

**MINUTES
CITY OF MELISSA CITY COUNCIL
SPECIAL CALLED MEETING
Wednesday, November 12, 2008
5:30 p.m.**

CALL TO ORDER

Mayor David Dorman called the meeting to order at 5:30 p.m.

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

Prayer was given by Bill Reynolds.

All in attendance gave the Pledge of Allegiance.

CONSENT AGENDA

Motion was made by Sharon Weideman and seconded by Stan Mercer to approve the following items on the Consent Agenda:

1. Consider and act upon approval of the minutes of the October 28, 2008 City Council meeting.
2. Consider and act upon a Resolution authorizing the City Administrator, or his designee, to proceed with the disposal of city surplus property located at 1401 Cooper Street, by selling/auctioning of same.

Vote: 5/0/0

REGULAR AGENDA

ITEM #1

Motion was made by Dan Trott and seconded by Stan Mercer to adopt Resolution authorizing the Mayor, or his designee, to executive change order related to the Throckmorton Creek/Trinity River Sewer Project.

Vote: 5/0/0

ITEM #2

Motion was made by Bill Reynolds and seconded by Randy Kaiser to recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit;

- a. Section 551.071. Meeting with City Attorney regarding a matter (s) in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act regarding:
 - i. Legal issues regarding the regulation of Sexually Oriented Businesses.
 - ii. Legal issues regarding the Facilities Agreement for First Baptist Church of Melissa.
 - iii. Legal issues regarding Throckmorton Creek/Trinity River Sewer Line costs, expenses and reimbursements.
- b. Section 551.072. Deliberation regarding the purchase, exchange, lease and/or value of real property:

- i. Lots 3, 4, 5, 8, 9 and 10, J.H. Graves, 2nd Addition and generally located west of Highway 5.
- ii. 100 ± acres situated in the D.E.W. Babb Survey, Abstract No. 33 and generally located north of F. M. 545.
- iii. 0.304 acres and 0.025 acres situated in the D.E.W. Babb Survey, Abstract No. 33 and generally located south of Fannin Road and 0.018 acres situated in Block A, Lot 6 of the Gibson Addition and generally located south of Fannin Road.

Vote: 5/0/0

ITEM #3

Motion was made by Randy Kaiser and seconded by Stan Mercer to reconvene into Open Session at 6:54 p.m. and take any action necessary as a result of the closed session.

Vote: 4/0/0 Councilmember Trott left the meeting at 6:30 p.m. in order to catch a plane for a business trip.

Motion was made by Randy Kaiser and seconded by Stan Mercer to give authority to the City Attorney to secure the property as outlined in Item 2. b, iii, described as 0.304 acres and 0.025 acres situated in the D.E.W. Babb Survey, Abstract No. 33 and generally located south of Fannin Road and 0.018 acres situated in Block A, Lot 6 of the Gibson Addition and generally located south of Fannin Road, by whatever means necessary including litigation.

Vote: 4/0/0

ITEM #4

Motion was made by Sharon Weideman and seconded by Stan Mercer to adopt an Ordinance of the City of Melissa amending Article 4.700 (Sexually Oriented Businesses) of Melissa's Code of Ordinances No. 92-04; and to make it clear that we are sensitive to the First Amendment and recognize the secondary affects of such business and that the City is being proactive in its adopting of this ordinance to protect its citizens.

Mrs. Weideman amended her motion to include restricting Sexually Oriented Businesses from being within 1000 feet of the TIF. Mr. Mercer amended his second.

Vote: 4/0/0

ITEM #5

Motion was made by Bill Reynolds and seconded by Randy Kaiser to adopt a Resolution authorizing the Mayor or his designee to execute the Donation Agreement and Release of Facilities Agreement and any other documents related to the Winchester Farms Facilities Agreement.

Vote: 4/0/0

ITEM #6

Motion was made by Sharon Weideman and seconded by Randy Kaiser to accept of Right-of-Way Warranty Deed for 0.086± acres situated in the D.E.W. Babb Survey, Abstract No. 33, and being a part of Lot 5 of the J.H. Graves 2nd Addition, Melissa, Collin County, Texas (Hanson).

Vote: 4/0/0

ITEM #7-13

Motion was made by Bill Reynolds and seconded by Sharon Weideman to accept Items 7-13 of the agenda as they are all part of the same action.

Vote: 4/0/0

ITEM #14

Motion was made by Sharon Weideman and seconded by Stan Mercer to adopt Resolution authorizing the City of Melissa, Texas to begin the process of notification and advertising for street name changes within the City of Melissa.

Vote: 4/0/0

ITEM #15

Citizen Comments – none.

ITEM #16

Motion was made by Bill Reynolds and seconded by Randy Kaiser to adjourn at 7:08 p.m.

Vote: 4/0/0

David E. Dorman, Mayor

ATTEST:

Linda P. Bannister, City Secretary