

Joshua City Council Minutes
January 21, 2010
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 6:55 p.m.)
Bob Neely, Place 6

Council Members Absent:

Staff Present:

Paulette Hartman, City Manager
Betsy Elam, City Attorney
Annabeth Robertson, Chief of Police
Mary Beth Thomas, City Secretary
Nader Jeri, Building Official
Mike Peacock, Director of Operations

I. WORK SESSION – 6:30 p.m.

Mayor Breitenstein called the Work Session to order at 6:32 p.m.

A. Update On Energy Efficiency Conservation Block Grant (EECBG) Grant Application And Process.

Mike Peacock, Director of Operations, presented this item.

B. Update On Regional Rail Initiative.

Paulette Hartman, City Manager, presented this item.

C. Update On Southwest Parkway.

Paulette Hartman, City Manager, presented this item.

D. Review Information Related To Gas Well Emissions.

Paulette Hartman, City Manager, presented this item.

E. Set Date For Council Planning Session.

Paulette Hartman, City Manager, presented this item. General consensus was to hold the Council Planning Session on Thursday, March 4, 2010 at 6:30 p.m.

F. 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.

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

Paulette Hartman, City Manager, presented this item.

H. Questions Regarding Regular Session Agenda Items.

There were none.

I. Requests For Future Reports And Agenda Items.

There were none.

The Work Session recessed at 7:00 p.m.

II. REGULAR SESSION – 7:00 P.M.

Mayor Breitenstein called the Regular Session to order at 7:06 p.m.

A. The Invocation was given by Council Member Neely.

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

C. Proclamations And Presentations:

There were none.

D. Public Forum:

James Tarver, 208 Lone Star Street, Joshua, Texas spoke about traffic issues and a sewer odor on his street.

E. Items to be Withdrawn From the Consent Agenda For Separate Discussion.

There were none.

F. Consent Agenda:

1. **Approval Of Minutes For The December 17, 2009 Regular Session.**
2. **Ratify Payment Of Invoice From The Fain Group In The Amount Of \$77,330.00 For Landscaping Along Joshua Station Boulevard To Be Paid From The Type A Economic Development Fund.**
3. **Approve Payment Of Invoice From MHS Planning And Design For Design Services On The City Park In The Amount Of \$16,561.57 To Be Paid From The Type B Economic Development Fund.**
4. **Approve The Contract With Dean Construction, Construction Manager At Risk For The City Park, And Authorize City Manager Signature On Same.**

Council Member Smallwood made a motion to approve the consent agenda as presented. Council Member Isom seconded the motion.

Motion Carried – 7-0.

G. Appointments To Boards, Commissions, Committees:

There were none.

H. Contracts And Agreements.

There were none.

I. Reports And Action Items From The Planning And Zoning Commission:

The regular session recessed and a public hearing was opened at 7:12 p.m.

- 1. Convene A Public Hearing In Order To Obtain Public Input Regarding An Amendment To The City Of Joshua Zoning Ordinance No. 469-2008, Section 3-3, To Add A Definition For Light Manufacturing And Light Assembly, Adding A New Use For Light Manufacturing And Light Assembly And Adding Special Conditions For Light Manufacturing And Light Assembly.**

A. Applicants Statement

Paulette Hartman, City Manager, presented this item.

B. Those In Favor

Lynn Boyer, 6111 Amicable Dr., Arlington, Texas.
Angela Logan, Joshua, Texas

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 7:14 p.m.

- 2. Discuss, Consider And Act Regarding An Amendment To The City Of Joshua Zoning Ordinance No. 469-2008, Section 3-3, To Add A Definition For Light Manufacturing And Light Assembly, Adding A New Use For Light Manufacturing And Light Assembly And Adding Special Conditions For Light Manufacturing And Light Assembly. (Hartman)**

Paulette Hartman, City Manager, presented this item. After a brief discussion, Council Member Tallent made a motion to approve the ordinance with the addition of a penalty clause to the ordinance. The motion was seconded by Council Member Walden.

Motion Carried -7-0.

- 3. Discuss, Consider And Act Regarding A Request To Change The Zoning From "C-1" Restricted Commercial To "C-2" General Commercial On An Approximate 0.67 Acre Tract Of Land Out Of The J. Minett Survey, Abstract No. 547, Tract 7, More Commonly Known As 619 N. Broadway, Joshua, Texas. (Hartman)**

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

Motion Carried - 7-0.

The regular session recessed and a public hearing convened at 7:19 pm.

- 4. Convene A Public Hearing To Obtain Public Input Regarding A Request For A Conditional Use Permit To Allow Light Manufacturing And Light Assembly On "C-2" General**

Commercial On An Approximate 0.67 Acre Tract Of Land Out Of The J. Minett Survey, Abstract No. 547, Tract 7, More Commonly Known As 619 N. Broadway, Joshua, Texas.

A. Applicant's Statement.

Lynn Boyer, 6111 Amicable Dr., Arlington, TX 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. Applicant's Rebuttal.

None required.

F. Adjournment.

The public hearing recessed and the regular session reconvened at 7:23 p.m.

5. Discuss, Consider And Act Regarding A Request For A Conditional Use Permit To Allow Light Manufacturing And Light Assembly In "C-2" General Commercial On An Approximate 0.67 Acre Tract Of Land Out Of The J. Minett Survey, Abstract No. 547, Tract 7, More Commonly Known As 619 N. Broadway, Joshua, Texas. (Hartman)

Paulette Hartman, City Manager, presented this item. After a brief discussion, Council Member Smallwood made a motion to approve the conditional use permit. Council Member Tallent seconded the motion.

Motion Carried – 7-0.

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. Update On Status Of City Park Including Status Of Value Engineering, Construction Schedule, Request For Federal Funding For Assistance With The Park And Park Funding. (Hartman)

Paulette Hartman, City Manager, presented this item.

At this time Mayor Breitenstein requested to discuss Action Item L2.

L. General Action Items:

2. Discussion Of Possible Changes To The City Of Joshua School Zone Ordinance. (Hartman)

Mayor Breitenstein presented this item. After a lengthy discussion Mayor Breitenstein made a motion to change the following school zones times:

- a. Split school zone times (7:30 am to 9:00 am and 2:30 pm to 4:00 pm)
Bentley Drive, from FM 917 to McMillian
McMillian, east from SH 174 to Henderson Street

18th street, from College to SH 174
McMillan, east from College to SH 174
Angus
Sally

- b. Split school zone times (7:00 am to 8:30 am and 3:00 pm to 4:30 pm)
Cooper Lane, from SH 174 to Henderson Street
Henderson Street, block numbers 600 to 699
Stadium Drive, block numbers 800 to 899
- c. All day school zones (7:30 am to 4:00 pm)
College, from 18th to 20th
Henderson Street, block numbers 500 to 599
- d. All day school zones (7:00 am to 4:30 pm)
Stadium Drive, block numbers 500 to 799
Henderson Street, block numbers 700 to 899
Plum Street, from SH 174 to Henderson Street

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

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

Nays: Council Member Isom

1. Update On Status Of Audit For Financial Year 2008/2009. (Hartman)

Paulette Hartman, City Manager, presented this item.

3. Discuss, Consider And Act Regarding An Ordinance Of The City Council Of The City Of Joshua, Texas Amending Article 13.02 “Solid Waste” Of The Code Of Ordinances, City Of Joshua (“The Code”); Providing That This Ordinance Shall Be Cumulative Of All Ordinances; Providing A Severability Clause; Providing For A Penalty For Violations Hereof; Providing A Savings Clause; Providing For Publication In The Official Newspaper; Providing A Severability Clause; And Providing An Effective Date. (Hartman)

Paulette Hartman, City Manager, presented this item. After a brief discussion, Council Member Mathieu made a motion to approve the ordinance with the following changes:

- 1) Section 13.02.001- Definitions – Waste Containers shall add ***“recycling material”***.
- 2) Section 13.02.004 – Preparation of waste for collection; service regulations:
 - (a) Add ***“must be in place for collection no earlier than 7:00 p.m. on the evening prior to collection”*** and ***“removed no later than 7:00 a.m. the next morning”***.

Council member Tallent seconded the motion.

Motion Carried – 7-0.

4. Discuss, Consider And Act Regarding An Ordinance Of The City Council Of The City Of Joshua, Texas Amending Article A2.000; Building And Construction Fees” Of The Code Of Ordinances, City Of Joshua To Add And Adjust Certain Fees; Providing That This Ordinance Shall Be Cumulative Of All Ordinances; Providing A Severability Clause; 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 amendments to the fee schedule. Council Member Isom seconded the motion.

Motion Carried – 7-0.

The Regular Session recessed and an Executive Session convened at 8:43 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: City Manager Evaluation
3. §551.087 Economic Development Negotiations: Related to Tax Increment Finance District #1, Joshua Station Development.

The Executive Session recessed and the Regular Session reconvened at 9:49 p.m.

IV. RECONVENE IN OPEN SESSION

As a result of the Executive Session there will not be any action on Items # 1 & 3.

Item #2: Council Member Tallent made a motion to award the City Manager a raise of 4%. Council Member Walden seconded the motion.

Motion Carried – 7-0.

There being no further business the meeting adjourned at 9:50 p.m.

Merle Breitenstein, Mayor

ATTEST:

Mary Beth Thomas, City Secretary