

STATE OF TEXAS

COUNTY OF DENTON

CITY OF HACKBERRY

Be it remembered that on this 12th day of June, 2018, a City Council Regular Meeting was held, and the following members were present to wit:

Ron Austin	Mayor	Jeff Dalton	Council Member
Bryant Green	Council Member	Brenda Lewallen	City Sec./Admin.
Gerri Schultz	Council Member	Patricia Adams	Attorney
Debra Waring	Council Member	Kim Vance	Assistant Admin.

Council Member Beverly Hickerson was absent due to illness.

**Pledge of Allegiance to the United States of America Flag.**

Mayor Austin led the Pledge of Allegiance.

**Invocation.** *(Time will be allowed for anyone wishing not to participate in the invocation to step outside and will be notified when the invocation is completed. Anyone wishing to give the invocation at future meetings is welcome to contact City Hall to make arrangements.)*

Council Member Bryant Green gave the invocation.

**REGULAR MEETING AGENDA**

**1. Call to Order Regular Session.**

Mayor Austin called the meeting to order at 6:51 p.m.

**2. Public Comments:**

A person may address the Council on items not on the printed agenda. Comments are limited to three (3) minutes. The Council may not comment or deliberate regarding such statements or comment during this period. Any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting.

There were no public comments.

**3. Consent Agenda:** All matters listed under the Consent Agenda are considered to be routine by the Hackberry Council and require little or no deliberation. There will not be a separate discussion of these items and the agenda will be enacted by one vote. If the Council expresses a desire to discuss a matter listed, that item will be removed from the consent agenda and considered separately.

**Consider and act upon approving the Consent Agenda:**

- a. Minutes from the May 8, 2018, Regular Meeting.
- b. May 2018, Financials for General Fund and W/S Accounts.

Council Member Gerri Schultz made a motion to approve the Consent Agenda. Council Member Jeff Dalton seconded the motion. There being no further discussion, corrections, or additions, a roll call vote was held and the motion passed with four voting yes.



4. **Consider and take appropriate action on adopting Ordinance No. 260-18, an Ordinance of the City of Hackberry, Texas, Amending Ordinance No. 207-11, Article 3.0-Zoning Classifications, Section C-Regulations Applicable to All Areas of the City, Sub-Section 13-Type of Materials (i) Providing Masonry Requirements; Providing for the Incorporation of Premises; Providing for Severability; Providing Savings; Providing a Penalty in an Amount Not to Exceed Two Thousand Dollars (\$2,000.00) for Each Offense, and a Separate Offense Shall be Deemed Committed Upon Each Day During or on Which a Violation Occurs or Continues; and Providing for Publication and Effective Date.**

City Administrator Brenda Lewallen explained that this was necessary to clarify the confusion regarding stucco being used as a portion of the masonry requirements.

Council Member Bryant Green made a motion to adopt Ordinance No. 260-18, Amending Ordinance No. 207-11, Article 3.0-Zoning Classifications, Section C-Regulations Applicable to All Areas of the City, Sub-Section 13-Type of Materials (i) Providing Masonry Requirements. Council Member Schultz seconded the motion. There being no further discussion, a roll call vote was held and the motion passed with four voting yes.

5. **Consider and take appropriate action on the Variance Request to reduce the lot width requirement from 125 feet (125') to 90 feet (90') for the property located at 135 Shirley Court, Frisco (Hackberry), Texas, Martha Ley Meadows Addition, Lot #7, Block A, currently zoned as R-1-1000 Residential District.**

Mayor Austin explained that the need for a variance at this specific property was not caused by the property owner. It was also discussed that without the variance, the owners would not be able to construct any type of building.

Council Member Debra Waring made a motion to approve the variance request to reduce the lot width requirement from 125 feet (125') to 90 feet (90') for the property located at 135 Shirley Court, Frisco, (Hackberry), Texas, Martha Ley Meadows Addition, Lot #7, Block A, currently zoned as R-1-1000 Residential District. Council Member Dalton seconded the motion. There being no further discussion, a roll call vote was held and the motion passed with four voting yes.

6. **Consider adoption of an Ordinance Authorizing the Issuance of City of Hackberry, Texas Tax Note, Series 2018, Awarding the Sale of the Note, Authorizing the Execution of any and all Documents Needed to Effectuate the Sale of the Note, and Ordaining Other Matters Related Thereto.**

Financial Advisor, Mr. Andre Ayala with Hilltop Securities, addressed the Council and reviewed the proposed plan of finance for the drainage improvement project. Bond Counsel, Mr. Ross Martin with Winstead, reviewed the documents and the time schedule with the Council.

Council Member Green made a motion to adopt an Ordinance Authorizing the Issuance of City of Hackberry, Texas Tax Note, Series 2018, Awarding the Sale of the Note, Authorizing the Execution of any and all Documents Needed to Effectuate the Sale of the Note, and Ordaining Other Matters Related Thereto. Council Member Schultz seconded the motion. There being no further discussion, a roll call vote was held and the motion passed with four voting yes.



7. **EXECUTIVE SESSION.** In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council will convene into Executive Session (closed meeting) to discuss the following pursuant to:

**§551.071(1) and §551.071(2): Consultation with Attorney on a matter 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 and Consultation with Attorney regarding pending or contemplated litigation re: City of Hackberry v. Specialty Development, Incorporated; Alternative Dispute Resolution, Zoning Ordinances.**

The Council convened into Executive Session at 7:10 p.m. with the city attorney present.

**RECONVENE INTO OPEN SESSION - In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to discuss and take action, if any, on matters discussed in Executive Session.**

The Council reconvened into open session at 7:45 p.m.

Council Member Debra Waring made a motion to authorize and direct the City Attorney, Messer, Rockefeller and Fort, to take all necessary action to enforce the City's Zoning Ordinance and to gain compliance with that Ordinance from Specialty Development Incorporated, including authorizing the City Attorney to file a civil lawsuit against Specialty Development, Inc. and to seek all relief allowed by law and equity. Council Member Gerri Schultz seconded the motion. There being no further discussion, a roll call vote was held and the motion passed with four voting yes.


6. **Adjournment.**

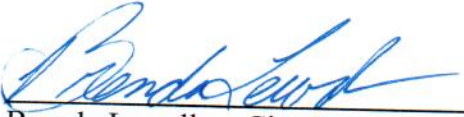
There being no further business before the Council, Mayor Austin adjourned the meeting at 7:48 p.m.

*Passed and approved by the City Council of the City of Hackberry, Texas this 14th day of August, 2018.*



**ATTEST:**

  
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Ronald Austin, Mayor

  
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Brenda Lewallen, City Secretary