

**SPECIAL MEETING OF THE TOWN COUNCIL  
HICKORY CREEK TOWN HALL  
1075 RONALD REAGAN, HICKORY CREEK, TEXAS  
TUESDAY, FEBRUARY 26, 2019**

**MINUTES**

**Call to Order**

Mayor Clark called the meeting to order at 6:35 p.m.

**Roll Call**

The following members were present:

Mayor Lynn Clark

Councilmember Tracee Elrod

Councilmember Richard DuPree

Councilmember Chris Gordon

Mayor Pro Tem Paul Kenney

Councilmember Ian Theodore

Also in attendance:

John M. Smith, Jr., Town Administrator

Kristi K. Rogers, Town Secretary

Carey Dunn, Chief of Police

Lance Vanzant, 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**

Mayor Pro Tem Kenney led the invocation.

**Items of Community Interest**

Mayor Clark presented a plaque of appreciation to Grayson Spradlin for completion of his Eagle Scout project in Arrowhead Park.

Mayor Clark congratulated Kristi Rogers on completion of recertification through the Texas Municipal Clerks Certification Program.

The Great American Cleanup will take place on Saturday, March 23, 2019. Volunteers will meet in the Walmart parking lot and then proceed to the parks.

The Hickory Creek Police Department will host a community meeting on March 27, 2019 for residents in Harbor Grove Subdivision.

A Citizens on Patrol Academy will be held in the Spring.

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### **Public Comment**

Ron Furtick, 1500 Turbeville Road, stated he was going to read the statement read earlier in the joint meeting with the planning and zoning commission but decided he would not. Mr. Furtick would like to work with the town council and put the issues of the past in the past. The zoning passed by the Planning and Zoning Commission would work well on other locations in the town. Relationships need to be reestablished and move forward. In order to find a developer for his property, the mixed use ordinance would need a third classification.

### **Public Hearing**

1. **Public Hearing:** To consider testimony and take action regarding text amendments to the Town's Code of Ordinances, Chapter 14 Zoning, which includes but is not limited to, amending Article 14.02, Exhibit A, Article IV--Classification of Districts to add a new zoning district to be entitled Mixed-Use and to add regulations and restrictions regarding such new district.

Mayor Clark called the public hearing to order at 6:49 p.m.

Ron Furtick, 1500 Turbeville Road, stated the mixed use ordinance would improve some residential areas. Density is needed. The overall plan of the entire town is a very big deal. He urged the council to incorporate the ordinance crafted by Mesa Design Architects that has been discussed for many years. It is a different type of zoning than council is accustomed to. There are a number of developers with interest in urban walkable downtown projects. The zoning needs to be provided so that designers can do their work and then the plans could be brought forward for council to decide yes or no.

With no one else wishing to speak, the public hearing was closed at 6:52 p.m.

### **Consent Agenda**

2. January 2019 Council Meeting Minutes
3. January 2019 Financial Statements
4. Consider and act on an ordinance of the Town Council of Hickory Creek declaring unopposed candidates in the May 4, 2019 general town election.
5. Consider and act on allocating an additional \$3500.00 for an erosion repair in the town's easement located on Eagle Mountain Drive.
6. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, in support of the legislative priorities of the Board of Trustees of the Lake Dallas Independent School District.
7. Consider and act on a resolution authorizing the Town Administrator of the Town of Hickory Creek, Texas to execute an interlocal cooperative purchasing program agreement by and between the Town of Hickory Creek and the City of Corinth.

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8. Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement for landscaping services by and between the Town of Hickory Creek and D&D Commercial Landscape Management.
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, Division 3: Stormwater, Section 3.07.085, Stormwater discharges from construction activities, Subsection (b) to add a new subsection (b) (19) regarding post construction stormwater regulations.
10. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending the Code of Ordinances of the Town of Hickory Creek, Texas, Chapter 3, Building Regulations, by adopting (A) the 2018 International Building Code as published by the International Code Council with local amendments; (B) the 2018 International Residential Code as published by the International Code Council with local amendments; (C) the 2018 International Plumbing Code as published by the International Code Council with local amendments; (D) the 2018 International Mechanical Code as published by the International Code Council with local amendments; (E) the 2018 International Fire Code as published by the National Fire Protection Association with local amendments as amended by the Lake Cities Fire Department; (F) the 2017 National Electrical Code as published by the National Fire Protection Association with local amendments; (G) the 2018 International Energy Conservation Code as published by the International Code Council with local amendments; (H) the 2018 International Fuel Gas Code as published by the International Code Council with local amendments; (I) the 2018 Property Maintenance Code as published by the International Code Council with local amendments; (J) the 2018 International Existing Building Code as published by the International Code Council with local amendments and, (K) the 2019 International Swimming Pool and Spa Code as published by the International Code Council with local amendments.

Motion made by Councilmember Gordon to approve Items 1 through 10, Seconded by Councilmember Elrod.

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

### **Regular Agenda**

11. Consider and act on a final plat of Lots 1 and 2, Block A, the Beciri Addition; being 1.97 acres in the H.H. Swisher Survey, Abstract Number 1220 in the extraterritorial jurisdiction of the town of Hickory Creek, Denton County, Texas. The property is located in the 3700 block of FM 2181.

Motion made by Mayor Pro Tem Kenney to approve the final plat of Lots 1 and 2, Block A, the Beciri Addition as presented, Seconded by Councilmember DuPree.

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

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12. Consider and act on a final plat of Lot 2-R, Block 1 of Ventana Addition, being a replat of Lot 2, Block 1 of Ventana Addition; being 0.172 acre in the J. Simmons Survey A-1163, Town of Hickory Creek, Denton County, Texas. The property is located on the northwest corner of Ventana Road and S. Stemmons Freeway.

Motion made by Councilmember Gordon to approve a final plat of Lot 2-R, Block 1 of Ventana Addition as presented, Seconded by Mayor Pro Tem Kenney.

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

13. Consider and act on granting an exception to Clean and Green Carwash, 3950 FM 2181, Hickory Creek, Texas 75065, from the Hickory Creek Code of Ordinances Chapter 3: Building Regulations, Article 3.08 Signs; Section 3.08.011 (k), Maximum Size of sign and Section 3.08.013 (k), Certain illuminated signs prohibited.

Motion made by Councilmember Gordon to grant an exception to Clean and Green Carwash from the Hickory Creek Code of Ordinances, Chapter 3: Building Regulations, Article 3.08 Signs to allow an illuminated sign, directing the town administrator to coordinate with the owner regarding illumination, Seconded by Councilmember Theodore.

Voting Yea: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore.

Voting Nay: Mayor Pro Tem Kenney

Motion passed.

14. Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute a license and use agreement by and between the Town of Hickory Creek and Mark Ragunton.

Motion made by Councilmember Theodore to deny the resolution until further information is provided, Seconded by Councilmember Elrod.

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

15. Consider and act on an ordinance of the Town Council of Hickory Creek, Texas, amending the Town's Comprehensive Zoning Ordinances, Chapter 14: Zoning, Exhibit "A" Zoning Ordinance, Article IV: Classifications of Districts to provide for a new zoning district to be entitled Mixed Use with sub-categories of Mixed Use Suburban District and Mixed Use Regional District.

Motion made by Councilmember Theodore to approve an ordinance of the Town Council of Hickory Creek, Texas, amending the Town's Comprehensive Zoning Ordinances, Chapter 14: Zoning, Exhibit "A" Zoning Ordinance, Article IV: Classifications of Districts to provide for a new zoning district to be entitled Mixed Use with sub-categories of Mixed Use Suburban District and Mixed Use Regional District as presented, Seconded by Mayor Pro Tem Kenney.

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

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16. Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute an interlocal agreement by and between the Town of Hickory Creek and Denton County, Texas.

Motion made by Councilmember Gordon to approve a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute an interlocal agreement by and between the Town of Hickory Creek and Denton County, Texas, Seconded by Councilmember Elrod. Voting Yea: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

17. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, to accept a voluntary petition for annexation of the 1800 Block of Turbeville Road.

18. 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 on the proposed annexation of certain property.

Motion made by Councilmember Gordon to approve Item 17 and 18, Seconded by Mayor Pro Tem Kenney.

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

19. Consider and act on an appointment to Parks and Recreation Board.

Motion made by Mayor Pro Tem Kenney to appoint Kevin Ricer to Place 1 of the Parks and Recreation Board, Seconded by Councilmember Elrod.

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

20. Consider and act on the Hickory Creek Police Department Annual Racial Profiling Report for 2018.

Motion made by Councilmember DuPree to accept the Hickory Creek Police Department Racial Profiling Report for 2018, Seconded by Councilmember Theodore.

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

21. Consider and act on nomination of the 2018 Hickory Creek Business of the Year.

Motion made by Mayor Pro Tem Kenney to recognize AMC Classic Hickory Creek 16 as the 2018 Business of the Year, Seconded by Councilmember Gordon.

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

22. Consider and act on nomination of the 2018 Hickory Creek Citizen of the Year.

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Motion made by Mayor Pro Tem Kenney to recognize Mark Tucker as the 2018 Hickory Creek Citizen of the Year, Seconded by Councilmember Elrod.

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

23. Consider and act on nomination of the 2018 Hickory Creek Scholars of the Year.

Motion made by Mayor Pro Tem Kenney to recognize Gratzelly Marquez and Amanda Lawrence as the 2018 Hickory Creek Scholars of the Year, Seconded by Councilmember Theodore.

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

24. Consider and act on nomination of the 2018 Hickory Creek Sportsman and Sportswoman of the Year.

Motion made by Mayor Pro Tem Kenney to recognize Hayden Brockenbush the 2018 Sportsman of the Year and Mercedes Zaragoza the 2018 Sportswoman of the Year, Seconded by Councilmember Theodore.

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

25. Consider and act on allocating funds to replace mailboxes due to sidewalk construction.

Motion made by Mayor Pro Tem Kenney to authorize the town administrator to facilitate replacing the mailboxes due to sidewalk construction in an amount not to exceed \$12,500, Seconded by Councilmember Elrod.

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

26. Consider and act on the review, possible removal and replacement of members of the Hickory Creek Parks and Recreation Board and Parks, Recreation and Open Space Master Plan Steering Committee

Discussions were held with the Town Council and John Grosskopf, Parks and Recreation Board Member, regarding the manner in which a special meeting for the Parks and Recreation Board held on January 28, 2019 was called, the content of the request sent, and the timing given to town staff to post the meeting agenda.

No action taken.

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

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

28. 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 8:55 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.

29. 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.)

**Reconvene into Open Session**

The Town Council reconvened into open session at 9:44 p.m.

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

No action taken

**Adjournment**

Motion made by Councilmember Gordon to adjourn the meeting, Seconded by Mayor Pro Tem Kenney.

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

The meeting did then stand adjourned at 9:45 p.m.

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