

City Council Meeting Minutes

Aubrey City Council Chambers
226 Countryside Dr.
Aubrey, TX 76227
October 23, 2024
6:00 PM



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

Present: Jeff Perry, Erin Allen, Chuck Fikes, Mayor Chris Rich

Absent: Randy Jones, 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, Executive Director of Operations Leanne Wilson, Library Manager Brittany McLain, HR Director Shaena Williams, Development Manager Shanda Guffee, Assistant to the City Manager Riley Podleski, Planner Helen-Eve Beadle

Guillermo Castellanos, Pastor of NorthRock Church, offered the invocation and led the invocation.

Community Announcements:

1. Announcements:

- Trunk or Treat and Movie in the Park, October 26th at the library at 5:00 p.m.

Presentations:

- Mayor Chris Rich presented a Proclamation to Chris Walden for the church's partnership during our community center construction.
- Chief Eric Schlotter held a swear-in ceremony and announced new hire Firefighter Jacob Canon
- Leanne Wilson announced Public Works New Hires: Melvin Whitworth, Fleet Coordinator and Manny Ghiselline, Street Superintendent

Citizen Input: None

Consent Items:

2. Approve minutes of the September 26, 2024 meeting.
3. Approve Monthly Staff Reports
4. Approve Monthly Financial Report.
5. Approve Quarterly Investment Report
6. Approve Ordinance 883-24 adopting a new Drought Contingency and Water Conservation Plan.
7. Approve the absence of council members for the regular meetings identified in the staff report
8. Approve a Resolution changing the Authorized Official from the City Manager to the Finance Director on the Office of the Governor (OOG) CJD eGrant website.
9. Approve an Interlocal Cooperation Agreement with Denton County for Library Services and authorize the Mayor to execute any necessary documents.
10. Approve a Final Pay Request from Rey-Mar Construction, LLC for the Faulkner Water Well Electrical Improvements and accept the public improvements.
11. Approve Resolution No. 988-24, authorizing the City Manager to dispose of surplus property that is replaced in conjunction with the Vehicle Equipment Replacement Fund as approved in the annual budget.
12. Accept the resignation of Alan Holland from the Aubrey Parks and Recreation Board.
13. Accept the resignation of Karen Skinner from the Aubrey Planning and Zoning Commission.
14. Approve an Administrative Services Agreement between the Aubrey MDD and City of Aubrey.

Council Member Erin Allen removed item number seven regarding excused absences to discuss in executive session under 551.071, Attorney Consultation.

Council Member Jeff Perry made a motion to approve the consent items not including item number 7. Council Member Chuck Fikes seconded. Motion Passed (3:0). None opposed.

Council Member Erin Allen made a motion regarding item number 7, approving the absences of council members identified in the staff report. Council Member Jeff Perry seconded. Motion Passed (3:0). (Jeff Perry, 8-22, 9-26; Matt Jones, 2-22, 4-25, 6-27, 7-25, 9-26; Erin Allen, 3-28)

New Business:

15. Consider and act on a Final Plat application for Lot 1, Block A, Aubrey FM 2931 Storage, being approximately 5.7230 acres out of the James Bridges Jr. Survey, Abstract No. 36, the property is generally located west of FM 2931 and north of Frontier Parkway, City of Aubrey ETJ, Denton County, Texas.

City Planner Helen-Eve Beadle provided information. Brandon Middleton, with Kimley Horn, provided information.

Council Member Erin Allen made a motion to approve the Final Plat Application with the condition the Subdivision Ordinance Waiver/Suspension for one point of access is approved. Council Member Jeff Perry seconded. Motion Passed (2:1). Council Member Chuck Fikes opposed.

16. Consideration and act on Resolution No. 986-24, 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 Palomino Public Improvement District within the City of Aubrey, Texas, on an approximate 46.974 acres of land situated in the J. Bridges Jr. Survey, Abstract No. 38, 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. (Palomino Development)

Finance Director Mike English provided information.

Council Member Jeff Perry made a motion to approve Resolution 986-24 (with the updated Resolution, petition and acreage) and setting a public hearing for November 20, 2024. Council Member Chuck Fikes seconded. Motion Passed (3:0). None opposed.

17. Hold a Public Hearing, Consider and take action on Ordinance 884-24 Creating Tax Increment Investment Zone No. 4, consisting of approximately 159.9 acres of land generally located south of FM 428, west of FM 1385 and East of Coffey Rd., and within the City of Aubrey; authorizing issuance of notice; and providing a preliminary Project Plan and Finance Plan, pursuant to Chapter 311, Texas Tax Code. (Duck Point)

Jennifer Sloan, of Municap, provided information.

The Public Hearing opened at 6:22 p.m. and closed at 6:26 p.m.

Council Member Erin Allen made a motion to approve Ordinance 884-24, Creating Tax Increment Reinvestment Zone No. 4, consisting of approximately 159.9 acres of land generally located south of FM 428, west of FM 1385 and East of Coffey Rd. Council Member Jeff Perry seconded. Motion Passed (3:0). None opposed.

18. Second reading: Consideration and action regarding Resolution 984-24 approving a Project of the Aubrey Municipal Development District providing a Targeted Improvement grant for Dos Mezclas Restaurant located at 202 B South Main Street for \$30,000.

City Manager Charles Kreidler provided information.

Council Member Erin Allen made a motion to approve Resolution 984-24 approving a Project of the Aubrey Municipal Development District providing a Targeted Improvement grant for Dos Mezclas Restaurant located at 202 B South Main Street for \$30,000. Council Member Chuck Fikes seconded. Motion (3:0). None opposed.

19. Consider and take appropriate action to accept a grant from Firehouse Subs Public Safety Foundation in an amount of \$33,574.68 for the purchase of 6 ventilators.

Fire Chief Eric Schlotter provided information.

Council Member Jeff Perry made a motion to accept a grant from Firehouse Subs Public Safety Foundation in an amount of \$33,574.68 for the purchase of 6 ventilators. None seconded. Motion Passed (3:0). None opposed.

20. Consideration and action on a Professional Engineering Services Agreement with Birkhoff, Hendricks and Carter for F.M. 428 Lift Station Improvements in the amount not to exceed \$108,000; and authorizing the Mayor or designee to execute necessary documents.

Executive Director of Operations Leanne Wilson provided information.

Council Member Jeff Perry made a motion to approve a Professional Engineering Services Agreement with Birkhoff, Hendricks and Carter for F.M. 428 Lift Station Improvements in the amount not to exceed \$108,000, and authorizing the Mayor or designee to execute necessary documents. Council Member Chuck Fikes seconded. Motion Passed (3:0). None opposed.

Department Updates and Discussion:

21. Administration & Finance: none
22. Library: none
23. Fire Department: Construction update
Chief Schlotter announced that Fire Station 3 construction is at approximately 60%. The inside is fully framed and brick is being laid on outside of the building. It should be in the dry in the coming days.

Fire Station 2 grade beams are complete. They are working on the foundation for the pavilion now. The slabs for the pavilion and station should be poured in next few weeks.

24. Police Department: Power Engage
Chief Brooks provided information on the Power Engage program and hopes it will increase engagement by providing real-time information to citizens who call for service/dispatch.

He received an update from TxDOT on the traffic signal at Highway 377 and Sherman, which will not be complete until the summer of 2025.

25. Public Works: Water System Update
Executive Director of Operations Leanne Wilson announced the Rockhill Well is at approximately 65% of design. It will add an additional 166 million gallons per year when completed in 2026. FM 428 well will be down in December for repair. It will have the ISD and City logos added during repair. Hill Street Well will be down in the summer of 2025 for repairs and will have the city logo added.
26. Human Resources:
27. Municipal Development:

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:

28. **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
 - Highpoint Commercial Collector "Infrastructure Agreement"
 - 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
 - Fifth amendment to the Fire Protection Agreement with the Fresh Water Supply Districts
 - Sod Farm Lift Station
29. **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
30. **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

Council Member Jeff Perry made a motion to recess into Executive Session at 6:41 PM. Council Member Chuck Fikes seconded. Motion Passed (3:0). None opposed.

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.

The City Council reconvened into regular session at 7:52 PM.

31. Consider and act on Resolution No 987-24 finding that a public necessity exists and authorizing condemnation to acquire a 0.024 acre permanent sanitary sewer easement for public purposes for a public project, including but not limited to, facilitate sewage collection, drainage, treatment, disposal or emptying including for a lift station, utilities, such appurtenant facilities as may be necessary, and other public uses, on real property generally described as being located in the City of Aubrey, Denton County, Texas, in the Dennis Cowan Survey, Abstract No. 304, Property ID #51417, described in a deed to Ronald Josh Feferman nonexempt lifetime trust recorded in Document Number 2024-381, Official Public Records of Denton County, Texas, such property is generally located north of Stanley Dr., south of Highmeadow Dr., and west of the intersection of Hwy 377 and Redfearn Rd., and being more particularly described herein; providing notice of an official determination to acquire real property for a permanent sanitary sewer 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 permanent sanitary sewer easement; ratifying prior documents made for acquisition of the same; authorizing legal counsel to institute eminent domain proceedings on behalf of the city for the acquisition of the permanent sanitary sewer 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 Erin Allen made a motion to authorize the use of the power of eminent domain to acquire a 0.024 acre (1,050 square foot) permanent sanitary sewer easement on real property generally described as being located in the City of Aubrey, Denton County, in the Dennis Cowan Survey, Abstract No. 304, Property ID #51417, described in a deed to Ronald Josh Feferman Nonexempt Lifetime Trust recorded in Document Number 2024-381, Official Public Records of Denton County, Texas, such property is generally located north of Stanley Dr., south of Highmeadow Dr., and west of the intersection of Hwy 377 and Redfearn Rd (as more fully described and depicted in Exhibit "A" of the proposed resolution for this item for this easement) for public purposes for a public project, including but not limited to facilitate sewage collection, drainage, treatment, disposal or emptying including for a lift station, utilities, such appurtenant facilities as may be necessary, and other public uses and adopt Resolution 987-24. Council Member Chuck Fikes seconded

The results of the Roll Call Vote on Resolution No. 987-24 were: Council Member Jeff Perry - for; Council Member Erin Allen - for; Council Member Chuck Fikes - for; Council Members Matt Jones and Randy Jones absent. The motion to approve Resolution No. 987-24 passed 3 to 0.

32. Consider and act on the Fifth Amendment to the Fire Protection Services Agreement with the Elm Ridge, Paloma Creek Fresh Water Supply Districts and the Town of Providence Village; and authorizing the Mayor or designee to execute necessary documents.

Council Member Jeff Perry made a motion to approve the Fifth Amendment to the Fire Protection Services Agreement between the City of Aubrey, Town of Providence Village, and the Elm Ridge and Paloma Creek Fresh Water Supply Districts and to direct the City Attorney to proceed with filing necessary

documents for nonsuit of the pending Denton County lawsuit, Cause No. 24-1985-431, upon final approval and execution of the Agreement by all parties in accordance with the terms of the Agreement. Council Member Erin Allen seconded. Motion Passed (3:0). None opposed.

Highpointe Commercial Collector Infrastructure Agreement:

Council Member Jeff Perry made a motion to authorize the City Manager to finalize negotiation of the Highpoint Commercial Collector Infrastructure Agreement with Aubrey Land JV LLC, assignee of DRT Development Group, and to execute necessary documents; the final agreement should include construction of at least the collector road from Springhill to Lasso Road by September 1, 2026. Council Member Chuck Fikes seconded. Motion Passed (3:0).

The meeting was adjourned at 7:57 PM.

PASSED and APPROVED by the City Council of the City of Aubrey, Texas this 20th day of November, 2024.



Chris Rich, Mayor

ATTEST:



Jenny Hicks, City Secretary

