

**SPECIAL MEETING OF THE TOWN COUNCIL  
HICKORY CREEK TOWN HALL  
1075 RONALD REAGAN, HICKORY CREEK, TEXAS  
MONDAY, FEBRUARY 06, 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

Councilmember Randy Gibbons

Councilmember Richard DuPree

Councilmember Chris Gordon

Councilmember Ian Theodore

The following member was absent:

Mayor Pro Tem Paul Kenney

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 Gibbons gave the invocation.

**Presentation of Awards**

1. 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 2022 Denton Area Mayors Red Kettle Challenge.

2. John Anderson

Mayor Clark presented a plaque of appreciation to John Anderson for completion of his Eagle Scout project.

**Items of Community Interest**

Thanks to the Mayor and Town Staff for the informative and timely communication provided during the inclement weather last week.

Condolences to the family of Jenson Schultz, who passed away on January 31, 2023. The family requested the following first responders be recognized for their heroic efforts; Brian Bellows, John Boyer, Justin Caffey and Patrick Walsh.

Thanks to Alyssa Benner and Hannah Breaux, Town of Hickory Creek Animal Control Officers, for their efforts adopting animals when the shelter was at capacity. Hickory Creek Animal Services will work with the City of Denton Animal Services through the Partnership in Pets program.

### **Public Comment**

There were no speakers for public comment.

### **Consent Agenda**

3. December 2022 Council Meeting Minutes
4. December 2022 Financial Statements
5. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas ordering an election to be held on May 6, 2023, for the purpose of electing Town Council Members to Place 1, Place 3 and Place 5.
6. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas amending Chapter 1 Animal Control, Article 2.02 Enforcement and Article 2.05 Rabies Control; providing for incorporation of premises; providing findings; providing for amendment to the code of ordinances; providing a cumulative repealer clause; providing for savings; providing for severability; providing for penalty; providing for publication; providing for engrossment and enrollment.
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 interlocal agreement between the Town of Hickory Creek, Texas and Denton County, Texas concerning use of Denton County Police Communication Network.
8. Consider and act on a resolution of the Town Council for the Town of Hickory Creek Texas hereby authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement concerning issuance of a license to use the Town's boat ramp and dock to MDM, Inc.
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 Shred America, LLC. for document shredding services.
10. 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 MDM, Inc. for a license to use the Town's boat ramp and dock.

11. 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 for communications services by and between the Town of Hickory Creek and Teletrac Navman.
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 for professional services concerning an MS4 Annual Report by and between the Town of Hickory Creek and Halff Associates, Inc.
13. Consider and act on an appointment to the Code of Ethics Board.

Motion made by Councilmember Dupree, to approve consent agenda items 3-13 as presented, Seconded by Councilmember Theodore.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

### **Regular Agenda**

14. Presentation of the 2021-2022 Fiscal Year Audit from Carl Deaton of Hankins, Eastup, Deaton, Tonn & Seay.

Carl Deaton of Hankins, Eastup, Deaton, Tonn & Seay presented the audited financial statements for the fiscal year ending September 30, 2022. The assets and deferred outflows of resources of the Town of Hickory Creek exceeded its liabilities on September 30, 2022 by \$18,278,264. Of this amount \$6,501,816 may be used to meet the government's ongoing obligations to citizens and creditors. The Town's total net position increased by \$1,792,957 during the fiscal year from the results of current year operations. As of September 30, 2022, the Town of Hickory Creek's governmental funds reported combined ending fund balance of \$10,708,279, an increase of \$519,915 in comparison with the beginning of the period. Approximately 56 percent of this total amount, \$6,054,388 is available for spending at the government's discretion. At the end of the current period, unassigned fund balance for the general fund was \$6,054,388 or 113.97 percent of total general fund expenditures. The audit is required to include the activity of the Economic Development Corporation, Public Improvement District No. 1, Public Improvement District No. 2 and Hickory Farms Public Improvement District. The EDC total fund balance was \$2,545,414. The Public Improvement District No. 1 total fund balance was \$271,415. The Public Improvement District No. 2 total fund balance was \$483,104. Hickory Farms Public Improvement District total fund balance was \$356,326.

15. Consider and act on a final plat of Alpha-Omega Hickory Creek Addition, Lot 1, Block A, 2.895 acres, 8560 S. Stemmons Freeway, situated in the Susan McCarroll Survey, Abstract No. 958, Town of Hickory Creek, Denton County, Texas.

Chris Morphew, owner of Reliant Construction, representing Alpha-Omega answered questions from the town council.

Motion made by Councilmember Gordon to approve a final plat of Alpha-Omega Hickory Creek Addition, Lot 1, Block A, 2.895 acres, 8560 S. Stemmons Freeway, situated in the Susan McCarroll Survey, Abstract No. 958, Town of Hickory Creek, Denton County, Texas, Seconded by Councilmember Theodore.

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Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

16. Consider and act on a site and landscape plan for Alpha-Omega Hickory Creek Addition, Lot 1, Block A, 2.895 acres, 8560 S. Stemmons Freeway, situated in the Susan McCarroll Survey, Abstract No. 958, Town of Hickory Creek, Denton County, Texas.

Motion made by Councilmember Theodore to approve the site and landscape plan for Alpha-Omega Hickory Creek Addition, Lot 1, Block A, 2.895 acres, 8560 S. Stemmons Freeway, situated in the Susan McCarroll Survey, Abstract No. 958, Town of Hickory Creek, Denton County, Texas, Seconded by Councilmember Gibbons.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

17. Consider and act on a final plat for The Olana at Hickory Creek, Lot 1, Block 1: being 38.8780 acres, H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas.

No action taken.

18. Consider and act on a site and landscape plan for The Olana at Hickory Creek, Lot 1, Block 1: being 38.8780 acres, H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Denton County, Texas.

No action taken.

19. 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 for professional services concerning Denton County TRIP22 road bond projects by and between the Town of Hickory Creek and Halff Associates, Inc.

Lee Williams and Kevin Gronwaldt, Halff Associates, provided an overview of the road bond projects including scope, schedule, fees and answered questions from the town council.

Motion made by Councilmember Gordon to approve a resolution of the Town Council to execute an agreement for professional services concerning Denton County TRIP22 road bond projects by and between the Town of Hickory Creek and Halff Associates, Inc. and provide a supplemental schedule to be authorized at the February 27th with liquidated damage detail and add the ability to remove the Carlisle portion as needed along with reduction of fees, Seconded by Councilmember Theodore.

Motion made by Councilmember Theodore to amend the motion, removing the language to provide a supplemental schedule to be authorized at the February 27th meeting with liquidated damage detail, Seconded by Councilmember Gibbons.

Voting Yea on the amendment to the motion: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. The Amendment to the Motion passed unanimously.

Voting Yea on the original motion as amended: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

20. Consider and act on repairing or replacing patrol boat.

Motion made by Councilmember Theodore to repair the patrol boat in an amount not to exceed \$38,000.00, Seconded by Councilmember Gibbons.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

21. Consider and act on a provisional amendment to the Town of Hickory Creek Personnel Policy Manual; Section 9.20: Inclement Weather.

Motion made by Councilmember Gibbons to suspend Section 9:20 from January 30, 2023 to February 2, 2023 and grant three personal days to be used by September 30, 2023, Seconded by Councilmember Theodore.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

Mayor Clark called for a recess at 8:22 p.m.

Mayor Clark called the meeting back to order after the recess at 8:30 p.m.

22. Discussion regarding emergency preparedness.

Discussions regarding the impact of the recent inclement weather were held. Details regarding communications with Denton County Judge Any Eads, Eric Hutmacher, Director of Denton County Emergency Management, town staff and others throughout the inclement weather were provided. Social media updates were provided daily. Public Works sanded the roadways and the Police Department remained fully staffed.

23. Discussion regarding an online platform to purchase Hickory Creek Branded Merchandise.

Discussion was held regarding an online platform to purchase Hickory Creek Branded Merchandise.

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

Chief Dunn and Mayor Clark attended the annual Denton County Mayors Crime Prevention Luncheon; topics discussed included recruitment/retention of law enforcement officers, homelessness, and mental health issues. The department has participated in several school activities including Career Day, "Books with Bear" and Senior Thesis Night. Chief Dunn provided statistics regarding motor vehicle accidents on Interstate 35E.

25. Receive update from Town Council board liaisons regarding activity of boards and commissions since the November 2022 council meeting and discuss same.

Parks and Recreation will meet on February 13, 2023. Updates on Sycamore Bend Road Construction and Town Hall Park will be discussed.

Councilmember Theodore and John Smith, Town Administrator have been appointed to serve on the TML Broadband Advisory Committee.

**Executive Session**

In accordance with Texas Local Government Code, Chapter 551, the Town Council convened into executive session at 9:22 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 551.074**

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

26. Review of individual employees' performance.

**Reconvene into Open Session**

The Town Council reconvened into open session at 9:59 p.m.

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

Motion made by Councilmember Gibbons to authorize the town administrator to proceed as directed in executive session, Seconded by Councilmember Theodore.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

**Future Agenda Items**

The following item was requested: foster program for Animal Shelter.

**Adjournment**

Motion made by Councilmember Theodore to adjourn the meeting, Seconded by Councilmember Gibbons.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

The meeting did then stand adjourned at 10:01 p.m.

Approved:

Attest: