

CITY COUNCIL MEETING MINUTES

Aubrey City Hall
107 S. Main St
Aubrey, TX 76227
March 28, 2024
6:00 PM



Call to Order - Determine if a Quorum is Present:

The meeting was called to order at 6:00 p.m.

Present: Jeff Perry, Chuck Fikes, Randy Jones, Matt Jones

Absent: Erin Allen

Staff Present: City Attorney Patricia Adams, City Manager Charles Kreidler, City Secretary Jenny Huckabee, Finance Director Mike English, Fire Chief Eric Schlotter, Police Chief Richard Brooks, Director of Development Services and Public Works Leanne Wilson, HR Director Shaena Williams, Administrative Assistant Christy Sayer, Municipal Development Director Christine Gossett, Planner Cate Ball, Planner Helen-Eve Beadle

Invocation & Pledge of Allegiance:

Council Member Jeff Perry offered the invocation and led the Pledge of Allegiance.

Community Announcements:

- Fire Department Life Saving Awards were presented to Captain Jason Brazil, Engineer Preston Brooks, Engineer Kyle Covington, Firefighter John Shaw, Firefighter Grant Beste, and Firefighter Bailey Schlereth and to Police Sergeant Evan Ishmael, Battalion Chief Richard Bowling, Captain Jason Brazil, Firefighter Chase McClurg, Firefighter John Shaw, and Firefighter Emily Hesse.
- Police Officer Cade Manint and Police Officer Cameron Baxter were sworn-in.
- Charles Kreidler announced the April 3rd joint meeting with Aubrey ISD, spoke regarding the new agenda software, and introduced Riley Podleski as the Assistant to the City Manager.

Citizen Input: None

Consent Items:

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. (*Ordinance No 829-24*)
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.

Council Member Chuck Fikes made a motion to approve the consent agenda. Council Member Randy Jones seconded. Motion carried unanimously.

New Business: New items previously requested for consideration.

1. Presentation, discussion and action to accept the Fiscal Year 2023 Audit from Whitley Penn, LLP.

Lauren Eaton, Whitley Penn Senior Auditor, presented information.

Council Member Jeff Perry made a motion to approve. Council Member Chuck Fikes seconded. Motion Passed (4:0) .

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*

Cate Ball provided information.

Council Member Chuck Fikes made a motion to approve. Council Member Jeff Perry seconded. Motion Passed (4:0).

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*

Cate Ball provided information.

Council Member Jones made a motion to approve with conditions. Council Member Jones seconded. Motion Passed (4:0) .

Conditions:

1. Per Article 2, Section 1.06, proof of property owner's authorized agent
 2. Per Article 11, Appendix B.a. Final Plat Checklist, the plat is missing the required signatures.
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*

Cate Ball provided information.

Council Member Randy Jones made a motion to approve. Council Member Chuck Fikes seconded. Motion Passed (4:0) .

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.

Helen-Eave Beadle provided information.

The Public Hearing opened at 6:40 p.m. and closed at 6:48 p.m. There were no speakers.

Council Member Matt Jones made a motion to approve. Council Member Chuck Fikes seconded. Motion Passed (4:0). (*Ordinance No 830-24*)

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).

Helen-Eave Beadle provided information.

The Public Hearing opened at 6:50 p.m. and closed at 6:57 p.m.

Ryan Brown, 7175 Rhoads Rd, spoke during the public hearing regarding the distance to the vape store next door.

Council Member Jeff Perry made a motion to Approve. Council Member Chuck Fikes seconded. Motion Passed (4:0). (*Ordinance No. 836-24, SUP 24-001-C*)

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*

Helen-Eave Beadle provided information.

The Public Hearing opened at 6:58 p.m. and closed at 6:59 p.m. There were no speakers.

Council Member Matt Jones made a motion to Approve. Council Member Jeff Perry seconded. Motion Passed (4:0). (*Ordinance No 832-24*)

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

Helen-Eave Beadle provided information.

The Public Hearing opened at 7:00 p.m. and closed at 7:04 p.m. There were no speakers.

Council Member Matt Jones made a motion to approve. Council Member Randy Jones seconded. Motion Passed (4:0). (*Ordinance No. 831-24*)

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.

Helen-Eave Beadle provided information.

Council Member Matt Jones made a motion to approve subject to the Planning and Zoning Commission's recommendation. Council Member Jeff Perry seconded. Motion Passed (4:0).

Condition: Provide for open space/park parking spaces as off-street spaces and are not shared with the street right-of-way.

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.

Helen-Eave Beadle provided information.

Council Member Matt Jones made a motion to approve. Council Member Randy Jones seconded. Motion Passed (4:0).

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.*

Cate Ball provided information.

Council Member Jeff Perry made a motion to approve with conditions. Jeff Perry seconded. Motion Passed (4:0).

Condition: Per Article 11, Appendix B.a. Final Plat Checklist, the plat is missing required signatures.

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.*

Cate Ball provided information.

Council Member Matt Jones made a motion to approve with the condition that the comments from Upper Trinity Regional water District are met. Council Member Randy Jones seconded. Motion Passed (4:0).

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.

Charles Kreidler provided information.

Council Member Matt Jones made a motion to approve. Council Member Chuck Fikes seconded. Motion Passed (4:0) . *Ordinance No. 833-24*

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.

Leanne Wilson provided information.

Council Member Matt Jones made a motion to approve. Council Member Jeff Perry seconded. Motion Passed (4:0) . *Ordinance No 834-24*

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.

Leanne Wilson provided information.

Council Member Jeff Perry made a motion to approve. Council Member Chuck Fikes seconded. Motion Passed (4:0). *Ordinance No 835-24*

16. Consideration and action approving the 2024 Consumer Price Index adjustment to municipal telecommunications right-of-way access line rates.

Mike English provided information.

Council Member Matt Jones made a motion to approve. Council Member Randy Jones seconded. Motion Passed (4:0) .

17. Discussion and direction regarding setting a date for a Special Meeting of the City Council.

Direction was received to set the Special Meeting date for April 18, 2024 at 6:00 p.m.

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.

Charles Kreidler and Chief Eric Schlotter provided information. No action taken. Felicia Pacewicz, 1801 Gold Mine Tr, spoke regarding concerns of the District's change in contracts.

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:
 - update on Library & Community Center remodel
5. Public Works:
 - Update on Water Wells
6. Humans Resources:
 - None
7. Municipal Development:
 - None

Future Agenda Requests: None

*****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.

Council Member Randy Jones made a motion to Adjourn into Executive Session at 9:03 p.m. Council Member Matt Jones seconded. Motion Passed (4:0).

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.

Council Member Jeff Perry left the meeting during Executive Session at 9:48 p.m.

City Council reconvened into open session at 11:10 p.m.

Council Member Chuck Fikes made a motion to direct the City Manager to proceed as discussed in closed session regarding the MDD purchase of property on Highway 377. Council Member Matt Jones seconded. Motion Passed (3:0) with Council Member Jeff Perry absent.

Council Member Matt Jones made a motion to direct the City Manager to proceed with organizational staffing changes for the police department and to bring back an updated personnel plan at the next meeting. Council Member Chuck Fikes seconded. Motion passed (3:0) with Council Member Perry absent.

-ADJOURN-

The meeting was adjourned at 11:11 p.m.

PASSED and APPROVED by the City Council of the City of Aubrey, Texas this 25th day of April, 2024.


Chris Rich, Mayor

ATTEST:


Jenny Hicks, City Secretary

