

Mayor Todd Kana  
Daniel Miller, Position 1  
Matthew Dantzer, Position 2  
Richard Carby, Mayor Pro Tem, Position 3  
Brenda Hoppe, Position 4  
Vacant, Position 5



Don Doering, City Administrator  
Kandice Garrett, City Secretary  
Leonard Schneider, City Attorney  
Kyle Montgomery, Police Chief  
Beverly Standley, Finance/HR Administrator  
Tana Ross, Planning Consultant  
Mike Kurzy, AEI Engineering

## **NOTICE OF PUBLIC MEETING OF THE MAGNOLIA CITY COUNCIL**

### **AGENDA**

**PUBLIC HEARING AND REGULAR CITY COUNCIL MEETING**  
**TUESDAY, FEBRUARY 08, 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. **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.)*
3. **OPEN 1<sup>ST</sup> PUBLIC HEARING ON ANNEXING TERRITORY**

### **NOTICE OF PUBLIC HEARING**

On the 8<sup>th</sup> day of February, 2022, at 7:00 p.m. in the City Council Chamber of the City Hall of the City of Magnolia, Texas, the City Council will hold a public hearing giving all interested persons the right to appear and be heard on the proposed annexation by the City of Magnolia, Texas of the following described property, to-wit: Being a 7.76 +/- acre tract of land situated in the Cyrus Wickson 479-acre Survey, Abstract No. 601, Montgomery County, Texas, same being that tract of land conveyed to Stephen Loose and Dawna Loose, husband and wife, by deed recorded In Document No. 2014052688, Official Public Records of Montgomery County, Texas, and being more particularly described by metes and bounds in the attached Exhibit "A" which is available on the City's website under Public Notices or in the City Secretary's office.

4. **CLOSE 1<sup>ST</sup> PUBLIC HEARING**

**5. OPEN 2<sup>ND</sup> PUBLIC HEARING ON UPDATE OF THE LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN**

**NOTICE OF PUBLIC HEARING**

On February 8<sup>th</sup>, 2022 at 7:00 pm the City Council of the City of Magnolia will hold a public hearing on the update of the land use assumptions and capital improvements plan to discuss and review the update at the Sewell Smith Council Chambers, located at 18111 Buddy Riley Blvd., Magnolia, Texas 77354, giving all interested persons the right to appear and be heard.

**6. CLOSE 2<sup>ND</sup> PUBLIC HEARING**

**7. OPEN 3<sup>RD</sup> PUBLIC HEARING ON REZONING MAP**

**NOTICE OF PUBLIC HEARING**

On February 8, 2022 at 7 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 0.9183 acres of land being Reserve "A" and the east 55.25 feet of Reserve "D" of Magnolia Business Center, Gamble Dawson Survey, Abstract Number 177, of MONTGOMERY County, Texas, from Neighborhood Conservation 2 to Suburban Village.

**8. CLOSE 3<sup>RD</sup> PUBLIC HEARING**

**9. ADJOURN PUBLIC HEARINGS AND CONVENE OPEN REGULAR MEETING**

**10. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO FILL THE VACANCY IN COUNCIL POSITION 5 BY APPOINTMENT (Mayor Todd Kana)**

**11. SWEAR IN APPOINTED COUNCILMEMBER FOR POSITION 5 (Mayor Todd Kana)**

**12. PRESENTATION – STATUS UPDATE ON PROGRESS OF AUDUBON DEVELOPMENT BY SAM YAGER (Mayor Todd Kana)**

**13. 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 January 11, 2022.

**b. CONSIDERATION – ADOPT ORDINANCE NO. O-2022-005 – CALLING GENERAL ELECTION AND SPECIAL ELECTION**

Consideration and possible action to adopt:

**ORDINANCE NO. O-2022-005**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION ON MAY 7, 2022, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) COUNCILMEMBERS; ORDERING A SPECIAL ELECTION TO BE HELD ON TUESDAY, MAY 7, 2022, IN THE CITY OF MAGNOLIA, TEXAS REAUTHORIZING THE ADOPTION OF A LOCAL SALES AND USE TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO PROVIDE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; DESIGNATING THE POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION; PROVIDING THE FORM OF THE BALLOTS AT SUCH ELECTION; DIRECTING THE GIVING OF NOTICE OF SUCH ELECTION; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

**c. CONSIDERATION – AUTHORIZE ELECTION SERVICES AGREEMENT WITH MONTGOMERY COUNTY TO HOLD MAY 7, 2022 JOINT ELECTION (Mayor Todd Kana)**

Consideration and possible action to authorize Election Services Agreement to hold a May 7, 2022 Joint Election with Montgomery County and all other participating Political Subdivisions and authorize Mayor to execute.

**d. CONSIDERATION – AUTHORIZE JOINT ELECTION AGREEMENT WITH MONTGOMERY COUNTY AND ALL PARTICIPATING ENTITIES (Mayor Todd Kana)**

Consideration and possible action to authorize Joint Election Agreement with Montgomery County and all participating entities and authorize Mayor to execute.

**e. CONSIDERATION – AUTHORIZE AGREEMENT TO CONDUCT JOINT ELECTION BETWEEN MAGNOLIA INDEPENDENT SCHOOL DISTRICT AND CITY (Mayor Todd Kana)**

Consideration and possible action to authorize Agreement to Conduct Joint Election between MISD and City and authorize Mayor to execute.

**f. CONSIDERATION – APPROVE CONTRACT WITH HOUSTON COMMUNITY NEWSPAPERS & MEDIA GROUP (Mayor Todd Kana)**

Consideration and possible action to approve contract with Houston Community Newspapers & Media Group for advertising.

**g. CONSIDERATION – APPROVAL OF INVESTMENT PORTFOLIO – QUARTER ENDING DECEMBER 2021 (Mayor Todd Kana)**

Consideration and possible action to approve investment portfolio for quarter ending December 2021.

14. **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. O-2022-006 ANNEXING TERRITORY OF APPROXIMATELY +/- 7.76 ACRES TRACT IN THE CYRUS WICKSON 479-ACRE SURVEY, ABSTRACT NO. 601, MONTGOMERY COUNTY, TEXAS** (Mayor Todd Kana)

Consideration and possible action to adopt:

ORDINANCE NO. O-2022-006 ANNEXING TERRITORY  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
MAGNOLIA, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED  
TERRITORIES TO THE CITY OF MAGNOLIA, MONTGOMERY  
COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF  
SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED  
PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL  
THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND  
PRIVILEGES OF OTHER CITIZENS AND BINDING SAID  
INHABITANTS BY ALL OF THE ACTS, ORDINANCES,  
RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND  
ADOPTING A SERVICE PLAN.

15. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE AMENDING THE LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN AND AMENDING THE WATER AND SEWER IMPACT FEES AND TO SET A PUBLIC HEARING** (Mayor Todd Kana)

16. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. R-2022-004 SETTING DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED AMENDMENT OF IMPACT FEES FOR WATER AND SEWER AND LAND USE ASSUMPTIONS PLAN** (Mayor Todd Kana)

Consideration and possible action to adopt:

RESOLUTION NO. R-2022-004  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MAGNOLIA, TEXAS, ORDERING A PUBLIC HEARING ON THE  
PROPOSED AMENDMENT OF IMPACT FEES FOR WATER AND  
SEWER AND LAND USE ASSUMPTIONS PLAN.

17. **CONSIDERATION – REZONING TO THE CITY OF MAGNOLIA OFFICIAL ZONING MAP FOR SM DADA ENTERPRISES, LLC** (Mayor Todd Kana)

Consideration and possible action to review and approve rezoning to the City of Magnolia Official Zoning Map for 0.9183 acres of land being Reserve "A" and the east 55.25 feet of Reserve "D" of Magnolia Business Center, Gamble Dawson Survey, Abstract Number 177, of MONTGOMERY County, Texas, from Neighborhood Conservation 2 (NC 2) to Suburban Village (SV).

18. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE MAGNOLIA RIDGE SECTION 14, FINAL PLAT +/- 30.239 ACRES** (Mayor Todd Kana)
19. **CONSIDERATION – ACCEPT AND APPROVE PETITION FOR CONSENT TO ANNEXATION OF PROPERTY INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 108 (206.462 ± ACRE TRACT)** (Mayor Todd Kana)  
Consideration and possible action to accept and approve “Petition for Consent To Annex Land Into Montgomery County Municipal Utility District No. 108” (206.462 ± acre tract submitted by M/I Homes of Houston, LLC and Lennar Homes of Texas Land And Construction, LTD, d/b/a Friendswood Development Co.)
20. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. R-2022-005 – ANNEXING TERRITORY INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 108 (BY M/I HOMES OF HOUSTON, LLC AND LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD, D/B/A FRIENDSWOOD DEVELOPMENT CO. – 206.462 ± ACRE TRACT)** (Mayor Todd Kana)  
Consideration and possible action to adopt:

**RESOLUTION NO. R-2022-005**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS, CONSENTING TO THE ANNEXATION OF 206.462 ACRES INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 108 LOCATED WITHIN THE CITY LIMITS.

21. **FIRST READING: CONSIDERATION AND DISCUSSION TO APPROVE RESOLUTION NO. R-2022-006 – 4B PROJECT FOR THE PURCHASE OF LED SIGN AT MAGNOLIA CITY HALL** (Mayor Todd Kana)  
Consideration and possible action to adopt:

**RESOLUTION NO. R-2022-006**

TO APPROVE THE FOLLOWING PROJECTS OF THE MANGOLIA COMMUNITY DEVELOPMENT CORPORATION (4B)

22. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON UPDATING THE CITY LOGO** (Mayor Todd Kana)

**23. 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**

the following contracts with Audubon: Wholesale Water Supply and Sanitary Sewer Agreement and the Land Use Planning and Cooperation Agreement.

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

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

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

26. **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](http://www.cityofmagnolia.com), in compliance with Chapter 551, Texas Government Code.

DATE 2/4/2022  
TIME 4:30 PM  
TAKEN DOWN \_\_\_\_\_

Kandice Garrett  
Kandice Garrett, City Secretary

