

**AGENDA
NOTICE OF REGULAR MEETING
OF THE CITY COUNCIL OF
CUMBY, TEXAS**

This notice is posted pursuant to the Texas Open Meetings Act. Notice hereby given that the City Council of the City of Cumby, Texas will conduct a Regular Meeting on October 11, 2022, at 6:30 p.m., at 100 East Main Street, Cumby, Texas, City Council Chambers.

If the public desires to speak during a specific agenda item, they must email secretary@cityofcumby.com by 4:00 pm on the day of the meeting. The email must contain the person's name, address, phone number, and the agenda item(s) for which comments will be made. You may also communicate and send your comments to the City Councilmembers directly by emailing; alderman1@cityofcumby.com, alderman2@cityofcumby.com; and alderman4@cityofcumby.com.

The meeting agenda are posted online at www.cumbytx.com website.

1. CALL MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL & QUORUM REPORT

4. PRESENTATION BY CITIZENS

The City Council welcomes "Presentation by Citizens." If you wish to speak, you must follow these guidelines. **As a courtesy to your fellow citizens and out of respect to our fellow citizens, we request that if you wish to speak that you follow guidelines posted at the bottom of this Agenda.**

5. CITY COUNCIL COMMENTS

Pursuant to TEX. GOV'T CODE 551.0415, the Mayor, a City Council member and Staff may report on the following items of community interest:(1) expression of thanks, congratulations or condolences (2) information about holiday schedules (3) recognition of individuals (4) reminders about upcoming events organized or sponsored by the City Council (5) Information about community events and (6) announcements involving imminent threat to public health and safety. Additionally, pursuant to TEX. GOV'T CODE 551.042, the Mayor or Council members may request that items be placed on future City Council agendas.

- November 11, 2022 – City Hall will be closed in observation of Veterans Day
- Change November Regular City Council meeting from 2nd to 3rd Tuesday (November 15, 2022)
- Discuss staff holiday gatherings (Thanksgiving / Christmas)

6. CONSENT AGENDA & DEPARTMENT REPORTS

All matters listed under this item are considered routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. *If discussion is desired by any Alderman on any item, that item will be removed from the consent agenda and will be considered separately.*

6.1. Approval – City Council Minutes, Public Hearing & Special Meeting, September 8, 2022

6.1.1. Recording meetings

6.2. Approval – City Council Regular Meeting Minutes September 8, 2022

6.3. Approval – 2022 September Financials (P&L)

6.4. Approval – Fiscal Year 2021-2022 P&L

6.5. Approval – 2021-2022 Vendor Balance Summary

6.5.1. Recap of September 2022 billing (over \$2500):

6.5.1.1. Messer Fort – August 2022 – City Attorney fees

6.5.1.2. TMLIRP – quarterly liability insurance payment

6.5.1.3. Net Data – Municipal Court Technology pays; however, City will need to cover part of this expense for 2022-2023 annual fee

- 6.6. Approval – Public Works Department Activity Report
- 6.7. Approval – Utility / Maintenance Work Order Update Report
 - 6.7.1. Report on ARPA Fund use: (J. Dudley)
 - 6.7.1.1. Wastewater project: 1st & Frisco
 - 6.7.1.2. Well #2
- 6.8. Approval – Police Department Activity Report
- 6.9. Approval – Municipal Court Activity Report
- 6.10. Approval – Building Permit Activity Report
- 6.11. Fire Department Activity Report

EXECUTIVE SESSION

- 6.12. In accordance with Texas Government Code, Section 551.001, et seq., the City Council will recess into Executive Session (closed meeting) to discuss the following:
 - 6.12.1.1. **Discussion / Action:** §551.074: (a) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, or to hear a complaint or charge against an officer or employee: Annual Review of staff members (all) (Mayor Simmerman/Alderman Crocker)
 - 6.12.1.2. **Discussion / Action:** §551.074: a) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, or to hear a complaint or charge against an officer or employee: *Interview & Meet Presiding Municipal Judge Candidate* (Mayor)
 - 6.12.1.3. **Discussion / Action:** § 551.089 (2) network security information as described by Section 2059.055 (Restricted Information)(b); Cyber Security Audit conducted by BIT Support. (Mayor)

7. RECONVENE INTO OPEN SESSION:

- 7.1. In accordance with Texas Government Code, Chapter 551, the City Council will *reconvene into Regular Session to consider action, if any, on matters discussed in Executive Session.*

8. OLD BUSINESS

- 8.1. **Discussion / Action:** Repeal Ordinance No. 72-6 An Ordinance providing for Filling the Office of Judge of the Municipal Court by Appointment as Authorized by Law; and replace with Ordinance O-2022-09-022 – City Council of City of Cumby **appointment** of Presiding Municipal Judge for Cumby Municipal Court (runs concurrently with Mayoral election). (Mayor)
- 8.2. **Discussion / Action:** Alderman 5, Vacant (Ryan Horne in holdover until filled). Filling vacancy by Appointment per Local Government Code §22.010, filling vacancy on governing body or in other municipal office (Mayor)
- 8.3. **Discussion / Action:** Appointment of Mayor Pro Tem (Council)
- 8.4. **Discussion / Action:** Ordinance and Resolution Committee report and committee recommendation for Action by Council regarding repealing / replacing outdated ordinances and/or resolutions. (Alderman Aly Crocker)
- 8.5. **Discussion / Action:** Remove policy requirement for 2nd signature when cash received at Municipal Court and/or other places of business within City Hall (Mayor)
- 8.6. **Discussion:** Any Ordinance or Resolution with a dollar fine must be published in Sulphur Springs News Telegram as well as posted on city’s website.

9. NEW BUSINESS

- 9.1. **Discussion/Action:** Ordinance No. 2012-6 is no longer in effect with regard to Curfew for Minors; discussion to renew this ordinance for three (3) years; this does not automatically renew. (Alderman Amber Hardy)
- 9.2. **Discussion / Action:** Ordinance O-2022-10-023 – Texas Statute Section 2051.043 & 044, Adopt the Sulphur Springs News Telegram as the official city newspaper. (Mayor)
- 9.3. **Discussion / Action:** Resolution R-2022-10-1030 - Use of ARPA funds for emergency action, not to exceed \$50,000, with approval by mayor or mayor pro tem.

10. ADJOURNMENT

Executive Sessions Authorized – The City Council for the City of Cumby reserves right to adjourn into executive session at any time during the course of this meeting to discuss any matter authorized by Texas Government Code Sections 551.071 (Consultation with Attorney); 551.072 (Deliberations related to Real Property); 551.073 (Deliberations related to prospective gifts or donations); Section 551.074 (Personnel Matter); 551.076 (Deliberations regarding the deployment of security devices or the implementation of security policy); and 551.087 (Deliberations regarding Economic Development negotiations).

Attendance by Other Elected or Appointed Officials – NOTICE OF POTENTIAL QUORUM: It is anticipated that members of City Council or other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commission and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also notices as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

Presentation by Citizens Guidelines:

- The Mayor will recognize those citizens who have signed up prior to the start of the meeting.
- Pursuant to Resolution No. 2020-12 Citizens are given three minutes (3:00) to speak during “Presentation by Citizens.”
- Members of the public may only speak once and cannot pass the individual’s time allotment to someone else.
- Direct your comments to the entire Council, not to an individual member.
- Show the Council members the same respect and courtesy that you expect to be shown to you.
- The Mayor will rule any disruptive behavior, including shouting or derogatory statements or comments, out of order. Continuation of this type of behavior could result in a request by the Mayor that the individual leave the meeting, and if refused, an order of removal. In compliance with the Texas Open Meetings Act, no member of City Council may deliberate on citizen comments for items not on the agenda. (Attorney General Opinion – JC 0169)

CERTIFICATE:

I hereby certify that the above Notice of Meeting was posted on the City Hall bulletin board on the October 7, 2022, at a place convenient and readily accessible to the general public at all times, and to the city’s website, <https://www.cumbytx.com>, in compliance with Chapter 551, Texas Government Code.



Betty Jo Hardman

Betty Jo Hardman, City Secretary