

MINUTES
CITY OF JOHNSON CITY, TEXAS
CITY COUNCIL REGULAR MEETING

The City of Johnson City City Council met for a Regular Meeting on Tuesday, February 2, 2021, at 6:00 p.m. in the City Hall Council Chamber, 303 E. Pecan Drive, Johnson City, Texas 78636, and via Zoom Technologies. This was an open meeting, subject to the open meeting laws of the State of Texas.

Present: Rhonda Stell, Mayor
Patricia Dildine, Mayor Pro Tem
Gayla Guthrie
Teresa Babb
Shelton Coleman

Staff Present: Rick Schroder, CAO/City Secretary
Whitney Walston, Deputy City Secretary
Ross Allen, Police Chief
BJ Sultemeier, Public Works Director
Elizabeth Elleson, City Attorney

Citizens Present: Steve Sanchez
Carlton Wilkes, TWDB
Diana Gonzales, PEC
Penny Whisenant
Herman
Patty Chimene
T. Higgins
Craig Van Englen
Tim Young
Stephanie Fisher
Tom Walston
Jason Baze
Cathy Ridel
Lyle Nelson
Frances Ann Giron
512-799-2024
Tricia Hartman, JCRC

1. **Call to order.**

Mayor Stell called the meeting to order at 6:00 pm and led the pledge to the US flag. Pastor Steve Sanchez led the invocation.

OPEN SESSION:

2. **Citizens to be heard.**

Citizen Penny Whisenant spoke about issues along North Avenue N in Johnson City. She spoke about the number of vehicles speeding down the street and a request for more police presence. She also raised concern about the number of potholes present on N. Ave. N.

PUBLIC HEARING:

3. **Public Hearing to give all interested persons the right to appear and be heard an Ordinance of the City Council of the City of Johnson City, Texas revising Municipal Code of Ordinances Chapter 10 *Subdivision Regulations*, including, but not limited to, the adoption of a *Design Standards and Specifications Manual*, to provide for the orderly, safe, healthy, and uniform development of the area within the corporate City limits and extraterritorial jurisdiction (ETJ); incorporating recitals; providing for severability; repealing any other Code provisions, ordinances, or parts of ordinances, and other provisions in conflict herewith; adopting penalty clauses; and adopting an effective date. (Staff)**

The public hearing was opened for comment at 6:08 pm. No comments were submitted. The public hearing closed at 6:09 pm.

OLD BUSINESS:

4. **a. Presentation by Municipal Court Judge Cathy Riedel on Municipal Court operations and discussion of and action on a Resolution of the City Council of the City of Johnson City, Texas approving Amendment No. 1 to a Professional Judicial Services Agreement between the City of Johnson City, Texas and Cathy Riedel; providing for compensation for said judicial services in the monthly amount of Twelve Hundred Dollars and No Cents (\$1,200.00); and providing for an effective date. (Judge Riedel / City Attorney)**

Judge Riedel gave a brief introduction of her background along with the function and purpose of a municipal court. She spoke on the issues of due process and how the Zoom court dates are poorly attended. She also spoke about how the Covid-19 crisis has impacted the ability of citizens to pay tickets or complete community service. The Government directives have also limited operating procedures. Councilmember Coleman made a motion to approve the resolution effective February 1st. The motion was seconded by Councilmember Guthrie. All were in favor and the motion passed.

b. Discussion of and action on a Resolution of the City Council of the City of Johnson City, Texas appointing Thomas H. Walston as Municipal Court Judge effective May 1, 2021; approving a Professional Judicial Services Agreement between the City of Johnson City, Texas and Thomas H. Walston; providing for compensation for said

judicial services in the monthly amount of Twelve Hundred Dollars and No Cents (\$1,200.00); and providing for an effective date. (CAO/City Secretary)

Councilmember Coleman made a motion to table the above resolution until the April Regular meeting. Councilmember Guthrie seconded the motion. All were in favor and the resolution was tabled. At this point, Councilmember Coleman requested that this item be discussed in an executive session based on personnel matters.

5. **Discussion of and action on an Ordinance of the City Council of the City of Johnson City, Texas revising Municipal Code of Ordinances Chapter 10 *Subdivision Regulations*, including, but not limited to, the adoption of a *Design Standards and Specifications Manual*, to provide for the orderly, safe, healthy, and uniform development of the area within the corporate City limits and extraterritorial jurisdiction (ETJ); incorporating recitals; providing for severability; repealing any other Code provisions, ordinances, or parts of ordinances, and other provisions in conflict herewith; adopting penalty clauses; and adopting an effective date. (Staff)**

Councilmember Coleman made the motion to adopts solely the designs standard portion of the proposed ordinance. Councilmember Guthrie seconded the motion. All were in favor and the abbreviated ordinance was passed.

6. **Discussion of and action on a request for a variance and an associated Memorandum of Understanding, pursuant to Municipal Code of Ordinances Chapter 13 *Utilities*, Article 13.02 *Water and Sewers*, Section 13.02.014 *Mandatory Connection to City Water and Wastewater Systems*, from Jason and Allison Hohenberger authorizing the installation of a septic system in lieu of connecting to the City's wastewater system for 118 Crestview Drive, more particularly described as ABS A0561 Survey 41 J. Shackleford, Acres 7.17. (Applicant)**

Councilmember Babb requested more information on how the document would be enforced. Comments were also made about the ordinance being clear on policy and concerns about long-term issues. The agreement would be billed through the utility services and if the payment was not made, the customer would be eligible for service disconnection. City Attorney Elleson spoke about how a deed restriction is not enforceable by the City. She also had concerns about if the matter was challenged in court. It would not be a true deed restriction and the City could force restitution. It should be looked at like a contract. Council requested staff to change the ordinance to allow for a variance on septic tank installation.

7. **Presentation by the Johnson City Chamber of Commerce on an annual Hotel Occupancy Tax (HOT) work plan and revised budget for Fiscal Year Ending (FYE) 2021 and discussion of and action on a Hotel Occupancy Tax Funding Agreement between the City of Johnson City, Texas and the Johnson City Chamber of Commerce for, generally, the operation of the Johnson City Visitor Information Center, advertising and promotional programs, promotion of the arts, historical restoration, and preservation projects, sporting event activities, and signage for automatic one (1)**

year renewal terms in the amount of Twelve Thousand Five Hundred Dollars (\$12,500.00) per calendar quarter. (Staff)

Chamber President Craig Van Englen spoke during this item. He updated the council that the requested dedicated website is finished and undergoing final modifications. He also said that Chamber activities have been depressed due to Covid and have not been able to raise additional funds. The visitor center is currently staffed Wednesday to Saturday, 12 pm to 4 pm. He also said all calls and emails are responded to even remotely. Councilmember Coleman asked for clarification on the included budget. Council discussed a quarterly review of expenditures. A yearly review allows for a full year to spend allocated money on qualifying expenses and is reconciled once. Money is received into the HOT account but is transferred into the operational account. Additional guidance is needed from the Comptroller on this matter. Councilmember Coleman then suggested moving reimbursement to every six months. CAO requested a city representative be placed on the board as a nonvoting member. The city attorney made a suggestion on an amendment to the contract. She suggested removing a specific amount to be paid quarterly and base the payment on one-fourth of the yearly budgeted amount. Councilmember Guthrie made a motion to approve the contract as presented. Councilmember Babb seconded the motion. All were in favor and the contract was approved. Councilmember Coleman made a motion to approve the motion as presented. Councilmember Guthrie seconded the motion. All were in favor and the budget was approved.

8. Discussion of and action on monetary distribution plans received from the following entities that were awarded Coronavirus Relief Fund / Outside Agency funding from the City of Johnson City on December 8, 2020:

- a. Combined Community Action, Inc. Meals on Wheels Rural Capital Area (\$2,500);**
- b. Johnson City Christian Food Pantry (\$7,000);**
- c. Blanco County Ministerial Alliance (\$7,000); and**
- d. Johnson City Chamber of Commerce (\$5,665.12). (Councilwoman Babb)**

After discussion on the above topic, Councilmember Guthrie made a motion for the Chamber of Commerce to return the CRF funding to the City and redistribute to Combined Community Action, Inc. Meals on Wheels Rural Capital Area. Councilmember Babb seconded the motion. All were in favor and the money will be returned to the City.

At this point, a request was made to skip to item 15.

REPORTS:

9. Proclamations, Presentations, and/or Reports.

- Report – Chief Administrative Officer / City Secretary Rick Schroder. Provide progress update to City Council on work performed / objectives achieved since prior City Council meeting. Topics include, but may not be limited to, financial accounting, auditing, process improvements, Host**

Compliance integration, and a strategic planning session for the City of Johnson City.

CAO spoke on the above topics. He also spoke about the strategic planning session that would be held on March 6th at the Science mill from 10a m to 5 pm. Attendees would include the Mayor and Council, Planning and Zoning Board, the VFD, ESD, Chamber of Commerce, County Judge, and NBCEMS.

- **Report – Public Works Director Brent Sultemeier.**
Provide progress update to City Council on work performed / objectives achieved since prior City Council meeting. Topics include, but may not be limited to, water and sewer infrastructure and usage, wastewater treatment plant operations, pending and completed work orders, and street paving.

Public Works Director Brent Sultemeier spoke about the above topics.

- **Report – Police Chief Ross Allen.**
Provide progress update to City Council on work performed / objectives achieved since prior City Council meeting. Topics include, but may not be limited to, Department statistics, personnel issues, and public safety.

Police Chief Ross Allen spoke about the above-listed topics.

CONSENT AGENDA (ITEM NOS. 10 - 13):

10. **Approval of the minutes of the Regular Meeting of the City Council dated January 12, 2021. (Staff)**
11. **Approval of the FYE 2021 Revenue and Expenditure and Posted Transaction Reports dated January 27, 2021. (Staff)**
12. **Approval of a Professional Services Agreement between the City of Johnson City, Texas and Jones & Carter, Inc. for general engineering consultation, services, and assistance. (Staff)**

This item was pulled for individual consideration. Councilmember Coleman asked if an RFP was needed. CAO advised that there was already a professional service agreement with the City, it just needed to be refreshed. Coleman also spoke about previous budget issues with Jones and Carter, Inc. CAO stated that this was a previous staff issue. Councilmember Babb made a motion to approve the item as stated. Councilmember Dildine seconded the motion. All were in favor and the agreement passed.

13. **Approval of a Resolution of the City Council of the City of Johnson City, Texas calling for a General Election to be held on Saturday, May 1, 2021, for the purpose of electing a Mayor and two (2) Council Members; providing for early voting and for Notice of**

Election; making provisions for the conduct of the Election; and resolving other matters related to such election. (Staff)

Councilmember Coleman made a motion to approve the consent agenda, Councilmember Guthrie seconded the motion. All were in favor and the consent agenda was approved.

ITEMS FOR INDIVIDUAL CONSIDERATION:

14. **Presentation by Neffendorf & Knopp, P.C. and discussion of and action on the FYE 2018 Annual Financial Report for the City of Johnson City, Texas. (Auditor)**

In place of a presentation, CAO requested the council to go into an executive session per Code 551.071, consultation with an attorney. The council convened into a closed session at 8:37 pm. The closed session ended at 10:35 pm.

15. **Discussion of and action on an Encroachment License Agreement application submitted by Timothy Jung of Reck 'em Right Brewing Co. for the placement of a barbeque trailer within City right-of-way located at 102 S. Ave. G, Johnson City, Texas 78636, more particularly described as Johnson City, Block 09, Lot 01 (pt of), 02 (pt of), 03 & 06, acres .28. (Applicant)**

Councilmember Guthrie made a motion to approve the license. Councilmember Coleman seconded the motion. All were in favor and the license was approved.

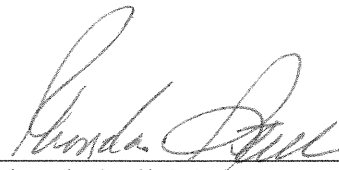
16. **Discussion of and action on an Outside Agency Funding Application between the City of Johnson City, Texas and Capital Area Rural Transportation System (CARTS) for Fiscal Year 2020-2021 for affordable transportation services within the City of Johnson City and surrounding areas in the amount of Two Thousand Dollars and No Cents (\$2,000.00) and authorizing the Chief Administrative Officer to issue a check for the same from the General Fund. (Staff)**

Councilmember Babb made the motion to approve the outside agency funding application. Councilmember Dildine seconded the motion. All were in favor and the application was approved.

17. **Discussion of and action on the City of Johnson City's Coronavirus Relief Fund (CRF) spending plan, including, but not limited to, plan implementation, material / supply distribution, and Texas Department of Emergency Management (TDEM) reimbursement. (Councilman Coleman)**

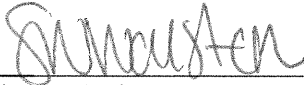
After discussion, the request was made for any future distribution plans to be submitted to the Council for approval.

With no additional business to come before the council, Mayor Stell adjourned the meeting at 10.56 pm.



Rhonda Stell, Mayor

ATTEST:



Whitney Walston, Deputy City Secretary

