

Joshua City Council Minutes
August 20, 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
A. J. Mathieu, Place 4
Tom Tallent, Place 5 (arrived at 6:42 p.m.)
Bob Neely, Place 6

Council Members Absent:

Staff Present:

Paulette Hartman, City Manager
Betsy Elam, City Attorney
Greg Saunders, City Engineer
Thomas Alves, Landscape Architect
Mike Peacock, Director of Operations
Annabeth Robertson, Chief of Police
Glen Hargrove, Fire Marshal
LaDonna Davis, Finance Manager
Nader Jeri, Building Official
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.

Mr. Boren was not in attendance.

B. Report Of Portable Signs Required To Be Moved By August 1, 2009.

Paulette Hartman, City Manager, and Nader Jeri, Building Official presented this item.

C. Review And Discuss Questions Related To The Budget Report And Financial Statements For The Month Of July 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. Annabeth Robertson, Police Chief, introduced new officers – Curan Massey, Jon Hammond, Boyd Gordon and Cynthia Fleming to Council Members.

E. Questions Regarding Regular Session Agenda Items.

F. Requests for Future Reports and Agenda Items.

The Work Session recessed at 6:43 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 Tallent.**
- C. Proclamations And Presentations:**

There were none.

D. Public Forum:

- 1. Larry Walden, 115 Honey Bee, spoke regarding lowering the 30 mph speed limit on Honey Bee.
- 2. Margie Vowell, Honey Bee, spoke regarding lowering the 30 mph speed limit on Honey Bee.
- 3. Thomas Blalock, 100 Honey Bee, spoke regarding lowering the 30 mph speed limit on Honey Bee.
- 4. Barbara Dugger, 114 Honey Bee, spoke regarding lowering the 30 mph speed limit on Honey Bee.

E. Items to be Withdrawn From the Consent Agenda For Separate Discussion.

There were none.

F. Consent Agenda:

- 1. **Approval of Minutes for the July 16, 2009 Regular Session.**
- 2. **Approval of Minutes for the August 3, 2009 Joint Session.**
- 3. **Approval of Minutes for the August 4, 2009 Special Session.**
- 4. **Approval of Minutes for the August 13, 2009 Special Session.**
- 5. **Approval of 7th Pay Request to Joshua Bobo's for Construction of Joshua Station Blvd.**
- 6. **Approval of Invoice From MHS Planning For Design Services Of The City Park In The Amount Of \$6,872.54.**
- 7. **Approval of Invoice From Triangle Surveying For The Surveying Of Lot 1, Block 3, Thousand Oaks Addition For The Placement Of The North Entryway Sign In The Amount Of \$425.00.**
- 8. **Approve City Manager Signature On Voting Machine Lease Agreement With Johnson County.**

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

Motion Carried – 7-0.

G. Appointment To Boards, Commissions, Committees:

- 1. **Appointment to 4A Board.**
Joe Hollarn
Daron Michael Beck
- 2. **Appointment to 4B Board.**
Eric Hollister

Council Member Walden made a motion to appoint Joe Hollarn and Daron Michael Beck to the 4A Board and Eric Hollister to the 4B Board. Council Member Tallent seconded the motion.

Motion Carried - 7-0

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 7:13 p.m.

1. Convene A Public Hearing To Obtain Public Input Regarding A Request To Change The Zoning On An Approximate 0.2804 Acre Tract Of Land Located In The W. W. Byers Survey, Abstract No. 29, Tract 68, More Commonly Known As 103 Veatch, From "R-1" Single Family Residential To "C-1" Restricted Commercial.

A. Applicants Statement

Carl Strain, JCSUD, stated the property will be sold as residential property and they withdraw the request for a zoning change.

B. Staff Comments

There were none.

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 7:17 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 0.2804 Acre Out Of The W. W. Byers Survey, Abstract No. 29, More Commonly Known As 103 Veatch, Joshua, Texas, From R-1 Single Family Residential To C-1 Restricted Commercial; 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)

Mayor Breitenstein announced no action was necessary on this item due to the applicant withdrawing the request.

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:

There were none

L. General Action Items:

The regular session recessed and a public hearing was opened at 7:19 p.m.

- 1. Convene A Public Hearing In Order To Obtain Public Input Regarding Proposed General Fund, 4A Economic Development Board, 4B Economic Development Board And Capital Improvements Budget And Municipal Court Technology And Security Fund Budget For Fiscal Year 2009/2010 Budget.**

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

- 2. Convene A Public Hearing To Obtain Public Input Regarding Proposed Tax Rate For Fiscal Year 2009/2010.**

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

The public hearing recessed and the regular session reconvened at 7: 46 pm

- 3. Discuss, Consider And Act Regarding IESI Billing And Other Contract Considerations. (Hartman)**

Paulette Hartman, City Manager, presented this item. After a lengthy discussion Council Member Smallwood made a motion to include the following items in contract considerations:

- stay with 2 pickups a week and recycling
- City to start the billing process
- update all ordinances regarding this issue
- add a convenience fee for credit card payments
- exclude payment to IESI for no pickups
- revisit the franchise fee

Council Member Tallent seconded the motion. The vote was as follows:

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

Nays: Council Members Mathieu and Walden

Motion Carried – 5-2.

- 4. Discuss, Consider And Act Regarding A Resolution Authorizing The Dedication Of Approximately 2.0 Acres For Undeveloped Open Space At Joshua City Park In Joshua, Texas. (Hartman)**

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

Motion Carried – 7-0.

- 5. Report Of Park Design Committee And Discuss Park Design Plans. (Hartman)**

Mike Peacock, Director of Operations, presented this item.

- 6. Discuss, Consider And Act Regarding Award Of Bid For Landscape Improvements To Joshua Station Boulevard. (Hartman)**

Paulette Hartman, City Manager, presented this item. After a lengthy discussion, Council Member Walden made a motion to accept the bid from the Fain Group in the amount of \$144,389.26. Council Member Neely seconded the motion. The vote was as follows:

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

Nays: Council Members Isom and Tallent

Motion Carried – 5-2.

The regular session recessed and executive session convened at 9:14 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.
4. §551.074 To discuss personnel matters related to the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: Fire Chief

IV. RECONVENE IN OPEN SESSION

The executive session recessed and the regular session reconvened at 9:53 p.m.

There being no further business the meeting adjourned at 9:54 p.m.

Merle Breitenstein, Mayor

ATTEST:

Mary Beth Thomas, City Secretary

