

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

Councilmember Place 5 /
Mayor Pro-Tem

VENUS SPECIAL CALLED COUNCIL MEETING

210 South Walnut Street

Venus, Texas 76084

Tuesday, November 17, 2020 at 7:00 P.M.

Special Called Agenda

In conjunction with the guidance and provisions provided by the Governor of Texas in the Declaration of Disaster and subsequent executive orders altering certain Texas Open Meetings Act requirement and ordering that government buildings shall allow a percentage of people to assemble, the City Council of the City of Venus will allow the public to attend the meeting scheduled at 7:00 p.m. at the Venus Civic Center or view by livestreaming on <https://www.facebook.com/CityofVenusTX/> in order to advance the public health goal of limiting face-to-face interaction (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). **Although citizens will be allowed to attend the meeting in person, keeping social distancing in mind is required and wearing a facial mask is required.**

A recording of this meeting will be made, and will be available to the public in accordance with the Texas Open Meetings Act upon written request.

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1. Call to Order, Roll Call, Invocation, Pledge of Allegiance

2. Canvass

2.1. Canvass votes for the City of Venus General Election held November 3, 2020.

2.2. Consider and act upon Resolution No. 36-2020-11 declaring the results of the City of Venus General Election held on November 3, 2020.

[Resolution No. 36-2020-11 Canvassing General Elections \(Venus\).doc](#)



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2.3. Mayor to issue Certificates of Election to the newly elected

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members: Councilmember Place 3 - Jeanie Toland-Scott, Councilmember Place 4 - Geronimo Hernandez, JR., and Councilmember Place 5- Phyllis Lewis.

[1 - Certification of Election - Jeanie Toland-Scott.docx](#)  [2 - Certification of Election -Geronimo Hernandez, Jr..docx](#)  [3 - Certification of Election - Phyllis Lewis.docx](#) 

- 2.4. Statement of elected City Council members disclaiming any payment, offer, promise to pay, contribution, or promise to contribute any money or thing of value, or promise of any public office or employment for the giving or withholding of a vote at the election or as a reward to secure appointment or confirmation. 15 - 17

[1 - STATEMENT OF ELECTED OFFICER - Jeanie Toland-Scott.docx](#)  [2 - STATEMENT OF ELECTED OFFICER - Geronimo Hernandez, JR..docx](#)  [3 - STATEMENT OF ELECTED OFFICER - Phyllis Lewis.docx](#) 

- 2.5. Administer Oath of Office to the newly elected City Council members. 18 - 23

[1 - OATH OF OFFICE -Jeanie Toland- Scott.docx](#)  [2 - OATH OF OFFICE -Geronimo Hernandez, JR..docx](#)  [3 - OATH OF OFFICE - Phyllis Lewis.docx](#) 

- 2.6. Councilmembers who have been sworn in may greet and address the public regarding and relating to their election.

- 2.7. Election of Mayor Pro Tem.

3. Consideration items

- 3.1. Consider, deliberate and act upon Ordinance No. 716-2020-11 of the City of Venus, Texas, amending the Venus Code of Ordinances, Sections 10-167, Application for Permit and Fees, and 10-169, Inspections, to revise regulations for inspections of a mobile food unit; providing for a savings and severability clause; providing for a repealer clause; and providing an effective date. 24 - 27

[716-2020-11-Ord - Food Truck Fix v3.docx](#) 

4. Adjournment

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).

This is to certify that a copy of this Notice of Meeting was posted on the bulletin of City Hall, 700 W. Hwy 67 Venus, Texas and at a place readily accessible to the general public at all times and to the City's website www.cityofvenus.org, by 6:00 p.m., Friday, November 13, 2020.

Callie Green,
City Secretary

The City Council may convene into executive session on any matter related to any of the above agenda items for a purpose, such closed session allowed under Chapter 551, Texas Government Code. This agenda is posted as required under Section 551.041, Texas Government Code.

For more information or a copy of the Open Meetings Act, please contact the Attorney General of Texas at 1-800-252-8011; the City Secretary at 972-366-3348, ext. 211 or visit the City of Venus web site at www.cityofvenus.org. This building is wheelchair accessible. Any requests for Interpretive Services must be named 48 hours in advance of the scheduled meeting. To make arrangements please call 972-366-3348.

RESOLUTION NO. 36-2020-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, CANVASSING THE GENERAL ELECTION RETURNS, INCLUDING THE RETURNS OF EARLY VOTING BALLOTS CAST IN CONNECTION THEREWITH, AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON NOVEMBER 3, 2020, FOR THE PURPOSE OF ELECTING MEMBERS TO THE CITY COUNCIL TO PLACES 3, 4 AND 5; AUTHORIZING THE ISSUANCE OF A CANVASS OF THE GENERAL ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a general election was held on November 3, 2020 in the City of Venus, Texas ("City") for the purpose of electing members to the City Council to Places 3, 4 and 5; and

WHEREAS, the City Council of the City has heretofore caused to be posted and published in accordance with the election laws of the State of Texas, notices of the general election to be held on November 3, 2020; and

WHEREAS, notices of the general election were actually given by the City and the Johnson and Ellis County Elections Administrators as required by state law; and

WHEREAS, the City Secretary presented affidavits of posting and publication of the notices of the general election; and

WHEREAS, the general election was duly and legally held on November 3, 2020, in the City and in conformity with the election laws of the State of Texas, and the results of the general election, including the early voting results, have been certified and returned by the proper judges and clerks thereof; and

WHEREAS, the City Secretary, acting as special custodian of the election records, presented the canvass report for the general election, including the returns of the early ballots cast in connection therewith, to the Canvassing Board; and

WHEREAS, the City Council of the City, acting in its capacity as the Canvassing Board for the general election, has considered the returns of said general election, including the returns of said ballots cast in connection therewith; and

WHEREAS, the returns of the general election, including the returns of early ballots cast in connection therewith, duly and legally made, showed that there were cast at said general election, the following total valid and legal votes:

Council Member, Place 3	Votes Cast
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Omar Sebita	330
Jeanie Toland-Scott	384
Council Member, Place 4	Votes Cast
Geronimo Hernandez, Jr.	394
Ricardo Lopez	304
Council Member, Place 5	Votes Cast
Stephen Cook	208
Phyllis Lewis	302
Robert McCurdy	188

WHEREAS, the City Council, at a Special Council Meeting on November 17, 2020, canvassed the returns of said election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS:

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated into the body of this Resolution and made a part hereof for all purposes.

Section 2. Confirmation of Vote Tabulations. The results of the general election, as canvassed and tabulated above reflect the expressed desires of the resident qualified voters of the City.

Section 3. Issuance of Certificates of Election. That the Mayor is hereby authorized and directed to execute and deliver Certificates of Election to the successful candidates elected at the general election.

Section 4. Issuance of Canvass of General Election. The Mayor is hereby authorized and directed to execute and deliver the Canvass of the general election, a copy of which is attached hereto as **Exhibit "A,"** in accordance with the election laws of the State of Texas, and to take all other action necessary connection therewith.

Section 5. Declaring an Effective Date. This resolution shall be in full force and effect from and after its passage, and it is accordingly so resolved.

PASSED AND APPROVED by the City Council of the City of Venus, Texas this 17th day of November 2020.

James Burgess, Mayor

ATTEST:

Callie Green, City Secretary

EXHIBIT "A"

**CANVASS OF CITY OF VENUS, TEXAS
NOVEMBER 3, 2020 GENERAL ELECTION**

I, James Burgess, Mayor of the City of Venus, Texas, met with the City Council sitting as the canvassing board to canvass the general election of November 3, 2020, on Tuesday, November 17, 2020, at the Venus Civic Center, 210 S. Walnut Street, Venus, Texas 76084.

I certify that the figures on the tally sheets correspond with the figures on the returns.

Witness my hand this 17th day of November 2020.

James Burgess
Presiding Officer of Canvassing Authority



In the name and by the authority
of

The State of Texas

THIS IS TO CERTIFY, that at a general election held on

3rd, November, 2020

Jeanie Toland-Scott

was duly elected

City Council Place 3

In testimony whereof, I have
hereunto signed my name and
caused the Seal of Texas to be
affixed at the City of Venus,
this the 17th day of
November, 20 20 .



In the name and by the authority
of

The State of Texas

THIS IS TO CERTIFY, that at a general election held on
3rd, November, 2020

Geronimo Hernandez, JR.

was duly elected

City Council Place 4

In testimony whereof, I have
hereunto signed my name and
caused the Seal of Texas to be
affixed at the City of Venus,
this the 17th day of
November, 2020.

**Signature of Presiding Officer of
Canvassing Authority**



In the name and by the authority
of

The State of Texas

THIS IS TO CERTIFY, that at a general election held on
3rd, November, 2020

Phyllis Lewis

was duly elected

City Council Place 5

In testimony whereof, I have
hereunto signed my name and
caused the Seal of Texas to be
affixed at the City of Venus,
this the 17th day of
November, 2020.

**Signature of Presiding Officer of
Canvassing Authority**



STATEMENT OF ELECTED/APPOINTED OFFICER

I, **Jeanie Toland-Scott** do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.

Date

Officer's signature

City Council Place 3

City of Venus, Johnson/Ellis County

Position to which elected/appointed

City and/or County



STATEMENT OF ELECTED/APPOINTED OFFICER

I, Geronimo Hernandez, JR., do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.

Date

Officer's signature

City Council Place 4

City of Venus, Johnson/Ellis County

Position to which elected/appointed

City and/or County



STATEMENT OF ELECTED/APPOINTED OFFICER

I, Phyllis Lewis, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.

Date

Officer's signature

City Council Place 5

City of Venus, Johnson/Ellis County

Position to which elected/appointed

City and/or County



OATH OF OFFICE

“I, Jeanie Toland-Scott do solemnly wear (or affirm) that I will faithfully execute the duties of the office of City Council Place 3, of the City of Venus, State of Texas, and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of this State, so help me God.”

Affiant

SWORN TO and subscribed before me by affiant on this the 17th day of November, 2020.

Signature of person administering Oath

Printed name and Title



OATH OF OFFICE

“I, Geronimo Hernandez, JR. do solemnly wear (or affirm) that I will faithfully execute the duties of the office of City Council Place 4, of the City of Venus, State of Texas, and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of this State, so help me God.”

Affiant

SWORN TO and subscribed before me by affiant on this the 17th day of November, 2020.

Signature of person administering Oath

Printed name and Title



OATH OF OFFICE

“I, Phyllis Lewis do solemnly wear (or affirm) that I will faithfully execute the duties of the office of City Council Place 5, of the City of Venus, State of Texas, and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of this State, so help me God.”

Affiant

SWORN TO and subscribed before me by affiant on this the 17th day of November, 2020.

Signature of person administering Oath

Printed name and Title



ORDINANCE NO. 716-2020-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, AMENDING THE VENUS CODE OF ORDINANCES, SECTIONS 10-167, APPLICATION FOR PERMIT AND FEES, AND 10-169, INSPECTIONS, TO REVISE REGULATIONS FOR INSPECTIONS OF A MOBILE FOOD UNIT; PROVIDING FOR A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Venus, Texas ("City"), is a Type A general law city located in Johnson County, Texas and Ellis County, Texas created and operating pursuant to the laws of the State of Texas, by and through its duly elected council members; and

WHEREAS, the City is authorized and empowered to adopt and enforce ordinances, not inconsistent with state law that are necessary to protect the welfare and safety of its inhabitants (Texas Local Government Code §51.012); and

WHEREAS, the City has adopted regulations governing Food Establishments in order to protect the health, safety, and welfare of the citizens of the City of Venus; and

WHEREAS, the City Council finds it is in the best interest of the City to amend the regulation of inspections of mobile food units to provide that such units may receive a permit from the City if operated in accordance with the regulations put in place by the State of Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS:

Section 1. The recitals set forth above are true and correct and are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Chapter 10 – Business Regulations, Article V – Food Establishments, Section 10-167 – Application for Permit and Fees - shall be and is hereby amended in its entirety to read as follows:

“Section 10-167. – Application for permit and fees.

- (a) Any person desiring to operate a food establishment must make a written application for a permit on forms provided by the regulatory authority. The application must contain the name and address of each applicant, the location and type of the proposed food establishment and the applicable fee. An incomplete application will

not be accepted. Failure to provide all required information, or falsifying information required may result in denial or revocation of the permit. Renewals of permits are required on an annual basis and the same information is required for a renewal permit as for an initial permit.

- (b) Except as otherwise provided in this article, prior to the approval of an initial permit or the renewal of an existing permit, the regulatory authority shall inspect the proposed food establishment to determine compliance with state laws and rules. A food establishment that does not comply with state laws and rules will be denied a permit or the renewal of a permit.
- (c) Fees for permits issued under this article shall be set by city council and included in the master fee schedule.”

Section 3. Chapter 10 – Business Regulations, Article V – Food Establishments, Section 10-169 – Inspections - shall be and is hereby amended in its entirety to read as follows:

“Sec. 10-169. – Inspections.

- (a) Before a permit is issued, the city or its authorized representative shall inspect and approve the food establishment. An inspection of a food establishment shall be performed at least two times annually and shall be prioritized based upon assessment of a food establishment's compliance and potential of causing food-borne illness according to V.T.C.A. Administrative Code, Title 24, Part 1, Chapter 228, Rule § 228.249
- (b) Refusal of an owner, manager or employee to allow the authorized representative of the regulatory authority, upon presentation of credentials, to inspect any permitted business or operation therein during normal business hours will result in an immediate suspension of the permit, requiring all permitted activities to abate until after such time as a hearing may be held per section 10-173 of this article.
- (c) Notwithstanding any other provision in this article, a mobile food unit, as defined by Title 25, Texas Administrative Code, Chapter 228, may be issued a permit upon providing proof that the mobile food unit has passed the initial inspection required by Title 25, Texas Administrative Code, § 228.221 and has a current permit issued by the Texas Department of State Health Services or other appropriate state authority.”

Section 4. Savings Clause. All rights and remedies of the City of Venus, Texas, are expressly saved as to any and all violations of the provisions of the Ordinance or any other ordinance which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 5. Cumulative Clause. This Ordinance shall be cumulative of all provisions of state or federal law and other ordinances of the City of Venus, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 6. Severability Clause. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 7. Repealer Clause. Any provisions of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 8. This Ordinance shall become effective from and after its passage and publication as required by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS
ON THIS THE 17th DAY OF NOVEMBER, 2020.**

James L. Burgess, Mayor

ATTEST:

Callie Green, City Secretary

APPROVED AS TO FORM:



Timothy A. Dunn, City Attorney