

AUBREY, TEXAS

City Council Meeting Minutes

Aubrey City Hall
107 S. Main St
Aubrey, TX 76227
January 26, 2023
6:00 PM



The meeting was called to order at 6:00 p.m.

Present: Mayor - Chris Rich
Council Place 1 - Jeff Perry
Council Place 2 - Matt Jones
Council Place 3 - Erin Allen
Council Place 4 - Dewayne Brawner
Council Place 5 - Chuck Fikes

Staff Present: City Attorney Patricia Adams, City Manager Charles Kreidler, City Secretary Jenny Huckabee, Admin Assistant Christy Sayer, Finance Director Mike English, Director of Public Works and Development Services Leanne Wilson, Library Manager Brittany McLain, Fire Chief Eric Schlotter, Police Chief Richard Brooks, Lieutenant Jeremy Johnson, Human Resources Manager AJ Rodriguez

Invocation & Pledge of Allegiance: Pastor Clarence Dalrymple of Faith Assembly Church

Community Announcements:

- City Manager Charles Kreidler spoke regarding the advertisement of vacancies on the city's boards and commissions, and spoke about the information available regarding Denton County's Outer Loop at www.dentoncountyouterloop.com.
- Director of Development Services & Public Works Leanne Wilson spoke about the partnership with Keep Aubrey Beautiful for the Electronics Recycle, Household Hazardous Waste, and Easter events.
- Library Manager Brittany McLain spoke regarding the transition to the new library software.

Employee Promotions and Swearing-In

- Chief Schlotter announced promotions for Logan Pursur and Chip Schmitz to Fire Captains.

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 Members or staff. Consideration and action on the following:

1. Minutes of the following City Council Meeting(s):
 - a. December 20, 2022
 - b. January 21, 2023
2. Staff reports
3. Monthly Financial Report
4. Quarterly Investment Report

5. Approve Ordinance Number 771-23 ordering the May 6, 2023 City of Aubrey General Election for the purpose of electing a Mayor for a 2 year term, a Council member to Place 3 for a 2 year term, and a Council member to Place 4 for a 3 year term.
6. Extending the RV permit for 304 N Main St. (Through 7/31/2023)
7. A Resolution amending the Human Resources Policy to be in alignment with the conversion to Home Rule. (Resolution 917-23)
8. Demolition of the residential structure located at 305 S Main St in Veterans Park.

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

New Business: New items previously requested by Council Members, City Staff, or Citizens for consideration by the City Council.

9. Consideration and action on recommendations from the Planning and Zoning Commission for the following:
Cate Ball

- a. A Minor Plat of Lot 1 Block A Stett Ridge Subdivision, 8.663 acres out of the C. B. Emmons Survey, Abstract No. 403, Denton County, Texas located along Rock Hill Road, west of the railroad tracks and north of the intersection with Shade Oak Dr. in the Aubrey Extraterritorial Jurisdiction.

Council Member Allen made a motion to approve a Minor Plat of Lot 1 Block A Stett Ridge Subdivision, 8.663 acres out of the C. B. Emmons Survey, Abstract No. 403, Denton County, Texas located along Rock Hill Road, west of the railroad tracks and north of the intersection with Shade Oak Dr. in the Aubrey Extraterritorial Jurisdiction, subject to the addition of required signatures and seals which should be on the plat prior to the Mayor's signature and plat recordation, per Article 11, Appendix B, Final Plat Checklist. Council Member Fikes seconded. Motion carried unanimously.

- b. A Minor Plat of Lot 1 Block A Aubrey Ranch Addition, 23.243 acres in the F. Trevino Survey, Abstract No. 1243, Denton County, Texas located at approximately the southwest intersection of Spring Hill Rd (FM 428) and FM 2931 in the Aubrey Extraterritorial Jurisdiction.

Council Member Brawner made a motion to approve the Minor Plat of Lot 1 Block A Aubrey Ranch Addition, 23.243 acres in the F. Trevino Survey, Abstract No. 1243, Denton County, Texas located at approximately the southwest intersection of Spring Hill Rd (FM 428) and FM 2931 in the Aubrey Extraterritorial Jurisdiction with the following conditions:

1. Per Chapter 10, Article 2, Section 4.08(b): All Easements shall be included on the Final Plat, including the recording information for those Easements that are filed or recorded as separate instruments, as required by utility companies and the City of Aubrey prior to filing the Final Plat.
2. Per Chapter 10, Article 1 Section 4.01(c), 4.04 and 4.05: It is necessary and desirable to provide for dedication of Rights-of-Way and Easements for capital improvements to support new development at the earliest stage of the development process, therefore staff recommends the additional right of way dedication to provide 60 ft from the center line of both Spring Hill Road and FM 2931.
3. Per Chapter 10, Article 11, Appendix B, Final Plat Checklist, the plat is missing required signatures and seals which should be on the plat prior to the Mayor's signature and plat recordation.

Council Member Jones seconded. Motion carried unanimously.

- c. Hold a Public Hearing, consideration and action on an Ordinance amending Exhibit A, "Subdivision Ordinance" of Chapter 10, "Subdivision Regulations" of the Code of Ordinances of the City by repealing Section 9, "Minor Plats" of Article 2, "Procedures" and adopting a new Section 9, "Minor Plats" of Article 2.

The public hearing was opened at 6:19 p.m. and closed at 6:22 p.m.

Director of Development Services and Public Works Leanne Wilson provided information. No citizens spoke during the public hearing.

Council Member Jones made a motion to approve Ordinance amending Exhibit A, "Subdivision Ordinance" of Chapter 10, "Subdivision Regulations" of the Code of Ordinances of the City by repealing Section 9, "Minor Plats" of Article 2, "Procedures" and adopting a new Section 9, "Minor Plats" of Article 2. Council Member Perry seconded. Motion carried unanimously. (Ordinance 775-23)

- d. Hold a Public Hearing, Consider and Act on an Ordinance amending the City's Zoning Ordinance to adopt a Government Use definition allowing specified Municipal and State Government facilities as permitted uses within Agricultural, Single Family, Multi-Family, General Retail, Shopping Center, Commercial, Industrial, Mobile Home Park and Planned Development districts.

The public hearing was opened at 6:23 p.m. and closed at 6:24 p.m. No citizens spoke during the public hearing.

Council Member Perry made a motion to approve the Ordinance amending the City's Zoning Ordinance to adopt a Government Use definition allowing specified Municipal and State Government facilities as permitted uses within Agricultural, Single Family, Multi-Family, General Retail, Shopping Center, Commercial, Industrial, Mobile Home Park and Planned Development districts. Council Member Jones seconded. Motion carried unanimously. (Ordinance 776-23)

10. Presentation of Debt Sale Results regarding the Combination Tax and Revenue Certificates of Obligation, Series 2023. *Jim Sabonis, Hilltop Securities*

Jim Sabonis, from Hilltop Securities, provided information.

11. Consideration and action on an Ordinance providing for the issuance of City of Aubrey, Texas, Combination Tax And Revenue Certificates Of Obligation, Series 2023 in the approximate aggregate principal amount of \$8,060,000; levying a tax in payment thereof; prescribing the form of said certificates; approving a Bond Purchase Agreement; authorizing the execution and delivery of a Paying Agent/Registrar Agreement; approving the Official Statement; and enacting provisions incident and relating to the subject and purposes of this Ordinance. *Jim Sabonis, Hilltop Securities*

Council Member Jones made a motion to approve Ordinance providing for the issuance of City of Aubrey, Texas, Combination Tax And Revenue Certificates Of Obligation, Series 2023 in the approximate aggregate principal amount of \$8,060,000; levying a tax in payment thereof; prescribing the form of said certificates; approving a Bond Purchase Agreement; authorizing the execution and delivery of a Paying Agent/Registrar Agreement; approving the Official Statement; and enacting provisions incident and relating to the subject and purposes of this Ordinance. Council Member Allen seconded. Motion carried unanimously. (Ordinance 773-23)

12. Consideration and action on an Ordinance annexing approximately 2.78 acres, over and across F.M. 2931 (an existing 100-foot right-of-way), legally described as being in the J. Bridges Survey, Abstract No. 36, Denton County, Texas, and the W. Lumpkin Survey, Abstract No 730, Denton County, Texas. *Charles Kreidler*

Council Member Allen made a motion to approve the Ordinance annexing approximately 2.78 acres, over and across F.M. 2931 (an existing 100-foot right-of-way), legally described as being in the J. Bridges Survey, Abstract No. 36, Denton County, Texas, and the W. Lumpkin Survey, Abstract No 730, Denton County, Texas. Council Member Brawner seconded. Motion carried unanimously. (Ordinance 772-23)

13. Consideration and action on an Ordinance amending various provisions of Chapter 13, "Utilities" of the Aubrey Code of Ordinances amending provisions governing late fees, delinquent accounts, adjustments for leaks, water meters, designation of authorized City personnel and related matters; and providing an effective date. *Leanne Wilson*

Council Member Brawner made a motion to approve the Ordinance amending various provisions of Chapter 13, "Utilities" of the Aubrey Code of Ordinances amending provisions governing late fees, delinquent accounts, adjustments for leaks, water meters, designation of authorized City personnel and related matters; and providing an effective date. Council Member Jones seconded. Motion carried unanimously. (Ordinance 774-23)

14. Consideration and action on appointing a City Council member as liaison for the Aubrey Area Library Advisory Board.

Council Member Brawner made a motion to appoint Council Member Jones as the liaison for the Aubrey Area Library Advisory Board. Council Member Allen seconded. Motion carried unanimously.

15. Receive presentation from Fire Department, discussion by Council and take any necessary action on Department projects or personnel needs. *Eric Schlotter*

Fire Chief Eric Schlotter provided information.

After Executive Session, Council Member Jones made a motion to approve the expenditures for personnel, breathing air compressor, gear extractor, and RMS software. Council Member Perry seconded. Motion carried unanimously.

Advisory Board Reports: If an advisory board wishes to provide any updates, the name of the board and description of the report will be provided below. Receive a report and discuss the following:

16. Planning & Zoning Commission: Consideration and action on removing and/or appointing member(s) to the Planning and Zoning Commission.

Council Member Brawner made a motion to accept the resignation of Adam Herbes. Council Member Fikes seconded. Motion carried unanimously.

Department Updates and Council Discussion:

Administration:

- Upcoming Developments, including new development inquiries, applications, and impact to City
- City Hall Renovations
- Keeneland Development moving along quickly.

Library:

- Status of Building Repairs

Fire Department:

- Aubrey Fire Department EMS

Public Works:

- Public Facilities – Faulkner Well is pumping.

Human Resources:

- Staffing Update

Future Agenda Requests: Council Members, City Staff, and Citizens may request items to be included on future agendas. Discussion is limited to what the request is for, and if and when the item can be put on a future agenda.

Council Member Brawner requested to discuss Park Fees for larger developments only.

Council Member Perry requested to discuss juvenile deaths from Kratom and the types of substance CBD stores can sell.

*****EXECUTIVE SESSION*****

Council Member Perry made a motion to adjourn into Executive Session at 7:42 p.m. Council Member Jones seconded. Motion carried unanimously.

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:

- a) **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 Development
 - Aubrey Area Ambulance
 - Police and Fire Services for The Lakes/Silverado and Sandbrock
 - Solid Waste Agreement
 - Municipal Development District Interlocal Agreement
 - Wilson Lift Station
 - Golf Cart Ordinance
 - FSLA Requirements for Police and Fire
 - Purchase Agreement with Siddons Martin
- b) **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 (Goal Setting)
 - City Secretary

Reconvene into Open Session at 10:51 p.m.

Item 15 was considered.

The meeting was adjourned at 10:52 p.m.

PASSED and APPROVED by the City Council of the City of Aubrey, Texas this 23rd day of February, 2023.



Chris Rich, Mayor



ATTEST:



Jenny Huckabee, City Secretary