

**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 September 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; 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.

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, Special Meeting, August 9, 2022 (6:00pm)

6.2. Approval – City Council Regular Meeting Minutes August 9, 2022 (6:30pm)

6.3. Approval – City Council Special Meeting Minutes August 18, 2022

6.4. Approval – 2022 August Financials (P&L)

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

6.6. Approval – 2021-2022 Vendor Balance Summary

6.6.1. Recap of August 2022 billing (over \$2500) (if any)

6.7. Approval - Public Works Department Activity Report

6.8. Approval – Utility / Maintenance Work Order Update Report

6.9. Approval - Police Department Activity Report

6.10. Approval - Municipal Court Activity Report

6.11. Approval - Building Permit Activity Report

6.12. 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:** § 551.089 follow-up from July 5 & August 9, 2022, Executive session regarding questions posed on location of security equipment; accessibility and by whom. (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:** 3rd party engineer proposal review for building permit applied for by Cumby ISD

8.2. **Discussion/Action:** Resolution R-2022-06-1011 Tabled in June, July and August 2022, Council Meetings: Amending City of Cumby Employee & Policy Manual as it Relates to: City of Cumby Participation with TML; Normal Working Hours, City Hall Staff and Maintenance Department Staff; Meal Periods; Overtime during a Week in which there is a City Holiday; Flex-time Work schedule (REMOVED); and Exempt Employees; Costs to the City Associated with Training programs for Staff; and Notification of Accident Incident to City Secretary (Mayor Simmerman)

8.3. **Discussion / Action:** Ordinance O-2022-08-030 Tabled from August meeting; Republic Trash Commercial Services fees ** Research as a Franchise Tax ** (City Secretary)

8.4. **Discussion / Action:** Unread meters and how is the City addressing this problem? (Alderman Crocker)

8.5. **Discussion / Action:** 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)

9. NEW BUSINESS

9.1. **Discussion/Action:** Record Council meetings for minute purposes. To ease the burden of taking notes during council meetings, Council proposes to purchase recording device and other equipment so meetings may be recorded. (Council)

9.2. **Discussion/Action:** Alderman 5 / Mayor Pro Tem Resignation from City Council, City of Cumby (Alderman Ryan Horne)

9.3. **Discussion/Action:** Appointment of Mayor Pro Tem

9.4. **Discussion/Action:** Filling vacancy by Appointment per §22.010, filling vacancy on governing body or in other municipal office (Mayor)

9.5. **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 § 2.051 – 2.053; Texas Election Code.

9.6. **Discussion/Action:** City Council Cancel Election scheduled for November 8, 2022, due to no or unopposed candidates for Alderman Place 1, Alderman Place 2, and Mayor. Order of Cancellation in accordance with § 2.053(a) of the Texas Election Code.

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 September 2, 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, City Secretary