AGENDA  
CITY COUNCIL REGULAR MEETING  
MARCH 28, 2017 at 5:30 P.M.  
CITY HALL COUNCIL CHAMBERS  
815 NORTH KILGORE STREET  

R. E. SPRADLIN, III – MAYOR  
HARVEY MCCLENDON – MAYOR PRO TEM, PLACE 2  
MERLYN HOLMES – COUNCIL MEMBER, PLACE 1  
NEIL BARR – COUNCIL MEMBER, PLACE 3  
VICTOR A. BOYD – COUNCIL MEMBER, PLACE 4  

Citizens may address the Council regarding any posted agenda item by filling out a speakers’ card prior to the item being called. These presentations shall be limited to three minutes. The Mayor may extend the time limit.

A. Call to Order – Mayor Spradlin

B. Opening Prayer – Rev. Eugene Nelson, New Birth Fellowship Church

C. Pledges of Allegiance – U.S. flag and Texas flag (“Honor the Texas flag. I pledge allegiance to thee, Texas, one state under God, one and indivisible.”)

D. Approval of the Agenda  
This section shall approve of the order and content of the agenda. The Mayor or any Council member may ask for the order and/or content of the agenda to be modified under this item upon consent of a majority of the Council.

E. Public Forum  
Citizens have an opportunity to address the City Council, which has no obligation to respond in any manner to comments or questions asked of them by the speaker. Any response by a member of the City Council is limited by Texas law to a statement of specific factual information, a recitation of existing policy, or a proposal to place the subject on the agenda for a future City Council meeting.

F. Items of Community Interest  
This section of the agenda shall allow any member of the City Council, the Mayor, or the City Manager the opportunity to discuss minor, non-action items such as recognitions, scheduling, and upcoming civic events that are not listed on this agenda and which require no action by the Council.

G. Presentations  
1. Proclamation to declare April “Safe Digging Month” in Kilgore – Mayor Spradlin  
2. Recognition of Seth Sorensen for five years’ service with the City of Kilgore – Josh Selleck, City Manager  
3. Fiscal Year 2016 Audit Report – Adrienne Deason, Henry & Peters CPAs

H. Consent Agenda  
This section shall provide for items that require action by the Council, but where no discussion is anticipated. By a single motion, second and affirmative majority vote, items under this section are approved without further discussion or action. Any Council member may request the removal of any item from the Consent Agenda, in which case, the item shall be discussed and voted upon separately.  
1. Minutes of City Council regular meeting on March 14, 2017
2. Minutes of KEDC meeting on February 21, 2017 and March 21, 2017
3. Granting of right-of-way and easement to Southwestern Electric Power Company (SWEPCO) in relation to construction of the Kilgore Baseball Complex

I. Public Hearings/Ordinances/Resolutions
   1. Consider approval of Ordinance No. 1686 regarding a request to change zoning from “GC” General Commercial Zoning District to “GC” General Commercial Zoning District with an approved “SUP” Special Use Permit on a portion of Lots 5 and 6 of NCB 177 of the Kilgore Van Winkle Acreage, located 216± northeast of the intersection of North Kilgore Street and Kay Street (405 North Kilgore Street, Suites 6 and 7). The applicant is requesting a Special Use Permit to convert the existing business into a primary residence in one suite with the jewelry business in the second suite.
      a) Public Hearing
      b) Approval of Ordinance No.1686

J. Discussion and Possible Action Items
   1. Consider approval of Task Order in the amount of $12,170.00 with Garver, LLC, for inspection of sedimentation basins at Surface Water Treatment Plant – Seth Sorensen
   2. Authorize City Manager to negotiate and execute Letter Agreement related to Harris Street softball field regarding the addition of a new scoreboard – Josh Selleck
   3. Presentation of proposed 2017 Strategic Map for the City of Kilgore – Josh Selleck

K. Executive Session
   Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene in Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session to discuss any or all of the following topics:
   1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071
   2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072
   3. Personnel matters pursuant to Section 551.074
   4. Economic development negotiations pursuant to Section 551.087

L. Take action on items in Executive Session

M. Adjournment

Posted, City Hall Bulletin Board: ____________________________
Removed, City Hall Bulletin Board: ____________________________

03/24/2017
Deborah Dane Date Deborah Dane Date

This facility is wheelchair accessible, and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Clerk’s office at 903-988-4127 or FAX 903-988-4131 for further assistance.
PROCLAMATION

WHEREAS, each year, the nation’s underground utility infrastructure is jeopardized by unintentional damage by those who fail to call 811 to have underground lines located prior to digging. Undesired consequences such as service interruption, damage to the environment and personal injury and even death are the potential results; and

WHEREAS, the Common Ground Alliance and its 1700 members promote the national Call-Before-You-Dig number, 811, in an effort to reduce these damages. Designated by the FCC in 2005, 811 provides potential excavators and homeowners a simple number to reach their local One Call Center to request utility line locations at the intended dig site; and

WHEREAS, through education of safe digging practices, excavators and homeowners can save time and money keeping our nation safe and connected by making a simple call to 811 in advance of any digging project; waiting the required amount of time; respecting the marked lines by maintaining visual definition throughout the course of the excavation; and finally, digging with care around the marks; and

WHEREAS, all parties agree that safe digging is a shared responsibility. To know what’s below, call 811 before you dig.

THEREFORE, I, R. E. Spradlin, III, Mayor of the City of Kilgore, Texas, hereby proclaim the month of April 2017, as

Safe Digging Month in the City of Kilgore

And encourage excavators throughout Gregg and Rusk Counties to always call 811 before digging. Safe excavation is no accident!

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of Kilgore to be affixed this 28th day of March, 2017.

CITY OF KILGORE, TEXAS

______________________________
R. E. SPRADLIN, III, MAYOR
A. **Call to Order** – Mayor Spradlin called the meeting to order at 5:30 p.m. and noted Council Member Barr’s absence from this meeting.

B. **Prayer** – Rev. Don Nicholson of Danville United Methodist Church led the opening prayer.

C. **Pledges of Allegiance** – U.S. flag and Texas flag – Mayor Spradlin led the pledges.

D. **Approval of the Agenda (2:23 on 03/14/17 Council Recording)**

Motion: Mayor Pro Tem McClendon made the motion to approve the agenda as presented. Council Member Boyd seconded the motion, which carried unanimously.

E. **Public Forum (2:58 on 03/14/17 Council Recording)**

Mayor Spradlin opened the Public Forum and recognized John A. King of Longview, Texas, who spoke in opposition to Agenda Item I.1. Mr. King exceeded the allotted time and refused to comply with Mayor Spradlin’s repeated requests to cease speaking. Mr. King was then escorted from the Council Chambers by a Kilgore police officer. There were no further requests to speak, and Mayor Spradlin closed the Public Forum.

F. **Items of Community Interest (8:56 on 03/14/17 Council Recording)**

- March 31 and April 1 – Kilgore arts festival in Downtown Kilgore
- Easter Egg Hunt at Meadowbrook Golf Course & Events Center – Date to be determined

G. **Presentations (10:18 on 03/14/17 Council Recording)**

1. Mayor Spradlin read the Proclamation declaring March 26, 2017 as Epilepsy Awareness Day in the City of Kilgore. He also recognized Shari Dudo, who read a letter of appreciation from the Epilepsy Fund of Texas. Mayor Spradlin then recognized Barbara Watkins, mother of Samantha Watkins, who expressed appreciation to the City of Kilgore for supporting epilepsy awareness in memory of her daughter, Samantha, who passed away as a result of Sudden Unexpected Death from Epilepsy (SUDEP).

2. Assistant Fire Chief Mike Simmons recognized Ben Jones for 15 years’ service with the City of Kilgore, and Police Chief Todd Hunter and Assistant Chief Roman Roberson recognized Sgt. Jarod Sears for 10 years’ service with the City of Kilgore.
3. Chief Hunter expressed appreciation to K. K. Mobbs Construction for completion of the remodeling project at Kilgore Police Department. Representing K. K. Mobbs Construction and accepting the recognition was Nate Mobbs.
4. Mayor Spradlin read the Proclamation declaring March 19-25 Poison Prevention Week.

H. Consent Agenda (26:56 on 03/14/17 Council Recording)
   1. Minutes of City Council regular meeting on February 21, 2017
   2. Minutes of KEDC meetings on January 17, 2017 and February 21, 2017
   3. Resolution 17-03 for appointment of Election Judge and Alternate Judge for the May 6, 2017 General Election
   4. Contract with Gregg County to provide election services for the May 6, 2017 General Election

Motion: Council Member Holmes made the motion to approve the Consent Agenda as presented. Motion was seconded by Mayor Pro Tem McClendon and carried unanimously.

I. Public Hearings/Ordinances/Resolutions (27:39 on 03/14/17 Council Recording)
   1. Consider approval of Ordinance No. 1683 regarding “Corridor Overlay”

Mayor Spradlin opened the Public Hearing and recognized Mr. Selleck, who presented a summary of the proposed Ordinance No. 1683 regarding the Corridor Overlay. Mr. Selleck gave an overview of the purpose of the Corridor Overlay and how it would affect existing properties within the district. He told Council that the Planning and Zoning Board voted 4 to 1 in favor of the district.

Mayor Spradlin also recognized Joe Wise, who owns businesses on Highway 42 north of Interstate 20. Mr. Wise requested clarification of the ordinance requirements.

Speaking in opposition to the ordinance were John A. King, Jr., of Longview, Martha Mercer of Minden, La., and Missy Merritt of Kilgore.

As there were no further requests to speak, Mayor Spradlin closed the Public Hearing.

Motion: Council Member Holmes made a motion to approve and adopt Ordinance No. 1683 as presented, authorizing creation of the City of Kilgore Corridor Overlay District. Council Member Boyd seconded the motion, which carried unanimously.

   2. Consider approval of Ordinance No. 1684 updating the City Comprehensive Plan “Future Land Use Map” and updating the City Comprehensive Plan “Future Land Use Designation”

Mayor Spradlin opened the Public Hearing and recognized Mr. Selleck, who told Council that the proposed ordinance will enhance the developability of certain areas of Kilgore. He said he believes the ordinance will ensure intelligent land use and will offer more options for residential development.

Mayor Spradlin recognized Caroline Woods of 800 E. South Street who spoke in favor of the ordinance. He then recognized Vickie Raymond of 279 Ridge Lane, who also spoke in favor of the ordinance.

As there were no further requests to speak, Mayor Spradlin closed the Public Hearing.
Motion: Council Member Boyd made a motion to approve and adopt Ordinance 1684, regarding the City Comprehensive Plan “Future Land Use Map,” and updating the City Comprehensive Plan “Future Land Use Designation,” as presented. Mayor Pro Tem McClendon seconded the motion, which carried unanimously.

3. Consider approval of Ordinance No. 1685 regarding proposed amendment to the FY2017 Budget

Mayor Spradlin opened the Public Hearing and recognized Mr. Selleck, who gave a summary of fund transfers necessary for completion of various capital improvements and other projects. As there were no further requests to speak, Mayor Spradlin closed the Public Hearing.

Motion: Mayor Pro Tem McClendon made a motion to approve and adopt Ordinance No. 1685 as presented to amend the Fiscal Year 2017 budget. Council Member Holmes seconded the motion, which carried unanimously.

J. Discussion and Possible Action Items (1:44:06 on 03/14/17 Council Recording)

1. Consider approval of tax abatement compliance certificates for the following companies:
   - DTP Leasing/Drilltools
   - Orgill, Inc.
   - Skeeter, Inc.

Mayor Spradlin opened the Public Hearing and recognized Amanda Nobles who said that the KEDC Board of Directors has determined that the three companies are in compliance with their respective tax abatement agreements, and the Board recommends Council approval of compliance. As there were no further requests to speak, Mayor Spradlin closed the Public Hearing.

Motion: Mayor Pro Tem McClendon made a motion to approve the certificates of compliance for DTP Leasing/Drilltools, Orgill, Inc., and Skeeter, Inc., as recommended by the KEDC Board of Directors. Council Member Holmes seconded the motion, which carried unanimously.

2. Amanda Nobles, Executive Director of Kilgore Economic Development Corporation (KEDC), asked Council to consider amending the current Tax Abatement Agreement with Skeeter, Inc., saying that due to unforeseen delays in the construction and completion of the Skeeter project for which the tax abatement was approved, request is being made by Skeeter to have the five-year tax abatement begin January 1, 2017 instead of the original beginning date of January 1, 2016.

Motion: Council Member Holmes made a motion to approve the amendment to the Skeeter, Inc., Tax Abatement Agreement, making the agreement effective January 1, 2017 through December 31, 2021. Motion was seconded by Mayor Pro Tem McClendon and carried unanimously.

3. Seth Sorensen, Director of Public Works, asked Council to consider approval of Water Supply Options Task Order 2A in the amount of $42,000 and Task Order 2B in the amount of $57,300 under current contract with HDR, Inc.

Motion: Council Member Holmes made a motion to approve the execution of Task Order No. 2A in the amount of $42,000.00 with HDR, Inc., for the evaluation of groundwater availability in Kilgore’s well field and to also approve the execution of Task Order No. 2B in the amount of $57,300.00 with HDR, Inc., for the evaluation of Kilgore’s distribution system. Motion was seconded by Mayor Pro Tem McClendon and carried unanimously.
4. Mr. Sorensen asked Council to consider award of bid to Ironhorse Unlimited, Inc. in the amount of $257,400 for construction of pedestrian bridges at Meadowbrook Golf Course. He said there were five bids received for this project, and Ironhorse was the low bidder. He added that the city has worked with this company before on the Fritz-Swanson bridge repair, and the city was very satisfied with the work that was done. Mr. Sorensen further noted that the city will partner with FEMA on this project, and the city’s 25% share will total $64,350.

Motion: Council Member Boyd made a motion to approve award of bid to Ironhorse Unlimited, Inc., in the amount of $257,400 for construction of pedestrian bridges at Meadowbrook Golf Course. Motion was seconded by Mayor Pro Tem McClendon and carried unanimously.

5. Mr. Selleck led Council discussion regarding appointment of individual to fill the unexpired term of Place 5 on the Kilgore Planning and Zoning Board, saying there were three individuals nominated for the position by Council members. Each person nominated completed an application form and returned it to City Hall for consideration by Council.

Motion: Mayor Spradlin made a motion to appoint Sandy Snow to serve on the Planning and Zoning Board to fill the unexpired term of Place 5 member Bobby Hale. Motion died for lack of a second. Mayor Pro Tem McClendon then made a motion to appoint Josh deGraffenried to the position. Council Member Holmes seconded the motion, which carried unanimously.

6. Mr. Selleck asked Council to consider authorizing him to execute a contract with Water Splash, Inc., in an amount not to exceed $295,000 for construction of the splash park at City Park. He said the city’s fundraising efforts for private donations have totaled approximately $86,000 to date. He added that he expects construction to begin by April 17, 2017, with estimated completion date of May 19, 2017 and splash park opening on Memorial Day weekend.

Motion: Mayor Pro Tem McClendon prefaced his motion with an expression of thanks to Mayor Spradlin for his generous donation ($200,000) for the splash park. He made a motion to authorize the City Manager to execute a contract with Water Splash, Inc., in an amount not to exceed $286,616 for construction of the splash park at City Park. Motion was seconded by Council Member Boyd and carried unanimously.

K. Executive Session (2:59:17 on 03/14/17 Council Recording)
   Mayor Spradlin closed the open meeting at 8:27 p.m. to convene into Executive Session to discuss the following item:
   i. Personnel matters pursuant to Section 551.074
      a. Reclassification of employee

I. Take action on items in Executive Session (3:01:42 on 03/14/17 Council Recording)
   Mayor Spradlin reconvened into open meeting at 9:16 p.m., and Council took the no action on the item discussed in Executive Session:

J. Adjournment
   Motion: Upon a motion by Council Member Boyd and second by Mayor Pro Tem McClendon, the meeting was adjourned at 9:17 p.m.

ATTEST:  
CITY OF KILGORE, TEXAS

_________________________________________  _______________________________________
DEBORAH DANE, CITY CLERK  R. E. SPRADLIN, III, MAYOR
Minutes

KILGORE ECONOMIC DEVELOPMENT CORPORATION
Board of Directors Meeting

The Kilgore Economic Development Corporation (KEDC) Board of Directors of the city of Kilgore held a board meeting at 11:30 AM at Synergy Center, Tuesday, March 21, 2017, with the following members present:

Pat Nault  President
Bryan Johnston  Vice-President
Bobby Beane  Secretary-Treasurer
Ruben Martin  Asst. Secretary-Treasurer
Vic Price  Director

Guests present at the meeting were:

Victor Boyd  City of Kilgore Council
Amanda Nobles  KEDC Executive Director
Jana Russell  KEDC Asst. Director
Stephanie Moore  KEDC Office & Property Manager
Lawanna Williams  KEDC Financial Consultant
Josh Selleck  City of Kilgore City Manager

Mr. Nault called the meeting to order at 11:39 AM. All board members were present.

Under Agenda Item III, Mr. Beane made a motion to approve the minutes of the KEDC Board Meeting dated February 21, 2017, and all items within the consent agenda. Mr. Price seconded, and the motion carried.

Under Agenda Items V-B, Mr. Price made a motion to rule Skeeter Products, Inc. in compliance with the 2nd of a 3-year Economic Development Performance Agreement and award the company $25,000 for the job creation portion of the agreement. Mr. Beane seconded, and the motion carried.

Under Agenda Item V-C, Mr. Johnston made a motion to rule Chep Recycled Pallet Solutions, LLC, in compliance with the 4th of a 7-year Economic Development Performance Agreement and award the company $40,000 for the job creation portion of the agreement and $67,030.83 for the ad valorem tax reimbursement portion of the agreement. Mr. Martin seconded, and the motion carried.
Under Agenda Item VI-A3, the board discussed planting buffer for land recently purchased to expand Synergy Park and directed staff to explore options.

Under Agenda Item VI-B, Mr. Beane made a motion to unrestrict $100,000 for building and grounds maintenance. Mr. Price seconded, and the motion carried.

At 12:21 PM the KEDC board entered into executive session according to Texas Government Code Chapter 551 to discuss:

a. Section 551.071 - Consultation with Attorney.
b. Section 551.072 - Discussion Regarding Real Property. Lease of Advanced Technology Center.
c. Section 551.074 - Discussion on Personnel Matters. Discussion regarding personnel.
d. Section 551.087 - Discussion Regarding Economic Development Negotiations: Discussions regarding negotiations with the following prospects:
   Prospect #1609
   Prospect #1622
   Prospect #1755
   Prospect #1947
   Prospect #1949
   Prospect #1974

The board reconvened in open session at 12:50 PM.

Under Agenda Item VIII, Mr. Johnston made a motion to confirm a three-year NNN lease at 2706 Highway 135 for $8,500 a month with Downing Wellhead Equipment, LLC dba Premium Valve Services. Mr. Martin seconded, and the motion carried.

There being no further business to discuss, the meeting was adjourned at 12:50 PM.

[Signatures]
Pat J. Nault  
KEDC President

Bobby Beane  
KEDC Secretary-Treasurer

Deborah Dane, City Clerk  
City of Kilgore

R.E. Spradlin III, Mayor  
City of Kilgore
MINUTES
KILGORE ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

February 21, 2017

The Kilgore Economic Development Corporation (KEDC) Board of Directors of the City of Kilgore held a Board Meeting at Synergy Center, 1001 Synergy Blvd., Suite 300, Tuesday, February 21, 2017, with the following members present:

Pat Nault  President
Bryan Johnston  Vice-President
Bobby Beane  Secretary-Treasurer
Vic Price  Director

Guests present at the meeting were: Ronnie Spradlin, Josh Selleck, Amanda Nobles and Jana Russell.

Mr. Nault called the meeting to order at 1:26 PM. All board members were present except Mr. Martin.

Mr. Beane made a motion to approve the minutes from KEDC Board Meeting dated February 21, 2017. Mr. Price seconded the motion, and the motion carried.

There being no further business to discuss, the meeting was adjourned at 1:27 PM.

Pat Nault  President
Bobby Beane  Secretary/Treasurer

Deborah Dane, City Clerk
City of Kilgore

R. E. Spradlin III, Mayor
City of Kilgore
INSTRUCTIONS FOR PROPERLY EXECUTING INSTRUMENTS
ACCORDING TO TEXAS LAW

1. Before you sign the instrument, take it to a Notary Public.

2. Sign the Instrument in the presence of the Notary and one witnesses on the blank provided, just as it is typed. The one witnesses should sign on the blanks provided opposite your name. The Notary cannot be a witness.

3. Have the Notary sign the instrument in the blank provided and have him date and seal the instrument.

4. It does not matter if the law in your state is different. In order to be effective in Texas, it must be executed according to the instructions provided above.
RIGHT OF WAY AND EASEMENT

STATE OF TEXAS

COUNTY OF __________

GRANTOR, CITY OF KILGORE, with mailing address of 815 North Kilgore Street, Kilgore, Texas 75662, represented herein by its duly authorized officer, in consideration of one dollar paid and other good and valuable considerations, receipt of which is acknowledged, has and by these presents does grant and convey unto SOUTHWESTERN ELECTRIC POWER COMPANY, a Delaware Corporation, whose address is 428 Travis Street, P.O. Box 21106, Shreveport, LA 71156, its associated and allied companies and their respective successors and assigns, herein referred to as GRANTEE, a perpetual twenty foot (20') right of way and easement over, under and through a part of the following described property:

Three tracts of land located in the Mary Van Winkle Survey (A-208), and being all or a part of the same lands described in the Real Property Records of Gregg County, Texas in Volume 2084, Page 102, under Registry Number 17216 and under Registry Number 201116059, as shown on the drawing marked “Exhibit A”, attached hereto and made a part hereof.

W.O. DST0092394

With the right to construct, reconstruct, repair, replace, change the size and capacity of, modify, operate, maintain, inspect, remove, a line or lines of underground and/or overhead facilities, including, but not limited to, poles, structures, wires, cables, conduits, guys, anchors, and other fixtures and equipment as the GRANTEE may from time to time require for the distribution of electric current, and other forms of energy, and for the transmission or communication of data, audio and video information. Together with the right of ingress and egress to said right of way and easement at all times with equipment and personnel across GRANTOR’S lands for the purpose of constructing, operating and maintaining said lines and related facilities and making all necessary repairs, alterations or removal of any of its property placed thereon, provided that GRANTEE shall repair, replace, or pay for actual damages which may be the result of construction, maintenance and operation of its facilities. GRANTOR shall not construct nor permit to be constructed; any structure or building of any type or nature, including swimming pools, on or adjacent to the said easement right of way that would prevent the use or endanger the said facilities or that would cause a violation of the National Electrical Safety Code. In addition, the GRANTEE may trim, treat, cut down, or remove any trees, growth and vegetation without incurring damages (within the right of way or which could grow into the right of way) which may interfere with GRANTEE’S lines and other facilities, or with ingress and egress thereto. GRANTOR reserves the right to continue to use and occupy the easement property for all purposes that do not interfere with or interrupt GRANTEE’S use of the easement.

To have and hold the above described easement and rights unto the GRANTEE, its successors and assigns, forever or until said right of way and easement is finally abandoned.

SIGNED AND DATED, this _____ day of March, 2017.

WITNESS:

______________________________

Print Name: ______________________

CITY OF KILGORE

By:

Title:

WO#DST0092394

3/7/2017
ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF___________

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared City of Kilgore, represented by ________________________, known to me to be the person(s) whose name is subscribed to the forgoing instrument, and acknowledged to me that he/she executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ________ day of March, 2017.

____________________________
NOTARY PUBLIC
THE STATE OF TEXAS
COUNTY OF GREGG
KNOW ALL PERSONS BY THESE PRESENTS:

THAT HAMEL LAIRD SMITH, LOIS LAIRD OVERTON, EVELYN LAIRD CASSER, and FIRST CITY, TEXAS-TYLER, N.A., Trustee of the Laird Family Trusts ("Grantors"), for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt and sufficiency of which are hereby acknowledged, and to secure the payment of which no lien, express or implied, is retained, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the City of Kilgore, Texas ("Grantee"), subject to the reservations herein made, all of the following-described real property in Gregg County, Texas, together with all improvements located thereon, to wit:

All that certain lot, tract or parcel of land being 15.469 acres, more or less, situated in the Mary Van Winkle Survey, Abstract No. 208, Gregg County, Texas and being a part of that certain E. S. Laird 347 acre tract situated in the Mary Van Winkle Survey, Abstract No. 208, Gregg County and Abstract No. 975, Rusk County, Texas, and which said 15.469 acres is more particularly described in two tracts by metes and bounds in Exhibit A attached hereto and incorporated herein (the "Property");

SAVE AND Except all oil, gas and other minerals in, on and under the Property, together with the right of ingress and egress in, on and over said Property for the purpose of exploring for, producing, mining, storing, treating and marketing said minerals;

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns forever; and Grantors hereby bind themselves, their heirs, executors, administrators, successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof; provided, however, that such general warranty shall be several as to each of Grantors, and not joint, in accordance with such party's fractional interests in the
THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 9th day of October, 1989 by HAZEL LAIRD SMITH.

Mackie L. Robinson
Notary Public, State of Texas

Print Name: Mackie L. Robinson

THE STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on this the 1st day of October, 1989 by LOIS LAIRD OVERTON.

Jammie M. Bailey
Notary Public, State of Texas
Print Name: Jammie M. Bailey

THE STATE OF TEXAS

COUNTY OF GREGG

This instrument was acknowledged before me on the 25th day of September, 1989 by EVELYN LAIRD CASHEN.

Joann Belcher
Notary Public, State of Texas
Print Name: Joann Belcher

THE STATE OF TEXAS

COUNTY OF SMITH

This instrument was acknowledged before me on the 26th day of October, 1989 by BUCK CAIN, Senior Vice-President and Trust Officer of First City National Bank of Tyler, as Trustee of the Laird Family Trusts.

My Commission Expires: 10-30-42

Print Name: Buck Cain

After Recording Return To:
Paul Branch
Pioneer Building
P. O. Box 1075
Kilgore, Texas 75662
EXHIBIT A

All that certain lot, tract or parcel of land being 15.469 acres, more or less, situated in the Mary Van Winkle Survey, Abstract No. 208, Gregg County, Texas and being a part of that certain S. S. Laird 347 acre tract situated in the Mary Van Winkle Survey, Abstract No. 208, Gregg County and Abstract No. 975, Rusk County, Texas, and which said 15.469 acres is more particularly described in two tracts by metes and bounds as follows:

TRACT NO. 1: 12.925 Acres
BEGINNING at a point for the SEC; said point being the SWC of Lot 13, Block No. 1 of Broadmoor Addition to the City of Kilgore, Texas and also being in the North ROW line of Hunter Street;
THENCE N 80°45' W along said North ROW line a distance of 86.89' to a point at the beginning of a curve to the right;
THENCE in a northwesterly direction around said curve to the right, same having a radius of 118.33' and a long chord of 50.66' which bears N 68° 24' W a distance of 51.06' to a point at the beginning of a curve to the left;
THENCE continuing in a northwesterly direction around said curve to the left, same having a radius of 226.83' and a long chord of 97.74' which bears N 68°30' W a distance of 98.51' to a point for end of curve;
THENCE N 80°57' W continuing along said ROW line a distance of 732.96' to a point for the SWC, said corner being at the intersection of said North ROW line and the East ROW line of Commerce Street;
THENCE S 0°07' E along said East ROW line a distance of 573.5' to a point for the NWC, said corner being at the intersection of said East ROW line and the South ROW line of Harris Avenue;
THENCE N 89°50' W along said South ROW line a distance of 705.8' to a point for the most northerly NEC;
THENCE South a distance of 239.31' to a point for an interior corner;
THENCE East a distance of 240.7' to a point for the NEC, said corner being in the WBL of said Block No. 1 of Broadmoor Addition;
THENCE South along said WBL a distance of 519.9' to the POINT OF BEGINNING and containing an area of 12.925 acres of land, more or less.

TRACT NO. 2: 2.544 Acres
BEGINNING at a point for the NWC, said point being the intersection of the East ROW line of Commerce Street and the South ROW line of Hunter Street;
THENCE S 80°57' E along said South ROW line a distance of 305.54' to a point for the NEC, said corner being the NWC of the City of Kilgore's 4.89 acre tract (Driller Park);
THENCE S 0°43' E along the WBL of said 4.89 acre tract a distance of 339.16' to a point for the SEC, said corner being in the Gregg and Rusk County Line;
THENCE West along said County Line a distance of 307.76' to a point for the SEC, said corner being in said East ROW line of Commerce Street;
THENCE N 0°07' E along said East ROW line a distance of 387.35' to the POINT OF BEGINNING and containing an area of 2.544 acres of land, more or less.
NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER’S LICENSE NUMBER

WARRANTY DEED
 Gregg & Rusk Counties, Texas

Date: August 1, 2011

Grantor: Robin Overton Sengelmann, Individually and as Co-Trustee of the Overton Family Trust and as Trustee of the Robin Overton Sengelmann Trust, created in the Overton 1980
Children’s Trust
Robert Carter Overton, III, Individually and as Co-Trustee of the Overton Family Trust and as Trustee of the Robert Carter Overton, III Trust, created in the Overton 1980
Children’s Trust
Laura Overton Wheless, Individually and as Co-Trustee of the Overton Family Trust and
as Trustee of the Laura Overton Wheless Trust, created in the Overton 1980
Children’s Trust
Mary Maud Overton Stocker, Individually and as Co-Trustee of the Overton Family
Trust and as Trustee of the Mary Maud Overton Stocker Trust, created in the Overton
1980 Children’s Trust
4265 San Felipe, Sta. 740
Houston, TX 77027

Grantee: City of Kilgore, a Texas Home-Rule City
815 N. Kilgore St.
Kilgore, TX 75662

Consideration: $10.00 and other good and valuable

Ten Dollars ($10.00) and other good and valuable consideration:

Property (including any improvements):

32.175 acre tract of land, Mary Van Winkle Survey, A-208, Gregg County, Texas, and A-975,
Rusk County, Texas, more particularly described in Exhibit “A”, attached hereto and
incorporated by reference herein, including, but not limited to, all interests of Grantor, if any,
in (1) strips and gores, if any, between the property and any abutting properties, whether
owned or claimed by Deed limitations or otherwise and whether located inside or outside the
property; and (2) any land lying in or under the bed of any creek, stream, or waterway or
highway, avenue, street, alley, road, easement or right-of-way, open or proposed, in, on,
across, abutting, or adjacent to the Property.

-1-
Reservations From and Exceptions to Conveyance and Warranty:

a. All oil, gas and other minerals produced incident to the production of oil or gas are excepted and reserved to Grantor, and Grantor's heirs, successors and assigns and subject to all valid oil, gas, coal, lignite or other mineral leases of record; provided however, this reservation specifically does not include uranium, gravel, clay, coal, lignite or other near surface minerals; and further provided, Grantor, Grantor's heirs and assigns shall have no right to use the surface or any part thereof for drilling, production or other operations in connection with the reserved minerals; and further provided that Grantor, Grantor's heirs and assigns shall have the right to include the property in any pool or unit along with other mineral leases.

b. All regulations of governmental entities, and all easements and rights-of-way running across the Property, whether or not visible and apparent.

c. Lien described as part of the Consideration and any other liens described in this deed is being either assumed by Grantee or subject to which title is taken by Grantee.

d. Validly existing restrictive covenants common to the platted subdivision in which the Property is located.

ea. Standby fees, taxes and assessments by any taxing authority for the year and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership.

f. Validly existing utility easements created by dedication deed or plat of the subdivision in which the Property is located, recorded in the Real Property Records of the county in which the Property is situated.

g. Any discrepancies, conflicts or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.

h. Homestead or community property or survivorship rights, if any, of any spouse of Grantee.

i. Any validly existing title or rights asserted by anyone, including but not limited to person, the public, corporations, governments or other entities, to (a) tidelands or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs or oceans, (b) filled-in lands or artificial islands, or (c) water rights, including riparian rights.

j. Grantee, by acceptance of this conveyance, agrees, binds and obligates Grantee to pay the 2011 and subsequent years ad valorem taxes on the herein described property.

K. Grantee accepts the property in its present condition.

Grantor, for the Consideration and subject to the Reservations from and Exceptions to Conveyance and Warranty, grants, sells and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, or successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs executors, administrators, or successors against every person whosoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from and Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

[Signature]
Robin Overton Senglemann, Individually and as Co-Trustee of the Overton Family Trust and as Trustee of the Robin Overton Senglemann Trust, created in the Overton 1990 Children's Trust

GRANTOR

-2-
THE STATE OF TEXAS

COUNTY OF Harris

This instrument was acknowledged before me on August 15, 2011, by Robin Overton
Sengelmann, Individually and as Co-Trustee of the Overton Family Trust and as Trustee of the Robin
Overton-Sengelmann Trust, created in the Overton 1980 Children's Trust.

[Signature]

Notary Public, State of Texas

My Commission Expires:

[Seal]

REBECCA L. MEES
Notary Public, State of Texas
My Commission Expires
July 03, 2013
THE STATE OF TEXAS
COUNTY OF

THE STATE OF TEXAS
COUNTY OF

My Commission Expires
REBECCA L. MECK
Notary Public, State of Texas
May 03, 2013

\[\text{Robert Carter Overton, III, individually and as Co-Trustee of the Robert Carter Overton, III Trust, created in the Overton 1980 Children's Trust.}\]

\[\text{Robert Carter Overton, III, individually and as Co-Trustee of the Overton Family Trust, and as Trustee of the Robert Carter Overton, III Trust, created in the Overton 1980 Children's Trust.}\]

\[\text{Robert Carter Overton, III, individually and as Co-Trustee of the Overton Family Trust, and as Trustee of the Robert Carter Overton, III Trust, created in the Overton 1980 Children's Trust.}\]

\[\text{Robert Carter Overton, III, individually and as Co-Trustee of the Overton Family Trust, and as Trustee of the Robert Carter Overton, III Trust, created in the Overton 1980 Children's Trust.}\]
This instrument was acknowledged before me on August 15, 2011, by Laura Overton Whelless, individually and as Co-Trustee of the Laura Overton Whelless Trust, created in the Overton 1990 Children's Trust.

My Commission Expires:

Rebecca L. Green
Notary Public, State of Texas

GRANTOR

Laura Overton Whelless, individually and as Co-Trustee of the Laura Overton Whelless Trust and as Trustee of the Overton 1990 Children's Trust
Mary Maud Overton Stocker, individually and as Co-Trustee of the Overton Family Trust and as Co-Trustee of the Mary Maud Overton Stocker Trust, created in the Overton 1980 Children's Trust.

GRANTOR

This instrument was acknowledged before me on August 15, 2011, by Mary Maud Overton Stocker, individually and as Co-Trustee of the Overton Family Trust and as Co-Trustee of the Mary Maud Overton Stocker Trust, created in the Overton 1980 Children's Trust.

My Commission Expires: July 03, 2013

REBECCA L. MEE
Notary Public, State of Texas
July 03, 2013
EXHIBIT "A"

All that certain 32.175 acre tract of land situated in the City of Kilgore, Gregg County and Rusk County, Texas, being a part of the Mary Van Winkle Survey, A-208 (Gregg County) and A-975 (Rusk County), and being a part of that certain called 37.697 acre tract of land described as Parcel No. 2 of Exhibit C, set aside to Lois Laird Overton, L. W. Goodrich, Trustee, and the Trustee of the Lois Laird Overton Trust, in a Partition Deed dated February 1, 1986, as recorded in Volume 1483, Page 399, Land Records, Rusk County, Texas, and in Volume 1668, Page 487, Official Public Records, Gregg County, Texas, and this 32.175 acre tract of land being more fully described by metes and bounds as follows (distances are expressed in US Survey Feet as measured horizontally along the surface of the Earth – to convert reported distances to distances measured along the Grid for the Texas Coordinate System of 1983, North Central Zone, multiply reported distances by the project combined scale factor of 0.99992925):

BEGINNING at a ½ inch iron rod found with ID cap stamped "HEDRICK – RPLS 4487" for this Eastern most Southeast corner, in the East line of the above mentioned called 37.697 acre tract and West line of Commerce Street, being 50 feet Westerly from the center of same, (reference: right-of-way to Rusk County, Texas, for Commerce Street recorded in Volume 327, Page 255, Deed Records, Rusk County, Texas, no record of right-of-way to Gregg County was found in this survey) for the Northeast corner of a 5.000 acre tract of land shown as Tract 1, Lois Laird Overton Subdivision, Unit 1, according to plat recorded in Volume 2258, Page 481, Official Public Records, Rusk County, Texas, which is also the Northeast corner of Lot 1-A, Dehyos-Beasley Addition, (a subdivision of said 5.000 acre Tract 1) according to plat recorded in Volume 2850, Page 799, Official Public Records, Rusk County, Texas, said corner being 592 feet North of the centerline intersection of Commerce Street and Woodlawn Street, witness a ½ inch iron rod found with ID cap stamped "HEDRICK – RPLS 4487" bearing S 80° 44' 41" W, 440.91 feet, and this Eastern most Southeast corner having State Plane Coordinates of N 6836502.61 and E 3085564.38 (Texas Coordinate System of 1983, North Central Zone, NAD 1993 Adjustment, US Survey Feet);

THENCE N 89° 15' 31" W (bearings related to Geodetic North – to convert reported bearings to bearings related to Grid North for the Texas Coordinate System of 1983, North Central Zone, rotate reported bearings counter-clockwise by the mapping angle of 01° 58' 19") with this Eastern South line and North line of said Tract 1, Lois Laird Overton Subdivision, Unit 1, and North line of Lot 1-A, Dehyos-Beasley Addition, across said called 37.697 acre tract, a distance of 418.33 feet to a ½ inch iron rod found with ID cap stamped "HEDRICK – RPLS 4487" for an inner corner of this tract, the same being the Northwest corner of said Tract 1 and said Lot 1-A, witness SS Laird "B" A/C-2 Oil Well No. 51 bearing S 66° 56' 10" W, 245.00 feet, and this inner corner having State Plane Coordinates of N 6836493.69 and E 3085149.17;

THENCE S 00° 51' 44" E with this Southern East line and West line of said Tract 1, Lois Laird Overton Subdivision, Unit 1, and the West line of Lot 1-A, Dehyos-Beasley Addition, continuing across said called 37.697 acre tract, passing the Southwest corner of said Lot 1-A, the same being the Northwest corner of Lot 1-B, and continuing a total distance in all of 552.26 feet to a ½ inch iron rod found with ID cap stamped "HEDRICK – RPLS 4487" for this Southern most Southeast corner, the same being the Southwest corner of said Lot 1-B, in the North line of Woodlawn Street, (being 50 feet Northerly from the center of same) and South line of said called 37.697 acre tract, witness a ½ inch iron rod found with ID cap stamped "HEDRICK – RPLS 4487" bearing N 89° 06' 31" E, 299.91 feet, also witness SS Laird "B" A/C-2 Oil Well No. 24 bearing N 34° 49' 23" W, 159.12 feet, and this Southern most Southeast corner having State Plane Coordinates of N 6835942.15 and E 3085176.48;

THENCE S 89° 06' 54" W with this South line, the South line of said called 37.697 acre tract, and North line of Woodlawn Street, parallel to and 50 feet Northerly from the center of same, a distance of 359.46 feet to a ⅛ inch iron pipe post found (damaged) for this Southwest corner and Southwest corner of said called 37.697 acre tract and Southeast corner of a called 66.867 acre tract (residue) described in a deed to Adamson Investment Partnership (found to be 49.309 acres in a survey by J.D. Billings dated March 4, 2004) recorded under Gregg County Clerk’s File No. 200608502, Official Public Records, Gregg County, Texas, and this Southwest corner having State Plane Coordinates of N 6835924.23 and E 3084817.49;
EXHIBIT "A"

THENCE with this West line, the West line of said called 37.697 acre tract and East line of said called 68.697 acre tract -

N 03°54'23" W a distance of 182.11 feet to a 2½ inch iron pipe post found for corner (N 6836105.37, E 3084798.84),

N 01°02'36" E a distance of 716.08 feet to a ½ inch iron rod found with ID cap stamped "BILLINGS – RPLS 4133", set by J.D. Billings, March 4, 2004 (N 6837682.31, E 3084787.23)

N 26°48'49" W a distance of 508.86 feet to a ½ inch iron rod found with ID cap stamped "BILLINGS – RPLS 4133", set by J.D. Billings, March 4, 2004 (N 6837267.26, E 3084542.22)

N 33°25'49" W a distance of 392.01 feet to a ½ inch iron rod found with ID cap stamped "BILLINGS – RPLS 4133", set by J.D. Billings, March 4, 2004 (N 6837586.77, E 3084315.13)

and N 23°21'09" E a distance of 60.66 feet to a 4 inch iron pipe post found for this Northwest corner, the same being the Southwest corner of a called 0.88 acre tract described in a deed to the City of Kilgore as recorded in Volume 335, Page 492, Deed Records, Gregg County, Texas, said corner having State Plane Coordinates of N 6837633.93 and E 3084333.60;

THENCE N 89°54'01" E with this North line, the North line of said called 37.697 acre tract and South line of said called 0.88 acre tract, generally along a fence, a distance of 383.99 feet to a 6/8 inch suckler rod found in concrete (leaning – measured at concrete) for an inner corner of this tract and Southeast corner of said called 0.88 acre tract, said corner having State Plane Coordinates of N 6837647.81 and E 3084717.32;

THENCE N 00°16'42" W with the East line of said called 0.88 acre tract and common line with said called 37.697 acre tract, a distance of 99.34 feet to a 4 inch iron pipe fence corner post found for an outer corner of this tract, the same being the Northeast corner of said called 0.88 acre tract and being in the South line of a called 3.29 acre tract described in a deed to the City of Kilgore as recorded in Volume 280, Page 351, Deed Records, Gregg County, Texas, and this outer corner having State Plane Coordinates of N 6837747.07 and E 3084713.42;

THENCE N 89°55'09" E continuing with this North line, departing the errantly described North line of said called 37.697 acre tract, with the South line of said called 3.29 acre tract, generally along a fence, passing the Southeast corner of said called 3.29 acre tract, the same being the Southwest corner of a called 1.75 acre tract described in a deed to the Kilgore Cemetery Association as recorded in Volume 232, Page 522, Deed Records, Gregg County, Texas, a total distance in all of 479.47 feet to a 2 inch iron pipe fence corner post found for an angle in this North line, the same being the Southeast corner of said 1.75 acre tract and being the Southwest corner of a called 1.30 acre tract described in a deed to the Kilgore Colored Cemetery as recorded in Volume 291, Page 301, Deed Records, Gregg County, Texas, and this angle corner having State Plane Coordinates of N 6837764.24 and E 3085192.55;

THENCE N 76°43'59" E continuing with this North line and South line of said called 1.30 acre tract, partyway generally along a fence, a distance of 320.70 feet to a ½ inch iron rod set for the Southeast corner of said called 1.30 acre tract and inner corner of this tract, said corner having State Plane Coordinates of N 6837849.53 and E 3085501.96;

THENCE N 16°19'40" W with the East line of said called 1.30 acre tract, partyway generally along a fence, a distance of 181.58 feet to a ½ inch iron pipe fence corner post found for an outer corner of this tract and being the Northeast corner of said called 1.30 acre tract, in the South line of the original Colored Cemetery (per historic records), witness "Cemetery Lease" Oil Well No. 1, bearing S 89°55'40" W, 108.57 feet, and this outer corner having State Plane Coordinates of N 6838020.92 and E 3085444.94;

THENCE N 72°58'16" E with this Northern most line and South line of the original Colored Cemetery, generally along a fence, a distance of 95.73 feet to a point for this Northeast corner in the West line of the above mentioned Commerce Street, being 50 feet Westerly from the center of same, from which a 2 inch iron pipe fence corner post bears N 72°58'16" E, 24.41 feet, and this Northeast corner having State Plane Coordinates of N 6838052.08 and E 3085535.45;

THENCE S 00°54'08" W with this East line, the East line of said called 37.697 acre tract and West line of said Commerce Street, a distance of 1549.86 feet returning to the place of beginning and containing 32.175 acres of land.
NOTE: PROPOSED AEP/SWEPCO UNDERGROUND RIGHT OF WAY EASEMENT TO BE 20' WIDE, 10' EITHER SIDE OF THE CONDUIT RUN, AS BUILT. EASEMENT TO BE 120' LONG AND 20' WIDE.

AB 208 M VAN WINKLE SUR TR 28-09 SEC 4 (PARTITION TR 6)

NOTE: PROPOSED AEP/SWEPCO UNDERGROUND RIGHT OF WAY EASEMENT TO BE 20' WIDE, 10' EITHER SIDE OF THE CONDUIT RUN, AS BUILT. EASEMENT TO BE 445' LONG AND 20' WIDE.

AB 208 M VAN WINKLE SUR TR 28-10 SEC 4
City of Kilgore, Texas
Mayor and Council Communication

<table>
<thead>
<tr>
<th>Date:</th>
<th>M&amp;C Number:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>March 28, 2017</td>
<td>PZ-1261</td>
<td></td>
</tr>
<tr>
<td></td>
<td>S03-17-002 BITTICK</td>
<td></td>
</tr>
</tbody>
</table>

**S03-17-002 Bittick**

Request to change zoning from a “GC” (General Commercial) Zoning District to “GC” (General Commercial) Zoning District with an approved “SUP” (Special Use Permit) on a portion of Lots 5 and 6 of NCB 177 of the Kilgore Van Winkle Acreage, located 216± feet Northeast of the intersection of North Kilgore Street and Kay Street (405 North Kilgore Street, Suites 6 and 7). The applicant is requesting a Special Use Permit to convert the existing business into a primary residence in one suite with the jewelry business in the second suite.

**COMMENTS:**

According to Section 57A of the Kilgore Development Code, property owners who desire to reside and have a business on property zoned “GC” General Commercial must obtain a “SUP” Special Use Permit.

Mr. Dixon, owner of Dixon Jewelers located at 405 N. Kilgore Street, has met with City Staff regarding renovations to his existing business that includes the addition of a residence. Mr. Dixon often works late at night at his store and would like to expand into an additional suite and renovate the area for a permanent residence.

Staff does not see any negative impact on surrounding properties with the approval of the “SUP” (Special Use Permit). Additionally, Staff has not received any letters of protest.

The Planning and Zoning Board met on March 22, 2017 to consider the request. No one attended to speak against the request.

**RECOMMENDATION**

The Planning and Zoning Board, with a vote of 5-1 recommended approval of the zone change request from “GC” (General Commercial) District to “GC” (General Commercial) District with an “SUP” Special Use Permit.
ORDINANCE NO. 1686

AN ORDINANCE AMENDING ORDINANCE NO. 1415 OF THE CODE OF ORDINANCES OF THE CITY OF KILGORE, TEXAS BY PERMITTING THE FOLLOWING DESCRIBED PROPERTY, WHICH IS PRESENTLY “GC” GENERAL COMMERCIAL DISTRICT, TO-WIT:

On the most northern portion of the structure located on Lots 5 and 6 of NCB 177 of the Kilgore Van Winkle Acreage, also known as 405 N. Kilgore Street, Suites 6 and 7, located 216± feet Northeast of the intersection of North Kilgore Street and Kay Street.

See Exhibit “A”

TO BE REZONED AS A “GC” GENERAL COMMERCIAL DISTRICT A “SUP” SPECIAL USE PERMIT TO ALLOW FOR A RESIDENCE IN A “GC” GENERAL COMMERCIAL DISTRICT, SUBJECT, HOWEVER, TO THE SPECIAL CONDITIONS HEREINAFTER EXPRESSED; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY, AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning Board and the Governing Body of the City of Kilgore in compliance with the Charter of the City of Kilgore and the State Law with reference to the granting of rezoning under the Zoning Ordinance regulation, have given the requisite notices of publication and otherwise, and after holding due hearings, and affording a full and fair hearing to all the property owners, generally, and to the persons interested situated in the affected area, and in the vicinity thereof, the Governing Body of the City of Kilgore is of the opinion that a rezoning should be granted subject to the conditions set out herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILGORE, TEXAS:

SECTION 1:

(A). That Ordinance No. 1415 enacted by the City Council of the City of Kilgore on the 27th day of January, 2009, be and the same is hereby amended by amending the zoning map and ordinance of the City of Kilgore so as to give the above described property a change in zoning from “GC” General Commercial District “GC” General Commercial District with a “SUP” Special Use Permit for the purpose of allowing a residence in a “GC” General Commercial Zoning District as required in Article III Section 57A in the Kilgore Development Code.
SECTION 2: SEVERABILITY CLAUSE. That if any section, part, or provision of this Ordinance is declared unconstitutional or invalid, then, and in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that all other parts of this Ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION 3: PENALTY CLAUSE. That any person, firm or corporation violating any of the provisions of the Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the Corporation Court, shall be punished by fine not to exceed the maximum allowed by law for each offense, and each day that such offense shall continue shall constitute a separate offense.

SECTION 4: Effective Date. This ordinance shall become effective ten (10) days after approval and passage hereof.

PASSED AND APPROVED this 28th day of March, 2017

CITY OF KILGORE, TEXAS

____________________________________
R.E. SPRADLIN III, MAYOR

ATTEST:

____________________________________
DEBORAH DANE, CITY CLERK

APPROVED AS TO FORM AND EFFECT:

____________________________________
ROBERT G. SCHLEIER, JR., CITY ATTORNEY
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

City of Kilgore
815 N. Kilgore St.
Kilgore, TX 75662
(903) 984-5081 office
(903) 988-4132 fax
March 22, 2017

1 inch = 103 feet
City of Kilgore, Texas
Mayor and Council Communication

Date: 3/24/17  M&C Number: P-1150  Page: 1 of 1

Subject: TASK ORDER WT17-003-TO-01 – SEDIMENTATION BASIN REHABILITATION AT SURFACE WATER TREATMENT PLANT (PROJECT NO. WT17-003)

RECOMMENDATION
It is recommended that the City Council approve Task Order WT17-003-TO-01 in the amount of $12,170.00 with Garver for the inspection of the sedimentation basins at the surface water treatment plant.

DISCUSSION
The Water Treatment Facilities Asset Management Plan (WTFAMP) has identified the Sedimentation Basins at the Surface Water Treatment Plant as High Risk assets. High Risk means that the asset is nearing failure and that it’s failure would have a negative impact on operations. Also, we have been cited by TCEQ in our compliance investigations for leaking oil from the drive mechanisms. The equipment is original to the plant which was built in 1993. This project is identified in the Capital Improvement Plan.

This Task Order is the first step in the rehabilitation of the sedimentation basins. The scope of work entails a thorough investigation by structural and mechanical engineers and the creation of a rehabilitation work plan. This will set the scope for the design of improvements.

It is important that this investigation be performed at this time while the sedimentation basins are empty and the plant is offline.

We have executed a Master Agreement with Garver on December 1, 2016. Garver has been assisting with the asset management plan and has extensive treatment plant experience.

FISCAL IMPACT
The engineering for this project was approved in the 2017 Utility Capital Improvements Plan.
In accordance with Paragraph 1.01 of the Agreement between Owner and Engineer for Professional Services – Task Order Edition, dated December 1, 2016 ("Agreement"), Owner and Engineer agree as follows:

1. Background Data
   a. Effective Date of Task Order: April 1, 2017
   b. Owner: City of Kilgore
   c. Engineer: Garver, LLC
   d. Specific Project (title): Kilgore Water Treatment Plant Sedimentation Basin Investigation
   e. Specific Project (description): Structural investigation, condition assessment and conceptual report for rehabilitation of the WTP sedimentation basins.

2. Services of Engineer

   The specific services to be provided or furnished by Engineer under this Task Order are set forth in Exhibit A, “Engineer’s Services for Task Order No. WT17-003-TO-01,” modified for this specific Task Order, and attached to and incorporated as part of this Task Order.

3. Additional Services

   Additional Services that may be authorized or necessary under this Task Order are set forth as Additional Services in Part 2—Additional Services, of Exhibit A, “Engineer’s Services for Task Order No. WT17-003-TO-01,” modified for this specific Task Order, and attached to and incorporated as part of this Task Order.

4. Owner’s Responsibilities

   Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B, subject to the following:
   1. Giving thorough consideration to all documents presented by Engineer and informing Engineer of all decisions within a reasonable time so as not to delay the work of Engineer.
   2. Making provision for the employees of Engineer to enter public and private lands as required for Engineer to perform necessary preliminary surveys and other investigations.
   3. Obtaining the necessary lands, easements and right-of-way for the construction of the work. All costs associates with securing the necessary land interests, including property acquisition and/or easement document preparation, surveys, appraisals, and abstract work, shall be borne by the Owner outside of this contract, except as otherwise described in Section 2 – Scope of Services.
   4. Furnishing Engineer such plans and records of construction and operation of existing facilities, available aerial photography, reports, surveys, or copies of the same, related to or bearing on the
proposed work as may be in the possession of the Owner. Such documents or data will be returned upon completion of the work or at the request of the Owner.

5. Furnishing Engineer a current boundary survey with easements of recorded plotted for the project property.

6. Paying all City plan review and advertising costs in connection with the project.

7. Providing legal, accounting, and insurance counseling services necessary for the project and such auditing services as the Owner may require.

8. Furnishing permits, permit fees, and approvals from all governmental authorities having jurisdiction over the project and others as may be necessary for completion of the project.

9. Giving prompt written notice to Engineer whenever the Owner observes or otherwise becomes aware of any defect in the project or other events which may substantially alter Engineer’s performance under this Task Order.

10. Furnishing Engineer a current geotechnical report for the proposed site of construction. Engineer will coordinate with the geotechnical consultant, the Owner has contracted with, on the Owner’s behalf for the information that is needed for this project.

5. Task Order Schedule

In addition to any schedule provisions provided in Exhibit A or elsewhere, the parties shall meet the following schedule:

<table>
<thead>
<tr>
<th>Party</th>
<th>Action</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineer</td>
<td>Sedimentation Basin Investigation</td>
<td>Start upon Notice to Proceed. Complete 60 days after receiving requested data.</td>
</tr>
</tbody>
</table>

6. Payments to Engineer

A. Owner shall pay Engineer for services rendered under this Task Order as follows:

<table>
<thead>
<tr>
<th>Description of Service</th>
<th>Amount</th>
<th>Basis of Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Basic Services (Part 1 of Exhibit A)</td>
<td>$12,170</td>
<td>Lump sum</td>
</tr>
<tr>
<td><strong>TOTAL COMPENSATION</strong></td>
<td><strong>$12,170</strong></td>
<td></td>
</tr>
<tr>
<td>2. Additional Services (Part 2 of Exhibit A)</td>
<td>(N/A)</td>
<td></td>
</tr>
</tbody>
</table>

Compensation items and totals based in whole or in part on Hourly Rates or Direct Labor are estimates only. Lump sum amounts and estimated totals included in the breakdown by phases incorporate Engineer’s labor, overhead, profit, reimbursable expenses (if any), and Consultants’ charges, if any. For lump sum items, Engineer may alter the distribution of compensation between individual phases (line items) to be consistent with services actually rendered, but shall not exceed the total lump sum compensation amount unless approved in writing by the Owner.

B. The terms of payment are set forth in Article 4 of the Agreement and in the applicable governing provisions of Exhibit C.

7. Consultants retained as of the Effective Date of the Task Order: None
8. Other Modifications to Agreement and Exhibits: None

9. Attachments:
   A. Exhibit A – Engineer’s Services for Task Order No. 2

10. Other Documents Incorporated by Reference: None

11. Terms and Conditions

   Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is April 1, 2017.

OWNER:  
By:  
Print Name: Joshua Selleck  
Title: City Manager

ENGINEER:  
By:  
Print Name:  
Title:  
Engineer License or Firm’s Certificate No. (if required): F-5713  
State of: Texas

DESIGNATED REPRESENTATIVE FOR TASK ORDER:  
Name: Clayton R. Evers, P.E.  
Title: City Engineer  
Address: 815 N. Kilgore St.  
E-Mail: Clay.evers@cityofkilgore.com  
Phone: 903-988-4118

DESIGNATED REPRESENTATIVE FOR TASK ORDER:  
Name: Jeff L. Sober  
Title: Vice President  
Address: 3010 Gaylord Parkway, Suite 190  
Frisco TX 75034  
E-Mail: JLSober@garverusa.com  
Phone: 972.377.7480
Engineer's Services for Task Order No. W17-002-TO-02

PART 1—BASIC SERVICES

General

Generally, the Scope of Basic Services includes professional services necessary for investigation of the water treatment plant sedimentation basins. Following investigation of the basins, it is intended to repair or rehabilitate the basins as necessary to achieve designed reliability.

A1.01 Field Investigation

Following confirmation that the sedimentation basins are out of service, dewatered, and cleaned, the Engineer will conduct a site visit with up to two Staff, one who will be a licensed structural engineer in Texas. During the field investigation, the Engineer will observe the components, mechanisms, and basin to identify visual defects. Nondestructive testing methods will be utilized.

Engineer will identify any structural rehabilitation necessary, as well as identify the condition of the sludge collector mechanism.

A1.01 Conceptual Evaluation Memorandum

The conceptual evaluation will include these tasks:

1. Historical Data Review

   Engineer will collect and review relevant information including:
   - As-built drawings of each facility
   - Previous applicable studies and reports

2. Field Assessment Analysis

   Engineer will review field notes and develop a memorandum which will include the following information:
   - A description of the structural investigation
   - Findings of the condition assessment
   - Development of recommendations of items to replace
   - Manufacturer recommendations if necessary
   - An opinion of probable construction cost for the improvements
   - An estimated schedule for design and construction

A1.02 Deliverables

   A. PDF file of Engineering Report to be delivered via email
A1.03 External Coordination Meetings

A. No meetings are anticipated for this Task outside of the field assessment.

PART 2—ADDITIONAL SERVICES

A2.01 Additional Services Requiring an Amendment to Task Order

The following items are not included under this Task Order but will be considered Additional Services. Additional Services will be as directed by the Owner in writing for an additional fee as agreed upon by the Owner and the Engineer.

1. Property surveys or acquisition documents.
2. SSES, I&I analysis, and/or sewer system survey.
3. Design of improvements off-site.
4. Utility relocation coordination or design.
5. Hydraulics and hydrology for floodway No-Rise Certification and Individual 404 permit.
6. Construction administration or observation for improvements associated with the Immediate Compliance Investigation task.
7. Redesign for the City’s convenience or due to changed conditions after previous alternate direction and/or approval.
8. Submittals or deliverables in addition to those listed herein.
9. Invasive or non-invasive structural evaluation techniques beyond visual observation of existing structures at grade and existing record drawings.
10. Preparation of a Storm Water Pollution Prevention Plan (SWPPP).
11. Construction materials testing.
12. Geotechnical services.
13. Environmental Handling and Documentation beyond those previously identified, including wetlands identification or mitigation plans or other work related to environmentally or historically (culturally) significant items.
14. Floodplain delineation and coordination with FEMA and preparation/submittal of a CLOMR and/or LOMR.

15. Environmental Services beyond preparation and submission of an Environmental Information Document.

16. Sludge Management Plan

17. Warranty Assistance

18. Water Reuse Master Plan

19. Utility rate study

20. TMDL and NPDES permitting assistance

21. Water Conservation Plan

22. Drought Management Plan

23. Extra Meetings

24. Jar Testing Services

25. Sampling Services

26. Meetings with TWDB or TCEQ

27. Construction administration

28. Construction observation services

29. Bidding services

30. Design services
2017 Strategic Map
FIX AND EXPAND INFRASTRUCTURE

⊕ Establish Sewer Inflow Reduction Committee to review SSES study and evaluate impacts on local residents
⊕ Create small area plan for I20 corridor
⊕ Monitor for opportunities to use rail access
⊕ Develop plan for funding of facilities rehab at City Hall and other locations
DIVERSIFY TAX BASE & EMPLOYMENT

- Review and plan for update of City’s Comprehensive Plan
- Develop and implement reuse grant program
- Evaluate options to recruit regional retailers
- Update Development Codes to be regionally consistent
IMPROVE/ENHANCE AESTHETICS

- Evaluate cost to enhance street sweeping
- Review cemetery rules using subcommittee
- Update downtown landscaping to improve sustainability
- Evaluate opportunities to update downtown lighting technology
CREATE NEW DIVERSE HOUSING

⊕ Create small area plan for area around MLK Community Center for infill development
⊕ Evaluate cost effective housing solutions and ultimate impact on average property values
MAINTAIN QUALITY PUBLIC SAFETY

⊕ Explore and implement TNR program to control feral cat population
⊕ Develop plan for funding of replacement apparatus
TOURISM DESTINATION

⊕ Create construction phasing plan for reuse and reconstruction of downtown theaters
⊕ Develop plan for Meadowbrook main building
INTERGOVERNMENTAL RELATIONS

⊕ Develop Legislative Agenda and create legislative subcommittee for 2017 Legislative Session

⊕ Complete FEMA and TDEM recovery efforts
SUSTAINABLE MEDICAL CARE

⊕ Assist Champion EMS in identifying second location for EMS station on South side of Kilgore

⊕ Evaluate opportunities to make Kilgore more attractive to new health care providers
SYNERGY IN RECREATION

⊕ Update Parks Masterplan and identify next opportunity to expand parks and sports infrastructure
⊕ Plan and construct splash park using donated funds
⊕ Complete sponsorship and naming rights negotiations for ball park
⊕ Evaluate opportunities to share recreation resources with community partners