

**MINUTES
CITY OF JOHNSON CITY, TEXAS
CITY COUNCIL**

The City of Johnson City City Council met for a Regular Meeting on Tuesday, November 2, 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
Gayla Guthrie
Shelton Coleman
Stephanie Fisher
Clayton Young
Teresa Babb

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

Citizens Present: Trish Hartmann, JCRC
Pat Dildine
Rene Vasquez
Patty Chimene
Greg Bower
Vicki Ralph

1. Call to order.

Mayor Stell called the meeting to order at 6:00 p.m. Pastor Steve Sanchez led the invocation.

OPEN SESSION:

2. Citizens to be heard.

Pat Dildine spoke about item 10 and voiced her interest about filling the possible vacancy due to Councilmember Young not residing in City limits.

REPORTS:

3. Proclamations, Presentations, and/or Reports.

a) Presentation – Kelly Jenkins, Endeavors.

Presenter was not present, and the item was skipped.

b) Presentation – Rene Vasquez, Cooper-Southwest Outdoor Advertising.

Mr. Vasquez spoke about the possibility of placing a digital billboard on City property and the options available for placing a sign elsewhere in City limits.

c) Report – Chief Administrative Officer / City Secretary Rick Schroder.

CAO Schroder presented and spoke on the topics included in his report. The report was provided in the council packet.

d) Report – Public Works Director Brent Sultemeier.

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

e) Report – Police Chief Ross Allen.

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

f) Report – Court Clerk Patricia Mikla and Municipal Court Judge Tom Walston.

The report was provided in the council packet.

g) Report – Johnson City Chamber of Commerce and Visitor’s Center.

The Chamber provided an update on the most recent Market Days event. It was also announced that Savor the Hill Country will be postponed until May so the event can take place outdoors. It was also reported that traffic through the Visitors Center is greatly reduced, sighting the change in location is the main contributor.

CONSENT AGENDA (ITEM NOS. 4 - 9):

- 4. Approval of the minutes of the Regular Meeting of the City Council dated October 5, 2021. (Staff)**
- 5. Approval of a Fiscal Year Ending (FYE) 2021 Budget Amendment increasing total General Fund revenues and expenditures by \$70,908.00 each to balance the FYE 2021 General Fund Budget. (Staff)**
- 6. Approval of a directive to City Staff ordering that any invoice received after October 31, 2021 be paid from FYE 2022 Municipal Budget(s). (Staff)**

7. **Approval of the FYE 2022 Revenue and Expenditure, Check Register, and Posted Transaction Reports dated October 31, 2021. (Staff)**
8. **Approval of the following License Agreements granting permission of ingress and egress over and on licensed properties for access to metal billboard signs located on licensors' dominant estate properties, and inscribed "*Johnson City Home Town of Lyndon B. Johnson*", hereinafter "Welcome Signs", for the installation, construction, operation, use, maintenance, repair, modification, upgrade, monitoring, inspecting, replacement, and removal, if necessary, of the Welcome Signs by the City of Johnson City:**
 - **License Agreement between TX-290-1031, LLC and the City of Johnson City for the tract of land described as a portion of that Parcel ABS A0262, Survey 167 Z.J. Hemphill, Acres 44.31; and**
 - **License Agreement between River Campground, LLC and the City of Johnson City for the tract of land located at 1039 N. U.S. Highway 281 and described as part of ABS A0561, Survey 41, J. Shackelford, Acres 45.18. (Staff)**
9. **Approval of a Resolution of the City Council of the City of Johnson City, Texas supporting the adoption and approval of the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet approving the allocation of any and all opioid settlement funds within the State of Texas. (Staff)**

There was minimal discussion on the consent agenda items. Councilmember Coleman made the motion to approve the consent agenda. Councilmember Babb seconded the motion. All were in favor and the consent agenda was approved.

ITEMS FOR INDIVIDUAL CONSIDERATION:

10. **Discussion of and action on a Resolution of the City Council of the City of Johnson City, Texas accepting the resignation of Councilmember Clayton Young effective October 5, 2021, and authorizing, pursuant to Texas Constitution Article XVI, Sec. 17 *Service of Public Officer Pending Qualification of Successor* (the "Holdover Provision"), Councilmember Clayton Young to continue to serve on the City of Johnson City City Council until a successor is elected during the May 2022 General Election. (Mayor Stell)**

Councilmember Guthrie made the motion to approve the resolution. Councilmember Babb seconded the motion. All were in favor with Councilmember Young abstaining from the vote. The resolution was approved.

11. **Discussion of and action on an Ordinance of the City Council of the City of Johnson City, Texas amending Municipal Code of Ordinances Chapter 12 *Traffic and Vehicles*, Article 12.02 *Traffic Control Devices* by adding a "No Parking Zone" location on S. Ave. G at its intersection with U.S. Hwy. 290 (Main St.); authorizing the Chief Administrative Officer to implement the provisions of this Ordinance;**

providing for severability; repealing any other Code provisions, ordinances, or parts of ordinances, and other provisions in conflict herewith; incorporating recitals; and adopting an effective date. (Applicant / Staff)

Councilmember Young voiced preference of leaving the no parking zone at 18 feet. He also spoke about the need for some sort of curb or planter to deter people from parking in the no parking zone. Councilmember Fisher also requested something similar but with the preference of it being attractive. Councilmember Coleman spoke about wanting something temporary. Councilmember Guthrie voiced concern about other areas around town, she felt like this needed to be done at all the corners. Councilmember Babb made a motion to approve the ordinance with an amendment to an 18 foot no parking zone. There was no second and the motion died. Councilmember Fisher made a motion to approve the ordinance as written with striking out the 20 foot zone and replacing it with a 9 foot zone. Councilmember Babb seconded the motion. Councilmember Babb, Fisher, Guthrie, and Young were in favor. Councilmember Coleman opposed. The motion passed and the ordinance with modification was approved.

12. **Discussion of and action on the extension of an approved Conditional Use Permit and Encroachment License and Agreement for Reek'em Right Brewing Co. for the placement and operation of a food / barbecue trailer on City right-of-way located at 102 S. Ave. G, Johnson City, Texas 78636. (Applicant)**

Concerns over safety was the main concern. Council asked the business owner is there was any other location for his business, if he had talked to the property owner about using the space behind the brewery, or cooking the meat elsewhere. Code does not allow for the food to be cooked offsite. There was also concern that the pit would take up an additional one or two parking spots. Councilmember Fisher made a motion to extend the permit for an additional 6 months effective November 2, 2021. Councilmember Guthrie seconded the motion. All were in favor and the permit was approved.

13. **Discussion of and action on a Hotel Occupancy Tax (HOT) Grant application from Lights Spectacular Hill Country Style in the amount of Five Thousand Dollars and No Cents (\$5,000.00) for event promotion and security, and providing grant funds in advance of event commencement. (Applicant)**

Councilmember Young made the motion to approve the funding. Councilmember Guthrie seconded the motion. All were in favor and the funding was approved.

14. **Discussion of and action on a FYE 2022 Outside Agency Funding Application from the Blanco County Child Protection and Family Advocacy Board in the amount of Four Thousand Dollars and No Cents (\$4,000.00). (Applicant)**

Councilmember Coleman asked if there was money remaining. CAO said yes. Councilmember Coleman made a motion to approve the funding. Councilmember Babb seconded the motion. All were in favor and the application was approved.

15. **Discussion of and direction on an Exclusive Franchise Agreement for the Collection, Hauling, and Disposal of Municipal Solid Waste and Construction and Demolition Waste dated June 1, 2002 between the City of Johnson City and IESI TX Corporation, now Waste Connections, including, but not limited to, the following:**

- Pursuant to Section 12 *Term of Agreement*, the provision of written notice of intent to terminate the Agreement at least 180 days prior to the Agreement expiration date of May 31, 2022. Notice must be provided by December 1, 2021.;
- The issuance of a Request for Proposal for the collection, hauling, and disposal of municipal solid waste and construction and demolition waste; and/or
- The renegotiation and approval of an agreement for the disposal of municipal solid waste and construction and demolition waste between the City and Waste Connections. (Staff)

Waste Connection spoke about the benefits of continuing with the contract. They also spoke about how CPI increases have not been enforced. The council directed staff to renegotiate the contract with Waste Connections.

16. **Discussion of and action on the appointment of James Whitfill to the Planning and Zoning Commission. (Councilmember Babb)**

It was noted that the applicant does not live in City limits but owns several properties within the City, Councilmember Young made the motion to approve the appointment. Councilmember Guthrie seconded the motion. All were in favor and the applicant was appointed to the P&Z Commission.

17. **Discussion of and action on the certification of a petition received from Tim Hatch for annexation of 675 Old River Crossing Road, more particularly described as 22.40 acres, being situated in the Jack Shackelford Survey No. 41, Abstract No. 561, Blanco County, Texas, and directing City Staff to commence annexation proceedings of the subject parcel. (Staff)**

Councilmember Coleman asked about the status of the county road. The City is still waiting on their paperwork. Councilmember Guthrie made a motion to certify the petition. Councilmember Young seconded the motion. All were in favor and the petition was certified.

18. **Discussion of and action on an Ordinance of the City Council of the City of Johnson City, Texas amending and replacing Chapter 1 *General Provisions* of the City Code of Ordinances; repealing Articles 1.09, 1.10, 1.11, and 1.12 of the Code; and providing for an effective date. (Staff)**

CAO Schroder made a presentation to the council regarding this item. Councilmember Babb made a motion to approve the ordinance as written. Councilmember Young seconded the motion. All were in favor and the ordinance was approved.

19. **Discussion of and action on an Ordinance of the City Council of the City of Johnson City, Texas amending and revising the City Code of Ordinances by repealing Article 1.12 *Event Permit* and amending Article 4.03 *Peddlers, Solicitors, Public Vendors, and Special Events*; and providing for an effective date. (Staff)**

Councilmember Babb made the motion to approve the ordinance with the addition of an exemption of Blanco Co Fair and Rodeo Association and Lights Spectacular from the permit fees only. Councilmember Coleman seconded the motion. All were in favor and the ordinance was approved.

20. **Discussion of and action on a Resolution of the City Council of the City of Johnson City, Texas approving a Financing Agreement between Government Capital Corporation and the City for the purpose of modernizing and repairing the City's existing SCADA system and purchasing related equipment in the amount of One Hundred Eight-Five Thousand, Five Hundred Dollars and No Cents (\$185,500.00) for a term of four (4) or five (5) years. (Staff)**

Councilmember Guthrie made a motion to approve the resolution as presented. Councilmember Fisher seconded the motion. All were in favor and the resolution was approved.

21. **Discussion of and action on the City of Johnson City Personnel Policies and Procedures Manual. (Staff)**

Council requested that this item be tabled and requested a special meeting to discuss the item in great detail.

CLOSED SESSION:

22. **The City Council will convene into Closed Session in accordance with Government Code:**
- **§551.074 *Personnel Matters* to deliberate a performance evaluation of Chief Administrative Officer Rick Schroder (Mayor Stell); and**
 - **§551.071 *Consultation with Attorney* and §551.072 *Deliberation Regarding Real Property* to receive legal advice and deliberate residential and commercial appraisals and the associated sale of 406 W. Main St., Johnson City, Texas 78636 (Staff); and**
 - **§551.071 *Consultation with Attorney* and §551.074 *Personnel Matters* regarding legal issues concerning the Municipal Police Department Policy relating to administration of the Department, and officer conduct. (Councilmember Babb).**

The Council convened into closed session at 9:23 p.m. and reconvened into open session at 10:31 p.m.

23. Discussion of and action on matters discussed in Closed Session. (Staff)

There was no discussion or action following the closed session.

With no further business before the council, the meeting was adjourned at 10.32 p.m.

Rhonda Stell, Mayor

ATTEST:

Whitney Walston, City Secretary