

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, DECEMBER 12, 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. OPEN PUBLIC HEARING

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 with an expiration date of April 20, 2023.

Thereafter, on April 11, 2023, the City adopted Ordinance No. O-2023-003, with an effective date of April 20, 2023 extending the moratorium an additional 120 days.

Thereafter on August 8, 2023, the City adopted Ordinance No. O-2023-011 extending the moratorium an additional 120 days. The Current Moratorium is set to expire on or about December 16, 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, December 12, 2023, at 6:00p.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 potential 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.

4. CLOSE PUBLIC HEARING AND CONVENE REGULAR MEETING

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 November 14, 2023.

b. CONSIDERATION AND POSSIBLE ACTION TO APPROVE SITE PLAN FOR LOWE'S (Mayor Todd Kana)

c. CONSIDERATION AND POSSIBLE ACTION TO APPROVE SITE PLAN FOR SALAD AND GO (Mayor Todd Kana)

d. CONSIDERATION AND POSSIBLE ACTION TO APPROVE SITE PLAN FOR SWIG (Mayor Todd Kana)

6. CONSIDERATION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. O-2023-017 EXTENDING THE MORATORIUM ENACTED BY ORDINANCE NO. O-2023-011 (Mayor Todd Kana)

- 7. 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)**

- 8. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. R-2023-013 AUTHORIZING A MULTIPLE USE AGREEMENT WITH TXDOT FOR AUTOMATED LICENSE PLATE READERS (Mayor Todd Kana)**

- 9. PRESENTATION BY GRANTWORKS REGARDING TEXAS DEPARTMENT OF AGRICULTURE (TDA) GRANT (Mayor Todd Kana)**

- 10. CONSIDERATION – APPROVE PETITION FOR CONSENT TO ANNEX LAND INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO.116, APPROXIMATELY +/- 29.249 ACRE TRACT BY ADOPTION OF RESOLUTION NO. R-2023-011 (Mayor Todd Kana)**

- 11. CONSIDERATION – APPROVE PETITION FOR CONSENT TO ANNEX LAND INTO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO.116, APPROXIMATELY +/- 84.35 ACRE TRACT BY ADOPTION OF RESOLUTION NO. R-2023-012 (Mayor Todd Kana)**

- 12. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AMENDMENT TO THE CONTRACT BETWEEN THE CITY AND HYDRO CLEAR SERVICES, LLC (Mayor Todd Kana)**

- 13. CONSIDERATION AND POSSIBLE ACTION TO APPROVE FIRST AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT WITH GC MAGNOLIA, LP (Mayor Todd Kana)**

- 14. CONSIDERATION AND POSSIBLE ACTION TO APPOINT CHRISTIAN GABLE TO CITY SECRETARY POSITION (Councilman Jack Huitt)**

15. 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 and Demand Letter by Audubon.

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

17. 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)

18. 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

