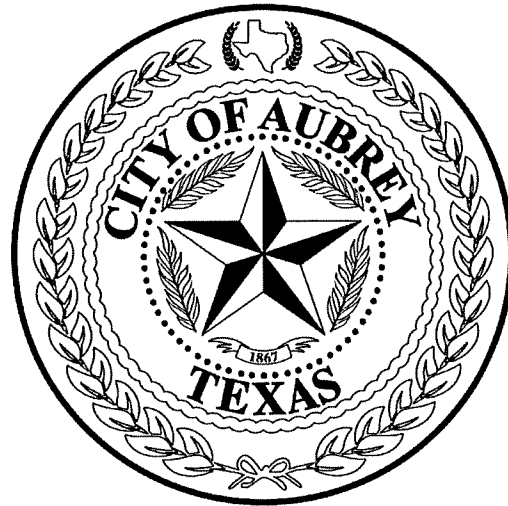


City Council Meeting Minutes

Aubrey City Hall
107 S. Main St
Aubrey, TX 76227
April 25, 2024
6:00 PM



Call to Order - Determine if a Quorum is Present:

The meeting was called to order at 6:00 PM.

Present: Jeff Perry, Erin Allen, Chuck Fikes, Randy Jones

Absent: Matt Jones

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

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."

Council Member Perry offered the Invocation and led the Pledge of Allegiance.

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.

- Christy Sayer announced the Summer Music Series on April 27th beginning at 5:30 PM in Veterans Memorial Park.
- Chief Richard Brooks announced the Police Department's participation in National Pharmaceutical Take-Back Initiative day on Saturday, April 27th from 9:00 AM to 2:00 PM.

- Mayor Rich presented a Proclamation to Maria Jones, with United Way of Denton Co, proclaiming May as Mental Health Month Awareness.

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.

- Glenda Whitson, 308 N. Main St, spoke regarding continuing drainage concerns near her house at 202 E. North St. and regarding the use of off road vehicle to be used for work and maintenance.

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 following meetings:
 - March 28, 2024
 - April 3, 2024
 - April 18, 2024
2. Accept Monthly Staff Reports
3. Accept Monthly Financial Report.
4. Approve Quarterly Investment Report
5. Approve Ordinance # 838-24 amending Chapter 3 "Building Regulations", Article 3.04.003 (b) "Appointment of code official", amending Article 3.04.007 (f) "Hearings", and 3.04.010 "Appeals".
6. Approve changes to the number of Authorized Positions in the Police Department
7. Approve an Interlocal Agreement with City of Richardson, TX for cooperative purchasing of medical supplies from Boundtree Medical.

8. Acceptance of the 2023 CIP Project S4 - 24" Sanitary Sewer Line and authorize final payment to Wilco Underground, LLC in the amount of \$116,620.00; and authorize the Mayor to execute necessary documents.
9. Approve a Professional Services Agreement with Birkhoff, Hendricks and Carter for an update to the Aubrey Water and Sewer Master Plans and authorize the City Manager to execute necessary documents.
10. Authorize the city manager to execute necessary documents for the council approved purchase of real property located at 916 US 377 and Highmeadow Drive for the Aubrey Municipal Development District.

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

New Business: New items previously requested for consideration.

1. Consideration and action on a Final Plat of Highpointe Ranch Phase 1C being 32.472 acres in the Francisco Trevino Survey, Abstract No. 1243, City of Aubrey, Denton County, Texas located immediately east of US 377 between Spring Hill Road (FM 428) on the south and East Blackjack Rd on the north within the city limits of Aubrey. (*Aubrey Blackjack Partners, LLC*)

Cate Ball provided information.

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

Conditions:

1. Include all recorded instrument numbers for temporary and permanent utility and drainage easements noted on the plat. [Per Chapter 10, Article 2 Procedures, Section 4.08(b)]The plat is missing required signature [Per Article 11, Appendix B, Final Plat Checklist]
2. Consideration and action on a Preliminary Plat for the Trivedi Addition for 2 lots in 25.159 acres of land out of the F. Trevino, Abstract No. 1243, within the City of Aubrey, Denton County, Texas. (*Pretium Capital, LLC*)

Helen-Eve Beadle provided information.

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

Conditions:

1. Approval of preliminary engineering plans may be resolved during the final design/final plat stage. The review comments are included in this report;
2. Sheet 3 shall reference to correct plat name, Trivedi Addition;

3. Sheet 2 NOTES Section shall match Sheet 1; and
 4. The deed overlap information shall be resolved prior to execution and filing of a Final Plat at the County.
3. Consideration and action on a Final Plat for Ribbonwood Phase 1 for 213 residential lots, 4 open space lots in 43.864 acres of land out of the F.H. Pollard Survey, Abstract No. 995, within the Extraterritorial Jurisdiction of the City of Aubrey, Denton County, Texas. (*Clayton Lee Boyd, Investment Trustee under the Boyd 2021 Investment Trust*)

Helen-Eve Beadle provided information.

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

1. HOA documents shall be submitted and approved by the City Attorney and filed in conjunction with the Final Plat;
 2. Landscape, Screening, retaining walls, and irrigation plans shall be submitted and approved prior to referenced work commencing; and
 3. The project engineer has stated the sidewalks around the open space HOA/Park Lot 1X, Block L will provide for 5 foot sidewalks per the ETJ Development Agreement. (Additional Staff Comment)
4. Conduct the second public hearing in accordance with Texas Local Government Code Section 43.063(a) and other applicable law, to consider testimony and provide members of the public an opportunity to be heard on the proposed annexation of a certain ± 1.078 acre tract of land being a part of the existing 60-foot wide right-of-way of Redfearn Road and the new variable width right-of-way on the east side of US Highway 377, south of Redfearn Road, situated in the F. Trevino Survey, Abstract No. 1243, Denton, County Texas and the associated right-of-way.

The Public Hearing opened at 6:20 p.m. and closed at 6:21 p.m. There were no speakers.

Charles Kreidler provided information.

5. Consideration and action on Resolution 957-24, 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 Duck Point Public Improvement District within the extraterritorial jurisdiction of the City of Aubrey, Texas, on an approximate 160 acres of land situated in the Frederick H. Pollard Survey, Abstract No. 995, 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. (Duck Point Development)

Charles Kreider provided information.

Council Member Erin Allen made a motion to approve the Resolution setting the

public hearing for the regular meeting on May 23, 2024. Council Member Randy Jones seconded. Motion Passed (4:0).

6. Consideration and action on Ordinances Numbers 840-24 to 849-24 amending and adopting new Divisions within Article 3.03, "Technical and Construction Codes and Standards" of Chapter 3, "Building Regulations" of the Code of Ordinances to adopt the 2023 National Electric Code (Ordinance 840-24) with Local Amendments, and to adopt the 2021 Editions of and Local Amendments to the following International Codes:
 - a. International Building Code (Ordinance 841-24)
 - b. International Existing Building Code (Ordinance 848-24)
 - c. International Energy Conservation Code (Ordinance 842-24)
 - d. International Fuel Gas Code (Ordinance 843-24)
 - e. International Mechanical Code (Ordinance 844-24)
 - f. International Plumbing Code (Ordinance 845-24)
 - g. International Fire Code (Ordinance 846-24)
 - h. International Residential Code (Ordinance 847-24)
 - i. International Swimming Pool and Spa Code (Ordinance 849-24)

Leanne Wilson provided information.

Council Member Erin Allen made a motion to approve the Ordinances. Council Member Jeff Perry seconded. Motion Passed (4:0).

7. Consideration and action on awarding a bid and entering into a contract with ALCC, LLC for Park Improvements at Leslie Park Field for an amount not to exceed \$669,263.71 and authorizing the City Manager to execute necessary documents.

Leanne Wilson provided information.

Alan Holland, 817 Ridgecrest Ct, representing AAYSA, spoke regarding the need for soccer fields and requested reallocating funds to soccer fields instead of pickleball.

Ryan Brown, 7175 Rhoads Rd, spoke regarding the ability to amend the soil in the Leslie Park area.

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

8. Consideration and action on a Resolution nominating a candidate for the DENCO Area 9-1-1 District Board of Managers.

Charles Kreidler provided information.

Council Member Erin Allen made a motion to nominate Jim Carter. Council Member Chuck Fikes seconded. Motion Passed (4:0). (Resolution 956-24)

9. Consideration and action on an Ordinance amending Ordinance No. 801-23 adopting the Fiscal Year 2023-2024 Budget to balance revenue surplus, expense surplus and shortfall; and providing an effective date.

Mike English provided information.

Council Member Randy Jones made a motion to approve. Council Member Chuck Fikes seconded. Motion Passed (4:0). (Ordinance 839-24)

10. Consideration and action on Ordinance # 837-24 amending Chapter 12 "Traffic and Vehicles", Article 12.04 "Parking" and adding Article 12.07 Golf Carts and Off-Highway Vehicles".

Chief Richard Brooks provided information.

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

11. Consideration and action on removing and/or appointing member(s) to the Aubrey Parks and Recreation Board. (Susan McCormack Resignation)

Council Member Erin Allen made a motion to approve the resignation of Susan McCormack from the Parks and Recreation Board. Council Member Jeff Perry seconded. Motion Passed (4:0).

Department Updates and Discussion:

1. Administration & Finance:
 - None
2. Library:
 - Annual Report
 - Programs and Services
 - Conference Attendance
 - Presentation on Public School and Home-School based programs
 - Charles Kreidler spoke regarding the remodel of the Community Center will provide additional rooms for additional programs

Charles Kreidler spoke regarding the remodel of the library community center giving the library more rooms for programs.

3. Fire Department:
 - Station Updates
 - New Fire Vehicle
4. Police Department:
 - Library/Community Center Renovation Updates
5. Public Works:
 - Update on Water Wells

- Park Projects: Matthews Park design is at approximately 90% completion, Veterans Park projects are about two weeks out, Highmeadow Park concept is complete and in design.

6. Human 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.

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:

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:
 - Hidden Lake Development
 - Duck Point Development
 - Project 38
 - Sod Farm Easement
 - Fire Station No 2 Construction Bid
 - CCN Acquisition
 - Options for Traffic Control at the Pine Ridge and Highway 377 Intersection
 - *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
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.
 - Project 38
 - Sod Farm Easement

Motion to Recess into Executive Session.

Council Member Jeff Perry made a motion to recess into Executive Session at 7:17 PM. Council Member Randy 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.

Reconvened into Open Session at 9:16 PM.

1. Consideration and action on awarding a bid for the construction of Fire Station Number 2 and authorize the City Manager to negotiate the final contract and execute same.

Council Member Jeff Perry made a motion to award the bid for the construction of Fire Station Number 2 to Crossland Construction and authorize the City Manager to negotiate the final contract and execute same. Council Member Erin Allen seconded. Motion Passed (4:0).

2. Consideration and action on options for traffic control at the intersection of Pine Ridge and Highway 377.

No action taken.

-ADJOURN-

The meeting was adjourned at 9:16 PM.

Passed and Approved by the City Council of the City of Aubrey, Texas on this 23rd day of May, 2024.


Chris Rich, Mayor

ATTEST:


Jenny Hicks, City Secretary

