

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

Council Members Present:

Merle Breitenstein, Mayor
Glen Walden, Place 2
Cameron Smallwood, Place 3
A. J. Mathieu, Place 4
Tom Tallent, Place 5 (arrived at 6:55 p.m.)
Bob Neely, Place 6

Council Members Absent:

Butch Isom, Place 1

Staff Present:

Paulette Hartman, City Manager
Betsy Elam, City Attorney
Greg Saunders, City Engineer
Mike Peacock, Director of Operations
Annabeth Robertson, Chief of Police
Glen Hargrove, Fire Marshal

I. WORK SESSION – 6:30 p.m.

Mayor Breitenstein called the Work Session to order at 6:31 p.m.

A. Briefing From Michael Boren Regarding 2010 Census.

Mr. Boren cancelled due to a conflict in his schedule.

B. Legislative Update.

Paulette Hartman, City Manager, presented this item.

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

Paulette Hartman, City Manager, presented this item.

D. 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. Mrs. Hartman informed the Council that Law Enforcement Training was underway at Staples Elementary and would continue through next week. Also, the Police Vehicles that do not match the current color scheme will be painted in the coming weeks using unused budget money.

E. Questions Regarding Regular Session Agenda Items.

Paulette Hartman, City Manager, presented this item. Council Member Smallwood questioned the August 1, 2009 deadline requiring portable signs be removed according to the ordinance deadline. Mrs. Hartman stated that notices have been sent to affected businesses.

F. Requests for Future Reports and Agenda Items.

Council Member Smallwood requested a report regarding portable signs required to be removed August 1, 2009

The Work Session recessed at 6:44 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 Walden.**
- C. Issue Certificate of Election and Oath of Office to A. J. Mathieu.**

Mayor Breitenstein swore in newly elected Council Member Mathieu, Place 4.

D. Elect Mayor Pro – Tem

Council Member Smallwood nominated Glen Walden as Mayor Pro-Tem. Council Member Tallent seconded the motion.

Council Member Mathieu nominated Butch Isom as Mayor Pro-Tem. Motion died for lack of a second.

The vote nominating Glen Walden was as follows:

Ayes: Council Members Smallwood, Tallent, Neely, Mayor Breitenstein

Nay: Council Member Mathieu

Abstention: Council Member Walden

Motion Carried - 4-1-1 Absent: Council Member Isom

E. Proclamations and Presentations.

- 1. Recognition of Butch Maxfield's Service on the City Council and Planning and Zoning Commission.**

Mayor Breitenstein presented this item.

Mayor Breitenstein recessed the regular meeting at 7:07 pm for a reception honoring newly elected officers and outgoing officers.

The regular session reconvened at 7:20 pm.

F. Public Forum:

Patricia McIntosh of 102 Spring Valley spoke regarding recent correspondence from the Johnson County Special Utility District regarding a required inspection and related fee.

G. Items to be Withdrawn From the Consent Agenda For Separate Discussion.

There were none.

H. Consent Agenda:

- 1. Approval of Minutes for the June 18, 2009 Regular Session.
- 2. Approval of Minutes for the June 22, 2009 Special Session.
- 3. Approval of Minutes of the Citizen Capital Project Study Committee for June 16, 2009
- 4. Approval of Minutes of the Citizen Capital Project Study Committee for June 23, 2009
- 5. Approval of 6th Pay Request to Joshua Bobo's for Construction of Joshua Station Blvd.
- 6. Approval of MHS Planning Invoice In The Amount Of \$6,015.40 For Park Design Services.

7. Approval of Removing of Paul Waldrip's Name and Adding Annabeth Robertson's Name to the Bank Signature Cards.
8. Approve Invoice from Shrader and Cline for Consulting Services related to Tax Increment Financing District #1 to be paid from 4A EDC Fund.

Council Member Neely made a motion to approve all of the consent agenda items. Council Member Walden seconded the motion.

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

I. Appointment To Boards, Commissions, Committees:

Council Member Walden made a motion to approve Eric Hollister to the 4A EDC Board. Council Member Mathieu seconded the motion. After discussion, the motion was withdrawn by Council Members Walden and Mathieu. Council Member Tallent made a motion to table appointments until the August Council meeting. Council Member Neely seconded the motion.

Motion Carried - 6-0 Absent: Council Member Isom

J. Contracts And Agreements:

There were none.

K. Reports Of Planning And Zoning Commission:

There were none.

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

1. Discuss, Consider and Act on Landscape Design for Joshua Station Blvd.

Tom Alves of Teague, Nall and Perkins presented the design and renderings for the landscaping of Joshua Station Blvd. at a cost of \$103,000.00. Council Member Smallwood made a motion to accept the design plan as presented. Council Member Tallent seconded the motion.

Motion Carried - 6-0 Absent: Council Member Isom

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

1. Discuss, Consider And Act Regarding Using A Construction Manager At Risk For The Park Project.

Paulette Hartman, City Manager presented this item. After discussion, Council Member Neely made a motion to that the Council make a determination that the Construction Manager at Risk offered the best value for the City park project and to approve using a Construction Manager at Risk for the construction of the park . Council Member Smallwood seconded the motion.

Motion Carried - 6-0 Absent: Council Member Isom

N. General Action Items:

1. Discuss, Consider And Act on Report and Recommendations of the City Capital Projects Study Committee.

Capital Projects Study Committee Chairman and Planning & Zoning Commission Chairman Joe Hollarn presented this item. After presentation and discussion, Council Member Tallent made a motion to vote on each recommended Proposition individually. Council Member Neely seconded the motion.

Motion Carried – 6-0.

Absent: Council Member Isom

Proposition 1. Central Fire Station \$2,700,000

Council Member Smallwood made a motion to approve Proposition 1 as recommended. Council Member Walden seconded the motion.

Motion Carried - 6-0.

Absent: Council Member Isom

Proposition 2 Street Improvements \$847,875

Council Member Walden made a motion to approve Proposition 2 as recommended. Council Member Tallent seconded the motion.

Motion Carried - 6-0.

Absent: Council Member Isom

Proposition 3 Drainage Improvements \$2,548,380

Council Member Walden made a motion to approve Proposition 3 as recommended. Council Member Smallwood seconded the motion. The vote was as follows:

Ayes: Council Members Walden, Smallwood, Mathieu, Neely, Mayor Breitenstein

Nays: Council Member Tallent

Motion Carried - 5-1

Absent: Council Member Isom

2. Discuss, Consider And Act On Timeline For Calling A Bond Election And Calling A Special Meeting For August 13, 2009 For The Purpose Of Calling A Bond Election.

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

Motion Carried – 6-0

Absent: Council Member Isom

3. Discuss, Consider And Act Regarding Options For Recycling Program And Solid Waste Collection Contract Considerations.

Paulette Hartman, City Manager, presented this item, along with Paul Hansen and Norm Bulaich of IESI. After discussion, Council Member Smallwood made a motion to continue the recycling for the remainder of FY 2009 and for the City to cover the cost of this at an amount of \$15,760. Council Member Walden seconded the motion.

Motion Carried – 6-0.

Absent: Council Member Isom

Council Member Tallent made a motion to table the remaining discussions related to billing and other contract considerations until the August Council meeting. Council Member Neely seconded the motion.

Motion Carried - 6-0

Absent: Council Member Isom

The regular session recessed and executive session convened at 10:08 p.m.

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.
3. §551.072 Real Property to deliberate the purchase, exchange, lease, or value of real property for purposes of a building a fire station.

IV. RECONVENE IN OPEN SESSION

The executive session recessed and the regular session reconvened at 10:44 p.m.

There being no further business the meeting adjourned at 10:45 p.m.

Merle Breitenstein, Mayor

ATTEST:

Mary Beth Thomas, City Secretary

