

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

MINUTES
REGULAR MEETING &
PUBLIC HEARINGS
CITY COUNCIL
FEBRUARY 8, 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., February 8, 2022, 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:

Lisa Jarrell	)	Jarrell Family Members
Russell Jarrell)	
Donna Hilton)	
Earl Hilton)	
Jeff Hunter	)	Community Development Coordinator

Page 2, City Council Meeting Minutes of 02/08/2022

Josh Mohler	)	Fire Marshal/Code Enforcement Officer
Emanuel Glockzin, Jr.	)	Ridgecrest Inn Apartments
Police Chief Matt Parrish	)	Livingston Police Department
Lieutenant Marty Drake)	
Sergeant David Mitchell)	
Officer Jack Mueller)	
Officer Taryn Lopez)	
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.

(Alderman Davis entered the meeting.)

It was moved by Alderman Evans and seconded by Alderman Cook that the minutes of the regular meeting of January 11, 2022 be approved. All present voted aye.

Mayor Cochran opened a Public Hearing at 5:01 P.M. regarding the possible determination as an unsafe and/or dilapidated building, the abandoned building located at 510 N. First Street, Livingston, Texas, and being located on a called 0.309 of an acre of land in the M. L. Choate Survey, A-15, being all of Lot 11 and parts of Lots 12 & 13, Block 2 of the J. S. Holleman Addition, described in a deed dated January 8, 2015 from Bob M. Wheeler and wife, Shavada L. Lyons to Leonard W. Perkey and wife, Jeanette Perkey recorded in Volume 1980, Page 794 of the Official Public Records of Polk County, Texas. City Attorney Jim Wright reported that the owners of the property have cleaned up the property and there is no need to continue with the Public Hearing. The Public Hearing was closed at 5:06 P.M.

The City Attorney requested that Item IV. Public Hearing on Determination of Unsafe and/or Dilapidated Building on 522 W. Church and Item V. Discussion and Consider Possible Action on Final Order on Determination of Unsafe and/or Dilapidated Building on 522 W. Church be held until later in the meeting as additional Jarrell family members are on their way and have been delayed by a traffic accident on U.S. Highway 190 West.

The City Manager presented a request for a resolution on behalf of Emanuel Glockzin, Jr., owner of Ridgecrest Inn Apartments at 901 Forest Hollow, in support

of the application by Ridgecrest Inn Apartments LTD to the Texas Department of Housing and Community Affairs for 2022 housing tax credits for the apartment complex rehabilitation project. The City Attorney advised Council that Mr. Glockzin had planned to be at today's meeting and is likely delayed by the traffic accident on U.S. Highway 190 West. The City Manager provided Council with the budget for the rehabilitation project budget of \$4,791,250.00 and advised that there would be a credit of \$250.00 from the City toward the building permit fee. Upon recommendation by the City Manager, it was moved by Alderman Luna and seconded by Alderman Cook that the resolution of support for the submission of the application by Ridgecrest Inn Apartments LTD to the Texas Department of Housing and Community Affairs for 2022 Housing Tax Credits for the rehabilitation of the existing Ridgecrest Inn Apartments at 901 Forest Hollow, be approved, as presented. Discussion ensued relative to the credit of \$250.00 given by the City toward the building permit fee. All present voted aye. The resolution, as approved, is captioned as follows:

"RESOLUTION NO. 594

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, TEXAS, SUPPORTING THE SUBMISSION OF AN APPLICATION BY RIDGECREST INN APARTMENTS, LTD TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 2022 HOUSING TAX CREDITS FOR THE RIDGECREST INN APARTMENTS DEVELOPMENT AND PROVIDING FOR A WAIVER OF CERTAIN FEES."

(Police Chief Matt Parrish and Lieutenant Marty Drake entered the meeting.)

The City Manager presented the City of Livingston Police Department Policy additions and amendments for approval. Police Chief Matt Parrish reviewed the proposed amendments and additions. Discussion ensued relative to the changes to the policy. It was moved by Alderman Cook and seconded by Alderman Davis that the amendments and additions to the City of Livingston Police Department Policy be approved as presented. All present voted aye.

Police Chief Matt Parrish presented the City of Livingston Police Department 2021 Racial Profiling Report to the Council in accordance with Article 2.314(b) of the Texas Criminal Code of Procedure. Discussion ensued relative to the collection and the breakdown of the data included in the report. The City Manager advised that there is no action required by Council on this item at this time.

(Sergeant David Mitchell entered the meeting.)

Police Chief Matt Parrish introduced Sgt. David Mitchell who greeted the Council.

(Police Chief Matt Parrish, Lieutenant Marty Drake and Sergeant David Mitchell retired from the meeting.)

The City Manager presented Electrical Permit Fees for approval as reviewed and recommended by Electric Superintendent Derrick Richardson. It was moved by Alderman Davis and seconded by Alderman Evans that the Electrical Permit Fees be approved as presented, to be effective immediately. All present voted aye.

The City Manager advised Council that Mayor Cochran will sign the order for the City's General Election to be held on May 7, 2022 for the purpose of electing one (1) Mayor and two (2) Councilmembers.

The City Manager presented a proposed resolution to establish election procedures for the General Election to be held May 7, 2022. It was moved by Alderman Davis and seconded by Alderman Cook that the resolution, as introduced, be approved and adopted. All present voted aye.

The City Manager advised Council that Mayor Cochran will sign the Notice of General Election for the City's General Election to be held on May 7, 2022 for the purpose of electing one (1) Mayor and two (2) Councilmembers. The City Manager reported that all three incumbents have filed.

The City Manager presented an interlocal agreement with Polk County for use of election equipment and services to be provided by Polk County Clerk's office for the General Election ordered to be held May 7, 2022. It was moved by Alderman Luna and seconded by Alderman Davis that the Interlocal Agreement between the City and the County for the use of the county-owned voting equipment and election services be approved. All present voted aye.

(Police Chief Matt Parrish, Lieutenant Marty Drake, Sergeant David Mitchell, Officer Jack Mueller and Officer Taryn Lopez entered the meeting.)

Mayor Cochran recognized Chief Parrish and welcomed the Police Department personnel to the meeting. Police Chief Parrish recognized Sgt. Mitchell who introduced Officer Jack Mueller and Officer Taryn Lopez to Council and commended them for the outstanding job they are doing in the community.

(Police Chief Matt Parrish, Lieutenant Marty Drake, Sergeant David Mitchell, Officer Jack Mueller and Officer Taryn Lopez retired from the meeting.)

The City Manager presented the Accounts Over \$500 for approval. It was moved by Alderman Cook and seconded by Alderman Davis 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) Sales Tax - The February sales tax report will be available Friday, February 11, 2022 and will be emailed to Council.
- B) Update of Projects and Development - The City Manager provided an update of current projects and development.

Upon inquiry by Mayor Cochran, Lisa Jarrell advised that the additional family members driving in for the Public Hearing are approximately 4 miles away from Livingston.

The City Manager requested an update from the City Attorney regarding the status of the dilapidated building case regarding the former Burmont Nursing Home. The City Attorney reported that the case has been appealed to the district court and is awaiting action by the assigned judge.

(Donna Hilton and Earl Hilton entered the meeting.)

Mayor Cochran returned to Item IV. of the Agenda for the Public Hearing on Determination of Unsafe and/or Dilapidated Building regarding 522 W. Church.

Mayor Cochran opened a Public Hearing at 5:40 P.M. on the possible determination as an unsafe and/or dilapidated building, the abandoned building located at 522 W. Church St., Livingston, Texas, and being situated on a called 100 x 75 foot tract of land situated in the M. L. Choate Survey, A-15, Polk County, Texas, as described in a deed dated May 20, 1996 from Kathleen Squyres Garner and Townie M. Squyres to Fred Jarrell, recorded in Volume 1017, Pages 055 et seq. of the Official Public Records of Polk County, Texas.

(Emanuel Glockzin, Jr. entered the meeting.)

Fire Marshal/Code Enforcement Officer Josh Mohler, Lisa Jarrell, Russell Jarrell, Donna Hilton and Early Hilton were sworn as witnesses. No other owners or owner representatives were present at the hearing.

(Emanuel Glockzin, Jr. retired from the meeting.)

Josh Mohler presented his report to Council concerning the possible determination as an unsafe and/or dilapidated building, the abandoned building located at 522 W. Church St., Livingston, Texas, and being situated on a called 100 x 75 foot tract of land situated in the M. L. Choate Survey, A-15, Polk County, Texas, as described in a deed dated May 20, 1996 from Kathleen Squyres Garner and Townie M. Squyres to Fred Jarrell, recorded in Volume 1017, Pages 055 et seq. of the Official Public Records of Polk County, Texas.

Code Enforcement Officer and Fire Marshal Josh Mohler reported that the abandoned building 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 notices had been posted on the City public bulletin board, published in the Polk County Enterprise, 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 and advised the Council that the underground and above ground fuel storage tanks, having been out of service for over one year, were required to be filled with inert material or removed, in accordance with Section 5704 of the 2018 International Fire Code as adopted by the City.

Lisa Jarrell, Russell Jarrell, Donna Hilton and Earl Hilton provided a review of their efforts regarding the dilapidated building and cleanup of the property and their plans to demolish the building and remove the fuel tanks. They have received cost estimates for the removal of the above ground and underground fuel tanks and the demolition of the building. They also confirmed that members of the Jarrell family not present, Sharon Barnhill and Lloyd Jarrell were also in agreement with these plans. Lisa Jarrell reported that Russell Jarrell is scheduled to be appointed as Administrator of the estate of Freddie Jarrell in Collin County, Texas in late February, 2022 and would be able to act on behalf of the estate regarding the property. The Jarrell family members present agreed that the removal of the fuel tanks and demolition of the building should be able to be completed within 90 days. Discussion ensued regarding their request for this 90-day period.

There being no further comments to be received in the public hearing, Mayor Cochran declared the public hearing closed at 6:31 P.M.

Based on the evidence presented at the hearing, it was moved by Alderman Cook and seconded by Alderman Evans that the Council order the removal of the above ground and underground fuel tanks and the demolition of the building located at 522 W. Church Street in the City of Livingston, Texas, to be completed within 90 days. All present voted aye.


The Jarrell family was instructed to coordinate with the Community Development Department and keep that Department apprised of the progress of the removal of the tanks and the demolition of the building.

(Lisa Jarrell, Russell Jarrell, Donna Hilton and Earl Hilton retired from the meeting.)

Upon inquiry of Alderman Evans, the City Attorney provided additional information regarding the status of the dilapidated building case involving the former Burmont Nursing Home located at 154 Banks Drive. The City Attorney reported that the case is on appeal with the district court and is awaiting action by the assigned judge.

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 6:38 P.M. All present voted aye.

SIGNED:



Judy B. Cochran, Mayor

ATTEST:



Ellie Monteaux, TRMC, MMC, CPM
City Secretary/Assistant City Manager

