

City Council Meeting

Aubrey City Hall
107 S. Main St
Aubrey, TX 76227
May 23, 2024
6:00 PM



**(Notice of Potential Quorum for Planning & Zoning Commission, Board of Adjustment, Library Board, Municipal Development District, and Parks and Recreation Board - even though a quorum of the members of these boards may or may not be present, no official action will be taken by their members.)*

Notice Regarding Remote Participation of Council Members

Pursuant to Section 551.127, Texas Government Code, one or more Council Members may attend this meeting remotely using videoconferencing technology. A quorum of the board 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 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/84174692322?pwd=6KYvTlaFhiv1e0CpLC5adrkePOml7E.1>

Meeting ID: 81 7469 2322 Password: 419105

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:

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.

- Police Department Swearing-in
- Summer Music Series

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, board members or staff. Consideration and action on the following:

1. Minutes of the April 25, 2024 meeting.
2. Approve Monthly Staff Reports.
3. Approve Monthly Financial Report.
4. Approve Ordinance 850-24 amending the Code of Ordinances adopting the electronic storage of records.
5. Approve Resolution 959-24 for the temporary closure of Main Street during the Annual Peanut Festival on October 5, 2024.
6. Approve Resolution 962-24 amending the City of Aubrey's Human Resources Policies & Procedures Manual.
7. Accept the resignation of Phil Moore from the Aubrey Area Library Advisory Board.

8. Approve a Professional Engineering Services Agreement with Birkhoff, Hendricks and Carter for U.S. Highway 377 Utility Relocation Project for an amount not to exceed \$530,000.
9. Approve a Professional Engineering Services Agreement - Amendment No. 1 with Birkhoff, Hendricks and Carter for the Dane Street Water Line W5, Phase 2A Project for an amount not to exceed \$47,000.
10. Approve a Professional Services Agreement with Plummer Associates, Inc. for an updated Water Conservation and Drought Contingency Plan for an amount not to exceed \$49,845.
11. Approve an Interlocal Agreement between the City of Aubrey and the Ribbonwood Municipal Utility District for public infrastructure inspections at the Ribbonwood Subdivision Development.
12. Approve the transfer of ownership of a 2017 Ford Explorer from the City of Aubrey to the Town of Providence Village due to established vehicle replacement criteria and authorize the Police Department to execute title transfer documents on behalf of the City of Aubrey.

New Business: New items previously requested for consideration.

1. Present the Certificate of Election and Administer the Statement of Elected Officials and Official Oaths to the declared candidates elect Council Place 1, Jeff Perry; Council Place 2, Matt Jones; and Council Place 5, Chuck Fikes.
2. Consideration and action on appointing a Mayor Pro Tem for a One Year Term.
3. Consideration and action on appointing a Deputy Mayor Pro Tem for a one-year term.
4. Consideration and action on Resolution 958-24 designating authorized signatories for the City's banking and financial accounts and approving a wire transfer agreement.
5. Consideration and action on appointing a City Council Liaison to Parks and Recreation Board.
6. Consideration and action on a Site Plan for Winn Ridge, Phase 1B, Lot 4X, Block E and right-of-way abandonment (proposed Lot 4R1), being approximately 1.66 acres of land out of the William Lumpkin Survey, Abstract No. 730, within the City of Aubrey, Denton County, Texas. (*City of Aubrey*)
7. Consideration and action on a Replat for Winn Ridge, Phase 1B, Lot 4X, Block E and right-of-way abandonment, (proposed Lot 4R1), being approximately 1.66 acres of land out of the William Lumpkin Survey, Abstract No. 730, within the City of Aubrey, Denton County, Texas. (*City of Aubrey*)

8. Consideration and action on a Final Plat for Saratoga Phase 1 containing 14 residential lots, three (3) open space lots, and one (1) lift station lot in 15.477 acres of land out of the T. Chambers Survey, Abstract No. 223, within the Extraterritorial Jurisdiction of the City of Aubrey, Denton County, Texas (*550 Belmont Development, LP & HMH Saratoga Land LLC*)
9. Consideration and action on a Final Plat for Saratoga Phase 1A containing 162 residential lots and one (1) open space lots in 25.729 acres of land out of the T. Chambers Survey, Abstract No. 223, within the Extraterritorial Jurisdiction of the City of Aubrey, Denton County, Texas (*HMH Saratoga Land LLC*)
10. Consideration and action on a Final Plat for Saratoga Phase 2A containing 154 residential lots and four (4) open space lots in 31.60 acres of land out of the T. Chambers Survey, Abstract No. 223, within the Extraterritorial Jurisdiction of the City of Aubrey, Denton County, Texas (*HMH Saratoga Land LLC*)
11. Consideration and action on an Amending Plat for Chase Oaks, Lots 5R1 and 4, Block 1 to Lots 5R1-A and 4-A, Block 1, containing two (2) lots in 15.00 acres of land out of the H. White Survey, Abstract No. 1332, within the City of Aubrey Extraterritorial Jurisdiction and jurisdiction of Denton County, Texas (*H&L Partners, LLC & Monica J. Lucibello*)
12. Consideration and action on an Amending Plat for Blackjack Addition Lots 3R and 2R, Block A to Lots 2R1 & 3R-1, Block A, containing two (2) lots in 27.847 acres of the Thomas White Survey, Abstract No. 223, within the City of Aubrey Extraterritorial Jurisdiction, Denton County, Texas (*Wade L. & Judi K. Veeder and 1555 Blackjack, LLC*)
13. Consideration and action on a Replat for VR Estates, Lot 3-A-1 to Lots 3-A-1-1 and 3-A-1-2, containing two (2) lots in 3.626 acres of the T. Chambers Survey, Abstract No. 223, within the City of Aubrey Extraterritorial Jurisdiction, Denton County, Texas (*Wilber E. Fifer & Margaret Ann Fifer*)
14. Consider and act on an Ordinance regarding a proposed annexation of certain property located within the extraterritorial jurisdiction of the City of Aubrey, being situated in the F. Trevino Survey, Abstract No. 1243, Denton County, Texas, further described as an approximate 1.078 acre tract, being a part of the existing 60-foot wide row of Redfearn Road and the new variable width row on the east side of US Highway 377, south of Redfearn Road and any additional associated right-of-way.
15. Consideration and action on a Resolution setting dates, time, and place for public hearings on the proposed annexation of property identified as being the portion of FM 1385, beginning at the city limits just south of the intersection of FM 1385 and Winn Ridge Blvd and ending at the intersection of FM 1385 and FM 428, and any additional adjacent right-of-way, Denton County, Texas, by the City of Aubrey, Texas; authorizing and directing the City Secretary to publish and mail such public hearings; and authorizing and directing city staff to prepare a service plan for said property.

16. Consideration and action on a Resolution setting dates, time, and place for public hearings on the proposed annexation of property identified as being the portion of FM 428, beginning at the intersection of FM 1385 and FM 428 and ending at the intersection of FM 428 and FM 2931, and any additional adjacent right-of-way, Denton County, Texas, by the City of Aubrey, Texas; authorizing and directing the City Secretary to publish and mail such public hearings; and authorizing and directing city staff to prepare a service plan for said property.
17. Hold a Public Hearing regarding the creation of the Duck Point Public Improvement District, an approximate 160 acres of land situated in the Frederick H. Pollard Survey, Abstract No. 995, Denton County, Texas, within the extraterritorial jurisdiction of the City of Aubrey, Texas.
18. Consideration and action on removing and/or appointing member(s) to the Aubrey Parks and Recreation Board.
19. Consideration and action setting dates for budget workshops and/or special meetings.
20. Receive a report, and take action on awarding a bid to Level One Paving, Inc. for the 2024 Street Rehabilitation and Concrete Work Project, and authorizing the City Manager to execute the necessary contract documents.

Department Updates and Discussion:

1. Administration & Finance:
 - Council Chamber Electronics
2. Library:
 - None
3. Fire Department:
 - Fire Station Construction Update
4. Police Department:
 - Update on Council Chamber
5. Public Works:
 - Water Update
6. Human Resources:
7. Municipal Development:
 - Magazine Ad

Future Agenda Requests: Council or Board 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:

1. **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 Ranch Development, Agreement, and Plats
 - Wastewater Treatment Plant
 - Project 38
 - *City of Aubrey, Texas and Town of Providence Village, Texas v. Denton County Fresh Water Supply District 8-A, et al*, Cause No. 24-1985-431, Denton County, Texas
 - Jackson Ridge PID Refunding
 - Charter policies and requirements
 - Knuckles Road Development
 - Lennar Development Agreement
2. **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.
 - Project 38
 - Sod Farm Easement
3. **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 - Organizational Structure
4. **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:
 - Knuckles Road Development Incentives

Motion to Recess into Executive Session.

Reconvene into Open Session: 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.

1. Consideration and action on a Preliminary Plat of HighPointe Ranch, being approximately 460.75 acres out of the Francisco Trevino Survey, Abstract 1243, generally located east of Highway 377, south of E Blackjack Rd and north of Springhill Rd.
2. Consideration and action on a Final Plat of High Pointe Ranch Phase 1B being 44.215 acres in the Francisco Trevino Survey, Abstract No. 1243, City of Aubrey, Denton County, Texas located immediately east of US 377 between Spring Hill Road (FM 428) on the south and East Blackjack Rd on the north within the city limits of Aubrey. (KLLB AIV, LLC)
3. Consideration and action on a Development Agreement between the City and MM Aubrey 160, LLC for the development of an approximate 160 acre tract of land situated in the Frederick H. Pollard Survey, Abstract No. 995, Denton County, Texas, located within the City's extraterritorial jurisdiction and identified as the Duck Point development; and authorizing the Mayor to execute necessary documents.
4. Consideration and action on a Resolution creating the Duck Point Public Improvement District, an approximate 160 acres of land situated in the Frederick H. Pollard Survey, Abstract No. 995, Denton County, Texas, within the extraterritorial jurisdiction of the City of Aubrey, Texas.

-ADJOURN-

I, Jenny Hicks, 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 _____, 2024.

(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.