

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
Leonard Schneider, City Attorney
Kyle Montgomery, Police Chief
Beverly Standley, Finance/HR Administrator
Tim Robertson, City Engineer
Mike Kurzy, Baxter & Woodman
Christian Gable, Interim City Secretary

MINUTES OF PUBLIC MEETING OF THE MAGNOLIA CITY COUNCIL OCTOBER 10, 2023

A meeting of the City Council was held on this date, October 10, 2023, beginning at 6:00 pm in the Sewall Smith Council Chambers 18111 Buddy Riley Blvd., Magnolia, Texas 77354.

1. CALL MEETING TO ORDER

Mayor Pro Tem Carby called the meeting to order at 6:00 pm.

a. **INVOCATION**

Councilmember Hoppe delivered the invocation.

b. **PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Carby led the Pledge of Allegiance to the USA and Texas flags.

c. **ROLL CALL AND CERTIFICATION OF A QUORUM**

Mayor Pro Tem Carby called the roll and certified a quorum was present with the following Council members in attendance: Richard Carby, Daniel Miller, Brenda Hoppe, and Jack L Huitt Jr.

Absent: Mayor Todd Kana, Matthew Dantzer

Staff present: City Administrator Don Doering, City Attorney Leonard Schneider, City Engineer Tim Robertson, Finance/HR Administrator Beverly Standley, Economic Development Director Rachel Steele, Police Chief Kyle Montgomery, Interim City Secretary Christian Gable.

2. CITIZEN 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.*

None

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 Regular City Council Meeting held September 12, 2023.

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

- 4. PRESENTATION BY GRANTWORKS RELATED TO THE CITY OF MAGNOLIA'S TEXAS DEPARTMENT OF AGRICULTURE (TDA) GRANT** (Mayor Todd Kana)
Representative was not present, so this item was tabled for next month.

- 5. CONSIDERATION AND POSSIBLE ACTION TO APPROVE TEMPORARY ROAD CLOSURES OF COMMERCE STREET AND SANDERS STREET FOR MISD TRUNK OR TREAT EVENT ON OCTOBER 26, 2023** (Mayor Todd Kana)
An MISD representative was present to answer any questions.

MOTION: Upon a motion to approve made by Councilmember Hoppe and seconded by Councilmember Huitt, the Councilmembers voted, and the motion carried unanimously, 4-0.

- 6. CONSIDERATION AND POSSIBLE ACTION TO APPROVE FOUR PATROL VEHICLES THROUGH AMERICAN NATIONAL LEASING** (Mayor Todd Kana)
Police Chief Kyle Montgomery explained that the new vehicles will replace the older vehicles that have high milage.

MOTION: Upon a motion to approve made by Councilmember Hoppe and seconded by Councilmember Huitt, the Councilmembers voted, and the motion carried unanimously, 4-0.

- 7. CONSIDERATION AND POSSIBLE ACTION TO APPROVE SITE PLAN FOR MCDONALD'S** (Mayor Todd Kana)
Planning Coordinator Christian Gable explained that the site plan received engineering approval and the Planning & Zoning Commission recommended approval at the September meeting.

MOTION: Upon a motion to approve made by Councilmember Hoppe and seconded by Councilmember Huitt, the Councilmembers voted, and the motion carried unanimously, 4-0.

- 8. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MAGNOLIA RIDGE FOREST SECTION 18, FINAL PLAT, +/- 27.570 ACRES** (Mayor Todd Kana)
Planning Coordinator Christian Gable explained that the site plan received engineering approval and the Planning & Zoning Commission recommended approval at the September meeting.

MOTION: Upon a motion to approve made by Councilmember Hoppe and seconded by Councilmember Huitt, the Councilmembers voted, and the motion carried unanimously, 4-0.

- 9. CONSIDERATION AND POSSIBLE ACTION TO FILL THE EXPIRED BOARD TERM FOR POSITION 1 OF THE MAGNOLIA 4B COMMUNITY DEVELOPMENT CORPORATION (Mayor Todd Kana)**
Economic Development Director Rachel Steele presented a list of applicants to fill the position.

MOTION: Upon a motion to appoint Todd Barretto to Position 1 of the Magnolia 4B Community Development Corporation made by Councilmember Huitt and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 4-0.

- 10. CONSIDERATION AND POSSIBLE ACTION TO FILL THE EXPIRED BOARD TERM FOR POSITION 2 OF THE MAGNOLIA 4B COMMUNITY DEVELOPMENT CORPORATION (Mayor Todd Kana)**
Economic Development Director Rachel Steele presented a list of applicants to fill the position and mentioned that the current incumbent, Josh Chadwick, has reapplied.

MOTION: Upon a motion to appoint Josh Chadwick to Position 2 of the Magnolia 4B Community Development Corporation made by Councilmember Huitt and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 4-0.

- 11. CONSIDERATION AND POSSIBLE ACTION TO FILL THE EXPIRED BOARD TERM FOR POSITION 3 OF THE MAGNOLIA 4B COMMUNITY DEVELOPMENT CORPORATION (Mayor Todd Kana)**
Economic Development Director Rachel Steele presented a list of applicants to fill the position and mentioned that the current incumbent, Barbara Gardner, has reapplied.

MOTION: Upon a motion to appoint Barbara Gardner to Position 3 of the Magnolia 4B Community Development Corporation made by Councilmember Huitt and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 4-0.

- 12. CONSIDERATION AND POSSIBLE ACTION TO FILL THE EXPIRED BOARD TERM FOR POSITION 6 OF THE MAGNOLIA 4B COMMUNITY DEVELOPMENT CORPORATION (Mayor Todd Kana)**
Economic Development Director Rachel Steele presented a list of applicants to fill the position and mentioned that the current incumbent, Clyde Hunt, has reapplied.

MOTION: Upon a motion to appoint Clyde Hunt to Position 6 of the Magnolia 4B Community Development Corporation made by Councilmember Huitt and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 4-0.

13. CONSIDERATION AND POSSIBLE ACTION TO FILL THE UNEXPIRED TERM FOR POSITION 4 OF THE MAGNOLIA 4B COMMUNITY DEVELOPMENT CORPORATION

(Mayor Todd Kana)

Economic Development Director Rachel Steele presented a list of applicants to fill the position.

MOTION: Upon a motion to appoint Sandy Hoffman to Position 4 of the Magnolia 4B Community Development Corporation made by Councilmember Huitt and seconded by Councilmember Hoppe, the Councilmembers voted, and the motion carried unanimously, 4-0.

14. 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 on *MISD v City of Magnolia, et al* and *SJRA v Cities of Conroe and Magnolia*; and to receive legal advice on sanitary sewer force main and water line easement from Audubon Magnolia Development, LLC; and to receive legal advice concerning the Wholesale Water Supply and Sanitary Sewer Agreement and addendums between the City of Magnolia and Audubon.

Mayor Pro Tem Carby convened into Closed Executive Session at 6:12 pm.

15. RECONVENE into regular session and consider and/or take action on item(s) discussed in executive session.

Mayor Pro Tem Carby adjourned Closed Executive Session and reconvened the open meeting at 6:52 pm.

MOTION: Upon a motion to authorize City Attorney to respond to Payment Demand 1.612-acre easement by Audubon made by Councilmember Hoppe and seconded by Councilmember Huitt, the Councilmembers voted, and the motion carried unanimously, 4-0.

16. ADMINISTRATION - DEPARTMENT REPORTS

ACTIVITIES/ UPDATES/ ANNOUNCEMENTS AND ITEMS OF COMMUNITY INTEREST

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

Police Chief Kyle Montgomery gave a brief summary of the report included in the meeting packet, clarifying that the commercial burglaries occurred at Magnolia Diner, HEB, and Rancho Grande.

b. PUBLIC WORKS DEPARTMENT (City Administrator, Don Doering)

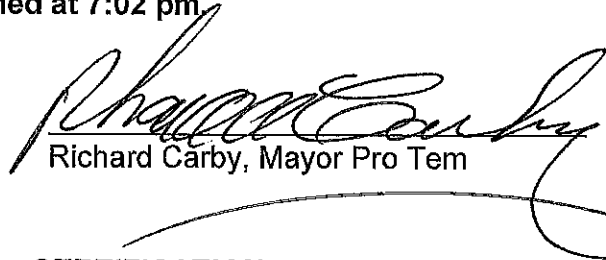
City Engineer Tim Robertson provided updates on water well status: Permanent pump and motor are installed in Well #7 and is undergoing testing, Well #8 has been drilled and pump will be installed soon, and Water Plant No.4 at Magnolia Place has permits and applicant will provide a full packet for City review within the next couple of weeks.

c. ADMINISTRATION DEPARTMENT (City Administrator, Don Doering)

City Administrator Don Doering gave a brief summary of the report provided in the packet.

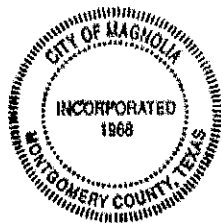
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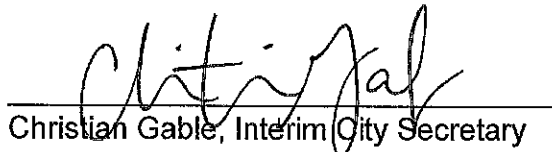
MOTION: Upon a motion to adjourn made by Councilmember Hoppe and seconded by Councilmember Huitt, the Councilmembers voted, the motion carried unanimously, 4-0, and the meeting adjourned at 7:02 pm


Richard Carby, Mayor Pro Tem

CERTIFICATION

I certify that this is a true and correct copy of the minutes of the City Council meeting held on October 10, 2023.




Christian Gable, Interim City Secretary