

MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL OF  
THE CITY OF MELISSA  
January 11, 2005

Item #1

Mayor David Dorman called the meeting to order at 7:00 p.m.

Item #2

Council members present were: Stan Mercer, Randy Kaiser, 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 Stan Mercer to approve the minutes of December 14, 2004 based on changes. Mr. Mercer amended his motion to include the December 20, 2004 minutes as well. The motion was seconded by Dan Trott.

Vote: 5/0/0

The Mayor opted to take the following agenda item out of order:

Item #11

Tom Pingleton of Pingleton, Howard & Company, P.C., Certified Public Accountant, presented the City of Melissa's audit for the year ending September 30, 2004.

Item #6

Motion was made by Randy Kaiser and seconded by Bill Reynolds to adopt an ordinance annexing 34.594 acres of land, more or less, situated in the D. E. W. Babb Survey, Abstract No. 33, Collin County Texas, and generally located between CR 418 and State Highway 121.

Vote: 5/0/0

Item #7

Motion was made by Stan Mercer and seconded by Dan Trott to adopt an ordinance annexing 80 acres of land, more or less, situated in the D. E. W. Babb Survey, Abstract 33, Collin County, Texas and more particularly described as:

**Tract 1:** 60.00 acres of land, more or less, generally located adjacent to and east of FM 2933 and approximately 1000 feet north of FM 545; and

**Tract 2:** 20.00 acres of land, more or less, generally located adjacent to and east of FM 2933 and approximately 1000 feet north of FM 545.

Vote: 5/0/0

Item #8

Mayor Dorman recused himself due to a conflict of interest with this item. He left the council chambers at 7:14 p.m. and turned the meeting over to Mayor Pro-Tem Dan Trott.

Motion was made by Stan Mercer and seconded by Bill Reynolds to adopt an ordinance annexing 10.03 acres of land, more or less, situated in the John Emberson Survey, Abstract 294,

Collin County, Texas, and generally located adjacent to the eastern US 75 service road, approximately 1000 feet north of Davis Road.

Vote: 5/0/0

Mayor Dorman returned to the Council Chambers at 7:15 p.m. and presided over the remainder of the meeting.

Item #9

Motion was made by Bill Reynolds and seconded by Randy Kaiser to recess into Closed Session in compliance with section 551.00 *et. seq.*, Texas Government Code, to wit:

- a) Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
  1. adjacent to the south side of Denton Street and the west side of Highway 5 (Cold Baptist Church); and
  2. on the north and south sides of Melissa Road between U.S. Highway 75 and Fannin Road (Billings).
- ii. Section 551.071. Meeting with City Attorney regarding matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:
  1. general issues related to eminent domain, including but not limited to, the acquisition of right-of-way for the Melissa Road Expansion Project;
  2. zoning issues; and
  3. local option election and regulations.
- iii. Section 551.071. Consultation between the City Attorney and City Council regarding settlement of Civil Action No. 4:02CV345; Melissa Industrial Development Corporation and United States Department of Agriculture, in the United States District Court, Eastern District of Texas, Sherman Division; Cause No. 219-00631-03; Melissa Industrial Development Corporation vs. North Collin Water Supply Corporation, in the 219<sup>th</sup> Judicial District Court, Collin County, Texas; and SOAH Docket Nos. 582-02-1652; 582-03-1820; 582-03-1821 & 582-03-1824; TCEQ Docket Nos. 2001-1300 UCR; 2001-0813-UCR; 2002-1278-UCR & 2002-1281-CR; applications of the Cities of McKinney, Melissa, Anna and North Collin Water Supply Corporation to Amend Water CCN Nos. 10194, 11482, 12976, 11035, Sewer CCN 20898 and of the City of Melissa to Obtain a Sewer CCN in Collin County; Before the State of Office of Administrative Hearings.

Vote: 5/0/0

Item #10

Motion was made by Bill Reynolds and seconded by Dan Trott to reconvene into Open Session at 8:50 p.m. and take action on the following items:

Vote: 5/0/0

- a. Motion was made by Dan Trott and seconded by Stan Mercer to make an offer to Cold Baptist Church for the conveyance of right of way related to the Melissa Road Expansion Project and to execute any documentation, deemed necessary by the City Administrator, to complete the transaction.

Vote: 5/0/0

- b. Motion was made by Randy Kaiser and seconded by Bill Reynolds to make an offer to Brian and Christy Billings for the conveyance of right of way related to the Melissa Road Expansion Project and to execute any documentation, deemed necessary by the City Administrator to complete the transaction.

Vote: 5/0/0

- c. Motion was made by Randy Kaiser and seconded by Dan Trott to ratify the Mayor's execution of the Settlement Agreement by and between the cities of Melissa, Anna and McKinney and North Collin Water Supply Corporation relating to the water and sewer CCN dispute before the TCEQ and the United States District Court.

Vote: 5/0/0

#### Item #12

Motion was made by Stan Mercer and seconded by Dan Trott to grant the voluntary annexation petition submitted by R. A. Milrany and Linda Wright, for annexation of 66.41 acres of land, more or less, situated in the D. E. W. Babb Survey, Abstract No. 33, Collin County, Texas and more particularly described as:

**Tract 1:** 63.3 acres of land, more or less, generally located at the intersection of FM 2933 and SH 121, east of FM 2933 and south of SH 121; and

**Tract 2:** 3.1 acres of land, more or less, generally located at the intersection of CR 418 and north of SH 121, east of CR 418 and north of SH 121.

Vote: 5/0/0

#### Item #13

Motion was made by Dan Trott and seconded by Bill Reynolds to adopt a Resolution setting a date, time and place for public hearings on the proposed annexation of 66.41 acres of land, more or less, situated in the D. E. W. Babb Survey, Abstract No. 33, Collin County, Texas and more particularly described as:

**Tract 1:** 63.3 acres of land, more or less, generally located at the intersection of FM 2933 and SH 121, east of FM 2933 and south of SH 121; and

**Tract 2:** 3.1 acres of land, more or less, generally located at the intersection of CR 418 and north of SH 121, east of CR 418 and north of SH 121

Vote: 5/0/0

#### Item #14

Mayor Dorman opened the first public hearing at 8:56 p.m. to hear concerns for or against the voluntary annexation of 66.41 acres of land, more or less, situated in the D. E. W. Babb Survey, Abstract No. 33, Collin, County Texas and more particularly described as:

**Tract 1:** 63.3 acres of land, more or less, generally located at the intersection of FM 2933 and SH 121, east of FM 2933 and south of SH 121; and

**Tract 2:** 3.1 acres of land, more or less, generally located at the intersection of CR 418 and north of SH 121, east of CR 418 and north of SH 121.

Linda Wright was present to support the annexation. No other comments were made for or against. The public hearing was closed at 8:57 p.m.

#### Item #15

Mayor Dorman opened the second public hearing at 8:58 p.m. to hear concerns for or against the voluntary annexation of 66.41 acres of land, more or less, situated in the D. E. W. Babb Survey, Abstract No. 33, Collin, County Texas and more particularly described as:

**Tract 1:** 63.3 acres of land, more or less, generally located at the intersection of FM 2933 and SH 121, east of FM 2933 and south of SH 121; and

**Tract 2:** 3.1 acres of land, more or less, generally located at the intersection of CR 418 and north of SH 121, east of CR 418 and north of SH 121.

Linda Wright was present to support the annexation. No other comments were made for or against. The public hearing was closed at 8:59 p.m.

Item #16

Motion was made by Dan Trott and seconded by Stan Mercer to refuse the annexation petition submitted by Effie L. Acuff for the annexation of 36.883 acres of land, more or less, situated in the D. E. W. Babb Survey, Abstract No. 33, Collin County, Texas, and generally located between Highway 5 and CR 365, southeast of the intersection of CR 364 and CR 365. The petition was not correctly filed.

Vote: 5/0/0

Items 17, 18, 19 were not acted on as they pertained to Item 16 above.

Item #20

Motion was made by Bill Reynolds and seconded by Billy Erwin to grant the voluntary annexation petition submitted by David Wright and the Milrany Family Limited Partnership, for the annexation of 99.9 acres of land, more or less, situated in the D. E. W. Babb Survey, Abstract No. 33, and generally located approximately 400 feet south of the intersection of FM 2933 and SH 121 on both sides of FM 2933.

Vote: 5/0/0

Item #21

Motion was made by Bill Reynolds and seconded by Stan Mercer to adopt a Resolution setting the time, date and place for public hearings on the voluntary annexation petition submitted by David Wright and the Milrany Family Limited Partnership, for the annexation the voluntary annexation petition submitted by David Wright and the Milrany Family Limited Partnership, for the annexation of 99.9 acres of land, more or less, situated in the D. E. W. Babb Survey, Abstract No. 33, and generally located approximately 400 feet south of the intersection of FM 2933 and SH 121 on both sides of FM 2933.

Vote: 5/0/0

Item #22

Mayor Dorman opened the first public hearing at 9:01 p.m. to hear comments for or against the voluntary annexation of the voluntary annexation petition submitted by David Wright and the Milrany Family Limited Partnership, for the annexation of 99.9 acres of land, more or less, situated in the D. E. W. Babb Survey, Abstract No. 33, and generally located approximately 400 feet south of the intersection of FM 2933 and SH 121 on both sides of FM 2933.

Linda Wright was present to show support for the annexation. No other comments were made and the public hearing closed at 9:02 p.m.

Item #23

Mayor Dorman opened the second public hearing at 9:03 p.m. to hear comments for or against the voluntary annexation of the voluntary annexation petition submitted by David Wright and the Milrany Family Limited Partnership, for the annexation of 99.9 acres of land, more or less, situated in the D. E. W. Babb Survey, Abstract No. 33, and generally located approximately 400 feet south of the intersection of FM 2933 and SH 121 on both sides of FM 2933.

Linda Wright was present to show support for the annexation. No other comments were made and the public hearing closed at 9:04 p.m.

Item #24

Motion was made by Dan Trott and seconded by Stan Mercer to grant the voluntary annexation petition submitted by Harlow Land Company for the annexation of 1.67 acres of land, more or less, situated in the S. M. Pulliam Survey, Abstract No. 706, and generally located east of Highway 75 and approximately 150 feet east of the intersection of CR 275 and Highway 75, contingent upon the release by City of McKinney from it's ETJ.

Vote: 5/0/0

Item #25

Motion was made by Stan Mercer and seconded by Dan Trott to adopt a Resolution setting the date, time and place for public hearings on the voluntary annexation of 1.67 acres of land, more or less, situated in the S. M. Pulliam Survey, Abstract No. 706, and generally located east of Highway 75 and approximately 150 feet east of the intersection of CR 275 and Highway 75, contingent upon the release by City of McKinney from it's ETJ.

Vote: 5/0/0

Item #26

Mayor Dorman opened the first public hearing at 9:04 p.m. to hear comments for or against the voluntary annexation of 1.67 acres of land, more or less, situated in the S. M. Pulliam Survey, Abstract No. 706, and generally located east of Highway 75 and approximately 150 feet east of the intersection of CR 275 and Highway 75, contingent upon the release by City of McKinney from it's ETJ.

There being no comments for or against the annexation, the public hearing was closed at 9:06 p.m.

Item #27

Mayor Dorman opened the second public hearing at 9:06 p.m. to hear comments for or against the voluntary annexation of 1.67 acres of land, more or less, situated in the S. M. Pulliam Survey, Abstract No. 706, and generally located east of Highway 75 and approximately 150 feet east of the intersection of CR 275 and Highway 75, contingent upon the release by City of McKinney from it's ETJ.

There being no comments for or against the annexation, the public hearing was closed at 9:06 p.m.

Item #28

Motion was made by Bill Reynolds and seconded by Dan Trott to approve the checks paid on demand from December 9, 2004 through January 6, 2005.

Vote: 5/0/0

Item #29

Motion was made by Dan Trott and seconded by Stan Mercer to approve the bills to be paid.

Vote: 5/0/0

Item #30

Citizens Participation

Item #31

Motion was made by Dan Trott and seconded by Bill Reynolds to adjourn the meeting at 9:10 p.m.

Vote: 5/0/0

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David Dorman, Mayor

Attest:

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Linda P. Mitchell  
City Secretary