

City Council Meeting Minutes

Aubrey City Hall
107 S. Main St
Aubrey, TX
76227
May 23, 2024
6:00 PM



Call to Order - Determine if a Quorum is Present:

The meeting was called to order at 6:01 PM.

Present: Jeff Perry, Erin Allen, Chuck Fikes, Randy Jones, Chris Rich, Matt Jones Absent:

Staff Present: City Attorney Patricia Adams, City Manager Charles Kreidler, City Secretary Jenny Hicks, Finance Director Mike English, Fire Chief Eric Schlotter, Police Chief Richard Brooks, Director of Development Services and Public Works Leanne Wilson, Library Manager Brittany McLain, HR Director Shaena Williams, Administrative Assistant Christy Sayer, Municipal Development Director Christine Gossett, Planner Helen-Eve Beadle

Invocation & Pledge of Allegiance: Pledge of Allegiance to the Texas Flag - "Honor the Texas flag; I pledge allegiance to thee, Texas, one state, under God, one, and indivisible."

Eli Fullen of New Hope Baptist Church offered the Invocation and led the Pledge of Allegiance.

Community Announcements:

- Swearing-in of Police Officer Summer Housmans
- Summer Music Series May 31st at 6:00 PM and June 15th at 5:30 PM at Veterans Memorial Park
- Library Manager Brittany McLain announced the Summer Reading program at the Library.
- Fire Chief Eric Schlotter presented a Fire Department Podium built by Firefighter Sam Davis.

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, board members or staff.

Consideration and action on the following:

1. Minutes of the April 25, 2024 meeting.
2. Approve Monthly Staff Reports.
3. Approve Monthly Financial Report.
4. Approve Ordinance 850-24 amending the Code of Ordinances adopting the electronic storage of records.
5. Approve Resolution 959-24 for the temporary closure of Main Street during the Annual Peanut Festival on October 5, 2024.
6. Approve Resolution 962-24 amending the City of Aubrey's Human Resources Policies & Procedures Manual.
7. Accept the resignation of Phil Moore from the Aubrey Area Library Advisory Board.
8. Approve a Professional Engineering Services Agreement with Birkhoff, Hendricks and Carter for U.S. Highway 377 Utility Relocation Project for an amount not to exceed \$530,000.
9. Approve a Professional Engineering Services Agreement - Amendment No. 1 with Birkhoff, Hendricks and Carter for the Dane Street Water Line W5, Phase 2A Project for an amount not to exceed \$47,000.
10. Approve a Professional Services Agreement with Plummer Associates, Inc. for an updated Water Conservation and Drought Contingency Plan for an amount not to exceed \$49,845.
11. Approve an Interlocal Agreement between the City of Aubrey and the Ribbonwood Municipal Utility District for public infrastructure inspections at the Ribbonwood Subdivision Development.
12. Approve the transfer of ownership of a 2017 Ford Explorer from the City of Aubrey to the Town of Providence Village due to established vehicle replacement criteria and authorize the Police Department to execute title transfer documents on behalf of the City of Aubrey.

Item number 8 was removed from consent and acted on in a separate motion.

Council Member Jeff Perry made a motion to approve the remaining Consent Agenda items. Council Member Matt Jones seconded. Motion carried unanimously.

Council Member Jeff Perry made a motion to approve item 8 with a not-to-exceed amount of \$983,200. Council Member Randy Jones seconded. Motion carried unanimously.

New Business: New items previously requested for consideration.

1. Present the Certificate of Election and Administer the Statement of Elected Officials and Official Oaths to the declared candidates elect Council Place 1, Jeff Perry; Council Place 2, Matt Jones; and Council Place 5, Chuck Fikes.

The Certificates of Election were presented, and the Statement of Elected Officials and Oath were administered to the declared candidates elect Council Place 1, Jeff Perry; Council Place 2, Matt Jones; Council Place 5, Chuck Fikes.

2. Consideration and action on appointing a Mayor Pro Tem for a One Year Term.

Council Member Chuck Fikes made a motion to appoint Jeff Perry as Mayor

Pro Tem. Council Member Matt Jones seconded. Motion carried unanimously.

3. Consideration and action on appointing a Deputy Mayor Pro Tem for a one-year term.

Council Member Jeff Perry made a motion to appoint Chuck Fikes as Deputy Mayor Pro Tem. Council Member Erin Allen seconded. Motion carried unanimously.

4. Consideration and action on Resolution 958-24 designating authorized signatories for the City's banking and financial accounts and approving a wire transfer agreement.

Council Member Randy Jones made a motion to approve the Resolution. Council Member Matt Jones seconded. Motion carried unanimously.

5. Consideration and action on appointing a City Council Liaison to Parks and Recreation Board.

Council Member Chuck Fikes made a motion to appoint Randy Jones as the Parks Board Liaison. Council Member Jeff Perry seconded. Motion carried unanimously.

6. Consideration and action on a Site Plan for Winn Ridge, Phase 1B, Lot 4X, Block E and right-of-way abandonment (proposed Lot 4R1), being approximately 1.66 acres of land out of the William Lumpkin Survey, Abstract No. 730, within the City of Aubrey, Denton County, Texas. (*City of Aubrey*)

City Planner Helen-Eve Beadle provided information.

Council Member Jeff Perry made a motion to approve with conditions. Council Member Randy Jones seconded. Motion carried unanimously.

Conditions:

1. A photometric plan for site lighting meeting the City's lighting standards shall be submitted prior to a permit being issued for exterior lighting;
 2. The project engineer shall submit a statement of compliance with the City's subdivision and engineering design standards; and
 3. The lot configuration and associated utility and visibility easements shall be revised to follow the existing right-of-way and parkway configuration along the northeast portion of the lot.
7. Consideration and action on a Replat for Winn Ridge, Phase 1B, Lot 4X, Block E and right-of-way abandonment, (proposed Lot 4R1), being approximately 1.66 acres of land out of the William Lumpkin Survey, Abstract No. 730, within the City of Aubrey, Denton County, Texas. (*City of Aubrey*)

City Planner Helen-Eve Beadle provided information.

Council Member Randy Jones made a motion to approve with conditions. Council Member Chuck Fikes seconded. Motion carried unanimously.

Conditions:

1. The project engineer shall submit a statement of compliance with the City's subdivision and engineering design standards;
 2. The Winn Ridge HOA Owner signature block shall be removed from the Replat;
 3. The Winn Ridge HOA references shall be removed from the notes, owner's certificate, and the signature block; and
 4. The lot configuration and associated utility and visibility easements shall be revised to follow the existing ROW and parkway configuration along the northeast portion of the lot.
8. Consideration and action on a Final Plat for Saratoga Phase 1 containing 14 residential lots, three (3) open space lots, and one (1) lift station lot in 15.477 acres of land out of the T. Chambers Survey, Abstract No. 223, within the Extraterritorial Jurisdiction of the City of Aubrey, Denton County, Texas (*550 Belmont Development, LP & HMM Saratoga Land LLC*)

City Planner Helen-Eve Beadle provided information.

Council Member Jeff Perry made a motion to approve with conditions. Council Member Matt Jones seconded. Motion carried unanimously.

Conditions:

1. Final engineering approval of civil plans is needed by the City Engineer (review letter included in agenda packet online);
 2. Drainage and access easements identified but not complete with recording information are to be added to the Final Plat prior to filing;
 3. HOA documents shall be submitted and approved by the City Attorney and filed in conjunction with the Final Plat;
 4. An HOA lot will be created for the median in Omaha Street; and
 5. Any existing structures on the property shall be removed prior to site development.
9. Consideration and action on a Final Plat for Saratoga Phase 1A containing 162 residential lots and one (1) open space lots in 25.729 acres of land out of the T. Chambers Survey, Abstract No. 223, within the Extraterritorial Jurisdiction of the City of Aubrey, Denton County, Texas (*HMM Saratoga Land LLC*)

City Planner Helen-Eve Beadle provided information.

Council Member Erin Allen made a motion to approve with conditions. Council Member Jeff Perry seconded. Motion carried unanimously.

Conditions:

1. Final engineering approval of civil plans is needed by the City Engineer (review letter included in agenda packet online);
2. Drainage and access easements identified but not complete with recording information are to be added to the Final Plat prior to filing;
3. HOA documents shall be submitted and approved by the City Attorney and filed in conjunction with the Final Plat;
4. Landscape, Screening, retaining walls, and irrigation plans shall be submitted and approved prior to referenced work commencing;

5. **Any existing structures on the property shall be removed prior to site development.**
10. Consideration and action on a Final Plat for Saratoga Phase 2A containing 154 residential lots and four (4) open space lots in 31.60 acres of land out of the T. Chambers Survey, Abstract No. 223, within the Extraterritorial Jurisdiction of the City of Aubrey, Denton County, Texas (*HMH Saratoga Land LLC*)

City Planner Helen-Eve Beadle provided information.

Council Member Erin Allen made a motion to approve with conditions. Council Member Jeff Perry seconded. Motion carried unanimously.

Conditions:

1. **Final engineering approval of civil plans is needed by the City Engineer (review letter included in the online agenda packet);**
 2. **Drainage and access easements identified but not complete with recording information are to be added to the Final Plat prior to filing;**
 3. **HOA documents shall be submitted and approved by the City Attorney and filed in conjunction with the Final Plat;**
 4. **Landscape, Screening, retaining walls, and irrigation plans shall be submitted and approved prior to referenced work commencing;**
 5. **Any existing structures on the property shall be removed prior to site development.**
11. Consideration and action on an Amending Plat for Chase Oaks, Lots 5R1 and 4, Block 1 to Lots 5R1-A and 4-A, Block 1, containing two (2) lots in 15.00 acres of land out of the H. White Survey, Abstract No. 1332, within the City of Aubrey Extraterritorial Jurisdiction and jurisdiction of Denton County, Texas (*H&L Partners, LLC & Monica J. Lucibello*)

City Planner Helen-Eve Beadle provided information.

Council Member Erin Allen made a motion to approve with conditions. Council Member Jeff Perry seconded. Motion carried unanimously.

Conditions:

1. **The plat shall be retitled Amending Plat; and**
 2. **The County and City need to determine how plat in two (2) jurisdictions will be processed.**
12. Consideration and action on an Amending Plat for Blackjack Addition Lots 3R and 2R, Block A to Lots 2R1 & 3R-1, Block A, containing two (2) lots in 27.847 acres of the Thomas White Survey, Abstract No. 223, within the City of Aubrey Extraterritorial Jurisdiction, Denton County, Texas (*Wade L. & Judi K. Veeder and 1555 Blackjack, LLC*)

City Planner Helen-Eve Beadle provided information.

Council Member Randy Jones made a motion to approve with the condition that

the requirements for filing are met: Signed Amending Plat, tax certificate for filing, completion of improvements, and filing fees shall be provided. Council Member Jeff Perry seconded. Motion carried unanimously.

13. Consideration and action on a Replat for VR Estates, Lot 3-A-1 to Lots 3-A-1-1 and 3-A-1-2, containing two (2) lots in 3.626 acres of the T. Chambers Survey, Abstract No. 223, within the City of Aubrey Extraterritorial Jurisdiction, Denton County, Texas (*Wilber E. Fifer & Margaret Ann Fifer*)

City Planner Helen-Eve Beadle provided information.

Council Member Erin Allen made a motion to approve with the condition that the requirements for filing are met: Signed Amending Plat, tax certificate for filing, completion of improvements, and filing fees shall be provided. Council Member Jeff Perry seconded. Motion carried unanimously.

14. Consider and act on an Ordinance regarding a proposed annexation of certain property located within the extraterritorial jurisdiction of the City of Aubrey, being situated in the F. Trevino Survey, Abstract No. 1243, Denton County, Texas, further described as an approximate 1.078 acre tract, being a part of the existing 60-foot wide row of Redfearn Road and the new variable width row on the east side of US Highway 377, south of Redfearn Road and any additional associated right-of-way.

City Manager Charles Kreidler provided information.

Council Member Jeff Perry made a motion to approve. Council Member Matt Jones seconded. Motion carried unanimously. (Ordinance No 851-24)

15. Consideration and action on a Resolution setting dates, time, and place for public hearings on the proposed annexation of property identified as being the portion of FM 1385, beginning at the city limits just south of the intersection of FM 1385 and Winn Ridge Blvd and ending at the intersection of FM 1385 and FM 428, and any additional adjacent right-of-way, Denton County, Texas, by the City of Aubrey, Texas; authorizing and directing the City Secretary to publish and mail such public hearings; and authorizing and directing city staff to prepare a service plan for said property.

City Manager Charles Kreidler provided information.

Council Member Matt Jones made a motion to approve Resolution No 960-24 setting Public Hearing dates of June 15, 2024 at 8:00 AM and June 27, 2024 at 6:00 PM at City Hall. Council Member Jeff Perry seconded. Motion carried unanimously. (Resolution 960-24)

16. Consideration and action on a Resolution setting dates, time, and place for public hearings on the proposed annexation of property identified as being the portion of FM 428, beginning at the intersection of FM 1385 and FM 428 and ending at the intersection of FM 428 and FM 2931, and any additional adjacent right-of-way, Denton County, Texas, by the City of Aubrey, Texas; authorizing and directing the City Secretary to publish and mail such public hearings; and authorizing and directing city staff to prepare a service plan for said property.

City Manager Charles Kreidler provided information.

Council Member Matt Jones made a motion to approve Resolution No 961-24 setting Public Hearing Dates of June 15, 2024 at 8:00 AM and June 27, 2024 at 6:00 PM at City Hall. Council Member Jeff Perry seconded. Motion carried unanimously. (Resolution 961-24)

17. Hold a Public Hearing regarding the creation of the Duck Point Public Improvement District, an approximate 160 acres of land situated in the Frederick H. Pollard Survey, Abstract No. 995, Denton County, Texas, within the extraterritorial jurisdiction of the City of Aubrey, Texas.

The public hearing opened at 6:40 p.m. and closed at 6:49 p.m.

Zoe Lorio, with T. Wilson Associates, and Sean Terry, of Centurion American Development Group, provided information.

No citizens spoke during the public hearing.

18. Consideration and action on removing and/or appointing member(s) to the Aubrey Parks and Recreation Board.

Council Member Erin Allen made a motion to accept the resignation of Susan McCormack, and appoint Alan Holland as a board member and appoint Jesse Kemp and Erin Bansal as alternate members. Council Member Jeff Perry seconded. Motion carried unanimously.

19. Consideration and action setting dates for budget workshops and/or special meetings.

A Special Meeting and Workshop will be held on June 15th at 8:00 a.m. at City Hall.

20. Receive a report, and take action on awarding a bid to Level One Paving, Inc. for the 2024 Street Rehabilitation and Concrete Work Project, and authorizing the City Manager to execute the necessary contract documents.

Council Member Erin Allen made a motion to award the bid to Level One, Inc. Council Member Jeff Perry seconded. Motion carried unanimously.

Department Updates and Discussion:

1. Fire Department:
 - Fire Station Construction Update
2. Police Department:
 - Update on Council Chamber: hope to be ready for August meeting
 - Flock Cameras are installed and operating
3. Public Works:
 - Water Update: Faulkner Well is running; Rockhill well is down

4. Municipal Development:
 - Magazine Ad

Future Agenda Requests: 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:

1. **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 Ranch Development, Agreement, and Plats
 - Wastewater Treatment Plant
 - Project 38
 - *City of Aubrey, Texas and Town of Providence Village, Texas v. Denton County Fresh Water Supply District 8-A, et al*, Cause No. 24-1985-431, Denton County, Texas
 - Jackson Ridge PID Refunding
 - Charter policies and requirements
 - Knuckles Road Development
 - Lennar Development Agreement
2. **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.
 - Project 38
 - Sod Farm Easement
3. **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 - Organizational Structure
4. **Section 551.087 Economic Development Negotiations.** To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City and with which the City is conducting economic development negotiations; and/or to deliberate the offer of a financial or other incentive to the business prospect:
 - Knuckles Road Development Incentives

Motion to Recess into Executive Session.

Council member Jeff Perry made a motion to recess into Executive Session at 7:02 p.m. Council Member Matt Jones seconded. Motion carried unanimously.

Reconvene into Open Session: 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.

The City Council reconvened into open session at 9:28 p.m.

1. Consideration and action on a Preliminary Plat of HighPointe Ranch, being approximately 460.75 acres out of the Francesco Trevino Survey, Abstract 1243, generally located east of Highway 377, south of E Blackjack Rd and north of Springhill Rd.

Planner Helen-Eve Beadle Provided information.

Thomas Fletcher, with Kimley Horn, provided information.

Council Member Erin Allen made a motion to recess into Executive Session under Section 551.071(1) and (2) Consultation with Attorney at 10:00 p.m. regarding this item. Council Member Randy Jones seconded. Motion carried unanimously.

The City Council reconvened into regular session at 10:05 p.m.

Council Member Erin Allen made a motion to deny the Preliminary Plat of HighPointe Ranch, being approximately 460.75 acres out of the Francesco Trevino Survey, Abstract 1243, generally located east of Highway 377, south of E Blackjack Rd and north of Springhill Rd based on the following nine reasons. Council Member Jeff Perry seconded. Motion carried unanimously.

Denial Reasons:

1. An acceptable corridor through the development for the Upper Trinity Regional Water District transmission line for delivery of water supply to Aubrey has not been provided and that line is necessary to support the entire development. Provide the easement locations throughout the entire Preliminary Plat. Article 11, Appendix B, Final Plat Checklist (Easements); Chapter 10A – 4.01. Adequate Public Facilities Policy (a) through (f).
2. Failure to provide fees pursuant to the Development Agreement as required for the development of the Property with proper utilities for City Reimbursable Public Improvements to be paid to Developer via the TIRZ as identified in Section 3.2 of the Development Agreement. Per the Development agreement:

“...the Development requires the construction of certain offsite wastewater improvements (the "Offsite Wastewater Improvements") as defined herein and described in Exhibit G, attached hereto, and together both the Offsite Roadway Improvements and the Offsite Water Improvements are referred to as the "Offsite Improvements")”.

Exhibit G, H, I and J identify Developer's Cost Participation for public facilities to be reimbursed to Developer for funds expended.

3. Failure to pay fees for Public Infrastructure Improvements imposed on the property owner as determined by the City Engineer to be roughly proportionate to the demand created by the development on the City's Public Facilities System. Required fees must be paid pursuant to the Rough Proportionality Study to provide necessary capacity for wastewater. City Engineer's Rough Proportionality Study for Wastewater Treatment.
 4. Update the Preliminary Plat - The Preliminary Plat is no longer accurate due to changes in the Final Plat for Phases 1A and 1B; those changes have impacted the street alignment on the remainder of the Property and must be amended to reflect current conditions so that final plats may be reviewed. Article 2, Procedures, Section 4, Subsection 4.01.
 5. The required HOA documents have not been submitted with the Preliminary Plat as required by Subdivision Ordinance, Article 4, Section 4, Property Owners or Homeowners Associations., Section: 10A-4.01
 6. Submission Procedures and City Review Process for All Types of Plats have not been completed: Article 2, Procedures, Section 1:
 - a. 1.05, b,(1) Not all of the owners of the Preliminary Plat property have signed the Preliminary Plat Application;
 - b. 1.05, b,(9) Letter has not been sent to AISD providing the number of homes and/or school age children, timing, etc.;
 - c. 1.05, b,(6) An Engineer's Summary report was not provided with the application;
 - d. 1.05, b,(11) The property owner has not submitted a written statement/signed affirming the Plat was filed with city within the filing window described in Section 1.05(a). Must be signed by property owner and notarized. The plat cut-off was April 10, 2024 and the application was received May 1, 2024.
 7. 1.07 (b) Preliminary Plat Extension: A Preliminary Plat extension allows Council to determine if land will be developed in a timely fashion and the "public interest is served." The failure to pay public infrastructure fees does not serve the public interest. Public Infrastructure fees must be paid.
 8. The correct name, address, phone, and email for the record owner(s) is not correct on the Plat. Subdivision Ordinance Chapter 10A, Article 10, Appendix A, Preliminary Plat Checklist.
 9. Proof of Land Ownership and authorized agent for entire Preliminary Plat acreage has not been provided. Submission Procedures and City Review Process for All Types of Plats have not been completed: Ownership of land and authorized agent information must be updated to identify those with authority to submit the application. Article 2, Procedures, Section 1, 1.06
2. Consideration and action on a Final Plat of High Pointe Ranch Phase 1B being 44.215 acres in the Francisco Trevino Survey, Abstract No. 1243, City of Aubrey, Denton County, Texas located immediately east of US 377 between Spring Hill Road (FM 428) on the south and East Blackjack Rd on the north within the city limits of Aubrey. (KLLB AIV, LLC)

Planner Helen-Eave Beadle provided information.

Thomas Fletcher, with Kimley Horn, provided information.

Council member Erin Allen made a motion to approve the Final Plat of High Pointe Ranch Phase 1B being 44.215 acres in the Francisco Trevino Survey, Abstract No. 1243, City of Aubrey, Denton County, Texas located immediately east of US 377 between Spring Hill Road (FM 428) on the south and East Blackjack Rd on the north within the city limits of Aubrey subject too the following conditions. Council Member Matt Jones seconded. Motion carried unanimously.

Conditions:

- 1. An acceptable corridor through the development for the Upper Trinity Regional Water District transmission line for delivery of water supply to Aubrey has not been provided and that line is necessary to support the entire development. Provide the easement locations throughout the entire Preliminary Plat. Article 11, Appendix B, Final Plat Checklist (Easements); Chapter 10A – 4.01. Adequate Public Facilities Policy (a) through (f).**
- 2. Failure to provide fees pursuant to the Development Agreement as required for the development of the Property with proper utilities for City Reimbursable Public Improvements to be paid to Developer via the TIRZ as identified in Section 3.2 of the Development Agreement. Per the Development agreement: "...the Development requires the construction of certain offsite wastewater improvements (the "Offsite Wastewater Improvements") as defined herein and described in Exhibit G, attached hereto, and together both the Offsite Roadway Improvements and the Offsite Water Improvements are referred to as the "Offsite Improvements)".**
- 3. Failure to pay fees for Public Infrastructure Improvements imposed on the property owner as determined by the City Engineer to be roughly proportionate to the demand created by the development on the City's Public Facilities System. Required fees must be paid pursuant to the Rough Proportionality Study to provide necessary capacity for wastewater. City Engineer's Rough Proportionality Study for Wastewater Treatment.**
- 4. Update the Preliminary Plat - The Preliminary Plat is no longer accurate due to changes in the Final Plat for Phases 1A and 1B; those changes have impacted the street alignment on the remainder of the Property and must be amended to reflect current conditions so that final plats may be reviewed. Article 2, Procedures, Section 4, Subsection 4.01**

Preliminary Plat was denied and cannot approve a Final Plat without an approved Preliminary Plat per Article 2, Procedures,

Section 4, 4.01;

- 5. Preliminary Plat is inconsistent with the Final Plat, Article 2, Procedures, Section 4, 4.01;**
 - 6. Landscaping, irrigation, and screening plans have not been submitted per Article 2, Procedures, Section 4, 4.04 Engineering Plans.**
 - 7. The required HOA documents have not been submitted with the Preliminary Plat as required by Subdivision Ordinance, Article 4, Section 4, Property Owners or Homeowners Associations., Section: 10A-4.01 Applicability.**
3. Consideration and action on a Development Agreement between the City and MM Aubrey 160, LLC for the development of an approximate 160 acre tract of land situated in the Frederick H. Pollard Survey, Abstract No. 995, Denton County, Texas, located within the City's extraterritorial jurisdiction and identified as the Duck Point development; and authorizing the Mayor to execute necessary documents.

Council Member Matt Jones made a motion to Move to approve the Duck Point Development Agreement between the City and MM Aubrey 160, LLC, with the following language added to Article V, Section 5.1:

"Developer shall enforce or cause to be enforced covenants, conditions and restrictions; failure of Developer to take all necessary action to enforce or cause the enforcement of the covenants, conditions and restrictions shall be a breach of this Agreement. This obligation of Developer shall terminate on the earlier of the date that HOA control passes from the Developer or the termination of this Agreement."

and to amend Subsection J; Screening; Exhibit D to require a ten-foot HOA landscape lot for the 6-foot masonry screening wall, and authorize the mayor or his designee to execute necessary documents. Council Member Jeff Perry seconded. Motion carried unanimously.

4. Consideration and action on a Resolution creating the Duck Point Public Improvement District, an approximate 160 acres of land situated in the Frederick H. Pollard Survey, Abstract No. 995, Denton County, Texas, within the extraterritorial jurisdiction of the City of Aubrey, Texas.

Council Member Jeff Perry made a motion to approve the Resolution creating the Duck Point Public Improvement District. Council Member Matt Jones seconded. Motion carried unanimously. (Resolution 963-24)

Regarding the Executive Session item for Personnel, Council Member Jeff Perry made a motion to direct the City manager to post for and add a Chief Building Official and use money saved from unfilled positions to fund it. Council Member Erin Allen seconded. Motion carried unanimously.

The meeting was adjourned at 10:15 p.m.

PASSED and APPROVED by the City Council of the City of Aubrey, Texas this 27th day of June, 2024.


Chris Rich, Mayor



ATTEST:


Jenny Hicks, City Secretary