

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
Tim Robertson, City Engineer
Mike Kurzy, Baxter & Woodman
Christian Gable, Interim City Secretary

NOTICE OF PUBLIC MEETING OF THE MAGNOLIA CITY COUNCIL

AGENDA
REGULAR CITY COUNCIL MEETING
TUESDAY, NOVEMBER 14, 2023 – 6:00 PM
Sewall Smith Council Chambers
18111 Buddy Riley Blvd., Magnolia, Texas 77354

1. CALL MEETING TO ORDER

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

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. 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 October 10, 2023.

b. CONSIDERATION – APPROVE INVESTMENT PORTFOLIO FOR QUARTER ENDING SEPTEMBER 2023

4. CONSIDERATION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. O-2023-015 AUTHORIZING THE ISSUANCE OF CERTIFICATES OF OBLIGATION

(Mayor Todd Kana)

5. **CONSIDERATION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. R-2023-007 AUTHORIZING THE EXECUTION OF A PRINCIPAL FORGIVENESS AGREEMENT BETWEEN THE CITY AND THE TEXAS WATER DEVELOPMENT BOARD FOR FUNDING IN THE AMOUNT \$1,000,000** (Mayor Todd Kana)
6. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE ESCONDIDO SANDRA DEE LANE SECTION 1, FINAL PLAT, +/- 1.925 ACRES** (Mayor Todd Kana)
7. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE ESCONDIDO GIRASOL STREET AND RESERVE, FINAL PLAT, +/- 13.384 ACRES** (Mayor Todd Kana)
8. **CONSIDERATION AND POSSIBLE ACTION TO REPEAL ORDINANCE NO. O-2019-015 WHICH DESIGNATED “NO PARKING” SIGNS ALONG LOOKOUT LAKE LANE** (Mayor Todd Kana)
9. **CONSIDERATION AND POSSIBLE ACTION ON AN AGREEMENT ALLOCATING AND PLEDGING ECONOMIC DEVELOPMENT SALES TAX REVENUE WITH THE MAGNOLIA 4A ECONOMIC DEVELOPMENT CORPORATION FOR THE 2011 TXDOT SIB LOAN REPAYMENT** (Mayor Todd Kana)
10. **CONSIDERATION AND POSSIBLE ACTION ON AN AGREEMENT ALLOCATING AND PLEDGING ECONOMIC DEVELOPMENT SALES TAX REVENUE WITH THE MAGNOLIA 4A ECONOMIC DEVELOPMENT CORPORATION FOR THE 2017 TXDOT SIB LOAN REPAYMENT** (Mayor Todd Kana)
11. **CONSIDERATION AND POSSIBLE ACTION ON AN AGREEMENT ALLOCATING AND PLEDGING ECONOMIC DEVELOPMENT SALES TAX REVENUE FOR THE YEAR 2023-2024 WITH THE MAGNOLIA 4B COMMUNITY DEVELOPMENT CORPORATION FOR THE 2021 TXDOT SIB LOAN REPAYMENT** (Mayor Todd Kana)
12. **CONSIDERATION AND POSSIBLE ACTION ON THE MAGNOLIA 4A ECONOMIC DEVELOPMENT CORPORATIONS 2024 ANNUAL PROJECTS LIST** (Mayor Todd Kana)
13. **CONSIDERATION AND POSSIBLE ACTION ON THE MAGNOLIA 4B COMMUNITY DEVELOPMENT CORPORATIONS 2024 ANNUAL PROJECTS LIST** (Mayor Todd Kana)
14. **CONSIDERATION AND POSSIBLE ACTION ON RESOLUTION NO. R-2023-008 APPROVING THE MAGNOLIA 4B COMMUNITY DEVELOPMENT CORPORATION'S 2024 ANNUAL PROJECTS LIST** (Mayor Todd Kana)

15. CONSIDERATION – APPROVE RESOLUTION NO. R-2023-009 CASTING FIVE (5) VOTES FOR CANDIDATE TO SERVE ON BOARD OF DIRECTORS FOR MONTGOMERY CENTRAL APPRAISAL DISTRICT FOR THE 2024-2025 TERM
(Mayor Todd Kana)

16. CONSIDERATION AND POSSIBLE ACTION ON RESOLUTION NO. R-2023-010 TO APPROVE PURCHASING OF +/- 1.532 ACRES OF PROPERTY (Mayor Todd Kana)

17. 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 MISD v City of Magnolia, et al and SJRA v Cities of Conroe and Magnolia; and to receive legal advice on sanitary sewer force main and water line easement from Audubon Magnolia Development, LLC; and to receive legal advice concerning the Wholesale Water Supply and Sanitary Sewer Agreement and addendums between the City of Magnolia and Audubon.

18. RECONVENE into regular session and consider and/or take action on item(s) discussed in executive session.

19. CONSIDERATION AND POSSIBLE ACTION TO AWARD CDBG SAGEBRUSH SANITARY SEWER REHABILITATION PROJECT (TDA CDBG-CDV21-0209) TO CRUZ TEC, INC. IN THE AMOUNT OF \$331,225 BASED ON THE BIDS RECEIVED ON OCTOBER 10, 2023 (Mayor Todd Kana)

20. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A REQUEST FROM STRATUS PROPERTIES TO INCREASE ESCROWED FUNDS FROM \$6,385,814.00 TO \$7,410,238 (\$1,024,424 INCREASE) IN ORDER TO FUND THE ADDITIONAL COST AND CONTINGENCIES RELATED TO THE DESIGN AND CONSTRUCTION OF WATER SUPPLY PLANT NO. 4 AS PROVIDED FOR IN THE UTILITY DEVELOPMENT AND ESCROW AGREEMENT BETWEEN THE CITY OF MAGNOLIA AND MAGNOLIA EAST 149, LLC (Mayor Todd Kana)

21. CONSIDERATION AND POSSIBLE ACTION ON THE CITY OF MAGNOLIA ACCEPTING UTILITY/INFRASTRUCTURE FROM MAGNOLIA EAST MUNICIPAL UTILITY DISTRICT AT THE MAGNOLIA PLACE DEVELOPMENT CONTINGENT UPON COMPLETION AND EXECUTION OF A FORMAL UTILITY/CONVEYANCE AGREEMENT THAT MEETS THE APPROVAL OF THE CITY ATTORNEY
(Mayor Todd Kana)

22. CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE WATER WELL NO. 8 CHANGE ORDER NO. 2 IN THE AMOUNT OF \$27,740 FOR A TOTAL INCREASED CONTRACT COST OF \$3,183,845 WITH WEISINGER, INC. (Mayor Todd Kana)

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

24. 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 _____
TIME _____
TAKEN DOWN _____

Christian Gable, Interim City Secretary

