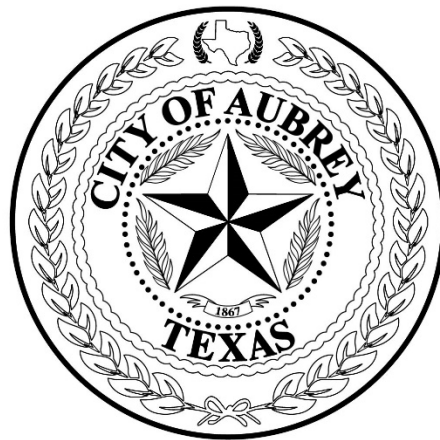


**CITY COUNCIL MEETING;
Meeting of Board of Directors of Tax
Increment Reinvestment Zone No. 2,
City of Aubrey, Texas; and Employee
Benefits Trust Meeting**

Aubrey City Hall
107 S. Main St
Aubrey, TX 76227
August 24, 2023
6:00 PM



**(Notice of Potential Quorum for Planning & Zoning Commission, Board of Adjustment, Library Board, Municipal Development District, Parks & Recreation Board, and Home Rule Charter Commission - even though a quorum of the member of these boards may or may not be present, no official action will be taken by their members.)*

Notice Regarding Public Participation

Individuals may attend the Aubrey City Council 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/81904841640?pwd=YTFhd0lXbnhQUVNoRH0wT2h3ek1Vdz09>

Meeting ID: 819 0484 1640 Password: 08242023

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:

Mayor - Chris Rich
Council Place 1 - Jeff Perry (Mayor Pro Tem)
Council Place 2 - Matt Jones
Council Place 3 - Erin Allen
Council Place 4 - Randy Jones
Council Place 5 - Chuck Fikes (Deputy Mayor Pro Tem)

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.

- **Community Achievement Award to Elliot Bland** *Mayor Rich*
- **Suicide Prevention Month Proclamation** *Michelle Foster, Denton County MHMR*
- **Line United Month Proclamation** *Carrell Ann Simomons & Vicki Smith*
- **Mental Health Officer Program Introduction** *Chief Brooks*
- **Presentation of 100th employee** *Charles Kreidler*

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 Members or staff. Consideration and action on the following:

1. Minutes of the following City Council Meeting(s):
 - a. July 27, 2023 ([Document](#))
 - b. August 3, 2023 ([Document](#))
2. Staff Reports ([Document](#))
3. Monthly Financial Report ([Document](#))
4. A Revised Final Plat of Sandbrock Ranch Phase 10B, being 18.868 acres out of the Frederick H. Pollard Survey, Abstract No. 995, Denton County, Texas located east of the City of Aubrey and Little Elm Creek, west of FM 1385, south of Spring Hill Rd (FM 428) and north of Frontier Parkway in the Aubrey Extraterritorial Jurisdiction. *Cate Ball* ([Document](#))
5. A Revised Final Plat of Sandbrock Ranch Phase 11B, being 12.891 acres out of the William Lumpkin Survey, Abstract No. 730, Denton County, Texas located east of the City of Aubrey and Little Elm Creek, west of FM 1385, south of Spring Hill Rd (FM 428) and north of Frontier Parkway in the Aubrey Extraterritorial Jurisdiction. *Cate Ball* ([Document](#))
6. An Ordinance approving a settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division, regarding the company's 2023 rate review mechanism filings, and adopting tariffs that reflect the rate adjustments. ([Document](#))
7. A Resolution suspending the September 1, 2023 effective date of Coserv Gas, LTD's requested rate change to permit the City time to study the request and to establish reasonable rates; and providing an effective date. ([Document](#))
8. A Resolution appointing member(s) to serve as the City designee and alternate for communications with special Districts. ([Document](#))
9. An Ordinance amending Chapter 12, Traffic and Vehicles", Division 2, "Speed Limits" of the Code of Ordinances regulating prima facie speed limits on Winn Ridge Boulevard; providing a penalty for violation; and providing an effective date. *Richard Brooks* ([Document](#))
10. Donation of City of Aubrey radar equipment to the City of Pilot Point Police Department. *Chief Brooks* ([Document](#))
11. An Interlocal Cooperation Agreement with Denton County for Public Improvement Assessment Collection for the Aubrey Public Improvement District No. 1 (Keeneland) ([Document](#))
12. A five-year renewal of the Water Tower Use License Agreement with Speed of Light Broadband, Inc. ([Document](#))
13. Change Order No 2 for Rey-Mar Construction for a credit for the SCBA Unit in the amount of \$6,423.70. ([Document](#))

New Business: New items previously requested by Council Members, City Staff, or Citizens for consideration by the City Council.

14. Consideration and action on a Site Plan Revision for the Aubrey High School with a variance to the mechanical equipment screening requirement in Section 23F(6)(d)(iii) of the Zoning Ordinance, the site being located at the southeast corner of Spring Hill Road and Highway 377. *LaShondra Stringfellow* ([Document](#))
15. Consideration and action on a Site Plan for Lot 1 Block C Pine Ridge Pavilion Addition, Phase II located west of the High School at the southeast corner of the intersection of US 377 and Pine Ridge Road within the City of Aubrey, Texas. *Cate Ball* ([Document](#))
16. **RECESS INTO EMPLOYEE BENEFIT TRUSTEE MEETING**
 - a. Presentation from Rodney Dryden, from Hub International, regarding the city's insurance rates.
 - b. Consideration and action on awarding and funding the employee benefit trust insurance programs monthly as follows:
 - Health - \$695.99 per employee to Blue Cross Blue Shield
 - Dental - \$29.96 per employee to Blue Cross Blue Shield
 - Vision - \$5.73 per employee to Blue Cross Blue Shield
 - HSA Card - \$1,500 individual/\$3,000 family
 - Life Insurance/AD&D - \$0.130/\$1,000 to The Standard
 - Short Term Disability - \$0.236 per \$10 and Long-Term Disability - \$0.242 per \$100 to The Standard
 - First Stop Health - \$8.20/employee
 - PHI Air Medical - \$12/employee
 - Discovery Benefits:
 - COBRA Administration - \$1.00/month
 - Flexible Spending Account - \$4.95/month

RECONVENE INTO REGULAR SESSION

17. **RECESS INTO MEETING OF TAX INCREMENT REINVESTMENT ZONE NO. 2, CITY OF AUBREY, TEXAS**

CALL MEETING TO ORDER.

- a. Consider and take appropriate action to appoint a Vice-Chair for the Board.
- b. Consider and take appropriate action regarding a Resolution of the Board of Directors approving the Project and Finance Plan for TIRZ No. 2 ("Keeneland Development"). ([Document](#))

RECONVENE INTO REGULAR SESSION

18. Hold a public hearing, consider act on an Ordinance zoning the Keeneland Development from Unzoned to "PD" (Planned Development) District for uses consistent with the "SF75" (Single-family residential 7,500 square feet) District and delineated development standards for lot area, lot dimensions, yards, height, lot coverage, and landscaping on approximately 81.5 acres situated in the F. Trevino Survey, Abstract No. 1243, generally located on the north side of Spring Hill Road, north of the terminus of Paradise Drive/Lone Star Lane. *Property Owner: Aubrey 81 West LP* ([Document](#)) *LaShondra Stringfellow* (This item was tabled at the August 10, 2023 Planning and Zoning Commission Meeting.)

Open Public Hearing: _____ **Close Public Hearing:** _____

19. Hold a public hearing, consider and act on an Ordinance amending the zoning for a portion of the High Pointe Ranch Development from "AG-R" (Agricultural Residential) District and a portion of the property from Unzoned to "PD" (Planned Development) District for "SC" (Shopping Center) District uses, certain "C" (Commercial) District uses, "SF75" (Single-Family Residential) District uses and delineated development standards for lot area, lot dimensions, yards, lot coverage, building design, screening, and landscaping on

approximately 460.7 acres situated in the F. Trevino Survey, Abstract No. 1243, generally located on the northeast corner of Spring Hill Road and Highway 377. (Property Owners: Aubrey Blackjack Partners, LLC and FM Land Investments I) *LaShondra Stringfellow* ([Document](#)) (This item was tabled at the August 10, 2023 Planning and Zoning Commission Meeting.)

Open Public Hearing: _____ **Close Public Hearing:** _____

20. Consideration and action on a Revised Preliminary and Final Plat of High Pointe Ranch Phase 1A, being 81.640 acres out of the F. Trevino Survey, Abstract No. 1243, Denton County, Texas located east US 377 bounded on the north by E. Blackjack Rd and on the south by Spring Hill Road (Hwy 428) in the City of Aubrey. *Cate Ball* ([Document](#))

21. Consideration and action on a Revised Preliminary and Final Plat of Belmont Phase 1, being 37.049 acres out of the F. Trevino Survey, Abstract No. 1243, Denton County, Texas located east of US 377 bounded on the north by E. Blackjack Rd and on the south by Spring Hill Road (Hwy 428) in the City of Aubrey Extraterritorial Jurisdiction. *Cate Ball* ([Document](#))

22. Presentation summarizing the results of Public Improvement District No. 1 (Keeneland) PID Series 2023 Special Assessment Revenue Bonds Pricing. *Hilltop Securities*

23. Hold a Public Hearing on an Ordinance approving a Service And Assessment Plan and assessment roll for authorized improvements within Aubrey Public Improvement District No. 1 (Keeneland Development); making a finding of special benefit to certain property in the district; levying assessments against certain property within the district and establishing a lien on such property; providing for payment and collection of the assessment in accordance with Chapter 372, Texas Local Government Code, as amended and providing an effective date. (Keeneland) *Abdi Yassin, Municap, Inc.* ([Document](#))

Open Public Hearing: _____ **Close Public Hearing:** _____

24. Consideration and action on an Ordinance approving and authorizing the issuance and sale of the City of Aubrey Special Assessment Revenue Bonds, Series 2023 (Aubrey Public Improvement District No. 1); approving and authorizing an indenture of trust, a bond purchase agreement, a limited offering memorandum, a continuing disclosure agreement, and other agreements and documents in connection therewith; making findings with respect to the issuance of such bonds; and providing an effective date. (Keeneland) *Hilltop Securities* ([Document](#))

25. Hold a Public Hearing and consider and act on an Ordinance amending Ordinance No. 740-22 of the City of Aubrey providing for the creation of Tax Increment Reinvestment Zone No. 2, City of Aubrey, Texas (Keeneland Development). *Abdi Yassin, Municap, Inc* ([Document](#))

Open Public Hearing: _____ **Close Public Hearing:** _____

26. Consider and act on an Ordinance approving a Project and Finance Plan for Tax Increment Reinvestment Zone No. 2 (Keeneland Development); making findings and providing an effective date. ([Document](#))

27. Hold public hearing, consider and act on an Ordinance for the proposed annexation of ±1.17 acres, over and across US Highway 377 (an existing 120-foot right-of-way), legally described as being in the F. Travino Survey, Abstract No. 1243, Denton County, Texas, and the J. Pearson Survey, Abstract No. 1048, Denton County, Texas. (Highway 377 at Concho) *Charles Kreidler* ([Document](#))

Open Public Hearing: _____ **Close Public Hearing:** _____

28. Hold a Public Hearing, consider and act on an Ordinance making appropriations for the support of the City; appropriating money to a sinking fund to pay interest and principal on the City's indebtedness; approving and adopting the annual Budget of the City of Aubrey, Texas for the 2023-2024 Fiscal Year; providing for the filing of the budget in the Office of the City Secretary; and providing an effective date. *Mike English* ([Document](#))

Open Public Hearing: _____ **Close Public Hearing:** _____

29. Hold a Public Hearing on the proposed tax rate on all taxable property for the year 2023 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. : *Mike English* ([Document](#))

Open Public Hearing: _____ **Close Public Hearing:** _____

30. Consideration and action on alternate dates of the November and December City Council meetings and date of special meeting to adopt tax rate. *Charles Kreidler*
31. Consideration and action on an Ordinance changing the regular City Council meeting date; and providing an effective date. *Mayor Rich* ([Document](#))
32. Consideration and action on an Ordinance repealing Division 2 “Curfew” of Article 8.02 “Minors” of Chapter 8 “Offenses and Nuisances” of the Code of Ordinances to repeal regulations imposing a curfew on persons under the age of eighteen and the associated criminal penalty; and providing an effective date. ([Document](#))

Advisory Board Reports: If an advisory board wishes to provide any updates, the name of the board and description of the report will be provided below. Receive a report and discuss the following:

33. Aubrey Municipal Development District Board: Consideration and action on removing, appointing, and reappointing members to the Aubrey Municipal Development District Board. ([Document](#))

Department Updates and Council Discussion:

Administration & Finance:

- None

Library:

- None

Fire Department:

- Weather Radios

Police Department:

- None

Public Works:

- Street Project Update
- Faulkner Well

Human Resources:

- HR Manager Hiring Status

Municipal Development:

- None

Future Agenda Requests: Council 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:

- a) **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:
- Interlocal Agreements with the Denton County Fresh Water Supply Districts

- b) **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
 - Land acquisition – Project 25
 - Land acquisition – Downtown
 - Land Acquisition – Winn Ridge Municipal Projects
 - FM 428 Tract

- c) **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 (Goal setting)
 - Municipal Development District Board Members

Motion to adjourn into Executive Session. Time: _____

Reconvene into Open Session: Time: _____ 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.

35. Consider and take appropriate action on a Development Agreement for Project 25; and authorize the Mayor to execute necessary documents.

-ADJOURN-

I, Jenny Huckabee, 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 _____, 2023.

(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.

*Pursuant to Section 551.127, Texas Government Code, one or more Councilmembers or employees may attend this meeting remotely using videoconferencing technology. A quorum of the City Council 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 as provided above.