

**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 April 12, 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; 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. 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.**

- Mrs. Calhoun would like to present adding a Little Library Box for residents of City of Cumby for consideration.

5. 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 items posted at the bottom of this Agenda

- April 15th – City Hall will be closed in honor of Good Friday
- April 16th @ 3:00pm - Easter egg hunt in City Park
- April 17th @ 7:00a.m. - Sunday Sunrise Services City Park

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, Regular Meeting, March 8, 2022
- 6.2. Approval – 2022 March Financials
- 6.3. Approval – 2021-2022 Vendor Balance Detail
- 6.4. Public Works Department Activity Report
- 6.5. Police Department Activity Report
- 6.6. Municipal Court Activity Report
- 6.7. Building Permit Activity Report
- 6.8. Fire Department Activity Report

7. EXECUTIVE SESSION

- 7.1. 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:
 - 7.1.1.1. § 551.071(1): Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding: (i) Police Chief Hundley
 - 7.1.1.2. §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: Police Chief Hundley (Alderman Wayne Mobley)
- 7.2. **Discussion/Action:** § 551.089 Deliberation regarding Security Devices for Municipal Court Proposed Security System. (Alderman Ryan Horne)
- 7.3. **Discussion/Action:** § 551.089 Deliberation regarding Security in place and retention of email for Alderman laptops and process in which they are transitioned to (next) incoming Alderman / council member. (Alderman Sheryl Lackey)
- 7.4. **Discussion/Action:** § 551.071(2): Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bare of Texas clearly conflicts with the Texas Open Meetings Act regarding: (i) Resolution R-2022-04-1006 Modifying and Approving an Alternate Design for a Storm Shelter Under Section 423.4, of the 2015 International Building Code for the Proposed Cumby Independent School District Construction of a High School Campus (2022-2023) (Alderman Ryan Horne)

8. OLD BUSINESS

- 8.1. **Discussion:** Final presentation by Ms. Anna Duckworth regarding not changing City of Cumby name to Blackjack Grove. (Anna Duckworth)
- 8.2. **Discussion/Action:** Bonding for City Secretary, Utility Clerk, Court Clerk (City Secretary at request of Council)
- 8.3. **Discussion/Action:** Ordinance O-2022-04-005 Amending Ordinance 2022-02-005: Amend to include Municipal State Fund; Municipal Security Fund; Municipal Technology Fund with no expiration date. Amend: Ordinance 2022-02-005 An Ordinance of the City of Cumby Texas Establishing a Municipal Court Local Truancy Prevention and Diversion Fund and Municipal Court Jury Fund and Ordinance No: 2002-04 An Ordinance that the City of Cumby, Texas establishing a Municipal Court Technology Fund; providing for the assessment and collection of a municipal court technology fee; providing for publication and effective date; providing for expiration date. (Alderman Ryan Horne)

9. NEW BUSINESS

- 9.1. **Discussion/Action:** Resolution R-2022-04-1002 Approving Building a Permanent Stage to be Constructed in Cumby City Park by Daughters of Blackjack Grove, a 501c3 nonprofit organization. (Alderman Ryan Horne)
- 9.2. **Discussion:** Daughters of Blackjack Grove 501c3 nonprofit organization intention to donate funds raised from events held in support of City Park in the City of Cumby Texas to the City of Cumby City Park Fund. (Alderman Ryan Horne)
- 9.3. **Discussion/Action:** 2022 Spring Clean Day for City of Cumby residents. A discussion regarding how long to offer Spring Clean 2022: based on number of trash receptacles and length of time (receptacles available) offered at no fee by Republic; as well as City of Cumby Maintenance staff availability to assist on-site and a staff member available during the complete the Spring Clean event. (Alderman Ryan Horne)
- 9.4. **Discussion/Action:** Ordinance O-2022-04-003 to Renew Franchise Agreement with Atmos Energy. (Mayor Doug Simmerman)

- 9.5. **Recognize:** Petition presented by Ms. Sharon Ward-Hart during February 8, 2022, Presentation by Citizens, City Council Meeting in which she presented a request of the residents of the Black Grove Addition, City of Cumby requesting that once the work on the Cumby school track is completed, M&R Drive will be repaired as promised. Second: M&R Drive remain a dead-end street; Third: No parking signs to be placed along all private property; Fourth: a speed limit sign be posted.. (Alderman Cocker)
- 9.6. **Discussion/Action:** Resolution R-2022-04-1003 Appointing an Auditor for the City (Alderman Crocker)
- 9.7. **Discussion/Action:** Ordinance O-2022-04-006 - Amending Ordinance 2022-02-06 costs for Building Plan review to capture fees from Building Inspector consulting firm. (Mayor Doug Simmerman)
- 9.8. **Discussion/Action:** A request by Council Member to add agenda items to the Consent Agenda each month for City of Cumby City Council meeting. (Alderman Lackey) (Addendum 1 attached)
- 9.9. **Discussion/Action:** A request by City of Cumby City Council Member to add policies to City of Cumby Employee & Policy Manual. (Alderman Lackey) (Addendum 1 attached)
- 9.10. **Discussion/Action:** Resolution R-2022-04-1004 –Move ARPA grant funds from basic Water/Sewer checking account into an interest-bearing (30-60-90-day) account and held until funds are required for projects as determined by City Council. (City Secretary)
- 9.11. **Discussion/Action:** Resolution R-2022-04-1007 – Establishing a Permit Fund Checking Account (City Secretary)

10. 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.

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)

City Council Comment Guidelines:

- 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.

CERTIFICATE:

I hereby certify that the above Notice of Meeting was posted on the City Hall bulletin board on the April 8, 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