

**Joshua City Council Minutes
October 15, 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 7:07 p.m.)

Council Members Absent:

Bob Neely, Place 6

Staff Present:

Paulette Hartman, City Manager
Betsy Elam, City Attorney
Greg Saunders, City Engineer
Mike Peacock, Director of Operations
Leland Cheek, Police Captain
Mary Beth Thomas, City Secretary

Nader Jeri, Building Official

I. WORK SESSION – 6:30 p.m.

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

A. Review Bond Election Education Materials.

Paulette Hartman, City Manager, presented this item.

B. Review Of Status Report From WebQA.

Paulette Hartman, City Manager, presented this item.

C. 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.

There was no discussion regarding the report. Mrs. Hartman made several announcements.

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

There was no discussion.

E. Questions Regarding Regular Session Agenda Items.

F. Requests for Future Reports and Agenda Items.

Council Member Walden requested that the Code Compliance Staff Report be revised to show date of complaint and date of completion of code compliance cases.

Council Member Smallwood requested a work schedule regarding work on streets not included in the Bond Election.

The work session adjourned at 6:50 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 Smallwood.

B. The Pledge of Allegiance and Texas Pledge was lead by Council Member Mathieu.

C. Proclamations And Presentations:

There were none.

D. Public Forum:

No one spoke.

The regular session recessed and convened into executive session at 7:03 p.m.

The executive session closed and the regular session reconvened at 7:32 p.m.

E. Items to be Withdrawn From the Consent Agenda For Separate Discussion.

There were none.

F. Consent Agenda:

1. Approval of Minutes for the September 17, 2009 Regular Session.

Council Member Walden made a motion to accept the minutes of September 17, 2009 as submitted. Council Member Smallwood seconded the motion.

Motion Carried – 6-0.

Absent: Council Member Neely

G. Appointment To Boards, Commissions, Committees:

1. Appointment To Planning & Zoning Commission.

a. Thomas A. Robison

Council Member Walden made a motion to appoint Thomas A. Robison to the Planning and Zoning Commission. Council Member Mathieu seconded the motion.

Motion Carried – 6-0.

Absent: Council Member Neely

2. Nominations For Appraisal District Board Members.

After a brief discussion, Mayor Breitenstein announced no action would be taken at this time.

H. Contracts And Agreements:

1. Discuss, Consider And Act Regarding A Utility Easement And Right-Of-Way Agreement With United Electric Cooperative Services, Inc., To Be Located In The TIF District. (Hartman)

Paulette Hartman, City Manager, presented this item. After a brief discussion Council Member Tallent made a motion to accept the easement and authorize the City Manager signature on same. Council Member Walden seconded the motion. The vote was as follows:

Ayes: Mayor Breitenstein, Council Members Isom, Walden, Mathieu, Tallent

Abstention: Council Member Smallwood

Motion Carried – 5-1. Absent: Council Member Neely

2. **Discuss, Consider And Act Regarding An Ordinance Of The City Of Joshua, Texas, Approving The Final Amended Project Plan And Finance Plan For Tax Increment Financing Reinvestment Zone Number One; Making Certain Findings, And Other Matters Related Thereto; Providing That This Ordinance Shall Be Cumulative Of All Ordinances; Providing A Severability Clause; And Providing An Effective Date.** (Hartman)

Paulette Hartman, City Manager, introduced Larry Cline, with Schrader and Cline, who presented the amendments to the Project and Finance Plan for the TIF #1 District. After a brief discussion, Council Member Smallwood made a motion to accept the amended Project and Finance Plan for the TIF #1 District. Council Member Tallent seconded the motion.

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

3. **Discuss, Consider And Act Regarding A Resolution Of The City Council Of The City Of Joshua, Texas, Approving A Development Agreement With Joshua Bobo's, LTD. For Public Improvements Within Reinvestment Zone Number One, City Of Joshua, Texas; Authorizing The City Manager To Execute The Agreement And Providing An Effective Date.** (Hartman)

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

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

I. Reports Of Planning And Zoning Commission:

The regular session recessed and a public hearing was opened at 7:48 p.m.

1. **Convene A Public Hearing In Order To Obtain Public Input Regarding A Request For A Conditional Use Permit To Allow Outdoor Storage, Including Carports, In "I" Industrial Zoning District. The Property Is An Approximate 7.605 Acre Tract Of Land Located In The Allison Addition, More Commonly Known As 457 N. Broadway.**

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.

None required.

F. Adjournment.

The public hearing will reconvene on November 19, 2009 at 7:00 p.m.

The regular session reconvened at 7:54 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, By Granting A Conditional Use Permit To Allow Outside Storage, Including Carports, On Property Located In The Allison Addition, More Commonly Known As 457 N. Broadway, Joshua, Texas, Currently Zoned "I" Industrial; 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 Tallent made a motion to table this item. Council Member Smallwood seconded the motion.

Motion Carried - 6-0

Absent: Council Member Neely

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

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

1. **Update On Status Of Construction Manager At Risk Bids For The City Park.**
(Hartman)

Paulette Hartman, City Manager, presented this item.

L. General Action Items:

1. **Discuss, Consider And Act On Request To Install A Drive Approach On Mountain Valley Blvd.** (Hartman)

Paulette Hartman, City Manager, presented this item. Richard Atchison, representative to the owner, presented this request. Greg Saunders, City Engineer, stated if speed bumps and/or a gate were installed he would approve of the drive approach. Council Member Tallent made a motion to approve a drive approach on Mountain Valley Blvd. with the contingencies that speed bumps are installed, a gate is installed and the hours to be locked will be determined by the City Manager and City Engineer and the City Engineer approves. Council Member Smallwood approved the motion. The vote was as follows:

Ayes: Mayor Breitenstein, Council Members Isom, Smallwood and Tallent

Nays: Council Members Walden and Mathieu

Motion Carried - 4-2

Absent: Council Member Neely

2. **Discuss, Consider And Act On Intent To Accept Energy Efficiency Block Grant Funds.**
(Hartman)

Paulette Hartman, City Manager, presented this item. Council Member Tallent made a motion to approve the City Managers signature on the Notice of Intent for the Energy Efficiency Block Grant. Council Member Mathieu seconded the motion.

Motion Carried - 6-0.

Absent: Council Member Neely

The regular session recessed and convened into Executive Session at 8:24 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 and other facilities.

IV. RECONVENE IN OPEN SESSION

The executive session recessed at 8:27 p.m. and the regular session reconvened at 8:27 p.m.

There being no further business the meeting adjourned at 8:28 p.m.

Merle Breitenstein, Mayor

ATTEST:

Mary Beth Thomas, City Secretary

