

AUBREY

City Council Meeting
Aubrey City Hall
107 S. Main St
Aubrey, TX 76227
February 22, 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/82265860732?pwd=UGNONTdOWHo2VWM0ODE4cmVRZDBvZz09>

Meeting ID: 82265860732, Password: 02222022

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. January 25, 2022 ([Document](#))
2. Staff reports ([Document](#))
3. Monthly financial report ([Document](#))
4. Aubrey Police Department Racial Profiling Report ([Document](#))
5. Award a bid for Faulkner electrical improvements to Rey-Mar Construction of Fort Worth in an amount not to exceed \$1,030,155.56. ([Document](#))
6. Approve a work authorization for Public Management, Inc. for grant administration services associated with the Community Development Block Grant. ([Document](#))
7. Approve an Interlocal Cooperation Agreement with Denton County for Fire Protection Services. ([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.

8. Hold a Public Hearing, consider and act on an Ordinance annexing approximately 81.476 acres of land generally located on Springhill Road, east of the intersection of Springhill Road and U.S. Highway 377, into the City of Aubrey, Denton County, Texas and extending the boundary limits of the City to include the above described property. (Keeneland) ([Document](#))
Open Public Hearing: _____ p.m. Close Public Hearing: _____ p.m.
9. Hold a public hearing, consider and act on a Resolution authorizing and creating the Aubrey Public Improvement District No. 2 consisting of approximately 81.476 acres of land generally located on Springhill Road, east of the intersection of Springhill Road and U.S. Highway 377 being generally located within the City of Aubrey and more commonly identified as the Keeneland development; authorizing and providing an effective date. Continued from January 25, 2022 meeting. (Keeneland) ([Document](#))
Open Public Hearing: _____ p.m. Close Public Hearing: _____ p.m.
10. Hold a Public Hearing on the creation of Tax Increment Reinvestment Zone No. 2 (TIRZ No. 2), consisting of approximately 81.476 acres of land generally located on Springhill Road, being generally located east of the intersection of Springhill Road and U.S. Highway 377 within the City of Aubrey and more commonly identified as the Keeneland Development; authorizing issuance of notice; and providing a preliminary Project Plan and Financing Plan prepared at the direction of City staff. (Keeneland)
Open Public Hearing: _____ p.m. Close Public Hearing: _____ p.m.
11. Consider and take appropriate action on an Ordinance of the City of Aubrey creating TIRZ No. 2 for the Keeneland Development in accordance with Chapter 311 of the Texas Tax Code, creating a board of directors, establishing a Tax Increment Fund, containing findings related to the creation of the Zone, providing a date for the termination of the Zone; providing a date for termination of the zone; and providing that the zone take effect immediately upon passage of the Ordinance.
12. Hold a Public Hearing, consider and act on an Ordinance annexing approximately 206.939 acres of land generally located southeast of West Blackjack Road’s intersection with US Highway 377, into the City of Aubrey, Denton County, Texas and extending the boundary limits of said City so as to include the above described property. (High Pointe) ([Document](#))
Open Public Hearing: _____ p.m. Close Public Hearing: _____ p.m.

13. Hold a Public Hearing, consider and act on an Ordinance annexing approximately 103.261 acre tract of land generally located southeast of West Blackjack Road's intersection with US Highway 377, into the City of Aubrey, Denton County, Texas and extending the boundary limits of said City so as to include the above described property. (High Pointe) ([Document](#))
 Open Public Hearing: _____ p.m. Close Public Hearing: _____ p.m.
14. Hold a Public Hearing regarding the creation of Tax Increment Reinvestment Zone No. 3 (TIRZ No. 3) consisting of approximately 460.76 acres of land generally located west of the intersection of Blackjack Road and U.S. Highway 377 within the City of Aubrey and more commonly identified as the High Pointe Development; authorizing issuance of notice; and providing a preliminary Project Plan and Financing Plan prepared at the direction of City staff. (High Pointe)
 Open Public Hearing: _____ p.m. Close Public Hearing: _____ p.m.
15. Consider and take appropriate action on an Ordinance of the City of Aubrey creating TIRZ No. 3 for the High Pointe Development in accordance with Chapter 311 of the Texas Tax Code, creating a board of directors, establishing a Tax Increment Fund, containing findings related to the creation of the Zone, providing a date for the termination of the Zone; providing a date for termination of the zone; and providing that the zone take effect immediately upon passage of the Ordinance.

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

16. Consider an agreement between the City of Aubrey and RPGA Design Group, Inc. to perform the Public Safety Services Facility Assessment and Design. The costs will be funded from the Fire Services Fund. (Fire Chief Mike Starr) ([Document](#))
17. Receive a report, consider and take appropriate action regarding North Street drainage (Birkhoff, Hendricks and Carter) ([Document](#))
18. Receive a report, consider and take appropriate action regarding the water and sewer capacity (Birkhoff, Hendricks and Carter) ([Document](#))
19. Receive a report, consider and take appropriate action regarding Wastewater Treatment Master Plan Report (Mead & Hunt) ([Document](#))
20. Consideration and action on an Agreement for Services with National Sign Plaza (Justin Arellano) ([Document](#))
21. Consideration and action on a Resolution approving the American Rescue Plan TX4302 Recovery Plan; and providing an effective date. (Lisette Howard, Public Management) ([Document](#))
22. Consider and take appropriate action regarding an Ordinance determining the necessity of acquiring real property described as an approximate 7.093 acres located on the north side of Highmeadow Drive, 200 feet west of US 377 in Aubrey, Denton County, Texas for the construction of public facilities and other improvements, authorizing appropriation of real property and/or the use of the power of eminent domain to acquire real property for public use and delegating authority to initiate condemnation proceedings to the City Administrator. (City Attorney)

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

23. Receive a presentation, consider and take appropriate action regarding the Tax Increment Reinvestment Zone Annual Report. (Abdi Yassin, Municap)
24. Consideration and action on an agreement between the City of Aubrey and Municap, Inc. for Administrative Services related to the City's Tax Increment Reinvestment Zones. (Finance Director Mike English) ([Document](#))
25. Consider and affirm appointment of an Executive Director for the Aubrey Municipal Development District. (MDD President Jesse Auer)
26. Discussion, consider and take appropriate action regarding TXDOT right-of-way acquisition (City Planner Eric Wilhite) ([Document](#))
27. Consider and act on a Resolution authorizing the Mayor to execute the Texas Subdivision and Special District Election and Release Form for submission to the Office of the Attorney General relative to the Endo/Par and Teva Texas State-Wide Opioid Settlement Agreement. (Attorney Patricia Adams) ([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:

28. Capital Improvement/Impact Fee Board: Consideration and action appointing members to the Capital Improvements/Impact Fee Committee Board.
29. Home Rule Charter Commission vacancies: Consideration and action removing and/or appointing members to serve on the Home Rule Charter Commission.

City Administrator/Department Head Updates and Council Discussion:

Fire Department:

- Aubrey Area Ambulance Merger (Fire Chief Mike Starr)

Police Department:

- Privacy and safety updates for City Hall. (Police Chief Charles Kreidler)

Public Works:

- Downtown Project (Public Works Director Leanne Wilson)
- Solid Waste RFP's
- Park Master Plan
- Community Development Grant Program
- New Lift Station
- Thoroughfare Plan

Human Resources:

- Update on Social Media Policy (Human Resources Manager A.J. Rodriguez)

Administration:

- Home Rule Charter Update (Police Chief Charles Kreidler)

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.
 - Land acquisition for public improvements - High Pointe and Keeneland

- 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

- Land acquisition for public improvements - High Pointe and Keeneland
- 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
- 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, Interim City Administrator
- e) **Section 551.076 Security.** To discuss or deliberate the deployment, or specific occasions for implementation, of security personnel or devices, or a security audit.
 - City buildings and systems

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.

-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.