

**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF
THE CITY OF MELISSA
July 26, 2005**

CALL TO ORDER:

Mayor David Dorman called the meeting to order at 7:01 p.m.

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

Douglas Box gave prayer.

All in attendance gave the pledge of allegiance.

CONSENT AGENDA

Motion was made by Dan Trott and seconded by Randy Kaiser to approve the consent agenda as follows:

1. Approval of minutes of the July 12, 2005 Regular Council Meeting and Work session.
2. Approval of checks paid on demand from July 7, 2005 through July 21, 2005.
3. Approval of bills to be paid.
4. Receive Third Quarter Financials for the period covering April 1, 2005 to June 30, 2005.

Vote: 3/0/0

REGULAR AGENDA ITEMS

Mayor Dorman opted to take the following agenda item out of order.

Item #3

Motion was made by Randy Kaiser and seconded by Billy Erwin to recess into closed session at 7:03 p.m. in compliance with Section 551.001, *et. seq.*, Texas Government Code, to wit:

- (a) Section 551.072. To deliberate the purchase, exchange, lease or value of real property generally located 1000 feet north of intersection of Graves Street and Highway 5 and west of Highway 5, Melissa, Texas; and
- (b) Section 551.072. To deliberate the purchase, exchange, lease or value of real property located at 2120 Highway 121, Melissa, Texas; and
- (c) Section 551.071. Consultation between the City Attorney and City Council where the duty of the City Attorney to City Council, pursuant to the Code of Professional Responsibilities of the State Bar of Texas, clearly conflicts with the Open Meetings Act regarding legal aspects of procurement methodologies.

Vote: 3/0/0

Item #4

Motion was made by Randy Kaiser and seconded by Dan Trott to reconvene into open session at 7:48 p.m. No action was taken as a result of the closed session.

Item #5

Mayor Dorman tabled the following item: Consider and act upon the adoption of a resolution authorizing the Melissa Industrial and Economic Development Corporation to acquire, through eminent domain, for the public purpose of economic development, the land and improvements located at 2120 Highway 121, Melissa, Texas; appointing an appraiser and negotiator as necessary; authorizing Melissa Industrial and Economic Development Corporation to establish just compensation for the property rights to be acquired; and authorizing Melissa Industrial and Economic Development Corporation to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions.

Item #1 (Out of Agenda Order)

Mayor Dorman tabled this item. There was no discussion or action taken on this item.

Item #2 (Out of Agenda Order)

Mayor Dorman tabled this item. There was no discussion or action taken on this item.

Item #6

Motion was made by Dan Trott and seconded by Billy Erwin to authorize the Mayor, or his designee, to sign an Interlocal Cooperation Agreement between the City of Melissa and the Greater Texoma Utility Authority for Easements for the City of Melissa Sewer Line/Collin-Grayson Municipal Alliance (CGMA) Waterline.

Vote: 3/0/0

Item #11 (Out of Agenda Order)

Mayor Dorman presented Certificates of Commendation to Investigator Phillip Pannell and Code Compliance Officer Austin Burtis of the City of Melissa Police Department.

Item #7

Mayor Dorman recused himself from the business on this item due to a conflict of interest. Mayor Dorman turned the meeting over to Dan Trott, Mayor Pro-Tem.

Motion was made by Randy Kaiser and seconded by Billy Erwin to follow the process as set out in the Ordinance and send the request for a sign variance for the First National Bank of Trenton, Melissa Branch, to Planning and Zoning for their recommendation to City Council.

Vote: 3/0/0

Mayor Dorman returned to the Council Chambers and presided over the remainder of the meeting.

Item #8

Mayor Dorman opened the Public Hearing at 7:55 p.m., to hear requests for zoning change of 1.76 acres, more or less, of land from agricultural to planned development, located in the corporate limits of Melissa, Texas, property owned by Melissa Properties Partnership and located at 3480 FM 545 in the William Sanders Survey, Abstract No. 867, Block 2, Tract 39, 1.76 acres, Collin County, Texas.

There being no comments for or against, the hearing was closed at 7:56 p.m.

Item #9

Motion was made by Randy Kaiser and seconded by Dan Trott to adopt an ordinance approving the request for zoning change of 1.76 acres, more or less, of land from agricultural to planned development, located in the corporate limits of Melissa, Texas, property owned by Melissa Properties Partnership and located at 3480 FM 545 in the William Sanders Survey, Abstract No. 867, Block 2, Tract 39, 1.76 acres, Collin County, Texas.

Vote: 3/0/0

Item #10

Motion was made by Dan Trott and seconded by Billy Erwin to receive the annexation schedule for the September 10, 2005 local option election as presented.

Vote: 3/0/0

Item #12

Citizen Comments

Item #13

Motion was made by Dan Trott and seconded by Randy Kaiser to adjourn the meeting at 8:00 p.m.

Vote: 3/0/0

David Dorman, Mayor

Attest:

Linda P. Mitchell, City Secretary