

AUBREY, TEXAS

City Council Meeting

Aubrey City Hall
107 S. Main St
Aubrey, TX 76227
March 23, 2023
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/88496095499?pwd=ZDVwRHVZZmpvcnNKQm9rQ2E5bDRzd09>

Meeting ID: 884 9609 5499 Password: 03232023

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 (Deputy Mayor Pro Tem)

Council Place 3 - Erin Allen

Council Place 4 - Dewayne Brawner

Council Place 5 - Chuck Fikes

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.

Employee Promotions and Swearing-In

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 23, 2023 ([Document](#))
2. Staff Reports ([Document](#))
3. Monthly Financial Report ([Document](#))
4. An Ordinance cancelling the May 6, 2023 General Election ([Document](#))
5. Set a public hearing for April 27, 2023 at 6:00 p.m. to consider and adopt Land Use Assumptions, Capital Improvement Projects, and Water and Sewer Impact Fee updates. ([Document](#))
6. Authorize the purchase of two ambulances for the Fire Department. ([Document](#))
7. An amendment to the Professional Services Agreement with Lee Engineering for the Thoroughfare Plan and Impact Fee updates. ([Document](#))
8. An amendment to the Professional Services Agreement with Kimley Horn for the Sherman Drive Lift Station project in an amount not to exceed \$25,000. ([Document](#))
9. An amendment to the Professional Services Agreement with Raftelis for the Water and Wastewater Rate Study in an amount not to exceed \$33,650. ([Document](#))
10. An agreement with Emergicon for ambulance billing services ([Document](#))
11. Consideration and action on an Ordinance amending Chapter 9.03 of the Code of Ordinances, reaffirming and establishing a police department. ([Document](#))

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

12. Consideration and action on a request for an extension of the expiration date of the Preliminary Plat for the High Country development. *Leanne Wilson* ([Document](#))

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

13. Presentation, discussion and action to accept the Fiscal Year 2022 Audit from Whitley Penn.
14. Consideration and action on recommendations from the Planning and Zoning Commission for the following:
Cate Ball
 - a. Consideration and action on a recommendation to the City Council regarding a Revised Final Plat of Sandbrock Ranch Phase 10a, being 12.995 acres out of the William Lumpkin Survey, Abstract No. 730 and the Frederick H. Pollard Survey, Abstract No. 995, Denton County, Texas located east of the City of Aubrey and Little Elm Creek, west of FM 1385, south of Spring Hill Rd (FM 428) and north of Frontier Parkway in the Aubrey Extraterritorial Jurisdiction. ([Document](#))
 - b. Consideration and action on a recommendation to the City Council regarding the Final Plat of Arrow Brooke Subdivision, Phase 7, 50.632 acres in the William Lumpkin Survey, Abstract No. 730, Denton County, Texas located between Winn Ridge Boulevard on the west and FM 1385 on the east, and Byran Road on the north and Fishtrap Road on the south, within the Aubrey Extraterritorial Jurisdiction. ([Document](#))

15. Receive a presentation and take any necessary action on a concept plan for phase one of the Main Street Beautification Project. *Paris Sanchez, TNP*
16. Hold Public Hearing, consider and make a recommendation to the City Council regarding an Ordinance amending Article 14 of the Aubrey Code of Ordinances, by codifying the Master Thoroughfare Plan, and by adopting amendments to the Master Thoroughfare Plan, a component of the Comprehensive Plan of the City of Aubrey. *Kelly Parma, Lee Engineering* ([Document](#))

Open Public Hearing: _____ **Close Public Hearing:** _____
17. Consideration and action to award a low bidder for the sewer line installation in relation to the City's TxCDBG Contract CDV21-0063, including entering into a construction contract for the awarded amount, and authorizing execution of necessary documents. *Leanne Wilson* ([Document](#))
18. Consideration and action approving the 2023 Consumer Price Index adjustment to municipal telecommunications right-of-way access line rates. *Mike English* ([Document](#))
19. Consideration and action on an Ordinance amending various sections of Chapter 2, Traffic and Vehicles”, Division 2, “Speed Limits” of the Code of Ordinances regulating prima facie speed limits on residential streets in the City of Aubrey; providing a penalty for violation; and providing an effective date. *Chief Brooks* ([Document](#))
20. Consideration and action an Interlocal Cooperation Agreement with Providence Village for police services; and authorizing the Mayor to execute necessary documents. *Chief Brooks* ([Document](#))
21. Receive presentation from Library Manager, discussion by Council and take any necessary action on Department projects or personnel needs. *Brittany McLain*

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:

22. Aubrey Municipal Development District Board: Consideration and action on removing and/or appointing member(s) to the Aubrey Municipal Development District Board. ([Document](#))

Department Updates and Council Discussion:

Administration & Finance:

- City Hall renovations
- Joint meeting with Aubrey ISD (March 29th)

Library:

- None

Fire Department:

- Aubrey Fire Department EMS

Police Department:

- Recruit testing update
- Grant update

Public Works:

- Public facilities
- Park projects

Human Resources:

- Number of employees
- Open positions

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:

- High Pointe Development
- High Country Preliminary Plat
- Solid Waste Agreement
- Sign Ordinance
- Alternative Procurement Methods for City facilities

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.

- Land acquisition in the City Limits of Aubrey and in the ETJ

c) **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 Manager - Duties

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.

23. Consideration and action on a Professional Services Agreement with Terracon Consultants to conduct a Property Condition Assessment of property located in downtown Aubrey.
24. Consideration and action on an Assignment and Assumption Agreement and Consent for the Exclusive Solid Waste and Recycling Franchise Agreement between the City, Rhino Removal and Republic Services; and authorizing the Mayor or designee to execute necessary documents.
25. Consideration and action on an Ordinance approving an Exclusive Contract for Solid Waste and Recycling Services for the City of Aubrey with Republic Services of Lewisville; providing for the adopt of collection rates; and providing 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.aubreymt.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 _____, 2023.

(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.