

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
Mike Kurzy, AEI Engineering

NOTICE OF PUBLIC MEETING OF THE MAGNOLIA CITY COUNCIL

AGENDA

PUBLIC HEARING & REGULAR CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 13, 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. PROCLAMATIONS AND SPECIAL RECOGNITIONS (Mayor Todd Kana)**
October, 2022 as National Chiropractic Health Month in Magnolia

- 3. CITIZENS COMMENTS, REQUESTS OR PETITIONS FROM THE PUBLIC**
*(This agenda item provides an opportunity for citizens to address the City Council on any matter not on the agenda).
Comments shall be limited to three (3) minutes per person. Comments by the governing body shall be limited to:*
 - a. *Statements of specific factual information given in response to an inquiry;*
 - b. *A recitation of existing policy in response to an inquiry;*
 - c. *A proposal to place the subject on a future agenda.*

- 4. OPEN PUBLIC HEARING**

NOTICE OF PUBLIC HEARINGS REGARDING PROPOSED STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE CITY OF MAGNOLIA, TEXAS AND MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 174

The City Council of Magnolia, Texas (the "City") will hold two public hearings regarding the adoption of a Strategic Partnership Agreement (the "Agreement") between the City and Montgomery County Municipal Utility District No. 174 ("District") and for the limited purpose annexation of territory in the District. Members of the public who wish to present testimony or evidence regarding the proposed Agreement shall be given an opportunity to do so. The hearings will be held on the following dates and locations:

September 13, 2022, 7:00 p.m., at 18111 Buddy Riley Boulevard, Magnolia, Texas 77354; and

October 11, 2022, 7:00 p.m., at 18111 Buddy Riley Boulevard, Magnolia, Texas 77354.

In addition to other terms, the proposed Agreement will provide for the conditions under which the City may annex the District for full purposes, as well as for limited purposes for the collection of sales and use taxes. A copy of the proposed Agreement and the metes and bounds of the territory may be obtained prior to the hearings in the office of the City Secretary at 18111 Buddy Riley Boulevard, Magnolia, Texas 77354.

5. CLOSE PUBLIC HEARING

6. ADJOURN PUBLIC HEARING AND CONVENE OPEN REGULAR MEETING

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 Joint Public Hearing with City Council and Planning & Zoning Commission and Regular City Council Meeting held July 12, 2022.

b. CONSIDERATION – APPROVAL OF MINUTES

Consideration and possible action to approve the minutes of the Regular City Council Meeting held August 9, 2022.

c. CONSIDERATION – APPROVAL OF MINUTES

Consideration and possible action to approve the minutes of the Special City Council Meeting held August 23, 2022.

d. CONSIDERATION – APPROVAL OF MINUTES

Consideration and possible action to approve the minutes of the Special City Council Meeting held August 24, 2022.

e. CONSIDERATION – APPROVE REQUEST TO SERVE ALCOHOL FOR “STROLL THRU THE RENAISSANCE” EVENT SATURDAY, OCT. 1, 2022 FROM 3:00 – 7:00 PM

f. CONSIDERATION – APPROVE REQUEST FOR STREET CLOSURES DEAN, R.L. BUTLER, UNITY PARK DR., GAYLE, AND CLEPPER FOR “STROLL THRU THE RENAISSANCE” EVENT SATURDAY, OCT. 1, 2022 FROM 3:00 – 7:00 PM

8. **CONSIDERATION AND POSSIBLE ACTION FOR COUNCIL TO RECONSIDER AND/OR RESCIND ITS PRIOR MOTION MADE ON AUGUST 23, 2022 (AGENDA ITEM 10) REGARDING APPROVAL OF A LEASE AGREEMENT FOR TEMPORARY EQUIPMENT AT WATER PLANT NO. 3 TO PROVIDE ADDITIONAL PRESSURE TO COMMERCIAL DEVELOPMENTS IN THE EAST OF THE CITY UNTIL PERMANENT FACILITIES ARE INSTALLED** (Mayor Todd Kana)
9. **CONSIDERATION – APPROVE ORDINANCE NO. O-2022-025 FOR 2021-2022 BUDGET AMENDMENTS** (Mayor Todd Kana)
Consideration and possible action to adopt:
- ORDINANCE NO. O-2022-025
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, AMENDING THE FISCAL YEAR 2021–2022 ANNUAL BUDGET, ORDINANCE NO. O-2021-18, TO AMEND ADOPTED EXPENDITURES AND REVENUES OF THE BUDGET; AND DECLARING AN EFFECTIVE DATE.
10. **CONSIDERATION – APPROVE ORDINANCE NO. O-2022-026** (Mayor Todd Kana)
Consideration and possible action to adopt:
- ORDINANCE NO. O-2022-026
AN ORDINANCE REPEALING ORDINANCE NO. 2018-008 APPOINTING LILES PARKER PLLC. AS CITY ATTORNEY FOR THE CITY OF MAGNOLIA, TEXAS, (CITY)
11. **RECEIVE PRESENTATION FROM THE HOUSTON GALVESTON AREA COUNCIL ON THE PRECINCT 2 MOBILITY STUDY AND PROPOSED PLANS WITHIN THE CITY OF MAGNOLIA** (Mayor Todd Kana)
12. **CONSIDERATION AND POSSIBLE ACTION TO REVIEW AND APPROVE GLEN OAKS, SECTION 5, FINAL PLAT, +/- 35.20 ACRES** (Mayor Todd Kana)
13. **CONSIDERATION AND POSSIBLE ACTION TO WATER PLANT #3, PRELIMINARY PLAT, 2.281 ACRES** (Mayor Todd Kana)
14. **CONSIDERATION AND POSSIBLE ACTION TO REVIEW AND APPROVE MAJOR MODIFICATION OF PLAT FOR MELTON STREET LOTS 1, 2 AND 3** (Mayor Todd Kana)
15. **CONSIDERATION AND POSSIBLE ACTION TO REVIEW AND APPROVE MILL CREEK ESTATES, SECTION 7, FINAL PLAT, +/-47.307 ACRES** (Mayor Todd Kana)

- 16. CONSIDERATION – APPROVE RESOLUTION NO. R-2022-029 SETTING DATE, TIME AND PLACE FOR TWO PUBLIC HEARINGS ON PROPOSED STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE CITY OF MAGNOLIA AND MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 165** (Mayor Todd Kana)
Consideration and possible action to adopt:

RESOLUTION NO. R-2022-029
A RESOLUTION OF THE CITY OF MAGNOLIA, TEXAS, SETTING A DATE, TIME AND PLACE FOR PUBLIC HEARINGS ON ADOPTION OF STRATEGIC PARTNERSHIP AGREEMENTS WITH MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NUMBER 165; AND AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARING DATES.

- 17. CONSIDERATION AND POSSIBLE ACTION TO APPROVE PETITIONS BY MUD 131, THE MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4 AND THE AUDUBON MANAGEMENT DISTRICT TO ANNEX 2.5769 ACRES IN THE CITY OF MAGNOLIA ETJ BY ADOPTION OF RESOLUTION NO. R-2022-030** (Mayor Todd Kana)
Consideration and possible action to adopt:

RESOLUTION NO. R-2022-030
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS, APPROVING THE ADDITION OF 2.5769 ACRES INTO THE MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 131; MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4; AND THE AUDUBON MANAGEMENT DISTRICT WITHIN AREA OF EXTRATERRITORIAL JURISDICTION.

- 18. CONSIDERATION , DISCUSSION, AND POSSIBLE ACTION ON ORDINANCE NO. O-2022-27 AMENDING THE CITY OF MAGNOLIA CODE OF ORDINANCES, CHAPTER 2, ARTICLE 2, CITY COUNCIL** (Mayor Todd Kana)
Consideration and possible action to adopt:

ORDINANCE NO. O-2022-027
AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, AMENDING CHAPTER 2 “ADMINISTRATION” OF THE CODE OF ORDINANCES OF THE CITY OF MAGNOLIA, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND MAKING OTHER PROVISION RELATED THERETO

- 19. CONSIDERATION – APPROVAL OF THE MAGNOLIA 4A ECONOMIC DEVELOPMENT CORPORATION FY 2022-23 ANNUAL BUDGET** (Mayor Todd Kana)
- 20. CONSIDERATION – APPROVAL OF THE MAGNOLIA 4B COMMUNITY DEVELOPMENT CORPORATION FY 2022-23 ANNUAL BUDGET** (Mayor Todd Kana)

21. **CONSIDERATION – APPROVAL OF THE FY 2022-23 MAGNOLIA 4A ECONOMIC DEVELOPMENT CORPORATION SHARED SERVICES AGREEMENT WITH THE CITY OF MAGNOLIA** (Mayor Todd Kana)
22. **CONSIDERATION – APPROVAL OF THE FY 2022-23 MAGNOLIA 4B COMMUNITY DEVELOPMENT CORPORATION SHARED SERVICES AGREEMENT WITH THE CITY OF MAGNOLIA** (Mayor Todd Kana)
23. **CONSIDERATION – APPROVE AND ACCEPT THE GRANTING OF AN APPROXIMATE 4.43 ACRE ACCESS EASEMENT WITHIN THE JOHN B. RICHARDS SURVEY, A-449 MONTGOMERY COUNTY, TEXAS FROM THE MAGNOLIA 4A ECONOMIC DEVELOPMENT CORPORATION** (Mayor Todd Kana)
24. **RECEIVE PRESENTATION ON THE 2022 WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT (WIFIA) GRANT FUNDING AND FINANCING ANTICIPATED FOR CONSIDERATION BY THE EPA IN SEPTEMBER OF 2022** (Mayor Todd Kana)
25. **CONSIDERATION AND POSSIBLE ACTION OF THE LETTER OF SUPPORT FOR THE 2022 WIFIA GRANT FUNDING AND FINANCING PROJECT** (Mayor Todd Kana)
26. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE D.L. GLOVER, INC. CHANGE ORDER NO. 2 FOR MODIFICATIONS TO CONTRACT DOCUMENTS OF FM 1488 FORCE MAIN CONSTRUCTION AND WATERLINE RELOCATION PROJECT NOT TO EXCEED \$199,445.23** (Mayor Todd Kana)
27. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE AEI ENGINEERING WORK ORDER NO. 22-011 FOR FIELD DESIGN SERVICES FOR THE CHEMICAL DISINFECTION SYSTEMS AS PART OF THE WASTEWATER PLANT EXPANSION PROJECT NOT TO EXCEED \$13,500** (Mayor Todd Kana)
28. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE AEI ENGINEER'S REVIEW OF BIDS FOR AWARD OF CONTRACT FOR CITY OF MAGNOLIA WATER PLANT NO. 3 PHASE I AND AWARD CONTRACT TO R&B GROUP, INC. IN THE AMOUNT OF \$3,281,100** (Mayor Todd Kana)
29. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE AEI ENGINEERING WORK ORDER NO 22-012 FOR GST ADDITION AT WATER PLANT NO. 2 NOT TO EXCEED \$65,000** (Mayor Todd Kana)

30. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE AEI ENGINEERING WORK ORDER NO. 22-010 FOR CONSTRUCTION MANAGEMENT SERVICES FOR WATER PLANT NO. 3 PHASE I NOT TO EXCEED \$114,100** (Mayor Todd Kana)
31. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE AEI ENGINEERING WORK ORDER NO. 22-009 FOR DESIGN AND CONSTRUCTION PHASE SERVICES FOR THE CDBG DOGWOOD PATCHES SANITARY SEWER REHABILITATION FOR \$55,000** (Mayor Todd Kana)
32. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE ALLCO, LLC CHANGE ORDER NO. 2 FOR MODIFICATIONS TO CONTRACT DOCUMENTS OF WASTEWATER PLANT EXPANSION PROJECT NOT TO EXCEED \$19,405** (Mayor Todd Kana)
33. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. R-2022-031 THE UPDATED RESOLUTION DESIGNATING THE AUTHORIZED SIGNATORIES FOR THE 2021 TEXAS CDBG PROGRAM, GRANT AGREEMENT NUMBER CDV21-0209. THE UPDATED RESOLUTION WILL REPLACE RESOLUTION R-2022-023 FROM JUNE 14, 2022 AND ADD CITY ADMINISTRATOR DON DOERING AS AN ALTERNATIVE TO MAYOR TODD KANA IN SIGNING CONTRACTUAL DOCUMENTS, INCLUDING ENVIRONMENTAL REVIEW DOCUMENTS** (Mayor Todd Kana)
Consideration and possible action to adopt:

RESOLUTION NO. R-2022-031

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.

34. **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO APPROVE A LETTER OF INTENT WITH AMERICAN NATIONAL LEASING, FOR A LEASE/PURCHASE AGREEMENT ON FIVE PATROL VEHICLES** (Mayor Todd Kana)
35. **DISCUSSION OF PROPOSED AMENDMENTS TO THE GFL WASTE SERVICES AGREEMENT WITH THE CITY OF MAGNOLIA** (Mayor Todd Kana)
36. **CONSIDERATION – TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL ELECTION OF PLACES 6 – 9 OF THE BOARD OF TRUSTEES** (Mayor Todd Kana)
37. **CONSIDERATION – CASTING VOTE FOR CANDIDATE FOR APPOINTMENT TO 9-1-1 MONTGOMERY COUNTY EMERGENCY COMMUNICATION DISTRICT BOARD OF MANAGERS TO SERVE THE TWO-YEAR TERM CURRENTLY HELD BY RICHARD TRAMM FOR OCTOBER 1, 2021 - SEPTEMBER 30, 2023** (Mayor Todd Kana)

38. 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 Water Rates Classification and the Magnolia Independent School District demand.

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

40. ADMINISTRATION - DEPARTMENT REPORTS

ACTIVITIES/ UPDATES/ ANNOUNCEMENTS AND ITEMS OF COMMUNITY INTEREST

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

41. 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 September 9, 2022
TIME 5:60 PM
TAKEN DOWN _____

Kandice Garrett
Kandice Garrett, City Secretary

