

Public Notice
Town of Hickory Creek
Town Council Special Session
1075 Ronald Reagan Avenue
January 30, 2018; 6:30 P.M.

Notice is hereby given as required by Title 5; Chapter 551.041 of the Government Code that the Town Council of the Town of Hickory Creek will hold a Special Session on January 30, 2018; at 6:30 P.M., in the Council Chambers of the Town Hall Building located at 1075 Ronald Reagan Avenue. “NOTE: If, during the course of the meeting, any discussion of any item on the agenda should be held in a closed meeting, the Council will conduct a closed meeting in accordance with the TEXAS OPEN MEETING ACT, TEX. GOVT. CODE, Chapter 551, Sub-Chapters (d) and (e)”. The agenda follows:

Special Session:

A. Call to Order

Roll Call

Pledge of Allegiance to the U.S. and Texas Flags

Invocation

Presentation of Awards

Items of Community Interest: Pursuant to Texas Government Code Section 551.0415 the town council may report on the following: expressions of thanks, congratulations, or condolence; an honorary or salutary recognition of an individual; a reminder about an upcoming event organized or sponsored by the governing body; and announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after the posting of the agenda.

Public Comment: This item allows the public an opportunity to address the council. To comply with the provisions of the Open Meetings Act, the town council cannot discuss or take action on items brought before them not posted on the agenda. Please complete a request if you wish to address the town council. Comments will be limited to three minutes.

Business:

B. Public Hearing:

1. Public Hearing: To hear public opinion on a request by Studio 13 Design Group on behalf of Hard Sun V, Inc. to change the zoning designation from C-1 (Commercial) to PD (Planned Development) on two tracts of property totaling approximately 1.1 acres of land per the survey in the corporate limits of the Town of Hickory Creek, Texas. Said properties are more particularly described as follows: TLC Subdivision Blk A Lot 1 (PT), 1.0104 acres and TLC Subdivision Blk A Lot 1 (C PT) (PT), 0.1116 acres. The property is located at the Northwest corner of Turbeville Road and South Stemmons Freeway.

2. Public Hearing: To hear public opinion on a request by Astra Development to change the zoning designation from SF-3 (Single Family 3) & C-1 (Commercial) to PD (Planned Development) on two tracts of property totaling approximately 21 acres of land per the survey in the corporate limits of the Town of Hickory Creek, Texas. Said properties are more particularly described as follows: A0958A McCarroll, Tract 32, 9.515 acres, Old DCAD Tract #9a and A0958A McCarroll, Tract 31, 11.785 acres, Old DCAD Tract #9. The property is located in the 1100 block of Point Vista Road.

C. Consent Agenda Items:

1. December 2017 Council Meeting Minutes
2. December 2017 Financial Statements

D. Regular Agenda Items:

1. Presentation of the 2016-2017 Fiscal Year Audit from Carl Deaton of Hankins, Eastup, Deaton, Tonn & Seay.
2. Consider and act on an appointment to the Parks and Recreation Board.
3. Consider and act on a site and landscape plan from Murphy USA, legally described as Walmart Addition (Lake Dallas), Block A, Lot 4B, Town of Hickory Creek, Denton County, Texas.
4. Consider and act on an ordinance of the Town Council 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 designation 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, from its current zoning of C-1 (Commercial District) to PD (Planned Development). Said properties are more particularly described as follows: TLC Subdivision Blk A Lot 1 (PT), 1.0104 acres and TLC Subdivision Blk A Lot 1 (C PT) (PT), 0.1116 acres. The property is located at the Northwest corner of Turbeville Road and South Stemmons Freeway.
5. Consider and act on an ordinance of the Town Council 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 designation on a certain tract of land described as an approximately 22 gross acres of land being more particularly described In Exhibit "A", attached hereto and incorporated herein, from its current zoning of C-1 (Commercial District) and SF-3 (Single Family Residential District) to PD (Planned Development). Said properties are more particularly described as follows: A0958A McCarroll, Tract 32, 9.515 acres, Old DCAD Tract #9a and A0958A McCarroll, Tract 31, 11.785 acres, Old DCAD Tract #9. The property is located in the 1100 block of Point Vista Road.
6. Consider and act on an amending plat of Lot 1-A Block A of TLC Subdivision amending the remnant of Lot 1, Block A of TLC Subdivision being a 0.910 acre in the J.W. Simmons Survey A-1163, Town of Hickory Creek, Denton County, Texas.
7. Consider and act on a right-of-way dedication instrument between the Town of Hickory Creek and Cornelius Center Investors, LP.

8. Consider and act on a final plat of Adams Cliffs, Lots 1-3, Block A, 10.374 acres located in the McCarroll Survey, Abstract No. 958, Town of Hickory Creek, Denton County, Texas.
9. Consider and act on a site and landscape plan for The Learning Experience, legally described as Adams Cliffs, Lot 1, Block A, 1.177 acres located in the McCarroll Survey, Abstract No. 958, Town of Hickory Creek, Denton County, Texas.
10. Consider and act on an ordinance of the Town Council of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 4: Business Regulation; Article 4.05; Alcoholic Beverages to add a new section 4.05.004 pertaining to permits for sale or consumption of alcoholic beverages at Arrowhead Park.
11. Consider and act on an ordinance of the Town Council of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 4: Business Regulation; Article 4.05; Alcoholic Beverages, Section 4.05.003 Possession or consumption prohibited in certain areas.
12. Consider and act on an ordinance of the Town Council of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 1: General Provisions; Article 1.10 Parks and Recreation, Section 1.10.03 Prohibitions.
13. Consider and act on Kids and Tailwaggers 2 with Easter Egg Hunt benefiting the Boys & Girls Club of North Central Texas to be held on March 31, 2018 in Sycamore Bend Park.
14. Consider and act on the BGCWorld Music Fest benefiting the Boys and Girls Clubs of North Central Texas to be held on Saturday, May 12, 2018 in Sycamore Bend Park.
15. Consider and act on an ordinance of the Town Council of Hickory Creek, Texas ordering an election to be held on May 5, 2018 for the purpose of electing a Mayor and Town Council Members to Place 2 and Place 4.
16. Consider and act on an ordinance ordering a special election to be held on May 5, 2018, to submit a proposition on repealing the sales and use tax of one-fourth (1/4) of one percent for the maintenance and repair of municipal streets; increasing the local sales and use tax from the rate of one (1) percent to a rate of one and one fourth (1 1/4) percent.
17. Consider and act on a joint election agreement and contract for election services with Denton County for the May 5, 2018 election.
18. Consider and act on Hickory Creek Police Department General Order 2018-01-1:Canine Unit.
19. Discussion regarding the 2017 Hickory Creek Business of the Year.
20. Discussion regarding the 2017 Hickory Creek Citizen of the Year.
21. Discussion regarding current road and sidewalk projects.

E. Executive Session: The Town Council will convene into executive session 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.

No Executive Session

F. Reconvene into Open Session:

No Executive Session

G. Adjournment:



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. A.1

Call to Order



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. A.2

Roll Call



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. A.3

Pledge of Allegiance to the U.S. and Texas Flags



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. A.4

Invocation



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. A.5

Presentation of Awards

Melissa Hentschel will be presented a plaque of appreciation for her service on the Parks and Recreation Board.

Waste Management will recognize Lee Haughton.



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. A.6

Items of Community Interest: Pursuant to Texas Government Code Section 551.0415 the town council may report on the following: expressions of thanks, congratulations, or condolence; an honorary or salutary recognition of an individual; a reminder about an upcoming event organized or sponsored by the governing body; and announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after the posting of the agenda.



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. A.7

Public Comment: This item allows the public an opportunity to address the council. To comply with the provisions of the Open Meetings Act, the town council cannot discuss or take action on items brought before them not posted on the agenda. Please complete a request if you wish to address the town council.

Comments will be limited to three minutes.



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. B.1

Public Hearing: To hear public opinion on a request by Studio 13 Design Group on behalf of Hard Sun V, Inc. to change the zoning designation from C-1 (Commercial) to PD (Planned Development) on two tracts of property totaling approximately 1.1 acres of land per the survey in the corporate limits of the Town of Hickory Creek, Texas. Said properties are more particularly described as follows: TLC Subdivision Blk A Lot 1 (PT), 1.0104 acres and TLC Subdivision Blk A Lot 1 (C PT) (PT), 0.1116 acres. The property is located at the Northwest corner of Turbeville Road and South Stemmons Freeway.

**NOTICE OF A PUBLIC HEARING OF THE
TOWN COUNCIL OF THE
TOWN OF HICKORY CREEK, TEXAS**

Notice is hereby given that the Town of Hickory Creek Town Council will hold a public hearing on January 30, 2018 at 6:30 p.m. in the Council Chambers of the Town Hall Building located at 1075 Ronald Reagan Avenue, Hickory Creek, Texas to receive public input regarding the following:

A request by Studio 13 Design Group on behalf of Hard Sun V, Inc. to change the zoning designation from C-1 (Commercial) to PD (Planned Development) on two tracts of property totaling approximately 1.1 acres of land per the survey in the corporate limits of the Town of Hickory Creek, Texas. Said properties are more particularly described as follows: TLC Subdivision Blk A Lot 1 (PT), 1.0104 acres and TLC Subdivision Blk A Lot 1 (C PT) (PT), 0.1116 acres. The property is located at the Northwest corner of Turbeville Road and South Stemmons Freeway.

All interested parties are invited to attend and participate. A description of the request is available at Town Hall.



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. B.2

Public Hearing: To hear public opinion on a request by Astra Development to change the zoning designation from SF-3 (Single Family 3) & C-1 (Commercial) to PD (Planned Development) on two tracts of property totaling approximately 21 acres of land per the survey in the corporate limits of the Town of Hickory Creek, Texas. Said properties are more particularly described as follows: A0958A McCarroll, Tract 32, 9.515 acres, Old DCAD Tract #9a and A0958A McCarroll, Tract 31, 11.785 acres, Old DCAD Tract #9. The property is located in the 1100 block of Point Vista Road.

**NOTICE OF A PUBLIC HEARING OF THE
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A request by Astra Development to change the zoning designation from SF-3 (Single Family 3) & C-1 (Commercial) to PD (Planned Development) on two tracts of property totaling approximately 21 acres of land per the survey in the corporate limits of the Town of Hickory Creek, Texas. Said properties are more particularly described as follows: A0958A McCarroll, Tract 32, 9.515 acres, Old DCAD Tract #9a and A0958A McCarroll, Tract 31, 11.785 acres, Old DCAD Tract #9. The property is located in the 1100 block of Point Vista Road.

All interested parties are invited to attend and participate. A description of the request is available at Town Hall.



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. C.1

December 2017 Council Meeting Minutes

**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 December 19, 2017 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
Kristina Smith, Administrative Assistant
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 Elrod gave the invocation.

Presentation of Awards

Mayor Clark presented a plaque of appreciation to Ethan Salas for completion of an Eagle Scout project in Hickory Creek.

Mayor Clark presented Craig Donham a plaque of appreciation for his service on the Parks and Recreation Board.

Proclamation

Mayor Clark proclaimed December 1, 2017 as Arbor Day in the Town of Hickory Creek.

Items of Community Interest

The newest employee of the police department, Chico, a Belgian Malinois, was introduced. He is blessed with the ability to detect drugs, search for missing persons and suspects. He is only 2 ½ years old but he's quiet, compassionate and enthusiastic when doing his job. Sergeant Jon Causseaux has been named the canine handler.

The town received a letter of appreciation from the Lake Cities Education Foundation for supporting the 17th LCEF Annual Gala and Auction.

Town of Hickory Creek
December 19, 2017
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Thanks to all those involved with the fundraiser held at Chilito's Mexican Restaurant benefiting the Hickory Creek Animal Shelter.

Thanks to the Public Works Department for their work clearing the right of way on Hook Street.

Thanks to the town staff for coordinating the 2017 Christmas Tree Lighting.

Public Comment

Brenda Carpenter, 1500 Turbeville Road, stated Hickory Creek Estates Mobile Home Park is a blend of housing with mobile homes, recreational vehicles and expensive motorhomes. It is a safe place to live with people from diverse professions and economic situations. She is happy to live in the park and believes it is an asset to the community.

Ron Furtick, 1500 Turbeville Road, stated tonight's agenda is about who wins and who doesn't. His tenants do not win, many of them will be economically devastated by losing their homes. Sacrificing a walkable downtown area, will result in property values remaining low and property taxes increasing due to the loss of sales tax revenue a commercial development could generate. A major regional developer, who has attempted to purchase his land for years, would win. Three years ago, Mr. Furtick and the town agreed to purchase adjoining land to create a downtown area. The zoning would be changed, to facilitate mixed use development. He borrowed a very large amount of money. Without the zoning change on his property, it is worth less than what he paid. He has spent twenty-five years working to create a retirement for himself and his family. The council is poised tonight to pass laws that are designed to destroy everything he has worked for.

Yasmin Morrison, 1500 Turbeville Road, Ron Furtick's daughter, stated she and her husband Charles, are going to take over plans for managing and developing her father's property. She is excited to begin a new chapter with the Town of Hickory Creek.

Item B - Public Hearing

No public hearing.

Item C – Consent Agenda Items

1. October 2017 Council Meeting Minutes
2. October 2017 Financial Statements
3. November 2017 Financial Statements
4. 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 DuPree to approve consent agenda Items C1 – C4 as presented. Motion seconded by Councilmember Elrod.

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

Nays: None

MOTION PASSED UNANIMOUSLY

Item D – Regular Agenda Items

D (1) - Presentation of 2017 Citizen Satisfaction Survey administered by Public Administration graduate students with The University of Texas at Arlington.

Kimberly Meismer presented the results of the 2017 Citizen Satisfaction Survey. Citizens were highly satisfied with Public Safety which included Police, Fire/EMS and Animal Control and the number and cleanliness of the parks throughout town. Areas in need of improvement include street lighting, recreational programs, sidewalk maintenance and code enforcement efforts.

D (2) - Presentation from Metrocom regarding development of certain real property described as A1220A H.H. SWISHER, TR 40, 24.732 ACRES, (located South of Swisher Road, West of Ronald Reagan Avenue, North of Turbeville Road and East of Parkridge Road.)

Mehrdad Mayedi, Centurion American Development Group, stated he is interested in developing a piece of property located in the ETJ that Metrocom Properties has under contract. Centurion would annex the land into the town and would request a public improvement district. In his opinion, the future Point Vista Road expansion that falls south of the property is not necessary due to the existing east and west thoroughfares, FM 2181 and Turbeville Road. Discussions included abandoning the road project with the possibility of constructing a trail system and the importance of informing potential homebuyers they are purchasing a home in a public improvement district.

D (3) - Consider and act on an ordinance granting to Atmos Energy Corporation, a Texas and Virginia Corporation, its successors and assigns, a franchise to construct, maintain and operate pipelines and equipment in the Town of Hickory Creek, Denton County, Texas.

Motion: made by Councilmember Gordon to approve Item D3 as presented to include a five percent franchise fee. 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 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 Span, Inc. for transportation services.

Motion: made by Councilmember Theodore 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 Span, Inc. for transportation services. Motion seconded by Councilmember Gordon.

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

Nays: None

MOTION PASSED UNANIMOUSLY

D (5) - Consider and act on purchasing trees to be planted at various sites throughout the town.

Motion: made by Councilmember Elrod to approve purchasing trees to be planted at various sites throughout the town in an amount not to exceed \$21,450.00. Motion seconded by Councilmember Gordon.

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

Nays: None

MOTION PASSED UNANIMOUSLY

D (6) - Consider and act on proposals submitted for an extension of existing structure at the public works facility located at 970 Main Street.

Motion: made by Councilmember Gordon to approve the proposal submitted by Douglas Specialties for an extension of existing structure at the public work facility located at 970 Main Street in an amount of \$33,750.00. Motion seconded by Councilmember DuPree.

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

Nays: None

MOTION PASSED UNANIMOUSLY

D (7) - Consider and act on allocating funds for the Town of Hickory Creek logo to be placed on the L.C.U.M.A. elevated storage tank in Hickory Creek.

Motion: made by Councilmember Gordon to approve allocation of funds for the Town of Hickory Creek logo to be placed on the L.C.U.M.A. elevated storage tank in Hickory Creek in an amount of \$4,427.50 to Landmark Structures from the beatification expense line item. 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 right-of-way dedication instrument between the Town of Hickory Creek and Kenneth R. and Linda K. Casey.

Motion: made by Councilmember Gordon to approve the right-of-way dedication instrument as presented between the Town of Hickory Creek and Kenneth R. and Linda K. Casey. Motion seconded by Councilmember Elrod.

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

Nays: None

MOTION PASSED UNANIMOUSLY

D (9) - Discussion regarding the proposed extension of Point Vista Road from Ronald Reagan Avenue to Parkridge Road.

Discussions included the easement granted in December 2011 would revert to AS Gold LP if the road is not constructed by December 2018 and the interlocal cooperation agreement between Denton County, Texas and the Town of Hickory Creek, Texas associated with the extension of Point Vista Road from Ronald Reagan Avenue to Parkridge Road with the possibility of the funds to be reallocated to the Turbeville Road – Point Vista Road Reconstruction upon approval of the Denton County Commissioners Court.

D (10) - Consider and act on road improvements and related infrastructure for Point Vista and Turbeville roads.

Motion: made by Councilmember Theodore to authorize the town administrator to communicate to the developer his responsibility for curb cut and engineering costs. Motion seconded by Councilmember DuPree.

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

Nays: None

MOTION PASSED UNANIMOUSLY

D (11) - Consider and act on an ordinance of the Town of Hickory Creek amending the Town's Code of Ordinances, Chapter 6 Health and Sanitation, Article 6.02 Maintenance of Premises; Division 2: Filth, Trash and Rubbish, Section 6.02.32: Receptacles.

Motion: made by Councilmember Kenney to approve an ordinance of the Town of Hickory Creek amending the Town's Code of Ordinances, Chapter 6 Health and Sanitation 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 (12) - Consider and act on an ordinance of the Town of Hickory Creek amending the Town's Code of Ordinances, Chapter 12 Traffic and Vehicles; Article 12.05 Stopping, Standing and Parking, Division 1: generally, Section 12.05.001 Definitions; amending Section 12.05.005 Parking of Oversized Commercial Vehicles; amending Section 12.05.006 Parking in Nonresidential Districts; amending Section 12.05.007 Parking in Residential Districts or on property used for residential purposes; amending Section 12.05.008 On-Street Parking; amending Division 2: Schedules, Section 12.05.043 No Parking except in emergency.

Motion: made by Councilmember Gordon to approve an ordinance of the Town of Hickory Creek amending the Town's Code of Ordinances, Chapter 12 Traffic and Vehicles 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 (13) - Consider and act on an ordinance of the Town of Hickory Creek amending the Town's Code of Ordinances, Chapter 14: Zoning, Exhibit A: Zoning Ordinance, Article XXII: Special Area and Use Regulations; Section 6: Outside storage of commercial products and regulation of commercial products and regulation of commercial storage structures.

Motion: made by Councilmember Elrod to approve an ordinance of the Town of Hickory Creek amending the Town's Code of Ordinances, Chapter 14: Zoning 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 (14) - Discussion regarding onsite personnel at Sycamore Bend Park.

Discussion was held regarding onsite personnel at Sycamore Bend Park and will be discussed again in the future.

D (15) - Discussion regarding the volunteer appreciation dinner.

The volunteer appreciation dinner will be held on February 12, 2018. Locations and catering options were discussed.

D (16) - 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 Grassperson Lawn Care and Landscape.

Motion: made by Councilmember Theodore to approve 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 Grassperson Lawn Care and Landscape in an amount not to exceed \$28,064.64. Motion seconded by Councilmember Elrod.

Ayes: Councilmember Elrod, 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 9:29 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. Consider and act on determining whether the continued operation of the nonconforming use of the 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) has an adverse effect on nearby properties and schedule a second public hearing to establish a compliance date for the nonconforming use.
2. Discussion regarding damage claim from Bob Dillon related to property located at 209 Texoma Drive, Hickory Creek, TX.

Item F - Reconvene into Open Session: The Town Council reconvened into open session at 10:26 p.m.

1. Consider and act on determining whether the continued operation of the nonconforming use of the 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) has an adverse effect on nearby properties and schedule a second public hearing to establish a compliance date for the nonconforming use.

Cody Lewis, an attorney with Hayes, Berry White and Vanzant, stated Hickory Creek Ordinances allow this council to consider the institution of the amortization of the nonconforming use of the property at 1500 Turbeville Road as a mobile home park. Mr. Ronald Furtick initially owned the property prior to its annexation into Hickory Creek. Upon annexation, the property was zoned as a commercial district. Mr. Furtick's, d/b/a as Yasi Land Co., use as a mobile home park was grandfathered in as a legal nonconforming use despite his operation of a mobile home park within the annexed commercial district. The property was conveyed to Yasi Land Company, LLC., the current owner. A mobile home park is currently operating on the property. Under Hickory Creek Code of Ordinances, Chapter 14 Zoning; Article 13, Section 2 mobile homes and mobile home parks are prohibited. The stated intent of Hickory Creek's nonconforming uses and structures ordinances is to eventually eliminate nonconforming uses and require compliance with the regulations of the ordinances with due regard to the persons effected, public welfare and character of the surrounding area. The objective of this initial meeting is only to determine whether to institute the amortization of Yasi Land Company, LLC property and the town council has the option to institute those proceedings tonight.

Motion: made by Councilmember DuPree to institute proceedings to consider and establish a compliance date for the nonconforming use of the property at 1500 Turbeville Road, Hickory Creek, Texas also known as A1163 J. W. Simmons Tract 37, South of Swisher Road, East of Ronald Reagan Avenue, North of Turbeville Road and West of Point Vista Road and schedule a public hearing to determine if the nonconforming use has an adverse effect on nearby properties. Motion seconded by Councilmember Kenney.

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

Nays: None

MOTION PASSED UNANIMOUSLY

2. Discussion regarding damage claim from Bob Dillon related to property located at 209 Texoma Drive, Hickory Creek, TX.

No action taken.

Item G – Adjournment

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

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

Nays: None

MOTION PASSED UNANIMOUSLY

The meeting did then stand adjourned at 10:30 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. C.2

December 2017 Financial Statements

Town of Hickory Creek
Balance Sheet
As of December 31, 2017

	<u>Dec 31, 17</u>
ASSETS	
Current Assets	
Checking/Savings	
BOA - Animal Shelter Fund	17,455.02
BOA - Drug Forfeiture	1,311.01
BOA - Drug Seizure	592.10
BOA - General Fund	987,647.33
BOA - Parks and Recreation	102,312.49
BOA - Payroll	260.00
BOA - Police State Training	5,175.82
Logic Animal Shelter Facility	9,095.13
Logic Harbor Ln-Sycamore Bend	3,171.25
Logic Investment Fund	2,643,450.79
Logic Street & Road Improvement	2,142,709.56
Logic Turbeville Road	204,026.95
Total Checking/Savings	<u>6,117,207.45</u>
Accounts Receivable	
Municipal Court Payments	260.00
Total Accounts Receivable	<u>260.00</u>
Total Current Assets	<u>6,117,467.45</u>
TOTAL ASSETS	<u>6,117,467.45</u>
LIABILITIES & EQUITY	0.00

Town of Hickory Creek
Profit & Loss
December 2017

	Dec 17
Ordinary Income/Expense	
Income	
Ad Valorem Tax Revenue	
4002 M&O	477,998.70
4004 M&O Penalties & Interest	25.25
4006 Delinquent M&O	128.23
4008 I&S Debt Service	412,035.86
4010 I&S Penalties & Interest	20.02
4012 Delinquent I&S	91.34
Total Ad Valorem Tax Revenue	890,299.40
Building Department Revenue	
4102 Building Permits	5,039.86
4104 Certificate of Occupancy	300.00
4106 Contractor Registration	450.00
4108 Preliminary/Final Plat	830.00
4112 Health Inspections	460.00
4122 Septic Permits	850.00
4124 Sign Permits	55.00
4128 Variance Fee	250.00
4130 Vendor Fee	75.00
4132 Alarm Permit Fees	100.00
Total Building Department Revenue	8,409.86
Franchise Fee Revenue	
4212 Waste Management	2,108.79
Total Franchise Fee Revenue	2,108.79
Interest Revenue	
4302 Animal Shelter Interest	10.92
4308 Drug Forfeiture Interest	0.04
4310 Drug Seizure Interest	0.01
4314 Logic Investment Interest	3,090.97
4320 Logic Street/Road Improv.	2,505.46
4322 Logic Turbeville Road	238.58
4326 PD State Training Interest	0.09
4328 Logic Harbor/Sycamore Bend	3.70
Total Interest Revenue	5,849.77
Miscellaneous Revenue	
4502 Animal Adoption & Impound	850.00
4508 Annual Park Passes	498.00
4510 Arrowhead Park Fees	769.00
4526 Mineral Rights	45.55
4530 Other Receivables	-22.98
4536 Point Vista Park Fees	133.00
4550 Sycamore Bend Fees	1,187.25
Total Miscellaneous Revenue	3,459.82
Municipal Court Revenue	

Town of Hickory Creek
Profit & Loss
December 2017

	Dec 17
4602 Building Security Fee	830.96
4604 Citations	46,721.88
4606 Court Technology	1,107.96
4612 State Court Costs	20,462.38
Total Municipal Court Revenue	69,123.18
Sales Tax Revenue	
4702 Sales Tax General Fund	72,730.71
4704 Sales Tax Road Maintenance	14,546.14
4706 Sales Tax 4B Corporation	29,092.29
Total Sales Tax Revenue	116,369.14
Total Income	1,095,619.96
Gross Profit	1,095,619.96
Expense	
Capital Outlay	
5012 Streets & Road Improvement	36,988.50
5020 Main Street Reconstruction	1,625.00
5024 Public Safety Improvements	24,975.12
Total Capital Outlay	63,588.62
General Government	
5202 Bank Service Charges	10.00
5204 Books & Subscriptions	211.97
5206 Computer Hardware/Software	125.36
5210 Dues & Memberships	527.00
5212 EDC Tax Payment	29,092.29
5216 Volunteer/Staff Events	793.97
5218 General Communications	2,171.44
5222 Office Supplies & Equip.	61.74
5226 Community Cause	133.98
5228 Town Council/Board Expense	214.17
5230 Training & Education	256.00
5234 Staff Uniforms	48.42
Total General Government	33,646.34
Municipal Court	
5304 Building Security	297.32
5312 Court Technology	200.00
5318 Merchant Fees/Credit Cards	52.05
5322 Office Supplies/Equipment	13.73
5326 Training & Education	200.00
5332 Warrants Collected	3,802.53
Total Municipal Court	4,565.63
Parks and Recreation	
5408 Tanglewood Park	38.69
5414 Tree City USA	170.00

Town of Hickory Creek
Profit & Loss
December 2017

	Dec 17
Total Parks and Recreation	208.69
Parks Corps of Engineer	
5432 Arrowhead	252.87
5434 Harbor Grove	27.51
5436 Point Vista	205.93
5438 Sycamore Bend	116.51
Total Parks Corps of Engineer	602.82
Personnel	
5502 Administration Wages	20,300.72
5504 Municipal Court Wages	7,783.25
5506 Police Wages	12,531.24
5507 Police Overtime Wages	35,139.69
5508 Public Works Wages	13,129.57
5509 Public Works Overtime Wage	287.28
5510 Health Insurance	18,957.73
5514 Payroll Expense	1,499.74
5516 Employment Exams	30.00
Total Personnel	109,659.22
Police Department	
5602 Auto Gas & Oil	2,002.12
5606 Auto Maintenance & Repair	7,565.03
5608 Auto New Equipment	4,141.05
5612 Computer Hardware/Software	1,168.77
5626 Office Supplies/Equipment	81.94
5630 Personnel Equipment	370.92
5636 Uniforms	991.48
5640 Training & Education	75.00
Total Police Department	16,396.31
Public Works Department	
5704 Animal Control Equipment	2,064.00
5706 Animal Control Supplies	349.30
5708 Animal Control Vet Fees	520.11
5710 Auto Gas & Oil	659.40
5714 Auto Maintenance/Repair	327.10
5728 Equipment Supplies	896.93
5732 Office Supplies/Equipment	118.44
5734 Radios	233.06
5742 Uniforms	185.96
Total Public Works Department	5,354.30
Services	
5802 Appraisal District	2,521.26
5804 Attorney Fees	2,906.48
5818 Inspections	9,978.00
5820 Fire Service	153,408.22
5826 Municipal Judge	1,920.00
5828 Printing	174.66

Town of Hickory Creek
Profit & Loss
December 2017

	Dec 17
5830 Tax Collection	1,724.46
5832 Computer Technical Support	185.92
Total Services	172,819.00
Special Events	
6008 Tree Lighting	1,309.65
Total Special Events	1,309.65
Utilities & Maintenance	
5902 Bldg Maintenance/Supplies	4,525.56
5906 Gas	154.69
5908 Street Lighting	83.56
5910 Telephone	1,905.88
5912 Water	1,125.70
Total Utilities & Maintenance	7,795.39
Total Expense	415,945.97
Net Ordinary Income	679,673.99
Net Income	679,673.99

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Accrual Basis

Town of Hickory Creek

Budget vs. Actual Year to Date 24.99%

October through December 2017

	Oct - Dec 17	Budget	% of Budget
Ordinary Income/Expense			
Income			
Ad Valorem Tax Revenue			
4002 M&O	526,355.81	928,583.00	56.7%
4004 M&O Penalties & Interest	2,292.69	4,000.00	57.3%
4006 Delinquent M&O	1,087.13	3,000.00	36.2%
4008 I&S Debt Service	451,891.99	800,411.00	56.5%
4010 I&S Penalties & Interest	951.47	4,000.00	23.8%
4012 Delinquent I&S	344.44	3,000.00	11.5%
Total Ad Valorem Tax Revenue	982,923.53	1,742,994.00	56.4%
Building Department Revenue			
4102 Building Permits	106,254.63	250,000.00	42.5%
4104 Certificate of Occupancy	375.00	600.00	62.5%
4106 Contractor Registration	2,250.00	5,000.00	45.0%
4108 Preliminary/Final Plat	830.00	0.00	100.0%
4110 Prelim/Final Site Plan	0.00	0.00	0.0%
4112 Health Inspections	6,900.00	10,120.00	68.2%
4118 Preliminary Plat	0.00	0.00	0.0%
4122 Septic Permits	850.00	850.00	100.0%
4124 Sign Permits	145.00	800.00	18.1%
4126 Special Use Permit	0.00	200.00	0.0%
4128 Variance Fee	750.00	500.00	150.0%
4130 Vendor Fee	150.00	1,000.00	15.0%
4132 Alarm Permit Fees	650.00	1,800.00	36.1%
Total Building Department Revenue	119,154.63	270,870.00	44.0%
Franchise Fee Revenue			
4202 Atmos Energy	0.00	28,750.00	0.0%
4204 Charter Communications	11,840.02	34,500.00	34.3%
4206 CenturyLink	947.79	4,200.00	22.6%
4208 CoServ	1,358.50	4,200.00	32.3%
4210 Oncor Electric	134,943.86	130,000.00	103.8%
4212 Waste Management	10,299.31	36,000.00	28.6%
Total Franchise Fee Revenue	159,389.48	237,650.00	67.1%
Interest Revenue			
4302 Animal Shelter Interest	31.05	0.00	100.0%
4304 Building Security Interest	0.00	0.00	0.0%
4308 Drug Forfeiture Interest	0.34	0.00	100.0%
4310 Drug Seizure Interest	0.03	0.00	100.0%
4314 Logic Investment Interest	8,526.71	15,000.00	56.8%
4318 Logic Storm Water Drainage	0.00	0.00	0.0%
4320 Logic Street/Road Improv.	7,104.24	2,000.00	355.2%
4322 Logic Turbeville Road	676.47	500.00	135.3%
4326 PD State Training Interest	0.27	0.00	100.0%
4328 Logic Harbor/Sycamore Bend	420.39	0.00	100.0%
Total Interest Revenue	16,759.50	17,500.00	95.8%
Interlocal Revenue			
4402 Corp Contract Current Year	0.00	34,000.00	0.0%
Total Interlocal Revenue	0.00	34,000.00	0.0%
Miscellaneous Revenue			
4502 Animal Adoption & Impound	1,185.00	5,000.00	23.7%
4506 Animal Shelter Donations	642.30	1,000.00	64.2%
4508 Annual Park Passes	1,030.40	20,000.00	5.2%

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Accrual Basis

Town of Hickory Creek

Budget vs. Actual Year to Date 24.99%

October through December 2017

	Oct - Dec 17	Budget	% of Budget
4510 Arrowhead Park Fees	3,788.00	15,000.00	25.3%
4512 Beer & Wine Permit	0.00	60.00	0.0%
4514 Cobra Premiums	0.00	0.00	0.0%
4516 Corp Parks Prior Year Rev	0.00	28,218.00	0.0%
4518 Drug Forfeiture	0.00	0.00	0.0%
4520 Drug Seizure	0.00	0.00	0.0%
4522 EDCPayment/Ronald Reagan	0.00	45,778.00	0.0%
4524 Fund Balance Reserve	0.00	507,264.00	0.0%
4526 Mineral Rights	119.67	300.00	39.9%
4528 NSF Fees	0.00	50.00	0.0%
4530 Other Receivables	112,441.27	7,100.00	1,583.7%
4534 PD State Training	0.00	0.00	0.0%
4536 Point Vista Park Fees	1,051.00	5,000.00	21.0%
4546 Street Bond Proceeds	0.00	0.00	0.0%
4550 Sycamore Bend Fees	3,723.25	12,000.00	31.0%
4554 Building Security Fund Res	0.00	0.00	0.0%
4556 Court Tech Fund Reserve	0.00	7,650.00	0.0%
4558 Harbor Lane/Sycamore Bend	3,500.00	0.00	100.0%
Total Miscellaneous Revenue	127,480.89	654,420.00	19.5%
Municipal Court Revenue			
4602 Building Security Fee	2,345.11	11,250.00	20.8%
4604 Citations	143,196.74	625,000.00	22.9%
4606 Court Technology	3,126.84	15,000.00	20.8%
4610 Police Report	0.00	0.00	0.0%
4612 State Court Costs	57,863.76	256,250.00	22.6%
Total Municipal Court Revenue	206,532.45	907,500.00	22.8%
Sales Tax Revenue			
4702 Sales Tax General Fund	239,756.97	934,375.00	25.7%
4704 Sales Tax Road Maintenance	47,951.39	186,875.00	25.7%
4706 Sales Tax 4B Corporation	95,902.80	373,750.00	25.7%
4708 Sales Tax Mixed Beverage	0.00	0.00	0.0%
Total Sales Tax Revenue	383,611.16	1,495,000.00	25.7%
Total Income	1,995,851.64	5,359,934.00	37.2%
Gross Profit	1,995,851.64	5,359,934.00	37.2%
Expense			
Capital Outlay			
5010 Street Maintenance	0.00	186,875.00	0.0%
5012 Streets & Road Improvement	133,071.97	0.00	100.0%
5020 Main Street Reconstruction	1,625.00	0.00	100.0%
5022 Parks and Rec Improvements	0.00	60,218.00	0.0%
5024 Public Safety Improvements	24,975.12	156,000.00	16.0%
5026 Fleet Purchase/Replacement	28,128.00	120,000.00	23.4%
Total Capital Outlay	187,800.09	523,093.00	35.9%
Debt Service			
5104 2007 Bond Series	0.00	0.00	0.0%
5106 2012 Refunding Bond Series	0.00	147,660.00	0.0%
5108 2012 Tax Note Series	0.00	118,818.00	0.0%
5110 2015 Refunding Bond Series	0.00	308,000.00	0.0%
5112 2015 C.O. Series	0.00	271,700.00	0.0%
Total Debt Service	0.00	846,178.00	0.0%

Town of Hickory Creek
Budget vs. Actual Year to Date 24.99%
 October through December 2017

	Oct - Dec 17	Budget	% of Budget
General Government			
5202 Bank Service Charges	57.00	200.00	28.5%
5204 Books & Subscriptions	260.47	300.00	86.8%
5206 Computer Hardware/Software	5,317.54	22,500.00	23.6%
5208 Copier Rental	1,116.49	3,500.00	31.9%
5210 Dues & Memberships	627.00	1,800.00	34.8%
5212 EDC Tax Payment	95,902.80	373,750.00	25.7%
5214 Election Expenses	0.00	5,000.00	0.0%
5216 Volunteer/Staff Events	2,991.99	8,000.00	37.4%
5218 General Communications	10,087.12	15,500.00	65.1%
5222 Office Supplies & Equip.	376.31	1,800.00	20.9%
5224 Postage	267.44	6,000.00	4.5%
5226 Community Cause	403.97	4,000.00	10.1%
5228 Town Council/Board Expense	1,229.10	5,000.00	24.6%
5230 Training & Education	546.00	2,000.00	27.3%
5232 Travel Expense	644.25	1,500.00	43.0%
5234 Staff Uniforms	114.68	700.00	16.4%
Total General Government	119,942.16	451,550.00	26.6%
Municipal Court			
5302 Books & Subscriptions	0.00	100.00	0.0%
5304 Building Security	590.82	11,250.00	5.3%
5312 Court Technology	600.00	22,650.00	2.6%
5314 Dues & Memberships	40.00	180.00	22.2%
5318 Merchant Fees/Credit Cards	-1,118.61	0.00	100.0%
5322 Office Supplies/Equipment	376.92	1,500.00	25.1%
5324 State Court Costs	68,671.63	256,250.00	26.8%
5326 Training & Education	200.00	1,200.00	16.7%
5328 Travel Expense	197.14	400.00	49.3%
5330 Warrant Roundup	0.00	1,500.00	0.0%
5332 Warrants Collected	-2,734.67	0.00	100.0%
Total Municipal Court	66,823.23	295,030.00	22.6%
Parks and Recreation			
5402 Events	0.00	3,000.00	0.0%
5404 Marketing	0.00	500.00	0.0%
5406 Professional Dues	0.00	400.00	0.0%
5408 Tanglewood Park	604.19	5,000.00	12.1%
5410 Travel and Training	0.00	1,000.00	0.0%
5412 KHCB	0.00	1,000.00	0.0%
5414 Tree City USA	800.20	1,500.00	53.3%
5416 Town Hall Park	0.00	15,000.00	0.0%
5418 Glenview Park	0.00	47,500.00	0.0%
Total Parks and Recreation	1,404.39	74,900.00	1.9%
Parks Corps of Engineer			
5432 Arrowhead	1,057.91	56,000.00	1.9%
5434 Harbor Grove	170.33	2,000.00	8.5%
5436 Point Vista	517.31	6,000.00	8.6%
5438 Sycamore Bend	2,871.48	166,000.00	1.7%
Total Parks Corps of Engineer	4,617.03	230,000.00	2.0%
Personnel			
5502 Administration Wages	68,955.83	261,240.00	26.4%
5504 Municipal Court Wages	26,533.62	99,840.00	26.6%
5506 Police Wages	49,709.44	630,940.00	7.9%
5507 Police Overtime Wages	115,909.07	6,000.00	1,931.8%

Town of Hickory Creek
Budget vs. Actual Year to Date 24.99%
 October through December 2017

	Oct - Dec 17	Budget	% of Budget
5508 Public Works Wages	45,529.22	177,075.00	25.7%
5509 Public Works Overtime Wage	642.32	1,400.00	45.9%
5510 Health Insurance	57,556.72	226,700.00	25.4%
5512 Longevity	10,184.00	10,300.00	98.9%
5514 Payroll Expense	4,869.20	16,500.00	29.5%
5516 Employment Exams	180.00	1,500.00	12.0%
5518 Retirement (TMRS)	26,409.93	138,875.00	19.0%
5520 Unemployment (TWC)	40.81	2,000.00	2.0%
5522 Workman's Compensation	23,704.24	24,188.00	98.0%
Total Personnel	430,224.40	1,596,558.00	26.9%
Police Department			
5602 Auto Gas & Oil	6,456.31	25,000.00	25.8%
5604 Auto Lease	0.00	0.00	0.0%
5606 Auto Maintenance & Repair	10,581.09	20,000.00	52.9%
5608 Auto New Equipment	20,507.23	8,000.00	256.3%
5610 Books & Subscriptions	344.26	300.00	114.8%
5612 Computer Hardware/Software	16,047.55	30,279.00	53.0%
5614 Crime Lab Analysis	940.30	1,500.00	62.7%
5616 Drug Forfeiture	0.00	0.00	0.0%
5618 Dues & Memberships	0.00	200.00	0.0%
5626 Office Supplies/Equipment	183.76	2,000.00	9.2%
5628 PD State Training	0.00	0.00	0.0%
5630 Personnel Equipment	9,513.21	5,000.00	190.3%
5632 Radios	0.00	0.00	0.0%
5634 Travel Expense	1,235.00	2,000.00	61.8%
5636 Uniforms	2,638.72	5,000.00	52.8%
5640 Training & Education	1,464.00	11,000.00	13.3%
5644 Citizens on Patrol	0.00	500.00	0.0%
5646 Community Outreach	39.08	1,000.00	3.9%
Total Police Department	69,950.51	111,779.00	62.6%
Public Works Department			
5702 Animal Control Donation	0.00	1,000.00	0.0%
5704 Animal Control Equipment	2,064.00	600.00	344.0%
5706 Animal Control Supplies	349.30	1,000.00	34.9%
5708 Animal Control Vet Fees	520.11	6,000.00	8.7%
5710 Auto Gas & Oil	2,449.08	10,000.00	24.5%
5714 Auto Maintenance/Repair	3,145.78	10,000.00	31.5%
5716 Beautification	240.00	50,000.00	0.5%
5718 Computer Hardware/Software	0.00	500.00	0.0%
5720 Dues & Memberships	0.00	350.00	0.0%
5722 Equipment	4,424.79	4,000.00	110.6%
5724 Equipment Maintenance	580.17	8,000.00	7.3%
5726 Equipment Rental	0.00	500.00	0.0%
5728 Equipment Supplies	1,334.21	6,500.00	20.5%
5732 Office Supplies/Equipment	190.48	800.00	23.8%
5734 Radios	466.16	3,200.00	14.6%
5738 Training	0.00	800.00	0.0%
5740 Travel Expense	31.63	1,000.00	3.2%
5742 Uniforms	875.49	2,000.00	43.8%
5748 Landscaping Services	0.00	35,000.00	0.0%
Total Public Works Department	16,671.20	141,250.00	11.8%
Services			
5802 Appraisal District	2,521.26	10,500.00	24.0%
5804 Attorney Fees	8,009.36	50,000.00	16.0%

Budget vs. Actual Year to Date 24.99%

October through December 2017

	Oct - Dec 17	Budget	% of Budget
5806 Audit	0.00	14,000.00	0.0%
5808 Codification	0.00	1,500.00	0.0%
5812 Document Management	72.21	1,000.00	7.2%
5814 Engineering	821.10	30,000.00	2.7%
5816 General Insurance	28,973.70	29,521.00	98.1%
5818 Inspections	18,277.00	37,500.00	48.7%
5820 Fire Service	306,816.50	611,405.00	50.2%
5822 Legal Notices/Advertising	0.00	2,000.00	0.0%
5824 Library Services	75.00	500.00	15.0%
5826 Municipal Judge	2,880.00	11,520.00	25.0%
5828 Printing	792.36	1,600.00	49.5%
5830 Tax Collection	2,832.91	1,800.00	157.4%
5832 Computer Technical Support	28,685.92	30,000.00	95.6%
5836 Citizens on Patrol	0.00	0.00	0.0%
5838 DCCAC	0.00	1,000.00	0.0%
5840 Denton County Dispatch	0.00	27,950.00	0.0%
5844 Helping Hands	0.00	300.00	0.0%
5846 Span Transit Services	0.00	2,500.00	0.0%
Total Services	400,757.32	864,596.00	46.4%
Special Events			
6004 Fourth of July Celebration	0.00	4,000.00	0.0%
6008 Tree Lighting	4,714.99	3,000.00	157.2%
Total Special Events	4,714.99	7,000.00	67.4%
Utilities & Maintenance			
5902 Bldg Maintenance/Supplies	38,577.39	124,500.00	31.0%
5904 Electric	2,175.78	30,000.00	7.3%
5906 Gas	208.29	1,500.00	13.9%
5908 Street Lighting	5,312.32	30,000.00	17.7%
5910 Telephone	3,794.70	23,000.00	16.5%
5912 Water	2,916.18	9,000.00	32.4%
Total Utilities & Maintenance	52,984.66	218,000.00	24.3%
Total Expense	1,355,889.98	5,359,934.00	25.3%
Net Ordinary Income	639,961.66	0.00	100.0%
Net Income	639,961.66	0.00	100.0%

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Accrual Basis

Town of Hickory Creek
Expenditures over \$1,000.00
December 2017

Type	Date	Num	Name	Amount
Ordinary Income/Expense				
Expense				
Capital Outlay				
5012 Streets & Road Improvement				
Bill	12/07/2017		3D Paving and Contracting, LLC	36,988.50
			Total 5012 Streets & Road Improvement	36,988.50
5020 Main Street Reconstruction				
Check	12/07/2017	3473	Nathan Sprabary	1,625.00
			Total 5020 Main Street Reconstruction	1,625.00
			Total Capital Outlay	38,613.50
General Government				
5212 EDC Tax Payment				
Check	12/08/2017	3474	Hickory Creek Economic Development	29,092.29
			Total 5212 EDC Tax Payment	29,092.29
5218 General Communications				
Check	12/21/2017	Debit	ProSmart Mailing Solutions	2,171.44
			Total 5218 General Communications	2,171.44
			Total General Government	31,263.73
Municipal Court				
5332 Warrants Collected				
Bill	12/06/2017	Invoi...	McCreary, Veselka, Bragg and Allen, P.C.	5,935.40
			Total 5332 Warrants Collected	5,935.40
			Total Municipal Court	5,935.40
Police Department				
5602 Auto Gas & Oil				
Check	12/27/2017	Debit	WEX INC DESFLEET DEBI	2,002.12
			Total 5602 Auto Gas & Oil	2,002.12
5606 Auto Maintenance & Repair				
Bill	12/06/2017	R.O....	Christian Brothers Automotive	1,297.92
Bill	12/06/2017	R.O....	Christian Brothers Automotive	1,426.20
Bill	12/06/2017	R.O....	Christian Brothers Automotive	2,934.60
			Total 5606 Auto Maintenance & Repair	5,658.72
5608 Auto New Equipment				
Bill	12/07/2017	Invoi...	Priority Public Safety	4,141.05
			Total 5608 Auto New Equipment	4,141.05
			Total Police Department	11,801.89
Public Works Department				
5704 Animal Control Equipment				

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Accrual Basis

Town of Hickory Creek
Expenditures over \$1,000.00
December 2017

Type	Date	Num	Name	Amount
Bill	12/07/2017	Invoi...	The Travel Doctor/Corp. Health Mgmt.	2,064.00
			Total 5704 Animal Control Equipment	2,064.00
			Total Public Works Department	2,064.00
Services				
			5802 Appraisal District	
Bill	12/06/2017	Invoi...	DCAD	2,521.26
			Total 5802 Appraisal District	2,521.26
			5804 Attorney Fees	
Bill	12/06/2017	9975...	Hayes, Berry, White & Vanzant	1,731.58
			Total 5804 Attorney Fees	1,731.58
			5818 Inspections	
Bill	12/07/2017	Invoi...	Vaughn Inspections Plus, LLC	9,978.00
			Total 5818 Inspections	9,978.00
			5820 Fire Service	
Check	12/07/2017	3471	City of Corinth	153,408.22
			Total 5820 Fire Service	153,408.22
			5830 Tax Collection	
Deposit	12/18/2017		Deposit	1,724.46
			Total 5830 Tax Collection	1,724.46
			Total Services	169,363.52
Utilities & Maintenance				
			5902 Bldg Maintenance/Supplies	
Bill	12/06/2017	Invoi...	Denton Electric, Inc.	1,203.00
Check	12/07/2017	3473	Nathan Sprabary	1,625.00
			Total 5902 Bldg Maintenance/Supplies	2,828.00
			5910 Telephone	
Bill	12/06/2017	Acc...	CenturyLink	1,742.59
			Total 5910 Telephone	1,742.59
			Total Utilities & Maintenance	4,570.59
			Total Expense	263,612.63
			Net Ordinary Income	-263,612.63
			Net Income	-263,612.63



TOWN OF HICKORY CREEK
ATTN KRISTI K ROGERS
1075 RONALD REAGAN AVE
HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276007

ACCOUNT NAME: ANIMAL SHELTER FACILITY

STATEMENT PERIOD: 12/01/2017 - 12/31/2017

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 1.3784%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 29 DAYS AND THE NET ASSET VALUE FOR 12/29/17 WAS .999820.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			9,084.51
12/29/2017	MONTHLY POSTING	9999888	10.62	9,095.13
	ENDING BALANCE			9,095.13

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	9,084.51
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	10.62
ENDING BALANCE	9,095.13
AVERAGE BALANCE	9,084.51

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
ANIMAL SHELTER FACILITY	0.00	0.00	105.40





TOWN OF HICKORY CREEK
ATTN KRISTI K ROGERS
1075 RONALD REAGAN AVE
HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276009

ACCOUNT NAME: HARBOR LANE - SYCAMORE BEND

STATEMENT PERIOD: 12/01/2017 - 12/31/2017

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 1.3784%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 29 DAYS AND THE NET ASSET VALUE FOR 12/29/17 WAS .999820.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			3,167.55
12/29/2017	MONTHLY POSTING	9999888	3.70	3,171.25
	ENDING BALANCE			3,171.25

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	3,167.55
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	3.70
ENDING BALANCE	3,171.25
AVERAGE BALANCE	3,167.55

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
HARBOR LANE - SYCAMORE BEND	0.00	323,750.00	3,128.39





TOWN OF HICKORY CREEK
ATTN KRISTI K ROGERS
1075 RONALD REAGAN AVE
HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276001

ACCOUNT NAME: INVESTMENT FUND

STATEMENT PERIOD: 12/01/2017 - 12/31/2017

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 1.3784%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 29 DAYS AND THE NET ASSET VALUE FOR 12/29/17 WAS .999820.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			2,640,359.82
12/29/2017	MONTHLY POSTING	9999888	3,090.97	2,643,450.79
	ENDING BALANCE			2,643,450.79

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	2,640,359.82
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	3,090.97
ENDING BALANCE	2,643,450.79
AVERAGE BALANCE	2,640,359.82

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
INVESTMENT FUND	1,345,019.14	1,768,904.83	36,253.99





TOWN OF HICKORY CREEK
ATTN KRISTI K ROGERS
1075 RONALD REAGAN AVE
HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276005

ACCOUNT NAME: RESIDENTIAL STREET & RD IMPROV

STATEMENT PERIOD: 12/01/2017 - 12/31/2017

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 1.3784%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 29 DAYS AND THE NET ASSET VALUE FOR 12/29/17 WAS .999820.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			2,140,204.10
12/29/2017	MONTHLY POSTING	9999888	2,505.46	2,142,709.56
	ENDING BALANCE			2,142,709.56

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	2,140,204.10
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	2,505.46
ENDING BALANCE	2,142,709.56
AVERAGE BALANCE	2,140,204.10

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
RESIDENTIAL STREET & RD IMPROV	0.00	454,402.05	26,380.12





TOWN OF HICKORY CREEK
ATTN KRISTI K ROGERS
1075 RONALD REAGAN AVE
HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276002

ACCOUNT NAME: TURBEVILLE RD IMPROVEMENT FUND

STATEMENT PERIOD: 12/01/2017 - 12/31/2017

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 1.3784%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 29 DAYS AND THE NET ASSET VALUE FOR 12/29/17 WAS .999820.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			203,788.37
12/29/2017	MONTHLY POSTING	9999888	238.58	204,026.95
	ENDING BALANCE			204,026.95

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	203,788.37
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	238.58
ENDING BALANCE	204,026.95
AVERAGE BALANCE	203,788.37

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
TURBEVILLE RD IMPROVEMENT FUND	0.00	0.00	2,363.04





Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.1

Presentation of the 2016-2017 Fiscal Year Audit from Carl Deaton of Hankins, Eastup, Deaton, Tonn & Seay.

TOWN OF HICKORY CREEK

FINANCIAL STATEMENTS
AND
ACCOUNTANTS' OPINION

SEPTEMBER 30, 2017

TOWN OF HICKORY CREEK

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INDEPENDENT AUDITORS' REPORT

Honorable Mayor and Town Council
Town of Hickory Creek, Texas

We have audited the accompanying financial statements of the governmental activities, the discretely presented component units and each major fund of the Town of Hickory Creek, Texas ("Town"), as of and for the year ended September 30, 2017, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America. This includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standard* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the discretely presented component units and each major fund of the Town of Hickory Creek, Texas as of September 30, 2017, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the *management's discussion and analysis* on pages 5 through 12 and the Texas Municipal Retirement system schedules on pages 46 and 47 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Town of Hickory Creek, Texas's basic financial statements. The combining and individual fund statements and schedules listed in the table of contents are presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual fund statements and schedules are fairly stated in all material respects in relation to the basic financial statements as a whole.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated January 18, 2018 on our consideration of the Town of Hickory Creek, Texas's internal control over financial reporting and on our test of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Town of Hickory Creek, Texas's internal control over financial reporting and compliance.



Hankins, Eastup, Deaton, Tonn & Seay, PC
Denton, Texas

January 18, 2018

MANAGEMENT'S DISCUSSION & ANALYSIS

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TOWN OF HICKORY CREEK

MANAGEMENT'S DISCUSSION AND ANALYSIS SEPTEMBER 30, 2017

As management of the Town of Hickory Creek, we offer readers of the Town of Hickory Creek's financial statements this narrative overview and analysis of the financial activities of the Town of Hickory Creek for the year ended September 30, 2017. We encourage readers to consider the information presented here in conjunction with the Town's basic financial statements.

Financial Highlights

- The assets and deferred outflows of resources of the Town of Hickory Creek exceeded its liabilities and deferred inflows at September 30, 2017 by \$11,785,041. Of this amount, \$2,628,686 may be used to meet the government's ongoing obligations to citizens and creditors.
- The Town's total net position increased by \$872,807 during the fiscal year from the results of current year operations.
- As of September 30, 2017, the Town of Hickory Creek's governmental funds reported combined ending fund balances of \$5,529,388, a decrease of \$1,254,279 in comparison with the beginning of the period. Approximately 55 percent of this total amount, \$3,020,355, is available for spending at the government's discretion (*unassigned and assigned fund balance*).
- At the end of the current period, unassigned fund balance for the general fund was \$2,922,301 or 85.24 percent of total general fund expenditures.

Overview of the Financial Statements

The management discussion and analysis are intended to serve as an introduction to the Town of Hickory Creek's basic financial statements. The Town of Hickory Creek's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

Also included as a discretely presented component unit are the Hickory Creek Economic Development Corporation, which was formed on July 1, 2003 as the result of a successful 4B sales tax election, and the Hickory Creek Public Improvement District No. 1, which was created on March 31, 2012 to finance certain public improvements within the District.

Government-wide Financial Statements. The government-wide financial statements are designed to provide readers with a broad overview of the Town of Hickory Creek's finances, in a manner similar to a private-sector business.

The statement of net position presents information on all of the Town of Hickory Creek's assets, deferred outflows of resources, deferred inflows of resources and liabilities, with the difference reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the Town of Hickory Creek is improving or deteriorating.

The statement of activities presents information showing how the Town's net position changed during the most recent period. All of the current period's revenues and expenses are taken into account regardless of when cash is received or paid. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused vacation leave). Both the statement of net position and the statement of activities are prepared utilizing the accrual basis of accounting as opposed to the modified accrual basis used in prior reporting models.

TOWN OF HICKORY CREEK

MANAGEMENT'S DISCUSSION AND ANALYSIS SEPTEMBER 30, 2017

In the Statement of Net Position and the Statement of Activities, the Town is divided between two kinds of activities:

- **Governmental activities.** All of the Town's basic services are reported here, including the police, fire, library, community development, public works, park services, municipal court, and general administration. Property taxes, sales taxes, and franchise fees finance most of these activities.
- **Business-type activities.** The Town may charge a fee to customers to help it cover all or most of the cost of certain services it provides. The Town had no business-type activities during the current period.

Fund Financial Statements. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. Fund financial statements provide detailed information about the most significant funds, not the Town as a whole. Some funds are required to be established by state law or bond covenants. However, the Town Council may establish other funds to help it control and manage money for particular purposes or to show that it is meeting legal responsibilities for using certain taxes, grants and other money. All of the funds of the Town of Hickory Creek are considered governmental funds.

Governmental Funds. All of the Town's basic services are reported in governmental funds, which focus on how money flows into and out of those funds and the balances left at period-end that are available for spending. These funds are reported using an accounting method identified as the modified accrual basis of accounting, which measures cash and all other financial assets that can readily be converted to cash. The governmental fund statements provide a detailed short-term view of the Town's general operations and the basic services it provides. Governmental fund information helps the reader determine whether there are more or fewer financial resources that can be spent in the near future to finance the Town's programs. By comparing information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements, readers may better understand the long-term impact of the government's near-term financing decisions. The relationship or differences between governmental activities (reported in the Statement of Net Position and the Statement of Activities) and governmental funds are detailed in a reconciliation following the fund financial statements.

The Town of Hickory Creek maintains three individual governmental funds. Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures, and changes in fund balances for the general fund, debt service fund and capital projects fund, each of which are considered to be major funds.

Fiduciary Funds. Fiduciary funds are used to account for resources held for the benefit of parties outside the government. Fiduciary funds are not reflected in the government-wide financial statement because the resources of those funds are not available to support the Town of Hickory Creek's own programs. The accounting used for fiduciary funds is much like that used for proprietary funds. The Town of Hickory Creek does not currently have any fiduciary funds.

Notes to the Financial Statements. The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and funds financial statements.

Other Information. In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information highlighting budgetary information for the general fund.

TOWN OF HICKORY CREEK

MANAGEMENT'S DISCUSSION AND ANALYSIS SEPTEMBER 30, 2017

Government-wide Financial Analysis

The Town's combined net position was \$11,785,041 as of September 30, 2017. The Town first implemented GASB Statement No. 34, *Basic Financial Statement – and Management's Discussion and Analysis – for State and Local Governments*, in fiscal year 2004. The following analysis presents both current and prior year data and discusses significant changes in the accounts. This analysis focuses on the net position (Table 1) and general revenues (Table 2) and changes in net position (Table 3) of the Town's governmental activities.

The largest portion of the Town's net position reflects its investment in capital assets (e.g., land, buildings, machinery, equipment, and infrastructure), less any related debt used to acquire those assets that is still outstanding. The Town uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the Town's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

Table 1
Net Position

	Activities	
	2016	2017
Current and other assets	\$ 7,759,089	\$ 6,150,910
Capital assets	14,069,760	15,562,184
Total assets	21,828,849	21,713,094
Deferred outflows of resources	369,829	387,516
Long-term liabilities outstanding	10,064,063	9,522,885
Other liabilities	969,508	610,902
Total liabilities	11,033,571	10,133,787
Deferred inflows of resources	252,873	181,782
Net Position:		
Net investment in capital assets	4,591,554	6,690,891
Restricted for:		
Debt Service	116,403	116,829
Street improvements/maintenance	3,884,893	2,177,875
Court security and technology	72,562	77,940
Parks	50,655	92,820
Unrestricted	2,196,167	2,628,686
Total net position	\$ 10,912,234	\$ 11,785,041

TOWN OF HICKORY CREEK

MANAGEMENT'S DISCUSSION AND ANALYSIS
SEPTEMBER 30, 2017

Governmental Activities. The Town's general revenues for governmental activities for the years ended September 30, 2016 and 2017 are detailed below (Table 2).

Table 2
General Revenues

	<u>2016</u>	<u>2017</u>
Property taxes	\$ 1,558,482	\$ 1,664,238
Sales taxes	1,082,880	1,155,885
Franchise taxes	239,714	243,822
Mixed beverage taxes	11	10
Special assessments	-	117,069
Investment earnings	32,895	63,789
Miscellaneous	<u>2,762</u>	<u>8,995</u>
	<u>\$ 2,916,744</u>	<u>\$ 3,253,808</u>

TOWN OF HICKORY CREEK

**MANAGEMENT'S DISCUSSION AND ANALYSIS
SEPTEMBER 30, 2017**

The following table provides a summary of the Town's operations for the years ended September 30, 2016 and 2017.

Table 3
Changes in Net Position

	Governmental Activities	
	2016	2017
Revenues:		
Program Revenues:		
Charges for services	\$ 1,693,056	\$ 1,761,462
Operating grants and contributions	45,778	47,230
Capital grants and contributions	2,408,715	-
General Revenues:		
Property taxes	1,558,482	1,664,238
Sales taxes	1,082,880	1,155,885
Other taxes	239,725	243,832
Special assessments	-	117,069
Investment earnings	32,895	63,789
Miscellaneous	2,762	8,995
	<u>7,064,293</u>	<u>5,062,500</u>
Expenses:		
Administration	675,808	725,454
Police	949,510	969,269
Fire	601,781	599,401
Municipal court	413,963	453,844
Public works	1,023,719	1,189,902
Debt service - interest and fees	272,695	259,749
	<u>3,937,476</u>	<u>4,197,619</u>
Special items	2,173	7,926
Change in net position	3,128,990	872,807
Net position - October 1 (beginning)	7,783,244	10,912,234
Net position - September 30 (ending)	<u>\$ 10,912,234</u>	<u>\$ 11,785,041</u>

TOWN OF HICKORY CREEK

MANAGEMENT'S DISCUSSION AND ANALYSIS SEPTEMBER 30, 2017

Financial Analysis of the Government's Funds

Governmental Funds. The focus of the Town's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the Town's financing requirements. In particular, unreserved fund balance may serve as a useful measure of government's net resources available for spending at the end of the period.

As of the end of the current period, the Town's governmental funds reported combined ending fund balances of \$5,529,388, a decrease of \$1,254,279 in comparison with the beginning of the period. Approximately 54.62 percent of this total amount (\$3,020,355) constitutes unassigned and assigned fund balance, which is available for spending at the Town's discretion. The remainder of fund balance is not available for new spending because it has already been committed or assigned 1) to pay for capital improvements (\$2,177,875), 2) to pay for court security and technology costs (\$77,940), 3) to pay for debt retirement (\$116,829), 4) to liquidate prepaid items (\$43,569), 5) to pay for park maintenance (\$92,820).

The general fund is the chief operating fund of the Town. At the end of the current period, unassigned fund balance of the general fund totaled \$2,922,301, while total fund balance was \$4,597,903. As a measure of the general fund's liquidity, it may be useful to compare both unassigned fund balance and total fund balance to total fund expenditures. Unassigned fund balance represents 85.24 percent of total general fund expenditures, while total fund balance represents 134.12 percent of that same amount.

The fund balance of the Town's general fund increased by \$754,900 during the current year. Key factors in this increase are as follows:

- Revenues increased \$338,949 or 8.84% from the previous year, primarily due to increases in ad valorem taxes and special assessments offset by decreases in permits and fees.
- Expenditures decreased \$94,903 or 2.69% from the previous year, primarily due to significantly less capital outlay expenditures.

The fund balance of the Town's debt service fund increased \$426 compared to a \$921 decrease in the prior year. Both revenue and expenditure activity were approximately the same both years.

The fund balance of the capital projects decreased \$2,009,605 during the current year due to significant street and road expenditures.

General Fund Budgetary Highlights

During the current year, the Town Council of the Town of Hickory Creek amended the budget for the General Fund on two occasions. The majority of the appropriation related to actions taken to fund unbudgeted items during the period.

The Town administration reviewed each supplemental appropriation throughout the year and determined that increased revenues or beginning fund balance provided sufficient reserves to recommend the increase.

The original budget reflected that the activity for the year would cause a \$47,051 decrease in available fund balance. The available fund balance for the general fund actually increased in the amount of \$754,900, due primarily to increases in building permits, court citations and to unexpected insurance proceeds.

TOWN OF HICKORY CREEK

**MANAGEMENT'S DISCUSSION AND ANALYSIS
SEPTEMBER 30, 2017**

Capital Asset and Debt Administration

Capital Assets. The Town's investment in capital assets for its governmental activities as of September 30, 2017, amount to \$15,562,184 (net of accumulated depreciation). This amount represents a net increase of \$1,492,424, or 10.6 percent, above the beginning of the year. The investment in capital assets includes land, buildings, equipment, vehicles, roads and construction in progress.

Major capital asset additions during the current year included the following:

<u>Description</u>	<u>Amount</u>
Work on various street improvements	\$ 2,034,993
Covered parking spaces	17,100
Playground equipment	37,178
10 tasers	15,278
Total	<u><u>\$ 2,104,549</u></u>

Table 4
Capital Assets at Year-end
(Net of Depreciation)

	<u>Governmental Activities</u>
Land	\$ 757,710
Buildings	3,078,723
Equipment and Vehicles	363,085
Street and Road Infrastructure	7,080,105
Construction in Progress	<u>4,282,561</u>
Totals	<u><u>\$ 15,562,184</u></u>

Additional information on the Town's capital assets can be found in Note 6 of this report.

Long-term Debt. At the end of the current period, the Town had tax notes outstanding of \$230,000, general obligation bonds outstanding of \$4,625,000, certificates of obligation outstanding of \$3,520,000, capital leases outstanding of \$9,473 and accrued compensated absences of \$85,096, for a total of \$8,469,569.

The Town's total debt decreased by \$628,461 during the current year. No new debt was incurred during the year. Information on the Town's long-term debt can be found in Note 7 of this report.

TOWN OF HICKORY CREEK

MANAGEMENT'S DISCUSSION AND ANALYSIS SEPTEMBER 30, 2017

Economic Factors and Next Year's Budgets and Rates

The Town Council adopted a balanced budget for 2017-2018 and approved a tax rate of 0.366933 per \$100 of assessed value which represents a decrease of 5.26 % from the previous tax rate of 0.387319. Property values were \$427,635,972 in 2016 and \$468,823,156 in 2017.

Residential development continues to be strong as reflected in the increased property values. Homes are currently under construction in the following subdivisions: Waterview will complete build out in the fourth quarter of 2018. Steeplechase South and Shadow Creek Estates will begin Phase 2 with an additional 59 buildable lots.

Steeplechase North Subdivision, consisting of 145 homes, was annexed into the Town limits in September 2017. Property values will increase approximately \$43,500,000 in 2018 as a result.

Sales tax revenue increased \$81,297 or 5.35% for the year.

The Master Thoroughfare Plan was updated in May 2017.

Roads continue to be a top priority. The final phase of Hickory Hills, Royal Oaks, Crest Ct. and Live Oak will be completed in February 2018. An expansion of Point Vista Road and Turbeville Road is essential for planned commercial development and is set to begin in the second quarter of 2018.

2017 marked the beginning of a beautification initiative throughout the Town with improvements to medians along Point Vista Road. Beautification will continue to be a top priority in 2018 with the planting of trees throughout the Town.

The Town of Hickory Creek continues to maintain a strong financial reserve in part to the employees and Town Council. The 2017-2018 budget is consistent with maintaining a strong reserve and disciplined spending.

Requests for Information

This financial report is designed to provide a general overview of the Town's finances for all those with an interest in the government's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to Town of Hickory Creek, P.O. Box 1717, Lake Dallas, Texas 75065.

BASIC FINANCIAL STATEMENTS

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TOWN OF HICKORY CREEK

STATEMENT OF NET POSITION SEPTEMBER 30, 2017

	Primary Government	Component Units	
	Governmental Activities	Economic Development Corporation	Public Improvement District No. 1
ASSETS			
Cash and Investments	\$ 5,692,481	\$1,603,724	\$ 611,076
Receivables (net of allowance for uncollectibles):			
Taxes – Ad Valorem	44,757	-	-
Taxes – Sales	267,242	-	-
Other	10,100	-	-
Due from City of Lake Dallas	108,657	-	-
Internal Balances	(15,896)	21,649	(5,753)
Prepaid Costs	43,569	5,000	-
Capital Assets:			
Land	757,710	881,382	-
Buildings, net	3,078,723	-	-
Equipment and Vehicles, net	363,085	-	-
Street, Road, Park Infrastructure, net	7,080,105	56,989	3,680,025
Construction in Progress	4,282,561	-	-
Total Assets	<u>21,713,094</u>	<u>2,568,744</u>	<u>4,285,348</u>
DEFERRED OUTFLOWS OF RESOURCES			
Deferred Outflow Related to TRMS	235,657	-	-
Deferred Charge on Bond Refunding	151,859	-	-
Total Deferred Outflows of Resources	<u>387,516</u>	<u>-</u>	<u>-</u>
LIABILITIES			
Accounts Payable	385,047	8,944	-
Accrued Wages	42,303	-	-
Accrued Interest	34,137	-	10,197
Due to State Agencies	68,672	-	-
Due to Public Improvement District No. 2	80,743	-	-
Long-term Liabilities:			
Due within one year	619,036	-	80,545
Due in more than one year	8,489,212	-	4,075,800
Net Pension Liability	414,637	-	-
Total Liabilities	<u>10,133,787</u>	<u>8,944</u>	<u>4,166,542</u>
DEFERRED INFLOWS OF RESOURCES			
Deferred Inflow Related to TMRS	181,782	-	-
Total Deferred Inflows of Resources	<u>181,782</u>	<u>-</u>	<u>-</u>
NET POSITION			
Net Investment in Capital Assets	6,690,891	938,371	(476,320)
Restricted for:			
Debt Retirement	116,829	-	243,344
Economic Development	-	1,621,429	-
Street Improvements/Maintenance	2,177,875	-	-
Court Security/Technology	77,940	-	-
Parks	92,820	-	-
Unrestricted Net Position	2,628,686	-	351,782
Total Net Position	<u>\$11,785,041</u>	<u>\$2,559,800</u>	<u>\$ 118,806</u>

The accompanying Notes are an integral part of this statement.

TOWN OF HICKORY CREEK

STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED SEPTEMBER 30, 2017

Functions/Programs	Expenses	Program Revenues		
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions
GOVERNMENTAL ACTIVITIES:				
General Government	\$ 725,454	\$ 16,667	\$ -	\$ -
Police	969,269	655,260	-	-
Fire	599,401	-	-	-
Municipal Court	453,844	453,844	-	-
Public Works	1,189,902	635,691	1,452	-
Debt Service – Interest and Fees	<u>259,749</u>	<u>-</u>	<u>45,778</u>	<u>-</u>
Total Governmental Activities	<u>4,197,619</u>	<u>1,761,462</u>	<u>47,230</u>	<u>-</u>
TOTAL PRIMARY GOVERNMENT	<u>\$4,197,619</u>	<u>\$1,761,462</u>	<u>\$47,230</u>	<u>\$ -</u>
COMPONENT UNITS:				
Economic Development Corporation	\$ 91,763	\$ -	\$ -	\$ -
Public Improvement District No. 1	<u>288,004</u>	<u>-</u>	<u>-</u>	<u>-</u>
TOTAL COMPONENT UNITS	<u>\$ 379,767</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

GENERAL REVENUES:

Taxes:

Property taxes – maintenance and operation

Property taxes – debt service

Sales taxes

Franchise taxes

Mixed beverage taxes

Special Assessments

Investment Earnings

Miscellaneous

Special item-gain on disposition of capital asset

Total General Revenues and Special Items

Change in Net Position

NET POSITION, October 1 (beginning)

NET POSITION, September 30 (ending)

The accompanying Notes are an integral part of this statement.

Governmental Activities	Component Units	
	Economic Development Corp	Public Improvement District No. 1
\$ (708,787)	\$ -	\$ -
(314,009)	-	-
(599,401)	-	-
-	-	-
(552,759)	-	-
(213,971)	-	-
<u>(2,388,927)</u>	<u>-</u>	<u>-</u>
<u>(2,388,927)</u>	<u>-</u>	<u>-</u>
-	(91,763)	-
<u>-</u>	<u>-</u>	<u>(288,004)</u>
<u>-</u>	<u>(91,763)</u>	<u>(288,004)</u>
849,311	-	-
814,927	-	-
1,155,885	385,295	-
243,822	-	-
10	-	-
117,069	-	251,838
63,789	14,721	3,100
8,995	112	-
7,926	-	-
<u>3,261,734</u>	<u>400,128</u>	<u>254,938</u>
872,807	308,365	(33,066)
<u>10,912,234</u>	<u>2,251,435</u>	<u>151,872</u>
<u>\$11,785,041</u>	<u>\$2,559,800</u>	<u>\$ 118,806</u>

TOWN OF HICKORY CREEK

BALANCE SHEET-GOVERNMENTAL FUNDS
SEPTEMBER 30, 2017

	<u>General Fund</u>	<u>Debt Service Fund</u>
ASSETS		
Cash and Investments	\$3,556,876	\$ -
Receivables (net of allowances for uncollectibles):		
Taxes –Ad Valorem	25,178	19,579
Taxes - Sales	267,242	-
Other	10,100	-
Due from City of Lake Dallas	-	-
Due from Other Funds	1,090,465	71,051
Due from EDC	-	45,778
Due from Public Improvement District No. 1	5,753	-
Prepaid Costs	43,569	-
Total Assets	<u>\$4,999,183</u>	<u>\$ 136,408</u>
LIABILITIES AND FUND EQUITY		
Liabilities:		
Current Liabilities:		
Accounts Payable	\$ 51,047	\$ -
Accrued Wages	42,303	-
Due to State Agencies	68,672	-
Due to EDC	67,427	-
Due to Public Improvement District No. 2	80,743	-
Due to Other Funds	65,910	-
Total Liabilities	<u>376,102</u>	<u>-</u>
Deferred Inflows of Resources:		
Unavailable Revenue-Property Taxes	25,178	19,579
Total Deferred Inflows of Resources	<u>25,178</u>	<u>19,579</u>
Fund Equity:		
Nonspendable Fund Balance:		
Prepaid Costs	43,569	-
Restricted Fund Balance:		
Court Security and Technology	77,940	-
Street Improvements/Maintenance	1,363,219	-
Retirement of Long-term Debt	-	116,829
Parks	92,820	-
Assigned Fund Balance: Roof Repairs	98,054	-
Unassigned Fund Balance	2,922,301	-
Total Fund Equity	<u>4,597,903</u>	<u>116,829</u>
Total Liabilities, Deferred Inflows and Fund Equity	<u>\$4,999,183</u>	<u>\$ 136,408</u>

The accompanying Notes are an integral part of this statement.

Capital Projects Fund	Total Governmental Funds
--------------------------	--------------------------------

\$2,135,605	\$5,692,481
-------------	-------------

-	44,757
-	267,242
-	10,100
108,657	108,657
-	1,161,516
-	45,778
-	5,753
-	43,569
<u>\$2,244,262</u>	<u>\$7,379,853</u>

\$ 334,000	\$ 385,047
-	42,303
-	68,672
-	67,427
-	80,743
<u>1,095,606</u>	<u>1,161,516</u>
<u>1,429,606</u>	<u>1,805,708</u>

<u>-</u>	<u>44,757</u>
<u>-</u>	<u>44,757</u>

-	43,569
-	77,940
814,656	2,177,875
-	116,829
-	92,820
-	98,054
-	2,922,301
<u>814,656</u>	<u>5,529,388</u>
<u>\$2,244,262</u>	<u>\$7,379,853</u>

TOWN OF HICKORY CREEK

RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE SHEET TO THE
STATEMENT OF NET POSITION
SEPTEMBER 30, 2017

Total Fund Balances – Governmental Funds	\$ 5,529,388
Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the fund financial statements.	20,285,608
Accumulated depreciation is not reported in the fund financial statements.	(4,723,424)
Tax notes, general obligation bonds, certificates of obligation, capital leases and compensated absences are not reported in the fund financial statements.	(8,469,569)
Property tax revenue reported as unavailable revenues in the fund financial statements was recognized as revenue in the government-wide financial statements.	44,757
Bond premiums are not recognized in the fund financial statements.	(638,679)
Deferred charge on bond refunding is not recognized in the fund financial statements.	151,859
Interest is accrued on outstanding debt in the government-wide financial statements, whereas in the fund financial statements interest expenditures are reported when due.	(34,137)
Included in the items related to debt is the recognition of the Town's net TMRS pension liability required by GASB 68 in the amount of \$414,637, a Deferred Resource Inflow related to TMRS in the amount of \$181,782 and a Deferred Resource Outflow related to TMRS in the amount of \$235,657. This amounted to a decrease in Net Position in the amount of \$360,762.	<u>(360,762)</u>
Net Position of Governmental Activities	<u>\$11,785,041</u>

The accompanying Notes are an integral part of this statement.

TOWN OF HICKORY CREEK

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE GOVERNMENTAL FUNDS FOR THE YEAR ENDED SEPTEMBER 30, 2017

	GENERAL FUND	DEBT SERVICE FUND	CAPITAL PROJECTS FUND	TOTAL GOVERNMENTAL FUNDS
Revenues:				
Taxes - Ad Valorem	\$ 847,986	\$ 813,210	\$ -	\$ 1,661,196
- Franchise	243,822	-	-	243,822
- Sales	1,155,885	-	-	1,155,885
- Mixed Beverage	10	-	-	10
Special Assessment Fees	117,069	-	-	117,069
Court Citations	1,048,193	-	-	1,048,193
Corp of Engineers	33,434	-	-	33,434
Building Permits	385,320	-	-	385,320
Interest Income	38,399	-	25,390	63,789
Other Permits and Fees	130,341	-	-	130,341
Parks and Recreation	56,187	-	-	56,187
Gas Royalties	419	-	-	419
Donations from EDC	-	45,778	-	45,778
Insurance Proceeds	107,987	-	-	107,987
Denton County Contributions	-	-	705,019	705,019
City of Lake Dallas Contributions	-	-	434,629	434,629
Public Donations	1,452	-	-	1,452
Other	8,578	-	-	8,578
Total Revenues	<u>4,175,082</u>	<u>858,988</u>	<u>1,165,038</u>	<u>6,199,108</u>
Expenditures:				
Current:				
General Governments	675,603	-	-	675,603
Police	901,365	-	-	901,365
Fire	599,401	-	-	599,401
Municipal Court	439,763	-	-	439,763
Public Works	689,930	-	-	689,930
Debt Service:				
Principal	8,936	570,000	-	578,936
Interest and Fees	828	288,562	-	289,390
Capital Outlay	112,282	-	3,174,643	3,286,925
Total Expenditures	<u>3,428,108</u>	<u>858,562</u>	<u>3,174,643</u>	<u>7,461,313</u>
Excess (Deficit) of Revenues over Expenditures	<u>746,974</u>	<u>426</u>	<u>(2,009,605)</u>	<u>(1,262,205)</u>
Other Financing Resources (Uses):				
Sale of personal property	7,926	-	-	7,926
Total Other Financing Resources (Uses)	<u>7,926</u>	<u>-</u>	<u>-</u>	<u>7,926</u>
Net Change in Fund Balance	754,900	426	(2,009,605)	(1,254,279)
Fund Balance - October 1 (beginning)	3,843,003	116,403	2,824,261	6,783,667
Fund Balance - September 30 (ending)	<u>\$ 4,597,903</u>	<u>\$ 116,829</u>	<u>\$ 814,656</u>	<u>\$ 5,529,388</u>

The accompanying Notes are an integral part of this statement.

TOWN OF HICKORY CREEK

RECONCILIATION OF THE GOVERNMENTAL FUNDS STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE TO THE STATEMENT OF ACTIVITIES FOR THE YEAR ENDED SEPTEMBER 30, 2017

Total Net Change in Fund Balances – Governmental Funds	\$ (1,254,279)
Current year capital asset additions are expenditures in the fund financial statements, but they are shown as increases in capital assets in the government-wide financial statements. The net effect of reclassifying the current year capital asset additions is to increase net position.	2,147,275
Depreciation is not recognized as an expense in governmental funds since it does not require the use of current financial resources. The net effect of the current year's depreciation is to decrease net position in the government-wide financial statements.	(654,851)
Revenues from property taxes are shown as unavailable in the fund financial statements until they are considered available to finance current expenditures, but such revenues are recognized when assessed, net of an allowance for uncollectable amounts, in the government-wide financial statements.	3,042
Current year compensated absences earned but not used is not recorded in the fund financial statements, but is shown as an increase in long-term debt in the government-wide financial statements.	9,962
Current year principal payments on tax notes, capital leases and general obligation bonds are expenditures in the fund financial statements, but are shown as reductions in long-term debt in the government-wide financial statements.	578,936
Current year amortization of the premium on bond issuance is not recorded in the fund financial statements, but is shown as a reduction in long-term debt in the government-wide financial statements.	39,563
Current year amortization of the deferred loss on bond refunding is not recorded in the fund financial statements, but is shown as a reduction of net position in the government-wide financial statements.	(11,586)
Interest is accrued on outstanding debt in the government-wide financial statements, whereas in the fund financial statements interest expenditures are reported when due.	1,664
The implementation of GASB 68 required that certain expenditures be de-expended and recorded as deferred resource outflows. The contributions made after the measurement date of 12/31/16 caused the change in ending net position to increase in the amount of \$89,178. Contributions made before the measurement date but during the 2017 FY were also de-expended and recorded as a reduction in the net position liability for the Town. This also caused an increase in the change in net position in the amount of \$31,910. These contributions were replaced with the Town's pension expense for the year of \$108,007, which caused a decrease in the change in net position. The impact of all of these is to increase the change in net position by \$13,081.	<u>13,081</u>
Change in Net Position of Governmental Activities	<u>\$ 872,807</u>

The accompanying Notes are an integral part of this statement.

TOWN OF HICKORY CREEK

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL - GENERAL FUND
FOR THE YEAR ENDED SEPTEMBER 30, 2017

	Budgeted Amounts		Actual Amounts (GAAP BASIS)	Variance With Final Budget
	Original	Final		
Revenues:				
Taxes - Ad Valorem	\$ 856,233	\$ 847,986	\$ 847,986	\$ -
- Franchise	236,500	243,822	243,822	-
- Sales	1,083,750	1,140,361	1,155,885	15,524
- Mixed Beverage	350	15	10	(5)
Special Assessment Fees	-	-	117,069	117,069
Court Citations	792,000	1,048,193	1,048,193	-
Corp of Engineers	34,000	33,434	33,434	-
Building Permits	200,000	385,320	385,320	-
Interest Income	7,000	40,435	38,399	(2,036)
Other Permits and Fees	51,080	82,913	130,341	47,428
Parks and Recreation	65,000	56,187	56,187	-
Gas Royalties	200	419	419	-
Public Donations	1,000	1,452	1,452	-
Insurance Proceeds	-	107,987	107,987	-
Other	7,100	11,416	8,578	(2,838)
Total Revenues	<u>3,334,213</u>	<u>3,999,940</u>	<u>4,175,082</u>	<u>175,142</u>
Expenditures:				
Current:				
General Government	703,385	678,158	675,603	2,555
Police	855,321	901,768	901,365	403
Fire	611,405	599,401	599,401	-
Municipal Court	421,080	426,529	439,763	(13,234)
Public Works	780,309	682,697	689,930	(7,233)
Debt Service:				
Principal	8,936	8,936	8,936	-
Interest	828	828	828	-
Capital Outlay	-	112,282	112,282	-
Total Expenditures	<u>3,381,264</u>	<u>3,410,599</u>	<u>3,428,108</u>	<u>(17,509)</u>
Excess of Revenue over Expenditures	<u>(47,051)</u>	<u>589,341</u>	<u>746,974</u>	<u>157,633</u>
Other Financing Sources (Uses):				
Sale of Personal Property	-	-	7,926	7,926
Total Other Financing Sources (Uses)	<u>-</u>	<u>-</u>	<u>7,926</u>	<u>7,926</u>
Net Change in Fund Balance	(47,051)	589,341	754,900	165,559
Fund Balance – October 1 (beginning)	<u>3,843,003</u>	<u>3,843,003</u>	<u>3,843,003</u>	<u>-</u>
Fund Balance – September 30 (ending)	<u>\$ 3,795,952</u>	<u>\$ 4,432,344</u>	<u>\$ 4,597,903</u>	<u>\$ 165,559</u>

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2017

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The financial statements of the Town of Hickory Creek (the "Town") are presented in accordance with generally accepted accounting principles applicable to state and local governmental units as set forth by the Governmental Accounting Standards Board ("GASB").

In fiscal year 2004, the Town implemented GASB Statement No. 34, *Basic Financial Statements – and Management's Discussion and Analysis – for the State and Local Governments*, GASB Statement No. 37, *Basic Financial Statements – and Management's Discussion and Analysis – for State and Local Governments: Omnibus* which provides additional guidance for the implementation of GASB Statement 34, GASB Statement No. 38, *Certain Financial Statement Disclosures*, which changes note disclosures requirements for governmental entities, and GASB Interpretation No. 6, *Recognition and Measurement of Certain Liabilities and Expenditures in Governmental Fund Financial Statements*, which clarifies the application of standards for modified accrual recognition of certain liabilities and expenditures in areas where difference have arisen, or potentially could arise, in interpretation and practice of GASB Statement No. 34.

GASB Statements No. 34 established a new financial reporting model for state and local governments that included the addition of management's discussion and analysis, government-wide financial statements, required supplementary information and the elimination of the use of account groups to the already required fund financial statements and notes. GASB Statement No. 37 provides additional guidance in reporting infrastructure, program revenues and major criteria.

The GASB determined that fund accounting has and will continue to be essential in helping governments to achieve fiscal accountability and should, therefore, be retained. The GASB also determined that the government-wide financial statements are needed to allow users of financial reports to assess a government's operational accountability. The new GASB model integrates fund-based financial reporting and government-wide financial reporting as complementary components of a single comprehensive financial reporting model.

The following is a summary of the more significant accounting policies.

A. Reporting Entity

The Town of Hickory Creek (Town) is a municipal corporation governed by an elected mayor and five-member council. The accompanying financial statements present the government and its component units, entities for which the government is considered to be financially accountable. The criteria for including organizations as component units within the Town's reporting entity, as set forth in Section 2100 GASB's Codification of Governmental Accounting and Financial Reporting Standards, include whether:

- the organization is legally separate (can sue and be sued in their own name)
- the Town holds the corporate powers of the organization
- the Town appoints a voting majority of the organization's board
- the Town is able to impose its will on the organization
- the organization has the potential to impose a financial benefit/burden on the Town
- there is fiscal dependency by the organization on the Town

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2017

Blended component units, although legally separate entities, are, in substance, part of the government's operations. Each discretely presented component unit is reported in a separate column in the government-wide financial statements to emphasize that it is legally separate from the Town.

The Town had two discretely presented component units at September 30, 2017, the Hickory Creek Economic Development Corporation, which was created in fiscal year 2003 as the result of a successful 4B sales tax election, and the Hickory Creek Public Improvement District No. 1, which was created on March 31, 2012 to finance certain public improvements benefiting property owners within the public improvement district.

B. Government-wide and Fund Financial Statements

The government-wide financial statements (i.e., the Statement of Net Position and the Statement of Activities) report information on all of the non-fiduciary activities of the Town and its component units. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support. The Town had no business-type activities during the period.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include 1) charges to customers or applicants who purchase, use or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

Separate financial statements are provided for government funds, proprietary funds, and fiduciary funds, even though the latter are excluded for the government-wide financial statements. Major individual governmental funds are reported as separate columns in the fund financial statements. The Town had no proprietary funds or fiduciary funds during the period.

C. Measurement Focus, Basis of Accounting, and Financial Statement Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are proprietary fund and fiduciary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2017

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the Town considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about Fiduciary Net Position of the Texas Municipal Retirement System (TMRS) and additions to/deductions from TMRS's Fiduciary Net Position have been determined on the same basis as they are reported by TMRS. For this purpose, plan contributions are recognized in the period that compensation is reported for the employee, which is when contributions are legally due. Benefit payments and refunds are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

Property taxes, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual. All other revenue items are considered to be measurable and available only when cash is received by the Town.

When both restricted and unrestricted resources are available for use, it is the Town's policy to use restricted resources first when appropriate, then unrestricted resources as they are needed.

The Town reports the following major governmental funds:

General Fund – The General fund is the general operating fund of the Town. It is used to account for all financial resources except those required to be accounted for in another fund.

Debt Service Fund – This fund is established to account for payment of principal and interest on long-term general obligation debt and other long-term debts for which a tax has been dedicated. This is a budgeted fund. Any unused sinking fund balances are transferred to the General Fund after all of the related debt obligations have been met.

Capital Projects Fund – The Capital Projects Funds accounts for proceeds from the sale of Certificates of Obligation and Tax Notes to be used for authorized acquisition, construction, or renovation projects. Upon completion of a project, any unused debt proceeds, if any, are used to retire related debt principal.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements.

Program revenues include: 1) charges to customers or applicants for goods, services, or privileges provided; 2) operating grants and contributions; and 3) capital grants and contributions, including special assessments. Internally dedicated resources are reported as general revenues rather than as program revenues. Likewise, general revenues include all taxes.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2017

D. Cash and Investments

The Town's cash and investments are considered to be cash on hand, demand deposits and short-term investments in State investment pools.

E. Receivable and Payables

Activity between funds that are representative of lending/borrowing arrangements outstanding at the end of the period are referred to as "due to/from other funds" or "advances to/from other funds."

Property tax receivables are shown net of an allowance for uncollectibles, if applicable.

F. Property Taxes

Ad valorem taxes are levied from valuations assessed as of January 1 and recognized as revenue on the date of levy, on October 1. Property tax receivables are recognized when the Town has an enforceable claim against the property owner. In the governmental funds, property tax revenue is recognized in the fiscal period for which the taxes are levied, provided that they become available. Available means collected within the current period, or expected to be collected soon enough thereafter, to be used to pay current liabilities. The Town's availability period is sixty days. Taxes collected prior to the levy date to which they apply are recorded as deferred revenues and recognized as revenue of the period to which they apply.

Current taxes are due on October 1 and become delinquent if unpaid on February 1. Taxes unpaid as of February 1 are subject to penalty and interest as the Town Council provides by ordinance. On January 1 of each year, a tax lien attaches to property to secure all taxes, penalties and interest ultimately imposed.

For fiscal year 2017, the assessed values were established at 100% of estimated market value. The assessed value for the roll of January 1, 2016, upon which the fiscal year 2017 levy was based, was \$426,423,955. The tax rate to finance general governmental services and road maintenance for the year ended September 30, 2017, was \$.387319 per \$100.

G. Prepaid Items

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid in the government-wide and fund financial statements. These items consist primarily of prepaid insurance.

H. Capital Assets

Capital assets, which include property, plant, equipment and infrastructure assets (e.g., roads, bridges, sidewalks and similar items), are reported in the governmental activities column in the government-wide financial statements. The Town defines capital assets as assets with an initial individual cost of more than \$500 and an estimated useful life in excess of two years. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the time received. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2017

Major outlays for capital assets and improvements are capitalized as projects are constructed. Net interest incurred during the construction phase of capital assets of governmental activities is not included as part of the capitalized value of the assets constructed.

Depreciation expense is calculated on the straight-line method. Depreciation methods are designed to amortize the cost of the assets over their estimated useful lives. Estimated useful lives of major categories of property are as follows:

<u>Category</u>	<u>Estimated Life</u>
Street and Road Infrastructure	15 years
Buildings	40 years
Leasehold improvements	40 years
Machinery and equipment	7-10 years
Vehicles	7 years

I. Compensated Absences

It is the Town's policy to permit employees to accumulate certain earned but unused vacation and sick pay benefits. There is no liability for unpaid accumulated sick leave since the Town does not have a policy to pay any amounts when employees separate from service with the Town. All vacation pay is accrued when incurred in the government-wide financial statements.

J. Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

K. Net Position

Net position represents the difference between assets, deferred outflows, deferred inflows and liabilities. Net investment in capital assets consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowing used for the acquisition, construction or improvements of those assets, and adding back unspent proceeds. Net position is reported as restricted when there are limitations imposed on their use either through the enabling legislation adopted by the Town or through external restrictions imposed by creditors, grantors or laws or regulations of other governments.

L. Budgets and Budgetary Accounting

Prior to September 1, the Town administration submits to the Town Council a proposed budget for the ensuing fiscal year. At the meeting of the Town Council at which the budget is submitted, the Town Council fixes the time and place of the public hearing on the budget and causes to be published a notice of the budget hearing. After the budget hearing the budget may be adopted by a favorable vote of the majority vote of the Council. Upon adoption the budget is filed with the Town Secretary and the County Clerk of Denton County.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2017

The Town administration is authorized to transfer budgeted amounts between departments with any fund; however, any revisions that alter the total expenditures of any fund must be approved by the Town Council. Expenditures should not exceed appropriations at the department level, the classification level as reported in the combined financial statements. Unused appropriations lapse at the end of each fiscal year.

The budgets for the general fund and debt service fund are adopted on a basis consistent with generally accepted accounting principles (GAAP). The budgets were amended at times during the year by the Town Council. Such amendments are reflected in the official minutes of the Council.

2. DEPOSITS AND INVESTMENTS

The Town's funds are required to be deposited and invested under the terms of a depository agreement. The depository bank deposits for safekeeping and trust with the Town's agent bank approved pledged securities in an amount sufficient to protect Town funds on a day-to-day basis during the period of the agreement. The pledge of approved securities is waived only to the extent of the depository bank's dollar amount of Federal Deposit Insurance Corporation ("FDIC") insurance.

1. Cash Deposits:

At September 30, 2017, the carrying amount of the Town's deposits in checking accounts and interest-bearing savings accounts was \$135,478 and the bank balance was \$298,022. The Town's cash deposits at September 30, 2017 were entirely covered by FDIC insurance or by pledged collateral held by the Town's agent bank in the Town's name.

2. Investments:

The Public Funds Investment Act (Government Code Chapter 2256) contains specific provisions in the areas of investment practices, management reports and establishment of appropriate policies. Among other things, it requires the Town to adopt, implement, and publicize an investment policy. That policy must address the following areas: (1) safety of principal and liquidity, (2) portfolio diversification, (3) allowable investments, (4) acceptable risk levels, (5) expected rates of return, (6) maximum allowable stated maturity of portfolio investments, (7) maximum average dollar-weighted maturity allowed based on the stated maturity date for the portfolio, (8) investment staff quality and capabilities, (9) and bid solicitation preferences for certificates of deposit. Statutes authorize the Town to invest in (1) obligations of the U.S. Treasury, certain U.S. agencies, and the State of Texas, (2) certificates of deposit, (3) certain municipal securities, (4) money market savings accounts, (5) repurchase agreements, (6) bankers acceptance, (7) Mutual Funds, (8) Investment pools, (9) guaranteed investment contracts, (10) and common trust funds. The Act also requires the Town to have independent auditors perform test procedures related to investment practices as provided by the Act. The Town is in substantial compliance with the requirements of the Act and with local policies.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2017

In compliance with the Public Funds Investment Act, the Town has adopted a deposit and investment policy. That policy addresses the following risks:

- a. **Custodial Credit Risk – Deposits:** In the case of deposits, this is the risk that, in the event of a bank failure, the Town's deposits may not be returned to it. As of September 30, 2017, the Town's cash balances totaled \$298,022. This entire amount was either collateralized with securities held by the Town's financial institution's agent in the Town's name or covered by FDIC insurance. Thus, the Town's deposits are not exposed to custodial credit risk.
- b. **Custodial Credit Risk – Investments:** For an investment, this is the risk that, in the event of the failure of the counterparty, the Town will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. At September 30, 2017, the Town held all of its investments in the LOGIC public funds investment pool. Investments in external investment pools are considered unclassified as to custodial credit risk because they are not evidenced by securities that exist in physical or book entry form.
- c. **Credit Risk:** This is the risk that an issuer or other counterparty to an investment will be unable to fulfill its obligation. The rating of securities by nationally recognized rating agencies is designed to give an indication of credit risk. The credit quality rating for LOGIC at year-end was AAA (Standard & Poor's).
- d. **Interest Rate Risk:** This is the risk that changes in interest rates will adversely affect the fair value of an investment. The Town manages its exposure to declines in fair values by limiting the weighted average maturity of its investment portfolio to less than one year from the time of purchase. The weighted average maturity for the LOGIC investment pool is less than 60 days.
- e. **Foreign Currency Risk:** This is the risk that exchange rates will adversely affect the fair value of an investment. At September 30, 2017, the Town was not exposed to foreign currency risk.
- f. **Concentration of Credit Risk:** This is the risk of loss attributed to the magnitude of the Town's investment in a single issuer (i.e., lack of diversification). Concentration risk is defined as positions of 5 percent or more in the securities of a single issuer. Investment pools are excluded from the 5 percent disclosure requirement.

The Town's investment at September 30, 2017 is shown below:

<u>Name</u>	<u>Carrying Amount</u>	<u>Market Value</u>
LOGIC Investment Pool	<u>\$5,557,003</u>	<u>\$5,557,003</u>
Total	<u>\$5,557,003</u>	<u>\$5,557,003</u>

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2017

Fair Value Measurements

The Town categorizes its fair value measurements with the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs. Investments that are measured at fair value using the net asset value per share (or its equivalent) as a practical expedient are not classified in the fair value hierarchy below.

In instances where inputs used to measure fair value fall into different levels in the above fair value hierarchy, fair value measurements in their entirety are categorized based in the lowest level input that is significantly to the valuation. The Town's assessment of the significance of particular inputs to these fair value measurements requires judgment and considers factors specific to each asset or liability.

The Town's investments in the LOGIC investment pools (statewide 2a7-like external investment pools) are not required to be measured at fair value but are measured at amortized cost.

3. FUND BALANCE

The Town has implemented GASB Statement No. 54, "Fund Balance Reporting and Governmental Fund Type Definitions." This Statement provides more clearly defined fund balance categories to make the nature and extent of the constraints placed on a government's fund balances more transparent.

Fund Balance Classification: The governmental fund financial statements present fund balances based on classifications that comprise a hierarchy that is based primarily on the extent to which the Town is bound to honor constraints on the specific purposes for which amounts in the respective governmental funds can be spent. The classifications used in the governmental fund financial statements are as follows:

- Nonspendable: This classification includes amounts that cannot be spent because they are either (a) not in spendable form or (b) are legally or contractually required to be maintained intact. The Town has classified prepaid items as being nonspendable as these items are not expected to be converted to cash.
- Restricted: This classification includes amounts for which constraints have been placed on the use of the resources either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments, or (b) imposed by law through constitutional provisions or enabling legislation. Court security and technology fees and park fees are being restricted because their use is restricted pursuant to the regulations that allow the collection of those fees. Debt service resources are to be used for future servicing of the Town's bonded debt and are restricted through debt covenants. Capital projects fund resources are to be used for future construction and renovation projects and are restricted through bond orders and constitutional law.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2017

- Committed: This classification includes amounts that can be used only for specific purposes pursuant to constraints imposed by formal action of the Town Council. The Council establishes (and modifies or rescinds) fund balance commitments by passage of a resolution. This can also be done through adoption and amendment of the budget. These amounts cannot be used for any other purpose unless the Council removes or changes the specified use by taking the same type of action that was employed when the funds were initially committed. This classification also includes contractual obligations to the extent that existing resources have been specifically committed for use in satisfying those contractual requirements. The Town has no committed fund balance as of September 30, 2017.
- Assigned: This classification includes amounts that are constrained by the Town's intent to be used for a specific purpose but are neither restricted nor committed. This intent can be expressed by the Council or through the Council delegating this responsibility to other individuals in the Town. Under the Town's policy, only the Council may assign amounts for specific purposes. This classification also includes the remaining positive fund balance for all governmental funds except for the General Fund. The Town assigned fund balance as of September 30, 2017 to roof repairs from insurance proceeds received during the year.
- Unassigned: This classification includes all amounts not included in other spendable classifications, including the residual fund balance for the General Fund.

When an expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available, the Town considers restricted funds to have been spent first. When an expenditure is incurred for which committed, assigned, or unassigned fund balances are available, the Town considers amounts to have been spent first out of committed funds, then assigned funds, and finally unassigned funds, as needed, unless the Council has provided otherwise in its commitment or assignment actions.

The fund balance policy of the Town expresses an intent to maintain a level of assigned and unassigned fund balance in the general fund equal to 25 percent of the fund's operating expenditures.

Beginning fund balances for the Town's governmental funds have been restated to reflect the above classifications. The details of the fund balances are included in the Governmental Funds Balance Sheet (pages 18 and 19) and are described below:

General Fund

The General Fund has unassigned fund balance of \$2,922,301 at September 30, 2017. Prepaid expenditures (prepaid items) of \$43,569 are considered nonspendable fund balance. Court security and technology fees of \$77,940 and park fees of \$92,820 are shown as restricted for those purposes. Street improvement/maintenance funds of \$1,363,219 are shown as restricted because the source of such funds are sales taxes, special assessments and developer contributions earmarked for street maintenance. Insurance proceeds of \$98,054 are shown as assigned for roof repairs.

Other Major Funds

The Debt Service Fund has restricted funds of \$116,829 at September 30, 2017 consisting primarily of property tax collections that are restricted for debt service payments on bonded debt. The Capital Projects Fund has restricted funds of \$814,656 consisting primarily of unspent bond funds.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2017

4. RECEIVABLES

Government-wide receivables as of September 30, 2017, including the applicable allowances for uncollectible accounts, are as follows:

	<u>General Fund</u>	<u>Debt Service Fund</u>	<u>Capital Projects Fund</u>	<u>Total</u>
Receivables:				
Property Taxes	\$ 25,178	\$ 19,579	\$ -	\$ 44,757
Sales Taxes	267,242	-	-	267,242
Other	<u>10,100</u>	<u>-</u>	<u>-</u>	<u>10,100</u>
Gross Receivables	302,520	19,579	-	322,099
Less: Uncollectible allowance	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Net Total Receivables	<u>\$302,520</u>	<u>\$ 19,579</u>	<u>\$ -</u>	<u>\$322,099</u>

Governmental funds report unavailable revenue in connection with receivables for revenues that are not considered to be available to liquidate liabilities of the current period. At the end of the current fiscal year, the unavailable revenue reported in the governmental funds relates to delinquent property taxes.

5. INTERFUND RECEIVABLES AND PAYABLES

Interfund receivables and payables at September 30, 2017 consist of the following:

	<u>Due From</u>	<u>Due To</u>
General Fund:		
Capital Projects Fund	\$1,090,465	\$ -
Debt Service Fund	-	65,910
Debt Service Fund:		
General Fund	65,910	-
Capital Projects Fund	5,141	-
Capital Projects Fund:		
General Fund	-	1,090,465
Debt Service Fund	-	<u>5,141</u>
Total	<u>\$1,161,516</u>	<u>\$1,161,516</u>

Internal balances between the primary government and component units at September 30, 2017 consist of the following:

	<u>Due From</u>	<u>Due To</u>
General Fund:		
Economic Development Corporation	\$ -	\$67,427
Public Improvement District No. 1	5,753	-
Economic Development Corporation:		
General Fund	67,427	-
Public Improvement District No. 1:		
General Fund	<u>-</u>	<u>5,753</u>
Total	<u>\$73,180</u>	<u>\$73,180</u>

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2017

These balances resulted from the time lag between the date that payments between the two entities are made.

The following is a summary of transfers:

	<u>Transfer In:</u>	
	Economic Development Corporation	<u>Total</u>
Transfer Out: General Fund	<u>\$385,295</u>	<u>\$385,295</u>

Transfers from the general fund to the Economic Development Corporation represent remittance of sales taxes deposited initially in the general fund bank account.

6. CAPITAL ASSETS

Capital asset activity of the Town for the year ended September 30, 2017 was as follows:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Governmental activities:				
Capital assets, not being depreciated:				
Land	\$ 757,710	\$ -	\$ -	\$ 757,710
Construction in Progress	<u>3,119,332</u>	<u>1,643,622</u>	<u>(480,393)</u>	<u>4,282,561</u>
Total capital assets, not being depreciated	<u>3,877,042</u>	<u>1,643,622</u>	<u>(480,393)</u>	<u>5,040,271</u>
Capital assets, being depreciated:				
Buildings and Improvements	4,084,315	17,100	-	4,101,415
Street, Road, Park Infrastructure	8,861,746	871,764	-	9,733,510
Furniture, Equipment and Vehicles	<u>1,417,418</u>	<u>95,182</u>	<u>(102,188)</u>	<u>1,410,412</u>
Total Capital assets, being depreciated	<u>14,363,479</u>	<u>984,046</u>	<u>(102,188)</u>	<u>15,245,337</u>
Less accumulated depreciation for:				
Buildings and Improvements	(912,602)	(110,090)	-	(1,022,692)
Street, Road, Park Infrastructure	(2,230,279)	(423,126)	-	(2,653,405)
Furniture, Equipment and Vehicles	<u>(1,027,880)</u>	<u>(121,635)</u>	<u>102,188</u>	<u>(1,047,327)</u>
Total accumulated depreciation	<u>(4,170,761)</u>	<u>(654,851)</u>	<u>102,188</u>	<u>(4,723,424)</u>
Total capital assets, being depreciated, net	<u>10,192,718</u>	<u>329,195</u>	<u>-</u>	<u>10,521,913</u>
Governmental activities capital assets, net	<u>\$14,069,760</u>	<u>\$1,972,817</u>	<u>\$ (480,393)</u>	<u>\$15,562,184</u>

Depreciation expense was charged to functions/programs of the primary government as follows:

Governmental Activities:	
General government	\$ 45,921
Police	95,157
Municipal court	12,965
Public works	<u>500,808</u>
Total depreciation expense – Governmental activities	<u>\$654,851</u>

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2017

Capital asset activity of the Hickory Creek Economic Development Corporation for the year ended September 30, 2017 was as follows:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Land	\$ 881,382	\$ -	\$ -	\$ 881,382
Street and Road Infrastructure	<u>150,854</u>	<u>-</u>	<u>-</u>	<u>150,854</u>
Totals at historic cost	<u>1,032,236</u>	<u>-</u>	<u>-</u>	<u>1,032,236</u>
Less accumulated depreciation for:				
Street and Road Infrastructure	<u>(83,808)</u>	<u>(10,057)</u>	<u>-</u>	<u>(93,865)</u>
Total accumulated depreciation	<u>(83,808)</u>	<u>(10,057)</u>	<u>-</u>	<u>(93,865)</u>
Capital Assets, net	<u>\$ 948,428</u>	<u>\$ (10,057)</u>	<u>\$ -</u>	<u>\$ 938,371</u>

Capital asset activity of the Hickory Creek Public Improvement District No. 1 for the year ended September 30, 2017 is as follows:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Street and Road Infrastructure	\$ -	\$3,680,025	\$ -	\$3,680,025
Totals at historic cost	<u>-</u>	<u>3,680,025</u>	<u>-</u>	<u>3,680,025</u>
Less accumulated depreciation for:				
Street and Road Infrastructure	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total accumulated depreciation	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Capital Assets, net	<u>\$ -</u>	<u>\$3,680,025</u>	<u>\$ -</u>	<u>\$3,680,025</u>

7. LONG TERM DEBT

Long term debt of the Town at September 30, 2017 consists of two general obligation bond series, one certificates of obligation series, one tax note series, one capital lease and accrued compensated absences. All long-term debt represents transactions in the Town's governmental activities.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2017

The following is a summary of the changes in the Town's Long-term Debt for the year ended September 30, 2017:

<u>Description</u>	<u>Interest Rate Payable</u>	<u>Amounts Outstanding 10/01/16</u>	<u>Additions</u>	<u>Refunded/ Retired</u>	<u>Amounts Outstanding 9/30/17</u>	<u>Due Within One Year</u>
Tax Notes:						
Series 2012	1.66%	\$ 345,000	\$ -	\$ 115,000	\$ 230,000	\$ 115,000
General Obligation Bonds:						
Series 2012 Refunding	2.06%	1,225,000	-	125,000	1,100,000	125,000
Series 2015 Refunding 2.0 - 4.0%		<u>3,710,000</u>	<u>-</u>	<u>185,000</u>	<u>3,525,000</u>	<u>185,000</u>
		<u>4,935,000</u>	<u>-</u>	<u>310,000</u>	<u>4,625,000</u>	<u>310,000</u>
Certificates of Obligation:						
Series 2015	2.0 - 4.0%	<u>3,665,000</u>	<u>-</u>	<u>145,000</u>	<u>3,520,000</u>	<u>145,000</u>
Capital Lease:						
Police vehicles	4.14%	<u>18,409</u>	<u>-</u>	<u>8,936</u>	<u>9,473</u>	<u>9,473</u>
		<u>18,409</u>	<u>-</u>	<u>8,936</u>	<u>9,473</u>	<u>9,473</u>
Premiums on Bond Issuance		678,242	-	39,563	638,679	39,563
Compensated Absences		<u>95,058</u>	<u>-</u>	<u>9,962</u>	<u>85,096</u>	<u>-</u>
Total Long-Term Debt		<u>\$9,736,709</u>	<u>\$ -</u>	<u>\$ 628,461</u>	<u>\$9,108,248</u>	<u>\$ 619,036</u>

Long-term debt of the Hickory Creek Public Improvement District No. 1 consists of \$4,140,000 special assessment revenue bonds that were issued in September, 2017 to finance public improvements benefiting property owners within the public improvement district. The Town is not obligated in any manner for the debt service payments on the special assessment debt. A summary of the change in the long-term debt for the year ended September 30, 2017 is as follows:

<u>Description</u>	<u>Interest Rate Payable</u>	<u>Amounts Outstanding 10/01/16</u>	<u>Additions</u>	<u>Refunded/ Retired</u>	<u>Amounts Outstanding 9/30/17</u>	<u>Due Within One Year</u>
Special Assessment						
Revenue Bonds:						
Series 2017	3.0 - 4.0%	\$ -	\$4,140,000	\$ -	\$4,140,000	\$ 80,000
Premiums on Bond Issuance		<u>-</u>	<u>16,345</u>	<u>-</u>	<u>16,345</u>	<u>545</u>
Total Long-Term Debt		<u>\$ -</u>	<u>\$4,156,345</u>	<u>\$ -</u>	<u>\$4,156,345</u>	<u>\$ 80,545</u>

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2017

8. DEBT SERVICE REQUIREMENTS TO MATURITY

Presented below is a summary of tax notes requirements to maturity:

<u>Year Ended</u> <u>September 30</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u> <u>Requirements</u>
2018	\$ 115,000	\$ 3,818	\$ 118,818
2019	<u>115,000</u>	<u>1,909</u>	<u>116,909</u>
	<u>\$ 230,000</u>	<u>\$ 5,727</u>	<u>\$ 235,727</u>

Presented below is a summary of general obligation bond requirements to maturity:

<u>Year Ended</u> <u>September 30</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u> <u>Requirements</u>
2018	\$ 310,000	\$ 145,660	\$ 455,660
2019	325,000	139,385	464,385
2020	445,000	132,808	577,808
2021	460,000	121,808	581,808
2022	465,000	110,404	575,404
2023-2027	1,230,000	414,648	1,644,648
2028-2032	<u>1,390,000</u>	<u>171,400</u>	<u>1,561,400</u>
	<u>\$4,625,000</u>	<u>\$1,236,113</u>	<u>\$ 5,861,113</u>

Presented below is a summary of certificates of obligation requirements to maturity:

<u>Year Ended</u> <u>September 30</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u> <u>Requirements</u>
2018	\$ 145,000	\$ 126,700	\$ 271,700
2019	150,000	123,800	273,800
2020	155,000	120,800	275,800
2021	160,000	116,150	276,150
2022	165,000	111,350	276,350
2023-2027	895,000	474,500	1,369,500
2028-2032	1,085,000	286,600	1,371,600
2033-2035	<u>765,000</u>	<u>62,000</u>	<u>827,000</u>
	<u>\$3,520,000</u>	<u>\$1,421,900</u>	<u>\$ 4,941,900</u>

Presented below is a summary of capital lease requirements to maturity:

<u>Year Ended</u> <u>September 30</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u> <u>Requirements</u>
2018	<u>\$9,473</u>	<u>\$291</u>	<u>\$9,764</u>
	<u>\$9,473</u>	<u>\$291</u>	<u>\$9,764</u>

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2017

Presented below is a summary of the Hickory Creek Public Improvement District No. 1 special assessment revenue bonds to maturity:

<u>Year Ended September 30</u>	<u>Principal</u>	<u>Interest</u>	<u>Total Requirements</u>
2018	\$ 80,000	\$ 153,340	\$ 233,340
2019	85,000	153,100	238,100
2020	85,000	150,550	235,550
2021	90,000	148,000	238,000
2022	90,000	145,300	235,300
2023-2027	495,000	682,550	1,177,550
2028-2032	595,000	588,000	1,183,000
2033-2037	710,000	467,056	1,177,056
2038-2042	860,000	315,800	1,175,800
2043-2047	1,050,000	129,200	1,179,200
	<u>\$4,140,000</u>	<u>\$2,932,896</u>	<u>\$ 7,072,896</u>

9. DEFEASED BONDS OUTSTANDING

In prior years, the Town issued refunding bonds to defease outstanding bonds for the purpose of consolidation and to achieve debt service savings. The Town has placed the proceeds from the refunding issues in irrevocable escrow accounts with a trust agent to ensure payment of debt service on the refunded bonds.

Accordingly, the trust account assets and liabilities for the defeased bonds are not included in the Town's financial statements. Although defeased, the refunded debt from those earlier issues will not be actually retired until the call dates have come due or until maturity if they are not callable issues. At September 30, 2017, \$510,000 of bonds outstanding are considered defeased.

10. DEFINED BENEFIT PENSION PLANS

Plan Description

The Town of Hickory Creek participates as one of 872 plans in the nontraditional, joint contributory, hybrid defined benefit pension plan administered by the Texas Municipal Retirement System (TMRS). TMRS is an agency created by the State of Texas and administered in accordance with the TMRS Act, Subtitle G, Title 8, Texas Government Code (the TMRS Act) as an agent multiple-employer retirement system for municipal employees in the State of Texas. The TMRS Act places the general administration and management of the System with a six-member Board of Trustees. Although the Governor, with the advice and consent of the Senate, appoints the Board, TMRS is not fiscally dependent on the State of Texas. TMRS's defined benefit pension plan is a tax-qualified plan under Section 401 (a) of the Internal Revenue Code. TMRS issues a publicly available comprehensive annual financial report (CAFR) that can be obtained at www.tmr.com.

All eligible employees of the Town are required to participate in TMRS.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2017

Benefits Provided

TMRS provides retirement, disability, and death benefits. Benefit provisions are adopted by the governing body of the town, within the options available in the state statutes governing TMRS.

At retirement, the benefit is calculated as if the sum of the employee's contributions, with interest, and the town-financed monetary credits with interest were used to purchase an annuity. Members may choose to receive their retirement benefit in one of seven payments options. Members may also choose to receive a portion of their benefit as a Partial Lump Sum Distribution in an amount equal to 12, 24, or 36 monthly payments, which cannot exceed 75% of the member's deposits and interest.

The plan provisions are adopted by the governing body of the Town, within the options available in the state statutes governing TMRS. Plan provisions for the Town were as follows:

	Plan Year 2016	Plan Year 2017
Employee deposit rate	7.0%	7.0%
Employer deposit rate	10.91%	11.61%
Matching ratio (Town to employee)	2 to 1	2 to 1
Years required for vesting	5	5
Service retirement eligibility (expressed as age/years of service)	60/5,0/20	60/5,0/20
Updated Service Credit	100% Repeating, Transfers	100% Repeating, Transfers
Annuity Increase (to retirees)	70% of CPI Repeating	70% of CPI Repeating

Employees covered by benefit terms.

At the December 31, 2016 valuation and measurement date, the following employees were covered by the benefit terms:

Inactive employees or beneficiaries currently receiving benefits	9
Inactive employees entitled to buy not yet receiving benefits	17
Active employees	<u>20</u>
	46

Contributions

The contribution rates for employees in TMRS are either 5%, 6%, or 7% of employee gross earnings, and the town matching percentages are either 100%, 150%, or 200%, both as adopted by the governing body of the town. Under the state law governing TMRS, the contribution rate for each town is determined annually by the actuary, using the Entry Age Normal (EAN) actuarial cost method. The actuarially determined rate is the estimated amount necessary to finance the cost of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability.

Employees for the Town of Hickory Creek were required to contribute 7% of their annual gross earnings during the fiscal year. The contribution rates for the Town of Hickory Creek were 10.91% and 11.61% in calendar years 2016 and 2017, respectively. The Town's contributions to TMRS for the year ended September 30, 2017 were \$121,089, and were equal to the required contributions.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2017

Net Pension Liability

The Town's Net Pension Liability (NPL) was measured as of December 31, 2016, and the Total Pension Liability (TPL) used to calculate the Net Pension Liability was determined by an actuarial valuation as of that date.

Actuarial assumptions:

The Total Pension Liability in the December 31, 2016 actuarial valuation was determined using the following actuarial assumptions:

Inflation	2.50% per year
Overall payroll growth	3.0% per year
Investment Rate of Return	6.75%, net of pension plan investment expense, including inflation

Salary increases were based on service-related table. Mortality rates for active members, retirees, and beneficiaries were based on the gender-distinct RP2000 Combined Healthy Mortality Table with Blue Collar Adjustment, with male rates multiplied by 109% and female rates multiplied by 103%. For towns with fewer than twenty employees, more conservative methods and assumptions are used. First, lower termination rates are used, with maximum multipliers of 75% for employers with less than 6 members, 85% for employers with 6 to 10 members, and 100% for employers with 11 to 15 members. There is also a load on the life expectancy for employers with less than 15 active members. The life expectancy is loaded by decreasing the mortality rates by 1% for every active member less than 15. For underfunded plans, the maximum amortization period for amortizing gains and losses is decreased from current levels by 1 year for each active member less than the 20 member threshold. Once the plan is overfunded, the amortization period reverts back to the standard amortization period. The rates are projected on a fully generational basis by scale BB to account for future mortality improvements. For disabled annuitants, the gender-distinct RP2000 Disabled Retiree Mortality Table is used, with slight adjustments.

Actuarial assumptions used in the December 31, 2016, valuation were based on the results of actuarial experience studies. The experience study in TMRS was for the period January 1, 2010 through December 31, 2014, first used in the December 31, 2014 valuation. Healthy post-retirement mortality rates and annuity purchase rates were updated based on a Mortality Experience Investigation Study covering 2009 through 2011, and dated December 31, 2013. These assumptions were first used in the December 31, 2013 valuation, along with a change to the Entry Age Normal (EAN) actuarial cost method. Assumptions are reviewed annually. Plan assets are managed on a total return basis with an emphasis on both capital appreciation as well as the production of income, in order to satisfy the short-term and long-term funding needs of TMRS.

TOWN OF HICKORY CREEK

**NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2017**

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. In determining their best estimate of a recommended investment return assumption under the various alternative asset allocation portfolios, GRS focused on the area between (1) arithmetic mean (aggressive) without an adjustment for time (conservative) and (2) the geometric mean (conservative) with an adjustment for time (aggressive). The target allocation and best estimates of arithmetic real rates of return for each major asset class in fiscal year 2017 are summarized in the following table:

Asset Class	Target Allocation	Long-Term Expected Portfolio Real Rate of Return*
Domestic Equity	17.5%	4.55%
International Equity	17.5%	6.35%
Core Fixed Income	10.0%	1.00%
Non-Core Fixed Income	20.0%	4.15%
Real Return	10.0%	4.15%
Real Estate	10.0%	4.75%
Absolute Return	10.0%	4.00%
Private Equity	5.0%	7.75%
Total	100.0%	

Discount Rate

The discount rate used to measure the Total Pension Liability was 6.75%. The projection of cash flows used to determine the discount rate assumed that employee and employer contributions will be made at the rates specified in statute. Based on that assumption, the pension plan's Fiduciary Net Position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the Total Pension Liability.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2017

Changes in the Net Pension Liability	Increase (Decrease)		
	Total Pension Liability (a)	Plan Fiduciary Net Position (b)	Net Pension Liability (a) – (b)
Balance at 12/31/2015	\$2,433,292	\$2,105,938	\$ 327,354
Changes for the year:			
Service Cost	177,160	-	177,160
Interest	168,939	-	168,939
Change in benefit terms	-	-	-
Difference between expected and actual experience	68,097	-	68,097
Changes of assumptions	-	-	-
Contributions – employer	-	112,899	(112,899)
Contributions – employee	-	73,250	(73,250)
Net investment income	-	142,458	(142,458)
Benefit payments, including refunds of employee contributions	(38,143)	(38,143)	-
Administrative expense	-	(1,607)	1,607
Other changes	-	(87)	87
Net changes	\$376,053	\$288,770	\$87,283
Balance at 12/31/2016	\$2,809,345	\$2,394,708	\$414,637

Sensitivity of the net pension liability to changes in the discount rate

The following presents the net pension liability of the Town, calculated using the discount rate of 6.75%, as well as what the Town's net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (5.75%) or 1-percentage-point higher (7.75%) than the current rate:

	1% Decrease in Discount Rate (5.75%)	Discount Rate (6.75%)	1% Increase in Discount Rate (7.75%)
Town's net pension liability (asset)	\$987,622	\$414,637	\$(35,694)

Pension Plan Fiduciary Net Position

Detailed information about the pension plan's Fiduciary Net Position is available in a separately-issued TMRS financial report. That report may be obtained on the Internet at www.tmrs.com.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2017

Pension Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

For the year ended September 30, 2017, the Town recognized pension expense of \$106,741.

At September 30, 2017, the Town reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual economic experience	\$ 54,559	\$ 181,536
Changes in actuarial assumptions	647	-
Difference between projected and actual investment earnings	91,273	246
Contributions subsequent to the measurement date	89,178	-
Total	\$ 235,657	\$ 181,782

\$89,178 reported as deferred outflows of resources related to pensions resulting from contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability for the year ending September 30, 2018. Other amounts reported as deferred outflows and inflows of resources related to pensions will be recognized in pension expense as follows:

Year ended September 30:	
2018	\$(25,651)
2019	\$(25,652)
2020	\$ 2,118
2021	\$ 13,475
2022	\$ 407
Thereafter	-

11. LITIGATION AND CONTINGENCIES

The Town participates in some state and Federal grant programs which are governed by various rules and regulations of the grantor agencies. Costs charged to the respective grant programs are subject to audit and adjustment by the grantor agencies; therefore, to the extent that the Town has not complied with the rules and regulations governing the grants, if any, refunds of any money received may be required and the collectability of any related receivable at September 30, 2017 may be impaired. In the opinion of the Town, there are no significant contingent liabilities relating to compliance with the rules and regulations governing the respective grants; therefore, no provision has been recorded in the accompanying financial statements for such contingencies.

12. RISK MANAGEMENT

Liability and property insurance coverage is provided by TML Intergovernmental Risk Pool. The Town retains, as a risk only, the deductible amounts for each declaration of coverage. There were no reductions in coverage in the past fiscal year and there were no settlements exceeding insurance coverage in each of the past three fiscal years.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2017

The Town is a member of the Texas Municipal League Intergovernmental Risk Pool. Insurance coverage of the Town is divided into the following types: property, crime, general liability, public official's liability, auto liability, auto physical damage, auto catastrophic, inland marine (mobile equipment), law enforcement liability, and boiler and machinery.

13. COMMITMENT

The donation from the Hickory Creek Economic Development Corporation to the Debt Service Fund of \$45,778 represents a commitment by the EDC toward the debt service payments on the Series 2004 Certificates of Obligation, based on the use of a portion of the proceeds for the construction of Ronald Reagan Avenue.

14. SUBSEQUENT EVENTS

Management has reviewed events subsequent to September 30, 2017 through January 18, 2018, which is the date the financial statements were available to be issued. No subsequent events were identified that were required to be disclosed in the financial statements.

REQUIRED SUPPLEMENTARY INFORMATION

TOWN OF HICKORY CREEK

SCHEDULE OF CHANGES IN NET PENSION LIABILITY AND RELATED RATIOS TEXAS MUNICIPAL RETIREMENT SYSTEM FOR THE YEAR ENDED SEPTEMBER 30, 2017

	<u>2016</u>	<u>2015</u>	<u>2014</u>
Total Pension Liability			
Service Cost	\$ 177,160	\$ 165,653	\$ 174,809
Interest (on the Total Pension Liability)	168,939	160,830	165,468
Changes of benefit terms	0	0	0
Difference between expected and actual experience	68,097	(69,632)	(311,100)
Change of assumptions	0	1,125	0
Benefit payments, including refunds of employee contributions	<u>(38,143)</u>	<u>(78,847)</u>	<u>(102,884)</u>
Net Change in Total Pension Liability	376,053	179,129	(73,707)
Total Pension Liability – Beginning	<u>2,433,292</u>	<u>2,254,163</u>	<u>2,327,870</u>
Total Pension Liability – Ending (a)	<u>\$2,809,345</u>	<u>\$2,433,292</u>	<u>\$2,254,163</u>
Plan Fiduciary Net Position			
Contributions – Employer	\$ 112,899	\$ 116,879	\$ 107,208
Contributions – Employee	73,250	72,248	73,630
Net Investment Income	142,458	2,945	103,811
Benefit payments, including refunds of employee contributions	(38,143)	(78,847)	(102,884)
Administrative Expense	(1,607)	(1,793)	(1,083)
Other	<u>(87)</u>	<u>(89)</u>	<u>(89)</u>
Net Change in Plan Fiduciary Net Position	288,770	111,343	180,593
Plan Fiduciary Net Position – Beginning	<u>2,105,938</u>	<u>1,994,595</u>	<u>1,814,002</u>
Plan Fiduciary Net Position – Ending (b)	<u>\$2,394,708</u>	<u>\$2,105,938</u>	<u>\$1,994,595</u>
Net Pension Liability – Ending (a) – (b)	<u>\$ 414,637</u>	<u>\$ 327,354</u>	<u>\$ 259,568</u>
Plan Fiduciary Net Position as a Percentage of Total Pension Liability	85.24%	86.55%	88.48%
Covered Employee Payroll	\$1,046,424	\$1,032,109	\$1,055,218
Net Pension Liability as a Percentage of Covered Employee Payroll	39.62%	31.72%	24.60%

Note: GASB 68, Paragraph 81, 2,a requires that the information on this schedule be data from the period corresponding with the period covered as of the measurement date of December 31, 2014 – the period from January 1, 2014 – December 31, 2014, December 31, 2015 – the period from January 1, 2015 – December 31, 2015 and December 31, 2016 – the period from January 1, 2016 – December 31, 2016.

Note: Only three years of data is presented in accordance with GASBS 68, Paragraph 138. “The information for all periods for the 10-year schedules that are required to be presented as required supplementary information may not be available initially. In these cases, during the transition period, that information should be presented for as many years as are available. The schedules should not include information that is not measured in accordance with the requirements of this Statement.”

TOWN OF HICKORY CREEK

**SCHEDULE OF EMPLOYER CONTRIBUTIONS
TEXAS MUNICIPAL RETIREMENT SYSTEM
FOR FISCAL YEAR 2017**

	<u>2017</u>	<u>2016</u>	<u>2015</u>
Contractually Required Contribution	\$ 121,089	\$ 114,731	\$ 114,451
Contribution in Relation to the Contractually Required Contribution	<u>(121,089)</u>	<u>(114,731)</u>	<u>(114,451)</u>
Contribution Deficiency (Excess)	<u>\$ -0-</u>	<u>\$ -0-</u>	<u>\$ -0-</u>
City's Covered-Employee Payroll	\$1,060,603	\$1,036,338	\$1,023,296
Contributions as a Percentage of Covered-Employee Payroll	11.42%	11.07%	11.18%

Note: GASB 68, Paragraph 81, 2,b requires that the data in this schedule be presented as of the City's current fiscal year as opposed to the time period covered by the measurement date of January 1, 2014 - December 31, 2014, January 1, 2015 – December 31, 2015 and January 1, 2016 – December 31, 2016.

Note: Only three years of data is presented in accordance with GASBS 68, Paragraph 138. "The information for all periods for the 10-year schedules that are required to be presented as required supplementary information may not be available initially. In these cases, during the transition period, that information should be presented for as many years as are available. The schedules should not include information that is not measured in accordance with the requirements of this Statement."

TOWN OF HICKORY CREEK

**NOTES TO REQUIRED SUPPLEMENTARY INFORMATION
FOR THE YEAR ENDED SEPTEMBER 30, 2017**

Valuation Date:

Notes Actuarially determined contribution rates are calculated as of December 31 and become effective in January 13 months later.

Methods and Assumptions Used to Determine Contribution Rates:

Actuarial Cost Method	Entry Age Normal
Amortization Method	Level Percentage of Payroll, Closed
Remaining Amortization Period	29 years
Asset Valuation Method	10 Year smoothed market; 15% soft corridor
Inflation	2.5%
Salary Increases	3.50% to 10.5% including inflation
Investment Rate of Return	6.75%
Retirement Age	Experience-based table of rates that are specific to the Town's plan of benefits. Last updated for the 2015 valuation pursuant to an experience study of the period 2010-2014
Mortality	RP2000 Combined Mortality Table with Blue Collar Adjustment with male rates multiplied by 109% and female rates multiplied by 103% and projected on a fully generational basis with scale BB

Other Information:

Notes There were no benefit changes during the year.

**COMBINING & INDIVIDUAL FUND
STATEMENTS & SCHEDULES**

TOWN OF HICKORY CREEK

STATEMENT OF GENERAL FUND EXPENDITURES
BUDGET (GAAP BASIS) AND ACTUAL
FOR THE YEAR ENDED SEPTEMBER 30, 2017
PLUS COMPARATIVE AMOUNTS FOR THE YEAR ENDED SEPTEMBER 30, 2016

	2017		Variance Favorable (Unfavorable)	2016 Actual
	Budget	Actual		
Expenditures:				
General Government:				
Salaries and Wages	\$ 243,539	\$ 244,278	\$ (739)	\$ 232,385
Insurance, Taxes and Retirement	79,367	77,874	1,493	74,304
Dues and Memberships	1,827	1,775	52	2,177
Training and Education	1,355	1,355	-	2,407
Office Supplies and Postage	8,528	8,528	-	8,597
Printing	1,085	1,164	(79)	1,718
Insurance, Taxes and Retirement	4,322	4,322	-	3,601
Computer Support and Maintenance	43,325	45,100	(1,775)	38,487
Advertising/Legal Notices	2,254	2,254	-	3,292
Public Relations	15,238	15,213	25	11,179
Telephone	24,686	24,794	(108)	19,385
Utilities	46,154	40,303	5,851	41,956
Legal Fees	59,458	60,054	(596)	53,383
Audit Fees	12,000	12,000	-	16,500
General Insurance	35,129	35,129	-	29,318
Building Maintenance and Supplies	62,499	63,107	(608)	61,345
Library Services	465	465	-	450
Travel	1,864	1,864	-	456
Tax Collection/Appraisal Costs	11,841	11,824	17	11,521
Ordinance Codification	2,655	2,655	-	755
Town Council Costs	3,487	3,487	-	3,024
Volunteer/Staff Events	6,711	7,491	(780)	7,048
Special Events	7,528	7,728	(200)	9,027
Other Expenditures	2,841	2,839	2	2,564
Total General Government Expenditures	<u>678,158</u>	<u>675,603</u>	<u>2,555</u>	<u>634,879</u>
Police Department:				
Salaries and Wages	569,924	573,519	(3,595)	552,796
Insurance, Taxes and Retirement	187,345	183,822	3,523	176,755
Office Supplies and Postage	2,917	3,238	(321)	2,088
Dues and Memberships	445	445	-	170
Personnel Equipment	3,429	3,429	-	2,108
Crime Lab Analysis	1,856	1,856	-	868
Auto Expense - Gas	26,962	27,335	(373)	22,980
Auto Expense - Repairs	33,351	33,004	347	25,496
Uniforms	3,272	3,188	84	8,716
Books and Subscriptions	634	317	317	497
Computer Support and Maintenance	27,938	26,767	1,171	38,311
Citizens on Patrol	389	389	-	4,089
Community Outreach	1,287	1,287	-	2,349
Denton County Dispatch	28,427	28,427	-	30,567
Drug Forfeiture/Seizure	7,799	7,799	-	4,763
Training and Travel	5,793	6,543	(750)	5,253
Total Police Department Expenditures	<u>901,768</u>	<u>901,365</u>	<u>403</u>	<u>877,806</u>

TOWN OF HICKORY CREEK

STATEMENT OF GENERAL FUND EXPENDITURES
BUDGET (GAAP BASIS) AND ACTUAL (CONTINUED)
FOR THE YEAR ENDED SEPTEMBER 30, 2017
PLUS COMPARATIVE AMOUNTS FOR THE YEAR ENDED SEPTEMBER 30, 2016

	2017		Variance Favorable (Unfavorable)	2016 Actual
	Budget	Actual		
Expenditures:				
Fire Department:				
Contract Services	\$ 599,401	\$ 599,401	\$ -	\$ 601,781
Total Fire Department Expenditures	<u>599,401</u>	<u>599,401</u>	<u>-</u>	<u>601,781</u>
Municipal Court:				
Salaries and Wages	92,205	92,452	(247)	89,821
Insurance, Taxes and Retirement	30,038	29,473	565	28,720
Office Supplies and Postage	1,743	1,827	(84)	1,178
Dues and Memberships	246	531	(285)	-
Travel	315	315	-	901
Training and Education	450	600	(150)	475
Municipal Judge	10,860	10,860	-	9,900
State Court Costs	274,683	285,861	(11,178)	241,792
Warrant Service Fees	1,919	4,645	(2,726)	1,317
Building Security/Court Technology Costs	14,034	13,163	871	21,027
Other Expenditures	36	36	-	86
Total Municipal Court	<u>426,529</u>	<u>439,763</u>	<u>(13,234)</u>	<u>395,217</u>
Public Works:				
Salaries and Wages	158,259	156,330	1,929	176,392
Insurance, Taxes and Retirement	50,792	49,837	955	56,401
Dues and Memberships	335	321	14	134
Office Supplies and Postage	1,119	1,119	-	264
Animal Control	7,719	7,719	-	6,625
Auto Expense - Gas	10,853	10,782	71	12,708
Auto Expense - Repairs	16,294	26,704	(10,410)	11,795
Supplies	6,674	6,984	(310)	7,229
Equipment Repairs and Maintenance	9,243	9,243	-	24,422
Uniforms	2,751	2,751	-	2,399
Training	1,389	1,389	-	250
Travel	1,110	1,110	-	269
Street Lighting	35,312	28,070	7,242	31,689
Computer Hardware/Software	-	-	-	510
Street Repairs and Maintenance	44,160	44,243	(83)	32,289
Engineering	57,660	60,740	(3,080)	92,746
Inspection Fees	70,284	68,383	1,901	36,700
Landscaping Services	27,222	26,552	670	22,575
Parks and Recreation	44,368	50,267	(5,899)	94,912
Beautification	133,453	133,453	-	11,834
Radios	3,700	3,933	(233)	3,355
Total Public Works	<u>682,697</u>	<u>689,930</u>	<u>(7,233)</u>	<u>625,498</u>

TOWN OF HICKORY CREEK

STATEMENT OF GENERAL FUND EXPENDITURES
BUDGET (GAAP BASIS) AND ACTUAL (CONTINUED)
FOR THE YEAR ENDED SEPTEMBER 30, 2017
PLUS COMPARATIVE AMOUNTS FOR THE YEAR ENDED SEPTEMBER 30, 2016

	2017		Variance Favorable (Unfavorable)	2016 Actual
	Budget	Actual		
Expenditures:				
Capital Outlay:				
Buildings	\$ 17,100	\$ 17,100	\$ -	\$ 166,349
Equipment and Vehicles	95,182	95,182	-	159,718
Parks	-	-	-	51,999
Total Capital Outlay	<u>112,282</u>	<u>112,282</u>	<u>-</u>	<u>378,066</u>
Debt Service:				
Principal Retirement	8,936	8,936	-	8,615
Interest	828	828	-	1,149
Total Debt Service	<u>9,764</u>	<u>9,764</u>	<u>-</u>	<u>9,764</u>
Total Expenditures	<u>\$ 3,410,599</u>	<u>\$ 3,428,108</u>	<u>\$ (17,509)</u>	<u>\$ 3,523,011</u>

TOWN OF HICKORY CREEK

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL - DEBT SERVICE FUND
FOR THE YEAR ENDED SEPTEMBER 30, 2017

	<u>Budgeted Amounts</u>		<u>Actual Amounts (GAAP BASIS)</u>	<u>Variance With Final Budget</u>
	<u>Original</u>	<u>Final</u>		
Revenues:				
Taxes - Ad Valorem	\$ 818,482	\$ 813,210	\$ 813,210	\$ -
Donations from EDC	45,778	45,778	45,778	-
Total Revenues	<u>864,260</u>	<u>858,988</u>	<u>858,988</u>	<u>-</u>
Expenditures:				
Principal	570,000	570,000	570,000	-
Interest	287,264	288,562	288,562	-
Total Expenditures	<u>857,264</u>	<u>858,562</u>	<u>858,562</u>	<u>-</u>
Excess of Revenue over Expenditures	<u>6,996</u>	<u>426</u>	<u>426</u>	<u>-</u>
Net Change in Fund Balance	6,996	426	426	-
Fund Balance – October 1 (beginning)	<u>116,403</u>	<u>116,403</u>	<u>116,403</u>	<u>-</u>
Fund Balance – September 30 (ending)	<u>\$ 123,399</u>	<u>\$ 116,829</u>	<u>\$ 116,829</u>	<u>\$ -</u>

TOWN OF HICKORY CREEK

**SCHEDULE OF DELINQUENT TAXES RECEIVABLE
SEPTEMBER 30, 2017**

<u>Tax Year</u>	<u>Tax Rates</u>		<u>Assessed Valuation</u>	<u>Balance</u>
	<u>Maintenance</u>	<u>Debt Service</u>		<u>September 30, 2016</u>
1990	\$.2382	\$.1164	\$ 71,178,509	\$ 2
1991	.2642	.1176	69,990,074	2
1992	.2664	.1154	68,448,423	2
1993	.2725	.1093	67,145,626	2
1994	.29057	.09976	69,006,584	2
1995	.30355	.08783	72,727,541	3
1996	.30963	.09867	78,985,838	2
1997	.32363	.09001	82,797,602	2
1998	.33374	.08303	90,399,261	3
1999	.34055	.07316	98,120,181	3
2000	.30236	.06763	122,433,850	2
2001	.29716	.05261	156,884,810	3
2002	.29934	.00	197,999,265	2
2003	.31939	.00	218,034,378	5
2004	.34020	.00	241,570,253	361
2005	.34020	.00	259,282,187	809
2006	.34020	.00	287,603,175	505
2007	.27824	.16738	318,990,395	627
2008	.27442	.17120	319,262,600	683
2009	.249409	.174878	317,875,400	1,120
2010	.245426	.178861	308,348,595	3,364
2011	.242609	.181678	307,337,200	5,599
2012	.244716	.179571	309,243,743	4,769
2013	.235848	.181034	317,095,245	5,683
2014	.238121	.163246	352,265,383	7,080
2015	.194116	.207251	385,206,806	11,080
2016	.197559	.189760	426,423,955	-
Total				<u>\$ 41,715</u>

<u>Current Year Levy</u>	<u>Collections</u>	<u>Supplements/ Adjustments</u>	<u>Balance September 30, 2017</u>
	\$ -	\$ -	\$ 2
	-	-	2
	-	-	2
	-	-	2
	-	-	2
	-	-	3
	-	-	2
	-	-	2
	-	-	3
	-	-	3
	-	-	2
	-	-	3
	-	-	2
	-	-	5
	-	-	361
	-	(377)	432
	-	-	505
	-	-	627
	-	-	683
	-	-	1,120
	-	-	3,364
	1,259	374	4,714
	788	375	4,356
	779	368	5,272
	862	378	6,596
	4,337	405	7,148
<u>\$1,651,621</u>	<u>1,642,077</u>	<u>-</u>	<u>9,544</u>
<u>\$1,651,621</u>	<u>\$1,650,102</u>	<u>\$ 1,523</u>	44,757
Less allowance for uncollectible accounts			<u>-</u>
			<u>\$ 44,757</u>

TOWN OF HICKORY CREEK

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGE IN FUND BALANCE
ECONOMIC DEVELOPMENT CORPORATION
FOR THE YEAR ENDED SEPTEMBER 30, 2017

Revenues:

Taxes – Sales	\$ 385,295
Interest Income	14,721
Gas Royalties	<u>112</u>
Total Revenues	<u>400,128</u>

Expenditures:

Administration:

Legal and Professional	8,416
Marketing	17,032
Administrative Fees	6,300
Contribution to Town for Debt Service	45,778
Office Supplies and Postage	800
Mowing	<u>3,380</u>

Total Expenditures	<u>81,706</u>
--------------------	---------------

Excess of Revenues over Expenditures	<u>318,422</u>
--------------------------------------	----------------

Change in Fund Balance	318,422
------------------------	---------

Fund Balance – October 1 (beginning)	<u>1,303,007</u>
--------------------------------------	------------------

Fund Balance – September 30 (ending)	<u>\$1,621,429</u>
--------------------------------------	--------------------

TOWN OF HICKORY CREEK

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGE IN FUND BALANCE
PUBLIC IMPROVEMENT DISTRICT NO. 1
FOR THE YEAR ENDED SEPTEMBER 30, 2017

Revenues:

Special Assessment Fees	\$ 251,838
Interest Income	<u>3,100</u>
Total Revenues	<u>254,938</u>

Expenditures:

Current:

Administrator Costs	10,341
Tax Collection Costs	115
Debt Service:	
Bond Issuance Costs	267,351
Capital Outlay	<u>3,680,025</u>
Total Expenditures	<u>3,957,832</u>

Excess (Deficit) of Revenues over Expenditures (3,702,894)

Other Financing Sources (Uses):

Capital-related Debt Issued	4,140,000
Premium on Issuance of Bonds	<u>16,345</u>
Total Other Financing Sources (Uses)	<u>4,156,345</u>

Change in Fund Balance 453,451

Fund Balance – October 1 (beginning) 151,872

Fund Balance – September 30 (ending) \$ 605,323

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INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS
BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED
IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

Honorable Mayor and Town Council
Town of Hickory Creek, Texas

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the discretely presented component unit and each major fund of the Town of Hickory Creek, Texas, as of and for the year ended September 30, 2017, and the related notes to the financial statements, which collectively comprise The Town of Hickory Creek, Texas's basic financial statements, and have issued our report dated January 18, 2018.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Town's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, we do not express an opinion on the effectiveness of the Town's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency or a combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the Town's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Town's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Town's internal control or on compliance. This report is an integral part of the audit performed in accordance with *Government Auditing Standards* in considering the Town's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



Hankins, Eastup, Deaton, Tonn & Seay, PC
Denton, Texas

January 18, 2018



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.2

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

Place 5 with a term expiring June 2019 is open due to the resignation of Melissa Hentschel.

Mandy Larkin would like to be considered for appointment.



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.3

Consider and act on a site and landscape plan from Murphy USA, legally described as Walmart Addition (Lake Dallas), Block A, Lot 4B, Town of Hickory Creek, Denton County, Texas.



January 24, 2018
AVO 31264

Mr. John Smith
Town of Hickory Creek
1075 Ronald Reagan Ave
Hickory Creek, Texas 75065

**RE: Murphy Oil – Walmart Super Center #3286
Site Plan**

Dear Mr. Smith:

Halff received the Site Plan and Landscape Plan for the above referenced project, dated August 21, 2017, on August 28, 2017 from the Town. The applicant has received an approval on a variance for encroachment of the proposed building and proposed canopy into the front building setback line.

At this time, Halff Associates has no comments on the Site Plan (Sheet C-01) and Landscape Plan (Sheet C-10) as submitted on August 28th, 2017.

Feel free to contact me with any questions or comments at (214) 618-4570.

Sincerely,

HALFF ASSOCIATES, INC.
TBPE Firm No. F-312

A handwritten signature in blue ink, appearing to read "Jay Reissig", is written over a light blue rectangular background.

Jay Reissig, P.E.
Project Manager

C: Town of Hickory Creek
Halff File

BUILDING SETBACK SHOWN ON PLAN





1200 SF-6(S)-2015v2

LEGEND

EXISTING

- [illegible]

PROPOSED

-  SOUNDLY LINE
 CONCRETE CURB AND GUTTER
 CF CONCRETE FENCE (SEE CML DETAILS)

GENERAL SITE NOTES

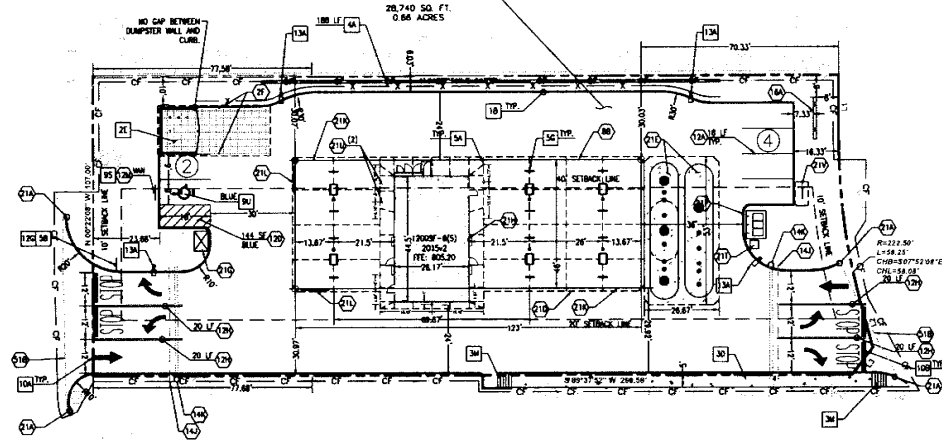
- A. ALL BOUNDARY SURVEYS ARE OF THE FIRST OF CLASS UNLESS OTHERWISE NOTED.
- B. ALL CURVE BEARS SHALL BE AT LEAST 1/4" OF SCALE THICK ON THIS PLAN, UNLESS OTHERWISE NOTED.
- C. ALL CURVE BEARINGS, SITES, CALLED OUT ON PROPERTY BOUNDARIES SHALL BE IDENTICAL TO BEAT 101A.
- D. ALL CURVE AND BEAT SURVEYS TO CONVEY PROPERTY SHALL BE IDENTICAL TO BEAT 101A.
- E. PROPERTY BEARS BE IDENTICAL TO ACCORDANCE WITH THE PLANS FOR PLAT ONE AND TWO. ALL CURVE BEARINGS OF ALL BEAT SURVEYS SHALL BE IDENTICAL TO BEAT 101A.
- F. SEE ADJACENT PLAT FOR CURVE, CLOSURE, PLAIN, BEAT BEARS AND VARIANTS.
- G. CONVEYANCE OF LAND CONVEYANCE OF LAND PLAT SHALL BE IDENTICAL TO BEAT 101A UNLESS OTHERWISE NOTED.
- H. ALL BOUNDARY SURVEYS SHALL BE IDENTICAL TO BEAT 101A UNLESS OTHERWISE NOTED.
- I. ALL BOUNDARY SURVEYS SHALL BE IDENTICAL TO BEAT 101A UNLESS OTHERWISE NOTED.
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- U. ALL BOUNDARY SURVEYS SHALL BE IDENTICAL TO BEAT 101A UNLESS OTHERWISE NOTED.
- V. ALL BOUNDARY SURVEYS SHALL BE IDENTICAL TO BEAT 101A UNLESS OTHERWISE NOTED.
- W. ALL BOUNDARY SURVEYS SHALL BE IDENTICAL TO BEAT 101A UNLESS OTHERWISE NOTED.
- X. ALL BOUNDARY SURVEYS SHALL BE IDENTICAL TO BEAT 101A UNLESS OTHERWISE NOTED.
- Y. ALL BOUNDARY SURVEYS SHALL BE IDENTICAL TO BEAT 101A UNLESS OTHERWISE NOTED.
- Z. ALL BOUNDARY SURVEYS SHALL BE IDENTICAL TO BEAT 101A UNLESS OTHERWISE NOTED.

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LOT 4A, BLOCK A
WAL-MART ADDITION
CABINETS, PAGE 158
PRDCT.

PARCEL AREA



LINE TABLE

LINE	BEARING	DISTANCE
L1	S00°22'10"E	23.29'
L2	S15°22'10"E	17.04'
L3	S37°07'50"W	12.18'

LOT 1R, BLOCK A
WAL-MART ADDITION
CABINET U, PAGE 940
P.D.C.T.

SITE DETAILS -- SEE DETAIL SHEETS

- 19 TYPE "Y" CONCRETE CURB & GUTTER.
- 20 INSPECTED EXCLUSIONS
- 21 CONCRETE SIDEWALK
- 22 RECONSTRUCT ASPHALT IN SIDEWALK
- 23 GRASS SOD
- 24 GRASS POTS (SODS)
- 25 WHITE SIGN IN HOLLAND
- 26 ACCESSIBLE / VEH ACCESSIBLE PARKING SIGN (TOP)
- 27 ACCESSIBLE PARKING SIGN (SEE FRONT COLOR SHEETS) AT SIGN
- 28 TRAFFIC FLOW ARROW (TOP)
- 29 STOP SIGN (TOP)
- 30 "STOP" SIGN
- 31 SEE LANE FLOW, SEE PHOTOGRAPHIC PLANS FOR POLE BENE SIGN

PARKING INFORMATION:
MURPHY OIL

DESCRIPTION	BUILDING AREA (S.F.)	REQUIRED:				
		RATIO		SPACES		
MURPHY USA	1200	/1000 S.F.	REGULAR	ACCESSIBLE	VAN ACCESSIBLE	TOTAL
		MIN. 6	5		1	6
STALL DIMENSIONS:		PROVIDED:				
90": 5' x 16"		RATIO		SPACES		
		/1000 S.F.	REGULAR	ACCESSIBLE	VAN ACCESSIBLE	TOTAL
		MIN. 6	5		1	6

SHEET NO.

5

SITE PLAN

SITE PLAN
WALMART SUPERCENTER #3286

HICKORY CREEK TEXAS
2888 HICKORY CREEK BLVD.

GreenbergFarnum

GreenbergFarrow

ATLANTA, GA 30309
PHONE: (404) 603 4000
FAX: (404) 603 3970

JOB NO.: 20175014
TEXAS REGISTRATION NO. 7-1390

MURPHY OIL USA, INC.

MURPHY 200 PEACH STREET
PO BOX 7500

USA



1200SF-6S-2015v1

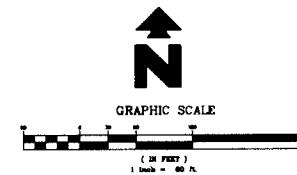
SHEET NO.

CSP

COMPOSITE SITE PLAN
MURPHY USA
1039 HICKORY CREEK BLVD.
HICKORY CREEK, TEXAS

GreenerFarrow
LAWY, ENGINEER, ARCHITECT
11111 W. 11TH STREET
SUITE 100
DALLAS, TEXAS 75244
PHONE: 214.343.1111
FAX: 214.343.1112
WWW.GREENERFARROW.COM

MURPHY OIL USA, INC.
200 PEACH STREET
P.O. BOX 7000
EL DORADO, AR 71730-7000
MURPHY
USA



NOTES

A. PROPOSED LOCATION IS AN
☐ OUT PARCEL
☐ EXISTING PARKING AREA
☐ CRABBY AREA
☐ FUTURE LEASE LOT

B. PARKING
 -- EXISTING NUMBER OF PARKING SPACES / RATIO ON WAL-MART PARCEL
 -- TOTAL NUMBER OF SPACES TO BE REMOVED FROM WAL-MART PARCEL
 -- TOTAL NUMBER OF POST GAS SPACES REMAINING ON WAL-MART PARCEL / RATIO
 -- WAL-MART BUILDING SQUARE FOOTAGE - (CROSS 90-FT)

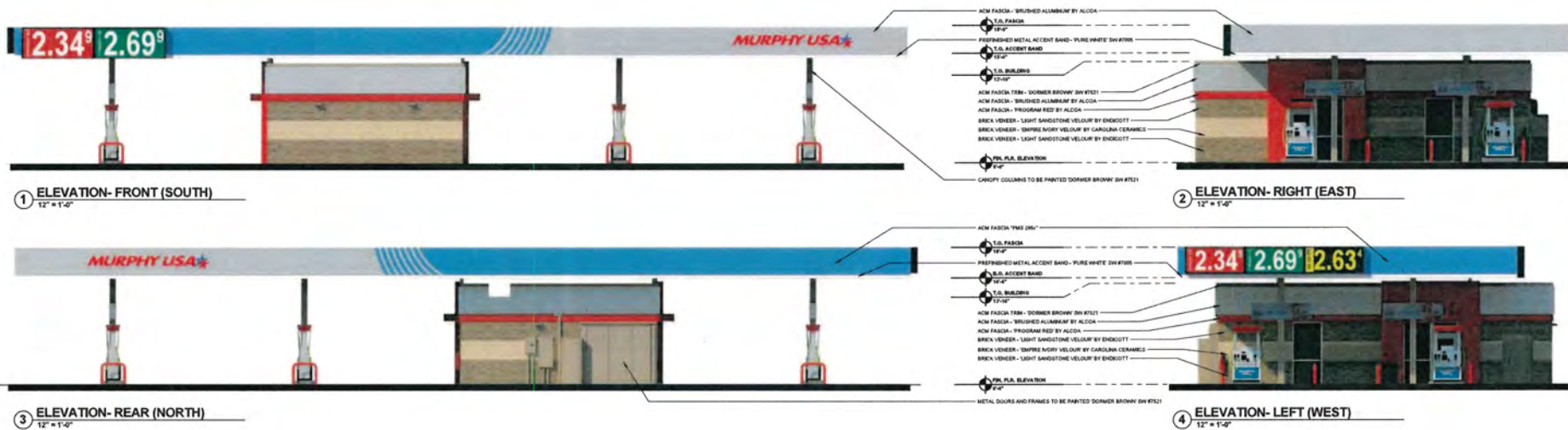
C. TYPE OF STATION OPERATION:
 -- 1,200 C-STORY 8 MPD 45-1127 CANOPY SIZE
 -- 0000 MPD CANOPY SIZE

D. SQUARE FOOTAGE OF OUT PARCEL AREA:
 26740 S.F. 0.96 ACREAGE
 PERCENTAGE OF OUTLOT USED: 100%

E. ZONING REQUIREMENTS
 -- EXISTING ZONING
 -- ZONING REQUIREMENTS FOR STATION
 -- PROPOSED ZONING CHANGES
 -- RE-PLAN

F. PROPOSED UTILITY EASEMENTS: ANSWER "YES" OR "NO" AND PARTIES INVOLVED
 -- WATER
 -- PUBLIC WITH _____
 -- PRIVATE WITH WAL-MART _____
 -- PRIVATE WITH 3rd PARTY _____
 -- SEWER
 -- PUBLIC WITH _____
 -- PRIVATE WITH WAL-MART _____
 -- PRIVATE WITH 3rd PARTY _____
 -- UNDERGROUND ELECTRIC
 -- PUBLIC WITH _____
 -- PRIVATE WITH WAL-MART _____
 -- PRIVATE WITH 3rd PARTY _____
 -- UNDERGROUND TELEPHONE
 -- PUBLIC WITH _____
 -- PRIVATE WITH WAL-MART _____
 -- PRIVATE WITH 3rd PARTY _____

G. OTHER NOTES
 1. HEAVY DUTY PAVING HAS BEEN PROVIDED.
 2. TRUCK ROUTE W/NO LEFT TURN REQUIRED AUTO-TURN WITH A 90-50 AS ITS VEHICLE.
 3. BASED ON A SURVEY FOR WAL-MART SUPERCENTER #0118 BY DORRHOOD AND ASSOCIATES, INC. DATED JUNE 15, 2015.

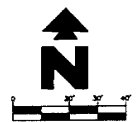
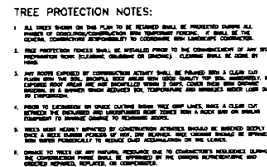



5 TRASH ENCLOSURE

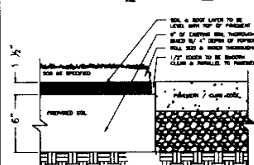
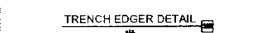


6 PYLON SIGN

ITEM	QTY	HEIGHT	WIDTH	AREA S.F.	TOTAL S.F.
MURPHY EXPRESS CANOPY LOGO SIGN	2	6'-0"	6'-0"	36.00	72.00
LARGE CANOPY PRICE SIGN	2	11'-0"	11'-0"	121.00	242.00
MEDIUM CANOPY PRICE SIGN	3	4'-0"	4'-0"	16.00	48.00
ISLAND SPANNER	4	2'-0"	2'-0"	4.00	16.00
PYLON SIGN	1	30'-0"	10'-0"	300.00	300.00
TOTAL SIGNAGE					676.00



PROPOSED	
	BOUNDARY LINE
	CONSTRUCTION FENCE (SEE CIVIL DETAILS)
	TREE PROTECTION FENCE (SEE CIVIL DETAILS)

[illegible]

<u>PROPERTY SIZE:</u>	<u>ACRES</u>
	0.66
<u>NO. OF TREES REQUIRED FOR SITE:</u>	<u>REQUIRED</u>
10 TREE PER ACRE:	6.6
<u>NO. OF TREES PROVIDED:</u>	<u>PROPOSED</u>
	5
	<u>EXISTING</u>
	3
	<u>TOTAL PROVIDED</u>
	8

*Note: Two (2) of the six (6) proposed trees are counted toward the caliper per inch requirement for protected species being removed.

<u>PROTECTED TREE SPECIES BEING REMOVED:</u>	<u>DBH</u>	<u>REPLACEMENT CAL. INCHES REQ.</u>
(1) TREE	12	18





TREES COUNTED TOWARD CAL. PER IN. REQUIREMENT FOR PROTECTED SPECIES BEING REMOVED:	CALIPER	QTY	TOTAL CAL. IN.
Quercus muhlenbergii	4	2	8



*Note: Requirement not met - Twelve (12) caliper

<u>CREDIT FOR EXISTING TREES</u>	<u>DBH</u>	<u>TREE CREDITS</u>
(1) TREE	6	2
	10	4

1) TREE	10	4
1) TREE	14	6
TOTAL:		12
MINIMUM PLANTING AREA REQUIREMENT	REQUIRED	20% COVER

MINIMUM PLANTING AREA REQUIREMENT	REQUIRED	EXISTING
	15%	16.7%

PLANT SCHEDULE					
ITEM	QTY	Botanical Name / Common Name	Size	Can	Notes
	3	<i>Hamamelis 'Wendlandii'</i> / Wendland Japanese Maple	8-9	3"Can	Spontaneous selection w/ rounded branching
	1	<i>Lagerströmia indica 'Cedanoii'</i> / Cedano Tree Craps Hybrid Multi-Trunk	30 gal	2.5"Can	8'-9'H
	2	<i>Quercus muhlenbergii</i> / Chinkapin Oak	8-9	4"Can	Selection of 3' stems of similar nodus stem size
	1	<i>Quercus agrifolia 'High Rise'</i> / High Rise Live Oak	8-9	4"Can	Upright, straight trunk

ORGANO CHLORINE	DEI	ANALYTICAL NAME / CHEMICAL NAME	CLASS	REMARKS
	2,731	in Cyanide detection TE 619 / Methylene Green	and	
	240	Juniperus horizontalis / Creeping Juniper	test	

PLANT SCHEDULE					
SYMBOL	QTY	ITEM NAME / COMMON NAME	SIZE	HEIGHT	WATER REQUIREMENT
	1	<i>Abies x grandifolia</i> / Christmas Tree	3 gal	10' - 24'	
	18	<i>Hesperis matronalis</i> / Red Tunes	3 gal	24" - 36"	
	27	See website "Name" / Dwarf Hydrangea	3 gal	18" MAX	
	2	<i>Lonicera sempervirens</i> / Shrubbery / Shrubbery Juniper	7 gal	4' - 6'	
	5	<i>Hydrangea</i> / Nine Hydrangea	15 gal	7' - 8' - 10'	
	22	<i>Hydrangea</i> "Pamini" / Dwarf Hydrangea	3 gal	18" MAX	
	6	<i>Persea magnifica</i> / "Sweet Olive" / Hardscaping Dwarf Fourleaf Grass	3 gal	18" MAX	

1. *Journal of Management Studies*, 1997, 34, 1, 1-14.

SHEET NO.
C-10

REV-0	DATE	YD	PC	PC	PC	PC
	08-21-17					

LANDSCAPE PLAN

WALMART SUPERCENTER #3288
2868 HICKORY CREEK BLVD.
HICKORY CREEK TEXAS

GreenbergFarrow
3410 W. PEACHTREE ST., NW SUITE 200
ATLANTA, GA 30309
PHONE: (404) 691-5000
FAX: (404) 691-3770
DWW NAME: HICKORY CREEK, TEXAS
JOB NO: 207904
TEXAS REGISTRATION NO. F-1169

MURPHY OIL USA, INC.
200 PEACH STREET
P.O. BOX 7000
EL DORADO, AR 71730-7000



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.4

Consider and act on an ordinance of the Town Council 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 designation 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, from its current zoning of C-1 (Commercial District) to PD (Planned Development). Said properties are more particularly described as follows: TLC Subdivision Blk A Lot 1 (PT), 1.0104 acres and TLC Subdivision Blk A Lot 1 (C PT) (PT), 0.1116 acres. The property is located at the Northwest corner of Turbeville Road and South Stemmons Freeway.

**TOWN OF HICKORY CREEK, TEXAS
ORDINANCE NO. 2018-01-782**

AN ORDINANCE OF THE TOWN COUNCIL 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 DESIGNATION 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; FROM ITS CURRENT ZONING OF C-1 COMMERCIAL DISTRICT TO PD (PLANNED DEVELOPMENT); PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE APPLICABLE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE TOWN; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE PLANNED DEVELOPMENT ZONING DISTRICT DESIGNATION FOR THE SUBJECT PROPERTY; PROVIDING A PRELIMINARY SITE PLAN; PROVIDING DEVELOPMENT STANDARDS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR THE TOWN OF HICKORY CREEK TO BRING SUIT IN DISTRICT COURT TO ENJOIN THE PERSON, FIRM, PARTNERSHIP, CORPORATION, OR ASSOCIATION FROM ENGAGING IN THE PROHIBITED ACTIVITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek is a Type A General Law Municipality located in Denton County, Texas created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Title 7, Chapter 211.003 of the Texas Local Government Code empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

WHEREAS, the developer of a approximately 1.1 acres of land described on Exhibit "A" attached hereto and incorporated herein (the "Property"), has applied for a zoning change from its current zoning of C-1 Commercial District to PD (Planned Development) District; and

WHEREAS, such application further requested an amendment to the official Zoning District Map of the Town in accordance with the zoning ordinance of the Town; and

WHEREAS, after public notices were given, legal notices and other requirements were satisfied, and a public hearing was conducted, all in accordance with State law and the Comprehensive Zoning Ordinance of the Town, and after considering the information submitted at that public hearing and all other relevant information and materials, the Planning and Zoning Commission of the Town has forwarded to the Town Council its favorable recommendation regarding the adoption of the amendment to the Comprehensive Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, after public notices were given, legal notices and other requirements were satisfied, and a public hearing was conducted, all in accordance with State law and the Comprehensive Zoning Ordinance of this Town, and after considering the information submitted at that public hearing and all other relevant information and materials, including the character of the Property and its suitability for particular uses and development, with a view of encouraging the most appropriate use of the Property, the Town Council made a finding that the rezoning approved hereby accomplishes such objectives; and

WHEREAS, the Town Council has determined that there is a necessity and need for the change in zoning and that the proposed change is consistent with the Comprehensive Land Use Plan of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
FINDINGS

After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the Town Council has concluded that the adoption of this Ordinance is in the best interest of the Town of Hickory Creek, Texas, and of the public health, safety, and welfare.

SECTION 3
REZONING

The zoning ordinance of the Town of Hickory Creek, Texas, the same being the Town's Comprehensive Zoning Ordinance, as it exists on the date of the adoption of this Ordinance (the "Comprehensive Zoning Ordinance") is hereby amended in the following particulars, and all other articles, chapters, sections, paragraphs, sentences, definitions, phrases, and words are not amended but are hereby ratified and affirmed:

- A. The zoning of the Property is hereby changed from its current zoning of C-1 Commercial District to PD (Planned Development) District for use in accordance with the requirements of this Ordinance and all other applicable ordinances, rules, and regulations of the Town. Requirements of this Ordinance are more specifically described and set forth in Exhibits "B" and "C", which are attached hereto and incorporated herein for all purposes, and shall apply to the "PD" Planned Development unless otherwise specified in such Exhibits.
- B. The development standards for this Planned Development are attached hereto as Exhibit "B" and are incorporated herein as if copied in their entirety. Such development standards shall be adhered to in carrying out the development of the Property in accordance with this Ordinance, and shall individually and collectively

constitute conditions precedent to the granting of any Certificate of Occupancy and building permit for all structures within this Planned Development.

- C. A preliminary site plan for the Property is attached hereto as Exhibit "C" and incorporated herein as if copied in its entirety.

SECTION 4 **APPLICABLE REGULATIONS**

Except as otherwise provided in this Ordinance, the Property shall be subject to the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances and regulations of the Town, including, but not limited to, the Town's subdivision ordinance, building codes, requirements concerning preliminary and comprehensive site plans, landscape plans, and tree preservation. It shall be unlawful for any person, firm, or corporation to make use of said premises in some manner other than as outlined by this Ordinance.

SECTION 5 **ZONING MAP**

The Town Secretary is hereby directed to mark and indicate on the official Zoning District Map of the Town the zoning change herein made.

SECTION 6 **CUMULATIVE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance.

SECTION 7 **SAVINGS**

All rights and remedies of the Town of Hickory Creek, Texas, are expressly saved as to any and all violations of the provisions of any other Ordinance affecting regulations governing and regulating the zoning of land which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8 **SEVERABILITY**

If any section, article, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the Town Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 9
PENALTY

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues. If the governing body of the Town of Hickory Creek determines that a violation of this Ordinance has occurred, the Town of Hickory Creek may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 10
PUBLICATION

The Town Secretary of the Town of Hickory Creek is hereby directed to publish the Caption, Penalty, and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 11
ENGROSSMENT AND ENROLLMENT

The Town Secretary of the Town of Hickory Creek is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Penalty, and Effective Date of this Ordinance in the minutes of the Town Council and by filing this Ordinance in the ordinance records of the Town.

SECTION 12
EFFECTIVE DATE

This ordinance shall become effective from and after its date of adoption and publication as provided by law, and it is so ordained.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas, this 30th day of January, 2018.

Lynn Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi K. Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Lance Vanzant, Town Attorney
Town of Hickory Creek, Texas

Exhibit A
Legal Description

BEING all that certain lot, tract, or parcel of land situated in the J. W. Simmons Survey Abstract Number 1163 in the Town of Hickory Creek, Denton County, Texas, being a part of Lot 1, Block A of TLC Addition, an addition to the Town of Hickory Creek, Denton County, Texas, according to the plat thereof recorded in Cabinet W, Page 776, Plat Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 60d nail found for corner in the north line of Turbeville Road, a public roadway and in the east line of that certain tract of land conveyed by deed from I-35 & Turbeville Partners. L.P. to Lyons American Securities, Inc. recorded in Volume 4966, Page 465, Real Property Records, Denton County, Texas;

THENCE N 00° 11' 30" W, 166.91 feet with said east line of said Lyons American Securities tract to a capped iron rod marked RPLS 4561 set for corner at an inner ell of said Lyons American Securities tract;

THENCE N 89° 48' 49" E, 146.11 feet with a south line of said Lyons American Securities tract and with the south line of Lot 4, Block A of Chili's Rave Addition, an addition to the Town of Hickory Creek, Denton County, Texas according to the plat thereof recorded in Cabinet V, Page 41, Plat Records, Denton County, Texas to an "X" in concrete found for corner;

THENCE N 61° 02' 36" E, 119.64 feet with said south line of said Lot 4, Block A Chili's Rave Addition to an "X" in concrete found for corner in the west line of Interstate Highway Number 35E, a public roadway having a variable width right-of-way;

THENCE S 26° 43' 27" E, 123.28 feet with said west line of said Interstate Highway to a capped iron rod marked RPLS 4561 set for corner;

THENCE S 31° 11' 55" W, 75.75 feet with said west line of said Interstate Highway to a capped iron rod marked RPLS 4561 set for corner;

THENCE N 89° 03' 11" W, 219.00 feet to a right-of-way disc found for corner;

THENCE S 01° 15' 41" W, 53.99 feet to an iron rod found for corner in said north line of said Turbeville Road;

THENCE S 89° 57' 25" W, 46.27 feet with said north line of said Turbeville Road to the **PLACE OF BEGINNING** and containing 0.910 acre of land.

Exhibit B
Planned Development Standards

Project Description

The site will consist of a 6417-square foot dining restaurant with patio, bar area and drive thru pick up window on approximately 0.910 acre of land.

Building Standards

77% Oklahoma Stone
23% Treated Lumber
Maximum Height of thirty feet.
Zero Lot line

Landscape Standards

All open spaces to be Xeriscape Landscape
Minimum of fifteen trees on site
Fence around patio treated lumber/wire mesh Texas Alcoholic Beverage Commission certified.

Trash

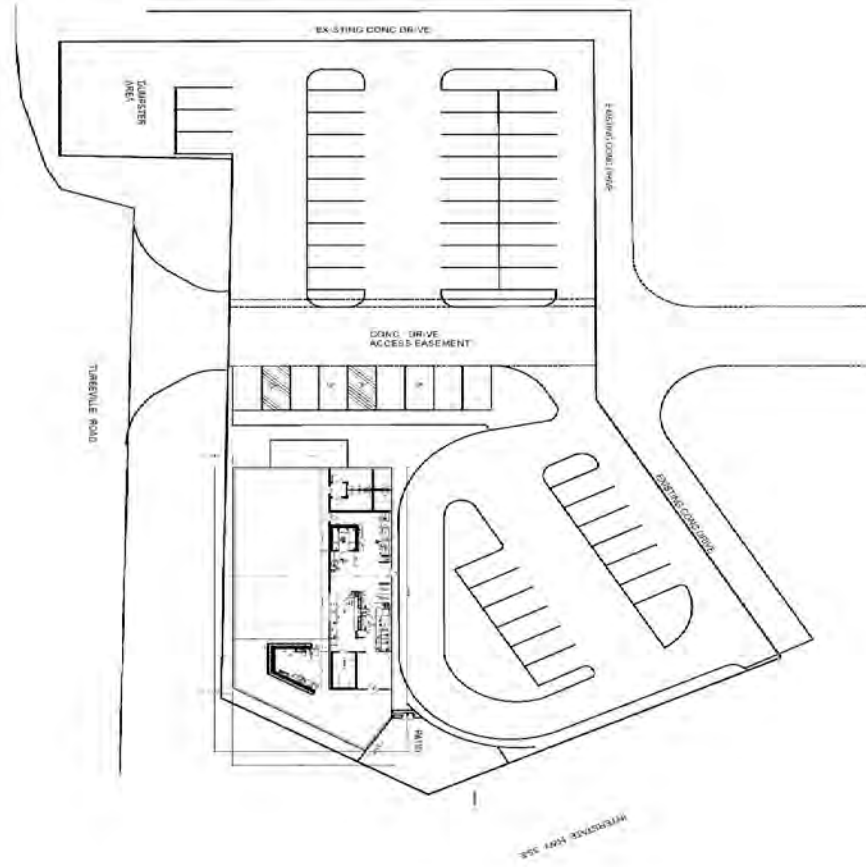
Minimum of one enclosed trash receptacle screened with an 8' privacy fence and grease collector.

Signage

Attached Silo will be painted with restaurant name. Additional signage on building will meet Town of Hickory Creek Code of Ordinance requirements.

Exhibit C **Conceptual Site Plan**

1 SITE PLAN



THIS DOCUMENT IS PREPARED FOR THE PURPOSES OF THE PROJECT DESCRIBED HEREIN AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF WILLIAM PECK & ASSOCIATES, INC.									
DATE: 10/1/2011	PROJECT: HICKORY CREEK	CLIENT: HICKORY CREEK	DESIGNER: WILLIAM PECK & ASSOCIATES, INC.	ARCHITECT: WILLIAM PECK & ASSOCIATES, INC.	BUSINESS ADDRESS				
PROJECT NO: A-005	PROJECT NAME: HICKORY CREEK	PROJECT LOCATION: 1001 N. 10TH ST., TULSA, OK 74103	PROJECT STATUS: PRELIMINARY	PROJECT PHASE: CONCEPTUAL SITE PLAN	BUSINESS ADDRESS				
PROJECT NO: A-005	PROJECT NAME: HICKORY CREEK	PROJECT LOCATION: 1001 N. 10TH ST., TULSA, OK 74103	PROJECT STATUS: PRELIMINARY	PROJECT PHASE: CONCEPTUAL SITE PLAN	BUSINESS ADDRESS				
PROJECT NO: A-005	PROJECT NAME: HICKORY CREEK	PROJECT LOCATION: 1001 N. 10TH ST., TULSA, OK 74103	PROJECT STATUS: PRELIMINARY	PROJECT PHASE: CONCEPTUAL SITE PLAN	BUSINESS ADDRESS				



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.5

Consider and act on an ordinance of the Town Council 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 designation on a certain tract of land described as an approximately 22 gross acres of land being more particularly described In Exhibit "A", attached hereto and incorporated herein, from its current zoning of C-1 (Commercial District) and SF-3 (Single Family Residential District) to PD (Planned Development). Said properties are more particularly described as follows: A0958A McCarroll, Tract 32, 9.515 acres, Old DCAD Tract #9a and A0958A McCarroll, Tract 31, 11.785 acres, Old DCAD Tract #9. The property is located in the 1100 block of Point Vista Road.



January 22, 2018
AVO 33540.006

Ms. Chris Chaudoir
Town of Hickory Creek
1075 Ronald Reagan Avenue
Hickory Creek, TX 75065

**RE: Zoning Change/Planned Development for Whaley Estates
2nd Review**

Dear Ms. Chaudoir:

The Town of Hickory Creek received the zoning change application for the Whaley Estates on January 19, 2018. The civil engineer is Kimley-Horn.

Comments were addressed for the Zoning Change/Planned Development and we recommend approval. The Zoning exhibit was changed to reflect a 40' right-of-way dedication from the Point Vista Road center line. Please note the total right-of-way width required for Point Vista Road is 80'. For the plat submittal, show the total right-of-way for Point Vista Road including the ROW from the west side of the road and adjacent to the Whaley Estates Tract (we've attached the plat from the west side of Point Vista Road for the developer's use).

Sincerely,

HALFF ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read "Brian C. Haynes", is written over a light blue circular stamp.

Brian C. Haynes, PE, CFM
Vice President

C: Kristi Rogers – Town Secretary
John Smith – Town Administrator

Attachments: Hickory Park East Plat

**TOWN OF HICKORY CREEK, TEXAS
ORDINANCE NO. 2018-01-783**

AN ORDINANCE OF THE TOWN COUNCIL 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 DESIGNATION ON A CERTAIN TRACT OF LAND DESCRIBED AS AN APPROXIMATELY 22 GROSS ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN; FROM ITS CURRENT ZONING OF C-1 COMMERCIAL DISTRICT AND SF-3 (SINGLE FAMILY 3) RESIDENTIAL DISTRICT TO PD (PLANNED DEVELOPMENT); PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE APPLICABLE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE TOWN; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE PLANNED DEVELOPMENT ZONING DISTRICT DESIGNATION FOR THE SUBJECT PROPERTY; PROVIDING A PRELIMINARY SITE PLAN; PROVIDING DEVELOPMENT STANDARDS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR THE TOWN OF HICKORY CREEK TO BRING SUIT IN DISTRICT COURT TO ENJOIN THE PERSON, FIRM, PARTNERSHIP, CORPORATION, OR ASSOCIATION FROM ENGAGING IN THE PROHIBITED ACTIVITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek is a Type A General Law Municipality located in Denton County, Texas created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Title 7, Chapter 211.003 of the Texas Local Government Code empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

WHEREAS, the owner/representative of a 22 gross acres of land described on Exhibit "A" attached hereto and incorporated herein (the "Property"), has applied for a zoning change from its current zoning of C-1 Commercial District and SF-3 (Single Family 3) Residential District to PD (Planned Development) District; and

WHEREAS, such application further requested an amendment to the official Zoning District Map of the Town in accordance with the zoning ordinance of the Town; and

WHEREAS, after public notices were given, legal notices and other requirements were satisfied, and a public hearing was conducted, all in accordance with State law and the Comprehensive Zoning Ordinance of the Town, and after considering the information submitted at that public

hearing and all other relevant information and materials, the Planning and Zoning Commission of the Town has forwarded to the Town Council its favorable recommendation regarding the adoption of the amendment to the Comprehensive Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, after public notices were given, legal notices and other requirements were satisfied, and a public hearing was conducted, all in accordance with State law and the Comprehensive Zoning Ordinance of this Town, and after considering the information submitted at that public hearing and all other relevant information and materials, including the character of the Property and its suitability for particular uses and development, with a view of encouraging the most appropriate use of the Property, the Town Council made a finding that the rezoning approved hereby accomplishes such objectives; and

WHEREAS, the Town Council has determined that there is a necessity and need for the change in zoning and that the proposed change is consistent with the Comprehensive Land Use Plan of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:

SECTION 1 **INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2 **FINDINGS**

After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the Town Council has concluded that the adoption of this Ordinance is in the best interest of the Town of Hickory Creek, Texas, and of the public health, safety, and welfare.

SECTION 3 **REZONING**

The zoning ordinance of the Town of Hickory Creek, Texas, the same being the Town's Comprehensive Zoning Ordinance, as it exists on the date of the adoption of this Ordinance (the "Comprehensive Zoning Ordinance") is hereby amended in the following particulars, and all other articles, chapters, sections, paragraphs, sentences, definitions, phrases, and words are not amended but are hereby ratified and affirmed:

- A. The zoning of the Property is hereby changed from its current zoning of C-1 Commercial District and SF-3 (Single Family 3) Residential District to PD (Planned Development) District for use in accordance with the requirements of this Ordinance and all other applicable ordinances, rules, and regulations of the Town. Requirements

of this Ordinance are more specifically described and set forth in Exhibits "B" and "C", which are attached hereto and incorporated herein for all purposes, and shall apply to the "PD" Planned Development unless otherwise specified in such Exhibits.

- B. The development standards for this Planned Development are attached hereto as Exhibit "B" and are incorporated herein as if copied in their entirety. Such development standards shall be adhered to in carrying out the development of the Property in accordance with this Ordinance, and shall individually and collectively constitute conditions precedent to the granting of any Certificate of Occupancy and building permit for all structures within this Planned Development.
- C. A preliminary site plan for the Property is attached hereto as Exhibit "C" and incorporated herein as if copied in its entirety.

SECTION 4 **APPLICABLE REGULATIONS**

Except as otherwise provided in this Ordinance, the Property shall be subject to the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances and regulations of the Town, including, but not limited to, the Town's subdivision ordinance, building codes, requirements concerning preliminary and comprehensive site plans, landscape plans, and tree preservation. It shall be unlawful for any person, firm, or corporation to make sure of said premises in some manner other than as outlined by this Ordinance.

SECTION 5 **ZONING MAP**

The Town Secretary is hereby directed to mark and indicate on the official Zoning District Map of the Town the zoning change herein made.

SECTION 6 **CUMULATIVE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance.

SECTION 7 **SAVINGS**

All rights and remedies of the Town of Hickory Creek, Texas, are expressly saved as to any and all violations of the provisions of any other Ordinance affecting regulations governing and regulating the zoning of land which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8
SEVERABILITY

If any section, article, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the Town Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 9
PENALTY

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues. If the governing body of the Town of Hickory Creek determines that a violation of this Ordinance has occurred, the Town of Hickory Creek may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 10
PUBLICATION

The Town Secretary of the Town of Hickory Creek is hereby directed to publish the Caption, Penalty, and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 11
ENGROSSMENT AND ENROLLMENT

The Town Secretary of the Town of Hickory Creek is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Penalty, and Effective Date of this Ordinance in the minutes of the Town Council and by filing this Ordinance in the ordinance records of the Town.

SECTION 12
EFFECTIVE DATE

This ordinance shall become effective from and after its date of adoption and publication as provided by law, and it is so ordained.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek,
Texas, this 30th day of January, 2018.

Lynn Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi K. Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Lance Vanzant, Town Attorney
Town of Hickory Creek, Texas

Exhibit A
Legal Description

Tract 1:

A certain tract or parcel of land situated in the S. McCarroll Survey, Abstract 958, Denton County, Texas, being part of a tract described in a deed from F.O. Ellard, et ux, to Ruben Nix, et ux, on September 25, 1963, and recorded in Volume 500, Page 335, Deed Records of said County, and being more particularly described as follows:

BEGINNING at a steel pin at a fence corner post at the Northeast corner of said Nix tract; THENCE

S. 2° 20' W. along and near a fence 732.97 feet to a steel pin at a fence corner post; THENCE N.

87° 43' 50" W. along and near a fence 703.37 feet to a steel pin;

THENCE N. 2° 20' E. 726.70 feet to a steel pin;

THENCE S. 88° 14' 30" E. along and near a fence 703.41 feet to the place of beginning, containing in all 11.785 acres of land, there being a 30 foot road and utility easement to this tract for ingress and egress purposes described as follows:

BEGINNING at the Northwest corner of said 11.785 acre tract described above;

THENCE S. 2° 20' W. 30.0 feet to a corner;

THENCE N. 88° 14' 30" W. 605.10 feet to a corner in a fence on the East boundary line of a North-South public road;

THENCE N. 1° 44' 28" E. with the East boundary line of said road 30.0 feet to a steel pin at a fence corner post;

THENCE S. 88° 14' 30" E. with a fence on the North boundary line of said Nix tract 605.41 feet to the place of beginning.

NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.

Tract 2:

All that certain lot, tract or parcel of land situated in the S. McCarroll Survey, Abstract Number 958, Denton County, Texas, and being the remainder of a called 10.000 acre tract of land described in a deed to Virginia Whaley and Johnny Dale Whaley, as recorded in instrument Number 2014-1962, Real Property Records, Denton County, Texas, the subject tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for the Northeast corner of the herein described tract, the Northeast corner of said 10.000 acre tract and being in the South line of a tract of land described in a deed to Cornelius Center Investors, LP, as recorded in Instrument Number 2005-78407 of said records;

THENCE South 02 degrees 20 minutes 00 seconds West with the East line of said 10.000 acre tract, a distance of 30.00 feet to a capped iron rod set for corner on the East line of the herein described tract for the Northeast corner of a tract of land described in a deed as "Tract 1" to Energy Transfer Fuel, L.P., as recorded in instrument Number 2005-132217 of said records;

THENCE North 88 degrees 14 minutes 30 seconds West with the North line thereof, 30 foot South of and parallel to the North line of said 10.000 acre tract, a distance of 150.00 feet to a capped iron rod set for the Northwest corner of said "Tract 1" and an inner ell corner on the East line of the herein described tract;

THENCE South 02 degrees 20 minutes 00 seconds West with the West line of said "Tract 1", a distance of 150.00 feet to a capped iron rod set for the Southwest corner thereof and an inner elf corner on the East line of the herein described tract;

THENCE South 88 degrees 14 minutes 30 seconds East with the South line of said "Tract 1", a distance of 150.00 feet to a capped iron rod set in the East line of said 10.000 acre tract for the Southeast corner of said "Tract 1" and a corner on the East line of the herein described tract;

THENCE South 02 degrees 20 minutes 00 seconds West, with the East line of said 10.000 acre tract, along a wire fence, a distance of 546.72 feet to a capped iron rod set for the Southeast corner thereof, the Southeast corner of the herein described tract and being in the North line of Lot 20 in Block A of Lakeview at Point Vista, Phase 1, an addition to the Town of Hickory Creek, according to the plat thereof recorded in Cabinet Q, Page 215, Plat Records, Denton County, Texas, from which a 1/2" iron rod found bears South 87 degrees 43 minutes 50 seconds East, a distance of 702.54 feet;

THENCE North 87 degrees 43 minutes 50 seconds West with the North line of said Block A and the South line of said 10.00 acre tract, along a wire fence, a distance of 596.79 feet to a capped iron rod found on the East side of Point Vista Road for the Southwest corner of said 10.000 acre tract, the Southwest corner of the herein described tract and the Northwest corner of Lot 1 in Block H of said Addition;

THENCE North 01 degrees 44 minutes 28 seconds East with the West line of said 10.000 acre tract, along or near a fence, a distance of 721.36 feet to a capped iron rod set for the Northwest corner thereof, the Northwest corner of the herein described tract and being in the South line of said Cornelius tract;

THENCE South 88 degrees 14 minutes 30 seconds East with the South line thereof and the North line of said 10.000 acre tract, along or near a fence, a distance of 604.28 feet to the PLACE OF BEGINNING and enclosing 9.47 acres of land, more or less.

NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.

Tract 3:

Easement Estate as created in Warranty Deed dated April 7, 1978, filed August 17, 1978, recorded in Volume 907, Page 387, Real Property Records, Denton County, Texas by and between Ann Ellard Nix and Ruben Preston Nix, Jr.

Exhibit B
Planned Development Standards

Planned Development District (“PD”) for all uses in “SF-3” Residential District (the “Ordinance”) effective as of December 19, 2017 with exceptions and conditions as noted below. These PD Standards shall cover the property as detailed in the legal description attached as Exhibit A and depicted in Exhibit C hereto (the “Property”).

1. Area Regulations shall be modified to allow for the following:
 - a. Front Yard – There shall be a front yard having a depth of not less than twenty (20) feet. However, greater depths shall be permitted at the discretion of developer or homebuilder.
 - b. Side Yard – The minimum distance from any side building line to a property line at any point shall not be less than five (5) feet, except on a corner lot where such distance shall not be less than fifteen (15) feet.
 - c. Rear Yard – There shall be a rear yard having a depth of not less than twenty (20) feet. However, greater depths shall be permitted at the discretion of developer or homebuilder.
 - d. Width of Lot – The minimum width of the lot shall be fifty (50) feet at the building line for all lots except those in section 3 below. All measures for Width of Lot for the Property shall be made at the building line.
 - e. Depth of Lot – The minimum lot depth shall be not less than one hundred ten (110) feet at the average distance between the front and rear lot lines.
 - f. Area of Lot – Every lot shall have an area of not less than 5,500 square feet. The minimum floor area of the main building shall not be in the aggregate less than eighteen hundred (1,800) square feet exclusive of porches, garages and accessory buildings. However, no more than thirty three percent (33%) of lots in the Property shall contain homes where the floor area of the main building is less than two thousand (2,000) square feet exclusive of porches, garages and accessory buildings.
 - g. Other Area Regulations shall be as found in the Ordinance.
2. Exhibit C (Conceptual Land Plan) is attached to depict the general location and size of lots. Until final platting of the Property, flexibility to change the layout of Exhibit C shall be allowed assuming the other terms herein are met.
3. All lots on Exhibit C that border the southern boundary which are noted to be sixty (60) feet in width shall have a minimum Width of Lot of sixty (60) feet at the building line. Furthermore, a minimum of twenty five percent (25%) of the lots in the Property overall shall have a minimum Width of Lot of sixty (60) feet at the building line.
4. The developer of the Property shall install a minimum six (6) foot tall masonry wall constructed of brick and/or stone along the rear lot line or in a homeowner association lot adjacent to such rear lot line for any lots backing to Point Vista Road.
5. In lieu of drainage flowing onto properties adjacent to the Property, developer shall be permitted to collect drainage in basins and pipe on the rear of the lots and direct such collected drainage into the subdivision’s underground drainage system.
6. The developer of the Property shall plat and construct community park(s) within the Property covering a minimum of one half (1/2) acres. Such community park(s) shall be sodded, landscaped, and irrigated. One community park shall contain a playground. Any additional amenities shall be installed at developer’s discretion.

7. The developer of the Property shall create a homeowners' association to maintain the common areas, the aforementioned screening wall, the drainage easements, any community parks, and any other assets constructed within the common areas.
8. The developer of the Property shall require through deed restrictions that a homebuilder plant two trees in the front and/or side yards of each home outside the rear fence. In addition, such homebuilder shall be required to plant one tree in the back yard of each home. Such trees shall be a minimum of three (3) inches as measured at diameter breast height ("DBH"). A homebuilder shall be able to receive an offset for such tree planting requirements on a tree for tree basis for each existing tree on the Property that is able to be retained as part of the development. Such retained tree must be healthy and a minimum of six (6) inches at DBH. By placing these requirements in a deed restriction for the Property, developer and homebuilder(s) shall be deemed to satisfy the Tree Preservation ordinance, and any guidelines, mitigation, fees, or requirements thereof as outlined in Article 10.02 of the Code of Ordinances of the Town of Hickory Creek.
9. Any wooden fencing constructed by the developer or a homebuilder on the Property shall be constructed with metal posts.
10. All setbacks from active gas well heads and any associated equipment or tanks to any residence constructed within the Property shall be governed solely by the regulations of the Texas Railroad Commission where applicable.
11. The Property shall comply with all other Subdivision Requirements as outlined in the Code of Ordinances of the Town of Hickory Creek.

Exhibit C Conceptual Site Plan



LAND USE SUMMARY	
SITE AREA (GROSS)	21.4 AC
SITE AREA (NET)	17.8 AC
50' or 60' LOTS *	76
60' MIN. LOTS *	13
TOTAL	89
DENSITY (NET)	5.0 du/2.0

* REFER TO NOTE #4*

NOTES:

1. ALL OPEN SPACE SHALL BE OWNED AND MAINTAINED BY HOME OWNERS ASSOCIATION.
2. A SCREENING WALL SHALL BE CONSTRUCTED ALONG THE FRONTAGE OF POINT VISTA ROAD, PRESTON ROAD, GINGER LANE, AND NIX DRIVE. THE WALL SHALL BE 6 FEET HIGH AND 6 FEET THICK. THE WALL SHALL BE CONSTRUCTED WITH A 6 INCH CONCRETE BLOCK AND A 6 INCH CONCRETE BLOCK SHALL BE USED FOR THE CORNERS AND ENDS OF THE WALL.
3. REQUIREMENTS OF THE PLANNED DEVELOPMENT DISTRICT STANDARDS AS SUBMITTED TO THE TOWN OF HICKORY CREEK, TEXAS, SHALL BE MAINTAINED AND SHALL BE MAINTAINED AS A PART OF THE DEVELOPMENT DESIGNATED ON THIS EXHIBIT AS 60 FOOT LOT WIDTH SHALL HAVE A MINIMUM WIDTH OF 60 FEET AT THE BUILDING LINE. FURTHERMORE, A MINIMUM OF 25% OF A MINIMUM WIDTH OF 60 AT THE BUILDING LINE. THE LOCATION OF SUCH LOTS SHALL BE AT THE SOLE DISCRETION OF THE DEVELOPER. HOWEVER, THE LOCATION OF SAID LOTS SHALL BE MAINTAINED UPON APPROVAL OF THE FINAL PLAY AND DRY UTILITY EASEMENTS HAVE NOT BEEN SHOWN FOR CLARITY, HOWEVER, ALL NECESSARY EASEMENTS SHALL BE PROVIDED AND SHOWN ON THE PRELIMINARY AND FINAL PLAN.
- 4.
- 5.
- 6.

EXHIBIT C
CONCEPTUAL LAND PLAN
FOR
WHALEY ESTATES
Denton County, Texas
December 13, 2017
Kimley-Horn

5000 Glenview Court
Frisco, Texas 75034
972.342.2200
State of Texas Registration No. 1-4293



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.6

Consider and act on an amending plat of Lot 1-A Block A of TLC Subdivision amending the remnant of Lot 1, Block A of TLC Subdivision being a 0.910 acre in the J.W. Simmons Survey A-1163, Town of Hickory Creek, Denton County, Texas.

REMNANT
1-35 & TURBEVILLE
PARTNERS, L.P.
TO
LYONS AMERICAN
SECURITIES, INC.
VOL. 4956, PG. 465
R.P.R.D.C.T.

STATE OF TEXAS
DOC. #2015-67680
R.P.R.D.C.T.

REMNANT
LOT 4, BLOCK A
CHIL'S RAVE ADDITION
CAB. V, PG. 41
R.P.R.D.C.T.

REMNANT
LOT 1, BLOCK A
TLC SUBDIVISION
CAB. W, PG. 776
R.P.R.D.C.T.

LOT 1-A
0.910 ACRE
BLOCK A

INTERSTATE HIGHWAY NUMBER 35-E
(VARIABLE WIDTH R.O.W.)

STATE OF TEXAS
DOC. #2015-100094
R.P.R.D.C.T.

OWNER'S CERTIFICATE AND DEDICATION

STATE OF TEXAS
COUNTY OF DEWITT; WHEREAS WE, Hickory Creek Economic Development Corporation, are the owners of that certain lot, tract, or parcel of land situated in the J.W. Simmons Survey (Abstract Number 1163) in the Town of Hickory Creek, Denton County, Texas, being a part of Lot 1, Block A of TLC Addition, an addition to the Town of Hickory Creek, Denton County, Texas, according to the plat thereof recorded in Cabinet V, Page 776, Plat Records, Denton County, Texas, and being more particularly described as follows:
BEGINNING at a 602' nail found for corner in the north line of Turbeville Road, a public roadway and in the east line of that certain tract of land conveyed by deed from 1-35 & Turbeville Partners, L.P. to Lyons American Securities, Inc. recorded in Volume 4956, Page 465, Real Property Records, Denton County, Texas;

THENCE N 00° 11' 30" W, 188.81 feet with said east line of said Lyons American Securities tract to a capped iron rod marked RPLS 4881 set for corner at an inner all of said Lyons American Securities tract;

THENCE N 80° 48' 48" E, 146.11 feet with a south line of said Lyons American Securities tract and with the south line of Lot 4, Block A of Chil's Rave Addition, an addition to the Town of Hickory Creek, Denton County, Texas according to the plat thereof recorded in Cabinet V, Page 41, Plat Records, Denton County, Texas to an "X" in concrete found for corner;

THENCE N 80° 48' 48" E, 119.64 feet with said south line of said Lot 4, Block A Chil's Rave Addition to an "X" in concrete found for corner in the east line of Interstate Highway Number 35-E, a public roadway having a variable width right-of-way;

THENCE S 28° 47' 27" E, 123.28 feet with said west line of said Interstate Highway to a capped iron rod marked RPLS 4881 set for corner;

THENCE S 31° 11' 55" W, 75.75 feet with said west line of said Interstate Highway to a capped iron rod marked RPLS 4881 set for corner;

THENCE N 80° 03' 11" W, 219.00 feet to a right-of-way line found for corner;

THENCE S 01° 15' 41" W, 53.90 feet to an iron rod found for corner in said north line of said Turbeville Road;

THENCE S 80° 57' 25" W, 46.27 feet with said north line of said Turbeville Road to the PLACE OF BEGINNING and containing 0.910 acre of land.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS THAT WE, the abovesaid do hereby adopt this plat designating the herein above tract as LOT 1-A, BLOCK A TLC SUBDIVISION, amending the remnant of Lot 1, Block A of TLC Subdivision, an addition to the Town of Hickory Creek, Denton County, Texas, and do hereby dedicate to the public use forever all utility easements, drainage easements, and streets as shown hereon. All and any public utilities shall have the full right to remove and keep removed all growth which may endanger or interfere with the construction, maintenance, or efficiency of its respective system on the utility easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of anyone of procuring the permission of anyone.

WITNESS MY HAND this _____ day of _____, 2018

Lynn Clark, President, Hickory Creek Economic Development Corporation

STATE OF TEXAS
COUNTY OF DEWITT:
This instrument was acknowledged before me on _____, 2018 by Lynn Clark.

NOTARY PUBLIC
STATE OF TEXAS
My commission expires _____
RECOMMENDED FOR APPROVAL

Chairman, Planning and Zoning Commission
Town of Hickory Creek, Texas

Mayor, Town of Hickory Creek, Texas

The undersigned, Town Secretary of the Town of Hickory Creek, hereby certifies that the foregoing final plat of LOT 1-A, BLOCK A TLC Subdivision to the Town of Hickory Creek was submitted to the Town Council on the _____ day of _____, 2018 and the Council by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public access and water and sewer lines as shown and set forth on said plat, and the Town Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

WITNESS MY HAND this _____ day of _____, 2018.

Town Secretary, Town of Hickory Creek, Texas

CERTIFICATE OF SURVEYOR

I, the undersigned, a registered professional land surveyor in the State of Texas, do hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

Jarrod D. Venable
Registered Professional Land Surveyor No. 4991

- NOTES:
1. The purpose of this Plat is to amend the remnant of a tract of land reduced by the taking of 1X001 right-of-way.
 2. All monuments are 3" steel rods unless otherwise noted, and are set to the existing subdivision as noted in the legal description of the dedication of this plat.
 3. There are no utility easements being created by this plat.

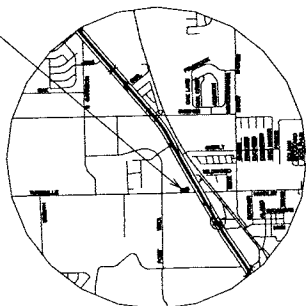
OWNER/DEVELOPER
HICKORY CREEK
ECONOMIC DEVELOPMENT CORP.
1075 RONALD REAGAN AVE.
HICKORY CREEK, TX 75065
(940) 437-2528

SURVEYOR
LANDMARK SURVEYORS
4238 I-35 N
DENTON, TEXAS 76207
(940) 382-4016

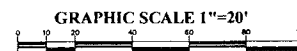
AMENDING PLAT
LOT 1-A, BLOCK A OF TLC SUBDIVISION
AMENDING THE REMNANT OF
LOT 1, BLOCK A OF TLC SUBDIVISION
BEING 0.910 ACRE IN THE
J.W. SIMMONS SURVEY-A-1163
TOWN OF HICKORY CREEK
DENTON COUNTY, TEXAS

4238 I-35 NORTH
DENTON, TEXAS 76207
(940) 382-4016
FAX (940) 387-9784
TX FIRM REGISTRATION NO. 1009040
DRAWN BY: JTV SCALE: 1"=20' DATE: 24 JANUARY 2018 JOB NO: 15118

PROJECT LOCATION



VICINITY MAP
SCALE 1" = 2000'





Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.7

Consider and act on a right-of-way dedication instrument between the Town of Hickory Creek and Cornelius Center Investors, LP.

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

TOWN OF HICKORY CREEK RIGHT-OF-WAY DEDICATION INSTRUMENT

**STATE OF TEXAS §
 §
COUNTY OF DENTON §**

KNOW ALL MEN BY THESE PRESENTS:

For and in consideration of the sum of ten dollars (\$10.00) in hand paid by the Town of Hickory Creek, Texas, the receipt of which is hereby acknowledged, and other good and valuable consideration, including the benefits that will accrue to the property, CORNELIUS CENTER INVESTORS, LP, of Denton County, Texas, as the owner of that certain tract of land in Denton County depicted by metes and bounds description in Exhibit "A," attached hereto and incorporated herein for all purposes of this dedication, do hereby dedicate same to the Town of Hickory Creek, Denton County, Texas for the use and benefit of the public as a perpetual right-of-way and easement for the passage and accommodation of vehicular and pedestrian traffic, and the construction, operation, use, maintenance, inspection, repair, alteration, and replacement of a paved road within the boundaries of the right-of-way and easement area, and for all other purposes for which a public street and right-of-way is commonly used, including installing, repairing, maintaining, altering, replacing, relocating and operating utilities in, into, upon, over, across, and under said right-of-way, and including but not limited to all such uses permitted by the Laws of the State of Texas and the Ordinances of the Town of Hickory Creek, Texas.

TO HAVE AND TO HOLD said right-of-way and easement unto the Town of Hickory Creek, its successors and assigns, and GRANTOR(S) hereby bind(s) itself (themselves), its (their) successors and assigns to warrant and forever defend, all and singular, said premises unto the Town of Hickory Creek, its successor: and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

GRANTOR(S) covenant(s) and agree(s) that GRANTOR(S) and GRANTOR(S)' heirs, representatives, successors and assigns shall at no time erect, place or construct, or cause to be erected, placed or constructed in, into, upon, over, across or under any easements granted herein any temporary or permanent structures, and it is further agreed that the Town of Hickory Creek shall have the right to excavate and fill upon said permanent easement, any fences, buildings or other obstructions as may now be found upon said permanent easement.

It is further intended that the permanent right of way and easement herein granted to the Town

of Hickory Creek shall run with the land and forever be a right in and to the land belonging to GRANTOR(S), and GRANTOR(S)' successors and assigns, and said grant is expressly excepted from any right of reversion of said premises under any prior deeds in GRANTOR(S)' chain of title. The permanent right-of-way and easement rights and privileges granted therein are exclusive, and GRANTOR(S) covenants that it will not convey any other easement or conflicting rights within the area covered by the grant to any other person.

IN WITNESS WHEREOF, this dedication instrument is executed this ____ day of _____, 2018.

GRANTOR(S):

By: _____

Name: _____

By: _____

Name: _____

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF DENTON §

This instrument was acknowledged before me on this the ____ day of _____, 2018, by _____, _____ of CORNELIUS CENTER INVESTORS, LP, known to me or proved to me through _____ (description of identity card or other document) to be the same person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2018.

Notary Public in and for
Denton County, State of Texas

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest and real property conveyed by this dedication instrument on this the ____ day of _____, 2018, from _____, to the Town of Hickory Creek, Texas, has been duly accepted subject to all terms and conditions contained therein, and the Town Council has consented to recordation of such dedication instrument by its duly authorized office.

LYNN CLARK, Mayor
Town of Hickory Creek, Texas

Dated

ATTEST:

Kristi Rogers, Town Secretary

AFTER RECORDING RETURN TO:

**Lance Vanzant
HAYES, BERRY, WHITE & VANZANT, L.L.P.
512 W. Hickory, Suite 100
Denton, Texas 76201**

**TURBEVILLE ROAD
RIGHT-OF-WAY DEDICATION
1.4801 ACRES (64,475 SQUARE FEET)
SITUATED IN THE
S. MCCARROLL SURVEY, ABSTRACT NUMBER 958
TOWN OF HICKORY CREEK, DENTON COUNTY, TEXAS**

BEING a 1.4801 acre tract of land situated in the S. McCarroll Survey, Abstract Number 958, Town of Hickory Creek, Denton County, Texas, and being part of a called 10.570 acre tract of land described in Warranty Deed with Vendor's Lien to Cornelius Center Investors, LP, as recorded in Instrument Number 2005-78407 of the Official Records of Denton County, Texas (O.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a found "X" cut for the northeast corner of Lot 10 of Hickory Park Estates, an addition to the Town of Hickory Creek, Denton County, Texas, as recorded in Cabinet A, Page 127 of the Plat Records of Denton County, Texas (P.R.D.C.T.), and the northwest corner of said 10.570 acre tract, said corner being at the intersection of the centerline of Point Vista Road (a variable width right-of-way) with the centerline of Turbeville Road (a variable width right-of-way);

THENCE North 89 degrees 20 minutes 46 seconds East, with the north line of said 10.570 acre tract, and the centerline of said Turbeville Road, a distance of 22.31 feet to a found "X" cut for corner on the west line of a called 11.002 acre tract of land described in deed to RRC (TX) LP, as recorded in Instrument Number 2002-112437, O.R.D.C.T. and the centerline of Point Vista Road;

THENCE South 00 degrees 15 minutes 38 seconds East, with the west line of said 11.002 acre tract and over and across Turbeville Road, a distance of 0.35 of a foot to a corner (not monumented) on the north line of said 10.570 acre tract and the centerline of said Turbeville Road;

THENCE North 89 degrees 47 minutes 50 seconds East, with the north line of said 10.570 acre tract, the south line of said 11.002 acre tract and with the centerline of said Turbeville Road, passing at a distance of 59.99 feet to a 1/2-inch found iron rod for the southerly southeast corner of said 11.002 acre tract and the southwest corner of a called 8.27 acre tract of land described in deed to Lyons American Securities Inc. Trustee, as recorded in Instrument Number 2001-123299, O.R.D.C.T., and continuing with the north line of said 10.570 acre tract, the south line of said 8.27 acre tract and with the centerline of said Turbeville Road, for a passing distance of 534.96 feet to a found "PK" nail for the southerly southeast corner of said 8.27 acre tract and the southwest corner of a 25-foot wide right-of-way dedication of Lot 1, Block A of the TLC Subdivision, an addition to the Town of Hickory Creek, Denton County, Texas, as recorded in Cabinet W, Page 776 of the Plat Records of Denton County, Texas, (P.R.D.C.T.), and continuing with the north line of said 10.570 acre tract, the south line of said TLC Subdivision and with the centerline of said Turbeville Road, for a total distance of 640.67 feet to a found mag nail with washer stamped "GORRONDONA & ASSOC-DALLAS-TX" for the northwest corner of a called 0.1966 acre tract of land described as "Parcel 51" in deed to State of Texas, as recorded in Instrument Number 2015-18290, O.R.D.C.T.

**TURBEVILLE ROAD
RIGHT-OF-WAY DEDICATION
1.4801 ACRES (64,475 SQUARE FEET)
SITUATED IN THE
S. MCCARROLL SURVEY, ABSTRACT NUMBER 958
TOWN OF HICKORY CREEK, DENTON COUNTY, TEXAS**

THENCE over and across said 10.570 acre tract, the following bearings and distances:

South 00 degrees 56 minutes 21 seconds West, departing the centerline of said Turbeville Road, the north line of said 10.570 acre tract and said south line of TLC Subdivision and with the west line of said 0.1966 acre tract, a distance of 50.01 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for corner;

South 89 degrees 47 minutes 50 seconds West, departing the west line of said 0.1966 acre tract, a distance of 582.55 feet to a 1/2-inch set iron rod with cap for corner,

South 44 degrees 53 minutes 55 seconds West, a distance of 27.46 feet to a 1/2-inch set iron rod with cap for corner;

South 00 degrees 10 minutes 51 seconds West, a distance of 319.64 feet to a 1/2-inch set iron rod with cap for corner, said corner being the point of curvature of a tangent circular curve to the right, having a radius of 640.00 feet, chord that bears South 05 degrees 03 minutes 24 seconds West, a distance of 116.85 feet;

Southerly, with said curve, through a central angle of 10 degrees 28 minutes 31 seconds, an arc distance of 117.01 feet to a 1/2-inch set iron rod with cap for corner, said corner being the point of curvature of a reverse circular curve to the left, having a radius of 560.00 feet, chord that bears South 05 degrees 14 minutes 59 seconds West, a distance of 98.48 feet;

Southerly, with said curve, through a central angle of 10 degrees 05 minutes 21 seconds, an arc distance of 98.61 feet to a corner (unable to set) on the south line of said 10.570 acre tract and the north line of a tract of land described in deed to Virginia Whaley and Johnny Dale Whaley, as recorded in Instrument Number 2014-1962, O.R.D.C.T.;

THENCE South 89 degrees 10 minutes 01 seconds West, with the south line of said 10.570 acre tract and the north line of said Whaley tract, a passing distance of 8.03 feet to the northwest corner said Whaley tract, and continuing with the south line of said 10.570 acre tract, for a total distance of 40.02 feet to a found "PK" nail for corner on the west line of said 10.570 acre tract, the east line of said Lot 10 and the centerline of said Point Vista Road;

**TURBEVILLE ROAD
RIGHT-OF-WAY DEDICATION
1.4801 ACRES (64,475 SQUARE FEET)
SITUATED IN THE
S. MCCARROLL SURVEY, ABSTRACT NUMBER 958
TOWN OF HICKORY CREEK, DENTON COUNTY, TEXAS**

THENCE North 00 degrees 10 minutes 51 seconds West, with the west line of said 10.570 acre tract of land, the east line of said Lot 10 and the centerline of said Turbeville, a distance of 604.03 feet to the POINT OF BEGINNING AND CONTAINING 1.4801 acres (64,475 square feet) of land, more or less.

Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone (4202), as derived by GPS measurements. All distances are surface distances. Surface Adjustment Scale Factor: 1.000150630.

This metes and bounds description was prepared with an exhibit of even date.

This survey was prepared without the benefit of a title commitment. Easement may exist where none are shown.



GETSY J. SUTHAN
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 6449
TBPLS FIRM NO. 10029600

Jan. 9/2018





Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.8

Consider and act on a final plat of Adams Cliffs, Lots 1-3, Block A, 10.374 acres located in the McCarroll Survey, Abstract No. 958, Town of Hickory Creek, Denton County, Texas.



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

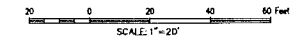
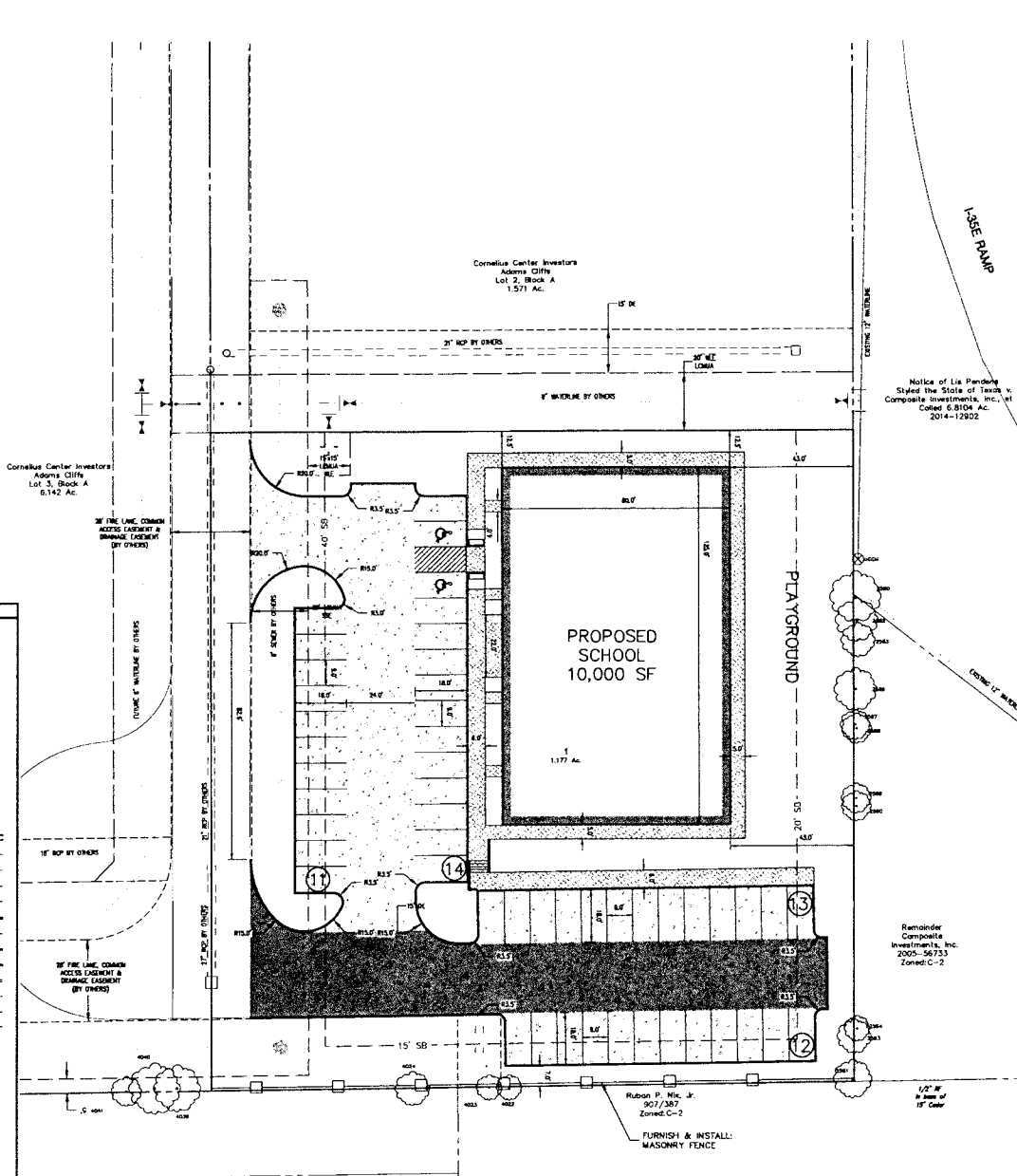
From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.9

Consider and act on a site and landscape plan for The Learning Experience, legally described as Adams Cliffs, Lot 1, Block A, 1.177 acres located in the McCarroll Survey, Abstract No. 958, Town of Hickory Creek, Denton County, Texas.

SITE DATA TABLE	
ZONING	C-1
PROPOSED USE	EARLY EDUCATION
BUILDING AREA	10,000 SF
BUILDING HEIGHT	22'10"
IMPERVIOUS COVERAGE	48%
LOT COVERAGE	67%
REQUIRED PARKING	50
PARKING PROVIDED	50 (2 HANDICAP)

LEGEND	
ABBREVIATIONS:	
CRF	Capped Rebar Found
CRS	Capped Rebar Set
CP	Control Point
MON	Monument
BM	Benchmark
Ex TC	Existing Top of Curb
Ex TP	Existing Top of Pavement
TC	Top of Curb
G	Gutter
PG	Proposed Grade
TP	Grade at Top of Pavement
TA	Grade at Top of Asphalt
TW	Grade at Top of Wall
BTW	Grade at Bottom of Wall
RM	Grade of Retaining Wall
TC	Grade at Top of Gate
FG	Finished Grade
FP	Finished Floor
PP	Finished Pool
FL	Flowline
UE	Utility Easement
DE	Drainage Easement
R.O.W.	Right-of-Way
DR	Deed Records
PR	Plot Records
PAE	Pedestrian Access Easement
SEL	Selloack Line
WLE	Waterline Easement
MAE	Mutual Access Easement
LINE & SYMBOLS:	
Existing:	
---	Contours
----	Asphalt Pavement
----	Wood Fence
----	Chain Link Fence
----	Wire Fence
----	Masonry Wall
----	Centerline of Creek, Swale, or Waterway
----	Waterline
----	Sanitary Sewer
----	Storm Sewer
----	Overhead Power
----	Buried Power
----	Gas Line
----	Fire Hydrant
----	Water Valve
----	Water Meter
----	Sanitary Sewer Manhole
----	Guy Wire
----	Light Pole
----	Power Pole
----	Tree
----	Benchmark
Proposed:	
----	Contours
----	Asphalt Pavement
----	Wood Fence
----	Chain Link Fence
----	Wire Fence
----	Masonry Wall
----	Centerline of Creek, Swale, or Waterway
----	Waterline
----	Sanitary Sewer
----	Storm Sewer
----	Overhead Power
----	Buried Power
----	Gas Line
----	Fire Hydrant
----	Water Valve
----	Water Meter
----	Sanitary Sewer Manhole
----	Guy Wire
----	Light Pole
----	Power Pole
----	Tree
----	Benchmark



TEMP: BEK CUT IN HEADWALL APPROX. 475 FEET EAST OF POINT VISTA ROAD AND TURNBULL ROAD INTERSECTION ON NORTH SIDE OF TURNBULL ROAD ELEV. 509.00

GENERAL NOTES:

1. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
2. ALL RADI ARE 3.5' UNLESS OTHERWISE NOTED.
3. THE CONTRACTOR SHALL FIELD VERIFY LOCATIONS AND DEPTHS OF EXISTING UTILITIES PRIOR TO START OF CONSTRUCTION AND TAKES RISK OF UNKNOWN CONDITIONS.
4. THE PAVING CONTRACTOR SHALL NOT PLACE PERMANENT PAVEMENT UNTIL SLEEVING FOR UTILITIES HAS BEEN INSTALLED. IT SHALL BE THE PAVING CONTRACTOR RESPONSIBILITY TO INSURE ALL SLEEVING IS IN PLACE PRIOR TO PLACING PERMANENT PAVING PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL MAKE CERTAIN THAT ALL PERMITS AND APPROVALS HAVE BEEN OBTAINED.
5. SIDEWALK RAMPS AND DRIVEWAY CROSSINGS ARE TO BE DESIGNED AND INSTALLED SO THEY ARE IN COMPLIANCE WITH THE TEXAS ACCESSIBILITY STANDARDS AND ADA.
6. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL PUBLIC UTILITIES DURING THE CONSTRUCTION OF THIS PROJECT. ALL MANHOLES, CLEANOUTS, VALVE BOXES, FIRE HYDRANTS, ECT. MUST BE ADJUSTED TO PROPER LINE AND GRADE BY THE CONTRACTOR PRIOR TO AND AFTER PLACING OF PERMANENT PAVING. UTILITIES MUST BE MAINTAINED TO PROPER LINE AND GRADE DURING CONSTRUCTION OF THIS PROJECT.

PAVING SPECIFICATIONS:

- SIDEWALK AREA:**
 4" 3,600 PSI CONC. PAVEMENT W/ #3 BARS @ 18" O.C.E.W. (HATCH PATTERN DOES NOT REFLECT CONST. OR EXPANSION JOINT LOCATIONS)
- PARKING AREA:**
 5" 3,600 PSI CONC. PAVEMENT W/ #3 BARS @ 18" O.C.E.W. ON SUB-BASE COMPACTED TO 95% STD. PROCTOR DENSITY
- DRIVEWAY:**
 4" 4,000 PSI CONC. PAVEMENT W/ #3 BARS @ 18" O.C.E.W. ON 6" STABILIZED SUBGRADE OR APPROVED EQUAL

THE LEARNING EXPERIENCE
 ADAMS CTR. ADDITION
 Lot 1, Block A
 1.177 Acres
 in the
 TOWN OF HICKORY CREEK
 DENTON COUNTY, TEXAS

THE LEARNING EXPERIENCE
 ADAMS CTR. ADDITION
 Lot 1, Block A
 1.177 Acres
 in the
 TOWN OF HICKORY CREEK
 DENTON COUNTY, TEXAS

PRELIMINARY PLANS
 THIS DOCUMENT IS FOR
 INTERIM REVIEW AND IS
 NOT INTENDED FOR
 CONSTRUCTION, BIDDING,
 OR PERMIT PURPOSES.
 G&A CONSULTANTS, P.C.
 P.E. #10087
 DATE 1/25/2018

OWNER/DEVELOPER
 CORNWELL CENTER INVESTORS
 PO BOX 887
 LAKE DALLAS, TX 75088
 PH. 972-988-0788
 CONTACT: JOHN BAILEY

17107B

C3

OWNER/DEVELOPER
CORNELLUS CENTER INVESTORS
PO BOX 967
LAKE DALLAS, TX 75085
Ph. 214-888-0788
Contact: JOHN MALLOY



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.10

Consider and act on an ordinance of the Town Council of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 4: Business Regulation; Article 4.05; Alcoholic Beverages to add a new section 4.05.004 pertaining to permits for sale or consumption of alcoholic beverages at Arrowhead Park.

**TOWN OF HICKORY CREEK
ORDINANCE 2018-01-784**

AN ORDINANCE OF THE TOWN COUNCIL OF HICKORY CREEK, TEXAS, AMENDING THE TOWN'S CODE OF ORDINANCES, CHAPTER 4: BUSINESS REGULATION; ARTICLE 4.05; ALCOHOLIC BEVERAGES TO ADD A NEW SECTION 4.05.004 PERTAINING TO PERMITS FOR SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES AT ARROWHEAD PARK; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek is a Type A General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council has determined that public convenience will be enhanced by revisions to current rules regarding regulation of alcoholic beverages as set forth herein; and

WHEREAS, the Town Council deems it necessary for the safe, orderly, and healthful development of the Town and in the best interest of the Town of Hickory Creek, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:

**SECTION 1
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2
FINDINGS**

After due deliberations the Town Council has concluded that the adoption of this Ordinance is in the best interests of the Town of Hickory Creek, Texas, and of the public health, safety and welfare.

SECTION 3

AMENDMENTS

3.01 That the Code of Ordinances of the Town of Hickory Creek, Texas, Chapter 4: Business Regulations, Article 4.05 Alcohol Beverages is hereby amended to add a new section 4.05.004 Permit for sale or consumption of alcohol at Arrowhead Park, which shall read as follows:

“Section 4.05.004 Pavilion rental permit at Arrowhead Park

- (a) Permit required. It shall be unlawful for any person to consume, possess, or sell alcoholic beverages at Arrowhead Park without first having obtained a pavilion rental with alcohol permit issued by the chief of police or designated representative as provided in subsection (d) of this section.
- (b) Application for permit.
 - (1) Each application for a permit issued pursuant to this section shall be on a form provided by the town and contain, as a minimum, the following information:
 - (A) Name of the applicant and the applicant’s permanent residence; provided that if the applicant is not an individual, the address of the applicant’s primary office in the state;
 - (B) If the person signing the application is signing as an authorized officer, agent, or representative of the applicant, the name and business address of the person signing the application;
 - (C) The time, date, location, and general description of the proposed event where alcohol will be possessed, consumed or sold; provided, if the event requires additional time for set-up prior to the commencement of the event and/or break down after the conclusion of the event, the times and dates for such periods before and after the special event must also be included;
 - (D) Estimated attendance at the event;
 - (E) Whether or not the applicant and/or person representing the applicant has ever been:
 - (i) Convicted of a felony or misdemeanor involving moral turpitude; and/or
 - (ii) Refused a permit to sell and/or consume alcoholic beverages, including beer, for a special event, including the reason for such refusal; and
 - (F) The type of license(s) or permit(s) the applicant intends to obtain from the Texas Alcoholic Beverage Commission in order to authorize the sale of distribution of alcoholic beverages at the event and the proposed effective dates of said license(s) or permit(s).
 - (2) The applicant for a permit issued pursuant to this section, if the applicant is an individual, and the person signing on behalf of the applicant, if the applicant is not an individual, must be 21 years of age or older at the time of signing the application.
 - (3) In signing the application, the person signing shall be required to sign an affidavit stating that the statements made in the application are true and correct to the best of the person’s knowledge and belief on the date the

application is signed and continues to be true and correct on the date the application is submitted to the chief of police.

- (c) Permit processing fee; investigation of applicant. An application for a permit to be issued pursuant to this section shall be filed with the chief of police not later than the thirtieth (30) day before the date scheduled for the commencement of the special event accompanied by a nonrefundable permit processing fee equal to \$100.00 or such other amount as may be adopted from time to time by resolution of the town council and set forth in the town's fee schedule maintained in the office of the town secretary. Upon the filing of an application for a permit and payment of the required permit processing fee, the chief of police shall investigate each applicant for a permit under this section and make a report to the town administrator before issuance of such permit.
- (d) Issuance of permit. Not later than the tenth (10th) business day after submission of the application for a permit pursuant to this section and the payment of the required processing fee, the chief of police shall issue or affirmatively refuse to issue the requested permit under this section. If the chief of police refuses to issue the permit, the chief of police shall send to the applicant, by certified mail, return receipt requested, a written notice of such refusal and the reasons for the refusal. Such notice shall also inform the applicant of the applicant's right to appeal the decision of the chief of police to the town council.
- (e) Appeals. If the chief of police refuses to issue a permit under this section, the applicant shall have the right to appeal such decision to the town council for its review and/or consideration at its next regularly scheduled council meeting. All determinations/decisions of the town council shall be final."

3.02 All other articles, chapters, sections, subsections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed.

SECTION 4 **CUMULATIVE REPEALER CLAUSE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5 **SAVINGS CLAUSE**

All rights and remedies of the Town of Hickory Creek, Texas are expressly saved as to any all violations of the provisions the Town's Code of Ordinances or of any other ordinance affecting alcoholic beverages, which have secured at the time of the effective date of this

Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 6 **SEVERABILITY**

The provisions of this Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the Town shall promptly promulgate new revised provisions in compliance with the authority's decision or enactment.

SECTION 7 **ENGROSSMENT AND ENROLLMENT**

The Town Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the Town Council and by filing this Ordinance in the Ordinance records of the Town.

SECTION 8 **EFFECTIVE DATE**

This Ordinance shall become effective from and after its date of passage in accordance with law.

AND IT IS SO ORDAINED

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas, this 30th day of January, 2018.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi K. Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Lance Vanzant, Town Attorney
Town of Hickory Creek, Texas



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.11

Consider and act on an ordinance of the Town Council of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 4: Business Regulation; Article 4.05; Alcoholic Beverages, Section 4.05.003 Possession or consumption prohibited in certain areas.

**TOWN OF HICKORY CREEK
ORDINANCE 2018-01-785**

AN ORDINANCE OF THE TOWN COUNCIL OF HICKORY CREEK, TEXAS, AMENDING THE TOWN'S CODE OF ORDINANCES, CHAPTER 4: BUSINESS REGULATION; ARTICLE 4.05; ALCOHOLIC BEVERAGES, SECTION 4.05.003 POSSESSION OR CONSUMPTION PROHIBITED IN CERTAIN AREAS; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek is a Type A General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council has determined that public convenience will be enhanced by revisions to current rules regarding regulations of Hickory Creek parks as set forth herein; and

WHEREAS, the Town Council deems it necessary for the safe, orderly, and healthful development of the Town and in the best interest of the Town of Hickory Creek, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:

**SECTION 1
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2
FINDINGS**

After due deliberations the Town Council has concluded that the adoption of this Ordinance is in the best interests of the Town of Hickory Creek, Texas, and of the public health, safety and welfare.

SECTION 3 **AMENDMENT**

3.01 That the Code of Ordinances of the Town of Hickory Creek, Texas, Chapter 4: Business Regulations, Article 4.05 Alcoholic Beverages; Section 4.05.003 Possession or consumption prohibited in certain areas: is hereby amended to read as follows:

“Possess or consume any alcoholic beverages in any town park or playground area unless permitted by Section 4.05.004 of this Code.”

3.02 All other articles, chapters, sections, subsections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed.

SECTION 4 **CUMULATIVE REPEALER CLAUSE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5 **SAVINGS CLAUSE**

All rights and remedies of the Town of Hickory Creek, Texas are expressly saved as to any all violations of the provisions the Town’s Code of Ordinances or of any other ordinance affecting park regulations, which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 6 **SEVERABILITY**

The provisions of this Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the Town shall promptly promulgate new revised provisions in compliance with the authority’s decision or enactment.

SECTION 7
ENGROSSMENT AND ENROLLMENT

The Town Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the Town Council and by filing this Ordinance in the Ordinance records of the Town.

SECTION 8
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage in accordance with law.

AND IT IS SO ORDAINED

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas, this 30th day of January, 2018.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi K. Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Lance Vanzant, Town Attorney
Town of Hickory Creek, Texas



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.12

Consider and act on an ordinance of the Town Council of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 1: General Provisions; Article 1.10 Parks and Recreation, Section 1.10.03 Prohibitions.

**TOWN OF HICKORY CREEK
ORDINANCE 2018-01-786**

AN ORDINANCE OF THE TOWN COUNCIL OF HICKORY CREEK, TEXAS, AMENDING THE TOWN'S CODE OF ORDINANCES, CHAPTER 1: GENERAL PROVISIONS; ARTICLE 1.10 PARKS AND RECREATION; SECTION 1.10.003 PROHIBITIONS; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek is a Type A General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council has determined that public convenience will be enhanced by revisions to current rules regarding regulations of Hickory Creek parks as set forth herein; and

WHEREAS, the Town Council deems it necessary for the safe, orderly, and healthful development of the Town and in the best interest of the Town of Hickory Creek, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:

**SECTION 1
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2
FINDINGS**

After due deliberations the Town Council has concluded that the adoption of this Ordinance is in the best interests of the Town of Hickory Creek, Texas, and of the public health, safety and welfare.

**SECTION 3
AMENDMENT**

3.01 That the Code of Ordinances of the Town of Hickory Creek, Texas, Chapter 1: General Provisions, Article 1.10 Parks and Recreation; Section 1.10.003 Prohibitions: Subsection 2, is hereby amended to read as follows:

“(2) Possess or consume any alcoholic beverages in any town park or playground area unless permitted by Section 4.05.004 of this Code.”

3.02 All other articles, chapters, sections, subsections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed.

SECTION 4 **CUMULATIVE REPEALER CLAUSE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5 **SAVINGS CLAUSE**

All rights and remedies of the Town of Hickory Creek, Texas are expressly saved as to any all violations of the provisions the Town’s Code of Ordinances or of any other ordinance affecting park regulations, which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 6 **SEVERABILITY**

The provisions of this Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the Town shall promptly promulgate new revised provisions in compliance with the authority’s decision or enactment.

SECTION 7 **ENGROSSMENT AND ENROLLMENT**

The Town Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the Town Council and by filing this Ordinance in the Ordinance records of the Town.

SECTION 8
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage in accordance with law.

AND IT IS SO ORDAINED

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas, this 30th day of January, 2018.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi K. Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Lance Vanzant, Town Attorney
Town of Hickory Creek, Texas



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.13

Consider and act on Kids and Tailwaggers 2 with Easter Egg Hunt benefiting the Boys & Girls Club of North Central Texas to be held on March 31, 2018 in Sycamore Bend Park.

No supporting documentation.



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.14

Consider and act on the BGCWorld Music Fest benefiting the Boys and Girls Clubs of North Central Texas to be held on Saturday, May 12, 2018 in Sycamore Bend Park.

No supporting documentation.



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.15

Consider and act on an ordinance of the Town Council of Hickory Creek, Texas ordering an election to be held on May 5, 2018 for the purpose of electing a Mayor and Town Council Members to Place 2 and Place 4.

**TOWN OF HICKORY CREEK
ORDINANCE NO. 2018-01-787**

AN ORDINANCE OF THE TOWN COUNCIL OF HICKORY CREEK, TEXAS, ORDERING AN ELECTION TO BE HELD ON MAY 5, 2018 FOR THE PURPOSE OF ELECTING A MAYOR AND TOWN COUNCIL MEMBERS TO PLACE 2 AND PLACE 4; AUTHORIZING A JOINT ELECTION WITH OTHER DENTON COUNTY POLITICAL SUBDIVISIONS; PROVIDING FOR A FILING PERIOD; PROVIDING FOR PRECINCTS; PROVIDING FOR APPOINTMENT OF AN EARLY VOTING CLERK; PROVIDING FOR EARLY VOTING LOCATIONS; PROVIDING FOR AN ELECTION DAY POLLING PLACE; PROVIDING FOR CANCELLATION OF ELECTION; PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE OF THIS ELECTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek, Texas is a Type "A" General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the general election for the Town of Hickory Creek, as set forth by the Texas Election Code, is required to be held on May 5, 2018 for the purpose of electing a Mayor and Town Council Members to Place 2 and Place 4; each term being for a period of (2) two years.

WHEREAS, in accordance with Section 271.002 of the Texas Election Code, the Town election will be conducted with other political subdivisions of Denton County Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, THAT:

**SECTION 1
ELECTION ORDERED**

An election is hereby ordered to be held on Saturday, May 5, 2018 for the purpose of electing a Mayor and Town Council Members to Place 2 and Place 4; each term being for a period of (2) years.

**SECTION 2
FILING PERIOD**

The filing period for an application on the ballot is January 17, 2018 - February 16, 2018.

**SECTION 3
PRECINCTS**

The election precinct for said election shall be the regular precinct of Denton County (Precinct 3001) to the extent that they are within the corporate limits of the Town of Hickory Creek.

SECTION 4
EARLY VOTING CLERK

In accordance with Sections 31.097 and 271.006 of the Texas Election Code, the following named person is hereby appointed as the Early Voting Clerk of the purposes of conducting said election:

Frank Phillips, Early Voting Clerk
Denton County Elections
P.O. Box 1720
Denton, Texas 76202
Elections@dentoncounty.com

SECTION 5
EARLY VOTING LOCATIONS

Early voting by personal appearance of Hickory Creek residents shall be conducted beginning April 23, 2018 and continue through May 1, 2018. The main early voting location shall be located at: Denton County Elections, 701 Kimberly Drive, Denton, Texas 76208. Additional early voting locations shall be determined per the Joint Election Agreement and Contract for Election Services with the Denton County Elections Administrator.

SECTION 6
ELECTION DAY POLLING PLACE

The polling place for all of Precinct 3001 within the corporate limits of the Town of Hickory Creek will be located at: Town of Hickory Creek Town Hall, 1075 Ronald Reagan Avenue, Hickory Creek, Texas 75065.

SECTION 7
CANCELLATION OF ELECTION

If only one person who has qualified to appear on the ballot for each office, and no write-in candidates have submitted their names to be placed on the list for write-in candidates, the Town Council may declare the candidates elected to office and cancel the election called herein.

SECTION 8
NOTICE AND PUBLICATION

Notice of the Election shall be given by posting a notice of election in both English and Spanish at Town of Hickory Creek located at 1075 Ronald Reagan Avenue, Hickory Creek Texas, on the bulletin board not later than twenty-one days prior to the date upon which the election is to be held, and by publication of said notice at least once in the official newspaper of the Town, being a newspaper of general circulation within the Town, the date of said publication to be not less than ten (10) days nor more than thirty (30) days prior to the date set for the elections. Upon publication of the election notice, the Town Secretary shall secure a publisher's affidavit.

SECTION 9
NECESSARY ACTIONS

The Mayor, Town Council, and Town Staff, in consultation with the Town Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the Election, whether or not expressly authorized herein.

SECTION 10
EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and approval.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas, this the 30th day of January, 2018.

Lynn C. Clark., Mayor

ATTEST:

Kristi K. Rogers, Town Secretary

APPROVED AS TO LEGAL FORM

Lance Vanzant, Town Attorney



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.16

Consider and act on an ordinance ordering a special election to be held on May 5, 2018, to submit a proposition on repealing the sales and use tax of one-fourth (1/4) of one percent for the maintenance and repair of municipal streets; increasing the local sales and use tax from the rate of one (1) percent to a rate of one and one fourth (1 1/4) percent.

**TOWN OF HICKORY CREEK, TEXAS
ORDINANCE 2018- 01-788**

AN ORDINANCE OF THE TOWN COUNCIL OF HICKORY CREEK, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 5, 2018, TO SUBMIT A PROPOSITION ON REPEALING THE SALES AND USE TAX OF ONE-FOURTH (1/4) OF ONE PERCENT FOR THE MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; INCREASING THE LOCAL SALES AND USE TAX FROM THE RATE OF ONE (1) PERCENT TO A RATE OF ONE AND ONE FOURTH (1 1/4) PERCENT; AUTHORIZING A JOINT ELECTION WITH OTHER DENTON COUNTY POLITICAL SUBDIVISIONS; PROVIDING FOR PRECINCTS; PROVIDING FOR APPOINTMENT OF AN EARLY VOTING CLERK; PROVIDING FOR EARLY VOTING LOCATIONS; PROVIDING FOR AN ELECTION DAY POLLING PLACE; PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE OF THIS ELECTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek is a Type A General Law Municipality located in Denton County, Texas created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council of the Town of Hickory Creek, Texas hereby finds and determines that an election should be held under the provisions of Chapter 321, as amended, of the Texas Tax Code, to eliminate the collection of the sales and use ac under the provisions of Chapter 327, as amended, Texas Tax Code, for the benefit of maintenance and repair of municipal streets, and to adopt a sales and use tax with the town of one and one fourths (1 ¼) percent; and

WHEREAS, the town will hold a special election on May 5, 2018; and

WHEREAS, in accordance with Section 271.002 of the Texas Election Code, the town election will be conducted with other political subdivisions of Denton County Texas; and

WHEREAS, in accordance with the requirements of Chapter 321, as amended, of the Texas Tax Code, the combined rate of all local sales and use taxes imposed by the town and other political subdivisions having territory in the town will not exceed two (2) percent.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:

**SECTION 1
ELECTION ORDER**

An election is hereby ordered to be held on Saturday, May 5, 2018, to submit the following proposition to the qualified voters of the town:

“THE ABOLITION OF THE LOCAL SALES AND USE TAX IN HICKORY CREEK FOR THE MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; AND THE ADOPTION OF A LOCAL SALES AND USE TAX IN HICKORY CREEK AT THE RATE OF ONE AND ONE FOURTH PERCENT.”

SECTION 2
PRECINCTS

The election precinct for said election shall be the regular precinct of Denton County (Precinct 3001) to the extent that they are within the corporate limits of the Town of Hickory Creek.

SECTION 3
EARLY VOTING CLERK

In accordance with Sections 31.097 and 271.006 of the Texas Election Code, the following named person is hereby appointed as the Early Voting Clerk of the purposes of conducting said election:

Frank Phillips, Early Voting Clerk
Denton County Elections
P.O. Box 1720
Denton, Texas 76202
Elections@dentoncounty.com

SECTION 4
EARLY VOTING LOCATIONS

Early voting by personal appearance of Hickory Creek residents shall be conducted beginning April 23, 2018 and continue through May 1, 2018. The main early voting location shall be located at: Denton County Elections, 701 Kimberly Drive, Denton, Texas 76208. Additional early voting locations shall be determined per the Joint Election Agreement and Contract for Election Services with the Denton County Elections Administrator.

SECTION 5
ELECTION DAY POLLING PLACE

The polling place for all of Precinct 3001 within the corporate limits of the Town of Hickory Creek will be located at: Town of Hickory Creek Town Hall, 1075 Ronald Reagan Avenue, Hickory Creek, Texas 75065.

SECTION 6
NOTICE AND PUBLICATION

Notice of the Election shall be given by posting a notice of election in both English and Spanish at Town of Hickory Creek located at 1075 Ronald Reagan Avenue, Hickory Creek Texas, on the bulletin board not later than twenty-one days prior to the date upon which the election is to be held, and by publication of said notice at least once in the official newspaper of the Town, being a newspaper of general circulation within the Town, the date of said publication to be not less than ten (10) days nor more than thirty (30) days prior to the date set for the elections. Upon publication of the election notice, the Town Secretary shall secure a publisher's affidavit.

SECTION 7
NECESSARY ACTIONS

The Mayor, Town Council, and Town Staff, in consultation with the Town Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the Election, whether or not expressly authorized herein.

SECTION 8
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage in accordance with law.

AND IT IS SO ORDAINED

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas, this 30th day of January, 2018.

Lynn C. Clark, Mayor

ATTEST:

Kristi Rogers, Town Secretary

APPROVED AS TO FORM:

Lance Vanzant, Town Attorney
Town of Hickory Creek, Texas



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.17

Consider and act on a joint election agreement and contract for election services with Denton County for the May 5, 2018 election.

JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES

THIS CONTRACT for election services is made by and between the Denton County Elections Administrator and the following political subdivisions located entirely or partially inside the boundaries of Denton County:

{Insert Entities Here}

This contract is made pursuant to Texas Election Code Sections 31.092 and 271.002 and Texas Education Code Section 11.0581 for a joint May 5, 2018 election to be administered by Frank Phillips, Denton County Elections Administrator, hereinafter referred to as "Elections Administrator."

RECITALS

Each participating authority listed above plans to hold a general and/or special election on May 5, 2018.

The County owns the Hart InterCivic Verity Voting System, which has been duly approved by the Secretary of State pursuant to Texas Election Code Chapter 122 as amended, and is compliant with the accessibility requirements for persons with disabilities set forth by Texas Election Code Section 61.012. The contracting political subdivisions desire to use the County's electronic voting system and to compensate the County for such use and to share in certain other expenses connected with joint elections in accordance with the applicable provisions of Chapters 31 and 271 of the Texas Election Code, as amended.

NOW THEREFORE, in consideration of the mutual covenants, agreements, and benefits to the parties, IT IS AGREED as follows:

I. ADMINISTRATION

The parties agree to hold a "Joint Election" with each other in accordance with Chapter 271 of the Texas Election Code and this agreement. The Denton County Elections Administrator shall coordinate, supervise, and handle all aspects of administering the Joint Election as provided in this agreement. Each participating authority agrees to pay the Denton County Elections Administrator for equipment, supplies, services, and administrative costs as provided in this agreement. The Denton County Elections Administrator shall serve as the administrator for the Joint Election; however, each participating authority shall remain responsible for the decisions and actions of its officers necessary for the lawful conduct of its election. The Elections Administrator shall provide advisory services in connection with decisions to be made and actions to be taken by the officers of each participating authority as necessary.

It is understood that other political subdivisions may wish to participate in the use of the County's Verity voting system and polling places, and it is agreed that the Elections Administrator may enter into other contracts for election services for those purposes on terms and conditions generally similar to those set forth in this contract. In such cases, costs shall be pro-rated among the participants according to Section XI of this contract.

At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating authorities shall share a mutual ballot in those polling places where jurisdictions overlap.

II. LEGAL DOCUMENTS

Each participating authority shall be responsible for the preparation, adoption, and publication of all required election orders, resolutions, notices, and any other pertinent documents required by the Texas Election Code and/or the participating authority's governing body, charter, or ordinances, except that the Elections Administrator shall be responsible for the preparation and publication of all voting equipment testing notices that are required by the Texas Election Code. Election orders should include language that would not necessitate amending the order if any of the Early Voting and/or Election Day polling places change.

Preparation of the necessary materials for notices and the official ballot shall be the responsibility of each participating authority, including translation to languages other than English. Each participating authority shall provide a copy of their respective election orders and notices to the Denton County Elections Administrator.

III. VOTING LOCATIONS

The Elections Administrator shall select and arrange for the use of and payment for all Early Voting and Election Day voting locations. Voting locations will be, whenever possible, the usual voting location for each election precinct in elections conducted by each participating city, and shall be compliant with the accessibility requirements established by Election Code Section 43.034 and the Americans with Disabilities Act (ADA). All Early Voting and Election Day locations shall be located in Denton County. The proposed voting locations are listed in Attachment A of this agreement. In the event that a voting location is not available or appropriate, the Elections Administrator will arrange for the use of an alternate location. The Elections Administrator shall notify the participating authorities of any changes from the locations listed in Attachment A.

If polling places for the May 5, 2018 joint election are different from the polling place(s) used by a participating authority in its most recent election, the authority agrees to post a notice no later than May 4, 2018 at the entrance to any previous polling places in the jurisdiction stating that the polling location has changed and stating the political subdivision's polling place names and addresses in effect for the May 5, 2018 election. This notice shall be written in both the English and Spanish languages.

IV. ELECTION JUDGES, CLERKS, AND OTHER ELECTION PERSONNEL

Denton County shall be responsible for the appointment of the presiding judge and alternate judge for each polling location. The Elections Administrator shall make emergency appointments of election officials if necessary.

Upon request by the Elections Administrator, each participating authority agrees to assist in recruiting polling place officials who are bilingual (fluent in both English and Spanish). In compliance with the Federal Voting Rights Act of 1965, as amended, each polling place containing more than 5% Hispanic population as determined by the 2010 Census shall have one or more election official who is fluent in both the English and Spanish languages. If a presiding judge is not bilingual, and is unable to appoint a bilingual clerk, the Elections Administrator may recommend a bilingual worker for the polling place. If the Elections Administrator is unable to recommend or recruit a bilingual worker, the participating authority or authorities served by that polling place shall be responsible for recruiting a bilingual worker for translation services at that polling place.

The Elections Administrator shall notify all election judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to insure that all election judges appointed for the Joint Election are eligible to serve.

The Elections Administrator shall arrange for the training and compensation of all election judges and clerks. Election judges and clerks who attend voting equipment training and/or procedures training shall be compensated at the rate of \$9 per hour.

The Elections Administrator shall arrange for the date, time, and place for presiding election judges to pick up their election supplies. Each presiding election judge will be sent a letter from the Elections Administrator notifying him of his appointment, the time and location of training and distribution of election supplies, and the number of election clerks that the presiding judge may appoint.

Each election judge and clerk will receive compensation at the hourly rate established by Denton County (\$11 an hour for presiding judges, \$10 an hour for alternate judges, and \$9 an hour for clerks) pursuant to Texas Election Code Section 32.091. The election judge, or his designee, will receive an additional sum of \$25.00 for returning the supplies and equipment to the central counting station after the polls close.

The Elections Administrator may employ other personnel necessary for the proper administration of the election, including such part-time help as is necessary to prepare for the election, to ensure the timely delivery of supplies during early voting and on Election Day, and for the efficient tabulation of ballots at the central counting station. Part-time personnel working as members of the Early Voting Ballot Board and/or central counting station on election night will be compensated at the hourly rate set by Denton County in accordance with Election Code Sections 87.005, 127.004, and 127.006.

V. PREPARATION OF SUPPLIES AND VOTING EQUIPMENT

The Elections Administrator shall arrange for all election supplies and voting equipment including, but not limited to, the County's Verity voting system and equipment, sample ballots, voter registration lists, and all forms, signs, maps and other materials used by the election judges at the voting locations. Any additional required materials (required by the Texas Election Code) must be provided by the entity, and delivered to the Elections Office 33 days (April 2, 2018) prior to Election Day. If this deadline is not met, the materials must be delivered by the entity, to all Early Voting and Election Day locations affected, prior to voting commencing. The Elections Administrator shall ensure availability of tables and chairs at each polling place and shall procure rented tables and chairs for those polling places that do not have tables and/or chairs. The Elections Administrator shall be responsible for conducting all required testing of the voting equipment, as required by Chapters 127 and 129 of the Texas Election Code.

At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap. The Elections Administrator shall provide the necessary voter registration information, maps, instructions, and other information needed to enable the election judges in the voting locations that have more than one ballot style to conduct a proper election.

Each participating authority shall furnish the Elections Administrator a list of candidates and/or propositions showing the order and the exact manner in which the candidate names and/or proposition(s) are to appear on the official ballot (including titles and text in each language in which the authority's ballot is to be printed). Said list must be in a Word document, the information must be in an upper and lower case format, be in an Arial 10 point font, and contain candidate information for the purposes of verifying the pronunciation of each candidate's name. Each participating authority shall be responsible for proofreading and approving the ballot and the audio recording of the ballot, insofar as it pertains to that authority's candidates and/or propositions.

The joint election ballots that contain ballot content for more than one joint participant because of overlapping territory shall be arranged in the following order: Independent School District, City, Water District(s), and other political subdivisions.

Early Voting by Personal Appearance and voting on Election Day shall be conducted exclusively on Denton County's Verity voting system.

The Elections Administrator shall be responsible for the preparation, testing, and delivery of the voting equipment for the election as required by the Election Code.

The Elections Administrator shall conduct criminal background checks on relevant employees upon hiring as required by Election Code Section 129.051(g).

VI. EARLY VOTING

The participating authorities agree to conduct joint early voting and to appoint the Election Administrator as the Early Voting Clerk in accordance with Sections 31.097 and 271.006 of the Texas Election Code. Each participating authority agrees to appoint the Elections Administrator's permanent county employees as deputy early voting clerks. The participating authorities further agree that the Elections Administrator may appoint other deputy early voting clerks to assist in the conduct of early voting as necessary, and that these additional deputy early voting clerks shall be compensated at an hourly rate set by Denton County pursuant to Section 83.052 of the Texas Election Code. Deputy early voting clerks who are permanent employees of the Denton County Elections Administrator or any participating authority shall serve in that capacity without additional compensation.

Early Voting by personal appearance will be held at the locations, dates, and times listed in Attachment "B" of this document. Any qualified voter of the Joint Election may vote early by personal appearance at any of the joint early voting locations.

As Early Voting Clerk, the Elections Administrator shall receive applications for early voting ballots to be voted by mail in accordance with Chapters 31 and 86 of the Texas Election Code. Any requests for early voting ballots to be voted by mail received by the participating authorities shall be forwarded immediately by fax or courier to the Elections Administrator for processing. The address for the Denton County Early Voting Clerk is:

Frank Phillips, Early Voting Clerk
Denton County Elections
PO Box 1720
Denton, TX 76202
Elections@dentoncounty.com

Any requests for early voting ballots to be voted by mail, and the subsequent actual voted ballots, that are sent by a contract carrier (ie. UPS, FedEx, etc.) should be delivered to the Early Voting Clerk at the Denton County Elections Department physical address as follows:

Frank Phillips, Early Voting Clerk
Denton County Elections
701 Kimberly Drive, Suite A101
Denton, TX 76208
Elections@dentoncounty.com

The Elections Administrator shall post on the county website each participating authority's early voting report on a daily basis and a cumulative final early voting report following the close of early voting. In accordance with Section 87.121(g) of the Election Code, the daily reports showing the previous day's early voting activity will be posted to the county website no later than 8:00 a.m. each business day.

VII. EARLY VOTING BALLOT BOARD

Denton County shall appoint an Early Voting Ballot Board (EVBB) to process early voting results from the Joint Election. The Presiding Judge, with the assistance of the Elections Administrator, shall appoint two or more additional members to constitute the EVBB. The Elections Administrator shall determine the number of EVBB members required to efficiently process the early voting ballots.

The Elections Administrator shall determine whether a Signature Verification Committee is necessary, and if so, shall appoint the members.

VIII. CENTRAL COUNTING STATION AND ELECTION RETURNS

The Elections Administrator shall be responsible for establishing and operating the central counting station to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code and of this agreement.

The participating authorities hereby, in accordance with Sections 127.002, 127.003, and 127.005 of the Texas Election Code, appoint the following central counting station officials:

Counting Station Manager:	Frank Phillips, Denton County Elections Administrator
Tabulation Supervisor:	Brandy Grimes, Deputy Denton County Elections Administrator
Presiding Judge:	Early Voting Ballot Board Judge
Alternate Judge:	Early Voting Ballot Board Alternate Judge

The counting station manager or his representative shall deliver timely cumulative reports of the election results as precincts report to the central and remote counting stations and are tabulated by posting on the Elections website. The manager shall be responsible for releasing unofficial cumulative totals and precinct returns from the election to the joint participants, candidates, press, and general public by distribution of hard copies at the central counting station (if requested) and by posting to the Denton County web site. To ensure the accuracy of reported election returns, results printed on the tapes produced by Denton County's voting equipment will not be released to the participating authorities at the remote collection sites or by phone from individual polling locations.

The Elections Administrator will prepare the unofficial canvass reports after all precincts have been counted, and will deliver a copy of the unofficial canvass to each participating authority as soon as possible after all returns have been tabulated. The Elections Administrator will include the tabulation and precinct-by-precinct results that are required by Texas Election Code Section 67.004 for the participating entities to conduct their respective canvasses. Each participating

authority shall be responsible for the official canvass of its respective election(s), and shall notify the Elections Administrator, or his designee, no later than three days after Election Day of the date of the canvass.

The Elections Administrator shall prepare and deliver by email to each participating entity, the electronic precinct-by-precinct results reports for uploading, by the entity, to the Secretary of State as required by Section 67.017 of the Election Code.

The Elections Administrator shall be responsible for conducting the post-election manual recount required by Section 127.201 of the Texas Election Code unless a waiver is granted by the Secretary of State. Notification and copies of the recount, if waiver is denied, will be provided to each participating authority and the Secretary of State's Office.

IX. PARTICIPATING AUTHORITIES WITH TERRITORY OUTSIDE DENTON COUNTY

Each participating authority with territory containing population outside Denton County agrees that the Elections Administrator shall administer only the Denton County portion of those elections.

X. RUNOFF ELECTIONS

Each participating authority shall have the option of extending the terms of this agreement through its runoff election, if applicable. In the event of such runoff election, the terms of this agreement shall automatically extend unless the participating authority notifies the Elections Administrator in writing within 3 business days of the original election.

Each participating authority shall reserve the right to reduce the number of early voting locations and/or Election Day voting locations in a runoff election.

Each participating authority agrees to order any runoff election(s) at its meeting for canvassing the votes from the May 5, 2018 election and to conduct its drawing for ballot positions at or immediately following such meeting in order to expedite preparations for its runoff election.

Each participating authority eligible to hold runoff elections agrees that the date of the runoff election, if necessary, shall be Saturday, June 16, 2018.

XI. ELECTION EXPENSES AND ALLOCATION OF COSTS

The participating authorities agree to share the costs of administering the Joint Election. Allocation of costs, unless specifically stated otherwise, is mutually agreed to be shared according to a formula which is based on the average cost per election day polling place (unit cost) as determined by adding together the overall expenses and dividing the expenses equally among the total number of polling places. Costs for polling places shared by more than one participating authority shall be pro-rated equally among the participants utilizing that polling place.

It is agreed that charges for Election Day judges and clerks and Election Day polling place rental fees shall be directly charged to the appropriate participating authority rather than averaging those costs among all participants.

If a participating authority's election is conducted at more than one election day polling place, there shall be no charges or fees allocated to the participating authority for the cost of election day polling places in which the authority has fewer than 50% of the total registered voters served by that polling place, except that if the number of registered voters in all of the authority's polling places is less than the 50% threshold, the participating authority shall pay a pro-rata share of the costs associated with the polling place where it has the greatest number of registered voters.

Costs for Early Voting by Personal Appearance shall be allocated based upon the actual costs associated with each early voting site. Each participating authority shall be responsible for a pro-rata portion of the actual costs associated with the early voting sites located within their jurisdiction. Participating authorities that do not have a regular (non-temporary) early voting site within their jurisdiction shall pay a pro-rata portion of the nearest regular early voting site.

Costs for Early Voting by mail shall be allocated according to the actual number of ballots mailed to each participating authority's voters.

Each participating authority agrees to pay the Denton County Elections Administrator an administrative fee equal to ten percent (10%) of its total billable costs in accordance with Section 31.100(d) of the Texas Election Code.

The Denton County Elections Administrator shall deposit all funds payable under this contract into the appropriate fund(s) within the county treasury in accordance with Election Code Section 31.100.

The Denton County Elections Administrator reserves the right to adjust the above formulas in agreement with any individual jurisdiction if the above formula results in a cost allocation that is inequitable.

If any participating authority makes a special request for extra Temporary Branch Early Voting by Personal Appearance locations as provided for by the Texas Election Code, that entity agrees to pay the entire cost for that request.

Participating authorities having the majority of their voters in another county, and fewer than 500 registered voters in Denton County, and that do not have an election day polling place or early voting site within their Denton County territory shall pay a flat fee of \$400 for election expenses.

Election expenses, including but not limited to, overtime charges for Elections Office Staff, and any unforeseen expenses needed to conduct the election, will be borne by the Participating Authority or Authorities, affected.

XII. WITHDRAWAL FROM CONTRACT DUE TO CANCELLATION OF ELECTION

Any participating authority may withdraw from this agreement and the Joint Election should it cancel its election in accordance with Sections 2.051 - 2.053 of the Texas Election Code. The withdrawing authority is fully liable for any expenses incurred by the Denton County Elections Administrator on behalf of the authority plus an administrative fee of ten percent (10%) of such expenses. Any monies deposited with the Elections Administrator by the withdrawing authority shall be refunded, minus the aforementioned expenses and administrative fee, if applicable.

It is agreed that any of the joint election early voting sites that are not within the boundaries of one or more of the remaining participating authorities, with the exception of the early voting site located at the Denton County Elections Building, may be dropped from the joint election unless one or more of the remaining participating authorities agreed to fully fund such site(s). In the event that any early voting site is eliminated under this section, an addendum to the contract shall be provided to the remaining participants within five days after notification of all intents to withdraw have been received by the Elections Administrator.

XIII. RECORDS OF THE ELECTION

The Elections Administrator is hereby appointed general custodian of the voted ballots and all records of the Joint Election as authorized by Section 271.010 of the Texas Election Code.

Access to the election records shall be available to each participating authority as well as to the public in accordance with applicable provisions of the Texas Election Code and the Texas Public Information Act. The election records shall be stored at the offices of the Elections Administrator or at an alternate facility used for storage of county records. The Elections Administrator shall ensure that the records are maintained in an orderly manner so that the records are clearly identifiable and retrievable.

Records of the election shall be retained and disposed of in accordance with the provisions of Section 66.058 of the Texas Election Code. If records of the election are involved in any pending election contest, investigation, litigation, or open records request, the Elections Administrator shall maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of each participating authority to bring to the attention of the Elections Administrator any notice of pending election contest, investigation, litigation or open records request which may be filed with the participating authority.

XIV. RECOUNTS

A recount may be obtained as provided by Title 13 of the Texas Election Code. By signing this document, the presiding officer of the contracting participating authority agrees that any recount shall take place at the office of the Elections Administrator, and that the Elections Administrator shall serve as Recount Supervisor and the participating authority's official or employee who performs the duties of a secretary under the Texas Election Code shall serve as Recount Coordinator.

The Elections Administrator agrees to provide advisory services to each participating authority as necessary to conduct a proper recount.

XV. MISCELLANEOUS PROVISIONS

1. It is understood that to the extent space is available, other districts and political subdivisions may wish to participate in the use of the County's election equipment and voting places, and it is agreed that the Elections Administrator may contract with such other districts or political subdivisions for such purposes and that in such event there may be an adjustment of the pro-rata share to be paid to the County by the participating authorities.
2. The Elections Administrator shall file copies of this document with the Denton County Treasurer and the Denton County Auditor in accordance with Section 31.099 of the Texas Election Code.
3. Nothing in this contract prevents any party from taking appropriate legal action against any other party and/or other election personnel for a breach of this contract or a violation of the Texas Election Code.
4. This agreement shall be construed under and in accord with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Denton County, Texas.
5. In the event that one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
6. All parties shall comply with all applicable laws, ordinances, and codes of the State of Texas, all local governments, and any other entities with local jurisdiction.
7. The waiver by any party of a breach of any provision of this agreement shall not operate as or be construed as a waiver of any subsequent breach.
8. Any amendments of this agreement shall be of no effect unless in writing and signed by all parties hereto.
9. Failure for a participating authority to meet the deadlines as outlined in this contract or on the calendar (Attachment C) may result in additional charges, including but not limited to, overtime charges, etc.

XVI. COST ESTIMATES AND DEPOSIT OF FUNDS

The total estimated obligation for each participating authority under the terms of this agreement is listed below. The exact amount of each participating authority's obligation under the terms of this agreement shall be calculated after the May 5, 2018 election (or runoff election, if applicable). The participating authority's obligation shall be paid to Denton County within 30 days after the receipt of the final invoice from the Denton County Elections Administrator.

The total estimated obligation for each participating authority under the terms of this agreement shall be provided within 45 days after the last deadline for ordering an election.

	Estimated	
Political Subdivision	Cost	

XVII. SIGNATURE PAGE (separate page)

Revised 1.22.2018 (10:45 a.m.)

All contract attachments (A, B, and C), political subdivisions, and estimated costs will be added to the actual contract and will be sent after the February 16th, 2018 deadline to call the May Election.



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.18

Consider and act on Hickory Creek Police Department General Order 2018-01-1:Canine Unit.

HICKORY CREEK POLICE DEPARTMENT

**GENERAL ORDER
2018-01-1**

GENERAL ORDER

SUBJECT: CANINE UNIT

**DATE OF ISSUE:
01/01/2017**

POLICY

The Hickory Creek Police Department canine is used to enhance safety of officers and the public in certain situations regarding searches or apprehension of suspects. This procedure explains how the canine unit operates.

PROCEDURE

I. DEFINITIONS

CANINE HANDLER means the specially trained police officer to whom a specific law enforcement dog is assigned.

CANINE UNIT means a team consisting of a specially trained law enforcement dog and its handler.

LAW ENFORCEMENT DOG means a canine owned by the Town of Hickory Creek and assigned to a handler within the police department. The canine is trained to protect its handler, apprehend fleeing criminal suspects, locate criminal suspects hiding within a building or in an outside area and detect selected narcotics.

II. USE OF THE CANINE UNIT

A. Canine Units may be used, but not limited to the following situations:

1. Burglaries when the officer believes the suspect may still be in or near the location.
2. Burglar alarm calls.
3. Any call, Class B and above, when the suspect has recently fled on foot and may still be in the area.
4. Tracking lost children when the child's life or well being is at immediate risk and the child's parents sanction use of the search with an understanding of the potential risk.

5. Public demonstrations approved by the Chief of Police.
 6. Execution of narcotics search warrants or requests by officers for narcotics detection in compliance with law on search and seizure.
- B. The Canine Unit should not normally be used for the following:
1. Transporting prisoners.
 2. Apprehension of Class C suspects.
 3. Routine calls which would cause the unit to be out of service for a long time.
- C. The dog should not be permitted off-leash in a public area except when necessary in the performance of a law enforcement dog task.
- D. Evaluate the following before using the dog to apprehend a suspect:
1. The severity of the crime at issue.
 2. Whether the suspect poses an immediate threat to the safety of officers or others.
 3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

III. CANINE UNIT REQUESTS

- A. Requests for Canine Units within the Town of Hickory Creek:
1. A request for the use of the canine unit may be made by any police officer at the scene of an incident. Such requests shall be made over the police radio to the canine unit on duty.
 2. If the canine unit is off duty, the officer shall contact their supervisor. Once the request is approved, the supervisor will contact the canine unit.
 3. Upon the arrival of the canine handler, the requesting officer will fully explain the nature of the incident.
 4. If there is no supervisor present, the canine handler shall be responsible for justifying use of the canine and the tactics employed.

5. If any request for canine deployment is not warranted, tactically unfeasible, or in violation of this order, the canine handler has discretion to refuse to respond. The nature of the incident and reasons for refusal to respond will be documented by the canine handler and reviewed by the Chief of Police.

B. Canine Unit requests outside the Town of Hickory Creek:

1. All requests for canine assistance outside of the Town of Hickory Creek will be forwarded to the Chief of Police for approval. The Chief of Police will consider:
 - a. Compliance with this order.
 - b. Travel time.
 - c. Need for the canine unit in Hickory Creek.
 - d. Scheduling and personnel needs for Hickory Creek.
2. The canine unit may deploy to assist members of the Dallas/Fort Worth Interlocal Assistance Agreement.
3. The canine unit may deploy to assist agents or officers from state and federal law enforcement agencies.
4. The canine handler will write a report furnishing information relative to the request, the need for such request, the action taken on the request, and the results of the assistance provided.

C. Building and Field Search Techniques

1. Building Search
 - a. Notify the canine unit as quickly as possible for the building search.
 - b. Patrol will secure the building's perimeter.
 - c. Patrol will evacuate the building if there is anyone other than the suspect in the building.
 - d. The handler will identify himself as a police officer and issue a

verbal warning just prior to entering the building. The handler will repeat the warning anytime the canine unit enters an area where a previous warning may not have been heard. A bullhorn or PA may be used to ensure the warning is heard by suspects within the building.

- e. Patrol will provide a cover officer for the canine unit. The cover officer's responsibility is to protect the canine unit as it searches forward. If a suspect is encountered and an arrest is necessary, the cover officer will make the arrest. The cover officer should avoid interrupting line of sight between the suspect and dog.
- f. The canine unit will begin searching for additional suspects after:
 - i. The first suspect is properly interviewed for information about additional suspects, and
 - ii. A cover officer is available to provide assistance.

2. Field Search

- a. Notify the canine unit as quickly as possible of the field search.
- b. Patrol will set a perimeter around the area to be searched.
- c. Officers will avoid walking in the area where the suspect may be or may have traveled. Tracks other than those of the suspect confuse the dog and decrease the likelihood of success.
- d. Patrol will provide a cover officer to ensure canine unit safety and make arrests.

IV. PROFICIENCY AND MAINTENANCE

- A. The handler will ensure that the dog completes a scheduled maintenance and training program. The handler will communicate regularly with the Chief concerning training needs.
- B. Procedure for processing feed bills, veterinarian bills, and equipment repairs and requests:
 - 1. All dog food will be purchased from a vendor where a charge account exists

in accordance with Town of Hickory Creek purchasing procedures.

2. If the dog needs medical services, the handler will take him to a department approved veterinarian. The bill will be processed in accordance with Town purchasing procedures.
3. Requests for additional equipment, repairs, or replacement, will be made in writing to the Chief.

V. RESPONSIBILITY

A. The canine unit is assigned to the Support Services Division. The canine handler will report to the Support Services Commander for day to day operations unless on special assignments. The Chief of Police will oversee the Support Services commander.

1. The Canine Unit Supervisor will:
 - a. Manage the canine program for the department.
 - b. Coordinate all requests for demonstrations approved by the operations commander and special assignments.
2. The Canine Handler will:
 - a. File an appropriate report on each call involving use of the Canine Unit and forward a copy to the unit supervisor. Original reports will be submitted to the Chief of Police for approval.
 - b. Maintain all special equipment and supplies for canine handling.
 - c. Provide proper feeding and health care for the dog.
 - d. Properly maintain and clean the kennel at his home.
 - e. Receive sufficient training to comply with professional standards for canine maintenance. Training shall be conducted at a date, time, and location approved by the unit supervisor.

VI. HOURS OF ASSIGNMENT AND TIME

A. The canine unit's hours will be approved in advance by the Chief of Police. Canine

officers will receive ten (10) hours of compensation per two-week pay period for the care, cleaning and maintenance of the dog and equipment.

- B. Canine handlers will work seven (7) hour shifts per day, five (5) days per week, with the ten (10) hours of compensation authorized in section VI(A) of this policy completing their 80-hour biweekly schedule. The shift hours may be flexible, rotating, or random, and will be approved by the Chief in advance.
- C. Any time above seventy (70) hours worked and ten (10) compensatory hours in a pay period may be requested as overtime, pending approval and following Town policy regarding overtime accumulation and exceptions. The handler should make every effort to avoid overtime by managing their time to the best of their ability, refusing call outs that have little benefit to the department or are deemed unlikely to be successful, and “flexing” time as possible per established Town policy.

VII. CANINE BITES

- A. If a person is bitten by a Hickory Creek Police Department canine, the canine handler will:
 - 1. Summon a Patrol Supervisor to the scene.
 - 2. Take color photos of the bite.
 - 3. Ensure the suspect is offered appropriate medical services if the skin is broken.
 - 4. Notify the Chief of Police immediately concerning any alleged bite.
 - 5. Prepare a bite report giving the details of the incident.
 - a. Include names of all witnesses.
 - b. Explain why the dog was deployed.
 - c. Explain why or why not verbal warnings were given.
 - d. If intentional, why was force reasonable?
 - e. Describe probable cause.
 - 6. The handler will forward his report and photos to the Chief of Police for review. The Chief will review the incident and file a report with his initial finding.

- a. The chief of police will conduct a review of all bites.

VIII. CANINE SECURITY

- A. The canine handler must secure his assigned law enforcement dog in a kennel or fenced enclosure approved by the chief of police when he is not in actual control of the dog.
- B. If the handler is required to be out of town for more than 24 hours, the Department will house the dog in a veterinary or commercial kennel approved by the chief of police.
- C. The handler may not remove the dog from the city limits except in the line of duty, for training, or for medical care.

IX. REQUIREMENTS FOR ASSIGNMENT AS A CANINE OFFICER

- A. Possess the ability to house the dog considering such factors as the handler's family, space, and other animals.
- B. Qualify for a take home vehicle under applicable Department and City policies.



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.19

Discussion regarding the 2017 Hickory Creek Business of the Year.

No supporting documentation.



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.20

Discussion regarding the 2017 Hickory Creek Citizen of the Year.

No supporting documentation.



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. D.21

Discussion regarding current road and sidewalk projects.

No supporting documentation.



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. E.1

No Executive Session



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. F.1

No Executive Session



Town of Hickory Creek COUNCIL MEMORANDUM

Date: 01/30/2018

From: Kristi Rogers - Town Secretary

Subject: Agenda Item No. G.1

Adjournment