

CITY COUNCIL MEETING MINUTES

Aubrey City Hall
107 S. Main St
Aubrey, TX 76227
September 28, 2023
6:00 PM



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

Present: Mayor - Chris Rich
Council Place 1 - Jeff Perry (Mayor Pro Tem) – arrived at 7:22 p.m.
Council Place 2 - Matt Jones
Council Place 4 – Randy Jones
Council Place 5 - Chuck Fikes (Deputy Mayor Pro Tem)

Absent: Council Place 3 - Erin Allen

Staff Present: City Attorney Patricia Adams, City Manager Charles Kreidler, City Secretary Jenny Hicks, Administrative Coordinator Christy Sayer, Finance Director Mike English, Fire Chief Eric Schlotter, Police Chief Richard Brooks, Director of Development Services and Public Works Leanne Wilson, MDD Director Christine Gossett, HR Director Shaena Williams, Planner Heather Shankle, Planner Cate Ball

Invocation & Pledge of Allegiance: Pastor Gene King

Community Announcements:

- World Teacher's Day Proclamation - Lindsey Spencer & Lacy Bennett received Proclamation from Mayor Rich
- Police Department Swearing-in Ceremony – Antonio Chamorro and Carly Coker's graduation from Police Academy
- Fire Department Promotions – Paul Key promoted to Captain and Alec Canada promoted to Driver/Engineer
- Firefighter Appreciation Month Proclamation by Mayor Rich
- Christy Sayer announced Peanut Festival Information

Citizen Input:

- Ted Lewis, 2648 Liberty Circle, provided information on a group of volunteers for Aubrey

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. August 24, 2023
 - b. August 26, 2023
2. Staff Reports
3. Monthly Financial Report
4. Award a bid to TexPro Construction for the 2021 CDBG CDV21-0063 Water System Improvements in an amount not to exceed \$112,793.00, and authorizing the City Manager to execute the agreement.

5. Award a bid to McDonald Municipal and Industrial for the Pump Station Generator Project in an amount not to exceed \$393,288.00 and authorizing the City Manager to execute the agreement.
6. An administrative agreement between the City of Aubrey and the Aubrey Municipal Development District and authorize the Mayor or his designee to execute the agreement
7. An Ordinance designating an official newspaper for the City of Aubrey. (Ordinance 806-23)
8. An Interlocal Cooperation Agreement with the City of Krugerville's Community Development Corporation for library services and authorize the Mayor or his designee to execute the agreement
9. An Interlocal Cooperation Agreement with Denton County for library services and authorize the Mayor or his designee to execute the agreement
10. A Local Agreement Respecting Forfeited Contraband Under Chapter 59 and Article 18.18, Texas Code of Criminal Procedure with the Denton County District Attorney's Office, authorizing the City Manager and Chief of Police to execute the agreement.
11. An Interlocal Agreement with the City of Krugerville and Mustang Special Utility District for Wastewater Service and authorize the Mayor or his designee to execute the agreement.
12. A Professional Services Agreement for Traffic Engineering On-Call Services with Lee Engineering for Traffic Engineering, and authorizing the City Manager to execute the agreement.
13. A Professional Civil Engineering, Land Surveying & Landscape Architecture Services agreement with Westwood Professional Services, Inc. and authorize the City Manager to execute the agreement.
14. A Professional Services Agreement for On-Call Planning Services with HE Planning+Design, LLC and authorize the City Manager to execute the agreement.
15. Final acceptance of the Capital Improvement Projects W1, S2 and S6.2 and authorize payment of \$3,022,130.78 to Aubrey 81 West, L.P. in accordance with the Keenland Development Agreement.
16. A Permanent Electric Utility Easement Acquisition for the FM 428 Pump Station Improvement Project.
17. A Professional Services Agreement with RPGA for architect design services for the construction of a Fire Station and authorize the City Manager to execute the agreement.

Development Services Director Leanne Wilson removed number 11 and provided new information.

Council Member Chuck Fikes made a motion to approve the consent agenda. Council Member Matt Jones seconded. Motion carried unanimously with Council Member Jeff Perry absent.

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

18. Hold a public hearing, consider act on an Ordinance zoning the Keeneland Development from Unzoned to "PD" (Planned Development) District for uses consistent with the "SF75" (Single-family residential 7,500 square feet) District and delineated development standards for lot area, lot dimensions, yards, height, lot coverage, and landscaping on approximately 81.5 acres situated in the F. Trevino Survey, Abstract No. 1243, generally located on the north side of Spring Hill Road, north of the terminus of Paradise Drive/Lone Star Lane. *Property Owner: Aubrey 81 West LP*

Heather Shankle provided information.

The Public Hearing was continued from August 24, 2023, reopened at 6:23 p.m. and closed at 6:25 p.m.

The following spoke during the public hearing:

- William Cherry, 400 S Main St, spoke in opposition

Council Member Chuck Fikes made a motion to approve the Ordinance zoning the Keeneland Development from Unzoned to "PD" (Planned Development) District for uses consistent with the "SF75" (Single-family residential 7,500 square feet) District and delineated development standards for lot area, lot dimensions, yards, height, lot coverage, and landscaping on approximately 81.5 acres situated in the F. Trevino Survey, Abstract No. 1243, generally located on the north side of Spring Hill Road, north of the terminus of Paradise Drive/Lone Star Lane. Council Member Matt Jones seconded. Motion carried unanimously with Council Member Jeff Perry absent. (Ordinance 807-23)

19. Hold a public hearing, consider and act on an Ordinance amending the zoning for a portion of the High Pointe Ranch Development from "AG-R" (Agricultural Residential) District and a portion of the property from

Unzoned to "PD" (Planned Development) District for "SC" (Shopping Center) District uses, certain "C" (Commercial) District uses, "SF75" (Single-Family Residential) District uses and delineated development standards for lot area, lot dimensions, yards, lot coverage, building design, screening, and landscaping on approximately 460.7 acres situated in the F. Trevino Survey, Abstract No. 1243, generally located on the northeast corner of Spring Hill Road and Highway 377. *Property Owners: Aubrey Blackjack Partners, LLC and FM Land Investments I*

Heather Shankle provided information.

The Public Hearing was continued from August 24, 2023, reopened at 6:26 p.m. and closed at 6:29 p.m.

The following spoke during the public hearing:

- **William Cherry, 400 S Main St, spoke in opposition.**
- **Laura Stephens, 7494 Pudín Hill Rd, spoke in opposition.**

Council Member Chuck Fikes made a motion to approve the Ordinance amending the zoning for a portion of the High Pointe Ranch Development from "AG-R" (Agricultural Residential) District and a portion of the property from Unzoned to "PD" (Planned Development) District for "SC" (Shopping Center) District uses, certain "C" (Commercial) District uses, "SF75" (Single-Family Residential) District uses and delineated development standards for lot area, lot dimensions, yards, lot coverage, building design, screening, and landscaping on approximately 460.7 acres situated in the F. Trevino Survey, Abstract No. 1243, generally located on the northeast corner of Spring Hill Road and Highway 377. Council Member Randy Jones seconded. Motion carried unanimously with Council Member Jeff Perry absent. (Ordinance 808-23)

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

20. Hold a public hearing, consider and act on an Ordinance amending the zoning for approximately 1.12 acres legally described as Lot 2, Block A of the Union Street Addition from "SF-10" (Single-Family Residential minimum 10,000-square-foot lots) District to "SF-75" (Single-Family Residential minimum 7,500-square-foot lots) District generally located at the northern terminus of D'Lynne Street, north of Spring Street. *Property Owner: Lubna Bilal (This item was tabled by the Planning and Zoning Commission.)*

The public hearing was opened at 6:31. Council Member Chuck Fikes made a motion to hold the public hearing open until the October 24, 2023 meeting at 6:00 p.m. Council Member Randy Jones seconded Motion carried unanimously with Council Member Jeff Perry absent.

There were no speakers during the public hearing.

21. Consideration and action on Preliminary Plat Lot 1, Block A Aubrey Wedding Venue Addition. Being 12.381 acres in the Francisco Trevino Survey, Abstract Number 1234, City of Aubrey ETJ, Denton County, Texas. Located on Spring Hill Road.

Planner Cate Ball provided information.

Council Member Chuck Fikes made a motion to approve the Preliminary Plat Lot 1, Block A Aubrey Wedding Venue Addition. Being 12.381 acres in the Francisco Trevino Survey, Abstract Number 1234, City of Aubrey ETJ, Denton County, Texas, located on Spring Hill Road with the condition per Article 1, Section 4, and Article 11, Appendix A, the proposed sewer easement needs to be shown on the plat. Council Member Matt Jones seconded. Motion carried unanimously with Council Member Jeff Perry absent.

22. Hold Public Hearing, consider act on 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.

The public hearing was opened at 6:41 p.m. and closed at 7:04 p.m.

Kelly Parma, with Lee Engineering, provided information.

The following spoke during the public hearing:

- Ted Lewis, 2648 Liberty Circle, spoke regarding the Outer Loop
- William Cherry, 400 S Main St, spoke in opposition of the Outer Loop
- Frank Abbott, Kimley Horn, requested realignments of several roadways

Council Member Matt Jones made a motion to approve the 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, with the condition of moving the Outer Loop and Liberty Road farther South to mirror the County Thoroughfare Plan. Council Member Randy Jones seconded. Motion carried unanimously with Council Member Jeff Perry absent. (Ordinance 810-23)

23. Consideration and action on a Resolution nominating candidates to the Denton Central Appraisal District Board of Directors.

No action taken.

24. Consideration and action on an Ordinance amending the Fiscal Year 2022-2023 Budget.

Council Member Randy Jones made a motion to approve the Ordinance amending the Fiscal Year 2022-2023 Budget. Council Member Chuck Fikes seconded. Motion carried unanimously with Council Member Jeff Perry absent. (Ordinance 811-23)

25. Consideration and action on an Ordinance amending Article 8.08 "Regulation of Sexual Offenders" of Chapter 8 "Offenses and Nuisances" of the Code of Ordinances, City of Aubrey, Texas.

Council Member Randy Jones made a motion to approve the Ordinance amending Article 8.08 "Regulation of Sexual Offenders" of Chapter 8 "Offenses and Nuisances" of the Code of Ordinances, City of Aubrey, Texas. Council Member Matt Jones seconded. Motion carried unanimously with Council Member Jeff Perry absent. (Ordinance 805-23)

26. Receive presentation, consider and act on a Professional Services Agreement with RPGA Design Group, LLC to design a new City Council Chamber and approving a project amount not to exceed \$732,025.39 and authorize the City Manager to execute the agreement.

Council Member Randy Jones made a motion to approve the Professional Services Agreement with RPGA Design Group, LLC to design a new City Council Chamber and approving a project amount not to exceed \$732,025.39 and authorize the City Manager to execute the agreement. Council member Chuck Fikes seconded. Motion carried unanimously.

27. Receive a presentation, consider and act on awarding a bid for the construction of Fire Station No 3, providing for a not-to-exceed amount, and authoring the City Manager to execute necessary documents.

Council Member Jeff Perry made a motion to award a bid to Crossland Construction for the construction of Fire Station No 3, in an amount not to exceed \$9,861,250 and authoring the City Manager to execute necessary documents. Council Member Chuck Fikes seconded. Motion carried unanimously.

28. Consideration and action on an Ordinance amending Appendix A, Fee Schedule, of the Code of Ordinances amending various fees contained in Article A3.000, Building Related Fees, Article A5.000, Fire Prevention Fees, Article A6.000, Code Enforcement Fees, Article A7.000 Utilities, including impact fees, water rates, and sewer rates; Article A8.000 Planning and Zoning fees; Article A10.000 Third Party Consulting Fees;

A11.000 Public Infrastructure Fees; Article A12.000 Library Fees; and Article A13.000 Community Center fees; and providing an effective date.

Council Member Matt Jones made a motion to approve the Ordinance amending Appendix A, Fee Schedule, of the Code of Ordinances amending various fees contained in Article A3.000, Building Related Fees, Article A5.000, Fire Prevention Fees, Article A6.000, Code Enforcement Fees, Article A7.000 Utilities, including impact fees, water rates, and sewer rates; Article A8.000 Planning and Zoning fees; Article A10.000 Third Party Consulting Fees; A11.000 Public Infrastructure Fees; Article A12.000 Library Fees; and Article A13.000 Community Center fees; and providing an effective date. Council Member Chuck Fikes seconded. Motion carried unanimously (Ordinance 812-23)

29. Consideration and action regarding a Development Agreement with DTC Ventures for an approximate 3.79 acre tract of land generally located north of Redfearn Road and east of Highmeadow Drive, within the City's ETJ; providing development regulations for general retail, commercial and light industrial uses; providing terms for annexation; and authorizing the Mayor or designee to execute necessary documents.

After Executive Session, Council Member Matt Jones made a motion to approve a Development Agreement with DTC Ventures for an approximate 3.79 acre tract of land generally located north of Redfearn Road and east of Highmeadow Drive, within the City's ETJ; providing development regulations for general retail, commercial and light industrial uses; providing terms for annexation; and authorizing the Mayor or designee to execute necessary documents. Council Member Chuck Fikes seconded. Motion carried unanimously.

30. Consideration and action regarding an Ordinance designating an Industrial District in the ETJ of the City; providing for the designation of Aubrey Industrial District No. 1 for tourist related businesses and facilities, farming and ranching industry and other industrial purposes occurring within the City's ETJ; and providing an effective date.

After Executive Session, Council Member Matt Jones stated that Aubrey is Horse Country and the ETJ is filled with livestock, farming and ranching industry as well as tourist attractions and countryside that draws visitors to our ETJ and City. Some of these include hay farms, sod farms, tack shops, equipment sales and repair, trailer sales, stables, farm supply stores, welding companies, event centers, storage facilities, aggregate industrial centers, fuel and propane sales, equestrian animal attractions, and equine facilities. The industrial districts are economic development tools which sometimes could be used by the MDD to promote tourism and industry in the ETJ. made a motion to approve the Ordinance designating an Industrial District in the ETJ of the City; providing for the designation of Aubrey Industrial District No. 1, Aubrey Industrial District No. 2, Aubrey Industrial District No. 3, and Aubrey Industrial District No. 4 for tourist related businesses and facilities, equestrian businesses and facilities, farming and ranching industry, rural businesses and facilities and other industrial purposes occurring within the City's ETJ; and providing an effective date. Council Member Chuck Fikes seconded. Motion carried unanimously. (Ordinance 813-23)

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:

31. Aubrey Municipal Development District Board: Consideration and action on removing, appointing, and reappointing members to the Aubrey Municipal Development District Board.

After Executive Session, the following actions were taken:

Council Member Jeff Perry made a motion to accept the resignation of Jack Hopper. Council Member Matt Jones seconded. Motion carried unanimously.

Council Member Jeff Perry made a motion to appoint Erin Bogar to the MDD board. Council Member Mat Jones seconded. Motion carried unanimously.

Council Member Randy Jones made a motion to revisit the status of Director Jesse Auer's position on the board in 60 days. Council Member Matt Jones seconded. Motion carried unanimously.

32. Aubrey Planning and Zoning Commission: Consideration and action on removing, appointing, and reappointing members to the Aubrey Planning & Zoning Commission.

Council Member Chuck Fikes made a motion to accept the resignation of Eric Anders. Council Member Jeff Perry seconded. Motion carried unanimously.

Department Updates and Council Discussion:

Administration & Finance:

- New HR Director, Shaena Williams

Library:

- None

Fire Department:

- Outdoor Warning Sirens

Police Department:

- Monthly Report

Public Works:

- Street Project Update

Human Resources:

- None

Municipal Development:

- None

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.

Resident William Cherry, 400 S Main St, requested a traffic circle instead of a red light at the Sherman Drive/Main St intersection.

*****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:
 - Interlocal Agreements with the Denton County Fresh Water Supply Districts
 - Easement Acquisition – Public Infrastructure
 - Duck Pointe Development
 - Municipal Development District Board Members
 - Industrial District
 - Maylar Development

- 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 – Project 38
 - Land Acquisition – Project WRAP
 - Easement Acquisition – Public Infrastructure

- 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:
- MDD Director
 - City Manager (Goal setting)
 - City Secretary (Goal setting)

Council Member Jeff Perry made a motion to adjourn into Executive Session at 7:56 p.m. Council Member Randy Jones seconded. Motion carried unanimously.

City Council reconvened into Open Session at 12:30 a.m. (September 29, 2023)

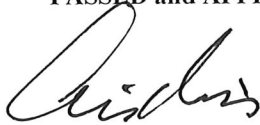
In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider and take appropriate action, if any, regarding any items discussed in Executive Session.

33. Consideration and action on a Resolution authorizing the execution of necessary documents for the acquisition of real property for a new Fire Station.

Council Member Matt Jones made a motion to approve the Resolution authorizing the execution of necessary documents for the acquisition of real property for a new Fire Station. Council Member Jeff Perry seconded. Motion carried unanimously. (Resolution 941-23)

This meeting was adjourned at 12:36 a.m. (September 29, 2023)

PASSED and APPROVED by the City Council of the City of Aubrey, Texas this 24th day of October, 2023.



Chris Rich, Mayor



ATTEST:



Jenny Hicks, City Secretary