

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
Tana Ross, Planning Tech

NOTICE OF PUBLIC MEETING OF THE MAGNOLIA CITY COUNCIL

AGENDA

REGULAR CITY COUNCIL MEETING TUESDAY, JUNE 8, 2021 – 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 May 11, 2021.

4. **CONSIDERATION - AUTHORIZE PAYMENT OF PHASE 1 HARDWARE – CITY BY OPTIMUM COMPUTER SOLUTIONS, INC. (OCS) FOR PURPOSES OF THE IT INFRASTRUCTURE UPGRADES** (Mayor Pro Tem Richard Carby)

5. **CONSIDERATION - APPROVE PIPELINE CROSSING AGREEMENT WITH THE CITY OF MAGNOLIA AND UNION PACIFIC RAILROAD DATED MAY 14, 2021 AND PAYMENT OF \$7,780.00 FOR INSTALLATION OF AN UNDERGROUND 12” PVC PIPE AT MILE POST 22.45 ON THE NAVASOTA SUBDIVISION AT OR NEAR MAGNOLIA, MONTGOMERY COUNTY, TEXAS** (Mayor Pro Tem Richard Carby)

6. **CONSIDERATION – APPROVE SIXTH AMENDMENT TO THE UTILITY AGREEMENT BETWEEN THE CITY OF MAGNOLIA, TEXAS, AND MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 165** (Mayor Pro Tem Richard Carby)
7. **CONSIDERATION – APPROVE PETITION FOR CONSENT TO ANNEX LAND INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 165, 92.22 ACRE TRACT BY ADOPTION OF RESOLUTION NO. R-2021-009** (Mayor Pro Tem Richard Carby)

RESOLUTION NO. R-2021-009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS, CONSENTING TO THE ANNEXATION OF 92.22 ACRES INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 165.

8. **CONSIDERATION – APPROVE FIRST AMENDMENT TO THE UTILITY AGREEMENT BETWEEN THE CITY OF MAGNOLIA, TEXAS, AND MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 108** (Mayor Pro Tem Richard Carby)
9. **CONSIDERATION – APPROVE PETITION FOR CONSENT TO ANNEX LAND INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 108, 52.767 ACRE TRACT BY ADOPTION OF RESOLUTION NO. R-2021-010** (Mayor Pro Tem Richard Carby)

RESOLUTION R-2021-010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS, CONSENTING TO THE ANNEXATION OF 52.767 ACRES INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 108 LOCATED WITHIN THE CITY LIMITS.

10. **CONSIDERATION - APPROVE MAGNOLIA RIDGE FOREST SECTION 11, FINAL PLAT +/-26.250 ACRES** (Mayor Pro Tem Richard Carby)
11. **CONSIDERATION - APPROVE MAGNOLIA RIDGE FOREST SECTION 12, FINAL PLAT +/- 28.247 ACRES** (Mayor Pro Tem Richard Carby)
12. **CONSIDERATION - APPROVE ESCONDIDO SECTION 3, FINAL PLAT +/- 31.893 ACRES** (Mayor Pro Tem Richard Carby)
13. **CONSIDERATION - APPROVE HERITAGE GREEN FINAL PLAT +/- 49.056 ACRES** (Mayor Pro Tem Richard Carby)

14. **CONSIDERATION - APPROVE FORESTAR (USA) REAL ESTATE GROUP INC ON BEHALF OF MUNICIPAL UTILITY DISTRICT NO. 165 UTILITY/INFRASTRUCTURE CONVEYANCE** (Mayor Pro Tem Richard Carby)
15. **CONSIDERATION - AUTHORIZE AEI ENGINEERING TO CONDUCT A TAP/IMPACT FEE ANALYSIS AND A RATE ANALYSIS** (Mayor Pro Tem Richard Carby)
16. **CONSIDERATION - AUTHORIZE ISSUANCE OF A NOTICE OF INTENT TO ENTER INTO A SANITARY SEWER OVERFLOW (SSO) INITIATIVE COMPLIANCE AGREEMENT WITH TCEQ FURTHER AUTHORIZING AEI ENGINEERING PREPARE THE NECESSARY DOCUMENTATION REQUIRED FOR THE AGREEMENT**
(Mayor Pro Tem Richard Carby)
17. **CONSIDERATION - APPROVE ADVANCE FUNDING AGREEMENT FOR VOLUNTARY UTILITY RELOCATION CONTRIBUTIONS ON STATE HIGHWAY IMPROVEMENT PROJECTS WITH TXDOT AND THE CITY OF MAGNOLIA FOR UTILITY RELOCATION ON THE SECOND SEGMENT OF WIDENING FM 1488 FROM FM 1774 TO WEST OF FM 149** (Mayor Pro Tem Richard Carby)
18. **CONSIDERATION – APPROVE ORDINANCE NO. O-2021-015 PROVIDING FOR THE ABANDONMENT, VACATION, AND CLOSURE OF 8TH STREET**
(Mayor Pro Tem Richard Carby)

ORDINANCE NO. O-2021-15

AN ORDINANCE PROVIDING FOR THE ABANDONMENT, VACATION AND CLOSURE OF THE FOLLOWING STREET SEGMENTS, TO WIT: AN UNIMPROVED PORTION OF YANCY DRIVE DESCRIBED AS -8th STREET FROM APPROXIMATELY THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF LARUE STREET WITH THE WESTERLY RIGHT-OF-WAY LINE OF 8th STREET, AS SHOWN ON THE PLAT RECORDED IN VOLUME 5, PAGE 23 OF THE MAP/PLAT RECORDS OF MONTGOMERY COUNTY, TEXAS, BEING THE UNIMPROVED PORTION OF 8th STREET

19. **CONSIDERATION – APPROVE OFFER TO PURCHASE A PORTION OF THE FM 149 43 ACRE PROPERTY FROM THE CITY OF MAGNOLIA 4A ECONOMIC DEVELOPMENT CORPORATION** (Mayor Pro Tem Richard Carby)
20. **CONSIDERATION – APPROVE ORDINANCE NO. O-2021-010 TO AMEND CHAPTER 22-1 TO APPOINT MORE THAN ONE ALTERNATE JUDGE** (Councilmember Dantzer)

ORDINANCE NO. O-2021-010

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, AMENDING CHAPTER 22 "COURTS" OF THE CODE OF ORDINANCES OF THE CITY OF MAGNOLIA, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND MAKING OTHER PROVISION RELATED THERETO

21. 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 Change Order No. 3 requested by Triple B Services, LLP for the GLO CDBG-DR Nichols Sawmill Sanitary Sewer Interceptor Replacement - Phase 2, Contract 1-2020; and

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 Agreement for Technical Services with Strand Associates, Inc.; and award bid for FM 1488 Force main and water line relocation, Contract 1-2021; and Design of Water Plant No. 3 in lieu of Well No. 7; and

The City Council may enter into executive session under Texas Government Code Section 551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, City Engineer.

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

23. CONSIDERATION - CHANGE ORDER NO. 3 TO TRIPLE B SERVICES, LLP CONTRACT FOR GLO CDBG-DR NICHOLS SAWMILL SANITARY SEWER INTERCEPTOR REPLACEMENT - PHASE 2, CONTRACT 1-2020
(Mayor Pro Tem Richard Carby)

24. CONSIDERATION - AWARD BID FOR FM 1488 FORCE MAIN AND WATER LINE RELOCATION, CONTRACT 1-2021 (Mayor Pro Tem Richard Carby)

25. CONSIDERATION - PROCEEDING FORWARD WITH DESIGN OF WATER PLANT NO. 3 IN LIEU OF WELL NO. 7 AUTHORIZE CITY ADMINISTRATOR AND MAYOR TO NEGOTIATE TASK ORDER, AND AUTHORIZE MAYOR TO EXECUTE TASK ORDER
(Mayor Pro Tem Richard Carby)

26. ADMINISTRATION - DEPARTMENT REPORTS

ACTIVITIES/ UPDATES/ ANNOUNCEMENTS AND ITEMS OF COMMUNITY INTEREST

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

27. 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 6/4/2021
TIME 3:30 p.m.
TAKEN DOWN _____

Kandice Garrett
Kandice Garrett, City Secretary

