

AUBREY

City Council Meeting Minutes

Aubrey City Hall
107 S. Main St
Aubrey, TX 76227
February 22, 2022
6:00 PM



The meeting was called to order at 6:02 p.m.

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

Absent: Council Place 5 - Chuck Fikes (Deputy Mayor Pro Tem)

Staff Present: City Secretary Jenny Huckabee, City Attorney Patricia Adams, Fire Chief Mike Starr, Police Chief Charles Kreidler, Finance Director Mike English, Public Works Director Leanne Wilson, Assistant Public Works Director Joe Hernandez, Human Resources Manager AJ Rodriguez, City Planner Eric Wilhite, Library Manager Brittany McLain

Invocation & Pledge of Allegiance: Council Member Brawner

Community Announcements:

Council Member Brawner congratulated the uncontested Council Members who are declared elected for the next term.

Citizen Input:

Glenda Whitson, 308 N Main St, North Street drainage concerns and ADA parking accessibility at City Hall

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. January 25, 2022
2. Staff reports
3. Monthly financial report
4. Aubrey Police Department Racial Profiling Report
5. Award a bid for Faulkner electrical improvements to Rey-Mar Construction of Fort Worth in an amount not to exceed \$1,030,155.56.
6. Approve Public Management Invoice of \$45,000.00, to be paid with \$35,000.00 from grant funds awarded to the City and \$10,000.00 in City payment.
7. Approve an Interlocal Cooperation Agreement with Denton County for Fire Protection Services.

Council Member Allen requested removal of the staff reports. Council Member Brawner requested removal of items 5, 6, and 7.

After discussion on the removed items, Council Member Brawner made a motion to approve all Consent Agenda items including those removed. Council Member Jones seconded. Motion passed unanimously.

Public Hearings: These hearings are open to the public for participation by expressing concerns or asking questions to the Presenter, City Council, and City Staff.

8. Hold a Public Hearing, consider and act on an Ordinance annexing approximately 81.476 acres of land generally located on Springhill Road, east of the intersection of Springhill Road and U.S. Highway 377, into the City of Aubrey, Denton County, Texas and extending the boundary limits of the City to include the above described property. (Keeneland)

The public hearing was opened at 6:17 p.m. and closed 6:19 p.m.

Council Member Perry made a motion to approve the Ordinance annexing approximately 81.476 acres of land generally located on Springhill Road, east of the intersection of Springhill Road and U.S. Highway 377, into the City of Aubrey, Denton County, Texas and extending the boundary limits of the City to include the above described property, subject to final review of the service agreement by staff. Council Member Brawner seconded. Motion passed unanimously. (Ordinance 735-22)

9. Hold a public hearing, consider and act on a Resolution authorizing and creating the Aubrey Public Improvement District No. 2 consisting of approximately 81.476 acres of land generally located on Springhill Road, east of the intersection of Springhill Road and U.S. Highway 377 being generally located within the City of Aubrey and more commonly identified as the Keeneland development; authorizing and providing an effective date. Continued from January 25, 2022 meeting. (Keeneland)

The public hearing was opened at 6:21 p.m. and closed at 6:21 p.m.

Council Member Brawner made a motion to approve a Resolution authorizing and creating the Aubrey Public Improvement District No. 2 consisting of approximately 81.476 acres of land generally located on Springhill Road, east of the intersection of Springhill Road and U.S. Highway 377. Council Member Jones seconded. Motion passed unanimously. (Resolution 881-22)

10. Hold a Public Hearing on the creation of Tax Increment Reinvestment Zone No. 2 (TIRZ No. 2), consisting of approximately 81.476 acres of land generally located on Springhill Road, being generally located east of the intersection of Springhill Road and U.S. Highway 377 within the City of Aubrey and more commonly identified as the Keeneland Development; authorizing issuance of notice; and providing a preliminary Project Plan and Financing Plan prepared at the direction of City staff. (Keeneland)

The public hearing was opened at 6:22 p.m. and closed at 6:23 p.m.

11. Consider and take appropriate action on an Ordinance of the City of Aubrey creating TIRZ No. 2 for the Keeneland Development in accordance with Chapter 311 of the Texas Tax Code, creating a board of directors, establishing a Tax Increment Fund, containing findings related to the creation of the Zone, providing a date for the termination of the Zone; providing a date for termination of the zone; and providing that the zone take effect immediately upon passage of the Ordinance.

Council Member Perry made a motion to approve the Ordinance of the City of Aubrey creating TIRZ No. 2 for the Keeneland Development in accordance with Chapter 311 of the Texas Tax Code. Council Member Brawner seconded. Motion passed unanimously. (Ordinance 740-22)

12. Hold a Public Hearing, consider and act on an Ordinance annexing approximately 206.939 acres of land generally located southeast of West Blackjack Road's intersection with US Highway 377, into the City of Aubrey, Denton County, Texas and extending the boundary limits of said City so as to include the above described property. (High Pointe)

The public hearing was opened at 6:26 p.m. and closed at 6:26 p.m.

Council Member Perry made a motion to approve the Ordinance annexing approximately 206.939 acres of land generally located southeast of West Blackjack Road's intersection with US Highway 377, into the City of Aubrey, Denton County, Texas and extending the boundary limits of said City so as to include the above described property, subject to final review of the service agreement by staff. Council Member Brawner seconded. Motion passed unanimously. (Ordinance 736-22)

13. Hold a Public Hearing, consider and act on an Ordinance annexing approximately 103.261 acre tract of land generally located southeast of West Blackjack Road's intersection with US Highway 377, into the City of Aubrey, Denton County, Texas and extending the boundary limits of said City so as to include the above described property. (High Pointe)

The public hearing was opened at 6:28 p.m. and closed at 6:28 p.m.

Council Member Jones made a motion to approve the Ordinance annexing approximately 103.261 acre tract of land generally located southeast of West Blackjack Road's intersection with US Highway 377, into the City of Aubrey, Denton County, Texas and extending the boundary limits of said City so as to include the above described property, subject to final review of the service agreement by staff. Council Member Perry seconded. Motion passed unanimously. (Ordinance 737-22)

14. Hold a Public Hearing regarding the creation of Tax Increment Reinvestment Zone No. 3 (TIRZ No. 3) consisting of approximately 460.76 acres of land generally located west of the intersection of Blackjack Road and U.S. Highway 377 within the City of Aubrey and more commonly identified as the High Pointe Development; authorizing issuance of notice; and providing a preliminary Project Plan and Financing Plan prepared at the direction of City staff. (High Pointe)

The public hearing was opened at 6:29 p.m. and closed at 6:30 p.m.

15. Consider and take appropriate action on an Ordinance of the City of Aubrey creating TIRZ No. 3 for the High Pointe Development in accordance with Chapter 311 of the Texas Tax Code, creating a board of directors, establishing a Tax Increment Fund, containing findings related to the creation of the Zone, providing a date for the termination of the Zone; providing a date for termination of the zone; and providing that the zone take effect immediately upon passage of the Ordinance.

Council Member Jones made a motion to approve the Ordinance of the City of Aubrey creating TIRZ No. 3 for the High Pointe Development in accordance with Chapter 311 of the Texas Tax Code, creating a board of directors, establishing a Tax Increment Fund, containing findings related to the creation of the Zone, providing a date for termination of the zone; and providing that the zone take effect immediately upon passage of the Ordinance. Council Member Perry seconded. Motion passed unanimously. (Ordinance 741-22)

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

16. Consider an agreement between the City of Aubrey and RPGA Design Group, Inc. to perform the Public Safety Services Facility Assessment and Design. The costs will be funded from the Fire Services Fund. (Fire Chief Mike Starr)

Robert Garza, with RPGA Design Group, provided information.

Council Member Brawner made a motion to approve the agreement between the City of Aubrey and RPGA Design Group, Inc. to perform the Public Safety Services Facility Assessment and Design to be funded from the Fire Services Fund. Council Member Perry seconded. Motion passed unanimously.

17. Receive a report, consider and take appropriate action regarding North Street drainage (Birkhoff, Hendricks and Carter)

Gary Hendricks, with Birkhoff, Hendricks and Carter, LLP, provided information. No action taken.

18. Receive a report, consider and take appropriate action regarding the water and sewer capacity (Birkhoff, Hendricks and Carter)

Gary Hendricks, with Birkhoff, Hendricks and Carter, LLP, provided information. No action taken.

19. Receive a report, consider and take appropriate action regarding Wastewater Treatment Master Plan Report (Mead & Hunt)

Charlotte Smith, with Mead & Hunt, provided information. No action taken.

20. Consideration and action on an Agreement for Services with National Sign Plaza (Justin Arellano)

Justin Arellano provided information. No action taken.

21. Consideration and action on a Resolution approving the American Rescue Plan TX4302 Recovery Plan; and providing an effective date. (Lisette Howard, Public Management)

Lisette Howard, of Public Management Inc, provided information. No action taken.

22. Consider and take appropriate action regarding an Ordinance determining the necessity of acquiring real property described as an approximate 7.093 acres located on the north side of Highmeadow Drive, 200 feet west of US 377 in Aubrey, Denton County, Texas for the construction of public facilities and other improvements, authorizing appropriation of real property and/or the use of the power of eminent domain to acquire real property for public use and delegating authority to initiate condemnation proceedings to the City Administrator. (City Attorney)

After Executive Session, Council Member Brawner made a motion to approve an Ordinance determining the necessity of acquiring real property described as an approximate 7.093 acres located on the north side of Highmeadow Drive, 200 feet west of US 377 in Aubrey, Denton County, Texas for the construction of public facilities and other improvements, authorizing appropriation of real property and/or the use of the power of eminent domain to acquire real property for public use and delegating authority to initiate condemnation proceedings to the City Administrator. Council Member Perry seconded. Motion passed unanimously. (Ordinance 738-22)

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

23. Receive a presentation, consider and take appropriate action regarding the Tax Increment Reinvestment Zone Annual Report. (Abdi Yassin, Muncipal)

Abdi Yassin, of Muncipal, Inc, provided information. No action taken.

24. Consideration and action on an agreement between the City of Aubrey and Muncipal, Inc. for Administrative Services related to the City's Tax Increment Reinvestment Zones. (Finance Director Mike English)

Council Member Jones made a motion to approve an agreement between the City of Aubrey and Muncipal, Inc. for Administrative Services related to the City's Tax Increment Reinvestment Zones. Council Member Brawner seconded. Motion passed unanimously.

25. Consider and affirm appointment of an Executive Director for the Aubrey Municipal Development District. (MDD President Jesse Auer)

MDD President Jesse Auer announced Leslyn Blake as the new Executive Director for the Aubrey Municipal Development District.

Council Member Brawner made a motion to affirm the appointment of Leslyn Blake as the Executive Director for the Aubrey Municipal Development District, subject to an agreement with the MDD for benefits. Council Member Perry seconded. Motion passed unanimously.

26. Discussion, consider and take appropriate action regarding TXDOT right-of-way acquisition (City Planner Eric Wilhite)

City Planner Eric Wilhite provided information. No action taken.

27. Consider and act on a Resolution authorizing the Mayor to execute the Texas Subdivision and Special District Election and Release Form for submission to the Office of the Attorney General relative to the Endo/Par and Teva Texas State-Wide Opioid Settlement Agreement. (Attorney Patricia Adams)

Council Member Allen made a motion to approve a Resolution authorizing the Mayor to execute the Texas Subdivision and Special District Election and Release Form for submission to the Office of the Attorney General relative to the Endo/Par and Teva Texas State-Wide Opioid Settlement Agreement. Council Member Perry seconded. Motion passed unanimously. (Resolution 880-22)

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:

28. Capital Improvement/Impact Fee Board: Consideration and action appointing members to the Capital Improvements/Impact Fee Committee Board.

No action taken.

29. Home Rule Charter Commission vacancies: Consideration and action removing and/or appointing members to serve on the Home Rule Charter Commission.

Council Member Brawner made a motion to accept the resignation of Diana Mitchell and appoint Brittney Murray to the Home Rule Charter Commission. Council Member Perry seconded. Motion passed unanimously.

City Administrator/Department Head Updates and Council Discussion:

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
- Community Development Grant Program
- New Lift Station
- Thoroughfare Plan

Human Resources:

- Update on Social Media Policy (Human Resources Manager A.J. Rodriguez)

Administration:

- Home Rule Charter Update (Police Chief Charles Kreidler)

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.

Items requested:

- **Additional attorney firm for the City**
- **Social Media Policy**

- **Special Events Permit**

*****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:
- Terms of a Development Agreement for the Clear Sky Development
 - Duck Pointe Development Agreement
 - Petition for Water Service and Sanitary Sewer Service for the proposed Ribbonwood Municipal Utility District No. 1 of Denton County
 - Property at Highway 377 and Highmeadow Drive
 - 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 393rd District Court of Denton County, Texas.
 - Land acquisition for public improvements - High Pointe and Keeneland
- 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.
- Potential lease of City Property
 - Acquisition of water and wastewater easements
 - Property at Highway 377 and Highmeadow Drive
 - Land acquisition for public improvements - High Pointe and Keeneland
- c) **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
 - Aubrey Creek Estates Development
 - Duck Pointe Development Agreement
 - Petition for Water Service and Sanitary Sewer Service for the proposed Ribbonwood Municipal Utility District No. 1 of Denton County
- d) **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
- e) **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

Council Member Brawner made a motion to adjourn into Executive Session at 9:21 p.m. Council Member Allen seconded. Motion passed unanimously.

Reconvene into Open Session: Time: 11:16 p.m. 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.

Council Member Perry made a motion to appoint Chief Charles Kreidler as the interim City Administrator with salary equal to the previous City Administrator. Council Member Allen seconded. Motion passed unanimously.


-ADJOURN- The meeting was adjourned at 11:21 p.m.

PASSED and APPROVED by the City Council of the City of Aubrey, Texas this 22nd day of March, 2022.



Chris Rich, Mayor

ATTEST:



Jenny Huckabee, City Secretary

