

**REGULAR MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
MONDAY, JULY 28, 2025**

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
Mayor Pro Tem Paul Kenney
Councilmember Randy Gibbons
Councilmember Nick Wohr
Councilmember Chris Gordon
Councilmember Ian Theodore

Also in attendance:

John M. Smith, Jr., Town Manager
Kristi K. Rogers, Town Secretary
Carey Dunn, Chief of Police
Alex Crowley, 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.

Presentation of Awards

1. Lake Cities 4th of July Parade Float

Mayor Clark announced the Town of Hickory Creek placed 2nd in the Lake Cities 4th of July Parade & Float Contest.

Items of Community Interest

There were no items of community interest.

Public Comment

John Grosskopf, 131 Oakwood Lane, stated he was denied his right to speak for three minutes per agenda item at last month's town council meeting, which violated the town ordinance and the Texas Opening Meetings Act. Current town ordinance, which was replaced earlier tonight, did specifically allow three minutes per agenda item. He wishes to reclaim his legally allowed three minutes for the agenda items from last month's meeting.

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He would like the council to be aware there are likely unintended consequences regarding the action taken on agenda item 7 tonight. He also has very deep concerns regarding the telescope project he brought to the council. At no point did he tell anyone here's the project, take it over from here. There was an expectation that he would be involved along with the University of North Texas Astronomy Department. This is not a casual project, it is a highly scientific instrument and needs expert input.

Tienne Duysak, 217 Deerpath Road, stated she has lived here for over twenty years. The Town Council all know who she is, and they do not like her because her property floods every time it storms since the Town built a "slide" years ago. Water pours onto her property. She has sent letters with pictures and not once has anyone come to talk to her. She doesn't understand but apparently, she and her neighbors are less than because it seems like government funding is available to help others. Her house is worth nothing. Where is the Town council's integrity?

Ron Furtick, 1500 Turbeville Road, stated he has experienced authoritarian governance for the last 20 years as a resident of the Town of Hickory Creek. He believes his real estate assets are currently being targeted by attempting to breach the contractual agreement giving a designation of preexisting nonconforming use on his property allowing him to continue his business in the future. He received a letter from the town attorney essentially revoking his nonconforming use, requiring him to make improvements to the trailer park. He was given only ten days to complete the permitting process and do all the construction. This can only be viewed as harassment. If the Town Council truly wants the land that should be used as a downtown area as a permanent trailer park, he will expand the park to cover the entire property, tripling the number of tenants and his cash flow. The cost and efforts to develop the mobile home park are very minimal compared to the design, finance and construction of a walkable downtown area. He needs his mixed-use zoning and to work with the council to accomplish creating a walkable downtown area which has always been his preference.

Gloria Furtick, 1500 Turbeville Road, stated she is curious if the taxpayers know the Town Council is throwing away their tax money on frivolous litigation and harassment efforts by assaulting personal property rights, destroying future economic growth, job opportunities, eliminating the potential of prosperity in a wonderful little town. Her husband has worked with the town for three decades, investing many hundreds of thousands of dollars to create a walkable downtown area. Instead of thanking him for his efforts her husband has been sued, resulting in needless pain and suffering that is completely pointless. The new rules limiting each person a total of three minutes to express their opinion is not only an oppression of speech and citizen's opinion, but also illegal. Suppressing the speech rights of citizens is a serious violation of the Texas Open Meetings Act.

Consent Agenda

2. June 2025 Council Meeting Minutes
3. June 2025 Financial Statements
4. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas approving the 2025 annual update to the service and assessment plan and assessment roll for Hickory Creek Public Improvement District No. 1 including the collection of the 2025 annual installments.

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5. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas approving the 2025 annual update to the service and assessment plan and assessment roll for Hickory Creek Public Improvement District No. 2 including the collection of the 2025 annual installments.
6. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas approving the 2025 annual update to the service and assessment plan and assessment roll for Hickory Farms Public Improvement District including the collection of the 2025 annual installments.
7. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending the Hickory Creek Code of Ordinances through the amendment of Article 1.11 Town Council Meetings, Section 1.11.001 Rules for Decorum to read as follows; and the amendment of Article 1.07 Boards and Commission, Section 1.07.003.
8. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas ("TOWN") suspending Oncor Electric Delivery Company LLC's proposed effective date of July 31, 2025, for ninety days in connection with Oncor's statement of intent to increase rates filed on or about June 26, 2025; requiring the reimbursement of municipal rate case expenses; authorizing participation in the coalition of similarly situated cites; authorizing intervention and participation in related rate proceedings; authorizing the retention of special counsel.
9. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas designating the Denton Record Chronicle as the official newspaper for the Town of Hickory Creek, Texas.
10. Consider and act on authorizing the Mayor to execute an interlocal agreement with Span, Inc. for transportation services and reimbursement.
11. Consider and act on authorizing the Mayor to execute an Additional Services Confirmation to the Green Ribbon Agreement approved by the Town Council on November 25, 2024.
12. Consider and act on granting a waiver from an appeal of a decision of the Town Building Official denying an application for a sign permit submitted by Walmart, 1035 Hickory Creek Blvd, Hickory Creek, Texas that fails to comply with Hickory Creek Code of Ordinances, Chapter 3: Building Regulations, Article 3.08 Signs. Section 3.08.010(b).

Councilmembers Gibbons and Theodore requested item 7 be pulled from the consent for separate discussion.

Motion made by Councilmember Gibbons to approve items 2-6 and 8-12 as presented, Seconded by Councilmember Theodore.

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

Alex Crowley, Town Attorney, provided an overview of the amendment to the Code of Ordinances regarding item 7.

Motion made by Mayor Pro Tem Kenney to approve consent agenda item 7 as presented,
Seconded by Councilmember Wohr.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Wohr, Councilmember Gordon,
Councilmember Theodore.

Voting Nay: Councilmember Gibbons. Motion passed.

Regular Agenda

13. Ceremonial Oath of Office and Presentation of Badge to Officer Nate Brewer and Zach Peterson.

Officer Nate Brewer and Officer Zach Peterson were not present.

14. Presentation from Pam Gutierrez, Denton County MHMR, Executive Director, regarding funding request.

Pam Gutierrez provided an overview of the funding request, services provided by Denton County MHMR Center and answered questions from the Town Council. During the 2024 Fiscal Year, 1,008 services were provided to Hickory Creek residents.

15. Conduct a public hearing and discuss, consider and act on ordinance amending its comprehensive zoning ordinance and official zoning map by amending an existing planned development Ordinance No. 2020-08-857 for that certain tract of land legally described as A0915a M.E.P. & P.R.R. TR 15 (pt), 10.22 acres of land located in the 3000 Block of FM 2181; and establishing revised development standards.

John Smith, Town Manager, provided an overview of the request to amend the existing planned development ordinance.

Bobby Mendoza, EVP, Real Estate, Victory Group, provided an overview of the development.

Mayor Clark called the public hearing to order at 7:05 p.m.

Scott Leavelle, 142 Lennon Drive, stated he is the Assistant Building Official for the City of Grapevine and everything that is built in Grapevine comes across his desk for review. In Grapevine, the proposal before council tonight would be denied on arrival, never going before the planning and zoning commission or the council. He is amazed it was approved at P&Z without a landscape plan. The development is going from nine to ten buildings to include a lube center and a brake shop making it an industrial park. Taxpaying citizens expected a nice quality commercial development not a stinky, ugly industrial lube center and brake shop. The goal post should not be moved to include the lube center and brake shop.

Denine Taylor, 142 Lennon Drive, stated she loves Hickory Creek, it's so beautiful and wants to keep it that way as much as possible. A map of Take 5 locations in one region of the DFW Metroplex shows none of the locations back up to a neighborhood. Take 5 operates six days a week, 13 hours a day, plus Sundays. She did not investigate the brake shop, but it can't be a better scenario.

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There is negative effects to home values and environmental concerns as well. Take 5 is already being advertised as a tenant and she hopes a decision has not been promised or made to the developer.

The developer purchased the property knowing the dimensions, the zoning, and the potential. Two automotive centers will be a deterrent for other retailers. The Town Council should take into account what the citizens want.

Barbara Johns, 123 Lennon Drive stated the first time she came to Hickory Creek she knew this was where she wanted to live. It is a beautiful little community. Her house backs up to the lot and she knew it was going to be a retail development. Eight trees were planted along the back fence. A lot of money was put into the backyard to enjoy and now she is worried about the unpleasant noises from the automotive shops.

Mark Johns, 123 Lennon Drive, stated he is against the zoning and hopes this is not a rubber stamp meeting due to the signage on the front of the property. There are five businesses providing the same services along Swisher Road within one mile. It should not be the position of the Town Council or Planning and Zoning to make the developer's land work for them to be as profitable as possible. The citizen should be number one in the consideration of the zoning. The planned development originally was nine lots and now it is ten. He bought his home knowing there would be retail development. The developer should not be granted concessions because they knew the zoning when the property was purchased.

Joshua Stroud, 201 Nora Lane, stated he does not back up to the development but is here to show his support to the other Lennon Creek residents. He opposes the proposed amendments to the ordinance. When buying a home, he heard great things about Hickory Creek, and he continues to see great things from the communications the Town sends to residents. This part of the community should not be industrialized when these types of services are already offered. Automotive services are not typically quiet. He thinks the council will make the right decision, putting residents first and for the future potential of the community.

Ron Furtick, 1500 Turbeville Road, stated the problem with authoritarian governance is it tends to bully and attacks citizens it perceives as weak and anyone that attempts to hold it accountable. His political campaign for a town council seat was an attempt to hold this administration accountable so its desire to destroy his business and run his tenants out of town is understandable. It is completely illegal and morally bankrupt. If the town wins the first round of the upcoming battle, fifty families will lose their homes, but the park will be rebuilt, and the citizens of Hickory Creek will not receive a walkable downtown and be doomed to higher property taxes and a stagnant economy because the Town Council decided to abandon its contractual obligations on his propriety. He will be forced to sue for breach of contract and thirty years of harassment. You cannot build a white tablecloth environment with buildings that have drive thru areas.

Bond Ortiz, 326 Glen Lane, stated she moved here because it was quiet and knew that commercial would be developed, but it would not include things that shake, rattle and roll all day long. It seems this is rubber stamped and she hopes that isn't the case. She respectfully asks that the change be denied.

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Gloria Furtick, 1500 Turbeville Road, stated Texas State Law stipulates that a town council cannot create laws that limit the citizens' speaking rights under the Texas Open Meetings Act. Suppressing the speech rights of the town citizens is serious.

She applauds Councilmember Theodore and Councilmember Gibbons for what they said about the citizen's right to speak. She urged council to reconsider their positions on turning this lovely town into an industrial town.

Tienne Duysak, 217 Deerpath Road, stated noise travels and it will be a nightmare for the houses near the development. She experiences noise from the Whataburger speaker box when a north wind blows. Sound is a big deal.

Cipriano Ortiz, 326 Glen Lane, stated he has poured substantial money into his backyard to create an environment for family members and church members to enjoy. He wants to be able to continue inviting people to his home to enjoy the lovely neighbors and community. He realizes the town will expand and grow. He hopes citizens' voices are considered and heard when the council is making decisions.

Ramon Cinco, 141 Lennon Drive, stated he has lived in Hickory Creek for six years, first in an apartment and then purchased his home so he could stay in the place he loves and has gotten to know. He is concerned with the development due to the very tall building and the concrete wall which has taken away from the tranquility of the backyard and he would like for the Town Council to make the right choice for the citizens.

With no one else wishing to speak, Mayor Clark closed the public hearing at 7:31 p.m.

Bobby Mendoza, EVP, Real Estate, Victory Group, answered questions from the Town Council.

Motion made by Councilmember Gibbons to table agenda item 15 until August 25, 2025, Seconded by Councilmember Gordon.

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

16. Consider and act on a site and landscape plan for the Lennon II Addition, Lot 9, Block A, being 1.798 acres of land situated in the M.E.P. and P.R.R. Co. Survey, Abstract No. 915, Town of Hickory Creek, Denton County, Texas. The property is located in the 3280 block of FM 2181.

John Smith, Town Manager, provided an overview to the Town Council and answered questions from the Town Council.

Bobby Mendoza, EVP, Real Estate, Victory Group, answered questions from the Town Council.

Motion made by Councilmember Gordon to table agenda item 16 until August 25, 2025, Seconded by Councilmember Theodore.

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

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17. Consider and act on bids submitted for BID# 2025-01, IH35E Green Ribbon Project CSJ:019-01-119 at Turbeville Road.

Motion made by Councilmember Gordon to award Bid#2025-01, IH35E Green Ribbon Project to Central North Construction, LLC in the amount of \$728,984.50, Seconded by Mayor Pro Tem Kenney.

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

18. Consider and act on allocating funds to enter into a lease with the U.S. Army Corps of Engineers for Oakland Park.

Motion made by Councilmember Theodore to approve allocating funds to enter into a lease with the U.S. Army Corps of Engineers for Oakland Park in an amount not to exceed \$65,000.00, Seconded by Councilmember Woehr.

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

Executive Session

In accordance with Texas Local Government Code, Chapter 551, the Town Council convened into executive session at 8:44 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.

19. Real property generally located North of Strait Lane, East of Sycamore Bend Road, South of Turbeville Road and West of Interstate 35 East.

Section 551.074

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

20. Review of individual employees' performance.

Reconvene into Open Session

The Town Council reconvened into open session at 11:55 p.m.

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

Motion made by Councilmember Gordon to direct the Town Administrator to take action as directed in executive session, Seconded by Councilmember Wohr.

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

Regular Agenda Continued

22. Discussion regarding viable options for future revenue sources.

No discussion was held.

23. Discussion regarding the preliminary 2025-2026 Fiscal Year Budget.

Discussion was held regarding the preliminary 2025-2026 Fiscal Year Budget.

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

The meeting did then stand adjourned at 12:04 a.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek