

**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 May 29, 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.

**Items of Community Interest**

The police department will host a community meeting at Tanglewood Park on May 31, 2018 from 6:30 p.m. to 7:30 p.m.

**Public Comment**

There were no speakers for public comment.

**Item B - Public Hearing**

No public hearing.

**Item C – Consent Agenda Items**

1. 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 P3Works, LLC for Hickory Creek Public Improvement District No. 1.
2. 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 P3Works, LLC for Hickory Creek Public Improvement District No. 2.

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, Texas and Half Associates.

**Motion:** made by Councilmember DuPree to approve consent agenda Items C1 through C3 as presented. Motion seconded by Councilmember Gordon.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**Item D – Regular Agenda Items**

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

The town council interviewed Rodney Barton, David Gilmore, John Grosskopf, Bryant Hawkes and Kerby Pierre for various boards and commissions.

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

**Motion:** made by Councilmember Theodore to appoint Shawn Andrews to Position 1, Chance Allison to Position 2 and Larry Crawford to Position 4 of the Board of Adjustments. Motion seconded by Councilmember Gordon.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

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

**Motion:** made by Councilmember Gordon to appoint Smita Pascual to Place 2, Kerby Pierre to Place 4 and John Grosskopf to Place 6 of the Parks and Recreation Board. 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 appointments to the Planning and Zoning Commission.**

**Motion:** made by Councilmember Kenney to appoint Rodney Barton to Place 2, Bryant Hawkes to Place 4, Jan Stefaniak to Place 6 and David Gilmore to Place 7 of the Planning and Zoning Commission. 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 act on a preliminary plat for Whaley Estates, being 21.765 acres out of the McCarroll Survey, Abstract A0958a in the Town of Hickory Creek, Denton County, Texas.**

Brent Murphy, Kimley Horn and Associates, presented the preliminary plat. Mr. Murphy and Brian Haynes, Halff Associates, answered questions from the council.

**Motion:** made by Councilmember Gordon to approve a preliminary plat for the Whaley Estates as presented. Motion seconded by Councilmember Kenney.

**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 Council of the Town of Hickory Creek, Texas, approving a first amended and restated performance agreement by and between the Hickory Creek Economic Development Corporation and Hard Sun V, Inc., a Texas Corporation for economic development purposes.**

**Motion:** made by Councilmember Theodore to approve Item D6, approving a first amended and restated performance agreement by and between the Hickory Creek Economic Development Corporation and Hard Sun V, Inc., a Texas Corporation for economic development purposes. 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 a resolution of the Town Council of the Town of Hickory Creek, Texas, authorizing the president of the Hickory Creek Economic Development Corporation to execute a deed of trust to facilitate a loan by Point Bank to Hard Sun V, Inc., a Texas Corporation consistent with the performance agreement with Hard Sun V, Inc., approved on or about September 20, 2017 and the first amended and restated performance agreement with Hard Sun V, Inc.**

**Motion:** made by Councilmember Gordon to approve resolution 2018-0529-5 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 a 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.**

Jacob Tiemann, G&A Consultants, presented an overview of the site and landscape plan.

**Motion:** made by Councilmember Gordon to approve the site and landscape plan for Elm Fork Restaurant 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 (9) - 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.**

Brian Haynes, Halff Associates, answered questions from the council regarding the replat.

**Motion:** made by Councilmember Elrod to approve the replat of Hickory Creek Market Place Addition 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 (10) - Consider and act on a site and landscape plan submitted by JMSR Enterprises LLC, legally described as Ventana Addition, Block 1, Lot 2(pt), Town of Hickory Creek, Denton County, Texas.**

**Motion:** made by Councilmember Kenney to approve a site and landscape plan submitted by JMSR Enterprises LLC, legally described as Ventana Addition, Block 1, Lot 2(pt), Town of Hickory Creek, Denton County, Texas. Motion seconded by Councilmember Gordon.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (11) - Consider and act on a replat of Lot 1X-R, 2X, 3X and Lots 2 through 24, Block A, Steeplechase South Addition (33.83 acre tract) of all of Lot 1X, 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 approve a replat of Lot 1X-R, 2X, 3X and Lots 2 through 24, Block A, Steeplechase South Addition (33.83 acre tract) of all of Lot 1X, 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 seconded by Councilmember Elrod.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (12) - Presentation regarding Waste Management from TJ Gilmore, Public Sector Solutions Representative.**

TJ Gilmore, Waste Management, provided an overview to council regarding the company, technologies utilized and services provided to residents including weekly trash and recycle, bulk and brush pickup, landfill access and At Your Door service for hazardous materials. Three automated solar powered trash compactors will be placed in the parks. Mr. Gilmore stressed the importance of recycling properly in order to reduce recycling contamination.

**D (13) - 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 Waste Management of Texas, Inc.**

**Motion:** made by Councilmember Gordon to approve 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 Waste Management of Texas, Inc. Motion seconded by Councilmember Elrod.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (14) - Consider and act on a resolution finding assessments on land located Hickory Creek Public Improvement District No. 2 to be stale and therefore invalid.**

Robert Miklos, attorney representing the developer, provided an overview of Hickory Creek PID No. 2 related to agenda items D (14), D (15) and D (16).

**Motion:** made by Councilmember Gordon to approve resolution 2018-0529-7 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 (15) - Consider and act on a resolution approving the form and authorizing the distribution of a preliminary limited offering memorandum for "Town of Hickory Creek, Texas, Special Assessment Revenue Bonds, Series 2018 (Hickory Creek Public Improvement District No. 2)"**

**Motion:** made by Councilmember Theodore to approve a resolution approving the form and authorizing the distribution of a preliminary limited offering memorandum for "Town of Hickory Creek, Texas, Special Assessment Revenue Bonds, Series 2018 (Hickory Creek Public Improvement District No. 2)." Motion seconded by Councilmember Gordon.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (16) - Consider and act on resolution of the Town of Hickory Creek, Texas determining the costs of certain improvements to be financed by the Hickory Creek Public Improvement District No. 2; approving a revised service plan and assessment plan, including proposed assessment rolls; calling and noticing a public hearing for June 19, 2018 to consider an ordinance levying assessments on property located within Improvement Area #2 of the Hickory Creek Public Improvement District No. 2; directing the filing of the proposed assessment rolls with the Town Secretary to make available for public inspection; directing town staff to publish and mail notice of said public hearing; and resolving other matters incident and related thereto.**

**Motion:** made by Councilmember Gordon to approve resolution 2018-0529-9 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 (17) - Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute a development agreement by and between the Town of Hickory Creek Texas and Centurion Acquisitions, LLC.**

Robert Miklos and Kirk Wilson, representing the developer provided an overview of the development agreement and answered questions from the council.

**Motion:** made by Councilmember Theodore to approve a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute a development agreement by and between the Town of Hickory Creek Texas and Centurion Acquisitions, LLC. to include a sidewalk along Ronald Reagan Avenue. Motion seconded by Councilmember DuPree.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (18) - Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute a professional services agreement by and between the Town of Hickory Creek, Texas and Centurion Acquisitions LLC.**

**Motion:** made by Councilmember Theodore to approve resolution 2018-0529-11 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 (19) - 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 P3Works, LLC for Hickory Creek Public Improvement District No. 3.**

**Motion:** made by Councilmember Elrod to approve resolution 2018-0529-12 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 (20) - Consider and act on an Interlocal Agreement by, between, and among Town of Hickory Creek, LCUMA and Harbor Grove Water Supply Corporation for fire protection service.**

**Motion:** made by Councilmember Theodore to approve an Interlocal Agreement by, between, and among Town of Hickory Creek, LCUMA and Harbor Grove Water Supply Corporation for fire protection service. Motion seconded by Councilmember DuPree.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (21) - 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 12.02 Speed, by adding a new section 12.02.008; Designating a School Zone and providing for speed limits during school hours in the 1000 block of Ronald Reagan Avenue and the 800 block of Point Vista.**

**Motion:** made by Councilmember Kenney to approve Item D (21) as presented. Motion seconded by Councilmember Gordon.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (22) - Consider and act on a request from the City of Lake Dallas to increase Hickory Creek's contribution for the Lake Cities 4th of July Celebration.**

**Motion:** made by Councilmember Theodore to deny the request to increase Hickory Creek's contribution for the Lake Cities 4<sup>th</sup> of July Celebration this year, contributing the budgeted amount of \$4000.00 and discuss future increases to be incorporated in the town's budget. Motion seconded by Councilmember DuPree.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (23) - 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 Lexipol.**

Chief Carey Dunn provided an overview of services Lexipol will provide which include polices that reflect up to date industry standards and best practices, content specific to the laws and practices of Texas, daily scenario -based training that reinforces the agency's policies and timely updates in response to new legislation and case law.

**Motion:** made by Councilmember Kenney to approve 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 Lexipol. Motion seconded by Councilmember Theodore.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (24) - Consider and act on the Town of Hickory Creek council chambers rental policy.**

**Motion:** made by Councilmember Gordon to approve the council chambers rental policy as presented. Motion seconded by Councilmember Kenney.

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

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (25) - Discussion regarding a bass fishing tournament for veterans.**

The town council discussed the event and it was determined the event would not be held in 2018.

**D (26) - Discussion regarding a program for academy sponsorship for police recruits.**

Chief Dunn and the town council discussed implementing a program for academy sponsorship for police recruits.

**D (27) - Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute an amendment to the Cornelius Center Investors, LP development and assessment agreements by and between the Town of Hickory Creek, Texas and Cornelius Center Investors, LP.**

**Motion:** made by Councilmember Gordon to approve resolution 2018-0529-14 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 (28) - Consider and act on appointment of Mayor Pro Tem.**

**Motion:** made by Councilmember Gordon to appoint Councilmember Paul Kenney as Mayor Pro Tem. Motion seconded by Councilmember Elrod.



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

**Nays:** None

**Abstained:** Councilmember Kenney.

**MOTION PASSED**

**D (29) - Appointments of council liaisons for the various boards.**

Mayor Clark appointed the following liaisons for the various boards: Tracee Elrod - EDC, Richard DuPree - Police and Animal Shelter Advisory Committee, Chris Gordon – Parks and Recreation, Paul Kenney- Planning and Zoning Commission, Ian Theodore – Board of Adjustments.

**D (30) - Consider and act on appointments to the Code of Ethics Board.**

Lynn Clark would like to reappoint Bob Smith; Richard DuPree would like to reappoint Mary Jean Fields and Paul Kenney would like to reappoint Drew Pickard.

**Motion:** made by Councilmember Gordon to approve the reappointments 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 (31) - Discussion regarding current road and sidewalk projects.**

Brian Haynes, Halff Associates, provided an overview to council regarding current road and sidewalk projects.

**Item E - Executive Session The Town Council convened into executive session at 9:48 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; Section 551.072 to deliberate the purchase, exchange, lease or value of real property and Section 551.074 Personnel Matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee 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. Municipal Court Employee
2. Discussion regarding potential economic development agreement related to property located at 1851 Turbeville Road.
3. Discussion regarding the purchase of approximately 7.41 acre tract or tracts of land.

**Item F - Reconvene into Open Session: The Town Council reconvened into open session at 11:23 p.m.**

2. Discussion regarding potential economic development agreement related to property located at 1851 Turbeville Road.

**Motion:** made by Councilmember Theodore to authorize the town administrator to continue discussions regarding economic development as discussed. Motion seconded by Councilmember Elrod.

**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 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 11:25 p.m.

Approved:

Attest:

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Lynn C. Clark, Mayor  
Town of Hickory Creek

\_\_\_\_\_  
Kristi K. Rogers, Town Secretary  
Town of Hickory Creek