

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

MINUTES
REGULAR MEETING
& SHOW CAUSE HEARING
CITY COUNCIL
May 11, 2021
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., May 11, 2021, with the following members present:

Judy B. Cochran	)	Mayor
Alan Cook	)	Councilmembers
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:

Chief Corky Cochran	)	Livingston Fire Department
Shelly Bush Sitton	)	Municipal Court Judge
Johnny Sitton	)	Family of Judge Shelly Bush Sitton
Brooke Sitton)	

Jeff Hunter	)	Community Development Coordinator
Josh Mohler	)	Fire Marshal/Code Enforcement Officer
Bob Burkhalter	)	Self
Allie Gilkey	)	Self
Mable Jackson	)	Self
Michelle Tapa	)	Self
Ricardo Perez	)	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.

Mayor Cochran recognized Corky Cochran, Fire Chief of Livingston Volunteer Fire Department. Members of the Council have received their annual payment for meeting attendance and have chosen to contribute these payments to the Livingston Volunteer Fire Department. Chief Cochran accepted the contributions on behalf of the Livingston Volunteer Fire Department.

(Corky Cochran retired from the meeting.)

The City Secretary administered the Oath of Office to Alderman Elgin Davis and Alderman Clarke Evans.

Mayor Cochran presented Certificates of Election to Alderman Elgin Davis and Alderman Clarke Evans.

The City Manager advised Council that at the first meeting of the Council following the General Election each year, the Council elects a Mayor Pro-tem to serve for a one-year term of office. It was moved by Alderman Davis and seconded by Alderman Smith that Alderman Alan Cook be nominated to serve as Mayor Pro-tem for the 2021-2022 term. All present voted aye.

The City Manager advised Council that Shelly Bush Sitton is willing to continue to serve as Municipal Court Judge and recommended that Shelly Bush Sitton be

appointed for the 2-year term ending May 31, 2023. It was moved by Alderman Cook and seconded by Alderman Evans that Shelly Bush Sitton be appointed as Municipal Court Judge for the 2-year term ending May 31, 2023. All present voted aye.

The City Secretary administered the Oath of Office to Municipal Court Judge Shelly Bush Sitton. Mayor Cochran presented a Certificate of Appointment to Judge Sitton.

The City Manager advised Council that Municipal Court Associate Judge Gene Bush has submitted his resignation. It was moved by Alderman Davis and seconded by Alderman Cook that the resignation of Municipal Court Associate Judge Gene Bush be accepted. All present voted aye.

(Shelly Bush Sitton, Johnny Sitton and Brooke Sitton retired from the meeting.)

It was moved by Alderman Smith and seconded by Alderman Cook that the minutes of the regular meeting of April 13, 2021 be approved. All present voted aye.

Mayor Cochran opened a Show Cause Hearing at 5:10 P.M. on the February 9, 2021 Order of Abatement by City Council ordering Ricardo Perez to submit plans and a schedule of repairs and rehabilitation of the building located at 1958 S. Washington Avenue, Livingston, Polk County, Texas.

Fire Marshal/Code Enforcement Officer Josh Mohler provided Council with a status update of the response of Ricardo Perez to the Order of Abatement issued February 9, 2021 by City Council. Mr. Mohler stated that Mr. Perez has not submitted plans nor a schedule of repairs and rehabilitation of the building as ordered. Michelle Tapa, daughter of Ricardo Perez, addressed the Council and stated that she has assisted with repairs and mowing of the property. Discussion ensued regarding the requirement that plans be submitted regarding the ordered repairs.

Mayor Cochran closed the Show Cause Hearing at 5:18 P.M.

The City Attorney advised Council that the publishing deadline had not been met to conduct a Public Hearing on the dilapidated building at today's meeting and that the hearing would need to be called for June 8, 2021 at 5:00 P.M.

(Ricardo Perez entered the meeting.)

Upon the arrival of Ricardo Perez, Mayor Cochran re-opened the Show Cause Hearing at 5:20 P.M. regarding the February 9, 2021 Order of Abatement by City Council ordering Ricardo Perez to submit plans and a schedule of repairs and rehabilitation of the building located at 1958 S. Washington Avenue, Livingston, Polk County, Texas. The City Attorney asked Ricardo Perez to come to the podium and inquired if Mr. Perez had prepared a written plan for the repairs and rehabilitation of the building as ordered. Mr. Perez reported on the repairs that have been done to date on the building including some plumbing and replacement of a water heater, an electrical panel, and some window replacements. However, Mr. Perez acknowledged that all such work was performed without obtaining building, electrical or plumbing permits. Mr. Perez stated he does not have written plans for the ordered repairs, nor a time line for completion, to be submitted to the Community Development Department. Mr. Perez also stated he has not obtained an inspection by a licensed structural engineer of the brick veneer and supporting wall on the second story rear wall for integrity, and the structural integrity of the first floor concrete slab due to soil erosion, as ordered in the February 9, 2021 Order of Abatement.

Mayor Cochran closed the Show Cause Hearing at 5:32 P.M.

It was moved by Alderman Cook and seconded by Alderman Smith that the City Council find that Ricardo Perez is in default of the February 9, 2021 Order of Abatement as he has failed to submit plans to the Community Development Department for the repair and rehabilitation of the building located at 1958 S. Washington Avenue in the City of Livingston, Texas, and that the City Council move forward with action consistent with its February 9, 2021 finding that such building is dilapidated, substandard, unsafe and a public nuisance, and is a danger to the life, health, property or safety of the public and is in violation of City ordinances. All present voted aye.

Mayor Cochran called a Public Hearing for June 8, 2021 at 5:00 P.M. for enforcement of and action on the February 9, 2021 Order of Abatement by City Council finding the building, located at 1958 S. Washington Avenue as dilapidated, substandard, unsafe and a public nuisance - An abandoned building located at 1958 S. Washington Avenue, Livingston, Texas, being situated on 0.17 acre of land, in the William Frisby Survey, A-242, described in deed dated September 24, 1981 to Ramon Perez and Maria G. Perez, recorded in Volume 401, Page 222 et seq. of the Polk County Deed Records.

(Ricardo Perez and Michelle Tapa retired from the meeting.)

The City Manager introduced a proposed cost of living adjustment for the employee salary schedule to be effective October 1, 2021 for approval. Based on the recommendation of the City Manager, it was moved by Alderman Evans and seconded by Alderman Davis that a cost-of-living adjustment of 2.6% be approved for the employee salary schedule effective October 1, 2021. All present voted aye.

The City Manager presented a preliminary plat of Panda Express Subdivision Tract 1 for approval. Discussion ensued regarding the location of the building. The preliminary plat has been reviewed and approved by the Community Development Department. It was moved by Alderman Cook and seconded by Alderman Smith that the preliminary plat of Panda Express Subdivision Tract 1 be approved as presented. 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 of Projects and Development - The City Manager provided an update of current projects and development.
- B) Texas Department of Transportation - The City Manager met with Delmy Reyes, TXDOT Area Engineer, and requested that the following five items be considered: 1) a traffic study on US Highway 190 West, 2) drainage issue on Pan American Drive at collapsed culvert, 3) drainage issue on Church Street at Community Title, 4) only two traffic signals have a battery backup to operate during a power outage, and 5) widening of the shoulder at US Highway 59 North Bypass feeder road near the Livingston Junior High. The City Manager has invited Ms. Reyes to attend a future City Council meeting and present responses to the items listed.

(Mable Jackson, Allie Gilkey and Bob Burkhalter retired from the meeting.)

Mayor Cochran called the Council into executive session at 5:58 P.M., pursuant to Texas Government Code Section 551.071 (Legal - Consultation with Attorney).

Council reconvened in open session at 6:23 P.M.

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, MMC, CPM
City Secretary/Assistant City Manager