

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

MINUTES
REGULAR MEETING
CITY COUNCIL
APRIL 11, 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., April 11, 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:

Allen Borchers)	Self
Peggy Borchers)	
Josh Mohler)	Fire Marshal/Code Enforcement Officer
Joseph McCandless)	Self
Carl Feren)	Self

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Annis Crowley Johnson)	Self
Mindy Keith)	Self
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.

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

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. The City Attorney recognized property owner Joseph McCandless and requested that Mr. McCandless provide an update to Council of the status of the property relating to the Plan of Action proposed at the January 10, 2023 City Council meeting for repairs to and rehabilitation of the building on the property. Mr. McCandless provided photographs of the property taken today depicting debris removal inside the building and mowing of the property. Discussion ensued relative to progress made on the Plan of Action submitted by the owner, the status of divorce proceedings of Mr. McCandless and wife Manda McCandless, security of the building, continued mowing of the property and the time frame for completion of the next stage of the restoration of the building.

Mr. McCandless represented to the Council that he has secured the structure *[No. 1 of Plan of Action]*, has cleaned debris from interior and exterior *[No. 3 of Plan of Action]*, and within six months, will replace boards on front porch *[part of No. 2 of Plan of Action]*, level the building, replace any bad beams, joists and sills with treated lumber, and replace the plywood subfloor throughout *[Item 5 of Plan of Action]*, remove interior sheetrock *[part of Item 10 of Plan of Action]* and repair the structure of the bathroom *[part of Item 4 of Plan of Action]*. Further discussion ensued regarding setting of a Show Cause Hearing for October 10, 2023 to review the progress made on the Plan of Action and repairs made to the building. Mr. McCandless stated he will obtain a bid for plumbing repairs to the building prior to the next hearing and will provide a copy to Council at that time.

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, October 10, 2023 for status review. All present voted aye.

(Joseph McCandless, Mindy Keith, and Annis Crowley Johnson retired from the meeting.)

With the action taken by Council on Agenda Item II., the following agenda items regarding 106 N. East Avenue are moot: Agenda Item III. Public Hearing on Determination of Unsafe and/or Dilapidated Building and Cleanup of Property and Agenda Item IV. Discussion and Consider Possible Action on Final Order of Unsafe and/or Dilapidated Building and Cleanup of Property.

The City Manager advised Council that the Texas Election Code requires appointment of an Alternate Election Judge for the City's General Election to be held on May 6, 2023. Livingston resident Rebecca Marie McAllister has agreed to serve as Alternate 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 Cook and seconded by Alderman Davis that Rebecca Marie McAllister be appointed as Alternate Election Judge for the May 6, 2023 General Election. All present voted aye. Mayor Cochran will sign the Order of Appointment of Alternate Election Judge.

The City Manager presented Payment Application No. 1 of Ameresco Inc. in the amount of \$508,742.00. This amount represents 10% of the contract price for the automated metering infrastructure project that was approved by Council on June 14, 2022. Based on the recommendation of the City Manager, it was moved by Alderman Luna and seconded by Alderman Cook that Payment Application No. 1 in the amount of \$508,742.00 to Ameresco, Inc., payable from local funds, be approved as presented. All present voted aye.

The City Manager advised Council that the 10,000-gallon fuel tank at Livingston Municipal Airport was taken out of service January 26, 2023 for an unexpected failure of the fuel tank liner. The required NOTAM was filed with the FAA notifying

pilots that LL100 AvGas was not available at the airport. Mr. Allen Borchers filed a Public Meeting Appearance Form with the City Secretary prior to the meeting being called to order and requested that he be given the opportunity to speak regarding this agenda item. Mayor Cochran recognized Mr. Borchers who addressed Council and requested that Council approve replacement of the fuel tank. Mr. Borchers further requested that the replacement tank be able to store no-lead AvGas as the industry is expected to change from the current low-lead AvGas to no-lead AvGas in as little as two years. The City Manager advised Council that a replacement tank is available through BuyBoard for the estimated amount of \$187,816.10. The estimate provided by Fuel Control Solutions was provided to Council for review. Discussion ensued relative to the unexpected expense not being included in the current budget, the capacity of the tank being reduced from 10,000 gallons to 6,000 gallons as recommended, the timeline for the replacement of the tank, the filtration system of aircraft and of the airport fuel tank, and the method used to calculate the price of the fuel. Alderman Luna requested that the City Manager evaluate the expenses related to the municipal airport in consideration of user fees and pricing of fuel available for purchase at the airport.

(Josh Mohler retired from the meeting.)

Discussion continued as to the method used for pricing of the fuel at the airport. It was moved by Alderman Luna and seconded by Alderman Cook that the project for replacement of the fuel tank at the Livingston Municipal Airport be approved with the amount not to exceed \$250,000.00. All present voted aye.

(Allen Borchers and Peggy Borchers retired from the meeting.)

The City Manager presented a proposed resolution authorizing the submission of an application, to include Civil Rights policies, for the 2023-2024 TxCDBG Community Development Fund. It was moved by Alderman Cook and seconded by Alderman Evans that the resolution, as presented, be approved and adopted. All present voted aye. The resolution, as approved, is captioned as follows:

"RESOLUTION NO. 604

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND."

The City Manager presented a proposed resolution authorizing signatories for the 2023-2024 application and future grants administered through the Texas Department of Agriculture TDA GO Grants online. It was moved by Alderman Davis and seconded by Alderman Cook that the resolution, as presented, be approved and adopted. All present voted aye. The resolution, as approved, is captioned as follows:

"RESOLUTION NO. 605

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, TEXAS, AUTHORIZING CITY REPRESENTATIVES IN MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM."

The City Manager presented the Accounts Over \$500 for approval. It was moved by Alderman Evans and seconded by Alderman Luna that the accounts over \$500.00, as submitted, be approved for payment. The motion prevailed by the following vote: AYES - Alderman Luna, Alderman Davis, Alderman Evans. NOES - None. ABSTAIN: Alderman Cook.

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

Livingston Community Cleanup - Saturday, April 22 at Pedigo Park from 8:00 A.M. until 12:00 P.M.

Livingston Trade Days - Saturday, May 13 and Sunday, May 14

B) Sales Tax - The April sales tax report from the State Comptroller for the month February will be available Friday, April 14, 2023.

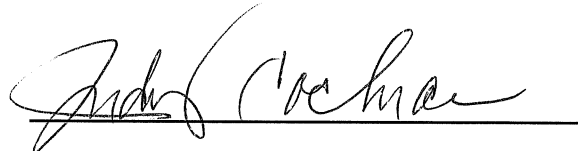
C) Update of Projects and Development - The City Manager provided an update of current projects and development.

D) Livingston Municipal Court Amnesty Program - Livingston Municipal Court is offering an amnesty program for Class C warrants and unpaid tickets from April 1, 2023 through May 31, 2023.

E) Swim Lesson Sign Ups - Sign ups begin Monday May 1st at the Parks office in Pedigo Park.

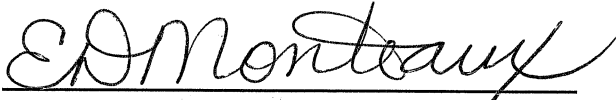
There being no further business to come before the City Council, it was moved by Alderman Cook and seconded by Alderman Davis that the meeting be adjourned at 6:12 P.M. All present voted aye.

SIGNED:



Judy B. Cochran, Mayor

ATTEST:



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

