

**SPECIAL MEETING OF THE TOWN COUNCIL  
HICKORY CREEK TOWN HALL  
1075 RONALD REAGAN, HICKORY CREEK, TEXAS  
MONDAY, AUGUST 02, 2021**

**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**

Mayor Pro Tem Kenney gave the invocation.

**Items of Community Interest**

There were no items of community interest.

**Public Comment**

There were no speakers for public comment.

**Consent Agenda**

1. June 2021 Council Meeting Minutes
2. June 2021 Financial Statements
3. Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement by and between the Town of Hickory Creek and Denton County, a political subdivision of the State of Texas for ad valorem tax collection.

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4. Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement by and between the Town of Hickory Creek and Denton County, a political subdivision of the State of Texas for Hickory Creek Public Improvement District No. 1 assessment collection.
5. Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement by and between the Town of Hickory Creek and Denton County, a political subdivision of the State of Texas for Hickory Creek Public Improvement District No. 2 assessment collection.
6. Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement by and between the Town of Hickory Creek and Denton County, a political subdivision of the State of Texas for Hickory Farms Public Improvement District assessment collection.
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 by and between the Town of Hickory Creek, Texas and Halff Associates, Inc. concerning C.O. Project - Phase II.

Councilmember Theodore requested item 7 be pulled from the consent agenda for separate discussion.

The estimated cost of the project to construct additional sidewalks is \$320,000.00. The project will go out for bid once Halff has completed the engineering.

Motion made by Councilmember DuPree to approve item 7, Seconded by Councilmember Theodore.

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

8. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas ("TOWN") authorizing the Town to participate as part of a coalition of cities in proceedings to be held by the Railroad Commission of Texas related to implementation of House Bill 1520; authorizing the hiring of attorneys and consultants; directing the activities of lawyers and consultants regarding the Railroad Commission's HB 1520 proceedings; requiring reimbursement of reasonable legal and consultant expense to the extent allowed by the law; finding that the meeting complies the open meetings act; and making other findings and provisions related to the subject.
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 agreement between the Town of Hickory Creek and Wayne Eichel concerning an independent contractor to conduct background investigations on police department applicants.

Councilmember DuPree requested item 9 be pulled from the consent agenda for separate discussion.

Background investigations for police department applicants are currently conducted by police personnel which takes approximately 80 hours, which interferes with daily operations.

Motion made by Councilmember DuPree to approve item 9, Seconded by Councilmember Gibbons.

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, hereby ratifying an agreement between the Town of Hickory Creek and Larry Finney concerning building plan reviews and the corresponding charges.
11. Consider and act on a resolution of the Town Council for 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 and MiTech Services, L.L.C. concerning information technology services.
12. Consider and act on acceptance of rates from BlueCross BlueShield of Texas for town employee life, ad&d, short term disability and long term disability coverage for Fiscal Year 2021-2022.
13. Consider and act on acceptance of rates from Dental Select for town employee dental coverage for Fiscal Year 2021-2022.
14. Consider and act on the acceptance of rates from TML Health Benefits Pool for town employee medical and vision coverage for Fiscal Year 2021-2022.

Councilmember Gibbons requested item 14 be pulled from the consent agenda for separate discussion.

The rates were discussed.

Motion made by Councilmember Gordon to approve item 14, Seconded by Councilmember Gibbons.

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

15. Consider and act on allocating an additional \$3,940.00 for outdoor fitness equipment for Point Vista Park approved on June 28, 2021.

Councilmember Gibbons requested item 15 be pulled from the consent agenda for separate discussion.

The increase for the outdoor fitness equipment was discussed.

Motion made by Councilmember Theodore, Seconded by Mayor Pro Tem Kenney.

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

Motion made by Councilmember Gibbons to approve consent agenda items 1-6, 8, and 10-13, Seconded by Councilmember DuPree.

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

**Regular Agenda**

16. Consider and act on a resolution of the Town Council for 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 and MDM, Inc. concerning use of the town's public property to access Lake Lewisville.

Motion made by Councilmember Gibbons to approve item 16 with a term of six months and the fee prorated as discussed, Seconded by Councilmember Theodore.

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

17. Consider and act on a resolution of the Town Council for 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 and CD Computers DBA Lewisville Charter Boats concerning use of the town's public property to access Lake Lewisville.

Motion made by Councilmember Gibbons to approve item 17 with a term of six months and the fee prorated as discussed, Seconded by Councilmember DuPree.

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

18. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, to accept a petition for voluntary annexation of a 18.786 acre tract of land situated in the H.H. Swisher Survey, Abstract No. 1220, Denton County, Texas and being part of that tract of land conveyed to CTMGT Turbeville, LLC by Special Warranty Deed, as recorded in Instrument 2011-121574, official public record, Denton County, Texas.

Motion made by Councilmember Theodore to approve agenda item 18, Seconded by Councilmember Gordon.

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

19. 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 of the voluntary annexation of a 18.786 acre tract of land situated in the H.H. Swisher Survey, Abstract No. 1220, Denton County, Texas and being a part of that tract of land conveyed to CTMGT Turbeville, LLC, by Special Warranty Deed, as recorded in Instrument No. 2011-121574, official public records, Denton County, Texas.

Motion made by Councilmember Theodore to approve a resolution setting August 23, 2021 at 6:00 p.m. in the council chambers for a public hearing of the voluntary annexation of a 18.786 acre tract of land situated in the H.H. Swisher Survey, Abstract No. 1220, Denton County, Texas, Seconded by Councilmember Gordon.

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

20. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, accepting for filing a landowner petition requesting the creation of a public improvement district; calling a public hearing to consider the creation of a public improvement district.

Motion made by Councilmember Gordon to approve a resolution accepting for filing a landowner petition requesting the creation of a public improvement district; calling a public hearing to consider the creation of a public improvement district on August 23, 2021 at 6:00 p.m. at town hall, Seconded by Councilmember Theodore.

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

21. 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 2021; setting a date, time and place to adopt the 2021 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 2021, to adopt the 2021 tax rate of 0.307280 on September 13, 2021, at 6:00 p.m. at town hall, Seconded by Councilmember Gibbons.

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

22. Discussion regarding the 2020-2021 Fiscal Year Budget.

No action taken.

23. 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 2021-2022 Fiscal Year Proposed Budget; setting a date, time and place to adopt the budget.

Motion made by Councilmember Gordon to approve a resolution for a public hearing on the 2021-2022 Fiscal Year Proposed Budget for August 23, 2021 at 6:00 at the Town of Hickory Creek, and setting the same time, date and place for adoption of the budget, Seconded by Mayor Pro Tem Kenney.

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

24. Discussion regarding formation of a board to focus on arts and cultural events.

Discussion was held regarding the creation, powers and duties of the board.

### **Executive Session**

In accordance with Texas Local Government Code, Chapter 551, the Town Council convened into executive session at 7:56 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 551.087**

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.

25. Economic development agreement related to property located at 1851 Turbeville Road.

**Reconvene into Open Session**

The Town Council reconvened into open session at 8:26 p.m.

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

Motion made by Councilmember Gordon to authorize the Mayor to enter into a Chapter 380 agreement as discussed in executive session subject to final approval of the town attorney and town administrator within sixty days, Seconded by Mayor Pro Tem Kenney. Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

**Future Agenda Items**

The following item was requested: Collaboration of maps and signage concerning golf carts within the Lake Cities with access from Hickory Creek to Corinth.

**Adjournment**

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

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

The meeting did then stand adjourned at 8:27 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