

Joshua City Council Minutes
November 19, 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 (arrived at 6:31 pm)
A. J. Mathieu, Place 4
Tom Tallent, Place 5 (arrived at 7:06 p.m.)
Bob Neely, Place 6

Council Members Absent:

Butch Isom, Place 1

Staff Present:

Paulette Hartman, City Manager
Betsy Elam, City Attorney
Mike Peacock, Director of Operations
Annabeth Robertson, Chief of Police
Mary Beth Thomas, City Secretary
Wayne Baker, Fire Chief
Bruce Hewett, Street Superintendent

I. WORK SESSION – 6:30 p.m.

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

A. Report On City Contract With Emergency Services District (ESD) And Schedule A Work Session Regarding Continued Service To The ESD And Future Plans Of The ESD.

Mike Peacock, Director of Operations, presented this item.

B. Report Regarding School Zone On Stadium Drive.

Annabeth Robertson, Chief of Police, presented this item. The City Council directed staff to prepared a draft Ordinance with changes to the school zones surrounding the high school for consideration at the December City Council meeting.

C. Report On Schedule For Road Repairs To Be Performed By The County Under The Interlocal Agreement.

Mike Peacock, Director of Operations, 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.

There was no discussion.

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

There was no discussion.

F. Questions Regarding Regular Session Agenda Items.

City Council Meeting Minutes
November 19, 2009

There were none.

G. Requests for Future Reports and Agenda Items.

There were none.

The Work Session recessed at 7:11 p.m.

II. REGULAR SESSION – 7:00 P.M.

Mayor Breitenstein called the Regular Session to order at 7:16 p.m.

A. The Invocation was given by Council Member Neely.

B. The Pledge of Allegiance and Texas Pledge was led by Mayor Breitenstein.

C. Proclamations And Presentations:

There were none.

D. Public Forum:

No one spoke at this time.

E. Items to be Withdrawn From the Consent Agenda For Separate Discussion.

Council Member Mathieu made a motion to remove Item #3 from the Consent Agenda for discussion. Council Member Walden seconded the motion.

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

F. Consent Agenda:

1. **Approval Of Minutes For The October 15, 2009 Regular Session.**
2. **Approval Of Minutes For The November 12, 2009 Special Session.**
3. **Approval Of Contract With Emergency Services District For Provision Of Fire And Emergency Medical Services.**
4. **Approval Of Invoice From MHS Planning And Design For Design Services Of The City Park In The Amount Of \$7,756.70.**
5. **Approval Of September 2009 Invoices From Schrader And Cline, LLC. In The Amount Of \$2,027.84; October 2009 Invoices In The Amount Of \$1,521.59 And \$2,027.84 For Professional Services And Travel; Total Amount Of \$5,577.27.**

Council Member Smallwood made a motion to approve all Items 1, 2, 4, and 5 of the Consent Agenda. Council Member Walden seconded the motion.

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

Item #3:

Council Member Mathieu inquired as to the service area of the ESD. After a brief discussion, Council Member Smallwood made a motion to approve the contract. Council Member Tallent seconded the motion.

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

At this time the regular session recessed and an executive session convened at 7:27 p.m.

III. EXECUTIVE SESSION

1. §551.072 Real Property: To Deliberate The Purchase, Exchange, Lease, Or Value Of Real Property For The Purposes Of Building A Fire Station And Other Facilities.
2. §551.074 Personnel Matters: To Deliberate The Employment And Duties Of The City Manager.

The Executive Session recessed and the regular session reconvened at 8:12 p.m.

IV. RECONVENE IN OPEN SESSION

Council Member Smallwood made a motion to approve the City Manager authority to execute a contract for property for a fire station on N. Main in the amount of \$195,000.00. Council Member Tallent seconded the motion.
Motion Carried – 6-0. Absent: Council Member Isom

G. Appointment To Boards, Commissions, Committees:

1. **Discuss, Consider And Act Upon A Resolution Casting City Of Joshua Votes For Appointment To Johnson County Central Appraisal District Board Of Directors.** (Hartman)

Paulette Hartman, City Manager, presented this item. Council Member Tallent made a motion to nominate Sid Pruitt for the JCAD Board of Directors. Council Member Neely seconded the motion.
Motion Carried – 6-0. Absent: Council Member Isom.

H. Contracts And Agreements:

1. **Discuss, Consider And Act Regarding Contract With IESI.** (Hartman)

Paulette Hartman, City Manager, presented this item. After discussion, Council Member Walden made a motion to approve the contract with IESI. Council Member Neely seconded the motion.
Motion Carried - 6-0. Absent: Council Member Isom

I. Reports Of Planning And Zoning Commission:

The regular session recessed and a public hearing was opened at 8:21 p.m.

1. **Convene A Public Hearing In Order To Obtain Public Input Regarding A Request To Change The Zoning From “A” Agriculture To “R-1” Single Family Residential On A 1.00 Acre Tract Of Land Located In The C. Chaney Survey, Abstract No. 175, Joshua, Texas, More Commonly Known As 505 Forrest Lane.**

A. Applicants Statement

Bobby Jackman, 509 Forrest Lane, presented the request.

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 recessed and the regular session reconvened at 8:23 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 1.000 Acre Out Of The C. Chaney Survey, Abstract No. 175, Joshua, Texas, From "AG" Agriculture 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. Council Member Walden made a motion to approve the zoning change. Council Member Tallent seconded the motion.

Motion Carried – 6-0.

Absent: Council Member Isom

At this time Council Member Tallent requested that Item K be discussed.

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

1. **Discuss, Consider And Act Upon Award Of Construction Manager At Risk For Joshua City Park.** (Hartman)

Mike Peacock, Director of Operations, presented Mark Spencer, MHS Planning and Design, who presented this item. After discussion, Council Member Smallwood made a motion to accept the recommendation of hiring Dean Construction in the amount of 264,000.00. Council Member Walden seconded the motion.

Motion Carried – 6-0.

Absent: Council Member Isom

At this time Council Member Mathieu excused himself from the meeting for the next item due to a conflict of interest.

The regular recessed and a public hearing was opened at 8:31 p.m.

3. **Continue 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

Chuck Melton, Manager for American Steel, presented his request.

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 recessed and the regular session reconvened at 8:35 p.m.

4. **Discuss, Consider And Act Regarding An Ordinance Of The City Of Joshua, Texas, Amending Ordinance No. 469-2009, 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. Council Member Smallwood made a motion to approve the Conditional Use Permit including the conditions as Planning & Zoning recommended. Mayor Breitenstein seconded the motion. The vote was as follows:

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

Nays: Council Member Tallent

Abstention: Council Member Mathieu

Motion Carried – 4-1-1

Absent: Council Member Isom

Council Member Mathieu returned to his seat.

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

- 1. Receive Information Regarding Potential Economic Development Incentive Policy, And Provide Direction Regarding Drafting Of Such A Policy. (Hartman)**

Paulette Hartman, City Manager, presented Jack Thompson with Orasi Development, who presented this item. The City Council directed staff to prepare a draft incentive policy for consideration at a future Council meeting.

L. General Action Items:

- 1. Discuss, Consider And Act Regarding A Resolution Of The City Council Of The City Of Joshua, Texas, Approving The Pursuance Of All EECBG Funds Available Through ARRA And Being Allocated By The State Energy Conservation Office To Be Used To Assist In Reaching The City's Goals Of Energy Efficiency And Providing An Effective Date. (Hartman)**

Council Member Tallent made a motion to approve the resolution. Council Member Smallwood seconded the motion.

Motion Carried – 6-0.

Absent: Council Member Isom.

There being no further business the meeting adjourned at 9:17 p.m.

Merle Breitenstein, Mayor

ATTEST:

Mary Beth Thomas, City Secretary