

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

MINUTES
REGULAR MEETING &
PUBLIC HEARINGS
CITY COUNCIL
OCTOBER 10, 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., October 10, 2023, with the following members present:

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

and the following others present:

Josh Mohler	)	Fire Marshal/Code Enforcement Officer
Ricky Taylor	)	Texan EMS
Alvin Hawkins	)	1008 Dunbar LLC
Carlos Barron	)	Self
Angel Machuca	)	Spanish Language Interpreter for Carlos Barron

Edward Jones	)	E.W. Jones F.L.P.
Joshua Grant	)	Self
Christopher Scott	)	Self
Emily Wooten	)	Polk County Enterprise

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

It was moved by Alderman Cook and seconded by Alderman Davis that the minutes of the regular meeting of September 12, 2023 be approved. All present voted aye.

Mayor Cochran declared a public hearing in session at 5:04 P.M. on the possible determination of a residential structure owned by Dunbar Livingston 1008 LLC located at 1008 Dunbar Avenue as an unsafe and/or dilapidated building, the property being described as: Lot Six (6), Block One (1) of the Viola Jones Addition, a subdivision in the City of Livingston, in Polk County, Texas, according to the map or plat thereof recorded in Volume 1, Page 98 of the Plat Records of Polk County, Texas, also known as 1008 Dunbar Avenue, Livingston, Texas.

Notice of the Public Hearing was published in the Polk County Enterprise, posted on the City's website, mailed to all interested parties, and posted on the property. The purpose of the Public Hearing is to receive testimony and information from the City's Code Enforcement Officer and any other interested parties concerning the building and property.

Fire Marshal/Code Enforcement Officer Josh Mohler and property owner Alvin Hawkins were sworn as witnesses. No other owners or owner representatives were present at the hearing.

Josh Mohler presented his report to Council concerning the possible determination as an unsafe and/or dilapidated building, a residential structure owned by Dunbar Livingston 1008 LLC located at 1008 Dunbar Avenue as an unsafe and/or dilapidated building, the property being described as: Lot Six (6), Block One (1) of the Viola Jones Addition, a subdivision in the City of Livingston, in Polk County, Texas, according to the map or plat thereof recorded in Volume 1, Page 98 of the Plat Records of Polk County, Texas, also known as 1008 Dunbar Avenue, Livingston, Texas.

The abandoned structure 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 notice 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 that were obtained on November 8, 2022 by consent of the property owner for entry on and into the property and building. Mr. Mohler advised that, although some electrical work had been completed, the property and structure continue to be unsafe, unsanitary and a public nuisance. Mr. Mohler recommended that the property owner be given time to complete renovations to the building.

Alvin Hawkins addressed the City Council on behalf of Dunbar Livingston 1008 LLC. Mr. Hawkins indicated that he would like to renovate the property. Mr. Hawkins requested additional time to contact potential contractors and establish a time line that will be provided to City Council for review.

There being no further comments to be received in the public hearing, Mayor Cochran declared the public hearing closed at 5:27 P.M.

Discussion ensued relative to the unsafe condition of the front porch and back porch areas of the building and the immediate need for those areas to be addressed.

(Christopher Scott entered the meeting.)

Discussion continued regarding the renovation of the building, sufficient time needed to contact potential contractors to obtain bids, and the immediate need for the dilapidated porches to be addressed. It was moved by Alderman Cook and seconded by Alderman Davis that the property owner be given three (3) months to develop a time line for completion of the project including estimates from potential contractors; the property owner shall submit the time line and estimates at the January 9, 2024 meeting of City Council for review. In addition, the property owner shall immediately secure the building and take care of the dilapidated porches on the building. All present voted aye.

(Alvin Hawkins retired from the meeting.)

Mayor Cochran declared a public hearing in session at 5:34 P.M. on the possible determination of a manufactured home located at 1931 S. Washington Avenue #51 as an unsafe and/or dilapidated building, the manufactured home described as:

a 12 ft. x 53 ft. Redman Sheraton manufactured home, Serial No. 7685, Label/Seal No. TXS0598031.

Notice of the Public Hearing was published in the Polk County Enterprise, posted on the City's website, mailed to all interested parties, and posted on the home. The purpose of the Public Hearing is to receive testimony, comments and information from the City's Code Enforcement Officer and any other interested parties concerning the home.

Fire Marshal/Code Enforcement Officer Josh Mohler and land owner Edward Jones were sworn as witnesses. Angel Machuca was sworn as a Spanish language interpreter for Carlos Barron. No other owners or owner representatives were present at the hearing.

The City Attorney advised that the record owner of the manufactured home per the Texas Department of Housing and Community Development is Jeff McCullar and Amy McCullar as titled July 6, 2007. The City Attorney advised that the manufactured home was sold to Carlos Barron by purchase contract dated April 8, 2010 and that the property, owned by E.W. Jones Limited Partnership, is not a part of today's proceeding.

Josh Mohler presented his report to Council concerning the possible determination as an unsafe and/or dilapidated building, a manufactured home located at 1931 S. Washington Avenue #51 as an unsafe and/or manufactured home.

The abandoned manufactured home 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 notice 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 that were obtained on October 5, 2023 by an administrative search

warrant for entry on and into the property and building. Mr. Mohler advised that the manufactured home continues to be unsafe, unsanitary and a public nuisance.

Edward Jones testified on behalf of E.W. Jones Limited Partnership. Mr. Jones testified that the manufactured home has been abandoned by the owner, the amount of past due lot rent is \$5,700.00 for the space, and requested that the manufactured home be demolished or moved from the property.

Angel Machuca testified on behalf of Carlos Barron that the title was not processed for the sale of the manufactured home and that Mr. Barron had been evicted from the property.

There being no further comments to be received in the public hearing, Mayor Cochran declared the public hearing closed at 6:02 P.M.

Discussion ensued relative to the responsible party for the cost of the demolition of the manufactured home and the record owner of the property.

Based on the evidence presented at the hearing regarding the 12 ft. x 53 ft. Redman Sheraton manufactured home, Serial No. 7685, Label/Seal No. TXS0598031, it was moved by Alderman Cook and seconded by Alderman Davis that the Council hereby order Jeff McCullar and Amy McCullar, as the record owners of the manufactured home according records of the Texas Department of Housing and Community Development, to demolish or cause to be demolished the manufactured home or to remove the manufactured home from the property with expenses related thereto to be the responsibility of Jeff McCullar and Amy McCullar, the record owners. All present voted aye.

(Edward Jones, Angel Machuca and Carlos Barron retired from the meeting.)

The City Manager advised Council that appointment of a Board Member representing the City of Livingston on the Board of the Lower Trinity Groundwater Conservation District for the 2024-2026 term is required. Aidney Reeves currently serves on the Lower Trinity Groundwater Conservation District Board of Directors, representing the incorporated municipalities of Polk County, a position he has held since his initial appointment in 2005. His current 3-year term of office will expire on December 31, 2023. Mr. Reeves has expressed his willingness to continue to serve on this Board for the 2024 - 2026 term, if reappointed by the City Council. It was moved by Alderman Luna and seconded by Alderman Cook that Aidney Reeves be appointed to serve on the Lower Trinity Groundwater Conservation District Board for the term of January 1, 2024 through December 31, 2026. All present voted aye.

The City Manager presented the Accounts Over \$500 for approval. It was moved by Alderman Davis and seconded by Alderman Luna 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 sales tax report from the State Comptroller for the month August will be available on Friday, October 13, 2023.
- B) Update of Projects and Development - The City Manager provided an update of current projects and development.
- C) County-Wide Burn Ban and Disaster Declaration - Polk County has lifted the burn ban.
- D) Trinity River Authority - The City has been in contact with TRA and will continue to monitor the lake levels closely.

(Ricky Taylor, Emily Wooten, Josh Mohler, Joshua Grant and Christopher Scott retired from the meeting.)

Mayor Cochran called the Council into executive session at 6:16 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 Luna 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

