

JAMES BURGESS
MAYOR

JEANNIE PRAZAK
COUNCILMEMBER PLACE 1

LINDA HARRIS
COUNCILMEMBER PLACE 2



JEANIE SCOTT
COUNCILMEMBER PLACE 3

GERONIMO HERNANDEZ
COUNCILMEMBER PLACE 4

ROBERT MCCURDY
MAYOR PRO-TEM PLACE 5

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF VENUS
JULY 8, 2019**

THE CITY COUNCIL OF THE CITY OF VENUS MET IN A REGULAR MEETING ON MONDAY, JULY 8, 2019, AT THE VENUS COUNCIL CHAMBERS, 103 W. 3RD STREET, VENUS, TEXAS, AT 7:00 P.M., WITH THE FOLLOWING IN ATTENDANCE:

COUNCILMEMBERS PRESENT: JAMES BURGESS, JEANNIE PRAZAK, LINDA HARRIS, JEANIE SCOTT, GERONIMO HERNANDEZ, ROBERT MCCURDY

COUNCILMEMBER ABSENT: *none*

CALL TO ORDER – MAYOR BURGESS CALLED THE MEETING TO ORDER AT 7:00 P.M. FOLLOWED BY THE INVOCATION AND THE PLEDGE OF ALLEGIANCE.

2. ANNOUNCEMENTS-*none*

3. CITIZENS PUBLIC COMMENTS

Richard Lamkin, 118 Patriot Parkway, Venus, TX, Ron Lewis, 101 S. Locust St. Venus, TX, all spoke in opposition to the proposed apartment complex, Provisions at Patriot Parkway.

Ron Lewis, 101 S. Locust St. Venus, TX spoke against the duplex and the city employee time issues

John B Clopton Jr. 810 S FM 157, Venus, TX ETJ spoke in regards to time issue investigation occurring at city hall.

Benji Allen, 117 Sullivan Way, Maypearl, TX spoke in regards to the duplexes and leadership leaking information.

Robert Sandlin, developer with JMJ spoke of his concerns with the issues with developing in Venus.

I. PUBLIC HEARING

CONDUCT A PUBLIC HEARING REGARDING A ZONING CHANGE FROM A COMMERCIAL DISTRICT TO A PD PLANNED DEVELOPMENT DISTRICT ON THE PROPERTY APPROXIMATELY 15.03 ACRES GENERALLY LOCATED AT THE NORTHWEST CORNER OF HIGHWAY 67 AND PATRIOT PARKWAY.

Carl Crenshaw, 105 Williamsburg Ct. Venus, TX, Mandy Pena, 108 Rushmore Ln. Venus, TX, Bob Winkelman, 110 Franklin Ct. Venus, TX, Richard and Deborah Fritchman, 109 Patriot Parkway, Mariana, 124 Washington Way, Venus, TX, Deborah Blansit, 128 Washington Way, Venus, TX, all voiced their concerns on the proposed development, Provisions at Patriot Parkway, the developers of the property requesting the zone change.

Ryan Combs developer of the property and the BP of Gardner Capital spoke on behalf of the development explaining the benefits of the property and gave a presentation.

II. CONSENT AGENDA

- a. **APPROVAL OF MINUTES FOR THE MONTH OF JUNE.**
- b. **APPROVAL OF PAYMENT OF BILLS FOR THE MONTH OF JUNE.**

Councilmember Hernandez made a motion to approve the consent agenda in with the corrections requested by Councilmember Hernandez, seconded by Councilmember Scott. Motion carried unanimously (5,0).

III. ITEMS FOR CONSIDERATION

1. **DISCUSS AND ACT UPON FINAL PLAT FOR PATRIOT ESTATES 7A & 7B.**

Dustin Wentz, the project manager for Patriot Estates gave a presentation on the preliminary plats. There was a discussion between council and Mr. Wentz on the construction of the development. The city attorney, Brenda McDonald spoke informing council of the requirements given to developers by TCEQ. Councilmember Hernandez made a motion to approve the item, seconded by councilmember Prazak. Motion carried unanimously (5,0)

2. **DISCUSS AND ACT UPON PRELIMINARY PLAT FOR PATRIOT ESTATES PHASE 8.**

Dustin Wentz the project manager for the Patriot Estates development gave a description of Phase 8. There was a discussion regarding the construction of the development with Wentz and the Council. Mayor Burgess made a request to provide some of the street names for the development. The request was granted Mr. Wentz. Councilmember Prazak made a motion to approve the item, seconded by councilmember Harris. Motion carried unanimously (5,0)

3. **DISCUSS AND ACT UPON A RESOLUTION APPROVING A PROFESSIONAL SERVICES DEVELOPMENT AGREEMENT WITH JMJ DEVELOPMENT LLC.**

City Attorney, Brenda McDonald explained when a developer comes in with a major development the city goes into a professional service agreement to help fund the service provided. If the developer does not pay the city stops working on the project. Councilmember Prazak made a motion to approve the item, **Resolution 13-2019-07**, seconded by councilmember Scott. Motion carried unanimously (5,0).

4. **DISCUSS AND ACT UPON GRANTING A VARIANCE TO ACCESS A PUBLIC RIGHT-OF-WAY THROUGH A FLOODPLAIN, CHAPTER 14 FLOOD DAMAGE PREVENTION, SEC. 34, AS REQUESTED BY LUIS MENDOZA FOR THE MENDOZA ADDITION LOCATED AT 300 FM 1807 IN THE VENUS ETJ.**

City Administrator Michael Boese recommended not to grant the variance. There was a discussion amongst council and the property owner regarding other access in and out of the property. Councilmember Hernandez made a motion to allow the variance subject to the requirements of no elevation increase so there is no obstruction and waiver is signed for no emergency access so the property owner cannot sue. Seconded by Councilwoman Prazak. Motion carried (5,0).

5. **DISCUSS AND ACT UPON DIRECTING CITY STAFF TO NEGOTIATE AND SIGN A DEVELOPMENT AGREEMENT WITH LGI HOMES/TEXAS LLC AND USING CITY RESERVE FUNDS FOR ROAD MAINTENANCE ON COUNTY ROAD 620.**

There was a discussion regarding the negotiation being null and void due to the city not being able to fund their portion of the road maintenance. The funds were used for the change order from the construction of Student drive. Staff recommended to not enter the negotiation at this time.
No action was taken.

6. **DISCUSS AND ACT UPON AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY KNOWN AS JOHNSON CAD PROPERTY ID 9768, GENERALLY LOCATED SOUTH OF E. FIFTH STREET AND NORTH OF E. COUNTY ROAD 109 AND BEING AN APPROXIMATE 10.0 ACRE TRACT OF LAND SITUATED IN THE WILLIAM HILL SURVEY, ABSTRACT 379, TRACT 16 AND 17, JOHNSON COUNTY, TEXAS, EXTENDING THE BOUNDARY LIMITS OF THE CITY SO AS TO INCLUDE THE DESCRIBED PROPERTY, AND ADOPTING A SERVICE PLAN, REQUESTED BY THE VENUS CEMETERY ASSOCIATION.**

Councilmember Prazak made a motion to approve **Ordinance No. 679-2019-07**, seconded by Councilmember Scott. Motion Carried (5,0).

7. DISCUSS AND DIRECT STAFF ON CREATING AN AGENDA POLICY THAT INCLUDES WHEN THE AGENDA IS FINALIZED AND DELIVERED TO THE CITY COUNCIL

Council directed staff to have the Agenda Policy state all documents are due on the Tuesday before the Monday regular meeting by 5 pm and the agenda be posted Wednesday by 5 pm and a resolution will be ready to approve August 12th.

8. DISCUSS AND ACT UPON AMENDING THE GARAGE SALE ORDINANCE.

City Administrator, Michael Boese explained citizens can have 4 signs and each individual sign can be placed on 4 people's properties. Signs will need to be removed within 24 hours.

Councilmember Prazak made a motion to approve **Ordinance No. 680-2019-07**, seconded by Councilmember Harris. Motion carried (5,0).

9. APPOINTING A PLANNING AND ZONING COMMISSION.

Drew Wilson-Place 1 was appointed by Councilmember Jeannie Prazak

Patricia Prosper-Place 2 was appointed by Councilmember Linda Harris

James Hopper-Place 3 was appointed by Councilmember Jeanie Scott

Ronald Lewis-Place 4 was appointed by Councilmember Geronimo Hernandez

Michael Walker-Place 5 was appointed by Mayor Pro-Tem Robert McCurdy

Kelsey Hazard-Place 6 was selected by a majority vote

Katie Greenberg-Place 7 was nominated by Mayor Burgess

10. DISCUSS AND ACT UPON GRANTING A VARIANCE OF THE RESIDENTIAL SETBACK LINES IN THE SUBDIVISION ORDINANCE, SECTION 26-107 TABLE A, AND ZONING ORDINANCE, SECTION 34-62, AS REQUESTED BY CHAMBERS CREEK HOLDINGS ON THE PROPERTY LOCATED AT 300 W 2ND STREET.

City Administrator, Michael Boese read a letter written by the City Engineer explaining digging ditches would worsen the drainage worse. Councilmember Prazak made a motion to approve the item as stated with the stipulation of a fence being built seconded by councilmember Harris. Motion carried (3,2).

11. DISCUSS AND CONSIDER AN ORDINANCE FOR A ZONING CHANGE FROM COMMERCIAL DISTRICT TO A PLANNED DEVELOPMENT DISTRICT ON THE PROPERTY OF APPROXIMATELY 15.03 ACRES GENERALLY LOCATED AT THE NORTHWEST CORNER OF HIGHWAY 67 AND PATRIOT PARKWAY, PATRIOT COMMONS.

Councilmember Prazak made a motion to approve. No one seconded the motion. Motion died.

Councilmember Hernandez made a motion to deny, seconded by Councilmember Harris. Motion carried (3,1) (McCurdy) with 1 abstention/ (Prazak)

12. PRESENTATION OF MONTHLY DEPARTMENT REPORTS:

- **POLICE DEPARTMENT MONTHLY ACTIVITY** – Captain James Groom
- **FIRE DEPARTMENT MONTHLY ACTIVITY** – Fire Chief Allen
- **PUBLIC WORKS AND WATER/SEWER MONTHLY ACTIVITY** – **PUBLIC WORKS DIRECTOR**, Andy Wolfe-absent. The report was presented by the City Administrator, Michael Boese.
- **ADMINISTRATION MONTHLY ACTIVITY** – City Administrator, Michael Boese

IV. EXECUTIVE SESSION- 11:17 PM

THE CITY COUNCIL RESERVES THE RIGHT TO MEET IN EXECUTIVE SESSION CLOSED TO THE PUBLIC AT ANY TIME IN THE COURSE OF THIS MEETING TO DISCUSS MATTERS LISTED ON THE AGENDA, PURSUANT TO AUTHORIZATION BY THE TEXAS OPEN MEETINGS ACT TEXAS GOVERNMENT CODE, CHAPTER 551.071 (PRIVATE CONSULTATION WITH ATTORNEY FOR THE

CITY), 551.072 (DELIBERATIONS ABOUT REAL PROPERTY), 551.073 (DELIBERATIONS ABOUT GIFTS AND DONATIONS), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATIONS ABOUT SECURITY DEVICES), 551.087 (ECONOMIC DEVELOPMENT), 418.183 (HOMELAND SECURITY). ANY DECISIONS HELD ON SUCH MATTERS

IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, SECTION 551.001, ET SEQ., THE CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION (CLOSED MEETING) TO DISCUSS THE FOLLOWING:

- A. 551.074 (PERSONNEL MATTERS) DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE: CITY ADMINISTRATOR**
- B. 551.071 (CONSULTATION WITH ATTORNEY) DISCUSSION REGARDING INVESTIGATION OF THE CITY ADMINISTRATOR; UATTEND TIME CLOCK SYSTEM; CITY COUNCIL MEMBER'S REQUESTS FOR INFORMATION; AND ROLES OF THE MAYOR, CITY COUNCIL AND CITY ADMINISTRATOR.**

V. RECONVENE INTO REGULAR SESSION-2:01 AM

13. ACT UPON EXECUTIVE SESSION ITEMS IF NEEDED.

14. DISCUSSION REGARDING THE CITY ADMINISTRATOR'S POSITION IN REFERENCE TO ORDINANCE.

Item tabled

15. DISCUSSION AND ACT UPON ON REMOVAL OF THE UATTEND TIME CLOCK SYSTEM.

Item tabled

VI. ADJOURNMENT-2:02 AM

ATTEST:

APPROVED:

Rana Gamel, City Secretary

James Burgess, Mayor