

**AMENDED 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 December 14, 2021 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](mailto: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 [mayor@cityofcumby.com](mailto:mayor@cityofcumby.com); [alderman1@cityofcumby.com](mailto:alderman1@cityofcumby.com); [alderman3@cityofcumby.com](mailto:alderman3@cityofcumby.com); [alderman4@cityofcumby.com](mailto:alderman4@cityofcumby.com); [alderman5@cityofcumby.com](mailto:alderman5@cityofcumby.com).

The meeting agenda and agenda packet are posted online at <https://www.cumbytx.com/index.shtml>

**1. CALL MEETING TO ORDER**

**2. PLEDGE OF ALLEGIANCE AND INVOCATION**

**3. 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 these 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)

**4. CITY COUNCIL COMMENTS**

Pursuant to TEX. GOV'T CODE 551.0415(b), the Mayor and each City Council member may announce city events/community interests and request that items be placed on future City Council agendas. "Items of Community Interest" include:

- Expressions of thanks, congratulations, or condolences.
- Information regarding holiday schedules.
- An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in status of a person's public office or public employment is not honorary or salutory recognition for purposes of this subdivision.
- A reminder about an upcoming event organized or sponsored by the governing body.
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body or an official or employee of the municipality or county; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after posting of the agenda.

**5. 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.

- 5.1. Approval – City Council Minutes, October 12, 2021
- 5.2. Approval – City Council Minutes, November 16, 2021
- 5.3. Approval – 2021 November Financials
- 5.4. Public Works Department Activity Report
- 5.5. Police Department Activity Report
- 5.6. Municipal Court Activity Report
- 5.7. Building Permit Activity Report (if any)
- 5.8. Fire Department Activity Report

## 6. OLD BUSINESS

- 6.1. **Presentation:** Ms. Duckworth to present update on Blackjack Grove research.
- 6.2. **Discussion/Action:** Extend Closing of Sale of Properties at 206 East Main Street and/or City owned land on 102 Frisco Street, Cumby, Texas 75433 by forty-five (45) days.
- 6.3. **Discussion/Action:** Resolution R-2021-12-003 - Resolution of the City Council of Cumby, Texas, Calling for a Special Election to fill City Council Vacancies for Alderman, Place 1, and Alderman Place 2, to be Held on May 7, 2022.
- 6.4. **Discussion:** Determine payment to be made to the IRS for the 2018 (form 945) tax and penalty. Additional years tax reports are not recorded as having been received by the IRS.
- 6.5. **Discussion/Action:** Discuss use of ARP funds; Possibility of upgrading existing meters to ensure they are in good repair and proper working order and repair Clarifier.
- 6.6. **Discussion/Action:** Ordinance 2021-12-01 – An Ordinance of the City Council of the City of Cumby, Texas, Recalling and Replacing Ordinance 2021-11-012 Amending the 2021-2022 Budget to include a line item for Newly Awarded Seizure Funds and Providing an Effective Date.
- 6.7. **Discussion/Action:** Resolution R 2021-11-02 – A Resolution of the City Council of the City of Cumby Texas Authorizing professional Service Provider Selection for Coronavirus Local Fiscal Recovery Fund Programs Through the American Rescue Plan Act of 2021.
- 6.8. **Discussion/Action:** Ordinance 2021-12-03 – An Ordinance of the City Council of the City of Cumby, Texas reducing the salary to zero (\$0.00) for Alderman positions 3, 4, and 5 in accordance with Local Government Code 141.001.

## 7. NEW BUSINESS

- 7.1. **Discussion/Action:** Ordinance 2021-12-02 – An Ordinance of the City Council of the City of Cumby, Texas, Ordering A Special Election
- 7.2. **Discussion/Action:** Amending Ordinance 2020-02-02 to include Mobile Home replacement deadlines and replacement requirements for qualifying residents
- 7.3. **Discussion/Action:** Resolution R-2021-12-001 – Appointment of Mayor Pro-Tem to City Council, City of Cumby.
- 7.4. **Discussion/Action:** Resolution R-2021-12-004 – Annual approval of 2022 Calendar-year holiday schedule for the City of Cumby employees.
- 7.5. **Discussion/Action:** Providing for a one-time extension of the expiration date of accrued flex-time of the Court Clerk.

**Discussion/Action:** Resolution R-2021-12-005 - Amend holiday pay for Police Department

7.6. **Discussion/Action:** Designate and/or Discuss appointment of Officer or Official for Code Enforcement.

## 8. EXECUTIVE SESSION

In compliance with the Open Meetings Act, Chapter 551, Governments Code, Vernon's Texas Codes, Annotated, the items listed below will be discussed in closed session and are subject to action in the regular session.

- 8.1. **Discussion/Action:** Convene in executive session pursuant to Texas Government Code Section 551.074 (Personnel Matter) to discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Secretary.
- 8.2. **Discussion/Action:** Convene in executive session pursuant to Texas Government Code Section 551.074 (Personnel Matter) to discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Maintenance Supervisor
- 8.3. **Discussion/Action:** Convene in executive session pursuant to Texas Government Code Section 551.076 (Deliberations regarding the deployment of security devices or the implementation of security policy) to discuss Police Department Scheduling.

## 9. ADJOURNMENT

**Executive Sessions Authorized:** This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of TEX. GOV'T CODE CHAPTER 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy TEX. GOV'T CODE 551.144(c) and the meeting is conducted by all participants in reliance on this opinion. The Council may vote and/or act upon each of the items set out in this agenda. In addition, the city Council for the City of Cumby has the 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.

### CERTIFICATE:

I hereby certify that the above Notice of Meeting was posted on the City Hall bulletin board on the December 10, 2021, at a place convenient and readily accessible to the general public at all times, and to the city's website, <https://www.cityofcumby.com>, in compliance with Chapter 551, Texas Government Code.



**Douglas Simmerman, Mayor**