

**REGULAR MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
MONDAY, MARCH 28, 2022**

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 Richard DuPree
Councilmember Chris Gordon
Mayor Pro Tem Paul Kenney
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

Executive Session

In accordance with Texas Local Government Code, Chapter 551, the Town Council will convene into executive session to discuss the following matters.

The Town Council did not convene into executive session. Items 1 and 2 will be discussed during the latter executive session.

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.

1. Receive legal advice concerning a public hearing regarding a request from David Palmer on behalf of the Weitzman Group to change the zoning description from C-1 Commercial to Planned Development on an 11.890 acre tract of land in the J.W. Simmons Survey, Abstract No. A1163A in the Town of Hickory Creek, Denton County Texas, and being legally described as part of the following tracts: Tract 34A, Tract 34C, Tract 35A (pt), and Tract 35A (2) and an ordinance for the same. The property is located between the 1000 block of Hickory Creek Boulevard and the 8300 block of Stemmons Freeway.

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2. Receive legal advice concerning a preliminary plat of Jefferson Hickory Creek Lots 1 and 2, 13.6211 acres in the J.W. Simmons Survey, Abstract No. 1163, Town of Hickory Creek, Denton County Texas.

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.

Presentation of Awards

3. Salvation Army Mayors Red Kettle Challenge

Mary Freeman, Director of Community relations Collin & Denton Counties and Captain Whitney Houston of the Salvation Army, presented Mayor Clark with a Certificate of Appreciation for First Place in the 2021 Denton Area Mayors Red Kettle Challenge.

4. Ceremonial Oath of Office and Presentation of Badge to Investigator Matti Loughry

Mayor Clark administered the Oath of Office to Investigator Matti Loughry and Chief Dunn pinned her badge.

5. Police Department

Chief Dunn presented Sergeant William Townsend the 2021 Officer of the Year Award and Investigator Matti Loughry the Sergeant John L. Anderson Award for Excellence in Policing and Community Engagement.

Items of Community Interest

Congratulations to Chief Chad Thiessen and Assistant Chief Greg Ward for their promotions with the Lake Cities Fire Department.

Denton County National Day of Prayer will be held at 12:00 p.m. on May 5, 2022, at the Denton County Administrative Courthouse Amphitheater.

Thanks to Mayor Clark for participating in the Salvation Army Mayors Red Kettle Challenge.

Thanks to the Parks and Recreation Board, Whataburger and citizens who participated in the Great American Clean Up event on Saturday, March 26, 2022.

The Arbor Day Foundation recognized the Town of Hickory Creek as a Tree City USA recipient for 2021.

Public Comment

Michael Moran, 1301 Justin Road, Suite 201-116, Lewisville, Texas, stated he would like for the town council to reconsider the increase in the permit fee for commercial use of parks. His vessels are steered by certified U.S. Coast Guard captains and his operation is professional not allowing nudity or excessive noise. The increase from \$2,000 to \$10,000 is excessive.

Consent Agenda

6. January 2022 Council Meeting Minutes
7. January 2022 Financial Statements
8. February 2022 Financial Statements
9. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek declaring unopposed candidates in the May 7, 2022 general town election; providing for declaration of office; providing for cancellation.
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 between the Town of Hickory Creek, Texas and Steeplechase North HOA concerning the purchase of real property.
11. 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.
12. 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.
13. 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, Texas and CloudGavel, LLC. concerning electronic warrant service.

Motion made by Councilmember Gordon to approve consent agenda items 6-13 as presented, Seconded by Councilmember Theodore.

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

Regular Agenda

14. Conduct a public hearing regarding a request from David Palmer on behalf of the Weitzman Group to change the zoning description from C-1 Commercial to Planned Development on an 11.890 acre tract of land in the J.W. Simmons Survey, Abstract No. A1163A in the Town of Hickory Creek, Denton County Texas, and being legally described as part of the following tracts: Tract 34A, Tract 34C, Tract 35A (pt), and Tract 35A (2) and consider and act on an ordinance for the same. The property is located between the 1000 block of Hickory Creek Boulevard and the 8300 block of Stemmons Freeway.

Mayor Clark called the public hearing to order at 6:28 p.m.

Motion made by Mayor Pro Tem Kenney to keep the public hearing open and continue it to the Town Council meeting on April 25, 2022, Seconded by Councilmember DuPree. Voting Yea: Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

15. Consider and act on a preliminary plat of Jefferson Hickory Creek Lots 1 and 2, 13.6211 acres in the J.W. Simmons Survey, Abstract No. 1163, Town of Hickory Creek, Denton County Texas.

Motion made by Mayor Pro Tem Kenney to consider item 15 at the April 25, 2022, Town Council meeting, Seconded by Councilmember Theodore.

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

16. Conduct a public hearing regarding an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending Chapter 14 Zoning, Article VII SF-1 Residential District, Section 3 Area Regulations; amending Chapter 14 Zoning, Article VIII SF-2 Residential District, Section 3 Area Regulations; amending Chapter 14 Zoning, Article IX SF-3 Residential District, Section 3 Area Regulations; amending Chapter 14 Zoning, Article X TH-1 Townhouse District, Section 3 Area Regulations; amending Chapter 14 Zoning, Article XII.5 GMH Garth Addition Mobile Home Single-Family Residential, Section 2 Area Regulations and consider and act on an ordinance for the same.

Mayor Clark called the public hearing to order at 6:35 p.m. With no one wishing to speak, the public hearing was closed at 6:35 p.m.

Motion made by Councilmember Theodore to approve agenda item 16, Seconded by Councilmember DuPree.

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

17. Consider and act on a final plat of Lots 5R-1, 5R-2, 5R-3, 5R-4 and 1X, Ventana Addition, 0.492 acres in the J.W. Simmons Survey, Abstract No. 1163, Town of Hickory Creek, Denton County Texas. The lots are located on Northfield Drive.

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Kenny Powell, the property owner, and Lee Williams, Halff Engineering, answered questions from the Town Council.

Motion made by Councilmember Gordon to approve a final plat of Lots 5R-1, 5R-2, 5R-3, 5R-4 and 1X, Ventana Addition, 0.492 acres in the J.W. Simmons Survey as presented, Seconded by Councilmember Theodore.

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

18. Consider and act on a site and landscape plan for Lots 5R-1, 5R-2, 5R-3, 5R-4 and 1X, Ventana Addition, 0.492 acres in the J.W. Simmons Survey, Abstract No. 1163, Town of Hickory Creek, Denton County Texas. The lots are located on Northfield Drive.

Kenny Powell, the property owner, provided an overview of the site and landscape plan and answered questions from the Town Council.

Motion made by Councilmember Theodore to approve a site and landscape plan for Lots 5R-1, 5R-2, 5R-3, 5R-4 and 1X, Ventana Addition, 0.492 acres in the J.W. Simmons Survey, Abstract No. 1163, Town of Hickory Creek, Denton County Texas. The lots are located on Northfield Drive, Seconded by Councilmember Gordon.

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

19. Consider and act on a resolution of the Town of Hickory Creek, Texas authorizing the issuance of a water well drilling permit for 738 Main Street, Hickory Creek, Texas.

Motion made by Councilmember Gordon to approve a resolution authorizing the issuance of a water well drilling permit for 738 Main Street, Seconded by Councilmember Theodore.

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

20. 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 Gordon to approve agenda item 20 as discussed, with the following changes to the ordinance language \$10,000.00 for the first vessel and \$5,000.00 for the second vessel, a vessel is defined as 4 jet skis or one large boat and the commercial fishing license fee increase from \$1,000.00 to \$1,250.00, limiting the number of vendors with a permit expiration date of December 31st, Seconded by Mayor Pro Tem Kenney.

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

21. 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.

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Motion made by Mayor Pro Tem Kenney to approve a resolution adopting a master fee application and fee schedule consistent with agenda item 20, Seconded by Councilmember DuPree.

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

Mayor Clark called for a recess at 7:42 p.m.

Mayor Clark called the meeting back to order after the recess at 7:50 p.m.

22. Consider and act on a preliminary plat of The Olana at Hickory Creek, Lot 1, Block 1, 38.8780 acres, H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas. The property is located at 1851 Turbeville Road.

Lee Williams, Halff Engineering and Neda Hosseiny, Kimley-Horn, answered questions from the town council regarding the preliminary plat.

Motion made by Councilmember Gordon to approve a preliminary plat of The Olana at Hickory Creek, Lot 1, Block 1, 38.8780 acres, H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas. The property is located at 1851 Turbeville Road, Seconded by Councilmember Theodore.

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

23. Consider and act on a site and landscape plan for The Olana at Hickory Creek, Lot 1, Block 1, 38.8780 acres, H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas. The property is located at 1851 Turbeville Road.

Laura Lewis, representing KSW Holding Hickory Creek, LP provided an overview of the project.

Lee Williams, Halff Engineering, and Neda Hosseiny, Kimley-Horn, answered questions from the town council regarding the site and landscape plan.

Motion made by Councilmember Theodore to approve a site and landscape plan for The Olana at Hickory Creek, Lot 1, Block 1, to include a fee in the amount of \$400,000 for tree mitigation, Seconded by Councilmember DuPree.

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

24. Consider and act on approval of the Hickory Creek Police Department Annual Racial Profiling Report for 2021.

Motion made by Councilmember DuPree to approve the Hickory Creek Police Department Annual Racial Profiling Report for 2021, Seconded by Councilmember Gordon.

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

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25. Discussion regarding annual awards.

Discussion was held regarding annual awards.

26. Discussion regarding a park within Glenview Subdivision.

Discussion was held regarding a park within Glenview Subdivision.

Executive Session

In accordance with Texas Local Government Code, Chapter 551, the Town Council convened into executive session at 8:34 p.m. to discuss the following matters and items 1 and 2.

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.

27. Deliberate the purchase, exchange, lease or value of real property located generally in northwest Hickory Creek.

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.

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

Reconvene into Open Session

The Town Council reconvened into open session at 9:49 p.m.

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

Motion made by Mayor Pro Tem Kenney to approve the agreement as discussed in executive session related to agenda item 28, Seconded by Councilmember Gordon.
Voting Yea: Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

Future Agenda Items

The following items were requested: interlocal agreement with Lake Cities Municipal Utility Authority, collaborating with the other Lake Cities on future projects that would benefit the community.

Adjournment

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

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

The meeting did then stand adjourned at 10:25 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek