

**CITY OF VENUS CITY COUNCIL
REGULAR MEETING MINUTES**

MONDAY, June 10, 2019

Council Chambers 103 W. 3rd Street
Venus, Texas 76084

COUNCIL MEMBERS PRESENT

James Burgess, Mayor
Jeannie Prazak, Place 1
Linda Harris, Place 2
Jeanie Toland-Scott, Place 3
Geronimo Hernandez, Place 4
Robert McCurdy, Mayor Pro-Tem, Place 5

Mayor Burgess called the meeting to order at 6:30 PM followed by the invocation and the Pledge of Allegiance.

ANNOUNCEMENTS

CITIZEN PUBLIC COMMENT PERIOD

Joe Russell who resides at 10 Bulldog Drive, Venus, Texas 76084 spoke regarding a conflict of interest with a councilmember and a person that is requesting a rezone.

Chad Starks who is a builder of the duplexes off of 2nd Street in Venus spoke in regards to the zoning request. He felt it was not right for the zone change to pass. He explained he had to go through all the steps in order to build the duplexes and he felt the people asking for the zone change should have to do the same.

Adel Sebita who is the owner of many properties in the City of Venus spoke thanking the council for the progress being made in the city.

Brian Bennet who resides at 100 S. Locust St. Venus, Texas 76084 spoke in favor of the zone change. He explained he appreciates all that the Allen's have done around the City of Venus. He explained he was approached to sign a petition against the zone change that was deceptive. He felt this misrepresentation was a defamation against the Allen's character and it was a tool being used for deeper concern.

J.B. Clopton who resides at 810 S FM 157 in the Venus ETJ spoke about a conflict of interest with a councilmember giving a donation to a candidate who had run for schoolboard. Mr. Clopton also spoke in regards to the City's planning and zoning map needing to be updated.

Ronald Lewis who resides at 101 S. Locust St. Venus, Texas 76084 spoke in regards to the duplex structure. He explained the process of getting building permits and felt that the structure should have gone through the correct process.

I. PROCLAMATIONS-

II. PUBLIC HEARINGS-6:52 PM

CONDUCT A PUBLIC HEARING ON A ZONING CHANGE REQUEST FILED BY JOHN ALLEN WITH CHAMBERS CREEK HOLDINGS LLC ON THE PROPERTY LOCATED ON LOT 4, BLOCK 33 GEO NUMBER 126.4430.03310 ORIGINAL TOWN VENUS REZONED FROM R1 SINGLE FAMILY RESIDENTIAL TO R2 MULTI-FAMILY RESIDENTIAL.

John Allen with Chamber Creek Holdings LLC spoke in regards to the zoning change.

David Bell who resides at 602 Walnut in Venus spoke asking for the zone change on the city website and he would appreciate if citizens were given more notice.

Sylvia Allen who resides at 1105 S FM 157 in the Venus ETJ spoke explaining she was the one who had people sign the petition against the zone change. She spoke in opposition to the zone change. Mrs. Allen said she was informed the property owners had bribed one of the residents with building a fence to separate the structure from their home.

J.B. Clopton who resides at 810 S. FM 157 in the Venus ETJ spoke explaining there should be a board of adjustments that could address the matter of the zone change. The city needs the board of adjustments to take care of it.

Chad Starks owner of duplexes built in the City of Venus spoke explaining the Allens are not at fault but they still need to go through the process that he went through to build his duplexes.

Benji Allen, builder of the property involved in the zoning change request spoke. He explained they did what they needed to do to receive the permit. They care about Venus and they kept the historic value of the properties. Mr. Allen read the statement on the petition that had been passed around by Sylvia Allen. He explained that is was incorrect and misrepresented. Mr. Allen explained many in the neighborhood said they were misled. Mr. Allen also explained that he did not bribe anyone an even used the words “this is not a bribe” when asked about building the fence for the home that is near the structure. Councilmember Harris got clarification on whether the fence would be built on the property of the structure that the Allens were requesting the zoning change for or if it was suppose to be built on the property owners fence line Benji Allen had spoke to. Mr. Allen explained it was going to be built on the fence line of the property of the structure where the zone change is being requested because there is already a chain link fence on the property owners fence line that would be near the property up for the zone change. There was a discussion amongst council and the city attorney on the state law on zoning. Tony Bovanich spoke referencing the city ordinance on R2 zoning. Councilmember Prazak spoke saying she knows 6 citizens in the surrounding area of the structure up for rezone are in support of it and only 3 are against it

III. CONSENT AGENDA

1. **APPROVAL OF ALL MINUTES FOR THE MONTH OF MAY.**
2. **RATIFYING THE PAYMENT OF BILLS FOR THE MONTH OF MAY.**

Councilmember Prazak made a motion seconded by Councilmember Scott to approve the consent agenda. (4,1) Hernandez.

IV. ITEMS FOR CONSIDERATION

1. **DISCUSS AND ACT UPON THE REQUEST ON A ZONING CHANGE FILED BY JOHN ALLEN WITH CHAMBERS CREEK HOLDINGS LLC ON THE PROPERTY LOCATED ON LOT 4, BLOCK 33 GEO NUMBER 126.4430.03310 ORIGINAL TOWN VENUS REZONED FROM R1 SINGLE FAMILY RESIDENTIAL TO R2 MULTI-FAMILY RESIDENTIAL.**

Councilmember Hernandez made a motion to table the item until there is research done to gather more information on the issue, seconded by Councilmember Scott. (2,3) Prazak, Harris, and McCurdy. Mayor then explained they needed to approve or deny the item.

Councilmember Harris made a motion to approve the item as stated, seconded by Councilmember Prazak. (3,2) Hernandez, Scott.

2. **APPROVAL TO REMOVE CURRENT AUTHORIZED SIGNATORY, COUNCILMEMBER JEAN TOLAND SCOTT AND ADD MAYOR PRO-TEM, ROBERT MCCURDY AS AN AUTHORIZED SIGNATORY FOR CITY ACCOUNTS, TO INCLUDE BANK ACCOUNTS (CITIZENS' NATIONAL BANK AND OTHERS), GRANTS AND ANY OTHER ACCOUNTS IN THE CITY OF VENUS' NAME.**

Councilmember Prazak made a motion to approve the item as stated, seconded by councilmember Scott. (5,0). Motion carried unanimously.

3. **NOMINATE AND ELECT THREE 4B MEMBERS, ONE FROM THE VENUS CITY COUNCIL AND TWO CITY OF VENUS RESIDENCE FOR TWO-YEAR TERMS.**

Councilmember Prazak nominated Councilmember Harris and Randall Buck, Councilmember Harris, Councilmember Harris had no nominations, Councilmember Scott nominated herself and Joe Russell, Councilmember Hernandez had no nominations, Mayor Pro-Tem McCurdy nominated no one. Councilmember Linda Harris was voted to be on the 4B Board (4,1) Scott. Councilmember Hernandez made a motion to select Harris, Buck, and Russell to approve the nominees for 4B Board, seconded by Councilmember Scott (5,0). Motion Carried unanimously.

4. DISCUSS AND ACT UPON A RESOLUTION AMENDING THE MASTER FEE SCHEDULE FOR BUILDING AND DEVELOPMENT INSPECTION AND REVIEW SCHEDULE OF FEES.

Councilmember Prazak made a motion to approve 06 the item as stated Resolution 12-2019-, seconded by councilmember Harris. (5,0). Motion carried unanimously.

NOTE: Mayor Burgess left the dais at 8:50 PM and returned at 8:51 PM.

5. DISCUSS AND ACT UPON A CHANGE ORDER FOR STUDENT DRIVE ROAD CONSTRUCTION PROJECT.

City Engineer, Craig Kerkoff explained the issues which resulted having a change order. Councilmember Harris made a motion to approve the item as stated, seconded by Councilmember Scott.

6. DISCUSS AND DIRECT STAFF IN REFERENCE TO FLOODING AND MOLD ABATEMENT AT THE FORMER POLICE BUILDING AND COUNCIL CHAMBERS.

There was a discussion regarding the flooding of the police station. Public Works Director, Andy Wolfe explained he was waiting on the gas company to locate the lines before continuing any further digging. There was a discussion on the consideration of possibly selling the former PD and let the person who purchased the building rebuild. Council gave direction to staff to just fix the drainage as of now.

7. DISCUSS AND ACT UPON AN ORDINANCE OF THE CITY OF VENUS, TEXAS, JOHNSON AND ELLIS COUNTIES; AMENDING ZONING ORDINANCE CREATING A PLANNING & ZONING COMMISSION (P&Z) AND SETTING FORTH RULES FOR ITS ORGANIZATION PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN ENGROSSMENT AND ENROLLMENT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The City Attorney, Brenda McDonald explained that each member is allowed to appoint a member and council would need to confirm the appointees and vote to approve them as a whole. Councilmember Hernandez made a motion to approve the option B, amending Ordinance 242-2001, Ordinance 679-2019-06, seconded by Councilmember Scott. (5,0).

8. DISCUSSION REGARDING PERSONNEL MATTERS WITH THE CITY ADMINISTRATOR DISREGARDING DIRECTION GIVEN BY THE COUNCIL AS REQUESTED BY COUNCILMEMBER HERNANDEZ.

Councilmember Hernandez voiced his concerns on the subjects he felt were issues with City Administrator, Michael Boese. Hernandez had several items regarding purchases that were not approved by council. The Purchasing Policy recently past was referenced. It was discussed that the policy allows the Mayor and City Administrator to approve a certain dollar amount which Mr. Boese complied with. Mr. Boese showed council all documentation needed to show proof he was not going against council direction.

9. PRESENTATION OF MONTHLY DEPARTMENT REPORTS:

- **POLICE DEPARTMENT MONTHLY ACTIVITY** – Captain James Groom
- **FIRE DEPARTMENT MONTHLY ACTIVITY** – Chief Richard Allen
- **PUBLIC WORKS AND WATER/SEWER MONTHLY ACTIVITY** – Public Works Director, Andy Wolfe
- **ADMINISTRATION MONTHLY ACTIVITY** – City Administrator, Michael Boese

V. EXECUTIVE SESSION

Recessed into Executive Session at 10:33 PM

- A. 551.072 Discuss Real Property In Regards To The Old Police Building Located At 103 W. 3rd Street.*
- B. In Accordance With Texas Government Code, Section 551.074: To Deliberate The Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, Or Dismissal Of A Public Officer Or Employee: City Attorney.*

Reconvened into Regular Session at 10:55 PM.

RECONVENE INTO REGULAR SESSION

ACT UPON EXECUTIVE SESSION ITEMS IF NEEDED- No action taken

VI. ADJOURNMENT-10:56 PM

ATTEST:

APPROVED:

Rana Gamel, City Secretary

James Burgess, Mayor