

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

MINUTES
REGULAR MEETING
CITY COUNCIL
April 9, 2019
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., April 9, 2019, 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:

Jeff Hunter	)	Community Development Coordinator
Dewayne Oates	)	Electric Superintendent
Josh Mohler	)	Fire Marshal/Code Enforcement
Oscar Pastor	)	Self
Louis Taylor	)	Self

Valerie Reddell

)

Polk County Enterprise

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

Prior to beginning the scheduled agenda, Mayor Cochran recognized Dewayne Oates, Electric Superintendent, and presented the American Public Power Association's Safety Award of Excellence earned by the City of Livingston Electric Department for safe operating practices in 2018.

It was moved by Alderman Smith and seconded by Alderman Cook that the minutes of the regular meeting of March 12, 2019 be approved. All present voted aye.

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. It was moved by Alderman Cook and seconded by Alderman Smith that the 2019 Annual Gas Reliability Infrastructure Program (GRIP) Interim Rate Adjustment be accepted for filing. All present voted aye.

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, 2019 through June 30, 2020. The City Manager advised Council that Alderman Davis had expressed his willingness to continue to serve if appointed by Council. It was moved by Alderman Evans and seconded by Alderman Luna that Alderman Davis be appointed to serve on the DETCOG Board of Directors for the term July 1, 2019 through June 30, 2020. All present voted aye.

The City Manager presented a proposed modification and renewal of hotel occupancy tax agreements with the Livingston-Polk County Chamber of Commerce, the Livingston Specialty Merchants Guild, the Polk County Historical Commission and the Polk County Higher Education and Technology Foundation. The modifications would result in the following contributions to each entity from the hotel occupancy tax funds:

Livingston-Polk County Chamber of Commerce

Sum equal to 12.5% of hotel occupancy taxes collected each quarter not to exceed \$30,000 per calendar year

Livingston Specialty Merchants Guild

Sum equal to 12.5% of hotel occupancy taxes collected each quarter not to exceed \$30,000 per calendar year

Polk County Historical Commission

Sum equal to 12.5% of hotel occupancy taxes collected each quarter not to exceed \$10,000 per calendar year

Polk County Higher Education & Technology Foundation

Sum equal to 12.5% of hotel occupancy taxes collected each quarter not to exceed \$30,000 per calendar year

Discussion ensued relative to the increase in annual contributions to the Livingston-Polk County Chamber, the Polk County Historical Commission and the Polk County Higher Education & Technology Foundation and the reporting requirements to be included in the hotel tax agreements. The City Manager reviewed the mandatory two-step process of determining if hotel tax revenue can be used and the necessity that the funds be used to directly promote tourism and to result in visitors or attendees staying overnight in the community, thus promoting the City's hotel industry. The Hotel Tax Agreements would also include the following covenants: 1) A separate bank account established by the Entity just for HOT funds. These funds may not be commingled with any other funds of the entity. 2) Each quarter the Entity shall furnish a detailed accounting of how the funds were dispersed promoting tourism for the City of Livingston. 3) A detailed activity calendar of events or list of activities or programs that enhanced or promoted tourism and the convention and hotel industry. 4) Each year, the Entities shall submit its proposed annual budget to the City for its review. 5) The City shall have no obligation to pay the Entity its share of funds until the City has received all accounting and activity reports and it is determined that the funds were used appropriately. It was moved by Alderman Luna and seconded by Alderman Cook that the proposed modifications to the Hotel Tax Agreements to include the increased amounts of funding be approved as presented, beginning with calendar year 2019 and to be effective upon execution of each of the newly-modified Hotel Tax Agreements including the covenants as presented. All present voted aye.

The City Manager presented a proposed ordinance adopting the 2018 International Codes including the Building Code, Residential Code, Plumbing Code, Fuel Gas Code, Mechanical Code, Fire Code, Property Maintenance Code, Existing Building Code and Swimming Pool and Spa Code. The City Manager recognized Dwayne Oates, Jeff Hunter, and Josh Mohler who were present at the meeting should the Council have any questions regarding the proposed adoption of the 2018 International Codes. Discussion ensued relative to the proposed ordinance, the exclusion of the Energy

Conservation Code as of this time, and the one amendment to be made to the proposed ordinance. The City Attorney provided Council with a handout containing the one amendment to the proposed ordinance regarding the Fire Code Section 912.2.2 requiring that the sign mounted on new and existing buildings shall be in a location approved by the Fire Code Official. It was moved by Alderman Smith and seconded by Alderman Luna that the ordinance adopting the 2018 International Codes , as introduced, be approved and adopted. All present voted aye. The ordinance, as adopted, is captioned as follows:

"ORDINANCE NO. A-810

AN ORDINANCE TO AMEND ARTICLE II (BUILDING CODE), ARTICLE IV (RESIDENTIAL CODE), ARTICLE V (PLUMBING CODE), ARTICLE VI (FUEL GAS CODE), AND ARTICLE VII (MECHANICAL CODE); TO RENUMBER ARTICLE VIII (SIGN CODE), ARTICLE IX (UNSAFE BUILDING CODE), ARTICLE X (COMMERCIAL LANDSCAPING OF PROPERTIES), ARTICLE XI (TELECOMMUNICATIONS TOWER); AND TO ADD ARTICLE VIII (PROPERTY MAINTENANCE CODE), ARTICLE IX (EXISTING BUILDING CODE), AND ARTICLE X (SWIMMING POOL AND SPA CODE), OF CHAPTER 10 (BUILDINGS AND STRUCTURES) OF THE CODE OF ORDINANCES OF THE CITY OF LIVINGSTON BY ADOPTION, WITH AMENDMENTS, REVISIONS AND DELETIONS, OF THE 2018 EDITIONS OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL FUEL GAS CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, THE INTERNATIONAL EXISTING BUILDING CODE, AND THE INTERNATIONAL SWIMMING POOL AND SPA CODE; AND TO AMEND ARTICLE III (FIRE CODE) OF CHAPTER 24 (FIRE PROTECTION AND PREVENTION) OF THE CODE OF ORDINANCES OF THE CITY OF LIVINGSTON BY ADOPTION OF THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE, WITH AMENDMENTS, REVISIONS AND DELETIONS; PROVIDING CRIMINAL PENALTIES FOR VIOLATIONS THEREOF; PROVIDING FOR SEVERABILITY AND PROVIDING FOR CUMULATIVE EFFECT THEREOF."

The City Manager advised Council that the City of Livingston received a letter from the Alabama-Coushatta Tribe of Texas requesting that the City of Livingston pass a resolution supporting and urging the passage of Congressional Bill House Resolution (H.R.) 759, the Ysleta del Sur Pueblo and Alabama-Coushatta Tribes of Texas Equal and Fair Opportunity Settlement Act. Discussion ensued regarding the proposed resolution of support. It was moved by Alderman Smith and seconded by Alderman Cook that the proposed resolution supporting and urging the passage of Congressional Bill House Resolution (H.R.) 759, the Ysleta del Sur Pueblo and Alabama-Coushatta Tribes of Texas Equal and Fair Opportunity Settlement Act be approved, as presented. All present voted aye. The resolution, as approved, is captioned as follows:

"RESOLUTION NO. 571

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, TEXAS, SUPPORTING AND URGING THE PASSAGE OF CONGRESSIONAL BILL HOUSE RESOLUTION (H.R.) 759, THE YSLETA DEL SUR PUEBLO AND ALABAMA-COUSHATTA TRIBES OF TEXAS EQUAL AND FAIR OPPORTUNITY SETTLEMENT ACT."

The City Manager presented Pay Estimate No. 1 in amount of \$15,050.00 of David J. Waxman, Inc. for TxCDBG Contract No. 7218290 Sewer Improvements SCADA Project for approval. Based on the recommendation of the City Manager, it was moved by Alderman Evans and seconded by Alderman Cook that Pay Estimate No. 1 in amount of \$15,050.00 of David J. Waxman, Inc. for TxCDBG Contract No. 7218290 Sewer Improvements SCADA Project grant administration be approved, payable upon receipt of grant funds from the Texas Department of Agriculture. All present voted aye.

(Louis Taylor retired from the meeting.)

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.

Mayor Cochran called a Public Hearing for May 14, 2019 at 5:00 P.M. regarding the possible determination of an abandoned manufactured home, located on a 0.396 acre tract of land, in the M. L. Choate Survey, A-15, and being part of Block 18 of the J. C. Feagin Addition to the City of Livingston, described in a deed recorded in Volume 1585, Page 644 of the Polk County Official Records, owned by Felipe Zermeno and wife, Rosa Zermeno, also known as 1111 N. Beatty Ave., Livingston, Texas, as an unsafe and/or dilapidated building.

Mayor Cochran called a Public Hearing for May 14, 2019 at 5:00 P.M. regarding the possible determination of multiple structures located on Lots 6 & 7, Block 9 of the Pinecrest Subdivision in the City of Livingston, described in a deed recorded in Volume 2176, Page 372 of the Polk County Official Records, also known as 113 Branch Dr., Livingston, Texas, and owned by Settlement, LLC, as unsafe and/or dilapidated buildings, and for the ordering of the cleanup of the property due to the accumulation of weeds, rubbish and abandoned personal property.

(Josh Mohler retired from the meeting.)

The City Manager reported on the following items:

- A) Update on Current Projects and Development - The City Manager provided the Council with an update on current projects and development.
- B) Upcoming Events
 - ▶ Volunteer Appreciation Dinner - Thursday, April 11, 2019
 - ▶ City of Livingston Easter Eggstravaganza - Saturday, April 13, 2019
 - ▶ Retirement Reception for Raymond Gilshenan - Tuesday, April 30, 2019

(Valerie Reddell and Oscar Pastor retired from the meeting.)

Mayor Cochran called the Council into executive session at 6:03 P.M., pursuant to Texas Government Code Section 551.071 (Legal - Consultation with Attorney).

Council reconvened in open session at 6:48 P.M.

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 6:48 P.M. All present voted aye.

SIGNED:



Judy B. Cochran, Mayor

ATTEST:



Ellie Monteaux, TRMC, CMC
City Secretary/Assistant City Manager