

**REGULAR MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
MONDAY, JANUARY 27, 2020**

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 Tracee Elrod
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 Theodore gave the invocation.

Presentation of Awards

1. Kevin Ricer

Kevin Ricer was not in attendance.

Proclamations

2. Town of Hickory Creek, Texas a Purple Heart Town

Mayor Clark proclaimed the Town of Hickory Creek, Texas a Purple Heart Town. Sr. Vice Commander Gus Wittschack accepted the proclamation on behalf of the Military Order of the Purple Heart.

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Items of Community Interest

The Parks, Recreation and Open Space Master Plan Steering committee will meet on Wednesday, January 29, 2020 at 6:30 p.m.

Public Comment

Nancy True, 12 Tanglewood Drive, stated she has concerns regarding utilizing cell towers in the parks and neighborhoods as a broadband solution. Assumption that these expanding technologies are harmless is so prevalent, most people do not consider the health concerns. She did as well, until a near-death episode in 2013, when she discovered the health challenges that accompany exposure. Contributing to her recovery has been avoidance of big tech toxicity which is what attracted her to Hickory Creek when she purchased her home in August 2019. She provided “Physicians for Safe Technology, Cell Town Health Effects,” for the council to review and urged the council to not allow cell towers to be constructed in Hickory Creek. There are other broadband solutions that are fantastic.

Consent Agenda

3. November 2019 Council Meeting Minutes
4. November 2019 Financial Statements
5. December 2019 Financial Statements
6. Consider and act on an ordinance of the Town Council of Hickory Creek, Texas ordering an election to be held on May 2, 2020 for the purpose of electing a Mayor and Town Council Members to Place 2 and Place 4.
7. Consider and act on an ordinance of the Town Council of Hickory Creek, Texas, amending the Town's Code of Ordinances, Chapter 12: Traffic and Vehicles: Article 12:06 Motorized Carts.
8. Consider and act on an ordinance of the Town Council of Hickory Creek, Texas, amending the Code of Ordinances of the Town of Hickory Creek, Texas, Chapter 3: Building Regulations, Article 3.11: Solar Panel Standards.
9. Consider and act on an ordinance of the Town Council of Hickory Creek, Texas, amending the Town's Code of Ordinances, Chapter 3: Building Regulations, Article 3.07: Floods and Drainage.
10. Consider and act on a resolution of the Town Council of Hickory Creek, Texas, hereby amending the Master Application and Fee Schedule.
11. Consider and act on a resolution of the Town of Hickory Creek, Texas authorizing the issuance of a water well drilling permit for 199 Country Lane, Hickory Creek, Texas.

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12. Consider and act on 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 a Memorandum of Understanding by and between the Town of Hickory Creek, Texas and McCreary, Veselka, Bragg and Allen, P.C.
13. Consider and act on Change Order No. 2 for the 2019 Sidewalk Improvements project.

Motion made by Councilmember DuPree to approve Item 3 -13 as presented, Seconded by Councilmember Gordon.

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

Regular Agenda

14. Presentation of the 2018-2019 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, 2019. The assets and deferred outflows of resources of the Town of Hickory Creek exceeded its liabilities at September 30, 2019 by \$14,485,676. Of this amount \$2,616,936 may be used to meet the government's ongoing obligations to citizens and creditors. As of September 30, 2019, the Town of Hickory Creek's governmental funds reported combined ending fund balance of \$4,970,069, a decrease of \$91,612 in comparison with the beginning of the period. Approximately 61 percent of this total amount, \$3,037,645 is available for spending at the government's discretion. At the end of the current period, unassigned fund balance for the general fund was \$3,037,645 or 75.42 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 \$1,574,053. The Public Improvement District No. 1 total fund balance was \$304,147. The Public Improvement District No. 2 total fund balance was \$415,057. Hickory Farms Public Improvement District total fund balance was \$3,730,120.00.

15. Presentation regarding the United States Census 2020 from Tenishea Turner.

Tenishea Turner, U.S. Census Bureau Partnership Specialist, provided an overview to the town council of the importance of the 2020 Census.

16. Presentation from Dunaway Associates regarding a Comprehensive Plan Update.

Elizabeth McIlrath, Dunaway Associates Park Planner, introduced Jennifer Reiner, Project Manager and Barry Hudson, Planning Manager with Dunaway Associates and Andrea Thomas with National Service Research. An overview of the process in updating the comprehensive plan was provided and questions from the town council were answered.

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17. Presentation regarding the Lake Cities Fire Department from Chief Michael Ross.

Chief Michael Ross provided an overview of the process, key findings and recommendations regarding the Operational and Administrative Analysis prepared by the Center for Public Safety Management for the Lake Cities Fire Department.

18. Consider and act on a resolution of the Town of Hickory Creek, Texas approving the Hickory Creek Public Improvement District No. 2 2020 Amended Service and Assessment Plan, including proposed reallocation of the assessment roll; directing the filing of the proposed reallocation of the assessment roll with the town secretary; calling a public hearing to consider an ordinance reallocating assessments on the public improvement district.

Kyle Sikorski, P3 Works, provided an overview to the council regarding the reallocation of assessments related to Hickory Creek Public Improvement District No. 2.

Motion made by Councilmember Gordon to approve the Hickory Creek Public Improvement 2020 Amended Service and Assessment Plan, including proposed reallocation of the assessment roll; directing the filing of the proposed reallocation of the assessment roll with the town secretary; calling a public hearing for February 24, 2020 at 6:00 p.m. to consider an ordinance reallocating assessments on the public improvement district, Seconded by Councilmember Theodore.

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

19. Consider and act on a replat of lots 1R and 2R, Block A Steeplechase South Addition, an 8.05 acre tract being all of Lot 1, Block A of Steeplechase South Addition situated in the M.E.P. & P.R.R. Company Survey, Abstract No. 915, Town of Hickory Creek, Denton County, Texas.

Motion made by Councilmember Theodore to table Item 19, Seconded by Councilmember DuPree.

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

20. Reconvene a public hearing continued from November 25, 2019 on a request from CTMGT Turbeville LLC. to modify the zoning designation of PD – Planned Development on a 6.72 acre portion of an 8.0454 acre tract of land legally described as Steeplechase South Addition, Block A, Lot 1, and consider and act on an ordinance adopting the same. The property is located in the 1900 Block of Turbeville Road.

Mayor Clark called the public hearing to order at 7:37 p.m.

Motion made by Councilmember Theodore to continue the public hearing until the next council meeting, Seconded by Councilmember Gordon.

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

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21. Consider and act on 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 a Memorandum of Understanding by and between the Town of Hickory Creek, Texas and the Cross Timbers Equestrian Trail Association and the U.S. Army Corps of Engineers, Fort Worth District.

Motion made by Councilmember Elrod to table Item 21. Seconded by Councilmember DuPree.

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

22. Discussion regarding the 2019 Hickory Creek Business of the Year.

The following were nominated for 2019 Hickory Creek Business of the Year: Clean & Green Car Wash, Elm Fork, IHop, Pho Luv, RaceTrac, Starbucks and The Olana.

23. Discussion regarding the 2019 Hickory Creek Citizen of the Year.

The following were nominated for 2019 Hickory Creek Citizen of the Year: Linda Cawley, Martha Rann and Lisa Rowell.

24. Discussion regarding town council goals for 2019-2020 to include infrastructure projects, broadband solutions, Sycamore Bend Road, community events and employee recognition.

The Town Council discussed goals for 2019-2020 including infrastructure projects, broadband solutions, Sycamore Bend Road, community events and employee recognition.

Executive Session

In accordance with Texas Local Government Code, Chapter 551, the Town Council convened into executive session at 7:53 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.

25. Fire Services

Section 551.072

Deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

26. Sycamore Bend DCAD Property ID 62195; 62311; 62329 and 155074.

27. Parkridge at F.M.2181 DCAD Property ID 731514

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.

28. Project Eagle

Reconvene into Open Session

The Town Council reconvened into open session at 9:45 p.m.

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

No action taken.

Adjournment

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

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

The meeting did then stand adjourned at 9:46 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek