

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

Councilmember Ian Theodore gave the invocation.

**Presentation of Awards**

1. 2020 Business of the Year

Mayor Clark presented the 2020 Business of the Year award to Elm Fork Taphouse & Kitchen.

2. 2020 Citizen of the Year

Mayor Clark presented the 2020 Citizen of the Year award to Melissa Shipe.

3. Dustin Mullen

Mayor Clark presented a plaque of appreciation to Dustin Mullen for completion of his Eagle Scout project.

4. Kyle Simmons

Mayor Clark presented a plaque of appreciation to Kyle Simmons for completion of his Eagle Scout project.

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5. Carey Dunn

Mayor Clark presented an award to Chief Carey Dunn congratulating him for receiving a Master of Science in Criminal Justice & Criminology degree from Texas Christian University on May 8, 2021.

6. Mike Miller

Mayor Clark presented an award to Sergeant Mike Miller congratulating him for receiving a Master of Science in Criminal Justice & Criminology degree from Texas Christian University on May 8, 2021.

### **Items of Community Interest**

Lake Cities 4th of July Celebration will be held on Saturday, July 3, 2021. The parade will begin at 9:00 a.m. Family friendly activities and entertainment begin at 4:00 p.m. followed by fireworks at 9:00 p.m.

### **Public Comment**

Ron Furtick, 1500 Turbeville Road, stated it has been his desire for several decades to work with town leaders to develop a downtown area where people can work, shop and play. Mr. Furtick believes the council is moving forward with a downtown area without talking to him, the primary stakeholder and landowner. He was taught if you do not have a seat at the table it is because you are on the menu. He is sick and tired of being on the menu. He has endured harassment from the town for several decades. He has been very clear with the town regarding his strategy, and if the council does not want to work with him to create a downtown area then please leave him alone. Perhaps a future council will see the wisdom in providing economic development to citizens. If the town decides to embark on another episode of harassment, he will respond with a counter suit for economic losses he has suffered due to harassment.

### **Consent Agenda**

7. May 2021 Council Meeting Minutes
8. May 2021 Financial Statements
9. Resolution designating Elm Fork Taphouse & Kitchen as the 2020 Business of the Year.
10. Resolution designating Melissa Shipe as the 2020 Citizen of the Year.
11. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, for the appointment of one member to the board of managers of the Denco Area 9-1-1 District.

Motion made by Councilmember Gordon to approve consent agenda items 7-11 as presented, Seconded by Councilmember DuPree.

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

**Regular Agenda**

12. Consider and act on a final plat of Lots 13R and 15R, Block C, Harbor Grove Estates being a replat of Lots 13, 14 and 15, Block C, Harbor Grove Estates situated in the Town of Hickory Creek, Denton County, Texas. The properties are located at 312 Lone Tree Lane.

Motion made by Councilmember Theodore to approve the final plat of Lots 13R and 15R, Block C, Harbor Grove Estates, Seconded by Councilmember Gordon.

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

13. 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 MarketSpace Capital, LLC.

David Wallace, representing MarketSpace Capital, LLC provided an overview of the proposed development agreement, annexation of the property, creating a public improvement and answered questions from the town council.

Motion made by Councilmember Gordon to approve 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 MarketSpace Capital, LLC. to include Exhibit E, development standards, D.R. Horton standards, as provided by the town administrator, granting power of continuous negotiations to the town attorney, town administrator and the Mayor, Seconded by Mayor Pro Tem Kenney.

Motion made by Councilmember Gibbons to amend the original motion to require 20 foot setbacks on the exterior boundary, 100% masonry for exterior buildings, requiring a tree inventory, requiring a \$10,000.00 tree mitigation payment, requiring \$850.00 per unit proportionality payment as building permits are pulled, meet the standards of the adopted engineering design manual and confirming to the September 1, 2021 public improvement district disclosure requirements, Seconded by Councilmember Theodore.

Voting Yea on the amended motion: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore.

Motion passed unanimously.

Voting Yea on the original motion: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore.

Motion passed unanimously.

14. Consider and act on bids submitted for BID# 2021-05, Automated Gated Secure Parking Area.

Motion made by Mayor Pro Tem Kenney to award BID# 2021-05, Automated Gated Secure Parking Area to Titan Fence and Supply Co. in an amount not to exceed \$73,441.00, Seconded by Councilmember Theodore.

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

15. Consider and act on allocating funds for outdoor fitness equipment for Point Vista Park.

Motion made by Councilmember Theodore to approve the allocation of funds for outdoor fitness equipment for Point Vista Park in an amount of \$33,777.00 Seconded by Councilmember DuPree.

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

16. Consider and act on allocating funds to award a scholarship for the Lake Cities Chamber Leadership Program.

No action taken.

17. Discussion regarding a Life, Arts and Culture committee.

Discussion was held regarding forming a Life, Arts and Culture committee. Membership of the committee would include people with music, art and theatre knowledge. The town council would like to include community in the name of the committee.

### **Executive Session**

In accordance with Texas Local Government Code, Chapter 551, the Town Council convened into executive session at 8:04 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.

18. Sycamore Bend Property DCAD Property ID 62195;62311;62329 and 155074

#### **Section 551.074**

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

19. Review of individual employees' performance

**Reconvene into Open Session**

The Town Council reconvened into open session at 9:34 p.m.

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

No action taken.

**Future Agenda Items**

The following items were requested: speed limit and traffic control device discussion; culture committee discussion; annual awards discussion and Lake Dallas Independent School District.

**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 9:38 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