

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

**MINUTES**  
**REGULAR MEETING AND**  
**PUBLIC HEARING**  
**CITY COUNCIL**  
**February 11, 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., February 11, 2020, with the following members present:

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

and the following others present:

Steve Palmerton	)	Harper and Pearson Co., P.C.
Kevin Bienvenu	)	
Michael Beard	)	BETCO Consulting
Roger Canales	)	
Emanuel Glockzin, Jr.	)	Ridgecrest Inn/Livingston Plaza

**Page 2, City Council Meeting Minutes of 02/11/2020**

Edward Jones	)	E.W. Jones Family Limited Partnership
Jared Jernigan	)	Livingston-Polk County Chamber of Commerce
Jeff Hunter	)	Community Development Coordinator
Josh Mohler	)	Fire Marshal/Code Enforcement Officer
Patricia Crawford	)	Finance Director

Mayor Cochran called the meeting to order at 5:00 P.M. and called on Alderman Cook 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 January 14, 2020 be approved. All present voted aye.

Mayor Cochran recognized Steve Palmerton and Kevin Bienvenu, CPAs with the accounting firm of Harper & Pearson Company, who performed the audit for the fiscal year ended 9/30/19. Mr. Palmerton presented the annual financial highlights and reviewed the performance of the General and Utility System funds for the fiscal year. Mr. Palmerton advised the Council that the City is in the most favorable financial condition he has seen for the City of Livingston and the City continues to be operated efficiently. Mr. Bienvenu addressed Council and expressed his appreciation for allowing their firm to complete the audit. It was moved by Alderman Cook and seconded by Alderman Evans that the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended 09/30/19, as prepared by the auditing firm of Harper and Pearson Company, P.C., be accepted. All present voted aye.

(Steve Palmerton, Kevin Bienvenu and Patricia Crawford retired from the meeting.)

The City Manager recognized Michael Beard, with BETCO Consulting, who presented a request for a resolution in support of the application by Livingston Pioneer Crossing to the Texas Department of Housing and Community Affairs for 2020 housing tax credits for the construction of Livingston Pioneer Crossing, an 80-unit senior apartment community on Dogwood. Discussion ensued relative to the proposed resolution of support which includes a request for a reduction of the building permit

fee by \$250.00, location of the proposed construction, build out of the street, and market data indicating a demand for senior housing in the community. It was moved by Alderman Smith and seconded by Alderman Evans that the resolution of support for the submission of an application to the Texas Department of Housing and Community Affairs for 2020 Housing Tax Credits for the construction of Livingston Pioneer Crossing, an 80-unit senior apartment community on Dogwood, be approved, as presented. All present voted aye. The resolution, as approved, is captioned as follows:

**"RESOLUTION NO. 578**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, TEXAS, SUPPORTING THE SUBMISSION OF AN APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 2020 HOUSING TAX CREDITS FOR THE LIVINGSTON PIONEER CROSSING DEVELOPMENT."**

The City Manager recognized Emanuel Glockzin, owner of Ridgecrest Inn Apartments at 901 Forest Hollow, who presented a request for a resolution in support of the application by Ridgecrest Inn Apartments LTD to the Texas Department of Housing and Community Affairs for 2020 housing tax credits for the apartment rehabilitation project. Discussion ensued relative to the age of the property, the gate to be added to the property, amount of the project and time frame for start up of the project. It was moved by Alderman Luna and seconded by Alderman Cook that the resolution of support for the submission of the application by Ridgecrest Inn Apartments LTD to the Texas Department of Housing and Community Affairs for 2020 Housing Tax Credits for the rehabilitation of existing Ridgecrest Inn Apartments at 901 Forest Hollow, be approved, as presented. All present voted aye. The resolution, as approved, is captioned as follows:

**"RESOLUTION NO. 579**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, TEXAS, SUPPORTING THE SUBMISSION OF AN APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 2020 HOUSING TAX CREDITS FOR THE RIDGECREST INN APARTMENTS DEVELOPMENT AND PROVIDING FOR A WAIVER OF CERTAIN FEES."**

The City Manager recognized Emanuel Glockzin, owner of Livingston Plaza Apartments at 1001 Forest Hollow, who presented a request for a resolution in support of the application by Livingston Plaza LTD to the Texas Department of Housing and Community Affairs for 2020 housing tax credits for the apartment rehabilitation project. Discussion ensued relative to the amount of the project, the gate to be added to the property and security measures at the complex. It was moved by Alderman Cook and seconded by Alderman Smith that the resolution of support for the submission of the application by Livingston Plaza LTD to the Texas Department of Housing and Community Affairs for 2020 Housing Tax Credits for the rehabilitation of existing Livingston Plaza at 1001 Forest Hollow, be approved, as presented. All present voted aye. The resolution, as approved, is captioned as follows:

**"RESOLUTION NO. 580**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, TEXAS, SUPPORTING THE SUBMISSION OF AN APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 2020 HOUSING TAX CREDITS FOR THE LIVINGSTON PLAZA APARTMENTS DEVELOPMENT AND PROVIDING FOR A WAIVER OF CERTAIN FEES."**

(Jared Jernigan, Michael Beard, Roger Canales and Emanuel Glockzin retired from the meeting.)

Mayor Cochran opened a Public Hearing at 5:31 P.M. regarding the City of Livingston Water Conservation and Emergency Water Management Plan as prepared by KSA Engineers. The City Manager advised that he spoke with Gary Ashmore, General Manager of the Texas Lower Trinity Groundwater Conservation District, who approves the proposed plan.

There being no one present speaking for or against the City of Livingston Water Conservation and Emergency Water Management Plan and no further comments to be received in the public hearing, Mayor Cochran declared the public hearing closed at 5:32 P.M.

The City Manager presented a proposed ordinance adopting the 2019 Amendment to the Water Conservation and Emergency Water Management Plan for approval. It was moved by Alderman Smith and seconded by Alderman Luna that the proposed

ordinance, as presented, be approved and adopted. All present voted aye. The ordinance, as approved, is captioned as follows:

**"ORDINANCE NO. A-818**

**AN ORDINANCE OF THE CITY COUNCIL, CITY OF LIVINGSTON, TEXAS, ADOPTING 2019 AMENDMENT TO WATER CONSERVATION AND EMERGENCY WATER MANAGEMENT PLAN."**

Mayor Cochran opened a Public Hearing at 5:34 P.M. regarding the possible determination as an unsafe and/or dilapidated building, a 60 ft. by 14 ft. mobile home, Polk County Tax Account ID 26582, located at 1105 Sprott Street #11, in the City of Livingston, Texas, said mobile home allegedly owned by Jesus Olivares or his unknown heirs or assigns, or by E. W. Jones Family Limited Partnership, or any other unknown person, firm or corporation claiming ownership of said mobile home.

Fire Marshal/Code Enforcement Officer Josh Mohler and Edward Jones were sworn as witnesses. Jesus Olivares was not present at the hearing. No other party claiming an interest in the mobile home was present.

Josh Mohler presented his report to Council concerning the possible determination as an unsafe and/or dilapidated building, a 60 ft. by 14 ft. mobile home, Polk County Tax Account ID 26582, located at 1105 Sprott Street #11, in the City of Livingston, Texas. The manufactured home located on the above property is an unsafe building under the City's Unsafe Building Code, and is in violation of Section 10-209 of the Code of Ordinances of the City of Livingston because the structure located on the property is not maintained in a safe and sanitary condition. Mr. Mohler confirmed that notices had been published in the Polk County Enterprise, posted on the property, and mailed by certified mail to the owner of the property. Mr. Mohler provided Council with the most recent pictures of the property advising that the property continues to be unsafe, unsanitary and a public nuisance.

Mr. Mohler recommended 1) that the property owner be given thirty days for the complete demolition of the manufactured home; 2) that the City proceed with demolition and clearing of the property if the owner fails to act within thirty (30) days; and 3) that the City's costs be assessed against the property owner and secured by a lien on the property.

There being no one present speaking for or against the manufactured home owner and no further comments to be received in the public hearing, Mayor Cochran declared the public hearing closed at 5:50 P.M.

(Edward Jones retired from the meeting.)

Based on the evidence presented at the Public Hearing and as recommended by the City Attorney and Fire Marshal/Code Enforcement Officer, it was moved by Alderman Cook and seconded by Alderman Smith that the following Final Order be issued:

- 1) That the Council find that the 60 ft. by 14 ft. mobile home, Polk County Tax Account ID 26582, located at 1105 Sprott Street #11, in the City of Livingston, Texas, to be dilapidated, substandard, unsafe and a public nuisance, that the conditions described in the testimony of Josh Mohler exist and there is a danger to the life, health, property or safety of the public, and that it is not feasible to make repairs to the structure.
- 2) It is ordered that Jesus Olivares is to immediately secure the home to prevent unauthorized entry, and to demolish said structure and remove all demolition debris within 30 days. All such rubbish and debris must be taken to the Polk County Landfill for disposal, and delivery tickets from the Landfill evidencing such disposal be presented to the City's Community Development Department within said 30 days. If the structure is not demolished and all debris removed within said 30 days, the City shall cause the structure to be demolished, and all debris removed, and the City shall place a lien on the property to recover the City's costs.

All present voted aye. The Final Order of Abatement related to Case No. CE-2019005 shall be attached with these minutes.

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

The City Attorney advised Council that Item VIII. Public Hearing on Determination of Unsafe and/or Dilapidated Building and Cleanup of Property and Item IX. Discussion and Consider Possible Action regarding a structure located at 807 W. North are not needed at this time as the landowner has demolished the structure and cleared the property.

The City Attorney advised Council that Item X. Public Hearing on Show Cause Notice for Non-Compliance with Final Order of Demolition and Item XI. Discussion and Consider Possible Action regarding the property located at 315 E. Pine Hill Drive and/or 315 N. East Avenue are not needed as the manufactured home has been removed and property has been cleared.

The City Manager advised Council that Mayor Cochran will sign the order for the City's General Election to be held on May 2, 2020 for the purpose of electing one (1) Mayor and two (2) Councilmembers.

The City Manager presented an interlocal agreement with Polk County for use of election equipment and services to be provided by Polk County Clerk's office for the General Election ordered to be held May 2, 2020. It was moved by Alderman Luna and seconded by Alderman Evans that the Interlocal Agreement between the City and the County for the use of the county-owned voting equipment and election services be approved. All present voted aye.

The City Manager presented a proposed resolution to establish election procedures and designate a presiding judge for the General Election to be held May 2, 2020. It was moved by Alderman Cook and seconded by Alderman Smith that the resolution, as introduced, be approved and adopted. All present voted aye.

The City Manager advised Council that Mayor Cochran will sign the Notice of General Election for the City's General Election to be held on May 2, 2020 for the purpose of electing one (1) Mayor and two (2) Councilmembers.

It was moved by Alderman Smith 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 Change Order No. 1 of Maguire Iron, Inc. for the construction of two elevated water storage tanks including the addition of roof handrails to each elevated water storage tank. Kirk Bynum, Project Manager with the Brannon Corporation, has reviewed the change order and recommended approval. It was moved by Alderman Cook and seconded by Alderman Luna that Change Order No. 1 of Maguire Iron, Inc. regarding the construction of two elevated water storage tanks be approved as presented. All present voted aye.

The City Manager presented Pay Request No. 5 of Maguire Iron, Inc. in the amount of \$314,082.06. Kirk Bynum, Project Manager with the Brannon Corporation, has reviewed the pay request and recommended approval. This amount represents the

off-site fabrication of steel components of both tanks. Based on the recommendation of the City Manager and Project Engineer, it was moved by Alderman Smith and seconded by Alderman Cook that Payment Request No. 5 in the amount of \$314,082.06 to Maguire Iron, Inc., payable from local funds, be approved as presented. All present voted aye.

The City Manager presented Pay Request No. 6 of TraC-n-trol, Inc. in the amount of \$15,082.20 for TxCDBG Contract No. 7218290 Sewer Improvements SCADA Project, payable from local funds, for approval. This amount represents work on programming for the system. For grant administration purposes, a funding request will be submitted by the grant administrator to the Texas Department of Agriculture on behalf of the City of Livingston as part of the TxCDBG Contract No. 7218290 Sewer Improvement SCADA Project. Budgeted funds for the construction portion of the grant have been utilized; therefore, this payment will be made from local funds for this portion of the project. It was moved by Alderman Cook and seconded by Alderman Evans that Pay Request No. 6 of TraC-n-trol, Inc. In the amount of \$15,082.20 for TxCDBG Contract No. 7218290 Sewer Improvements SCADA Project, payable from local funds, be approved as presented. All present voted aye.

The City Manager reported on the following items:

- A) Update on Current Projects and Development - The City Manager provided the Council with an update of current projects and development.
  
- B) Upcoming Events
  - ▶ Livingston Volunteer Fire Department Fire Training School - Friday February 21<sup>st</sup> and Saturday February 22<sup>nd</sup> at the LVFD Fire Training Field
  - ▶ City of Livingston Annual Employee Appreciation Dinner - A recap of the event was provided.
  - ▶ Swearing In Ceremony for Police Chief - Monday, March 2<sup>nd</sup> at 2:00 P.M. Matt Parrish will be sworn in as Police Chief of Livingston Police Department
  
- C) Setting of Special-Called Meeting - The proposed Polk County Emergency Management Plan was received Thursday, February 6, 2020. It is necessary for Council to meet in special session to review the proposed plan. Discussion ensued concerning dates and times for the special-called meeting.

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 6:24 P.M. All present voted aye.

**SIGNED:**

  
\_\_\_\_\_  
**Judy B. Cochran, Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**Ellie Monteaux, TRMC, CMC**  
**City Secretary/Assistant City Manager**

**CAUSE NO. CE-2019005**

**AN ORDER OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON,  
TEXAS WITH REGARD TO THE ABATEMENT OF THE UNSAFE AND  
DILAPIDATED MOBILE HOME LOCATED AT 1105 SPROTT ST. #11,  
LIVINGSTON, TEXAS AND THE ABATEMENT OF PUBLIC NUISANCES  
ON SUCH PROPERTY**

**FINAL ORDER OF ABATEMENT**

**WHEREAS**, on the 11<sup>th</sup> day of February, 2020, at 5:00 P.M., the City Council of the City of Livingston convened and opened a Public Hearing to hear testimony concerning the consideration of a 14 ft. x 60 ft. mobile home (the “Home”), bearing no serial number nor label number, carried upon the rolls of the Polk County Tax Assessor-Collector under ID No. 26582 in the name of Jesus Olivares, as a public nuisance and as a dilapidated and unsafe building, pursuant to Sections 10-209 and 10-210 of the Code of Ordinances of the City of Livingston, Texas, and Chapter 214 of the Texas Local Government Code; and

**WHEREAS**, the Home made the subject of the Public Hearing is located at 1105 Sprott St. #11 which is real property described a Lots 1, 2, 3 and 4, Block 3 of the Coats Addition to the City of Livingston, as shown on plat recorded in Volume 1, Page 73 of the Polk County Plat Records, and owned by E. W. Jones Family Limited Partnership and described as part of Seventh Tract in (i) a deed dated July 1, 1998 from Edward W. Jones to E. W. Jones Family Limited Partnership recorded in Volume 1102, Pages 675 et seq. of the Official Public Records of Polk County, Texas, and (ii) a deed dated July 1, 1998 from Billie D. Jones to E. W. Jones Family Limited Partnership recorded in Volume 1102, Pages 669 et seq. of the Official Public Records of Polk County, Texas (the “Property”); and

**WHEREAS**, all requirements of law, and of the Code of Ordinances of the City of Livingston concerning notices to all interested parties were complied with and all proper interested parties were notified of the time and date of the Public Hearing; and

**WHEREAS**, although notified of the hearing, neither the alleged owner of the Home, Jesus Olivares, nor any other person claiming ownership of or an interest in the Home appeared at the Public Hearing; and

**WHEREAS**, representatives of the owner of the Property upon which the Home is situated, E. W. Jones Family Limited Partnership, did appear at the Public Hearing; and

**WHEREAS**, the City Council proceeded to hear evidence and testimony in this cause by Code Enforcement Officer Josh Mohler, and the City Council takes notice of and incorporates all evidence presented to the City Council, including the issuance of notices, for its consideration of this matter and incorporates the same into this Order for all purposes; and

**WHEREAS**, based upon the evidence presented, the City Council finds:

1. the alleged owner of the Home is Jesus Olivares;
2. the owner of the Property upon which the Home is situated is E. W. Jones Family Limited Partnership;
3. the Ordinance violations relate to the public health and safety;
4. the Home is unoccupied and is not secured against unauthorized entry;
5. the Home is in such a condition as to constitute a public nuisance, that constitutes a hazard to the health, safety and welfare of the public and is likely to endanger persons and property;
6. the Home is unsanitary, constitutes a fire hazard, and is dangerous to human life, which in relation to existing use, constitutes a hazard to safety or health by reason on inadequate maintenance, dilapidation or abandonment;
7. conditions on the Property consists of the dilapidated, unsafe and abandoned Home;
8. the Property and Home made the subject of this action are located within the territorial limits of the City of Livingston, Polk County, Texas and were properly identified; and

**WHEREAS**, based upon the evidence presented, the City Council finds that the Home on the Property is unsafe, dilapidated, substandard, unfit for human habitation, constitutes a hazard to the health, safety and welfare of the public and is likely to endanger persons and property; and

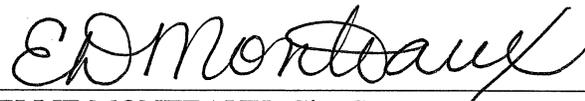
It is **THEREFORE ORDERED** that, within thirty (30) days from the date of this Order, Jesus Olivares, any other person claiming ownership of or an interest in the Home, and E. W. Jones Family Limited Partnership (collectively, the "Owners"), at Owners' cost, shall cause the Home on the Property to be demolished and all debris from such demolition removed within said thirty (30) days. All debris resulting from such demolition shall be taken to the Polk County Landfill located at 3477 FM 942 West, Leggett, Texas 77350 for proper disposal. The Owners shall present to the City Community Development Department receipts from the Landfill evidencing such proper disposal of the debris.

It is **FURTHER ORDERED** that if the demolition of the manufactured Home does not occur by action of the Owners within said thirty (30) days, the City of Livingston shall cause the Home to be demolished and all demolition debris to be removed, shall assess all costs of demolition to the Owners, and if not paid, shall record a lien against the Property to recover the cost of demolition. The costs shall bear interest at the rate of 10% per annum until paid.

ENTERED as the action of the City Council of the City of Livingston, Texas as of the 11<sup>th</sup> day of February, 2020.

  
\_\_\_\_\_  
JUDY B. COCHRAN, Mayor

ATTEST:

  
\_\_\_\_\_  
ELLIE MONTEAUX, City Secretary

