**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 November 20, 2018 at 5:30 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 departed at 7:11 p.m.

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  
Craig Hubbert, Police Lieutenant

Dorwin Sargent, Town Attorney

Mayor Clark called the meeting to order at 5:30 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 a plaque of appreciation to Patrick Durbin for completion of his Eagle Scout project in Hickory Creek.

Mayor Clark, John Grosskopf and Lisa Rowell, Parks and Recreation Board Members, recognized the 2018 Arbor Day Poster Contest Winners.

**Items of Community Interest**

Mayor Clark expressed condolences for Mayor Bill Heidemann, City of Corinth and his family, in the loss of his wife, Carol Ann Heidemann. A memorial service will be held on Friday, November 23, 2018 at 11:00 a.m. at the Lake Cities United Methodist Church.

Thanks to all those involved with the Arbor Day Celebration held on November 3, 2018.

The annual tree lighting will be held Friday, December 7, 2018 from 6:00 p.m. until 8:00 p.m.

**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 a recommendation regarding a request by**

**Hard Sun V, Inc. to amend the current PD (Planned Development) zoning designation for the**

**property legally described as TLC Subdivision Block A Lot 1-A, a 0.910-acre tract located in the**

**J.W. Simmons Survey A-1163, Town of Hickory Creek, Denton County, Texas. The property is**

**located at the Northwest corner of Turbeville Road and South Stemmons Freeway.**

Mayor Clark called the public hearing to order at 5:47 p.m. With no one wishing to speak, the public hearing was closed at 5:47 p.m.

**Item C – Consent Agenda Items**

1. October 2018 Council Meeting Minutes

2. October 2018 Financial Statements

3. Consider and act on approving the calculation of cost adjustments pursuant to the agreement for solid waste services between the Town of Hickory Creek and Waste Management.

4. Consider and act on permit application from Wal-Mart, 1035 Hickory Creek Blvd., Hickory Creek, Texas 75065, for temporary storage containers for seasonal merchandise.

**Motion:** made by Councilmember DuPree to approve Items C1 through C4 as presented. Motion

seconded by Councilmember Theodore

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**Item D – Regular Agenda Items**

**D (1) - Interview applicants for various boards and commissions.**

The town council interviewed Marvin Estes, Jack Miller and Nicole Wright for various boards and commissions.

**D (2)** **- Consider and act on an appointment to the Board of Adjustments.**

**Motion:** made by Councilmember Gordon to appoint Kevin Ricer to Board of Adjustments

Alternate 1 position. Motion seconded by Councilmember Theodore.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (3) - Consider and act on an appointment to the Parks and Recreation Board.**

**Motion:** made by Councilmember DuPree to appoint Nicole Wright to Place 2 of the Parks and

Recreation Board. Motion seconded by Councilmember Elrod.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (4****) - Consider and act on a final plat of Lots 1 and 2, Block A, the Beciri Addition, being 2.01**

**acres in the H.H. Swisher Survey, Abstract Number 1220 in the Extraterritorial Jurisdiction of**

**the Town of Hickory Creek, Denton County, Texas.**

**Motion:** made by Councilmember Gordon to approve a final plat of Lots 1 and 2, Block A, the

Beciri Addition, being 2.01 acres in the H.H. Swisher Survey, Abstract Number 1220 in the

Extraterritorial Jurisdiction of the Town of Hickory Creek, Denton County, Texas. Motion seconded

by Councilmember Elrod.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (5) - Consider and act on a** **final plat of Lots 1 and 2, Block A of Lost Sycamore Addition,**

**being 4.150 acres in the J. Maloney Survey A-819, Town of Hickory Creek, Denton County,**

**Texas.**

**Motion:** made by Councilmember Kenney to approve a final plat of Lots 1 and 2, Block A of Lost

Sycamore Addition, being 4.150 acres in the J. Maloney Survey A-819, Town of Hickory Creek,

Denton County, Texas. 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 of the Town of Hickory Creek, Texas authorizing the**

**issuance of a water well drilling permit in the 1200 Block of Sycamore Bend Road, Hickory**

**Creek, Texas.**

**Motion**: made by Councilmember Theodore to approve a resolution of the Town of Hickory Creek,

Texas authorizing the issuance of a water well drilling permit in the 1200 Block of Sycamore Bend

Road, Hickory Creek, Texas. Motion seconded by Councilmember Gordon.

**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 of the Town Council of the Town of Hickory Creek**

**Texas, amending as heretofore amended, its comprehensive zoning ordinance, and amending the**

**official zoning map of the town by amending an existing planned development adopted in**

**Ordinance No. 2018-01-782 on a certain tract of land described as an approximately 0.910 acre**

**of land. being more particularly described in Exhibit “A”, attached hereto and incorporated**

**herein; providing for incorporation of premises; providing findings; providing for amendment;**

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**providing for applicable regulations; providing that the zoning map shall reflect the amended**

**plan development zoning district designations for the subject property.**

**Motion:** made by Councilmember Kenney to approve Item D 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 (8) - Consider and act on an amendment to the site and landscape plan for Elm Fork**

**Restaurant, legally described as TLC Subdivision, Lot 1, Block A, 0.910 acres in the J.W.**

**Simmons Survey, Abstract No. 1163, Town of Hickory Creek, Denton County, Texas.**

**Motion:** made by Councilmember Elrod to approve Item D 8 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 (9) - Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek,**

**Texas to execute an economic development agreement by and between the Town of Hickory**

**Creek, Texas and Hard Sun V, Inc.**

**Motion:** made by Councilmember Gordon to approve a resolution authorizing the Mayor of the Town

of Hickory Creek, Texas to execute an economic development agreement by and between the Town of

Hickory Creek, Texas and Hard Sun V, Inc. in an amount not to exceed $23,626.00 and all references

to Hard V Sun be changed to Hard Sun V. Motion seconded by Councilmember Elrod.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (10) - Consider and act on a final plat for Hickory Creek Crossing, Block A Lots 1 - 36, 36X-**

**HOA, 37 - 38, 38X-HOA, 39 - 45; Block B Lots 1 - 9; Block C Lots 1 - 36; being 19.207**

**acres in the S.O. McCarroll Survey, Abstract No. 958, Town of Hickory Creek, Denton County,**

**Texas.**

Brent Murphree, Kimley-Horne & Associates, provided an overview of the final plat and answered

questions from the town council.

**Motion:** made by Councilmember Theodore to approve Item D 10. Motion seconded by

Councilmember Gordon.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

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**D (11) - Consider and act on a site and landscape plan for Hickory Creek Crossing, Block A Lots**

**1 - 36, 36X-HOA, 37 - 38, 38X-HOA, 39 - 45; Block B Lots 1 - 9; Block C Lots 1 - 36; being**

**19.207 acres in the S.O. McCarroll Survey, Abstract No. 958, Town of Hickory Creek, Denton**

**County, Texas.**

Brent Murphree, Kimley-Horne & Associates, provided an overview of the site and landscape plan and

answered questions from the town council.

**Motion:** made by Councilmember Theodore to approve Item D11. Motion seconded by

Councilmember Kenney.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (12) - Consider and act on allocating funds for an erosion repair in the town's easement**

**located on Eagle Mountain Drive.**

**Motion:** made by Councilmember Kenney to approve allocating funds for an erosion repair in the

town's easement located on Eagle Mountain Drive in an amount not to exceed $11,000.00. Motion

seconded by Councilmember DuPree.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (13) - Consider and act on bids submitted for Point Vista Road Phase 2 Reconstruction.**

**Motion:** made by Councilmember Theodore to accept the bid from McMahon Contracting, L.P. for

Point Vista Road (Base Bid) in the amount of $1,149,472.25. Motion seconded by Councilmember

Gordon.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (14) - Discussion regarding the addition of a Mixed-Use Zoning Designation to Chapter 14 of**

**the Code of Ordinances.**

Discussions were held regarding the addition of a Mixed-Use Zoning Designation.

**D (15) - Consider and act on allocating funds for gateway monument signage.**

No action taken.

**D (16) - Consider and act on allocating funds for signage to be located at the entrances of Royal**

**Oaks and Harbor Grove subdivisions.**

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**Motion:** made by Councilmember Kenney to approve allocating funds for signage to be located at the

entrances of Royal Oaks and Harbor Gove subdivisions in an amount not to exceed $11,000.00.

Motion seconded by Councilmember DuPree.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (17) - 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 convened into executive session at 7:29 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 land use restrictions and development related issues regarding the property 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 7:52 p.m.**

No action taken.

**Item G – Adjournment**

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

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

The meeting did then stand adjourned at 7:53 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