

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 REGULAR MEETING OF THE CITY OF MAGNOLIA CITY COUNCIL February 14, 2023

A meeting of the City Council was held on this date, February 14, 2023, beginning at 7:00 pm in the Sewall Smith Council Chambers, 18111 Buddy Riley Boulevard, Magnolia, Texas 77354.

1. CALL MEETING TO ORDER

Mayor Pro Tem Richard Carby convened the meeting at 7:00 pm.

a. INVOCATION

Councilmember Hoppe delivered the invocation.

b. PLEDGE OF ALLEGIANCE

Councilmember Carby led the Pledge of Allegiance to the USA and Texas flags.

c. ROLL CALL AND CERTIFICATION OF A QUORUM

Councilmember Carby called the roll and 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: Mayor Todd Kana

Staff present: City Administrator Don Doering, City Attorney Leonard Schneider, Planning Coordinator Christian Gable, and Economic Development Director Rachel Steele.

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 January 10, 2023.

b. CONSIDERATION – ADOPT ORDINANCE NO. O-2023-001 – CALLING GENERAL ELECTION AND SPECIAL ELECTION

Consideration and possible action to adopt:

ORDINANCE NO. O-2023-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION ON MAY 6, 2023, FOR THE PURPOSE OF ELECTING (3) COUNCILMEMBERS; DESIGNATING THE POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION; PROVIDING THE FORM OF THE BALLOTS AT SUCH ELECTION; DIRECTING THE GIVING OF NOTICE OF SUCH ELECTION; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

c. CONSIDERATION – AUTHORIZE ELECTION SERVICES AGREEMENT WITH MONTGOMERY COUNTY TO HOLD MAY 6, 2023 JOINT ELECTION

(Mayor Todd Kana)

Consideration and possible action to authorize Election Services Agreement to hold a May 6, 2023 Joint Election with Montgomery County and all other participating Political Subdivisions and authorize Mayor to execute.

d. CONSIDERATION – AUTHORIZE JOINT ELECTION AGREEMENT WITH MONTGOMERY COUNTY AND ALL PARTICIPATING ENTITIES

(Mayor Todd Kana)

Consideration and possible action to authorize Joint Election Agreement with Montgomery County and all participating entities and authorize Mayor to execute.

e. CONSIDERATION – AUTHORIZE AGREEMENT TO CONDUCT JOINT ELECTION BETWEEN MAGNOLIA INDEPENDENT SCHOOL DISTRICT AND CITY

(Mayor Todd Kana)

Consideration and possible action to authorize Agreement to Conduct Joint Election between MISD and City and authorize Mayor to execute.

MOTION: Upon a motion to approve the Consent Agenda items a, b, c, d, and e 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 APPROVE WAIVER TO THE TEMPORARY BUILDING MORATORIUM FOR 42520 FM 1774, MAGNOLIA, TEXAS, ESCONDIDO RESIDENTIAL DEVELOPMENT (Mayor Todd Kana)

City Attorney Leonard Schneider explained that the City is not granting any water connections at this time so he recommends to deny the waiver request.

MOTION: Upon a motion to deny made by Councilmember Hoppe and seconded by Councilmember Huitt, the Councilmembers voted, and the motion carried unanimously, 5-0.

5. PRESENTATION – TDA SECTION 3 BY GRANTWORKS (Mayor Todd Kana)

Representative was not in attendance, so this item was bypassed.

6. CONSIDERATION AND POSSIBLE ACTION TO ADOPT ARPA/FEDERAL PROCUREMENT POLICIES AND PROCEDURES ADDENDUM (Mayor Todd Kana)

City Administrator Don Doering explained that these are required policies and procedures.

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

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

City Attorney Leonard Schneider recommended to move this item to Executive Session. Without objection, Councilmember Carby moved this item to Executive Session.

8. CONSIDERATION AND POSSIBLE ACTION TO APPROVE SUPPLEMENT TO WHOLESALE WATER SUPPLY AND SANITARY SEWER AGREEMENT WITH AUDUBON MAGNOLIA DEVELOPMENT LLC REGARDING A WATER WELL.
(Mayor Todd Kana)

City Attorney Leonard Schneider recommended to move this item to Executive Session. Without objection, Councilmember Carby moved this item to Executive Session.

9. CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO.1 FOR WATER PLANT NO.3, PHASE I, IN THE AMOUNT OF \$15,598.04.
(Mayor Todd Kana)

City Engineer Mike Kurzy presented this item to explain the purpose of the change order.

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

10. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AEI ENGINEERING, A BAXTER & WOODMAN COMPANY, WORK ORDER NO. 211009.40 AMENDMENT FOR A REVISED LUMP SUM AMOUNT OF \$495,000.00 (Mayor Todd Kana)

City Engineer Mike Kurzy presented this item and its purpose to accommodate finishing the first phase of the project.

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

11. CONSIDERATION AND POSSIBLE ACTION TO AWARD AEI ENGINEERING, A BAXTER & WOODMAN COMPANY, WORK ORDER NO. 23-002 IN A LUMP SUM AMOUNT OF \$275,000.00 FOR DESIGN OF WATER PLANT NO.3 PHASE III (Mayor Todd Kana)

City Engineer Mike Kurzy presented this item and its purpose to accommodate the completion of the final phase for Water Plant No.3 with the elevated storage tank.

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

12. CONSIDERATION AND POSSIBLE ACTION TO AWARD AEI ENGINEERING, A BAXTER & WOODMAN COMPANY, WORK ORDER NO. 23-003 AN HOURLY NOT-TO-EXCEED AMOUNT OF \$85,000.00 FOR DESIGN OF AMARILLO DRIVE REPLACEMENT (Mayor Todd Kana)

City Engineer Mike Kurzy presented this item and the proposed pavement repair plans for Amarillo Drive.

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

13. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. R-2023-001: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, ON APPLICATION FOR FINANCIAL ASSISTANCE FROM THE CLEAN WATER STATE REVOLVING FUND (Mayor Todd Kana)

City Attorney Leonard Schneider recommended to move this item to Executive Session. Without objection, Councilmember Carby moved this item to Executive Session.

14. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ASCEND AT MAGNOLIA PLACE, PRELIMINARY PLAT, +/- 11.233 ACRES. (Mayor Todd Kana)

Planning Coordinator Christian Gable explained that the preliminary plat received a Letter of No Objection from the City Engineer and the Planning and Zoning Commission moved to approve this item in January.

Chessie Zimmerman, representative for Magnolia Place development, elaborated on the location of the proposed apartment complex.

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

15. CONSIDERATION AND POSSIBLE ACTION TO ALLOW THE SERVING OF ALCOHOL AT UNITY PARK ON MAY 6, 2023 FOR A WEDDING (Mayor Todd Kana)

Planning Coordinator Christian Gable reiterated the details provided on the application found in the meeting packet.

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

16. CONSIDERATION AND POSSIBLE ACTION TO APPROVE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING IN DECEMBER 2022 (Mayor Todd Kana)

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

17. CONSIDERATION AND POSSIBLE ACTION TO VACATE DIRECTOR POSITION 4 ON THE MAGNOLIA 4A ECONOMIC DEVELOPMENT CORPORATION (Mayor Todd Kana)

Economic Development Director Rachel Steele recommended vacating the position due to excessive absences resulting in a lack of meeting quorums.

MOTION: Upon a motion to vacate made by Councilmember Hoppe and seconded by Councilmember Huitt, the Councilmembers voted and the motion carried unanimously, 5-0.

18. CONSIDERATION AND POSSIBLE ACTION TO VACATE DIRECTOR POSITION 4 ON THE MAGNOLIA 4B COMMUNITY DEVELOPMENT CORPORATION (Mayor Todd Kana)

City Attorney Leonard Schneider explained that a resignation letter was provided so the City Council does not need to move to vacate this position.

No action taken.

19. CONSIDERATION AND POSSIBLE ACTION TO FILL DIRECTOR POSITION 4 TO SERVE THE UNEXPIRED TERM ON THE MAGNOLIA 4A ECONOMIC DEVELOPMENT CORPORATION (Mayor Todd Kana)

Council members were provided with applications to review.

MOTION: Upon a motion to fill Director Position 4 with Michael Doherty on the Magnolia 4A Economic Development Corporation made by Councilmember Dantzer and seconded by Councilmember Huitt, the Councilmembers voted, and the motion carried unanimously, 5-0.

20. CONSIDERATION AND POSSIBLE ACTION TO FILL DIRECTOR POSITION 4 TO SERVE THE UNEXPIRED TERM ON THE MAGNOLIA 4B COMMUNITY DEVELOPMENT CORPORATION (Mayor Todd Kana)

Council members were provided with applications to review.

MOTION: Upon a motion to fill Director Position 4 with Andrew Hook on the Magnolia 4B Community Development Corporation made by Councilmember Huitt and seconded by Councilmember Dantzer, the Councilmembers voted, and the motion carried unanimously, 5-0.

21. 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 proposed public improvement/development agreement with Magnolia East 149, LLC for an additional water well.

MOTION: Upon a motion to bring items 7, 8 and 13 to Executive Session under Texas Government Code Section 551.071 made by Councilmember Hoppe and seconded by Councilmember Dantzer, the Councilmembers voted, and the motion carried unanimously, 5-0.

Councilmember Carby convened into Executive Session at 7:26 pm.

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

Councilmember Carby reconvened into regular session at 8:06 pm.

MOTION: Upon a motion to approve Payment Agreement with Ballast Point Construction, Inc. made by Councilmember Hoppe and seconded by Councilmember Huitt, the Councilmembers voted and the motion carried unanimously, 5-0.

MOTION: Upon a motion to approve Supplement to Wholesale Water Supply and Sanitary Sewer Agreement with Audubon Magnolia Development LLC regarding a water well contingent upon City Attorney approval and review made by Councilmember Hoppe and seconded by Councilmember Huitt, the Councilmembers voted, and the motion carried unanimously, 5-0.

MOTION: Upon a motion to approve Resolution No. R-2023-001 made by Councilmember Hoppe and seconded by Councilmember Huitt, the Councilmembers voted, and the motion carried unanimously, 5-0.

23. CONSIDERATION AND POSSIBLE ACTION TO APPROVE PUBLIC IMPROVEMENT AGREEMENT WITH MAGNOLIA EAST 149, LLC FOR AN ADDITIONAL WATER WELL (Mayor Todd Kana)

Chessie Zimmerman, Magnolia East 149, LLC representative, announced herself available for any questions regarding the agreement.

MOTION: Upon a motion to approve Utility Development Escrow Agreement with Magnolia East 149 LLC for an additional water well and amend the engineering testing fees to 15 percent made by Councilmember Hoppe and seconded by Councilmember Huitt, the Councilmembers voted, and the motion carried unanimously, 5-0.

24. CONSIDERATION AND POSSIBLE ACTION TO APPROVE CONTRACTUAL AGREEMENT WITH HYDRO CLEAR FOR CITY OF MAGNOLIA SLUDGE OPERATION (Mayor Todd Kana)

Jimmy Thornton, Hydro Clear representative, presented the benefits of the agreement.

MOTION: Upon a motion to direct staff to go forward with preparing an agreement to bring back to City Council next month made by Councilmember Hoppe and seconded by Councilmember Huitt, the Councilmembers voted, and the motion carried unanimously, 5-0.

25. ADMINISTRATION - DEPARTMENT REPORTS

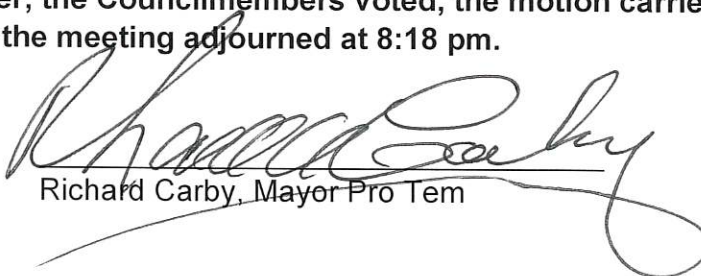
ACTIVITIES/ UPDATES/ ANNOUNCEMENTS AND ITEMS OF COMMUNITY INTEREST

- a. POLICE DEPARTMENT (Chief of Police, Kyle Montgomery)
Chief of Police Kyle Montgomery provided a brief summary of his monthly report provided in the Council packet.
- b. PUBLIC WORKS DEPARTMENT (City Administrator, Don Doering)
City Administrator Don Doering presented recent events and updates:
January 28th: Harris County Sherriff's Posse visited.
February 1st: Public Transportation meeting was held at City Hall.
Preconstruction meeting for Well No.8 took place.
Drilling rig has been moved out and production rig has been moved in for newest well.
- c. ADMINISTRATION DEPARTMENT (City Administrator, Don Doering)
City Administrator Don Doering provided a brief summary of his monthly report provided in the Council packet.

26. ADJOURN

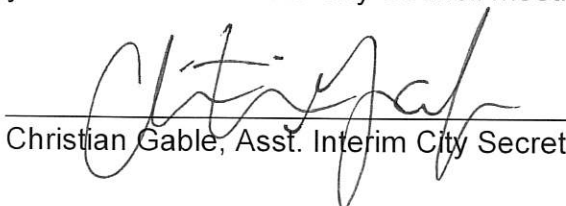
MOTION: Upon a motion to adjourn made by Councilmember Hoppe and seconded by Councilmember Dantzer, the Councilmembers voted, the motion carried unanimously, 5-0, and the meeting adjourned at 8:18 pm.




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 February 14, 2023.


Christian Gable, Asst. Interim City Secretary