

City Council Meeting

Aubrey City Hall
107 S. Main St
Aubrey, TX 76227
June 27, 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:841 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.

1. Upcoming Library Programs
2. Swearing-in of new firefighters

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. Approve minutes of the May 23, 2024 meeting
2. Approve the minutes of the June 15, 2024 meeting.
3. Approve Monthly Staff Reports
4. Approve Monthly Financial Report
5. Approve an Interlocal Agreement with Texas Municipal League for 2024-2025 Cyber Liability and Data Breach Response Coverage Updates
6. Approve Resolution 967-24 for the temporary closure of Main Street during the annual Holiday Tree Lighting on December 4, 2024.
7. Approve a request for an extension of the expiration date of the Preliminary Plat for the Ribbonwood development.
8. Approve an Interlocal Agreement between the City of Aubrey and the Clear Sky Municipal Utility District for solid waste services.

9. Approve an Interlocal Agreement between the City of Aubrey and the Ribbonwood Municipal Utility District for solid waste services.

New Business: New items previously requested for consideration.

1. Consideration and action for site plan approval for Shop at High Meadows, Lot 4R1, Block A of the Garland Wilson Addition, located at the southwest corner of the intersection of E. Highmeadow Drive and Betty Lane, City of Aubrey, Denton County, Texas. (*CLR Realty Group, LLC*)
2. Hold a public hearing, consider, and act on an Ordinance amending Exhibit 14A, "Zoning Ordinance," in Chapter 14, "Zoning" of the Code of Ordinances of the City of Aubrey, Texas, Section 6. Conditional Uses and Specific Use Permits, to provide for regulations for Alcoholic Beverage Sales through a Specific Use Permit (SUP) and amending Section 15. GR-General Retail, Section 16. SC-Shopping Center, Section 17. C-Commercial, Section 18. IND-Industrial, and Section 20. PD-Planned Development District to provide for regulations for Alcoholic Beverage Sales by Specific Use Permit. (*City of Aubrey*)
3. Hold a public hearing, consider, and act on an Ordinance for a Specific Use Permit request to allow for the sale of alcoholic beverages in conjunction with a restaurant use for Brothers Mexican Restaurant, 1001 Highway 377, Suite 109, City of Aubrey, Denton County, Texas. (*Brothers Mexican Restaurant, Jorge Perez*)
4. Consideration and action on a Resolution granting a petition requesting annexation into the extraterritorial jurisdiction and corporate limits of the City of Aubrey by MM Aubrey 160, LLC, owners of approximately 160 acres of land, generally located on the Frederick H. Pollard Survey, Abstract No 995, Denton County, Texas, setting a Public Hearing for the annexation; authorizing staff to negotiate and enter into a written services agreement with Owner. (*Duck Point Development*)
5. Conduct the first public hearing in accordance with Texas Local Government Code Section 43.063(a) and other applicable law, to consider testimony and provide members of the public an opportunity to be heard on the proposed annexation of a portion of FM 1385, beginning at the city limits just south of the intersection of FM 1385 and Winn Ridge Blvd, continuing north to the intersection of FM 1385 and FM 428, and to include any additional adjacent right-of-way, Denton County, Texas.
6. Conduct the first public hearing in accordance with Texas Local Government Code Section 43.063(a) and other applicable law, to consider testimony and provide members of the public an opportunity to be heard on the proposed annexation of a portion of FM 428, beginning at the intersection of FM 1385 and FM 428, continuing west to the intersection of FM 428 and FM 2931, and to include any additional adjacent right-of-way, Denton County, Texas.
7. Consideration and action on an Encroachment Agreement for Highpointe Ranch, Phase 1B for a canopy structure in and above the right-of-way of Bronco Lane.

8. Consideration and action on a First Amended and Restated Development Agreement between the City and Lennar Homes of Texas Land and Construction, Ltd.
9. Consideration and action on appointing a member to the Parks and Recreation Board as an alternate.
10. Consideration and action on a Resolution appointing a member of the Denco 9-1-1 Board of Managers.

Department Updates and Discussion:

1. Administration & Finance: None
2. Library: None
3. Fire Department: Fire Station Construction Updates
4. Police Department: None
5. Public Works: Parks updates
6. Human Resources: None
7. Municipal Development: None

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
 - 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
 - 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

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.

-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.