

**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 September 20, 2016 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.

Following the Pledge of Allegiance, Councilmember Elrod gave the invocation.

Items of Community Interest

The Spirit of Christmas Fun Run will be held on October 15, 2016 at Sycamore Bend Park.

The Parks and Recreation Board will host a Halloween event in Sycamore Bend Park on October 22, 2016. The event is family friendly and activities for all ages are planned.

An Arbor Day celebration will be held on November 5, 2016 in Sycamore Bend Park.

Waste Management will not increase the rates for solid waste collection this year.

Thanks to John Smith for negotiating an electric rate that will provide sustainable savings to the town.

Thanks to Chief Dunn who did a phenomenal job speaking at the Lake Cities Chamber of Commerce luncheon.

A thirty-two-year veteran of the United States Marine Corps, a new resident of Hickory Creek, expressed his gratitude to the town for the Veterans Memorial.

Public Comment

There were no speakers for public comment at this meeting.

Item B - Public Hearing

B (1) - Public Hearing: To hear public opinion regarding an amendment to the maintenance/Service SAP (Service Annual Plan) and for proposed assessments to be levied against the assessable property within the Hickory Creek Public Improvement District No. 1.

Mayor Clark called the public hearing to order at 6:34 p.m.

Julia Schott, 220 Saratoga Drive, stated she is opposed to the assessments to be levied on her property.

Mark Rhodes, 218 Palomino Drive, stated he is opposed to the assessments to be levied on his property D.R. Horton did not provide a full clear explanation of the public improvement district assessments last year when he purchased his home. He will never purchase a home in a public improvement district again.

Robert Miklos, 1800 Valley View Lane, Farmers Branch, Texas, stated he represents the developer, Centurion American. Mr. Miklos does not represent D.R. Horton so therefore he is unable to address the concerns individual property owners might have with the sales contract or the information they may or may not have received at closing. The annual amount is determined by town staff and the PID administrator.

With no one else wishing to speak, Mayor Clark closed the public hearing at 6:40 p.m.

B (2) - Public Hearing: To hear public opinion on an ordinance of the Town of Hickory Creek, Texas amending the Code of Ordinances, Chapter 10 Subdivision Regulations, Exhibit A Subdivision Ordinance, Article X Hickory Creek Applications and Fee Schedules to amend Section 2 and to add a new Section 3 entitled Roadway Proportionality Fees.

Mayor Clark called the public hearing to order at 6:41 p.m. With no one wishing to speak, the public hearing was closed at 6:41 p.m.

Item C – Consent Agenda Items

No consent agenda items.

Item D– Regular Agenda Items

D (1) – Consider and act on an ordinance of the Town Council of Hickory Creek, Texas, related to Hickory Creek Public Improvement District No. 1 approving the Public Improvement District No. 1 Service and Assessment Plan Annual Update; approving the Public Improvement District No. 1 Service and Assessment Plan – Maintenance/Services Annual Update 2016 -2017; levying annual assessments to pay for roadway maintenance; levying annual assessments to pay for safety services; providing for payment and prepayment of assessments; fixing liens for assessments; providing penalties for delinquent assessments; making findings of special benefit; providing severability, providing an effective date; providing for recordation; and approving and directing the execution of a reimbursement agreement.

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Abdi Yassin, representing MuniCap, the administrator for Hickory Creek PID No.1, provided the town council an overview of the components of the assessments and exactly how the amount is determined.

Randy Gibbons, 208 Derby Lane, stated in reviewing the documentation he received in the mail, it was difficult to determine if the assessments were increasing this year. He understands how the public improvement district operates and the town does need to collect assessments for services. Based on the information received tonight he is in support of the percentage increase.

Robert Miklos, attorney representing the developer Centurion American as well as Abdi Yassin, representing MuniCap, the administrator for Hickory Creek PID No.1 answered questions from the town council and property owners.

Motion: made by Councilmember Theodore to approve an ordinance of the Town Council of Hickory Creek, Texas, related to Hickory Creek Public Improvement District No. 1 approving the Public Improvement District No. 1 Service and Assessment Plan Annual Update; approving the Public Improvement District No. 1 Service and Assessment Plan – Maintenance/Services Annual Update 2016 -2017; levying annual assessments to pay for roadway maintenance; levying annual assessments to pay for safety services; providing for payment and prepayment of assessments; fixing liens for assessments; providing penalties for delinquent assessments; making findings of special benefit; providing severability, providing an effective date; providing for recordation; and approving and directing the execution of a reimbursement agreement. Motion seconded by Councilmember Gordon.
Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (2) - Consider and act on a resolution of the Town Council of the Town of Hickory Creek updating the Hickory Creek Public Improvement District No. 1 Annual Service and Assessment Plan and Assessment Roll.

Motion: made by Councilmember Gordon to approve a resolution of the Town Council of the Town of Hickory Creek updating the Hickory Creek Public Improvement District No. 1 Annual Service and Assessment Plan and Assessment Roll 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 (3) - Consider and act on a resolution of the Town Council of the Town of Hickory Creek updating the Hickory Creek Public Improvement District No. 2 Annual Service and Assessment Plan and Assessment Roll.

Motion: made by Councilmember Gordon to approve a resolution of the Town Council of the Town of Hickory Creek updating the Hickory Creek Public Improvement District No. 2 Annual Service and Assessment Plan and Assessment Roll 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 (4) - Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, accepting the 2016 Certified Tax Roll for the Town of Hickory Creek; approving the 2016 Ad Valorem Tax Rate and Levying 0.387319 on each one hundred dollars of assessed valuation of all taxable property within the corporate limits of the Town of Hickory Creek.

Motion: made by Councilmember Elrod to approve an ordinance of the Town Council of the Town of Hickory Creek, Texas, accepting the 2016 Certified Tax Roll for the Town of Hickory Creek; approving the 2016 Ad Valorem Tax Rate and Levying 0.387319 on each one hundred dollars of assessed valuation of all taxable property within the corporate limits of the Town.; providing for a due date and delinquency date or the payment of property taxes; providing for the collection and use of penalty and interest on delinquent taxes; directing the Tax Assessor/Collector to assess and collect Ad Valorem Property Taxes in accordance with this ordinance; providing that this ordinance shall be cumulative of all ordinances; providing that severability clause; providing a savings clause; providing for the engrossment and enrollment; and providing an effective date. Motion seconded by Councilmember Theodore.

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 (5) - Consider and act on an ordinance of the Town Council of the Town of Hickory Creek ratifying the property tax increase reflected in the fiscal year 2016-2017 budget.

Motion: made by Councilmember Theodore to approve an ordinance of the Town of Hickory Creek ratifying the property tax increase reflected in the fiscal year 2016-2017 budget; and providing an effective date. Motion seconded by Councilmember DuPree.

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 (6) - Consider and act regarding an ordinance of the Town of Hickory Creek, Texas amending the Code of Ordinances, Chapter 10 Subdivision Regulations, Exhibit A Subdivision Ordinance, Article X Hickory Creek Applications and Fee Schedules to amend Section 2 and to add a new Section 3 entitled Roadway Proportionality Fees.

Motion: made by Councilmember Kenney approve Item D 6 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 (7) - Consider and act on striping various streets within the Town of Hickory Creek.

Motion: made by Councilmember Elrod to approve striping of various streets within the Town of Hickory Creek in amount not to exceed \$25,050. Motion seconded by Councilmember DuPree.

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

Nays: None

MOTION PASSED UNANIMOUSLY

D (8) - Consider and act on road improvements and related infrastructure for Turbeville Road.

Motion: made by Councilmember Elrod to approve a developer contract incorporating the terms 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 resurfacing Tanglewood Park basketball court.

Motion: made by Councilmember DuPree authorize the town administer to negotiate the terms of the proposal from Brown's Game Court Specialist, Inc. and to approve an amount not to exceed \$9,123 to resurface the basketball court in Tanglewood Park. Motion seconded by Councilmember Gordon.

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

Nays: None

MOTION PASSED UNANIMOUSLY

D (10) - Consider and act on a hiking and biking trail connecting Sycamore Bend Park and Harbor Grove Park.

Motion: made by Councilmember Elrod to complete an engineering study for Item 10. 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 town hall improvements.

Motion: made by Councilmember Theodore to authorize the town administrator to negotiate the proposal from Douglas Specialties in amount not to exceed \$20,000 to construct a carport. Motion seconded by Councilmember Kenney.

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

Nays: None

MOTION PASSED UNANIMOUSLY

D (12) - 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 8:13 p.m. pursuant to Chapter 551 of the Texas Government Code Section 551.071, Consultation with City Attorney and other legal counsel on matters in which the duty of the attorney(s) 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 confidential contractual negotiations for the provision of fire services.

Item H - Reconvene into Open Session: The Town Council reconvened into open session at 9:09 p.m.

Motion: made by Councilmember Elrod to direct the Mayor to finalize contract negotiations as discussed in executive session. Motion seconded by Councilmember DuPree.

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

Nays: None

MOTION PASSED UNANIMOUSLY

Item I – Adjournment

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

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

Nays: None

MOTION PASSED UNANIMOUSLY

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The meeting did then stand adjourned at 9:10 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
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