

CITY COUNCIL MEETING

Aubrey City Hall
107 S. Main St
Aubrey, TX 76227
September 28, 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 Remote Participation of Council

Pursuant to Section 551.127, Texas Government Code, one or more Councilmembers 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 utilizing the Public Participation link identified below.

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/84131610260?pwd=MjlvOUVOeWxGS2N0NnpsYkp0NFR3dz09>

Meeting ID:841 3161 0260

Password: 09282023

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 - Randy Jones

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.

- **World Teacher's Day Proclamation**
- **Police Department Swearing-in Ceremony**
- **Fire Department Promotions**
- **Firefighter Appreciation Month Proclamation**

Citizen Input: Any person may address the City Council. If your comments are concerning an agenda item, you may wait until the discussion on that item if you prefer. Once recognized by the Mayor, please step forward to the speaker's podium, state your name and address and speak directly into the microphone so that people in the room and those attending remotely can hear comments and see presentations. To request to speak via videoconference, click on "Participants" at the bottom of the screen, and click "Raise Hand." The Mayor will acknowledge your request and allow you to speak. Citizen comments are limited to three (3) minutes per individual unless additional time is otherwise required by law. 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. August 24, 2023 ([Document](#))
 - b. August 26, 2023 ([Document](#))
2. Staff Reports ([Document](#))
3. Monthly Financial Report ([Document](#))
4. Award a bid to TexPro Construction for the 2021 CDBG CDV21-0063 Water System Improvements in an amount not to exceed \$112,793.00, and authorizing the City Manager to execute the agreement. ([Document](#))
5. Award a bid to McDonald Municipal and Industrial for the Pump Station Generator Project in an amount not to exceed \$393,288.00 and authorizing the City Manager to execute the agreement. ([Document](#))
6. An administrative agreement between the City of Aubrey and the Aubrey Municipal Development District and authorize the Mayor or his designee to execute the agreement ([Document](#))
7. An Ordinance designating an official newspaper for the City of Aubrey. ([Document](#))
8. An Interlocal Cooperation Agreement with the City of Krugerville's Community Development Corporation for library services and authorize the Mayor or his designee to execute the agreement ([Document](#))
9. An Interlocal Cooperation Agreement with Denton County for library services and authorize the Mayor or his designee to execute the agreement ([Document](#))
10. A Local Agreement Respecting Forfeited Contraband Under Chapter 59 and Article 18.18, Texas Code of Criminal Procedure with the Denton County District Attorney's Office, authorizing the City Manager and Chief of Police to execute the agreement. ([Document](#))
11. An Interlocal Agreement with the City of Krugerville and Mustang Special Utility District for Wastewater Service and authorize the Mayor or his designee to execute the agreement. ([Document](#))
12. A Professional Services Agreement for Traffic Engineering On-Call Services with Lee Engineering for Traffic Engineering, and authorizing the City Manager to execute the agreement. ([Document](#))
13. A Professional Civil Engineering, Land Surveying & Landscape Architecture Services agreement with Westwood Professional Services, Inc. and authorize the City Manager to execute the agreement. ([Document](#))
14. A Professional Services Agreement for On-Call Planning Services with HE Planning+Design, LLC and authorize the City Manager to execute the agreement. ([Document](#))
15. Final acceptance of the Capital Improvement Projects W1, S2 and S6.2 and authorize payment of \$3,022,130.78 to Aubrey 81 West, L.P. in accordance with the Keenland Development Agreement. ([Document](#))

16. A Permanent Electric Utility Easement Acquisition for the FM 428 Pump Station Improvement Project. [\(Document\)](#)
17. A Professional Services Agreement with RPGA for architect design services for the construction of a Fire Station and authorize the City Manager to execute the agreement. [\(Document\)](#)

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

18. Hold a public hearing, consider act on an Ordinance zoning the Keeneland Development from Unzoned to “PD” (Planned Development) District for uses consistent with the “SF75” (Single-family residential 7,500 square feet) District and delineated development standards for lot area, lot dimensions, yards, height, lot coverage, and landscaping on approximately 81.5 acres situated in the F. Trevino Survey, Abstract No. 1243, generally located on the north side of Spring Hill Road, north of the terminus of Paradise Drive/Lone Star Lane. *Property Owner: Aubrey 81 West LP* [\(Document\)](#) *Heather Shankle*

Continue Public Hearing from August 24, 2023. Close Public Hearing: _____

19. Hold a public hearing, consider and act on an Ordinance amending the zoning for a portion of the High Pointe Ranch Development from “AG-R” (Agricultural Residential) District and a portion of the property from Unzoned to “PD” (Planned Development) District for “SC” (Shopping Center) District uses, certain “C” (Commercial) District uses, “SF75” (Single-Family Residential) District uses and delineated development standards for lot area, lot dimensions, yards, lot coverage, building design, screening, and landscaping on approximately 460.7 acres situated in the F. Trevino Survey, Abstract No. 1243, generally located on the northeast corner of Spring Hill Road and Highway 377. *Property Owners: Aubrey Blackjack Partners, LLC and FM Land Investments I* [\(Document\)](#) *Heather Shankle*

Continue Public Hearing from August 24, 2023. Close Public Hearing: _____

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

20. Hold a public hearing, consider and act on an Ordinance amending the zoning for approximately 1.12 acres legally described as Lot 2, Block A of the Union Street Addition from “SF-10” (Single-Family Residential minimum 10,000-square-foot lots) District to “SF-75” (Single-Family Residential minimum 7,500-square-foot lots) District generally located at the northern terminus of D’Lynne Street, north of Spring Street. *Property Owner: Lubna Bilal* [\(Document\)](#) *Heather Shankle (This item was tabled by the Planning and Zoning Commission.)*

Open Public Hearing: _____ Close Public Hearing: _____

21. Consideration and action on Preliminary Plat Lot 1, Block A Aubrey Wedding Venue Addition. Being 12.381 acres in the Francisco Trevino Survey, Abstract Number 1234, City of Aubrey ETJ, Denton County, Texas. Located on Spring Hill Road. [\(Document\)](#) *Cate Ball*

22. Hold Public Hearing, consider act on 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. [\(Document\)](#) *Kelly Parma, Lee Engineering*

Open Public Hearing: _____ Close Public Hearing: _____

23. Consideration and action on a Resolution nominating candidates to the Denton Central Appraisal District Board of Directors. [\(Document\)](#)

24. Consideration and action on an Ordinance amending the Fiscal Year 2022-2023 Budget. [\(Document\)](#) *Mike English*

25. Consideration and action on an Ordinance amending Article 8.08 “Regulation of Sexual Offenders” of Chapter 8 “Offenses and Nuisances” of the Code of Ordinances, City of Aubrey, Texas. [\(Document\)](#) *Chief Brooks*

26. Receive presentation, consider and act on a Professional Services Agreement with RPGA Design Group, LLC to design a new City Council Chamber and approving a project amount not to exceed \$732,025.39 and authorize the City Manager to execute the agreement. [\(Document\)](#) *Chief Brooks*

27. Receive a presentation, consider and act on awarding a bid for the construction of Fire Station No 3, providing for a not-to-exceed amount, and authoring the City Manager to execute necessary documents. ([Document](#))
Chief Schlotter
28. Consideration and action on an Ordinance amending Appendix A, Fee Schedule, of the Code of Ordinances amending various fees contained in Article A3.000, Building Related Fees, Article A5.000, Fire Prevention Fees, Article A6.000, Code Enforcement Fees, Article A7.000 Utilities, including impact fees, water rates, and sewer rates; Article A8.000 Planning and Zoning fees; Article A10.000 Third Party Consulting Fees; A11.000 Public Infrastructure Fees; Article A12.000 Library Fees; and Article A13.000 Community Center fees; and providing an effective date. ([Document](#)) *Leanne Wilson*
29. Consideration and action regarding a Development Agreement with DTC Ventures for an approximate 3.79 acre tract of land generally located north of Redfearn Road and east of Highmeadow Drive, within the City's ETJ; providing development regulations for general retail, commercial and light industrial uses; providing terms for annexation; and authorizing the Mayor or designee to execute necessary documents.
30. Consideration and action regarding an Ordinance designating an Industrial District in the ETJ of the City; providing for the designation of Aubrey Industrial District No. 1 for tourist related businesses and facilities, farming and ranching industry and other industrial purposes occurring within the City's ETJ; and providing an effective date.

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:

31. Aubrey Municipal Development District Board: Consideration and action on removing, appointing, and reappointing members to the Aubrey Municipal Development District Board. ([Document](#))
32. Aubrey Planning and Zoning Commission: Consideration and action on removing, appointing, and reappointing members to the Aubrey Planning & Zoning Commission. ([Document](#))

Department Updates and Council Discussion:

Administration & Finance:

- New HR Director

Library:

- None

Fire Department:

- Outdoor Warning Sirens

Police Department:

- Monthly Report

Public Works:

- Street Project Update

Human Resources:

- None

Municipal Development:

- None

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:
 - Interlocal Agreements with the Denton County Fresh Water Supply Districts
 - Easement Acquisition – Public Infrastructure
 - Duck Pointe Development
 - Municipal Development District Board Members
 - Industrial District
 - Maylar Development

- 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 – Project 38
 - Land Acquisition – Project WRAP
 - Easement Acquisition – Public Infrastructure

- 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:
 - MDD Director
 - City Manager (Goal setting)
 - City Secretary (Goal Setting)

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.

- 33. Consideration and action on a Resolution authorizing the execution of necessary documents for the acquisition of real property for a new Fire Station.

-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 _____, 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 accommodation 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.