

Mayor Todd Kana
Daniel Miller, Position 1
Matthew Dantzer, Position 2
Richard Carby, Mayor Pro Tem, Position 3
Brenda Hoppe, Position 4
Jack L Huitt Jr., Position 5



Don Doering, City Administrator
Leonard Schneider, City Attorney
Kyle Montgomery, Police Chief
Beverly Standley, Finance/HR Administrator
Tim Robertson, City Engineer
Christian Gable, City Secretary

NOTICE OF PUBLIC MEETING OF THE MAGNOLIA CITY COUNCIL

PUBLIC HEARINGS & REGULAR CITY COUNCIL MEETING TUESDAY, APRIL 9, 2024 – 6:00 PM

Sewall Smith Council Chambers 18111 Buddy Riley Blvd., Magnolia, Texas 77354

AGENDA

1. CALL MEETING TO ORDER

- a. INVOCATION
- b. PLEDGE OF ALLEGIANCE
- c. ROLL CALL AND CERTIFICATION OF A QUORUM

2. CITIZEN COMMENTS, REQUESTS OR PETITIONS FROM THE PUBLIC

(This agenda item provides an opportunity for citizens to address the City Council on any matter not on the agenda). Comments shall be limited to three (3) minutes per person. Comments by the governing body shall be limited to:

- a. *Statements of specific factual information given in response to an inquiry;*
- b. *A recitation of existing policy in response to an inquiry;*
- c. *A proposal to place the subject on a future agenda.*

3. OPEN 1ST PUBLIC HEARING

NOTICE OF PUBLIC HEARING

On April 9, 2024 at 6:00 pm., Magnolia City Council will hold a public hearing in the Council Chambers of Magnolia City Hall, 18111 Buddy Riley, Blvd., Magnolia, Texas 77354, giving all interested persons the right to appear and be heard to discuss a rezoning to the City of Magnolia Official Zoning Map for 11.6899 acres of land from Rural to Auto-Urban Commercial:

Being 7.4128 acres of land in the Hampton Tillons Survey, Abstract 556, in Montgomery County, Texas, and being out of the MAGNOLIA VILLAGE SOUTH SUBDIVISION, UNRESTRICTED RESERVE "A" according to the plat thereof recorded in Cabinet 00Z, Sheets 9281-9283, of the Map Records of Montgomery County, Texas, and being a portion of the Remainder of a called 107.715 acre tract described in the deed to BBQ Equity Partners, LLC recorded under File Number 2017015767 of the Official Public Records of Real Property of Montgomery County, Texas,

And;

Being 4.2771 acres of land in the Hampton Tillons Survey, Abstract 556, in Montgomery County, Texas, and being out of the MAGNOLIA VILLAGE SOUTH SUBDIVISION, UNRESTRICTED RESERVE "A" according to the plat thereof recorded in Cabinet 00Z, Sheets 9281-9283, of the Map Records of Montgomery County, Texas, and being a portion of the Remainder of a called 107.715 acre tract described in the deed to BBQ Equity Partners, LLC recorded under File Number 2017015767 of the Official Public Records of Real Property of Montgomery County, Texas.

4. CLOSE 1ST PUBLIC HEARING AND OPEN 2ND PUBLIC HEARING

NOTICE OF PUBLIC HEARING

On April 9, 2024 at 6:00 pm. Magnolia City Council will hold a public hearing in the Council Chambers of Magnolia City Hall, 18111 Buddy Riley, Blvd., Magnolia, Texas 77354, giving all interested persons the right to appear and be heard, and to discuss:

- Conditional Use Permit for BBQ Equity Partners, LLC in Magnolia Village South concerning use of self-storage in a nonresidential, Auto-Urban Commercial (AC) zoned district.
Legal Description: S710800 – Magnolia Village South – Reserve A
(+/- 2.44 acres of 11.6894 acre property)

5. CLOSE 2ND PUBLIC HEARING AND OPEN 3RD PUBLIC HEARING

NOTICE OF PUBLIC HEARING ON THE EXTENSION OF A MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, PROPERTY DEVELOPMENT, OR CONSTRUCTION IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS, UNDER CHAPTER 212, TEXAS LOCAL GOVERNMENT CODE.

On Thursday, December 16, 2022, a temporary moratorium was put in effect on the acceptance, authorization, and approvals necessary for the subdivision, site planning, property development, including residential and commercial property development or construction in the City limits and Extraterritorial Jurisdiction for new projects. A continuing Moratorium was imposed by the adoption of Ordinance No. O-2022-031 on December 21, 2022 with an expiration date of April 20, 2023.

Thereafter, on April 11, 2023, the City adopted Ordinance No. O-2023-003, with an effective date of April 20, 2023, extending the moratorium an additional 120 days.

Thereafter on August 8, 2023, the City adopted Ordinance O-2023-011 extending the moratorium an additional 120 days.

Thereafter on December 12, 2023, the City adopted Ordinance O-2023-017 extending the moratorium an additional 120 days. The Current Moratorium is set to expire on or about April 14, 2024, unless it is extended before that date by Ordinance adopted by City Council.

City residents and affected parties are encouraged to provide input on whether the Current Moratorium should be extended an additional 120 days. The Public hearing to extend the Current Moratorium and City Council Meeting will be held on the following date and time:

Hearing: City Council, Tuesday, April 9, 2024 at 6:00 p.m.

The public hearing will be conducted in the Sewall Smith Council Chambers, located at 18111 Buddy Riley Blvd, Magnolia, Texas for all persons interested in the Current Moratorium and the extension of the Current Moratorium. At such time and place, all such persons shall have the right to appear and be heard. All persons interested in the moratorium and matters in relation thereto shall take notice of the date and time of said hearing.

The City conducted an analysis to determine the adequacy of the City's current regional water facilities and the need beyond the estimated capacity that is expected to result from new property development. The City has been provided with certain findings related to the potential inadequacy of the existing water facilities to prevent a shortage of essential public facilities. The Moratorium is necessary to maintain the status quo and suspend further development during a period while the City actively took steps to alleviate the inadequacy of the existing water facilities to prevent a shortage of essential public facilities. The public hearing is to receive public input on whether the Current Moratorium should be extended.

6. CLOSE 3RD PUBLIC HEARING AND CONVENE REGULAR MEETING

- 7. CONSIDERATION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. O-2024-002 AMENDING THE CITY OF MAGNOLIA OFFICIAL ZONING MAP FOR MAGNOLIA VILLAGE SOUTH, BEING 11.6899 ACRES OF LAND, FROM RURAL TO AUTO-URBAN COMMERCIAL** (Mayor Todd Kana)
- 8. CONSIDERATION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. O-2024-003 APPROVING THE CONDITIONAL USE PERMIT FOR SELF-STORAGE WITHIN MAGNOLIA VILLAGE SOUTH** (Mayor Todd Kana)
- 9. CONSIDERATION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. O-2024-006 EXTENDING THE MORATORIUM ENACTED BY ORDINANCE NO 0-2022-031 AND RECENTLY EXTENDED BY ORDINANCE NO. O-2023-017** (Mayor Todd Kana)
- 10. HEARING – VARIANCE APPLICATION FOR ALCOHOL SALES WITHIN 300 FT OF A PUBLIC SCHOOL** (Mayor Todd Kana)
- 11. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ALCOHOL SALES AT 312 COMMERCE STREET FOR WANDERCRUST PIZZA COMPANY LLC** (Mayor Todd Kana)
- 12. CONSENT AGENDA**

(This portion of the agenda consists of items considered routine and will be enacted by one motion unless separate discussion is requested by a member of the City Council or a citizen. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.)

 - a. CONSIDERATION – APPROVAL OF MINUTES**

Consideration and possible action to approve the minutes of the regular City Council Meeting held March 12, 2024.
 - b. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ESCONDIDO SECTION 1 RESERVE D, FINAL PARTIAL REPLAT, +/- 10.0811 ACRES**
 - c. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ESCONDIDO SECTION 10, FINAL PLAT, +/- 17.034 ACRES**
 - d. CONSIDERATION AND POSSIBLE ACTION TO APPROVE PROCLAMATION DESIGNATING MAY 2, 2024 AS A NATIONAL DAY OF PRAYER**
- 13. ADMINISTER OATH FOR CITY SECRETARY** (Mayor Todd Kana)
- 14. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ALCOHOL SALE AND CONSUMPTION AT UNITY PARK FOR COMMISSIONER RILEY’S 4TH ANNUAL FAMILY FUN DAY ON DECEMBER 7, 2024** (Mayor Todd Kana)

15. CONSIDERATION AND POSSIBLE ACTION TO ACCEPT AND APPROVE PETITION FOR ANNEXATION OF PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF MAGNOLIA BY AMERCO REAL ESTATE COMPANY (+/- 6.8 ACRE TRACT)

(Mayor Todd Kana)

16. CONSIDERATION – RESOLUTION NO. R-2024-003 – SETTING DATE, TIME, AND PLACE FOR A PUBLIC HEARING ON PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF MAGNOLIA (BY AMERCO REAL ESTATE COMPANY, +/- 6.8 ACRE TRACT)

(Mayor Todd Kana)

Consideration and possible action to adopt:

RESOLUTION NO. R-2024-003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, SETTING A DATE, TIME, AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF MAGNOLIA, TEXAS, AND AUTHORIZING AND DIRECTING THE MAYOR TO PUBLISH NOTICE OF PUBLIC HEARING

17. CLOSED EXECUTIVE SESSION

The City Council of the City of Magnolia, Texas, reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed below as authorized by Title 5, Chapter 551, of the Texas Government Code. §551.071(Consultation with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices), §551.086 (Deliberations about competitive matters), and §551.087 (Deliberation about Economic Development Matters.)

The City Council may enter into executive session under Texas Government Code Section 551.071 to consult and to receive legal advice on to consult and receive legal advice from its attorneys on MISD v City of Magnolia, et al and SJRA v Cities of Conroe and Magnolia; and to receive legal advice on sanitary sewer force main and water line easement from Audubon Magnolia Development, LLC; and to receive legal advice concerning the Wholesale Water Supply and Sanitary Sewer Agreement and addendums between the City of Magnolia and Audubon and Demand Letter by Audubon;

18. RECONVENE into regular session and consider and/or take action on item(s) discussed in executive session.

**19. ADMINISTRATION - DEPARTMENT REPORTS
ACTIVITIES/ UPDATES/ ANNOUNCEMENTS AND ITEMS OF COMMUNITY INTEREST**

- a. POLICE DEPARTMENT (Chief of Police, Kyle Montgomery)
- b. PUBLIC WORKS DEPARTMENT (City Engineer, Tim Robertson)
- c. ADMINISTRATION DEPARTMENT (City Administrator, Don Doering)

20. ADJOURN

If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive Session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Section 551.071 – consultation with counsel on legal matters; Section 551.072 – deliberation regarding purchase, exchange, lease or value of real property; Section 551.073 – deliberation regarding a prospective gift; Section 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; Section 551.076 – implementation of security personnel or devices; Section 551.086 – deliberation regarding competitive matters of a public power utility ; Section 551.087 – deliberation regarding economic

development negotiation; and/or other matters as authorized under Texas Government Code. If a Closed or Executive Session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office at (281-305-0550), two working days prior to the meeting for appropriate arrangements.

CERTIFICATE

I certify that a copy of the Notice of Meeting was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofmagnolia.com, in compliance with Chapter 551, Texas Government Code.

DATE _____
TIME _____
TAKEN DOWN _____

Christian Gable, City Secretary

