

Joshua City Council Minutes
May 21, 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 8:00 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, Director of Operations
Annabeth Robertson, Chief of Police
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. Briefing From Michael Boren Regarding 2010 Census.

Paulette Hartman, City Manager, stated that Mr. Boren had a scheduling conflict and could not be in attendance.

B. Review And Discuss Budget Calendar For Preparation Of FY 09/10 Budget.

Paulette Hartman, City Manager, presented this item.

C. Legislative Update.

Paulette Hartman, City Manager, presented this item.

D. Report From ICSC Conference.

Mayor Breitenstein, Mayor, and Paulette Hartman, City Manager, presented this item.

E. 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.

Paulette Hartman, City Manager, presented this item. Council Member Smallwood asked for an update of the Citizen Capital Projects Study Committee meetings and the TIF Board meetings. Mrs. Hartman stated that the minutes for the Citizen Capital Projects Study Committee were included in the council packets and the TIF Board does not meet until May 28, 2009.

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

There was no discussion.

G. Questions Regarding Regular Session Agenda Items.

Council Member Smallwood asked for the history of the 20 MHP on Main Street.

Council Member Maxfield asked Staff to research installing a speed limit sign or a “children at play” sign on Linda Dr.

H. Requests For Future Reports And Agenda Items.

Council Member Walden requested a report of all the consultants the City uses and the benefits of such.

The Work Session recessed at 6:48 p.m.

II. REGULAR SESSION – 7:00 P.M.

Mayor Breitenstein called the Regular Session to order at 7:00 p.m.

A. The invocation was given by Council Member Neely.

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

C. Proclamation And Presentations.

1. Proclaiming June 5, 2009 as “Relay for Life Day”.

Mayor Breitenstein read a proclamation making June 5, 2009 as “Relay for Life Day” in Joshua. There were no representatives to receive the proclamation.

2. Introduction of Johnson County Little League.

There were no representatives present.

D. Public Forum:

No one spoke at this time.

E. Items To Be Withdrawn From The Consent Agenda For Separate Discussion.

Council Member Smallwood made a motion to remove Item #5 from the consent agenda. Council Member Walden seconded the motion.

#5. Approval And Authorization Of City Manager To Sign Agreement With Stericycle For Biomedical Waste Disposal.

Paulette Hartman, City Manager, and Mike Peacock, Director of Operations, presented this item. After discussion, Council Member Smallwood made a motion to approve the agreement. Council Member Maxfield seconded the motion.

Motion Carried – 6-0.

Absent: Council Member Tallent

F. Consent Agenda:

1. Approval Of Minutes For The April 16, 2009 Regular Session.
2. Approval Of 4th Pay Request From Pate Engineers For Joshua Station Blvd.
3. Ratify 4B Approval Of Bid For Appraisal Of Park Land.
4. Approval Of Invoice From MHS Planning For Design Of The City Park.

Council Member Walden made a motion to approve Items 1-4 of the consent agenda. Council Member Isom seconded the motion.

Motion Carried – 6-0.

Absent: Council Member Tallent

G. Appointment To Boards, Commissions, Committees:

1. Appoint A Member To Board Of Directors Of Tax Increment Financing District No. 1. (Hartman)

Paulette Hartman, City Manager, presented this item. Mrs. Hartman stated that Ron Martini is no longer on the Board and recommended appointing Mayor Breitenstein to fill the vacancy. Council Member Maxfield made a motion to appoint Mayor Breitenstein to the TIF board. Council Member Neely seconded the motion. The vote was as follows:

Ayes: Council Members Isom, Walden, Smallwood, Maxfield, Neely

Abstention: Mayor Breitenstein

Motion Carried – 5-1

Absent: Council Member Tallent

H. Contracts And Agreements:

There were none.

I. Reports Of Planning And Zoning Commission:

The regular session recessed and a public hearing was opened at 7:17 p.m.

1. Convene A Public Hearing To Obtain Public Input Regarding A Request To Change The Zoning On An Approximately 3.739 Acre Tract Of Land Located In The T. W. Baird Survey, Abstract No. 40 From “MH” Manufactured Home District And “I” Industrial To “R-1” Single Family Residential.

A. Applicants Statement

The applicant was not in attendance.

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

Applicant was not in attendance.

F. Adjournment

The public hearing recessed and the regular session reconvened at 7: 21 p.m.

2. Discuss, Consider And Act Regarding An Ordinance Of The City Of Joshua, Texas, Amending Ordinance No. 469-2008, The Comprehensive Zoning Ordinance Of The City, To Rezone Approximately 3.739 Acre Tract Of Land Located In The T. W. Baird Survey, Abstract No. 40, Joshua, Texas, From “MH” Manufactured Home District And “I” Industrial 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)

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

Motion Carried – 6-0. Absent: Council Member Tallent

J. Reports And Action Items From The 4A Economic Development Corporation Board:

There were none.

K. Reports And Action Items From The 4B Economic Development Corporation Board:

- 1. Discuss, Consider And Act Regarding Performance Agreement With Joshua Area Chamber Of Commerce To Achieve Community Relations And Economic Development Objectives. (Hartman)**

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

Ayes: Council Members Walden, Smallwood, Maxfield, Neely and Mayor Breitenstein

Nays: Council Member Isom

Motion Carried – 5-1 Absent: Council Member Tallent

L. General Action Items:

(open public hearing)

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

- 1. Convene The Second Of Two Public Hearings To Obtain Public Input Regarding Annexation Of Certain Tracts Located In The Extraterritorial Jurisdiction Into The Corporate Limits Of The City.**

- A. Staff Comments.**

Betsy Elam, City Attorney, presented this item.

- B. Those In Favor.**

David Reaves, Grant Engineering, spoke in favor.

- C. Those Against.**

No one spoke at this time.

- D. Applicants Rebuttal.**

None required.

- E. Adjournment**

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

- 2. 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, 2008 And Ending On September 30, 2009 As Adopted By Ordinance No. 460-2008 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 budget amendments. Council Member Neely seconded the motion.

Motion Carried – 6-0 Absent: Council Member Tallent

3. Discuss, Consider And Act Regarding The Speed Limit On Main Street. (Hartman)

Greg Saunders, City Engineer, presented this item. After a brief discussion, general consensus was to draft an ordinance to increase the speed limit from 20 MPH to 30 MPH on Main St. The ordinance will be on the agenda for the June 18, 2009 Council meeting.

4. Issuance Of Certificate Of Election And Oaths Of Office.

Mayor Breitenstein presented Certificate of Elections to Council Member Walden and Council Member Neely. Mayor Breitenstein read the Statement of Officer and Oath of Office to Council Member Walden and Council Member Neely.

Council Member Tallent arrived at 8:00 p.m.

The regular session recessed and executive session convened at 8:03 pm.

III. EXECUTIVE SESSION

1. §551.087 Economic Development Negotiations Related To Joshua Station Development.
2. §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 executive session recessed and the regular session reconvened at 8:21 p.m.

There being no further business the meeting adjourned at 8:22 p.m.

Merle Breitenstein, Mayor

ATTEST:

Mary Beth Thomas, City Secretary