

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 Consultant

NOTICE OF PUBLIC MEETING OF THE MAGNOLIA CITY COUNCIL

AGENDA

PUBLIC HEARING AND REGULAR CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 14, 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. **OPEN 1ST PUBLIC HEARING ON TAX RATE**

NOTICE OF PUBLIC HEARING ON TAX INCREASE

Notice is hereby given that the City of Magnolia will hold a Public Hearing on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 11.46% (*percentage by which proposed tax rate exceeds lower of voter-approval tax rate or no-new-revenue tax rate calculated under Chapter 26, Tax Code*). Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.

A public meeting will be held on September 14, 2021 at 7:00 pm at City Hall, 18111 Buddy Riley Blvd., Magnolia, Texas 77354 to consider adoption of the budget and tax rate.

The average taxable value of a residence homestead in the City of Magnolia last year was **\$177,945**. Based on last year's tax rate of **\$0.4529** per \$100 of taxable value, the amount of taxes imposed last year on the average home was **\$805.91**.

The average taxable value of a residence homestead in the City of Magnolia this year is **\$186,269**. If the governing body adopts the proposed tax rate of **\$0.4051** per \$100 of taxable value, the amount of taxes imposed this year on the average home would be **\$754.58**.

Members of the public are encouraged to attend the hearings and express their views.

A meeting to consider adopting the budget (if not adopted at this meeting) and tax rate is scheduled for Wednesday, September 15, 2021 at 7:00 p.m.

3. CLOSE 1ST PUBLIC HEARING

4. OPEN 2ND PUBLIC HEARING ON BUDGET

NOTICE OF PUBLIC HEARING ON 2022 ANNUAL BUDGET

The City of Magnolia will hold a Public Hearing on the proposed Operating Budget for the fiscal year that begins on October 1, 2021 and ends on September 30, 2022. The hearing will be held at 7:00 p.m. in the City Council Chambers, 18111 Buddy Riley Blvd., Magnolia, Texas, on September 14, 2021. All interested parties are invited to attend.

This budget will raise more total property taxes than last year's budget by \$124,243 or 11.46%, and of that amount, \$75,371 is tax revenue to be raised from new property added to the tax roll this year.

A copy of the proposed budget is on file with the City Secretary for public review and inspection. The City Secretary's office is located at City Hall and is open from 8:00 a.m. – 12:30 p.m. and 1:30 p.m. – 5:00 p.m. Monday through Friday and is also accessible at www.cityofmagnolia.com on the Home page.

5. CLOSE 2ND PUBLIC HEARING

6. OPEN 3RD PUBLIC HEARING

NOTICE OF PUBLIC HEARING

On September 14, 2021, at 7:00 p.m. in the City Council Chamber of the City Hall of the City of Magnolia, Texas, and/or by teleconferencing the City Council will hold a public hearing giving all interested persons the right to appear and be heard on the proposed annexation by the City of Magnolia, Texas of the following described property, to-wit: Being 13.00 acres of land in the Hampton Tillons Survey, Abstract 556, Montgomery County, Texas, and being a portion of the residue of the 100-acre tract described in the deed from Eddie E. Jones, et al., to E. J. Damuth recorded under Volume 326, Page 238 of the Official Public Records of Real Property of Montgomery County, Texas and more particularly 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.

7. CLOSE 3RD PUBLIC HEARING

8. OPEN 4TH PUBLIC HEARING ON PLANNED DEVELOPMENT

NOTICE OF PUBLIC HEARING

On Tuesday, September 14, 2021 at 7 p.m. the Magnolia City Council will hold a public hearing regarding a Planned Development Agreement between the City of Magnolia and Davidson Homes LLC for Windmill Estates, giving all interested persons the right to appear and be heard on the proposed Planned Development Agreement in the City of Magnolia of the following described property, to-wit:

A subdivision of 8.164 acres of land located in the G.W. Lonis Survey, A-320, City of Magnolia, Montgomery County, Texas, also being a portion of Lots 1-9, Block M, and Lots 1-10, Block L of Windmill Estates recorded under Cab. A, Sht. 188B, M.R.M.C.

9. CLOSE 4TH PUBLIC HEARING

10. ADJOURN PUBLIC HEARINGS AND CONVENE OPEN REGULAR MEETING

11. 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.)*

12. 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 August 10, 2021.

b. CONSIDERATION – APPROVAL OF MINUTES

Consideration and possible action to approve the minutes of the Special City Council Meeting held August 23, 2021.

c. CONSIDERATION – APPROVE UPDATED CITY OF MAGNOLIA RFP FOR DEPOSITORY SERVICES AS REQUIRED BY LOCAL GOVERNMENT CODE CHAPTER 105 – DEPOSITORIES FOR MUNICIPAL FUNDS

d. CONSIDERATION – APPROVE REQUEST TO SERVE ALCOHOL FOR “STROLL THRU THE RENAISSANCE” EVENT SATURDAY, OCT. 2, 2021 FROM 3:00 – 7:00 PM

e. CONSIDERATION – APPROVE REQUEST FOR STREET CLOSURES DEAN, R.L. BUTLER, UNITY PARK DR., GAYLE, AND CLEPPER FOR “STROLL THRU THE RENAISSANCE” EVENT SATURDAY, OCT. 2, 2021 FROM 3:00 – 7:00 PM

13. CONSIDERATION – ORDINANCE NO. O-2021-018 – ADOPT FISCAL YEAR 2021-2022 ANNUAL OPERATING BUDGET, OR VOTE TO POSTPONE THE FINAL BUDGET VOTE UNTIL SEPTEMBER 15, 2021 MEETING AT 7:00 PM (Mayor Todd Kana)

Consideration and possible action to either adopt:

ORDINANCE NO. O-2021-018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, APPROVING AND ADOPTING THE FISCAL YEAR 2021-2022 ANNUAL OPERATING BUDGET OF THE CITY OF MAGNOLIA, TEXAS; MAKING APPROPRIATIONS FOR THE CITY FOR SUCH YEAR AS REFLECTED IN SAID BUDGET; AND MAKING CERTAIN FINDINGS AND CONTAINING CERTAIN PROVISIONS RELATING TO THE SUBJECT.

or, vote to postpone the final budget vote until September 15, 2021 at 7:00 p.m.

"I move to adopt Ordinance No. O-2021-018 which approves and adopts the annual operating budget of the City of Magnolia, Texas for the fiscal year 2021-2022."

14. CONSIDERATION – RATIFICATION TAX REVENUE INCREASE REFLECTED IN THE ADOPTED 2021-2022 ANNUAL OPERATING BUDGET (Mayor Todd Kana)

Consideration, discussion and possible action to ratify the tax revenue increase of \$124,243 reflected in the adopted 2021-2022 Annual Operating Budget.

"I move to ratify the increase in more revenue from property taxes than last year's budget by an amount of \$124,243 which is an 11.46% increase from last year's budget and by an additional amount of \$75,371 of property tax revenue from new property added to the tax roll this year."

15. CONSIDERATION – ORDINANCE NO. O-2021-020 ANNEXING TERRITORY (13.00 ACRE TRACT) – PROPOSED ANNEXATION OF APPROXIMATELY 13.00 ACRE TRACT IN THE HAMPTON TILLONS SURVEY, ABSTRACT 556, MONTGOMERY COUTY, TEXAS

(Mayor Todd Kana)

Consideration and possible action to adopt:

ORDINANCE NO. O-2021-020 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.

16. CONSIDERATION – APPROVE PETITION FOR CONSENT TO ANNEX LAND INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 108, 4.070 ACRE TRACT BY ADOPTION OF ORDINANCE NO. O-2021-021 (Mayor Todd Kana)

Consideration and possible action to adopt:

ORDINANCE NO. O-2021-021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS, APPROVING THE ADDITION OF 4.070 ACRES INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 108 LOCATED WITHIN THE CITY LIMITS.

17. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE A CONCEPT PLAN FOR A PLANNED DEVELOPMENT IN WINDMILL LAKE ESTATES BY DAVIDSON HOMES LLC** (Mayor Todd Kana)
Consideration, discussion, and possible action to approve, approve with conditions or deny a Concept Plan for a Planned Development Agreement between the City of Magnolia and Davidson Homes, approximately 8.2 acres at the corner of Amarillo Drive and Smith Street, in Windmill Estates.
18. **CONSIDERATION AND POSSIBLE ACTION TO ACCEPT EASEMENT FROM MAGNOLIA ESCONDIDO, LLC TO THE CITY OF MAGNOLIA FOR WATER, SEWER AND FORCE MAIN SANITARY SEWER LINES** (Mayor Todd Kana)
19. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE FIRST AMENDMENT TO FIRST ADDENDUM TO WHOLESALE WATER SUPPLY AND SANITARY SEWER AGREEMENT WITH THE CITY OF MAGNOLIA AND AUDUBON MAGNOLIA DEVELOPMENT AND MUD NO. 130, MUD NO. 131, MUD NO. 154A (THE "DISTRICTS")** (Mayor Todd Kana)
20. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE AMENDMENT NO. 1 FOR STRAND ASSOCIATES, INC. ON THE FM 1488 FORCE MAIN RELOCATION** (Mayor Todd Kana)
Consideration, discussion, and possible action to approve Amendment No. 1 to Task Order No. 20-03 for the FM 1488 Force Main Relocation.
21. **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO APPROVE AMENDMENT NO. 2 FOR STRAND ASSOCIATES, INC. ON THE FM 1488 WIDENING - UTILITY RELOCATIONS** (Mayor Todd Kana)
Consideration, discussion, and possible action to approve Amendment No. 2 to the March 1, 2019, Agreement for Design Services FM 1488 Widening Project - Utility Relocations.
22. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE REVISED MASTER ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF MAGNOLIA AND BAXTER & WOODMAN, INC A SUBSIDIARY OF AEI ENGINEERING** (Mayor Todd Kana)

23. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE SENTINEL COMMUNICATIONS PROPOSAL PLACING AN INTERNET ANTENNAE ON A CITY ELEVATED WATER STORAGE TANK** (Mayor Todd Kana)
24. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE DUKE'S 360 PROPOSAL FOR PRECISION I&I MICRODETECTION STUDY AND GPS SURVEY IN THE AMOUNT OF \$26,000 AS RECOMMENDED BY AEI ENGINEERING**
(Mayor Todd Kana)
25. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE WORK ORDER 211009.40 ENGINEERING SERVICES FOR WATER PLANT NO. 3 – PHASE 1**
(Mayor Todd Kana)
26. **CONSIDERATION – ORDINANCE NO. O-2021-022 – AMENDING FEE SCHEDULE**
(Mayor Todd Kana)
Consideration and possible action to adopt:

ORDINANCE NO. O-2021-022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS AMENDING THE FEE SCHEDULE ATTACHED TO ORDINANCE NO. 0-2018-020 BY AMENDING RATES FOR THE SAN JACINTO RIVER AUTHORITY FEE, WASTEWATER RATES, SOLID WASTE; AND BY AMENDING/ADDING UTILITY ACCOUNT FEES, TAP FEES, DEMOLITION, AND BUILDING PERMIT FEES; AND DECLARING AN EFFECTIVE DATE.

27. **CONSIDERATION – APPROVE RESOLUTION NO. R-2021-026 OPIOD SETTLEMENT STATE ALLOCATION TERM SHEET AND APPROVE SUBDIVISION SETTLEMENT PARTICIPATION FORM(S)**
(Mayor Todd Kana)
Consideration and possible action to adopt:

RESOLUTION NO. R-2021-026

28. **CONSIDERATION – APPROVE RESOLUTION NO. R-2021-027 CASTING VOTE FOR CANDIDATE FOR APPOINTMENT TO GRP CONTRACT REVIEW COMMITTEE**
(Mayor Todd Kana)
Consideration and possible action to adopt:

RESOLUTION NO. R-2021-027

RESOLUTION CASTING VOTE FOR CANDIDATE FOR APPOINTMENT TO GRP CONTRACT REVIEW COMMITTEE

29. **CONSIDERATION – APPROVE RESOLUTION NO. R-2021-028 SUBMITTING NOMINEE(S) AS CANDIDATE(S) FOR THE ELECTION OF THE MONTGOMERY CENTRAL APPRAISAL DISTRICT'S BOARD OF DIRECTORS 2022-2023 TERM**
(Mayor Todd Kana)

Consideration and possible action to adopt:

RESOLUTION NO. R-2021-028

RESOLUTION SUBMITTING NOMINEE(S) AS CANDIDATE(S) FOR THE ELECTION OF THE MONTGOMERY CENTRAL APPRAISAL DISTRICT'S BOARD OF DIRECTORS 2022-2023 TERM

30. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO AUTHORIZE THE PURCHASE OF DUAL-PURPOSE PATROL CANINE FROM SECTOR K9 FOUNDATION**
(Mayor Todd Kana)
31. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO AUTHORIZE THE LEASE PURCHASE AGREEMENT BETWEEN THE CITY OF MAGNOLIA AND AMERICAN NATIONAL LEASING SERVICES FOR THE LEASING OF FLEET VEHICLES**
(Mayor Todd Kana)

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 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 pending and threatened litigation by Triple B Services, LLP regarding same.

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

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

September 10, 2021

TIME

6:00 PM

TAKEN DOWN

Kandice Garrett

Kandice Garrett, City Secretary

