

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

MINUTES
REGULAR MEETING
AND PUBLIC HEARING
CITY COUNCIL
September 10, 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., September 10, 2019, with the following members present:

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

and the following others present:

| | | |
|--------------------|---|------------------------------|
| Sgt. Ronnie Bogany |) | Livingston Police Department |
|--------------------|---|------------------------------|

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 Smith and seconded by Alderman Evans that the minutes of the regular meeting of August 13, 2019 be approved. All present voted aye.

Mayor Cochran declared a public hearing in session at 5:02 P.M. on the proposed budget for the fiscal year October 1, 2019 through September 30, 2020. There being no member of the public present to comment in the public hearing, the Mayor declared the public hearing closed at 5:03 P.M.

The City Manager introduced the proposed ordinance adopting the budget for fiscal year October 1, 2019 through September 30, 2020. It was moved by Alderman Cook and seconded by Alderman Davis that the proposed ordinance, as presented, be approved and adopted. All present voted aye. Mayor Cochran called for a record vote and the motion prevailed as follows:

AYES: Alderman Luna
 Alderman Davis
 Alderman Cook
 Alderman Smith
 Alderman Evans

NOES: None

The ordinance, as approved, is captioned as follows:

"ORDINANCE NO. A-814

AN ORDINANCE ADOPTING A BUDGET FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH."

(Sgt. Bogany retired from the meeting.)

The City Manager presented the proposed budget adjustments to revenues and disbursements for the fiscal year October 1, 2018 through September 30, 2019. It was moved by Alderman Evans and seconded by Alderman Davis that the budget adjustments for the fiscal year October 1, 2018 through September 30, 2019, as presented, be approved. All present voted aye.

The City Manager introduced a resolution designating the *Polk County Enterprise* as the official newspaper for the City for the fiscal year October 1, 2019 through September 30, 2020. It was moved by Alderman Smith and seconded by Alderman Cook that the resolution, as introduced, be approved and adopted. All present voted aye. The resolution, as approved, is captioned as follows:

"RESOLUTION NO. 573

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, TEXAS, DESIGNATING AN OFFICIAL NEWSPAPER FOR THE CITY OF LIVINGSTON FOR FISCAL YEAR 2019-2020."

The City Manager presented a proposed ordinance to amend the Code of Ordinances to revise the City's Sewer Service Fee Schedule. The City Manager proposed an increase in the residential base monthly rate from \$21.50 to \$23.00 per month with an increase of \$0.25 per M/gallons of water usage, the commercial customer base monthly rate from \$31.50 to \$33.00 per month, and an increase of \$0.50 per M/gallons of water usage for commercial customers and industrial/institutional customers. The total anticipated increase in revenues, with the proposed new rates, is estimated at \$247,924.00. 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 ordinance, as approved, is captioned as follows:

"ORDINANCE NO. A-815

AN ORDINANCE OF THE CITY COUNCIL, CITY OF LIVINGSTON, TEXAS, ESTABLISHING BY SCHEDULE RATES FOR SEWER SERVICE PROVIDED BY THE CITY OF LIVINGSTON IN SECTION 40-50 OF THE CODE OF ORDINANCES."

The City Manager presented a proposed ordinance to amend the Code of Ordinances to revise the City's Water Service Fee Schedule. The City Manager proposed an increase in the residential base monthly rate from \$26.50 to \$28.00 per month, the commercial customer base monthly rate from \$36.50 to \$38.00 per month, an increase of \$0.25 per M/gallons of water usage for residential customers and an increase of \$0.50 per M/gallons of water usage for commercial customers and industrial/institutional customers. The total anticipated increase in revenues, with the proposed new rates, is estimated at \$281,198.00. It was moved by Alderman Evans

and seconded by Alderman Davis 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-816

AN ORDINANCE OF THE CITY COUNCIL, CITY OF LIVINGSTON, TEXAS, ESTABLISHING BY SCHEDULE RATES FOR WATER SERVICE PROVIDED BY THE CITY OF LIVINGSTON."

The City Manager presented a proposed ordinance to amend Chapter 40 of the Code of Ordinances regarding water tapping fees and sewer tapping fees. Based on the review of the Community Development Coordinator, Public Works Director and City Manager during the development of the 2019-2020 fiscal year budget, the following increase in tapping fees are proposed:

Water Tapping Fees:

| | | |
|-------------------|-----------|------------------------------------|
| 5/8" x 3/4" meter | Short Tap | increase from \$500.00 to \$725.00 |
| | Long Tap | increase from \$650.00 to \$875.00 |
| 1" Meter | Short Tap | increase from \$600.00 to \$775.00 |
| | Long Tap | increase from \$800.00 to \$975.00 |

2" - 8" Meter and Fire Lines fees are the actual cost to the City

Sewer Tapping Fees:

| | | |
|----|-----------|------------------------------------|
| 4" | Short Tap | increase from \$500.00 to \$700.00 |
| | Long Tap | increase from \$700.00 to \$900.00 |

6", 8" & Up fees are the actual cost to the City

Discussion ensued relative to the proposed increase in tapping fees recommended to cover the cost of materials to provide the new utility service connections, the definition of short tap and of long tap, meter sizes and amount of revenue generated annually from tapping fees. It was moved by Alderman Davis 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-817

AN ORDINANCE OF THE CITY COUNCIL, CITY OF LIVINGSTON, TEXAS, AMENDING CHAPTER 40 - UTILITIES, ARTICLE IV. - WATER, DIVISION 1. - GENERALLY, SEC. 40-108(b) WATER TAPPING FEES, OF THE CODE OF ORDINANCES OF THE CITY OF LIVINGSTON, TEXAS; AND AMENDING CHAPTER 40 - UTILITIES, ARTICLE III. - SEWER SYSTEM, DIVISION 1. - GENERALLY BY RENAMING SEC. 40-50 AND ADDING SEC. 40-50© SEWER TAPPING FEES, OF THE CODE OF ORDINANCES OF THE CITY OF LIVINGSTON, TEXAS."

The City Manager presented a proposed renewal of the annual agreement with Polk County for firefighting services to be provided by the Livingston Volunteer Fire Department outside the City limits from October 1, 2019 through September 30, 2020, reflecting funding of \$41,313.82 by the County. It was moved by Alderman Cook and seconded by Alderman Davis that the annual firefighting agreement, including the County's contribution of \$41,313.82, be approved and the Mayor be authorized to execute such agreement. All present voted aye.

It was moved by Alderman Cook and seconded by Alderman Smith that Item IV. B. COBRA Continuation of Coverage Administrative Agreement By and Between the City of Livingston and Texas Municipal League - TML Health Benefits Pool be tabled. All present voted aye.

The City Manager presented Pay Request #3 in the amount of \$17,087.50 for TxCDBG Contract No. 7218290 Sewer Improvements SCADA Project for approval. This amount represents construction and engineering from June 1, 2019 through July 31, 2019. Upon receipt of the funds from the Texas Department of Agriculture, payment shall be distributed as follows: \$7,492.50 payable to C.T. Brannon Corporation and \$9,595.00 payable to TraC-n-trol, Inc. Based on the recommendation City Manager, it was moved by Alderman Smith and seconded by Alderman Cook that Pay Request #3 in the amount of \$17,087.50 for TxCDBG Contract No. 7218290 Sewer Improvements SCADA Project be approved, payable upon receipt of grant funds from the Texas Department of Agriculture as follows: \$7,492.50 payable to C.T. Brannon Corporation and \$9,595.00 payable to TraC-n-trol, Inc. All present voted aye.

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.

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
 - ▶ 9/11 Prayer and Remembrance Ceremony - Wednesday, September 11th at 9:00 A.M. at City Hall
 - ▶ Livingston Trade Days - Saturday, September 14 and Sunday, September 15 at Pedigo Park
 - ▶ Polk County Memorial Museum Quannah Parker Day - Saturday, September 14th from 10:00 A.M. to 4:00 P.M.
 - ▶ Livingston Community Cleanup - Saturday, September 28th at Pedigo Park from 8:00 A.M. to 12:00 P.M.

Mayor Cochran called the Council into executive session at 5:47 P.M., pursuant to Texas Government Code Section 551.071 (Legal - Consultation with Attorney) and Section 551.074 (Personnel - Review of Proposed Salary Schedule for the Fiscal Year 10/1/19 - 9/30/20).

Council reconvened in open session at 6:15 P.M.

The City Attorney presented a proposed resolution authorizing representation in an IRS matter and delegating authority to execute Form 2848 IRS Power of Attorney. It was moved by Alderman Smith that the proposed resolution be approved, as presented. The motion was seconded by Alderman Cook. All present voted aye. The resolution, as approved, is captioned as follows:

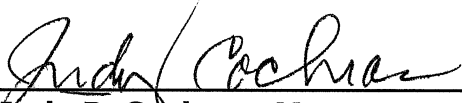
"RESOLUTION NO. 574

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, TEXAS, AUTHORIZING REPRESENTATION IN IRS MATTER AND DELEGATING AUTHORITY TO EXECUTE FORM 2848 IRS POWER OF ATTORNEY."

It was moved by Alderman Cook and seconded by Alderman Smith that the the City of Livingston Proposed Salary Schedule for the Fiscal Year 10/1/19 - 9/30/20 be approved. 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 6:23 P.M. All present voted aye.

SIGNED:



Judy B. Cochran, Mayor

ATTEST:



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