

Minutes

March 16th, 2023

@ 6:00pm

Regular Council Meeting

1. Call to Order @ 6:00pm
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. James Marrinan spoke regarding renters of an Air BNB on Oak Hill trespassing on his property and littering into Cedar Creek Lake.
 - b. City Council thanked Lakeside Construction and Remodel for the hard work that was put into the Oran White Civic Center Renovation project.
4. Approve Minutes: February 16th, 2023, Regular Meeting and March 2nd, 2023 Special Meeting. Motion to approve minutes from February 16th, 2023 Regular Meeting and March 2nd, 2023 Special Meeting was made by Councilmember Fladmark with second by Councilmember Figueroa. Motion Passed 5/0.
5. Approve Consent Agenda Items "A" thru "H"; Monthly Activity Reports for February 2023 as presented: (A) Executive Summary (B) Financial and Expenditure (C) Municipal Court; (D) Police (E) Maintenance; (F) Building (G) Code Enforcement and; (H) Animal Control. Councilmember Fladmark inquired when the Hotel Occupancy Tax payments were collected. City Administrator Julius Kizzee stated that they are collected every three months and the next payment would be due in April 2023. Councilmember Dumont inquired if the Debt Services should be broken down as percentages on the monthly Profit and Loss. City Administrator Kizzee stated that Debt Services were paid twice a year in February and August. Councilmember Dumont expressed concern regarding the deposits being FDIC insured to the amount of funds. Councilmember Figueroa stated that the city was staying with Simmons Bank and that they would back the whole balance of the city's accounts. Councilmember Fladmark asked Building and Code Official Davis how Short-Term Rental complaints were handled. Building and Code Official Davis stated that the offenders must be caught in the act and that is sometimes hard to do. Building and Code Official Davis concluded by stating that she has driven by this property in the evening during the weekend and did not see or hear anything. Motion to approve Consent Agenda Items "A" thru "H" as presented was made by Councilmember Fladmark with second by Councilmember Dumont. Motion Passed 5/0.
6. Action on a request by Chase Colon of 1601 S. Tool Dr. of West Cedar Creek Homesites to replat the Colon Tract creating a 3.18 acre lot, Lot 1, a 3.00 acre lot, Lot 2, a 2.25 acre lot, Lot 3, a 2.23 acre lot, Lot 4, a 2.00 acre lot, Lot 5, a 2.00 acre lot, Lot 6, and a 2.70 acre lot, Lot 7 totaling 17.67 acres. Councilmember Fladmark inquired if the property owner was in attendance to which Building and Code Official Davis stated they were not, but she could provide information regarding the request. Building and Code Official Davis stated that the property is currently 17 acres and that it would be broken down to seven tracts of land that would be sold as is. Councilmember Figueroa inquired if the land would be large enough to place a home on each lot, to which Building and Code Official Davis stated that it would be possible to do so for each lot. Councilmember Fladmark stated that Henderson County approved to chip seal the road which would be a benefit. Motion to approve request by Chase Colon of 1601 S. Tool Dr owner of 17.67 acres of land to replat property to seven individual tracts of land was made by Councilmember Dumont with second by Councilmember Figueroa. Motion Passed 5/0.
7. Discuss and take action to adopt Ordinance 2023-06, Highway 247 Facade Standards. City Administrator Kizzee stated that this ordinance was brought before the Council to outline standards for Highway 274 which include façade outlines, who defines these standards, materials to be used, signage and the definition of refuse. Councilmember Fladmark inquired the effective date of the ordinance if passed. City Administrator Kizzee stated that the effective date would be the date it was approved by Council. Councilmember Fladmark stated that there should be an effective date added and that there is an effective date that it is listed in the summary but not in the ordinance itself. Councilmember Figueroa stated that for new construction along Highway 274 materials used would need to be brick or stucco and that there could not be a metal building façade.

Councilmember Fladmark requested change of language in section three of the ordinance to state “at building line” to “from building line” for clarity regarding the screening fences. Councilmember Holley asked if any building would be grandfathered in after the passing of this ordinance. Councilmember Figueroa stated that the façade only would be grandfathered not junked items. After amendment, motion to adopt Ordinance 2023-06 was made by Councilmember Fladmark with second by Councilmember Figueroa. Motion Passed 5/0.

8. Discuss and take action to adopt Ordinance 2023-07, City Street Beautification. City Administrator Kizzee stated that this ordinance outlines trash, trailers, junked vehicles, dumpsters and pods and that this would be enforced by the City Code Enforcement Officer. Councilmember Dumont stated that sailboats specifically needed to be included in this ordinance since they are self-propelled vehicles. Councilmember Fladmark stated that he would like to change the language from “attached to” to “towed by” in regard to the definition of trailers. Councilmember Figueroa stated that this ordinance will allow the city to clean up junked properties and that he has hopes of City Council being able to allocate funds to help individuals who cannot afford to remove junk from property. Motion to adopt Ordinance 2023-07, City Street Beautification as amended was made by Councilmember Dumont with second by Councilmember Figueroa. Motion Passed 5/0.
9. Discuss and take action to adopt Ordinance 96-A, Filth Prohibited. City Administrator Kizzee stated that this ordinance was an amendment to Ordinance 96 and that the only addition was to add that Code Enforcement is to decide what is considered as dumping on property. Councilmember Holley stated that this ordinance would help in getting rid of filth throughout the city. Councilmember Dumont inquired if there would be a timetable for cleaning the lots and if a fine would be imposed for noncompliance. Building and Code Official Davis stated that there was a timetable in place and that a fine would be on a case-by-case basis. Motion to adopt Ordinance 96-A was made by Councilmember Holley with second by Councilmember Figueroa. Motion Passed 5/0.
10. Action to adopt amendments to the Employee Handbook, including verbiage of Grounds for Termination, Lawsuits against the City and Types of Administrative Leave. City Administrator Kizzee stated that regarding Lawsuits against the City, if an employee past or present sues the City, they will not be eligible for rehire. Councilmember Fladmark requested that the language be added to spell out and write out numerically the number ten regarding ten working days, add 3/5th majority in defining majority and capitalize the letter C in the word city. Councilmember Fladmark continued by inquiring if disciplinary leave would be paid or unpaid leave. City Administrator Kizzee stated that paid disciplinary leave would be based on the situation and action. Councilmember Fladmark requested that Council be informed of the decision on paid disciplinary leave. Councilmember Figueroa requested that in section 8.2 that language be added to state both City Administrator or Mayor may place any employee on Administrative Leave. Councilmember Fladmark stated that in General Leave, there is no length of time stated and there needs to be one in place. City Administrator Kizzee stated that he left it ambiguous to allow for an employee to step away and come back with reservation of job status and pay. Motion to adopt amendments to the Employee Handbook, including verbiage of Grounds for Termination, Lawsuits against the City and Types of Administrative Leave as amended was made by Councilmember Fladmark with second by Councilmember Figueroa. Motion Passed 5/0.

Mayor Lawhon moved that Item # 13 be discussed first then continue with Items #11 and #12.

11. Convene into executive session pursuant to Texas Government Code Chapter Section 551.074 to consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Secretary, City Administrator, Maintenance Supervisor and Chief of Police at 7:28pm.
12. Reconvene in open session and take any action necessary resulting from executive session at 8:43pm. Motion to appoint Kimberley Price as City Secretary after probationary period has ended was made by Councilmember Dumont with second by Councilmember Fladmark. Motion Passed 5/0.

13. General discussion on proposed Eight at Tool City Park. City Administrator Kizzee stated that the bid for the park came in over budget and that he has been in conversations with several contractors on the pricing of grading and concrete services to hopefully lower the cost of the project. Councilmember Figueroa stated that he had spoken to Texas Parks and Wildlife on the possibility of moving the location of the park to which they confirmed that it was possible. Councilmember Figueroa concluded by stating that the possible new location of the park was a quarter of a mile or less away from the original park location.

- a. Tawnya Austin spoke in favor of leaving the location of the park in the original proposed area.
- b. Kathy Donoghue spoke in favor of leaving the location of the park in the original proposed area and inquired if police presence would be an issue if the location of park is moved. City Administrator Kizzee stated that the police department will be expected to be present and respond regardless of the location of the park.

Closing

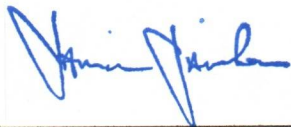
- 14. Staff
- 15. Next Meeting: April 20th, 2023
- 16. Adjourn @ 8:52pm

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.

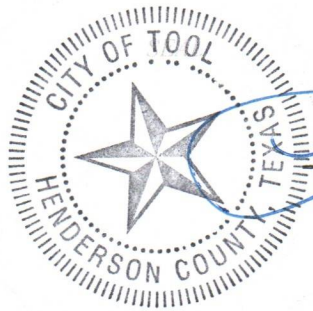
“Pursuant to Texas Government Code section 551.007, members of the public may speak on an agenda item during the citizens comment section of the meeting or at the time the agenda item is called for discussion by the Mayor. Speakers must sign up with the City Secretary to speak and shall be given three (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.

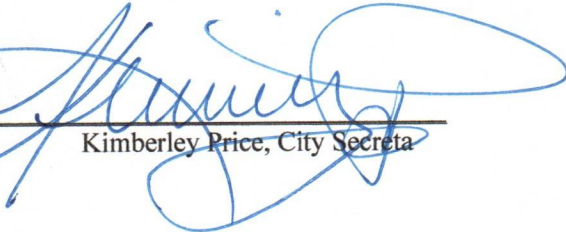
Passed and approved this 20th day of April 2023.



Tommy Lawhon, Mayor



Attest:



Kimberley Price, City Secretary