

City Council Meeting Minutes

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



The meeting was called to order at 06:00 p.m.

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

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, CIP & Permits Manager Shanda Guffee, Municipal Development Director Christine Gossett, Planner Helen-Eve Beadle (via videoconference)

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

Community Announcements:

1. Mayor Rich announced the Annual Peanut Festival will be October 5th beginning at 9:00 a.m. at Veterans Memorial Park; National Night Out will be October 1st; Trunk or Treat and Movie in the Park will be October 26th at the library at 5:30 p.m.
2. Chief Schlotter announced the promotion of Chase McClurg and Rob Capule to Engineers and new firefighters Collin Cook, Sean O'Neil, Clayton Cooper and Cody Perkins were sworn in.
3. Christine Gossett announced the Business Resource Fair on August 28th in the Community Center.

Citizen Input: None

Consent Items:

1. Approve the Minutes of the June 27, 2024 and June 29, 2024 meetings.
2. Approve Monthly Staff Reports
3. Approve Monthly Financial Report.

4. Approve Quarterly Investment Report
5. Approve Electronics Decommission of Library Equipment
6. Approve a request for a twelve-month extension to the September 22, 2024, expiration date for the Preliminary Plat for the Saratoga Development.
7. Accept the resignation of Billy Trujillo from the Board of Adjustment.
8. Approve Ordinance #855-24 amending Chapter 12 "Traffic and Vehicles", Division 2 Golf Carts, Article 12.07.032 Equipment and License Plate.

Approve an Interlocal Agreement between Denton County and the City of Aubrey Fire and Police Departments for the use of the Denton County Radio Communications System, authorizing the City Manager, Fire Chief and Chief of Police to execute the same on behalf of the City of Aubrey.

9. Awarding bid #2024-05 for a towing service provider to All American Towing and authorizing the City Manager to enter into a contract with All American Towing for towing services.
10. Consideration and Approval of the Authorized Personnel List
11. Resolution 970-24 accepting a donation of approximately 21.794 acre tract of real property situated in the Francisco Trevino Survey, abstract No 1243, City of Aubrey, Denton County, Texas for Municipal use.
12. Resolution 971-24 accepting a donation of approximately 1.334 acre tract of real property situated in the Frederick Pollard Survey, abstract No 995, City of Aubrey, Denton County, Texas for Municipal Right-of-Way use.
13. Acceptance of the 2023 CIP Project S1 - Pecan Creek Sewer Lift Station and authorize final payment to Acadia in the amount of \$118,734.93; and authorize the City Manager to execute necessary documents.
14. Approve a professional services agreement with Raftelis Financial Consultants, Inc. for a Water and Wastewater Cost-of-Service Study for an amount not to exceed \$37,540 and authorize the City Manager to execute necessary documents.
15. Approve a consulting agreement between the City of Aubrey and HUB International.
16. Consider and take action on approving a purchase in the amount of \$127,703.74 from THI Water Well for emergency repairs to the Rockhill Water Well.

Council Member Jeff Perry made a motion to approve the consent agenda items not including item number 8. Council Member Chuck Fikes seconded. Motion carried unanimously.

Council Member Jeff Perry made a motion to approve item number 8 with the amendment to the Article number being 12.07.005. Council Member Randy Jones seconded. Motion carried unanimously.

New Business: New items requested for consideration.

1. Presentation, hold discussion and provide direction regarding future consideration of a Cost of Living Adjustment (COLA) and updated service credit to the City TMRS plan.

Anthony Mills with TMRS presented information.

2. Consideration and action on an Ordinance regarding the 2024-2025 annual service plan update to the Service and Assessment Plan for the Winn Ridge South Public

Improvement District and providing an effective date.

Abdi Yassin, with Municap, provided information.

Council Member Erin Allen made a motion to approve the Ordinance regarding the 2024-2025 annual service plan update to the Service and Assessment Plan for the Winn Ridge South Public Improvement District. Council Member Chuck Fikes seconded. Motion Passed (4:0). None opposed. (Ordinance 856-24)

3. Consideration and action on an Ordinance regarding the 2024-2025 annual service plan update to the Service and Assessment Plan for the Jackson Ridge Public Improvement District and providing an effective date.

Abdi Yassin, with Municap, provided information.

Council Member Randy Jones made a motion to approve the Ordinance regarding the 2024-2025 annual service plan update to the Service and Assessment Plan for the Jackson Ridge Public Improvement District. Council Member Chuck Fikes seconded. Motion Passed (3:1). Council Member Erin Allen opposed. (Ordinance 857-24)

4. Consideration and action on an Ordinance regarding the 2024-2025 annual service plan update to the Service and Assessment Plan for the Aubrey Public Improvement District No 1 (Keeneland) and providing an effective date.

Abdi Yassin, with Municap, provided information.

Council Member Erin Allen made a motion to approve an Ordinance regarding the 2024-2025 annual service plan update to the Service and Assessment Plan for the Aubrey Public Improvement District No 1 (Keeneland). Council Member Jeff Perry seconded. Motion Passed (4:0). None opposed. (Ordinance 858-24)

5. Receive a presentation, consider and act on an Initial Plan of Finance to fund projected cost of FY 2024-2025 Utility Capital Improvement Projects and direct staff to finalize cost and timing after August 1, 2024 bid opening.

Jim Sabonis, with Hilltop Securities, provided information.

No action taken.

6. Consideration and action on a Resolution authorizing the publication of Notice of Intent to issue Certificates of Obligation, Series 2024 for purchase and installation of water and sewer system upgrades and construction of a wastewater treatment plant.
Council Member Erin Allen made a motion to approve a Resolution authorizing the publication of Notice of Intent to issue Certificates of Obligation, Series 2024 for purchase and installation of water and sewer system upgrades and construction of a wastewater treatment plant. Council Member Chuck Fikes seconded. Motion Passed (4:0). None opposed. (Resolution 975-24)

7. Consideration and action on a Final Plat for Aubrey Heights containing 142 residential lots and seven (7) open space lots in 39.51 acres of land out of the J. Fisher Survey, Abstract No. 432, City of Aubrey, Denton County, Texas (*Roger & Lisa Prier*)

City Planner Helen-Eve Beadle provided information.

Council Member Erin Allen made a motion to Approve with the 9 conditions listed and authorizing the City Manager to execute the Rough Proportionality Agreement. Council Member Randy Jones seconded. Motion Passed (3:1). Council Member Jeff Perry opposed.

Conditions:

1. The Final Plat shall be revised per the City Engineer and City Planner reviews;
 2. Final Plat approval for the development is subject to the Rough Proportionality share of offsite water and sewer improvements to fund upgrades to the systems. An executed Development Agreement for payment of the Development Fees shall be required as a condition of Final Plat approval. The DA shall be executed prior to the Final Plat being filed;
 3. Provide visibility easements (25'X25') at all ROW intersections;
 4. HOA documents shall be approved by the City Attorney and filed in conjunction with the Final Plat. HOA Documents have been submitted and in review;
 5. Civil plans shall include current Standard Details for City of Aubrey;
 6. All engineering plans shall be revised per the City Engineer's review and approval. Subsequent resubmission may generate new comments and the plans are subject to additional review comments;
 7. No lot-to-lot drainage is permitted and civil engineering plans shall be revised to meet the Subdivision Ordinance;
 8. The landscape and screening plans shall be revised per the City Planner's review to illustrate ROW labels and lot/HOA lot identification for lots adjacent to Blackjack Road and FM 423/Sherman Drive on the Landscape Plans. Verify plans match civil plans and Final Plat;
 9. Bar scale and text call out scale on Landscape Plans appear to be incorrect. Revise accordingly.
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8. Consider and act on an Ordinance annexing the hereinafter described territory known as the 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; extending the boundary limits of the City so as to include the described property.

City Planner Helen-Eve Beadle provided information.

Council Member Randy Jones made a motion to approve an Ordinance annexing the hereinafter described territory known as the 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; extending the boundary limits of the City so as to include the described property. Council Member Jeff Perry seconded. Motion Passed (4:0). None opposed. (Ordinance 859-24)

9. Consider and act on an Ordinance annexing the hereinafter described territory known as the 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; extending the boundary limits of the City so as to include the described property

City Planner Helen-Eve Beadle provided information.

Council Member Randy Jones made a motion to approve an Ordinance annexing the hereinafter described territory known as the 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; extending the boundary limits of the City so as to include the described property. Council Member Jeff Perry seconded. Motion Passed (4:0). None opposed. (Ordinance 860-24)

10. Conduct a 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 Denton CAD ID 52165, being approximately 159.941 acres of land, generally located south of FM 428, west of FM 1385 and east of Coffey Road out of the F.H. Pollard Survey, Abstract No. 995, Tract 34, Denton County, Texas.(Duck Point)

The Public Hearing opened at 7:36 p.m. and closed at 7:37 p.m.

City Planner Helen-Eve Beadle provided information.

11. Consideration and action on an Ordinance annexing of Denton CAD ID 52165, being approximately 159.941 acres of land, generally located south of FM 428, west of FM 1385 and east of Coffey Road out of the F.H. Pollard Survey, Abstract No. 995, Tract 34, Denton County, Texas, and any associated right-of-way; adopting a municipal services agreement; and providing an effective date. (Duck Point)

Council Member Randy Jones made a motion to approve an Ordinance annexing Denton CAD ID 52165, being approximately 159.941 acres of land, generally located south of FM 428, west of FM 1385 and east of Coffey Road out of the F.H. Pollard Survey, Abstract No. 995, Tract 34, Denton County, Texas, and any associated right-of-way; adopting a municipal services agreement; and providing an effective date. Council Member Jeff Perry seconded. Motion Passed (4:0). None opposed. (Ordinance 861-24)

12. Conduct a public hearing, consider and act on an Ordinance changing the zoning from unzoned land previously located in the City of Aubrey Extraterritorial Jurisdiction to Planned Development District (PD) with a base zoning district of SF75 – Single Family Residential 7,500 Square Feet on approximately 159.941 acres of land located in the Frederick H. Pollard Survey, Abstract No. 995, Denton County, Texas.

The property is generally located west of FM 1385 and south of FM 428. DCAD Parcel ID 52165 (MM AUBREY 160 LLC, Duck Point)

The Public Hearing opened at 7:38 p.m. and closed at 7:41 p.m.

City Planner Helen-Eve Beadle provided information.

Council Member Erin Allen made a motion to approve an Ordinance changing the zoning from unzoned land previously located in the City of Aubrey Extraterritorial Jurisdiction to Planned Development District (PD) with a base zoning district of SF75 – Single Family Residential 7,500 Square Feet on approximately 159.941 acres of land located in the Frederick H. Pollard Survey, Abstract No. 995, Denton County, Texas. The property is generally located west of FM 1385 and south of FM 428. DCAD Parcel ID 52165. Council Member Jeff Perry seconded. Motion Passed (4:0). None opposed. (Ordinance 862-24)

13. Conduct a 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 Denton CAD ID 986865, being an approximate 1.33 acre tract of land situated in the F.H. Pollard Survey, Abstract No. 995, generally located west of FM 1385, south of FM 428, and east of Coffey Road. (Pickens ROW)

The Public Hearing opened at 7:42 p.m. and closed at 7:42 p.m.

City Planner Helen-Eve Beadle provided information.

14. Consideration and action on an Ordinance annexing a portion of Denton CAD ID 986865, being an approximate 1.33 acre tract of land situated in the F.H. Pollard Survey, Abstract No. 995, generally located west of FM 1385, south of FM 428, and east of Coffey Road, and any associated right-of-way; adopting a municipal services agreement; and providing an effective date. (Pickens ROW)

City Planner Helen-Eve Beadle provided information.

Council Member Erin Allen made a motion to approve an Ordinance annexing a portion of Denton CAD ID986865, being an approximate 1.33 acre tract of land situated in the F.H. Pollard Survey, Abstract No. 995, generally located west of FM 1385, south of FM 428, and east of Coffey Road, and any associated right-of-way; adopting a municipal services agreement; and providing an effective date. Council Member Randy Jones seconded. Motion Passed (4:0). None opposed. (Ordinance 863-24)

15. Consideration and action on a Resolution granting a petition requesting annexation into the extraterritorial jurisdiction and corporate limits of the City of Aubrey by Jen Holdco 24 LLC, owners of approximately 47.3 acres of land, located at 4721 and 4799 FM 2931 out of the J. Bridges Survey, Abstract No 36, Denton County, Texas, setting a Public Hearing for the annexation; authorizing staff to negotiate and enter into a written services agreement with Owner. (Palomino Development)

City Planner Helen-Eve Beadle provided information.

Council Member Jeff Perry made a motion to approve a Resolution granting a petition requesting annexation into the extraterritorial jurisdiction and corporate limits of the City of Aubrey by Jen Holdco 24 LLC, owners of approximately 47.3 acres of land, located at 4721 and 4799 FM 2931 out of the J. Bridges Survey, Abstract No 36, Denton County, Texas, setting a Public Hearing on August 22, 2024 at 6:00 p.m. at City Hall for the annexation; authorizing staff to negotiate and enter into a written services agreement with Owner. Council Member Randy Jones seconded. Motion Passed (4:0). None opposed. (Resolution 972-24)

16. Consideration and action on a Resolution setting dates, time, and place for public hearings on the proposed annexation of property identified as being the portion of FM 2931, beginning at the intersection of FM 2931 and Frontier Parkway, continuing north to the intersection of FM 2931 and Spring Hill Road, and any additional adjacent right-of-way, Denton County, Texas, by the City of Aubrey, Texas; authorizing and directing the City Secretary to publish and mail such public hearings; and authorizing and directing city staff to prepare a service plan for said property.

City Planner Helen-Eve Beadle provided information.

Council Member Erin Allen made a motion to approve a Resolution setting public hearings for August 22, 2024 and August 28, 2024 at 6:00 p.m. at City Hall on the proposed annexation of property identified as being the portion of FM 2931, beginning at the intersection of FM 2931 and Frontier Parkway, continuing north to the intersection of FM 2931 and Spring Hill Road, and any additional adjacent right-of-way, Denton County, Texas, by the City of Aubrey, Texas; authorizing and directing the City Secretary to publish and mail such public hearings; and authorizing and directing city staff to prepare a service plan for said property. Council Member Jeff Perry seconded. Motion Passed (4:0). None opposed. (Resolution 973-24)

17. Consideration and action on an Ordinance amending the Fiscal Year 2024 Budget.

Finance Director Mike English presented information.

Council Member Jeff Perry made a motion to approve Ordinance amending the Fiscal Year 2024 Budget. Council Member Randy Jones seconded. Motion Passed (4:0). None opposed. (Ordinance 863-24)

18. Discussion regarding the draft Fiscal Year 2024-2025 budget.

Finance Director Mike English presented information.

19. Consideration and action on future meeting dates.

City Manager Charles Kreidler held discussion and received direction to hold meetings on the following dates: July 31 (Special Meeting), August 22 (Regular Meeting), August 28 (Special Meeting), September 26 (Regular Meeting), October 23 (Regular Meeting), November 20 (Regular Meeting), December 18 (Regular Meeting)

20. Receive a report, and take action on awarding a bid to Pace Construction, LLC for Main Street Beautification Project F2024(957), Phase I, in an amount not to exceed \$573,000, and authorizing the City Manager to execute the necessary contract documents.

Director of Public Works and Development Services Leanne Wilson provided information.

Council Member Erin Allen made a motion to award a bid to Pace Construction, LLC for Main Street Beautification Project F2024(957), Phase I, in an amount not to exceed \$573,000, and authorizing the City Manager to execute the necessary contract documents. Council Member Jeff Perry seconded. Motion Passed (4:0). None opposed.

Department Updates and Discussion:

1. Administration & Finance: Community Center/Council Chamber update, Board Portal Information
2. Library: None
3. Fire Department: Station Update; Notification will be made to residents On Aslyn Circle regarding early morning work
4. Police Department: None
5. Public Works: Rock Hill well is not in operation; Faulkner well is in operation; Notification will be made to residents near Leslie Park regarding early morning work
6. Human Resources: None
7. Municipal Development: Mural Update; Business Resource Fair; Farmers Market

Future Agenda Requests: Council Member Perry requested information on Farmers Market

*****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
 - Project 38 / South Magnolia and Blackjack Road property acquisition
 - *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

- Highmeadow Development

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 / South Magnolia and Blackjack Road property acquisition
3. **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 (Organizational Structure)

Council Member Jeff Perry made a motion to recess into Executive Session at 8:12 p.m. Council Member Randy Jones seconded. Motion Passed (4:0). None opposed.

Reconvene into Open Session at 10:39 p.m.: 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.

1. Consider and Act on a Resolution of the City Council of the City of Aubrey, Texas finding that a public necessity exists and authorizing condemnation to acquire a 29.688 acre fee simple tract and a 0.265 acre water utility easement for public purposes for a public project, including but not limited to, municipal athletic fields, a waterline pump station, water and wastewater transmission lines, public roadways, drainage, such appurtenant facilities as may be necessary, and other public uses, on real property generally described as being located at 418 South Magnolia Street, Aubrey, Denton County, Texas, in the Francisco Trevino Survey, Abstract No. 1243, Property ID #51948, such property is generally located on the southwest corner of US 377 and Blackjack Road, and being more particularly described herein; providing notice of an official determination to acquire real property for a fee simple and a water utility easement, such appurtenant facilities as may be necessary, and other public uses; authorizing the City Manager or designee to obtain the necessary appraisal reports and make bona fide offers of just compensation for the fee simple and easement; ratifying prior documents made for acquisition of the fee simple and easement; authorizing legal counsel to institute eminent domain proceedings on behalf of the City for the acquisition of the fee simple and easement on said tract if negotiations are unsuccessful; appropriating funds from a lawful source; providing a cumulative repealer clause; providing a severability clause and providing for an effective date.

Council Member Jeff Perry made a motion that the City Council of the City of Aubrey adopt Resolution 974-24 and authorize the use of the power of eminent domain to acquire a 29.688 acre fee simple tract and a 0.265 acre water utility easement on real property generally described as being located at 418 South Magnolia Street, Aubrey, Denton County, Texas, in the Francisco Trevino Survey, Abstract No. 1243, Property ID #51948, such property generally located

on the southwest corner of US 377 and Blackjack Road (as more fully described and depicted in Exhibits "A" and "B" of the proposed resolution for this item) for public purposes for a public project, including but not limited to municipal athletic fields, a waterline pump station, water and wastewater transmission lines, public roadways, drainage, such appurtenant facilities as may be necessary, and other public uses, with this first record vote applying to all units of property to be condemned. Council Member Chuck Fikes seconded.

The results of the Roll Call Vote on Resolution No. 974-24 were:

Mayor Pro Tem Jeff Perry - For

Deputy Mayor Pro Tem Chuck Fikes - For

Council Member Erin Allen - For

Council Member Matt Jones - Absent

Council Member Randy Jones - For

Motion to approve Resolution No. 974-24 passed 4 to 0.

2. Consider and take appropriate action regarding an Assignment Acknowledgment Agreement for the High Pointe Ranch development.

Council Member Erin Allen made a motion to approve an Assignment Acknowledgment Agreement for the High Pointe Ranch development. Council Member Chuck Fikes seconded. Motion Passed (4:0). None opposed.

3. Consider and take appropriate action regarding a Cost Participation Letter Agreement between the City, Lennar Homes of Texas Land and Construction, Ltd., and Aubrey Blackjack Partners, LLC related to the High Pointe development agreement to allocate costs for infrastructure improvements; and authorizing the Mayor or designee to execute necessary documents.

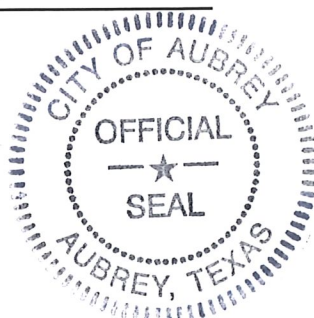
Council Member Erin Allen made a motion to approve a Cost Participation Letter Agreement between the City, Lennar Homes of Texas Land and Construction, Ltd., and Aubrey Blackjack Partners, LLC related to the High Pointe development agreement to allocate costs for infrastructure improvements; and authorizing the Mayor or designee to execute necessary documents. Council Member Jeff Perry seconded. Motion Passed (4:0). None opposed.

The meeting was adjourned at 10:45 p.m.

PASSED and APPROVED by the City Council of the City of Aubrey, Texas this 22nd day of August, 2024.



Chris Rich, Mayor



ATTEST:



Jenny Hicks, City Secretary