

AUBREY

City Council Meeting

Aubrey City Hall
107 S. Main St
Aubrey, TX 76227
January 25, 2022
6:00 PM



**(Notice of Potential Quorum for Planning & Zoning Commission, Board of Adjustment, Library Board, Municipal Development District, Parks & Recreation Board, and Home Rule Charter Commission - even though a quorum of the member of these boards may or may not be present, no official action will be taken by their members.)*

Notice Regarding Public Participation

Individuals may attend the Aubrey City Council meeting in person at the above address, or access the meeting via videoconference, or telephone conference call.

Join the Zoom Meeting by clicking on the following link:

<https://us06web.zoom.us/j/86060162709?pwd=eStiOS9uTTViWW85Z3kySjVBMXlrdz09>

Meeting ID: 85700794844, Password: 01252022

To request to speak via videoconference, click on "Participants" at the bottom of the screen, and click "Raise Hand." The meeting moderator will acknowledge your request and allow you to speak. If in person, a request to speak shall be indicated by a raised hand. The meeting moderator will acknowledge your request and allow you to speak. When addressing the Council, please state your name and address before beginning your comments. Please limit your comments to three minutes.

To join the meeting by phone, dial 1 (346) 248-7799 and use the Meeting ID and password above.

Call to Order - Determine if a Quorum is Present:

Mayor - Chris Rich

Council Place 1 - Jeff Perry (Mayor Pro Tem)

Council Place 2 - Matt Jones

Council Place 3 - Erin Allen

Council Place 4 - Dewayne Brawner

Council Place 5 - Chuck Fikes (Deputy Mayor Pro Tem)

Invocation & Pledge of Allegiance: *Pledge of Allegiance to the Texas Flag - “Honor the Texas flag; I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.”*

Community Announcements: Items of community interest may include: recognizing Citizens and Staff for outstanding contributions to the community, a reminder about an upcoming event that is organized or sponsored by the governing body, and announcements of an imminent threat to public safety that has arisen after the posting of this agenda.

Citizen Input: Any person may address the City Council. If your concern is an agenda item on this agenda, you may wait until the discussion on that item if you wish. Please state your name and address, and you will have three minutes to speak. No discussion or action may be taken at this meeting on any item not listed on the agenda, other than to make statements of factual information or recite existing policy in response to a citizen’s inquiry.

Consent Items: Items placed on the Consent Agenda are considered routine in nature and non-controversial. The Consent Agenda can be acted upon in one motion. Items may be removed from the Consent Agenda by the request of Council Members or staff. Consideration and action on the following:

1. Minutes of the following City Council Meeting(s):
 - a. December 28, 2021 ([Document](#))
 - b. January 19, 2021 ([Document](#))
2. Staff reports. ([Document](#))
3. Monthly financial report. ([Document](#))
4. Quarterly Investment Report ([Document](#))
5. An Ordinance ordering the May 7, 2022 City of Aubrey General Election. ([Document](#))

Public Hearings: These hearings are open to the public for participation by expressing concerns or asking questions to the Presenter, City Council, and City Staff.

6. Hold a public hearing, consider and act on a Resolution authorizing and creating the Aubrey Public Improvement District No. 2 being generally located within the City of Aubrey; and providing an effective date. (Keeneland)
Open Public Hearing: _____ p.m. Close Public Hearing: _____ p.m.

Old Business: These are unresolved items carried over from previous meetings.

7. Consideration and action on adopting a Social Media Policy for City employees. ([Document](#))
8. Consideration and action on an ordinance repealing ordinance no. 727-21 and amending Section 13.03.005, “Rates, Charges and Billing; Connection Policies; Disconnection of Services for Nonpayment”, of Article 13.03, “Water and Sewer Service”, of Chapter 13, “Utilities”, of the City’s Code of Ordinances to amend water and sewer rates for residential and commercial customers not within the City limits; and providing an effective date. ([Document](#))
9. Consideration and action on an ordinance repealing ordinance no. 727-21 and amending the City’s Master Fee Schedule for fees for permits, meters and related services. ([Document](#))

New Business: New items previously requested by Council Members, City Staff, or Citizens for consideration by the City Council.

10. Consideration and action on recommendations from the Planning and Zoning Commission for a Final Plat for Parker Addition, Lot 1, Block 1, Parker Addition, being 1.849 acres in the J.Y. Lamar Survey Abstract No. 754, generally located on the north side of Blackjack Road north of FM 428 (Sherman Drive) in the City of Aubrey ETJ. ([Document](#))
11. Presentation by Gopi Ramaseshan regarding potential development plans for the property known as Lot 6, Block A, in the Garland Addition, in the City of Aubrey.
12. Presentation by Omer Kurt regarding potential development plans for the property known as Lot 4R2, Block A, in the City of Aubrey.
13. Consideration and action on a bid to Northstar Construction, LLC for the North Street drainage project in an amount not to exceed \$40,000.00 and amend the Fiscal Year 2021-2022 budget for same. ([Document](#))
14. Consideration and action on authorizing the Mayor to engage RPGA Design Group, Inc to perform the Facility Needs Assessment and design, to be funded from the Fire Services Fund.
15. Consideration and action on a resolution repealing resolution no. 867-21 and granting a petition requesting annexation by Aubrey West 81, LP, Owner of approximately 81.476 acres of land generally located on

Springhill Road, east of Springhill Road's intersection with US Highway 377; setting a public hearing for the annexation; authorizing staff to negotiate and enter into a written services agreement with Owner. [\(Document\)](#)

16. Consideration and action on a resolution repealing resolution no. 868-21 and granting a petition requesting annexation by Aubrey Blackjack Partners, LLC Owner of approximately 206 acres of land generally located southeast of West Blackjack Road's intersection with US Highway 377; setting a public hearing for the annexation; authorizing staff to negotiate and enter into a written services agreement and development agreement with Owner. [\(Document\)](#)
17. Consideration and action on a resolution repealing resolution no. 869-21 and granting a petition requesting annexation by FM Land Investments I, LLC, Owner of approximately 103 acres of land generally located southeast of West Blackjack Road's intersection with US Highway 377; setting a public hearing for the annexation; authorizing staff to negotiate and enter into a written services agreement and development agreement with Owner. [\(Document\)](#)
18. Consideration and action on a resolution setting a public hearing on the creation of Tax Increment Reinvestment Zone No. 2 (TIRZ No. 2); authorizing issuance of notice; and directing the preparation of a preliminary reinvestment zone financing plan. (Keeneland) [\(Document\)](#)
19. Consideration and action on a resolution setting a public hearing on the creation of Tax Increment Reinvestment Zone No. 3 (TIRZ No. 3); authorizing issuance of notice; and directing the preparation of a preliminary reinvestment zone financing plan. (High Pointe) [\(Document\)](#)
20. Consideration and action on potential projects for Denton County's Road Bond Program. [\(Document\)](#)
21. Consideration and action, subject to legal review, on a Memorandum of Understanding between the City of Aubrey and Pacesetter Homes, LLC and Impression Homes, LLC regarding Aubrey Creek Estates.
22. Consideration and action on accepting the infrastructure for Aubrey Creek Estates, Phase II. [\(Document\)](#)

Advisory Board Reports: If an advisory board wishes to provide any updates, the name of the board and description of the report will be provided below. Receive a report and discuss the following:

23. Aubrey Area Library Board vacancy: Consideration and action on appointing members to the Aubrey Area Library Board.
24. Aubrey Municipal Development District: Consideration and action accepting the resignation of Jerry Hightower from the Aubrey Municipal Development Board and appointing member(s) to the Board. [\(Hightower\)](#)
25. Capital Improvement/Impact Fee Board: Consideration and action appointing members to the Capital Improvements/Impact Fee Committee Board.
26. Home Rule Charter Commission vacancies: Consideration and action appointing members to serve on the Home Rule Charter Commission.

City Administrator/Department Head Updates and Council Discussion:

- Presentation from Denton County Emergency Management (Eric Hutmacher)
- Aubrey Area Ambulance Merger
- Privacy and safety updates for City Hall.
- Park Master Plan
- Community Development Grant Program
- Water Well
- New Lift Station
- Downtown Project
- Thoroughfare Plan

Future Agenda Requests: Council Members, City Staff, and Citizens may request items to be included on future agendas. Discussion is limited to what the request is for, and if and when the item can be put on a future agenda.

EXECUTIVE SESSION

In accordance with Texas Government Code, Section 551.001, et seq., the City Council will recess into Executive Session (closed meeting) to discuss the following:

- a) **Section 551.071(1) and (2) Consultation with Attorney.** For Council to seek the advice of its attorney about pending or contemplated litigation or a settlement offer and to consult with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act:
 - Terms of a Development Agreement for the Clear Sky Development
 - Duck Pointe Development Agreement
 - Petition for Water Service and Sanitary Sewer Service for the proposed Ribbonwood Municipal Utility District No. 1 of Denton County
 - Property at Highway 377 and Highmeadow Drive
 - 36 Acres on FM 428
 - An extraterritorial jurisdiction allocation agreement between the Town of Prosper, Texas and the City of Aubrey, Texas.
 - Tillar Development – Light Industrial at 5650 US Highway 377
 - Parkland Regulations for Developments
 - *Indus Aubrey, LLC v. City of Aubrey, et al.*, Cause No. 22-0178-393, pending in the 393rd District Court of Denton County, Texas.
 - A performance agreement between the Aubrey Municipal Development District and Chicken Express regarding 926 US Highway 377

- b) **Section 551.072 Real Property.** deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
 - Potential lease of City Property
 - Acquisition of water and wastewater easements
 - Property at Highway 377 and Highmeadow Drive

- c) **Section 551.087 Economic Development Negotiations.** To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City and with which the City is conducting economic development negotiations; and/or to deliberate the offer of a financial or other incentive to the business prospect:
 - Terms of a Development Agreement for the Clear Sky Development
 - Aubrey Creek Estates Development
 - Duck Pointe Development Agreement
 - Petition for Water Service and Sanitary Sewer Service for the proposed Ribbonwood Municipal Utility District No. 1 of Denton County
 - A performance agreement at 926 US Highway 377

- d) **Section 551.071 (2) and 551.074 Personnel Matters.** Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act and Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of public officer or employee or to hear a complaint or charge against an officer or employee:
 - City Administrator

Motion to adjourn into Executive Session. Time: _____

Reconvene into Open Session: Time: _____ In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider and take appropriate action, if any, regarding any items discussed in Executive Session.

- 27. Consideration and action on a Performance Agreement between the Aubrey Municipal Development District and Aubrey Chicken Express.

-ADJOURN-

I, Jenny Huckabee, City Secretary, certify that this Notice of Meeting was posted, per the Open Meetings Act, on the official bulletin board at the City Hall of the City of Aubrey, Texas and on the City's website at www.aubreytx.gov in accordance with Chapter 551, Texas Government Code, and shall remain posted until the meeting is adjourned.

I certify that the attached notice and agenda of items to be considered by the City Council of the City of Aubrey, Texas was removed by me from the official bulletin board of the City of Aubrey, Texas, 107 South Main St, Aubrey, Texas on the _____ day of _____, 2022.

(The City Council reserves the right to adjourn into closed session at any time during the course of this meeting to consult with its attorney regarding any of the matters listed on this document, as authorized by Texas Government Code Section 551.071 Consultation with Attorney.)

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (940) 440-9343 for further information.

*Pursuant to Section 551.127, Texas Government Code, one or more Councilmembers or employees may attend this meeting remotely using videoconferencing technology. A quorum of the City Council will be physically present at the location provided above. The video and audio feed of the videoconferencing equipment can be viewed and heard by the public by accessing Zoom as provided above.