

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

**MINUTES**  
**REGULAR MEETING AND**  
**PUBLIC HEARING**  
**CITY COUNCIL**  
**JANUARY 10, 2023**  
**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., January 10, 2023, 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/Assistant City Manager
James Wright	)	City Attorney

and the following others present:

John Tarver	)	Polk County Economic Development Corporation
Josh Mohler	)	Fire Marshal/Code Enforcement Officer

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Jeff Hunter	)	Community Development Coordinator
Joseph McCandless	)	Self
Mindy Keith	)	Self
Manda Kay McCandless	)	Self
Annis Crowley Johnson	)	Self
Ricky Taylor	)	Texan EMS
Emily Wooten	)	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 agenda, the City Manager introduced John Tarver, the newly appointed representative of the Polk County Economic Development Corporation. Mr. Tarver thanked Council for the opportunity to serve the community, expressed his appreciation for what has been accomplished in the area of economic development and provided an overview of his background and experience. Mr. Tarver advised he will have an office located at the Livingston Municipal Library and welcomed councilmembers to come by his office.

It was moved by Alderman Evans and seconded by Alderman Cook that the minutes of the regular meeting of December 13, 2022 be approved. All present voted aye.

Mayor Cochran declared a public hearing in session at 5:05 P.M. on the possible determination of a residential structure owned by Joseph McCandless and Manda Kay McCandless, located at 106 N. East Ave., as an unsafe and/or dilapidated building, the property being described as: 1.262 acre of land in the M. L. Choate Survey, A-15, Polk County, Texas, called to be Lot Two (2), Block Three (3) of the Meece Addition to the City of Livingston, and described in deed dated November 14, 2019 from Annis Lee Crowley to Joseph McCandless and wife, Manda Kay McCandless, recorded in Volume 2234, Page 193 of the Official Public Records of Polk County, Texas, and for the ordering of the cleanup of property due to the accumulation of weeds, rubbish and abandoned personal property.

Notice of the Public Hearing was published in the *Polk County Enterprise* newspaper, published on the City's website, posted on the City public bulletin board, mailed to all interested parties, and posted on the property. The purpose of the Public Hearing is to receive testimony and information from the City's Code Enforcement Officer and any other interested parties concerning the building and property.

Fire Marshal/Code Enforcement Officer Josh Mohler, Joseph McCandless, Manda McCandless, and Annis Crowley Johnson were sworn as witnesses.

Josh Mohler presented his report to Council concerning the possible determination as an unsafe and/or dilapidated building, a residential structure owned by Joseph McCandless and Manda Kay McCandless located at 106 N. East Avenue, the property being described as:

1.262 acre of land in the M. L. Choate Survey, A-15, Polk County, Texas, called to be Lot Two (2), Block Three (3) of the Meece Addition to the City of Livingston, and described in deed dated November 14, 2019 from Annis Lee Crowley to Joseph McCandless and wife, Manda Kay McCandless, recorded in Volume 2234, Page 193 of the Official Public Records of Polk County, Texas.

The structure located on the above property is a dilapidated and unsafe building, pursuant to Section 10-245 and Section 10-246 of the Code of Ordinances of the City of Livingston, Texas, and Chapter 54 and Chapter 214 of the Texas Local Government Code, and is a public nuisance in violation of Chapter 10 Article XI of the Code of Ordinances of the City of Livingston, Texas, and is not maintained in a safe and sanitary condition. Mr. Mohler confirmed that notice had been posted on the City public bulletin board, published in the *Polk County Enterprise* newspaper, published on the City website, posted on the property, and mailed by certified mail, return receipt requested, and by first class mail to all parties in interest of the property. Mr. Mohler provided Council with the most recent pictures of the property that were obtained with the owner's permission for entry on and into the property and building. Mr. Mohler advised that the property and structure continue to be unsafe, unsanitary and a public nuisance.

Mr. Mohler advised Council that he has spoken with Mr. McCandless who has indicated his intention to rehabilitate the structure and clean up the property. Mr. Mohler recommended that the owner be given time for the rehabilitation to take place with a set time for completion and that the owner secure the property immediately.

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Mr. McCandless provided Council with a letter dated January 10, 2023 including a Plan of Action regarding the rehabilitation of the property. Mr. McCandless indicated that beginning the rehabilitation is on hold pending the property division in his current divorce proceedings with Manda McCandless and indicated there is no time line for settlement of the division of property.

There being no further comments to be received in the public hearing, Mayor Cochran declared the public hearing closed at 5:45 P.M.

Discussion ensued relative to the immediate need to secure the building and the range of remedies available to Council including, but not limited to, demolition of the building or accepting the plan of action presented by the owner with time frames to be determined for completion. Discussion ensued relative to the efforts made by the owner to cleanup the property and immediate need to secure the building while the personal matters of the owners are being settled. It was moved by Alderman Cook and seconded by Alderman Evans that the matter before Council regarding the building owned by Joseph McCandless and Manda McCandless located at 106 N. East Avenue, the property being described as:

1.262 acre of land in the M. L. Choate Survey, A-15, Polk County, Texas, called to be Lot Two (2), Block Three (3) of the Meece Addition to the City of Livingston, and described in deed dated November 14, 2019 from Annis Lee Crowley to Joseph McCandless and wife, Manda Kay McCandless, recorded in Volume 2234, Page 193 of the Official Public Records of Polk County, Texas,

be placed on the Agenda of the regular meeting to be held on Tuesday, April 10, 2023 for status review and that the owners are to immediately secure the building. Discussion ensued relative to Council's review in three months of the status of the building and the legal situation of the owners and the requirement that the owners are to secure the building immediately. All present voted aye.

(Jeff Hunter, Josh Mohler, Joseph McCandless, Mindy Keith, Annis Crowley Johnson, and Manda McCandless retired from the meeting.)

The City Manager presented a letter from Polk County Judge Sydney Murphy, Chairman of the Alliance for I-69 Texas, regarding the City's continued participation and an invoice for 2023 membership dues in the amount of \$1,265.00, an increase of \$115.00 from 2022. Discussion ensued relative to the calculation of the amounts contributed by member entities and the identity of the current members. It was

moved by Alderman Smith and seconded by Alderman Cook that the payment of annual membership dues in the amount of \$1,265.00 be approved. All present voted aye.

The City Manager advised Council that Langford Community Management Services, the City's grant administrator, prepared and distributed the Request for Qualifications (RFQ) for Engineering Services for the Community Development Block Grant Disaster Recovery (CDBG-DR) for CDBG-MIT Regional Mitigation. The Request for Qualifications (RFQ) was published in the *Polk County Enterprise* newspaper, published on the City of Livingston website and posted on the City of Livingston bulletin board. The deadline for submission of engineering proposals was Tuesday, January 3, 2023 at 2:00 P.M. One engineering proposal was received and has been reviewed by the Rating Review Committee. Upon the recommendation of the Rating Review Committee, it was moved by Alderman Davis and seconded by Alderman Cook that the contract for grant engineering for the Community Development Block Grant Disaster Recovery Program CDBG-MIT Regional Mitigation be awarded to The Brannon Corporation. All present voted aye.

The City Manager presented the Accounts Over \$500 for approval. It was moved by Alderman Cook and seconded by Alderman Smith 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) Livingston-Polk County Chamber of Commerce 87<sup>th</sup> Annual Awards Gala - Thursday, January 26, 2023 at Polk County Commerce Center at 5:30 P.M.
- B) Sales Tax - The January sales tax report from the State Comptroller for the month of November will be received Friday, January 13, 2023.
- C) Update of Projects and Development - The City Manager provided an update of current projects and development.
- D) Government Finance Officers Association - The City received notice on 1/6/2023 that the City of Livingston annual comprehensive financial report for the fiscal year ended September 30, 2021 qualified for GFOA's Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting. This is the 34<sup>th</sup> consecutive year the City has earned this prestigious national award.
- E) Livingston Youth Baseball Association - Shannon Goins, President of LYBA, informed the City Manager that they have put in a bid for LYBA to host the Dixie Regional Baseball Tournaments for 12U Divisions 1 & 2 that would be

held at City facilities July 1-3, 2023. If LYBA is awarded the tournaments, it would mean approximately 18-20 teams coming to Livingston, booking hotel rooms, dining and shopping in our community. Upon inquiry by Alderman Luna, the City Manager expressed the need for the development of a formal policy regarding the use of hotel occupancy tax funds.

(John Tarver, Emily Wooten and Ricky Taylor retired from the meeting.)

Mayor Cochran called the Council into executive session at 6:08 P.M., pursuant to Texas Government Code Section 551.071 Legal - Consultation with Attorney.

Council reconvened in open session at 6:38 P.M. Upon reconvening in open session, no action was taken.

Discussion ensued relative to the status of the Order of Abatement related to Cause No. CE-2014012 regarding buildings located at 154 Banks Drive. Mayor Cochran directed that the matter be placed on the February 14, 2023 City Council Agenda for a status update.

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 6:42 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**

