

MINUTES
CITY OF MELISSA CITY COUNCIL
WORK SESSION
July 26, 2022
5:15 p.m.

A. Call to order

Mayor Northcut called the meeting to order at 5:15 p.m.

B. Roll Call

Mayor Jay Northcut, Mayor Pro Tem Craig Ackerman, Joseph Armstrong, Jennifer Clark, Dana Conklin, Sean Lehr, and Chad Taylor were present.

C. Public Comments

There were no public comments.

D. Recess into Executive Session in compliance with Section 551.001 et seq. Texas Government Code, to wit:

i. **551.071. Consultation with the City Attorney (City of Melissa vs. Sproat)**

ii. **551.071. Consultation with the City Attorney (Chapter 3000 of the Texas Government Code)**

Motion was made by Craig Ackerman and seconded by Chad Taylor to recess into Executive Session at 5:15 p.m.

Vote: 7/0/0

Jason Little, Tyler Brewer, and Hope Cory were also present for the Executive Session.

E. Reconvene into Open Session

Motion was made by Craig Ackerman and seconded by Chad Taylor to reconvene into Open Session at 5:27 p.m.

Vote: 7/0/0

F. Discussion regarding 2023 fireworks show

City Manager, Jason Little, presented Council with options for the 2023 Independence Day fireworks show. Direction was to secure the only July 4th date available (Friday, June 30th). Dana Conklin suggested staff check pricing for a drone show.

G. Discussion regarding any items on the Regular Agenda

Director of Development and Neighborhood Services, Tyler Brewer, updated Council on Regular Agenda items.

H. Discussion regarding any future agenda items

There was no discussion on future agenda items.

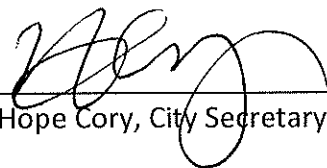
I. **Adjourn**

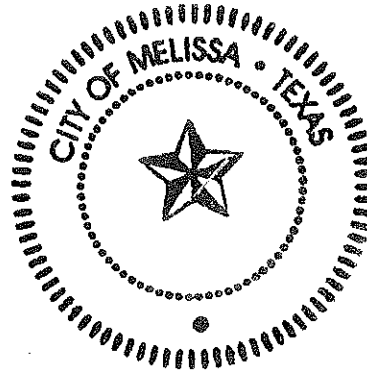
Motion was made by Craig Ackerman and seconded by Chad Taylor to adjourn at 5:54 p.m.

Vote: 7/0/0


Jay Northcut, Mayor

ATTEST:


Hope Cory, City Secretary



MINUTES
CITY OF MELISSA CITY COUNCIL
REGULAR MEETING
July 26, 2022
6:00 p.m.

1. CALL TO ORDER AND ROLL CALL

Mayor Northcut called the meeting to order at 6:04 p.m.

Mayor Jay Northcut, Mayor Pro Tem Craig Ackerman, Joseph Armstrong, Jennifer Clark, Dana Conklin, Sean Lehr, and Chad Taylor were present.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Jennifer Clark gave the invocation.

3. PUBLIC COMMENTS – AGENDA ITEMS

There were no public comments.

4. CONSENT AGENDA

A. Consider and act upon the minutes from the July 14, 2022 Work Session and Regular Meeting.

B. Consider and act upon a Resolution approving and authorizing the settlement of City of Melissa vs. Sproat.

C. Consider and act upon authorizing the City Manager to negotiate and execute a development agreement regarding building materials with Hunter 75 Retail, LP.

Council Action

Motion was made by Craig Ackerman and seconded by Sean Lehr to approve Items 4A, 4B, and 4C as noted on the Consent Agenda.

Vote: 7/0/0

5. REGULAR AGENDA

**A. Conduct a public hearing to hear concerns for or against a request for a rezone from Agricultural District (“A”) to Planned Development District (“PD”) on 58.98± acres situated in the Jacob Gragg Survey, Abstract No. 339, City of Melissa, Collin County, Texas and generally located at the southeast corner of the intersection of U.S. Highway 75 and Throckmorton Rd., City of Melissa, Collin County, Texas.
Applicant: ClayMoore Engineering**

Motion was made by Craig Ackerman and seconded by Joseph Armstrong to open the public hearing at 6:09 p.m.

Vote: 7/0/0

Director of Development and Neighborhood Services, Tyler Brewer, addressed Council stating that approximately 25± acres of the rezone request would be used for Multi-Family development with the allowance for the acreage to also be Commercial. Additionally, approximately 6.5± acres fronting US-75 would be General Commercial. In April 2022, this was recommended denial. The applicant has resubmitted the request after speaking with the neighboring property owners. Staff notified all property owners within the 200-ft. boundary and Staff has not received feedback from any members of the public. The Planning and Zoning Commission recommended approval in July 2022.

Matt Moore, representing ClayMoore Engineering, addressed Council stating that the challenges that they are facing in this location are regarding roadway view and drainage concerns. All issues have been addressed by ClayMoore and if approved, will work with City Staff to meet City requirements.

With no other public comments, a motion was made by Chad Taylor and seconded by Jennifer Clark to close the public hearing at 6:13 p.m.

Vote: 7/0/0

- B. Consider and act upon an Ordinance amending Melissa's Zoning Ordinance, Ordinance No. 92-08, as amended, to rezone three tracts of land, consisting of 57.38± acres in the aggregate, situated in the Jacob Gragg Survey, Abstract No. 339, in the City of Melissa, Collin County, Texas, heretofore zoned Agricultural District (A); providing that Tract 1 (6.60± acres) is rezoned and placed in the Planned Development District/General Commercial-2 (PD/C-2) Zoning Classification; providing that Tract 2 (50.78± acres) is rezoned and placed in the Planned Development District/Multi-Family Residential/General Commercial-2 (PD/MF-C-2) Zoning Classification.**

Applicant: ClayMoore Engineering

Council Action

Motion was made by Craig Ackerman and seconded by Joseph Armstrong to approve an Ordinance amending Melissa's Zoning Ordinance as noted.

Vote: 6/1/0

Mayor Jay Northcut, Mayor Pro Tem Craig Ackerman, Joseph Armstrong, Dana Conklin, Sean Lehr, and Chad Taylor voted in favor.

Jennifer Clark opposed.

- C. Conduct a public hearing to hear concerns for or against a request to adopt a Specific Use Permit ("SUP") allowing for Car Wash, Full Service land use on 1.396± acres situated in the D.E.W. Babb Survey, Abstract No. 33, City of Melissa, Collin County, Texas, being part of Lot 2, Block A of the Avilla Springs Conveyance Plat and generally located at the southwest corner of Sam Rayburn Highway and Milrany Ln., City of Melissa, Collin County, Texas.
Applicant: LIQUE Engineering, LLC**

Motion was made by Chad Taylor and seconded by Sean Lehr to open the public hearing at 6:15 p.m.

Vote: 7/0/0

Director of Development and Neighborhood Services, Tyler Brewer, addressed Council stating that this subject tract was rezoned in June 2020 General Commercial as part of the Avilla Springs Planned Development. The car wash land use requires a Specific Use Permit. This request was tabled by the Planning and Zoning Commission in June 2022 due to adjacent property owners due to concerns regarding screening, noise, and landscaping. At the July 2022 Planning and Zoning Commission meeting, the Single-Family For-Rent developer, Next Metro, presented a letter of support with the updated renderings and the Planning and Zoning Commission recommended approval.

Sahil Kurji, representing the property owner, addressed Council stating that they have worked with the Club Car Wash team and Next Metro development team to address the concerns. The tunnel previously exited on the south side; however, Club Car Wash has moved the exit to the north side to alleviate some of the sounds that would impact neighbors.

With no other public comments, a motion was made by Jennifer Clark and seconded by Sean Lehr to close the public hearing at 6:20 p.m.

Vote: 7/0/0

- D. Consider and act upon an Ordinance amending Melissa's Zoning Ordinance, Ordinance No. 92-08, as amended, and granting a specific use permit for a Car Wash, Full Service, located on 1.43± acres of land, situated in the D.E.W. Babb Survey, Abstract No. 33, in the City of Melissa, Collin County, Texas, as recommended by the Planning and Zoning Commission.
Applicant: LIQUE Engineering, LLC**

Joseph Armstrong asked if all recommendation and changes have been made to the current ordinance. Director of Development and Neighborhood Services, Tyler Brewer, confirmed that everything that the City has enforceability over have been added. The other related items would be between the developers and property owners.

Jennifer Clark asked what the hours of operation of the car wash would be. Juan Rodriguez, representing Club Car Wash, stated that the hours of operation would be 7am-7pm. Mrs. Clark asked if there was anyone representing the Single-Family For-Rent that would confirm if those operating hours were acceptable. Mr. Rodriguez stated that the hours were shared with the developers.

City Manager, Jason Little, asked if the blowers were moved to the side closer to 121. Mr. Rodriguez confirmed and stated that they are currently working with a sound engineer to help with the abatement of sound.

Craig Ackerman asked if they operated other car washes as well. Mr. Rodriguez stated that there are 180 car washes across the U.S.

Craig Ackerman asked if there are other properties that are close to residential areas. Mr. Rodriguez confirmed and stated that there are many, including in the Dominion in San Antonio, TX.

Council Action

Motion was made by Chad Taylor and seconded by Joseph Armstrong to approve an Ordinance amending Melissa's Zoning Ordinance, Ordinance No. 92-08 as noted.

Vote: 7/0/0

- E. Consider and act upon the Prose Melissa Final Engineering Site Plan, consisting of 18.798± acres of land situated in the J. Emberson Survey, Abstract No. 294, City of Melissa, Collin County, Texas and generally located approximately 870 feet to the northeast of the intersection of Melissa Rd and Telephone Rd, City of Melissa, Collin County, Texas, as recommended by the Planning and Zoning Commission.**

Applicant: Kimley-Horn

Director of Development and Neighborhood Services, Tyler Brewer, addressed Council stating that this subject tract was rezoned in 2004. All Staff comments have been addressed and Staff recommends approval conditioned upon the applicant working with Staff on administrative approval of an updated façade plan. The Planning and Zoning Commission recommended approval.

Council Action

Motion was made by Craig Ackerman and seconded by Jennifer Clark to approve the Prose Melissa Final Engineering Site Plan conditioned upon working with Staff to obtain administrative approval of an updated façade plan that is consistent with current City design criteria.

Vote: 7/0/0

- F. Consider and act upon the Public Storage Final Engineering Site Plan, consisting of 3.352± acres situated in the D. E. W. Babb Survey, Abstract No. 33, City of Melissa, Collin County, Texas and generally located on the south side of Sam Rayburn Highway approximately 950 feet to the northeast of the intersection of Sam Rayburn Highway and Milrany Lane, City of Melissa, Collin County, Texas, as recommended by the Planning and Zoning Commission.**

Applicant: Kimley-Horn

Director of Development and Neighborhood Services, Tyler Brewer, addressed Council stating that this site is currently zoned as light industrial so the proposed land use and building type is allowed by right on the City's base zoning code. There is one variance request that asks for a parapet wall. The City's code requires a parapet wall that is at least one foot taller than the tallest rooftop mechanical equipment on top of a building. Public Storage is providing a parapet wall of varying heights along the entire roofline, but the parapet wall is not one foot taller than the rooftop mechanical equipment. To avoid having tall parapet walls on top of a four-story building, Public Storage is requesting relief from this requirement. The Planning and Zoning Commission recommended approval with a vote of 4-to-1, with one member not being in favor of the variance request.

Craig Ackerman asked if there could be a separate parapet wall just around the unit itself. Mr. Brewer stated that it could be an option.

Lorelei Mewhirter, a representative with O'Brien Architects, stated that the owner would agree to screened-in units.

Council Action

Motion was made by Craig Ackerman and seconded by Sean Lehr to approve the Public Storage Final Engineering Site Plan as noted with the applicant agreeing to add additional rooftop screening to cover the equipment.

Vote: 5/2/0

Mayor Jay Northcut, Mayor Pro Tem Craig Ackerman, Joseph Armstrong, Jennifer Clark, and Sean Lehr voted in favor.

Dana Conklin and Chad Taylor opposed.

G. Consider and act upon authorizing the City Manager to negotiate and execute an amendment to that certain Development Agreement between The Residences at Minerva Heights, LLC and the City of Melissa, Texas dated August 25, 2021.

Director of Development and Neighborhood Services, Tyler Brewer, addressed Council stating that in July 2021 Council approved a development agreement in which the Minerva Heights single-family subdivision and Townhomes at Sam Rayburn townhome subdivision would install offsite sanitary sewer improvements that are needed to serve the two developments. The scope of the project increased, and the price increased from \$645,256 to \$857,197. Based on new bid amounts vetted by City Staff, the \$857,197 above came back at \$940,721 in today's prices. The new request from the developer is for the City to participate in the project in an amount not to exceed \$940,721. All easements have been acquired and the developer is ready to proceed with construction ASAP should this request be approved.

Council Action

Motion was made by Jennifer Clark and seconded by Sean Lehr to authorize the City Manager to negotiate and execute an amendment to that certain Development Agreement between The Residences at Minerva Heights, LLC and the City of Melissa, Texas dated August 25, 2021.

Vote: 7/0/0

6. PUBLIC COMMENTS – NON-AGENDA ITEMS

Mayor Northcut offered to move Item 6 – Public Comments to eliminate a wait for those wanting to speak.

Peggy Garner, a resident of Melissa, expressed a desire to spend money in Melissa. Mrs. Garner expressed that the 2015 survey performed has shown growth in housing, population, more police, a non-volunteer fire department. Mrs. Garner stated that Melissa needs a grocery store. Mrs. Garner also expressed a desire for a recreation center for citizens featuring an indoor pool, pickleball courts, gym, workout center, game room, kitchen, racquetball, and more. This would bring the community together and bring people into Melissa.

Mayor Northcut returned to Item 5 – Regular Agenda.

H. Recess into Closed Session in compliance with Section 551.001 et seq. Texas Government Code, to wit:

i. 551.087 Deliberation regarding Economic Development Negotiations

- 1. Andrew Thomas Survey, Abstract 894, Tract 17**
- 2. First Texas Homes**

A motion was made by Craig Ackerman and seconded by Chad Taylor to recess into Closed Session at 6:39 p.m.

7/0/0

Jason Little, Tyler Brewer, Gail Dansby, and Hope Cory were also present for the closed session.

I. Reconvene into Open Session and take any action as necessary from the Executive Session.

A motion was made by Joseph Armstrong and seconded by Chad Taylor to reconvene into Open Session at 7:12 p.m.

7/0/0

A motion was made by Craig Ackerman and seconded by Jennifer Clark to authorize City Manager to execute a 380 Agreement with First Texas Homes.

7/0/0

J. Update on Fiscal Year 2023 Proposed Budget

City Manager, Jason Little, presented Council with the FY 2023 Proposed Budget Overview.

6. PUBLIC COMMENTS – NON-AGENDA ITEMS

There were no additional public comments.

7. COUNCIL DISCUSSION

There was no Council discussion.

6. ADJOURN

A motion was made by Jennifer Clark and seconded by Joseph Armstrong to adjourn the meeting.

Vote: 7/0/0

Mayor Northcut adjourned the meeting at 7:29 p.m.

Jay Northcut

JAY NORTHCUT, Mayor

ATTEST:

Hope Cory

HOPE CORY, City Secretary

