

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

The City of Johnson City City Council met for a Regular Meeting on Tuesday, March 1, 2022 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
Teresa Babb
Clayton Young

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

Citizens: Darrin Cheraso, Chamber of Commerce

1. Call to order.

Mayor Stell called the meeting to order at 6:00 p.m. Ryan Molino led the invocation

OPEN SESSION:

2. Citizens to be heard.

There were no citizen comments.

REPORTS:

3. 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 – Monthly Permit Report.**
The report was provided in the council packet.
- g) **Report – Johnson City Chamber of Commerce and Visitor’s Center.**
The Chamber reported that they had 40 in person visits for the previous month and 3900 website visits. The building renovations should be complete in late April. Savor The Hill Country is set for May 22. Market Days will also be resuming in March.
- h) **Report – Lights Spectacular Hill Country Style, Inc.**
Lights Spectacular reported they planned future website upgrades. They saw over 11k hits in the opening weekend of November and 84k after that point. They are planning to update the walking map and continue with our town our lights theme. They are also hoping to incorporate Lady Bird’s birthday in to the event via special tributes. They spoke about the need for more things for visitors to do to keep people in town and would like to expand the nonprofit food option post opening weekend.

CONSENT AGENDA (ITEM NOS. 4 - 9):

- 4. **Approval of the minutes of a Work Session and Regular Meeting dated February 1, 2022 and a Special Meeting dated February 17, 2022. (Staff)**
- 5. **Approval of the Fiscal Year Ending (FYE) 2022 Revenue and Expense, Check Register, and Balance Sheet Reports dated February 28, 2022. (Staff)**
- 6. **Approval of a Sign Permit Application from The Haloed Hippie for projecting (Qty. 1), wall (Qty. 2), and window signage, pursuant to Municipal Code of Ordinances Chapter 3 *Building Regulations*, Article 3.06 *Signs*, located within the Historic Overlay District at 117 N. Nugent Ave., Johnson City, Texas 78636, more particularly described as BCAD Prop. ID No. 5899. (Applicant)**
- 7. **Approval of a Resolution of the City Council of the City of Johnson City, Texas authorizing City participation in the Texas Water Development Board’s CFO to GO Program; 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. (Staff)**

8. **Approval of an Election and Release Form for Texas Participating Subdivisions related to opioid-related claims against Teva under the terms and conditions set forth in the Teva Texas State-Wide Opioid Settlement Agreement between Teva, the State of Texas, and the Counties of Dallas, Bexar, Harris, and Tarrant; and authorizing Mayor Rhonda Stell to execute said Form on behalf of the City of Johnson City, Texas. (Staff)**
9. **Approval of an Ordinance of the City Council of the City of Johnson City, Texas declaring unopposed candidates in the Saturday, May 7, 2022 General Election for the office of three (3) Council Members as elected; declaring that the General Election is cancelled; repealing all ordinances or parts of ordinances in conflict therewith; providing a severability clause; and providing for an effective date. (Staff)**

Councilmember Coleman made the motion to accept the consent agenda as presented. Councilmember Babb seconded the motion. All were in favor and the motion passed.

ITEMS FOR INDIVIDUAL CONSIDERATION:

10. **Discussion of and action on a Preliminary Plat Application from Legacy Capital Funding, LLC establishing Phase One of the Homesteads at Deer Creek consisting of seventy-seven (77) lots out of the Joseph Duel Survey, Abstract No. 147 and Elijah Marshall Survey Abstract No. 393, Blanco County, Texas, more particularly described as 217 281 Loop Rd., Johnson City, Texas 78636 and BCAD Prop. ID No. 8609. (Applicant)**

Discussion included wastewater discharge, minimum lots size, streets, parks, and the preexisting variance. Councilmember Coleman made the motion to approve the preliminary plat as presented. Councilmember Babb seconded the motion. All were in favor and the item was approved.

11. **Discussion of and action on an Ordinance of the City Council of the City of Johnson City, Texas repealing and replacing the City of Johnson City Personnel Policy and Procedures Manual; authorizing the Chief Administrative Officer to take all necessary steps to implement the provisions of this Ordinance; incorporating recitals; providing for severability; and adopting an effective date. (Staff)**

Council discussed post retirement benefits in regards to health insurance. Councilmember Fisher made the motion to approve the ordinance striking sick from page 35 and removing the B. Retirement on page 76 and 78. Along with revising the retirement benefits at a later date. Councilmember Young seconded the motion. All were in favor and the item was approved.

12. **Discussion of and action on a Swimming Pool Management Proposal and Agreement between The Pool Management Group – Aquatic Management of Austin and the City of Johnson City, Texas for the management and staffing (lifeguard) of the Community**

Park Pool, including, but not limited to, chemical and cleaning, insurances, and swimming lesson / event services, in an amount not to exceed Forty-Thousand Nine Hundred Forty Dollars and No Cents (\$40,940.00); and authorizing Mayor Rhonda Stell to execute said Proposal / Agreement on behalf of the City of Johnson City, Texas. (Staff)

CAO Schroder advised the Council that the contract would include all the staffing, cleaning, chemicals, insurances etc. pertaining to the operation of the City pool. Councilmember Babb made the motion to accept the agreement pending approval of the City Attorney. Councilmember Fisher seconded the motion. All were in favor and the item was approved.

13. **Discussion of and action on an Ordinance of the City Council of the City of Johnson City, Texas amending Municipal Code of Ordinances Chapter Six *Health and Sanitation* by adding Article 6.03 *Food Establishments* regarding the regulation of food establishments, including food service establishments, retail food stores, temporary food establishments, mobile food units, and roadside food vendors; authorizing the Chief Administrative Officer to take all necessary steps to implement the provisions of this Ordinance; incorporating recitals; providing for severability; and adopting an effective date. (Staff)**

CAO Schroder requested this item to be tabled. Councilmember Young made the motion to table the item. Councilmember Coleman seconded the motion. All were in favor and the item was tabled.

14. **Discussion of and action on the appointment of members to the Capital Improvements Advisory Committee. (Staff)**

A brief introduction of the Capital Improvements Advisory Committee was discussed. Councilmember Coleman made the motion to appoint the existing Planning and Zoning members along with Craig Van Englen and Bart Burkard to the committee. Councilmember Babb seconded the motion. All were in favor and the committee was approved.

15. **Discussion of and direction on the enforcement of Chapter 14 *Zoning, Article II Regulations, Section 2-4 Certificates of use and occupancy*, including, but not limited to, the inspection and issuance of a Certificate of Use and Occupancy to all occupied commercial structures within the City of Johnson City, Texas. (Staff)**

CAO Schroder spoke about the basis for the inspection is to establish a basis for each space. Each existing business would be inspected at the City's Cost. There are about 200 commercial accounts in the city and the inspections would be done over time. All found minor issues would be grandfathered. Major concerns would need to be addressed. Council directed City Staff to move forward with Certificate of Use and Occupancy inspections to all occupied commercial structures within the City of Johnson City, Texas.

16. **Discussion of and direction on restricting short-term rental units within and/or upon multiple family residential dwelling units within the City of Johnson City, Texas. (Councilwoman Fisher)**

Council was in agreement to move forward with an ordinance change restricting STR. Council requested that the City move forward and find out what can legally be done.

17. **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;**
- **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. (Councilman Coleman)**

Waste Management spoke about the need for clarity on some of the contract requests. They also spoke about seeing lots of cost increases. Waste Management said they would have a proposal to City Staff the next day.

Adjourn into Closed Session.

City Council adjourned into closed session at 8:47 pm.

CLOSED SESSION:

18. The City Council will convene into Closed Session in accordance with Government Code:
- *§551.071 Consultation with Attorney and §551.072 Deliberation Regarding Real Property* to receive legal advice and deliberate the sale of 406 W. Main St., Johnson City, Texas 78636, including, but not limited to, requests for zoning and/or allowable land use amendments applicable to the subject property. (Staff)

Adjourn into Open Session.

City Council adjourned into open session at 9:38 p.m.

19. **Discussion of and action on matters discussed in Closed Session. (Council)**

The was no action.

With no further business, the council adjourned the meeting at 9:38 p.m.

Rhonda Stell, Mayor
City of Johnson City, Texas

ATTEST:

Whitney Walston, City Secretary

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

The City of Johnson City City Council will meet for a Special Meeting on Monday, March 21, 2022 at 3:00 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
Teresa Babb

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

Other: Jeremy Myers, Atchley & Associates
Vicki Ralph, Waste Connections
Karlis Ercums, Hill Country Waste Solutions

1. Call to order.

Mayor Stell called the meeting to order at 3 p.m.

OPEN SESSION:

2. Citizens to be heard.

There were no citizen comments.

ITEMS FOR INDIVIDUAL CONSIDERATION:

- 3. Discussion of and action on an Ordinance of the City Council of the City of Johnson City, Texas declaring an unopposed candidate in the Saturday, May 7, 2022 Special Election for the office of one (1) Council Member as elected for a one (1) year term; declaring that the Special Election is cancelled; repealing all ordinances or parts of ordinances in conflict therewith; providing a severability clause; and providing for an effective date. (Staff)**

Councilmember Guthrie made the motion to approve the ordinance. Councilmember Babb seconded the motion. All were in favor and the motion passed.

4. **Presentation by Atchley & Associates, L.L.P. and discussion of and action on the City of Johnson City's Fiscal Year Ending (FYE) 2021 Annual Financial and Independent Auditors' Report. (Auditor)**

Jeremy Myers of Atchley & Associates presented the FYE 2021 audit findings. He noted that it was a clean option and the city is in a good position. Councilmember Coleman motioned to approve the audit as presented. Councilmember Guthrie seconded the motion. All were in favor and the audit was approved.

5. **Discussion of and action on the sale of 406 W. Main St., Johnson City, Texas 78636, more particularly described as BCAD Prop. ID No. 2850 with legal description Johnson City, Blk. 83 (SE Area), Acres 0.39 (City Police). (Staff)**

Councilmember Babb recused herself due to a profession/personal relationship with one of the potential buyers.

CAO Schroder informed the council that Barrett has requested that the City Pay for a survey. Elwell would pay for the survey. Barrett intends to put an office at the location and Elwell would like to develop the property into a short term rental. Bot buyers would need to request rezoning. All bidders received deeds for both the tracts and would respect the gift deed that is currently in place. Councilmember Coleman made the motion to accept the highest bidder, Barrett. Councilmember Guthrie seconded the motion. Councilmember Babb abstained from the vote. Motion passed 3-0 with 1 abstaining.

6. **Discussion of and action on an exclusive franchise agreement for the collection, hauling, and disposal of solid, construction, demolition, and other wastes, including, but not limited to, a Waste Connections pricing proposal received on March 2, 2022 and a Hill Country Waste Solutions solid waste and recycling proposal received on March 10, 2022. (Staff)**

Representatives from both Waste Connections and Hill Country Waste Solutions were present at the meeting and available for council questions. After discussion, Councilmember Guthrie made the motion to request Hill Country Waste Solutions to present a final contract for council consideration. Councilmember Fisher seconded the motion. All were in favor and the motion passed

With no additional business to come before the council, the meeting was adjourned at 4:45 p.m.

Rhonda Stell, Mayor
City of Johnson City, Texas

ATTEST:

Whitney Walston, City Secretary