

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

MINUTES OF PUBLIC MEETING OF THE MAGNOLIA CITY COUNCIL

A meeting of the Magnolia City Council was held on this date, March 12, 2024, beginning at 6:02 pm in the Sewall Smith Council Chambers 18111 Buddy Riley Blvd., Magnolia, Texas 77354.

1. CALL MEETING TO ORDER

Mayor Kana called the meeting to order at 6:02 pm.

a. INVOCATION

Councilmember Dantzer delivered the invocation.

b. PLEDGE OF ALLEGIANCE

Mayor Kana led the Pledge of Allegiance to the USA and Texas flags.

c. ROLL CALL AND CERTIFICATION OF A QUORUM

Mayor Kana called the roll, certifying a quorum was present with the following Council members in attendance: Todd Kana, Daniel Miller, Matthew Dantzer, Richard Carby, Brenda Hoppe, and Jack L Huitt Jr.

Absent: None

Staff present: City Administrator Don Doering, City Attorney Leonard Schneider, City Engineer Tim Robertson, Police Chief Kyle Montgomery, City Secretary Christian Gable

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.*

Audrey Amirian, Mill Creek resident, informed City Council that the intersections along FM 1488 have become increasingly dangerous in front of Magnolia Ridge and Mill Creek and asked that the City halt approving developments until TxDOT installs the proposed traffic lights.

Lauren Cloyd Bohannon, business owner and City resident, requested that the city stop approving new development, provide a solution for traffic flow during the TxDOT FM 1488 widening project, pressure TxDOT to install traffic lights in front of Magnolia Ridge and Audubon, and communicate all referenced issues with the city residents. She also wondered what the city decision-makers were smoking when they approved plans for a gas station across from Magnolia Ridge, stating that they should be ashamed.

Sarah Pitre, citizen residing outside of city limits, voiced concern regarding the approval of developments without proper consideration, congested traffic affecting existing businesses, and the timing of road

closures and construction during the day. She urged City Council to install temporary traffic lights at crisis points along FM 1488, work with the Texas Railroad Commission to ensure all built signals along FM 149 are operational, increase police presence throughout the city, and post notice of anticipated road work/closures at least 24 hours in advance on the City's website and social media.

Blane Sanders, Dogwood Patches resident, asked if Little Twig Lane will be turned into Little Twig Boulevard. Mayor Kana clarified that he is unaware of any proposed changes for Little Twig Lane.

3. OPEN 1ST PUBLIC HEARING

NOTICE OF PUBLIC HEARING

On February 15, 2024 at 4:30 pm., Magnolia Planning & Zoning Commission 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.

Mayor Kana tabled this public hearing as the wording in the Notice of Public Hearing is not correct.

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

NOTICE OF PUBLIC HEARING

On February 15, 2024 at 4:30 p.m. City of Magnolia Planning and Zoning Commission 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)

Mayor Kana tabled this public hearing as the wording in the Notice of Public Hearing is not correct.

5. CLOSE 2ND PUBLIC HEARING AND CONVENE REGULAR MEETING

6. 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)

This item was tabled. No action was taken.

7. 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)

This item was tabled. No action was taken.

8. 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 February 13, 2024.

b. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE OAKS ON 6TH STREET, FINAL PLAT

c. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ESCONDIDO SECTION 7, FINAL PLAT, +/- 37.006 ACRES

d. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ESCONDIDO SECTION 9, FINAL PLAT, +/- 13.344 ACRES

e. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MUSTANG RIDGE SECTION 3, PARTIAL REPLAT, +/- 1.724 ACRES

MOTION: Upon a motion to approve the Consent Agenda made by Councilmember Carby and seconded by Councilmember Dantzer, the Councilmembers voted, and the motion carried unanimously, 5-0.

9. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ALCOHOL SALES AND CONSUMPTION FOR THE MAGNOLIA EDUCATION FOUNDATION EVENT AT UNITY PARK ON APRIL 20TH (Mayor Todd Kana)

MOTION: Upon a motion to approve made by Councilmember Carby and seconded by Councilmember Dantzer, the Councilmembers voted, and the motion carried unanimously, 5-0.

10. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ALCOHOL SALES AND CONSUMPTION FOR THE MONTGOMERY COUNTY REPUBLICAN PARTY OF TEXAS EVENT AT UNITY PARK ON MAY 11TH (Mayor Todd Kana)

MOTION: Upon a motion to approve made by Councilmember Carby and seconded by Councilmember Dantzer, the Councilmembers voted, and the motion carried unanimously, 5-0.

11. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. R-2024-002 ADOPTING THE 2024 MONTGOMERY COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN (Mayor Todd Kana)

City Attorney Leonard Schneider confirmed that this resolution was sent to all cities within Montgomery County.

MOTION: Upon a motion to approve made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 5-0.

12. DISCUSS AND DIRECT STAFF TO PREPARE A STREETLIGHT ACCEPTANCE ORDINANCE FOR CITY COUNCIL APPROVAL (Mayor Todd Kana)

Mayor Kana and City Administrator Don Doering explained the benefit of preparing an ordinance to outline the rules and procedures for accepting streetlights.

Staff will prepare a streetlight acceptance ordinance for future City Council approval.

No action was taken.

13. CONSIDERATION AND POSSIBLE ACTION TO ACCEPT CONVEYANCE OF INFRASTRUCTURE BY MAGNOLIA EAST 149, LLC (Mayor Todd Kana)

MOTION: Upon a motion to approve made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 5-0.

City Administrator Don Doering announced that the new President and Vice President of the Greater Magnolia Chamber of Commerce were in attendance for the second time, and he is looking forward to the City working together with them.

14. 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;

Mayor Kana convened into Closed Executive Session at 6:27 pm.

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

Mayor Kana adjourned Closed Executive Session and reconvened the open meeting at 7:28 pm.

MOTION: Upon a motion to continue the negotiation with Audubon on the easement acquisition and demand letter made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 5-0.

16. CONSIDERATION AND POSSIBLE ACTION TO APPROVE BAXTER & WOODMAN, INC. WORK ORDER NO. 24-003 TO PERFORM LIMITED CONSTRUCTION MANAGEMENT SERVICES IN AN HOURLY NOT-TO-EXCEED AMOUNT OF \$87,741.00 (Mayor Todd Kana)
City Engineer Tim Robertson explained the purpose of the work order and recommended approval.

MOTION: Upon a motion to approve made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 5-0.

17. ADMINISTRATION - DEPARTMENT REPORTS

ACTIVITIES/ UPDATES/ ANNOUNCEMENTS AND ITEMS OF COMMUNITY INTEREST

a. POLICE DEPARTMENT (Chief of Police, Kyle Montgomery)

Chief Kyle Montgomery gave a summary of the 2023 Annual Report that was provided in the meeting packet.

b. PUBLIC WORKS DEPARTMENT (City Administrator, Don Doering)

The Engineering Report was provided in the meeting packet.

c. ADMINISTRATION DEPARTMENT (City Administrator, Don Doering)

City Administrator Don Doering gave a brief summary of his report found in the meeting packet.

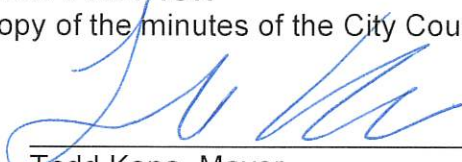
18. ADJOURN

MOTION: Upon a motion to adjourn made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, the motion carried unanimously, 5-0, and the meeting adjourned at 7:37 pm.

CERTIFICATION

I certify that this is a true and correct copy of the minutes of the City Council meeting held on March 12, 2024.





Todd Kana, Mayor



Christian Gable, City Secretary