

City Council Meeting

Aubrey City Hall
107 S. Main St
Aubrey, TX 76227
March 28, 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.)*
above.

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: 81 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.

- Fire Department Life Saving Awards
- Police Department Swearing-in Ceremony

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. Minutes of the February 22, 2024 City Council meeting
2. Approve Monthly Staff Reports
3. Approve Monthly Financial Report
4. Consideration and action on an Interlocal Cooperation Agreement for Shared Governance Communications & Dispatch Service System agreement, authorizing the Mayor and City Manager to execute the same on behalf of the City of Aubrey.
5. Approve an Ordinance amending Chapter 12, "Traffic and Vehicles", Section 12.05.001 "Penalty", Section 12.05.002 "Routes Designated", Section 12.05.003 "Use Required: Signage", and Section 12.05.004 "Exclusions" to adopt a new Truck Route; providing a penalty not to exceed \$500 for each violation; and providing an effective date.
6. Receive a report, hold a discussion, and take action on an Engineering Professional Services Agreement for Water Ground Storage Tank Rehabilitation with Plummer Associates and authorize the City Manager to execute.

7. Approve an Interlocal Cooperation Agreement between the City of Aubrey and Clear Sky Municipal Utility District of Denton County for Fire Protection and Emergency Medical Services.
8. Approve an Interlocal Cooperation Agreement between the City of Aubrey and Clear Sky Municipal Utility District of Denton County for Police and Emergency Response Services.

New Business: New items previously requested for consideration.

1. Presentation, discussion and action to accept the Fiscal Year 2023 Audit from Whitley Penn, LLP.
2. Consider and act on a Site Plan for Aubrey 377 Addition, Block A, Lot 2R, being 2.0984 acres of land situated in the Francisco Trevino Survey, Abstract No. 1243, City of Aubrey, Denton County, Texas located immediately east of US 377 south of Concho Street and north of Surveyors Road. *Applicant: Sterling Aubrey Retail, LLC*
3. Consider and act on a Final Plat of Aubrey 377 Addition, Block A, Lot 2R, being a replat of Block A Lot 2, 2.0984 acres of land situated in the Francisco Trevino Survey, Abstract No. 1243, City of Aubrey, Denton County, Texas, located immediately east of US 377 south of Concho Street and north of Surveyors Road. *Applicant: Sterling Aubrey Retail, LLC*
4. Consider and act on a Minor Plat of Gilliland Acres, being 2.00 acres in the Francisco Trevino Survey, Abstract 1243, in the City of Aubrey Extraterritorial Jurisdiction, Denton County, Parcel ID 241600, generally located at 10429 Redfearn Road. *Applicant: Denise Gilliland*
5. Hold Public Hearing, consider and act on an Ordinance amending Exhibit 14A, the "Zoning Ordinance," of Chapter 14, "Zoning" of the Aubrey Code of Ordinances to authorize a new land use type of "Package Store for Alcoholic Beverage Sales" with an approved a Specific Use Permit (SUP) for property located in the Commercial (C) District, to provide for a definition of Package Store, to adopt other provisions relative to the use and SUP; providing a penalty; and providing an effective date.

Open Public Hearing: ____ p.m. Close Public Hearing: ____ p.m.

6. Hold Public Hearing, consider and act on an Ordinance amending Exhibit 14A, the "Zoning Ordinance" of Chapter 14, "Zoning" of the Aubrey Code of Ordinances to allow a Specific Use Permit (SUP) authorizing a Package Store for Alcoholic Beverage Sales, to be located and operated at 928 S US 377, Suite 110, Aubrey, Denton County, Texas; providing a penalty for violation; and providing an effective date. The property is zoned Commercial (C).

Open Public Hearing: ____ p.m. Close Public Hearing: ____ p.m.

7. Hold Public Hearing, consider and act on an Ordinance annexing approximately 25.148 acres of land located at 1817 Spring Hill Road and out of the Francisco Trevino Survey, Abstract No. 1243, Denton County Parcel ID 52100, into the City Limits of the City of Aubrey, adopting a municipal services agreement; and providing an effective date. *Applicant: Pretium Capital, LLC*

Open Public Hearing: ____ p.m. Close Public Hearing: ____ p.m.

8. Hold Public Hearing, consider and act on an Ordinance on a change of zoning from unzoned land previously located in the City of Aubrey Extraterritorial Jurisdiction to Planned Development District (PD) with General Retail (GR) and Government Uses on approximately 25.148 acres of land located at 1817 Spring Hill Road. Denton County Parcel ID 52100

Open Public Hearing: ____ p.m. Close Public Hearing: ____ p.m.

9. Consideration and action on a Preliminary Plat for the Loyd Property (Project 53), for 300 Residential Lots, 1 Lift Station lot, 4 Open Space Lots, 1 Public Park Lot, 1 General Retail Lot, 1 City Dedicated General Retail Lot, being 47.275 acres of land situated in the J. Bridges Jr. Survey, Abstract No. 36, within the City of Aubrey Extraterritorial Jurisdiction, Denton County, Texas. The property is generally located west of FM 2931, north of Frontier Parkway, and east of the future Silverado Parkway.

10. Consideration and action on a Preliminary Plat for High Country Phase 10, for 2 Lots, being 30.312 acres situated in the James Bridges, Jr. Survey, Abstract No. 36, within the City of Aubrey Extraterritorial Jurisdiction, Denton County, Texas. The property is generally located west of McNatt Road, north and south of the future Frontier Parkway, south of Ike Byrom Road.

11. Consider and act on a Preliminary Plat for Sandbrock Ranch Phase 14, being 26.210 acres of land situated in the William Lumpkin Survey, Abstract No. 730 and the Frederick H. Pollard Survey, Abstract No. 995, City of Aubrey ETJ, Denton County, Texas located between FM 2931 and FM 1385, and south of FM 428 and Overbrook Parkway. *Applicant: Horizon Deer Creek Development Corp.*

12. Consider and act on a Preliminary Plat for Sandbrock Ranch Phases 15 and 16, being 75.771 acres of land situated in the William Lumpkin Survey, Abstract No. 730, City of Aubrey ETJ, Denton County, Texas located between FM 2931 and FM 1385, and south of FM 428 and Overbrook Parkway. *Applicant: Horizon Deer Creek Development Corp.*

13. Consideration and action on an Ordinance amending Article 1.02, "Administration" of Chapter 1, "General Provisions" of the Aubrey Code of Ordinances to adopt an Official Boundary Map of the City, including the extraterritorial jurisdiction; authorizing Staff to amend the Map as approved by Council, providing for the maintenance of an Official Copy of the Map; and providing an effective date.

14. Consideration and action on an Ordinance amending various sections of Appendix "A", Fee Schedule" in order to amend fees related to building, miscellaneous permits and inspection fees, contractor registration, moving buildings, business, code enforcement, utilities, water rates, planning and development fees, public infrastructure fees, and animal control fees; and providing an effective date.
15. Consideration and action on an Ordinance amending Chapter 4 "Business Regulations" to amend and adopt new provisions as part of Article 4.02 "Alcoholic Beverages" to allow the sale and consumption of certain alcoholic beverages on City property during Special Events held or sponsored by the City; providing a penalty for violation; and providing an effective date.
16. Consideration and action approving the 2024 Consumer Price Index adjustment to municipal telecommunications right-of-way access line rates.
17. Discussion and direction regarding setting a date for a Special Meeting of the City Council.
18. Receive a presentation from the Fire Chief regarding Aubrey Fire Department provision of fire protection and emergency medical services to citizens and special districts, mutual aid, existing fire plan and general service information discussion regarding same.

Department Updates and Discussion:

1. Administration & Finance:
 - None
2. Library:
 - Programs and Outreach; Closure Dates
3. Fire Department:
 - Update on Fire Stations 2 and 3
4. Police Department:
 - None
5. Public Works:
 - Update on Water Wells
6. Humans 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:

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:

- Fire District Interlocal Agreements
- Project 38
- Sod Farm Easement
- Municipal Development District Purchase of Property on Highway 377
- Personnel Policies
- Off Highway Vehicle Statutes

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.

- Land Acquisition – Project 38
- Sod Farm Easement
- Municipal Development District Purchase of Property on Highway 377

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 Secretary (Goals)
- City Manager (Duties and 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.

-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.