

STATE OF TEXAS §
COUNTY OF POLK §
CITY OF LIVINGSTON §

MINUTES
REGULAR MEETING
AND PUBLIC HEARING
CITY COUNCIL
September 8, 2020
5:00 P.M.

The City Council of the City of Livingston, Texas convened in regular session in Council Chambers at City Hall at 5:00 P.M., September 8, 2020, with the following members present:

Judy B. Cochran)	Mayor
Alan Cook)	Councilmembers
Elgin Davis)	
Marion 'Bid' Smith)	
Clarke Evans)	
Billy S. Wiggins)	City Manager
Ellie Monteaux)	City Secretary/Assistant City Manager
James Wright)	City Attorney

and the following others present:

Addie Spicer)	Polk County SPCA
Marty Reese)	
Barbara Alexander)	
Jeff Hunter)	Community Development Coordinator
Josh Mohler)	Fire Marshal/Code Enforcement Officer
Jason Chlapek)	Polk County Enterprise

Mayor Cochran called the meeting to order at 5:00 P.M. and called on Alderman Davis to open the meeting with prayer and the pledges.

It was moved by Alderman Smith and seconded by Alderman Cook that the minutes of the regular meeting of August 11, 2020 be approved. All present voted aye.

Mayor Cochran declared a public hearing in session at 5:02 P.M. on the proposed budget for the fiscal year October 1, 2020 through September 30, 2021. There being no member of the public present to comment in the public hearing, the Mayor declared the public hearing closed at 5:03 P.M.

The City Manager introduced the proposed ordinance adopting the budget for fiscal year October 1, 2020 through September 30, 2021. Mayor Cochran called for a record vote on the proposed ordinance, as presented, to be approved and adopted. The proposed ordinance was adopted by the record vote as follows:

AYES: Alderman Davis
 Alderman Cook
 Alderman Smith
 Alderman Evans

NOES: None

Mayor Cochran noted that Alderman Luna was not present at the meeting.

The ordinance, as approved, is captioned as follows:

"ORDINANCE NO. A-822

AN ORDINANCE ADOPTING A BUDGET FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH."

The City Manager presented the proposed budget adjustments to revenues and disbursements for the fiscal year October 1, 2019 through September 30, 2020. It was moved by Alderman Evans and seconded by Alderman Davis that the budget adjustments for the fiscal year October 1, 2019 through September 30, 2020, as presented, be approved. All present voted aye.

Mayor Cochran recognized Addie Spicer, SPCA Volunteer, who provided an overview of the spay and neuter programs offered by the Polk County SPCA. No action was taken on this item.

(Addie Spicer, Marty Reese and Barbara Alexander retired from the meeting.)

The City Manager presented a proposed renewal of the annual agreement with Polk County for firefighting services to be provided by the Livingston Volunteer Fire Department outside the City limits from October 1, 2020 through September 30, 2021, reflecting funding of \$41,313.82 by the County. It was moved by Alderman Davis and seconded by Alderman Cook that the annual firefighting agreement, including the County's contribution of \$41,313.82, be approved and the Mayor be authorized to execute such agreement. All present voted aye.

The City Manager presented a preliminary plat for approval of Vaquero Livingston Addition Lot 1 Block A for approval. Discussion ensued relative to the location of the plat and the business to be built at the site. Alderman Cook noted that the preliminary plat included typographical errors. It was moved by Alderman Davis and seconded by Alderman Evans that the preliminary plat of Vaquero Livingston Addition Lot 1 Block A be accepted and approved with the stipulation that the typographical errors will be corrected. All present voted aye.

The City Manager presented a proposed ordinance to amend Section 40-23(d)(6)b. of the Code of Ordinances regarding imposition of a distributed energy resource fee for residential electrical utility customers with a distributed energy (solar) generating system. It was moved by Alderman Smith and seconded by Alderman Cook that the proposed ordinance amending Section 40-23(d)(6)b. of the Code of Ordinances, as presented, be approved and adopted. All present voted aye. The ordinance, as approved, is captioned as follows:

"ORDINANCE NO. A-823

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, TEXAS, AMENDING CHAPTER 40 - UTILITIES, ARTICLE II - ELECTRIC SERVICE, SECTION 40-23(d)(6)b OF THE CODE OF ORDINANCES OF THE CITY OF LIVINGSTON, REGARDING THE IMPOSITION OF A DISTRIBUTED ENERGY RESOURCE (DER) FEE ON RESIDENTIAL UTILITY CUSTOMERS WITH DISTRIBUTED ENERGY RESOURCE GENERATING SYSTEMS; PROVIDING FOR CUMULATIVE EFFECT; AND PROVIDING FOR SEVERABILITY THEREOF."

The City Manager introduced a resolution designating the *Polk County Enterprise* as the official newspaper for the City for the fiscal year October 1, 2020 through September 30, 2021. It was moved by Alderman Cook and seconded by Alderman Davis that the resolution, as introduced, be approved and adopted. All present voted aye. The resolution, as approved, is captioned as follows:

"RESOLUTION NO. 585

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, TEXAS, DESIGNATING AN OFFICIAL NEWSPAPER FOR THE CITY OF LIVINGSTON FOR FISCAL YEAR 2020-2021."

It was moved by Alderman Cook and seconded by Alderman Evans that the accounts over \$500.00, as submitted, be approved for payment. All present voted aye.

The City Manager presented Pay Request No. 12 of Maguire Iron, Inc. in the amount of \$81,700.00. Kirk Bynum, Project Manager with the Brannon Corporation, has reviewed the pay request and recommended approval. This amount represents fabrication of the West Street Tower and the Walnut Street Tower. Based on the recommendation of the City Manager and Project Engineer, it was moved by Alderman Davis that Payment Request No. 12 in the amount of \$81,700.00 to Maguire Iron, Inc., payable from local funds, be approved as presented. Discussion ensued relative to the stainless steel pipe at the West Street water tank that was painted by the contractor and is to be replaced, the possible number of remaining pay requests, the warranty, and the 5% retainage on the project. The motion was seconded by Alderman Evans. All present voted aye.

Mayor Cochran called a Public Hearing for October 13, 2020 at 5:00 P.M. regarding the possible determination as an unsafe and/or dilapidated building, an abandoned motel, located at 1200 N. Washington Avenue, Livingston, Texas, being situated on a 2.901 acre tract of land, in the M. L. Choate Survey, A-15, and described in a deed recorded in Volume 1496, Page 737 of the Official Public Records of Polk County, Texas, owned by Indira Patel; and the cleanup and removal of weeds, rubbish, garbage and abandoned personal property at the property and address described above.

The City Manager reported on the following items:

- A) Update on Projects and Development - The City Manager provided the Council with an update of current projects and development.

B) Upcoming Events:

9/11 Remembrance Ceremony - Friday, September 11th at City Hall

C) Coronavirus Disease (COVID-19) - The City Manager advised Council of the latest statistics for Polk county and the City's response to coronavirus/COVID-19.

D) Sales Tax - The sales tax report from the State Comptroller will be available September 14, 2020.

(Jeff Hunter, Josh Mohler and Jason Chlappek retired from the meeting.)

Mayor Cochran called the Council into executive session at 6:02 P.M., pursuant to Texas Government Code Section 551.074 (Personnel - Review of Proposed Salary Schedule for the Fiscal Year 10/1/2020 - 9/30/2021).

Council reconvened in open session at 6:26 P.M.

It was moved by Alderman Evans and seconded by Alderman Cook that the City of Livingston Proposed Salary Schedule for the Fiscal Year 10/1/2020 - 9/30/2021 be approved. All present voted aye.

There being no further business to come before the City Council, it was moved by Alderman Cook and seconded by Alderman Smith that the meeting be adjourned at 6:27 P.M. All present voted aye.

SIGNED:



Judy B. Cochran, Mayor

ATTEST:



Ellie Monteaux, TRMC, MMC, CPM
City Secretary/Assistant City Manager