

**REGULAR MEETING OF THE TOWN COUNCIL  
HICKORY CREEK TOWN HALL  
1075 RONALD REAGAN, HICKORY CREEK, TEXAS  
TUESDAY, APRIL 16, 2019**

**MINUTES**

**Call to Order**

“Mayor for a Day” Evan Jones called the meeting to order at 6:30 p.m.

**Roll Call**

The following members were present:

Mayor Lynn Clark

Councilmember Tracee Elrod

Councilmember Chris Gordon

Mayor Pro Tem Paul Kenney

Councilmember Ian Theodore

The following member was absent:

Councilmember Richard DuPree

Also in attendance:

John M. Smith, Jr., Town Administrator

Kristi K. Rogers, Town Secretary

Trey Sargent, Town Attorney

**Pledge of Allegiance to the U.S. And Texas Flags**

“Mayor for a Day” Evan Jones led the Pledge of Allegiance to the U.S. and Texas Flags.

**Invocation**

Mayor Pro Tem Kenney gave the invocation.

**Presentation of Awards**

1. 2018 Business of the Year

Mayor Clark presented the 2018 Business of the Year award to AMC Classic Hickory Creek 16.

2. 2018 Scholars of the Year

Mayor Clark presented the 2018 Scholars of the Year awards to Amanda Lawrence and Gratzelly Marquez.

3. 2018 Sportsman of the Year

Mayor Clark presented the 2018 Sportsman of the Year award to Hayden Brockenbush.

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4. 2018 Sportswoman of the Year

Mayor Clark presented the 2018 Sportswoman of the Year award to Mercedes Zaragoza.

5. Susan Irwin

Susan Irwin was not in attendance.

6. Andrew Bingham

Mayor Clark presented a plaque of appreciation to Andrew Bingham for completion of his Eagle Scout project in Sycamore Bend Park.

7. David Pellecchia

Mayor Clark presented a plaque of appreciation to David Pellecchia for completion of his Eagle Scout project in Sycamore Bend Park.

### **Proclamations**

8. May 2019 as Motorcycle Safety and Awareness

Mayor Clark proclaimed May 2019 as Motorcycle Safety & Awareness Month in the Town of Hickory Creek.

9. "Mayor for a Day," Evan Jones

Mayor Clark congratulated and recognized Evan Jones as Hickory Creek "Mayor for a Day."

### **Items of Community Interest**

Hickory Creek Master Parks Plan Visioning Session will be held on April 17, 2019 at 6:30 p.m., weather permitting. Residents are encouraged to attend and provide their input.

Board member training will be held at town hall on April 22, 2019 at 6:00 p.m.

Chief Dunn was recognized for the new design of two patrol vehicles.

Lake Cities Serve will be held on May 18, 2019. Volunteers are needed to serve the elderly, disabled and widowed that need assistance with painting, lawn care, home maintenance and minor repairs.

The Town of Hickory Creek is committed to the U.S. Census Bureau 2020 and ensuring every resident is counted.

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**Public Comment**

Diane Ciarloni, 28 Arrowhead Circle, stated she has lived in Hickory Creek for thirty years. Originally when she moved here she did not want a Home Owner's Association determining what three colors she could paint her front door. She has since realized that without a HOA, it is imperative for the town council to regularly review ordinances and code enforcement to enforce the ordinances consistently. The only thing standing between pride of ownership and a neighborhood that starts to look and smell like a tenement, is the town council and code enforcement.

Gary Long, 2 Arrowhead Circle, stated he moved to Hickory Creek three months ago and appreciates anything that could be done regarding the upkeep of the neighborhood. He and his wife are contributing, cleaning bags and bags of trash behind their home adjacent to the Corps of Engineers property line.

Reid Anderson, 4 Arrowhead Circle, stated he has lived in Hickory Creek for twenty five years. He takes pride in his home that was built in 1982 and has spent \$70,000.00 throughout the years, making upgrades to maintain the property. It hurts his heart to know there is nothing he can do about the neighbor's yard washing onto the sidewalk he walks through every morning walking his dog or the neighbor's yard that has more bull thistle than grass in the front yard when the seeds blow into his yard. People in the neighborhood are parking illegally, not cutting their grass or painting the outside of their homes. Code compliance citations should be issued.

Gay Martin, 8 Arrowhead Circle, stated for years she has taken it upon herself to weed areas in her neighborhood because it looks so bad. She doesn't understand how a vehicle could be parked illegally for eleven months without receiving a citation. Please help with the upkeep of the neighborhood through code enforcement.

**Consent Agenda**

10. March 2019 Council Meeting Minutes
11. March 2019 Financial Statements
12. Resolution designating AMC Classic Hickory Creek 16 as the 2018 Business of the Year.
13. Resolution designating Mark Tucker as the 2018 Citizen of the Year.
14. Resolution designating Amanda Lawrence and Gratzelly Marquez as the 2018 Scholars of the Year.
15. Resolution designating Hayden Brockenbush as the 2018 Sportsman of the Year.
16. Resolution designating Mercedes Zaragoza as the 2018 Sportswoman of the Year.
17. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, supporting the U.S. Census Bureau 2020.

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Motion made by Councilmember Gordon to approve consent agenda items 10 through 17 as presented, Seconded by Councilmember Elrod.

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

### Regular Agenda

18. Consider and act on a request from the City of Lake Dallas regarding the de-annexation of three properties legally described as A0284A Cobb, TR 63(PT), 0.3241 Acres; TR 63 (ROW), 0.2159 Acres; and TR 64,0.2066.

John Cabrales, City Manager, City of Lake Dallas, provided information regarding the request. A proposed development in the City of Lake Dallas would cross over into the town limits of Hickory Creek. Lake Dallas would like for the town council to consider the realignment of the city/town limits to regulate the development in order to address ingress/egress, lighting signage and landscaping. Further discussions were held regarding the request.

No action was taken.

19. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, to accept a petition for voluntary annexation of a 24.277 acre tract of land situated in the H.H. Swisher Survey, Abstract No. 1220, Denton County, Texas and being part of that certain tract of land described in a Gift Deed to Ronald Edwin Brown, Sherry Headrick, Rudy Brown, and Teddy Brown, recorded in Volume 4508, Page 703 of the Real Property Records of Denton County, Texas.

Motion made by Councilmember Theodore to approve the resolution as presented, Seconded by Councilmember Gordon.

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

20. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, setting a date, time and place for public hearings of the voluntary annexation of a 24.277 acre tract of land situated in the H.H. Swisher Survey, Abstract No. 1220, Denton County, Texas and being part of that certain tract of land described in a Gift Deed to Ronald Edwin Brown, Sherry Headrick, Rudy Brown, and Teddy Brown, recorded in Volume 4508, Page 703 of the Real Property Records of Denton County, Texas.

Motion made by Councilmember Elrod to approve the resolution as presented and setting the public hearings for May 7, 2019 at 5:30 p.m. and May 21, 2019 at 6:30 p.m., Seconded by Councilmember Gordon.

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

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21. Consider and act on a resolution accepting a petition and setting a public hearing for the creation of the Hickory Farms Public Improvement District within the extraterritorial jurisdiction of the Town of Hickory Creek, Texas; and authorizing the issuance of notice by the town secretary of Hickory Creek, Texas regarding the public hearing.

Motion made by Councilmember Gordon to approve a resolution accepting a petition and setting a public hearing for May 21, 2019 at 6:30 p.m., Seconded by Councilmember Theodore.

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

22. 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 Integra Realty Resources.

Motion made by Councilmember Gordon 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 Integra Realty Resources, Seconded by Councilmember Elrod.

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

23. Consider and act on allocating additional funds, location and design for gateway monument signage.

Tim May, Half Engineering, provided an overview to council regarding gateway monument signage. Three designs and potential locations were presented.

Motion made by Councilmember Gordon to approve the location of a primary monument at the jug handle intersection, design one, Seconded by Councilmember Theodore.

Voting Yea: Councilmember Elrod, Councilmember Gordon, Councilmember Theodore  
Voting Nay: Mayor Pro Tem Kenney. Motion passed.

24. Consider and act on an ordinance providing for the annexation into the Town of Hickory Creek, Texas of territory more specifically described herein and comprising approximately 38.8629 acres of land situated in the H.H. Swisher Survey, Abstract 1120, TR 50 and TR 50A(1)(PT), Denton County, Texas, for all municipal purposes.

Motion made by Councilmember Theodore to approve an ordinance for the annexation into the Town of Hickory Creek as presented, Seconded by Councilmember Gordon.

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

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25. Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute a development agreement by and between the Town of Hickory Creek, Texas and KSW Holding Hickory Creek, LP.

No action taken.

26. Consider and act on a resolution hereby authorizing the Town Administrator of the Town of Hickory Creek, Texas to obtain and secure electric rates and execute necessary documents.

Motion made by Mayor Pro Tem Kenney to approve a resolution authorizing the Town Administrator of the Town of Hickory Creek, Texas to obtain and secure electric rates and execute necessary documents, Seconded by Councilmember Theodore.

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

27. Consider and act on an ordinance of the Town Council of Hickory Creek, Texas, amending the Town's Code of Ordinances, Chapter 1: General Provisions, Article 1.07 Boards and Commissions.

Motion made by Councilmember Gordon to approve an ordinance of the Town Council of Hickory Creek, Texas, amending the Town's Code of Ordinances, Chapter 1: General Provisions, Article 1.07 Boards and Commissions as presented, Seconded by Councilmember Elrod.

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

28. Consider and act on an ordinance of the Town Council of Hickory Creek, Texas, amending the Town's Code of Ordinances, Chapter 14: Zoning; Article XXXII, Board of Adjustment; Article XXXIII, Penalty for Violations; Article XXXIV Amendments; Article XXXV, Validity; Article XXXVI Effective Date and Emergency Declared.

Motion made by Councilmember Theodore to approve the ordinance as presented, Seconded by Councilmember Elrod.

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

29. Discussion regarding Parks, Recreation and Open Space Master Plan.

John Smith, town administrator, provided an overview to council regarding Parks, Recreation and Open Space Master Plan.

30. Discussion regarding current road and sidewalk projects.

John Smith, town administrator, provided an overview to council regarding current road and sidewalk projects.

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### **Executive Session**

The Town Council convened into executive session at 8:52 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; Section 551.074 Personnel Matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 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.

31. Town Attorney
32. Discussion regarding potential economic development agreement related to property located at 1851 Turbeville Road.
33. Discussion regarding certain real property legally described as A1163A J.W. Simmons, TR 37, 19.795 Acres located (South of Swisher Road, East of Ronald Reagan Avenue, North of Turbeville Road and West of Point Vista Road.)
34. Discussion regarding the purchase of tracts of land totaling approximately 7.6 acres.

### **Reconvene into Open Session**

The Town Council reconvened into open session at 10:48 p.m.

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

Motion made by Councilmember Gordon to approve a resolution appointing Trey Sargent as town attorney, Seconded by Councilmember Elrod.

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

### **Adjournment**

Motion made by Councilmember Elrod to adjourn the meeting, Seconded by Councilmember Gordon.

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

The meeting did then stand adjourned at 11:15 p.m.

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Approved:

Attest:

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Lynn C. Clark, Mayor  
Town of Hickory Creek

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Kristi K. Rogers, Town Secretary  
Town of Hickory Creek