



**AGENDA**  
**CITY COUNCIL REGULAR MEETING**  
**JUNE 12, 2018 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. Ron Strait, Highland Park Assembly of God**

**C. Remembrance of City Council Member Neil Barr, 1937-2018**

**D. 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."*)**

**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. 2018 Summer Firefighter Camp – Fire Chief Johnny Bellows**

**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 May 22, 2018

**I. Public Hearings/Ordinances/Resolutions**

1. Resolution No. 18-09 designating portion of Highway 31 "Veterans Memorial Highway"

**J. Discussion and Possible Action Items**

1. Authorization for City Manager to negotiate and execute an agreement with Texas Department of Transportation (TXDOT) regarding utility repairs within city limits – Josh Selleck, City Manager
2. Recommendation regarding award of bid for City Pool Surface Restoration – 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
  - Property at 1612 S. Henderson Blvd.
  - Property near the intersection of North Street, Sixth Street, and Martin Luther King Blvd.
3. Personnel matters pursuant to Section 551.074
  - Annual performance evaluation of City Manager by City Council
4. Economic development negotiations pursuant to Section 551.087
  - Project No. 1639
  - Project No. 1821
  - Project No. 1947
  - Project No. 2001

**L. Possible action on items discussed in Executive Session**

**M. Adjournment**

Posted, City Hall Bulletin Board:

Removed, City Hall Bulletin Board:

\_\_\_\_\_  
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.*



**MINUTES  
CITY COUNCIL REGULAR MEETING  
MAY 22, 2018**

**R. E. SPRADLIN, III – MAYOR  
HARVEY MCCLENDON – MAYOR PRO TEM  
MERLYN HOLMES – COUNCIL MEMBER  
NEIL BARR – COUNCIL MEMBER  
VICTOR A. BOYD – COUNCIL MEMBER**

- A. Call to Order** – With all Council members present, Mayor Spradlin called the meeting to order at 5:30 p.m.
- B. Prayer** – The opening prayer was led by Pastor Ella Mae Walker, Holy Prayer Apostolic Church.
- C. Pledges of Allegiance** – Mayor Pro Tem McClendon led the pledges to the U.S. and Texas flags.
- D. Oaths of Office and Council Appointments**
1. Deborah Dane, City Clerk, administered Oaths of Office to the following Council members:
    - Merlyn Holmes, Place 1
    - Neil Barr, Place 3
    - Victor A. Boyd, Place 4
  2. Upon a motion by Mayor Spradlin and second by Council Member Boyd, Council voted unanimously to reappoint Harvey McClendon to serve a one-year term as Mayor Pro Tem.
- E. Public Forum ( 05:05 on 05/22/18 Council Recording)**  
Mayor Spradlin opened the Public Forum and recognized the following people:
- Mike Sechrist of 415 Boone Street – concern that the city’s web site is not user-friendly and suggestion that the city update the web site accordingly
  - Sue Roach of 3001 Joy Drive – concern about overgrown vegetation and mosquito harborage on city-owned property behind her house and request that it be cleaned and treated for mosquitoes
- F. Items of Community Interest (08:50 on 05/22/18 Council Recording)**  
Mayor Spradlin noted the following upcoming events:
- May 31 through June 2 – Silent Film Festival at First Presbyterian Church by East Texas Pipe Organ Festival
  - June 1 – Friday After Five featuring “My Jazz Duo,” World’s Richest Acre, 8:00 p.m.
  - June 8 and 9 – East Texas Oilmen’s Golf Classic at Meadowbrook Golf & Events Center
  - June 12 – First day of Kilgore Public Library’s Summer Reading Program

- June 16 – Juneteenth Celebration sponsored by Kilgore Legacy Foundation, City Park
- June 28 – Opening night of Texas Shakespeare Festival, Van Cliburn Auditorium, 7:30 p.m.
- First annual Children’s Fire Camp for ages 8 to 14 – last week of June
- May 24 - Free movies at Texan Theater to celebrate National Historical Preservation Week

**G. Presentations (12:40 on 05/22/18 Council Recording)**

1. Mayor Spradlin read a Proclamation acknowledging the month of May as National Historical Preservation Month and declaring May 21 through May 27 as Historical Preservation Week in the City of Kilgore.
2. Fire Chief Johnny Bellows and Assistant Chief Mark Henderson presented Life Safety Pins to the following recipients: Robert King, Roger Crues, Michael Stanley, Julie Webb, Bryan McLaughlin, and Edgar Rachal.
3. Stacey Cole, Library Director, recognized Marilyn Kitchens for 5 years of service with the Kilgore Public Library.
4. Ricky Custer, 2018 “Geekend” coordinator, presented a portion of 2018 “Geekend” revenues to the Texan Theater Renovation Fund
5. Bill Martin, Finance Director, presented the Quarterly Financial Report for period ending 3/31/18.
6. Amanda Nobles, Executive Director, and Jana Russell, Assistant Director, presented the FY2018 Mid-Year Report of Kilgore Economic Development Corporation

**H. Consent Agenda (55:54 on 05/22/18 Council Recording)**

1. Minutes of City Council Regular Meeting on May 8, 2018
2. Minutes of KEDC meeting on May 15, 2018

**Motion: Council Member Holmes made the motion to approve the Consent Agenda as presented. Motion was seconded by Council Member Barr and carried unanimously.**

**I. Public Hearings/Ordinances/Resolutions (56:37 on 05/22/18 Council Recording)**

1. Resolution 18-08 – Support of submission of application for Cultural District designation

Sonya Trout, Special Event and Main Street Coordinator, requested Council support of the Cultural District designation for a period of at least 10 years, which would encourage continued collaboration among Kilgore’s creative organizations, events and historic and cultural assets (venues, facilities, locations, etc.), and contribute to sustainable creativity and innovation within Kilgore. She said the application process has been a collaborative effort of key stakeholders, including Texas Shakespeare Festival, KISD, Kilgore College, East Texas Oil Museum, Rangerettes Showcase & Museum, East Texas Pipe Organ Festival, Reel East Texas Film Festival, and KHPF. This designation will help Kilgore be a funnel for more grants available for the various entities in order to stimulate economic development in the area.

**Motion: Mayor Pro Tem McClendon made the motion to approve Resolution 18-08 as presented. Motion was seconded by Council Member Barr and carried unanimously.**

2. Ordinance No. 1713 – Zoning change from “A” Apartment District to “R3” Single Family Residential District on Lots 15 and 16 of Block 4 in the Industrial Heights Subdivision at 501 Spear Street

Mayor Spradlin opened the Public Hearing and recognized Carol Windham, Director of Planning, who told Council that she has received no protests regarding this requested zoning change, conforming with the current land use of the area, which is predominantly single-family homes and

not apartments. There were no further requests to speak, and Mayor Spradlin closed the Public Hearing.

- Approval of Ordinance No. 1713

**Motion: Council Member Boyd made the motion to approve Ordinance No. 1713 as presented. Mayor Pro Tem McClendon seconded the motion, which carried unanimously.**

**3. Ordinance No. 1705 – Update of City Comprehensive Plan “Future Land Use Map” – Josh Selleck, City Manager**

Mayor Spradlin opened the Public Hearing and recognized Josh Selleck, City Manager, who told Council that this agenda item mainly deals with determining the character and intensity of land use of large areas of the city. He said how the city will develop in the future will be based on three classes of land use in the Comprehensive Plan: 1) Residential, 2) Commercial, and 3) Industrial. With the goal of keeping land uses separate from each other with buffers, it is desirable to place land uses of similar character adjacent to each other in order to attain the highest and best uses for designated areas. He advised Council that city staff has determined that the highest and best use of the area bounded by U.S. Highway 259, State Highway 42, and Lantrip Street would be commercial, not residential, even though this specific area is surrounded on two sides by residential.

Following Mr. Selleck’s presentation, Mayor Spradlin recognized Mike Sechrist of 415 Boone, who requested that information contained in the Comprehensive Plan be made available showing which residential properties will be affected by land use determinations in the Plan and specifically the allowable depth of commercial lots along the U.S. 259 corridor. Mr. Selleck said that there is no black-and-white answer to the allowable depth and that it would likely be determined on a case-by-case basis. He encouraged residents to participate in the formulation of the Comprehensive Plan in the near future. Susan Sechrist of 415 Boone also spoke, saying she disagrees with Mr. Selleck’s philosophical point of view regarding future land use. She requested clear, factual information for residents to rely on regarding the future land use of the 259 corridor.

Mayor Spradlin recognized James Vizina of 1012 Richards Street, who agreed with the philosophy of determining that U.S. Highway 259 is a commercial zone, so he would agree to a compromise for Local Commercial zoning with conditional overlays that will be maintained and enforced.

Mayor Spradlin recognized Matthew Barr of 1303 E. Lantrip, who expressed concerns about increased traffic on Lantrip, Richards, and Thompson streets that will result from the additional traffic to the commercial property at Highway 259 and Lantrip.

Speaking in opposition to the commercial designation was Pat Morris of 1101 Andrews, who said creation of a green space buffer is the highest and best use of the property neighborhood. She expressed concern that the character of the historic neighborhood will be adversely affected by a commercial designation without a green space buffer, which would be a compromise between the developers and the neighborhood residents, whose property values need to be considered by the City Council, she said.

As there were no further requests to speak, Mayor Spradlin closed the Public Hearing and called for a motion on Ordinance No. 1705.

- Approval of Ordinance No. 1705

**Motion: Council Member Holmes made the motion to approve Ordinance No. 1705 as presented. Council Member Boyd seconded the motion, which carried unanimously.**

**4. Ordinance No. 1706 – Zoning Change from Residential (R2) to Local Commercial (LC) at 610 US Hwy 259 Business and 1002 Richards Street**

Mayor Spradlin opened the Public Hearing and recognized Carol Windham, who gave an overview of the recent zoning history of this property from Residential to Local Commercial (LC), bringing all four lots into the LC zone. She said the Planning & Zoning Board voted 5 to 1 to recommend approval of the LC zoning with conditional overlay. She noted that residents living within 200 feet of the proposed zone were notified prior to the Planning & Zoning Board meeting. She also said meetings between the residents and the zoning change applicants were held within the past month, with specific overlay requirements set by all parties to be met by applicants during development of the property.

Mayor Spradlin recognized the following people who spoke regarding information and opposition to the proposed zoning change:

- Mike Sechrist of 415 Boone Street (Opposed)
- Susan Sechrist of 415 Boone Street (Opposed)
- Charlotte Mobbs (Applicant in favor)
- Kenny Mobbs (Applicant in favor)
- Karen Conner of 1300 E. Lantrip (Opposed)
- Pat Morris of 1101 Andrews (Opposed)
- Ronnie Hobbs of 1139 E. Lantrip (Opposed)
- Nate Mobbs (In favor)
- Maria Trull of 1011 Richards (Opposed)

**Motion: Council Member Boyd made the motion to approve Ordinance No. 1706, with additional conditional overlays as presented. Council Member Holmes seconded the motion, which carried by a vote of 4 to 1, with Council Member Barr voting nay.**

**J. Discussion and Possible Action Items (2:48:50 on 05/22/18 Council Recording)**

- 1. Design of new manhole covers for future sewer system rehabilitation projects**  
Josh Selleck said that over the next 20 to 30 years, the city's wastewater infrastructure will be replaced, beginning with the upcoming Riverside-Dudley project. As replacements are made during that time period, new manhole covers will be installed, and staff would like for the new infrastructure to be distinguished with manhole covers that contain a new design specific to Kilgore. Mr. Selleck showed Council a proposed design as a starting point, noting that adjustments will be made as Council directs. He said no Council action is necessary at this time, but staff is seeking Council direction to proceed with this design project. Council agreed that staff should proceed with the project.

**K. Executive Session (3:01:34 on 05/22/18 Council Recording)**

Mayor Spradlin closed the open meeting at 8:35 p.m. to convene in Executive Session to discuss the following:

- Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072
  - Property near the intersection of Dudley Road and Mercer Street
  - Property near the vicinity of the Rabbit Creek Lift Station on State Highway 31
  - 1612 S. Henderson Blvd.
  - 213 E. South Street

- Property near the intersection of Highway 135 and Rogers Street
- Property near the intersection of North Street, Sixth Street, and Martin Luther King Blvd.
- Personnel matters pursuant to Section 551.074
  - Annual performance evaluation of City Manager by City Council

**L. Possible action on items in Executive Session**

Noting the absence of Council Member Barr, who had to leave before Executive Session was closed, Mayor Spradlin reconvened in open session at 9:53 p.m., and Council took the following action on items discussed in Executive Session:

**Motion: Mayor Pro Tem McClendon made the motion to authorize the City Manager to negotiate and execute purchase of property near the intersection of Dudley Road and Mercer Street and property at 213 E. South Street. Motion was seconded by Council Member Boyd and carried unanimously. Council Member Barr was absent at this time and did not vote.**

**M. Adjournment**

Upon a motion by Mayor Pro Tem McClendon and second by Mayor Spradlin, the meeting was adjourned at 9:55 p.m.

**ATTEST:**

**CITY OF KILGORE, TEXAS**

---

**DEBORAH DANE, CITY CLERK**

---

**R. E. SPRADLIN, III, MAYOR**

**RESOLUTION 18-09**

**WHEREAS**, a resolution of the City Council of Kilgore, Texas, in support of the designation of that portion of United States Highway 31 from the city limits of Kilgore, Gregg County, Texas to the city limits of Longview, Gregg County, Texas, as “**Veterans Memorial Highway.**”

**WHEREAS**, the Kilgore City Council has been approached by local veterans requesting the designation of the above described section of U. S. Highway 31 as “**Veterans Memorial Highway.**”

**WHEREAS**, the Kilgore City Council hereby supports in mind and in spirit the designation of the aforesaid section of U. S. Highway 31 as the “**Veterans Memorial Highway.**”

**NOW, THEREFORE, BE IT RESOLVED** that the Kilgore City Council adopts this Resolution in support of the designation and authorizes the signature and execution of this Resolution.

**APPROVED AND ADOPTED** by the City Council of Kilgore, Texas, this 12<sup>th</sup> day of June, 2018.

\_\_\_\_\_  
R. E. Spradlin, III, Mayor

\_\_\_\_\_  
Merlyn Holmes  
Council Place 1

\_\_\_\_\_  
Harvey McClendon  
Council Place 2 and Mayor Pro Tem

\_\_\_\_\_  
Neil Barr  
Council Place 3

\_\_\_\_\_  
Victor A. Boyd  
Council Place 4

ATTEST: \_\_\_\_\_  
Deborah Dane, City Clerk



**TEXAS DEPARTMENT OF TRANSPORTATION**  
MASTER UTILITY AGREEMENT

This Agreement between the State of Texas, acting by and through the Texas Department of Transportation (“**TxDOT**”) and the City of Kilgore (“**Utility**”)(each a “**Party**” and collectively the “**Parties**”) delineates the responsibilities of the Parties with respect to the coordination and possible relocation of certain utilities resulting from TxDOT transportation projects (the “**Project**” or “**Projects**”).

**RECITALS**

1. Utility owns, operates, and maintains utility facilities throughout the State of Texas.
2. TxDOT has various Projects throughout the State of Texas. On occasion these Projects require the relocation of Utility’s facilities.
3. To facilitate the planning, design, safe construction, and ultimate operation of TxDOT Projects, the Parties will identify the location and nature of Utility’s facilities on such Projects.
4. The Parties desire to delineate TxDOT’s plan for addressing any Utility conflict and the process and requirements of both Parties for all TxDOT Projects across Texas through the life of a Project.
5. As part of the Utility’s conflict process, the Parties have determined that it is in their mutual best interest to coordinate communications and actions on a Project from the initial planning stage through the completion of the Project to avoid unnecessary costs or delays to either party. The Parties have also determined that design should first consider feasible conflict avoidance before any Utility accommodation is recommended or requested as part of a Project.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the Parties mutually agree as follows:

**A. PLANNING STAGE**

1. Upon initiation of a Project, TxDOT will provide a Notice of Proposed Construction (“**NOPC**”) to Utilities believed to have facilities in and around the Project, in a form substantially similar to that attached in Exhibit “A.”
2. The Parties shall cooperate to identify potential conflicts between a Utility’s facility and the Project and work towards the most effective resolution of such conflicts.
3. If Utility’s conflicts cannot be avoided, the Parties will work toward the most effective resolution of such conflicts, which may include Utility facilities accommodation.

\_\_\_\_\_  
Initial      Date  
TxDOT

\_\_\_\_\_  
Initial      Date  
Utility

4. Unless otherwise prohibited by outside construction agreements, TxDOT agrees to provide Utility access to the current design plans for the Project after TxDOT provides the Utility with the NOPC.
5. Utility agrees to provide TxDOT, upon request by TxDOT, and subject to critical energy infrastructure information (CEII) limitations, facilities maps, including as-built plans if available, of its current Utility facilities in and around the Project relevant to a conflict analysis.
6. The Parties agree that the initial point of contact for any Project shall be the respective local or identified representatives.

## **B. UTILITY CONFLICT IDENTIFICATION**

1. Once the Parties have identified a conflict between the Project and Utility's facility that cannot be feasibly avoided by design and requires the relocation of Utility's facility, TxDOT will provide Utility with a Notice of Required Accommodation ("NORA") in a form substantially similar to that attached in Exhibit "B."
2. The NORA will detail TxDOT's proposed construction schedule and the date by which the Utility is requested to have the conflict resolved. Parties agree that the timeline for conflict resolution is dependent on the project scope as defined in the Standard Utility Agreement ("**SUA**"), but such resolution shall not be requested sooner than 90 days from the date of the NORA unless otherwise agreed to by the Parties.
3. The Utility may rely upon the NORA and the schematics or plans provided therein to begin preliminary utility activities (e.g., design; due diligence activities including surveying, engineering, field verifications, as-built research, right of way or easement research, utility customer impact re-configurations; and ordering materials that require extended lead times for the relocation of its facilities). **Physical relocation of reimbursable adjustments shall not commence until the SUA is executed by the Parties.**

## **C. UTILITY RELOCATION AGREEMENT**

1. Upon the Utility's receipt of the NORA, TxDOT and the Utility will enter into a SUA in a form substantially similar to that attached as Exhibit "C."
2. The Parties agree to work diligently to finalize the SUA within 90 days of the NORA, as described in Transportation Code §203.0935, unless otherwise agreed to by the Parties or the Parties have invoked the escalation process described in Section F.
3. The SUA will include an estimated completion date by which the Utility expects to have the conflict resolved.

\_\_\_\_\_  
Initial      Date  
TxDOT

\_\_\_\_\_  
Initial      Date  
Utility

**D. RELOCATION OF UTILITY FACILITY WITHIN HIGHWAY RIGHT OF WAY**

1. If the Utility wishes to relocate its facilities within the highway right of way, the Parties agree to work diligently in determining the appropriate location of the relocated facility.
2. Upon determination of the new location of the utility facility within the highway right of way and application by the Utility, TxDOT will facilitate the timely issuance of a permit allowing the installation of the utility facility.

**E. UTILITY REIMBURSEMENT**

1. A change to the TxDOT schematics or plans included in the NORA that requires the Utility to undertake subsequent utility accommodation activities, or a cancellation of TxDOT plans to construct the Project, will entitle the Utility to the reimbursement of such applicable expenses. Utility will be eligible for such reimbursement regardless of the Utility's reimbursement status for the initial relocation under Transportation Code §203.092.

**F. FAILURE TO RESOLVE CONFLICT**

1. If the Parties have not reached an agreement to resolve the utility conflict within 90 days of the NORA, the Parties will utilize the escalation process below:
  - a. Either Party may request an in-person meeting with a representative of each Party with authority to resolve the utility conflict. Notice shall be delivered by the requesting Party outlining the basis of the unresolved conflict.
2. If the escalation process fails to resolve the utility conflict within a timely manner, TxDOT may invoke its right under Transportation Code §203.0935 to relocate the facility itself.

**SIGNATURE PAGE FOLLOWS**

\_\_\_\_\_  
Initial      Date  
TxDOT

\_\_\_\_\_  
Initial      Date  
Utility

The signatories to this Agreement warrant that each has the authority to enter into this Agreement on behalf of the party represented.

The rights and obligations of the Parties to this Agreement will be binding on, and will be of benefit to, each of the parties' successors, assigns, heirs and estates.

IN WITNESS WHEREOF, the Parties hereto have affixed their signatures.

**UTILITY**

Utility: The City of Kilgore  
*Name of Utility*

By: \_\_\_\_\_  
*Authorized Signature*

Josh Selleck  
*Print or Type Name*

Title: City Manager

Date: \_\_\_\_\_

**EXECUTION RECOMMENDED:**

\_\_\_\_\_  
*Utility Portfolio Section Director, Right of Way Division*

<p style="text-align: center;"><b>THE STATE OF TEXAS</b></p> <p>Executed and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.</p> <p>By: _____ <i>Director, Right of Way Division</i></p> <p>Date: _____</p>
--