

City Council Meeting Minutes

Aubrey City Council Chambers
226 Countryside Dr.
Aubrey, TX 76227
November 20, 2024
6:00 PM



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

Present: Jeff Perry, Erin Allen, Chuck Fikes, 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, Municipal Development Director Christine Gossett, Development Manager Shanda Guffee, Assistant to the City Manager Riley Podleski, Planner Helen-Eve Beadle, Planner Cate Ball

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

Community Announcements:

1. Announcements:

- Christmas Tree Lighting: December 4th from 5:30 -8:30 PM at Veterans Park
- Council Member Jeff Perry announced Toys for Tots will be at the Tree Lighting. Unwrapped toys can be dropped off during the event.

Presentations:

- Former MDD board members Mark Arbenowske, Viki Dunn, and Jesse Auer received appreciation awards for their time on the board.

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:

2. Approve minutes of the October 23, 2024 meeting.
3. Approve Monthly Staff Reports
4. Approve Monthly Financial Report.
5. Approve the absence of council members for the regular meetings identified in the staff report
6. Approve the Second Amendment to the Sandbrock Development Agreement.
7. Approve a request for an extension of the expiration date of the Sandbrock Ranch Phase 13 Preliminary Plat.
8. Acceptance of Public Improvements to Highpointe Ranch, Phase IA.
9. Approve an Assignment and Assumption of the Palomino Development Agreement from Lennar Homes of Texas Land and Construction, Ltd., and Jen Holdco 24 LLC.
10. Approve adjustments to the Vehicle/Equipment Replacement Program

Council Member Chuck Fikes made a motion to approve. Council Member Jeff Perry seconded. Motion Passed (5:0). None opposed.

New Business: New items requested for consideration.

11. Hold a Public Hearing, consider and act on a Resolution creating the Palomino Public Improvement District, an approximate 39.993 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, within the City of Aubrey, Texas.

The Public Hearing opened at 6:07 p.m. and closed at 6:08 p.m.

Finance Director Mike English provided information.

Council Member Erin Allen made a motion to approve Resolution 990-24 creating the Palomino Public Improvement District, an approximate 39.993 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, within the City of Aubrey, Texas. Council Member Jeff Perry seconded. Motion Passed (5:0). None opposed.

12. Hold a public hearing, consider, and act on a Specific Use Permit request for a wine and malt beverage retailer's on-premise permit in conjunction with a restaurant use for the property located at 200 S. Main, Aubrey, Denton County, Texas. (Upper Park Café)

The Public Hearing opened at 6:08 p.m. and closed at 6:13 p.m.

Viki Dunn, 6131 Indian Paint Rd, question regarding percentage of sales required.

Planner Helen-Eve Beadle provided information.

Council Member Jeff Perry made a motion to approve Ordinance 885-24, a Specific Use Permit request for a wine and malt beverage retailer's on-premise permit in conjunction with a restaurant use for the property located at 200 S. Main, Aubrey, Denton County, Texas. Council Member Chuck Fikes seconded. Motion Passed (4:1). Council Member Erin Allen opposed.

13. Consideration and action on a Preliminary Plat for Duck Point containing 448 residential lots, eight (8) non-residential lots, one (1) city park lot, and two (2) city lots in approximately 159.939 acres of land out of the Frederick H. Pollard Survey, Abstract No. 995, City of Aubrey, Denton County, Texas (*MM Aubrey 160, LLC*)

Planner Helen-Eve Beadle provided information.

Council Member Chuck Fikes made a motion to approve the Preliminary Plat for Duck Point with the nine conditions listed. Council Member Randy Jones seconded. Motion Passed (5:0). None opposed.

Conditions:

1. Verify spelling of Survey in Owner's Certification and Title Block, Frederick or Fredrick;
 2. The requested temporary turn-around at west property boundary for Redfearn Road or a barricade at Waddle Way is under review;
 3. Development Agreement(s) for Off-site Infrastructure shall be required to secure the off-site roadway improvements for Redfearn Road that are necessary to support the access to this subdivision;
 4. Homeowners' Association documents shall be submitted for review with the civil plans prior to submission of the Final Plat;
 5. Landscape and screening plans shall be submitted for review with the civil plans prior to submission of the Final Plat;
 6. Floodplain reclamation shall be approved by required jurisdictions;
 7. The City Engineer review dated October 23, 2024 shall be addressed and plans corrected;
 8. The City Planner review dated October 30, 2024 shall be addressed and plans corrected; and
 9. A response letter from the applicant shall accompany the resubmission addressing the noted items for correction from the City Engineer and City Planner.
14. Consideration and action on a Site Plan Application for a pole sign for Prator Addition, Block A, Lot 3, City of Aubrey, Denton County, Texas. (*Mr. Green's Car Wash*)

Planner Helen-Eve Beadle provided information.

Council Member Jeff Perry made a motion to approve the Site Plan Application for a pole sign at Mr. Green's Car Wash with two conditions. Council Member Erin Allen seconded. Motion Passed (4:1). Council Member Chuck Fikes opposed.

Conditions:

1. The masonry product matching the materials on the main structure shall cover the pole base up to the bottom of the lower sign cabinet; and
 2. The existing tree that is in the location of the proposed sign shall be relocated or replaced on site.
15. Consideration and action on the Final Plat of Sandbrock Ranch, Phase 13, containing 282 residential lots, 9 common area lots, and 1 amenity center within 82.756 acres

out of the Frederick Pollard Survey, Abstract No. 995 and William Lumpkin Survey, Abstract No. 730 within the City of Aubrey ETJ, Denton County, Texas and authorize staff to file the plat. (*Horizon / Deer Creek Development Corp. and The Denton County Municipal Utility District No. 6*)

Planner Cate Ball provided information.

Council Member Jeff Perry made a motion to approve the Final Plat of Sandbrock Ranch, Phase 13. Council Member Chuck Fikes seconded. Motion Passed (5:0). None opposed.

16. Receive a presentation from Teague Nall and Perkins on Municipal Separate Storm Sewer System (MS4) Permitting; discussion of same.

Mandy Clark, with Teague, Nall, and Perkins, provided information.

No action taken.

17. Consideration and action on a Professional Services Agreement with Teague Nall and Perkins for Stormwater Management Program Development and Year One Annual Reporting for an amount not to exceed \$30,000; and authorizing Mayor or designee to execute necessary documents.

Executive Director of Operations Leanne Wilson provided information.

Council Member Matt Jones made a motion to approve the Professional Services Agreement. Council Member Chuck Fikes seconded. Motion Passed (5:0). None opposed.

18. Consideration and action on awarding a bid for the Highmeadow Park Construction Project in an amount not to exceed \$395,240.90 and authorize the mayor or his designee to sign the agreement.

Leanne Wilson provided information.

Council Member Jeff Perry made a motion to award the bid for the Highmeadow Park Construction Project to Perfect Finish Landscaping in an amount not to exceed \$395,240.90 and authorize the mayor or his designee to sign the agreement.. Council Member Matt Jones seconded. Motion Passed (4:1). Council Member Chuck Fikes opposed.

19. Consideration and action on a Resolution casting votes for candidates in the election of the Denton Central Appraisal District Board of Directors.

Charles Kreidler provided information.

Council Member Erin Allen made a motion to approve Resolution 989-24 and cast all eight votes for Ray Martin. Council Member Jeff Perry seconded. Motion Passed (5:0). None opposed.

20. Consideration and action on removing and/or appointing member(s) to the Capital Improvement Projects/Impact Fee Committee.

Council Member Jeff Perry made a motion to appoint Kay Browning. Council Member Matt Jones seconded. Motion Passed (5:0). None opposed.

Department Updates and Discussion:

21. Administration & Finance:
-City Hall Renovations will include a new conference room and new office space
-Denco Area 911 Board Appointment of Fire Chief Eric Schlotter
22. Library:
23. Fire Department:
-Construction Update of Stations 2 and 3
24. Police Department:
25. Public Works:
- Leslie Park Update
- Veterans Park Update
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
 - Silverado Development Agreement
 - West Sherman Development
 - Project 38 / South Magnolia and Blackjack Road Property Acquisition
 - Denton County ILA for Fire Protection and EMS Services
 - Elm Ridge Fire Services Agreement
 - Knuckles Road Development
 - Providence Village Fire and EMS Interlocal Agreement
 - Municipal Ordinances Update
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

Council Member Jeff Perry made a motion to recess into Executive Session at 6:46 p.m. Council Member Matt Jones seconded. Motion Passed (5:0). 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.

City Council reconvened into open session at 8:57 PM.

30. Consideration and action on an Interlocal Cooperation Agreement for Fire and Emergency Medical Services with the Town of Providence Village.

Council Member Matt Jones made a motion to approve. Council Member Jeff Perry seconded. Motion Passed (5:0). None opposed.

31. Consideration and Action on a First Amendment to the First Revised Development Agreement for Silverado Development between the City, D.R. Horton- Texas, Ltd. and The Lakes Fresh Water Supply District of Denton County; and authorizing the Mayor or designee to execute any necessary documents.

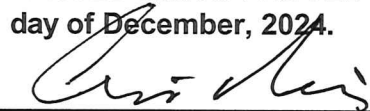
Council Member Erin Allen made a motion to direct the City Manager to finalize negotiation of the First Amendment to the Revised Development Agreement for the Silverado development with one of the following two options and execute the First Amendment:

1. Amend to add 40 foot lot development standards to the Development Agreement for Phases 5 and 10 and to provide that the number of future 40 foot lots will be limited to 25% of the proposed total lots for any and all proposed future phases to be annexed into the MUD and to require the payment of the current park fees for Phases 5 and 10 and future tracts, or
2. Amend to add 40 foot lot development standards to the Development Agreement for Phases 5 and 10 and remove Future Tracts from the Development Agreement so that only Phase 10 will be annexed into the MUD.

Council Member Randy Jones seconded. Motion Passed (5:0). None opposed

The meeting was adjourned at 8:59 PM.

PASSED and APPROVED by the City Council of the City of Aubrey, Texas this 18th day of December, 2024.



**Chris Rich,
Mayor**



ATTEST:



Jenny Hicks, City Secretary