



NOTICE OF PUBLIC MEETING OF THE MAGNOLIA CITY COUNCIL

AGENDA

PUBLIC HEARING AND REGULAR CITY COUNCIL MEETING

TUESDAY, JANUARY 11, 2022 – 7:00 P.M.

Sewall Smith Council Chambers

18111 Buddy Riley Boulevard, Magnolia, Texas 77354

1. **CALL MEETING TO ORDER**
 - a. INVOCATION
 - b. PLEDGE OF ALLEGIANCE
 - c. ROLL CALL AND CERTIFICATION OF A QUORUM
2. **PROCLAMATIONS AND SPECIAL RECOGNITIONS** (Mayor Todd Kana)
January 23-29, 2022 as School Choice Week in Magnolia
3. **PUBLIC COMMENTS** (*Generally limited to three minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.*)
4. **OPEN PUBLIC HEARING**

NOTICE OF PUBLIC HEARING

The City Council of Magnolia, Texas (the "City") will hold a second public hearing regarding the adoption of a Strategic Partnership Agreement (the "Agreement") between the City and Montgomery County Municipal Utility District No. 165 ("District") and for the limited purpose annexation of territory in the District. Members of the public who wish to present testimony or evidence regarding the proposed Agreement shall be given an opportunity to do so. The hearing will be held on the following date and location:

January 11, 2022, 7:00 p.m., at 18111 Buddy Riley Boulevard, Magnolia, Texas 77354

In addition to other terms, the proposed Agreement will provide for the conditions under which the City may annex the District for full purposes, as well as for limited purposes for the collection of sales and use taxes. A copy of the proposed Agreement and the metes and

bounds of the territory may be obtained prior to the hearings in the office of the City Secretary at 18111 Buddy Riley Boulevard, Magnolia, Texas 77354.

5. CLOSE PUBLIC HEARING

6. ADJOURN PUBLIC HEARING AND CONVENE OPEN REGULAR MEETING

7. 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 December 14, 2021.

8. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE CITY OF MAGNOLIA AND MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 165 FOR LIMITED PURPOSE OR FULL ANNEXATION PROCEDURES CONCERNING 293.46 ACRES (Mayor Todd Kana)

9. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE MAGNOLIA VILLAGE, FINAL PLAT +/- 61 ACRES (Mayor Todd Kana)

10. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE MAGNOLIA RIDGE FOREST SECTION 15, FINAL PLAT +/- 27.294 ACRES (Mayor Todd Kana)

11. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE MAGNOLIA RIDGE FOREST SECTION 16, FINAL PLAT +/- 12.297 ACRES (Mayor Todd Kana)

12. CONSIDERATION – ACCEPT AND APPROVE PETITION FOR ANNEXATION OF PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF MAGNOLIA BY YOUNG GUNS ACQUISITIONS, LLC (7.76 ± ACRE TRACT) (Mayor Todd Kana)

Consideration and possible action to accept and approve "First Amended Petition for Annexation into the City of Magnolia, Texas" - (7.76 ± acre tract submitted by Young Guns Acquisitions, LLC.)

13. CONSIDERATION - RESOLUTION NO. R-2022-001 - SETTING DATE, TIME AND PLACE FOR A PUBLIC HEARING ON PROPOSED ANNEXATION OF CERTAIN PROPERTY BY

THE CITY OF MAGNOLIA (BY YOUNG GUNS ACQUISITIONS, LLC 7.76 ± ACRE TRACT) (Mayor Todd Kana)

Consideration and possible action to adopt:

RESOLUTION NO. R-2022-001

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 SUCH PUBLIC HEARING.

14. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO A) APPROVE AN AGREEMENT WITH THE LAW FIRM OF LINEBARGER GOGGAN BLAIR & SAMPSON, LLP TO ACT AS SPECIAL COUNSEL TO PERFORM ALL LEGAL SERVICES NECESSARY TO COLLECT UNPAID FINES, FEES AND COURT COSTS AS PROVIDED IN TEXAS CODE OF CRIMINAL PROCEDURE ART. 103.0031; AND TO COLLECT DELINQUENT UTILITY ACCOUNTS B) AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT ON THE CITY'S BEHALF C) ADOPT RESOLUTION NO. R-2022-002 WITH FINDINGS PURSUANT TO SUBCHAPTER C, CHAPTER 2254 GOVERNMENT CODE**
(Mayor Todd Kana)

15. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. R-2022-002** (Mayor Todd Kana)
Consideration and possible action to adopt:

RESOLUTION NO. R-2022-002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS REGARDING LINEBARGER GOGGAN BLAIR & SAMPSON, LLP AS BEING FULLY QUALIFIED AS SPECIAL COUNCIL TO PERFORM ALL LEGAL SERVICES NECESSARY TO COLLECT UNPAID FINES, FEES, COURT COSTS, FORFEITED BONDS, AND RESTITUTION AS PROVIDED IN TEXAS CODE OF CRIMINAL PROCEDURE, ARTICLE 103.0031., AND TO PERFORM ALL LEGAL SERVICES NECESSARY TO COLLECT UNPAID UTILITY ACCOUNTS.

16. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. O-2022-001 TO AUTHORIZE AND IMPOSE A COLLECTION FEE AS AUTHORIZED BY ARTICLE 103.0031; TEXAS CODE OF CRIMINAL PROCEDURE** (Mayor Todd Kana)
Consideration and possible action to adopt:

ORDINANCE NO. O-2022-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, ESTABLISHING AND AUTHORIZING A COLLECTION FEE IS HEREBY AUTHORIZED AND IMPOSED, AS PROVIDED BY ARTICLE

17. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE ACTION APPROVING AGREEMENT FOR DELINQUENT TAX COLLECTION SERVICES WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLP, AFTER HAVING PROVIDED ADEQUATE NOTICE AS REQUIRED BY SECTION 2254.1036 OF THE TEXAS GOVERNMENT CODE, AND AUTHORIZING THE MAYOR OF THE CITY OF MAGNOLIA TO EXECUTE SAID AGREEMENT (Mayor Todd Kana)**
18. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE AGREEMENT WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLP AS BEING FULLY QUALIFIED AS SPECIAL COUNSEL TO PERFORM ALL LEGAL SERVICES NECESSARY TO COLLECT UNPAID DELINQUENT AD VALOREM TAXES AS PROVIDED IN SECTION 6.30 OF THE TEXAS PROPERTY TAX CODE, AND AUTHORIZING THE MAYOR OF THE CITY OF MAGNOLIA TO EXECUTE SAID ACTION (Mayor Todd Kana)**
19. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. O-2022-002 AUTHORIZING THE IMPOSITION OF A 20% PENALTY FOR COLLECTION COSTS ON DELINQUENT TAXES FOR TAX YEAR 2021 AND SUBSEQUENT YEARS, AND AUTHORIZING THE MAYOR OF THE CITY OF MAGNOLIA TO EXECUTE SAID RESOLUTION (Mayor Todd Kana)**
Consideration and possible action to adopt:

ORDINANCE NO. O-2022-002
CITY OF MAGNOLIA ORDINANCE AUTHORIZING THE IMPOSITION OF A
20% PENALTY FOR COLLECTION COSTS ON DELINQUENT TAXES FOR
TAX YEAR 2021 AND SUBSEQUENT YEARS.

20. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. O-2022-003 AMENDING THE CITY FEE SCHEDULE BY AMENDING THE RESIDENTIAL WATER AND WASTEWATER RATES (Mayor Todd Kana)**
Consideration and possible action to adopt:

ORDINANCE NO. O-2022-003
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA,
TEXAS AMENDING THE FEE SCHEDULE ATTACHED TO ORDINANCE
NO. O-2021-022 BY AMENDING RESIDENTIAL WATER AND
WASTEWATER RATES AND DECLARING AN EFFECTIVE DATE.

21. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. O-2022-004 AUTHORIZING THE SUSPENSION OF THE EFFECTIVE DATE PROPOSED BY UNIVERSAL NATURAL GAS, LLC IN CONNECTION WITH ITS**

STATEMENT OF INTENT TO INCREASE RATES FILED DECEMBER 27, 2021 AND TO HIRE LAWYERS AND RATE EXPERTS TO REVIEW THE REQUESTED INCREASE AND OTHER MATTERS (Mayor Todd Kana)

Consideration and possible action to adopt:

ORDINANCE NO. O-2022-004

ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, AUTHORIZING THE SUSPENSION OF THE EFFECTIVE DATE FOR AN ADDITIONAL NINETY (90) DAYS BEYOND THE EFFECTIVE DATE PROPOSED BY UNIVERSAL NATURAL GAS, LLC IN CONNECTION WITH ITS STATEMENT OF INTENT TO INCREASE RATES FILED ON DECEMBER 27, 2021; AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; REQUIRING REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

22. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE FIRST AMENDMENT TO UTILITY DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MAGNOLIA AND SHADYSIDE LAND COMPANY, LLC HERITAGE GREEN DEVELOPMENT (Mayor Todd Kana)**
23. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE AEI ENGINEERING SB3 COMPLIANCE EMERGENCY PREPAREDNESS PLAN WORK ORDER (Mayor Todd Kana)**
24. **CONSIDERATION - APPOINTMENT OF THE PLANNING AND ZONING COMMISSION AS ADVISORY COMMITTEE REGARDING AMENDMENTS TO LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, OR IMPACT FEES (Mayor Todd Kana)**
25. **CONSIDERATION - RESOLUTION NO. R-2022-003 - ORDERS A PUBLIC HEARING ON THE UPDATED LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN AND IMPACT FEES FOR WATER AND SEWER (Mayor Todd Kana)**
Consideration and possible action to adopt:

RESOLUTION NO. R-2022-003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS, ORDERING A PUBLIC HEARING ON THE UPDATED LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN AND IMPACT FEES FOR WATER AND SEWER.

26. **CONSIDERATION – APPROVE APPOINTMENT TO 4B COMMUNITY DEVELOPMENT CORPORATION** (Mayor Todd Kana)
Consideration to appoint or reappoint a member to the 4B Community Development Corporation replacing Kevin Moore.

27. **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 receive legal advice from its attorneys regarding Easement Acquisition for Utilities located at Piney Grove Mission, 16815 FM 1488.

The City Council may enter into executive session under Texas Government Code Section 551.071 to consult and receive legal advice from its attorneys regarding the lawsuit *Ex Parte City of Magnolia*, Cause No. D-1-GN-18-006882 (201st District Court, Travis County) and *Magnolia Bible Church, et al. and Magnolia Bible Church, Magnolia's First Baptist Church, and Believers Fellowship v. City of Magnolia*, Cause No. 19-05-06606 and renumbered D-1-GN-19-00716.

28. **RECONVENE** into regular session and consider action, if any, on item(s) discussed in executive session.

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

- a. POLICE DEPARTMENT (Chief of Police, Kyle Montgomery)
- b. PUBLIC WORKS DEPARTMENT (Public Works Director, Don Doering)
- c. ADMINISTRATION DEPARTMENT (City Administrator, Don Doering)

30. **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 1/7/2021
TIME 4:00 PM
TAKEN DOWN _____

Kandice Garrett
Kandice Garrett, City Secretary

