

City Council Meeting Minutes

Aubrey City Hall
107 S. Main St
Aubrey, TX
76227
June 27, 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 (via Zoom), Chuck Fikes, Randy Jones, Chris Rich

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, Director of Development Services and Public Works Leanne Wilson, Library Manager Brittany McLain, Event and Programming Coordinator 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:

- Upcoming Library Programs: Summer Reading, July 4th Closure
- Swearing-in of Firefighters/Paramedic Ryan Steddum, Firefighter/Paramedic Michael Dulceak, and Firefighter/EMT Kyle Hoffman; Announcement of Trent Bell's Promotion to Captain and Fire Marshal.

Citizen Input:

- Abigail Allen, 2141 DeWitt Lane, Providence Village, thanked Chief Brooks, Chief Schlotter, and Riley Podleski for their support of the Beta event.

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 May 23, 2024 meeting
2. Approve the minutes of the June 15, 2024 meeting.
3. Approve Monthly Staff Reports
4. Approve Monthly Financial Report
5. Approve an Interlocal Agreement with Texas Municipal League for 2024-2025 Cyber Liability and Data Breach Response Coverage Updates
6. Approve Resolution 967-24 for the temporary closure of Main Street during the annual Holiday Tree Lighting on December 4, 2024.
7. Approve a request for an extension of the expiration date of the Preliminary Plat for the Ribbonwood development.
8. Approve an Interlocal Agreement between the City of Aubrey and the Clear Sky Municipal Utility District for solid waste services.
9. Approve an Interlocal Agreement between the City of Aubrey and the Ribbonwood Municipal Utility District for solid waste services.

Council Member Jeff Perry made a motion to approve the consent items. Council Member Chuck Fikes seconded. Motion carried unanimously.

New Business: New items previously requested for consideration.

1. Consideration and action for site plan approval for Shop at High Meadows, Lot 4R1, Block A of the Garland Wilson Addition, located at the southwest corner of the intersection of E. Highmeadow Drive and Betty Lane, City of Aubrey, Denton County, Texas. (*CLR Realty Group, LLC*)

Planner Cate Ball provided information.

After attorney consultation with attorney in closed session, Council Member Jeff Perry made a motion to approve the site plan subject to conditions 1-3 in the staff report and condition number 4 amended to read: approval of requested modifications for landscaping per Chapter 14, Section 23.F.4 items a, b, c, & d. Council Member Randy Jones seconded. Motion carried unanimously.

Conditions 1-3 from staff report:

1. City Council approval of expenditure of funds for public drainage improvements along E. Highmeadow Dr to address current drainage issues in the area. (Per Chapter 10, Subdivision Ordinance, Article 1, Section 11, Proportionality.)
 2. The owner shall pay their share for any drainage upsize needed to the existing drainage that comes from the proposed development for Shops at Highmeadows. (Per Chapter 10, Subdivision Ordinance, Article 1, Section 11, Proportionality; and Article 2 Section 1.01.c.)
 3. Owner / applicant to address the comments of the City Engineer's review of the civil plans. (Per Chapter 10, Subdivision Ordinance, Article 1, Section 11, Proportionality.)
2. Hold a public hearing, consider, and act on an Ordinance amending Exhibit 14A, "Zoning Ordinance," in Chapter 14, "Zoning" of the Code of Ordinances of the City of Aubrey, Texas, Section 6. Conditional Uses and Specific Use Permits, to provide for

regulations for Alcoholic Beverage Sales through a Specific Use Permit (SUP) and amending Section 15. GR-General Retail, Section 16. SC-Shopping Center, Section 17. C-Commercial, Section 18. IND-Industrial, and Section 20. PD-Planned Development District to provide for regulations for Alcoholic Beverage Sales by Specific Use Permit. (*City of Aubrey*)

Planner Helen-Eve Beadle provided information.

The Public Hearing opened at 6:24 p.m. and closed at 6:30 p.m.
Jesse Auer, 725 Countryside Dr, asked about the definition of volume.

After attorney consultation in closed session, Council Member Chuck Fikes made a motion to approve Ordinance No. 852-24, removing Section d, referencing Public Impact Criteria. Council Member Jeff Perry seconded. Motion carried unanimously.

3. Hold a public hearing, consider, and act on an Ordinance for a Specific Use Permit request to allow for the sale of alcoholic beverages in conjunction with a restaurant use for Brothers Mexican Restaurant, 1001 Highway 377, Suite 109, City of Aubrey, Denton County, Texas. (*Brothers Mexican Restaurant, Jorge Perez*)

Planner Helen-Eve Beadle provided information.

The Public Hearing opened at 6:32 p.m. and closed at 6:35 p.m.

There were no speakers.

After attorney consultation in closed session, Council Member Chuck Fikes made a motion to approve Ordinance No. 853-24 for SUP No 2024-002-C, removing the Public Impact Criteria from Exhibit C. Council Member Randy Jones seconded. Motion carried unanimously.

4. Consideration and action on a Resolution granting a petition requesting annexation into the extraterritorial jurisdiction and corporate limits of the City of Aubrey by MM Aubrey 160, LLC, owners of approximately 160 acres of land, generally located on the Frederick H. Pollard Survey, Abstract No 995, Denton County, Texas, setting a Public Hearing for the annexation; authorizing staff to negotiate and enter into a written services agreement with Owner. (*Duck Point Development*)

Charles Kreidler provided information.

Council Member Chuck Fikes made a motion to approve Resolution No. 968-24, setting the public hearing for July 25, 2024 at 6:00 p.m. at City Hall. Council Member Jeff Perry seconded. Motion carried unanimously.

5. Conduct the first 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 portion of FM 1385, beginning at the city limits just south of the intersection of FM 1385 and Winn Ridge Blvd, continuing north to the intersection of FM 1385 and FM 428, and to include any additional adjacent right-of-way,

Denton County, Texas.

Charles Kreidler provided information.

The Public Hearing opened at 6:36 p.m. and closed at 6:39 p.m.

There were no speakers.

6. Conduct the first 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 portion of FM 428, beginning at the intersection of FM 1385 and FM 428, continuing west to the intersection of FM 428 and FM 2931, and to include any additional adjacent right-of-way, Denton County, Texas.

Charles Kreidler provided information.

The Public Hearing opened at 6:39 pm. and closed at 6:40 p.m.

There were no speakers.

7. Consideration and action on an Encroachment Agreement for Highpointe Ranch, Phase 1B for a canopy structure in and above the right-of-way of Bronco Lane.

Helen-Eve Beadle provided information.

Council Member Jeff Perry made a motion to approve the Encroachment Agreement, with the removal of the signage reference. Council Member Randy Jones seconded. Motion carried unanimously.

8. Consideration and action on a First Amended and Restated Development Agreement between the City and Lennar Homes of Texas Land and Construction, Ltd.

Leanne Wilson provided information.

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

9. Consideration and action on appointing a member to the Parks and Recreation Board as an alternate.

Council Member Randy Jones made a motion to appoint Eric Probst to the Parks and Recreation Board as an alternate. Council Member Jeff Perry seconded. Motion carried unanimously.

10. Consideration and action on a Resolution appointing a member of the Denco 9-1-1 Board of Managers.

Council Member Jeff Perry made a motion to appoint Jim Carter to the Denco 9-1-1 Board of Managers. Council Member Chuck Fikes seconded. Motion carried unanimously.

Department Updates and Discussion:

1. Administration & Finance: Reminder of Budget Workshop on Saturday; Update on new Council Chamber, hope to be in use for August meetings
2. Library: None
3. Fire Department: Fire Station Construction Updates on Stations 2 and 3
4. Police Department: None
5. Public Works: Matthew Park & Main Street Beautification are out for bid; Leslie Park updates have begun; Highmeadow Pocket Park plans are almost complete; One well is down.
6. Human 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:

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:
 - High Pointe Ranch Development Agreement
 - Wastewater Treatment Plant
 - Project 38
 - *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
 - Lennar Development Agreement
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

Council Member Jeff Perry made a motion to recess into Executive Session at 6:58 p.m. regarding New Business item No 1: site plan approval for Shop at High Meadows, New Business No 2: Zoning Ordinance amendment, and New Business No 3: Specific Use Permit. Council Member Randy Jones seconded. Motion carried unanimously.

City Council reconvened into open session at 7:47 p.m.

Action taken on New Business items No 1-3.

Council Member Jeff Perry made a motion to recess into Executive Session at 7:50 p.m. regarding the remaining items listed under the Executive Session section of the agenda. Council Member Randy Jones seconded. Motion carried unanimously.

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.

City Council reconvened into open session at 8:50 p.m.

Council Member Chuck Fikes made a motion to authorize the Mayor and City Manager to negotiate and finalize documents for funding obligations of the Developer for the Phase II Offsites, required under the High Pointe Development Agreement and authorize the mayor to execute final documents.

The meeting was adjourned at 8:51 p.m.

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



Chris Rich, Mayor

ATTEST:



Jenny Hicks, City Secretary

