

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

MINUTES
REGULAR MEETING
CITY COUNCIL
MARCH 14, 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., March 14, 2023, 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:

Steve Palmerton)	Harper & Pearson Company, P.C.
Kevin Beinvenu)	
Josh Mohler)	Fire Marshal/Code Enforcement Officer
Mike Wilson)	Piney Woods Sanitation

Carl Feren) Self

Joe McCandless) Self

Mindy Keith) Self

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

It was moved by Alderman Evans and seconded by Alderman Cook that the minutes of the regular meeting of February 14, 2023 be approved. All present voted aye.

(Alderman Luna entered the meeting.)

Mayor Cochran recognized Steve Palmerton and Kevin Beinvenu, CPAs with the accounting firm of Harper & Pearson Company, who performed the audit for fiscal year ended 9/30/2022. Mr. Palmerton presented the annual financial highlights and reviewed performance of the General and Utility System funds for the fiscal year. Mr. Palmerton advised the Council that the City continues to be operated efficiently and remains in strong financial condition.

(Steve Palmerton and Kevin Bienvenu retired from the meeting.)

It was moved by Alderman Cook and seconded by Alderman Davis that the Annual Comprehensive Financial Report (ACFR) for the fiscal year ended 09/30/2022, as prepared by the auditing firm of Harper and Pearson Company, P.C., be accepted. All present voted aye.

The City Manager advised Council that the current contract with Republic Services for collection and disposal of solid waste will end on July 31, 2023. Republic Services assumed the contract from Santek Waste Services who was awarded the contract in 2003. As it is in the best interest of the City of Livingston, notice has been sent to Republic Services that the City will not allow the automatic renewal of the contract to take place and will begin the procurement process for these services.

(Joe McCandless and Mindy Keith entered the meeting.)

Discussion ensued relative to the notice given regarding the termination of the current contract for sanitation, the reasons for the termination, the procurement

process including the requirement of the City to publicly advertise the Request for Proposals (RFP) for Collection and Disposal of Solid Waste. The City Manager advised that he would oversee the drafting of the RFP in coordination with the City Attorney, Utility Billing Supervisor and administrative staff. It was moved by Alderman Luna and seconded by Alderman Cook that the City Manager be authorized to advertise for proposals for collection and disposal of solid waste. 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. No action was taken by Council.

(Mike Wilson entered the meeting.)

The City Manager advised Council that the Texas Election Code requires appointment of an Election Judge for the City's General Election to be held on May 6, 2023. Livingston resident Heather Weber has agreed to serve as Election Judge, if appointed by Council. The appointment would be for only one election cycle as related to the May 6, 2023 General Election. As recommended by the City Manager, it was moved by Alderman Davis and seconded by Alderman Cook that Heather Weber be appointed as Election Judge for the May 6, 2023 General Election. Discussion ensued relative to the appointment and duties of the election judge. All present voted aye. Mayor Cochran will sign the Order of Appointment of Election Judge.

The City Manager advised Council that the Deep East Texas Council of Governments (DETCOG) has been allocated \$3,401,053 for the 2023-2024 Texas Community Development Block Grant Program. The City of Livingston is eligible to make application for these funds with the maximum amount of \$500,000. In accordance with the TDA CDBG instructions for grant administration procurement, a Request for Proposals (RFP) was sent to the following potential grant administration service providers: David J. Waxman Inc., Traylor & Associates, Langford Community Management Services and KSBR LLC.

One response was received by the deadline of February 28, 2023, from Langford Community Management Services. A review committee comprised of Mayor Judy Cochran, City Manager Bill Wiggins and City Secretary/Assistant City Manager Ellie

Monteaux completed review and scoring of the RFP and recommended award of the contract to Langford Community Management Services. Upon the recommendation of the Rating Review Committee, it was moved by Alderman Davis and seconded by Alderman Luna that the contract for grant administration for the preparation of the City's 2023-2024 Texas Community Development Block Grant Program CD application, and subsequent administrative services contract if funded, be awarded to Langford Community Management Services. Discussion ensued relative to the potential use of the grant funds for street improvement. All present voted aye.

The City Manager advised Council that the next step regarding the City's 2023-2024 Texas Community Development Block Grant Program application is to secure engineering services for the preparation of the application and subsequent engineering contract if funded. The City's Request for Qualifications (RFQ) was published in the *Polk County Enterprise* and on the City's website. The Texas Department of Agriculture guidelines require that the RFQ be sent a minimum of five (5) engineering firms with at least one (1) that is categorized as a historically underutilized business (HUB), small business, minority owned and/or women owned. A cover letter, the RFQ packet and a sample engineering contract were sent by email to the following engineering firms: KSA Engineers, Gallegos Engineering, Goodwin-Lasiter-Strong, The Brannon Corporation and Halff Associates. In response to an email request received 2/28/2023, the information was also sent to TLC Engineering, Inc.

In response to the City's Request for Qualifications, one proposal was received prior to the deadline of March 13, 2023 from The Brannon Corporation. A rating review committee comprised of Mayor Judy Cochran, City Manager Bill Wiggins and City Secretary/Assistant City Manager Ellie Monteaux completed review and scoring of the RFQ and recommended award of the contract to The Brannon Corporation. Upon the recommendation of the Rating Review Committee, it was moved by Alderman Evans and seconded by Alderman Cook that the contract for engineering services for the preparation of the City's 2023-2024 Texas Community Development Block Grant Program CD application, and subsequent engineering services contract if funded, 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 Evans that the accounts over \$500.00, as submitted, be approved for payment. All present voted aye.

(Josh Mohler retired from the meeting.)

The City Attorney provided Council with an update of the status of the property located at 106 N. East Avenue, owned by Joseph McCandless and Manda Kay McCandless, that was the subject of a Public Hearing held before Council on January 10, 2023. At the January 10, 2023 City Council Meeting, evidence was presented by the Code Enforcement Department and Joseph McCandless appeared and presented a letter and a Plan of Action for repairs to and rehabilitation of the building on the property. Code Enforcement officers have monitored the progress at the property and have reported that, although the building has been secured by boarding of the windows and doors, no apparent progress has been made for repairs and no permits have been issued for repairs. Discussion ensued relative to efforts made by the owner to mow the property and secure the structure. The City Attorney advised Mr. McCandless that he would be receiving notice of the April 11, 2023 Show Cause Hearing at which time he would be expected to appear and explain why no progress has been made according to the Plan of Action.

Mayor Cochran called a Public Hearing for April 11, 2023 at 5:00 P.M. before the City Council on the possible determination of a residential structure and outbuildings owned by Joseph McCandless and Manda Kay McCandless, located at 106 N. East Avenue as unsafe and/or dilapidated buildings, 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.

At the request of City Attorney Jim Wright, Mayor Cochran returned to Agenda Item VI. Calling of Show Cause Hearing regarding 106 N. East Avenue, Joseph McCandless and Mandy Kay McCandless. It was moved by Alderman Cook and seconded by Alderman Davis that a Show Cause Hearing be set for April 11, 2023 at 5:00 P.M. regarding 106 N. East Avenue owner by Joseph McCandless and Manda Kay McCandless. Mayor Cochran will sign the Notice to Show Cause and of Hearing as prepared by the City Attorney.

The City Manager reported on the following items:

A) Events

Livingston Farmers & Artisan Market - Held at Anniversary Park on 1st and 3rd Saturday each month 9:00 AM to 1:00 PM beginning Saturday, March 4th
Friends of the Library Book Fair - Friday, March 17 from 10:00 AM to 2:00 PM
Livingston Trade Days - Saturday, March 18 and Sunday, March 19 at Pedigo Park featuring the annual Spring Outdoor Expo on Saturday

Bench Dedication Ceremony Honoring First Responders - Saturday, March 25 at 9:00 A.M. at Anniversary Park

Trinity-Neches Livestock Show - March 27 thru March 31 at Barney Wiggins Memorial Park

Easter Eggstravaganza - Saturday, April 1 at Pedigo Park

B) Sales Tax - The March sales tax report from the State Comptroller for the month January reflects \$404,934.84, an increase of 16.77% over January, 2022.

C) Update of Projects and Development - The City Manager provided an update of current projects and development.

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 5:43 P.M. All present voted aye.

SIGNED:



Judy B. Cochran, Mayor

ATTEST:



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

