

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, DECEMBER 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. **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

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. 165 ("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:

December 14, 2021, 7:00 p.m., at 18111 Buddy Riley Boulevard, Magnolia, Texas 77354; and

January 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.

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 November 9, 2021.

7. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE THE 2022 MAGNOLIA 4A EDC PROJECT LIST (Mayor Todd Kana)

Rachel Steele will present to the City Council the proposed project list for the Magnolia 4A Corporation and ask for their feedback and consideration of the list of eligible projects for the 4A Corporation to consider in 2022.

8. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE THE 2022 MAGNOLIA 4B CAPITAL IMPROVEMENTS PROJECT LIST (CDCIP) (Mayor Todd Kana)

Rachel Steele will present to the City Council the proposed project list for the Magnolia 4B Corporation and ask for their feedback and consideration of the list of eligible projects for the 4B Corporation to consider in 2022.

9. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE AMENDMENT NO. 3 FOR STRAND ASSOCIATES, INC. ON THE NICHOLS SAWMILL SANITARY SEWER PHASE III PROJECT (Mayor Todd Kana)

Consideration, discussion, and possible action to approve Amendment No. 3 to the August 20, 2018, Owner-Engineer Agreement for the Nichols Sawmill Sanitary Sewer Phase III Project.

10. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO AWARD THE CONSTRUCTION CONTRACT FOR THE CITY OF MAGNOLIA NICHOLS SAWMILL SEWER IMPROVEMENTS PROJECT PHASE II, CDBG-DR CONTRACT NO. 19-076-015-B364 – 2016 FLOOD (Mayor Todd Kana)

11. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO ADOPT A RESOLUTION COMMITTING UP TO \$26,021.79 IN CITY FUNDS TOWARDS THE CONSTRUCTION

**COST OF THE NICHOLS SAWMILL SEWER IMPROVEMENTS PROJECT PHASE II,
CDBG-DR CONTRACT NO. 19-076-015-B364 – 2016 FLOOD (Mayor Todd Kana)**

12. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO DIRECT STAFF TO START PROCESS TO : (i) UPDATE LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENT PLANS; (ii) TO AMEND IMPACT FEE (Mayor Todd Kana)**

13. **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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS AMENDING CHAPTER 98 "VEHICLES FOR HIRE" OF THE CODE OF ORDINANCES OF THE CITY OF MAGNOLIA, TEXAS BY AMENDING ARTICLE III; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

14. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO CANCEL CONTRACT WITH MOWING CONTRACTOR AND PURCHASE MOWING EQUIPMENT TO BE USED BY CITY STAFF (Mayor Todd Kana)**

15. **CONSIDERATION – APPROVE RESOLUTION NO. R-2021-031 CASTING FIVE (5) VOTES FOR CANDIDATE(S) TO SERVE ON BOARD OF DIRECTORS FOR MONTGOMERY CENTRAL APPRAISAL DISTRICT FOR TERM OF JAN. 1, 2022 – DEC. 31, 2023 AS CORRECTED FROM FOUR (4) VOTES AT NOVEMBER 9TH COUNCIL MEETING (Mayor Todd Kana)**

16. 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 following contracts with Audubon: Wholesale Water Supply and Sanitary Sewer Agreement and the Land Use Planning and Cooperation Agreement and updating the Wholesale Water Supply and Sanitary Sewer Agreement.

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 Easement Acquisition for Utilities located at Piney Grove Mission, 16815 FM 1488.

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. and Magnolia Bible Church, Magnolia's First Baptist Church, and Believers Fellowship v. City of Magnolia*, Cause No. 19-05-06606 and renumbered D-1-GN-19-00716.

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

18. **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)

19. **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 12.10.2021
TIME 4:00 PM
TAKEN DOWN _____

Kahdice Garrett
Kahdice Garrett, City Secretary

