

**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 March 8, 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 alderman3@cityofcumby.com; alderman4@cityofcumby.com; alderman5@cityofcumby.com.

The meeting agenda and agenda packet are posted online at <https://www.cityofcumby.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.
 - Jodie and Brandon Phipps – (Temporary) Waiver of Ordinance 2021-12-015 regarding Manufactured and Mobile Homes during new residential build
 - Ms. Anna Duckworth, update regarding Cumby name change to historical Blackjack Grove
 - Ms. Amber Hardy, address concerns
- 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 salutary 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 salutary 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, Regular Meeting, February 8, 2022
- 5.2. Approval – City Council Minutes, Special Meeting, February 10, 2022
- 5.3. Approval – 2022 February Financials
- 5.4. Approval – 2021-2022 Fiscal Year Vendor Balance Detail (Alderman Lackey)
- 5.5. Public Works Department Activity Report
 - 5.5.1. Public Works Department: The Unread meter reports from RG3 and AVR, i.e. if the meeting is in March, Council would need these for the bills due for the 2 previous months. (Bills due March and February) (Alderman Lackey)
 - 5.5.2. The Error Report when processing billing from AVR, i.e. if the meeting is in March, Council will need these for the bills due for the 2 previous months. (Bills due March and February) (Alderman Lackey)
 - 5.5.3. Spreadsheet of all completed work orders from the previous month's preparation of monthly meetings packets to the current monthly meetings including any incomplete work orders. With the exception of this meeting, any completed work orders and any incomplete work orders from September 1, 2021, to the day you are finalizing the council packets. (Alderman Lackey)
 - 5.5.4. New form for maintenance with the report for meters that are not working, and specific work orders done. That is all, and I am sure maintenance is doing a great job. I know he has done a lot for the city. This is for Informational purposes only. (Alderman Crocker)
- 5.6. Police Department Activity Report
- 5.7. Municipal Court Activity Report
 - 5.7.1. Spreadsheet of the Court Totals for the current and last Fiscal Year (Alderman Lackey)
- 5.8. Building Permit Activity Report
- 5.9. Fire Department Activity Report

6. OLD BUSINESS

- 6.1. Request from Cumby ISD Superintendent Shelly Slaughter for deletion in its entirety, Section 423.4 of the International Building Code, Section 423.4, adopted by the City of Cumby (Date) with specific reference to Storm Shelters Education. ISD is asking the City to consider:
- 6.1.1. AN ORDINANCE OF THE CITY OF CUMBY, AMENDING THE INTERNATIONAL BUILDING CODE ORDINANCE BY AMENDING SECTION 423.4 GROUP E OCCUPANCIES, AND PROVIDING FOR A PENALTY AS PROVIDED BY THE GENERAL PROVISIONS OF THE CODE OF ORDINANCES.
- 6.1.2. Cumby ISD is seeking this action so that the District can move forward with building a safe and structurally sound high school that will still have a "safe room" that is constructed to withstand 200 mph winds and accommodate the high school occupancy of 140, and up to 250 people. This action will ensure that the district is in the best position to eliminate portable building classrooms as well as move forward with the currently planned number of classrooms in the new high school. In no way is the District making an unrealistic request, nor is the District seeking special consideration. In surrounding towns and districts, these codes are not in place; therefore, these buildings do not have "safe rooms", nor are they required to. These buildings in other towns are still safe and structurally sound buildings, as are Cumby ISD's current buildings.
- 6.2. **Discussion/Action:** City of Cumby Filing Authority (City Secretary) declares positions unopposed and/or no candidate to governing body (City Council) **Certification of Unopposed and/or No Candidates for Other Political Subdivisions (not county) in accordance with Section 2.051 – 2.053; Texas Election Code.**
- 6.3. **Discussion/Action:** City Council Cancel Special Election scheduled for May 7, 2022, due to no or unopposed candidates for Alderman Place 1 and/or Alderman Place 2. **Order of Cancellation in accordance with Section 2.053(a) of the Texas Election Code.**
- 6.4. **Discussion/Action:** City Council accepts Alderman Place 1, Sheryl Lackey, resignation letter of August 13, 2021, submitting resignation effective immediately after adjournment of the City of Cumby's meeting, August 17, 2021, with effect following canvassing of May 7, 2022, election, on the 5th day following the election, May 13, 2022, when new Alderman Place 1 and Place 2 (if any) will be seated.
- 6.5. **Discussion/Action:** Resolution R-2022-03-001 A Resolution of the City Council of the City of Cumby, Texas, to Appoint a City Attorney for the City of Cumby, Texas.
- Public Notice was posted on Texas Municipal League job board as well as in Sulphur Springs News Telegram.
 - RFP's received are attached for review and potential approval/selection.
- 6.6. **Discussion/Action:** Take the necessary action for the City Secretary to become the City's Notary. (Alderman Lackey)
- 6.7. **Discussion/Action:** City Secretary take the Open Meetings Act training; as well as ALL City employees take the Public Information Act Training (if they have not yet) and Appoint the City Secretary The Officer of Public Information for the "City Side" (As the Court Clerk serves as the Officer of Public Information for the "Court Side" and the Chief of Police, serves as The Officer of Public Information for the "PD".) (Alderman Lackey)

- 6.8. **Discussion:** Bonding of Court Clerk; Utility Clerk and City Secretary. Any employee that handles funds for the City of Cumby. Review costs and “actions” if bonded or if not bonded. (Alderman Lackey)
- 6.9. **Discussion/Action:** Ordinance No. 2021-11-10, Section 2, Fees, Deposits, & Notices, Service Calls; recommend that City add Maintenance start and end date / time on Work Order Forms. (Alderman Lackey)

7. NEW BUSINESS

7.1. NONE

8. ADJOURNMENT

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 March 4, 2022, 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.



Betty Jo Hardman, City Secretary