

**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 June 19, 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
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
Lance Vanzant, Town Attorney

Mayor Clark called the meeting to order at 6:30 p.m.

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

Councilmember Theodore gave the invocation.

Presentation of Awards

Mayor Clark presented Glenn Williams a plaque of appreciation for his years of service on the Planning and Zoning Commission.

Mayor Clark presented a plaque of appreciation to Cristian Cruz for completion of his Eagle Scout project in Hickory Creek.

Items of Community Interest

Lake Cities 4th of July Celebration will be held on Wednesday, July 4, 2018. The parade will begin at 9:00 a.m. Family- friendly activities and entertainment begin at 4:00 p.m. followed by a fireworks display.

Public Comment

Robert Taylor, 1500 Turbeville Road, thanked the town council for their service. He stated he was happy to be a citizen of this wonderful town. He spoke with Ron Furtick, the owner of Hickory Creek Estates, and Mr. Furtick is really interested in working with the council regarding the future of Hickory Creek and developing a downtown.

Gabriela Rawlings, 2323 Ross Avenue Suite 600, Dallas Texas, stated she was here on behalf of Al Goldfield and Shirley Abernathy who accepted an assignment from the developer of the assessments from Hickory Creek Public Improvement District No. 2 to cover a portion of the cost of land. Now that the assessments are being assigned to bonds, Mr. Goldfield and Ms. Abernathy would like to confirm they will receive the full amount owed of \$660,807.61 from the developer's reimbursement portion of the Hickory Creek PID No. 2 bond proceeds.

Item B - Public Hearing

B (1) - Public Hearing: To hear public opinion regarding the proposed assessments to be levied against the assessable property within the Hickory Creek Public Improvement No. 2 District (the "District") pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended (the "Act").

Mayor Clark called the public hearing to order at 6:39 p.m.

Gabriela Rawlings stated the comments she made during public comment pertained to the public hearing.

With no one else wishing to speak, the public hearing was closed at 6:40 p.m.

Item C – Consent Agenda Items

1. May 2018 Council Meeting Minutes
2. May 2018 Financial Statements
3. 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 and Denton County, a political subdivision of the State of Texas for ad valorem tax collection.
4. 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 and Denton County, a political subdivision of the State of Texas for Hickory Creek Public Improvement District No. 1 assessment collection.
5. 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 and Denton County, a political subdivision of the State of Texas for Hickory Creek Public Improvement District No. 2 assessment collection.

Motion: made by Councilmember Kenney to approve consent agenda Items C1 through C5 as presented. Motion seconded by Councilmember Elrod.

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

Nays: None

MOTION PASSED UNANIMOUSLY

Item D – Regular Agenda Items

D (1) - Consider and act on an ordinance accepting and approving an amended and restated service and assessment plan and assessment rolls for the Hickory Creek Public Improvement District No. 2; making a finding of special benefit to the property in the district; levying special assessments against property within improvement area #2 of the district and establishing a lien on such property; providing for payment of the assessments in accordance with chapter 372, Texas Local Government Code, as amended; providing for the method of assessment and the payment of the assessments, providing penalties and interest on delinquent assessments, providing for severability, and providing an effective date.

Mary Petty, P3Works, PID administrator for the town, provided an overview of the amended and restated service and assessment plan and assessments rolls for Hickory Creek Public Improvement District No. 2.

Jeff Gulbas, McCall Parkhurst & Horton, bond counsel for the town, provided an overview of the ordinance as it relates to improvement area #1 and improvement area #2.

Motion: made by Councilmember Gordon to approve Ordinance No. 2018-06-796 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 (2) - Consider and act on an ordinance authorizing the issuance of the "Town of Hickory Creek, Texas Special Assessment Revenue Bonds, Series 2018 (Hickory Creek Public Improvement District No. 2)"; approving and authorizing an indenture of trust, a bond purchase agreement, a continuing disclosure agreement and other agreements and documents in connection therewith; making findings.

John Martin, Hilltop Securities, financial advisor for the town, provided an overview of the results of the bond sale.

Jeff Gulbas, McCall Parkhurst & Horton, bond counsel for the town, provided an overview of the indenture of trust, bond purchase agreement and continuing disclosure agreement.

Tripp Davenport, FMSbonds, bond underwriter, thanked staff, the financial advisor, bond counsel and the developer team for their work preparing for the bond issuance and the opportunity to participate in the transaction.

Kirk Wilson, T. Wilson and Associates, representing the developer, thanked the staff and the entire professional team for the town. In response to the official statement from Ms. Rawlings on behalf of Al Goldfield and Shirley Abernathy successors in the interest of AS Gold, the amount owed will be wired in full at closing.

Motion: made by Councilmember Gordon to approve an ordinance authorizing the issuance of the Town of Hickory Creek, Texas Special Assessment Revenue Bonds, Series 2018 as presented. Motion seconded by Councilmember DuPree.

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

Nays: None

MOTION PASSED UNANIMOUSLY

D (3) - Consider and act on a resolution by the Town of Hickory Creek, Texas suspending the effective date for ninety days in connection with the rate increase filing made on about June 1, 2018 by Atmos Energy for its Midtex Division.

Motion: made by Councilmember Kenney to approve a resolution by the Town of Hickory Creek, Texas suspending the effective date for ninety days in connection with the rate increase filing made on about June 1, 2018 by Atmos Energy for its Midtex Division. Motion seconded by Councilmember Elrod.

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

Nays: None

MOTION PASSED UNANIMOUSLY

D (4) - Consider and act on a resolution authorizing the Town Administrator of the Town of Hickory Creek, Texas to execute an agreement for the purchase of untreated water by and between the Town of Hickory Creek and the City of Dallas.

Motion: made by Councilmember Elrod to approve a resolution authorizing the Town Administrator of the Town of Hickory Creek, Texas to execute an agreement for the purchase of untreated water by and between the Town of Hickory Creek and the City of Dallas. Motion seconded by Councilmember Theodore.

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

Nays: None

MOTION PASSED UNANIMOUSLY

D (5) - Consider and act on a resolution authorizing the Town Administrator of the Town of Hickory Creek, Texas to execute an agreement for playground safety inspections by and between the Town of Hickory Creek and ENVIRONMENTS & Co.

Motion: made by Councilmember Gordon to approve resolution 2018-0619-6 in amount not to exceed \$1,750.00. Motion seconded by Councilmember DuPree.

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

Nays: None

MOTION PASSED UNANIMOUSLY

D (6) - Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement for USPS postage meter and postal services by and between the Town of Hickory Creek and Neopost.

Motion: made by Councilmember Theodore to approve resolution 2018-0619-7 as presented.
Motion seconded by Councilmember Elrod.

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

Nays: None

MOTION PASSED UNANIMOUSLY

D (7) - Consider and act on terminating an agreement between SyncSys Corporation LLC. and the Town of Hickory Creek.

No action taken.

D (8) - 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 Municipal Code Corporation.

No action taken.

Mayor Clark called for a recess at 7:27 p.m.

Mayor Clark called the meeting back to order after the recess at 7:41 p.m.

D (9) - Discussion regarding amending the Town's Code of Ordinances, Chapter 3 Building Regulations, Article 3.08 Signs.

The town council, town administrator and town attorney discussed amending the Town's Code of Ordinances, Chapter 3 Building Regulations, Article 3.08 Signs

D (10) - Consider and act on a proposal regarding audio and video equipment in the town council chambers from The Starpower.

No action taken.

D (11) - Discussion regarding current road and sidewalk projects.

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

D (12) - Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute a municipal advisory agreement by and between the Town of Hickory Creek and Hilltop Securities Inc.

Motion: made by Councilmember Theodore to approve a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute a municipal advisory agreement by and between the Town of Hickory Creek and Hilltop Securities Inc. Motion seconded by Councilmember Elrod.

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

Nays: None

MOTION PASSED UNANIMOUSLY

Item E - Executive Session The Town Council convened into executive session at 8:32 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.

1. Discussion regarding 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.)
2. Discussion regarding legal representation for the Town of Hickory Creek.

Item F - Reconvene into Open Session: The Town Council reconvened into open session at 10:47 p.m.

1. Discussion regarding 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.)

Motion: made by Councilmember Theodore to direct the town administrator to move forward as discussed in executive session. Motion seconded by Councilmember Gordon.

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

Nays: None

MOTION PASSED UNANIMOUSLY

2. Discussion regarding legal representation for the Town of Hickory Creek.

Motion: made by Councilmember Gordon to direct the town administrator to proceed as directed in executive session. Motion seconded by Councilmember Theodore.

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.

Town of Hickory Creek
June 19, 2018
Page 7

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

Nays: None

MOTION PASSED UNANIMOUSLY

The meeting did then stand adjourned at 10:49 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek