

# AUBREY, TEXAS

## City Council Meeting

Aubrey City Hall  
107 S. Main St  
Aubrey, TX 76227  
March 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.)*

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### 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/84138796802?pwd=RkZlZkdwvWlrZThBUVY5OWc5Y3h5dz09>

Meeting ID: 841 3879 6802, Password: 03222022

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.

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### 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. February 22, 2022 ([Document](#))
  - b. March 8, 2022 ([Document](#))
2. Staff reports ([Document](#))
3. Monthly financial report ([Document](#))
4. Disposal of a 2014 Chevrolet Tahoe police vehicle through public auction. ([Document](#))

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

5. Receive a report, consider and take appropriate action regarding North Street drainage. (Birkhoff, Hendricks and Carter) ([Document](#))

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

6. Consideration and action on accepting the 2021 Financial Audit from Whitley Penn. (Roger Tovar, Audit Partner)
7. Consideration and action on recommendations from the Planning and Zoning Commission for the following: (City Planner Eric Wilhite)
  - a. A Preliminary Plat for High Point Ranch, being approximately 460.75 acres out of the Francisco Trevino Survey, Abstract 1243, generally located east of Highway 377, South of E Blackjack Rd and north of Springhill Rd. ([Document](#))
8. Consideration and action on approving a Master Services Agreement with Mead & Hunt for the design of the Wastewater Treatment Plant expansion and authorizing the Mayor to execute the agreement. ([Document](#)) (Charlotte Smith, Mead & Hunt)
9. Annual presentation regarding Police Department. (Chief Charles Kreidler)
10. Consideration and action on an agreement between the City of Aubrey and Muncip, Inc. for administrative services related to the City’s Public Improvement Districts and authorizing the Mayor to execute the agreement. (Finance Director Mike English) ([Document](#))
11. Consideration and action approving the 2022 Consumer Price Index adjustment to municipal telecommunications right-of-way access line rates. ([Document](#))
12. Consideration and action on Special Event Ordinance, request for waiver of fees, and permit approvals. ([MS Round-up Ride](#)) ([Keep Aubrey Beautiful](#)) (Charles Kreidler)
13. Hold a Public Hearing, Consideration and action on an Ordinance amending portions of Section 5, “Park Land and Public Facility Dedication”, of Article 4, “Public Sites and Open Spaces”, of Exhibit A, “Subdivision Ordinance”, of Chapter 10, “Subdivision Regulations”, of the City’s Code of Ordinances to provide for amendments to the City’s park land dedication and park development requirements; and providing an effective date. ([Document](#)) (Board President Randy Jones)

**Open Public Hearing:** \_\_\_\_\_ **Close Public Hearing:** \_\_\_\_\_

14. Consideration and action on an Interlocal Agreement between the City of Aubrey and Aubrey Municipal Development District regarding a Municipal Development District Executive Director and authorize the Mayor to execute the agreement. (MDD President Jesse Auer)

**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:

15. Parks and Recreation Board: Consideration and action accepting the resignation of John McSorley and appointing members to the Parks and Recreation Board. ([Document](#))

**Department Updates and Council Discussion:**

**Administration:**

- Home Rule Charter Update (Police Chief Charles Kreidler)

**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
- 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.

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**\*\*\*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 (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
  - Municipal Development District Executive Director
  - City Planner
- b) **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
- c) **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
  - Ribbonwood Development Agreement
  - Petition for Water Service and Sanitary Sewer Service for the proposed Ribbonwood Municipal Utility District No. 1 of Denton County
  - 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 393<sup>rd</sup> District Court of Denton County, Texas.
- Land acquisition for public improvements - condemnation of Aubrey Farms/Deacon Ranch
- Planning Services

d) **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.

- Acquisition of water and wastewater easements
- Property at Highway 377 and Highmeadow Drive
- Land acquisition for public improvements - condemnation of Aubrey Farms/Deacon Ranch

e) **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
- Duck Pointe Development Agreement
- Ribbonwood Development Agreement
- Petition for Water Service and Sanitary Sewer Service for the proposed Ribbonwood Municipal Utility District No. 1 of Denton County

**Motion to adjourn into Executive Session. Time:** \_\_\_\_\_

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**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.

16. Consider and take appropriate action regarding a Resolution consenting to the creation of the Ribbonwood Municipal Utility District No. 1 of Denton County, providing conditions of consent, and providing an effective date.
17. Consider and take appropriate action regarding a development agreement between the City and Clayton Boyd, Investment Trustee for the development of an approximate 90 acres of land situated in the F.H. Pollard Survey, Abstract No. 995, Denton County, Texas, in the extraterritorial jurisdiction of the City of Aubrey, and authorizing the Mayor or his designee to execute necessary documents.
18. Consider and act on an Ordinance of the City Council of the City of Aubrey, Texas, finding that a public necessity exists to acquire water and sanitary sewer easement and a permanent sanitary sewer easement for public utilities purposes and other public uses, which properties are described respectively as (1) being 1.282 acres and being 75-feet in width for a permanent water and sanitary sewer easement, (2) being 0.366 acres and being 20-feet in width for a permanent sanitary sewer easement; and (3) a 30-foot wide temporary construction easement immediately adjacent to and parallel with the north line of the proposed 20 foot permanent sanitary sewer easement and containing 0.550 acres (23,935 square feet), each of which are more particularly described as being a portion of Tract 34 of the Francisco Trevino Survey, Abstract 1243, City of Aubrey, all located in Denton County, Texas ; providing notice of an official determination to acquire real properties by eminent domain for utilities purposes and other public uses; authorizing and delegating authority to the City Administrator or his designee to obtain the necessary appraisal reports and make bona fide offers of just compensation for the herein described properties; ratifying prior documents made and actions taken for acquisition of the properties herein described; authorizing and delegating authority to legal counsel to institute eminent domain proceedings on behalf of the City for the acquisition of the properties herein described if negotiations are unsuccessful; appropriating funds from a lawful source; providing a

cumulative repealer clause; providing a severability clause; providing for engrossment and enrollment and providing for an effective date.

19. Consider and act on an Ordinance of the City Council of the City of Aubrey, Texas, finding that a public necessity exists to acquire water and sanitary sewer easement and a permanent sanitary sewer easement for public utilities purposes and other public uses, which properties are described respectively as (1) being 0.992 acres and being 75-feet in width for a permanent water and sanitary sewer easement, (2) being 0.310 acres and being 20-feet in width for a permanent sanitary sewer easement, and (3) a 30-foot wide temporary construction easement immediately adjacent to and parallel with the north line of the proposed 20 foot permanent sanitary sewer easement and containing 0.422 acres (20,282 square feet), each of which are more particularly described as being a portion of Tract 34A and 35 of the Francisco Trevino Survey, Abstract 1243, City of Aubrey, all located in Denton County, Texas; providing notice of an official determination to acquire real properties by eminent domain for utilities purposes and other public uses; authorizing and delegating authority to the City Administrator or his designee to obtain the necessary appraisal reports and make bona fide offers of just compensation for the herein described properties; ratifying prior documents made and actions taken for acquisition of the properties herein described; authorizing and delegating authority to legal counsel to institute eminent domain proceedings on behalf of the City for the acquisition of the properties herein described if negotiations are unsuccessful; appropriating funds from a lawful source; providing a cumulative repealer clause; providing a severability clause; providing for engrossment and enrollment and providing for an effective date.

**-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](http://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.