

**AGENDA
NOTICE OF SPECIAL 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 Special Meeting on Saturday, July 30, 2022, at 5:00 p.m., 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 prior to 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; alderman4@cityofcumby.com; cumbyalderman5@gmail.com

When complete, the meeting agenda and agenda packet will be posted online at www.cumbytx.com.

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.

6. OLD BUSINESS:

6.1. Discussion/staff report: provide update regarding revision made to Resolution R-2022-07-1014 to correct typo.

7. NEW BUSINESS

7.1. Discussion / Action: Resolution R-2022-07-1017, Approval of Use of American Relief Act funds for Repairs to Well #2; Folnar Drilling Water Well and Pump Service for the emergency well #2 repair related to the city's American Rescue Plan #TX1810; and Repairs for Water/Sewer break at 1st and Frisco Street, Cumby Texas.

8. 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 July 27, 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

RESOLUTION R-2022-07-1014

A RESOLUTION OF THE CITY COUNCIL OF CITY OF CUMBY, TEXAS REPEALING AND REVOKING RESOLUTION R-2022-04-1006; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Cumby (the "City") passed Resolution R-2022-04-1006 on April 12, 2022, to provide for specific modifications to the City's adopted building code, the 2015 International Building Code (the "Building Code") upon request from the Cumby Independent School District ("CISD") for its construction of a school facility, including a storm shelter (the "Facility"); and

WHEREAS, the City Council of the City (the "City Council") clarifies that the intent of Resolution R-2022-04-1006 was not to approve all building plans submitted by CISD, but only to approve modifications of Building Code standards with respect to the specific requests by CISD described therein, being: construction of a safe room able to withstand 200 mile per hour winds, accommodation of occupancy of 140 to 250 people, and not requiring a separate HVAC system, generator, or bathroom facilities (the "Original Requested Modifications"); and

WHEREAS, since the City Council's passage of R-2022-04-1006, the City has been advised by its building inspector that the plans submitted by CISD with respect to the Original Requested Modifications are in fact less than the equivalent in the 2015 International Building Code in quality, strength, effectiveness, fire resistance, durability, and safety; and

WHEREAS, additionally since the City Council's passage of R-2022-04-1006, CISD has requested additional modifications to the Building Code; and

WHEREAS, the City Council desires to repeal and revoke Resolution R-2022-04-1006 so that the City may work with CISD, its architects, engineers, and contractors, to determine appropriate standards for the construction of the Facility that will not be in violation of the Building Code, be satisfactory for building permit approval, and provide for safe premises for the purposes intended.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CUMBY TEXAS:

Section 1. That the foregoing findings are accepted as true.

Section 2. The City Council hereby repeals and revokes Resolution R-2022-04-1006, such that it shall be void ab initio.

Section 3. That this Resolution takes effect immediately upon its adoption.

PASSED and APPROVED by the City Council of the City of Cumby the 22nd day of July, 2022.


Douglas Simmerman, Mayor

ATTEST:


Betty Jo Hardman, City Secretary

QUOTE FORM ARPA CLFRF TX1810 - Cumby

TO: City of Cumby
100 E Main Street
Cumby, TX 75433

Vendor should attach specification and any relevant information to determine material quality and best value

Item No.	No. of Units	Units	Description	Price
1	1	EA	Remove and Replace Well Motor 20HP, 480V, 3Ph (or appropriately sized), to include wiring and appurtenances	\$ 6395. ⁰⁰
1	1	EA	Remove and Replace Well Pump End 20HP, 150GPM (or appropriately sized), to include wiring and appurtenances	\$ 7759. ⁰⁰
1	1	EA	Remove + 2 up to 2 wire	\$ 4225. ⁰⁰
TOTAL				\$ 18,379. ⁰⁰

Total quote (in words): Eighteen thousand three hundred seventy nine and 00/100

Proposed number of **CALENDAR DAYS** to complete construction: two - three

The undersigned vendor understands and agrees that all work and deliverables not provided for in the above proposal items but called for in the Contract Documents is subsidiary to these proposal items and that the cost of this subsidiary work has been included in the above prices.

The undersigned vendor affirms that the work will be performed in compliance with all applicable rules and regulations, including DBRA; that the prime bidder nor any subs are debarred, suspended or otherwise excluded from or ineligible for participation on federal assistance programs; and that the vendor does not discriminate in employment based upon race, color, religion, sex, sexual identity, gender identity, or national origin. **By signing this document, I acknowledge I have reviewed the materials needed per this request, I have reached out to the City for more information, have visited the project site, and have full and complete understanding of the project scope.**

Addenda Received:

Vendor:

Falmer Drilling
(Company)

By:

Todd Falmer Manager
(Company Officer Name and Title)

Phone:

903-866-2527

Email:

Info@falmerdrilling.com

Signed

[Signature]



ESTIMATE

Folmar Drilling Water Well & Pump Service

P.O. box 158, Pickton, TX 75471, UNITED STATES

info@folmardrilling.com; Website: www.folmardrilling.com

Estimate No#: 0235
Estimate Date: Jul 7, 2022

\$18,379.00

ESTIMATED
AMOUNT

BILL TO

City of Cumby
maintenance@cityofcumby.com

#	ITEMS & DESCRIPTION	QTY/HRS	PRICE AMOUNT(\$)	
1	20HP 480V 3Ph Motor	1	\$5,145.00	\$5,145.00
2	20HP 150GPM Pump End	1	\$6,509.00	\$6,509.00
3	#6 Submersible Wire	650	\$6.50	\$4,225.00
4	Rig Time & Labor	1	\$2,500.00	\$2,500.00
	Subtotal			\$18,379.00

TOTAL \$18,379.00 US
D

NOTES TO CUSTOMER

Thank you for your business.

Certification Regarding Lobbying

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) The undersigned shall require that the language paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995).

The Contractor, Todd Folmar, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 *et seq.*, apply to this certification and disclosure, if any.



Signature of Contractor's Authorized Official

Todd Folmar Folmar Drilling
Printed Name and Title of Contractor's Authorized Official

7-25-22
Date

STATEMENT OF BIDDER'S QUALIFICATIONS

All questions must be answered and the data given must be clear and comprehensive. **This statement must be notarized.** If necessary, questions may be answered on separate attached sheets. The Bidder may submit any additional information it desires.

Date: 7-25-22

Bidder (Legal Name of Firm): Folmar Drilling

Date Organized: 1951

Address : P.O. Box 158
Pickton TX 75471

Date Incorporated _____

Federal ID Number: 458823755

Number of Years in contracting business under present name 71 years

List all other names under which your business has operated in the last 10 years:

Folmar Drilling

Work Presently Under Contract:

Contract	Amount \$	Completion Date
<u>Air pump service</u>		
<u>Air water well</u>		

Type of work performed by your company: Water well Drilling and Pump Services

Total Staff employed by Firm (Break down by Managers and Trades on separate sheet):

7 people 1 manager 1 owner

Have you ever failed to complete any work awarded to you? Yes No
(If yes, please attach summary of details on a separate sheet. Include brief explanation of cause and resolution)

Have you ever defaulted on a contract? Yes No
(If yes, please attach summary of details on a separate sheet.)

Has your organization had any disbarments or suspensions that have been imposed in the past five years or that was still in effect during the five year period or is still in effect? Yes No

(If yes, list and explain; such list must include disbarments and suspensions of officers, principals, partners, members, and employees of your organization.)

List the projects most recently completed by your firm (include project of similar importance):

Project	Amount \$	Mo/Yr Completed
2 water well per week		

Major equipment available for this contract: Drilling unit

Are you in compliance with all applicable EEO requirements? Yes No
(If no, please attach summary of details on a separate sheet.)

Bank References

Address: 201 Connally St Contact Name: Don Sapaugh
Sulphur Spring TX zip: 75482 Phone Number: 903-885-7523
(President)

Credit available: \$ million

Has the firm or predecessor firm been involved in a bankruptcy or reorganization? Yes No
(If yes, please attach summary of details on a separate sheet.)

List on a sheet attached hereto all judgements, claims, arbitration proceedings, or suits pending or outstanding against bidder over the last five (5) years with amount of claim and brief description.

List on a sheet attached hereto all lawsuits or requested arbitration with regard to construction contracts which bidder has initiated within the last five (5) years and brief explanation of claim and outcome.

Attach resume(s) for the principal member(s) of your organization, including the officers as well as the proposed superintendent for the project.

Signed this 2nd day of July, 2022.

Signature

Todd Folmar Folmar Drilling
Printed Name and Title manager

Folmar Drilling
Company Name

Notary Statement:

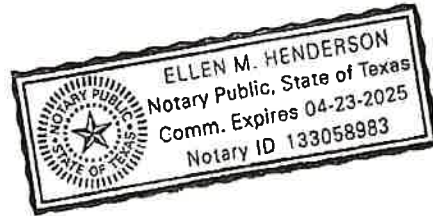
Todd Folmar, being duly sworn, says that he/she is the
Manager of Folmar Drilling (Firm Name), and
hereby swears that the answers to the foregoing questions and all statements therein contained
are true and correct. He/she hereby authorizes and requests any person, firm, or corporation to
furnish any information requested City of Umbury in verification of the recitals
comprising this Statement of Bidder's Qualifications.

Subscribed and sworn before me this 25 day of July, 2022.

Notary Public

[Signature]
Signature

Ellen Henderson
Printed Name



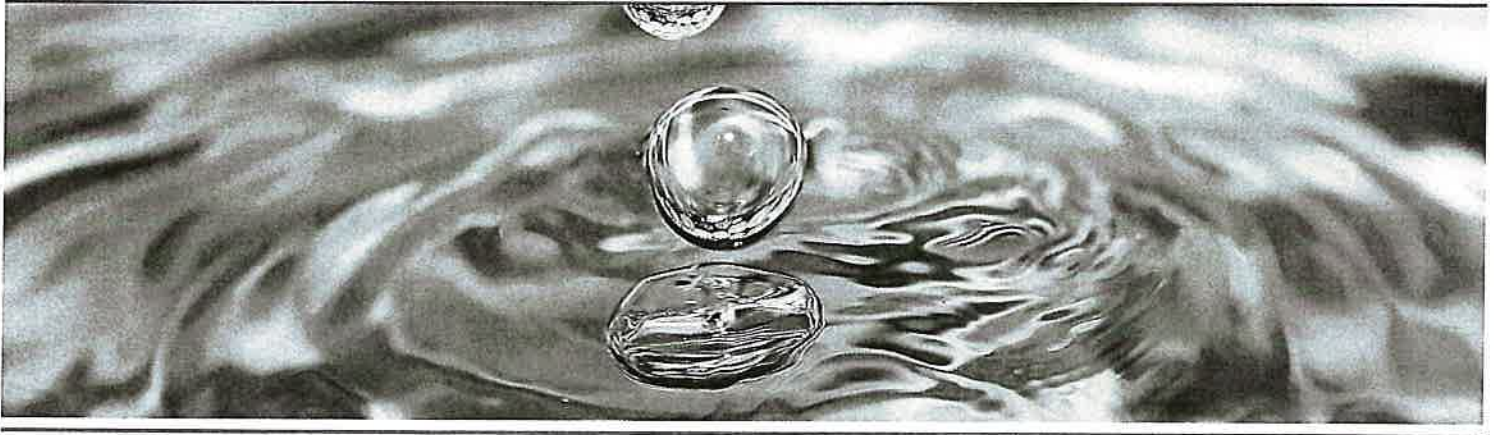
My Commission Expires: 4-23-25.

The penalty for making false statements is prescribed in the U. S. Criminal Code, 18 U.S.C. 1001.



1.877.467.5209
Office: 903.866.2527
FAX: 903.866.0924
PO Box 158
Pickton, TX 75471

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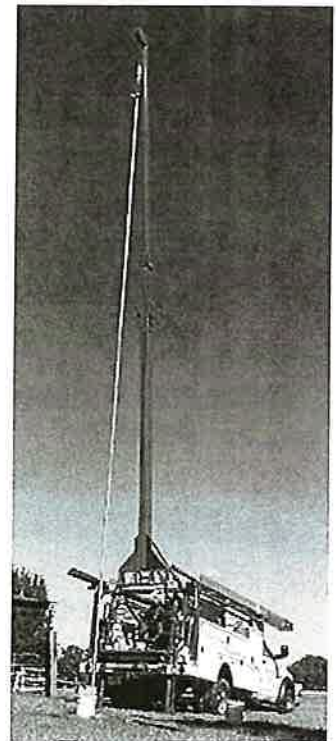


Folmar Drilling Company

Since 1951 Folmar Drilling Company has provided water well drilling and water pump service throughout north and northeast Texas. Through four generations we have provided service that is second to none. Our highly experienced and knowledgeable staff are here to meet your water well needs whether residential, commercial, or agricultural.

We are glad to provide references, from our many satisfied clients, on request.

- Residential, Commercial, Community, Industrial, & Agricultural Water Well Drilling
- Sediment Treatment Systems
- Water Well Brushing, Surging, & Jetting



- Water Well Servicing
- Water Well Acidizing
- Water Testing & Treatment
- Liner Installation
- Pump Testing Troubleshooting, Sales, Installation, Repair, & Removal
- System Diagnostics, and Repair
- Water Storage Systems & Booster Pumps

- Well Rehabilitation
- Well Plugging
- Solar Well Packages
- Well Locating Services
- Winterizing
- Emergency Services
- System Upgrades
- Fake Rock Well Covers



Water Well Drilling & Service



Water Pump Installation, Testing, & Repairs



Water Pumps, Water Quality, Water Well Systems

FOLMAR DRILLING COMPANY

1.877.467.5209

903.866.2527

FAX: 903.866.0924

9623 FM 269 South

Pickton, TX 75477



Texas counties served: Camp, Cass, Delta, Fannin, Franklin, Gregg, Henderson, Hopkins, Hunt, Kaufman, Lamar, Morris, Rains, Red River, Smith, Titus, Upshur, Van Zandt, Wood. Don't see your county listed? Contact us to find out if we serve your area.

**ESTIMATED EXPENDITURES
ARPA FUNDING
REPAIRS:**

29-Jul-22

**WASTEWATER LINES @ 1ST & FRISCO
CUMBY TEXAS 75433**

Vendor	Description	Estimated Cost	Actual Cost
TBD	Mini Excavator Rental	\$800 / week	\$ 1,600.00
Underground utility supplies	Inv 251915 - Sewer Pipe, etc.		\$ 143.56
Sartins Powerhouse	Supplies - Wrench		\$ 53.89
Harbor Freight	Equip: Hammer / Tape /		\$ 351.35
Fix & Feed	Masonry Bits / Chisel		\$ 104.76
Fix & Feed	Supplies		\$ 64.97
Buyers Barricades	Tools: Chisel		\$ 64.97
Northeast Texas Power LTD	Various Baricade Material to b	1568.25	\$ 1,868.25
	Hydrovac		\$ 1,500.00
Maintenance Supervisor	Regular Time	5	\$ 800.00
Maintenance Supervisor	Over Time	5 days	\$ 1,200.00
Maintenance Assist	Regular Time	5 days	\$ 480.00
Maintenance Assist	Over Time	3 days	\$ 432.00
Mayor Assist	Regular Time	5 days	\$ 600.00
			\$ 9,198.78

City Secretary

From:
Sent: Friday, July 29, 2022 3:09 PM
To: City Secretary
Subject: Frisco 1



City Secretary

From:
Sent: Friday, July 29, 2022 3:10 PM
To: City Secretary
Subject: Frisco 2



City Secretary

From:
Sent: Friday, July 29, 2022 3:10 PM
To: City Secretary
Subject: Frisco 3

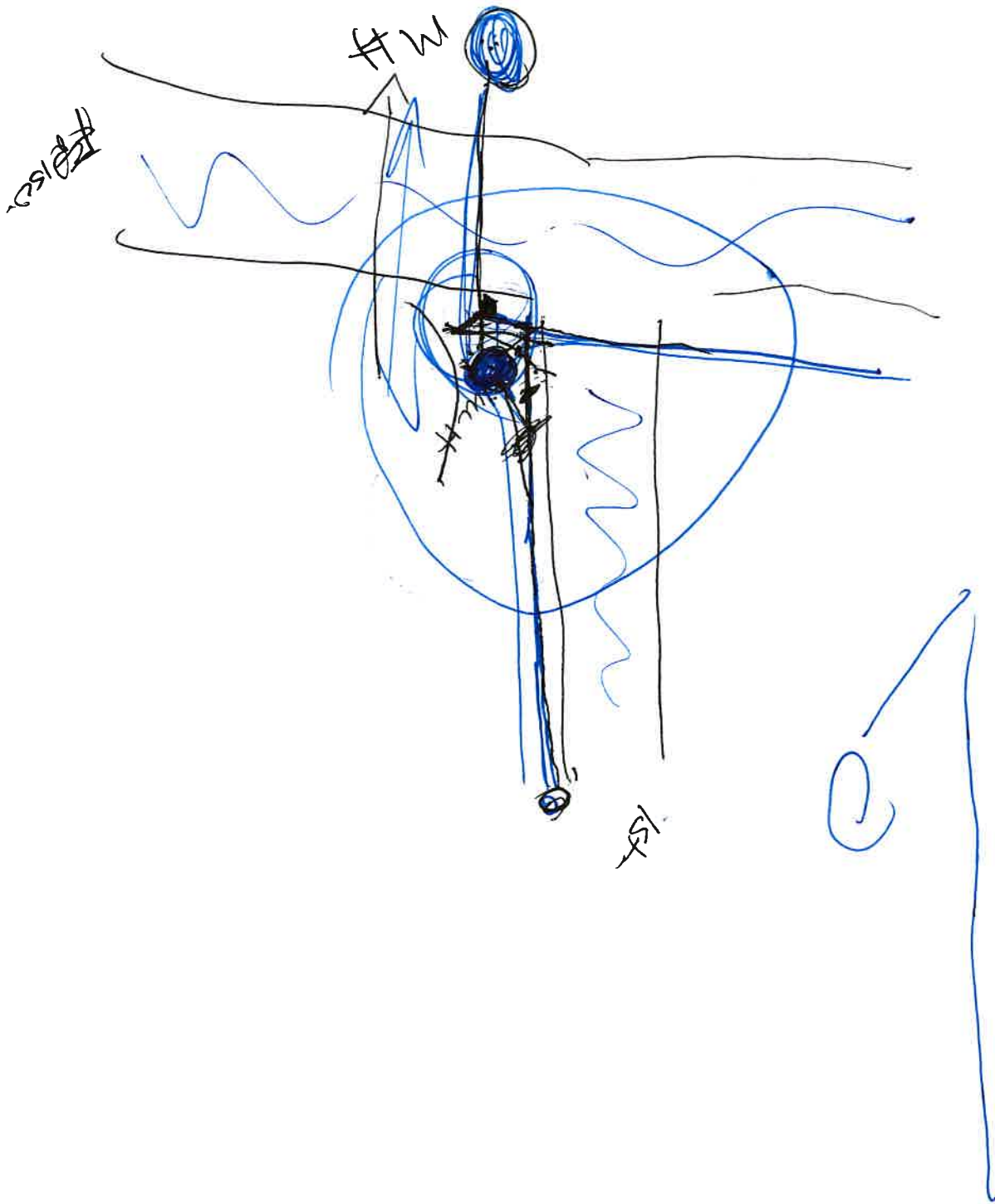


JULY 2022

1ST & FRISCO STREET – CUMBY TEXAS 75433

ARP FUND: WASTEWATER PROJECT





RESOLUTION 2021-11-005

A RESOLUTION OF THE CITY COUNCIL OF CUMBY, TEXAS, AUTHORIZING THE ACCEPTANCE OF AMERICAN RESCUE PLAN ACT (ARPA) – CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS (CLFRF); AND AUTHORIZING THE MAYOR AND MAYOR PRO TEM TO ACT AS THE CITY’S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY’S IMPLEMENTATION OF THE AMERICAN RESCUE PLAN ACT (ARPA) – CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS (CLFRF) FUNDS.

WHEREAS, the City Council of Cumby desires to develop a viable community, including decent housing, suitable living environment, expanding economic opportunities, addressing health and safety needs, and improving critical infrastructure in response to the COVID-19 Pandemic; and

WHEREAS, certain conditions exist which represent a threat to the public health and safety; and

WHEREAS, it is necessary and in the best interests of the City of Cumby to utilize and implement ARPA - CLFRF funding;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CUMBY, TEXAS:

1. That the ARPA – CLFRF is hereby authorized to be accepted on behalf of the City from the United States Treasury Department.
2. That the City’s allocation be split into two (2) tranches in the amount of \$197,733.00 with Tranche No.1 being \$98,866.60 and Tranche No. 2 being \$98,866.50.
3. That the City Council directs and designates the following to act in all matters in connection with this application and the City’s participation in the ARPA - CLFRF:
 - The Mayor and Mayor Pro Tem shall serve as the City’s Chief Executive Officer and Authorized Representative to execute funding request, authorizations, and any subsequent contractual documents; and
 - The Mayor and Mayor Pro Tem are authorized to execute environmental review documents and to certify to environmental clearance matters associated with the ARPA – CLFRF funds; and
 - The Mayor, Mayor Pro Tem, City Secretary, and the Municipal Clerk are authorized to execute payment documents and/or other forms required to reimburse project costs.
4. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements as directed by the United States Treasury Department.

Passed and approved this 16th day of November 2021.


Douglas Simmerman, Mayor


Betty Jo Hardman, Interim City Secretary

RESOLUTION 2022-07-1017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUMBY, TEXAS, AUTHORIZING THE USE OF AMERICAN RESCUE PLAN FUNDS FOR REPAIRS TO CITY WATER AND WASTEWATER INFRASTRUCTURE; AUTHORIZING THE MAYOR AND MAYOR PRO TEM TO EXECUTE DOCUMENTS FOR THE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Cumby (the “City Council”) accepted American Rescue Plan Act (“ARPA”) funds and authorized the Mayor and Mayor Pro Tem to act as the City’s Authorized Representatives in all matters pertaining to the City’s implementation of ARPA by Resolution 2021-11-005 on November 16, 2021;

WHEREAS, the City Council desires to apply a portion of the City’s received ARPA funds to repair and maintain the City’s water and wastewater infrastructure to ensure all remain in good working order;

WHEREAS, certain conditions of the City’s water and wastewater infrastructure could escalate and represent a threat to the public health and safety; and

WHEREAS, it is necessary and in the best interest of the City to utilize existing ARPA funds for the purposes authorized herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CITY OF CUMBY TEXAS:

Section 1: The City Council hereby authorizes the use of ARPA funds for purchases needed to repair emergency Well #2, and 1st Street and Frisco Street wastewater lines in an amount not to exceed \$35,000 (the “Repairs”).

Section 2: The Mayor and Mayor Pro Tem, as “Authorized Representatives”, are authorized to execute documents needed for the Repairs, including a contract with Folmar Drilling Water Well and Pump Service.

Section 3: The City Council has determined, with the advisement of its ARPA funds administrator, Public Management, that all funds described herein will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition and civil rights requirements.

Section 4: This Resolution takes effect immediately upon its adoption.

PASSED AND APPROVED THIS THE 30th DAY OF JULY 2022.

Douglas Simmerman, Mayor

Attest:

Betty Jo Hardman, City Secretary