

Mayor Todd Kana
Daniel Miller, Position 1
Matthew Dantzer, Position 2
Richard Carby, Mayor Pro Tem, Position 3
Brenda Hoppe, Position 4
Jack L Huit Jr., Position 5



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

NOTICE OF PUBLIC MEETING OF THE MAGNOLIA CITY COUNCIL

AGENDA
PUBLIC HEARING & REGULAR CITY COUNCIL MEETING
TUESDAY, OCTOBER 11, 2022 – 7:00 P.M.
Sewall Smith Council Chambers
18111 Buddy Riley Boulevard, Magnolia, Texas 77354

1. CALL MEETING TO ORDER

- a. INVOCATION
- b. PLEDGE OF ALLEGIANCE
- c. ROLL CALL AND CERTIFICATION OF A QUORUM

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.*

3. OPEN PUBLIC HEARING

NOTICE OF PUBLIC HEARINGS REGARDING PROPOSED
STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE
CITY OF MAGNOLIA, TEXAS AND MONTGOMERY
COUNTY MUNICIPAL UTILITY DISTRICT NO. 174

The City Council of Magnolia, Texas (the "City") will hold two public hearings regarding the adoption of a Strategic Partnership Agreement (the "Agreement") between the City and Montgomery County Municipal Utility District No. 174 ("District") and for the limited purpose annexation of territory in the District. Members of the public who wish to present testimony or evidence regarding the proposed Agreement shall be given an opportunity to do so. The hearings will be held on the following dates and locations:

September 13, 2022, 7:00 p.m., at 18111 Buddy Riley Boulevard, Magnolia, Texas 77354; and

October 11, 2022, 7:00 p.m., at 18111 Buddy Riley Boulevard, Magnolia, Texas 77354.

In addition to other terms, the proposed Agreement will provide for the conditions under which the City may annex the District for full purposes, as well as for limited purposes for the collection of sales and use taxes. A copy of the proposed Agreement and the metes and bounds of the territory may be obtained prior to the hearings in the office of the City Secretary at 18111 Buddy Riley Boulevard, Magnolia, Texas 77354.

4. CLOSE PUBLIC HEARING

5. ADJOURN PUBLIC HEARING AND CONVENE OPEN REGULAR MEETING

6. 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 Public Hearing and Regular City Council Meeting held September 13, 2022.

b. CONSIDERATION – APPROVE INVESTMENT PORTFOLIO FOR 3RD QUARTER ENDING SEPTEMBER 2022

c. CONSIDERATION – APPROVE 2022 MAGNOLIA BIBLE CHURCH TURKEY TROT

Consideration and possible action to approve the MBC Turkey Trot Event for Thursday, November 24, 2022 from 8:30 a.m. until 11:30 a.m.

d. CONSIDERATION – APPROVE REQUEST FOR STREET CLOSURES NICHOLS SAWMILL, COMMERCE, 6TH, AND UNITY PARK FOR 2022 MAGNOLIA BIBLE CHURCH TURKEY TROT ROUTE THURSDAY, NOVEMBER 24, 2022 FROM 7:30 A.M. – 11:30 A.M.

7. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. O-2022-028 AMENDING CHAPTER 94 “UTILITIES”, ARTICLE III OF THE CITY OF MAGNOLIA CODE OF ORDINANCES (Mayor Todd Kana)

Consideration and possible action to adopt:

ORDINANCE NO. O-2022-028

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS AMENDING CHAPTER 94 “UTILITIES” OF THE CODE OF ORDINANCES OF THE CITY OF MAGNOLIA, TEXAS BY AMENDING ARTICLE III; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

8. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE ALLCO, LLC CHANGE ORDER NO. 3 FOR MODIFICATIONS TO CONTRACT DOCUMENTS OF WASTEWATER PLANT EXPANSION PROJECT NOT TO EXCEED \$10,326** (Mayor Todd Kana)

9. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO AWARD SMALL PURCHASE CONSTRUCTION CONTRACT FOR THE CITY OF MAGNOLIA CDBG-DR CONTRACT NO. 19-076-015-B364 – DRAINAGE IMPROVEMENT PROJECT**
(Mayor Todd Kana)

10. **CONSIDERATION – APPOINTMENT(S) TO PLANNING AND ZONING COMMISSION**
(Mayor Todd Kana)
Consideration and possible action to appoint member(s) to the Planning and Zoning Commission.

11. **CONSIDERATION – RESCIND RESOLUTION NO. R-2022-029 SETTING DATE, TIME AND PLACE FOR TWO PUBLIC HEARINGS ON PROPOSED STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE CITY OF MAGNOLIA AND MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 165 BY ADOPTING RESOLUTION NO. R-2022-032**
(Mayor Todd Kana)
Consideration and possible action to adopt:

RESOLUTION NO. R-2022-032
A RESOLUTION OF THE CITY OF MAGNOLIA, TEXAS, RESCINDING
RESOLUTION R-2022-029.

12. 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 Water Rates Classification and the Magnolia Independent School District demand.

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

14. **ADMINISTRATION - DEPARTMENT REPORTS
ACTIVITIES/ UPDATES/ ANNOUNCEMENTS AND ITEMS OF COMMUNITY INTEREST**
 - a. POLICE DEPARTMENT (Chief of Police, Kyle Montgomery)
 - b. PUBLIC WORKS DEPARTMENT (Don Doering)
 - c. ADMINISTRATION DEPARTMENT (City Administrator, Don Doering)

15. ADJOURN

If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive Session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Section 551.071 – consultation with counsel on legal matters; Section 551.072 – deliberation regarding purchase, exchange, lease or value of real property; Section 551.073 – deliberation regarding a prospective gift; Section 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; Section 551.076 – implementation of security personnel or devices; Section 551.086 – deliberation regarding competitive matters of a public power utility ; Section 551.087 – deliberation regarding economic development negotiation; and/or other matters as authorized under Texas Government Code. If a Closed or Executive Session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary’s office at (281-305-0550), two working days prior to the meeting for appropriate arrangements.

CERTIFICATE

I certify that a copy of the *Notice of Meeting* was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City’s website, www.cityofmagnolia.com, in compliance with Chapter 551, Texas Government Code.

DATE 10/7/2022
TIME 4:00 PM
TAKEN DOWN _____



Kandice Garrett
Kandice Garrett, City Secretary