

**FIRST AMENDED REGULAR MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
MONDAY, MAY 23, 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 Randy Gibbons

Councilmember Richard DuPree

Mayor Pro Tem Paul Kenney

Councilmember Ian Theodore

The following member was absent:

Councilmember Chris Gordon

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.

Presentation of Awards

1. 2022 Female Athlete of the Year

Mayor Clark presented the 2022 Female Athlete of the Year award to Jorja Elliott.

2. 2022 Male Athlete of the Year

Mayor Clark presented the 2022 Male Athlete of the Year award to Brendan Sorsby.

3. 2022 Scholars of the Year

Mayor Clark presented the 2022 Lake Dallas Scholar of the Year award to Landry Billingsley and the 2022 Founders Classical Academy Scholar of the Year award to Hayden Hiatt.

Proclamations

There were no proclamations.

Items of Community Interest

Thanks to Hickory Creek Police Department and Veteran's Creed Outdoors Team Texas for hosting the Lakeside Hero Fishing Tournament presented by MonsterBass held May 14, 2022 at Westlake Park.

Thanks to Corinth Veterinary Clinic, town staff and volunteers who participated in the Low-Cost Vaccination Clinic held May 7, 2022.

Thanks to town staff who prepared breakfast in honor of National Police Week and National Public Works Week to show appreciation to the dedicated police and public works staff.

William Carruth, Boy Scout Troop 424, was in attendance to achieve his Citizenship in the Community Merit Badge.

Public Comment

There were no speakers for public comment.

Consent Agenda

4. April 2022 Council Meeting Minutes
5. April 2022 Financial Statements
6. Resolution designating Jorja Elliott as the 2022 Female Athlete of the Year.
7. Resolution designating Brendan Sorsby as the 2022 Male Athlete of the Year.
8. Resolution designating Landry Billingsley as the 2022 Lake Dallas High School Scholar of the Year.
9. Resolution designating Hayden Hiatt as the 2022 Founders Classical Academy Scholar of the Year.
10. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas re-appointing a presiding judge and an associate judge for Municipal Court of Record No. 1.
11. 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 Cynthia Burkett for municipal judge services.

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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 Nicholas Wohr for municipal judge services.
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 interlocal agreement between the Town of Hickory Creek, Texas and Denton County, Texas concerning use of Denton County Police Communication Network.
14. 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 interlocal agreement between the Town of Hickory Creek, Texas and Denton County, Texas concerning dispatch services.
15. Consider and act on a resolution by the Town of Hickory Creek, Texas, ("Town") suspending Oncor Electric Delivery Company, LLC's proposed effective date of June 17, 2022, for ninety days in connection with Oncor's statement of intent to increase rates filed on or about May 13, 2022; requiring the reimbursement of municipal rate case expenses; authorizing participation in a coalition of similarly situated cities; authorizing intervention and participation in related rate proceedings; authorizing the retention of special counsel.

Motion made by Councilmember DuPree to approve consent agenda items 4-15 as presented, Seconded by Councilmember Theodore.

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

Regular Agenda

16. Presentation of Certificates of Election and Administration of Oaths of Office to candidates elected.

John M. Smith, Jr. presented a Certificate of Election and administered the Oath of Office to Mayor Clark.

Mayor Lynn Clark presented Certificates of Election and administered Oaths of Office to Councilmember Richard DuPree and Councilmember Paul Kenney.

17. Interview for various boards and commissions.

The Town Council interviewed Mary Alsmiller and Lee Kessee for various boards and commissions.

18. Conduct a public hearing continued from March 28, 2022 and April 25, 2022 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 6:38 p.m.

Ron Furtick, 1500 Turbeville Road, stated development like this shouldn't happen. He desires to work together in the future to attempt to secure development that includes retail space providing economic development and sales tax revenue for the town. It is very important, so property taxes are not increased. A downtown district needs to be established.

Motion made by Councilmember Gibbons to keep the public hearing open and continue the public hearing to the June 27, 2022, Town Council Meeting, Seconded by Mayor Pro Tem Kenney.

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

19. Consider and act on a final plat of The Olana at Hickory Creek, Lot 1, Block 1: being 38.5858 acres, H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas. The property is located at 1851 Turbeville Road.

Motion made by Mayor Pro Tem Kenney to approve the final plat of The Olana at Hickory Creek, Lot 1, Block 1 as presented, Seconded by Councilmember DuPree.

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

20. Presentation from Halff Associates regarding a Comprehensive Plan Update.

No presentation was given.

21. Consider and act on allocating funds to update the Comprehensive Plan.

No action taken.

22. 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 a development agreement by and between the Town of Hickory Creek, Texas and Reserve at Hickory Creek, LLC.

No action taken.

23. 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 Reserve at Hickory Creek, LLC. and Citizens 1st Bank concerning collateral assignment of an interest in a development agreement.

No action taken.

24. 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 to execute an amendment to an Interlocal Agreement between the Town of Hickory Creek, Texas and Denton County, Texas concerning road construction.

Thanks to Denton County Judge Andy Eades, Commissioner Bobbie J. Mitchell and the other commissioners for allocating funds for road projects in the Town of Hickory Creek, the Mayor and Town Council cannot express their appreciation enough.

Motion made by Councilmember Theodore to approve a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby authorizing the Mayor of the Town of Hickory Creek to execute and amendment to an Interlocal Agreement between the Town of Hickory Creek, Texas and Denton County, Texas concerning road construction, Seconded by Councilmember DuPree.

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

25. 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 Sycamore Cove Homeowners' Association concerning stormwater facility maintenance.

Motion made by Councilmember Theodore to approve 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 Sycamore Cove Homeowners' Association concerning stormwater facility maintenance, Seconded by Mayor Pro Tem Kenney.

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

26. 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 Mayor Pro Tem Kenney to approve a resolution adopting a master application and fee schedule with the following fees: New Residential \$2.75 per square foot under roof and Multi-Family Residential \$1.50 per square foot under roof, Seconded by Councilmember Theodore.

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

27. Consider and act on appointments to the Arts and Culture Board.

Motion made by Councilmember Theodore to appoint Mary Alsmiller, Place 2 and Lee Kessee, Place 4, Seconded by Councilmember Gibbons.

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

28. Consider and act on appointments to Board of Adjustments.

Motion made by Mayor Pro Tem Kenney to appoint Larry Crawford, Position 2, Brian Engle, Position 4 and Dennis Day, Alternate 2, Seconded by Councilmember DuPree.

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

29. Consider and act on appointments to the Parks and Recreation Board.

Motion made by Councilmember Theodore to appoint Lisa Rowell, Place 2, Kyle Knop, Place 4 and Gwen McIntosh, Place 6, Seconded by Mayor Pro Tem Kenney.
Voting Yea: Councilmember Gibbons, Councilmember DuPree, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

30. Consider and act on appointments to the Planning and Zoning Commission.

Motion made by Councilmember Gibbons to appoint Rodney Barton, Place 2, Bryant Hawkes, Place 4 and Tim May, Place 6, Seconded by Councilmember DuPree.
Voting Yea: Councilmember Gibbons, Councilmember DuPree, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

31. Consider and act on nomination of the 2021 Hickory Creek Business of the Year.

Motion made by Councilmember Theodore to nominate, The Olana, 2021 Hickory Creek Business of the Year, Seconded by Mayor Pro Tem Kenney.
Voting Yea: Councilmember Gibbons, Councilmember DuPree, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

32. Consider and act on nomination of the 2021 Hickory Creek Citizen of the Year.

Motion made by Councilmember Theodore to nominate, Richard Hayes, 2021 Hickory Creek Citizen of the Year, Seconded by Mayor Pro Tem Kenney.
Voting Yea: Councilmember Gibbons, Councilmember DuPree, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

33. Consider and act on appointment of Mayor Pro Tem.

Motion made by Councilmember Theodore to appoint Paul Kenney, Mayor Pro Tem, Seconded by Councilmember DuPree.
Voting Yea: Councilmember Gibbons, Councilmember DuPree, Mayor Pro Tem Kenney, Councilmember Theodore. Motion Passed unanimously.

34. Consider and act on appointments to the Code of Ethics Board.

Mayor Clark would like to reappoint Samantha Brown; Councilmember Dupree would like to reappoint Mary Jean Fields; Mayor Pro Tem Kenney would like to reappoint Chance Allison and Councilmember Theodore would like to appoint Rick Carruth.

Motion made by Councilmember Theodore to approve appointments to the Code of Ethics Board as stated, Seconded by Councilmember Gibbons.
Voting Yea: Councilmember Gibbons, Councilmember DuPree, Mayor Pro Tem Kenney, Councilmember Theodore. Motion Passed unanimously.

35. Consider and act on appointing councilmembers as liaisons for various boards and commissions.

Councilmember Gibbons, Planning and Zoning; Councilmember DuPree, Police Department and Animal Services; Councilmember Gordon, Parks and Recreation; Mayor Pro Tem Kenney, EDC and Councilmember Theodore, Board of Adjustments.

Motion made by Councilmember Theodore to appoint the slate of names presented as liaisons for various boards and commissions, Seconded by Mayor Pro Tem Kenney. Voting Yea: Councilmember Gibbons, Councilmember DuPree, 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 7:37 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.

36. Broadband services, contractual terms, and legal obligations.

Reconvene into Open Session

The Town Council reconvened into open session at 8:25 p.m.

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

No action taken.

Future Agenda Items

The following items were requested: interlocal agreement with Lake Cities Municipal Utility Authority, Turbeville Road and collaboration with the other Lake Cities on a future council project.

Adjournment

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

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

The meeting did then stand adjourned at 8:30 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek