

City Council Meeting

Aubrey City Hall
107 S. Main St
Aubrey, TX 76227
July 25, 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.

- Annual Peanut Festival will be October 5th beginning at 9:00 AM
- National Night Out will be October 1st.
- Fire Department Promotions

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 the Minutes of the June 27, 2024 and June 29, 2024 meetings.
2. Approve Monthly Staff Reports
3. Approve Monthly Financial Report.
4. Approve Quarterly Investment Report
5. Approve Electronics Decommission of Library Equipment
6. Approve a request for a twelve-month extension to the September 22, 2024, expiration date for the Preliminary Plat for the Saratoga Development.
7. Accept the resignation of Billy Trujillo from the Board of Adjustment.
8. Approve Ordinance #855-24 amending Chapter 12 "Traffic and Vehicles", Division 2 Golf Carts, Article 12.07.032 Equipment and License Plate.

9. Approve an Interlocal Agreement between Denton County and the City of Aubrey Fire and Police Departments for the use of the Denton County Radio Communications System, authorizing the City Manager, Fire Chief and Chief of Police to execute the same on behalf of the City of Aubrey.
10. Awarding bid #2024-05 for a towing service provider to All American Towing and authorizing the City Manager to enter into a contract with All American Towing for towing services.
11. Consideration and Approval of the Authorized Personnel List
12. Resolution 970-24 accepting a donation of approximately 21.794 acre tract of real property situated in the Francisco Trevino Survey, abstract No 1243, City of Aubrey, Denton County, Texas for Municipal use.
13. Resolution 971-24 accepting a donation of approximately 1.334 acre tract of real property situated in the Frederick Pollard Survey, abstract No 995, City of Aubrey, Denton County, Texas for Municipal Right-of-Way use.
14. Acceptance of the 2023 CIP Project S1 - Pecan Creek Sewer Lift Station and authorize final payment to Acadia in the amount of \$118,734.93; and authorize the City Manager to execute necessary documents.
15. Approve a professional services agreement with Raftelis Financial Consultants, Inc. for a Water and Wastewater Cost-of-Service Study for an amount not to exceed \$37,540 and authorize the City Manager to execute necessary documents.
16. Approve a consulting agreement between the City of Aubrey and HUB International.
17. Consider and take action on approving a purchase in the amount of \$127,703.74 from THI Water Well for emergency repairs to the Rockhill Water Well.

New Business: New items requested for consideration.

1. Presentation, hold discussion and provide direction regarding future consideration of a Cost of Living Adjustment (COLA) and updated service credit to the City TMRS plan.
2. Consideration and action on an Ordinance regarding the 2024-2025 annual service plan update to the Service and Assessment Plan for the Winn Ridge South Public Improvement District and providing an effective date.
3. Consideration and action on an Ordinance regarding the 2024-2025 annual service plan update to the Service and Assessment Plan for the Jackson Ridge Public Improvement District and providing an effective date.

4. Consideration and action on an Ordinance regarding the 2024-2025 annual service plan update to the Service and Assessment Plan for the Aubrey Public Improvement District No 1 (Keeneland) and providing an effective date.
5. Receive a presentation, consider and act on an Initial Plan of Finance to fund projected cost of FY 2024-2025 Utility Capital Improvement Projects and direct staff to finalize cost and timing after August 1, 2024 bid opening.
6. Consideration and action on a Resolution authorizing the publication of Notice of Intent to issue Certificates of Obligation, Series 2024 for purchase and installation of water and sewer system upgrades and construction of a wastewater treatment plant.
7. Consideration and action on a Final Plat for Aubrey Heights containing 142 residential lots and seven (7) open space lots in 39.51 acres of land out of the J. Fisher Survey, Abstract No. 432, City of Aubrey, Denton County, Texas (*Roger & Lisa Prier*)
8. Consider and act on an Ordinance annexing the hereinafter described territory known as the 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; extending the boundary limits of the City so as to include the described property.
9. Consider and act on an Ordinance annexing the hereinafter described territory known as the 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; extending the boundary limits of the City so as to include the described property
10. Conduct a 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 Denton CAD ID 52165, being approximately 159.941 acres of land, generally located south of FM 428, west of FM 1385 and east of Coffey Road out of the F.H. Pollard Survey, Abstract No. 995, Tract 34, Denton County, Texas.(Duck Point)
11. Consideration and action on an Ordinance annexing of Denton CAD ID 52165, being approximately 159.941 acres of land, generally located south of FM 428, west of FM 1385 and east of Coffey Road out of the F.H. Pollard Survey, Abstract No. 995, Tract 34, Denton County, Texas, and any associated right-of-way; adopting a municipal services agreement; and providing an effective date. (Duck Point)
12. Conduct a public hearing, consider and act on an Ordinance changing the zoning from unzoned land previously located in the City of Aubrey Extraterritorial Jurisdiction to Planned Development District (PD) with a base zoning district of SF75 – Single Family Residential 7,500 Square Feet on approximately 159.941 acres of land located in the Frederick H. Pollard Survey, Abstract No. 995, Denton County, Texas.

The property is generally located west of FM 1385 and south of FM 428. DCAD Parcel ID 52165 (MM AUBREY 160 LLC, Duck Point)

13. Conduct a 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 Denton CAD ID 986865, being an approximate 1.33 acre tract of land situated in the F.H. Pollard Survey, Abstract No. 995, generally located west of FM 1385, south of FM 428, and east of Coffey Road. (Pickens ROW)
14. Consideration and action on an Ordinance annexing a portion of Denton CAD ID 986865, being an approximate 1.33 acre tract of land situated in the F.H. Pollard Survey, Abstract No. 995, generally located west of FM 1385, south of FM 428, and east of Coffey Road, and any associated right-of-way; adopting a municipal services agreement; and providing an effective date. (Pickens ROW)
15. Consideration and action on a Resolution granting a petition requesting annexation into the extraterritorial jurisdiction and corporate limits of the City of Aubrey by Jen Holdco 24 LLC, owners of approximately 47.3 acres of land, located at 4721 and 4799 FM 2931 out of the J. Bridges Survey, Abstract No 36, Denton County, Texas, setting a Public Hearing for the annexation; authorizing staff to negotiate and enter into a written services agreement with Owner. (Palomino Development)
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 2931, beginning at the intersection of FM 2931 and Frontier Parkway, continuing north to the intersection of FM 2931 and Spring Hill Road, 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. Consideration and action on an Ordinance amending the Fiscal Year 2024 Budget.
18. Discussion regarding the draft Fiscal Year 2024-2025 budget.
19. Consideration and action on future meeting dates.
20. Receive a report, and take action on awarding a bid to Pace Construction, LLC for Main Street Beautification Project F2024(957), Phase I, in an amount not to exceed \$573,000, and authorizing the City Manager to execute the necessary contract documents.

Department Updates and Discussion:

1. Administration & Finance: Community Center/Council Chamber update, Board Portal Information

2. Library: None
3. Fire Department: Station Update
4. Police Department: None
5. Public Works: - Update on water well repairs
6. Human Resources: None
7. Municipal Development: Mural Update; Business Resource Fair

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
 - Project 38 / South Magnolia and Blackjack Road property acquisition
 - *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
 - Highmeadow Development
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 / South Magnolia and Blackjack Road property acquisition
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)

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. Consider and Act on a Resolution of the City Council of the City of Aubrey, Texas finding that a public necessity exists and authorizing condemnation to acquire a 29.688 acre fee simple tract and a 0.265 acre water utility easement for public purposes for a public project, including but not limited to, municipal athletic fields, a waterline pump station, water and wastewater transmission lines, public roadways, drainage, such appurtenant facilities as may be necessary, and other public uses, on real property generally described as being located at 418 South Magnolia Street, Aubrey, Denton County, Texas, in the Francisco Trevino Survey, Abstract No. 1243, Property ID #51948, such property is generally located on the southwest corner of US 377 and Blackjack Road, and being more particularly described herein; providing notice of an official determination to acquire real property for a fee simple and a water utility easement, such appurtenant facilities as may be necessary, and other public uses; authorizing the City Manager or designee to obtain the necessary appraisal reports and make bona fide offers of just compensation for the fee simple and easement; ratifying prior documents made for acquisition of the fee simple and easement; authorizing legal counsel to institute eminent domain proceedings on behalf of the City for the acquisition of the fee simple and easement on said tract if negotiations are unsuccessful; appropriating funds from a lawful source; providing a cumulative repealer clause; providing a severability clause and providing for an effective date.
2. Consider and take appropriate action regarding an Assignment Acknowledgment Agreement for the High Pointe Ranch development.
3. Consider and take appropriate action regarding a Cost Participation Letter Agreement between the City, Lennar Homes of Texas Land and Construction, Ltd., and Aubrey Blackjack Partners, LLC related to the High Pointe development agreement to allocate costs for infrastructure improvements; and authorizing the Mayor or designee to execute necessary documents.

-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.