

City Council Meeting

Aubrey City Council Chambers
226 Countryside Dr.
Aubrey, TX 76227
October 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.

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. Announcements:

- Trunk or Treat and Movie in the Park, October 26th at the library at 5:30 p.m.

Presentations:

- First Rock Fellowship Proclamation
- Public Works New Hires

- Fire Department New Hires and Swear-in's

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 can hear comments and see presentations. 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:

2. Approve minutes of the September 26, 2024 meeting.
3. Approve Monthly Staff Reports
4. Approve Monthly Financial Report.
5. Approve Quarterly Investment Report
6. Approve Ordinance 883-24 adopting a new Drought Contingency and Water Conservation Plan.
7. Approve the absence of council members for the regular meetings identified in the staff report
8. Approve a Resolution changing the Authorized Official from the City Manager to the Finance Director on the Office of the Governor (OOG) CJD eGrant website.
9. Approve an Interlocal Cooperation Agreement with Denton County for Library Services and authorize the Mayor to execute any necessary documents.
10. Approve a Final Pay Request from Rey-Mar Construction, LLC for the Faulkner Water Well Electrical Improvements and accept the public improvements.
11. Approve Resolution No. 988-24, authorizing the City Manager to dispose of surplus property that is replaced in conjunction with the Vehicle Equipment Replacement Fund as approved in the annual budget.
12. Accept the resignation of Alan Holland from the Aubrey Parks and Recreation Board.
13. Accept the resignation of Karen Skinner from the Aubrey Planning and Zoning Commission.

14. Approve an Administrative Services Agreement between the Aubrey MDD and City of Aubrey.

New Business: New items requested for consideration.

15. Consider and act on a Final Plat application for Lot 1, Block A, Aubrey FM 2931 Storage, being approximately 5.7230 acres out of the James Bridges Jr. Survey, Abstract No. 36, the property is generally located west of FM 2931 and north of Frontier Parkway, City of Aubrey ETJ, Denton County, Texas.
16. Consideration and act on Resolution No. 986-24, a resolution of the City Council of the City of Aubrey, Texas, setting a Public Hearing under Sec. 372.009 of the Texas Local Government Code for the creation of the Palomino Public Improvement District within the City of Aubrey, Texas, on an approximate 46.974 acres of land situated in the J. Bridges Jr. Survey, Abstract No. 38, Denton County, Texas and as more particularly described by a metes and bounds description available at Aubrey City Hall; setting a date for and authorizing the issuance of notice by the City Secretary of Aubrey, Texas regarding the Public Hearing. (Palomino Development)
17. Hold a Public Hearing, Consider and take action on Ordinance 884-24 Creating Tax Increment Investment Zone No. 4, consisting of approximately 159.9 acres of land generally located south of FM 428, west of FM 1385 and East of Coffey Rd., and within the City of Aubrey; authorizing issuance of notice; and providing a preliminary Project Plan and Finance Plan, pursuant to Chapter 311, Texas Tax Code. (Duck Point)
18. Second reading: Consideration and action regarding Resolution 984-24 approving a Project of the Aubrey Municipal Development District providing a Targeted Improvement grant for Dos Mezclas Restaurant located at 202 B South Main Street for \$30,000.
19. Consider and take appropriate action to accept a grant from Firehouse Subs Public Safety Foundation in an amount of \$33,574.68 for the purchase of 6 ventilators.
20. Consideration and action on a Professional Engineering Services Agreement with Birkhoff, Hendricks and Carter for F.M. 428 Lift Station Improvements in the amount not to exceed \$108,000; and authorizing the Mayor or designee to execute necessary documents.

Department Updates and Discussion:

21. Administration & Finance:
22. Library:
23. Fire Department:

- Construction Update

24. Police Department:

- Power Engage

25. Public Works:

- Water System Update

26. Human Resources:

27. 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:

28. **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
- Highpoint Commercial Collector "Infrastructure Agreement"
- 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
- Fifth amendment to the Fire Protection Agreement with the Fresh Water Supply Districts
- Sod Farm Lift Station

29. **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

30. **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

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.

31. Consider and act on Resolution No 987-24 finding that a public necessity exists and authorizing condemnation to acquire a 0.024 acre permanent sanitary sewer easement for public purposes for a public project, including but not limited to, facilitate sewage collection, drainage, treatment, disposal or emptying including for a lift station, utilities, such appurtenant facilities as may be necessary, and other public uses, on real property generally described as being located in the City of Aubrey, Denton County, Texas, in the Dennis Cowan Survey, Abstract No. 304, Property ID #51417, described in a deed to Ronald Josh Feferman nonexempt lifetime trust recorded in Document Number 2024-381, Official Public Records of Denton County, Texas, such property is generally located north of Stanley Dr., south of Highmeadow Dr., and west of the intersection of Hwy 377 and Redfearn Rd., and being more particularly described herein; providing notice of an official determination to acquire real property for a permanent sanitary sewer 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 permanent sanitary sewer easement; ratifying prior documents made for acquisition of the same; authorizing legal counsel to institute eminent domain proceedings on behalf of the city for the acquisition of the permanent sanitary sewer 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.
32. Consider and act on the Fifth Amendment to the Fire Protection Services Agreement with the Elm Ridge, Paloma Creek Fresh Water Supply Districts and the Town of Providence Village; 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.