

City Council Meeting

Community Center and Council Chamber Dedication

Aubrey City Council Chambers
226 Countryside Drive
Aubrey, TX 76227
September 26, 2024
5:00 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.

5:00 p.m. - Community Center and City Council Chamber Dedication The City of Aubrey City Council, Aubrey Municipal Development District, Aubrey Planning and Zoning Commission, Aubrey Board of Adjustment, Aubrey Area Library Board, and/or Aubrey Parks & Recreation Board may have a quorum in attendance at a dedication, reception and ribbon cutting for the new Community Center and City Council Chambers.

6:00 p.m. - Regular Meeting: 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.

Presentations:

- Public Works New Hires
- Fire Department New Hires and Swear-ins
- Police Department New Hires and Swear-ins

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 August 22, 2024 and August 28, 2024 meetings.
2. Approve Monthly Staff Reports
3. Approve Monthly Financial Report.
4. Approval of the Authorized Personnel List
5. Approval of Ordinance 873-24 designating an official newspaper for the City of Aubrey.
6. Approval of Resolution 981-24 appointing Art Maldonado as Presiding Municipal Judge of the Aubrey Municipal Court for a two year term.
7. Approval of Resolution 982-24 appointing Brian Holman as an Associate Judge of the Aubrey Municipal Court for a two year term
8. Approval of Ordinance 874-24 amending Chapter 12 "Traffic and Vehicles", Article 12.02 "Traffic Control Devices" to amend Section 12.02.010 "Stop Signs" EXHIBIT A by adding three stop signs at the intersection of Main Street and Sherman Drive.

9. Award a bid for Matthew's Park Improvements to D. L. Meacham for an amount not to exceed \$445,010.00 and authorize the City Manager to execute necessary documents.
10. Approve a Professional Engineering Services Agreement with Birkhoff, Hendricks and Carter for the design of a 0.5 MG Ground Storage Tank and a 1.5 MGD Pump Station at the existing Faulkner Pump Station Site for an amount not to exceed \$338,400 and authorize the City Manager to execute any necessary documents.
11. Approve a Professional Engineering Services Agreement with Birkhoff, Hendrick and Carter for the design of the Pecan Creek Sewer Lift Station Expansion and Parallel Force Main for an amount not to exceed \$685,600.00 and authorize the City Manager to execute any necessary documents.
12. Approve a Professional Engineering Services Agreement Amendment with Birkhoff, Hendricks and Carter for the Rockhill Water Pump Station Improvements for an amount not to exceed \$559,633 and authorize the City Manager to execute any necessary documents.
13. Approve an Interlocal Agreement with the City of Krugerville for Fire and EMS services and authorize the Mayor to execute any necessary documents.
14. Approve an Interlocal Agreement with the City of Krugerville for Library Services and authorize the Mayor to execute any necessary documents.
15. Approve an Interlocal Agreement with the Krugerville Community Development Corporation for Library Services and authorize the Mayor to execute any necessary documents.
16. Approve acceptance of the Pump Station Generator Improvements and authorize final payment to C.C. McDonald Electric, Inc. in the amount of \$39,018.80.
17. Approve a Special Event Permit Application for the Denton Breakfast Kiwanis 42nd Annual Turkey Roll Bicycle Rally.
18. Approve a Special Events Request for Waiver of Fees from the Denton Breakfast Kiwanis 42nd Annual Turkey Roll Bicycle Rally Event.
19. Consider and take action on an Interlocal Agreement with the Capital Area Council of Governments for a government management software license.
20. Approve a final payment to THI Water Well Company for emergency repairs to the Rockhill Water Well in the amount of \$152,860.35.
21. Approve an Ordinance amending Ordinance No. 741-22 creating a Tax Increment Reinvestment Zone No. 3 to correct a scrivener's error and providing an effective date, City of Aubrey, Texas. (High Point Ranch Development)

22. Consider and act on a Resolution approving a Government Obligation Contract providing for the Vactor Combination Single Engine Sewer Cleaner (KS StateBank); and authorizing the City Manager and necessary City Staff to execute necessary documents.

New Business: New items requested for consideration.

1. Receive a presentation regarding the Final Pricing of the Combination Tax and Revenue Certificates of Obligation, Series 2024A.
2. Consideration and action on an Ordinance providing for the issuance of City of Aubrey, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2024A in the not to exceed aggregate principal amount of \$60,000,000 for water and wastewater improvements and related cost; levying a tax in payment thereof; prescribing the form of said certificates; authorizing the execution and delivery of a bond purchase agreement, and a paying agent/registrar agreement; approving the official statement; and enacting provisions incident and relating to the subject and purposes of this Ordinance.
3. Hold a public hearing, consider and act on an Ordinance approving a Specific Use Permit to allow for the sale of alcoholic beverages in conjunction with a restaurant use for the property located at 202B S. Main, Aubrey, Denton County, Texas. (*Dos Mezclas Restaurant*)
4. First reading: Discussion regarding a Resolution approving a Project of the Aubrey Municipal Development District providing a Targeted Improvement grant with Dos Mezclas Restaurant located at 202 B South Main Street for \$30,000
5. Conduct a public hearing in accordance with Texas Local Government Code Section 43.0673(a) and other applicable law, to consider testimony and provide members of the public an opportunity to be heard on the proposed voluntary annexation of an approximately 20 acre tract of land being the hereinafter described territory known as Denton CAD IDs 51970 and 557569, situated in the Francisco Trevino Survey, Abstract No. 1243, and to include any adjacent right-of-way, Denton County, Texas; and extending the boundary limits of the City so as to include the described property. The property is generally located south of E. Blackjack Road, west of FM 2931, and east of US Hwy 377. DCAD Parcel ID's 51970 and 557569. (Blackjack Pretium Capital, LLC)
6. Consideration and action on an Ordinance annexing an approximate 20 acre tract of land being the hereinafter described territory known as Denton CAD IDs 51970 and 557569, situated in the Francisco Trevino Survey, Abstract No. 1243, and to include any adjacent right-of-way, Denton County, Texas; and extending the boundary limits of the City so as to include the described property. The property is generally located south of E. Blackjack Road, west of FM 2931, and east of US Hwy 377. (Blackjack Pretium Capital, LLC)
7. 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, and the official Zoning Map of the City for a change of zoning from unzoned land previously located in the City of Aubrey Extraterritorial Jurisdiction to Planned Development District (PD) with base zoning district of C – Commercial on approximately 20 acres of land located in the Francisco Trevino Survey, Abstract No. 1243, Denton County, Texas. The property is generally located south of E. Blackjack Road, west of FM 2931, and east of US Hwy 377. DCAD Parcel ID's 51970 and 557569. (Blackjack Pretium Capital, LLC)

8. Conduct a public hearing in accordance with Texas Local Government Code Section 43.0673(a) and other applicable law, to consider testimony and provide members of the public an opportunity to be heard on the proposed voluntary annexation of approximately 47.3 acres of land being the hereinafter described territory known as Denton CAD IDs 77033 and 52575, located in the J. Bridges Jr. Survey, Abstract No. 36, and to include any adjacent right-of-way, Denton County, Texas; and extending the boundary limits of the City so as to include the described property. The property is generally located west of FM 2931, north of Frontier Parkway, and east of future Silverado Parkway. (Palomino)
9. Consideration and action on an Ordinance annexing approximately 47.3 acres of land being the hereinafter described territory known as Denton CAD IDs 77033 and 52575, situated in the J. Bridges Jr. Survey, Abstract No. 36, and to include any adjacent right-of-way, Denton County, Texas; and extending the boundary limits of the City so as to include the described property. The property is generally located west of FM 2931, north of Frontier Parkway, and east of future Silverado Parkway. (Palomino)
10. Hold a public hearing, consider and act on an Ordinance regarding an amendment to Exhibit 14A, "Zoning Ordinance," in Chapter 14, "Zoning" of the Code of Ordinances of the City of Aubrey, Texas, and the official Zoning Map of the City as requested in an application for a change of zoning from unzoned land previously located in the City of Aubrey Extraterritorial Jurisdiction to Planned Development District (PD) with base zoning districts of SF75 – Single-Family Residential 7,500 Square Feet and GR – General Retail on approximately 47.3 acres of land located in the J. Bridges Jr. Survey, Abstract No. 36, Denton County, Texas. The property is generally located west of FM 2931, north of Frontier Parkway, and east of future Silverado Parkway. DCAD Parcel ID's 77033 and 52575. (Palomino)
11. Consider and act on an Ordinance annexing approximately 53.26 acre tract of land being the hereinafter described territory known as the full right-of-way width of FM 2931, beginning north of 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; and extending the boundary limits of the City so as to include the described property.
12. Consideration and action on removing and/or appointing member(s) to the Aubrey Area Library Advisory Board.

13. Consideration and action on removing and/or appointing member(s) to the Aubrey Municipal Development District Board.

Department Updates and Discussion:

1. Administration & Finance:
2. Library: New Staff
3. Fire Department: Station Updates
4. Police Department:
5. Public Works:
6. Human Resources:
7. Municipal Development:

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
 - Blackjack Development Agreement
 - Silverado Development Agreement
 - 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
 - Wastewater Treatment Plant Improvements and contracts

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:
 - Silverado Development
 - Knuckles Road Development
4. **551.074 Personnel Matters.** 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 the award and rejection of bids for the Wastewater Treatment Plant project and contract documents; and authorizing the City Manager 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.

