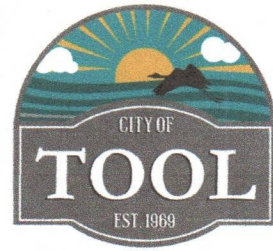


# Minutes

August 17<sup>th</sup>, 2023 @ 6:00 p.m.  
Regular Council Meeting



- 1) Call to Order @ 6:02pm
- 2) Roll Call: Brasfield, Dumont, Figueroa, Fladmark, Holley, Lawhon. Brasfield Absent. Quorum established with Mayor Lawhon Presiding.
  - (a) **Establish Quorum**
- 3) Invocation and Pledge of Allegiance
- 4) **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) Park Construction Committee Member Leslie Anderson discussed their first meeting that was held on August 11<sup>th</sup>, 2023.

**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: July 17th, 2023 Special Council Meeting, July 20th, 2023 Regular Council Meeting and August 3rd, 2023 Special Council Meeting. Motion to Approve Minutes from the July 17th, 2023 Special Council Meeting, July 20th, 2023 Regular Council Meeting and August 3rd, 2023 Special Council Meeting was made by Councilmember Fladmark with second by Councilmember Dumont. Motion Passed 4/0.
- 6) Approve Monthly Activity Reports for July 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. All departments presented their Monthly Reports in the order listed on this item. Motion to Approve the Monthly Activity Reports for July 2023 as presented by Staff was made by Councilmember Dumont with second by Councilmember Holley. Motion Passed 4/0.

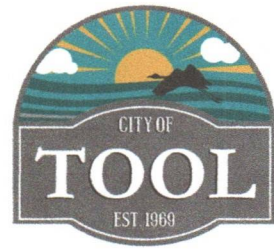
**Public Hearings** – *The Tool City Council shall open relevant public hearings to receive citizen testimony regarding the following items. The public comment period begins on the first date notice is published and extends to the close of the public hearing. Public comments may be submitted either in writing to the City of Tool City Council, Office of the City Secretary, 701 N. Tool Dr., Tool, TX 75143, or electronically via email at [contact@tooltexas.org](mailto:contact@tooltexas.org). Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record.*

Public Hearing opened @ 6:30 PM. City Administrator Julius Kizzee described the purpose of the Public Hearing and explained each item that was involved.

- 7) Proposed 2023-2024 Fiscal Year Budget
- 8) Proposed Tax Rate of \$.38999 per \$100 valuation
- 9) Request by Fig & Parsley Restaurant Management, LLC to approve a Specific Use permit that would allow the opening of business located at 705 Royal Way for use as a restaurant, with drive-through service.

# Minutes

August 17<sup>th</sup>, 2023 @ 6:00 p.m.  
Regular Council Meeting



- a) Tawnya Austin spoke in favor of this item being passed.
  - b) Roland Napoles spoke against this item being passed.
  - c) Cheryl Pearl spoke against this item being passed.
  - d) Larry Krause spoke against this item being passed.
  - e) Kathryn Pinell spoke against this item being passed.
- 10) Request by Fig & Parsley Restaurant Management, LLC to approve a Specific Use permit that would allow the opening of business located at 705 Royal Way for use as a restaurant with private club allowing on-premises consumption of alcohol.
- a) Tawnya Austin spoke in favor of this item being passed.
  - b) Roland Napoles spoke against this item being passed.
  - c) Cheryl Pearl spoke against this item being passed.
  - d) Larry Krause spoke against this item being passed.
  - e) Kathryn Pinell spoke against this item being passed.
- 11) **Close public hearing and take any action necessary @ 6:39pm**

**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:*

- 12) Discuss and take action to appropriate \$750,000 of excess bond funds towards the proposed Eight at Tool Park project. City Administrator Kizzee requested that the City Council appropriate the \$750,000 of excess bond funds to the Eight at Tool Park project. Motion to Approve the appropriation of \$750,000 originally set aside out of bond money for the Eight at Tool Park was made by Councilmember Dumont with second by Councilmember Figueroa. Motion Passed 4/0.
- a) Tawnya Austin thanked the City Council for appropriating the money and stated that people want the park.
  - b) Vera Bennett thanked the City Council for appropriating the money and stated that people want the park.
- 13) General Discussion on Agent-IT Services Agreement. City Administrator Kizzee stated that the contract for IT Services expires this year and requested direction from the City Council. City Administrator Kizzee continued by listing what services are currently being provided to the city. Motion to Accept the Agreement from Agent IT Solutions was made by Councilmember Fladmark with second by Councilmember Figueroa. Motion Passed 4/0.
- 14) Action to approve and enter into an Interlocal Agreement with Henderson County for the purposes of a General Election to be held on November 7<sup>th</sup>, 2023. City Administrator Kizzee stated the purpose of the General Election to be held on November 7<sup>th</sup>, 2023. Councilmember Holley inquired about the fee for the November Election. Councilmember Dumont discussed the changes being made to the Homestead Exemption and stated that there will be 14 items on the ballot. Motion to Approve and enter into an Interlocal Agreement with Henderson County for the purposes of a General Election to be held on November 7<sup>th</sup>, 2023 was made by Councilmember Fladmark with second by Councilmember Dumont. Motion Passed 4/0.

# Minutes

August 17<sup>th</sup>, 2023 @ 6:00 p.m.  
Regular Council Meeting



- 15) Act on a request by Fig & Parsley Restaurant Management, LLC to approve a Specific Use permit that would allow the opening of business located at 705 Royal Way for use as a restaurant, with drive-through service. Councilmember Figueroa recused himself from this item. Councilmember Fladmark inquired about the language on the initial permit application, drainage for the property, the construction of a pergola, and available parking for this property. Building and Code Official Lacosta Davis presented the project from start to present day to the City Council and citizens. Councilmember Fladmark concluded by asking Building and Code Davis if all the work that had been done meets code to which she replied that it did meet code. Motion to Approve a request by Fig & Parsley Restaurant Management, LLC to approve a Specific Use permit that would allow the opening of business located at 705 Royal Way for use as a restaurant, with drive-through service was made by Councilmember Holley with second by Councilmember Dumont. Motion Passed 2/1 with Council Member Fladmark opposing.
- 16) Act on a request by Fig & Parsley Restaurant Management, LLC to approve a Specific Use permit that would allow the opening of business located at 705 Royal Way for use as a restaurant with private club allowing on-premises consumption of alcohol. Councilmember Figueroa recused himself from this item. City Administrator Kizzee explained the purpose of this item and stated that this permit would only allow consumption of alcohol on premises. City Administrator Kizzee concluded by stating that there is another business in the city that has a Specific Use Permit for this purpose. Councilmember Holley stated that he supports this Tax Revenue for the City of Tool. Motion to Approve the request by Fig & Parsley Restaurant Management, LLC to approve a Specific Use permit that would allow the opening of business located at 705 Royal Way for use as a restaurant with private club allowing on-premises consumption of alcohol was made by Councilmember Holley with second by Councilmember Dumont. Motion Passed 2/1 with Council Member Fladmark opposing.

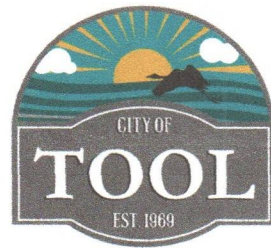
## Ordinance Readings

- 17) Action to ratify property tax rate for Fiscal Year 2023-2024: *"I move that the property tax rate be increased by the adoption of a tax rate of 0.38999 percent, which is greater than the no new revenue tax rate and less than the voter approval rate."* City Administrator Kizzee stated that Tax Rate of 0.38999 per \$100 Valuation is the Maintenance and Operations Rate plus the Debt Rate. Councilmember Holley inquired how this tax rate compared to previous years. Councilmember Dumont explained last year's tax rate and the TNT Tax Rate Worksheet. Councilmember Dumont continued by stating that no one likes to raise taxes, but they have to be raised to cover things that are needed. Councilmember Figueroa stated that the tax rate should start to go down each year going forward and shared his viewpoint on the future of the City of Tool. Mayor Lawhon then asked that the Councilmembers provide their Record Vote for the FY 23-24 tax rate.

I, Mark Holley move that the property tax rate be increased by the adoption of a tax rate of 0.38999 percent, which is greater than the no new revenue tax rate and less than the voter approval rate.

# Minutes

August 17<sup>th</sup>, 2023 @ 6:00 p.m.  
Regular Council Meeting



I, Greg Figueroa move that the property tax rate be increased by the adoption of a tax rate of 0.38999 percent, which is greater than the no new revenue tax rate and less than the voter approval rate.

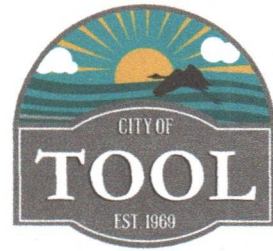
I, Mike Dumont disagree and move that the property tax rate be only increased to 0.38000 cents which is greater than the no new revenue tax rate and less than the voter approval rate.

I, Michael Fladmark move that the property tax rate be increased by the adoption of a tax rate of 0.38999 percent, which is greater than the no new revenue tax rate and less than the voter approval rate.

- 18) Discuss and take action to adopt Ordinance 2023-10T, tax rate for Fiscal Year 2023-2024. City Administrator Kizzee stated that approving this ordinance is a formality for our city records. Motion to Adopt Ordinance 2023-10T, tax rate for Fiscal Year 2023-2024 was made by Councilmember Fladmark with second by Councilmember Figueroa. Motion Passed 3/1 with Council Member Dumont opposed.
- 19) Discuss and take action to adopt Ordinance 2023-11B, budget for Fiscal Year 2023-2024. City Administrator Kizzee stated that approving this ordinance is a formality for our city records and that there had been no changes to the budget since the Augst 3, 2023 meeting. Motion to Adopt Ordinance 2023-11B, budget for Fiscal Year 2023-2024 was made by Councilmember Fladmark with second by Councilmember Holley. Motion Passed 3/1 with Council Member Dumont opposed.
- 20) **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 further discussed his vote against the special use permits and stated that he had full faith in our Building & Code Official Davis.
  - b) Councilmember Dumont requested an update from the City Administrator on the progress of the Floodplain project.
  - c) Councilmember Figueroa stated that the process of permitting is not very business friendly and that he is behind making the city a better place.
- 21) **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 thanked Councilmember Fladmark for recognizing Building & Code Official Davis and acknowledging that we are all trying to make Tool a better place. City Administrator Kizzee concluded by congratulating the Police Chief on hiring a new Police Officer.
  - b) City Clerk Alicia Keith provided an update on Fall Festival
  - c) City Secretary Kimberley Price provided information regarding the deadline to turn in an Application for a Place on the Ballott for the November 7<sup>th</sup>, 2023, General Election.

# Minutes

August 17<sup>th</sup>, 2023 @ 6:00 p.m.  
Regular Council Meeting



## 22) Closing

- A. Next Meeting: September 21<sup>st</sup>, 2023
- B. Adjourn @ 7:51pm

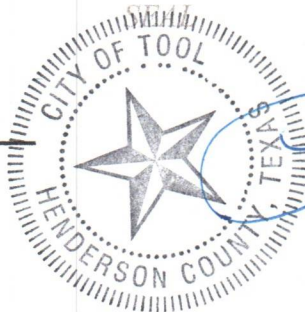
**A meeting that is “open to the public”, pursuant to the Open Meetings Act, is one that the public is permitted to attend. The act does not entitle the public to choose the items to be discussed or to speak about items on the agenda.** If the City Council, during the course of the meeting covered by 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 on this 21<sup>st</sup> day of September 2023.**

Attest:

Tommy Lawhon, Mayor



Kimberley Price, City Secretary