

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

**MINUTES**  
**REGULAR MEETING**  
**CITY COUNCIL**  
**MARCH 8, 2022**  
**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., March 8, 2022, with the following members present:

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

and the following others present:

Ricky Taylor	)	Texas EMS
--------------	---	-----------

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

It was moved by Alderman Cook and seconded by Alderman Davis that the minutes of the regular meeting of February 8, 2022 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 fiscal year ended 9/30/2021. Mr. Palmerton presented the annual financial highlights and reviewed performance of the General and Utility System funds for the fiscal year. Mr. Palmerton advised the Council that the City continues to be operated efficiently and remains in strong financial condition. Mr. Bienvenu addressed Council and expressed his appreciation for allowing their firm to complete the audit.

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

It was moved by Alderman Evans and seconded by Alderman Cook that the Annual Comprehensive Financial Report (ACFR) for the fiscal year ended 09/30/2021, as prepared by the auditing firm of Harper and Pearson Company, P.C., be accepted. All present voted aye.

The City Manager presented a proposed ordinance amending Chapter 40 - Utilities, Article II. - Electric Service of the Code of Ordinances of the City of Livingston, Texas by repealing Ordinances A-813 and A-832 and Sec. 40-23 Distributed Renewable Electric Generation for Residential Properties - 15 kW or Less; and amending Chapter 40 - Utilities, Article II. - Electric Service, by adding Section 40-23 Distributed Renewable Electric Generation for Residential and Small Commercial Customers, providing for the allowance and regulation of distributed electric generation facilities for residential and small commercial customers. Discussion ensued relative to SB 398 of the 87<sup>th</sup> Texas Legislature, effective September 1, 2021, which provides a municipality may not prohibit or restrict installation of a solar energy device by a residential or small commercial customer and Section 39.202(o) of the Texas Utilities Code that defines a small commercial customer as a commercial customer having a peak demand of 1,000 kW or less.

It was moved by Alderman Cook and seconded by Alderman Davis that the ordinance amending the Chapter 40 - Utilities, Article II. - Electric Service of the Code of Ordinances of the City of Livingston, Texas by repealing Ordinances A-813 and A-832 and Sec. 40-23 Distributed Renewable Electric Generation for Residential Properties - 15 kW or Less; and amending Chapter 40 - Utilities, Article II. - Electric Service, by adding Section 40-23 Distributed Renewable Electric Generation for Residential and Small Commercial Customers, providing for the allowance and

regulation of distributed electric generation facilities for residential and small commercial customers, as introduced, be approved and adopted. All present voted aye. The ordinance, as adopted, is captioned as follows:

**"ORDINANCE NO. A-829**

**AN ORDINANCE TO AMEND CHAPTER 40 - UTILITIES, ARTICLE II. - ELECTRIC SERVICE OF THE CODE OF ORDINANCES OF THE CITY OF LIVINGSTON, TEXAS BY REPEALING ORDINANCES A-813 AND A-823 AND SEC. 40-23. - DISTRIBUTED RENEWABLE ELECTRIC GENERATION FOR RESIDENTIAL PROPERTIES - 15 kW OR LESS OF THE CODE OF ORDINANCES OF THE CITY OF LIVINGSTON, TEXAS; AMENDING CHAPTER 40 - UTILITIES, ARTICLE II. - ELECTRIC SERVICE, BY ADDING SEC. 40-23 - DISTRIBUTED RENEWABLE ELECTRIC GENERATION FOR RESIDENTIAL AND SMALL COMMERCIAL CUSTOMERS, PROVIDING FOR THE ALLOWANCE AND REGULATION OF DISTRIBUTED ELECTRIC GENERATION FACILITIES FOR RESIDENTIAL AND SMALL COMMERCIAL CUSTOMERS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR CUMULATIVE EFFECT THEREOF."**

The City Manager advised Council that CenterPoint Energy has filed documents with the City of Livingston in accordance with Section 7.7101 of the Railroad Commission of Texas Gas Services Division Rules and Section 10.301 of the Texas Utilities Code to establish the annual gas reliability infrastructure program (GRIP) interim rate adjustment (IRA) for the Beaumont/East Texas Division. Discussion ensued relative to a 45-day extension of the effective date. No action was taken by Council.

The City Secretary furnished a Certification of Unopposed Candidates confirming that Mayor Judy Cochran for the office of Mayor and Alderman Alan Cook and Alderman Bid Smith for the office of Alderman are unopposed for election to office to be held on May 7, 2022. Discussion ensued relative to the filing deadline for a write-in candidate. It was moved by Alderman Cook and seconded by Alderman Evans that the ordinance declaring the General Election of May 7, 2022 cancelled and the unopposed candidates elected, as introduced, be approved and adopted.

All present voted aye. The ordinance, as adopted, is captioned as follows:

**"ORDINANCE NO. A-830**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, TEXAS, CANCELLING THE MAY 7, 2022 GENERAL ELECTION AND DECLARING EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE."**

The City Manager advised Council that Mayor Cochran will sign the Order of Cancellation for the City's General Election to be held on May 7, 2022. The Order of Cancellation, prescribed by the Secretary of State, Sections 2.051 - 20.053, Texas Election Code, shall be attached with Ordinance No. A-830.

Mayor Cochran called a special meeting for 5:00 P.M. on Tuesday, May 17, 2022, for the installation of officers and election of Mayor Pro-tem.

The City Manager presented the Accounts Over \$500 for approval. It was moved by Alderman Cook and seconded by Alderman Luna that the accounts over \$500.00, as submitted, be approved for payment. All present voted aye.

The City Manager reported on the following items:

A) Events for March and April, 2022

Livingston Trade Days - Saturday, March 19 and Sunday, March 20 at Pedigo Park featuring the annual Spring Outdoor Expo on Saturday

Livingston Farmers & Artisan Market - 1<sup>st</sup> and 3<sup>rd</sup> Saturday of March and April at Anniversary Park from 10:00 AM to 2:00 PM - March 19, April 2 & April 16

Trinity-Neches Livestock Show - March 28 thru April 2 at Barney Wiggins Memorial Park

Easter Eggstravaganza - Saturday, April 9 at Pedigo Park - Easter Bunny Pictures start at 9:30 AM and Egg Hunt at 11:00 AM

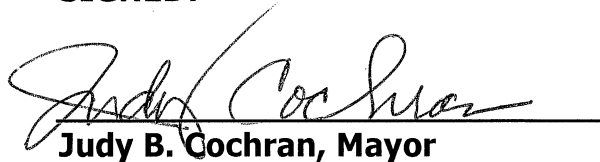
B) Sales Tax - The February sales tax report will be available Friday, March 11, 2022 and will be emailed to Council.

C) Update of Projects and Development - The City Manager provided an update of current projects, development, restoration of the Jonah Davis cabin by the Polk County Historical Commission, and the Alliance for I-69 Texas.

D) Former Burmont Nursing Home (154 Banks Drive) - The City Attorney provided a status update and informed Council that a motion is before Judge Travis Kitchens of the 258<sup>th</sup> District Court on the case. Council approved the Order for Demolition of the improvements and cleanup of the property through an Order of Abatement within forty-five (45) days following the Public Hearing held on September 14, 2021.

There being no further business to come before the City Council, it was moved by Alderman Cook and seconded by Alderman Luna that the meeting be adjourned at 5:52 P.M. All present voted aye.

**SIGNED:**

  
**Judy B. Cochran, Mayor**

**ATTEST:**

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

