

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, NOVEMBER 09, 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. **OPEN PUBLIC HEARING**

NOTICE OF PUBLIC HEARING

On November 9, 2021 at 7 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 to discuss a rezoning to the City of Magnolia Official Zoning Map for Windmill Estates Block N, Lot 1, approximately 0.510 acres from Auto Urban Commercial to Semi-Urban Residential.
4. **CLOSE PUBLIC HEARING**
5. **ADJOURN PUBLIC HEARING AND CONVENE OPEN REGULAR MEETING**
6. **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 October 12, 2021.

b. CONSIDERATION – AWARD BANKING DEPOSITORY SERVICES CONTRACT WITH WOODFOREST BANK AND AUTHORIZE MAYOR TO EXECUTE

c. CONSIDERATION – APPROVE INVESTMENT PORTFOLIO FOR 3RD QUARTER ENDING SEPTEMBER 2021

7. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON THE ENGINEERING CONTRACT AMENDMENT FOR THE CITY OF MAGNOLIA, CDBG-DR CONTRACT NO. 19-076-015-B364 - FLOOD 2015-2016 (Mayor Todd Kana)

8. CONSIDERATION – APPROVE PETITION FOR CONSENT TO ANNEX LAND INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 174, 29.246 ACRE TRACT BY ADOPTION OF RESOLUTION NO. R-2021-030 (Mayor Todd Kana)

Consideration and possible action to adopt:

RESOLUTION NO. R-2021-030

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS, CONSENTING TO THE ANNEXATION OF 29.246 ACRES INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 174.

9. CONSIDERATION – APPROVE ORDINANCE NO. O-2021-024 CREATING A PLANNED DEVELOPMENT DISTRICT (PD-2) OVERLAY ZONING DISTRICT IN A RURAL RESIDENTIAL (RU) BASE ZONING DISTRICT ON PROPERTY COMMONLY KNOWN AS WINDMILL ESTATES APPROXIMATELY 8.2 ACRES LOCATED AT THE CORNER OF AMARILLO AND SMITH STREETS IN THE CITY OF MANGOLIA (Mayor Todd Kana)
Consideration and possible action to adopt:

ORDINANCE NO. O-2021-024

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, CREATING A PLANNED DEVELOPMENT DISTRICT (PD-2) OVERLAY ZONING DISTRICT IN A SEMI URBAN (SU) BASE ZONING DISTRICT ON PROPERTY COMMONLY KNOWN AS WINDMILL ESTATES APPROXIMATELY 8.2 ACRES LOCATED AT THE CORNER OF AMARILLO AND SMITH STREETS IN THE CITY OF MAGNOLIA AND COUNTY OF MONTGOMERY, TEXAS, IN ORDER TO DEVELOP A RESIDENTIAL DEVELOPMENT COMMUNITY WITH VARIOUS LOT SIZES; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

10. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO ACCEPT PROPOSED CHANGES TO PREVIOUSLY APPROVED 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)**
11. **CONSIDERATION – REZONING TO THE CITY OF MAGNOLIA OFFICAL ZONING MAP FOR WINDMILL ESTATES (Mayor Todd Kana)**
Consideration and possible action to review and approve rezoning to the City of Magnolia Official Zoning Map for Windmill Estates Block N, Lot 1, approximately 0.510 acres from Auto-Urban Commercial to Semi-Urban Residential.
12. **CONSIDERATION – MUSTANG RIDGE, SECTION 2, FINAL PLAT +/-12 ACRES (Mayor Todd Kana)**
Consideration and possible action to review and approve Mustang Ridge, Section 2, Final Plat, +/-12 acres.
13. **CONSIDERATION – MAGNOLIA RIDGE, SECTION 14, FINAL PLAT +/-30.239 ACRES (Mayor Todd Kana)**
Consideration and possible action to review and approve Magnolia Ridge, Section 14, Final Plat, +/-30.239 acres.
14. **CONSIDERATION – MAJOR MODIFICATION TO A PLAT, DOGWOOD PATCHES, SEC. 1 LOT 2 BLOCK 4 (Mayor Todd Kana)**
Consideration and possible action to review and approve a major modification to a plat/replat of Dogwood Patches, Sec. 1 Lot 2 Block 4, approximately 2.1255 acres, located at 18002 Lookout Lane.
15. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE SENTINEL COMMUNICATIONS PROPOSAL PLACING AN INTERNET ANTENNAE ON A CITY ELEVATED WATER STORAGE TANK (Mayor Todd Kana)**
16. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO TERMINATE ANY FURTHER WORK WITH STRAND AND ASSOCIATES, INC. ® ON NICHOLS SAWMILL INTERCEPTOR SEWER REPLACEMENT PHASE 3 AS PREVIOUSLY AUTHORIZED BY TERMINATING ITEM 4 OF AMENDMENT NO. 1 DATED AUGUST 7, 2020 TO EXHIBIT K OF THE AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES DATED AUGUST 20, 2018. AUTHORIZE AEI ENGINEERING, A BAXTER & WOODMAN COMPANY TO PERFORM NECESSARY SERVICES TO REBID NICHOLS SAWMILL INTERCEPTOR SEWER REPLACEMENT PHASE 3 AND PERFORM CONSTRUCTION PHASE SERVICES PER TASK ORDER PROVIDED NOT TO EXCEED \$150,000 (Mayor Todd Kana)**

17. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. O-2021-025 AGREEMENTS WITH WRECKER OWNERS AND OPERATORS FOR POLICE AUTHORIZED TOWS. THIS PROPOSED TOW TRUCK ORDINANCE IS TO REPLACE THE CURRENT ORDINANCE, WHICH IS OUTDATED AND INACCURATE** (Mayor Todd Kana)

Consideration and possible action to adopt:

ORDINANCE NO. O-2021-025

18. **CONSIDERATION – CAST FOUR (4) VOTES FOR CANDIDATE(S) TO SERVE ON BOARD OF DIRECTORS FOR MONTGOMERY CENTRAL APPRAISAL DISTRICT FOR TERM OF JAN. 1, 2022 – DEC. 31, 2023** (Mayor Todd Kana)

19. **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.)

Pursuant to Section 551.071 of the Texas Government Code, the City of Magnolia City Council will convene in executive session for consultation with legal counsel on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with chapter 551 relating to and for the purpose of attorney-client communications concerning the Nichols Sawmill Interceptor Sewer Replacement Phase 3 Project.

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 lawsuit *Ex Parte City of Magnolia*, Cause No. D-1-GN-18-006882 (201st District Court, Travis County) and Magnolia Bible Church, et al.

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

21. **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)

22. **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 11.3.21
TIME 6:15 p.m.
TAKEN DOWN _____

Kandice Garrett
Kandice Garrett, City Secretary

