

City Council Meeting Minutes

Aubrey City Council Chambers
226 Countryside Drive
Aubrey, TX 76227
September 26, 2024
5:00 PM



5:00 p.m. - Community Center and City Council Chamber Dedication

The regular Meeting was called to order at 6:00 PM.

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

Absent: Jeff Perry, 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 Operations Leanne Wilson, Library Manager Brittany McLain, HR Director Shaena Williams, Municipal Development Director Christine Gossett, Development Manager Shanda Guffee, Assistant to the City Manager Riley Podleski, Planner Helen-Eve Beadle

John Theisen offered the Invocation and led the Pledge of Allegiance.

Community Announcements:

Announcements:

- Annual Peanut Festival, October 5th beginning at 9:00 a.m.
- National Night Out will be October 1st.
- Trunk or Treat and Movie in the Park, October 26th at the library at 5:30 p.m.

Presentations:

- Public Works New Hires announced: Maintenance Tech Jonathan White; Events and Programs Coordinator Rodney Cagle
- Fire Department Badge pinning and Swear-ins: Ryan Luther and Chris Buford
- Police Department New Badge pinning and Swear-ins: Luis Corona, James Jumbelick, and Jackson Quan

Citizen Input: None

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 August 22, 2024 and August 28, 2024 meetings.
2. Approve Monthly Staff Reports
3. Approve Monthly Financial Report.
4. Approval of the Authorized Personnel List
5. Approval of Ordinance 873-24 designating an official newspaper for the City of Aubrey.
6. Approval of Resolution 981-24 appointing Art Maldonado as Presiding Municipal Judge of the Aubrey Municipal Court for a two year term.
7. Approval of Resolution 982-24 appointing Brian Holman as an Associate Judge of the Aubrey Municipal Court for a two year term
8. Approval of Ordinance 874-24 amending Chapter 12 "Traffic and Vehicles", Article 12.02 "Traffic Control Devices" to amend Section 12.02.010 "Stop Signs" EXHIBIT A by adding three stop signs at the intersection of Main Street and Sherman Drive.
9. Award a bid for Matthew's Park Improvements to D. L. Meacham for an amount not to exceed \$445,010.00 and authorize the City Manager to execute necessary documents.
10. Approve a Professional Engineering Services Agreement with Birkhoff, Hendricks and Carter for the design of a 0.5 MG Ground Storage Tank and a 1.5 MGD Pump Station at the existing Faulkner Pump Station Site for an amount not to exceed \$338,400 and authorize the City Manager to execute any necessary documents.
11. Approve a Professional Engineering Services Agreement with Birkhoff, Hendrick and Carter for the design of the Pecan Creek Sewer Lift Station Expansion and Parallel Force Main for an amount not to exceed \$685,600.00 and authorize the City Manager to execute any necessary documents.
12. Approve a Professional Engineering Services Agreement Amendment with Birkhoff, Hendricks and Carter for the Rockhill Water Pump Station Improvements for an amount not to exceed \$559,633 and authorize the City Manager to execute any necessary documents.
13. Approve an Interlocal Agreement with the City of Krugerville for Fire and EMS services and authorize the Mayor to execute any necessary documents.
14. Approve an Interlocal Agreement with the City of Krugerville for Library Services and authorize the Mayor to execute any necessary documents.
15. Approve an Interlocal Agreement with the Krugerville Community Development Corporation for Library Services and authorize the Mayor to execute any necessary documents.
16. Approve acceptance of the Pump Station Generator Improvements and authorize final payment to C.C. McDonald Electric, Inc. in the amount of \$39,018.80.
17. Approve a Special Event Permit Application for the Denton Breakfast Kiwanis 42nd Annual Turkey Roll Bicycle Rally.
18. Approve a Special Events Request for Waiver of Fees from the Denton Breakfast Kiwanis 42nd Annual Turkey Roll Bicycle Rally Event.
19. Consider and take action on an Interlocal Agreement with the Capital Area Council of Governments for a government management software license.

20. Approve a final payment to THI Water Well Company for emergency repairs to the Rockhill Water Well in the amount of \$152,860.35.
21. Approve an Ordinance amending Ordinance No. 741-22 creating a Tax Increment Reinvestment Zone No. 3 to correct a scrivener's error and providing an effective date, City of Aubrey, Texas. (High Point Ranch Development)
22. Consider and act on a Resolution approving a Government Obligation Contract providing for the Vactor Combination Single Engine Sewer Cleaner (KS StateBank); and authorizing the City Manager and necessary City Staff to execute necessary documents.

Council Member Chuck Fikes made a motion to approve the consent items. Council Member Randy Jones seconded. Motion Passed (3:0). None opposed.

New Business: New items requested for consideration.

1. Receive a presentation regarding the Final Pricing of the Combination Tax and Revenue Certificates of Obligation, Series 2024A.

Jim Sabonis provided information.

2. Consideration and action on an Ordinance providing for the issuance of City of Aubrey, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2024A in the not to exceed aggregate principal amount of \$60,000,000 for water and wastewater improvements and related cost; levying a tax in payment thereof; prescribing the form of said certificates; authorizing the execution and delivery of a bond purchase agreement, and a paying agent/registrars agreement; approving the official statement; and enacting provisions incident and relating to the subject and purposes of this Ordinance.

Council Member Chuck Fikes made a motion to approve Ordinance 875-24 providing for the issuance of City of Aubrey Combination Tax and Revenue Certificates of Obligation, Series 2024A, not to exceed the aggregate principal amount of \$60,000,000. Council Member Randy Jones seconded. Motion Passed (3:0). None opposed.

3. Hold a public hearing, consider and act on an Ordinance approving a Specific Use Permit to allow for the sale of alcoholic beverages in conjunction with a restaurant use for the property located at 202B S. Main, Aubrey, Denton County, Texas. (*Dos Mezclas Restaurant*)

The Public Hearing opened at 6:13 p.m. and closed at 6:14 p.m.

Leanne Wilson provided information. There were no speakers from the public.

Council Member Erin Allen made a motion to approve Ordinance 876-24 for the special use permit. Council Member Chuck Fikes seconded. Motion Passed (3:0). None opposed.

4. First reading: Discussion regarding a Resolution approving a Project of the Aubrey Municipal Development District providing a Targeted Improvement grant with Dos Mezclas Restaurant located at 202 B South Main Street for \$30,000.

MDD Director Christine Gossett provided information.

No action taken.

5. Conduct a public hearing in accordance with Texas Local Government Code Section 43.0673(a) and other applicable law, to consider testimony and provide members of the public an opportunity to be heard on the proposed voluntary annexation of an approximately 20 acre tract of land being the hereinafter described territory known as Denton CAD IDs 51970 and 557569, situated in the Francisco Trevino Survey, Abstract No. 1243, and to include any adjacent right-of-way, Denton County, Texas; and extending the boundary limits of the City so as to include the described property. The property is generally located south of E. Blackjack Road, west of FM 2931, and east of US Hwy 377. DCAD Parcel ID's 51970 and 557569. (Blackjack Pretium Capital, LLC)

The Public Hearing opened at 6:38 p.m. and closed at 6:39 p.m.

Leanne Wilson provided information. There were no speakers from the public.

6. Consideration and action on an Ordinance annexing an approximate 20 acre tract of land being the hereinafter described territory known as Denton CAD IDs 51970 and 557569, situated in the Francisco Trevino Survey, Abstract No. 1243, and to include any adjacent right-of-way, Denton County, Texas; and extending the boundary limits of the City so as to include the described property. The property is generally located south of E. Blackjack Road, west of FM 2931, and east of US Hwy 377. (Blackjack Pretium Capital, LLC)

Council Member Chuck Fikes made a motion to approve Ordinance 877-24 as presented. Council Member Randy Jones seconded. Motion Passed (3:0). None opposed.

7. 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, and the official Zoning Map of the City for a change of zoning from unzoned land previously located in the City of Aubrey Extraterritorial Jurisdiction to Planned Development District (PD) with base zoning district of C – Commercial on approximately 20 acres of land located in the Francisco Trevino Survey, Abstract No. 1243, Denton County, Texas. The property is generally located south of E. Blackjack Road, west of FM 2931, and east of US Hwy 377. DCAD Parcel ID's 51970 and 557569. (Blackjack Pretium Capital, LLC)

The Public Hearing opened at 6: 41 p.m. and closed at 6:43 p.m.

Leanne Wilson provided information. There were no speakers from the public.

Council Member Erin Allen made a motion to approve Ordinance 878-24 as presented. Council Member Chuck Fikes seconded. Motion Passed (3:0). None opposed.

8. Conduct a public hearing in accordance with Texas Local Government Code Section 43.0673(a) and other applicable law, to consider testimony and provide members of the public an opportunity to be heard on the proposed voluntary

annexation of approximately 47.3 acres of land being the hereinafter described territory known as Denton CAD IDs 77033 and 52575, located in the J. Bridges Jr. Survey, Abstract No. 36, and to include any adjacent right-of-way, Denton County, Texas; and extending the boundary limits of the City so as to include the described property. The property is generally located west of FM 2931, north of Frontier Parkway, and east of future Silverado Parkway. (Palomino)

The Public Hearing opened at 6:45 p.m. and closed at 6:46 p.m.

Leanne Wilson provided information. There were no speakers from the public.

9. Consideration and action on an Ordinance annexing approximately 47.3 acres of land being the hereinafter described territory known as Denton CAD IDs 77033 and 52575, situated in the J. Bridges Jr. Survey, Abstract No. 36, and to include any adjacent right-of-way, Denton County, Texas; and extending the boundary limits of the City so as to include the described property. The property is generally located west of FM 2931, north of Frontier Parkway, and east of future Silverado Parkway. (Palomino)

Council Member Erin Allen made a motion to approve Ordinance 879-24 as presented. Council Member Randy Jones seconded. Motion Passed (3:0). None opposed.

10. Hold a public hearing, consider and act on an Ordinance regarding an amendment to Exhibit 14A, "Zoning Ordinance," in Chapter 14, "Zoning" of the Code of Ordinances of the City of Aubrey, Texas, and the official Zoning Map of the City as requested in an application for a change of zoning from unzoned land previously located in the City of Aubrey Extraterritorial Jurisdiction to Planned Development District (PD) with base zoning districts of SF75 – Single-Family Residential 7,500 Square Feet and GR – General Retail on approximately 47.3 acres of land located in the J. Bridges Jr. Survey, Abstract No. 36, Denton County, Texas. The property is generally located west of FM 2931, north of Frontier Parkway, and east of future Silverado Parkway. DCAD Parcel ID's 77033 and 52575. (Palomino)

The Public Hearing opened at 6:48 p.m. and closed at 6:51 p.m.

Leanne Wilson provided information. There were no speakers from the public.

Council Member Erin Allen made a motion to approve with 2 conditions noted. Council Member Chuck Fikes seconded. Motion Passed (3:0). None opposed.

Conditions:

1. A screening wall adjacent to the southern property boundary of the City lot shall not be required; and
 2. Commercial Structures shall be 100% masonry product. The Southern (City) lot shall be exempt from architectural design requirements and building materials.
11. Consider and act on an Ordinance annexing approximately 53.26 acre tract of land being the hereinafter described territory known as the full right-of-way width of FM 2931, beginning north of 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; and extending the boundary limits of the City so as to include the described property.

Charles Kreidler provided information.

Council Member Randy Jones made a motion to approve Ordinance No 881-24. Council Member Chuck Fikes seconded. Motion Passed (3:0). None opposed.

12. Consideration and action on removing and/or appointing member(s) to the Aubrey Area Library Advisory Board.

Council Member Erin Allen made a motion to remove Shawn Krencik, and appoint the following individuals to open and term expiring seats: Seat 3, Rachel Sergeant; Seat 4, Jessica Hill; and Seat 6 Justin Hamzeh. Council Member Chuck Fikes seconded. Motion Passed (3:0). None opposed.

13. Consideration and action on removing and/or appointing member(s) to the Aubrey Municipal Development District Board.

Council Member Erin Allen made a motion to appoint the following individuals to the Aubrey Municipal Development District Board of Directors: Place 1, Stoy Brooks; Place 2, Brenda Blackburn; Place 3, Erin Bogar, and Place 4, Todd Davis. Council Member Randy Jones seconded. Motion Passed (3:0). None opposed.

Department Updates and Discussion:

1. Administration & Finance: None
2. Library: New Staff members Courtney Martin and Courtney Williams
3. Fire Department: Station Updates
Station 3 is going vertical and there will be a beam signing on October 2nd at 5:00 p.m. Station 2 underground utilities are complete, and grade beams scheduled to be poured next week should not require early morning pours.
4. Police Department: New Council Chambers and Community Center are complete.
5. Public Works: None
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
 - Blackjack Development Agreement
 - Silverado Development Agreement
 - Knuckles Road Development
 - Highmeadow Development
 - Springhill Development
 - West Sherman 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
 - Wastewater Treatment Plant Improvements and contracts
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.
- Property acquisition for municipal purposes
3. **Section 551.087 Economic Development Negotiations.** To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City and with which the City is conducting economic development negotiations; and/or to deliberate the offer of a financial or other incentive to the business prospect:
- Silverado Development
 - Knuckles Road Development
4. **551.074 Personnel Matters.** 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

Council Member Chuck Fikes made a motion to recess into Executive Session at 6:58 p.m. Council Member Randy Jones seconded. Motion Passed (3:0). None opposed.

Reconvened into open session at 8:03 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.

Council Member Chuck Fikes made a motion to approve the amendments to the City Managers contract. Council Member Erin Allen seconded. Motion Passed (3:0). None opposed.

1. Consider and take appropriate action regarding the award and rejection of bids for the Wastewater Treatment Plant project and contract documents; and authorizing the

City Manager to execute necessary documents.

No action Taken.

The meeting was adjourned at 8:04 PM.

PASSED and APPROVED by the City Council of the City of Aubrey, Texas this 23rd day of October, 2024.



Chris Rich, Mayor

ATTEST:



Jenny Hicks, City Secretary

