

**AGENDA  
NOTICE OF 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 Tuesday, June 8, 2021, 6:30 p.m., at 100 East Main Street, Cumby, Texas, City Council Chambers.

**SUPPLEMENTAL NOTICE OF MEETING BY LIVESTREAM/TELEPHONE CONFERENCE:**

In accordance with Order of the Office of the Governor issued March 16<sup>th</sup>, 2020, the governor has suspended various provisions of the Open Meetings Act pursuant to his state disaster authority, which now authorize the participation of a meeting by live-video stream or telephone. The City of Cumby will conduct the Regular Meeting on Tuesday, June 8, 2021 at 6:30 p.m. at 100 East Main Street, Cumby, Texas, City Council Chambers in part by Livestream in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) and slow down the spread of the Coronavirus (COVID-19).

**Livestream Participation.** The livestream available via the Zoom website from your computer, tablet or smartphone at:

<https://us02web.zoom.us/j/85303109337>

Meeting ID: 853 0310 9337

One tap mobile

+13462487799,,85303109337# US (Houston)

+16699006833,,85303109337# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Meeting ID: 853 0310 9337

Find your local number: <https://us02web.zoom.us/u/keGMKV83K8>

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); [alderman3@cityofcumby.com](mailto:alderman3@cityofcumby.com); [alderman4@cityofcumby.com](mailto:alderman4@cityofcumby.com); [alderman5@cityofcumby.com](mailto: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.

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. EXECUTIVE SESSION

- 5.1. **Discussion/Action** – Removal of Judge Lana Adams in accordance with L.G.C. Sec. 22.077 "for incompetency, corruption, misconduct, or malfeasance in office." Texas Government Code Sections 551.074 (Personnel Matter) and 551.071 (Consultation with Attorney)

## 6. CONSENT AGENDA

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, May 11, 2021, Regular Meeting.  
6.2. Approval – City Council Minutes, May 26, 2021, Special Meeting.

## 7. DEPARTMENT REPORTS

All matters listed under this item are considered routine by the City Council and will only be considered at the request of one or more Aldermen. Coincident with each listed item, discussion will generally occur.

- 7.1. Public Works Department Activity Report  
7.2. Police Department Activity Report  
7.3. Municipal Court Activity Report  
7.4. Building Permit Activity Report (if any)  
7.5. Fire Department Activity Report

## 8. OLD BUSINESS

- 8.1. **Discussion/Action** – Update on Constellation Energy Bill, Mayor Pro Tem Lackey

## 9. NEW BUSINESS

- 9.1. **Discuss/Action** – Maintenance areas of interest. – Alderman Horne
  - 9.1.1.1. Well 4 serviced and is it operational?
  - 9.1.1.2. Plans and updates for street repairs.
  - 9.1.1.3. Waterline of FM 499 @ Donelton.
  - 9.1.1.4. Tree on Denton Street need to be cleared out of ditch.
- 9.2. **Discuss/Action** – Condemned Properties – Alderman Horne
  - 9.2.1.1. 101/102 Tarrant Street
  - 9.2.1.2. 408 Odom Street
  - 9.2.1.3. Mill Street
- 9.3. **Discuss/Action** – National Night Out – Potentially creating a committee. Chief Jeff Hundley
- 9.4. **Discuss/Action** – Approve Budget Calendar for the FY 21-22. – Mayor Pro Tem Lackey
- 9.5. **Discuss/Action** – Resolution No. – 2021-08 Calling for the November 2, 2021, Cumby City Council Election for Alderman Place 3, Alderman Place 4, Alderman Place 5 and posting requirements. – Mayor Pro Tem Lackey
- 9.6. **Discuss/Action** – Appointment of Court Clerk Ms. Rita Graham to Associate Judge and taking all necessary steps to obtain said position. – Mayor Simmerman/Mayor Pro Tem Lackey
- 9.7. **Discuss/Action** – Appointment of Temporary Municipal Judge due to potential vacancy.
- 9.8. **Discuss/Action** – **Purchase** of Lawn Mower within \$5,000.00. Appoint New Maintenance Supervisor to make selection and present to Mayor for final approval and to direct maintenance employee to maintain lawn.
- 9.9. **Discussion/Action** – Cancellation of Contract with Lawn Mowing Service and compensation for month of May 2021 plus reimbursement for aid in sewer maintenance.
- 9.10. **Discuss/Action** – Approve monthly bills. Mayor Pro Tem Lackey
- 9.11. **Discuss/Action** – Approve search for new Electric rate plan. Mayor Pro Tem Lackey

## 10. ADJOURNMENT

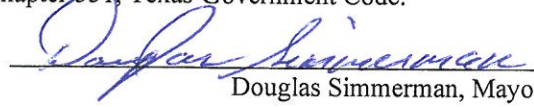
Executive Sessions Authorized: This agenda has been reviewed and approved by the City’s legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of TEX. GOV’T CODE CHAPTER 551 by legal counsel for the governmental body and constitutes 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.

**CERTIFICATE:**

I hereby certify that the above Notice of Meeting was posted on the City Hall bulletin board on the 4<sup>th</sup> of June 2021 by 7 pm 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.

  
Douglas Simmerman, Mayor

