

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

**MINUTES**  
**REGULAR MEETING**  
**& PUBLIC HEARING**  
**CITY COUNCIL**  
**JUNE 8, 2021**  
**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., June 8, 2021, 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:

Jeff Hunter	)	Community Development Coordinator
Ricardo Perez	)	Self
Michelle Chapa	)	Self
Bob Burkhalter	)	Self

Darwood Galaway	)	Self
Scott Martin	)	Self
Julie Martin	)	Self
Mary Martin	)	Self
Shelly Sitton	)	City of Livingston Municipal Court Judge
Sgt. Kevin Blackburn	)	Livingston Police Department
Emily Banks Wooten	)	Polk County Enterprise

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 Evans and seconded by Alderman Cook that the minutes of the regular meeting of May 11, 2021 be approved. All present voted aye.

Mayor Cochran opened a Public Hearing at 5:04 P.M. to receive evidence, testimony and comments on the February 9, 2021 Order of Abatement by City Council finding the building located at 1958 S. Washington Avenue, Livingston, Texas to be dilapidated, substandard, unsafe and a public nuisance, and to consider the disposition of said building, including possible demolition of the building.

City Attorney Jim Wright and Ricardo Perez were sworn as witnesses.

The City Attorney provided Council with a review of the dilapidated building action regarding the property that took place in 2006 and advised Council of the communication Mr. Perez has made with the City of Livingston since the February 9, 2021 Order of Abatement was issued by City Council. The City Attorney advised that a fax was received on June 3, 2021 from Mr. Perez entitled "Proposal of Work Completion At 1958 S. Washington" which included several items in need of clarification. The City Attorney provided Council with a copy of a letter dated June 8, 2021, from Fairbanks & Associates to Mr. Perez regarding a structural inspection and report that was completed on Monday, June 7, 2021. The letter was submitted by Mr. Perez just prior to today's meeting.

Ricardo Perez presented his rebuttal that he has continued to remove debris, that he is still working on getting windows, that his master electrician was unable to get

the electrical permit to complete the electrical work, that the structural engineer had been at the house yesterday, and that his proposal of work with the listed of items to be repaired at the house would be completed within 60 days.

Mayor Cochran closed the Public Hearing at 5:24 P.M.

Discussion ensued related to the structural inspection of the building that took place from the exterior of the building without an interior inspection, the refusal of Mr. Perez to allow a walk-thru of the building by City personnel to address the items needing clarification on the proposal of repairs, the electrical work completed or not completed inside the house, and the absence of plumbing repairs on the proposal.

(Shelly Sitton entered the meeting.)

Discussion continued regarding the requirement that the plumbing and electrical in the house be brought up to code and the items in the proposal that need clarification by Mr. Perez including the reference to all fascia boards, soffits and wood repairs, the second floor balcony door, and the stairs. The City Manager advised Mr. Perez that Fire Marshal Josh Mohler serves as the Code Enforcement Officer for the City of Livingston and has acted in that role throughout this process. Discussion continued regarding the time line for completion of the repairs by Mr. Perez, the requirement of inspections by authorized City personnel during the repairs in accordance with the permitting process, and the requirement that a Certificate of Occupancy be obtained from the City following the repairs and prior to anyone living in the structure.

It was moved by Alderman Cook that Ricardo Perez be given sixty (60) days beginning June 9, 2021 to bring the electrical and the plumbing up to the present Codes, and also that he replace the soffit, the fascia boards and all wood repairs, and that the second floor balcony door be taken out and bricked up per the document submitted by Mr. Perez on June 3, 2021 entitled "Proposal of Work Completion at 1958 S. Washington", all in accordance with the proper permitting and inspections as required. Alderman Cook further moved that as Mr. Perez had acquiesced to inspection of the work by City staff and appropriate department heads, that at the time of completion, or sixty (60) days, whichever comes first, that if the work is not done, not brought up to Codes as his proposal spells out, and the items that we addressed, then the City demolish the house, or cause the house to be demolished. Discussion ensued regarding the sixty (60) days given for completion of the renovation of the structure and the importance of Mr. Perez having regular communication with the Community Development Department during the permitting and inspection process. The City Manager admonished Mr. Perez that the City is in support of the renovation of the dilapidated structure. The motion was seconded by Alderman Davis. All present voted aye.

(Ricardo Perez and Michelle Chapa retired from the meeting.)

Mayor Cochran recognized special guests Mary Martin, Julie Martin and Scott Martin and welcomed them to the meeting.

The City Manager advised the Council that a member of the Council needs to be appointed to serve on the DETCOG Board of Directors for the term July 1, 2021 through June 30, 2022. Upon the recommendation of the City Manager, it was moved by Alderman Cook and seconded by Alderman Evans that Alderman Davis be appointed to serve on the DETCOG Board of Directors for the term July 1, 2021 through June 30, 2022. All present voted aye.

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

Mayor Cochran called a Public Hearing for July 13, 2021 at 5:00 P.M. on the determination of unsafe and/or dilapidated building and cleanup of property for the 24 ft. by 48 ft. Paramount Homes "Austin America" doublewide manufactured home, serial nos. PAT256A/PAT256B, label nos. TEX0119448/TEX0119449, located at 1013 Preston Ave., Livingston, Texas, being situated on Lot 5, Block 1, of the Viola Jones Subdivision, owned by Louise Anderson (formerly known as Louise Fleeks), and the cleanup and removal of weeds, brush, rubbish, and abandoned personal property at the property and address described above.

(Bob Burkhalter retired from the meeting.)

Mayor Cochran called a Public Hearing for July 13, 2021 at 5:00 P.M. on the determination of unsafe and/or dilapidated building and cleanup of property for the abandoned building located at 1206 Sprott St., Livingston, Texas, being situated on Lot 4, Block 2, of the Coats Subdivision, owned by Will E. Skinner and Kevin Wayne Skinner, and the cleanup and removal of weeds, rubbish, and abandoned personal property at the property and address described above.

The City Manager reported on the following items:

- A) Update of Projects and Development - The City Manager provided an update of current projects and development.
- B) Events -
  - Livingston Farmers Market - Anniversary Park each Saturday thru August 7
  - Livingston Municipal Library Summer Reading Program - The Tails & Tales Summer Reading Program continues through July 21, 2021
  - Matthews Street Swimming Pool - Opened to the public on Monday, May 31<sup>st</sup>

2<sup>nd</sup> Annual Smoke in the Pines Bar-B-Q Cookoff and Car & Bike Show - June 25 - 26, 2021 at Pedigo Park and sponsored by the Livingston-Polk County Chamber of Commerce

Rodeo Kick Off Celebration and Concert - June 26<sup>th</sup> at Barney Wiggins Memorial Arena

60<sup>th</sup> Annual Polk County Youth Rodeo - June 30<sup>th</sup> through July 3<sup>rd</sup> at Barney Wiggins Memorial Arena

July 4<sup>th</sup> Picnic in the Park - Saturday, July 3<sup>rd</sup> at Anniversary Park

(Darwood Galaway, Emily Banks Wooten, Sgt. Kevin Blackburn, Scott Martin, Julie Martin and Mary Martin retired from the meeting.)

The City Manager presented Cyber Security Awareness Training as required by Texas House Bill 3834. The video presentation and testing form were provided by Texas Municipal League Intergovernmental Risk Pool (TML-IRP) as approved by the Texas Department of Information Resources (DIR). The City Manager will complete the Cyber Security Training Certification for Local Governments form and submit it to DIR prior to the deadline of June 14, 2021 to verify that the training has been completed.

There being no further business to come before the City Council, it was moved by Alderman Cook and seconded by Alderman Evans that the meeting be adjourned at 6:34 P.M. All present voted aye.

**SIGNED:**

  
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**Judy B. Cochran, Mayor**

**ATTEST:**

  
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**Ellie Monteaux, TRMC, MMC, CPM**

**City Secretary/Assistant City Manager**

