

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 JOINT PUBLIC HEARING WITH CITY COUNCIL AND PLANNING & ZONING COMMISSION TUESDAY, MAY 10, 2022 – 6:00 P.M.

**REGULAR CITY COUNCIL MEETING
TUESDAY, MAY 10, 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 OF CITY COUNCIL AND CERTIFICATION OF A QUORUM
 - d. ROLL CALL OF PLANNING & ZONING COMMISSION AND CERTIFICATION OF A QUORUM

- 2. OPEN JOINT PUBLIC HEARING WITH CITY COUNCIL AND PLANNING & ZONING COMMISSION**

On May 10, 2022 at 6:00 p.m. City of Magnolia Planning and Zoning Commission and City Council will hold a joint 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:

- Conditional Use Permit for 823 Magnolia Blvd. concerning use of preconstructed buildings in a nonresidential, Public Use (PU) zoned district.

- 3. CLOSE JOINT PUBLIC HEARING WITH CITY COUNCIL AND PLANNING & ZONING COMMISSION AND CONVENE JOINT OPEN MEETING WITH CITY COUNCIL AND PLANNING & ZONING COMMISSION**

4. **CONSIDERATION AND POSSIBLE ACTION BY PLANNING & ZONING COMMISSION REGARDING CONDITIONAL USE PERMIT FOR 823 MAGNOLIA BLVD**
 5. **ADJOURN JOINT PUBLIC HEARING WITH CITY COUNCIL AND PLANNING & ZONING COMMISSION AND RECONVENE OPEN REGULAR CITY COUNCIL MEETING**
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REGULAR CITY COUNCIL MEETING

6. **PROCLAMATIONS AND PRESENTATIONS** (Mayor Todd Kana)
 - a. Proclamation of April as Fair Housing Month for the City of Magnolia
 - b. Presentation of 2020-2021 Audit by Brooks Watson Co.
 - c. Presentation from Habitat From Humanity representatives
7. **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 April 12, 2022.
 - b. **CONSIDERATION – APPROVAL OF PUBLIC FUNDS INVESTMENT PORTFOLIO – QUARTER ENDING MARCH 2022**
 - c. **CONSIDERATION – APPROVE REQUEST OR NEW SIGNATURE CARDS FROM WOODFOREST BANK AFTER CANVASS OF MAY 7, 2022 ELECTION**
 - d. **CONSIDERATION – APPROVE 2022-2023 BUDGET CALENDAR**
8. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. O-2022-012 AMENDING IMPACT FEES FOR NEW CONSTRUCTION** (Mayor Todd Kana)

Consideration and possible action to adopt:

ORDINANCE NO. O-2022-012

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, AMENDING CHAPTER 94 "UTILITIES" OF THE CODE OF ORDINANCES BY AMENDING THE CITY'S IMPACT FEES FOR WATER AND WASTEWATER FACILITIES PURSUANT TO THE TEXAS LOCAL GOVERNMENT CODE ANNOTATED §395.001 ET. SEQ; DEFINING CERTAIN TERMS; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF SUCH IMPACT FEES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; CONTAINING A REPEALING CLAUSE; AND PROVIDING FOR SEVERABILITY.

9. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE CLEARGOV BUDGETING SOFTWARE PROPOSAL** (Mayor Todd Kana)

10. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. R-2022-017 AUTHORIZING THE PURCHASE OF +/-2.28 ACRES FROM THE CITY OF MAGNOLIA 4A ECONOMIC DEVELOPMENT CORPORATION OUT OF THE MAXIE-WORSHAM FM 149 TRACT** (Mayor Todd Kana)

Consideration and possible action to adopt:

RESOLUTION NO. R-2022-017

A RESOLUTION OF THE CITY OF MAGNOLIA, TEXAS, AUTHORIZING RESOLUTION AUTHORIZING THE PURCHASE OF 2.28 +/- ACRES OF REAL PROPERTY FROM THE MAGNOLIA ECONOMIC DEVELOPMENT CORPORATION (4A) OUT OF THE MAXIE-WORSHAM FM 149 TRACT, THAT IS LOCATED WITHIN THE CITY CORPORATE BOUNDARIES TO THE CITY OF MAGNOLIA, TX.

11. **CONSIDERATION – ACCEPT AND APPROVE PETITION FOR CONSENT TO ANNEXATION OF 165.271 +/- ACRES BY MAGNOLIA ESCONDIDO LLC INTO THE CITY OF MAGNOLIA WITHIN AREA OF EXTRATERRITORIAL JURISDICTION BY ADOPTING ORDINANCE NO. O-2022-013** (Mayor Todd Kana)

Consideration and possible action to adopt:

ORDINANCE NO. O-2022-013

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.

12. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE AN IMPACT FEE CREDIT AGREEMENT FOR PURCHASE OF WATER PLANT AND REMOTE WELL SITES WITH MAGNOLIA ESCONDIDO LLC.** (Mayor Todd Kana)

13. **CONSIDERATION – ACCEPT AND APPROVE PETITION FOR CONSENT TO ANNEXATION OF 118.69 ACRES BY FORESTAR (USA) REAL ESTATE GROUP, INC**

**INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 165 BY ADOPTING
RESOLUTION NO. R-2022-018 (Mayor Todd Kana)**

Consideration and possible action to adopt:

RESOLUTION NO. R-2022-018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MAGNOLIA, MONTGOMERY COUNTY, TEXAS, CONSENTING
TO THE ANNEXATION OF 118.69 ACRES INTO
MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO.
165.

14. **CONSIDERATION – AUTHORIZE CITY ENGINEER TO PREPARE AND SIGN LETTERS
ON CITY LETTERHEAD CONFIRMING SPONSORSHIP BY THE CITY FOR ROADS
TYING INTO TXDOT MAINTAINED ROADS NECESSARY TO OBTAIN TXDOT
PERMITTING (Mayor Todd Kana)**
15. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE NICHOLS
SAWMILL INTERCEPTOR SEWER REPLACEMENT PHASE 1 AND 2 PROPOSAL WITH
GBI PARTNERS FOR SURVEYING SERVICES NOT TO EXCEED \$5,600
(Mayor Todd Kana)**
16. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE NICHOLS
SAWMILL INTERCEPTOR SEWER REPLACEMENT PHASE 3 PROPOSAL WITH GBI
PARTNERS FOR SURVEYING SERVICES NOT TO EXCEED \$7,000 (Mayor Todd Kana)**
17. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE NICHOLS
SAWMILL INTERCEPTOR SEWER REPLACEMENT PHASE 3 PROPOSAL WITH RABA
KISTNER FOR CONSTRUCTION MATERIALS AND TESTING SERVICES NOT TO
EXCEED \$34,125 (Mayor Todd Kana)**
18. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE WATER
PLANT NO. 3 CLEARING AND GRUBBING PROJECT PROPOSAL WITH WINDROSE
FOR SURVEYING SERVICES NOT TO EXCEED \$1,595 (Mayor Todd Kana)**
19. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE FM 1488
FORCE MAIN CONSTRUCTION AND WATER LINE RELOCATION PROPOSAL WITH
GBI PARTNERS FOR SURVEYING SERVICES NOT TO EXCEED \$8,000
(Mayor Todd Kana)**
20. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE FM 1488
FORCE MAIN CONSTRUCTION AND WATER LINE RELOCATION PROPOSAL WITH**

RABA KISTNER FOR CONSTRUCTION MATERIALS AND TESTING SERVICES NOT TO EXCEED \$34,141 (Mayor Todd Kana)

21. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE AEI ENGINEERING SERVICES WORK ORDER 22-003 FOR PREPARATION OF A CITY MASTER THOROUGHFARE PLAN NOT TO EXCEED \$56,000 (Mayor Todd Kana)**
22. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE AEI ENGINEERING SERVICES WORK ORDER 22-004 FOR DESIGN ENGINEERING SERVICES FOR WATER WELL NO. 8 NOT TO EXCEED \$200,000 (Mayor Todd Kana)**
23. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE AEI ENGINEERING SERVICES WORK ORDER 22-005 FOR CONSTRUCTION PHASE SERVICES FOR WATER PLANT NO. 3 CLEARING AND GRUBBING NOT TO EXCEED \$4,500 (Mayor Todd Kana)**
24. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE THE INTERLOCAL PARTICIPATION AGREEMENT BETWEEN CITY OF MAGNOLIA, TEXAS AND BUYBOARD REGARDING MAKING USE OF LOCAL GOVERNMENT COOPERATIVE PURCHASING DISCOUNTS (Mayor Todd Kana)**
25. **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. R-2022-019 TO DESIGNATE AUTHORIZED SIGNATORIES FOR THE 2021 TEXAS CDBG PROGRAM, GRANT AGREEMENT NUMBER CDV21-0209 (Mayor Todd Kana)**
Consideration and possible action to adopt:

RESOLUTION NO. R-2022-019
A RESOLUTION BY THE CITY COUNCIL OF CITY OF MAGNOLIA
DESIGNATING AUTHORIZED SIGNATORIES FOR
CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR
REQUESTING FUNDS PERTAINING TO THE TEXAS
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
(TXCDBG) GRANT AGREEMENT NUMBER CDV21-0209.

26. **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. R-2022-020 ADOPTING REQUIRED CDBG CIVIL RIGHTS POLICIES (Mayor Todd Kana)**
Consideration and possible action to adopt:

RESOLUTION NO. R-2022-020
Resolution Regarding Civil Rights
The City of Magnolia, Texas

27. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. O-2022-014 AUTHORIZING THE ISSUANCE OF CITY OF MAGNOLIA, TEXAS TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2022** (Mayor Todd Kana)

Consideration and possible action to adopt:

ORDINANCE NO. O-2022-014

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF MAGNOLIA, TEXAS TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2022.

28. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE A LEASE PURCHASE AGREEMENT WITH AMERICAN NATIONAL LEASING, FOR A REPLACEMENT PATROL VEHICLE** (Mayor Todd Kana)

29. **CONSIDERATION, APPROVE RESOLUTION NO. R-2022-021 NOMINATING CANDIDATE FOR APPOINTMENT TO GROUNDWATER REDUCTION PLAN CONTRACT REVIEW COMMITTEE** (Mayor Todd Kana)

Consideration and possible action to adopt:

RESOLUTION NO. R-2022-021

A RESOLUTION REGARDING NOMINATING CANDIDATE FOR APPOINTMENT TO GROUNDWATER REDUCTION PLAN CONTRACT REVIEW COMMITTEE.

30. **CONSIDERATION – SET DATE FOR SPECIAL MEETING OF CANVASS OF GENERAL ELECTION** (Mayor Todd Kana)

31. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE CONDITIONAL USE PERMIT FOR 832 MAGNOLIA BLVD BY ADOPTING ORDINANCE NO. O-2022-015 APPROVING A CONDITIONAL USE PERMIT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT THE APPROVED CONDITIONAL USE PERMIT** (Mayor Todd Kana)

Consideration and possible action to adopt:

ORDINANCE NO. O-2022-015

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.

32. 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 Rezoning of 0.9183 acres of land from neighborhood conservation 2 (NC2) to Suburban Village (SV).

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

34. 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)

35. 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 5/6/2022
TIME 4:00 PM
TAKEN DOWN _____

Kandice Garrett
Kandice Garrett, City Secretary

