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MINUTES
CITY OF JOHNSON CITY, TEXAS
CITY COUNCIL

The City of Johnson City City Council met for a Regular Meeting on Tuesday, May 3, 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: Patty Chimene, Chamber of Commerce
Tricia Hartmann
Steve Sanchez

1. **Call to order.**

Mayor Stell called the meeting to order at 6:00 pm with Pastor Steve Sanchez leading the invocation.

PUBLIC HEARINGS:

2. **Public Hearing to give all interested persons the right to appear and be heard on a Zoning Amendment Application from Mr. Mark Barge and Mr. Paul Regnier for a Conditional Use Permit for the operation of a “Home for the Aged, Residential” located at 315 N. Winters Furr, Johnson City, TX 78636, more particularly described as BCAD Prop. ID No. 14988.**

The public hearing opened at 6:02 pm and closed at 6:03 pm.

3. **Public Hearing to give all interested persons the right to appear and be heard on a Zoning Amendment Application from Mr. / Mrs. Don Barrett for a change in zoning from “Public Facilities District” to “Commercial District” for the operation of a commercial office located at 406 W. Main St., Johnson City, TX 78636, more particularly described as BCAD Prop. ID No. 2850.**

The Public hearing opened at 6:03 pm and closed 6:03 pm.

OPEN SESSION:

4. **Citizens to be heard.**

There were no citizen comments.

REPORTS:

5. Proclamations, Presentations, and/or Reports.

a) **Proclamation – Mayor Rhonda Stell.**

Proclamation proclaiming May 15 – 21, 2022 as National Public Works Week in the City of Johnson City, Texas.

b) **Report – Chief Administrative Officer Rick Schroder.**

There was no report

c) **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

d) **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.

e) **Report – Code Enforcement Officer Jessica Oestreich.**

The report was provided in the council packet.

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

The report was provided in the council packet.

g) **Report – Monthly Permit Report.**

The report was provided in the council packet.

h) **Report – Monthly Work Order Report.**

The report was provided in the council packet.

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

There were 49 visitors for the month of April. Anticipating a mid-May move in date to return to the Visitors Center. They also would like to move some vendors into Ave G for market days.

CONSENT AGENDA (ITEM NOS. 6 - 10):

6. **Approval of the minutes of the Regular Meeting of the Johnson City City Council dated April 5, 2022. (Staff)**

7. **Approval of the Fiscal Year Ending (FYE) 2022 Revenue and Expense, Check Register, and Balance Sheet Reports dated April 30, 2022. (Staff)**

8. **Approval of a Section 125 Premium Only Plan (POP) Document, commonly referred to as a “Cafeteria Plan”, and Summary Plan Description for the City of Johnson City;**

and authorizing Mayor Rhonda Stell to execute said Document on behalf of the City Council of the City of Johnson City, Texas. (Staff)

9. **Approval of a request by Hauptrief Revocable Trust for Release of Easement for five-foot (5') and ten-foot (10') utility easements along each side of the common property line between Lots 33B and 34, Ranchers Estates Subdivision, Unit 1, located, generally, at 613 Ranchview Dr., Johnson City, Texas 78636, more particularly described as BCAD Prop. ID No. 9433; authorizing Mayor Rhonda Stell to execute said Release on behalf of the City Council of the City of Johnson City, Texas; and directing the Chief Administrative Officer to record the Release with the Blanco County Clerk's Office. (Applicant)**
10. **Approval of a Sign Permit Application from Liz Waller / Biker Chic for awning / canopy and window signage, pursuant to Municipal Code of Ordinances Chapter 3 *Building Regulations*, Article 3.06 *Signs*, located within the Historic Overlay District at 100 N. Nugent Ave., Johnson City, Texas 78636, more particularly described as BCAD Prop. ID No. 7572. (Applicant)**

Councilmember Babb requested to pull item 8 for individual consideration.

Councilmember Coleman made the motion to approve the consent agenda without item 8. Councilmember Guthrie seconded the motion. All were in favor and the consent agenda was approved.

On item number 8, Councilmember Babb asked why the city was needing to do this. CAO Schroder informed council that it is mandated by the IRS and part of being in compliance. Councilmember Babb motion to approve the item. Councilmember Fisher seconded the motion. All were in favor and the item was approved.

ITEMS FOR INDIVIDUAL CONSIDERATION:

11. **Discussion of and action on a Zoning Amendment Application from Mr. Mark Barge and Mr. Paul Regnier for a Conditional Use Permit for the operation of a "Home for the Aged, Residential" located at 315 N. Winters Furr, Johnson City, TX 78636, more particularly described as BCAD Prop. ID No. 14988. (Applicant)**

Councilmembers had several questions for the applicant including if he was a mandated reporter, procedures if a client does not pay, maximum house capacity, and what the length of the permit would be. The city attorney advised council that conditions could be placed on the permit. Councilmember Coleman requested that the code enforcement officer perform quality/cleanliness checks on the home every six months. Councilmember Coleman made the motion to approve the conditional use permit with the condition of inspection every 6 months from the date of approval with a permit length of two years with a two client/patient maximum and must be used as stated in the application. Councilmember Guthrie seconded the motion. All were in favor and the permit with conditions was approved.

12. **Discussion of and action on an Ordinance of the City Council of the City of Johnson City, Texas rezoning 406 W. Main St., Johnson City, TX 78636 from “Public Facilities District” to “Commercial District” for the operation of a commercial office; declaring a public purpose; 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)**

Councilmember Babb recused herself due to professional relationship with the applicant. Councilmember Guthrie made the motion to approve the rezoning. Councilmember Young seconded the motion. All were in favor and the item was approved.

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

Council discussed the length of the permit. Councilmember Young made the motion to extend the conditional use permit through December 31, 2022 with no future extensions. Councilmember Coleman seconded the motion. All were in favor and the item was approved with conditions.

14. **Discussion of and action on an Ordinance of the City of Johnson City, Texas amending Chapter 13 *Utilities* of the Municipal Code of Ordinances by adding Article 13.07 *Solid Waste Collection and Disposal* providing for regulations regarding solid waste collection; providing for the issuance of a franchise on same; declaring a misdemeanor violation with penalties not to exceed \$2,000; and setting an effective date. (Staff)**

Councilmember Young recused himself based on personal reasons. The new contract will include for the city of bill internally for roll offs in leu of a franchise fee payment. Councilmember Babb requested that the addition of a requirement that all carts can be placed no more than 24 hours before collection and must be removed from public easements/ ride 24 hours post collection. Councilmember Fisher made the motion to item 14-16

15. **Discussion of and action on an Ordinance of the City of Johnson City, Texas approving an Exclusive Franchise and Contract between the City of Johnson City and Hill Country Waste Solutions for the collection and disposal of municipal solid waste and recyclable materials in the City of Johnson City, Texas; and providing an effective date. (Staff)**
16. **Discussion of and action on an Ordinance of the City Council of the City of Johnson City, Texas establishing and amending fees, costs, and fines charged by the City of Johnson City; adopting savings, repealer, and penalty clauses; and adopting an effective date. (Staff)**

Councilmember Young recused himself based on personal reasons. The new contract will include for the city of bill internally for roll offs in leu of a franchise fee payment. Councilmember Babb requested that the addition of a requirement that all carts can be placed no more than 24 hours before collection and must be removed from public easements/ ride 24 hours post collection. Councilmember Fisher made the motion to item 14-16 with the amendment of all carts can be placed no more than 24 hours before collection and must be removed from public easements/ ride 24 hours post collection. Councilmember Guthrie seconded the motion, all were in favor and the items were approved.

17. **Discussion of and action on City of Johnson City Community Park and Playground facility improvements, including, but not limited to, the funding thereof and the following:**
- a. **A Playground Safety Inspection Report dated November 15, 2021;**
 - b. **A quote from BuyBoard vendor Lea Park & Play, Inc. for Playground repairs and/or improvements;**
 - c. **A quote from BuyBoard vendor Dobbs Tennis Courts, Inc. for Tennis Court repairs and/or improvements; and**
 - d. **A quote from Ratliff Remodeling for Tennis Court (backstop / fencing), Pool (fencing), and Softball Field (dugout) repairs and/or improvements. (Staff)**

Councilmember Fisher made the motion to approve the presented improvements. Councilmember Guthrie seconded the motion. All were in favor and the item was approved.

18. **Discussion of and action on the City of Johnson City Strategic Work Plan dated April 6, 2021, including, but not limited to, current work products, accomplishments, and challenges. (Staff)**

CAO Schroder requested this item to be pulled from the agenda.

19. **Discussion of and direction on the City of Johnson City's imposition and collection of sales and use taxes in newly annexed areas contained within the City's Extraterritorial Jurisdiction (ETJ), as amended, including, but not limited to, the following:**
- a. **Tax Code Chapter 321 *Municipal Sales and Use Tax Act*;**
 - b. **Health and Safety Code Chapter 775 *Emergency Services Districts*;**
 - c. **Blanco County Emergency Services District No. 1 sales and use tax imposition and collections;**
 - d. **Blanco County North Library District sales and use tax imposition and collections; and**
 - e. **Future agreements allocating sales and use tax collections among the aforementioned entities. (Staff)**

This was a directional item only. The Council directed staff to set a meeting with the ESD to further the conversation. Councilmember Coleman, Babb, and the Mayor would be attending the meeting.

20. **Discussion of and action on the regulation of short-term rental units within the City of Johnson City, Texas, including, but not limited to, the following Ordinances:**
- a. **An Ordinance of the City of Johnson City, Texas amending Chapter 4 *Business Regulations* of the Municipal Code of Ordinances by adding Article 4.08 *Short-term Rentals* providing for regulations requiring a permit and regarding the operation of a short-term rental in the City; declaring a misdemeanor violation with penalties not to exceed \$2,000; and setting an effective date; and**
 - b. **An Ordinance of the City of Johnson City, Texas amending Article 14.02 *Zoning Ordinance* of Chapter 14 *Zoning* of the Municipal Code of Ordinances by providing definitions regarding and relating to a short-term rental and amending the permitted chart of uses for a short-term rental in zoning districts in the City; and providing for an effective date. (Councilwoman Fisher / City Attorney)**

Council directed staff to proceed with the proposal from Councilmember Fisher, all were in agreement.

Councilmember Babb made the motion to amend the ordinances and place on the next planning and zoning agenda for commission review. Councilmember Fisher seconded the motion. All were in favor and the motion passed.

With no further business before the council, the meeting was adjourned at 9:00 p.m.

Rhonda Stell, Mayor
City of Johnson City, Texas

ATTEST:

Whitney Walston, City Secretary