

AUBREY, TEXAS

City Council Meeting

Aubrey City Hall
107 S. Main St
Aubrey, TX 76227
April 26, 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/85131384104?pwd=eVZlTFM5dkZrYVdGTnZmaFk5YXVPUT09>

Meeting ID: 851 3138 4104, Password: 04262022

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.

Mayor’s presentation of a Mental Health Month Proclamation to United Way (Shannan Spencer) ([Proclamation](#))

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. March 22, 2022 ([Document](#))
 - b. April 12, 2022 ([Document](#))
 - c. April 13, 2022 ([Document](#))
 - d. April 19, 2022 ([Document](#))
2. Staff reports ([Document](#))
3. Monthly financial report ([Document](#))
4. Quarterly Investment Report ([Document](#))
5. Consideration and action on approving a Resolution correcting a scrivener’s error in Resolution No. 881-22 related to the City of Aubrey Public Improvement District No. 1. ([Document](#))
6. Consideration and action on approving a Resolution amending the City’s policy on simultaneous board and commission service in order to clarify the application of the policy to ad hoc committees. ([Document](#))
7. Approve an interlocal Cooperation Agreement with Denton County for Library Services. ([Document](#))
8. Approve an Interlocal Cooperation Agreement for use of the Denton County Radio Communications System with Denton County for the City’s Fire Department and Police Department. ([Document](#))

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

9. Presentation regarding Aubrey ISD growth and future expansion and discussion with Council. (Dr Belding, AISD Superintendent)
10. **RECESS INTO EMPLOYEE BENEFIT TRUSTEE MEETING (Time: _____)**
 - a. Consideration regarding awarding and funding the employee benefit trust insurance programs as follows: (Rodney Dryden, Wellspring Insurance Agency) ([Document](#))
 - Life Insurance/AD&D to The Standard Life Insurance Company
 - Short Term and Long Term Disability to The Standard Life Insurance Company

RECONVENE INTO REGULAR SESSION (Time: _____)

11. Consideration and action on a Resolution nominating a candidate for the DENCO Area 9-1-1 District Board of Managers. ([Document](#)) (Jim Carter, DENCO 9-1-1)
12. Consideration and action on an agreement between the City and Texoma Council of Governments for the Low Income Household Water Assistance Program. ([Document](#)) (Judy Fullylove, Texoma COG)
13. Annual presentation regarding the Aubrey Area Library and discussion. ([Document](#)) (Library Manager Brittany McLain)
14. Consideration and action on an ordinance approving mid-year budget adjustments for the Fiscal Year 2021-2022. ([Document](#)) (Mike English)
15. Consideration and action on Special Event Ordinance and permit approvals. ([KAB Peanut Festival](#)) (Police Chief Charles Kreidler)
16. Consideration and action on change order number 2 from Joe Funk Construction for the Wilson Sewer Lift Station project and authorize the mayor, or his designee to execute same. ([Document](#)) (Public Works Director Leanne Wilson)

Department Updates and Council Discussion:

Administration:

- Home Rule Charter

Economic Development:

-

Fire Department:

- Aubrey Area Ambulance Merger (Fire Chief Mike Starr)

Human Resources:

-

Police Department:

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Public Works:

- Faulkner Well
- Aubrey Creek Estates Lift Station
- 2021 Consumer Confidence Report
- Solid Waste RFP
- Development Services Update

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:

- 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
 - Building Official
 - Planner
 - Municipal Development District Executive Director
- 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
- 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:
 - Clear Sky Development Agreement
 - Duck Pointe Development Agreement
 - Transaction Fee Agreement with the Town of Prosper for the release of a portion of Prosper's extraterritorial jurisdiction
 - *Indus Aubrey, LLC v. City of Aubrey, et al.*, Cause No. 22-0178-393, pending in the 393rd District Court of Denton County, Texas.
 - Governors Community Achievement Award - TxDOT Downtown Project
 - Land Use/development at the southeast corner of Stanley and Highway 377
- 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

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.

17. Consider and take appropriate action on a Transaction Fee Agreement Between the Town of Prosper and the City of Aubrey for the release of an approximate 24.94 acres of land in the W. Lumpkin Survey, Abstract No. 730, Denton County, Texas from the Prosper extraterritorial jurisdiction; and authorizing the Mayor to execute necessary documents.
18. Consider and take appropriate action regarding a development agreement between the City and Aubrey 54 South LP, Aubrey Plant LP, and Aubrey 64 North LP for the development of an approximate 244.342 acres of land situated in the F. Trevino Survey, Abstract A-1243, the T. Chambers Survey, Abstract 223 and T. Chambers Survey, Abstract No. A-223, Denton County, Texas, in the extraterritorial jurisdiction of the City of Aubrey, and in Denton County, and authorizing the Mayor or his designee to execute necessary documents. (Clear Sky Development)
19. Consideration and action on a Resolution granting the Petition of a Property Owner requesting that the City expand its extraterritorial jurisdiction to include an approximate 57.865 acres of land in the T. Chambers Survey, Abstract No. 223, Denton County, Texas; expanding the city's ETJ; and amending the City's Official Map (Clear Sky Development – Tract 3).
20. Consider and take appropriate action regarding a Resolution consenting to the annexation of an approximate 186.477 acre tract of land located in the Francisco Trevino Survey, A-1243 into the Clear Sky Municipal Utility District of Denton County, and providing an effective date.
21. Consider and take appropriate action on appointing a City Administrator and related matters.
22. Consider and take appropriate action on a Municipal Development District Executive Director.

-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.