

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 / Interim City Secretary  
Leonard Schneider, City Attorney  
Kyle Montgomery, Police Chief  
Beverly Standley, Finance/HR Administrator  
Mike Kurzy, AEI Engineering

## **MINUTES OF WORKSHOP AND REGULAR MEETING THE CITY OF MAGNOLIA CITY COUNCIL JANUARY 10, 2023**

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A meeting of the City Council was held on this date, January 10, 2023, beginning at 6:30 pm in the Sewall Smith Council Chambers, 18111 Buddy Riley Boulevard, Magnolia, Texas 77354.

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### **WORKSHOP SESSION AGENDA**

#### **1. CALL WORKSHOP SESSION TO ORDER**

Mayor Todd Kana convened the meeting at 6:33 pm.

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

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

Absent: Matthew "Doc" Dantzer

Officials/Staff present: City Administrator/Interim City Secretary Don Doering, Finance/HR Administrator Beverly Standley, and Police Chief Kyle Montgomery.

#### **3. WORKSHOP SESSION**

- a. Discuss possible construction of two additional water wells by developer Magnolia East 149 LLC and Audubon/MUDs on the East side of Magnolia and presentation of proposals.

City Engineer Mike Kurzy presented proposed water well sites in East Magnolia, explaining the benefits and potential conflicts of developing each site.

City Attorney Leonard Schneider presented a proposal from Stratus Properties for a potential water well site. He explained that the City would need to enter into a development agreement with Magnolia East 149 LLC.

John Eichelberger, representing Audubon Management District, spoke to inform of their current water well project in Audubon, expecting to be completed in May 2023. He explained their goal to build and own the well and connect to the City of Magnolia's system, while also continuing to abide by their existing agreement with the City. The well

is expected to provide 833 connections to serve the Audubon community.

#### **4. ADJOURN WORKSHOP SESSION**

Mayor Kana adjourned the Workshop Session at 7:00 pm.

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### **REGULAR MEETING AGENDA**

#### **1. CALL MEETING TO ORDER**

Mayor Kana convened the regular meeting at 7:00 pm.

##### **a. INVOCATION**

Councilmember Hoppe delivered the invocation.

##### **b. PLEDGE OF ALLEGIANCE**

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

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

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

Absent: Matthew "Doc" Dantzer

Officials/Staff present: City Administrator/Interim City Secretary Don Doering, Finance/HR Administrator Beverly Standley, and Police Chief Kyle Montgomery.

#### **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.*

Audrey Amirian, Mill Creek resident, explained that she has not had water at her home on multiple occasions, City Hall staff rarely answers her phone calls, and she has experienced billing issues.

#### **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 December 13, 2022.

##### **b. CONSIDERATION – APPROVAL OF MINUTES**

Consideration and possible action to approve the minutes of the Special City Council Meeting held December 21, 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, 4-0.

**4. CONSIDERATION AND POSSIBLE ACTION TO APPROVE LUMP SUM PAYMENT AGREEMENT WITH BALLAST POINT CONSTRUCTION, INC.** (Mayor Todd Kana)

City Attorney Leonard Schneider explained that this agreement is between the City of Magnolia and Ballast Point Construction, Inc. regarding Nichols Sawmill Phase 3.

City Engineer Mike Kurzy spoke to inform City Council of the conflicts the City has experienced with Ballast Point Construction, Inc. He explained that the price for Ballast Point Construction, Inc. to complete the project has increased and he feels ethically obligated to recommend against approving this item.

**MOTION:** Upon a motion to convene into Closed Executive Session made by Councilmember Carby and seconded by Councilmember Hoppe, the Closed Executive Session convened at 7:11 pm.

**RECONVENE:** Mayor Kana reconvened into regular session at 7:30 pm.

**MOTION:** Upon a motion to approve a new agreement with Ballast Point Construction, LLC contingent upon the new contract sum of \$2,779,401.50 made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted and the motion carried unanimously, 4-0.

**5. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE PURCHASE AND INSTALLATION OF 4 WATER METERS ON THE EAST SIDE OF THE CITY.** (Mayor Todd Kana)

Sam Yager III, President of Audubon Development LLC, recommended to delay installation of meters until pressure is increased and restored to normal. He also asked that the City communicate with Audubon regarding possible relocation of their facilities to accommodate meter placement and alerting residents of possible water outages during future installations.

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

**6. CONSIDERATION AND POSSIBLE ACTION TO AWARD WATER WELL NO. 8 CONTRACT TO WEISINGER, INC. IN THE AMOUNT OF \$2,899,500.00.** (Mayor Todd Kana)

City Engineer Mike Kurzy explained that they received bids for Water Well No. 8 and he recommends that the City award the contract to Weisinger, Inc.

**MOTION:** Upon a motion to approve made by Councilmember Carby and seconded by Councilmember Miller, the Councilmembers voted and the motion carried

unanimously, 4-0.

- 7. CONSIDERATION AND POSSIBLE ACTION TO AWARD AEI ENGINEERING, A BAXTER & WOODMAN COMPANY, WORK ORDER NO. 23-001 IN AN AMOUNT NOT TO EXCEED \$132,791.00 FOR CONSTRUCTION PHASE SERVICES FOR WATER WELL NO. 8.**  
(Mayor Todd Kana)

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

- 8. CONSIDERATION AND POSSIBLE ACTION TO INSTRUCT STAFF TO GO FORWARD WITH A PROPOSED PUBLIC IMPROVEMENT/DEVELOPMENT AGREEMENT WITH MAGNOLIA EAST 149, LLC FOR AN ADDITIONAL WATER WELL.** (Mayor Todd Kana)

City Attorney Leonard Schneider referred back to the presentation regarding possible well sites with Magnolia East 149, LLC.

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

**9. 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, the Land Use Planning and Cooperation Agreement, and any amendments.**

**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 water services to business and residential construction, temporary moratorium, and construction of two additional water wells by developers and/or MUDs on the East side of Magnolia.**

Mayor Kana convened into Closed Executive Session at 7:45 pm.

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



Mayor Kana adjourned the Closed Executive Session and reconvened the Regular Meeting at 7:50 pm.

**MOTION:** Upon a motion to instruct staff to move forward with the proposed agreement with Audubon made by Councilmember Carby and seconded by Councilmember Hoppe, the Councilmembers voted and the motion carried unanimously, 4-0.

## 11. ADMINISTRATION - DEPARTMENT REPORTS

### ACTIVITIES/ UPDATES/ ANNOUNCEMENTS AND ITEMS OF COMMUNITY INTEREST

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

Police Chief Kyle Montgomery briefly reviewed the annual stats provided in the Council packet for 2022 in comparison to previous years.

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

City Administrator Don Doering briefly reviewed the report provided in the Council packet and informed that Water Plant No.3 is moving forward. The City's newest Water Treatment Plant is operational, and we have received six Moratorium Exception Applications that have all been rejected.

c. ADMINISTRATION DEPARTMENT (City Administrator, Don Doering)

City Administrator informed that the Harris County Sheriff's Posse will be here on January 28<sup>th</sup> to kick off the Houston Livestock Show and Rodeo.

## 12. 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 7:59 pm.

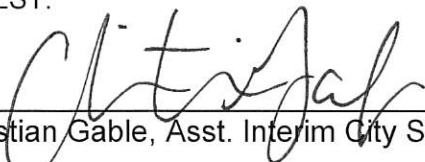


  
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Todd Kana, Mayor

### CERTIFICATION

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

ATTEST:

  
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Christian Gable, Asst. Interim City Secretary