

**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 February 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 alderman3@cityofcumby.com; alderman4@cityofcumby.com; alderman5@cityofcumby.com.

The meeting agenda and agenda packet are posted online at <https://www.cumbytx.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.
 - Ms. Sharon Hart regarding M&R Drive and Pump Station
 - Ms. Anna Duckworth, update regarding Cumby name change to historical Blackjack Grove
 - Ms. Nancy Buckholt regarding an animal spay / neuter program
 - Mr. Brandon Phipps regarding temporary set-up of "tiny (manufactured) home" during residential new build; requests a waiver during new residential build.
- 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: *Monday, February 21, 2022, the City will be closed in observance of President's Day*
- 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. 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.

- 5.1. Approval – City Council Minutes, Regular Meeting, January 11, 2022
- 5.2. Approval – City Council Minutes, Special Meeting, January 18, 2022
- 5.3. Approval – 2021 December Financials
- 5.4. Public Works Department Activity Report
- 5.5. Police Department Activity Report
- 5.6. Municipal Court Activity Report
- 5.7. Building Permit Activity Report (if any)
- 5.8. Fire Department Activity Report

6. OLD BUSINESS

- 6.1. **Discussion/Action:** Appointment of City Secretary and Oath of Office (Mayor)
- 6.2. **Discussion/Action:** Ordinance O-2022-02-003 An Ordinance of the City of Cumby Repealing and Revoking Ordinance No. 2021-03 “Establishing the conditions in which an elected office may be disqualified from serving.” Passed by City Council 11th January 2022 Regular Council Meeting (Alderman Mobley)
- 6.3. **Discussion/Action:** Ordinance O-2022-02-005 – Ordinance of the City of Cumby Texas establishing a Municipal Court Local Truancy Prevention and Diversion Fund and Municipal Court Jury fund. Passed by the City Council 11th day of January 2022 (Alderman Horne)
- 6.4. **Discussion/Action:** Resolution R-2022-02-010 – A Resolution of the City Council of the City of Cumby, Texas, acceptance of funds allocated from the Janssen Texas State-wide Opioid Settlement Agreement and Settlement Term Sheet; Preparation of Exhibit K, Subdivision Settlement Participation Form and Exhibit K, Settlement Participation Form Reviewed by City Council 11th January 2022. (Mayor)
- 6.5. **Discussion/Action:** Resolution R-2022-02-011 – A Resolution of the City Council of the City of Cumby, Texas, Establishing a Use of Funds Policy for Funds Previously Designated for City Council fees. (Alderman Horne)

7. NEW BUSINESS

- 7.1. **Discussion/Action:** International Building Code, Section 423, Storm Shelters Education. ISD Architect, Mr. Heath Aggen, from Goodwin Lassiter Strong will present comments regarding new IBC Storm Shelter Code and how it will impact the new Cumby ISD Structure. Mr. Ty Chapman, Operations Vice President, Bureau Veritas will also be available for discussion / comments.
- 7.2. **Discussion/Action:** Ordinance O-2022-02-05, An Ordinance of the City of Cumby Amending Ordinances 2020-05-03; Providing for Contractor Registration and Yearly Registration Fee; Providing for Plan Submission and Review Requirements and Fees; Providing for Moving Inspection Requirement, Terms and Fees; Providing for New Residential Permit Requirement, Terms and Fees; Providing for Alter Existing Residential Structure Permit Requirement, Terms and Fees; Providing for Remodel of Residential Permit Requirement, Terms and Fees; Providing for New Commercial Permit Requirement, Terms and Fees; Providing for Alter Existing Commercial Structure Permit Requirement, Terms and Fees; Providing for Remodel of Commercial Permit Requirement, Terms and Fees; Providing for Demolition Permit Requirement, Terms and Fees; Providing for Sign Permit Requirement, Terms and Fees; Establishing the Longevity of Permits Issued Under This Ordinance; Establishing a Penalty for The Violation of the Terms of the Ordinance; Providing a Savings Clause and a Severability Clause; and Providing an Effective Date of this Ordinance. (Mayor Simmerman/Alderman Horne)
- 7.3. **Discussion/Action:** Resolution R-2022-02-012 A Resolution of the City Council of the City of Cumby, Texas, to Appoint a City Attorney for the City of Cumby, Texas.
- 7.4. **Discussion/Action:** Resolution R-2022-02-013 A Resolution of the City Council of the City of Cumby, Texas, to Appoint a Municipal Judge for the Municipal Court in the City of Cumby, Texas

8. ADJOURNMENT

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 February 4, 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, (Interim) City Secretary