

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

MINUTES
REGULAR MEETING AND
PUBLIC HEARINGS
CITY COUNCIL
JUNE 13, 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., June 13, 2023, with the following members present:

Judy B. Cochran	)	Mayor
Alan Cook	)	Councilmembers
Raymond Luna)	
Elgin Davis)	
Bobby Jackson, Sr.)	
Billy S. Wiggins	)	City Manager
Ellie Monteaux	)	City Secretary/Assistant City Manager
James Wright	)	City Attorney

and the following others present:

Christopher Scott	)	Central Baptist Church of Livingston
Johnny Barrett)	
Ben Ogletree, III)	
Melanie Justice)	
Dan Ellis)	
Jim Sharp)	
Larry Horn)	
Chris Moehlmann	)	Self

Wendy Moehlmann	)	Self
K. Susie Adams	)	Self
Ricky Taylor	)	Texas EMS
Josh Mohler	)	Fire Marshal/Code Enforcement Officer
Otto Lyons	)	Greenfield Community
Sheri Nunez	)	Livingston Air Park
Mark Rogers	)	Livingston Air Park
Bob Burkhalter	)	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 Cook and seconded by Alderman Jackson that the minutes of the regular meeting of May 9, 2023 and the special called meeting of May 16, 2023 be approved. All present voted aye.

City Attorney Jim Wright filed a Disclosure Affidavit regarding Item II. Public Hearing regarding Petition by Central Baptist Church of Livingston to Vacate, Abandon and Close a Portion of N. East Avenue and Item III. Discussion to Consider an Ordinance Vacating, Abandoning and Closing a Portion of N. East Avenue. The Disclosure Affidavit is incorporated herein by reference and shall be attached with the minutes of the meeting.

Mayor Cochran opened a Public Hearing at 5:02 P.M. to receive comments regarding a petition by Central Baptist Church of Livingston to vacate, abandon and close a portion of N. East Avenue between E. Polk Street and E. Milam Street.

Christopher Scott, Ben Ogletree III, Melanie Justice and Larry Horn spoke in favor of the petition. K. Susie Adams and Chris Moehlmann spoke against the petition.

There being no further comments to be received in the Public Hearing, Mayor Cochran closed the Public Hearing at 5:36 P.M.

The City Manager introduced an ordinance conditionally vacating, abandoning and closing a portion of N. East Avenue adjacent to Blocks 41 and 42 of the original city townsite from E. Polk Street northward to E. Milam Street. Discussion ensued relative to feasibility of closing a portion of N. East Street, the width of the street, the possible options for traffic control and speed reduction other than closure of the street, and the tabling of this item to allow for further research. It was moved by Alderman Davis and seconded by Alderman Luna that the discussion and consideration of possible action on the ordinance to vacate, abandon and close a portion of N. East Avenue be tabled at this time and be included on the July 11, 2023 Agenda. All present voted aye.

(Christopher Scott, Johnny Barrett, Ben Ogletree, Melanie Justice, Dan Ellis, Jim Sharp, Larry Horn, and K. Susie Adams retired from the meeting.)

Mayor Cochran opened a Public Hearing at 5:42 P.M. to receive comments regarding a petition for annexation by Eternal Holdings, LLC of a 34.04 acre tract in the M. L. Choate Survey, A-15 and Bridger Hobbs Survey, A-327, at 617 FM 350 South. The City Manager introduced the petition and advised Council that the tract of land is adjacent to LVFD Fire Station #4 located on FM 350 South, that the City would not be able to provide electrical service to the property, and that the City could possibly provide water and sewer service to the property.

There being no one present to speak in favor or in opposition of the petition for annexation and no one present representing Eternal Holdings, LLC, Mayor Cochran closed the Public Hearing at 5:45 P.M.

The City Manager introduced a proposed ordinance annexing 34.04 acres in the M. L. Choate Survey, Abstract Number 15, and the Bridger Hobbs Survey, Abstract Number 327, Polk County, Texas, owned by Eternal Holdings, LLC. Discussion ensued relative to the petition for annexation and the utility services to the property. Upon the recommendation of the City Manager, it was moved by Alderman Luna and seconded by Alderman Cook, that the ordinance annexing 34.04 acres in the M. L. Choate Survey, Abstract Number 15, and the Bridger Hobbs Survey, Abstract Number 327, Polk County, Texas, owned by Eternal Holdings, LLC, be approved and adopted as presented. All present voted aye. The ordinance, as approved, is captioned as follows:

"ORDINANCE NO. A-839

AN ORDINANCE ANNEXING 34.04 ACRES IN THE M.L. CHOATE SURVEY, ABSTRACT NUMBER 15, AND THE BRIDGER HOBBS SURVEY, ABSTRACT NUMBER 327, POLK COUNTY, TEXAS, INTO THE CITY OF LIVINGSTON, POLK COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A MUNICIPAL SERVICE PLAN."

The City Manager advised the Council that a member of the Council needs to be appointed to serve on the DETCOG Board of Directors for the term July 1, 2023 through June 30, 2024. The City Manager advised Council that Alderman Davis is currently serving on the DETCOG Board of Directors and is willing to continue to serve if appointed by Council. It was moved by Alderman Cook and seconded by Alderman Jackson that Alderman Elgin Davis be appointed to serve on the DETCOG Board of Directors for the term July 1, 2023 through June 30, 2024. All present voted aye.

The City Manager presented the Accounts Over \$500 for approval. It was moved by Alderman Davis and seconded by Alderman Cook 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) Events

Livingston Farmers & Artisan Market - Held at Anniversary Park on 1st and 3rd Saturday each month

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

Livingston-Polk County Chamber of Commerce 4th Annual Smoke in the Pines BBQ Cookoff and Car Show - Friday, June 23rd & Saturday, June 24th at Pedigo Park

Polk County Youth Rodeo Kickoff Dance - Friday, June 30th at the fairgrounds
62nd Annual Polk County Youth Rodeo - Wednesday, July 5th through Saturday, July 8th at the fairgrounds, beginning at 7:00 P.M. nightly

- B) Sales Tax - The June sales tax report from the State Comptroller for the month April reflects \$393,663.46, a decrease of 7.3% below April, 2022. The year-to-date total for the same period reflects an increase of 5.89%.
- C) Update of Projects and Development - The City Manager provided an update of current projects and development.
- D) Livingston Main Street - The City of Livingston Main Street program has been recognized by Main Street America and Texas Main Street as a 2023 Accredited Program for meeting the standards of performance in 2022.

There being no further business to come before the City Council, it was moved by Alderman Cook and seconded by Alderman Jackson that the meeting be adjourned at 6:00 P.M. All present voted aye.

SIGNED:

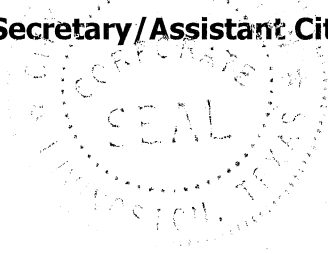


Judy B. Cochran, Mayor

ATTEST:



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



**CITY OF LIVINGSTON, TEXAS
DISCLOSURE AFFIDAVIT**

THE STATE OF TEXAS §

COUNTY OF POLK §

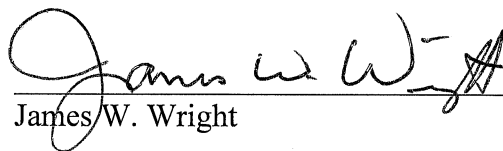
I, **JAMES W. WRIGHT**, as the duly appointed City Attorney for the City of Livingston, Texas, make this affidavit and hereby under oath state the following:

Before the City Council at the June 13, 2023 meeting, or any subsequent meetings on the same matter, is a petition by the Central Baptist Church of Livingston (the "Church") to close a portion of N. East Avenue which is adjacent to properties owned by the Church.

Matters dealing with Church properties are managed by a three member board of Trustees. I am one of the three Church Trustees.

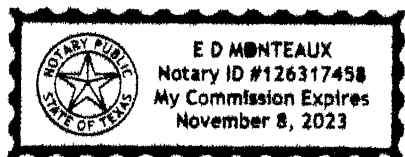
When the subject of closing the street first came before the Trustees, I realized that this would come before the City Council. I immediately advised the remaining Trustees and Church Pastor that I recused myself from any further Church discussions on this matter, and advised that I would not participate in any meetings, phone conversations or email discussions among the Trustees, the Church Pastor or any other Church personnel relating to the street closure matter.


SIGNED this 13 day of June, 2023.


James W. Wright

Before me, the undersigned authority, this day personally appeared JAMES W. WRIGHT and by oath swore that the facts herein above stated are true and correct to the best of his knowledge or belief.

Sworn to and subscribed before me on this the 13th day of June, 2023.




Notary Public, State of Texas