

Minutes  
January 9<sup>th</sup>, 2023 @ 12:00pm  
Special Council Meeting

1. Call to Order @ 12:07pm
2. Roll Call: Fladmark, Dumont, Lawhon, Brasfield, Figueroa and Holley. All Present.
3. Citizen Comments: Citizens wishing to speak on an agenda item must sign up to do so (3 Minute Maximum)
  - a. Kathy Donoghue stated her concern of Abuse of Use of a Special Meeting, and that meetings are hard to attend during the day as most meetings are after business hours.
  - b. Larry Lang of 2400 SouthPort Tack, Tool, Texas stated that he owns property within 12 feet of the Cedar Creek LotCO, LLC and Cedar Creek LLC. He stated that he does not want to be annexed into the City of Tool, in which City Administrator Kizzee said annexations have to be voluntary.
4. Open a public hearing to receive citizen testimony on the following at 12:16 p.m.
  - a. The possible annexation of Cedar Creek LotCo, LLC
  - b. The possible annexation of The Groves at Cedar Creek, LLC
  - c. Tax Abatement Reinvestment Zone No. 1
  - d. Tax Abatement Policy
  - Mark Schnatzmeyer asked a question in regard to the Tax Abatement Policy. Schnatzmeyer asked which portion of taxes were the tax incentives given on. City Attorney Blake Armstrong stated that it would be only the City of Tool portion. Mr. Schnatzmeyer responded that City of Tool tax was 16% of his total tax burden.
  - Carol Schnatzmeyer asked if the City Council could consider asking for green space in the future regarding annexation of properties and developments. Councilmember Figueroa stated in the future that could be something that we could make as a requirement.
  - Kathy Donoghue asked what is the other side of the coin on development? What if the development builds streets but no houses? Are we able to protect ourselves? Councilmember Figueroa stated that it is a \$370,000 investment, five-year maximum to build homes and home size will be between 4,000 square feet and 6,000 square feet. City Attorney Blake Armstrong stated that any money that the city fronts would be remitted back to the city in a clawback, if the developer's default.
5. Close public hearing and take any action necessary from the public hearing period at 12:48PM.
6. Discuss and take action to adopt Ordinance 2023-01, Establishment of Tax Abatement Reinvestment Zone No. 1
  - a. Councilmember Fladmark requested clarification on the name of the zone and requested confirmation that the appropriate taxing entities were provided notifications of the public hearing and concluded by asking for clarification regarding the definition of primary employment.

Motion to adopt Ordinance 2023-01, Establishment of Tax Abatement Reinvestment Zone No. 1 as modified by language discussed earlier was made by Councilmember Fladmark with second by Councilmember Figueroa. Motion Passed 5/0.

7. Consider, discuss and take action on Resolution 2023-01R, Tax Abatement Programs.
  - a. Councilmember Fladmark requested clarification on requesting to changing the language from will to shall in section D and inquiring if the second date in section E was incorrect. City Administrator Kizzee stated that it could be read as January 9<sup>th</sup>, 2025. Councilmember Figueroa stated that we could change the language to say it will expire at 11:59 p.m. on January 8<sup>th</sup>, 2025. City Attorney Blake Armstrong stated that he agreed with both of them stating it is up to the city on the wording they would like to use.

Motion to approve was made by Councilmember Figueroa with Second by Councilmember Fladmark. Motion Passed 5/0.

# Minutes

January 9<sup>th</sup>, 2023 @ 12:00pm

Special Council Meeting

8. Discuss and take action to adopt a Tax Abatement Policy

- a. Councilmember Fladmark requested clarification in section 8.2 regarding the language. He asked if Tool City Council needed to be changed to City Council to create uniformity. City Attorney Blake Armstrong stated that it did not matter but it could be changed if the council wanted it to be.
- b. Councilmember Fladmark asked for clarification on how the word substantial would be interpreted and who would determine its definition. City Administrator Kizzee stated that he or any other future City Administrator would be the one to determine what would be considered substantial at the time the application was received, and if deemed substantial, he would bring it before the City Council.
- c. Councilmember Fladmark stated there were 11 items on the eligibility list in this policy and asked if the language of Gas Station/Travel Center be changed to accommodate for electric vehicles in the future. City Attorney Blake Armstrong stated that the language of Travel Center would still work.
- d. Councilmember Fladmark concluded by asking if the language in section 8.2 be changed from Tool City Council to City Council to create uniformity. City Attorney Blake Armstrong said that change would not be needed in this section.

Motion to approve was made by Councilmember Fladmark with second by Councilmember Dumont. Motion Passed 5/0.

9. Discuss and take action to adopt Ordinance 2023-02, Establishment of Comprehensive Economic Development Policy.

- a. Councilmember Fladmark inquired if a property had to be in the cities extraterritorial jurisdiction to be annexed into the City of Tool. City Administrator Kizzee stated that yes it would have to be in the city's ETJ.

Motion to approve was made by Councilmember Figueroa with second by Councilmember Dumont. Motion Passed 5/0.

10. Consider, discuss and take action on terms to be included in a Chapter 380 Agreement and Tax Abatement Incentives Agreement in relation to a possible annexation of Cedar Creek LotCo, LLC and The Groves at Cedar Creek, LLC.

Motion to table until the next meeting on January 19, 2023, was made by Councilmember Figueroa with second by Councilmember Fladmark. Motion Passed 5/0.

11. Action to approve and enter into a Software-As-A-Service Agreement with Kologik, LLC for the purposes of certain computer software programs for the Tool Police Department to be purchased with ARPA funds.

- a. City Administrator Kizzee stated that the software being discussed is most commonly known as CopSync.
- b. Councilmember Brasfield asked if the software was easy to learn. Chief Walker stated that it was easy to learn and that most of his employees were already familiar with the software. Chief Walker also stated that a person from the company would come out and provide training on the software.
- c. Councilmember Fladmark inquired if the software worked with a GPS, if it had automatic sharing and if it ties into other agencies. Chief Walker stated that the software works with a GPS, allows for automatic sharing and it alerts other agencies who use CopSync.

Motion to enter into a Software-As-A-Service Agreement with Kologik, LLC for the purposes of certain computer software programs for the Tool Police Department to be purchased with ARPA funds was made by Councilmember Dumont with a second by Councilmember Figueroa. Motion Passed 5/0.

# Minutes

January 9<sup>th</sup>, 2023 @ 12:00pm

Special Council Meeting

12. Action to approve an expenditure in the amount of \$11,400.00 for the purchase of five computers through Peacemaker Technologies for the Tool Police Department.
  - a. Chief Walker stated that each of the five computers will come with a thermal printer and services upgrades will be done annually.
  - b. Councilmember Fladmark stated that it was a three-year contract and asked for a breakdown of cost. Chief Walker stated that it will cost \$11,400 to install and years two and three will be a \$9,300 yearly payment. Councilmember Fladmark inquired about surplus parts for the computers and if the computers have the ability to take pictures. Chief Walker stated that each computer is portable and if something malfunctions, Peacemaker Technologies typically provides next-day service and that the computers have the ability to take pictures.

Motion to approve an expenditure in the amount of \$11,400.00 for the purchase of five computers through Peacemaker Technologies for the Tool Police Department was made by Councilmember Figueroa with second by Councilmember Brasfield. Motion Passed 5/0.

## Closing

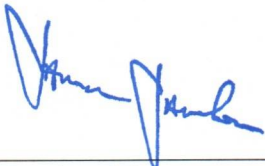
13. Next Meeting: January 19<sup>th</sup>, 2023
14. Adjourn @ 1:41pm

**A meeting that is "open to the public", pursuant to the Open Meetings Act, is one that the public is permitted to attend. The act does not entitle the public to choose the items to be discussed or to speak about items on the agenda.** If the City Council, during the course of the meeting covered by this notice, should determine that an executive session is required, then such executive session, as authorized by the Texas Open Meetings Act, Texas Government Code, Section 551.001 et seq., will be held by the Council at the date, hour and place given in this notice, concerning but not limited to the following sections and purposes of the Act: 551.071 Private consultation with the city's attorney; 551.072 Deliberations about Real Property; or, 551.074 Discussing personnel or to hear complaints against personnel. Should any final action, final decision or final vote be required in the opinion of the City Council with regard to any matter considered in such executive session, then the final action, final decision or final vote shall be in the open meeting covered by this Notice upon the reconvening of the public meeting.

**"Pursuant to Texas Government Code section 551.007, members of the public may speak on an agenda item during the citizens comment section of the meeting or at the time the agenda item is called for discussion by the Mayor.** Speakers must sign up with the City Secretary to speak and shall be given three (3) minutes to speak. A speaker needing a translator and/or interpreter may be given six (6) minutes to speak. Criticism of city employees or staff is prohibited. Those wishing to address the Council regarding an item not on the agenda must be a citizen, property owner or business owner of Tool. Comments on such non-agenda items shall be limited to three minutes. The Council will not comment on items not on the agenda; however, the Council may refer the item to city staff for research, resolution or referral of the matter to the Council as a future agenda item."

I certify that the above notice of meeting, a true and correct copy, was posted on the bulletin board in front of Tool City Hall prior to the required 72 hours and that the city's official newspaper was notified.

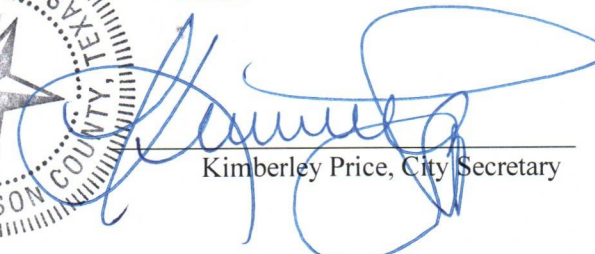
**Passed and approved this 19<sup>th</sup> day of January 2023.**



Tommy Lawhon, Mayor



Attest:



Kimberley Price, City Secretary