

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

## **MINUTES OF THE BUDGET WORKSHOP & REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA JULY 12, 2022**

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A meeting of the City Council was held on this date, July 12, 2022, beginning at 5:30 p.m. in the Sewall Smith Council Chambers, 18111 Buddy Riley Boulevard, Magnolia, Texas 77354.

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### **WORKSHOP SESSION**

**1. CALL WORKSHOP SESSION TO ORDER**

Mayor Todd Kana convened the meeting at 5:30 p.m.

**2. ROLL CALL AND CERTIFICATION OF QUORUM**

Mayor Kana called roll, certified that a quorum was present with the following Council members in attendance: Todd Kana, Rick Carby, Matthew "Doc" Dantzer, Brenda Hoppe, and Jack L Huitt Jr.

Absent: None

Officials/staff present: City Administrator Don Doering, City Secretary Kandice Garrett, Finance/HR Administrator Beverly Standley, Public Works Director Burt Smith, Police Chief Kyle Montgomery, and Municipal Court Administrator Frances Suarez

**3. BUDGET WORKSHOP SESSION**

- a. Discuss the Budget for Fiscal Year 2022-2023 and provide any modifications.
- b. Discuss 2022 Tax Rate.

The City Council discussed the FY 2022-2023 Budget and 2022 Tax Rate.

**4. ADJOURN WORKSHOP SESSION**

Mayor Kana adjourned the Workshop Session at 6:18 p.m.

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## REGULAR MEETING

### 5. CALL MEETING TO ORDER

Mayor Todd Kana convened the meeting at 7:05 p.m.

#### a. INVOCATION

Councilmember Dantzer delivered the invocation.

#### b. PLEDGE OF ALLEGIANCE

Mayor Todd Kana led the Pledge of Allegiance to the U.S.A. and Texas flags.

#### c. ROLL CALL AND CERTIFICATION OF QUORUM

Mayor Todd Kana called the roll, certified that a quorum was present with the following Council members in attendance: Todd Kana, Rick Carby, Matthew "Doc" Dantzer, Brenda Hoppe, and Jack L Huitt Jr.

Absent: None

Staff present: City Administrator Don Doering, City Secretary Kandice Garrett, City Attorney Leonard Schneider, Police Chief Kyle Montgomery, Finance/HR Administrator Beverly Standley, and Planning Coordinator Christian Gable.

### 6. 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.*

Bridgit Spencer, 40442 Red Poppy Lane, Magnolia, TX 77354 spoke in regard to issues with high water bills at her residence.

Carolyn Johnson, 14840 Prickly Pear Cove, Magnolia, TX 77354 spoke in regard to water billing issue.

### 7. OPEN PUBLIC HEARING

Mayor Todd Kana opened the Public Hearing at 7:20 p.m.

#### NOTICE OF PUBLIC HEARING

On July 12, 2022 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 0.9183 acres of land being Reserve "A" and the east 55.25 feet of Reserve "D" of Magnolia Business Center, Gamble Dawson Survey, Abstract Number 177, of

MONTGOMERY County, Texas, from Neighborhood Conservation 2 to Suburban Village.

Mayor Kana read aloud the Notice of Public Hearing.

Frank Parker, 31602 Hanks Rd., Magnolia, Texas 77355, spoke in opposition to having a liquor store at the corner of Nichols Sawmill Rd. and Hanks Rd.

James Elmore, 212 W. 33<sup>rd</sup> St., Houston, TX 77018, with Cisneros Design Group and representative for the property owner spoke in favor of this item.

**8. CLOSE PUBLIC HEARING**

Mayor Kana closed the Public Hearing at 7:30 p.m.

**9. ADJOURN PUBLIC HEARING AND CONVENE OPEN REGULAR MEETING**

Mayor Todd Kana closed the Public Hearing and convened the Regular Meeting at 7:30 p.m.

**10. 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 June 14, 2022.

**MOTION:** Upon a motion to approve Consent Agenda made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 5-0.

**11. CONSIDERATION – REZONING TO THE CITY OF MAGNOLIA OFFICIAL ZONING MAP FOR SM DADA ENTERPRISES, LLC (Mayor Todd Kana)**

Consideration and possible action to review and approve rezoning to the City of Magnolia Official Zoning Map for 0.9183 acres of land being Reserve "A" and the east 55.25 feet of Reserve "D" of Magnolia Business Center, Gamble Dawson Survey, Abstract Number 177, of MONTGOMERY County, Texas, from Neighborhood Conservation 2 (NC 2) to Suburban Village (SV).

**MOTION:** Upon a motion to approve rezoning to the City of Magnolia Official Zoning Map for SM Dada Enterprises, LLC for 0.9183 acres of land being Reserve "A" and the east 55.25 feet of Reserve "D" of Magnolia Business Center, Gamble Dawson Survey, Abstract Number 177, of Montgomery County, Texas, from Neighborhood Conservation 2 (NC 2) to Suburban Village (SV) made by Councilmember Carby and seconded by Councilmember Dantzer, the Councilmembers voted, and the motion carried unanimously, 5-0.

**12. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MILL CREEK ESTATES, SECTION 6A, FINAL PLAT, +/-30.239 ACRES (Mayor Todd Kana)**

City Administrator Don Doering noted this was approved by the Planning & Zoning Commission and the City Engineer issued a letter of no objection.

**MOTION:** Upon a motion to approve Mill Creek Estates, Section 6A, Final Plat, +/-30.239 acres made by Councilmember Carby and seconded by Councilmember Dantzer, the Councilmembers voted, and the motion carried unanimously, 5-0.

**13. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MILL CREEK ESTATES SECTION 6B, FINAL PLAT +/- 8.706 ACRES (Mayor Todd Kana)**

City Administrator Don Doering noted this was approved by the Planning & Zoning Commission and the City Engineer issued a letter of no objection.

**MOTION:** Upon a motion to approve Mill Creek Estates Section 6B, Final Plat +/-8.706 acres made by Councilmember Carby and seconded by Councilmember Dantzer, the Councilmembers voted, and the motion carried unanimously, 5-0.

**14. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MILL CREEK ESTATES, SECTION 6C, FINAL PLAT, +/-13.110 ACRES (Mayor Todd Kana)**

City Administrator Don Doering noted this was approved by the Planning & Zoning Commission and the City Engineer issued a letter of no objection.

**MOTION:** Upon a motion to approve Mill Creek Estates Section 6C, Final Plat +/-13.110 acres made by Councilmember Carby and seconded by Councilmember Miller, the Councilmembers voted, and the motion carried unanimously, 5-0.

**15. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MAGNOLIA PLACE SECTION 1, PARTIAL REPLAT OF RESERVE A NO. 1, +/-1.184 ACRES (Mayor Todd Kana)**

City Administrator Don Doering noted this was approved by the Planning & Zoning Commission and the City Engineer issued a letter of no objection.

**MOTION:** Upon a motion to approve Magnolia Place Section 1, Partial Replat of Reserve A No. 1, +/-1.184 acres made by Councilmember Carby and seconded by Councilmember Dantzer, the Councilmembers voted, and the motion carried unanimously, 5-0.

**16. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE CHAPTER 82 VARIANCE REQUEST TO ALLOW 45-FOOT LOT WIDTHS FOR RESIDENTIAL DEVELOPMENT IN MAGNOLIA EAST (PLACE) (Mayor Todd Kana)**

David Rivera and Katy Harris with LJA Engineering presented this item and reviewed the design. City Administrator Don Doering reported the agreement for Magnolia East (Place) was approved prior to the adoption of UDC and City Attorney Leonard Schneider confirmed and also stated he had no legal objections to the variance.

**MOTION:** Upon a motion to approve Ordinance Chapter 82 variance request to allow 45-Foot lot widths for residential development in Magnolia East (Place) made by Councilmember Carby and seconded by Councilmember Huitt, the Councilmembers voted, and the motion carried unanimously, 5-0.

**17. CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO. 2 FOR BALLAST POINT FOR THE MAGNOLIA CDBG - DR NO. 19-076-015-B364 (Mayor Todd Kana)**

Fred Haggard with Ballast Point presented this item and explained the purpose of the change order was in part to making changes to plans designed by Strand that needed to be altered to fit the project: allowance for additional stabilized sand beyond the one foot and putting in a new line with actual connections to the homeowners and tenants along the project. The other reason is to get Commerce Street paved. City Engineer Mike Kurzey agreed.

**MOTION:** Upon a motion to approve Change Order No. 2 for Ballast Point for the Magnolia CDBG – DR No. 19-076-015-B364 contingent upon GLO and Engineer approval made by Councilmember Carby and seconded by Councilmember Dantzer, the Councilmembers voted, and the motion carried unanimously, 5-0.

**18. CONSIDERATION AND POSSIBLE ACTION TO APPROVE CITY OF MAGNOLIA FINANCIAL POLICIES AND PROCEDURES (CDBG) (Mayor Todd Kana)**

Finance Administrator Beverly Standley noted this is an administrative policy to fulfill CDBG requirements.

**MOTION:** Upon a motion to approve City of Magnolia Financial Policies and Procedures (CDBG) made by Councilmember Carby and seconded by Councilmember Dantzer, the Councilmembers voted, and the motion carried unanimously, 5-0.

**19. CONSIDERATION AND POSSIBLE ACTION TO APPROVE CITY OF MAGNOLIA PROCUREMENT POLICIES AND PROCEDURES (CDBG) (Mayor Todd Kana)**

Finance Administrator Beverly Standley noted this is an administrative policy to fulfill CDBG requirements.

**MOTION:** Upon a motion to approve City of Magnolia Procurement Policies and Procedures (CDBG) made by Councilmember Carby and seconded by Councilmember Dantzer, the Councilmembers voted, and the motion carried unanimously, 5-0.

**20. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. R-2022-025 ALLOCATING LOCAL FUNDS TOWARDS THE NICHOLS SAWMILL PHASE NO. 2 SEWER IMPROVEMENTS PROJECT (Mayor Todd Kana)**

Consideration and possible action to adopt:

**RESOLUTION NO. R-2022-025**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA COMMITTING LOCAL FUNDS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR) PROJECT WITH THE GENERAL LAND OFFICE (GLO), STATE CONTRACT NO. 19-076-015-B364

City Administrator Don Doering informed Council this project is partially funded by the Grant and the City is responsible for the balance.

**MOTION:** Upon a motion to approve Resolution No. R-2022-025 made by Councilmember Carby and seconded by Councilmember Dantzer, the Councilmembers voted, and the motion carried unanimously, 5-0.

**21. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AEI ENGINEERING CHANGE ORDER NO. 1 FOR WATER PLANT NO. 3 CLEARING AND GRUBBING (Mayor Todd Kana)**

City Engineer Mike Kurzy explained this is for 265 linear feet of filter fabric fence to protect the sensitive area.

**MOTION:** Upon a motion to approve AEI Engineering Change Order No. 1 for Water Plant No. 3 Clearing and Grubbing made by Councilmember Carby and seconded by Councilmember Dantzer, the Councilmembers voted, and the motion carried unanimously, 5-0.

**22. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AEI ENGINEERING WORK ORDER NO. 22-007 FOR CREATING AN UPDATED BOUNDARY MAP OF THE CITY LIMITS AND ETJ TO INCLUDE ZONING INFORMATION (Mayor Todd Kana)**

City Engineer Mike Kurzy informed Council the map has not been updated since 2018.

**MOTION:** Upon a motion to approve AEI Engineering Work Order No. 22-007 for creating an updated boundary map of the City Limits and ETJ to include zoning information not to exceed \$45,700 made by Councilmember Carby and seconded by Councilmember Dantzer, the Councilmembers voted, and the motion carried unanimously, 5-0.

**23. CONSIDERATION AND TAKE ACTION TO FILL THE REMAINING TERM OF POSITION 7 FOR THE MAGNOLIA 4B COMMUNITY DEVELOPMENT CORPORATION BOARD OF DIRECTORS (Mayor Todd Kana)**

**MOTION:** Upon a motion to nominate Brett Sims for Position 7 for the Magnolia 4B Community Development Corporation Board of Directors made by Councilmember Hoppe and seconded by Councilmember Dantzer, the Councilmembers voted, and the motion carried unanimously, 5-0.

**24. CONSIDERATION – APPROVE RESOLUTION NO. R-2022-026 MONTGOMERY COUNTY EMERGENCY COMMUNICATIONS DISTRICT BUDGET FOR FISCAL YEAR 2023 (Mayor Todd Kana)**

Consideration and possible action to adopt:

RESOLUTION NO. R-2022-026  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MAGNOLIA, TEXAS, APPROVING THE MONTGOMERY COUNTY  
EMERGENCY COMMUNICATION DISTRICT BUDGET FOR  
FISCAL YEAR 2023

Mayor Kana announced this item is postponed to the August meeting as they were not able to be present at this meeting.

**25. CONSIDERATION – MONTGOMERY COUNTY EMERGENCY COMMUNICATION DISTRICT NOMINATION (Mayor Todd Kana)**

Consideration and possible action to make nomination to the 9-1-1 Board of Managers to serve the two-year term currently held by Richard Tramm from October 1, 2022 to September 30, 2024.

City Administrator Don Doering recommended to Council the nomination of Kathie Reyer, City Administrator for the City of Shenandoah.

**MOTION:** Upon a motion to nominate Kathie Reyer for Montgomery County Emergency Communication District 9-1-1 Board of Managers to serve a two-year term currently held by Richard Tramm from October 1, 2022 to September 30, 2024 made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 5-0.

**26. 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.)*

**a. §551.071 - (Legal Advice) - Consultation with Attorney to receive legal advice on pending litigation, Case No. D-1-GN-18-006882; Ex Parte City of Magnolia.**

Mayor Todd Kana convened into Closed Executive Session at 7:50 p.m.

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

Mayor Todd Kana adjourned the closed Executive Session and reconvened the Open Meeting at 8:10 p.m.

No action taken.

28. **ADMINISTRATION - DEPARTMENT REPORTS  
ACTIVITIES/UPDATES/ANNOUNCEMENTS AND ITEMS OF COMMUNITY INTEREST**

a. **POLICE DEPARTMENT** (Chief of Police, Kyle Montgomery)

Police Chief Kyle Montgomery reported the stats were where they should be and crime was low. He informed Council that the jail is now open and they have been using it. Last month there were 31 arrests: of that 16 for drug possession and 10 DWI's and additionally, 21 arrests for warrants.

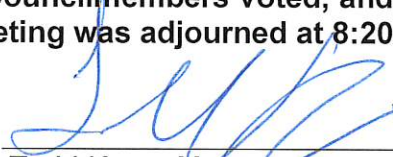
b. **ADMINISTRATION DEPARTMENT** (City Administrator, Don Doering)

Mr. Doering briefly went over a summary of the financial report stating revenues are over budget, expenses are under budget and sales tax has slowed some but still over one million over budget for sales tax. He also noted that building permits are 300 percent over budget.

29. **ADJOURN**

**MOTION:** Upon a motion to adjourn made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 5-0 and the meeting was adjourned at 8:20 p.m.



  
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Todd Kana, Mayor

**CERTIFICATION**

I certify that this is a true and correct copy of the minutes of the meeting of the City Council meeting held on July 12, 2022.

ATTEST:

  
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Kandice Garrett, City Secretary