

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 REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA AUGUST 9, 2022

A meeting of the City Council was held on this date, August 9, 2022, beginning at 7:00 p.m. in the Sewall Smith Council Chambers, 18111 Buddy Riley Boulevard, Magnolia, Texas 77354.

1. CALL MEETING TO ORDER

Mayor Todd Kana convened the meeting at 7:02 p.m.

a. INVOCATION

Councilmember Hoppe 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, Daniel Miller, Brenda Hoppe, and Jack L Huitt Jr.

Absent: Matthew Dantzer

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.

2. 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.*

1. Chessie Zimmerman, 212 Lavaca St., Ste. 300, Austin, TX 78749 spoke in regard to Magnolia Place and Magnolia East 149 MUD requesting an agenda item be added at the next meeting.

2. Jo Ann Schermerhorn, 135 Amarillo Dr., Magnolia, TX 77354 spoke in regard to the need for street repair and on Amarillo Dr. in Magnolia.
3. Angela Rodriguez, 14608 Blackbrush Manor, Magnolia, TX 77354 spoke in regard to high water bills in Mill Creek Subdivision.
4. Matthew Ykema, 40308 Blossom Valley Ln., Magnolia, TX 77354 spoke in regard to high water bills in Mill Creek Subdivision.
5. Audrey Amirian, 14664 Blackbrush Manor, Magnolia, TX 77354 spoke in regard to high water bills in Mill Creek Subdivision.
6. Connie Roe, 14825 Prickly Pear Cove, Magnolia, TX 77354 spoke in regard to high water bills in Mill Creek Subdivision.
7. Carolyn Mims, 14820 Prickly Pear Cove, Magnolia, TX 77354 spoke in regard to high water bills in Mill Creek Subdivision.
8. Christopher Wilson, 14624 Blackbrush Manor, Magnolia, TX 77354 spoke in regard to high water bills in Mill Creek Subdivision.
9. David Womack, 14661 Blackbrush Manor, Magnolia, TX 77354 spoke in regard to high water bills in Mill Creek Subdivision.
10. Jackie San Nicolas, 14828 Prickly Pear Cove, Magnolia, TX 77354 spoke in regard to high water bills in Mill Creek Subdivision.
11. Bridget Spencer, 40442 Red Poppy Lane, Magnolia, TX 77354 spoke in regard to high water bills in Mill Creek Subdivision.
12. Chris Turner, 14821 Prickly Pear Cove, Magnolia, TX 77354 spoke in regard to high water bills in Mill Creek Subdivision.
13. Kimberly Pope, 14673 Blackbrush Manor, Magnolia, TX 77354 spoke in regard to high water bills in Mill Creek Subdivision.
14. Chris Crouch, 14608 Bellaria Manor, Magnolia, TX 77354 spoke in regard to high water bills in Mill Creek Subdivision.
15. Cathy Yowell, 215 Dogwood Trail, Magnolia, TX 77354 spoke in regard to the community coming forward to bring their concerns to the City Council and her understanding that the Council wants to meet them with appropriate solutions.

Mayor Todd Kana addressed the public letting them know the City will look into the matter and thanked them for coming out.

3. 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.

b. CONSIDERATION – APPROVAL OF PUBLIC FUNDS INVESTMENT PORTFOLIO – 2ND QUARTER ENDING JUNE 2022

c. CONSIDERATION – ACCEPT EXCESS COLLECTIONS FOR 2021 DEBT SERVICE AND CERTIFICATION FOR DEBT SERVICE COLLECTION RATE FOR 2022/2023

MOTION: Upon a motion to approve Consent Agenda items b. and c. made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 4-0.

4. CONSIDERATION AND POSSIBLE ACTION TO APPOINT A MUNICIPAL JUDGE FOR THE CITY MUNICIPAL COURT (Mayor Todd Kana)

Chad Peace and Court Administrator Frances Suarez presented this item.

MOTION: Upon a motion to appoint Chad Peace as Judge for the City Municipal Court made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 4-0.

5. BUDGET CONSIDERATION – TAX RATE (Mayor Todd Kana)

Consideration and possible action if proposed tax rate exceeds the Voter approval rate or the No New Revenue rate (whichever is lower), take record vote to place proposed tax rate/increase on future agenda and set public hearing for August 23, 2022 at 7:00 p.m.

MOTION: Upon a motion to approve the proposed voter approved tax rate of 0.3813 made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, Daniel Miller – Aye, Rick Carby – Aye, Brenda Hoppe – Aye, and Jack L. Huitt Jr. – Aye, and the motion carried unanimously, 4-0.

MOTION: Upon a motion to set a public hearing for proposed voter approved tax rate on August 23, 2022 at 7:00 p.m. made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 4-0.

6. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. O-2022-022 AMENDING THE CITY OF MAGNOLIA OFFICIAL ZONING MAP FOR A REZONING OF 0.9183 ACRES OF LAND FROM NEIGHBORHOOD CONSERVATION 2 (NC 2) TO SUBURBAN VILLAGE (SV) (Mayor Todd Kana)

Consideration and possible action to adopt:

ORDINANCE NO. O-2022-022

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, AMENDING ITS ZONING ORDINANCE, BY APPROVING ZONING CLASSIFICATIONS CHANGE REQUESTS WITHIN THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT THE APPROVED ZONING CLASSIFICATION CHANGES; PROVIDING FOR SEVERABILITY; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

Frank Parker, 31602 Hanks Rd., Magnolia, Texas 77355 spoke in opposition to a convenience store coming into his neighborhood.

James Elmore, 212 W. 33rd St., Houston, Texas 77018, spoke in favor of the ordinance.

MOTION: Upon a motion to approve Ordinance No. O-2022-022 made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 4-0.

7. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MYRTLE GARDENS, FINAL PLAT, +/-27.794 ACRES (Mayor Todd Kana)

MOTION: Upon a motion to approve Myrtle Gardens, Final Plat, +/-27.794 acres made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 4-0.

8. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MAGNOLIA RIDGE, SECTION 15, FINAL PLAT, +/-20.232 ACRES (Mayor Todd Kana)

MOTION: Upon a motion to approve Magnolia Ridge, Section 15, Final Plat, +/-20.232 acres made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 4-0.

9. CONSIDERATION – APPROVE RESOLUTION NO. R-2022-026 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. 174 (Mayor Todd Kana)

Consideration and possible action to adopt:

RESOLUTION NO. R-2022-026

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 174; AND AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARING DATES.

City Attorney Leonard Schneider presented this item and noted this is a new agreement to supersede the former future annexation into the district if it is commercial since the district has grown. He has no objection to the Strategic Partnership Agreement.

MOTION: Upon a motion to approve Resolution No. R-2022-026 made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 4-0.

10. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AEI ENGINEERING WORK ORDER NO. 22-008 FOR SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) MASTER PLAN REGARDING EXPANSION OF CITY'S WATER AND WASTEWATER FACILITIES NOT TO EXCEED \$10,000 (Mayor Todd Kana)

City Engineer Mike Kurzy explained the SCADA allows the system to be used remotely and saves the City overtime cost when there is a problem. The system uses multi-factor verification to ensure security over the system.

MOTION: Upon a motion to approve AEI Engineering Work Order No. 22-008 for SCADA Master Plan regarding expansion of City's water and wastewater facilities not to exceed \$10,000 made by Councilmember Carby and seconded by Councilmember Miller the Councilmembers voted, and the motion carried unanimously, 4-0.

11. PRESENTATION – RECEIVE AN UPDATE ON FM 1774 SEWER EXTENSION PROJECT FROM MAGNOLIA ECONOMIC DEVELOPMENT CORPORATION (Mayor Todd Kana)

Economic Development Director Rachel Steele presented this item and reviewed the Preliminary Engineering Report covering the 1.4-mile corridor along FM 1774 beginning right before Nichols Sawmill Rd. and going south to Friendship Dr. Ms. Steele noted that along the corridor there are 36 commercial tracts and 6 have planned projects to expand and increase their capacity when the sewer line comes online. Currently the City receives 18.3% of its sales tax from these tracts. She further explained that this project does qualify for corporation funding by both the 4A and 4B Corporations because it does support business, commercial expansion and industry expansion and last year Council opted to allow 4A to do 4B projects. Next steps are to release a RFQ for engineering services for the easement dedication for the lift station, engineering design of corridor, easement acquisition, bid preparation, and construction.

The preliminary timeline to normal completion is estimated as follows: review RFQ next month by October 1st, then engineering design and acquisition around November 2022 – March 2023, prepare bid preparations and go out for bid April – May, and hopefully be under contract and construction June – July, 2023.

There was further discussion.

Frank Parker, 31602 Hanks Rd., Magnolia, Texas 77355 spoke in favor of a relief road between Nichols Sawmill Rd. on FM 1774 going to Tomball as suggested on the Comprehensive Plan and issues he has regarding the sewer line project.

12. CONSIDERATION AND POSSIBLE ACTION TO APPOINT A MUNICIPAL COURT CLERK FOR THE CITY MUNICIPAL COURT (Mayor Todd Kana)

MOTION: Upon a motion to appoint Frances Suarez as Municipal Court Clerk for the City Municipal Court made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 4-0.

13. CONSIDERATION – APPROVAL OF 2021-2022 BUDGET ADJUSTMENTS (Mayor Todd Kana)

Item postponed to next month.

14. CONSIDERATION – APPROVE RESOLUTION NO. R-2022-027 MONTGOMERY COUNTY EMERGENCY COMMUNICATIONS DISTRICT BUDGET FOR FISCAL YEAR 2023 (Mayor Todd Kana)

Consideration and possible action to adopt:

RESOLUTION NO. R-2022-027
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, APPROVING THE MONTGOMERY COUNTY EMERGENCY COMMUNICATION DISTRICT BUDGET FOR FISCAL YEAR 2023.

MOTION: Upon a motion to approve Resolution No. R-2022-027 made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 4-0.

15. CONSIDERATION – APPROVE RESOLUTION NO. R-2022-028 CASTING VOTE FOR CANDIDATE FOR APPOINTMENT TO GRP CONTRACT REVIEW COMMITTEE (Mayor Todd Kana)

Consideration and possible action to adopt:

RESOLUTION NO. R-2022-028
RESOLUTION CASTING VOTE FOR CANDIDATE FOR APPOINTMENT TO GRP CONTRACT REVIEW COMMITTEE

MOTION: Upon a motion to approve Resolution No. R-2022-028 made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 4-0.

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.)

City Council will convene into executive session under Texas Gov't Code 551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, City Administrator, City Attorney, City Secretary, Police Chief, and Municipal Court Clerk.

Mayor Todd Kana convened into Closed Executive Session at 8:19 p.m.

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

Mayor Todd Kana reconvened into Regular Session at 9:15 p.m.

MOTION: Upon a motion to enter into an agreement with Liles Parker for City Attorney effective September 1, 2022 made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 4-0.

18. 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 in his report were normal and noted the press release on the officer involved police shooting summarized the event and commended all officer support in their efforts at the scene.

b. PUBLIC WORKS DEPARTMENT (Don Doering)

Frank Parker, 31602 Hanks Rd., Magnolia, Texas 77355 spoke in regard to the FM 1774 sewer line project and the traffic study as it correlates to a relief road and an update to the Comprehensive Plan.

City Engineer Mike Kurzy discussed making repairs on Amarillo Drive as being a cold mix of asphalt that you can put into the crack as a temporary measure and public works will be starting on that later this week. AEI has contracted with the geotechnical company to assess the project for a more permanent repair.

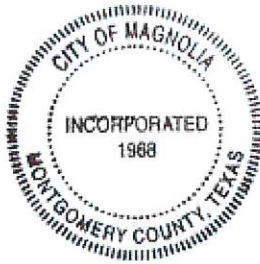
c. ADMINISTRATION DEPARTMENT (City Administrator, Don Doering)

Mr. Doering briefly went over a summary of the financial report stating the water and sewer revenue fund has collected 76% revenue and the year is 84% over, showing the City is not collecting an over abundant amount of water bill revenue. He noted budget adjustments

collecting over \$2,000,000 in income and adjusting expenses by under \$500,000. The contractor for Sewer Line Phase III is ready to pour under FM 1774 and the railroad. AEI has been directed to advertise for the new well site and get it into place as soon as possible. HEB is closer to opening and he attended a preconstruction meeting with Lone Star College.

19. ADJOURN

MOTION: Upon a motion to adjourn made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 4-0 and the meeting was adjourned at 9:39 p.m.





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 August 9, 2022.

ATTEST:



Kandice Garrett, City Secretary