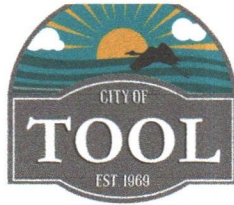


Minutes

November 16th, 2023 @ 6:00 p.m.
Regular Council Meeting



1. Call to Order
2. Roll Call: Brasfield, Dumont, Figueroa, Fladmark, Holley, Lawhon. Lawhon Absent. Quorum Established with Mayor Pro-Tem Dumont Presiding.

(a) Establish Quorum

3. Invocation and Pledge of Allegiance

Presentations, Proclamations and Recognitions

4. Leslie Anderson of the Eight at Tool Park Construction Committee to give updates via committee reports.
 - (a) The agreement with Texas Parks and Wildlife Department had been signed and returned.
 - (b) City has been requested to provide additional documentation to the Texas Parks and Wildlife Department
 - (c) City is wanting to contract out the Texas Commission on Environmental Quality Stormwater Permit that is required for the Eight at Tool park
 - (d) Established a payment request process for purchases for the park

5. **Citizen Comments:** Citizens wishing to speak on an agenda item must sign up to do so **(3 Minute Maximum)**

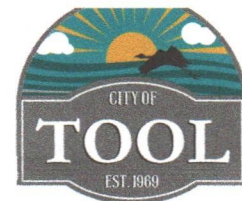
- (a) Linda Burt inquired on the development in Arnold Hills Subdivision, stating that she had heard sections of that neighborhood are to be condemned. Linda Burt concluded by stating that she is concerned of new infrastructure going into that neighborhood.
- (b) Vera Bennett requested to speak at Item 17 and Item 19.

6. **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.*

- A. Approve Minutes: October 19th, 2023 Regular Meeting. Motion to Approve Minutes: October 19th, 2023 Regular Meeting was made by Councilmember Fladmark with second by Councilmember Figueroa. Motion Passed 4/0.
- B. Approve Monthly Activity Reports for October 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. City Administrator Julius Kizzee presented the Executive Summary and Financial Expenditure Reports and highlighted the opening of the Valero gas station and on the progress of working with Paul Canup on the city hall remodel. Councilmember Holley requested an update on the completion of the police Tahoe outfitting. Chief of Police Robert Walker stated that he expected them to be completed in 2 months. Motion to Approve the Monthly Activity Reports for October 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 was made by Councilmember Fladmark with second by Councilmember Holley. Motion Passed 4/0.

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Appointments

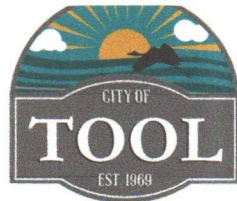
7. Consider, discuss, and take action to consider appointments for the Eight at Tool Beautification Committee. Mayor Pro-Tem Mike Dumont stated that Kathy Donoghue was nominated for Chairperson of the Eight at Tool Beautification Committee and inquired if Kathy Donoghue would like to accept the nomination. Kathy Donoghue accepted the nomination as Chairperson for the Eight at Tool Beautification Committee. City Administrator Kizzee stated that it was also recommended that Councilmember Fladmark act as the Council representative for this committee. Motion to Accept Kathy Donoghue as Chairperson of the Eight at Tool Beautification Committee with Councilmember Fladmark as the Council representative for this committee was made by Councilmember Figueroa with second by Councilmember Holley. Motion Passed 4/0.
8. Consider, discuss, and take action to consider appointments for the Eight at Tool Events Committee. Mayor Pro-Tem Mike Dumont stated that David Moses was nominated for Chairperson of the Eight at Tool Events Committee and inquired if David Moses would like to accept the nomination. David Moses accepted the nomination as Chairperson for the Eight at Tool Events Committee. City Administrator Kizzee stated that it was also recommended that Councilmember Holley act as the Council representative for this committee. Motion to Accept David Moses as the Chairperson of the Eight at Tool Events Committee with Councilmember Holley as the Council representative for this committee was made by Councilmember Figueroa with second by Councilmember Holley. Motion Passed 4/0.
9. Consider, discuss, and take action to designate Chief of Police Robert Walker as the City of Tool's Emergency Management Coordinator. Mayor Pro-Tem Dumont stated that Chief of Police Robert Walker had been nominated to be designated as the Emergency Management Coordinator for the City of Tool. Mayor Pro-Tem Dumont inquired if Chief of Police Walker accepted this nomination to which Chief of Police Walker stated that he did accept the nomination as the City of Tool's Emergency Management Coordinator. Councilmember Fladmark stated that Chief of Police Walker had held this position at a prior department. Motion to designate Chief of Police Robert Walker as the City of Tool's Emergency Management Coordinator was made by Councilmember Fladmark with second by Councilmember Figueroa. Motion Passed 4/0.

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:*

10. Consider, Discuss and Take Action to accept the proposal from Magic A/V, for an amount not to exceed \$25,000 for technological upgrades to the Oran White Civic Center. Mayor Pro-Tem Dumont stated that the city would reuse some existing technology and that this purchase would need to be charged to the Emergency Fund. Mayor Pro-Tem Dumont continued by stating that it is especially important that these items are purchased. City Administrator Kizzee requested to change the proposal amount from an amount not to exceed \$25,000 to an amount not to exceed \$26,000. Councilmember Fladmark suggested that the City Council Meetings be uploaded to a city YouTube channel. Motion to Accept the proposal from Magic A/V, for an amount not to exceed \$25,000 for technological upgrades to the Oran White Civic

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Center plus the cost of iPads was made by Councilmember Fladmark with second by Councilmember Figueroa. Motion Passed 4/0.

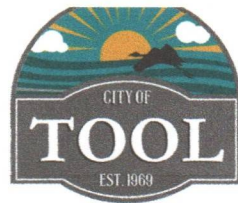
11. Consider and take action on a request by Amy and Brandon Barber of 101 Shoreline Drive, of the Cedarcrest Shores Estates Subdivision to replat Lot 491, Lot 492 and Lot 493 creating a 0.12 Acre Lot, Lot 491-R and a 0.26 Acre Lot, Lot 293-R. Code Enforcement Officer Allen Anderson stated that this replat was straightforward and that he would recommend this replat. Motion to Approve the request Amy and Brandon Barber of 101 Shoreline Drive, of the Cedarcrest Shores Estates Subdivision to replat Lot 491, Lot 492 and Lot 493 creating a 0.12 Acre Lot, Lot 491-R and a 0.26 Acre Lot, Lot 493-R was made by Councilmember Figueroa with second by Councilmember Fladmark. Motion Passed 4/0.
12. Consider and take action on a request by Greg and Carol Thompson of 1100 Woodland Trail, of the Cedarcrest Shores Estates Subdivision to replat a part of Lot 312 and all of Lot 313, Lot 314 and Lot 315 to create a 0.435 Acre Lot, Lot 315-R. Code Enforcement Officer Allen Anderson stated that this replat was combining all lots to create one lot with one address. Motion to Approve request by Greg and Carol Thompson of 1100 Woodland Trail, of the Cedarcrest Shores Estates Subdivision to replat a part of Lot 312 and all of Lot 313, Lot 314 and Lot 315 to create a 0.435 Acre Lot, Lot 315-R was made by Councilmember Figueroa with second by Councilmember Fladmark. 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. 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 at 6:37PM.*

13. An unsafe building located at 0 Kingsway reputedly owned by Glenn Cazenave. Code Enforcement Officer Allen Anderson stated that this property was not visible from the road and that all Certified Mail notices had been returned to the City. Code Enforcement Officer Anderson continued by stating that there was not any power/water at any of these three properties. Councilmember Fladmark inquired for all properties being mentioned if abated, would brush or dead trees be torn down as well or just structures. Code Enforcement Officer Allen Anderson stated that structures, dead trees, and brush would be torn down. Councilmember Fladmark inquired if the same company would be doing the demolition of all three properties if they were abated. Code Enforcement Officer Anderson stated that it was the same company, and that KK Maintenance would be doing the demolition. Code Enforcement Officer Anderson continued by providing the property value, total taxes due on the property and the demolition cost. Councilmember Figueroa inquired if this property had a 911 address to which Code Enforcement Officer Allen Anderson stated the property did not have a 911 address.
14. An unsafe building located at 220 Waikiki Trail reputedly owned by William Barnes. Code Enforcement Officer Anderson provided the property value, total taxes due on the property and the demolition cost.

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15. An unsafe building located at 1104 Bora Bora reputedly owned by Clarence & John Fain. Code Enforcement Officer Anderson provided the property value, total taxes due on the property and the demolition cost.
 - (a) Co-Property Owner John Fain stated that he had been away from the area for three years and has now returned. John Fain continued by stating that he was in poor health but that he would like to clean up the property. Councilmember Figueroa inquired what John Fain plans were for the property. John Fain stated that he would like to tear down the property himself. Mayor Pro-Tem Dumont inquired what John Fain's timetable was for this project. John Fain requested to have an eight-month period to do the demolition. Mayor Pro-Tem Dumont stated that he felt that a six-month period would be more appropriate. Code Enforcement Officer Anderson stated that per our Ordinances related to abatements, the homeowner must provide updates to the city every 90 days.
16. **Close public hearing and take any action necessary from the public hearing period at 6:54PM**
 - (a) Motion to Demolish an unsafe building located at 0 Kingsway reputedly owned by Glenn Cazenave was made by Councilmember Brasfield with second by Councilmember Figueroa. Motion Passed 4/0.
 - (b) Motion to Demolish an unsafe building located at 220 Waikiki Trail reputedly owned by William Barnes was made by Councilmember Brasfield with second by Councilmember Figueroa. Motion Passed 4/0.
 - (c) Motion to not demolish an unsafe building located at 1104 Bora Bora reputedly owned by Clarence & John Fain but require that the homeowner come before City Council in 90 days, provide status updates to the Code Department Bi-weekly and continue making progress on the property was made by Councilmember Brasfield with second by Councilmember Figueroa. Motion Passed 4/0.

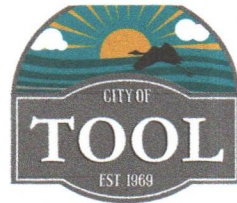
Ordinance Readings

17. Consider and Take Action to adopt Ordinance 2023-13, Capital Improvement Fund.
 - (a) Vera Bennett stated that Capital Improvement does not include an Economic Development Corporation and that an Economic Development Corporation is funded by a percentage of the sales tax. Vera Bennett continued by recommending that all mentions of an Economic Development Corporation be removed from this Ordinance.

Councilmember Figueroa requested that the fund be named the Capital Reserve Fund and to change all mentions of the word improvement to the word reserve. Motion to Adopt Ordinance 2023-13, Capital Reserve Fund as amended was made by Councilmember Brasfield with second by Councilmember Figueroa. Motion Passed 4/0.
18. Consider and Take Action to adopt Ordinance 2023-14, Solar PV Permitting. City Administrator Kizsee stated that this Ordinance would help provide a solar initiative for the City of Tool. Code Enforcement Officer Allen Anderson stated that Councilmember Fladmark did a good job of writing this ordinance and was impressed. Councilmember Fladmark stated that the City of Tool received an award from Solar

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App Plus in the amount of \$15,000 on the condition that the City of Tool implement online solar permitting. Councilmember Fladmark continued by stating that this award would establish the City of Tool as a Solsmart City and a leader for the lake. Motion to Adopt Ordinance 2023-14, Solar PV Permitting was made by Councilmember Figueroa with second by Councilmember Fladmark. Motion Passed 4/0.

(Mayor Pro-Tem Dumont called for a five-minute adjournment for a break @ 7:10PM and reconvened @ 7:13PM.)

19. Consider and Take Action to adopt Ordinance 2023-16B, Budget Amendment. Mayor Pro-Tem Dumont stated that this item was an accounting function provided to the City Council from the City Controller to include the Eight at Tool Park money on the City of Tool finances.
 - (a) Vera Bennett expressed concern on budget numbers being over or under budget due to the breakdown of the budget. Vera Bennett provided an example by listing the total cost of the grading and electrical work for the park.

Councilmember Figueroa stated that the City can make Budget Amendments as needed. Councilmember Fladmark requested that Budget Amendments be done quarterly. Motion to adopt Ordinance 2023-16B, Budget Amendment as presented was made by Councilmember Fladmark with second by Councilmember Figueroa. Motion Passed 4/0.

Resolution Adoption

20. Consider and select a candidate, in accordance with Section 6.03 of the Texas Property Tax Code, to serve on the Henderson County Appraisal Board of Directors Place 4. City Secretary Kimberley Price explained that purpose of this election and explained the process of voting for a candidate. City Secretary Price concluded by stating that the two candidates on the ballot were Gregory Figueroa and Larry Massingill. Motion to select Gregory Figueroa in accordance with Section 6.03 of the Texas Property Tax Code, to serve on the Henderson County Appraisal Board of Directors Place 4 was made by Councilmember Holley with second by Councilmember Figueroa. Motion Passed 4/0.

Election Canvass

21. Canvass votes from the November 7th, 2023 City of Tool General Election. City Secretary Price stated there were 1705 Registered Voters in the City of Tool, 359 Ballots Cast and a 21.06% Voter Turnout this Election. City Secretary Price concluded by stating the following totals:

Mike Dumont for Mayor – 278 Votes

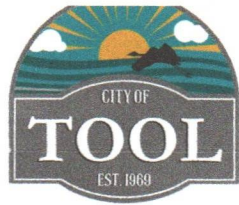
Michale Fladmark for City Council – 189 Votes

Write In Candidate Tommy Lawhon for City Council – 70 Votes

Write In Candidate Vera Bennett for City Council – 175 Votes

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Motion to Accept the Canvass from the November 7th, 2023 City of Tool General Election as presented was made by Councilmember Holley with second by Councilmember Figueroa. Motion Passed 4/0.

22. Consider, Discuss and Take Action to adopt Ordinance 2023-15 Special Election Canvass to canvass votes from the November 7th, 2023, Special Election: Proposition "A" authorizing the adoption of a local sales and use tax in the City of Tool at the rate of two percent (2%).

City Secretary Price stated that following totals:

Absentee Votes – 3 Votes For / 0 Votes Against
Early Voting Votes – 96 Votes For / 76 Votes Against
Election Day Votes – 89 Votes For / 88 Votes Against
Combined Total – 188 Votes For / 164 Votes Against

Proposition "A" authorizing the adoption of a local sales and use tax in the City of Tool at the rate of two percent (2%) PASSED.

Motion to Adopt Ordinance 2023-15 Special Election Canvass to canvass votes from the November 7th, 2023, Special Election: Proposition "A" authorizing the adoption of a local sales and use tax in the City of Tool at the rate of two percent (2%) was made by Councilmember Holley with second by Councilmember Fladmark. Motion Passed 4/0.

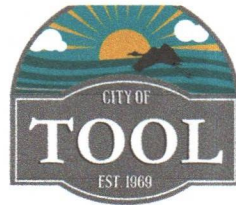
23. Recognize outgoing members of the governing body. Councilmember Brasfield stated that he enjoyed his time on City Council and that there were a lot of improvements made this year. Mayor Pro-Tem Dumont thanked Councilmember Brasfield for his service on City Council. Mayor Pro-Tem Dumont concluded by thanking Mayor Lawhon for his service to the City Council as well. Councilmember Fladmark thanked Mayor Pro-Tem for his service as a Councilmember.
24. Install newly elected Mayor and Council Members to assume the duties of office effective immediately. City Secretary Price swore in the Elected Officials by means of Oaths of Office and Statement of Elected Officials in the following order.

Mike Dumont – Mayor
Michael Fladmark – Councilmember
Vera Bennett – Councilmember

25. Consideration and appointment of Mayor Pro-Tem. Mayor Dumont stated that annually after election a Mayor Pro-Tem must be selected. Councilmember Holley nominated Councilmember Figueroa as Mayor Pro-Tem. Mayor Dumont inquired if Councilmember Figueroa accepted the nomination to which Councilmember Figueroa stated that he would accept the nomination as Mayor Pro-Tem. Councilmember Bennett nominated Councilmember Fladmark as Mayor Pro-Tem. Mayor Dumont

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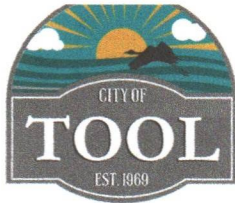
inquired if Councilmember Fladmark accepted the nomination to which Councilmember Fladmark stated that he did accept the nomination as Mayor-Pro Tem. The Vote was as follows:

Mark Holley for Greg Figueroa as Mayor Pro-Tem
Greg Figueroa for Greg Figueroa as Mayor Pro-Tem
Vera Bennett for Michael Fladmark as Mayor Pro-Tem
Michael Fladmark for Micheal Fladmark as Mayor Pro-Tem
Mayor Dumont broke the tie vote for Greg Figueroa as Mayor Pro-Tem

26. Install newly appointed Mayor Pro-Tem. City Secretary Price swore in the Councilmember Greg Figueroa as Mayor Pro-Tem by means of Oath of Office and Statement of Appointed Officer.
27. **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) City Administrator Kizzee recommended that an Application for Appointment to be drafted for use to apply for the open City Council seat that is for a one-year term.
 - (b) Councilmember Bennett stated that she would like to see the appointment in the form of an election and that prior City Councils had vacancies for extended periods of time.
 - (c) Mayor Dumont explained the process for applying for City Council
 - (d) Councilmember Bennett stated that the process for the appointment should be done in open session, then deliberate in closed session.
 - (e) Councilmember Figueroa requested that there be a Special Meeting at 6:00 p.m. for the vetting of applications for the City Council appointment and the deadline for submitting an application would be December 12th 2023.
 - (f) Councilmember Figueroa congratulated Mayor Dumont, Councilmember Fladmark and Councilmember Bennett on the election to City Council and stated that he looked forward to working with them.
 - (g) Councilmember Bennett stated she felt honored to serve the City of Tool.
 - (h) Councilmember Fladmark stated he was glad to serve the City of Tool for another term and that he looked forward to the next two years.
28. **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) Code Enforcement Officer Allen Anderson stated that he was grateful to be back with the City of Tool and that the City had signed a contract with MyGov for permitting and that implementation would be in the beginning of 2024.
 - (b) City Clerk Alicia Keith stated that the Christmas Tree Lighting would be held on December 5th 2023 at 6:00 p.m. here at City Hall. City Clerk Keith continued by discussing the Santa Sponsor Program that was launched this year to sponsor two families that were in need from Tool Elementary. City Clerk Keith concluded by stating that citizens can come to City Hall and collect wish lists that lists requested items, and that the City would then deliver all items to Tool Elementary before Christmas.
 - (c) Police Chief Walker congratulated Mayor Dumont, Councilmember Fladmark and Councilmember Bennett on their election and thanked previous Councilmember Brasfield for his service to the City.

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- (d) Director of Maintenance and Operations Frank Martin congratulated the new City Council and stated that he would miss previous Councilmember Brasfield.
- (e) City Secretary Price recognized Court Clerk Stacy Hamaker for her two years with the City of Tool.
- (f) City Secretary Price stated that he had completed her first course with the Texas Municipal Clerks Association this month.
- (g) City Secretary Price congratulated the new City Council, congratulated Councilmember Figueroa on his appointment as Mayor Pro-Tem and stated that she would miss both previous Councilmember Brasfield and previous Mayor Lawhon.

Closing

- A. Next Meeting: December 21st, 2023
- B. Adjourn @ 8:05PM

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.

Attest:

SEAL

Mike Dumont, Mayor



Kimberley Price, City Secretary