

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

The City of Johnson City City Council will meet for a Regular Meeting on Tuesday, January 4, 2022 at 6:00 p.m. in the City Hall Council Chamber, 303 E. Pecan Drive, Johnson City, Texas 78636. This is an open meeting, subject to the open meeting laws of the State of Texas.

Present: Rhonda Stell, Mayor
Gayla Guthrie
Shelton Coleman
Stephanie Fisher
Teresa Babb

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

Citizens Present: Trish Hartmann, JCRC
Gandolf Burris, GDS
Patrick Fisher
Bart Burkhard
Craig Van Engelen
Colleen Hulburt
Susan Hamm
Shelby Sultemeier
Joseph Much
Scott Scott
Jamie Whitfill
Kenneth Bowker
John Plemmons
Tamara Plemmons
Steve Sanchez
Lilly Sanders

1. Call to order.

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

PUBLIC HEARING:

2. Public Hearing to give all interested persons the right to appear and be heard on a Zoning Amendment Application from Old Annex Office Solutions, LLC for a

Conditional Use Permit for a Permanent Mobile Food Court located at 200 N. Ave. G, Johnson City, Texas 78636. (Applicant)

The public hearing opened at 6:01 p.m. and closed at 6:02. There were no comments.

OPEN SESSION:

3. Citizens to be heard.

Private Citizen Patrick Fisher spoke about the proposed tree and landscaping ordinance. He had questions pertaining to enforcement in the ETJ or corporate city limits only. Would a permit be required? And if there are any exemptions?

REPORTS:

4. Proclamations, Presentations, and/or Reports.

a) Report – Chief Administrative Officer Rick Schroder.

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

b) 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

c) 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.

d) Report – Code Enforcement Officer Jessica Oestreich.

The report was provided in the council packet.

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

The report was provided in the council packet.

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

Chamber President Van Engelen spoke about his term with the chamber and all the forward progress it has seen. He provided the council with the board of directors’ info sheet as of January 2022.

g) Report – Grant Development Services (GDS).

The report was provided in the council packet.

CONSENT AGENDA (ITEM NOS. 5 - 11):

- 5. Approval of the minutes of the Regular Meeting of the City Council dated December 7, 2021. (Staff)**
- 6. Approval of the Fiscal Year Ending (FYE) 2022 Revenue and Expense, Check Register, and Balance Sheet Reports dated December 31, 2021. (Staff)**
- 7. Approval of the Quarterly Investment Report for the City of Johnson City for quarter ending December 31, 2021. (Staff)**
- 8. Approval of the certification of a petition received from the Honorable Blanco County Judge Brett Bray for annexation of Old River Crossing between, generally, U.S. Hwy. 281 and Trail Rock Drive, more particularly described as being 4.799 acres of land out of the Jack Shackleford Survey No. 41, Abstract No. 561 in Blanco County, Texas, and directing City Staff to commence annexation proceedings of the subject parcel(s). (Staff)**
- 9. Approval of an Omnibus Resolution regarding civil rights and other funding requirements under the American Rescue Plan Act for the City of Johnson City, Texas; CSLFRF Contract 167-TX8005 (TX1747). (GDS)**
- 10. Approval of an Omnibus Resolution regarding civil rights and other funding requirements for the City of Johnson City, Texas. (GDS)**
- 11. Approval of an Agreement between the City of Johnson City, Texas and Trac-n-trol, Inc. for the construction of a SCADA System, including, but not limited to, the installation of new back panels, PLCs and panel equipment, flow meters, motor starters, surge suppression, battery back-up, and miscellaneous items at various water/wastewater locations, for an amount not to exceed One Hundred Eighty Four Thousand Five Hundred Twenty Four Dollars and No Cents (\$184,524.00); authorizing Mayor Rhonda Stell to execute said Agreement on behalf of the City; and authorizing the Chief Administrative Officer to execute and issue a Notice of Award to the contractor. (Staff)**

Councilmember Coleman requested that item 11 be pulled for further discussion.

Councilmember Guthrie made the motion to approve the consent agenda without item 11. Councilmember Coleman seconded the motion. All were in favor and the consent agenda was approved.

After minimal discussion about the contact from item 11 not having been reviewed by the City Attorney, Councilmember Coleman made the motion to approve the agreement upon approval of the contract by the City Attorney. Councilmember Babb seconded the motion. All were in favor and the item was approved with conditions.

ITEMS FOR INDIVIDUAL CONSIDERATION:

12. **Presentation by Texas Department of Transportation (TxDOT) Representative Shelby Sultemeier and discussion of and action on a Resolution of the City Council of the City of Johnson City, Texas requesting that TxDOT implement a dedicated center turn lane on U.S. Hwy. 290 from its intersection with U.S. Hwy. 281 to its intersection with Avenue J; authorizing the Chief Administrative Officer to take all necessary steps to implement the provisions of this Resolution; incorporating recitals; providing for severability; and adopting an effective date. (TxDOT)**

Councilmember asked if the no parking side shoulder could be made any wider? TxDOT spoke that restriping is a inexpensive process but breaking out the curb and gutter that is currently in place is very expensive. Councilmember Coleman asked if the parking on the corners of the blocks would be limited. TxDOT confirmed that it would be. Councilmember Babb inquired about the timeline of the project and if this option didn't work out, could the pavement be restriped back to the original configuration. TxDOT answered yes, it could be restriped, but they would not recommend it. Councilmember Coleman made the motion to approve the resolution as present. Councilmember Babb seconded the motion. All were in favor and the resolution was approved.

13. **Discussion of and action on a Resolution of the City Council of the City of Johnson City, Texas waiving provisions requiring the Housing Authority of the City of Johnson City, Texas to remit payment in lieu of taxes to the City, as contained within a Cooperation Agreement dated March 9, 1965 between the City of Johnson City, Texas and the Housing Authority; and requesting that the Housing Authority adopt a similar resolution waiving Cooperation Agreement provisions requiring the City to provide public services and facilities to the Housing Authority without cost or charge. (Housing Authority)**

The City Attorney made the comment that the City is not able to cancel the contract. The agreement can not be changed without HUD approval. Councilmember Fisher made the motion to approve the resolution as written. Councilmember Babb seconded the motion. All were in favor and the resolution was approved.

14. **Discussion of and action on a preliminary and final plat establishing the Everman West Subdivision situated in the James Fentress Survey No. 171, Abstract No. 193, City of Johnson City, Blanco County, Texas, including, but not limited to, a related variance to Municipal Code of Ordinances Chapter 10 *Subdivision Regulations*, Exhibit A *Subdivision Ordinance*, Section 19 *Lots* requesting that each lot front upon or have access through a dedicated driveway easement connecting to a public street. (Applicant)**

Council had minimal discussion about this item. Councilmember Babb made the motion to approve the plat as presented. Councilmember Guthrie seconded the motion. All were in favor and the plat was approved.

15. **Discussion of and action on a Zoning Amendment Application from Old Annex Office Solutions, LLC for a Conditional Use Permit for a Permanent Mobile Food Court located at 200 N. Ave. G, Johnson City, Texas 78636. (Applicant)**

After minimal discussion, Councilmember Fisher made the motion to approve the zoning amendment application. Councilmember Coleman seconded the motion. All were in favor and the zoning amendment application for a conditional use permit was approved.

16. **Presentation by Clearstream Wastewater Systems Representatives John D. Swift and Mike Brew and discussion of and action on Clearstream Wastewater Systems' water and wastewater consumption, discharge, and associated billing statements for property located at 400 Haley Road, Johnson City, Texas 78636. (Applicant)**

The applicant requested this item to be removed from the agenda prior to the start of the meeting.

17. **Discussion of and action on the following:**

- a. **an Ordinance of the City Council of the City of Johnson City, Texas repealing and replacing Municipal Code of Ordinances Chapter 10 *Subdivision Regulation*; and providing for an effective date. (Staff)**

There was discussion about the trigger point for a master plan. Council discussed moving the number from the proposed 100 to 50 lots.

- b. **an Ordinance of the City Council of the City of Johnson City, Texas amending Municipal Code of Ordinances Chapter 10 *Subdivision Regulation* by adding Article 10.03 *Tree and Landscape Regulations*; and providing for an effective date. (Staff)**

Both Councilmembers Guthrie and Coleman had questions about the threshold of 3 acres. The Council also discussed removal of tree demossing and pruning from the ordinance. There was also discussion about changing the wording in the ordinance from zoning to the use of the property. The council requested that the acres be changed from 3 to 5 acres.

- c. **an Ordinance of the City Council of the City of Johnson City, Texas amending Municipal Code of Ordinances Chapter 10 *Subdivision Regulation* by adding Article 10.04 *Stormwater Detention and Drainage*; and providing for an effective date. (Staff)**

The council had no questions regarding this item.

- d. **an Ordinance of the City Council of the City of Johnson City, Texas amending Municipal Code of Ordinances Chapter 10 *Subdivision Regulation* by adding Article 10.05 *Parkland Dedication*; and providing for an effective date. (Staff)**

The council had no questions regarding this item.

Councilmember Fisher made the motion to approve the Subdivision Regulation, Stormwater Detention and Drainage, and Parkland Dedication ordinances with the noted changes of a master plan being required at 50 lots. Councilmember Babb seconded the motion. All were in favor and the ordinances were approved with changes.

The Tree and Landscaping ordinance was tabled till the next meeting.

18. **Discussion of and action on an Ordinance of the City Council of the City of Johnson City, Texas adopting an Official Zoning Map for the City; repealing all prior zoning maps; providing for maintenance and filing of the Official Zoning Map; and providing for related matters. (Staff)**

After a review of the presented zoning map, Councilmember Coleman made a motion to approve the map as presented. Councilmember Guthrie seconded the motion. All were in favor and the item was approved.

19. **Discussion of and direction on a Noise Ordinance for the City of Johnson City, Texas. (Staff)**

After the council reviewed the provided information, the council requested an ordinance that allows for officer discretion and it not tied to the dB level.

CLOSED SESSION:

20. **The City Council will convene into Closed Session in accordance with Government Code:**
- **§551.071 *Consultation with Attorney* to receive legal advice and deliberate the disclosure of previously redacted portions of annual financial reports for fiscal years ending 2017 – 2020.**
 - **§551.071 *Consultation with Attorney* and §551.072 *Deliberation Regarding Real Property* to receive legal advice and deliberate residential and commercial real estate appraisals and the associated sale of 406 W. Main St., Johnson City, Texas 78636.**

City Council Convened into closed session at 8:43 p.m. and returned to open session at 9:30 p.m.

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

Councilmember Guthrie made a motion to waive confidentiality and publish the unredacted audit to both the City's website and upload onto E.M.M.A. along with filling an addendum to each audit for clarification. Councilmember Coleman seconded the motion. All were in favor and the motion passed.

Councilmember Fisher made a motion to utilize SPR auction to place the police department property up for auction as presented in the relocation plan. Councilmember Guthrie seconded the motion. All were in favor and the motion passed.

With no additional items before the Council, the meeting was adjourned at 9:35 p.m.