

**Minutes**  
July 20<sup>th</sup>, 2023 @ 6:00 p.m.  
Regular Council Meeting



1. Call to Order @ 6:07pm
2. Roll Call: Brasfield, Dumont, Figueroa, Fladmark, Holley, Lawhon Quorum was established with Mayor Lawhon Presiding.
- 3.
4. **(a) Establish Quorum**
4. Invocation and Pledge of Allegiance
5. **Citizen Comments:** Citizens wishing to speak on an agenda item must sign up to do so (**3 Minute Maximum**)
  - a) Roland Napoles spoke regarding the Highway 274 Façade Ordinance
  - b) James Marrinan spoke regarding constant noise from an Airbnb on his street
  - c) Laci Baxter spoke regarding the constant noise from an Airbnb on her street

**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: June 15<sup>th</sup>, 2023 Regular Council Meeting, June 19<sup>th</sup>, 2023 Special Council Meeting and the July 6<sup>th</sup>, 2023 Special Meeting. Motion to Approve Item Five was made by Councilmember Dumont with Second by Councilmember Figueroa. Motion passed 4/0.
6. Approve Monthly Activity Reports for June 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 inquired about the refund for overpayment on the purchase of the Dispatch Console and the collection of Mixed Beverage Tax money. Motion to approve Monthly Activity Reports for June 2023 as presented was made by Councilmember Fladmark with Second by Councilmember Dumont. Motion Passed 4/0.

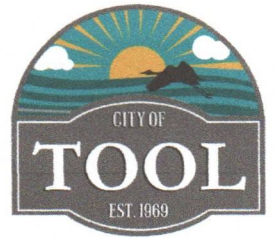
**Statutory Agenda** - *The purpose of this section is to have full discussion upon request by a member of the Tool City Council present at this meeting while formulating City Council and staff plans, operations, policies, and/or future projects, including the following:*

7. Consider and take action to delegate the City of Tool's Building Official as the standing authority for the approval of replats of residential lots. City Administrator Julius Kizzee stated that per the Local Government Code, the City can delegate a staff member to be the authority for the approval of replats of residential lot. City Administrator Kizzee continued by stating that he recommended that the Building & Code Official be that authority.
  - a) Shelly Hatton stated that this power should be limited to approving two lots maximum and that the majority of replats should be left up to the City Council for approval.



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Councilmember Fladmark stated that both the City Council and the citizens should be provided with a list of lots replated and that this needs to be public record. Motion to approve allowing one to two lot or two to one lot replats to be approved without going before City Council was made by Councilmember Dumont with Second by Councilmember Fladmark. Motion Passed 4/0.

8. Consider and adopt official City maps for the City of Tool. City Administrator Kizzee stated that the current maps are from the early 2000's and that they should be updated to include the annexations that have been done recently. Councilmember Fladmark stated that the current maps are not signed by City Council, they show out to ETJ and does not show county lines. Councilmember Fladmark continued by stating that City Administrator Kizze should reach out to the creators of the maps and get a quote for updated maps and that a strategic workshop should be planned. Councilmember Figueroa agreed that the new maps are needed. **No action was taken on this item just discussion.**
9. Consider and adopt an Amendment to Appendix A: Schedule of Uses, in regard to, the Local and General Business District for the special use of a multi-family residence. City Administrator Kizzee provided a overview of the Schedule of Uses. City Administrator Kizzee stated that there is no zoning for apartments in current appendix and recommended that a special use permit be required for multi-family residence in this district. Motion to Approve Amendment to Appendix A: Schedule of Uses, in regard to, the Local and General Business District for the special use of a multi-family residence was made by Councilmember Fladmark with second by Councilmember Holley. Motion Passed 4/0.
10. Consider and adopt bylaws and appointments to the Board of Directors to the Eight at Tool Park Board. City Administrator Kizzee stated that the current Board of Directors to the Eight at Tool Park Board are no longer Councilmembers, the Mayor, or Staff members of the City of Tool. Councilmember Fladmark stated that there was a previous amendment to this board by resolution of increasing the Board of Directors to five members. Councilmember Figueroa stated that City of Tool is the single member of the Eight at Tool and that everything should come before the City Council. Councilmember Figueroa continued by stating that the Board of Directors be City Council members and that the positions on the Board of Directors change when City Council changes. Councilmember Dumont stated that he felt that City Administrator Kizzee be listed as an Executive Officer and City Secretary Kimberley Price be listed as the Secretary.

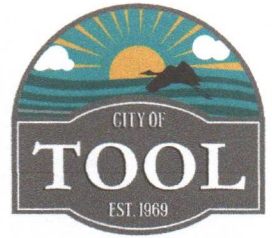
Councilmember Figueroa stated that the City Attorney has reviewed this update and that there would be a public meeting quarterly. Councilmember Figueroa continued by stating that items regarding the Board's Budget, banking and audits should be handled by the City. Councilmember Fladmark inquired how citizens could get involved. Councilmember Figueroa stated that citizens could join the Park Committee.

- a) Phil Ringley stated that the Board of Directors should be a board of eight members and that all board meetings should follow the guidelines of the Open Meetings Act.
- b) Tawnya Austin stated that she is the current President of the Park Board, and that



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this decision was disrespectful to the current Park Board since they were not informed that this was the plan going forward.

- c) Vera Bennett stated that there has been lack of transparency from the City Council and that Boards are needed for the park but they should be an advisory position.
- d) Kathy Donoghue stated that she has asked for two Park Meetings and was refused to do so, agrees that the park should be built in phases and that the Park Board was listed as a 501(c)(3).
- e) Leslie Anderson stated that the Park Board should be appointed to citizens.

Motion to Table Item Ten was made by Councilmember Figueroa and was seconded by Councilmember Holley. Motion Tabled 4/0.

- 11. Action to approve a contract agreement with Republic Services for waste management services. Republic Services has agreed to provide the following to the City of Tool. City Franchise Fee on all services, an exclusive contract for all residential and commercial pickup services, Quarterly Reports on all items and increasing roll off recycling dumpster pick up frequency since glass would now be allowable in the containers. Councilmember Figueroa stated that the compensation to the City will be retroactive, and the contract end date would be April 2025. Motion to approve amendment to agreement with Republic Services for waste management services was made by Councilmember Fladmark with second by Councilmember Dumont. Motion Passed 4/0.

## Ordinance Readings

- 12. Discuss and take action to adopt Ordinance 2016-03; A3 – Animal Control, amending Ordinance 2016-03; A2 Section IV Running at Large. Councilmember Figueroa stated that there have been several complaints of animals running loose and that this is impossible to police without an Ordinance in place. Councilmember Holley inquired what the guidelines were on determining if an animal is a nuisance.
  - a) Laci Baxter stated that Animal Control gives too many warnings for animals running loose.

Motion to adopt Ordinance 2016-03; A3 – Animal Control, amending Ordinance 2016-03; A2 Section IV Running at Large was made by Councilmember Figueroa with second by Councilmember Dumont. Motion Passed 3/1.

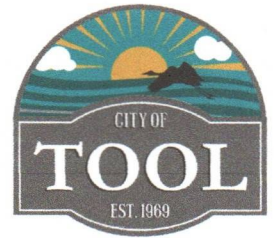
## Resolution Adoption

- 13. Consider, discuss and take action to approve Resolution 2023-04R, directing publication of notice of intention to issue Combination Tax and Revenue Certificates of Obligation; and resolving other matters relating to the subject. City Administrator Kizzee stated that the City could choose to go out for Certificates of Obligation to fund the Park since there is no current funding for the park per the Minutes. City Administrator Kizzee continued by stating that the Certificate of Obligation would be for \$1.5 Million Dollars, and it would be



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\$140,000 in new debt service. Councilmember Figueroa stated that the Certificates of Obligation would be for the Park only. Councilmember Dumont stated that he would like to discuss this more and would like to table this item for now. Councilmember Fladmark stated that he would also like to delay moving forward until more discussion is had.

- a) Vicki Dumont stated that this Park has been an idea since 2009 and the plan was to spend \$1.5 Million Dollars on a Park and not go into debt to build it. She concluded by stating that the City already has debt and does not need more.
- b) Tawnya Austin stated that the previous City Council stated that the Park would be built without raises taxes to do build it.

Motion to Table Item Thirteen was made by Councilmember Dumont with second by Councilmember Figueroa. Motion Tabled 4/0.

## Appointments

14. Discuss and take action to adopt Ordinance 2023-10, Designation of Floodplain Administrator. City Administrator Kizzee stated that designating this was imperative. Councilmember Fladmark stated that it is required to have someone in this role. Motion to adopt Ordinance 2023-10 allowing Julius Kizzee City Administrator the designation of Floodplain Administrator for the City of Tool was made by Councilmember Dumont with second by Councilmember Figueroa. Motion Passed 4/0.

## Executive Session

15. Convene into executive session Convene into executive session pursuant to Texas Government Code Chapter 551 (2) sections:
  - a. Section 551.074 to consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Administrator @ 8:18pm
16. Reconvene in open session and take any action necessary resulting from executive session @ 8:53pm. **No action was taken.**
17. **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 Fladmark stated that the complaints regarding the Airbnb are valid and addressed the possible battery storage. Councilmember Figueroa stated that the Airbnb permitting process needed to be reviewed.
18. **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 Secretary Kimberley Price discussed the upcoming November Election
19. **Closing**
  - A. Next Meeting: August 17<sup>th</sup>, 2023

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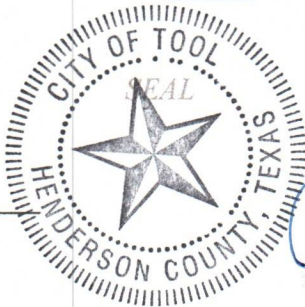
B. Adjourn @ 9:11pm

**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 Approve on this 17<sup>th</sup> Day of August 2023.**

Tommy Lawhon, Mayor



Attest:

Kimberley Price, City Secretary