

**SPECIAL MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
MONDAY, AUGUST 1, 2022**

MINUTES

Call to Order

Mayor Clark called the meeting to order at 6:00 p.m.

Roll Call

The following members were present:

Mayor Lynn Clark
Councilmember Randy Gibbons
Councilmember Richard DuPree
Councilmember Chris Gordon
Mayor Pro Tem Paul Kenney
Councilmember Ian Theodore

Also in attendance:

John M. Smith, Jr., Town Administrator
Kristi K. Rogers, Town Secretary
Carey Dunn, Chief of Police
Trey Sargent, Town Attorney

Pledge of Allegiance to the U.S. And Texas Flags

Mayor Clark led the Pledge of Allegiance to the U.S. and Texas Flags.

Invocation

Councilmember Gibbons gave the invocation.

Items of Community Interest

John Anderson, Boy Scout Troop 191, was in attendance to achieve his Citizenship in the Community Merit Badge.

Lake Cities Chamber Rolling into Fall Bicycle Rally will be held on September 24, 2022 from 7:00 a.m. until 1:00 p.m. at Thousand Hills Church.

Adopt-A-Teacher sponsored by the Lake Cities Chamber of Commerce will be held on August 17, 2022. Donations are needed to welcome the 81 new LDISD teachers with a gift basket.

Thousand Hills Church, 8380 S. Stemmons Freeway, will hold their first service on August 7, 2022 at 11:00 a.m.

Public Comment

There were no speakers for public comment.

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Consent Agenda

1. June 2022 Council Meeting Minutes
2. June 2022 Financial Statements
3. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas approving the 2022 annual update to the service and assessment plan and assessment roll for Hickory Creek Public Improvement District No.1 including the collection of the 2022 annual installments.
4. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas approving the 2022 annual update to the service and assessment plan and assessment roll for Hickory Creek Public Improvement District No.2 including the collection of the 2022 annual installments.
5. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas approving the 2022 annual update to the service and assessment plan and assessment roll for Hickory Creek Farms Public Improvement District including the collection of the 2022 annual installments.
6. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas authorizing the Mayor of the Town of Hickory Creek, Texas to execute an interlocal agreement by and between the Town of Hickory Creek and Span, Inc. concerning transportation services.
7. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement between the Town of Hickory Creek and Vanguard Cleaning Systems concerning janitorial services.
8. Consider and act on granting an exception to Thousand Hills Church, 8380 S. Stemmons Freeway, Hickory Creek, Texas 75065, from the Hickory Creek Code of Ordinances Chapter 3: Building Regulations, Article 3.08 Signs; Section 3.08.010 (b), Wall Signs.

Motion made by Councilmember DuPree to approve consent agenda items 1-8, Seconded by Councilmember Gordon.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

Regular Agenda

9. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas hereby authorizing the Mayor of the Town of Hickory Creek, Texas to execute an amendment to a development agreement by and between the Town of Hickory Creek and Reserve at Hickory Creek, LLC.

John Smith, Town Administrator, provided the council with an overview of the development agreement.

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David Hawes, Hawes Hill & Associates and Taylor Stinnett, MarketSpace Capital, representing Reserve at Hickory Creek, LLC, provided an overview of the development and answered questions from the Town Council.

Motion made by Mayor Pro Tem Kenney to approve a resolution of the Town Council of the Town of Hickory Creek, Texas hereby authorizing the Mayor of the Town of Hickory Creek, Texas to execute an amendment to a development agreement by and between the Town of Hickory Creek and Reserve at Hickory Creek, LLC, as discussed., Seconded by Councilmember Theodore.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

10. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas regarding participation in Denton County's Community Development Block Grant for the three program year period, Fiscal Year 2023 through Fiscal Year 2025.

Rina Maloney, Grant Manager for Denton County, Texas, provided an overview of the Community Development Block Grant and answered questions from the Town Council.

Mayor Clark read the following comments received from citizens:

David Evans, 204 Shadow Creek Lane, stated he appreciates the Town Council pursuing grants to minimize the local property tax burden. He had serious objections to the federal Community Development Block Grant. The agreement would commit Hickory Creek to participate in a government program requiring compliance with federally directed mandates including low income and fair housing in exchange for federal funds. He has learned that Trophy Club, Bartonville, Copper Canyon, and Double Oak have chosen to not participate, and he hopes Hickory Creek will as well.

Carole Hornsby Haynes, 44 Indian Trail, stated the Affirmatively Furthering Fair Housing Rule (AFFH) set up during the Obama administration to fundamentally transform neighborhoods through federally funded grants that eventually allows the federal government to take over local control. Specific language in the grants suggest single family homes are a cause of discrimination. AFFH destroys neighborhoods, home values and private property rights. If the town accepts this grant, the Town could be forced to build government subsidized housing and gives federal bureaucrats the power to dictate zoning regulations. She opposes participation in the CBDG Grants and asks the Town Council to opt out as have others including Trophy Club, Bartonville, Copper Canyon, and Double Oak.

Nancy True, 12 Tanglewood Drive, stated rather than commenting on details of the requirements per the agreement/resolution associated with agenda item 10 pertaining to a HUD/CDBG program, she addressed concerns regarding money taken from taxpayers' pockets by the federal government via mandated taxation, funneled through various bureaucratic entities like HUD, then returned minus their portion into the town under the guise of "grants" is deeply troubling. The constitutionality of such practices, the level of federal government interference at the local level as outlined by the program, strikes her as highly questionable.

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She urged the Town Council to honor their oath of office by adhering to the protections assured to the residents of Hickory Creek by the rule of law per the constitutions with your firm rejection of this agreement, and all, constitutionally questionable funding offers.

Motion made by Councilmember Theodore to not approve a resolution of the Town Council of the Town of Hickory Creek, Texas regarding participation in Denton County's Community Development Block Grant for the three program year period, Fiscal Year 2023 through Fiscal Year 2025, Seconded by Councilmember Gordon.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

11. Consider and act on acceptance of rates for medical, dental, life, accidental death, short term disability and long term disability from TML Health Benefits and Renaissance for employee coverage for Fiscal Year 2022-2023.

Rodney Dryden, Wellspring Insurance Agency, provided an overview of the rates for employee benefits and answered questions from the Town Council.

Motion made by Councilmember Gordon to approve the proposed rates for medical, dental, life, accidental death, short term disability and long term disability from TML Health Benefits and Renaissance for employee coverage for Fiscal Year 2022-2022, Seconded by Councilmember DuPree.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

12. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas hereby authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement for professional services by and between the Town of Hickory Creek and Halff Associates, Inc. concerning a Comprehensive Plan update.

Kelsey Poole, AICP, with Halff Associates provided an overview of the process updating the comprehensive plan and answered questions from the town council.

Motion made by Councilmember Gibbons to approve a resolution to execute an agreement for professional services by and between the Town of Hickory Creek and Halff Associates, Inc. concerning a Comprehensive Plan update, Seconded by Councilmember Theodore.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

13. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas hereby authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement between the Town of Hickory Creek and Pavlov Media, Inc. concerning high speed broadband internet infrastructure.

Mayor Clark stated in order to obtain advice from the attorney, Item 13 would be moved into Executive Session under 551.071.

14. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, proposing a tax rate which represents the No-New-Revenue tax rate for 2022; setting a date, time and place to adopt the 2022 tax rate.

Motion made by Councilmember Gordon to approve a resolution of the Town Council of the Town of Hickory Creek, Texas, proposing a tax rate which represents the No-New-Revenue tax rate for 2022 of 0.270317 per \$100 valuation setting a date of Thursday, September 15, 2022 at 6:00 p.m. at town hall to adopt the tax rate, Seconded by Councilmember Theodore.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

Mayor Clark called for a recess at 8:15 p.m.

Mayor Clark called the meeting back to order after the recess at 8:21 p.m.

15. Discussion regarding the 2022-2023 Fiscal Year Budget.

Discussion was held regarding the 2022-2023 Fiscal Year Budget.

16. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas setting a date, time and place for a public hearing on the 2022-2023 Fiscal Year Proposed Budget; setting a date, time and place to adopt the budget.

Motion made by Councilmember Gibbons, to approve a resolution for a public hearing on the 2022-2023 Fiscal Year Proposed Budget for August 22, 2022 at 6:00 at the Town of Hickory Creek, and setting the same time, date and place for adoption of the budget, Seconded by Councilmember Gordon.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

17. Discussion regarding the Denton Central Appraisal District.

Discussion was held regarding the Denton Central Appraisal District.

18. Discussion regarding the Denton County Transportation Road Improvement Program 2022.

Discussion was held regarding the Denton County Transportation Road Improvement Program 2022.

19. Discussion regarding potential amendments to Town's code of ordinances concerning requirements for applications and on-site notice requirements for Planned Development Districts and Special Use Permits.

Discussion was held regarding amendments to Town's code of ordinances concerning requirements for applications and on-site notice requirements for Planned Development Districts and Special Use Permits.

20. Discussion regarding the procedure, appropriateness, and other considerations concerning the adoption of a home rule charter.

Discussion was held regarding the adoption of a home rule charter.

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21. Receive update from Chief Dunn concerning police department activity since June council meeting and discuss same.

Chief Dunn stated officer presence inside Walmart has reduced the number of calls for service, the multi-jurisdictional High Visibility Traffic Initiative on Interstate 35E has reduced the number of accidents on the interstate. Chief Dunn and police department personnel met with the safety team from Thousand Hills Church regarding security and traffic control.

Executive Session

In accordance with Texas Local Government Code, Chapter 551, the Town Council convened into executive session at 10:33 p.m.

Section 551.071

Consultation with Attorney on matters 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, or on matters pertaining to pending or contemplated litigation.

13. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas hereby authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement between the Town of Hickory Creek and Pavlov Media, Inc. concerning high speed broadband internet infrastructure.

Section 551.087

Deliberation regarding Economic Development Negotiations, to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the government body seeks to have locate, stay or expand in or near the territory of the government body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

22. Development agreement concerning property located in the Town's extraterritorial jurisdiction on Highway 2181.

Reconvene into Open Session

The Town Council reconvened into open session at 11:32 p.m.

23. Discussion and possible action regarding matters discussed in executive session.

Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas hereby authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement between the Town of Hickory Creek and Pavlov Media, Inc. concerning high speed broadband internet infrastructure.

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Motion made by Mayor Pro Tem Kenney to approve the Dark Fiber Lease and Network Agreement between the Town of Hickory Creek and Pavlov Media, Inc. authorizing a public-private partnership for the deployment of a fiber to premises network throughout the Lake Cities subject to the following conditions: (1) the Town's approval is contingent upon the Agreement being approved and executed by both the City of Corinth and the Town of Shady Shores; and (2) the effective date of the Agreement will be the later of August 15, 2022 or the last date upon which either the City of Corinth or the Town of Shady Shores executes the Agreement; and to authorize the Mayor and Town Administrator to execute all necessary documents to effectuate the purpose of the Agreement, Seconded by Councilmember Gordon. Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

Development agreement concerning property located in the Town's extraterritorial jurisdiction on Highway 2181.

Motion made by Councilmember Gordon to approve a development agreement concerning property located in the Town's extraterritorial jurisdiction on Highway 2181 as discussed in executive session, Seconded by Councilmember DuPree.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

Future Agenda Items

The following items were requested: Sycamore Bend Road reconstruction update, interlocal agreement with Lake Cities Municipal Utility Authority, Hook Street design and reconstruction.

Adjournment

Motion made by Mayor Pro Tem Kenney to adjourn the meeting, Seconded by Councilmember Gibbons.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

The meeting did then stand adjourned at 11:34 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek