

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

**MINUTES**  
**REGULAR MEETING**  
**CITY COUNCIL**  
**AUGUST 9, 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., August 9, 2022, with the following members present:

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

and the following others present:

Lynn Riley	)	Special Events/Main Street Coordinator
Joyce Knierim	)	Livingston Main Street Board Members
Jessica Corwin	)	
Molly Anderson	)	
Kim Jernigan	)	

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Tammy Ogletree	)	
Julie Hamrick	)	
Louis Ploth	)	Self
Ricky Taylor	)	Texan EMS
Josh Mohler	)	Fire Marshal/Code Enforcement Officer
Emily 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.

Mayor Cochran welcomed Main Street Manager Lynn Riley and members of the Livingston Main Street Board to the meeting. The City Manager reviewed the history of Livingston Main Street and commended the Main Street Board for their efforts in being recognized by Main Street America and Texas Main Street as a 2022 Accredited Program for meeting the standards of performance in 2021. Main Street Manager Lynn Riley expressed appreciation to the City Council for their support of Main Street. The City Manager reviewed the events, activities and grant opportunities available to businesses located in the Livingston Main Street area and expressed appreciation to the Main Street Board for their diligent efforts in the community.

(Lynn Riley, Joyce Knierim, Jessica Corwin, Molly Anderson, Kim Jernigan, Tammy Ogletree, Julie Hamrick, and Louis Ploth retired from the meeting.)

It was moved by Alderman Cook and seconded by Alderman Evans that the minutes of the regular meeting of July 12, 2022 be approved. All present voted aye.

The City Manager presented a proposed ordinance amending Article II of Chapter 40 (Electric Service) of the Code of Ordinances to revise the City's Electric Rate Schedule and amend the schedule of utility deposits. The City Manager advised Council that during the process of developing the City's 2022-2023 fiscal year budget, the City was notified of an expected increase in the wholesale rate of power from the Sam Rayburn Municipal Power Agency, the City's wholesale electric supplier. Based on an expected purchase of 94,300,000 kWh by the City for the upcoming fiscal year, this effect of the increase in the City's wholesale power cost

will be about \$1,300,000 in additional costs. The City Manager advised Council that retail electric service rates across the state show that, even with the proposed increase, the City's electric rates continue to be competitive with other electric providers. Discussion ensued relative to the coverage area of the MISO (Midcontinent Independent System Operator) electric grid, proposed rate increase, increase of utility deposits, consideration of numerous factors involved in the increase of wholesale electricity, and education to be provided to customers on conservation of electricity and management of their utility costs. It was moved by Alderman Cook and seconded by Alderman Evans that the proposed ordinance, as presented, be approved and adopted. Discussion ensued relative to providing educational resources to customers for the management of their electric usage. All present voted aye. The proposed ordinance, as approved and adopted, is captioned as follows:

**"ORDINANCE NO. A-833**

**AN ORDINANCE OF THE CITY COUNCIL, CITY OF LIVINGSTON, TEXAS AMENDING ARTICLE II OF CHAPTER 40 (ELECTRIC SERVICE) OF THE CODE OF ORDINANCES."**

The City Manager presented a proposed ordinance amending Article I of Chapter 34 (Solid Waste) of the Code of Ordinances to revise the City's sanitation service fees for all customer classifications in the amount of six percent (6%). This increase in sanitation service fees will increase sanitation revenue by about \$82,700 to offset the cost of solid waste collection and disposal service including an additional fuel service charge from Republic, garbage bags provided by the City to customers, monthly brush collection and regular maintenance of public rights-of-way throughout the City. Discussion ensued relative to fuel surcharge from Republic, schedule for pick up of residential garbage, and the continued lack of communication by Republic with the City's Utility Billing department of interruptions in service and schedule changes that have an adverse effect on collection services and customer service. It was moved by Alderman Smith and seconded by Alderman Cook that the proposed ordinance, as presented, be approved and adopted. All present voted aye. The proposed ordinance, as approved and adopted, is captioned as follows:

**"ORDINANCE NO. A-834**

**AN ORDINANCE OF THE CITY COUNCIL, CITY OF LIVINGSTON, TEXAS AMENDING ARTICLE I OF CHAPTER 34 (SOLID WASTE) OF THE CODE OF ORDINANCES."**

The City Manager presented the City of Livingston Investment Policy for annual review by the Council, in accordance with Section 16 of the Investment Policy, and provided a report to Council of the current investments. The City Manager advised Council that in Section 15 - Reporting Requirements located on Page 6 of the Investment Policy, it states that "the Finance Director" shall prepare and submit the required reports. The proposed amendment to Section 15 is that "the City Manager or Finance Officer" shall prepare and submit the reports. This amendment will help insure that the reports are prepared and submitted as required by the policy. Discussion ensued relative to the requirements of the policy and the status of current investments. It was moved by Alderman Smith and seconded by Alderman Cook that the annual review of the City of Livingston Investment Policy, in accordance with Section 16, be approved and that the amendment of Section 15 be approved as presented. All present voted aye.

The City Manager presented a proposed resolution accepting a deed from Sam Rayburn Municipal Power Agency (SRMPA) conveying two electric substations. The City Manager advised Council that the City of Livingston transferred ownership of the Livingston Substation, located on Old Woodville Road, to SRMPA in 1989. In 1994 the ownership of the newly constructed Ogletree Substation, located on the U.S. Highway 59 Bypass, was also transferred to SRMPA. At the same time, the other SRMPA member cities (Jasper and Liberty) also transferred ownership of their substations to SRMPA. These transfers enabled the release of funds from SRMPA's bond indenture reserve funds to acquire infrastructure assets from the member cities. The City of Livingston has borne the expense of the maintenance and operation of the Livingston Substation and the Ogletree Substation through an agreement with SRMPA. SRMPA's bonds are now paid and there is no longer a need for SRMPA to own the substations. The SRMPA Board of Directors has approved the transfer of the substations back to the three member cities.

The City Manager presented the proposed deed to effect this transfer noting that the metering system transformers and associated equipment, communications equipment owned by Entergy, and the responsibility of the maintenance of the metering equipment, are all excluded from the conveyance. In addition, an easement is reserved by SRMPA for its access for the maintenance, operations, etc. of the reserved metering system. All maintenance, repairs, replacements, etc. of the remaining major electrical system components, such as transformers, breakers, switches, wiring, etc. for the Livingston Substation and the Ogletree Substation will be the responsibility of the City of Livingston. Discussion ensued relative to the possibility that SRMPA will transfer to the member cities an as yet to be determined amount of funds to be held by the cities as reserve funds to assist with future

maintenance and repairs of the substations. It was moved by Alderman Cook and seconded by Alderman Luna that the resolution accepting a deed from Sam Rayburn Municipal Power Agency conveying two electrical substations and authorizing the Mayor to execute the Deed on behalf of the City be approved, as presented. All present voted aye. The resolution, as approved, is captioned as follows:

**"RESOLUTION NO. 598**

**A RESOLUTION AUTHORIZING ACCEPTANCE OF A DEED FROM SAM RAYBURN MUNICIPAL POWER AGENCY CONVEYING TWO ELECTRICAL SUBSTATION SITES, THE LIVINGSTON SUBSTATION LOCATED ON 1.079 AND 0.69 ACRES ON THE RICHARD PARRISH SURVEY A-470 AND THE OGLETREE SUBSTATION LOCATED ON 2.671 ACRES ON THE JOSEPH MORGAN SURVEY A-56 IN POLK COUNTY TEXAS."**

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) 9/11 Prayer and Remembrance Ceremony - Friday, September 9 at 9:00 AM at City Hall
- B) Sales Tax - The August sales tax report from the State Comptroller for the month of June will be received on Friday, August 12, 2022.
- C) Update of Projects and Development - The City Manager provided an update of current projects and development.

The City Manager presented the preliminary budget for the 2022-2023 fiscal year and requested that Council continue its review of the preliminary budget prior to the September meeting so that any questions can be discussed prior to its scheduled adoption on Tuesday, September 13, 2022. Discussion ensued regarding the preliminary budget including the need for City's infrastructure improvements to accommodate the growth of the City, the accomplishments made during the current fiscal year of 2021-2022, and the proposed projects and equipment for fiscal year 2022-2023.

Mayor Cochran called a public hearing for Tuesday, September 13, 2022 at 5:00 p.m. on the budget for the fiscal year 2022-2023.

(Emily Wooten, Josh Mohler and Ricky Taylor retired from the meeting.)

Mayor Cochran called the Council into executive session at 6:09 P.M., pursuant to Texas Government Code Section 551.074 (Personnel - Deliberation of the Employment and/or Appointment of an Employee).

(Ellie Monteaux and Jim Wright retired from Executive Session at 6:23 P.M.)

Executive session continued pursuant to Texas Government Code Section 551.074 (Personnel - Deliberation of the Employment and/or Appointment of an Employee).

Council reconvened in open session at 6:41 P.M.

Upon reconvening in open session, it was moved by Alderman Luna and seconded by Alderman Davis that City Secretary/Assistant City Manager Ellie Monteaux be appointed Interim Finance Director with a salary increase of five percent (5%) to be in affect while serving in this capacity. 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 6:45 P.M. All present voted aye.

**SIGNED:**

  
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**Judy B. Cochran, Mayor**

**ATTEST:**

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

