



**MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL
OF THE CITY OF MAGNOLIA
DECEMBER 21, 2022**

A meeting of the City Council was held on this date, December 21, beginning at 6:30 p.m. in the Sewall Smith Council Chambers, 18111 Buddy Riley Boulevard, Magnolia, Texas 77354.

1. CALL MEETING TO ORDER

a. INVOCATION

Brenda Hoppe delivered the invocation.

b. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Richard Carby led the Pledge of Allegiance to the U.S.A. and Texas flags.

c. ROLL CALL AND CERTIFICATION OF A QUORUM

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

Absent: Todd Kana

Staff Present: City Administrator and Interim City Secretary Don Doering, Planning Coordinator and Assistant Interim City Secretary Christian Gable, and Finance/HR Administrator Beverly Standley.

**2. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. O-2022-031
ENACTING A TEMPORARY MORATORIUM (SECOND READING) (Mayor Todd Kana)**

Consideration and possible action to adopt:

ORDINANCE NO. O-2022-031

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, ("CITY") ENACTING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, AND CONSTRUCTION IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION, PROVIDING FOR FINDINGS OF FACT, DEFINITIONS, APPLICABILITY, PURPOSE, ENACTMENT, DURATION, EXTENSION, EXCEPTIONS AND EXEMPTIONS,

DETERMINATION AND APPEALS, REPEALER, SEVERABILITY, ENFORCEMENT, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

Cathy Yowell, resident, spoke in support of the temporary building moratorium and encouraged the City staff to post public advice in preparation for the upcoming freeze.

MOTION: Upon a motion to adopt Ordinance No. O-2022-023 which approves the enactment of a temporary moratorium made by Councilmember Hoppe and seconded by Councilmember Huitt, the Councilmembers voted and the motion carried unanimously, 5-0.

- 3. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. O-2022-033 AMENDING CHAPTER 2 “ADMINISTRATION” OF THE CODE OF ORDINANCES OF THE CITY OF MAGNOLIA** (Mayor Todd Kana)
Consideration and possible action to adopt:

ORDINANCE NO. O-2022-033
AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, AMENDING CHAPTER 2 “ADMINISTRATION” OF THE CODE OF ORDINANCES OF THE CITY OF MAGNOLIA, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND MAKING OTHER PROVISION RELATED THERETO

City Attorney Leonard Schneider explained that this gives the City Council the choice to meet regularly to hear appeals and grant waivers as applied for in accordance with the 10-day requirement.

MOTION: Upon a motion to adopt Ordinance No. O-2022-033 that amends Chapter 2 “Administration” of the Code of Ordinances of the City of Magnolia, Texas, provides a severability clause, and makes other provision related thereto made by Councilmember Hoppe and seconded by Councilmember Huitt, the Councilmembers voted and the motion carried unanimously, 5-0.

- 4. CONSIDERATION AND POSSIBLE ACTION TO INSTRUCT STAFF TO TAKE ALL NECESSARY ACTION TO SECURE ADDITIONAL WATER SUPPLIES AND REPORT BACK TO COUNCIL** (Mayor Todd Kana)

City Attorney Leonard Schneider noted that there are temporary pressure solutions being installed on the East side of Magnolia and plans to bring ideas for future well sites to the first City Council meeting in January.

MOTION: Upon a motion to instruct staff to take all necessary action to secure additional water supplies and report back to Council made by Councilmember Hoppe and seconded by Councilmember Huitt, the Councilmembers voted, and the motion carried unanimously, 5-0.

Frank Parker, resident, spoke to inform of the City Council chain of command.

Christina Miller, Attorney with ABHR, offered the possibility of future well sites within surrounding developments and would like to discuss proposals with the City soon.

5. 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 declaratory action filed by the SJRA Ex Parte in the 98th Judicial District in Travis County, Texas; Cause No. D-1-GN-16-004151

Mayor Pro Tem Carby convened into Closed Executive Session at 7:14 p.m.

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 water pressure issue in Mill Creek Subdivision

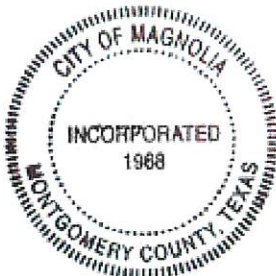
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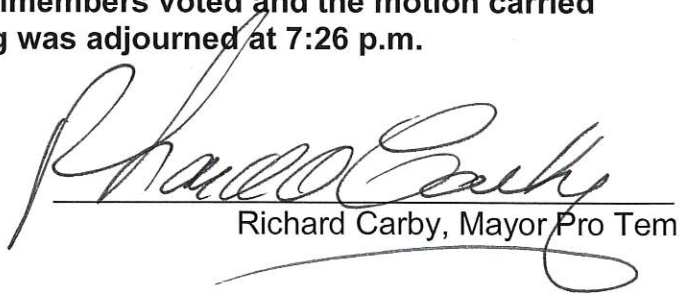
6. RECONVENE into regular session and consider action, if any, on item(s) discussed in executive session.

Mayor Pro Tem Carby reconvened into Regular Session at 7:26 p.m.

7. ADJOURN

MOTION- Upon a motion to adjourn made by Councilmember Hoppe and seconded by Councilmember Huitt, the Councilmembers voted and the motion carried unanimously, 5-0 and the meeting was adjourned at 7:26 p.m.




Richard Carby, Mayor Pro Tem

CERTIFICATE

I certify that this is a true and correct copy of the minutes of the City Council meeting held on December 21, 2022.

ATTEST:


Christian Gable, Asst. Interim City Secretary