

# AUBREY, TEXAS

## City Council Meeting Minutes

Aubrey City Hall  
107 S. Main St  
Aubrey, TX 76227  
June 28, 2022  
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 3 - Erin Allen  
Council Place 4 - Dewayne Brawner  
Council Place 5 - Chuck Fikes

**Absent:** Council Place 2 - Matt Jones

**Staff Present:** City Secretary Jenny Huckabee, Fire Chief Mike Starr (via Zoom), Assistant Fire Chief Jason Wilson, Police Chief/Interim City Administrator Charles Kreidler, Finance Director Mike English, Public Works Director Leanne Wilson, Assistant Public Works Director Joe Hernandez, Human Resources Manager AJ Rodriguez, Library Manager Brittany McLain; City Attorneys Patricia Adams and Andy Messer

**Invocation & Pledge of Allegiance:** Council Member Brawner

### Community Announcements:

- Charles Kreidler spoke regarding the Peanut Festival and Music in the Park

### Citizen Input:

The following spoke regarding the Solid Waste RFP:

- Leigh Collins – Republic Waste
- Hilmar Bobadilla – Waste Connections
- Jake Pavelka – Rhino Removal
- Shawn Erias – Frontier Waste Services

**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. May 24, 2022
  - b. June 11, 2022
2. Staff reports
3. Monthly financial report
4. An amended Interlocal Cooperation Agreement with Denton County for Fire Protection Services to remove the Artesia subdivision.

5. Change Order #1 from Reymar Construction for the Faulkner Water Well Electrical Improvements project and authorize the mayor, or his designee, to execute the same.
6. A Resolution closing Main Street on October 1, 2022 for the Annual Peanut Festival.

**Council Member Brawner pulled item Number 5.**

**After discussion, Council Member Allen made a motion to approve all consent agenda items. Council Member Brawner seconded. Motion passed unanimously.**

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

7. Consideration and action on recommendations from the Planning and Zoning Commission for the following:  
*Clint Bissett, Pacheco Koch*
  - a. A site plan for Pine Ridge Pavilion, a commercial property, being approximately 0.8650 acres, being Lot 3, Block A of the Pine Ridge Addition, Phase II, generally located at the northeast corner of Pine Ridge Lane and US Highway 377 in the City of Aubrey.

**Council Member Allen made a motion to a site plan for Pine Ridge Pavilion, a commercial property, being approximately 0.8650 acres, being Lot 3, Block A of the Pine Ridge Addition, Phase II, generally located at the northeast corner of Pine Ridge Lane and US Highway 377 in the City of Aubrey. Council Member Brawner seconded. Motion passed unanimously.**

- b. A landscape plan for Food Experience Kitchen, a commercial property, being approximately 0.43 acres and being Lot 28R3, Block A of the Thistledown Addition, generally located at 258 US Highway 377 at the northwest corner of the intersection of Meadow Lane and US Highway 377 in the City of Aubrey.

**Council Member Brawner made a motion to approve a landscape plan for Food Experience Kitchen, a commercial property, being approximately 0.43 acres and being Lot 28R3, Block A of the Thistledown Addition, generally located at 258 US Highway 377 at the northwest corner of the intersection of Meadow Lane and US Highway 377 in the City of Aubrey. Council Member Perry seconded. Motion passed unanimously.**

8. Consideration and action on a Resolution granting a petition requesting annexation by EMLI Pecan TC I, LP and ALCM Construction, LLC, owners of approximately 55.3 acres of land, being the entirety of Parcel ID #962087, 962088, and 771181 generally located in the Pecan Creek Addition, Phase 1, Lots 1, 2, and 3, Block A of the James Bridges Survey, Abstract No 36, Denton County, Texas, setting a Public Hearing for the annexation; authorizing staff to negotiate and enter into a written services agreement with Owner. *Charles Kreidler*

**Council Member Perry made a motion to approve a Resolution granting a petition requesting annexation by EMLI Pecan TC I, LP and ALCM Construction, LLC, owners of approximately 55.3 acres of land, being the entirety of Parcel ID #962087, 962088, and 771181 generally located in the Pecan Creek Addition, Phase 1, Lots 1, 2, and 3, Block A of the James Bridges Survey, Abstract No 36, Denton County, Texas, setting a Public Hearing for the annexation; authorizing staff to negotiate and enter into a written services agreement with Owner. Council Member Brawner seconded. Motion passed unanimously. (Resolution 892-22)**

9. Consideration and action on a Resolution calling for a Public Hearing to consider an ordinance levying assessments on property located within Phase #3B of the Jackson Ridge Public Improvement District; providing the Phase #3B Assessment Roll; setting a date for the public hearing, directing publication and notice as required by law and providing for related matters. *Mike English/Abdi Yassin*

**Abdi Yassin presented information.**

**Council Member Brawner made a motion to approve a Resolution calling for a Public Hearing to consider an ordinance levying assessments on property located within Phase #3B of the Jackson Ridge Public Improvement District; providing the Phase #3B Assessment Roll; setting a date for the public**

hearing, directing publication and notice as required by law and providing for related matters. Council Member Perry seconded. (Resolution 894-22)

10. Consideration and action on a Resolution for Notice of Intent to issue Certificates of Obligation for the Plan of Finance to include a new fire station, ladder truck, six police vehicles accessory equipment. *Mike English/Mike Starr/Jim Sabonis*

**Council Member Fikes made a motion to approve Resolution for Notice of Intent to issue Certificates of Obligation for the Plan of Finance to include a public safety facility and necessary equipment. Council Member Perry seconded. Motion passed unanimously. (Resolution 896-22)**

11. Consideration and action on the purchase of a ladder truck for the Fire Department from Siddons Martin Emergency Group in an amount not to exceed \$1,500,000 and authorizing the Mayor to execute necessary documents. *Mike Starr/Jim Sabonis*

**Council Member Allen made a motion to approve the purchase of a ladder truck for the Fire Department from Siddons Martin Emergency Group in an amount not to exceed \$1,500,000 and authorizing the Mayor to execute necessary documents and for the Finance Director to evaluate the best payment option. Council Member Perry seconded. Motion passed unanimously.**

12. Consideration and action on a Resolution appointing a member to the Board of Managers of the Denco Area 9-1-1 District.

**Council Member Perry made a motion to appoint Jim Carter to the Board of Managers of the Denco Area 9-1-1 District. Council Member Fikes seconded. Motion passed unanimously.**

13. Consideration and action on a Resolution regarding the Denton Central Appraisal District's 2022 Proposed Budget; and providing an effective date.

**Discussion held. No action taken.**

14. Consideration and action on utility billing credit card processing fees. *Mike English*

**Council Member Perry made a motion to eliminate credit card processing fees effective October 1<sup>st</sup>. Motion died for lack of second.**

**Council Member Allen made a motion to not waive credit card fees. Council Member Brawner seconded. Motion passed with three in favor and Council Member Perry opposed.**

15. Consideration and action on award of proposal for Solid Waste Services and discussion and direction regarding terms of service for franchise agreement. *Leanne Wilson*

**Council Member Brawner made a motion to approve Republic Services to provide solid waste services to the City with the terms of service outlined by Staff and as identified in the City's RFP documents for inclusion in a solid waste franchise agreement and ordinance to be considered at the July Council meeting. Council Member Perry seconded. Motion tied with Council Members Brawner and Perry in favor and Council Members Allen and Fikes opposed. Mayor Rich broke the tie with a vote of opposition.**

**Council Member Allen made a motion to approve Rhino Removal to provide solid waste services to the City with the terms of service outlined by Staff and as identified in the City's RFP documents for inclusion in a solid waste franchise agreement and ordinance to be considered at the July Council meeting. Council Member Fikes seconded. Motion tied with Council Members Allen and Fikes in favor and Council Members Brawner and Perry opposed. Mayor Rich broke the tie with an in-favor vote.**

16. Consideration and action on an Ordinance amending Appendix A, "Fee Schedule" of the Code of Ordinances by amending the permit and inspection fees for in-ground swimming pools (Article A.3000); Water Rates (Article A7.000) and Sewer Rates (Article A.7000); and providing an effective date. *Leanne Wilson*

**Council Member Allen made a motion to approve the Ordinance amending Appendix A, "Fee Schedule" of the Code of Ordinances by amending the permit and inspection fees for in-ground swimming pools (Article A.3000); Water Rates (Article A7.000) and Sewer Rates (Article A.7000) based on Option 2; and providing an effective date. Council Member Allen seconded. Motion tied with Council Members Allen and Brawner in favor and Council Members Perry and Fikes opposed. Mayor Rich broke the tie with an in-favor vote.**

17. Consider and take appropriate action regarding Pipeline Crossing Agreement between the City and Union Pacific Railroad Company and authorizing the Mayor to execute necessary documents.

**Council Member Brawner made a motion to approve the Pipeline Crossing Agreement between the City and Union Pacific Railroad Company and authorizing the Mayor to execute necessary documents. Council Member Fikes seconded. Motion passed 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:

18. Parks and Recreation Board vacancy: Consideration and action on removing and/or appointing members to the Parks and Recreation Board.

**Council Member Brawner made a motion to appoint Jonathan Stuart and Amanda Larsen to the Parks and Recreation Board. Council Member Fikes seconded. Motion passed unanimously.**

19. Municipal Development District Board: Consideration and action on removing and/or appointing members to the Municipal Development District Board.

**Council Member Allen made a motion to accept the resignation of Tonya Martin. Council Member Perry seconded. Motion passed unanimously.**

20. Board of Adjustment vacancy: Consideration and action on removing and/or appointing members to the Board of Adjustment.

**Council Member Allen made a motion to accept the resignation of Loree Myers and appoint Teresa Sanfilippo and Todd Martin to the Board of Adjustment. Council Member Perry seconded. Motion passed unanimously.**

**Department Updates and Council Discussion:**

**Administration:**

- Home Rule Charter
- Speed Limit Ordinance

**Public Works:**

- Aubrey Creek Estates Lift Station
- Wastewater Treatment Plant Expansion
- CIP Projects for Keenland and High Point
- Wilson Lift Station

**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.

**Traffic Flow Study for Rockhill Rd at Main St requested by Council Member Perry**

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\*\*\*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 551.074 Personnel Matters.** Deliberation regarding the evaluation and duties of a public officer or employee:
  - City Attorney
  - City Administrator
  
- b) **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:
  - *Indus Aubrey, LLC v. City of Aubrey, et al.*, Cause No. 22-0178-393, pending in the 393<sup>rd</sup> District Court of Denton County, Texas.
  - High Pointe Development
  - Aubrey Heights Development
  - East Star Development
  
- c) **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.
  - Acquisition of water and wastewater easements

**Council Member Perry made a motion to adjourn into Executive Session at 9:06 p.m. Council Member Allen seconded. Motion passed unanimously.**

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**Reconvened into Open Session at 10:56 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 Perry made a motion to authorize acquisitions of easements of Deccan Ranch and Aubrey Farms. Council Member Allen seconded. Motion passed unanimously.**

The meeting was adjourned at 10:56 p.m.

**PASSED and APPROVED** by the City Council of the City of Aubrey, Texas this 26th day of July, 2022.

  
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Chris Rich, Mayor



ATTEST:  
  
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Jenny Huckabee, City Secretary