



NOTICE OF PUBLIC MEETING OF THE MAGNOLIA CITY COUNCIL

AGENDA

REGULAR CITY COUNCIL MEETING TUESDAY, JANUARY 12, 2021 – 7:00 P.M.

Sewall Smith Council Chambers
18111 Buddy Riley Boulevard, Magnolia, Texas 77354

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).

1. CALL MEETING TO ORDER

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

2. PRESENTATION

Presentation of financial audit by Brooks Watson Co.

3. PUBLIC COMMENTS (Limited to three minutes per person)

Residents may address the Council regarding an item that is not listed on the agenda. Residents must complete a speaker form and turn it in to the City Secretary three (3) minutes before the start of the meeting. The Rules of Procedure states that comments are to be limited to three (3) minutes. The Texas Open Meetings Act provides the following:

(a) If, at a meeting of a governmental body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by this subchapter, the notice provisions of this subchapter do not apply to:

- (1) A statement of specific factual information given in response to the inquiry; or
- (2) A recitation of existing policy in response to the inquiry.

(b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

4. 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 Public Hearing & Regular City Council Meeting held December 08, 2020.

b. CONSIDERATION – APPROVAL OF MINUTES

Consideration and possible action to approve the minutes of the Special City Council Meeting held December 29, 2020.

5. ADMINISTRATION - DEPARTMENT REPORTS

ACTIVITIES/UPDATES/ANNOUNCEMENTS AND ITEMS OF COMMUNITY INTEREST

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

- (1). Monthly Report — December 2020 — provided in packet
- (2). General Announcements

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

- (1). Public Works Department Activity Report — provided in packet
- (2). Monthly Building Permit Report — provided in packet
- (3). Monthly Utility Transaction Report — provided in packet

c. ADMINISTRATION DEPARTMENT - (City Administrator, Don Doering)

- (1). Administration Department Activity — provided in packet
- (2). Monthly Council Financial Report — provided in packet
- (3). Monthly Municipal Court Report — provided in packet
- (4). Code Compliance Report — provided in packet

6. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. R-2021-001 TRAINING COMMITMENT AGREEMENT

(Beverly Standley, HR)

Consideration, discussion and possible action to adopt Resolution No. R-2021-001, a Public Works Training Commitment Agreement, to be added to Personnel Policy.

RESOLUTION NO. R-2021-001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA
TO AMEND THE CITY OF MAGNOLIA PERSONNEL POLICY MANUAL

7. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. R-2021-002 TO UPDATE HOLIDAY LEAVE AND NEW POLICY FOR CYBER SECURITY

(Beverly Standley, HR)

Consideration, discussion and possible action to adopt Resolution No. R-2021-002, an update to Personnel Policy, Section VIII, 8.01 Holiday Leave, AND new under Section XI, Use Of & Accountability For City Equipment & Property.

RESOLUTION NO. R-2021-002
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA
TO AMEND THE CITY OF MAGNOLIA PERSONNEL POLICY MANUAL

8. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO AUTHORIZE THE TRANSFER OF FUNDS \$38,220 TO LINE ITEM # 502951, FOR THE PURCHASE OF A NEW VEHICLE

(Kyle Montgomery, Police Chief)

Consideration, discussion and possible action to authorize the transfer of funds in the amount of \$38,220 to line item # 502951 for the purchase of a new vehicle to supplement the insurance payout on the Tahoe that was totaled in a crash.

9. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO ADOPT A SECOND AMENDMENT TO UTILITY AGREEMENT WITH MAGNOLIA M3 RANCH, LP

(Mayor Todd Kana)

Consideration, discussion and possible action to adopt a "Second Amendment to Utility Agreement" amending the Utility Agreement effective January 8, 2019 between the City of Magnolia and Magnolia M3 Ranch, LP.

10. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON PETITION FOR CONSENT TO ANNEX LAND INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 108, 50.475 acre tract by adoption Ordinance No. O-2021-001

(Mayor Todd Kana)

Consideration, discussion, and possible action on petition for consent to annex land into Montgomery County Municipal Utility District No. 108, 50.475 acre tract by adoption Ordinance No. O-2021-001.

ORDINANCE NO. O-2021-001
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA,
MONTGOMERY COUNTY, TEXAS, APPROVING THE ADDITION OF
50.475 ACRES INTO MONTGOMERY COUNTY MUNICIPAL UTILITY
DISTRICT NO. 108 LOCATED WITHIN THE CITY LIMITS.

11. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON PETITION FOR ANNEXATION OF 69.53 ACRES BY THE CITY OF MAGNOLIA SUBMITTED BY FORESTAR (USA) REAL ESTATE GROUP, THE SATTERWHITE FAMILY TRUST AND NANCY BETH SATTERWHITE PERRYMAN.

(Mayor Todd Kana)

Consideration, discussion, and possible action on petition for annexation of 69.53 acres by the City of Magnolia submitted by Forester (USA) Real Estate Group, The Satterwhite Family Trust and Nancy Beth Satterwhite Perryman.

12. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. R-2021-003 TO SET PUBLIC HEARING DATE ON ANNEXATION OF 69.53 ACRES INTO THE CITY OF MAGNOLIA, TEXAS AND PUBLISH NOTICE

Consideration, discussion, and possible action to adopt Resolution No. R-2021-003 to set public hearing date on annexation of 69.53 acres into the City of Magnolia, Texas and publish notice.

RESOLUTION NO. R-2021-003

A RESOLUTION 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.

13. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON PETITION FOR CONSENT TO ANNEX LAND INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 108, 69.53 acre tract by adoption Ordinance No. O-2021-002

Consideration, discussion and possible action on petition for consent to annex land into Montgomery County Municipal Utility District No. 108, 69.53 acre tract by adoption Ordinance No. O-2021-002.

ORDINANCE NO. O-2021-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS, APPROVING THE ADDITION OF 69.53 ACRES INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 108 LOCATED WITHIN THE CITY LIMITS.

14. CLOSED EXECUTIVE SESSION

The City Council may convene into a Closed Executive Session in accordance with the Government Code, Section 551 to discuss the following matters:

a. §551.071 - (Legal Advice) - To receive legal advice from City Attorney and attorneys representing City in Tx Court of Appeals, Third District, *Case No. D-1-GN-16-004151; Ex Parte, San Jacinto River Authority*; 98th District Court in Travis County, Texas.

15. ADJOURN CLOSED EXECUTIVE SESSION AND RECONVENE OPEN MEETING

16. CONSIDERATION – POSSIBLE ACTION AS A RESULT OF CLOSED EXECUTIVE SESSION

17. ADJOURN

CERTIFICATE OF AGENDA POSTING

I, the undersigned authority, do hereby certify that this City of Magnolia "Notice of Public Meeting" was posted on the bulletin board of City Hall located at 18111 Buddy Riley Blvd., Magnolia, Texas 77354 on January 8 by 5:00 pm, and remained so posted continuously for at least seventy-two (72) hours proceeding the scheduled time of said meeting.



Kandice Garrett

Kandice Garrett, City Secretary

Disabled Accommodations: In compliance with the Americans with Disabilities Act ("ADA"), if you need special assistance to participate in this meeting, please contact the City Secretary's office at (281) 305-0550. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. Braille is unavailable.