

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



Don Doering, City Administrator  
Kandice Garrett, City Secretary  
Leonard Schneider, City Attorney  
Kyle Montgomery, Police Chief  
Beverly Standley, Finance/HR Administrator

## NOTICE OF PUBLIC MEETING OF THE MAGNOLIA CITY COUNCIL

### AGENDA

#### PUBLIC HEARING AND REGULAR CITY COUNCIL MEETING TUESDAY, MARCH 09, 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. OPEN PUBLIC HEARING #1

#### NOTICE OF PUBLIC HEARING

On March 9, 2021 at 7:00 pm., City of 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, and to discuss:

- Change in land use/district on the City of Magnolia Official Zoning Map from Public Use to Suburban Village for Reserve A Timberbrook Estates.
- Change in land use/district on the City of Magnolia Official Zoning Map from Neighborhood Conservation 2 to Semi-Urban Residential for Reserve B Timberbrook Estates.

3. CLOSE PUBLIC HEARING

4. OPEN PUBLIC HEARING #2

#### NOTICE OF PUBLIC HEARING

On March 9, 2021 at 7:00 p.m., the Magnolia City Council will hold a public hearing at City

Hall, 18111 Buddy Riley Blvd., Magnolia, Texas 77354 regarding the proposed annexation of the following described property, to-wit: Being A 69.53 acre tract of land in the WM. Dunlavy Survey Abstract 168, Montgomery County, Texas, being the residual of that called 72.54 acre tract of land as recorded under County Clerk's File No. 2018-015991 of the Real Property Records of Montgomery County, Texas, said 69.53 acre tract being more described by metes and bounds contained in Exhibit "A" which is available on the City's website under Public Notices or in the City Secretary's office.

5. CLOSE PUBLIC HEARING

6. ADJOURN PUBLIC HEARING AND CONVENE OPEN REGULAR MEETING

7. RECOGNITION OF SERVICE

Recognition of Public Works Staff for their contributions to the community during the Winter Storm Event the week of February 15, 2021.

8. 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 five (5) 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 inquiries 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.

9. 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 9, 2021.

b. CONSIDERATION – APPROVE DECLARATION OF DISASTER FOR FEBRUARY WINTER WEATHER 2021

(Mayor Todd Kana)

Consideration and possible action to consider approval of Declaration of Disaster as it relates to the winter weather emergency during the week of February 14, 2021 through February 20, 2021.

c. CONSIDERATION – APPROVAL OF RENEWAL LEASE AND MAINTENANCE AGREEMENT WITH GREATAMERICA FINANCIAL SERVICES CORPORATION FOR ADMIN COPIER LEASE

(Mayor Todd Kana)

Consideration and possible action to approve 36 month renewal Lease and Maintenance Agreement with GreatAmerica Financial Services Corporation for Administration Department copier lease.

d. CONSIDERATION OF UNOPPOSED CANDIDATES

(Mayor Todd Kana)

Consideration and possible action to accept and approve Certification of Unopposed Candidates for the May 1, 2021 General City Election.

10. CONSIDERATION – APPROVE REZONINGS ON THE CITY OF MAGNOLIA OFFICIAL ZONING MAP

(Tana Ross, Planning Tech)

Change in land use/district on the City of Magnolia Official Zoning Map from Public Use to Suburban Village for Reserve A Timberbrook Estates.

11. CONSIDERATION – APPROVE REZONINGS ON THE CITY OF MAGNOLIA OFFICIAL ZONING MAP

(Tana Ross, Planning Tech)

Change in land use/district on the City of Magnolia Official Zoning Map from Neighborhood Conservation 2 to Semi-Urban Residential for Reserve B Timberbrook Estates.

12. CONSIDERATION- ORDINANCE NO. O-2021-006 ANNEXING TERRITORY (69.53 ACRE TRACT) – PROPOSED ANNEXATION OF APPROXIMATELY 69.53 ACRE TRACT OF LAND INTO THE CITY LIMITS GENERALLY LOCATED AT THE INTERSECTION OF THE NORTHERLY LINE OF KELLY ROAD, AND THE WEST LINE OF SATTERWHITE LANE.

(Mayor Todd Kana)

Consideration and possible action to adopt:

ORDINANCE NO. O-2021-006 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.

13. CONSIDERATION AND POSSIBLE ACTION ON A FIRST AMENDMENT TO THE UTILITY AGREEMENT DATED MARCH 12, 2019 BETWEEN THE CITY OF MAGNOLIA, TEXAS, A GENERAL LAW MUNICIPALITY IN MONTGOMERY COUNTY, TEXAS (THE “CITY”), ACTING BY AND THROUGH ITS GOVERNING BODY THE CITY COUNCIL OF MAGNOLIA, TEXAS AND MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 174.

(Mayor Todd Kana)

Consideration and possible action on a First Amendment to the Utility Agreement dated March 12, 2019 between the City of Magnolia, Texas, a General Law Municipality in Montgomery County, Texas (the “City”), acting by and through its governing body the City Council of Magnolia, Texas and Montgomery County Municipality Utility District No. 174.

14. CONSIDERATION AND POSSIBLE ACTION TO SCHEDULE A PUBLIC HEARING ON APRIL 9, 2021 ON THE CREATION OF A PLANNED DEVELOPMENT DISTRICT NO. 2 FOR PLUS/MINUS 279 ACRES IN MUD 174 LOCATED IN THE CITY OF MAGNOLIA EXTRA-TERRITORIAL JURISDICTION ( ETJ).  
(Mayor Todd Kana)  
Consideration and possible action to schedule a public hearing on April 9, 2021 on the creation of a Planned Development District No. 2 for plus/minus 279 acres in MUD 174 located in the City of Magnolia Extra-Territorial Jurisdiction (ETJ).
15. CONSIDERATION – APPROVAL OF PROPOSED CHANGE ORDER NO. 1 BLAZEY CONSTRUCTION  
(Mayor Todd Kana)  
Consideration and approval of proposed Change Order No. 1 Blaze Construction in the amount of \$60,770.50; a 3.78% increase overall.
16. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO REVISE AUDUBON CITY LIMITS ANNEXATION/DIS-ANNEXATION TRACTS  
(Mayor Todd Kana)  
Consideration, discussion and possible action to revise Audubon City Limits Parcel 1 Annexation, Parcel 1 Dis-Annexation, Parcel 2 Annexation, and Parcel 2 Dis-Annexation.
17. CONSIDERATION AND POSSIBLE ACTION TO ADOPT LETTER AGREEMENT BETWEEN THE CITY AND AUDUBON MAGNOLIA DEVELOPMENT, LLC FOR THE CONSTRUCTION OF WATER, SANITARY SEWER, DRAINAGE AND PAVING FACILITIES TO SERVE AUDUBON PARKWAY (THE "CONTRACT"); INSTALLATION OF CITY OF MAGNOLIA, TEXAS (THE "CITY") SANITARY SEWER FORCE MAIN ALONG FM 1488 (THE "CITY FORCE MAIN")  
(Mayor Todd Kana)  
Consideration and possible action to adopt letter agreement between the City and Audubon Magnolia Development, LLC for the construction of water, sanitary sewer, drainage and paving facilities to serve Audubon Parkway (The "Contract"); installation of City of Magnolia, Texas (the "City") sanitary sewer force main along FM 1488 (the "City Force Main").
18. CONSIDERATION - APPROVE RESOLUTION NO. R-2021-005 DESIGNATING A PROFESSIONAL ENGINEERING FIRM FOR THE 2021-2022 TXCDBG COMMUNITY DEVELOPMENT FUND APPLICATION AND PROJECT IMPLEMENTATION, ADMINISTERED BY THE TEXAS DEPARTMENT OF AGRICULTURE.  
(Mayor Todd Kana)  
Consideration and possible action to approve Resolution No. R-2021-005 designating a professional engineering firm for the 2021-2022 TxCDBG Community Development Fund application and project implementation, administered by the Texas Department of Agriculture.

RESOLUTION NO. R-2021-005

A RESOLUTION OF THE CITY OF MAGNOLIA, TEXAS, AUTHORIZING THE AWARD OF PROFESSIONAL SERVICE PROVIDER CONTRACT FOR THE 2021-2022 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT COMMUNITY DEVELOPMENT FUND.

19. CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO APPROVE A PROPOSAL WITH BLACKBOARD CONNECT  
(Don Doering City Administrator)  
Consideration, discussion and possible action to approve a proposal with Blackboard Connect for emergency use and outreach.
20. CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO APPROVE A PROPOSAL WITH CIVICCMS (CIVICPLUS)  
(Don Doering City Administrator)  
Consideration, discussion and possible action to approve a proposal with CivicCMS (CivicPlus) for website redesign, development, and implementation services.
21. CONSIDERATION – APPROVE PUBLIC FUNDS INVESTMENT PORTFOLIO – QUARTER ENDING DECEMBER 2020  
(Beverly Standley, Finance Administrator)  
Consideration and possible action to approve 4<sup>th</sup> Quarter 2020 Investment Portfolio.
22. CONSIDERATION – DESIGNATION OF EMERGENCY MANAGEMENT DIRECTOR COORDINATOR  
(Mayor Todd Kana)  
Consideration and possible action to appoint Police Chief Kyle Montgomery as Emergency Coordinator for the City of Magnolia.
23. CONSIDERATION AND POSSIBLE ACTION TO INSTRUCT STAFF TO DRAFT ORDINANCE TO AMEND CHAPTER 22-1 OF THE MAGNOLIA CODE OF ORDINANCES TO ALL COUNCIL TO APPOINT MORE THAN ONE ALTERNATE JUDGE AND BRING BACK TO COUNCIL  
(Councilmember Matthew Dantzer)  
Consideration and possible action to instruct staff to draft Ordinance to amend Chapter 22-1 of the Magnolia Code of Ordinances to all Council to appoint more than one alternate judge and bring back to Council.
24. ADMINISTRATION - DEPARTMENT REPORTS  
ACTIVITIES/UPDATES/ANNOUNCEMENTS AND ITEMS OF COMMUNITY INTEREST
  - a. POLICE DEPARTMENT - (Chief of Police, Kyle Montgomery)
    - (1). Monthly Report — February 2021 — 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



25. 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 legislative issues arising from 2021 Regular Session of the Texas Legislature.

26. ADJOURN CLOSED EXECUTIVE SESSION AND RECONVENE OPEN MEETING

27. CONSIDERATION, DISCUSSION AND POSSIBLE ACTION AS A RESULT OF CLOSED EXECUTIVE SESSION

Discuss, consider, and take action regarding approval of governmental relations work pertaining to the 2021 Regular Session of the Texas Legislature.

28. 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 March 5 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.