



**City Council Meeting
Minutes
Work Session 6:30 p.m.
Regular Session 7:30 p.m.
March 19, 2009**

Council Present: Mayor Breitenstein, Council Member Neely, Council Member Isom, Council Member Walden, Council Member Maxfield, Council Member Smallwood (arrived at 6:31 pm), Council Member Tallent (arrived at 6:39 pm)

Absent: None

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

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

A. Receive Direction From Council Regarding Rules Of Procedure.

Paulette Hartman, City Manager, asked for direction from City Council regarding proceeding with the Rules of Procedures. After discussion, consensus was to do this project at a later time.

B. Review And Discuss Proposed Ordinance Amending Payment Of Certain Fees.

Paulette Hartman, City Manager, presented this item. Nader Jeri, Building Official, and Mary Beth Thomas, City Secretary, answered questions from Council. After discussion, direction from Council was to clarify the meaning of Annual Registration Fee in the Fire Department Fees.

C. Review And Discuss Emergency Management Report.

Paulette Hartman, City Manager, presented this item. Mike Peacock, Management Assistant, briefed Council on the Emergency Management Plan and answered questions from Council.

D. Review And Discuss Funding Plan And Alternatives To Build City's First Park.

Paulette Hartman, City Manager, presented this item. After discussion, general consensus was to research Other Grants and Community Involvement as a way to help with funding.

E. Review And Questions Related To Staff Reports:

Council Member Walden inquired if the cameras at the Animal Control Shelter were being repaired. Council Member Tallent inquired about the status of the Joshua Meadows final plats.

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

Paulette Hartman, City Manager, presented this item. Ms. Hartman announced that Mike Peacock, Management Assistant, was granted a scholarship from the Texas City Management Association to enroll in the Certified Public Manager Program, she announced the spring clean-up, she briefed Council Members on the JISD Education Foundation, she stated that a new police officer would be starting in April, and she briefed Council on the status of

the Joshua 1H and East Allen 1H gas well permit applications. Ms. Hartman also stated that the City is looking into funds made available in the American Recovery and Reinvestment Act (ARRA), which is the federal stimulus package, to determine whether some City projects qualify for any of the funds, and felt there were definitely opportunities for funds through grants that were coming available for law enforcement agencies.

G. Review And Discuss Questions Related To The Budget Report And Financial Statements For The Month Of February 2009.

Paulette Hartman, City Manager, presented this item. There was no discussion.

H. Legislative Update.

Paulette Hartman, City Manager, briefed Council on the letter included in the packet from Johnson County Leadership in support of the Texas Local Option Transportation Act (TLOTA).

I. Questions Regarding Regular Session Agenda Items.

There were no questions.

J. Requests For Future Reports And Agenda Items.

Council Member Smallwood requested an item regarding the 20 mph speed limit on Main St.

The work session recessed at 7:26 p.m.

II. Regular Session – 7:30 p.m.

Mayor Breitenstein called the regular session to order at 7:32 p.m.

A. Invocation was given by Council Member Neely.

B. Pledge of Allegiance and the Texas Pledge were lead by Council Member Isom.

C. Proclamation & Special Presentations:

There were none.

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.

Joe Hollarn, 5005 Big Springs, Joshua, Texas spoke regarding the JISD Education Foundation.

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 February 26, 2009 Regular Session.

2. Approval Of A Resolution Of The City Of Joshua Appointing Election Judges For The General Election And Calling A Runoff Election In The Event One Is Necessary For Place 4, And Establishing An Effective Date.

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

Motion Carried – 7-0.

The regular session recessed and convened into Executive Session at 7:38 p.m.

The Executive Session recessed and the Regular Session reconvened at 8:20 p.m.

F. Action and Discussion Items:

1. Discuss, Consider And Act Regarding A Resolution Of The City Council Of The City Of Joshua, Johnson County, Texas, Supporting The Creation Of A Groundwater Conservation District. (Hartman)

Paulette Hartman, City Manager, introduced Johnson County Commissioner John Matthews who briefed Council on the purpose of establishing a groundwater conservation district. After discussion, Council Member Smallwood made a motion to approve the resolution with the exclusion of Navarro County. Council Member Maxfield seconded the motion. **Motion Carried – 7-0.**

2. Presentation By Johnson County Economic Development Corporation Of New Vision Program And Related Action. (Hartman)

Paulette Hartman, City Manager, introduced Diana Miller with the Johnson County Economic Development Commission. Ms. Miller presented the New Vision Program that has been started. After discussion, Council Member Smallwood made a motion to approve the City's participation in the New Vision Program including only items the City has not participated in previously. Council Member Walden seconded the motion

Motion Carried – 7-0.

3. Continue Discussion, Consider And Act Regarding Audit Of Fiscal Year 2007/2008 Finances. (Hartman)

Paulette Hartman, City Manager, presented this item. Council Member Maxfield made a motion to approve the Audit for FY 2007/2008. Council Member Neely seconded the motion.

Motion Carried – 7-0.

4. Discuss, Consider and Act Regarding Appointments To The Citizens Capital Project Advisory Committee. (Hartman)

Paulette Hartman, City Manager, presented this item. After a brief discussion, Council Member Smallwood made a motion to approve the following citizens to the Board with the addition Mayor Breitenstein:

Joe Hollarn, Planning & Zoning Commission Chairperson

Gayle Luck, 4A EDC Chairperson

Pam Ingram, 4B EDC Chairperson

Scott Hendricks, ZBA Chairperson

Rob Davis, JISD School Board

Billy Strayhorn, Joshua Area Chamber of Commerce Board Member

Ken Kepple, Local Business Owner

Mayor Breitenstein.

Council Member Walden seconded the motion.

Motion Carried – 7-0.

5. Discuss, Consider And Act Regarding Appointment To The 4B Economic Development Corporation Board. (Hartman)

Paulette Hartman, City Manager, presented this item. After a brief discussion, Council Member Walden made a motion to appoint Danny Clifton to the 4B Economic Development Corporation Board. Council Member Isom seconded the motion.

Motion Carried – 7-0.

6. Discuss, Consider And Act Regarding Re-Appointments To The Planning And Zoning Commission. (Hartman)

Paulette Hartman, City Manager, presented this item. Council Member Maxfield made a motion to re-appoint Brad Moravec, Sharlotta Connally and Angela McFarland to the Planning & Zoning Commission. Council Member Tallent seconded the motion.

Motion Carried – 7-0.

The regular session recessed and a public hearing was opened at 9:03 p.m.

7. The City Council Of The City Of Joshua Will Hold A Public Hearing To Obtain Public Input Regarding A Request To Re-Plat Lots 11-17, Block 5, Cooper Valley, Phase 2-B1R To Lots 11R, 12R, 13R, 14R, 16R And 17R, Block 5, Cooper Valley, Phase 2-B1R.

A. Applicants Statement

David Reeves, with Grant Engineering, presented the request.

B. Staff Comments

Paulette Hartman, City Manager, briefed Council on the history of this project.

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 9:06 p.m.

8. Discuss, Consider And Act Regarding A Request To Re-Plat Lots 11-17, Block 5, Cooper Valley, Phase 2-B1R To Lots 11R, 12R, 13R, 14R, 16R And 17R, Block 5, Cooper Valley, Phase 2-B1R. (Hartman)

Paulette Hartman, City Manager, presented this item. After a brief discussion, Council Member Neely made a motion to approve the re-plat contingent upon the following: 1) McMillian right-of-way be dedicated in a separate instrument 2) City Engineer's approval of the construction plans before the re-plat is recorded. Council Member Maxfield seconded the motion.

Motion Carried - 7-0.

9. Discuss, Consider And Act Regarding A Request For A Final Plat Of Lots 1-12, Block 17, Cooper Valley Phase 4. (Hartman)

Paulette Hartman, City Manager, presented this item. After discussion, Council Member Smallwood made a motion to approve the final plat with contingencies: 1) the McMillian right-of-way is dedicated in a separate

document 2) City Engineer's approval of the construction plans before the plat is recorded. Council Member Tallent seconded the motion.

Motion Carried – 7-0

At this time, Council Member Tallent requested to move to Item 11.

11. Discuss, Consider And Act Regarding 2nd Application And Certificate Of Payment From Joshua Bobo's For Construction Costs For Joshua Station Boulevard. (Hartman)

Paulette Hartman, City Manager, presented this item. After a lengthy discussion, Council Member's general consensus was: 1) Council disagrees with paying the disputed fees, but, as a good faith measure to keep the project moving, will do so, 2) the City is in support of the project and wants to keep the project going, 3) feel that Paulette Hartman, City Manager, and all City Staff make every effort to keep Council Members informed of all transactions regarding this project, and have done a great job keeping this project moving. Council Member Tallent made a motion to pay the 2nd pay request in full including the disputed amounts because it's in the best interest of the citizens to keep the project moving forward. Council Member Maxfield seconded the motion.

Motion Carried – 7-0.

10. Discuss, Consider And Act Regarding Settlement Offer Related To Roadway Development Agreement Between The 4A Economic Development Corporation And Joshua Bobo's Ltd. (Hartman)

Council Member Smallwood made a motion to withdraw the settlement offer related to the Roadway Development Agreement. Council Member Walden seconded the motion.

Motion Carried – 7-0.

12. Presentation And Review Of Joshua Station Developer's Proposal Related To Incentives From The Tax Increment Financing District. (Hartman)

Melissa Lindelow, with KL Gates, conducted a presentation on the history of the development known as Joshua Station along with information regarding what the developer proposes with regard to a Development Agreement for reimbursement of infrastructure costs with Tax Increment Financing (TIF) funds.

13. Review Results Of Drainage Study Prepared By Teague, Nall And Perkins. (Hartman)

Niraj A. Acharya and Greg Saunders with Teague, Nall & Perkins conducted a presentation regarding findings of the drainage study that was performed on the Mountain Valley/Village Creek area, Cofield Drive area and Joshua Meadows area.

14. Discuss, Consider And Act Regarding Attending ICSC Conference In Las Vegas To Promote And Attract Businesses To The City. (Hartman)

Paulette Hartman, City Manager, presented this item. After discussion, Council Member Tallent made a motion to approve an expenditure not to exceed \$3,500.00 for expenses for the City Manager and one other person to attend this conference. Council Member Neely seconded the motion.

Motion Carried – 7-0.

15. Discuss, Consider And Act Regarding Information Relating To Funding A ½ Time Position Of Community Relations And Economic Development Coordinator Or Providing Funding To The Joshua Area Chamber Of Commerce To Achieve Community Relations And Economic Development Objectives. (Hartman)

Paulette Hartman, City Manager, presented this item. After discussion, Council Member Smallwood made a motion to approve the amount of \$13,000 to the Joshua Area Chamber of Commerce to help fund a ½ time position with the contingency that the payment only be for one year, and that the city track the achievement of the objectives

and report accomplishments to the 4B EDC Board and the City Council prior to renewal. Council Member Maxfield seconded the motion. The vote was as follows:

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

Nays: Council Member Isom, Council Member Walden

Motion Carried – 5-2.

- 16. Discuss, Consider And Act On An Ordinance Establishing A Program Including Mitigation, Preparedness, Response And Recovery Phases Of Comprehensive Emergency Management; Acknowledging The Office Of Emergency Management Director; Authorizing The Appointment Of An Emergency Management Coordinator; And Providing For The Duties And Responsibilities Of Those Offices; Identifying An Operational Organization; Granting Necessary Powers To Cope With All Phases Of Emergency Management Which Threaten Life And Property In The City Of Joshua; Authorizing Cooperative And Mutual Aid Agreements For Relief Work Between This And Other Cities Or Counties And For Related Purposes; Prohibiting Unauthorized Warning And All-Clear Signals And Making Violations A Misdemeanor Punishable By Fine Not To Exceed \$1000; Providing For Publication; And Providing An Effective Date. (Hartman)**

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

Motion Carried – 7-0.

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. §551.087 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.

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

V. Adjournment.

There being no further business the meeting adjourned at 11:22 p.m.

Merle Breitenstein, Mayor
City of Joshua, Texas

ATTEST:

Mary Beth Thomas, City Secretary
City of Joshua, Texas