

**SPECIAL MEETING OF THE TOWN COUNCIL  
REMOTE MEETING  
MONDAY, MARCH 29, 2021**

**MINUTES**

In response to the coronavirus pandemic, effective March 16, 2020, Texas Governor Abbott suspended certain Open Meeting rules to allow meetings of government bodies that are accessible to the public to decrease large groups of people from assembling. The suspension temporarily removes the requirement that government officials and members of the public be physically present at a meeting location.

**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**

John Smith, Town Administrator, led the Pledge of Allegiance to the U.S. and Texas Flags.

**Invocation**

Councilmember Ian Theodore gave the invocation.

**Items of Community Interest**

H.B. 1686 will be considered during the 87<sup>th</sup> Legislative Session. Texas. The proposed bill prohibits a city from adopting or enforcing an ordinance that prohibits on a single-family residential lot the raising or keeping of three or fewer beehives, six or fewer domestic fowls or six or fewer rabbits.

**Public Comment**

John Grosskopf, 131 Oakwood Lane, stated serving on the Parks and Recreation Board and residing in Hickory Creek for six years, he has had the privilege to get to know many citizens and will speak on behalf of many who wanted to attend, but were unable due to the short notice.

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Concerns were expressed regarding calling special meetings and cancelling regular meetings for boards, commissions, and town council. Future meetings should be held on designated dates. No justification or data was provided relating to an expense of over \$47,000 to the Corps of Engineers for increased law enforcement. In the future, reasons should be given to spend hard earned tax money. Most of the items on the agenda are quite opaque and difficult for citizens to determine what each agenda item is all about. Mr. Grosskopf stated there are questions and concerns regarding every agenda item, however the most concerning are the zoning plan changes allowing apartment complexes and high density residential developments. The future actions of the town council coupled with recent actions taken for rapid development are diminishing the quality of the town. Town council decisions will change Hickory Creek forever and citizens object since they chose to live here because of the rural, small town character, the trees, lake and lack of city life congestion.

Patrick Dover, 110 Whitney Drive, stated he concurs with the previous statements and has resided in Hickory Creek for two years, moving here to be close to Corp of Engineers property. It is discouraging to see the number of trees that have been knocked down for development. Mr. Dover has looked on the town's website, trying to figure out the plan for development and the only planning document he found is dated 2008. He is surprised that social media is not utilized to inform citizens of meetings allowing them to voice their concerns and be a part of the community.

Leonard Cook, 202 Colt Lane, stated he moved to Hickory Creek for the nice country feel and low density. Sycamore Cove and Lennon Estates will increase traffic on Turbeville. Those developments and the apartments will diminish the small town atmosphere. Anything the council does to lower the congestion level will be appreciated.

Kerby Pierre, 210 Forestview Road, stated he is from Miami, a very busy city. He purchased his home in 2013 because of the peacefulness, trees and nature. It is an awesome town to live in, but that is rapidly dwindling. The town is growing too fast and there is congestion. Residents are not aware of the town council's plan for the future, but the number of homes should be limited. With so many trees gone, he has questions and concerns about Tree City USA.

### **Consent Agenda**

1. February 2021 Financial Statements
2. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas ("TOWN") responding to the application of Atmos Energy Corporation - MidTex Division, to increase rates under the Gas Reliability Infrastructure Program; suspending the effective date of this rate application for forty- five days; authorizing the Town to continue to participate in a coalition of cities known as the "Atmos Texas Municipalities."

Councilmember Gibbons requested item 2 be pulled from the consent agenda for separate discussion.

The town is a member of the Atmos Texas Municipalities ("ATM"). The ATM group was organized by a number of municipalities served by Atomos Energy Corporation and has been represented by the law firm of Herrera Law & Associates, PLLC to assist in reviewing applications to change rates submitted by Atmos Energy.

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Motion made by Councilmember Theodore to approve agenda item 2, Seconded by Councilmember DuPree.

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

3. 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 by and between the Town of Hickory Creek, Texas and Halff Associates, Inc. for an environmental review.
4. 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 by and between the Town of Hickory Creek, Texas and Halff Associates, Inc. for the TCEQ MS4 Permit Annual Report.
5. Consider and act on a resolution of the Town Council of the Town of Hickory Creek authorizing the Mayor of the Town of Hickory Creek, Texas to execute a contract for Increased Law Enforcement for Lewisville Lake lying within Hickory Creek, Texas by and between the Town of Hickory Creek and U.S. Army Corp of Engineers, Fort Worth District.

Mayor Clark requested item 5 be pulled from the consent agenda for separate discussion.

Chief Carey Dunn stated the town has provided increased law enforcement for the U.S. Army Corps of Engineers for twenty years and the dollar amount represented is a reimbursement to the town, not an expense.

Motion made by Councilmember Gordon to approve a resolution of the Town Council of the Town of Hickory Creek authorizing the Mayor of the Town of Hickory Creek, Texas to execute a contract for Increased Law Enforcement for Lewisville Lake lying within Hickory Creek, Texas, Seconded by Councilmember Theodore.

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

6. 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 interlocal cooperation agreement for Shared Governance Communications and Dispatch Services System between the Town of Hickory Creek Police Department and Denton County.
7. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas establishing the Town's legislative agenda and priorities for the 87th Session of the Texas Legislature to include special called sessions and the interim.
8. 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 by and between the Town of Hickory Creek, Texas and Analisa Griffiths concerning on-site sewage facility services.

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9. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas hereby authorizing the Town Administrator of the Town of Hickory Creek, Texas to execute an agreement for the purchase of untreated water by and between the Town of Hickory Creek and the City of Dallas.

Motion made by Councilmember Gordon to approve consent agenda items 1,3,4 and 6-9 ,  
Seconded by Councilmember DuPree.

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

**Regular Agenda**

10. Conduct a public hearing regarding an ordinance of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 14: Zoning, Article XIII: C-1 Commercial District; Section 3 (2), Building Regulations to alter the opacity requirement within the district and consider and act on an ordinance for the same.

Mayor Clark called the public hearing to order at 6:26 p.m. With no one wishing to speak,  
Mayor Clark closed the public hearing at 6:26 p.m.

Motion made by Councilmember Theodore to approve agenda item 10, Seconded by  
Councilmember Gordon.

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

11. Conduct a public hearing regarding a request from Studio 2547 on behalf of Shirley Mae Goldfield, Richard Goldfield, Brian Goldfield and Susan Goldfield to designate the zoning as PD Planned Development on a 24.31 acre tract of land situated in the H.H. Swisher Survey, Abstract No. 1220 in the Denton County, Texas, and being part of a called 36.253 acre tract of land described as "Tract 1" and part of a called 3.2515 acre tract of land described as "Tract 2" in Executor's Deed to Richard Goldfield, Brian Goldfield and Susan Goldfield, recorded in Instrument Number 2019-36351 of the Official Public Records of Denton County, Texas and consider and act on an ordinance for the same. The property is located in the 3400 block of FM 2181.

The town council approved a developer's agreement in May 2020. The developers of the property are Brad Boswell and Asher Hamilton. Matthew Peterson, Studio 2547, provided an overview of the project and answered questions from the town council.

Mayor Clark called the public hearing to order at 6:49 p.m.

John Grosskopf, 131 Oakwood Lane, stated he heard a lot of happy, happy talk from the developers, but he is interested in the environmental damages that will occur including tree removal, water runoff and air emissions from the development.

Nancy True, 12 Tanglewood Drive, stated she is upset with the high density development and expressed her extreme disappointment. A 500 unit apartment complex will bring increased crime and traffic to Hickory Creek.

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Maura Lyons, 304 Pimlico Drive, stated the roads should be widened with the increased density. She is very disappointed because it seems the apartments are a done deal.

James Sheridan, 108 Shasta Drive, stated the police department should be increased with the addition of the apartment complex.

With no one else wishing to speak, Mayor Clark closed the public hearing at 6:55 p.m.

Motion made by Councilmember Gordon approve an ordinance designate the zoning as PD Planned Development on a 24.31 acre tract of land situated in the H.H. Swisher Survey, Abstract No. 1220 in the Denton County, Texas, and being part of a called 36.253 acre tract of land described as "Tract 1" and part of a called 3.2515 acre tract of land described as "Tract 2" in Executor's Deed to Richard Goldfield, Brian Goldfield and Susan Goldfield, recorded in Instrument Number 2019-36351 of the Official Public Records of Denton County, Texas, Seconded by Councilmember Theodore.

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

12. Consider and act on a preliminary plat of Hickory Creek Multi-Family, Lot 1 and Lot 2, Block 1: being 24.344 acres in the H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas. The property is located in the 3400 block of FM 2181.

Lee Williams, Half Engineering, provided comments and answered questions for the town council.

Motion made by Mayor Pro Tem Kenney to approve a preliminary plat of Hickory Creek Multi-Family, Lot 1 and Lot 2, Block 1: being 24.344 acres in the H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas. The property is located in the 3400 block of FM 2181, 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 minor replat of Country Oaks Estates Addition, Block A, Lots 6A, 6C and 6D, being 5.01 acres out of the S. Linthicum Survey, Abstract #1600 in the Town of Hickory Creek, Denton County, Texas. The property is located in the 200 block of Noble Oak Court.

Randy Wahl, the developer and his attorney, Sam Burke, provided an overview of the minor replat and answered questions from the town council.

Lee Williams, Half Engineering, provided comments and answered questions from the town council.

Motion made by Councilmember Gordon to deny a minor replat of Country Oak Estates, per the ordinance that requires each residential lot to face a public street with a minimum street frontage of thirty (30) feet per lot, Seconded by Councilmember Theodore.

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

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14. Consider and act on a final plat of Lennon Creek Addition, being a 28.456 acre tract located in the M.E.P. & P.R.R Company Survey, Abstract No. 915 and H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas. The property is located in the 3700 block of Parkridge Drive.

The preliminary plat for Lennon Creek Addition was approved in August 2020.

Bruce French and Kristin Worthington, Tri Pointe Homes, provided an overview and answered questions from the town council.

Lee Williams, Halff Engineering, provided comments and answered questions from the town council.

Motion made by Mayor Pro Tem Kenney to approve a final plat of Lennon Creek Addition, being a 28.456 acre tract located in the M.E.P. & P.R.R Company Survey, Abstract No. 915 and H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas. The property is located in the 3700 block of Parkridge Drive, Seconded by Councilmember DuPree.

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

15. Consider and act on a final plat for Sycamore Cove Addition, being 32.43 acres in the John Maloney Survey, Abstract No. 819, Town of Hickory Creek, Denton County, Texas. The property is located in the 1200 block of Sycamore Bend Road south of Maynard Road.

The preliminary plat for Sycamore Cove Addition was approved in August 2020.

Thomas Fletcher, Kimley-Horn, answered questions from the town council regarding the final plat.

Motion made by Councilmember Gordon to approve a final plat for the Sycamore Cove Addition located in the 1200 block of Sycamore Bend Road south of Maynard Road, Seconded by Councilmember Theodore.

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

16. 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 to amend and extend a contract by and between the Town of Hickory Creek, Texas and Watertoyz, LLC; and providing an effective date.

Motion made by Councilmember Theodore to approve a resolution hereby authorizing the Mayor of the Town of Hickory Creek, Texas, to execute an agreement to amend and extend a contract by and between the Town of Hickory Creek, Texas and Watertoyz, LLC, Seconded by Councilmember DuPree.

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

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17. Consider and act on bids submitted for FY 2021 Capital Outlay Project BID# 2021-02.

John Smith, Town Administrator, and Lee Williams, Halff Engineering, answered questions from the town council.

Motion made by Councilmember Gordon to award the bid for FY Capital Outlay Project BID# 2021-02 to Don Smith Concrete, LLC in an amount not to exceed \$321,268.50, Seconded by Councilmember Theodore.

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

18. Consider and act on bids submitted for Shorehaven Drainage BID# 2021-03.

John Smith, Town Administrator and Lee Williams, Halff Engineering, answered questions from the town council.

Motion made by Councilmember DuPree to award the bid for Shorehaven Drainage BID# 2021-03 to Capko Concrete Structure, LLC in an amount not to exceed \$209,873.00, Seconded by Mayor Pro Tem Kenney.

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

19. Consider and act on an ordinance of the Town of Hickory Creek, Texas, granting to Denton County Electric Cooperative, Inc., d/b/a CoServ Electric, and its successors and assigns, the non-exclusive right to use and occupy rights-of-way within the Town of Hickory Creek, Texas for the construction and operation of an electric transmission and distribution system, prescribing conditions governing the use of the public rights-of-way; providing for compensation therefor, providing for and an effective date and a term of said franchise, providing for written acceptance of this franchise.

No action taken.

20. 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 accept a voluntary petition for annexation of 10.044 acres of real property located in the J. Ramsey Survey, Abstract No. 1075, Denton County, Texas.

No action taken.

21. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, setting a date, time and place for a public hearing on the proposed annexation of a 10.044 acres of certain property located in the J. Ramsey Survey, Abstract No. 1075, Denton County, Texas by the Town of Hickory Creek, Texas and authorizing and directing the Mayor to publish notice of said public hearing.

No action taken.

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**Adjournment**

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

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

The meeting did then stand adjourned at 9:14 p.m.

Approved:

Attest:

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Lynn C. Clark, Mayor  
Town of Hickory Creek

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Kristi K. Rogers, Town Secretary  
Town of Hickory Creek