**STATE OF TEXAS**

**COUNTY OF DENTON**

**TOWN OF HICKORY CREEK**

The town council of the Town of Hickory Creek, Texas convened in a special session on September 25, 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 7:50 p.m.

Ian Theodore, Councilmember Place 5

Also in attendance were:

John M. Smith, Jr., Town Administrator

Kristi K. Rogers, Town Secretary  
Craig Hubbert, Police Lieutenant

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 Elrod gave the invocation.

**Proclamation**

Mayor Clark proclaimed September 2018 to be “LIVE UNITED MONTH” in the Town of Hickory Creek.

**Items of Community Interest**

Hickory Creek Parks & Recreation Board will host an Arbor Day Celebration at town hall on Saturday, November 3, 2018 from 10:00 a.m. until 12:00 p.m.

The Lake Cities Chamber of Commerce will host a Lip Sync contest on November 29, 2018 from 6:30 p.m. until 9:30 p.m.

Thanks to all those involved with the dog wash fundraiser held on September 15, 2018 benefiting the

Hickory Creek Animal Shelter.

The Lake Cities Education Foundation 18th Annual Gala & Auction will be held Thursday, November

1, 2018.

**Public Comment**

There were no speakers for public comment.

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**Item B - Public Hearing**

**B (1) - Public Hearing: To hear public opinion on the proposed 2017--2018 Fiscal Year Budget.**

Mayor Clark called the public hearing to order at 6:37 p.m. With no one wishing to speak, the public hearing was closed at 6:37 p.m.

**Item C – Consent Agenda Items**

1. August 2018 Council Meeting Minutes

2. August 2018 Financial Statements

3. Consider and act on a resolution by the Town of Hickory Creek, Texas denying a proposed increase sought by Atmos Energy - Midtex Division in connection with the rate increase filing it made on about June 1, 2018; approving an alternative increase in rates; directing Atmos to file conforming tariffs and to reimburse the Town's rate case expenses.

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, Texas and Lake Dallas Independent School District -Lake Dallas High School.

5. Consider and act on a resolution designating the Denton Record Chronicle as the official newspaper for the Town of Hickory Creek, Texas.

**Motion:** made by Councilmember Gordon to approve consent agenda Items C1 through C5 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 from Halff Associates regarding the formation of a Master Parks Plan.**

Lenny Hughes with Halff Associates provided an overview of the process in developing

a master parks plan and answered questions from the town council.

**D (2) - Presentation from Schrickel, Rollins and Associates regarding the formation of a Master**

**Parks Plan.**

Victor Baxter with Schrickel, Rollins and Associates provided an overview of the process in developing

a master parks plan and answered questions from the town council.

**D (3) - Presentation from United Way of Denton County regarding improving lives in Denton**

**County.**

Gary Henderson, President and CEO of United Way of Denton County, presented an overview of

services provided to improve the lives of those living in Denton County experiencing homelessness

and those affected by mental illness.

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**D (4****) - Discussion regarding the agreement with Waste Management of Texas, Inc. for municipal**

**solid waste collection.**

T.J. Gilmore, Waste Management, provided an overview to town council regarding brush and bulk

collection that is offered once per month on the third Thursday. He also provided an overview

regarding collection of storm debris. Mr. Gilmore informed the town council Waste Management

had agreed to sell the current contract with the Town of Hickory Creek to another provider and

answered questions from the town council.

**D (5) - Consider and act on a replat of Hickory Creek Market Place Addition, Lot 1R, Block 1,**

**1.562 acres situated in the John W. Simmons Survey, Abstract No. 1336, Town of Hickory**

**Creek, Denton County, Texas.**

**D (6) - Consider, and act on a final plat of Richards Estates, Lots 1, 2, and 3, Block 1, 5.831**

**acres/ 253,996 square feet out of the M.E.P & P.R.R. Company Survey, Abstract Number 915,**

**Town of Hickory Creek, Denton County, Texas. The property is located in the town's**

**extraterritorial jurisdiction in the 1100 block of Sycamore Bend Road.**

**Motion**: made by Councilmember Gordon to approve agenda item D (5) and D (6) 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 an ordinance adopting and approving the budget for the fiscal year**

**beginning October 1, 2018 and ending September 30, 2019; providing for expenditure of funds,**

**providing for filing of budget and ordinance.**

**Motion:** made by Councilmember Theodore to approve an ordinance adopting and approving the

budget for the fiscal year beginning October 1, 2018 and ending September 30, 2019; providing for

expenditure of funds, providing for filing of budget and ordinance. Motion seconded by

Councilmember Elrod.

Councilmember Elrod voted Aye.

Councilmember DuPree voted Aye.

Councilmember Gordon voted Aye.

Councilmember Kenney voted Aye.

Councilmember Theodore voted Aye.

**Nays**: None

**MOTION PASSED UNANIMOUSLY**

**D (8) Consider and act on an ordinance of the Town Council of the Town of Hickory Creek**

**ratifying the property tax revenue increase reflected in the fiscal year 2018-2019 budget.**

Mayor Clark stated the property revenue increase reflected in the fiscal year 2018-2019 budget is attributed to new properties added to the tax roll this year.

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**Motion:** made by Councilmember Theodore to approve an ordinance of the Town Council of the

Town of Hickory Creek ratifying the property tax revenue increase reflected in the fiscal year 2018-

2019 budget. Motion seconded by Councilmember Elrod.

Councilmember Elrod voted Aye.

Councilmember DuPree voted Aye.

Councilmember Gordon voted Aye.

Councilmember Kenney voted Aye.

Councilmember Theodore voted Aye.

**Nays**: None

**MOTION PASSED UNANIMOUSLY**

**D (9) - Consider and act on an ordinance of the Town Council of the Town of Hickory Creek,**

**Texas, accepting the 2018 Certified Tax Roll for the Town of Hickory Creek; approving the 2018**

**Ad Valorem Tax Rate and Levying 0.347535 on each one hundred dollars of assessed valuation**

**of all taxable property within the corporate limits of the Town for the fiscal year beginning**

**October 1, 2018 and ending September 30, 2019.**

**Motion:** made by Councilmember Elrod to approve an ordinance of the Town Council of the Town of Hickory Creek, Texas, accepting the 2018 Certified Tax Roll for the Town of Hickory Creek; approving the 2018 Ad Valorem Tax Rate and Levying 0.347535 on each one hundred dollars of assessed valuation

of all taxable property within the corporate limits of the Town for the fiscal year beginning October 1, 2018 and ending September 30, 2019. Motion seconded by Councilmember Gordon.

Councilmember Elrod voted Aye.

Councilmember DuPree voted Aye.

Councilmember Gordon voted Aye.

Councilmember Kenney voted Aye.

Councilmember Theodore voted Aye.

**Nays**: None

**MOTION PASSED UNANIMOUSLY**

**D (10) - First reading of a resolution of the Town Council of the Town of Hickory Creek, Texas,**

**approving a Type B economic development project by approving a second amended and restated**

**performance agreement with Hard Sun V. Inc., a Texas corporation, including a real estate**

**contract with Hard Sun V, Inc. authorized pursuant to Sections 501.103, 505,152 and 505.158 of**

**the Texas Local Government Code and authorizing the president to execute any and all**

**documents necessary to convey the property.**

**D (11) - 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 approving**

**a second amended and restated performance agreement with Hard Sun V. Inc., a Texas**

**corporation, including a real estate contract with Hard Sun V, Inc. authorized pursuant to**

**Sections 501.103, 505,152 and 505.158 of the Texas Local Government Code and authorizing the**

**president to execute any and all documents necessary to convey the property.**

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**Motion:** made by Councilmember Theodore to approve a resolution of the Town Council of the

Town of Hickory Creek, Texas, approving a Type B economic development project by approving

a second amended and restated performance agreement with Hard Sun V. Inc., a Texas

corporation, including a real estate contract with Hard Sun V, Inc. authorized pursuant to

Sections 501.103, 505,152 and 505.158 of the Texas Local Government Code and authorizing the

president to execute any and all documents necessary to convey the property. Motion seconded by

Councilmember Elrod.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (12) - Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek,**

**Texas to execute certain agreements by and between the Town of Hickory Creek, Texas and**

**Municode.**

**Motion:** made by Councilmember Gordon to approve resolution 2018-0925-5 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 (13) - Consider and act on terminating an agreement between SyncSys Corporation LLC. and**

**the Town of Hickory Creek.**

**Motion:** made by Councilmember Theodore to terminate the agreement between SyncSys

Corporation LLC. and the Town of Hickory Creek. Motion seconded by Councilmember Elrod.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (14) - Discussion regarding amending the Town's Code of Ordinances, Chapter 3 Building**

**Regulations, Article 3.08 Signs.**

No discussion held.

**D (15) - Discussion regarding Gateway Monument signage along Interstate 35E.**

Discussions were held regardingthe location of Gateway Monument signage.

**D (16) - Discussion of allocation of Waste Management's annual $5,000.00 contribution for**

**events.**

Discussions were held regarding the annual $5,000.00 Waste Management contribution allocating

$3,000.00 for tree lighting, $1,000.00 for Arbor Day and $1,000.00 for a Halloween event next year.

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**D (17) - Consider and act on selection of a professional services firm regarding the formation of a**

**Master Parks Plan.**

**Motion:** made by Councilmember Gordon to select Dunaway Associates as the most qualified

candidate and Halff Associates as the second most qualified candidate; authorizing the town

administrator to enter into contract negotiations. Motion seconded by Councilmember Kenney.

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

**Nays:** None

**Abstain:** Councilmember Theodore.

**MOTION PASSED**

**D (18) - Discussion regarding current road and sidewalk projects.**

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

sidewalk projects.

**Item E - Executive Session: The Town Council will convened into executive session at 9:51 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 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 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.)

2. Discussion regarding land use restrictions and development related issues regarding the property located at legally described as A1220A H.H. Swisher, Tracts 50 and 50A (1) (PT).

**Item F - Reconvene into Open Session: The Town Council reconvened into open session**

**at 10:54 p.m.**

2. Discussion regarding land use restrictions and development related issues regarding the property located at legally described as A1220A H.H. Swisher, Tracts 50 and 50A (1) (PT).

**Motion:** made by Councilmember Elrod to authorize the town administrator to continue negotiations

with the buyer of the property as discussed 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**

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**Item G – Adjournment**

**Motion:** made by Councilmember Gordon to adjourn the meeting. Motion seconded by Councilmember Kenney.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

The meeting did then stand adjourned at 10:55 p.m.

Approved: Attest:

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Lynn C. Clark, Mayor Kristi K. Rogers, Town Secretary

Town of Hickory Creek Town of Hickory Creek