

**REGULAR MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
MONDAY, FEBRUARY 27, 2023**

MINUTES

Call to Order

Mayor Clark called the meeting to order at 6:01 p.m.

Roll Call

The following members were present:

Mayor Lynn Clark

Councilmember Richard DuPree

Mayor Pro Tem Kenney

Councilmember Chris Gordon

Councilmember Ian Theodore

The following member was absent:

Councilmember Randy Gibbons

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 Theodore gave the invocation.

Roll Call

1. Ceremonial Oath of Office and Presentation of Badge to Officer Sean Gabriel.

Chief Dunn administered the Oath of Office to Officer Sean Gabriel. His badge was presented to his friend, Corporal Rico, for pinning.

Items of Community Interest

Sycamore Bend Road completion is ahead of schedule. The town staff did an excellent job managing the project. Ribbon cutting will be held in April and the park should open in May.

Mayor Clark, Councilmember Gordon and John Smith, Town Administrator, will attend Denton County Days in Austin, Texas, March 21, 2023 – March 23, 2023, representing the Town in meetings with state legislators.

Public Comment

There were no speakers for public comment.

Consent Agenda

2. January 2023 Financial Statements
3. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek declaring unopposed candidates in the May 6, 2023, general town election; providing for declaration of office; providing for cancellation.
4. Consider and act on a resolution of the Town Council of the Town of Hickory Creek hereby authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement for purchase of unimproved property by and between the Town of Hickory Creek and Thousand Hills Church.
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 between the Town of Hickory Creek and Pavlov Media, Inc. concerning the use of Town property for development and location of broadband infrastructure.
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 amendment to an agreement for professional services by between the Town of Hickory Creek and Halff Associates, Inc.

Trey Sargent, Town Attorney, stated item 6 should be pulled from the consent agenda for separate discussion.

No action was taken.

7. 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.
8. 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.
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 equipment lease agreement by and between the Town of Hickory Creek and NDS Leasing.

Motion made by Councilmember DuPree to approve items 2-5 and 7-9 as presented,
Seconded by Councilmember Theodore.

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

Regular Agenda

10. Consider and act on a site and landscape plan for The Learning Experience, located at 120 Baize Boulevard and legally described as Adams Cliffs, Lot 1, Town of Hickory Creek, Denton County, Texas.

Von Beougher, Principal with McAdams, and Chris Morphew, owner of Reliant Construction, representing the developer, provided an overview of the project and answered questions from the town council. Motion passed unanimously.

Motion made by Councilmember Gordon to approve a site and landscape plan for The Learning Experience, located at 120 Baize Boulevard and legally described as Adams Cliffs, Lot 1, Town of Hickory Creek, Denton County, Texas , Seconded by Mayor Pro Tem Kenney.

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

11. Consider and act on a final plat for the Reserve at Hickory Creek, Block A, Lots 1-20, 21X; Block B, Lots 1-15, 16X; Block C, Lots 1-12, 13X; Block D, Lots 1-12, 13X; Block E, Lots 1-12, 13X; Block F, Lots 1-14, 15X; Block G, Lots 1-12, 13X; Block H, Lots 1-12, 13X; Block I, Lots 1-12, 13X; Block J, Lots 1-12, 13X; Block K, Lots 1-12, 13X; Block L, Lot 1X; Block M, Lots 1-20, 21X; Block N, Lots 1-20, 21X; Block O, Lots 1-20, 21X; Block P, Lots 1-20, 21X; Block Q, Lot 1X: 18.8530 acres, 225 residential lots, 17 open space lots, situated in the H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas.

Motion made by Councilmember Theodore to extend consideration of item 11, Seconded by Councilmember Gordon.

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

12. Consider and act on a site and landscape plan for the Reserve at Hickory Creek, Block A, Lots 1-20, 21X; Block B, Lots 1-15, 16X; Block C, Lots 1-12, 13X; Block D, Lots 1-12, 13X; Block E, Lots 1-12, 13X; Block F, Lots 1-14, 15X; Block G, Lots 1-12, 13X; Block H, Lots 1-12, 13X; Block I, Lots 1-12, 13X; Block J, Lots 1-12, 13X; Block K, Lots 1-12, 13X; Block L, Lot 1X; Block M, Lots 1-20, 21X; Block N, Lots 1-20, 21X; Block O, Lots 1-20, 21X; Block P, Lots 1-20, 21X; Block Q, Lot 1X: 18.8530 acres, 225 residential lots, 17 open space lots, situated in the H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas.

Taylor Stinnett, MarketSpace Capital, representing Reserve at Hickory Creek, LLC, provided an overview of site and landscape plan and answered questions from the Town Council.

Motion made by Mayor Pro Tem Kenney to approve item 12 as presented, Seconded by Councilmember Theodore.

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

13. Consider and act on bids submitted for BID# 2023-01, 2023 Sidewalk Extension.

Motion made by Councilmember Gordon to award BID# 2023-01, 2023 Sidewalk Extension to Quick Set Concrete in an amount to not exceed \$394,158.00, Seconded by Councilmember DuPree.

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

14. 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 concerning issuance of a license to use the Town's boat ramp and dock to WaterToyz, LLC.

Motion made by Councilmember Theodore to approve 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 concerning issuance of a license to use the Town's boat ramp and dock to WaterToyz, LLC, Seconded by Councilmember Gordon.

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

15. 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 88th Session of the Texas Legislature to include special called sessions and the interim.

Motion made by Councilmember Gordon to approve a resolution of the Town Council of the Town of Hickory Creek, Texas establishing the Town's legislative agenda and priorities for the 88th Session of the Texas Legislature to include special called sessions and the interim, Seconded by Mayor Pro Tem Kenney.

Voting Yea: 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 hereby authorizing the Mayor of the Town of Hickory Creek, Texas to execute an amendment to a municipal maintenance agreement by and between the Town of Hickory Creek and TxDOT.

Motion made by Councilmember Theodore to approve a resolution of the Town Council of the Town of Hickory Creek hereby authorizing the Mayor of the Town of Hickory Creek, Texas to execute an amendment to a municipal maintenance agreement by and between the Town of Hickory Creek and TxDOT, Seconded by Mayor Pro Tem Kenney.

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

17. Consider and act on approval of the Hickory Creek Police Department Annual Racial Profiling Report for 2022.

Motion made by Councilmember DuPree to approve the Hickory Creek Police Department Annual Racial Profiling Report for 2022, Seconded by Councilmember Gordon.

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

18. Consider and act on allocating funds to purchase a vehicle for the police department.

Motion made by Councilmember Gordon to approve the allocation of funds to purchase a vehicle for the police department in an amount not to exceed \$37,000.00, Seconded by Councilmember DuPree.

Voting Yea: Councilmember DuPree, 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 7:08 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.

19. Amendment to Chapter 380 Economic Development Agreement with KSW Holding Hickory Creek, L.P.

Reconvene into Open Session

The Town Council reconvened into open session at 7:25 p.m.

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

Motion made by Councilmember Gordon to approve an amendment to the Chapter 380 Economic Development Agreement with KSW Holding, Hickory Creek, L.P. as discussed in executive session, Seconded by Councilmember DuPree.

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

Regular Agenda (Cont'd)

21. Consider and act on a final plat for The Olana at Hickory Creek, Lot 1, Block 1: being 38.8780 acres, H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas.

Laura Lewis, representing KSW Holding Hickory Creek, LP provided an overview of the final plat and answered questions from the Town Council.

Motion made by Councilmember Gordon to approve a final plat for The Olana at Hickory Creek, Lot 1, Block 1: being 38.8780 acres, H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas, Seconded by Councilmember Theodore. Voting Yea: Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

22. Consider and act on a site and landscape plan for The Olana at Hickory Creek, Lot 1, Block 1: being 38.8780 acres, H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas.

Laura Lewis, representing KSW Holding Hickory Creek, LP provided an overview of the site and landscape plan and answered questions from the Town Council.

Motion made by Mayor Pro Tem Kenney to approve the site and landscape plan for The Olana at Hickory Creek, Lot 1, Block 1: being 38.8780 acres, H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas, Seconded by Councilmember DuPree. Voting Yea: Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

Future Agenda Items

The following item was requested: tree mitigation fund allowable uses.

Adjournment

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

The meeting did then stand adjourned at 7:41 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek