

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

## NOTICE OF PUBLIC MEETING OF THE MAGNOLIA CITY COUNCIL

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### AGENDA

#### PUBLIC HEARING & REGULAR CITY COUNCIL MEETING

TUESDAY, APRIL 11, 2023 – 7:00 PM

Sewall Smith Council Chambers

18111 Buddy Riley Blvd., Magnolia, Texas 77354

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#### 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. 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.

#### **4. CLOSE PUBLIC HEARING**

#### **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.

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

(Mayor Todd Kana)

#### **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)

#### **8. CONSIDERATION AND POSSIBLE ACTION TO APPROVE BUDGET AND TAX RATE CALENDAR FOR THE 2023-2024 FISCAL YEAR** (Mayor Todd Kana)

**9. CONSIDERATION AND POSSIBLE ACTION TO REVIEW AND APPROVE PARKSIDE MAGNOLIA WEST, PRELIMINARY PLAT, +/- 14.246 ACRES (Mayor Todd Kana)**

**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)**

**11. CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE BAXTER & WOODMAN TO ADVERTISE AND BID GUILLEMONT WATER PLANT PHASE 2 (Mayor Todd Kana)**

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

**13. 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)**

**14. 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)**

**15. 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)**

**16. 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)**

**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 regarding Cause Number 23-03-04135 MISD v City of Magnolia, et al, in the 457<sup>th</sup> 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.

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

**19. 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)

**20. 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

