

MINUTES
CITY OF JOHNSON CITY, TEXAS
CITY COUNCIL

The City of Johnson City City Council met for a Regular Meeting on Tuesday, April 6, 2021 at 6:00 p.m. in the City Hall Council Chamber, 303 E. Pecan Drive, Johnson City, Texas 78636. 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
Clayton Young

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: Ken and Becky Polk
Steve Sanchez
Stephanie Fisher
Brian Carey
Larry Brown
Katerina Dittimore
Jacob Jennings
PJ Fisher
Stephanie Harper
Christopher Harper
Craig Van Engelen
Mark Liesman
Tim Jung
Lisa Bond
Mark Mayfield
Tricia Hartman, JCRC

1. Call to order.

Mayor Stell called the meeting to order at 6:00 p.m. The invocation was led by Steve Sanchez. The pledge followed.

PUBLIC HEARINGS:

2. **Public Hearing to give all interested persons the right to appear and be heard on a Conditional Use Permit Application from Reck'em Right Brewing Company for the placement and operation of a food trailer on City right-of-way located at 102 S. Ave. G, Johnson City, TX 78636. (Applicant)**

The public hearing opened at 6:01 p.m. Owner Tim Jung spoke about his business and how the BBQ trailer was an integral part of his operation. Mark Liesman, who owns the home next to the brewery spoke about how the trailer creates smoke that lingers, and it increases the parking issues on the street. The public hearing closed at 6:07 p.m.

At this point, the council moved onto item 10.

3. **Public Hearing to give all interested persons the right to appear and be heard on a Zoning Amendment Application from Texas Housing Foundation for a change in zoning from "Highway Commercial" to "Mixed Residential" for the construction of Johnson City Oaks Apartment Complex located at 206 U.S. Hwy. 281 S., Johnson City, TX 78636. (Applicant)**

The public hearing open at 6:25 p.m. Many neighbors of the property spoke about the proposed rezoning. Many spoke about the concern of increased traffic, lack of parking, loosing the green space and trees, and storm water drainage. The public hearing closed at 6:57 p.m.

At this point, council moved onto item 11.

4. **Public Hearing to give all interested persons the right to appear and be heard on a Board of Adjustment Application from Texas Housing Foundation for side and rear-yard setback variances for the construction of Johnson City Oaks Apartment Complex located at 206 U.S. Hwy. 281 S., Johnson City, TX 78636. (Applicant)**

Due to item 11 failing, this agenda item was not heard.

OPEN SESSION:

5. **Citizens to be heard.**

There were no citizens to be heard.

CONSENT AGENDA (ITEM NOS. 6 - 9):

6. **Approval of the minutes of the Regular and Work Session Meetings of the City Council dated March 2 and 6, 2021, respectively. (Staff)**

7. **(a) Approval of the Fiscal Year Ending (FYE) 2021 Revenue and Expenditure, Check Register, and Posted Transaction Reports dated March 31, 2021. (Staff)**
(b) Approval of the Quarterly Investment Report for calendar quarter ending March 31, 2021. (Staff)
8. **Approval of a Resolution of the City Council of the City of Johnson City, Texas authorizing the submission of a Texas Community Development Block Grant Program Application to the Texas Department of Agriculture for the Community Development Fund; and authorizing the Chief Administrative Officer to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant Program. (Staff)**
9. **Approval of an Engineering Services Agreement between the City of Johnson City, Texas and S.D. Kallman, L.P. for the Texas Community Development Block Grant Program, including, but not limited to, the addition, repair, and/or replacement of fire hydrants and valves for fire protection and water loss mitigation purposes for an amount not to exceed Thirty-Nine Thousand Five Hundred Dollars (\$39,500.00). (Staff)**

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

ITEMS FOR INDIVIDUAL CONSIDERATION:

10. **Discussion of and action on a Conditional Use Permit Application from Reck'em Right Brewing Company for the placement and operation of a food trailer on City right-of-way located at 102 S. Ave. G, Johnson City, TX 78636. (Applicant)**

During discussion, Councilmember Coleman asked Jung if there is anywhere else that the trailer can be parked. He said that there is no cost-effective option since he also rents the building. It was also asked about the height of the trailer if it would fit in the alcove of the building. Jung said the due to food code, the pit must be fully enclosed and screened. Councilmember Coleman made a motion to approve the permit for a six-month period. Councilmember Babb seconded the motion. All were in favor and the permit was granted.

11. **Discussion of and action on Zoning Amendment and Board of Adjustment Applications from Texas Housing Foundation for a change in zoning from "Highway Commercial" to "Mixed Residential" and side and rear-yard setback variances for the construction of Johnson City Oaks Apartment Complex located at 206 U.S. Hwy. 281 S., Johnson City, TX 78636. (Applicant)**

Councilmember Coleman asked what the criteria would be for renting the units. Mark Mayfield from the Texas Housing Foundation said that the income range for the one-

bedroom apartments would be \$38k and rent for \$775 a month. The 2-bedroom units would have an income limit of \$49k and rent for \$975 a month. It was also asked if property taxes were paid on the property. They are not. Councilmember Babb expressed concerns over traffic and the set back. It was mentioned that the only ingress/egress point would be off of Old Austin Hwy. The whole property would be fence. Councilmember Dildine spoke about the extreme need for housing the community. Mayor Stell echoed her sentiments. It was stated that the traffic and flooding concerns can be addressed. Councilmember Coleman made a motion to deny the application. Councilmember Young seconded the motion. Councilmembers Coleman, Babb, Guthrie, and Young were in favor. Councilmember Dildine opposed. The motion carried 4-1.

The council requested at short break at 7:21 p.m.

12. Discussion of and action on Water Leak Adjustment Requests from the following entities related to the receipt of February 28, 2021 utility bills after the February 2021 winter weather storm:

- **Commercial Alternators & Starters, 501 E. Main St. - \$866.41;**
- **Truvy's Hair Design, 107 N. Nugent Ave. - \$362.92; and**
- **Hill Country Inn, 203 S. U.S. Hwy. 281 - \$1,131.03. (Applicants)**

Mayor Stell spoke about the options available for the leak adjustments. She said that the council could have the bill match the previous months bill, refund the increase in sewer charge, or do nothing. Councilmember Babb spoke that if the above had actual leaks, we should match the previous months bill. Councilmember Dildine and Coleman asked about what the previous bill showed. Councilmember Coleman made a motion to table the item until the May 4th meeting when more information would be available. Councilmember Guthrie seconded the motion. All were in favor and the item was tabled.

13. Discussion of and action on upgrading the City of Johnson City's water and wastewater supervisory control and data acquisition (SCADA) system and awarding a contract for the same to TraC-n-trol in the amount of Thirty-seven Thousand Nine Hundred Thirty-seven Dollars (\$37,937.00); and authorizing the Chief Administrative Officer to execute a Sales Quotation with TraC-n-trol for said improvements on behalf of the City. (Staff)

CAO Schroder spoke about how our SCADA system was extremely out of date and could possibly pose a security concern. It was also not reliable during the recent winter storm. Councilmember Dildine made a motion to approve upgrading the City's SCADA system. Councilmember Young seconded the motion. All were in favor and the item was approved.

14. Discussion of and action on relocating the City of Johnson City's Police Department from its current location at 406 W. Main St. to the Municipal Complex located at 303 E. Pecan Dr.; authorizing the Chief Administrative Officer to select and contract with an appraiser and realtor for the planned sale of 406 W. Main St.; and utilizing funds from the sale of said property for the purchase and/or lease and installation of a

modular building within the Municipal Complex for Police Department administrative and law enforcement operations. (Staff)

CAO Schroder spoke about the current PDs building condition the need for a new building to be compliant and more efficient. Councilmember Babb made a motion to appraise the police department building and lot. Councilmember Guthrie seconded the motion. All were in favor and the motion passed.

15. **Discussion of and action on the certification of a petition received from City Staff for annexation of Lake Johnson City, it being a portion of the Pedernales River, and 1709 U.S. 290 W. and 201 Patten Dr., commonly referred to as the PEC Solar Farm and the Hohenberger Home, all currently owned by the City of Johnson City, and directing City Staff to commence annexation proceedings of the subject parcels. (Staff)**

Councilmember Guthrie made the motion to approve the certificate of petition for annexation of the above listed city owned properties. Councilmember Young seconded the motion. All were in favor and the motion passed.

OLD BUSINESS:

16. **Discussion of and action on proposed City Council Policies and Procedures establishing City Council and other Board and/or Commission responsibilities, processes, and conduct. (Staff)**

Councilmember Dildine asked for clarification on the committee member requirements. Councilmember Coleman brought up the previous adopted polices and asked why we need another one. CAO Schroder replied that the proposed policy is a bit more robust and encompassing. Coleman sated he has not had a chance to review the document and asked for a workshop to go over the proposed policies and procedures. Councilmember Coleman made a motion to table the item until the June regular meeting. Councilmember Babb seconded the motion. All were in favor and the item was tabled.

17. **Discussion of and action on the creation of an online commercial property, site selection, and analysis database for economic development purposes for the City of Johnson City, Texas, and authorizing the Chief Administrative Officer to negotiate and execute contracts with REsimplifi and GIS WebTech in the amount of \$3,750.00 and \$7,750.00, respectively, for the same. (Staff)**

Councilmember Babb made a motion to approve item 17 with a one-year term. Councilmember Guthrie seconded the motion. All were in favor and the motion passed.

ITEMS FOR INDIVIDUAL CONSIDERATION:

18. **Discussion of and action on a Strategic Work Plan for the City of Johnson City, Texas. (Staff)**

After minimal discussion, Councilmember Young made a motion to approve the presented strategic work plan. Councilmember Coleman seconded the motion. All were in favor and the work plan was approved.

19. **Discussion of and action on a Resolution of the City Council of the City of Johnson City, Texas expressing opposition to House Bill No. 2092 being proposed by Representative Scott Sanford during the 87th Legislative Session; authorizing the Chief Administrative Officer / City Secretary to take all necessary steps to implement the provisions of this Resolution; incorporating recitals; providing for severability; and adopting an effective date. (Mayor Stell)**

Mayor Stell spoke about the Resolution expressing opposition to House Bill No. 2092. She said that she felt it was very important to keep the City Council from having to declare party affiliation when running for office. Councilmember Dildine made a motion to approve the resolution. Councilmember Guthrie seconded the motion. All were in favor and the resolution was approved.

REPORTS:

20. **Proclamations, Presentations, and/or Reports.**

- a) **Report – Chief Administrative Officer / City Secretary Rick Schroder.
Provide progress update to City Council on work performed / objectives achieved since prior City Council meeting.**

CAO Schroder spoke about the outstanding audit, implementation of the HOT Fund collection system, Host Compliance, the completion of the records management initiative and the fire hydrant project.

- b) **Report – Public Works Director Brent Sultemeier.
Provide progress update to City Council on work performed / objectives achieved since prior City Council meeting.**

Public Works Director Sultemeier presented and spoke on the topics included in his report. The report was provided in the council packet.

- c) **Report – Police Chief Ross Allen.
Provide progress update to City Council on work performed / objectives achieved since prior City Council meeting.**

Police Chief Allen presented and spoke on the topics included in his report. The report was provided in the council packet.

- d) **Report – Court Clerk Patricia Mikla and Municipal Court Judge Tom Walston.**

Provide progress update to City Council on work performed / objectives achieved since prior City Council meeting.

A written report was provided in the council packet.

- e) **Report – Monthly Work Orders and Building Permits.**
Provide progress update to City Council on work orders and building permits issued since prior City Council meeting.

The report was presented in the council packet.

- f) **Report – Johnson City Chamber of Commerce.**
Provide progress update to City Council on work performed / objectives achieved since prior City Council meeting.

There was no report.

With no further business to come before council, the meeting was adjourned at 9:05 p.m.



Rhonda Stell, Mayor

ATTEST:



Whitney Walston, Deputy City Secretary

