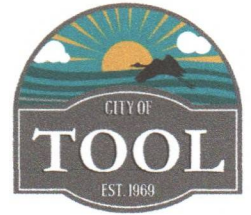


Minutes  
August 3<sup>rd</sup>, 2023 @ 6:00 p.m.  
Special Council Meeting



1. Call to Order @ 6:01pm
2. Roll Call: Brasfield, Dumont, Figueroa, Fladmark, Holley, Lawhon. Brasfield Absent. Quorum established with Mayor Lawhon Presiding.  
**(a) Establish Quorum**
3. **Citizen Comments:** *Citizens wishing to speak on an agenda item, or not, must sign up to do so. 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. (3 Minute Maximum)*
  - a) Roland Napoles spoke on Item 3
  - b) Leslie Anderson spoke on Item 4
  - c) Vera Bennett spoke on Item 4 and 9

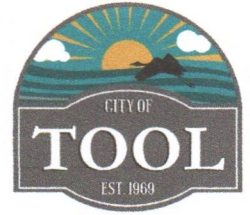
**Statutory Agenda** - *The purpose of this section is to have full discussion upon request by a member of the Tool City Council present at this meeting while formulating City Council and staff plans, operations, policies, and/or future projects, including the following:*

4. Consider and adopt bylaws and appointments to the Board of Directors to the Eight at Tool Park Board. Councilmember Dumont stated that the City Council will be the Board of Directors to the Eight at Tool Park Board. Councilmember Fladmark requested language changes to the bylaws and stated that he did not like removing people from the Board of Directors without cause. Councilmember Figueroa thanked everyone who has been involved with the 501(C)(3) to get us to this point and stated that the City Attorney drafted the bylaws for the Park Board. Councilmember Figueroa continued by stating his recommendations for the Executive Director and Secretary/Treasurer to the Board of Directors. Councilmember Fladmark stated that it was better to assign these positions to job titles and not individuals. Councilmember Dumont stated that the park budget is now \$1.5 Million Dollars. Councilmember Dumont continued by stating that a Construction Committee is being created and that we are accepting volunteers to this committee at this time. Motion to Adopt bylaws and appointments to the Board of Directors to the Eight at Tool Park Board per submitted with the amendment regarding the officers being tied to the city positions and not individual names was made by Councilmember Fladmark with second by Councilmember Figueroa. Motion Passed 4/0. City Administrator Kizzee recommended appointing committee appointees to get the process going and not wait another month for appointments. The following individuals signed up to be appointed to the Construction Committee:

- Leslie Anderson
- Pam Skaggs
- Tawnya Austin
- Vera Bennett

Councilmember Fladmark then asked the following to the above mentioned “Do each of you acknowledge your appointment?” All the above replied that they did acknowledge their appointment to the Construction Committee which is a Committee for the Eight at Tool Park

Minutes  
August 3<sup>rd</sup>, 2023 @ 6:00 p.m.  
Special Council Meeting



Board which is a 501(C)(3) Non-Profit Organization. Motion to Approve those that have signed up for the Construction Committee was made by Councilmember Fladmark with second by Councilmember Figueroa. Motion Passed 4/0.

City Administrator Kizzee then named the following individuals for their nomination to additional committees related to the Eight at Tool Park Board:

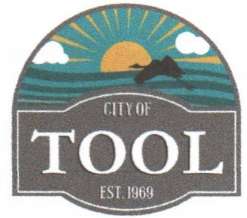
- David Moses – Activities Committee
- Kathy Donoghue – Beautification & Gardens Committee
- Vicki Dumont – Fundraising Committee

Motion to Nominate Councilmember Mike Dumont to lead the Park Committee was made by Councilmember Figueroa with second by Councilmember Fladmark. Motion Passed 4/0.

Motion to accept all other volunteers related to the committees that they have signed up for was made by Councilmember Figueroa with second by Councilmember Fladmark. Motion Passed 4/0. Councilmember Fladmark stated that the first thing that will be done by the Executive Director of the Park Board will be to assist in creating the bylaws of each committee.

5. Discuss and take action to enter into a Utility Easement and Right of Way Agreement with West Cedar Creek Municipal Utility District. City Administrator Kizzee stated that the city was approached by West Cedar Creek Municipal Utility District requesting that the city enter into a Utility Easement and Right of Way Agreement to move a water collection line onto city property. Councilmember Figueroa stated that this project would not start until Highway 274 is widened. City Administrator Kizzee continued by stating the total cost of the project, the timeframe of the project once started, that the city would receive \$1.00 per this agreement and that there will not be a service interruption. Councilmember Figueroa continued by stating that the purpose of this agreement is the need to move the substation from the easement to 20 feet on the city's property and that by having this agreement in place now, that when the time comes to move the substation, it will be an easy transition. Councilmember Fladmark requested language changes to the agreement and asked City Administrator Kizzee to have the City Attorney review the language changes requested. Motion to Adopt Ordinance as amended was made by Councilmember Fladmark with second by Councilmember Figueroa. Motion Passed 4/0.
6. Consider, act, and take record vote on proposed FY 23-24 tax rate. City Administrator Kizzee stated that the city had received the Certified Tax Values and gave the three options for the Tax Rate for FY 23-24.
  - No New Revenue Rate of .278417
  - Voter Approval Rate of .410821
  - De Minimis Rate of .490814

Minutes  
August 3<sup>rd</sup>, 2023 @ 6:00 p.m.  
Special Council Meeting



City Administrator Kizzee stated that per the Truth In Taxation worksheet he would recommend proposing the rate of .38999 as the Tax Rate for the City of Tool FY 2023-2024. City Administrator Kizzee continued by stating that the Total Taxable Values for the City of Tool for the FY 2023-2024 was \$452,892,053.00. Councilmember Fladmark concluded that this rate of .38999 would be an eight cent raise per \$100 valuation from FY 2022-2023. Councilmember Figueroa stated that the City of Tool is not taking the highest possible rate and that each year the rate will start to go down, provided that the city does not enter into anymore debt. Mayor Lawhon asked that the Councilmembers provide their Record Vote for the FY 23-24 tax rate.

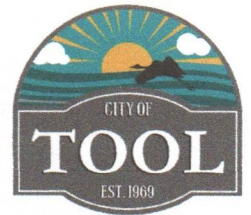
- Councilmember Fladmark voted YES on the proposed FY 23-24 tax rate.
- Councilmember Dumont voted NO on the proposed FY 23-24 tax rate.
- Councilmember Figueroa voted YES on the proposed FY 23-24 tax rate.
- Councilmember Holley voted YES on the proposed FY 23-24 tax rate.

City Administrator Kizzee discussed budget items that have changed since the last meeting and stated that that the budget for FY 2023-2024 will be \$600,000 more than last fiscal year. City Administrator Kizzee continued by stating that the proposed budget for the City of Tool for FY 23-24 is \$2,661,234.55. Councilmember Figueroa stated that there will be more income to the city in the form of an increase in Ad Valorem, Sales Tax, Hotel Occupancy Tax, and Interest income to name a few. Councilmember Dumont stated that the city's budget for Maintenance and Operations is listed as \$2.2 Million Dollars of the proposed budget. City Administrator Kizzee stated that the projected expenses of the current fiscal year will be \$1.9 Million Dollars and that next year will be \$2.6 Million Dollars. City Administrator Kizzee concluded by detailing the additional expenses for FY 2023-2024. Councilmember Figueroa stated that this budget will help the Capital Improvement Fund grow for the future. Mayor Lawhon asked that the Councilmembers provide their Record Vote for the FY 23-24 Budget.

- Councilmember Fladmark voted YES on the proposed FY 23-24 Budget.
- Councilmember Dumont voted YES on the proposed FY 23-24 Budget.
- Councilmember Figueroa voted YES on the proposed FY 23-24 Budget.
- Councilmember Holley voted YES on the proposed FY 23-24 Budget.

7. Action to adopt amendments to the Employee Handbook, including Vacation Time Payout. City Administrator Kizzee stated that currently in the Employee Handbook Section 3.5 it states that only Compensatory Time can be paid out and that he would like to see that changed to be read as Vacation Time Payout going forward. Councilmember Dumont stated that he would like all employees to take all their vacation yearly and not to have it roll over year after year. Councilmember Figueroa stated that he would like to see all vacation used or paid out yearly. Councilmember Fladmark stated that the vacation is already budgeted for yearly. City Administrator Kizzee stated that there was only one staff member with an abundance of vacation time accrued. Councilmember Figueroa and Councilmember Fladmark both stated that they would like to meet with this staff member first then create a policy. Motion to Table decision for Vacation Time Payout

Minutes  
August 3<sup>rd</sup>, 2023 @ 6:00 p.m.  
Special Council Meeting



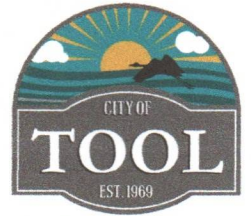
until next meeting was made by Councilmember Holley with second by Councilmember Figueroa.  
Motion Tabled 4/0.

**Ordinance Readings**

8. Discuss and take action to adopt Ordinance 2023-06A Highway 274 Façade Standards, amending Ordinance 2023-06. City Administrator Kizzee stated that the original ordinance given to two Councilmembers included the language wooden siding but the ordinance that was approved did not have wooden siding included as an approved façade on Highway 274. Motion to Adopt Ordinance 2023-06A Highway 274 Façade Standards as amended correctly was made by Councilmember Dumont with second by Councilmember Holley. Motion Passed 3/1.
9. **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.*
  - Councilmember Fladmark thanked everyone for coming to the meeting tonight.
  - Councilmember Dumont thanked everyone for coming to the meeting.
  - Councilmember Figueroa thanked everyone for signing up for committees tonight and that they have the support of the City Council.
  - Councilmember Holley stated that everyone is working together, and this was the best meeting in a while.
10. **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.*
  - City Secretary Kimberley Price discussed the positions and filing deadlines for the November 7<sup>th</sup> General Election.
  - City Administrator Kizzee stated that all City Council Meetings will now be streamed live on the City of Tool's Facebook page.
11. **Closing**
  - A. Next Meeting: August 17<sup>th</sup>, 2023
  - B. Adjourn @ 7:45pm.

**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

Minutes  
August 3<sup>rd</sup>, 2023 @ 6:00 p.m.  
Special Council Meeting



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

\_\_\_\_\_  
Tommy Lawhon, Mayor



Attest:

\_\_\_\_\_  
Kimberley Price, City Secretary