

MINUTES OF THE SPECIAL CALLED MEETING
OF THE CITY COUNCIL OF
THE CITY OF MELISSA
December 20, 2004

Item #1

Mayor David Dorman called the meeting to order at 5:31 p.m.

Item #2

Council members present were: Randy Kaiser, Stan Mercer, Dan Trott, Bill Reynolds and Billy Erwin.

Item #3

Prayer was given by Douglas Box.

Item #4

All in attendance gave the pledge of allegiance.

Item #5

Motion was made by Dan Trott and seconded by Stan Mercer to approve the minutes of the December 14, 2004 meeting with the following changes:

Item #7: Vote: 3/0/0

Item #17: Vote: 3/0/0

Vote: 3/0/2 – Randy Kaiser and Bill Reynolds abstained.

Item #6

Mayor David Dorman presented a Proclamation honoring Mayor Andrew Lowery and proclaiming December 20, 2004 as Mayor Andrew Lowery Day.

Mayor Dorman turned the meeting over to Mayor Pro-Tem Trott at 5:36 p.m. and recused himself from Item #7, as he has a personal interest in the property in question.

Item #7

Mayor Pro-Tem Trott opened the public hearing at 5:37 p.m. to hear concerns for or against a voluntary annexation petition submitted by Flamingo Daze, L.P., a Texas Limited Partnership, for the annexation of 10.03 acres, more or less, of land located in the John Emberson Survey, Abstract No. 294, Collin County, Texas and generally located adjacent to the eastern US 75 Service Road, approximately 1000 feet north of Davis Road. A complete metes and bounds description is available in the City Secretary's Office at City Hall. There were no comments for or against the annexation petition. The hearing was closed at 5:38 p.m.

Mayor Dorman returned to the Council Chambers at 5:38 p.m. and presided over the remainder of the meeting.

Item #8

City Administrator, Douglas Box, advised the Council that at 4:38 p.m., the City had received a Written Notice of Protest in reference to Agenda Item #8, Public Hearing for the zoning change for South Meadow Planned Development.

Mayor Dorman called for a motion to recess into Closed Session to discuss this matter with the City Attorney.

Motion was made by Dan Trott and seconded by Stan Mercer to recess into Closed Session at 5:39 p.m.

Vote: 5/0/0

Motion was made by Bill Reynolds and seconded by Randy Kaiser to reconvene into open session at 5:53 p.m.

Vote: 5/0/0

Mayor Dorman opened the Public Hearing at 5:55 p.m. to hear concerns for or against a request for zoning change of **161.779 acres, more or less**, of land from agricultural to South Meadow Planned Development, located in the corporate limits of Melissa, Texas, and property owned by Harlan Properties and being a tract or parcel of land located in the William Sanders Survey, Abstract No. 867, Collin County, Texas, and being a portion of a tract of land conveyed to Rosewell's Melissa Ranch, Ltd., according to the Warranty Deed filed for record in Volume 4904, Page 3281 of the D.R.C.C.T. and generally located approximately 2000 feet east of the intersection of FM 2933 and FM 545 and adjacent to and south of FM 545.

The following citizens spoke against the zoning request:

Mr. Stacy Alford
3512 FM 545
Melissa, TX 75454

Mr. Don Cardwell
3632 CR 413
Melissa, TX 75454

Mr. Daniel Frentz
3924 CR 413
Melissa, TX 75454

Mr. Shane Zehner
3217 CR 413
Melissa, TX 75454

Mr. Pete Loveall
3624 CR 413
Melissa, TX 75454

There being no further comments for or against, the Public Hearing closed at 6:07 p.m.

Item #9

Motion was made by Bill Reynolds and seconded by Dan Trott to act upon the Planning and Zoning Commission's recommendation to adopt an Ordinance approving a zoning change of **161.779 acres, more or less**, of land from agricultural to South Meadow Planned Development, located in the corporate limits of Melissa, Texas, and property owned by Harlan Properties and

being a tract or parcel of land located in the William Sanders Survey, Abstract No. 867, Collin County, Texas, and being a portion of a tract of land conveyed to Rosewell's Melissa Ranch, Ltd., according to the Warranty Deed filed for record in Volume 4904, Page 3281 of the D.R.C.C.T. and generally located approximately 2000 feet east of the intersection of FM 2933 and FM 545 and adjacent to and south of FM 545.

Vote: 5/0/0

Item #10

Motion was made by Stan Mercer and seconded by Randy Kaiser to act on the Planning and Zoning Commission's recommendation to grant the requests by Marty Guin for subdivision variances for a piece of property generally located approximately 2000 feet south of FM 545 on the west side of CR 414 in Melissa, Texas.

Vote: 5/0/0

Item #11

Upon recommendation from City Attorney the Mayor requested a motion to recess into Closed Session to discuss the Trails of Melissa Phase I Final Plat.

Motion was made by Dan Trott and seconded by Stan Mercer to act upon recommendation by City Attorney and recess into Closed Session at 5:39 p.m., to discuss the Trails of Melissa Phase I Final Plat.

Vote: 5/0/0

Motion was made by Bill Reynolds and seconded by Dan Trott to reconvene into Open Session at 6:44 p.m. and take any action necessary as a result of the Closed Session.

Vote: 5/0/0

Mr. David Gray spoke to Council regarding the revised language of the Trails of Melissa Phase I Final Plat.

Motion was made by Randy Kaiser and seconded by Dan Trott to follow staff's recommendation and approve the Trails of Melissa Phase I Final Plat with the revised language to read: The lot lines along each creek shown on final plat are a variance from that shown on The Trails of Melissa preliminary plat, approved by the City Council on April 27, 2004; however, such lot line variance from The Trails of Melissa preliminary plat, approved by the City Council on April 27, 2004, on this final plat shall not waive and/or reduce the designated 27.4 acres of open space required by said preliminary plat and Melissa Ordinance No. 04-06, as it exists or may be amended.

Motion was amended to also add that a revised Mylar must be presented for signatures before it is filed.

Voter: 5/0/0

Item #12

Motion was made by Randy Kaiser and seconded by Dan Trott to approve the Ordinance restricting the use and operation of motor assisted scooters on public streets and highways. Motion was amended to remove the wording "City Charter" from the original Ordinance.

Vote: 5/0/0

Item #13

Citizens Participation

Item #14

Motion was made by Dan Trott and seconded by Bill Reynolds to adjourn 6:51 p.m.

Vote: 5/0/0

David Dorman, Mayor

Attest:

Linda P. Mitchell
City Secretary