

**NOTICE OF  
PUBLIC HEARINGS AND REGULAR MEETINGS OF  
PLANNING AND ZONING COMMISSION  
AND  
CITY OF HACKBERRY CITY COUNCIL**

**CITY OF HACKBERRY  
119 Maxwell Road West, Hackberry, Texas 75036**

**HACKBERRY CITY HALL – TUESDAY, FEBRUARY 14, 2023, 6:30 P.M.**

**PLANNING AND ZONING COMMISSION PUBLIC HEARING AND MEETING**

- 1. Convene Meeting.**
- 2. PUBLIC HEARING AND ACTION ITEMS:**

Conduct a Public hearing, consider and take appropriate action to make a recommendation regarding a request to rezone an approximate 0.566 acre tract of land located on the west side of Stark Road, south of King Road, within the City of Hackberry, Denton County, Texas, further identified via recorded plat as the southwest corner of Lot 1, Block A, Manly Development Addition, Plat Records of Denton County, and more commonly identified as 102 Stark Road, Frisco (Hackberry), Texas from its current zoning classification of R-3-1400, Residential District to PD, Planned Development District with a base zoning of LC-1-2000 Light Commercial Business Zoning District.

- 3. Adjourn.**

**PUBLIC HEARING AND REGULAR CITY COUNCIL  
MEETING AGENDA**

**(Council Meeting will convene at 7:00 p.m.)**

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

**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.)*

- 1. Call to Order Public Hearings and Regular Session.**

2. **Conduct a Public hearing, consider and take appropriate action regarding an Ordinance #317-23 approving a request to rezone an approximate 0.566 acre tract of land located on the west side of Stark Road, south of King Road, within the City of Hackberry, Denton County, Texas, further identified via recorded plat as the southwest corner of Lot 1, Block A, Manly Development Addition, Plat Records of Denton County, and more commonly identified as 102 Stark Road, Frisco (Hackberry), Texas from its current zoning classification of R-3-1400, Residential District to PD, Planned Development District with a base zoning of LC-1-2000 Light Commercial Business Zoning District.**

3. **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. Persons wishing to speak on any posted agenda item may do so at this time or when the individual item is opened for consideration by the Council. Speakers will be limited to three (3) minutes unless a longer period is allowed by law for use of a translator. Persons wishing to speak must complete a speaker card identifying the agenda item that they wish to speak about and provide that card to the City Administrator so that they may be recognized by the Mayor at the appropriate time.

4. **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 October 11, 2022, Regular Meeting.
- b. November and December 2022, and January 2023, Financials for General Fund and W/S Accounts.

5. **Consider and take appropriate action on adopting Ordinance No. 316-23, ordering the Joint General Election to be held May 6, 2023, for the purpose of electing three members to the Hackberry City Council, with three (3) members to hold office for a two (2) year terms each; designating locations and hours of polling places; authorizing contracts for election services, supplies and voting machines; designating filing deadlines; ordering notices of election to be given as prescribed by law in connection with such election; authorizing the Mayor, City Administrator, and City Secretary to take all actions necessary to comply with applicable election laws; and providing a savings/repealing clause, severability clause and an effective date.**

6. **Consider and take appropriate action on adopting Ordinance No. 317-23, amending Ordinance No. 207-11, the official zoning Ordinance and Zoning Map of the City, to amend the zoning classification for one tract of land consisting of approximately 0.566 acres located on the west side of Stark Road, South of King Road, within the City of Hackberry, Denton County, Texas, further identified via recorded plat as the southwest corner of Lot 1, Block A, Manly Development Addition, plat records of Denton County and more commonly identified as 102 Stark Road, Frisco (Hackberry) Texas, from its current zoning designation of R-3-1400 Residential District to PD Planned Development No. 02-23, with a base zoning district of Light -Commercial (LC-1-2000) "STARK ROAD OFFICE / WAREHOUSE / COMMERCIAL / RETAIL SPACE"; Providing for the incorporation of premises; Providing amendments and Zoning Map amendments, including Planned Development Regulations, a PD Concept Plan, and elevations as set forth in Exhibits attached hereto and incorporated herein; Providing a cumulative repealer clause; Providing a severability clause; 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; Providing for engrossment and enrollment; and Providing publication and an effective date.**

6. **Consider and take appropriate action on adopting Ordinance No. 318-23, amending Ordinance No. 269-19, the City of Hackberry Fee Schedule, by repealing Section 21, “Development Application Fees”, such fees being set forth in Exhibit “A” thereto, and adopting a new Section 21, “Development Application and Consultant Fees” of Ordinance No. 269-19, Exhibit “A”, In order to provide for the collection of third party consulting fees as a pass through or third party consulting fees charged to the City for certain development matters; Providing for the incorporation of premises; Providing for an amendment to Section 21, “Development Fees” of Exhibit “A” of Ordinance No. 269-19; Providing a cumulative repealer clause; Providing a savings clause; providing a severability clause; Providing for engrossment and enrollment; and providing an effective date.**
7. **Consider and take appropriate action on approving Change Order No. 1 for the Hackberry Drainage Improvements PH-II, Project 18, contractor Maya Underground Contractors, LLC, in the amount of One Hundred Ninety-Nine Thousand and Sixteen Dollars (\$199,016.00).**
8. **Consider and take appropriate action approving/accepting the Hackberry Drainage Improvements PH-II, Project 18, contractor Maya Underground Contractors, LLC.**
9. **Consider and take appropriate action upon entering into a Ground and Tower Lease Agreement between The City of Hackberry and T-Mobile West LLC, a Delaware limited liability company at 200 King Road, Frisco, Texas.**
10. **Adjournment.**

**Notice is hereby given that the City Council may convene into closed executive session at any time regarding any item posted on the agenda as legally permissible under Section 551.071, “Consultation with Attorney”, of Chapter 551 of the Texas Government Code, the “Texas Open Meetings Act”.**

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the bulletin boards at the City Hall of the City of Hackberry, Texas, and that said Notice was posted on/or before 7:00 p.m. on February 10, 2023.

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Brenda Lewallen, City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary’s Office at 972-292-3223 or Fax 972-292-2790 for further information.