

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

**AMENDED AGENDA
REGULAR CITY COUNCIL MEETING
TUESDAY, MAY 9, 2023 – 7:00 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 City Council Meeting held April 11, 2023.

4. CONSIDERATION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. O-2023-004 AMENDING CHAPTER 2 “ADMINISTRATION” OF THE CODE OF ORDINANCES

(Mayor Todd Kana)

5. CONSIDERATION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. O-2023-005 AMENDING CHAPTER 90 “TRAFFIC AND VEHICLES” OF THE CODE OF ORDINANCES (Mayor Todd Kana)

- 6. CONSIDERATION AND POSSIBLE ACTION TO REVIEW AND APPROVE SITE PLAN FOR WENDY'S** (Mayor Todd Kana)
- 7. CONSIDERATION AND POSSIBLE ACTION TO REVIEW AND APPROVE SITE PLAN FOR WELLS FARGO** (Mayor Todd Kana)
- 8. CONSIDERATION AND POSSIBLE ACTION TO REVIEW AND APPROVE MAGNOLIA PLACE SECTION 2, FINAL PLAT, +/- 27.592 ACRES.** (Mayor Todd Kana)
- 9. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AMENDMENT TO THE 2023 MAGNOLIA 4A ECONOMIC DEVELOPMENT CORPORATION SHARED SERVICES AGREEMENT** (Mayor Todd Kana)
- 10. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AMENDMENT TO THE 2023 MAGNOLIA 4B COMMUNITY DEVELOPMENT CORPORATION SHARED SERVICES AGREEMENT** (Mayor Todd Kana)
- 11. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AMENDMENT TO THE MAGNOLIA 4B COMMUNITY DEVELOPMENT CORPORATION 2023 PROJECT LIST** (Mayor Todd Kana)
- 12. CONSIDERATION AND POSSIBLE ACTION TO APPROVE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING IN MARCH 2023** (Mayor Todd Kana)
- 13. CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE PROPOSED GFL ENVIRONMENTAL TRASH COLLECTION INCREASE AS PROVIDED FOR IN THE CONTRACT AND RAISE THE CITY'S BILLING RATES BY THE SAME AMOUNT** (Mayor Todd Kana)
- 14. CONSIDERATION AND POSSIBLE ACTION TO ADOPT RESOLUTION R-2023-002 STATING THE CITY OF MAGNOLIA IS SUPPORTING THE PASSAGE OF AMENDMENT 1 TO HOUSE BILL 1540 IN THE 88TH SESSION OF THE TEXAS LEGISLATURE, AUTHORED BY THE HONORABLE WILL METCALF AND OTHER MATTERS** (Mayor Todd Kana)
- 15. DISCUSSION AND STAFF UPDATE ON PROGRESS OF WATER WELLS NO. 7, 8, AND 9** (Mayor Todd Kana)

16. 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 receive legal advice on the previously approved Utility Development Escrow Agreement with Magnolia East 149 LLC for an additional water well.

The City Council may enter into executive session under Texas Government Code Section 551.071 to receive legal advice on future water and sanitary sewer connection distribution.

The City Council may enter into executive session under Texas Government Code Section 551.071 to receive legal advice on the Moratorium and on possible acquisition of additional water and sewer plant sites and under Section 551.072 to deliberate the purchase, exchange, lease, or value of real property for a city utility plant site for water and/or sewer.

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 the declaratory action filed by the SJRA Ex Parte in the 98th Judicial District in Travis County, Texas; Cause No. D-1-GN-16-004151 and the case of SJRA v City of Conroe, et al Case 19-09-12611, 284th District Court, Montgomery County, Texas.

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

18. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AUDUBON WELL OPERATION AND USE AGREEMENT FOR WELL BEING BUILT BY AUDUBON
(Mayor Todd Kana)

19. CONSIDERATION AND POSSIBLE ACTION TO ACCEPT TIMBER HOLLOW PHASE I AND II INTO THE CITY OF MAGNOLIA MAINTAINED INFRASTRUCTURE
(Mayor Todd Kana)

20. CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE ADVERTISEMENT OF GST AND HPT ADDITION AT THE KELLY ROAD WATER PLANT (Mayor Todd Kana)

21. 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)

22. 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

