

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
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, MARCH 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. **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 8, 2022.
 - b. **CONSIDERATION – APPROVE MONTGOMERY CENTRAL APPRAISAL DISTRICT (“MCAD”) EXEMPTION INFORMATION FOR USE ON THE 2022 NOTICES OF APPRAISED VALUE AND 2022 ASSESSMENT ROLLS**
 - c. **CONSIDERATION – APPROVE CHAMBER 2022 CHRISTMAS PARADE ROUTE**
Consideration and possible action to approve the Chamber Christmas Parade Route for Saturday, December 3, 2022 from 5:30 p.m. until 7:00 p.m.
4. **PRESENTATION – STATUS UPDATE ON MAGNOLIA PLACE DEVELOPMENT BY CHESSIE ZIMMERMAN** (Mayor Todd Kana)

5. **CONSIDERATION – ACCEPT AND APPROVE PETITION FOR CONSENT TO ANNEXATION OF PROPERTY INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 130 (.8264 ACRES AND 2.3880 ACRES TRACT) BY ADOPTING RESOLUTION NO. R-2022-007** (Mayor Todd Kana)
Consideration and possible action to adopt:

RESOLUTION NO. R-2022-007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS, APPROVING THE ADDITION OF .8264 ACRES AND 2.3880 ACRES INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 130 WITHIN AREA OF EXTRATERRITORIAL JURISDICTION.

6. **CONSIDERATION – ACCEPT AND APPROVE PETITION FOR CONSENT TO ANNEXATION OF PROPERTY INTO MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4 (.8264 ACRES AND 2.3880 ACRES TRACT) BY ADOPTING RESOLUTION NO. R-2022-008** (Mayor Todd Kana)
Consideration and possible action to adopt:

RESOLUTION NO. R-2022-008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS, APPROVING THE ADDITION OF .8264 ACRES AND 2.3880 ACRES INTO MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4 WITHIN AREA OF EXTRATERRITORIAL JURISDICTION.

7. **CONSIDERATION – ACCEPT AND APPROVE PETITION FOR CONSENT TO ANNEXATION OF PROPERTY INTO AUDUBON MANAGEMENT DISTRICT (.8264 ACRES AND 2.3880 ACRES TRACT) BY ADOPTING RESOLUTION NO. R-2022-009** (Mayor Todd Kana)
Consideration and possible action to adopt:

RESOLUTION NO. R-2022-009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS, APPROVING THE ADDITION OF .8264 ACRES AND 2.3880 ACRES INTO AUDUBON MANAGEMENT DISTRICT WITHIN AREA OF EXTRATERRITORIAL JURISDICTION.

8. **CONSIDERATION – ACCEPT AND APPROVE PETITION FOR CONSENT TO ANNEXATION OF PROPERTY INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT 154A (APPROXIMATELY 24.82 ACRES) BY ADOPTING RESOLUTION NO. R-2022-010** (Mayor Todd Kana)
Consideration and possible action to adopt:

RESOLUTION NO. R-2022-010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS, APPROVING THE ADDITION OF APPROXIMATELY 24.82 ACRES INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT 154A WITHIN AREA OF EXTRATERRITORIAL JURISDICTION.

9. **CONSIDERATION – ACCEPT AND APPROVE PETITION FOR CONSENT TO ANNEXATION OF PROPERTY INTO MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4 (APPROXIMATELY 24.82 ACRES) BY ADOPTING RESOLUTION NO. R-2022-011** (Mayor Todd Kana)

Consideration and possible action to adopt:

RESOLUTION NO. R-2022-0011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS, APPROVING THE ADDITION OF APPROXIMATELY 24.82 ACRES INTO MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4 WITHIN AREA OF EXTRATERRITORIAL JURISDICTION.

10. **CONSIDERATION – ACCEPT AND APPROVE PETITION FOR CONSENT TO ANNEXATION OF PROPERTY INTO AUDUBON MANAGEMENT DISTRICT (APPROXIMATELY 24.82 ACRES) BY ADOPTING RESOLUTION NO. R-2022-012** (Mayor Todd Kana)

Consideration and possible action to adopt:

RESOLUTION NO. R-2022-012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS, APPROVING THE ADDITION OF APPROXIMATELY 24.82 ACRES INTO AUDUBON MANAGEMENT DISTRICT WITHIN AREA OF EXTRATERRITORIAL JURISDICTION.

11. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE AMENDMENT TO PLAT OF MAGNOLIA PLACE SEC 1, REPLAT OF RESERVE “B” 30.239 +/- ACRES**

(Mayor Todd Kana)

12. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON FIRST AMENDMENT TO UTILITY AGREEMENT AND NEW CHAPTER 380 AGREEMENT WITH SHADYSIDE LAND COMPANY, LLC. TO SERVE SHADYSIDE’S HERITAGE GREEN DEVELOPMENT ON THE 49.056 ACRES OF LAND IN THE CITY OF MAGNOLIA TEXAS**

(Mayor Todd Kana)

13. **CONSIDERATION – AWARD BID FOR NICHOLS SAWMILL INTERCEPTOR SEWER REPLACEMENT PHASE 3 REBID CONTRACT 2-2020R AND AUTHORIZING SIGNING CONTRACTS CONTINGENT UPON STAFF REVIEW OF THE CONTRACTS, BONDS, AND INSURANCE** (Mayor Todd Kana)
14. **CONSIDERATION – AWARD CONTRACT FOR CLEARING AND GRUBBING OF WATER PLANT NO. 3 SITE BASED ON BIDS RECEIVED ON MARCH 7, 2022 TO BE PRESENTED AT THE CITY COUNCIL MEETING AND AUTHORIZING SIGNING CONTRACTS CONTINGENT UPON STAFF REVIEW OF THE CONTRACTS, BONDS, AND INSURANCE** (Mayor Todd Kana)
15. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. R-2022-013 AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION** (Mayor Todd Kana)
Consideration and possible action to adopt:

RESOLUTION NO. R-2022-013
RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF
INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

16. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. O-2022-006 INCREASING THE JUST AND REASONABLE GAS UTILITY RATES TO BE CHARGED WITHIN IN ITS INCORPORATED SERVICE AREAS BY UNIVERSAL NATURAL GAS, LLC** (Mayor Todd Kana)
Consideration and possible action to adopt:

ORDINANCE NO. O-2022-006
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MAGNOLIA, TEXAS, INCREASING THE JUST AND
REASONABLE GHAS UTILITY RATES TO BE CHARGED
WITHIN IN ITS INCORPORATED SERVICE AREAS BY
UNIVERSAL NATURAL GAS, LLC; REQUIRING
REIMBURSEMENT OF RATE CASE EXPENSES BY THE
COMPANY; FINDING THAT THE MEETING COMPLIES WITH
THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND
PROVISIONS RELATED TO THE SUBJECT; AND DECLARING
AN EFFECTIVE DATE.

17. **SECOND 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)

18. **FIRST READING: CONSIDERATION AND DISCUSSION TO APPROVE RESOLUTION NO. R-2022-014 – 4B PROJECT FOR THE PURCHASE OF 1 TO 2 ACRES OF REAL PROPERTY WITHIN THE CITY OF MAGNOLIA** (Mayor Todd Kana)
Consideration and possible action to adopt:

RESOLUTION NO. R-2022-014
TO APPROVE THE FOLLOWING PROJECTS OF THE
MANGOLIA COMMUNITY DEVELOPMENT CORPORATION
(4B)

19. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE ANNUAL REVIEW UPDATE TO THE CITY OF MAGNOLIA INVESTMENT POLICY**
(Mayor Todd Kana)
20. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE KOLOGIK LLC SOFTWARE-AS-A-SERVICE AGREEMENT FOR POLICE DEPARTMENT WARRANTS** (Mayor Todd Kana)
21. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. R-2022-015 ADOPTING THE CITY OF MAGNOLIA, TEXAS LOGO AND GRAPHIC STANDARDS** (Mayor Todd Kana)
Consideration and possible action to adopt:

RESOLUTION NO. R-2022-015
A RESOLUTION ADOPTING THE CITY OF MAGNOLIA, TEXAS
LOGO AND GRAPHIC STANDARDS

22. **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 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.

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

24. **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)

25. **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 3/4/2022
TIME 3:30
TAKEN DOWN _____

Kandice Garrett
Kandice Garrett, City Secretary

