

**SPECIAL MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
MONDAY, NOVEMBER 15, 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 arrived at 9:57 p.m. and left at 10:45 p.m.

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

Thanks to all those involved with the Arbor Day Celebration held on November 13, 2021.

The annual tree lighting will be held Thursday, December 2, 2021 from 6:00 p.m. until 8:00 p.m. at town hall.

The U.S. Army Corps of Engineers consented to easement structures needed for the Sycamore Bend Road expansion.

Public Comment

Ron Furtick, 1500 Turbeville Road, thanked the town council for having him at the council meeting and their efforts with the town. He thinks the town needs a downtown. The roads that are discussed tonight, could have an impact creating a downtown. Creating a parkway would intensify commercial development which provides much needed sales tax. Investing in roads which provides connectivity is important to the economic future of the town.

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Consent Agenda

1. September 2021 Council Meeting Minutes
2. September 2021 Financial Statements
3. October 2021 Council Meeting Minutes
4. October 2021 Financial Statements
5. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby ratifying agreements related to the United States Department of Justice, Drug Enforcement Administration HIDTA Dallas Task Force.
6. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby ratifying agreements with ACAP Health Consulting, LLC related to First Responder Health Services.

Motion made by Councilmember Gordon to approve consent agenda items 1-6 as presented, Seconded by Councilmember Theodore.

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

Regular Agenda

7. Conduct a public hearing regarding a request from Kenny Powell on behalf of Vantage Landmark Investments to change the zoning designation from C-1 Commercial District to TH-1 Townhouse District on a tract of land legally described as Ventana Addition Phase II, Lot 5, .49 Acres, Town of Hickory Creek, Denton County, Texas and consider and act on an ordinance for the same. The property is located in the 0 block of Northfield Road.

Kenny Wallace, representing Vantage Landmark Investments, provided an overview of the request to change the zoning designation and answered questions from the town council.

Mayor Clark called the public hearing to order at 6:06 p.m. With no one wishing to speak, the public hearing was closed at 6:07 p.m.

Motion made by Councilmember Theodore to approve an ordinance changing the zoning designation from C-1 Commercial District to TH-1 Townhouse District on a tract of land legally described as Ventana Addition Phase II, Lot 5, .49 Acres, Town of Hickory Creek, Seconded by Councilmember Gordon.

Voting Yea: Councilmember Gibbons, 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 authorizing the Mayor of the Town of Hickory Creek, Texas to execute a development agreement by and between the Town of Hickory Creek, Texas and Reserve at Hickory Creek, LLC.

David Wallace, representing Reserve at Hickory Creek, LLC provided an overview of the proposed development agreement, annexation of the property, creating the public improvement district and answered questions from the town council.

Mary Petty, P3 Works, PID Administrator for the town, provided an overview of the public improvement district homebuyer disclosure program and changes that became effective September 1, 2021 passed during the 87th Texas Legislature Session.

Jeff Gulbas, McCall, Parkhurst & Horton, bond counsel for the town, answered questions regarding the maximum amount of authorized improvements and the amount of PID financed improvements.

Lee Williams, Halff Associates, engineer for the town, discussed the mews within the development which is a special type of alley for lots facing a courtyard with access in the rear.

David Rodriguez, Lake Cities Fire Department Fire Marshal, provided an overview of the fire protection within the development and answered questions from the town council.

Motion made by Councilmember Gordon to approve a resolution authorizing the Mayor to execute a development agreement by and between the Town of Hickory Creek, Texas and Reserve at Hickory Creek, LLC., Seconded by Mayor Pro Tem Kenney.

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

9. Conduct a public hearing continued from August 23, 2021, September 13, 2021 and October 4, 2021 regarding the creation of a Public Improvement District concerning 18.786 acres of land in the Town's ETJ owned by Reserve at Hickory Creek, LLC. and generally located at 1745 Turbeville Road.

Mary Petty, P3Works, PID Administrator for the town, provided an overview of the value to lien, estimated assessment per unit, sources and uses of funds, amortization schedule related to the Reserve at Hickory Creek public improvement district bond.

John Martin, Hilltop Securities, financial advisor for the town, stated the bond issue sizing of \$6,825,000.00 would allow the assessments for the Reserve at Hickory Creek Public Improvement District, to fall in line with the other public improvements districts in town.

Mayor Clark called the public hearing to order at 7:11 p.m. With no one wishing to speak, the public hearing was closed at 7:12 p.m.

10. Consider and act on a resolution regarding the creation of a public improvement district and ordering public improvements to be made for the benefit of such district; providing for a severability clause; providing an effective date; and containing other matters relating to the subject.

Jeff Gulbas, McCall, Parkhurst & Horton, bond counsel for the town, provided an overview of the resolution which formally establishes the public improvement district.

Motion made by Councilmember Gordon to approve a resolution regarding the creation of a public improvement district and ordering public improvements to be made for the benefit of such district; providing for a severability clause; providing an effective date; and containing other matters relating to the subject, Seconded by Councilmember Theodore. Voting Yea: Councilmember Gibbons, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

11. Conduct a public hearing continued from August 23, 2021, September 13, 2021 and October 4, 2021 regarding the voluntary annexation of an 18.786 acre tract of land situated in the H.H. Swisher Survey, Abstract No. 1220 in 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 and consider and act on an ordinance for the same.

Mayor Clark called the public hearing to order at 7:19 p.m. With no one wishing to speak, the public hearing was closed at 7:20 p.m.

Motion made by Councilmember Gordon to approve an ordinance annexing a 18.786 acre tract of land situated in the H.H. Swisher Survey, Abstract No. 1220 in 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, Seconded by Councilmember Theodore. Voting Yea: Councilmember Gibbons, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

12. 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.

Kristin Worthington, Tri Pointe Homes, answered questions from the town council regarding the final plat.

Motion made by Mayor Pro Tem Kenney to approve the 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, Seconded by Councilmember Gibbons. Voting Yea: Councilmember Gibbons, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

13. Consider and act on a site and landscape plan for 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.

Kristin Worthington, Tri Pointe Homes, answered questions from the town council regarding the site and landscape plan.

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Motion made by Councilmember Gordon to approve the site and landscape plan for 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, Seconded by Councilmember Theodore.

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

14. Consider and act on a site and landscape plan for Sycamore Cove Addition, being 32.43 acres in the John Maloney Survey, Abstract No. 819, Town of Hickory Creek, Denton County, Texas.

Lee Williams, Halff Associates, engineer for the town, answered questions from the town council regarding the site and landscape plan.

Motion made by Mayor Pro Tem Kenney to approve the site and landscape plan for Sycamore Cove Addition, being 32.43 acres in the John Maloney Survey, Abstract No. 819, Town of Hickory Creek, Denton County, Texas, Seconded by Councilmember Theodore.

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

Mayor Clark stated agenda item 22 would be considered at this time.

22. Consider and act on prioritizing roadways in order to request funding from Denton County.

John Smith, town administrator, stated Denton County Commissioners are considering a bond election in 2022. Commissioner Bobbie J. Mitchell requested the town submit a list of road projects to be considered.

Lee Williams, Halff Associates, town engineer, prepared a map and cost estimates for the road projects.

The town council recessed at 8:16 p.m. and reconvened at 8:28 p.m.

Mayor Clark stated the roadways were prioritized in the following order: Point Vista Road West (Point Vista Road from Founders Classical Academy to Hickory Creek Blvd.), Hickory Creek Boulevard (Hickory Creek Blvd. from Point Vista to Ronald Reagan Ave.), Harbor Lane (Harbor Lane from Strait Lane to Harbor Grove Park), Point Vista Road (Point Vista Road from South of Stamford Road to Point Vista Park Entrance), South Hook Street/Garth Lane (S. Hook Street from Main Street to Garth Lane; Garth Lane), North Hook Street (N. Hook Street from Main Street to Lake Drive), Lakewood Drive (Lakewood Drive from Main Street to Hook Street) Country Lane (Country Lane from Oak Street to Woodlake Road), Oak Circle (Oak Circle from Hickory Hills Blvd. to Live Oak Lane) Royal Oaks Boulevard (Royal Oaks Blvd. from Live Oak to End).

Motion made by Mayor Pro Tem Kenney to request funding from Denton County in the order stated by Mayor Clark, Seconded by Councilmember Gordon.

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

Mayor Clark stated agenda items 20 and 21 would be considered at this time.

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 execute an agreement concerning Mobile License Plate Readers.

Chief Carey Dunn provided an overview to the town council and answered questions.

Motion made by Councilmember Gibbons to approve a resolution authorizing the Mayor to execute an agreement with Utility Associates, Inc. for one (1) mobile license plate reader, Seconded by Mayor Pro Tem Kenney.

Voting Yea: Councilmember Gibbons, Mayor Pro Tem Kenney

Voting Nay: Councilmember Theodore Motion passed.

Abstaining: Councilmember Gordon

21. 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 concerning Stationary License Plate Readers.

Chief Carey Dunn provided an overview to the town council and answered questions.

Motion made by Mayor Pro Tem Kenney to approve a resolution authorizing the Mayor to execute an agreement with Flock Group Inc. for stationary license plate readers in an amount not to exceed \$13,750.00, Seconded by Councilmember Gibbons.

Voting Yea: Councilmember Gibbons, Councilmember Gordon, Mayor Pro Tem Kenney

Voting Nay: Councilmember Theodore Motion passed.

15. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending the Code of Ordinances of the Town of Hickory Creek, Texas, Chapter 4: Business Regulations; Sexually Oriented Businesses; providing for incorporation of premises; providing findings; providing for amendments to the Code of Ordinances.

Motion made by Councilmember Theodore to approve an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending the Code of Ordinances of the Town of Hickory Creek, Texas, Chapter 4: Business Regulations; Sexually Oriented Businesses; providing for incorporation of premises; providing findings; providing for amendments to the Code of Ordinances, Seconded by Mayor Pro Tem Kenney.

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

16. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending Chapter 3: Building Regulations, Article 3.11, Miscellaneous Building Fees; providing for incorporation of premises; providing findings; providing for amendment to the Code of Ordinances.

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Motion made by Councilmember Theodore to approve an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending Chapter 3: Building Regulations, Article 3.11, Miscellaneous Building Fees, Seconded by Councilmember Gordon.

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

17. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending Chapter 1: General Provisions, Article 1.10, Parks and Recreation; amending Article A2.500, Commercial Use of Boat Ramps; providing for incorporation of premises; providing findings; providing for amendment to the Code of Ordinances.

Motion made by Councilmember Theodore to approve an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending Chapter 1: General Provisions, Article 1.10, Parks and Recreation; amending Article A2.500, Commercial Use of Boat Ramps, Seconded by Councilmember Gordon.

Voting Yea: Councilmember Gibbons, 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, hereby adopting a master application and fee schedule; and providing an effective date.

Motion made by Councilmember Theodore to approve a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby adopting a master application and fee schedule; and providing an effective date, Seconded by Councilmember Gordon.

Voting Yea: Councilmember Gibbons, 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, casting its votes for one or more candidates for appointment to the Denton Central Appraisal District Board of Directors and providing an effective date.

Motion made by Councilmember Gordon to cast the town's five votes for Nancy Koket, Seconded by Mayor Pro Tem Kenney.

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

23. Consider and act on appointments to the Economic Development Corporation

Motion made by Councilmember Theodore to reappoint Nancy Koket to Place 1, appoint Chris Gordon to Place 3, reappoint Sugene May to Place 5 and appoint Paul Kenney to Place 7 for the Economic Development Corporation, Seconded by Councilmember Gibbons.

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

Executive Session

In accordance with Texas Local Government Code, Chapter 551, the Town Council convened into executive session at 9:57 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 551.074

Personnel matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee.

24. K-9 Officer

Reconvene into Open Session

The Town Council reconvened into open session at 10:46 p.m.

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

Motion made by Councilmember Gordon to proceed as discussed in executive session,
Seconded by Councilmember Theodore.

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

Future Agenda Items

There were no future agenda items.

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. Motion passed unanimously.

The meeting did then stand adjourned at 10:47 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek