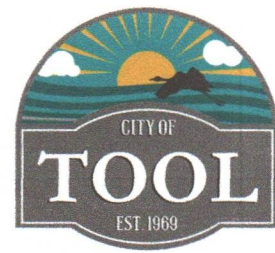


Minutes

September 21st, 2023 @ 6:00 p.m.
Regular Council Meeting



1. Call to Order 6:00pm
2. Roll Call: Brasfield, Dumont, Figueroa, Fladmark, Holley, Lawhon. All Present. Quorum established with Mayor Lawhon Presiding.

(a) Establish Quorum

3. Invocation and Pledge of Allegiance

Committee Reports, Presentations, Proclamations and Recognitions

4. Leslie Anderson of the Eight at Tool Park Construction Committee to give updates on bid process and committee reports.
 - a) Amendment to park grant was sent for approval on September 13th, 2023
 - b) Selected Brickmakers USA for the engraved bricks that will be placed in the park
 - c) Selected someone to write the Trails Grant, and if awarded, this grant would provide additional money for construction of trails in the park
 - d) Received Bids for the Playground and Dog Park
 - e) Several RFP's are ready to be sent out when applicable

Councilmember Holley inquired on the cost of the concrete bid. Mrs. Anderson confirmed that the bid was for all concrete in the park. Councilmember Figueroa recommended that the committee have contractors price out jobs to benchmark the price. Councilmember Figueroa continued by stating that this would not be the official bid, but a true estimate of the cost.

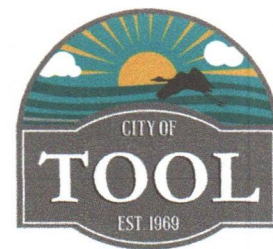
5. **Citizen Comments:** Citizens wishing to speak on an agenda item must sign up to do so (**3 Minute Maximum**)
 - a) Liz Spann signed up to speak for Item #11, but decided to wait to speak on the item once the item was announced.

Consent Agenda - *Approval of Consent Agenda items authorize 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.*

6. Approve Minutes: August 17th, 2023 Regular Meeting, August 21st, 2023 Special Meeting and August 30th, 2023 Special Meeting. City Administrator Kizzee stated that he was approached by a Councilmember on changing the format of the Minutes. City Administrator Kizzee continued by stating that it was their recommendation of listing each Councilmember that voted for, against, or abstained from voting on each item. Councilmember Holley inquired on the benefit of making this change. Councilmember Fladmark stated that the vote is public record and should be listed fully in the minutes. Councilmember Figueroa agreed that all votes should be included in the minutes. City Secretary Kimberley Price stated that the previous administration did not attach Councilmembers names to their vote but could do so going forward. Motion to Approve Minutes with the following amendments: August 17th, 2023, meeting, delete reference to items on ballot that will be voted on by citizens regarding homestead and on Item #15 and Item #16 add Councilmember Fladmark opposed and on Item #18 and Item #19 Councilmember Dumont opposed was made by Councilmember Fladmark with second by Councilmember Dumont. Motion Passed 5/0.
7. Approve Monthly Activity Reports for August 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

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listed on this item. Motion to Approve city staff reports as presented was made by Councilmember Fladmark with second by Councilmember Dumont. Motion Passed 5/0.

Appointments

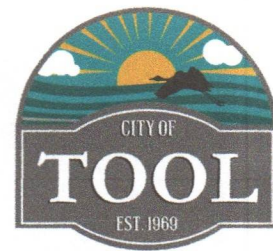
8. Consider, discuss and take action to consider appointments for the Eight at Tool Park Fundraising & Financial Committee. City Administrator Kizzee recommend the following for the Eight at Tool Park Fundraising & Financial Committee: Vicki Dumont, Billie Arender, Paula Baucum, Councilmember Figueroa and have the City Controller act as an advisor. City Administrator Kizzee continued by stating that he recommended Vicki Dumont to act as the chair of this committee and praised her and the City Controller for all the work that they have done this far. Councilmember Fladmark praised Vicki Dumont for the hard work she has done this far. Motion to Approve the appointments for the Financial & Fundraising Committee for the Eight at Tool Park and the names being: Vicki Dumont as the Committee Chair, Billie Arender, Paula Baucum, Councilmember Figueroa and have the City Controller act as an advisor was made by Councilmember Fladmark with second by Councilmember Dumont. Motion Passed 5/0.

Statutory Agenda - *The purpose of this section is to have full discussion upon request by the Tool City Council. Ideas, thoughts and decisions are formulated by City Council and staff plans, operations, policies, and/or future projects, including the following:*

9. Action on a request by Jamie Castillo of 1109 Doe Run Drive of the Cedarcrest Shores Estates Subdivision to replat Lot 224, Lot 225, and Lot 226, creating one 0.34 Acre Lot 224- R. Building Official Lacosta Davis stated that this replat was straightforward and was brought to the City Council since it was over her approval limit. Motion to Approve the request by Jamie Castillo of 1109 Doe Run Drive of the Cedarcrest Shores Estates Subdivision to replat Lot 224, Lot 225, and Lot 226, creating one 0.34 Acre Lot 224- R was made by Councilmember Dumont with second by Councilmember Holley. Motion Passed 5/0.
10. Action on a request by Neta Snyder of 121 East Oakwood Drive of the Snyder Subdivision to replat the 1.66 Acre Tract creating one 0.40 Acre Tract, Tract One and one 1.30 Acre Tract, Tract Two. Building Official Davis stated that it was her recommendation to deny this request since the future sale of this property would result in the interior lot to be landlocked as platted. After Amendment, Motion to Approve the replat of 121 E Oakwood Drive was made by Councilmember Dumont. No Second. Motion Died.
11. Action on a request by Gary Thomas of 312 Makemo Street to grant a variance for a Manufactured Home older than five years to be placed on 212 Makemo Street. Councilmember Dumont stated that major repairs were needed and that he did not recommend approving this variance. Councilmember Fladmark stated that it would need to be transported to the lot before the repairs could be made. Motion to Approve this request was made by Councilmember Holley. No Second. Motion Died.
12. Consider and take action on a Right-Of-Way Agreement from Oncor Electric for the purpose of relocating their facilities to lay cables/wires. City Administrator Kizzee stated the purpose of this agreement was to allow Oncor Electric to relocate their overhead power lines on the city hall property and park land. City Administrator Kizzee continued by stating that the easement would be

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947 feet in length at a rate of \$2.00/Foot. Councilmember Figueroa recommended that the cost of \$2.00/foot be added to the agreement. Motion to Enter into a Right-Of-Way Agreement from Oncor Electric for the purpose of relocating their facilities to lay cables/wires as amended to include the cost into the agreement and to correct the spelling of all mentions of the word "Henderson" was made by Councilmember Fladmark with second by Councilmember Dumont. Motion Passed 5/0.

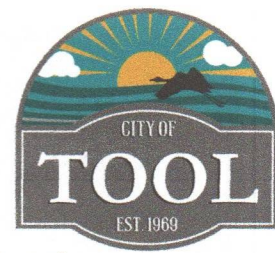
13. Consider and take action to Approve the Notice of Election for the November 7th, 2023, City of Tool General Election for the purpose of electing two Council Members and one Mayor, each for a term of two years. City Secretary Kimberley Price stated that approving the Notice of Election was customary and that this serves as the official notice that the City of Tool is having an election in November. Motion to Approve the Notice of Election for the November 7th, 2023, City of Tool General Election for the purpose of electing two Council Members and one Mayor, each for a term of two years was made by Councilmember Dumont with second by Councilmember Holley. Motion Passed 5/0.
14. Consider and take action to Approve the Notice of Election for the November 7th, 2023, City of Tool Special Election that will permit voters to vote "For" or "Against" a proposition to increase the City of Tool's General Revenue Sales and Use Tax at the rate of two percent (2%), pursuant to Chapter 321 of the Texas Tax Code. Councilmember Holley showed concern that some may see this as an increase instead of a reallocation. Councilmember Fladmark stated that by doing this reallocation, it diverts money into the General Fund and not into the single fund for Road Maintenance. Councilmember Figueroa recommended that a flyer be sent out to residents and be put in the newspaper as well. Motion to Approve the Notice of Election for the November 7th, 2023, City of Tool Special Election that will permit voters to vote "For" or "Against" a proposition to increase the City of Tool's General Revenue Sales and Use Tax at the rate of two percent (2%), pursuant to Chapter 321 of the Texas Tax Code was made by Councilmember Dumont with second by Councilmember Figueroa. Motion Passed 5/0.
15. Consider and take action on Committee Guidelines for Eight at Tool Park Committees. City Administrator Kizzee explained the Committee Guidelines that would be used for all committees. Councilmember Figueroa stated that he did not agree with term limits for committees and requested that term limits be removed from the Committee Guidelines. Councilmember Fladmark, Councilmember Dumont, Councilmember Holley and Councilmember Brasfield all agreed to remove term limits. Citizen Vera Bennett stated that Kathy Donoghue who is on the Beautification Committee is currently looking into tree grants for the park. City Administrator Kizzee requested David Moses who is on the Events Committee to share his vision for events at the park. Councilmember Figueroa and Councilmember Fladmark inquired why they could not make all committees active during this meeting. City Administrator Kizzee stated that he would like to start the framework for this now and appoint next council meeting. Motion to Approve Committee Guidelines for Eight at Tool Park Committees as amended was made by Councilmember Fladmark with second by Councilmember Dumont. Motion Passed 5/0.

(Mayor called a ten minute adjournment for a break @ 7:41pm and Reconvened @ 7:48pm)

16. Consider and take action on a budget for the Eight at Tool Park Project in the amount of \$1,500,000, in conjunction with a matching grant from Texas Parks and Wildlife for \$750,000. City

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Administrator Kizzee explained the park budget. Councilmember Figueroa stated he agreed on the budget but would like to allow the flexibility to move money from each line item in the budget as needed but the total budget would remain at \$1,500,000. Councilmember Figueroa continued by inquiring if the reimbursement process has been started to which City Administrator Kizzee stated that it had not. Motion to Approve the budget for the Eight at Tool Park Project in the amount of \$1,500,000, in conjunction with a matching grant from Texas Parks and Wildlife for \$750,000 was made by Councilmember Fladmark with second by Councilmember Dumont. Motion Passed 5/0.

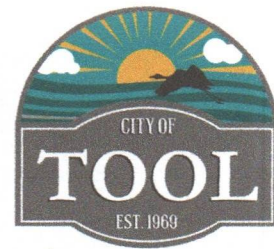
17. Consider and take action to approve the Fiscal Year 2021 Audit (Annual Financial Report) from YWRD, P.C. City Administrator Kizzee stated that this report is YWRD, P.C. findings for the Fiscal Year 2021 Audit. Motion to Approve the Fiscal Year 2021 Audit (Annual Financial Report) from YWRD, P.C. was made by Councilmember Holley with second by Councilmember Dumont. Motion Passed 5/0. After the vote, Councilmember Fladmark stated that audits going forward should be cleaner and move more smoothly.
18. Consider and take action to engage YWRD, P.C for auditing services for the fiscal year periods of October 1st, 2021 to September 30th, 2022 and October 1st, 2022 to September 30th, 2023. City Administrator Kizzee stated that YWRD, P.C. offered to do two audits at one time. Councilmember Figueroa stated that he would like to see a cap on the cost of the audits added into the agreement. Councilmember Holley inquired if the cap would be a percentage. Motion to Engage YWRD, P.C for auditing services for the fiscal year periods of October 1st, 2021 to September 30th, 2022 and October 1st, 2022 to September 30th, 2023 with adding a cap in the engagement letter was made by Councilmember Figueroa with second by Councilmember Fladmark. Motion Passed 5/0.

Ordinance Readings

19. Consider and take action on the repeal of Ordinance 2014-04 Curfew for Minors. City Administrator Kizzee stated that during the last Legislative Session, House Bill 1819 repealed the Curfew for Minors. Councilmember Fladmark inquired if there were other ordinances that needed to be repealed due to this House Bill. City Administrator Kizzee stated that he was in the process of reviewing the bills to identify ones that are applicable to the City of Tool. Councilmember Dumont stated that there was a total of 2800 new bills that were passed. Councilmember Fladmark stated that since the city is a member of the Texas Municipal League, we are provided with a review of each bill. Motion to Repeal of Ordinance 2014-04 Curfew for Minors was made by Councilmember Fladmark with second by Councilmember Figueroa. Motion Passed 5/0.
20. Consider and take action to adopt Ordinance 2023-12A, General Sales and Use Tax, repealing Ordinance 2023-12 General Sales and Use Tax. City Administrator Kizzee stated the purpose of Ordinance 2023-12A. Councilmember Figueroa inquired if this ordinance would change the Use of the Sales and Use Tax to which City Administrator Kizzee stated that it would. Councilmember Fladmark stated that the voting schedule in this ordinance needs to be updated with the current voting schedule. Motion to Adopt Ordinance 2023-12A, General Sales and Use Tax, repealing Ordinance 2023-12 General Sales and Use Tax with the amendment to the schedule showing the day of the election and the vote centers was made by Councilmember Fladmark with second by Councilmember Dumont. Motion Passed 5/0.
21. Consider and take action to adopt Ordinance 2023-13, General Noise Ordinance. Police Sergeant

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Jason Lee presented this item. Sergeant Lee explained how noise would be measured, the sound levels for each district, and the exemptions and penalties for this ordinance. Police Sergeant Lee continued by stating that the decibel levels depicted in the chart were standard. Councilmember Holley inquired about the special permits listed in this ordinance. Councilmember Figueroa inquired if there were cut off hours in this policy for both the residential and business districts. Police Sergeant Lee stated that this policy would apply 24 hours a day for the business district and that from 7:00am-10:00pm the decibel level should be at or below 62 decibels when measured 50 feet away from the noise and from 10:00pm-7:00am the decibel level should be at or below 52 decibels when measured 50 feet away from the noise. Councilmember Figueroa stated that he felt that this ordinance was too strict, to which Sergeant Lee stated that these levels are standard but could be changed. Councilmember Holley stated that the council would need more information on this item. Councilmember Figueroa stated that there should be a residential policy, commercial policy, and Highway 274 policy. Motion to Table this item was made by Councilmember Holley with second by Councilmember Fladmark. Motion Tabled 5/0.

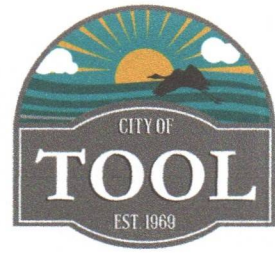
22. Consider and take action to adopt 2023-08A, International Codes, amending Ordinance 2023-08. City Administrator Kizzee stated that Ordinance 2023-08A is being brought forth to reestablish a permit fee schedule for the City of Tool. City Administrator Kizzee continued by stating that there is a Commercial Fee Schedule, a Residential Fee Schedule, and a Flat Rate Fee Schedule in this ordinance and that he was recommending a 25% increase on the Commercial and Multifamily Fee Schedules only. Councilmember Figueroa stated that he would like to see a 30% increase since the city would be breaking even at a 15% increase. Councilmember Holley stated that he would like to see a 25% increase in the fees. Councilmember Fladmark stated that the percentage of the increase is based on the cost that is charged to the city by their third-party Plan Review/Inspection Company. City Administrator Kizzee stated that regarding the Flat Rate Fees, he recommended the following changes to be made: Demolition Permits would now cost \$0.00, a Permit Extension Request which is good for three months would now cost \$100.00, and a Pre-Development Meeting for Commercial New Construction would cost \$100.00. City Administrator Kizzee continued by stating that he would add Special Use Permits to this schedule, and they would cost \$100.00 as well. City Administrator Kizzee continued by discussing the Flood Plain Application that was provided to the city by Henderson County. Councilmember Figueroa stated that currently there is no drainage system to tie into and that the city needs to develop a drainage plan. Councilmember Fladmark stated that the city could go out for a drainage grant and that there are state and federal monies available for this. Motion to Adopt 2023-08A, International Codes, amending Ordinance 2023-08 with a 30% markup and adding the Special Use Permit to the Fee Schedule was made by Councilmember Holley with second by Councilmember Figueroa. Motion Passed 5/0.

Resolution Adoption

23. Consider, discuss and take action on the Nominating Resolution for Henderson County Appraisal District Board of Directors, 2024-2025. City Secretary Price stated the purpose and process of the Nominating Resolution for Henderson County Appraisal District Board of Directors, 2024-2025. Councilmember Fladmark inquired who else around the lake was in the race for Place Four for the Henderson County Appraisal District Board of Directors. City Secretary Price replied by stating the following: Cross Roads ISD, Malakoff ISD, Trinidad ISD, City of Caney City, City of Log Cabin, City of Malakoff, City of Star Harbor, and the City of Trinidad. Motion to Nominate Greg Figueroa for the Henderson County Appraisal District Board of Directors, 2024-2025 was made by

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Councilmember Dumont with second by Councilmember Holley. Motion Passed 5/0.

24. **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.* No Comments
25. **Staff Comments** - *Hear announcements concerning matters appearing on the agenda; items of community interest; Staff gives regards dealing with specific factual information or existing policy dealing within the City, that may have an impact on citizens, staff or the City Council of Tool. No formal action will be discussed or taken.*
 - a) City Clerk Alicia Keith provided an update regarding Fall Festival
26. **Closing**
 - A. Next Meeting: October 19th, 2023
 - B. Adjourn @ 8:07pm

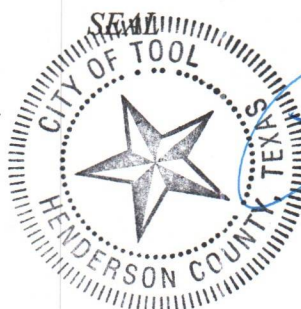
A meeting that is “open to the public”, pursuant to the Open Meetings Act, is one that the public is permitted to attend. The act does not entitle the public to choose the items to be discussed or to speak about items on the agenda. If the City Council, during the course of the meeting covered by this 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 19th day of October 2023.

Tommy Lawhon, Mayor

Attest:



Kimberley Price, City Secretary