

Joshua City Council Minutes
April 16, 2009
Work Session – 6:30 p.m.
Regular Session – 7:00 p.m.

Council Members Present:

Merle Breitenstein, Mayor
Butch Isom, Place 1
Glen Walden, Place 2
Cameron Smallwood, Place 3
Butch Maxfield, Place 4
Tom Tallent, Place 5 (arrived at 7:26 p.m.)
Bob Neely, Place 6

Council Members Absent:

Staff Present:

Paulette Hartman, City Manager
Betsy Elam, City Attorney
Greg Saunders, City Engineer
Mike Peacock, Management Assistant
Leland Cheek, Police Lieutenant
Mary Beth Thomas, City Secretary

I. WORK SESSION – 6:30 p.m.

Mayor Breitenstein called the Work Session to order at 6:30 p.m.

A. Review And Discuss Report From Economic Development Corporation, Orasi Development, Including Survey Results.

Paulette Hartman, City Manager, introduced Jack Thomson, with Orasi Development, who presented to Council the results of the survey that was conducted regarding Economic Development.

B. Review And Discuss Speed Limit Study Information.

Greg Saunders, City Engineer, presented the process for increasing the speed limit on Main St. After discussion, general consensus was to put this item on the next regular agenda for Council consideration.

C. Review, Discuss And Evaluate Adding A Full-Time Code Enforcement Officer.

Paulette Hartman, City Manager, presented this item. After discussion, general consensus was not to hire a full-time Code Enforcement Officer at this time and revisit this issue at a later time.

D. Review And Discuss Staff Reorganization.

Paulette Hartman, City Manager, presented this item and stated that because the proposed reorganization does not involve creating or eliminating a City Department or personnel position, Council approval is not required. The purpose of this item is to brief the Council on the reorganization. Mrs. Hartman stated that Mike Peacock, Management Assistant, will be promoted to Director of Operations over the Joshua Volunteer Fire Department, the Street and Building Maintenance Department, serve as the liaison for the solid waste contract, and will remain as the liaison to the 4A and 4B EDC Boards as well as the Emergency Management Coordinator for the City. In addition, Fire Department Administrative Assistant Kristi Kleine will now work in City Hall and will provide assistance in Municipal Court along with Fire Department Administrative Assistant duties. The City Council did not express any opposition to the proposed reorganization.

E. Legislative Update.

Paulette Hartman, City Manager, briefed Council members on HB 4441 and SB 851.

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

There was no discussion.

G. Questions Regarding Regular Session Agenda Items.

There was no discussion.

H. Requests For Future Reports And Agenda Items.

There were none.

The Work Session recessed at 7:16 p.m.

II. REGULAR SESSION – 7:00 P.M.

Mayor Breitenstein called the Regular Session to order at 7:24 p.m.

A. The invocation was given by Jesse Davis.

B. The Pledge of Allegiance and Texas Pledge was led by Council Member Neely.

C. Proclamation And Presentations.

There were none.

D. Public Forum:

Jesse Davis, spoke regarding the Joshua Star.

E. Items To Be Withdrawn From The Consent Agenda For Separate Discussion.

Council Member Tallent made a motion to remove Item #6 from the consent agenda. Council Member Neely seconded the motion.

Motion Carried – 7-0.

6. Approval Of Resolution Designating Cleburne Times Review As The Official Newspaper For The City Of Joshua.

Paula Hulcy, 508 Alta Vista, Joshua, Texas spoke in favor of the Joshua Star.

Blake Ovard, 319 N. Burleson, Blvd, Burleson, Texas spoke in favor of the Joshua Star.

Troy A. Brewer, 1624 Caddo Peak Trail, Joshua, Texas spoke in favor of the Joshua Star.

After a lengthy discussion, Council Member Smallwood made a motion to table this item to allow the Joshua Star to 1) research the potential of increasing publications to two (2) times a week, 2) dedicate that City information will be included like it is sent in. Council Member Maxfield seconded the motion. The vote was as follows:

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

Nays: Council Member Isom

Motion Carried – 6-1.

F. Consent Agenda:

1. Approval Of Minutes For The March 19, 2009 Regular Session.
2. Approval Of Teague, Nall & Perkins Invoice For Joshua Station Blvd. Inspection Services To Be Paid From 4A Economic Development Corporation.
3. Approval Of Teague, Nall & Perkins Invoice For Design Of Park And Ride To Be Paid From 4A Economic Development Corporation.
4. Approval Of 3rd Pay Request From Pate Engineers For Joshua Station Blvd.
5. Approval Of 2009 CPI Adjustment To Municipal Telecommunications Right-Of-Way Access Line Rates.

Council Member Walden made a motion to approve Items 1-5 of the consent agenda. Council Member Isom seconded the motion.

Motion Carried – 7-0.

G. Appointment To Boards, Commissions, Committees:

There were none.

H. Contracts And Agreements:

There were none.

I. Reports Of Planning And Zoning Commission:

There were none.

J. Reports Of 4A Economic Development Corporation Board:

There were none.

K. Reports Of 4B Economic Development Corporation Board:

There were none.

L. General Action Items:

(open public hearing)

The regular session recessed and a public hearing was opened at 8:09 p.m.

1. Convene A Public Hearing To Obtain Public Input Regarding A Request From Chesapeake Energy For An Application To Drill, Complete And Operate Joshua 1H And East Allen 1H Well(s) For Gas Upon Property Located At W. P. Gentry Abstract #307, Lot 9, Joshua, Texas, More Commonly Known As 1156 N. Main Street, Joshua, Texas.

A. Applicants Statement.

Justin Bond, Chesapeake, presented the request.

B. Staff Comments.

Paulette Hartman, City Manager, presented this item.

C. Those In Favor.

Will Rider, 1156 N. Main, Joshua, Texas
Donna Rider, 1156 N. Main, Joshua, Texas

D. Those Against.

Bob Rapp, business owner at 463 N. Broadway, Joshua, Texas

E. Applicants Rebuttal.

Justin Bond, Chesapeake, responded to comments.

F. Adjournment

The public hearing recessed and the regular session reconvened at 8:49 p.m.

2. Discuss, Consider And Act Regarding A Request From Chesapeake Energy For An Application To Drill, Complete And Operate Joshua 1H And East Allen 1H Well(s) For Gas Upon Property Located At W. P. Gentry Abstract #307, Lot 9, Joshua, Texas, More Commonly Known As 1156 N. Main Street, Joshua, Texas. (Hartman)

Paulette Hartman, City Manager, presented this item. The main issues discussed were the location of the well heads and the dust that would be caused due to the lease road. After a lengthy discussion, Council Member Smallwood made a motion to approve the permit with the following contingencies:

- 1) Chesapeake proves that there are no alternative sites from which to access the minerals
- 2) Chesapeake proves that it is not possible to access the well sites from Highway 174
- 3) If the well sites are to be accessed from North Main Street, provide a traffic safety plan and coordinate rig set-up and removal with the City of Joshua Police Department at least 30 days prior to the installation of the rig
- 4) Chesapeake will install sound barrier devices around the well sites during drilling as there are several homes within the 1,000 ft. radius of the well heads
- 5) Chesapeake will provide screening such that the tank batteries installed, when drilling is completed, will not be visible from North Main St. or Hwy 174
- 6) This approval is only for Joshua 1H and East Allen 1H wells, and any additional wells drilled from either of these sites will require separate hearings and consideration by the City Council.
- 7) All drilling traffic will use the approved transportation route only
- 8) Chesapeake shall follow the Gas Well ordinance regulations

Council Member Tallent seconded the motion.

Council Member Tallent suggested an amendment to the motion by adding:

- 9) Include language in the Road Use Agreement to minimize truck traffic during the night time hours, peak time traffic hours and during school hours.
- 10) Pad sites will not be within 300' of any existing residential building
- 11) Screening to be provided completely around the pad site and road

Council Member Smallwood agreed with the amended motion. Council Member Tallent seconded the amended motion. The vote was as follows:

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

Nays: Council Member Walden, Council Member Maxfield

Motion Carried – 5-2

3. **Consider And Act On Amendment To Roadway Development Agreement With Joshua Bobo's To Allow The City To Contract And Directly Pay For Landscaping Along Joshua Station Boulevard.**
(Hartman)

Paulette Hartman, City Manager, presented this item. After a brief discussion, Council Member Walden made a motion to approve the amended Roadway Development Agreement with Joshua Bobo's. Council Member Maxfield seconded the motion.

Motion Carried – 7-0

4. **Discuss, Consider And Act Regarding A Resolution Of The City Of Joshua, Texas Setting A Date, Time And Place For Public Hearings To Be Held Regarding Proposed Annexations Of Certain Property By The City Of Joshua, Texas; Directing That Notice Be Provided For The Public Hearings; Directing That A Service Plan For The Property Be Prepared; And Establishing An Effective Date.**
(Hartman)

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

Motion Carried – 7-0.

5. **Discuss, Consider And Act Regarding Adding A Position To The FY 2008/2009 Budget And Hiring A Full-Time Code Enforcement Officer.**
(Hartman)

Paulette Hartman, City Manager, presented this item. Mrs. Hartman explained the history of this project. After a brief discussion, Council Member Smallwood made a motion to not hire a full-time Code Enforcement Officer at this time. Council Member Walden seconded the motion.

Motion Carried – 7-0.

6. **Discuss, Consider And Act Regarding An Ordinance Of The City Council Of The City Of Joshua, Texas, Repealing Ordinance No. 447-2007 To Amend The Payment Of Certain Fees; Providing A Severability Clause; Providing For Engrossment And Enrollment; And Providing An Effective Date.**
(Hartman)

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

Motion Carried – 7-0.

7. **Discuss, Consider And Act Regarding A Resolution Of The City Council Of The City Of Joshua, Texas Opposing HB 4441 Relating To The Authority Of The Railroad Commission Of Texas To Establish Standards Regarding Certain Pipelines And Appurtenant Facilities; And Providing An Effective Date.**
(Hartman)

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

Motion Carried - 7-0.

III. EXECUTIVE SESSION

The Council did not convene into executive session.

There being no further business the meeting adjourned at 9:53 p.m.

Merle Breitenstein, Mayor

ATTEST:

Mary Beth Thomas, City Secretary

