

**SPECIAL MEETING OF THE TOWN COUNCIL  
HICKORY CREEK TOWN HALL  
1075 RONALD REAGAN, HICKORY CREEK, TEXAS  
MONDAY, JANUARY 29, 2024**

**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

Mayor Pro Tem Paul Kenney

Councilmember Randy Gibbons

Councilmember Richard DuPree

Councilmember Chris Gordon

Councilmember Ian Theodore

Also in attendance:

John M. Smith, Jr., Town Manager

Kristi K. Rogers, Town Secretary

Craig Hubbert, Police Lieutenant

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**

Lake Cities Chamber of Commerce will hold Boots & Bling, a dance for dads and daughters, on February 17, 2024, at Global Spheres, 7801 Interstate 35E, Corinth, Texas.

**Public Comment**

There were no speakers for public comment.

**Consent Agenda**

1. December 2023 Council Meeting Minutes
2. December 2023 Financial Statements
3. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas ordering an election to be held on May 4, 2024, for the purpose of electing a Mayor and Town Council Members to Place 2 and Place 4.

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4. 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 Halff Associates, Inc. concerning an agreement for professional engineering services for Sycamore Bend Road Repair.
5. 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 Halff Associates, Inc. concerning an agreement for professional engineering services for Storm Water Management reporting and permit compliance.
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 agreement by and between the Town of Hickory Creek, Texas and Vested Networks concerning phone systems.

Mayor Clark stated that only consent agenda items 1-5 would be considered.

Motion made by Councilmember DuPree to approve consent agenda items 1-5, Seconded by Mayor Pro Tem Kenney.

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

### **Regular Agenda**

7. Presentation of the 2022-2023 Fiscal Year Audit from Carl Deaton of Hankins, Eastup, Deaton, Tonn, Seay & Scarborough.

Carl Deaton of Hankins, Eastup, Deaton, Tonn, Seay & Scarborough presented the audited financial statement for the fiscal year ending September 30, 2023. The assets and deferred outflows of resources of the Town of Hickory Creek exceeded its liabilities on September 30, 2023 by \$24,079,943. Of this amount \$9,561,776 may be used to meet the government's ongoing obligations to citizens and creditors. The Town's total net position increased by \$5,801,679 during the fiscal year from the results of current year operations. As of September 30, 2023, the Town of Hickory Creek's governmental funds reported combined ending fund balance of \$12,916,586 an increase of \$2,208,307 in comparison with the beginning of the period. Approximately 75 percent of this total amount, \$9,718,590 is available for spending at the government's discretion. At the end of the current period, unassigned fund balance for the general fund was \$9,718,590 or 163.5 percent of total general fund expenditures. The audit is required to include the activity of the Economic Development Corporation, Public Improvement District No. 1, Public Improvement District No. 2 and Hickory Farms Public Improvement District. The EDC total fund balance was \$2,607,448. The Public Improvement District No. 1 total fund balance was \$411,756. The Public Improvement District No. 2 total fund balance was \$655,661. Hickory Farms Public Improvement District total fund balance was \$415,608.

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8. Consider and act on approval of the Hickory Creek Police Department Annual Racial Profiling Report for 2023.

Motion made by Councilmember DuPree, to approve the report as presented, Seconded by Councilmember Gordon.

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

9. Consider and act on submitting an application for Texas Department of Transportation Green Ribbon Funding 2024.

John Smith, Town Manager, provided an overview of Texas Department of Transportation Green Funding grant process and timeline.

Motion made by Councilmember Gordon to approve submission of an application for Texas Department of Transportation Green Ribbon Funding 2024, Seconded by Councilmember Theodore.

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

10. 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 Thousand Hills Church concerning a license for use of real property.

No action taken.

11. Consider and act on allocating funds for spray foam installation in the town hall facility.

Motion made by Councilmember Theodore to approve allocating funds for spray foam installation in the town hall facility in amount not to exceed \$25,000, utilizing Builders' Insulation, Seconded by Mayor Pro Tem Kenney.

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

12. Receive update from John Smith, Town Manager, concerning broadband and discuss the same.

John Smith, Town Manager, provided a status update regarding broadband. Fiber installations will begin soon in several sections within the network.

**Executive Session**

In accordance with Texas Local Government Code, Chapter 551, the Town Council convened into executive session at 7:27 p.m. to discuss the following matters.

**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.

**Section 551.072**

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.

13. Discussion regarding certain real property generally located, North of Interstate 35E, Lake Lewisville Bridge, South of FM 2181, East of Ronald Reagan Avenue and West of Interstate 35E.

**Reconvene into Open Session**

The Town Council reconvened into open session at 8:41 p.m.

14. Discussion and possible action regarding matters discussed in executive session.  
  
No action taken.

**Future Agenda Items**

There were no future agenda items.

**Adjournment**

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

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

The meeting did then stand adjourned at 8:41 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