

AUBREY, TEXAS

City Council Meeting Minutes

Aubrey City Hall
107 S. Main St
Aubrey, TX 76227
March 23, 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, Fire Chief Eric Schlotter, Police Chief Richard Brooks, Lieutenant Jeremy Johnson, Human Resources Manager AJ Rodriguez, Library Manager Brittany McLain

Invocation & Pledge of Allegiance: Pastor Chris Walden from First Rock Fellowship

Community Announcements:

- Christy Sayer announced the annual Hazardous Household Waste and Recycle Event on March 25th, Easter Egg Hunt on April 1st, Summer Music Series May 20th, and an update on the October 7th Peanut Festival.
- Chief Richard Brooks announced a recognition to Officer Brown from a teacher and recognized Officers Parker and Hunt for their life saving effort using Narcan during an overdose.
- Leanne Wilson announced TxDOT's approval of traffic signals for Highway 377 at FM 3524 and Sherman Drive at Main Street.

Employee Promotions and Swearing-In

- Chief Richard Brooks announced promotions and held pinning ceremony for Lieutenant Abram Salinas and Lieutenant Chance Alexander.

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. February 23, 2023
2. Staff Reports

3. Monthly Financial Report
4. An Ordinance cancelling the May 6, 2023 General Election (Ordinance 778-23)
5. Set a public hearing for April 27, 2023 at 6:00 p.m. to consider and adopt Land Use Assumptions, Capital Improvement Projects, and Water and Sewer Impact Fee updates.
6. Authorize the purchase of two ambulances for the Fire Department.
7. An amendment to the Professional Services Agreement with Lee Engineering for the Thoroughfare Plan and Impact Fee updates.
8. An amendment to the Professional Services Agreement with Kimley Horn for the Sherman Drive Lift Station project in an amount not to exceed \$25,000.
9. An amendment to the Professional Services Agreement with Raftelis for the Water and Wastewater Rate Study in an amount not to exceed \$33,650.
10. An agreement with Emergicon for ambulance billing services
11. Consideration and action on an Ordinance amending Chapter 9.03 of the Code of Ordinances, establishing a police department. (Ordinance No 780-23)

Council Member Perry pulled item 6 for discussion.

After discussion, Council Member Perry made a motion to approve the consent agenda as read (including item 6). Council Member Brawner seconded. Motion carried unanimously.

Old Business: These are unresolved items carried over from previous meetings.

12. Consideration and action on a request for an extension of the expiration date of the Preliminary Plat for the High Country development. *Leanne Wilson*

Leanne Wilson, Jeff Miles (D.R. Horton) and Frank Abbott (Kimley Horn) provided information.

Council Member Allen made a motion to extend the Preliminary Plat until November 24, 2023. 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.

13. Presentation, discussion and action to accept the Fiscal Year 2022 Audit from Whitley Penn.

Roger Tovar (Whitley Penn) provided information.

Council Member Perry made a motion to accept the Fiscal Year 2022 Audit. Council Member Fikes seconded. Motion carried unanimously.

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

- a. Consideration and action on a recommendation to the City Council regarding a Revised Final Plat of Sandbrock Ranch Phase 10a, being 12.995 acres out of the William Lumpkin Survey, Abstract No. 730 and the Frederick H. Pollard Survey, Abstract No. 995, Denton County, Texas located east of the City of Aubrey and Little Elm Creek, west of FM 1385, south of Spring Hill Rd (FM 428) and north of Frontier Parkway in the Aubrey Extraterritorial Jurisdiction.

Council Member Allen made a motion to approve the Revised Final Plat of Sandbrock Ranch Phase 10a, being 12.995 acres out of the William Lumpkin Survey, Abstract No. 730 and the Frederick H. Pollard Survey, Abstract No. 995, Denton County, Texas located east of the City of Aubrey and Little Elm Creek, west of FM 1385, south of Spring Hill Rd (FM 428) and north of Frontier Parkway in the Aubrey Extraterritorial Jurisdiction with the following conditions:

1. Per Article 2, Section 1.05b, the applicant shall provide a tax certificate from the Denton County Tax Assessor Collector showing that all taxes have been paid prior to recordation of the Final Plat.
2. Per Article 11, Appendix B, Final Plat Checklist, the plat is missing required signatures which is a recommended condition prior to the Mayor's signature of plat approval.

Council Member Brawner seconded. Motion carried unanimously.

- b. Consideration and action on a recommendation to the City Council regarding the Final Plat of Arrow Brooke Subdivision, Phase 7, 50.632 acres in the William Lumpkin Survey, Abstract No. 730, Denton County, Texas located between Winn Ridge Boulevard on the west and FM 1385 on the east, and Byran Road on the north and Fishtrap Road on the south, within the Aubrey Extraterritorial Jurisdiction.

Council Member Allen made a motion to the Final Plat of Arrow Brooke Subdivision, Phase 7, 50.632 acres in the William Lumpkin Survey, Abstract No. 730, Denton County, Texas located between Winn Ridge Boulevard on the west and FM 1385 on the east, and Byran Road on the north and Fishtrap Road on the south, within the Aubrey Extraterritorial Jurisdiction with the following conditions:

3. **Per Article 2, Section 1.05b, the applicant shall provide a tax certificate from the Denton County Tax Assessor Collector showing that all taxes have been paid prior to recordation of the Final Plat.**
4. **Per Article 11, Appendix B, Final Plat Checklist, the plat is missing required signatures which is a recommended condition prior to the Mayor's signature of plat approval. The applicant will provide the name of the signature authorities once they are ready to have the plat signed and recorded.**

Council Member Brawner seconded. Motion carried unanimously.

15. Receive a presentation and take any necessary action on a concept plan for phase one of the Main Street Beautification Project. *Paris Sanchez, TNP*

Paris Sanchez with Teague, Nall, and Perkins provided information.

Council Member Allen made a motion to approve the concept plan for phase one of the Main Street Beautification Project. Council Member Fikes seconded. Motion carried unanimously.

16. Hold Public Hearing, consider and make a recommendation to the City Council regarding an Ordinance amending Article 14 of the Aubrey Code of Ordinances, by codifying the Master Thoroughfare Plan, and by adopting amendments to the Master Thoroughfare Plan, a component of the Comprehensive Plan of the City of Aubrey. *Kelly Parma, Lee Engineering*

The public hearing was opened at 7:19 p.m. and closed at 8:03 p.m.

Kelly Parma with Lee Engineering provided information.

William Cherry, 400 S Main St, spoke in opposition of the Outer Loop on the Thoroughfare Plan.

Frank Abbott, of Kimley Horn and Associates, spoke in opposition of several roadway locations on the Thoroughfare Plan, and supports the Outer Loop.

Council Member Brawner made a motion to approve the proposed Thoroughfare Plan. Motion died for lack of second.

Council Member Fikes made a motion to table until July until we can meet with the county regarding the Outer Loop. Council Member Allen seconded. Motion carried unanimously.

17. Consideration and action to award a low bidder for the sewer line installation in relation to the City's TxCDBG Contract CDV21-0063, including entering into a construction contract for the awarded amount, and authorizing execution of necessary documents. *Leanne Wilson*

Council Member Fikes made a motion to award a low bidder to Quality Excavation for the sewer line installation in relation to the City's TxCDBG Contract CDV21-0063, including entering into a construction contract for the awarded amount of \$214,295 and authorizing execution of necessary documents. Council Member Perry seconded. Motion carried unanimously.

18. Consideration and action approving the 2023 Consumer Price Index adjustment to municipal telecommunications right-of-way access line rates. *Mike English*

Finance Director Mike English provided information.

Council Member Allen made a motion to approve the 2023 Consumer Price Index adjustment to municipal telecommunications right-of-way access line rates. Council Member Brawner seconded. Motion carried unanimously.

19. Consideration and action on an Ordinance amending various sections of Chapter 2, Traffic and Vehicles”, Division 2, “Speed Limits” of the Code of Ordinances regulating prima facie speed limits on residential streets in the City of Aubrey; providing a penalty for violation; and providing an effective date. *Chief Brooks*

Chief Richard Brooks provided information.

Council Member Fikes made a motion to approve the Ordinance amending various sections of Chapter 2, Traffic and Vehicles”, Division 2, “Speed Limits” of the Code of Ordinances regulating prima facie speed limits on residential streets in the City of Aubrey; providing a penalty for violation; and providing an effective date. Council Member Jones seconded. Motion carried unanimously. (Ordinance No 779-23)

20. Consideration and action an Interlocal Cooperation Agreement with Providence Village for police services; and authorizing the Mayor to execute necessary documents. *Chief Brooks*

Council Member Allen made a motion to approve an Interlocal Cooperation Agreement with Providence Village for police services; and authorizing the Mayor to execute necessary documents. Council Member Brawner seconded. Motion carried unanimously.

21. Receive presentation from Library Manager, discussion by Council and take any necessary action on Department projects or personnel needs. *Brittany McLain*

**Library Manager Brittany McLain provided information.
No action taken.**

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:

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

Council Member Perry made a motion to appoint Mark Arbenowske (Place 4) and Holly Drew (Place 6) as members of the Aubrey Municipal Development District Board. Council Member Brawner seconded. Motion carried unanimously.

Department Updates and Council Discussion:

Administration & Finance:

- City Hall renovations
- Joint meeting with Aubrey ISD (March 29th)

Library:

- None

Fire Department:

- Aubrey Fire Department EMS

Police Department:

- Recruit testing update
- Grant update

Public Works:

- Public facilities

- Park projects
- Human Resources:**
- Number of employees
- Open positions

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.

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:

- 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
 - High Country Preliminary Plat
 - Solid Waste Agreement
 - Sign Ordinance
 - Alternative Procurement Methods for City facilities
- b) **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.
 - Land acquisition in the City Limits of Aubrey and in the ETJ
- c) **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 - Duties

Council Member Perry made a Motion to adjourn into Executive Session at 9:06 p.m. Council Member Jones seconded. Motion carried unanimously.

Reconvened into Open Session at 11:17 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.

23. Consideration and action on a Professional Services Agreement with Terracon Consultants to conduct a Property Condition Assessment of property located in downtown Aubrey.

Council Member Allen made a motion to approve a Professional Services Agreement with Terracon Consultants to conduct a Property Condition Assessment of property located in downtown Aubrey. Council Member Fikes seconded. Motion carried unanimously.

24. Consideration and action on an Assignment and Assumption Agreement and Consent for the Exclusive Solid Waste and Recycling Franchise Agreement between the City, Rhino Removal and Republic Services; and authorizing the Mayor or designee to execute necessary documents.

Council Member Brawner made a motion to approve an Assignment and Assumption Agreement between the City, Rhino Removal and Republic Services subject to final negotiation by the City Manager as discussed in closed session and subject to final legal review. Council Member Perry seconded. Motion carried unanimously.

25. Consideration and action on an Ordinance approving an Exclusive Contract for Solid Waste and Recycling Services for the City of Aubrey with Republic Services of Lewisville; providing for the adopt of collection rates; and providing an effective date.

No action taken.

The meeting was adjourned at 11:23 p.m.

PASSED and APPROVED by the City Council of the City of Aubrey, Texas this 27th day of March, 2023.


Chris Rich, Mayor

ATTEST:


Jenny Huckabee, City Secretary

