

AUBREY, TEXAS

City Council Meeting Minutes

Aubrey City Hall
107 S. Main St
Aubrey, TX 76227
July 26, 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 2 - Matt Jones (via Zoom)
Council Place 3 - Erin Allen
Council Place 4 - Dewayne Brawner
Council Place 5 - Chuck Fikes

Staff Present: City Secretary Jenny Huckabee, Fire Chief Mike Starr, Assistant Fire Chief Jason Wilson, Police Chief/Interim City Administrator Charles Kreidler, Finance Director Mike English, Director of Public Works and Development Services Leanne Wilson, Assistant Public Works Director Joe Hernandez, Human Resources Manager AJ Rodriguez, City Attorney Patricia Adams

Invocation & Pledge of Allegiance: Council Member Brawner

Community Announcements: Chief Kreidler provided the Annual Peanut Festival information.

Citizen Input:

Nine citizens spoke in opposition or having concerns, and one in favor of the Aubrey Heights Rezone during item 10a.

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. June 28, 2022
 - b. July 11, 2022
2. Staff reports
3. Monthly financial report
4. Quarterly investment report
5. A Resolution to decommission and return a 2016 police vehicle, VIN #1FM5K8AR1GGD17200 to the Town of Providence Village.
6. A Professional Services Agreement Amendment with Kimley Horn for engineering services for the Wilson Lift Station.

Council member Perry removed item 1a. Council Member Brawner removed item 6.

After discussion, Council Member Brawner made a motion to approve all consent agenda items with corrections to the June 28 minutes. Council Member Perry seconded. Motion passed unanimously.

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

7. Presentation of proposed Home Rule Charter.

Home Rule Charter Commission Chair, Jesse Auer, presented information.

8. Consideration and action on an Ordinance ordering an election on the question of adopting the proposed Home Rule Charter.

Council Member Brawner made a motion to approve an Ordinance ordering an election on the question of adopting the proposed Home Rule Charter. Council Member Allen seconded. Motion passed unanimously. (Ordinance 753-22)

9. Consideration and action on a Resolution approving a Joint Administrative Agreement with Denton County for participation in Denton County's Community Development Block Grant program.

Council Member Brawner made a motion to approve the Resolution approving a Joint Administrative Agreement with Denton County for participation in Denton County's Community Development Block Grant program. Council Member Perry seconded. Motion passed unanimously. (Resolution 899-22)

10. Consideration and action on recommendations from the Planning and Zoning Commission for the following:
 - a. Hold Public Hearing, consider and act on a recommendation regarding a request to approve an ordinance effectuating a zoning change from Agricultural Residential District to a Planned Development Overlay District with base zoning of Single Family Residential 75, for the Aubrey Heights development, being approximately 39 acres out of the John Fisher Survey, Abstract 432, generally located west of Highway 377, south of W. Blackjack Rd. and east of Blackjack Oaks Rd. located in the Aubrey city limits.

The public hearing was opened at 6:12 p.m. and closed at 7:15 p.m. City Planner Clint Bissett provided information. Developer Craig Calhoun provided information.

The following spoke in opposition or having concerns:

- Julie Erkamaa, 815 W Blackjack Rd
- Michael Erkamaa, 815 W Blackjack Rd
- Kurt Weythman, 815 W Blackjack Rd
- Lisa Manchester, 521 Amy Jo Circle
- Nancy Harris, 514 Amy Jo Circle
- Glenda Whitson, 308 N Main St
- Joe Jackson, 225 D'Lynne St
- Erin Bogar, 201 W Sherman Dr
- Viki Dunn, 6131 Indian Paint Rd

An email was received from Brandon Butterfield voicing his support.

Council Member Fikes made a motion to approve the Ordinance for rezone with SF 75 designation. Council Member Brawner seconded. Motion passed 4-1 with Council Member Jones opposed.

After Executive Session, Council Member Fikes made a motion to reconsider this item. Council Member Perry seconded. Motion passed unanimously.

Council Member Fikes made a motion to approve the Ordinance with the conditions that the trail width is 8 feet, and the side yard setbacks are 8 feet. Council Member Brawner seconded. Motion passed 3-2 with Council Members Jones and Perry opposed. (Ordinance 747-22)

- b. Consideration and action on a recommendation to City Council regarding a Preliminary Plat for Ribbonwood MUD #1, being approximately 90 acres out of the F.H. Pollard Survey, Abstract 995, Denton County Texas, located East of FM 2931, South of Springhill Rd, and East of Coffey Road, in the Aubrey Extraterritorial Jurisdiction.

City Planner Cate Ball provided information. Thomas Fletcher, with Kimley Horn, provided information.

Council Member Brawner made a motion to approve the Preliminary Plat for Ribbonwood MUD #1, being approximately 90 acres out of the F.H. Pollard Survey. Council Member Fikes seconded. Motion passed unanimously.

11. Hold a Public Hearing, consider and act on an Ordinance annexing approximately 55.3 acres of land 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, into the City of Aubrey, Denton County, Texas, and extending the boundary limits of the City to include the above-described property; approving a written services agreement; and providing for amendment to the official City map.

The public hearing was opened at 8:02 p.m. and closed at 8:03 p.m. No citizens spoke.

Council Member Perry made a motion to approve the Ordinance annexing approximately 55.3 acres of land 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, into the City of Aubrey, Denton County, Texas, and extending the boundary limits of the City to include the above-described property; approving a written services agreement; and providing for amendment to the official City map. Council Member Fikes seconded. Motion passed unanimously. (Ordinance 750-22)

12. Hold a Public Hearing, consider and act on an Ordinance levying assessments on property located within Phase #3B of the Jackson Ridge Public Improvement District; and providing the Phase #3B Assessment Roll.

The public hearing was opened at 8:04 p.m. Council Member Allen made a motion to continue the public hearing to the August 11, 2022 City Council Meeting at 6:00 p.m. at City Hall. Council Member Perry seconded. Motion passed unanimously.

13. Consideration and action on an ordinance approving an exclusive Solid Waste Franchise Agreement with Rhino Removal; providing a penalty; and providing an effective date.

Council Member Allen made a motion to approve the Ordinance approving an exclusive Solid Waste Franchise Agreement with Rhino Removal; providing a penalty; and providing an effective date, pending final legal review. Council member Brawner seconded. Motion passed unanimously. (Ordinance 752-22)

14. Consideration and action on a Resolution amending subsection 106.2 of Section 106 of the City's Human Resources Manual to provide updates to the City's vacation time regulations; and providing an effective date.

Human Resources Manager AJ Rodriguez provided information.

Council Member Jones made a motion to approve the Resolution amending subsection 106.2 of Section 106 of the City's Human Resources Manual to provide updates to the City's vacation time regulations; and providing an effective date. Council Member Fikes seconded. Motion passed 4-1 with Council Member Allen opposed. (Resolution 897-22)

15. Discussion regarding the Enterprise Fund budget.

Finance Director Mike English provided information. Discussion held. No action taken.

16. Consideration and action on a Resolution changing the regular City Council meeting date; and providing an effective date.

Council Member Perry made a motion to change the regular City Council meeting date to the 4th Thursday of each month at 6:00 p.m. beginning in August. Council Member Brawner seconded. Motion passed unanimously.

Department Updates and Council Discussion:

Administration:

- Traffic Flow Study (Main St @ Rockhill, Winn Ridge)

Finance:

- Appraisal District Certified Estimates

Public Works:

- Water and Rate Study Update (RFP)
- Impact Fee Update
- Thoroughfare Plan Update
- Park Master Plan 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 Perry requested an item regarding a traffic study from Elm St to Main St.

*****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:
- *Indus Aubrey, LLC v. City of Aubrey, et al.*, Cause No. 22-0178-393, pending in the 393rd District Court of Denton County, Texas.
 - High Pointe Development
 - Aubrey Heights Development
 - Whispering Oaks Development (Girl Scout Camp)
 - Water's Edge RV Park Development
 - Solid Waste Request for Proposal (Information Request)
 - Aubrey Area Ambulance
 - Police and Fire Services for The Lakes and Sandbrock

Council Member Perry made a motion to adjourn into Executive Session at 8:45 p.m. Council member Brawner seconded. Motion passed unanimously.

The City Council reconvened into Open Session at 11:18. 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 Fikes made a motion to reconsider item 10a, the rezone for the Aubrey Heights Development. Council Member Perry seconded. Motion passed unanimously.

Council Member Fikes made a motion to approve the Ordinance with the conditions that the trail width is 8 feet, and the side yard setbacks are 8 feet. Council Member Brawner seconded. Motion passed 3-2 with Council Members Jones and Perry opposed. (Ordinance 747-22)

Council Member Perry made a motion to appoint Jason Wilson to serve as the City representative on the Aubrey Area Ambulance Board of Directors. Council Member Allen seconded. Motion passed unanimously.

17. Consideration and action on acquiring real property described as an approximate 7.093 acres located on the north side of Highmeadow Drive, 200 feet west of US 377 in Aubrey, Denton County, Texas.

Council Member Perry made a motion to approve the purchase of an approximate 6.7 acre tract of land located on the north side of Highmeadow Drive approximately 200 feet west of US 377, City of Aubrey, from Indus Aubrey, LLC, for an amount not to exceed \$1,605,000; and authorizing the Mayor to execute necessary documents. Council Member Brawner seconded. Motion passed unanimously.

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

PASSED and APPROVED by the City Council of the City of Aubrey, Texas this 25th day of August, 2022.


Chris Rich, Mayor



ATTEST:


Jenny Huckabee, City Secretary