda Items.**

There were none.

The work session recessed at 7:23 p.m.

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

Mayor Breitenstein called the regular session to order at 7:28 p.m.

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

### **B. Pledge of Allegiance and the Texas Pledge were lead by Council Member Tallent.**

### **C. Proclamation & Special Presentations:**

Mayor Breitenstein read a proclamation declaring February 22-28, 2009 “Severe Weather Awareness Week”.

**D. 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.

**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 January 15, 2009 Regular Session.**
- 2. Approval Of Minutes For The January 29, 2009 Special Session.**
- 3. Approve And Authorize City Manager To Sign Texas Parks & Wildlife Department Local Park Grant Program Project Agreement And Attachments To The Project Agreement.**
- 4. Authorize City Manager Signature On Voting Machine Lease Agreement With Johnson County.**
- 5. Authorize City Manager Signature On Joint Election Agreement With Joshua Independent School District.**

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

**Motion Carried – 7-0.**

### **F. Action and Discussion Items:**

- 1. Discuss, Consider And Act Regarding A Resolution Supporting The Rail North Texas Initiative And The Texas Local Option Transportation Act. (Hartman)**

Paulette Hartman, City Manager, introduced Mayor Ken Shetter of the City of Burleson and Chairman of the Tarrant Regional Transportation Coalition who presented this item. Council Member Tallent made a motion to approve the resolution. Council Member Neely seconded the motion.

**Motion Carried – 7-0.**

**2. Discuss, Consider And Act Regarding Audit Of Fiscal Year 2007/2008.** (Hartman)

Paulette Hartman, City Manager, introduced Woody Matthews, with Auldridge Griffin, who presented the results of the independent audit and answered questions of Council members. After discussion, Council Member Walden made a motion to table this item until the next Council meeting in order to allow all corrections to be made before final approval of the audit report. Council Member Isom seconded the motion.

**Motion Carried – 7-0.**

The regular session recessed and a public hearing was opened at 8:30 p.m.

**3. The City Council Of The City Of Joshua Will Hold A Public Hearing To Obtain Public Input Regarding An Ordinance Regulating Sexually Oriented Businesses In The City Of Joshua, Texas.**

a. Staff Comments

Paulette Hartman, City Manager, clarified there are no SOB businesses asking to come into the City at this time. This ordinance will allow staff to enforce regulations if the need arises.

b. Those In Favor

No one spoke at this time.

c. Those Against

No one spoke at this time.

d. Staff Rebuttal

None required.

e. Adjournment

The public hearing recessed and the regular session reconvened at 8:34 p.m.

**4. Discuss, Consider And Act Regarding An Ordinance Regulating Sexually Oriented Businesses In The City Of Joshua, Texas; Making This Ordinance Cumulative Of Prior Ordinances; Repealing All Ordinances Of The City Of Joshua In Conflict Herewith; Providing A Severability Clause; Providing A Penalty Clause; Providing A Savings Clause; Providing For Publication; And Providing An Effective Date.** (Hartman)

Paulette Hartman, City Manager, and Steve Wood, City Attorney, presented this item. Council Member Smallwood made a motion to approve the ordinance recognizing all the “Whereas” clauses. Council Member Neely seconded the motion.

**Motion Carried – 7-0.**

The regular session recessed and the City Council convened into executive session at 8:36 p.m.

The executive session recessed and the regular session reconvened at 9:17 p.m.

**5. Discuss, Consider And Act On Joshua Station Plans And Specifications To Be Attached To The Roadway Development Agreement Between The 4A Economic Development Corporation And Joshua Bobo’s, Ltd. As Exhibit “D”.** (Hartman)

Ike Shupe, Attorney for Ray Tolson, addressed Council and provided the facts of the dispute as he understands them. Mr. Shupe stated that all parties agree to the facts, but it is clear that there is a dispute over what the

obligations of each party are. Council Member Walden made a motion to take no action on this item. Council Member Smallwood seconded the motion.

**Motion Carried – 7-0.**

**6. Discuss, Consider And Act On Application And Certificate Of Payment From Joshua Bobo's, Ltd. For Construction Costs For Joshua Station Boulevard. (Hartman)**

Council Member Smallwood made a motion to approve the payment less the amount for storm sewer costs, which are in dispute. Council Member Tallent seconded the motion.

**Motion Carried – 7-0.**

**7. Discuss, Consider And Act Regarding Establishment Of And Appointments To Park Design Committee. (Hartman)**

Paulette Hartman, City Manager, presented this item. After discussion, Council Member Walden made a motion to establish the park design committee and accept the appointments of Mayor Breitenstein; Council Member Noelyn "Butch" Isom; 4B Chairperson, Pam Ingram; 4B Board Member Jerry Moore; Joshua Baseball Association Board Member, Mike Kelley to the committee. Council Member Neely seconded the motion.

**Motion Carried – 7-0.**

**8. Discuss, Consider And Act On Award Of Bid For The Country Club Drive Bridge Repair And Cofield Drive Drainage Improvements Project. (Hartman)**

Greg Saunders, City Engineer, presented this item to Council and answered Council questions. After discussion, Council Member Smallwood made a motion to approve \$69,438 amount to Laughley Construction for the construction projects. Council Member Walden seconded the motion.

**Motion Carried - 7-0.**

**9. Discuss, Consider And Act Regarding An Ordinance Of The City Of Joshua, Texas, Adopting And Enacting A New Code Of Ordinances; Providing For The Repeal Of Certain Ordinances Not Included Therein; Providing A Penalty For The Violation Thereof; Providing For The Amendment Of Such Code; And Providing When Such Code And This Ordinance Shall Become Effective. (Hartman)**

Paulette Hartman, City Manager, presented this item. After discussion, Council Member Tallent made a motion to adopt the ordinance. Mayor Breitenstein seconded the motion.

**Motion Carried – 7-0**

**10. Discuss, Consider And Act Regarding A Resolution Adopting Vision And Goals Statements, Policy And Management Action Items For The City Of Joshua. (Hartman)**

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

**Motion Carried – 7-0.**

**11. Discuss, Consider And Act On Council Rules Of Procedure. (Hartman)**

Paulette Hartman, City Manager, presented this item. After discussion, Council Member Smallwood made a motion to table this item until changes discussed are made. Mayor Breitenstein seconded the motion.

**Motion Carried – 7-0.**

**12. Continue Discussion, Consideration And Action Regarding An Ordinance Of The City Of Joshua, Texas, Repealing And Replacing Fence Ordinance No. 367-03, Prohibiting Outdoor Area Enclosures Not In Compliance With This Ordinance; Providing Definitions; Regulating Residential, Non-Residential And Miscellaneous Uses; Requiring An Enclosure For Gravel Pits And Ponds; Requiring A Construction Permit; Providing A Repealer Clause; Providing A Severability Clause; Providing A**

**Penalty Clause; Providing For Engrossment And Enrollment; Providing For Publication; And Providing An Effective Date. (Hartman)**

Paulette Hartman, City Manager, presented this item. After discussion, Council Member Walden made a motion to approve the ordinance with a change to state that “dog runs shall not exceed the front building line.” Council Member Smallwood seconded the motion.

**Motion Carried – 7-0.**

**13. Discuss, Consider And Act Regarding An Ordinance Of The City Council Of The City Of Joshua, Texas, Repealing Ordinance No. 321-00 In Its Entirety; Providing For The Regulation Of Outdoor Burning, Air Contaminants And Air Pollution Within The City Limits; Providing A Repealer Clause; Providing A Severability Clause; Providing A Penalty Clause; Providing A Savings Clause; Providing For Publication; Providing For Engrossment And Enrollment; And Providing An Effective Date. (Hartman)**

Paulette Hartman, City Manager, presented this item. After discussion, Council Member Walden made a motion to accept the ordinance with the following corrections:

1. Section 1. Outdoor Burning, D, (3) shall be changed to read: “Domestic burning for heat and cooking within any dwelling unit when contained in an approved fireplace. Barbeque pits, smokers, LP cookers, or similar open flame cooking equipment shall be used within 10 feet of any structure (delete – shall be used within 10 feet of any structure / replace with – shall not be used in violation of state law)

2. Section 1. Outdoor Burning, D, (4) states: “Burning within an incinerator” (include definition for incinerator).

3. Section 1. Outdoor Burning, I, states: “A permit shall be denied or revoked by the Fire Marshal (add “Fire Chief”) upon occurrence of any one or more of the following:” Council Member Isom seconded the motion.

**Motion Carried – 7-0.**

**14. Discuss, Consider And Act Regarding An Ordinance Of The City Of Joshua Repealing Ordinance No. 125-80 In Its Entirety; Regulating Certain Sales Of Personal Items At A Residence Or Other Property; Providing Definitions; Providing Regulation Of Signs; Providing A Severability Clause; Providing A Penalty Clause; Providing For Publication; Providing An Effective Date; Providing For Engrossment And Enrollment. (Hartman)**

Paulette Hartman, City Manager, presented this item. After discussion, Council Member Walden made a motion to approve the ordinance as written. Council Member Maxfield seconded the motion. The vote was as follows:

**Ayes:** Mayor Breitenstein, Council Member Smallwood, Council Member Walden, Council Member Maxfield

**Nays:** Council Member Isom, Council Member Tallent, Council Member Neely

**Motion Carried – 4-3.**

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 recessed and the Executive Session convened at 10:34 pm.

**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.
- B. §551.072 Real Property To Deliberate The Value And Purchase Of Real Property For The Placement Of The North City Entryway Sign.
- C. §551.074 Personnel Matters Related To Evaluation Of The City Secretary
- D. §551.071 Consultation With City Attorney On A Matter In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The

State Bar Of Texas Clearly Conflicts With The Open Meetings Act To Discuss Legal Matters  
Related To The Joshua Station Development.

Executive Session recessed and the regular session reconvened at 10:41 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.

Council Member Tallent made a motion to adjust the City Secretary's salary up 7%. Council Member Neely seconded the motion.

**Motion Carried – 7-0.**

**V. Adjournment.**

There being no further business the meeting adjourned at 10:42 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