

**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 January 10, 2023, 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; [Alderman1@cityofcumby.com](mailto:Alderman1@cityofcumby.com), [Alderman2@cityofcumby.com](mailto:Alderman2@cityofcumby.com); [Alderman4@cityofcumby.com](mailto:Alderman4@cityofcumby.com) and [Alderman5@cityofcumby.com](mailto:Alderman5@cityofcumby.com) .

The meeting agenda is posted online at [www.cumbytx.com](http://www.cumbytx.com) website.

The meeting packet will be posted on [www.cumbytx.com](http://www.cumbytx.com) website as soon as it is complete and issued to council.

**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.

- City offices closed January 16<sup>th</sup> - MLK

**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 December 13, 2022
- 6.2. Approval – 2022 December Financials (P&L)
- 6.3. Approval – Fiscal Year-to-Date 2022-2023 P&L
- 6.4. Approval – 2022 December Vendor Summary
- 6.5. Approval - Public Works Department Activity Report
- 6.6. Approval – Utility / Maintenance Work Order Report
- 6.7. Approval - Police Department Activity Report
- 6.8. Approval - Municipal Court Activity Report
- 6.9. Approval - Building Permit Activity Report
- 6.10. Fire Department Activity Report

- 7. EXECUTIVE SESSION – 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:**
- a) § 551.071(1): Consultation with the Attorney Texas Municipal League Intergovernmental Risk Pool 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 pending or contemplated litigation, Cause CV45171, Bryony Hollan, individually and on behalf of the Estate of Donald Hollan and as next friend for D.H.Jr., C.H., and H.H., Plaintiffs, v The City of Cumby, Texas; and Jonathan S. Painter, Defendants.
  - b) § 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) Shane Thomas, Public Works department personnel
  - c) §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: i) Shane Thomas, Public Works Department personnel, completion of 90-day Probation

**8. RECONVENE INTO OPEN SESSION - In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Open Session to consider action, if any, on matters discussed in Executive Session.**

**9. OLD BUSINESS**

- 9.1. **Discussion/Action:** Extra-Territorial Jurisdiction (ETJ) – designated buffer area located just outside of the city limits. Each municipality is afforded an ETJ by the Texas Local Government Code as a method of defining potential growth and future service boundaries. Discuss Hopkins County
- 9.2. **Discussion:** Update (if any) Cumby ISD and HWH (project mgr) and Hopkins County Fire Chief regarding state of Cumby water lines to ensure proper pressure for fire system for new high school. May require future negotiations between all entities to see who will bear the cost (cost is yet unknown). (Mayor / Maintenance Supervisor)
- o Reach out to Kansas City Railroad for access to property or will require an easement –TBD
  - o Where does the upgraded line need to be placed?
  - o Hopkins – Fire Chief
  - o ISD/HWH possibly provide manpower; cost / fees
  - o Cost of material(s), e.g., pipe only (today’s price (quote) is \$24.28/sf and appx 2100 sf - \$50,988

**10. NEW BUSINESS**

- 10.1. **Discussion:** Placement of a living fir tree in Cumby City Park; with the aim of establishing community involvement to nurture towards a living Christmas tree each year for City of Cumby celebration. (Alderman Terry Ratliff)
- 10.2. **Discussion/Action:** Ordinance 2023-01; because of the burden and cost to City of Cumby, charge a \$1.00 administrative fee for reprinting Utility bills. The cost to City of Cumby to produce utility bills each month is \$750 (+/-). Additional burden when requested to reprint bills due to consumers not bringing with them when making payment. Proposed start date of March 2023 billing cycle. (City Secretary / Mayor)
- 10.3. **Discussion/Action:** Public Works/Maintenance staff to take home city vehicle to transport to/from City during after-hour call-out. (Mayor)

**11. 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 January 5, 2023, 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