

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 MARCH 14, 2023

A meeting of the City Council was held on this date, March 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 Todd Kana convened the meeting at 7:00 pm.

a. INVOCATION

Councilmember Dantzer delivered the invocation.

b. PLEDGE OF ALLEGIANCE

Mayor Kana led the Pledge of Allegiance to the USA and Texas flags.

c. ROLL CALL AND CERTIFICATION OF A QUORUM

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

Absent: None

Staff present: City Administrator/Interim City Secretary Don Doering, City Attorney Leonard Schneider, Economic Development Director Rachel Steele, Police Chief Kyle Montgomery, Planning Coordinator 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.*

John Bramlett spoke to recommend approval of item numbers 5 and 6.

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 February 14, 2023.

b. CONSIDERATION OF UNOPPOSED CANDIDATES

Consideration and possible action to accept and approve Certificate of Unopposed Candidates for the May 6, 2023 General City Election.

c. CONSIDERATION – APPROVAL OF ORDINANCE NO. O-2023-002 – DECLARING UNOPPOSED CANDIDATES AND CANCELLING THE MAY 6, 2023 GENERAL CITY ELECTION

Consideration and possible action to adopt:

ORDINANCE NO. O-2023-002

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, DECLARING UNOPPOSED CANDIDATES AND CANCELLING THE MAY 6, 2023 GENERAL CITY ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Upon a motion to approve the Consent Agenda items a, b, and c made by Councilmember Carby and seconded by Councilmember Dantzer, the Councilmembers voted, and the motion carried unanimously, 5-0.

4. CONSIDERATION AND POSSIBLE ACTION TO RETAIN FOCUSED ADVOCACY AS LEGISLATIVE CONSULTANT GROUP (Mayor Todd Kana)

City Attorney Leonard Schneider explained the benefits of contracting with Focused Advocacy and recommended approval.

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

5. CONSIDERATION AND POSSIBLE ACTION TO APPROVE WINDMILL ESTATES PARTIAL REPLAT, FINAL PLAT, +/- 8.164 ACRES. (Mayor Todd Kana)

Adam France, Land Planner with BGE, was present to answer questions about this item.

Planning Coordinator Christian Gable confirmed that a Letter of No Objection was issued from the City Engineer and the Planning & Zoning Commission moved to recommend approval.

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

6. CONSIDERATION AND POSSIBLE ACTION TO ADD SMITH STREET FROM AMARILLO DRIVE TO CORPUS DRIVE TO THE AMARILLO PAVING PROJECT
(Councilman Daniel Miller)

City Engineer Mike Kurzy clarified details of the anticipated Amarillo Paving Project.

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

7. CONSIDERATION AND POSSIBLE ACTION TO APPROVE WATER PLANT NO. 3, PHASE I, CHANGE ORDER NO. 2 IN THE AMOUNT OF \$167,310.00 FOR TEMPORARY WATER WELL FEED SYSTEM CONSISTING OF A 500 GPM PUMP, MOTOR, GENERATOR AND ALL NECESSARY EQUIPMENT TO PUMP WATER INTO THE CITY OF MAGNOLIA SYSTEM. (Mayor Todd Kana)

City Engineer Mike Kurzy spoke to explain the details of the Change Order that was presented in the meeting packet.

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

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

Jimmy Thornton with Hydro Clear was present to answer questions about the agreement. City Attorney Leonard Schneider explained the changes that were made to the agreement since February's meeting.

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

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 on proposed well being built by Audubon.

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 improvements to the City Water system and Wastewater system and expansion of current Wastewater Treatment Plants.

The City Council will enter into executive session under Texas Government Code Section 551.072 to deliberate the possible purchase of real property for a future water plant site and under Section 551.071 to consult and receive legal advice from its attorneys' legal process to purchase property.

Mayor Kana convened into Executive Session at 7:20 pm.

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

Mayor Kana reconvened into regular session at 7:35 pm.

- 11. CONSIDERATION AND POSSIBLE ACTION ON PREVIOUS APPROVAL OF A 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 asked to pull this item from the agenda.
Mayor Kana pulled this item from the agenda.

- 12. CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE CITY ENGINEER TO BEGIN PLANNING FOR WASTEWATER TREATMENT PLANT EXPANSION RESULTING IN A TASK ORDER NEXT MONTH WITH INITIAL PLANNING NOT TO EXCEED \$25,000.00** (Mayor Todd Kana)

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

- 13. CONSIDERATION AND POSSIBLE ACTION TO INSTRUCT STAFF TO NEGOTIATE ACQUISITION OF REAL PROPERTY FOR A FUTURE WATER PLANT ON THE EAST SIDE OF THE CITY** (Mayor Todd Kana)

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

14. CONSIDERATION AND POSSIBLE ACTION TO APPROVE STRATEGIC GOVERNMENT RESOURCES PROPOSAL FOR EXECUTIVE RECRUITMENT SERVICES FOR CITY ENGINEER (Mayor Todd Kana)

City Administrator Don Doering explained the benefits of the recruitment service and the expectations of the desired in-house City Engineer.

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

15. CONSIDERATION AND POSSIBLE ACTION TO APPOINT CHRISTIAN GABLE TO INTERIM CITY SECRETARY POSITION (Councilman Jack Huitt)

Councilmember Hoppe expressed her opinion that the appointment was not handled appropriately by City staff.

MOTION: Upon a motion to approve made by Councilmember Carby and seconded by Councilmember Huitt, the Councilmembers voted, and the motion carried, 4-1.

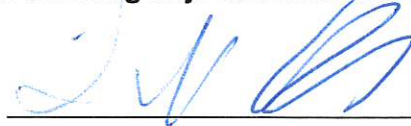
16. ADMINISTRATION - DEPARTMENT REPORTS

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 meeting packet.
- b. PUBLIC WORKS DEPARTMENT (City Administrator, Don Doering)
City Engineer Mike Kurzy gave water well updates:
 - Well No.7: Awaiting lab results for water samples.
 - Well No.8: Surface casing was put in.
- c. ADMINISTRATION DEPARTMENT (City Administrator, Don Doering)
City Administrator Don Doering provided a brief summary of the monthly reports provided in the meeting packet. He also read aloud a positive Google review for a staff member.

17. ADJOURN

MOTION: Upon a motion to adjourn made by Councilmember Carby and seconded by Councilmember Dantzer, the Councilmembers voted, the motion carried unanimously, 5-0, and the meeting adjourned at 7:47 pm.

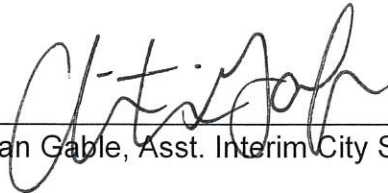


Mayor Todd Kana

CERTIFICATION

I certify that this is a true and correct copy of the minutes of the City Council meeting held on March 14, 2023





Christian Gable, Asst. Interim City Secretary