

City Council & Tax Increment Reinvestment Zone No. 1 Board Meeting

Aubrey City Hall
107 S Main St
Aubrey, TX 76227
August 22, 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.

Announcements:

- Annual Peanut Festival, October 5th beginning at 9:00 a.m.
- National Night Out will be October 1st.
- Trunk or Treat and Movie in the Park, October 26th at the library at 5:30 p.m.
- Business Resource Fair, August 28th at the Aubrey Area Library Community Center from 4:30 to 6:30 p.m.

Presentations:

- Live United Proclamation
- Constitution Week Proclamation
- Development Services New Hire
- Police Department Promotion

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 July 25, 2024 Regular Meeting and July 31, 2024 Special Meeting and Workshop.
2. Approve Monthly Staff Reports
3. Approve Monthly Financial Report.
4. Approve the transfer of ownership of a 2017 Ford Explorer and a 2019 Chevrolet Tahoe 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.

5. Authorize 2017 Ford Explorer and 2014 Chevrolet Tahoe to be disposed of by public auction and authorize the Police Department to execute necessary documents on behalf of the City of Aubrey.
6. Resolution 977-24 accepting a dedication of approximately 0.47 acre tract of real property situated in the F. Trevino Survey, abstract No 1243, City of Aubrey, Denton County, Texas for Municipal use, and authorizes the Mayor to execute necessary documents.
7. Approve a Professional Engineering Services Agreement with Birkhoff, Hendricks and Carter for a Stormwater Master Plan and Stormwater Utility District Rate Study, in the amount not to exceed \$110,000, and authorize the City Manager to execute the agreement.
8. Approve a Professional Engineering Services Agreement with Birkhoff, Hendricks and Carter for the Dane Street Roadway Improvements and City Hall Parking Lot, in the amount not to exceed \$129,800, and authorize the City Manager to execute the agreement.
9. Approval of Ordinance 864-24 amending Chapter 9, "Personnel", Article 9.01 of the Code of Ordinances regarding the City's participation in Texas Municipal Retirement Benefits by authorizing annually accruing Updated Service Credits and annually accruing cost of living adjustment; and providing an effective date.
10. Approve a Permanent Sanitary Sewer Easement Acquisition for the Aubrey Blackjack Sewer Improvement Project.
11. Approve a Permanent Sanitary Sewer Easement Acquisition for the KLLB AIV Sewer Improvement Project.
12. Approve a Permanent Sanitary Sewer Easement Acquisition for the Highpointe Corner Sewer Improvement Project.
13. Approving the City Manager to enter into a professional services agreement with Westwood Consulting for a Downtown Farmers Market concept plan in the amount of \$24,500.
14. Approve a Professional Engineering Services Agreement Amendment with Mead & Hunt for the design of the Wastewater Treatment Plant Expansion in the amount of \$64,027, and authorize the City Manager to execute necessary documents.
15. An Ordinance approving a settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division, regarding the company's 2024 rate review mechanism filings, and adopting tariffs that reflect the rate adjustments.
16. Approve disposal of computers replaced during the capital replacement program.

17. Approve a Professional Engineering Services Agreement with Westwood Professional Services, Inc. for Trivedi Park, Phase I, in the amount not to exceed \$99,900, and authorize the City Manager to execute the agreement.
18. Acceptance of the understanding of continuing services for City Auditor and authorizing the Mayor to execute said contract on behalf of the City.

Recess into Tax Increment Reinvestment Zone No. 1, City of Aubrey, Texas Board Meeting

Call to Order

1. Consider and make a recommendation to City Council regarding an Ordinance approving the proposed amendment to the approved Amended Project Plan and Financing Plan for Tax Increment Reinvestment Zone Number One, City of Aubrey, Texas (the "zone") resulting in the decrease of the participation rate pursuant to Chapter 311, Texas Tax Code.

Reconvene into Regular Session

New Business: New items requested for consideration.

1. Hold a Public Hearing, Consider and take appropriate action regarding an Ordinance of the City Council of Aubrey, Texas, approving the proposed amendment to the approved Amended Project Plan and Financing Plan for Tax Increment Reinvestment Zone No. 1, City of Aubrey, Texas (the "zone") resulting in the decrease of the participation rate pursuant to Chapter 311, Texas Tax Code.
2. Presentation from Rodney Dryden, from Hub International, regarding the city's health insurance plans, and consideration and action for making plan changes.
3. Hold a Public Hearing, Consider and take appropriate action regarding an Ordinance of the City Council of Aubrey, Texas, making appropriations for the support of the City, appropriating money to a sinking fund to pay interest and principal of the City's indebtedness; approving and adopting the annual Budget of the City of Aubrey, Texas for the 2024-2025 Fiscal Year; providing for the filing of the budget in the Office of the City Secretary; and providing an effective date.
4. Hold a Public Hearing, Consider and take appropriate action regarding an Ordinance of the City Council of the City of Aubrey, levying taxes and fixing and adopting the tax rate on all taxable property for the year 2024 at the rate of \$0.464000 per one hundred dollars (\$100.00) assessed value on all taxable property within the corporate limits of the City of Aubrey, Texas; the said tax rate having a maintenance and operations component and a debt service component; providing when taxes shall become due and when same shall become delinquent if not paid together with penalties and interest thereon; and providing an effective date.

5. Consideration and action on a Resolution ratifying the property tax revenue increase reflected in the Budget for Fiscal Year 2024-2025.
6. Conduct a Public Hearing regarding a request from Republic Services of Lewisville for a CPI rate increase for Residential Solid Waste and Recycling Collection Services and Containers and for Commercial Solid Waste Collection Services and Containers; discussion of same.
 - Presentation of rate increase request from Republic Service
 - Public Comment
 - Discussion by Council
7. Consider and take appropriate action regarding Ordinance No. 869-24 amending Ordinance No. 781-24 approving an Exclusive Agreement for Solid Waste and Recycling Services between the City and Republic Services of Lewisville (the "Franchise Agreement") to increase various Residential solid waste collection and recycling rates, including rates for containers, to increase various Commercial solid waste collection rates, including rates for containers; providing for a change in bulk waste pickup frequency; approving the amendment of the Franchise Agreement; providing an effective date of October 1, 2024 for the implementation of amendments; and authorizing the Mayor to execute necessary documents.
8. Consider and take appropriate action regarding Ordinance No. 870-24 amending Chapter 13, "Utilities", Article 13. 02, "Solid Waste and Recycling", Section 13.02.005, "Monthly Rates" of the Aubrey Code of Ordinances to amend various rates for solid waste and recycling collection services provided to residential and commercial customers; and providing an effective date of October 1, 2024.
9. Consideration and action on a Site Plan application for proposed Lot 1, Block A, Aubrey High School Addition, being approximately 63.613 acres out of the Francisco Trevino Survey, Abstract 1243 generally located south of FM 428 (Spring Hill Road) and east of U.S. Highway 377, City of Aubrey, Denton County, Texas. (*AISD*)
10. Consideration and action on a Final Plat application for Lot 1, Block A, Aubrey High School Addition, being approximately 63.613 acres out of the Francisco Trevino Survey, Abstract 1243 generally located south of FM 428 (Spring Hill Road) and east of U.S. Highway 377, City of Aubrey, Denton County, Texas. (*AISD*)
11. Consideration and action on a Preliminary Plat application for Lots 1-13, Block A, Highpointe Commercial, being approximately 27.243 acres out of the Francisco Trevino Survey, Abstract 1243 generally located north of FM 428 (Spring Hill Road) and east of U.S. Highway 377, City of Aubrey, Denton County, Texas. (*Highpointe Commercial, LLC*)
12. 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 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.

13. Update and discussion on the Final Plan of Finance to fund project cost of FY 2024-2025 Utility Capital Improvement Projects.
14. Receive a report, hold a discussion, and take action on awarding a bid to Gracon Construction, Inc. for a 2.25 MGD Wastewater Treatment Plant Expansion in the amount not to exceed \$39,957,140 and authorize the City Manager to execute necessary documents.
15. Receive a report, hold a discussion, and take action on a Professional Services Agreement with Plummer Associates for Construction Management and Resident Project Representative Services for the construction of the wastewater treatment plant, in the amount not to exceed \$1,997,504 and authorize the City Manager to execute necessary documents.
16. Consideration and action on removing and/or appointing member(s) to the Aubrey Area Library Advisory Board.
17. Consideration and action on appointing member(s) to the Aubrey Parks and Recreation Board.

Department Updates and Discussion:

1. Library:
 - Program Update
2. Fire Department:
 - Station Update
 - New Medic
3. Police Department:
 - Council Chamber/Community Center Update
 - Assistant Chief Johnson
4. Public Works:
 - Rock Hill Well Update
5. Human Resources: None
6. Municipal Development:
 - Mural Update

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:
 - Municipal Development District Annual Budget
 - High Pointe Ranch Development
 - Blackjack Development Agreement
 - High Country Casitas Development
 - Knuckles Road Development
 - Highmeadow Development
 - Springhill Development
 - West Sherman 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
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.
 - Property acquisition for municipal purposes
3. **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:
 - High Country Casitas Development
 - Knuckles Road Development
4. **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

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 take appropriate action regarding a Development Agreement between the City and Pretium Capital for the property generally located at 1382 E. Blackjack Road, within the City's ETJ; and authorizing the City Manager to execute necessary documents.
2. Consideration and action on a Resolution granting a petition requesting annexation into the extraterritorial jurisdiction and corporate limits of the City of Aubrey by Pretium Capital LLC, owner of approximately 20 acres of land, located at 1382 E Blackjack Road out of the Francisco Trevino Survey, Abstract No 1243, Denton County, Texas, setting a Public Hearing for the annexation; authorizing and directing the city secretary to have notices of such public hearing be provided as prescribed by law.
3. Consideration and action on the fiscal year 2024-2025 Aubrey Municipal Development District Budget.

-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.