

AUBREY, TEXAS

City Council Meeting

Aubrey City Hall
107 S. Main St
Aubrey, TX 76227
May 24, 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/84387147066?pwd=TlZFRjExL3phRXllRWlZY3BBajI3Zz09>

Meeting ID: 843 8714 7066, Password: 05242022

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.

Election Related Items:

1. Present the Certificate of Election to the declared candidates elect, Council Place 1, Jeff Perry; Council Place 2, Matt Jones; and Council Place 5, Chuck Fikes. ([Document](#))
2. Administer the Statement of Elected Officials and Official Oaths to the candidates declared elected. ([Document](#))
3. Consideration and action on appointing a Mayor Pro Tem for a one year term.
4. Consideration and action on appointing a Deputy Mayor Pro Tem for a one year term.
5. Discuss, consider, and act on approving a Resolution designating authorized signatories for the City’s banking and financial accounts and approving a wire transfer agreement. ([Document](#))
 - a. Banking/checks
 - b. Wire transfers
 - c. Investment Accounts

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:

6. Minutes of the following City Council Meeting(s):
 - a. April 26, 2022 ([Document](#))
7. Staff reports ([Document](#))
8. Monthly financial report ([Document](#))
9. An ordinance approving mid-year budget adjustments for the Aubrey Municipal Development District for the Fiscal Year 2021-2022. ([Document](#))
10. An Interlocal Cooperation Agreement for Shared Governance Communications and Dispatch Services System with Denton County for the City’s Fire Department and Police Department for Fiscal Year 2022-2023. ([Document](#))
11. Consideration and action on renewing a Professional Services Agreement with Plummer Associates, Inc. and approving a Work Order for Planning Services. ([Document](#))
12. Consideration and action on a Professional Services Agreement with Sweet Cow Holdings, LLC, regarding the Aubrey Heights development. ([Document](#))

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

13. Consideration and action on a Resolution revising the Social Media Policy section of the Human Resources Policy and Procedure Manual. (HR Manager AJ Rodriguez) ([Document](#))

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

14. Consideration and action on recommendations from the Planning and Zoning Commission for the following: (Clint Bissett, Pacheco Koch)
 - a. Hold Public Hearing, consider and act on a recommendation to the City Council regarding a request to approve an ordinance effectuating a zoning change from Agricultural Residential District to a Planned Development Overlay District with base zoning of Single Family Residential 75, for the Aubrey Heights development, being approximately 39 acres out of the John Fisher Survey, Abstract

432, generally located west of Highway 377, south of W. Blackjack Rd. and east of Blackjack Oaks Rd. located in the Aubrey city limits. ([Document](#))

Open Public Hearing: _____ **p.m.** **Close Public Hearing:** _____ **p.m.**

- b. Consideration and action on a recommendation to the City Council regarding a site plan for a pole sign located at 926 US 377, Block M, Lot 3 of the Meadows. ([Document](#))
15. Consideration and action on an agreement between the City and Texoma Council of Governments for the Low-Income Household Water Assistance Program. (Judy Fullylove, Texoma COG) ([Document](#))
16. Consideration and action on the City of Aubrey Landscape Project with the Texas Department of Transportation, and authorize the mayor, or his designee, to execute same. (Public Works Director Leanne Wilson) ([Document](#))
17. Consideration and action on a Resolution approving the American Rescue Plan TX4302 Recovery Plan. (Lisette Howard, Public Management) ([Document](#))
18. Consideration and action a Resolution adopting civil rights and fair housing policies associated with the City's TxCDBG Grant. (Lisette Howard, Public Management) ([Document](#))
19. Review and discuss Section 3 policy updates and information for the City's TxCDBG Contract #CDV21-0063. (Lisette Howard, Public Management) ([Document](#))
20. Consideration and action on a Notice of Withdrawal from Denton County Fresh Water Supply District No. 10 regarding the withdrawal of Artesia from the Aubrey Fire Contract. (Fire Chief Mike Starr) ([Document](#))
21. Consideration and action on an Ordinance amending Appendix A, "Fee Schedule", to adopt third party consulting fees. (Interim City Administrator Charles Kreidler) ([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:

22. Capital Improvements and Impact Fee Committee vacancy: Consideration and action on removing and/or appointing members to the Capital Improvements and Impact Fee Committee. ([Application](#)) ([Application](#))
23. Home Rule Charter Commission vacancy: Consideration and action on removing and/or appointing members to the Home Rule Charter Commission. ([Resignation](#)) ([Application](#))
24. Parks and Recreation Board vacancy: Consideration and action on removing and/or appointing members to the Parks and Recreation Board. ([Application](#))
25. Planning and Zoning Commission vacancy: Consideration and action on removing and/or appointing members to the Planning and Zoning Commission. ([Resignation](#)) ([Application](#))

Department Updates and Council Discussion:

Administration:

- Home Rule Charter

Finance:

- Convenience fees for online payments

Fire Department:

- Aubrey Area Ambulance Merger

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:

- 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
 - Building Official
 - Planner

- b) **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:
 - Duck Pointe Development Agreement
 - Ribbonwood Development
 - *Indus Aubrey, LLC v. City of Aubrey, et al.*, Cause No. 22-0178-393, pending in the 393rd District Court of Denton County, Texas.

- c) **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.

- 26. Consideration and action on a Development Agreement with MM Aubrey 160, LLC, for the Duck Point development, being 159.941 acres of land situated in Denton County, being a part of the Frederick H. Pollard Survey, Abstract No. 995, being part of a called 240.59 acre tract of land described in a Special Warranty Deed to Pickens Lake, LLC, as recorded in Document No. 2016-78692, Official Public Records, Denton County, Texas.
- 27. Consideration and action on a Development Agreement with Clayton Lee Boyd, Investment Trustee under the Boyd 2021 Investment Trust, for the Ribbonwood development, being approximately 90 acres of land situated in the F.H. Pollard Survey, Abstract No. 995, Denton County, Texas and being part of a called 193.858 acres tract of land described in Deed to S.A. Polo Inc. as recorded in Document No. 2005-128691, Official Records, Denton County, Texas.

-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.