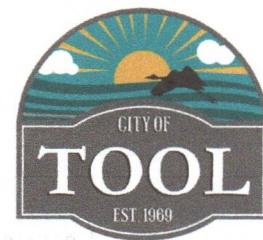


Minutes
June 15th, 2023 @ 6:00 p.m.
Regular Council Meeting



1. Call to Order @ 6:00pm
2. Roll Call: Brasfield, Dumont, Figueroa, Fladmark, Holley, Lawhon. Brasfield Absent. Quorum was established with Mayor Lawhon Presiding.
3. Invocation and Pledge of Allegiance
4. **Citizen Comments:** Citizens wishing to speak on an agenda item must sign up to do so (**3 Minute Maximum**)
 - a. Mark Houston spoke on Items 10 and 11
 - b. Kathy Donoghue spoke on Items 17 and 18
 - c. Vera Bennett spoke on Items 17 and 18

Citizens chose to speak on these items at the time of each item

Consent Agenda - *Approval of Consent Agenda items authorizes each to be implemented in accordance with staff recommendations provided. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion upon request by a member of the Council present at this meeting.*

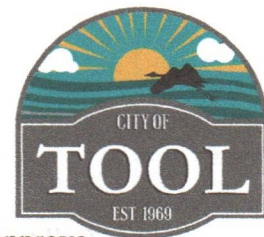
5. Approve Minutes: May 18th, 2023 Regular Meeting. Councilmember Dumont requested that in Ordinance #2023-08, the 2021 International Fire Code be changed to read 2020 International Fire Code as it was a typo. Motion to approve May 18th Minutes with Section 14 changes regarding Building Codes was made by Councilmember Dumont with second by Councilmember Figueroa. Motion Passed 4/0.
6. Approve Monthly Activity Reports for May 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 Dumont requested that the account name be included along with the title of each account on Finance Sheet. Motion to Approve the Consent Agenda items for the month of May was made by Councilmember Dumont with second by Councilmember Figueroa. Motion Passed 4/0.

Statutory Agenda - *The purpose of this section is to have full discussion upon request by a member of the Tool City Council present at this meeting while formulating City Council and staff plans, operations, policies, and/or future projects, including the following:*

7. Consider and take action on a request by Robert Stykes and Jean Carlos Paz of 104 Carolyn Circle Drive, of the Lakeway Estates Subdivision to replat Lot 24 and part of Lot 38, creating one 0.45 Acre Lot 24-R. Councilmember Dumont verified that Building and Code Official Lacosta Davis reviewed this item, to which Ms. Davis replied that she had. Motion to approve the request by Robert Stykes and Jean Carlos Paz of 104 Carolyn Circle Drive, of the Lakeway Estates Subdivision to replat Lot 24 and part of Lot 38, creating one 0.45 Acre Lot 24-R was made by Councilmember Fladmark with second by Councilmember Dumont. Motion Passed 4/0.
8. Consider and take action on a request by Patrick Armstrong and Beth Howard-Marquez of 643 Kontiki Drive, of the Paradise Bay Subdivision to replat Lot 642 and Lot 643, creating one 0.42 Acre Lot 642-R. Councilmember Dumont verified that Building and Code Official

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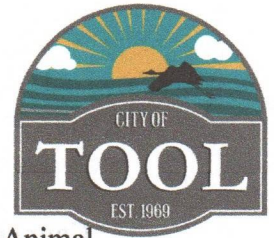


Lacosta Davis reviewed this item, to which Ms. Davis replied that she had. Motion to approve the request allowing Patrick Armstrong and Beth Howard-Marquez to replat their property taking Lot 642 and Lot 643, creating one Lot 642-R was made by Councilmember Dumont with second by Councilmember Fladmark. Motion Passed 4/0.

9. Consider and take action on a request by Charlotte Scrimshire of 1600 Kanakoa Drive, of the Paradise Bay Subdivision, to replat Lots 2201, 2202, 2214 and 2213, creating one 0.89 Acre Lot 2201-R. Building and Code Official Davis stated that the citizen has lived in Tool for a long time and is wanting to take the two lots and combine them into one lot. Motion to approve the request by Charlotte Scrimshire of 1600 Kanakoa Drive, of the Paradise Bay Subdivision, to replat Lots 2201, 2202, 2214 and 2213, creating one 0.89 Acre Lot 2201-R was made by Councilmember Fladmark with second by Councilmember Dumont. Motion Passed 4/0.
10. Consider and take action on a request by Mark Houston and Debbie Houston of 1439 Live Oak Drive, of the Sport-N-Rest Subdivision, to replat Lot 28 and Lot 29, creating one 0.44 Acre Lot 28-R and to replat Lot 30, creating one 0.22 Acre Lot 30-R. Councilmember Dumont verified that Building and Code Official Davis reviewed this item, to which Ms. Davis replied that she had. Motion to Approve request by Mark Houston and Debbie Houston of 1439 Live Oak Drive to replat Lot 28 and Lot 29, creating Lot 28-R and replating Lot 30, creating Lot 30-R was made by Councilmember Dumont with second by Councilmember Fladmark. Motion Passed 4/0.
11. Consider and take action on a request by Mark Houston and Debbie Houston of 1439 Live Oak Drive, of the Sport-N-Rest Subdivision, to move property pins and property lines. Councilmember Dumont inquired if Building and Code Official Davis had an issue with this item, to which Ms. Davis replied that she did not. Councilmember Fladmark inquired if Mr. Houston had discussed this with his neighbors, to which Mr. Houston replied that he did and that there was no objection. Motion to Approve the request by Mark Houston and Debbie Houston of 1439 Live Oak Drive, of the Sport-N-Rest Subdivision, to move property pins and property lines per the plat presented was made by Councilmember Fladmark with second by Councilmember Holley. Motion Passed 4/0.
12. Consider and take action on a request by Gary Thomas of 212 Makemo Street, of the Paradise Bay Mobile Subdivision, requesting a variance to allow a mobile home older than five years to be placed on the property. City Secretary Kimberley Price stated that Mr. Gary Thomas requested that this item be removed from the Agenda after the Agenda had been posted. Motion to Rescind Item number 12 was made by Councilmember Dumont with second by Councilmember Fladmark. Motion Rescinded 4/0.
13. Discuss and take action to approve the City Administrator to enter into a Contract for Animal Shelter Services, with the Humane Society of Cedar Creek Lake. City Administrator Kizzee stated that this contract would be for five animals a month maximum, and at a rate of \$250 per animal. City Administrator Kizzee continued by stating that each additional animal would be \$250. Councilmember Holley inquired about the contract beginning and end date. City Administrator Kizzee concluded by stating that this contract will help the

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City financially. Motion to Approve the City Administrator to enter into a Contract for Animal Shelter Services, with the Humane Society of Cedar Creek Lake was made by Councilmember Holley with second by Councilmember Fladmark. Motion Passed 4/0.

14. Award bid #2023-02, 'City Hall Renovation' to Lakeside Construction and Remodel for the base bid amount of \$540,960.00. City Administrator Kizzee stated that the City received two bids for services and is requesting more fine tuning of the bids. Councilmember Dumont stated that he would like to see clarification on the bid. Councilmember Figueroa stated that the City needs a solid construction contract. Motion to Award bid #2023-02, 'City Hall Renovation' to Lakeside Construction and Remodel for the base bid amount of \$540,960.00 was made by Councilmember Dumont. No second motion was made. Motion Failed.
15. Consider and adopt changes to Appendix A: Schedule of Uses, found in the City of Tool Code of Ordinances. City Administrator Kizzee stated he felt that better mapping was needed, and recommendations would remove key items. City Administrator Kizzee continued by recommending that this item be tabled. Motion to table changes to Appendix A: Schedule of Uses, found in the City of Tool Code of Ordinances was made by Councilmember Fladmark with second by Councilmember Figueroa. Motion Tabled 4/0.

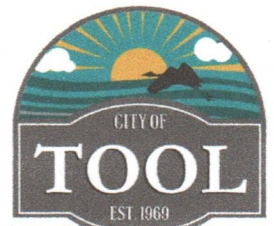
Ordinance Readings

16. Discuss and take action to adopt Ordinance 2023-09, Waste Services Permitting. City Administrator Kizzee stated that this ordinance would require all businesses to register with the City. Councilmember Figueroa stated that the unincorporated area is using Republic Services at the City Rate and that a \$2500 fine for violators would give the City teeth to tighten this situation up. Councilmember Figueroa concluded by stating that this ordinance to enforce the contract would provide a better tool for negotiation. Motion to adopt Ordinance 2023-09, Waste Services Permitting with two amendments; under Section Two Conditions, add the word "Commercial" to the phrase "Provide to Residential and Commercial, and under Section Five Penalties, Item A "Not to exceed Five Hundred Dollars" change to "Not to exceed Twenty-Five Hundred Dollars was made by Councilmember Fladmark with second by Councilmember Dumont. Motion Passed 4/0.

Resolution Adoption

17. Consider, discuss and take action to approve Resolution 2023-03R, approving the purchase for three 2023 GMC Tahoe's, in an amount not to exceed \$160,000 for the '23-24 Fiscal Year. City Administrator Kizzee stated that the City wants to finance three vehicles from GovCap for the Police Department. City Administrator Kizzee continued by stating that the latest proposal was around \$170,000 dollars so he would be asking for \$180,000. City Administrator Kizzee concluded by stating that the three current vehicles would replace the Animal Control vehicle, Code Enforcement truck and the Reserve Police vehicle. Police Sergeant Lee gave a timeline of the vehicles being built and the equipment being installed. Councilmember Figueroa stated that he would like to cap the cost at \$160,000 on the resolution. After Amendment, Motion to Approve Resolution 2023-03R, approving the purchase for three 2023 GMC Tahoe's, in an amount not to exceed \$160,000 for the '23-24 Fiscal Year was made by Councilmember Fladmark with second by Councilmember Figueroa. Motion Passed 4/0.

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18. **Council Comments** - *Hear announcements concerning matters appearing on the agenda; items of community interest; and/or inquiries of staff regarding specific factual information or existing policy from the Mayor, Councilpersons, and City staff, for which no formal action will be discussed or taken.*
- a. Councilmember Dumont gave a presentation regarding progress on The Eight at Tool Park
19. **Staff Comments** - *Hear announcements concerning matters appearing on the agenda; items of community interest; and/or inquiries regarding specific factual information or existing policy from the Mayor, Councilpersons and City staff, for which no formal action will be discussed or taken.*
- a. City Administrator Kizzee stated that a Budget Meeting is scheduled for July 18, 2023 at 10:00am where a rough draft of budget will be presented.
 - b. Mayor Lawhon announced the funeral service information for a former City of Tool Police Officer.
20. Closing
- A. Next Meeting: July 20th, 2023
 - B. Adjourn @ 7:50pm

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 regarding 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.

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 July 2023.

Tommy Lawhon, Mayor



Attest:

Kimberley Price, City Secretary