

CITY OF CUMBY
CITY COUNCIL MEETING
AUGUST 7, 2012

THE CITY OF CUMBY, TEXAS, MET IN REGULAR SESSION ON TUESDAY, AUGUST 7, 2012, AT 6:00 PM, 100 E. MAIN STREET, CUMBY TEXAS.

THE FOLLOWING WERE PRESENT: MAYOR JEFF STRICKLAND, ALDERMAN CHUCK TUGGLE, ALDERMAN CODY TALLEY, ALDERMAN KATHY HALL CARTER, ALDERMAN LARRY WHITE, ANGIE ALLEN, LANORA POWELL, SCOTT SEWELL, ALDERMAN BILL JENKINS ABSENT DUE TO FAMILY ILLNESS.

1) MAYOR STRICKLAND CALLED THE MEETING TO ORDER AT 6:00 PM.

2) ALDERMAN TUGGLE MADE A MOTION TO APPROVE THE MINUTES FROM THE PREVIOUS MONTH MEETING. ALDERMAN WHITE SECONDED THE MOTION. 2 FOR, 2 AGAINST. MAYOR STRICKLAND ASKED IF NEEDED DISCUSSION OVER PREVIOUS MONTHS MEETING, IF ANYTHING NEEDED TO BE CHANGED, DELETED OR REMOVED. ALDERMAN CARTER STATED THAT SHE DID NOT APPROVE THE MINUTES DUE TO AN ILLEGAL EXECUTIVE SESSION. MAYOR STRICKLAND ASKED HOW THE MEETING WAS ILLEGAL. ALDERMAN HALL-CARTER STATED THAT SHE ASKED FOR THE EXHIBIT THAT WENT WITH THE MEETING AND IT WASN'T PROVIDED TO HER. ANGIE ALLEN STATED THAT THAT WOULD BE THE EXECUTIVE SESSION MINUTES NOT THE COUNCIL MINUTES AND THAT NOTHING WAS VOTED ON IN EXECUTIVE SESSION. ALDERMAN HALL-CARTER STATED SHE DIDN'T SAY THAT THEY DID VOTE ON ANYTHING AND THAT SHE IS NOT VOTING BECAUSE SHE DOESN'T APPROVE, BECAUSE THE EXECUTIVE SESSION THAT WAS HELD WAS ILLEGAL. ALDERMAN HALL-CARTER STATED THAT SHE ASKED TO SEE THE EXHIBIT THAT WENT WITH THE TAPE OF THE EXECUTIVE SESSION AND IT WAS DENIED TO HER. MAYOR STRICKLAND ASKED IT WAS DENIED? ALDERMAN HALL-CARTER STATED THAT SHE ASKED ANGIE ALLEN FOR THE EXHIBIT, AND WAS TOLD THAT ANGIE ALLEN DIDN'T HAVE IT. MAYOR STRICKLAND STATED THAT HE STILL HAD THEM AND WOULD BRING THEM TO CITY HALL. ALDERMAN HALL-CARTER STATED THAT WHEN SHE SEES THEM AND GETS TO READ THEM BECAUSE THEY WERE ABOUT HER, THEN SHE MIGHT VOTE FOR IT UNTIL THEN SHE DOESN'T. MAYOR STRICKLAND STATED THAT THE MOTION FAILED, WE WILL NOT APPROVE MINUTES FROM THE PREVIOUS MEETING.

3) PRESENTATION FROM THE CITIZENS: NONE

4) OLD BUSINESS:

A) STREETS:

B) WATER FACILITIES: WELLS PUMPED 3,715,700, WATER SOLD 3,197,200, THE WWTP & CHURCHES USED 456,800. THERE WAS A LOSS OF 10,000 GALLONS. 316 POUNDS OF CHLORINE WERE USED. RECEIVED A QUOTE

FROM CHESTER ADAMS FOR REPAIRING LIGHTS ON ELEVATED WATER TOWER IN THE AMOUNT OF \$125.00. MAYOR STRICKLAND STATED THAT ANYTIME IT IS A MAINTENANCE ISSUE IT NEEDS TO BE HANLED BY WITHIN. BY GENERAL CONSENT OF COUNCIL ANGIE ALLEN WILL CONTACT CHESTER ADAMS TO MAKE THE REPAIRS.

C) SEWER PLANT: RUNNING GOOD

D) WELL SITUATION: GOOD SHAPE

E) LEAK SITUATION: LEAKS REPAIRED ON DONELTON AND M & R DRIVE.

5) NEW BUSINESS:

A) DISCUSS/ACTION – TWDB / ORDINANCE APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION:

THIS ORDINANCE STATES:

WHEREAS, prior to the issuance of such certificates, the Council is required to publish notice of its intention to issue the same in a newspaper that is of general circulation in the City, said notice stating (1) the time and place this Council tentatively proposes to pass the ordinance authorizing the issuance of the certificates, (2) the maximum amount to be issued, (3) the purposes for which the certificates are to be issued, and (4) the manner in which the City proposes to pay the certificates;

NOTICE OF INTENTION TO ISSUE CITY OF CUMBY TEXAS CERTIFICATES OF OBLIGATION

TAKE NOTICE, that the City Council of the City of Cumby, Texas will convene at 6:00 o'clock p.m. on the 11th day of September, 2012, at the regular meeting place of the City Council, located at 100East Main Street, Cumby, Texas, and during such meeting the City Council will consider the passage of an ordinance authorizing the issuance of certificates of obligation, to be payable from a combination of City ad valorem taxes and surplus revenues from the City water and waste water systems. The certificates will be issued in an amount not to exceed \$695,000 for the purpose of paying for: (1) the costs of replacing and relocating City water and sewer lines located in the FM275 (Frisco Street) right-of-way, together with associated engineering costs, and (2) the costs of issuance including attorneys and financial advisors fees incurred in connection with the issuance of the certificates. The certificates are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code sec. 271.041, et. seq., and the Public Security Procedures Act, as amended, Section 1201.001,et. seq., Texas Government Code.

ALDERMAN TUGLE MADE A MOTION TO ACCEPT THE ORDINANCE AS READ.
ALDERMAN TALLEY SECONDED THE MOTION. ALL APPROVE MOTION PASSED.
THIS ORDINANCE WILL BE NUMBERED 2012-7.

B) DISCUSS / ACTION – CERTIFICATE FOR ORDINANCE / TWDB:

We, the undersigned officers of the City Council of said City, hereby certify as follows:

1. The City Council of said City convened in Regular session on the 7th day of August, 2012, at the regular designated meeting place, and the roll was called of the duly constituted officers and members of the City Council, to-wit:

Jeff Strickland Mayor

Chuck Tuggle Alderman, Place. 1

Bill Jenkins Alderman, Place. 2

Cody Talley . Alderman, Place. 3

Larry White Alderman, Place. 4

Kathy Hall Carter Alderman, Place. 5

and all of said persons were present, except:

thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting:

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF CUMBY, TEXAS APPROVINGAND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUECOMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION

was duly introduced for the consideration of said City Council and read in full. It was then duly moved and seconded that said Ordinance be passed; and, after due discussion, said motion, carrying with it the passage of said Ordinance, prevailed and carried by the following vote:

AYES: _____ NOES: _____ ABSTENTIONS: _____

2. That a true, full and correct copy of the aforesaid Ordinance passed at the Meeting described in the above and foregoing paragraph is attached to and follows this certificate; that said Ordinance has been duly recorded in the City Council's minutes of said Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from the City Council's minutes of said Meeting pertaining to the passage of said Ordinance; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; that each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Ordinance would be introduced and considered for passage at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose; that said meeting was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code. 3. That the Mayor of said City has approved and hereby approves the aforesaid Ordinance; that the Mayor and the City Secretary of said City have duly signed said Ordinance; and that the Mayor and the City Secretary of said City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Ordinance for all purposes.

ANGIE ALLEN RECEIVED AN EMAIL FROM BILL CORSBIE STATING: It is my understanding from Dain's lasts email that the interest rate the TWDB will charge Cumby will be finalized at the TWDB meeting on Sept 20. The City has scheduled the adoption of the Ordinance selling the Certificates of Obligation to the TWDB for Sept 25 so that they can have those final rates in the Ordinance when they adopt it, and will publish notice accordingly as required by law.

THE CITY RECEIVED A FINANCIAL AGREEMENT FROM THE TEXAS WATER DEVELOPMENT BOARD STATING: THIS FINANCING AGREEMENT (AGREEMENT) IS ENTERED INTO BETWEEN THE TEXAS WATER DEVELOPMENT BOARD (TWDB), AN AGENCY OF THE STATE OF TEXAS, AND THE CITY OF CUMBY, TEXAS, A MUNICIPALITY(BORROWER). MAYOR AND CITY SECRETARY WILL BE THE AUTHORIZED SIGNATURES ON THE ACCOUNT.

C) DISCUSS / ACTION –PROCLAMATION “SAFE DIGGING MONTH”:

ANGIE ALLEN STATED THAT SHE RECEIVED AN EMAIL FROM JANETTE MOSER OF ATMOS ENERGY STATING:

We are asking City Councils in our Atmos Energy service area to pass a resolution in support of "811 Safe Digging Day", which is August 11th. A sample resolution is attached for your use. Some Councils meet after August 11th, so perhaps the month of August could be proclaimed "Safe Digging Month". THE PROCLAMATION STATES:

**811 Safe Digging Day
August 11, 2012**

WHEREAS, the leading cause of harm to underground facilities is excavation damage; and
WHEREAS, pipeline operators and other underground facility owners are committed to raising the awareness of underground damage prevention and safe digging practices; and
WHEREAS, everyone has a responsibility to ensure their safety; and
WHEREAS, dedication to safe digging practices is helping prevent potentially serious or fatal injuries while keeping our environment clean and our utilities on without interruption; and
WHEREAS, the date of August 11 (8/11) corresponds to the nationwide one-call number, 811, which provides anyone planning to excavate a simple, easy way to contact the state underground notification center; and
WHEREAS, once a call is made to the one-call notification center, the appropriate underground facility operators are notified of the person's intent to dig. Professional locators are then sent to the requested digging site to mark the approximate locations of underground lines with flags, spray paint or both; and
WHEREAS, Striking a single line can cause injury, repair costs, fines and inconvenient outages; and
WHEREAS, through the support of the pipeline industry, the first nationwide 811 Day media effort promoting the Call Before You Dig program will air ads during the 2012 Olympic games; and
WHEREAS, everyone should call 811 before digging; and
WHEREAS, the City of Cumby supports these efforts to promote underground damage prevention and safe digging practices, and
NOW THEREFORE, I, Jeff Strickland, do hereby recognize August 11, 2012 as Underground Damage Prevention Day in the CITY OF Cumby, TEXAS, and I call this observance to the attention of all her citizens.

ALDERMAN TALLEY MADE A MOTION TO ACCEPT THE ATMOS PROCLAMATION AS READ. ALDERMAN TUGGLE SECONDED THE MOTION. ALL APPROVE. MOTION PASSED.

D) DISCUSS/ ACTION – ORDER ELECTION TO ADOPT A LOCAL SALES AND USE TAX AT THE RATE OF .25% OF 1% TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS:

THIS ORDINANCE STATES:

AN ORDINANCE FOR AN ELECTION TO BE HELD WITHIN THE CITY OF CUMBY, TEXAS ON NOVEMBER 6, 2012, FOR THE PURPOSE OF DECIDING WHETHER TO CONTINUE TO ADOPT A LOCAL SALES AND USE TAX THAT HAS BEEN IN EFFECT FOR THE LAST FOUR (4) YEARS IN THE CITY OF CUMBY, TEXAS AT THE RATE OF .25% OF ONE PERCENT (1%) TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; AND PROVIDING A SAVINGS CLAUSE.

ALDERMAN TUGGLE MADE A MOTION TO ACCEPT THE ORDER ELECTION TO ADOPT A LOCAL SALES AND USE TAX AT THE RATE OF .25% OF 1% TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS AS READ. ALDERMAN WHITE SECONDED THE MOTION. ALL APPROVE. MOTION PASSED. THIS ORDINANCE WILL BE NUMBERED 2012-8.

E) DISCUSS / ACTION – ORDERING CITY OFFICERS' ELECTION:

AN ORDINANCE AND ORDER ESTABLISHING PROCEDURES FOR THE CITY OFFICERS' ELECTION IN CUMBY, TEXAS
ON NOVEMBER 6, 2012.

WHEREAS, the laws of the State of Texas provide that on November 6, 2012, there shall be elected one (1) Mayor and two (2) Alderman-at-large, each for two year terms;

ALDERMAN TALLEY MADE A MOTION TO ACCEPT THE ORDERING CITY OFFICERS' ELECTION ORDINANCE AS READ. ALDERMAN WHITE SECONDED THE MOTION. ALL APPROVE. MOTION PASSED. THIS ORDINANCE WILL BE NUMBERED 2012-9

F) DISCUSS / ACTION- CITY PARK / BASKETBALL COURT:

THE CITY RECEIVED 3 BIDS FOR CONCRETE:

WESTBROOK CONCRETE \$6,700.00 NO PAD

CODY CONSTRUCTION \$8,500.00 PAD INCLUDED

ARRINGTON CONCRETE \$10,495.00 PAD INCLUDED

ALDERMAN TUGGLE MADE A MOTION TO TABLE THE BIDS UNTIL FURTHER SPECIFICATIONS CAN BE PROVIDED TO THE CONTRACTORS. ALDERMAN TALLEY SECONDED THE MOTION. ALL APPROVE. MOTION TABLED.

ANGIE ALLEN WILL GIVE NEW SPECIFICATIONS THAT INCLUDE 4 IN CUSION SAND, ½ IN REBAR, CROSS BRACES TO THE CONTRACTORS.

6) POLICE DEPT: FOR THE MONTH OF JULY THERE WERE A TOTAL OF 271 CITATIONS ISSUED, 3 FELONY ARRESTS, 1 MISD. ARRESTS, 4 OFFENSE REPORTS TAKEN, 2 INCIDENT REPORTS, 2 CASE FILED WITH THE COUNTY ATTORNEY, 1 CASES FILED WITH THE DISTRICT ATTORNEY.

7) PAY MONTHLY BILLS: ALDERMAN WHITE MADE A MOTION TO PAY THE MONTHLY BILLS. ALDERMAN TUGGLE SECONDED THE MOTION. ALL APPROVE. MOTION PASSED.

8) ITEMS FROM COUNCIL: NONE

WITH ALL BUSINESS COMPLETE ALDERMAN TALLEY MADE A MOTION TO ADJORN AT 6:35 P.M. ALDERMAN WHITE SECONDED THE MOTION. ALL APPROVE. MOTION PASSED.


MAYOR JEFF STRICKLAND

ATTEST:



