

Mayor Todd Kana  
Daniel Miller, Position 1  
Matthew Dantzer, Position 2  
Richard Carby, Mayor Pro Tem, Position 3  
Brenda Hoppe, Position 4  
Jack L. Hultt, 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**

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**AMENDED AGENDA  
PUBLIC HEARING AND REGULAR CITY COUNCIL MEETING  
TUESDAY, APRIL 12, 2022 – 7:00 P.M.  
Sewall Smith Council Chambers  
18111 Buddy Riley Boulevard, Magnolia, Texas 77354**

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- 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 AMENDMENT OF IMPACT FEES**

**NOTICE OF PUBLIC HEARING ON AMENDMENT OF IMPACT FEES**  
The City Council of Magnolia, Texas will hold a public hearing at the Sewell Smith Council Chambers located at 18111 Buddy Riley Blvd., Magnolia, Texas, at 7:00 p.m., on Tuesday, April 12<sup>th</sup>, 2022. The purpose of the hearing is to consider the amendment of land use assumptions and a capital improvements plan under which an impact fee may be imposed. Any member of the public has the right to appear at the hearing and present evidence for or against the update.

- 4. CLOSE 1<sup>ST</sup> PUBLIC HEARING**
- 5. OPEN 2<sup>ND</sup> PUBLIC HEARING ON TEXT AMENDMENTS TO UDC AND CONDITIONAL USE PERMIT**

## NOTICE OF PUBLIC HEARING

On April 12, 2022 at 6 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:

- Text amendment to the Unified Development Code, Chapter 6, Sec. 6-1-4.01 Freestanding Temporary Signs.
- Conditional Use Permit for 302 Acker St.

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

### **7. ADJOURN PUBLIC HEARINGS AND CONVENE OPEN REGULAR MEETING**

### **8. 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 March 8, 2022.

#### **b. CONSIDERATION – APPROVE THE CITY OF MAGNOLIA SPONSORING, HOLDING AND ADVERTISING THE SHOWDOWN BBQ COOKOFF EVENT AT UNITY PARK ON APRIL 29 – 30, 2022 PLANNED AND CORDINATED BY THE MAGNOLIA FESTIVAL COMMITTEE.**

#### **c. CONSIDERATION – APPROVE STREET CLOSURE OF UNITY PARK DRIVE ON FRIDAY APRIL 29 AT 11:00 AM THROUGH SATURDAY APRIL 30 AT 7:00 PM**

#### **d. CONSIDERATION – APPROVAL FOR VENDORS TO SELL ALCOHOL AT THE MAGNOLIA SHOWDOWN BBQ COOKOFF AT UNITY PARK APRIL 29-30, 2022**

#### **e. CONSIDERATION – APPROVE USAGE OF WILLIAMS PAVILION FOR THE HOUSTON GALVESTON AREA COUNCIL (HGAC) BIKE TRAINING COURSE ON SUNDAY, MAY 1 FROM 2 PM – 6 PM**

### **9. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. O-2022-007 AMENDING THE CITY OF MAGNOLIA OFFICIAL ZONING MAP FOR A REZONING OF 0.9183 ACRES OF LAND FROM NEIGHBORHOOD CONSERVATION 2 (NC 2) TO SUBURBAN VILLAGE (SV) (Mayor Todd Kana)**

Consideration and possible action to adopt:

**ORDINANCE NO. O-2022-007**

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, AMENDING ITS ZONING ORDINANCE, BY APPROVING ZONING CLASSIFICATIONS CHANGE REQUESTS WITHIN THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT THE APPROVED ZONING CLASSIFICATION CHANGES; PROVIDING FOR SEVERABILITY; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

10. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE JIFFY LUBE, 218 SMITH STREET, FINAL PLAT, +/-0.7100 ACRES (Mayor Todd Kana)**
11. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. O-2022-008 AMENDING THE UNIFIED DEVELOPMENT CODE, CHAPTER 6, SEC. 6-1-4.01 FREESTANDING TEMPORARY SIGNS (Mayor Todd Kana)**  
Consideration and possible action to adopt:

**ORDINANCE NO. O-2022-008**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, AMENDING CHAPTER 6 OF THE UNIFIED DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR OTHER PROVISIONS.

12. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. O-2022-009 CONDITIONAL USE PERMIT FOR 302 ACKER STREET ALLOWING MIXED-USE (Mayor Todd Kana)**  
Consideration and possible action to adopt:

**ORDINANCE NO. O-2022-009**

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, AMENDING ITS OFFICIAL ZONING MAP, BY APPROVING A CONDITIONAL USE PERMIT WITHIN THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT THE APPROVED CONDITIONAL USE PERMIT; PROVIDING FOR SEVERABILITY; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

13. **CONSIDERATION AND DISCUSSION OF PROPOSAL FROM GC MAGNOLIA, LP TO ENTER INTO ECONOMIC DEVELOPEMNT AGREEMENT FOR PROPOSED MAGNOLIA VILLAGE RETAIL CENTER** (Mayor Todd Kana)

14. **CONSIDERATION – ACCEPT AND APPROVE PETITION FOR CONSENT TO ANNEXATION OF 98.58 ACRES BY FORESTAR (USA) REAL ESTATE GROUP, INC INTO THE CITY OF MAGNOLIA WITHIN AREA OF EXTRATERRITORIAL JURISDICTION BY ADOPTING ORDINANCE NO. O-2022-010** (Mayor Todd Kana)  
Consideration and possible action to adopt:

**ORDINANCE NO. O-2022-010**

AN ORDINANCE INCLUDING THE HEREINAFTER DESCRIBED TERRITORY TO THE EXTRATERRITORIAL JURISDICTION OF CITY OF MAGNOLIA TEXAS, MONTGOMERY COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID EXTRATERRITORIAL JURISDICTION SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY, 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 THAT MAY APPLY WITHIN THE EXTRATERRITORIAL JURISDICTION.

15. **CONSIDERATION - APPROVE ORDINANCE NO. O-2022-0011 AMENDING ARTICLE IV OF CHAPTER 94 OF THE CITY CODE OF ORDINANCES** (Mayor Todd Kana)  
Consideration and possible action to adopt:

**ORDINANCE NO. O-2022-011**

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, AMENDING ARTICLE IV OF CHAPTER 94 "UTILITIES" OF THE CODE OF ORDINANCES OF THE CITY OF MAGNOLIA, TEXAS; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND MAKING OTHER PROVISION RELATED THERETO.

16. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE A PROPOSAL TO PAVE COMMERCE STREET UNDER TERMS OF THE INTERLOCAL AGREEMENT WITH MONTGOMERY COUNTY** (Mayor Todd Kana)
17. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. R-2022-016 AUTHORIZING EXECUTION OF LOAN AGREEMENT FROM STATE INFRASTRUCTURE BANK** (Mayor Todd Kana)  
Consideration and possible action to adopt:

**RESOLUTION NO. R-2022-016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT FROM THE STATE INFRASTRUCTURE BANK; AUTHORIZING MAYOR TODD KANA TO ACT ON BEHALF OF THE CITY OF MAGNOLIA IN ALL MATTERS RELATING TO THE LOAN AGREEMENT.

18. **SECOND 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, AND POSSIBLE ACTION TO TERMINATE TASK ORDER NO. 20-03 AND ANY AMENDMENTS TO THE TASK ORDER WITH STRAND ENGINEERING SERVICES REGARDING FM 1488 FORCE MAIN LOCATION AND AUTHORIZE CITY ADMINISTRATOR TO SEND WRITTEN NOTICE OF TERMINATION AND ASSIGN REMAINDER OF THE ENGINEERING SERVICES TO CITY ENGINEER, AEI ENGINEERING** (Mayor Todd Kana)
20. **DISCUSSION REGARDING AEI ENGINEERING WORK ORDER FOR MAGNOLIA TRANSPORTATION MASTER PLAN** (Mayor Todd Kana)
21. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE SECOND AMENDMENT TO WHOLESALE WATER SUPPLY AND SANITARY SEWER AGREEMENT BETWEEN THE CITY OF MAGNOLIA AND AUDUBON MAGNOLIA DEVELOPMENT, LLC, ET AL** (Mayor Todd Kana)
22. **CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE AWARD OF CONTRACT FOR WATER PLANT #3 CLEARING AND GRUBBING TO L L & G CONSTRUCTION INC. IN THE AMOUNT OF \$51,450.** (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.

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 Impact fees and amending impact fees

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.

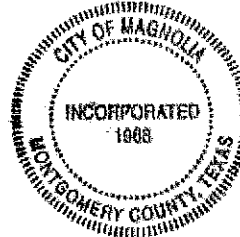
Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office at (281-305-0550), two working days prior to the meeting for appropriate arrangements.

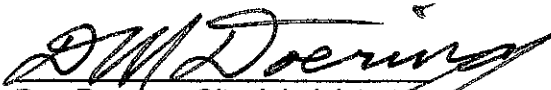
**CERTIFICATE**

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  
TIME  
TAKEN DOWN

4/7/2022  
3:40pm



  
Don Doering, City Administrator