

MINUTES  
 CITY OF JOHNSON CITY, TEXAS  
 CITY COUNCIL REGULAR MEETING

The City of Johnson City City Council met for a Regular Meeting on Tuesday, January 12, 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  
 Garrett Scallorn, Police Department  
 BJ Sultemeier, Public Works Director  
 Elizabeth Elleson, City Attorney  
 Robert Long, City Attorney

Citizens Present: Steve Sanchez  
 David O'Bannon, ESD1  
 Brandt Raeburn, ESD1  
 Kay Odiorne, ESD1  
 Carlton Wilkes, TWDB  
 Gandolf Burrus, Grant Development Services  
 Diana Gonzales, PEC  
 Tricia Hartman, JCRC

**1. Call to order.**

Mayor Stell called the meeting to order at 6:00 pm and led the pledge to the US flag. Pastor Steve Sanchez led the invocation.

OPEN SESSION:

**2. Citizens to be heard.**

No one signed up to speak on this item.

CLOSED SESSION:

**3. The City Council will convene into Closed Session in accordance with Government Code:**

- **§551.071 Consultation with Attorney** to receive legal advice and updates from the City Attorney regarding investigations into the Fiscal Year Ending (FYE) 2016 and 2017 Municipal Audits;
- **§551.071 Consultation with Attorney** to discuss legal issues with the City Attorney regarding the FYE 2018 and 2019 Municipal Audits;
- **§551.071 Consultation with Attorney** to receive legal advice and updates from Attorney Robert Long of Greenberg Traurig, L.L.P. regarding a U.S. Securities and Exchange Commission investigation (Matter-3952); and
- **§551.074 Personnel Matters** to discuss a performance evaluation and probation termination of Chief Administrative Officer / City Secretary Rick Schroder.

The council convened into closed session at 6:03 pm. The closed session was adjourned at 7:03 pm.

**4. Discussion of and action on matters discussed in Closed Session under Item No. 3 above. (City Council)**

Council member Teresa Babb made a motion to release CAO Schroder from probation. Council member Gayla Guthrie seconded the motion. All were in favor and the motion passes. No other items had any actions.

At this point, council requested to skip to items 12,13, & 14.

REPORTS:

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

- **Report – Chief Administrative Officer / City Secretary Rick Schroder.** Provide progress update to City Council on work performed / objectives achieved since prior City Council meeting. Topics include, but may not be limited to, the following:
  - Financial accounting and FYE 2020 bank reconciliations;
  - Auditing;
  - Process improvements;
  - Code violations cited during the December 8, 2020 City Council meeting; and
  - City of Johnson City’s Coronavirus Relief Fund (CRF) Spending Plan submitted to the Texas Department of Emergency Management on November 13, 2020.

CAO Rick Schroder spoke about the above listed topics. He also added additional comments about the City's 941 taxes, status of W2 forms and 1099s, and vendors W9s. Council had no additional questions.

- **Report – Public Works Director Brent Sultemeier.**  
**Provide progress update to City Council on work performed / objectives achieved since prior City Council meeting. Topics include, but may not be limited to, water and sewer infrastructure and usage, wastewater treatment plant operations, pending and completed work orders, and street paving.**

Public Works Director Brent Sultemeier spoke about the above listed topics. He clarified that the lack of correct pipe bedding caused the previous large leak and the lack of isolation valves allowed for a large loss of stored water.

- **Report – Police Chief Ross Allen.**  
**Provide progress update to City Council on work performed / objectives achieved since prior City Council meeting. Topics include, but may not be limited to, Department statistics, personnel issues, and public safety.**

Police Chief Ross Allen spoke about the above listed topics. Council had no additional questions.

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

No one was present from the Chamber of Commerce to provide an update.

CONSENT AGENDA (ITEM NOS. 6 - 10):

6. **Approval of the minutes of the Regular and Special Meetings of the City Council dated December 8 and 14, 2020, respectively. (Staff)**
7. **Approval of the FYE 2021 Revenue and Expenditure and Posted Transaction Reports dated January 7, 2021. (Staff)**
8. **Approval of the Quarterly Investment Report for calendar quarter ending December 31, 2020. (Staff)**
9. **Approval of a Resolution of the City Council of the City of Johnson City, Texas approving and certifying the Blanco County Appraisal District and Tax Assessor-Collector's 2020 tax roll for the City of Johnson City, as required by State Property Tax Code Ann. §26.09(e); 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. (Staff)**

10. **Approval of a Resolution of the City Council of the City of Johnson City, Texas expressing support for House Bill No. 233 being proposed by Representative Andrew Murr during the 87<sup>th</sup> 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. (Staff)**

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

ITEMS FOR INDIVIDUAL CONSIDERATION:

11. **Discussion of and action on a request for a variance, pursuant to Municipal Code of Ordinances Chapter 13 *Utilities*, Article 13.02 *Water and Sewers*, Section 13.02.014 *Mandatory Connection to City Water and Wastewater Systems*, from Jason and Allison Hohenberger authorizing the installation of a septic system in lieu of connecting to the City's wastewater system for 118 Crestview Drive, more particularly described as ABS A0561 Survey 41 J. Shackelford, Acres 7.17. (Applicant)**

Council discussed many aspects on how granting the variance would affect the property long term and any deed restrictions that would need to be put in place. Councilmember Babb made a motion to table the item so that administration could research deed transfer requirements. Councilmember Guthrie seconded the motion. All were in favor and the motion passed. Council also requested that the landowner provide additional details.

12. **Discussion of and action on a recommendation of the Community Development Block Grant (CDBG) Evaluation Committee regarding an administrative services proposal received for the 2021-2022 CDBG Application Cycle for the replacement and/or repair of substandard fire hydrants and the installation of water main valves throughout the City of Johnson City's corporate City limits and naming the firm evaluated as most qualified by the CDBG Evaluation Committee. (Staff)**

Councilmember Clayton Young made a motion to approve item 12. Councilmember Pat Dildine seconded the motion. All were in favor and the motion passed.

13. **Discussion of and action on a Professional Services Agreement between the City of Johnson City, Texas and Grant Development Services, Inc. for 2021-2022 CDGB Program grant application preparation services for the replacement and/or repair of substandard fire hydrants and the installation of water main valves throughout the City of Johnson City's corporate City limits. (Staff)**

Councilmember Guthrie made a motion to approve item 13. Councilmember Young seconded the motion. All were in favor and the motion passed.

14. **Discussion of and action on a Professional Services Agreement between the City of Johnson City, Texas and Grant Development Services, Inc. for 2021-2022 CDBG Program grant administration management services for the replacement and/or repair of substandard fire hydrants and the installation of water main valves throughout the City of Johnson City's corporate City limits. (Staff)**

Councilmember Babb made a motion to approve item 14. Councilmember Guthrie seconded the motion. All were in favor and the motion passed.

Members of ESD1 spoke about the above three items. The ESD would be meeting with their attorney on January 20<sup>th</sup> to work on an interlocal agreement between the City and ESD1. They would then present the agreement to their board in February.

15. **Discussion of and action on a Hotel Occupancy Tax Funding Agreement between the City of Johnson City, Texas and the Johnson City Chamber of Commerce for, generally, the operation of the Johnson City Visitor Information Center, advertising and promotional programs, promotion of the arts, historical restoration and preservation projects, sporting event activities, and signage for automatic one (1) year renewal terms in the amount of Twelve Thousand Five Hundred Dollars (\$12,500.00) per calendar quarter. (Staff)**

After discussion of the updates made to the agreement, Councilmember Coleman made a motion to table the decision until a presentation from the Chamber can be made regarding the rest of their fiscal year budget. Councilmember Young seconded the motion. All were in favor and the item was tabled.

16. **Discussion of and action on a proposal from Public Works 1, a subsidiary of iWORQ, for the completion of a pavement index and condition assessment, including, but not limited to, the provision of 360-degree georeferenced imagery and cataloguing of all manholes and signs located within the City's rights-of-way in the amount of Ten Thousand Nine Hundred Dollars (\$10,900.00). (Staff)**

CAO Schroder shared that data is imported by Public Works 1 but after that the City would be responsible for maintaining and updating the data. Councilmember Guthrie was a motion to approve item 16. Councilmember Babb seconded the motion. All were in favor and the motion passed.

17. **Discussion of and action on a Resolution of the City Council of the City of Johnson City, Texas authorizing the video and audio recording of City Council and Planning and Zoning Commission meetings and the placement thereof on the City's website and/or YouTube channel for public information purposes; 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. (Staff)**

During council discussion, CAO Schroder clarified that this item was simple a policy decision. The City meets all that is required under the open meetings act by posting the agenda and approving minutes. The resolution would just offer additional transparency. There would be no cost to post on YouTube and that it seems to be the new standard for most local governments. Councilmember Dildine made a motion to approve the resolution. There was no second and the item failed.

18. **Discussion of and action on an Ordinance of the City Council of the City of Johnson City, Texas adopting a Design Standards and Specifications Manual to implement the provisions of Municipal Code of Ordinances Chapter 10 *Subdivision Regulation* and to provide for the orderly, safe, healthy, and uniform development of the area within the corporate City limits and extraterritorial jurisdiction (ETJ); authorizing the Chief Administrative Officer to take all necessary steps to implement the provisions of this Ordinance; incorporating recitals; providing for severability; repealing any other Code provisions, ordinances, or parts of ordinances, and other provisions in conflict herewith; adopting penalty clauses; and adopting an effective date. (Staff)**

At the direction of staff, Councilmember Coleman made a motion to table the item and have staff hold a public hearing. Councilmember Guthrie seconded the motion.

19. **Discussion of and action on an Ordinance of the City Council of the City of Johnson City, Texas (“City”) enacting regulations requiring the registration of hotels and all other short-term rentals subject to the hotel occupancy tax prescribed by Municipal Code of Ordinances Chapter 11 *Taxation*, Article 11.04 *Hotel Occupancy Tax* within the City limits and Extraterritorial Jurisdiction (“ETJ”); adding Article 4.07 *Hotel Permit Registration* to Municipal Code of Ordinances Chapter 4 *Business Regulations*; authorizing the Chief Administrative Officer to take all necessary steps to implement the provisions of this Ordinance; incorporating recitals; providing for severability; repealing any other Code provisions, ordinances, or parts of ordinances, and other provisions in conflict herewith; adopting penalty clauses creating a misdemeanor offense and penalties not to exceed \$500 per day; and adopting an effective date.**

After minimal discussion, Councilmember Young made a motion to approve item 19. Councilmember Guthrie seconded the motion. All were in favor and the motion passed.

20. **Discussion of and action on an Ordinance of the City Council of the City of Johnson City, Texas amending appropriations for the support of the City of Johnson City for the Fiscal Year beginning October 1, 2020 and ending September 30, 2021; appropriating money to a sinking fund to pay the interest and principal of the City’s indebtedness; adopting the annual Budget(s) of the City of Johnson City for the 2020 – 2021 Fiscal Year; authorizing the Chief Administrative Officer / City Secretary to expend monies and sign documents in accordance with said Budget(s); incorporating recitals; providing for severability; repealing any other Code provisions, ordinances, or parts of ordinances, and other provisions in conflict herewith; and adopting an effective date.**

CAO Schroder reiterated that this ordinance does not increase or decrease the budget total amounts only to reallocate funds to appropriate funds. Councilmember Young made a motion to approve item 20 with the understanding that there is no change in the approved tax rate. Councilmember Coleman seconded the motion. All were in favor and the motion passed.

With no addition business to come before the council, Mayor Stell adjourned the meeting at 9:22 pm.

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Rhonda Stell, Mayor

ATTEST:

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Whitney Walston, Deputy City Secretary