

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
Mike Kurzy, Baxter & Woodman
Christian Gable, Interim City Secretary

MINUTES OF PUBLIC HEARING AND REGULAR MEETING OF THE MAGNOLIA CITY COUNCIL APRIL 11, 2023

A meeting of the City Council was held on this date, April 11, 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

City Attorney Leonard Schneider 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, Brenda Hoppe, and Jack L Huitt Jr.

Absent: Matthew Dantzer and Richard Carby.

Staff present: City Administrator 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.*

3. OPEN PUBLIC HEARING

Mayor Kana opened the public hearing at 7:00 pm.

NOTICE OF PUBLIC HEARING ON THE EXTENSION OF A MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, PROPERTY DEVELOPMENT, OR

CONSTRUCTION IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION OF
THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS, UNDER CHAPTER 212,
TEXAS LOCAL GOVERNMENT CODE.

On Thursday, December 16, 2022, a temporary moratorium was put in effect on the acceptance, authorization, and approvals necessary for the subdivision, site planning, property development, including residential and commercial property development or construction in the City limits and Extraterritorial Jurisdiction for new projects. A continuing Moratorium was imposed by the adoption of Ordinance No. O-2022-031 on December 21, 2022. The Current Moratorium is set to expire on or about April 20, 2023, unless it is extended before that date by Ordinance adopted by City Council.

City residents and affected parties are encouraged to provide input on whether the Current Moratorium should be extended an additional 120 days. The Public hearing to extend the Current Moratorium and City Council Meeting will be held on the following date and time:

Hearing: City Council, Tuesday, April 11, 2023 at 7:00p.m.

The public hearing will be conducted in the Sewell Smith Council Chambers, located at 18111 Buddy Riley Blvd, Magnolia, Texas for all persons interested in the Current Moratorium and the extension of the Current Moratorium. At such time and place, all such persons shall have the right to appear and be heard. All persons interested in the moratorium and matters in relation thereto shall take notice of the date and time of said hearing.

The City conducted an analysis to determine the adequacy of the City's current regional water facilities and the need beyond the estimated capacity that is expected to result from new property development. The City has been provided certain findings related to the inadequacy of the existing water facilities to prevent a shortage of essential public facilities. The Moratorium is necessary to maintain the status quo and suspend further development during a period while the City actively took steps to alleviate the inadequacy of the existing water facilities to prevent a shortage of essential public facilities. The public hearing is to receive public input on whether the Current Moratorium should be extended.

Mayor Kana read aloud the Notice of Public Hearing.

- Chessie Zimmerman, Stratus Properties representative, spoke to request a commitment from the City and voice her continued interest in assisting the City to overcome the water shortage that brought on the moratorium.
- Greg Clutter, Meritage Homes representative, spoke to request water and wastewater connections considering their development agreement with the City only prohibits connections in case of declared emergency.
- City Engineer Mike Kurzy gave updates on Well No.7, Well No.8, and Well No.3 Phase II. Baxter & Woodman has been meeting with developers to get immediately desired connection numbers in preparation for water wells coming online.
- Paul Michna, owner of 415 Magnolia Blvd., asked for assistance in getting utilities in his name through the City's utility department.

4. CLOSE PUBLIC HEARING

Mayor Kana closed the public hearing at 7:10 pm.

5. 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 March 14, 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, 3-0.

6. CONSIDERATION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. O-2023-003 EXTENDING THE MORATORIUM ENACTED BY ORDINANCE O-2022-031

(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, 3-0.

7. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ROAD CLOSURES FOR THE 2023 CHRISTMAS PARADE BY THE GREATER MAGNOLIA PARKWAY CHAMBER OF COMMERCE ON DECEMBER 2, 2023. (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, 3-0.

8. CONSIDERATION AND POSSIBLE ACTION TO APPROVE BUDGET AND TAX RATE CALENDAR FOR THE 2023-2024 FISCAL YEAR (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, 3-0.

9. CONSIDERATION AND POSSIBLE ACTION TO REVIEW AND APPROVE PARKSIDE MAGNOLIA WEST, PRELIMINARY PLAT, +/- 14.246 ACRES (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, 3-0.

10. CONSIDERATION AND POSSIBLE ACTION TO PROVIDE A LETTER OF NO OBJECTION TO THE WESTWOOD MAGNOLIA PARKWAY IMPROVEMENT DISTRICT CONCERNING PROPOSED LEGISLATION (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, 3-0.

11. 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 Cause Number 23-03-04135 MISD v City of Magnolia, et al, in the 457th District Court Montgomery County, Texas.

The City Council may enter into executive session under Texas Government Code Section 551.074 to deliberate the appointment, employment, or duties of a public officer, municipal engineer.

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

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

Mayor Kana adjourned Closed Executive Session and reconvened the open meeting at 7:53 pm.

MOTION: Upon a motion to assign City Administrator to proceed with the hiring of a City Engineer made by Councilmember Hoppe and seconded by Councilmember Huitt, the Councilmembers voted, and the motion carried unanimously, 3-0.

13. CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE BAXTER & WOODMAN TO ADVERTISE AND BID GUILLEMONT WATER PLANT PHASE 2 (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, 3-0.

14. CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE THE TYPE OF ELEVATED STORAGE TANK FOR GUILLEMONT WATER PLANT (Mayor Todd Kana)

No action taken.

15. CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE BAXTER & WOODMAN TO AMEND SCOPE TO ONE ADDITIONAL WATER METER FOR A TOTAL OF FIVE INTERCONNECT METERS FOR AUDUBON (Mayor Todd Kana)

No action taken.

16. CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE BAXTER & WOODMAN TO SOLICIT BIDS TO PLACE AND RESEAL THE TOP FOR TWO MANHOLES ON MELTON STREET AND ENSURE ALL OTHER TOPS ARE SEALED (Mayor Todd Kana)

No action taken.

17. CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE AMENDING THE NICHOLS SAWMILL PHASE III CONSTRUCTION PHASE SERVICES WORK ORDER WITH BAXTER AND WOODMAN BY AN ADDITIONAL \$56,994.00 (Mayor Todd Kana)

No action taken.

18. CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE WORK ORDER NO. 23-004 WITH BAXTER & WOODMAN TO DESIGN THE EXPANSION OF THE WASTEWATER TREATMENT PLANT FROM 1.3 MGD TO 2.0 MGD (Mayor Todd Kana)

No action taken.

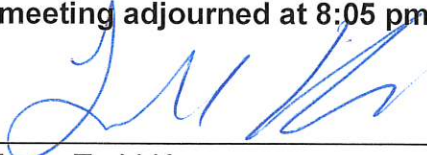
19. ADMINISTRATION - DEPARTMENT REPORTS

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 provided in the packet.
- b. PUBLIC WORKS DEPARTMENT (City Administrator, Don Doering)
City Administrator Don Doering gave a brief summary of the reports provided in the packet.
- c. ADMINISTRATION DEPARTMENT (City Administrator, Don Doering)
City Administrator Don Doering reported meetings that occurred in March: Existing restaurant expansion, Montgomery County's Nichols Sawmill expansion, search for potential lift station site to serve the extension of sanitary sewer along FM 1774, and a ribbon-cutting event for Houston Methodist at the Landmark Building. He also announced Martha Mueller's retirement from City staff.

20. ADJOURN

MOTION: Upon a motion to adjourn made by Councilmember Hoppe and seconded by Councilmember Huitt, the Councilmembers voted, the motion carried unanimously, 3-0, and the meeting adjourned at 8:05 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 April 11, 2023.



Christian Gable, Interim City Secretary