

**STATE OF TEXAS
COUNTY OF DENTON
TOWN OF HICKORY CREEK**

The town council of the Town of Hickory Creek, Texas convened in a regular session on March 20, 2018 at 6:30 p.m. in the council chambers, located at 1075 Ronald Reagan Avenue. Notice of the meeting was posted as required by Title 5, Chapter 551 of the Texas Government Code. The following members were present and constituted a quorum of members:

Lynn Clark, Mayor
Tracee Elrod, Councilmember Place 1
Richard DuPree, Councilmember Place 2
Chris Gordon, Councilmember Place 3
Paul Kenney, Mayor Pro Tem arrived at 8:30 p.m.
Ian Theodore, Councilmember Place 5

Also in attendance were:

John M. Smith, Jr., Town Administrator
Kristi K. Rogers, Town Secretary
Carey Dunn, Chief of Police
Chris Chaudoir, Administrative Assistant
Lance Vanzant, Town Attorney

Mayor Clark called the meeting to order at 6:31 p.m.

Mayor Clark led the Pledge of Allegiance to the U.S. and Texas Flags.

Councilmember Theodore gave the invocation.

Items of Community Interest

The Great American Cleanup will take place on Saturday, March 24, 2018. Volunteers will meet at the WalMart parking lot and then proceeded to the parks.

Kids and Tailwaggers benefiting the Boys & Girls Clubs of North Central Texas will be held on Saturday, March 31, 2018.

Residents have the ability to report street light outages on the town's website by clicking report a streetlight outage. The link goes directly to Oncor's site where you can submit your name and address.

Lakeview at Point Vista will hold the annual neighborhood spring garage sale on Saturday, April 7, 2018, 8:00 a.m. until 12:00 p.m.

Public Comment

Melody Dean, 1500 Turbeville Road, stated she is here with her husband and neighbors who are current residents of Hickory Creek Estates Park. She and her husband have lived in the park since 2012. The park is a community within a community, with hard working families that contribute financially to the Town of Hickory Creek and the Lake Cities area. She would like to thank Ron Furtick for his ongoing efforts on the behalf of the residents and the Hickory Creek Police Department for always keeping residents safe.

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Mike Cox, 214 Strait Lane, stated he would like for the council to consider zoning changes to increase the tax base with commercial development and installing fire hydrants in the Harbor Grove Subdivision.

Don Ford, 1500 Turbeville Road, stated the residents of Hickory Creek Estates have no other place to go if the park is shut down. There is no drug activity. The residents are human beings and need a place to live as well.

Miguel Antonio Reyes, 1500 Turbeville Road, stated he has lived in the park for eight months. He has two autistic children who are in school. He thanked Ron Furtick for giving his family the opportunity to be part of the community where his children are accepted. They have met so many friends and are opening up to teachers. He asked the park not to be shut down for the sake of his children.

Allegra Shea, 1500 Turbeville Road, stated she grew up in Highland Village but as a child would come visit her grandma and dogs in the park. Last year she needed a place to live and moved into the park. She is grateful for her friends and neighbors. She hopes to continue to live here.

Ron Furtick, 1500 Turbeville Road, stated he loves this little town and is sad it is being destroyed. A RaceTrac gas station will be approved, only the fifth gas station in a one block area. A nice restaurant is needed far more than another gas station. Swisher is now looking more like 121 Business than Legacy Boulevard or other good examples of what development should occur here. The council has refused to pass his zoning to allow high quality mixed use development. Commercial land has been downzoned to single family subdivisions thus ruining the future tax base. He does not think the town can survive much more of the current administration. He is distressed at the levels of corruption in city hall. The argument used to attack his park is that property values would go up if he was no longer in business. The council had mismanaged the development economy. Land prices all over Hickory Creek are dropping and that is why the council is so eager to purchase land. Town hall is rapidly becoming a major land owner. Hickory Creek has a Code of Ethics that states, "In order to assure their independence and impartiality on behalf of the public good, the mayor, council, liaisons and advisory board members are prohibited from using their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would represent or imply a conflict of interest under applicable state law." The council is attacking Mr. Furtick on the premise his park is dragging down property values. The EDC owns the property right next to his and would benefit directly from the actions the council is attempting to pursue. One councilmember and the Mayor sit on the EDC board. This is a clear and obvious conflict of interest and a breach of ethics laws both locally and by state statute. Mr. Furtick presented the town administrator an ethics complaint and he would like for the ethic board to hear the complaint in the next thirty days.

Robert Taylor, 1500 Turbeville Road, stated he would like to thank the Town of Hickory Creek for allowing the residents to live here and Ron Furtick for the compassion he shows his tenants.

Hope Korf, 409 Hilltop Lane, stated she would like for sidewalks to be placed in Harbor Grove Subdivision for the safety of children playing. Her daughter just informed her that she has friends that live in the trailer park that could be closed. She doesn't want her daughter to lose friends if the park is closed just to build something else. Maybe the community could come together to improve the trailer park. Please keep in the mind the children that will lose their homes.

Randy Wahl, 1688 Turbeville Road, stated he feels the town is harassing Mr. Furtick. He believes the council's actions are borderline civil rights violations. The town thinks they are better than others. He personally was severely harassed as a councilmember. He is also surprised that the city attorney is not directing council differently. The property will develop someday. He also disagrees with the proposed gas station. More restaurants are needed.

Item B - Public Hearing

No public hearing.

Item C – Consent Agenda Items

1. February 2018 Council Meeting Minutes
2. February 2018 Financial Statements
3. Consider and act on a contract between the U.S. Army Corp of Engineers and the Town of Hickory Creek for increased law enforcement services for Lewisville Lake 2018.

Motion: made by Councilmember Gordon to approve consent agenda Items C1 and C3 as presented. Motion seconded by Councilmember Theodore.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

Item D – Regular Agenda Items

D (1) - Presentation regarding Denton County Friends of the Family from Randi Skinner and Kimberly Shields.

Randi Skinner, Director of Marketing and Development, stated the purpose and mission of the Friends of the Family is to provide compassionate comprehensive services for victims of domestic violence, sexual abuse and rape. This is accomplished with partnering with the community to promote safety, hope, healing, justice and prevention for victims. In addition to the services provided, Friends of the Family have an amazing prevention team that provides community education. She encourages the town to become more involved through community initiatives including educational events and the Friends of the Badge luncheon.

D (2) - Presentation regarding Upper Trinity Regional Water District from Jason Pierce, Manager of Watershed & Contract Services.

Jason Pierce provided an overview regarding a county wide initiative that began two years ago through a collaborative effort between Denton County, Upper Trinity Water District, and the Upper Trinity Conservation Trust known as the Denton County Greenbelt Plan. A greenbelt is the wooded vegetative area along creeks and streams that filter out harmful pollutants before it enters water reservoirs. Lake Lewisville is a major water supply source. The voluntary plan identifies strategic areas to preserve greenbelts and includes implementation tools. Another aspect of the plan is the conversation trust which protects natural areas of land. It allows the property owner to continue to own and use the land. It limits development rights, and it runs with the land perpetuity.

D (3) - Consider and act on a resolution by the Town of Hickory Creek recognizing the necessity of protecting the natural areas (greenbelts) adjacent to creeks and other waterways; adopting the Denton County Greenbelt Plan as a tool for preserving greenbelts; endorsing the plan as an urgent regional program for the county, cities, towns and utilities to help protect water quality in local watersheds; and expressing Town of Hickory Creek's intent to participate in implementing strategies that will preserve and protect the environment and safeguard the public welfare.

Motion: made by Councilmember Theodore to approve Item D (3) as stated. Motion seconded by Councilmember DuPree.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (4) - Consider and act on a request from Michael and Melody Ennis for a final plat of Lot 1, Block A of Altamira Addition, being 5.752 acres in the M.E.P & P.R.R. Co. Survey A-915 and the W. Luttrell A0740A in the ETJ of the Town of Hickory Creek, Denton County, Texas. The property is located at 1166 Sycamore Bend Road.

Motion: made by Councilmember Gordon to approve a request from Michael and Melody Ennis for a final plat as presented. Motion seconded by Councilmember Elrod.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (5) - Consider and act on granting an exception to RaceTrac from the Hickory Creek Code of Ordinances Chapter 3: Building Regulations, Article 3.08 Signs; Section 3.08.013 (q), Pole Signs; Section 3.08.013 (k) Illuminated Sign; Section 3.08.011 (d) and (k) Maximum Size of Sign; and Section 3.08.010(b) Wall Sign Height.

Laura Hoffman and Andrew Melzer, representing RaceTrac Petroleum, provided an overview to the town council including visuals depicting the marketing wall signage and the illuminated pole sign. Discussions continued regarding the exception request for the signage.

Motion: made by Councilmember Theodore to grant an exception to RaceTrac for signage to include a 100-square foot pole sign fronting FM 2181, a 50-square foot monument sign on Hickory Creek Boulevard, both signs to be double sided with LED numbers, and 7-foot sign boards affixed to the building. Motion seconded by Councilmember DuPree.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (6) - Consider and act on a site and landscape plan for RaceTrac, located at 4320 FM2191, legally described as Hickory Creek Marketplace Addition, Block 1, Lot 1 (pt), Town of Hickory Creek, Denton County, Texas.

Motion: made by Councilmember Gordon to approve the site and landscape plan for RaceTrac as presented. Motion seconded by Councilmember Elrod.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (7) - Presentation regarding the Lake Cities Fire Department from Assistant Chief Michael Ross.

Assistant Chief Michael Ross, provided an overview to council regarding the Lake Cities Fire Department including staffing, department duties and responsibilities, department affiliations and department divisions which include operations, administrative, fire prevention bureau, emergency management, emergency medical services, and support services. Statistics and information was provided for incidents for the last three years, incidents by municipality, training and community safety. The department will have an ISO evaluation in the coming weeks. Currently the response area has an ISO rating of 4/9 out of 10. The new headquarters and Fire Station 3 facility will be completed in April and a grand opening will be held on April 28, 2018.

D (8) - Consider and act on authorizing the town administrator to explore a potential partnership with Harbor Grove Water Supply for fire hydrants.

John Smith, town administrator, Assistant Chief Michael Ross, Rick Fengler, Harbor Grove Water Supply President and the town council discussed the importance of fire hydrants for the safety of Harbor Grove residents.

Motion: made by Councilmember Theodore to authorize the town administrator to negotiate an agreement between Harbor Grove Water Supply, Lake Cities Municipal Utility Authority and the Town of Hickory Creek for fire hydrants in the Harbor Grove Subdivision with the town prepared to expend the dollars necessary for said services. Motion seconded by Councilmember Elrod.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

Mayor Clark called for a recess at 9:08 p.m.

Mayor Clark called the meeting back to order after the recess at 9:16 p.m.

D (9) - Consider and act on bids submitted for the Turbeville - Point Vista Road Reconstruction.

Motion: made by Councilmember Theodore to accept the bid submitted by GRod Construction in the amount of \$1,196,987.00 and \$242,773.33 for sidewalks. Motion seconded by Councilmember Elrod.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

Councilmember Theodore recused himself from the council chambers.

D (10) - Consider and act on bids submitted for the 2018 Hickory Creek Remote Video Surveillance project.

Chief Carey Dunn provide an overview on the bids received.

Motion: made by Councilmember Gordon to accept the bid from Sology Solutions not to exceed \$125,000.00. Motion seconded by Councilmember DuPree.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon and Councilmember Kenney.

Nays: None

MOTION PASSED UNANIMOUSLY

Councilmember Theodore returned to the council chambers at 10:08 p.m.

D (11) - Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances; Chapter 10 Subdivision Regulations Article VIII, Plat Requirements.

Chris Chaudoir provided an overview to the council on the detail of the amendment proposed.

Motion: made by Councilmember Kenney to approve Item D (11) as presented. Motion seconded by Councilmember Theodore.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (12) - Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 12; Parking, Article 12.05, Stopping, Standing, and Parking; Section 12.05.007 Parking in Residential Districts or on property used for residential purposes and Section 12.05.008, On-Street Parking.

Chris Chaudoir provided an overview to the council on the detail of the amendment proposed.

Motion: made by Councilmember Theodore to approve Item D (12). Motion seconded by Councilmember Gordon.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (13) - Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 14 Zoning, Article IV: Zoning Districts and Waste Requirements.

Chris Chaudoir provided an overview to the council on the detail of the amendment proposed.

Motion: made by Councilmember Gordon to approve an ordinance of the Town Council of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 14 Zoning, Article IV: Zoning Districts and Waste Requirements. Motion seconded by Councilmember Elrod.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (14) - Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement by and between the Town of Hickory Creek, Texas and Centurion America.

The agreement is in reference to Hickory Creek Public Improvement District No. 2 Bond Issuance (Steeplechase South Subdivision). The developer will provide funds in the amount of \$50,000.00 for expenses that will be incurred including, but not limited to, professional services, legal publications, notices, reproduction of materials, public hearing expenses, recording of documents, engineering fees, attorney fees, special consultant fees and fees for administrative time of Town staff.

Motion: made by Councilmember Elrod to approve a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement by and between the Town of Hickory Creek, Texas and Centurion America. Motion seconded by Councilmember Gordon.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (15) - Consider and act on a blanket agreement by and between the State of Texas through the Texas Department of Transportation and the Town of Hickory Creek, Texas for construction, maintenance and operation of a safety lighting system controlled by the Texas Department of Transportation for the 35Express project.

Item D (15) tabled. No action taken.

D (16) - Consider and act on nomination of the 2017 Hickory Creek Business of the Year.

Motion: made by Councilmember Theodore to recognize Whataburger as the 2017 Hickory Creek Business of the Year. Motion seconded by Councilmember Elrod.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (17) - Consider and act on nomination of the 2017 Hickory Creek Citizen of the Year.

Motion: made by Councilmember DuPree to recognize Robert and Mary Armstrong as the 2017 Hickory Creek Citizen of the Year. Motion seconded by Councilmember Elrod.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (18) - First reading of a resolution of the Town Council of the Town of Hickory Creek, Texas, approving a Type B economic development project by authorizing the Hickory Creek Economic Development Corporation to acquire approximately 1.193 acre tract or tracts of land.

D (19) - Second reading of a resolution and consideration and action by the Town Council of the Town of Hickory Creek, Texas, approving a Type B economic development project by authorizing the Hickory Creek Economic Development Corporation to acquire approximately 1.193 acre tract or tracts of land.

Motion: made by Councilmember Gordon to approve resolution and consideration and action by the Town Council of the Town of Hickory Creek, Texas, approving a Type B economic development project by authorizing the Hickory Creek Economic Development Corporation to acquire approximately 1.193 acre tract or tracts of land. Motion seconded by Councilmember Elrod.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (20) - Discussion regarding a bass fishing tournament for veterans.

Discussion was held regarding a bass fishing tournament for veterans.

Item E - Executive Session: The Town Council will convened into executive session at 10:52 p.m. pursuant to Texas Government Code 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 to deliberate the purchase, exchange, lease or value of real property and Section 551.087, Deliberation regarding Economic Development Negotiations, to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the government body seeks to have locate, stay or expand in or near the territory of the government body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

1. Discussion regarding potential retail development.
2. Discussion regarding the purchase of approximately 7.41 acre tract or tracts of land.

Item F - Reconvene into Open Session: The Town Council reconvened into open session at 11:40 p.m.

1. Discussion regarding potential retail development.

Motion: made by Councilmember Gordon to enter into negotiations for an economic development agreement and/or an incentive package for a potential commercial development. Motion seconded by Councilmember DuPree

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

2. Discussion regarding the purchase of approximately 7.41 acre tract or tracts of land.

Motion: made by Councilmember Elrod to authorize the town administrator to take all necessary action to make an offer on a 7.41 acre tract of land under the terms and conditions discussed in executive session. Motion seconded by Councilmember Kenney

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

Item G – Adjournment

Motion: made by Councilmember Elrod to adjourn the meeting. Motion seconded by Councilmember Theodore.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

The meeting did then stand adjourned at 11:42 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek