

# City of Magnolia

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MONTGOMERY COUNTY

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INCORPORATED  
1968

## CITY COUNCIL MEETING OF APRIL 8, 2003

MINUTES OF THE MAGNOLIA CITY COUNCIL MEETING HELD ON THE 8<sup>TH</sup> DAY OF APRIL, 2003  
AT 18111 BUDDY RILEY BLVD., MAGNOLIA, MONTGOMERY COUNTY, TEXAS AT 7:00 P.M.

The Council met in regular session with the following members present:

### COUNCIL MEMBERS:

Frank M. Parker, III, Mayor  
Richard Anderson, Position 1  
Ronnie Chumley, Position 2  
Ruth Lott, Position 3  
Delbert Bishop, Position 4  
Patsy Williams, Position 5, Mayor Pro Tem

### STAFF MEMBERS:

Paul Rex, Chief of Police  
Jane Miller, City Secretary  
Bill Sparks, Public Works Director  
Scott Bounds, Acting City Attorney

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### CALL TO ORDER [7:00 P.M.]

Mayor Parker called the meeting to order at 7:00 p.m.  
Invocation by Glen Addison, Magnolia Church of Christ  
Pledge led by James Meyers, Magnolia Troop 1044.

### PUBLIC COMMENT

1. Jon O'der presented Scott Bounds and Council with Article 522(1)(f) of the Texas Manufactured Housing Code and stated that the city does not have the right to ban their singlewide manufactured homes as there are no established mobile home communities in the city. **Scott Bounds advised that he would look at the documents provided and copy John Olson as well.** Mr. O'der's argument is that it is the City can regulate the appearance of the house, but not the type
2. George Botkin spoke generally about a letter he had received from the building inspector regarding his property;
3. Viren Vansadia voiced his opinion regarding the litigation concerning city hall. Mr. Vansadia also commented regarding Bill Sparks resignation and asked that Jodie Foster be hired to a full time position;
4. Hank wright requested information regarding the status of extending 4<sup>th</sup> Street past Commerce. **City Secretary advised that the information regarding encroachment on the City's right of way had been provided to the attorneys for the Cloyd family. Scott Bounds advised that there was no time limit under which the Cloyd's were required to respond;**
5. Randy McClellan, David Petrokavitz, Briarstone Subdivision, Presentation of Final Plat. Plat submitted by David Petrakovitz. **Building Inspector Jodie Foster advised that this was only a preliminary plat. Scott Bounds advised that the right of way on the property could be abandoned by the City with the consent of the property owners. Jodie Foster also requested that the final plat include the title block on the first page and advised that all the roads would be complete before the issuance of any building permits;**
6. Art Depue regarding request to provide sewer and water to 90.7 acre subdivision on FM 1774. Depue submitted conceptual drawing for a proposed subdivision and asked for utilities. Depue it will cost about \$350,000 to get water and sewer to this tract. Mayor Parker said that we have no capital fund for building infrastructure into the subdivision. Depue said he would consider some type of reimbursement program.

Mayor Parker asked him to submit a proposal to Council.

### REPORTS FROM BOARDS/COMMITTEES

7. City Secretary/Financial (see attached);
8. Public Works (see attached);
9. Police Department (see attached). **Chief Rex submitted the department's racial profiling report;**
10. Water/Wastewater Committee; Presentation by Dale Conger, P.E. regarding completion of land use assumption report. Conger advised Council that the City was operating at 75% capacity. **Councilmember Anderson asked if the City had any permission to go over 300,000 gallons.** Conger advised that the City did not and explained that 300,000 is an annual average taking into account the peak flow rate. Late last year, the City's average was about 240,000 per day. PBS&J thinks that the City will exceed the amount allowed in 2 ½ to 3 years. Conger suggested that Council and the Wastewater Committee conduct a joint workshop to look at how the impact fee would be structured rather than the details of the actual capital improvement;
11. Roads/Drainage Committee;
12. Sign Committee;
13. Parks Committee;
14. Hotel Tax Committee.

### CONSENT AGENDA

15. Approval of City Council Meeting Minutes for Regular Council Session on March 11, 2003. **Councilmember Williams moved to approve. Councilmember Anderson seconded. The motion passed unanimously;**
16. Approval of City Council Special Meeting Minutes for Special Council Session on March 18, 2003. **Councilmember Anderson moved to approve. Councilmember Bishop seconded. The motion passed unanimously;**
17. Approval of City Council Special Meeting Minutes/Cancellation for Special Council Session on March 24, 2003. **Councilmember Anderson moved to approve. Councilmember Chumley seconded. The motion passed unanimously;**
18. Approval of City Council Special Meeting Minutes for Special Council Session on March 25, 2003. **Councilmember Anderson moved to approve. Councilmember Williams seconded. The motion passed unanimously.**

### CONSIDERATION AND ACTION ITEMS

19. Approval of Briarstone subdivision final plat. **Jodie Foster advised that this was a preliminary only. Councilmember Williams moved to approve with the amendments required by Jodie Foster. Councilmember Bishop seconded. The motion passed unanimously;**
20. An Ordinance of the City of Magnolia, Texas Declaring Unopposed Candidates in the May 3, 2003 General City Election, Elected to Office; Canceling the Election; Providing a Severability Clause; and Providing an Effective Date. **Taken out of order as first order of business. Councilmember Chumley moved to approve. Councilmember Bishop seconded. The motion passed unanimously;**
21. Swearing in of Elected Councilmembers Richard Anderson, Position 1, Ronnie Chumley, Position 2 and Ruth Lott, Position 3. **Anderson, Chumley and Lott sworn in by Judge John Purvis. Candidates executed statement and oath;**
22. Review city organizational chart and amend same. **Councilmember Anderson tabled the agenda item. Mayor Parker asked if Council intended on addressing filling the public works director position;**

23. An Ordinance Amending City of Magnolia, Texas Ordinance No. 272, Adopted the 9<sup>th</sup> Day of October, 2001, and Being an Ordinance Providing Rules and Regulations Governing Signs and Sign Structures Within the City, by Amending the Seventh paragraph of Section 1 Thereof, Said Seventh Paragraph Being Entitled Multiple Tenant Signs, and by Amending the Ninth Paragraph of Section Thereof, said Ninth Paragraph Being Entitled "Off-Premise Sign"; and Providing Severability; **Phillip Lee spoke in favor of the amendment. Councilmember Williams recommended that Council ask John Olson to redraft the ordinance looking at the issue of properties platted as business parks. Phillip Lee mentioned that he only had until the 24<sup>th</sup> to address the off premise sign he had. Councilmember Bishop said that he could not have any extension on the violation notice. Councilmember Anderson asked about eliminating off premise sign restrictions. Council requested a special addressing signs;**
24. An Ordinance Amending City of Magnolia, Texas Ordinance No. 74, Adopted the 11<sup>th</sup> day of December, 1979, and Being an Ordinance Providing Rules and Regulations Governing Plats and the Subdivision of Land, by Adding to Section 5.02 Thereof a New Subsection 12; Providing for the Reduction of Minimum Lot Size, Lot Width, Lot Depth and Lot Area; Providing Limits of Such Reductions; Providing a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; and Providing for Severability. **Councilmember Williams moved to adopt. Councilmember Bishop seconded. The motion passed unanimously;**
25. Approval to fill two (2) vacant public works positions. **Curtis Crowson advised that there were crew vacancies in the water department and the street department. Councilmember Williams moved to approve filling the vacancies. Councilmember Lott seconded. The motion passed unanimously;**
26. Approval for 4A Board to contribute \$2,500 to the Southwest Montgomery County Improvement District. **Board President Jonny Williams advised that the board had approved the funding. Glen Addison advised that a lawyer's trust had been set up to protect the integrity of the funds. Councilmember Williams moved to approve the funding subject to the confirmation of the letter from the improvement district requesting participation in the project. Councilmember Chumley seconded. The motion passed unanimously;**
27. Consider and approve expenditure for placement of flagpoles at welcome sign on FM 1488. **Agenda item tabled by Mayor Parker;**
28. Review proposals for contract meter reading and instruct staff to enter into an agreement with the chosen contractor to begin contract meter reading in April, 2003. **Councilmember Williams moved approve hiring KRP Services for a three month probationary period. Councilmember Chumley seconded. The motion passed unanimously;**
29. Consider proposal of Streets & Drainage Committee with regard to choosing an engineer to with regard to improvements to 6<sup>th</sup>, Texarkana and Edwards Streets and instruct staff and committee to negotiate prices for improvements. **Committee member Jonny Williams advised that the committee was recommending David Leyendecker based on qualifications. Councilmember Anderson moved to approve. Councilmember Lott seconded. The motion passed unanimously;**
30. Consider and accept notice by 4B Economic Development Committee for city staff to vacate building located at 18111 Buddy Riley Blvd. **Councilmember Anderson moved to follow instructions received from the consulting architect and have city staff vacate the premises located at 18111 Buddy Riley Blvd. Councilmember Lott seconded. Councilmember Anderson confirmed that city staff should vacate within 60 days. The motion passed unanimously;**
31. Consider and approve offer of Magnolia ISD for City to lease Oakland Campus located in the extra-territorial jurisdiction of the City of Magnolia on FM 1488 to the East of City limits and agree on a proposed lease price. **Councilmember Anderson moved to approve. Councilmember Chumley seconded. The motion passed unanimously;**
32. Consider nominations for appointment and approve gas superintendent pursuant to Texas Railroad Commission rules. **Councilmember Anderson moved to approve Curtis Crowson for the position. Councilmember Chumley seconded. The motion passed unanimously;**
33. Consider and approve budget of 4B Economic Development Committee. **Councilmember Anderson tabled;**

34. Consider and approve Matthew Feinberg's request to extend water service to property located on Old Hockley. Councilmembers Williams advised that there was already water service on the property. Councilmember Chumley moved to approve. Councilmember Williams seconded. The motion passed unanimously;
35. Consider and elect exemptions for use on the 2003 Notices of Appraised Value and 2003 Assessment Roles. Councilmember Williams moved to table until Council could receive information regarding the impact on the revenue. Councilmember Lott seconded. The motion passed unanimously;
36. Consider and approve adjustment to Telecommunication Right-of-Way Access Line Rates for 2003. Councilmember Williams moved to increase to the maximum allowable. Councilmember Lott seconded. The motion passed unanimously;
37. Consider and approve Geophysical Permit Request from Seitel Data to conduct seismic survey through city property located in Section 5, Block 2, Lot 7 of the Dogwood Patches Subdivision. Mayor Parker advised that he had not been able to find out who the survey customer was. Councilmember Chumley moved to deny the survey. Councilmember Lott seconded. The motion to deny passed unanimously;
38. Consider and approve appointment of John Paul Watson, Paula Thornton, Randy McClellan, Frank Parker, Ruth Lott and Delbert Bishop to wastewater advisory committee. Councilmember Anderson moved to approve. Councilmember Chumley seconded. The motion passed unanimously;
39. Consider and instruct staff to include councilmembers on future requests for bids on city group health insurance premiums. Scott Bounds advised Council that coverage could not be affected until the next council was seated. Councilmember Williams advised that council was given permission to participate years ago at their own expense. Councilmember Williams moved to approve the inclusion of Councilmembers in the group. Councilmember Anderson seconded. The motion passed unanimously;
40. Consider and instruct staff to prepare an amendment to Ordinance 262 to establish a monthly grease trap inspection and establish a policy allowing for a \$25 fee per inspection. Councilmember Anderson moved to instruct staff to prepare a policy and procedure. Councilmember Lott seconded. The motion passed unanimously;
41. Consider and approve proposal of 4B Economic Development Committee to expend funds to investigate and possibly litigate to recover damages with regard to structure located at 18111 Buddy Riley Blvd. Councilmember Anderson withdrew the agenda item

#### ANNOUNCEMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS

Councilmember Williams made a negative comment about The Potpourri suggesting in an article that city employees were "lazy."

Denny O'Brien asked about a progress report from the city hall committee. Councilmember Williams said that the City did not need one now. Mayor Parker advised that we would still need a committee.

John O'der wanted to know if the manufactured housing issue would be back on the April agenda. Mayor Parker said that he would sponsor the agenda item.

#### ADJOURNMENT

Council member Williams moved to adjourn. Council member Anderson seconded. The motion to adjourn passed unanimously.

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE MINUTES OF  
THE MEETING HELD APRIL 8, 2003.



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JANE MILLER, CITY SECRETARY