

**SPECIAL MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
MONDAY, NOVEMBER 20, 2023**

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 Richard DuPree

Councilmember Chris Gordon

Councilmember Ian Theodore

Also in attendance:

John M. Smith, Jr., Town Manager

Kristi K. Rogers, Town Secretary

Jim Zehetner, Criminal Investigator

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

Mayor Pro Tem Kenney gave the invocation.

Items of Community Interest

Holiday in the Park will be held on Friday, December 1, 2023 from 6:00 p.m. until 8:00 p.m. in Sycamore Bend Park.

Denton County Commissioners Court will present a proclamation on November 28, 2023 celebrating the 60th Anniversary of the Town of Hickory Creek.

The Arbor Day Celebration held on November 4, 2023 was a success. Trees have been delivered to those in attendance requesting a tree.

Mayor Clark and a team of volunteers will participate in the Salvation Army Mayors Red Kettle Challenge on December 9, 2023.

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Public Comment

Linda Figart, 199 Country Lane, stated she would like clarification regarding the improvement of County Lane from Oak Drive to Woodlake Road. The preliminary drawings show the improvement on private property instead of the right of way easement dedicated to the Town in 1998 by Shore Haven subdivision. The Town should strongly consider getting legal rights to use the private property before finalizing the concrete road. Options for the town to acquire legal rights to the property include eminent domain, court proceedings or accepting an offer from the property owner.

Ron Furtick, 1500 Turbeville Road, stated two years ago the Town Council voted building Hickory Creek Boulevard was the most important road project in town to create a downtown for economic development. The plans for a downtown have been discussed for fifteen years and now the property will be used for a leisure center instead of the road. The property purchased by the Economic Development Corporation over a decade ago was supposed to be used for commercial economic purposes; a pickleball court does not provide sales tax revenue. He has been unable to form a partnership with the Town's leadership to move forward with the downtown. The inability to move forward has hurt the Town. Sales tax revenue from commercial development is needed to help support the new homes and apartments.

Consent Agenda

1. September 2023 Council Meeting Minutes
2. September 2023 Financial Statements
3. October 2023 Financial Statements
4. 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 cooperation agreement with Denton County concerning broadband infrastructure.
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 interlocal cooperation agreement with Denton County concerning communications systems.
6. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas hereby ratifying an agreement related to Drug Enforcement Administration HIDTA Dallas Task Force.
7. 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 by and between the Town of Hickory Creek, Texas and Flock Group, INC. concerning police cameras.

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8. 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 a police recruit concerning police academy sponsorship.
9. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas hereby ratifying an agreement between the Town of Hickory Creek and a police recruit concerning reimbursement.
10. Consider and act on permit application submitted by Wal-Mart, 1035 Hickory Creek Blvd, Hickory Creek, Texas, for temporary storage containers for seasonal merchandise.

Motion made by Councilmember DuPree to approve consent agenda items 1-10 as presented, Seconded by Councilmember Gordon.

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

Regular Agenda

11. Interview for Arts and Culture Board.

The Town Council interviewed Melissa Stone for the Arts and Culture Board.

12. 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 by and between the Town of Hickory Creek, Texas and Halff Associates, Inc. concerning professional engineering services for a leisure center master plan.

Kirk Wilson, Halff Associates, provided an overview regarding the planning and design services for the leisure center 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 an agreement by and between the Town of Hickory Creek, Texas and Halff Associates, Inc. concerning professional engineering services for a leisure center master plan not to exceed \$29,500.00, Seconded by Mayor Pro Tem Kenney.

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

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 cooperation agreement with Denton County concerning Trip 22 roadway projects.

John Smith, Town Manager, provided an overview of the interlocal agreement and answered questions from the Town Council.

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Motion made by Councilmember Theodore 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 an interlocal cooperation agreement with Denton County regarding Trip 22 roadway projects, Seconded by Councilmember DuPree.

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

14. Receive update from Kevin Gronwaldt, Halff Associates, concerning Trip 22 roadway projects and discuss same.

Kevin Gronwaldt, Halff Associates, provided a project overview and status update regarding Denton County Trip 22 roadway projects and answered questions from the Town Council.

15. 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 by and between the Town of Hickory Creek, Texas and Halff Associates, Inc. concerning Contract Amendment No. 1 to an agreement for professional engineering services for the Denton County Bond Street Work.

Kevin Gronwaldt, Halff Associates, provided an overview of the contract amendment regarding engineering for Carlise Drive 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 hereby 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. concerning Contract Amendment No. 1 to an agreement for professional engineering services for the Denton County Bond Street Work not to exceed \$243,660.00, Seconded by Councilmember Theodore

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

16. 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 by and between the Town of Hickory Creek, Texas and Halff Associates, Inc. concerning Contract Amendment No. 2 to an agreement for professional engineering services for the Denton County Bond Street Work.

John Smith, Town Manager, provided an overview of the contract amendment regarding engineering for additional sidewalks and answered questions from the Town Council.

Motion made by Councilmember Gordon to approve agenda item 16 not to exceed \$21,600.00, Seconded by Councilmember Theodore.

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

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17. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, casting its votes for one or more candidates for appointment to the Denton Central Appraisal District Board of Directors.

Motion made by Councilmember Gordon to cast two votes for Alex Buck and two votes for Ann Pomykal for appointment to the Denton Central Appraisal District Board of Directors, Seconded by Councilmember Gibbons.

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

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

Motion made by Councilmember Theodore to appoint Mrs. Stone to Place 1 for the Arts and Culture Board, Seconded by Mayor Pro Tem Kenney.

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

19. Consider and act on appointments to the Economic Development Corporation.

Motion made by Councilmember Theodore to reappoint Nancy Komet to Place 1, Chris Gordon to Place 3, Sugene May to Place 5 and Paul Kenney to Place 7, for a two-year term expiring December 2025, Seconded by Councilmember DuPree.

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

20. Receive update from Chief Dunn concerning police department activity since the July council meeting and discuss same.

Jim Zehetner, Criminal Investigator, provided an update to the Town Council due to the absence of Chief Dunn regarding license plate reader cameras, off duty work for Wal-Mart during the Thanksgiving closure and Black Friday event and an initiative to provide Wal-Mart with additional expertise, coverage and presence from the police department.

21. Receive update from John Smith, Town Manager, concerning an interlocal agreement with the City of Corinth for fire services and discuss the same.

John Smith, Town Manager, provided an overview of the interlocal agreement with the City of Corinth for Fire services and answered questions from the Town Council.

Executive Session

In accordance with Texas Local Government Code, Chapter 551, the Town Council convened into executive session at 7:54 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.

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- 22. Discussion regarding certain real property generally located, North of Turbeville Road, South of FM 2181, East of Ronald Regan Avenue and West of Point Vista.
- 23. Potential litigation regarding Sycamore Bend Road construction failure.

Reconvene into Open Session

The Town Council reconvened into open session at 9:31 p.m.

- 24. Discussion and possible action regarding matters discussed in executive session.

Potential litigation regarding Sycamore Bend Road construction failure.

Motion made by Councilmember Gordon to authorize the town attorney to engage outside counsel to investigate claims regarding Sycamore Bend Road construction against LCUMA, KCK Utility Construction and THB Construction, Seconded by Councilmember Theodore.

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

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 DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

The meeting did then stand adjourned at 9:34 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek