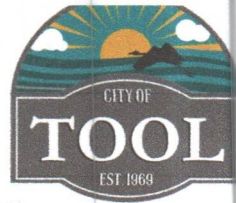


# Minutes

January 18<sup>th</sup>, 2024 @ 6:00 p.m.  
Regular Council Meeting

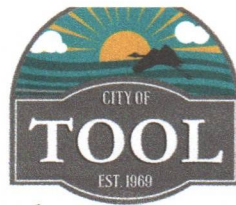


1. Call to Order @ 6:00PM
2. Roll Call: Bennett, Dumont, Figueroa, Fladmark, Holley, Sayre. All Present. Quorum was established with Mayor Dumont Presiding.
3. Invocation and Pledge of Allegiance
4. **Presentations, Proclamations and Recognitions**
  - (a) Leslie Anderson, Chair of the Eight at Tool Park Construction Committee, presented updates via committee reports
    - Issued a grading bid to 15 grading contractors, so far, only one contractor has walked the property
    - Received final quotes for pickleball courts
    - In process of reviewing available grants with the Fundraising Committee
    - Groundbreaking for the Eight at Tool Park will be held January 27<sup>th</sup>, 2024 at 2:00 p.m. at City Hall
  - (b) Kathy Donoghue, Chair of the Eight at Tool Park Garden & Beautification Committee presented updates via committee reports
    - Committee chose Bermuda grass as the type of grass to be planted in the Park
    - Committee chose Pecan trees as the type of trees to be planted in the Park
    - The Trails Grant which would provide the completion of the walking trails in the park was submitted earlier in the month to Texas Parks and Wildlife
    - Discussed the American Dermatology Grant that would provide shade for the benches in the park
  - (c) City Secretary Kimberley Price to give presentation for the Employee of the Year
    - City Secretary Kimberley Price stated that City Administrator Julius Kizzee recommended that staff nominate an Employee of the Year. City Secretary Price continued by stating that the three highest nominations were for City Clerk, Alicia Keith, City Administrator, Julius Kizzee and Chief of Police, Robert Walker. City Secretary Price concluded by stating that Chief of Police, Robert Walker, was the winner of the Employee of the Year and presented him with a certificate.
5. **Citizen Comments:** Citizens wishing to speak on an agenda item must sign up to do so (3 Minute Maximum)
  - John Brasfield stated that the City needs an emergency siren and that it had been one year since there was a tornado warning issued by the National Weather Service during a City Council Meeting.
  - Jacqui Moses requested to speak on Item 7 at the time the item was to be discussed.
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: December 18<sup>th</sup> 2023 Special Meeting and December 21<sup>st</sup> 2023 Regular Meeting. Motion to Approve Minutes from the December 18<sup>th</sup> 2023 Special Meeting and the



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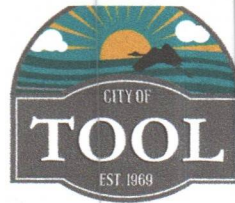
December 21<sup>st</sup> 2023 Regular Meeting was made by Councilmember Fladmark with second by Councilmember Figueroa. Motion Passed 5/0.

- B. Approve Monthly Activity Reports for December 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 that the city had received the final plans for the City Hall Remodel from Paul Canup. City Administrator Kizzee continued by stating that the plans would be brought to City Council in the Regular February City Council meeting along with a cost breakdown for this project. Councilmember Fladmark inquired about the timeline for bids and construction. City Administrator Kizzee stated that to solicit bids, there is a minimum 14-day requirement period for having it posted in the newspaper with earliest posting date of February 25<sup>th</sup> 2024. City Administrator Kizzee continued by stating that during the March Regular Council Meeting, the bid would be reviewed by City Council and then voted on for approval, and the project expected completion date to be within four to six months from the start of construction. City Administrator Kizzee concluded by stating that to date, the city had received three preliminary bids with an average cost of \$700,000 to \$800,000. Councilmember Fladmark requested that the plans be submitted to City Council prior to the February Regular Meeting for review. City Administrator Kizzee stated that he would ensure that the plans would be sent to City Council for review prior to the meeting. Councilmember Sayre stated that he would like to see the City use local vendors if possible. City Administrator Kizzee stated that he would like to go with local vendors as well and that all the preliminary bids were from the lake area. Councilmember Bennett stated that per Chapter 252 of the Texas Local Government Code, the city must go with the lowest bidder. City Administrator Kizzee stated that yes, since the project is over \$50,000 it must go through the bid process. Councilmember Bennett stated that general contractors typically have their own subcontractors and would more than likely use local. Councilmember Sayre stated that the lowest bid is not always the best quality of work, and that the City must vet the general contractors and subcontractors. Councilmember Holley stated that all contractors would be vetted by the city. City Administrator Kizzee also discussed the continued updates by Magic AV that were being done in the Oran White Civic Center. City Administrator Kizzee continued by discussing the future TxDot State Highway 274 widening project which will include a feasibility study that would be conducted in a few months. City Administrator Kizzee continued by discussing the installation of the new security cameras around City Hall. Councilmember Bennett requested that City Administrator Kizzee explain the income and expenditures on the Financial Expenditure Reports. Councilmember Bennett inquired if the balances in the bank accounts were current to which City Administrator Kizzee stated that the balances were accurate at the time of the Agenda being printed. Mayor Dumont stated that per the Agreement with The Groves at Cedar Creek, all permit fees were set at \$2,800 each regardless of valuation. Councilmember Bennett inquired how many homes had been permitted so far for this project, to which Building Official LaCosta Davis stated that there had been four permits issued. Motion to Approve Monthly Activity Reports for December 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 Bennett with



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January 18<sup>th</sup>, 2024 @ 6:00 p.m.  
Regular Council Meeting



second by Councilmember Fladmark. 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:*

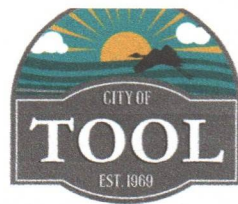
7. Consider, Discuss and take action on a request by Dana Pendergraph to allow a drive-through restaurant, Elevation Coffee & Bakery, to be opened at 1201 North Tool Drive with the placement of a portable building. Building Official Lacosta Davis stated that this variance was to allow a portable building since it would not be the primary structure on the property and that this was the second time this variance was coming before the City Council.
  - Dana Pendergraph presented a presentation that explained the interior design of the building. Dana Pendergraph also provided a plumbing quote and a floor plan showing the drive through window and the bathrooms. Dana Pendergraph conclude by stating that since the building was to be anchored to the ground, it would not be considered a portable building.

Mayor Dumont inquired if the building was American with Disabilities Act compliant to which Dana Pendergraph stated that the building was not compliant. Councilmember Bennett inquired who would own the building once it was tied down to which Dana Pendergraph stated the property owner would own the building. Councilmember Bennett inquired if Dana Pendergraph obtained the required permits from West Cedar Creek Municipal Water District to which Dana Pendergraph stated that the plan was to tie into the water from the house on the property. Councilmember Bennett stated that she had spoken to the West Cedar Creek Municipal Water District, and they told her that tying in to existing water and sewer lines was not allowed, and that a separate water meter would be required. Dana Pendergraph responded by stating that she was not told this by Building Official Davis. Building Official Davis stated that she did tell Dana Pendergraph that she must go to West Cedar Creek Municipal Water District. Councilmember Bennett inquired if Dana Pendergraph lived on this property to which Dana Pendergraph stated that she did live on this property. Mayor Dumont stated that since this property was zoned as Business District One and not Residential District, she could not live on this property. Mayor Dumont continued by stating that Dana Pendergraph must go to West Cedar Creek Municipal Water District and Trinity Valley Electric Cooperative and request Will Serve Letters for this project. Dana Pendergraph stated that the impression she received from Building Official Davis was that this was a “Done Deal”. Building Official Davis stated that she did not say this to Dana Pendergraph. Councilmember Fladmark confirmed that since this property was zoned as Business District One that it did not allow for Single Family Occupancy and that separate water and electric meters would be necessary. Councilmember Bennett stated that nothing is confirmed until the variance is approved by the City Council and that she would still like to see a permanent structure be built. Councilmember Figueroa stated that he did not feel that a variance was needed since the building was not portable but prefabricated.



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Councilmember Bennett stated that the building was a portable building and that the building would need to be on an engineered slab.

- Jacqui Moses stated that she is for growth but would like to see correct growth. Jacqui Moses continued by stating that Ordinance 155.257 prohibits prefabricated and portable structures. Jacqui Moses continued by stating that she believes that this building is a prefabricated structure. Jacqui Moses continued by stating that when she did an addition on her property, she had to follow the permit process and had to have an engineered slab. Jacqui Moses concluded by stating that she believed that commercial property should meet or exceed the requirements for construction.

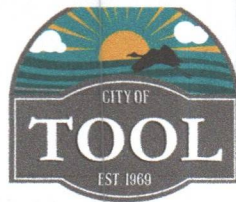
Councilmember Figueroa stated that prefabricated is precut and constructed as normal construction. Councilmember Figueroa stated that this building could be torn down in the same manner as a manufactured home. Councilmember Bennett stated that this building would be considered prefabricated since it is fabricated prior to going to the site. Mayor Dumont reemphasized his earlier comment of Dana Pendergraph needing to go to West Cedar Creek Municipal Water District and Trinity Valley Electric Cooperative and request Will Serve Letters for this project as these are the required steps prior to requesting a Variance. Councilmember Sayre inquired what Dana Pendergraph was here for tonight to which Councilmember Bennett stated that the request was for the placement of a portable building. Councilmember Sayre stated that the Council needed to get back on topic to the Variance since that is what was listed on Agenda. Councilmember Figueroa inquired what the build cost was for this project. Dana Pendergraph stated that the project cost was \$23,000. Councilmember Figueroa stated that she could build the building on site for that cost. Dana Pendergraph stated that she had chosen to go her original route to have the ability of financing the building. Motion to Approve request by Dana Pendergraph to allow a drive-through restaurant, Elevation Coffee & Bakery, to be opened at 1201 North Tool Drive with the placement of a portable building was made by Councilmember Fladmark. Motion Failed due to a lack of a second motion.

8. General Discussion on the creation of a Planning and Zoning Commission. City Administrator Kizzee stated that the last Minutes for the Planning and Zoning Commission was dated April 2000. City Administrator Kizzee continued by requesting direction from City Council on creating a Planning and Zoning Commission. Councilmember Fladmark stated that the creation of a Planning and Zoning Commission was important and that it should have citizen involvement. Councilmember Fladmark continued by stating that one of the roles of the Planning and Zoning Commission would be to prework variances and development to then bring to City Council. Councilmember Bennett stated that she agreed that the City needs a Planning and Zoning Commission that will help with growth of the city and would like to see a citizen managed group. City Administrator Kizzee stated that he has seen several Planning and Zoning Commissions consist of all citizens or staff members and council members or variations of the two. Councilmember Bennett stated that she would like the Planning Commission to consist of citizens and the Building Official.



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Councilmember Bennett continued by stating she would not recommend having a councilmember on the Planning and Zoning Commission. Councilmember Fladmark stated that a councilmember would need to be on the Planning and Zoning Commission just like there are Council Representatives on the Park Committees. Councilmember Fladmark stated that Appointments to the Planning and Zoning Commission would be determined the same way the previous committee appoints were made which were via an application and then approval by City Council. Councilmember Figueroa inquired what the qualifications were to serve on the Planning and Zoning Commission and questioned why not hire a consultant who specializes in this area. City Administrator Kizzee stated that the qualifications would be determined by the City Council. City Administrator Kizzee stated that he disagreed with having a staff member on the Planning and Zoning Commission but recommended that it consist of citizens and one Councilmember. Councilmember Fladmark requested that the city's third-party inspector (Bureau Veritas) be listed as an advisor. Councilmember Sayre stated that he would like to see someone who knows zoning on this commission. City Administrator Kizzee stated that he would like to see Building Official Davis as a point of contact only and not on the Planning and Zoning Commission. Councilmember Holley stated that more information is needed before the creation of this commission. Councilmember Figueroa stated that he agreed with Councilmember Holley that this item would need to be flushed out and would like to hire a consultant since the City Council is not qualified in Planning and Zoning. Councilmember Fladmark stated that he would like to see volunteers on the commission and would like workshops to be held prior to getting started. Councilmember Fladmark continued by stating that he would like the members of the Planning and Zoning Commission to have professional association to Planning and Zoning.

9. Discuss and take action on the allocation of city funds. City Administrator Kizzee stated that the bank balances were current as of January 10<sup>th</sup> 2024. City Administrator Kizzee continued by stating that he needed the approval on the allocation for the following:

- Security Cameras to be expended from Capital Improvement Fund since this was not a budgeted item.
- Allotment which is Item 15 on the Agenda that will be discussed in Executive Session.
- Emergency Sirens to be expended from Capital Improvement Fund
- City Hall to be expended from Capital Improvement Fund, along with other monies

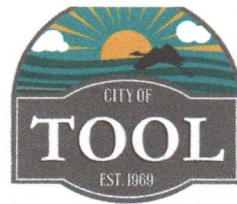
Councilmember Figueroa stated that the focus tonight was the Emergency Fund and that the City Council would approve the allocation for each of these items as needed.

Councilmember Bennett stated that she agreed with Councilmember Figueroa and that the City Council cannot approve an allocation without having a bid. Councilmember Fladmark stated that going forward, the Emergency Fund will actually be used as an Emergency Fund and not as a savings account. Motion to Approve the transfer of \$128,119.87 from the Emergency Fund to the Capital Improvement Fund was made by Councilmember Bennett with second by Councilmember Holley. Motion Passed 5/0.



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## Ordinance Readings

10. Discuss and take action to adopt Ordinance 2024-01, Emergency Fund Balance Standards. Councilmember Figueroa stated that the minimum balance of the Emergency Fund should be set at \$375,000 and that 50% of the General Fund Overage every year should be transferred to the Emergency Fund. Councilmember Figueroa continued by stating that once the Emergency Fund reaches \$500,000, all of the General Fund Overage at the end of the Fiscal Year would be transferred to the Capital Improvement Fund. Councilmember Figueroa concluded by stating that the City would have four years to bring the Emergency Fund balance to \$500,000. Councilmember Fladmark stated that he would like to see the time frame of four years be shortened. Councilmember Bennett stated that she thought it would reach \$500,000 before the four-year timeframe but would like to leave the four-year timeframe in the Ordinance. Motion to Adopt Ordinance 2024-01, Emergency Fund Balance Standards was made by Councilmember Bennett with second by Councilmember Figueroa. Motion Passed 4/1 with Councilmember Fladmark opposing.
11. Discuss and take action to adopt Ordinance 2024-02, General Fund Overage. Councilmember Fladmark requested grammar suggestions to the Ordinance. Councilmember Bennett stated that the minimum balance of the Emergency Fund should be set at \$375,000 and that 50% of the General Fund Overage every year should be transferred to the Emergency Fund. Councilmember Bennett continued by stating that once the Emergency Fund reaches \$500,000, all of the General Fund Overage would be transferred to the Capital Improvement Fund. Motion to Adopt Ordinance 2024-02, General Fund Overage with grammar suggestions as presented by Councilmember Fladmark was made by Councilmember Bennett with second by Councilmember Sayre. Motion Passed 5/0.

**(Mayor Dumont called for a five-minute adjournment for a break @ 7:50PM and reconvened @ 7:55 PM.)**

12. General Discussion on first reading of Ordinance 2024-03, Planned Development – Lakeside. City Administrator Kizzee stated that all mentions of Lakeside should be replaced with Lakeview, Exhibit A should be listed as Commercial and Exhibit B should be listed as Residential. City Administrator Kizzee continued by stating that Public Hearings would need to take place prior to the passage of this Ordinance. City Administrator Kizzee concluded by stating that this development currently lacks enough parking. Councilmember Figueroa stated that the development was 53 parking spaces short. City Administrator Kizzee stated that there would be a total of 216 units and that this Ordinance would be brought back at the February Council Meeting.

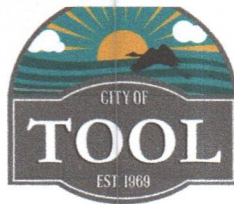
## Resolution Adoption

13. Discuss and take action to Adopt Resolution 2024-01R Local Park Grant Program Resolution Authorizing Application. Mayor Dumont stated that this Resolution was an administrative function to allow the Eight at Tool Fundraising Committee to solicit grants from Texas Parks and Wildlife. City Administrator Kizzee stated that Councilmember Fladmark requested grammar changes to the Resolution. Motion to Adopt Resolution 2024-01R



# Minutes

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Local Park Grant Program Resolution Authorizing Application with recommendations by Councilmember Fladmark was made by Councilmember Figueroa with second by Councilmember Holley. Motion Passed 5/0.

## Appointments

14. Consider and take action on the appointments to the Eight at Tool Park Board of Directors. Mayor Dumont stated that this was an administrative function to remove previous board members John Brasfield and Mike Dumont and add new board members Vera Bennett and Daniel Sayre. Motion to Approve the two new members to the Eight at Tool Park Board named as Vera Bennett and Daniel Sayre and remove two previous members of the Eight at Tool Park Board named as John Brasfield and Mike Dumont was made by Councilmember Figueroa with second by Councilmember Fladmark. Motion Passed 5/0.

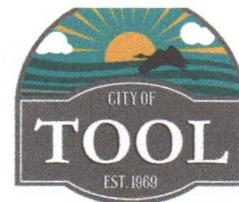
## Executive Session

15. Convene into executive session pursuant to Texas Government Code Chapter Section 551.072 to deliberate on the purchase, exchange, lease, or value of real property of two acres located along County Road 2403 @ 8:10PM.
16. Reconvene in open session and take any action necessary resulting from executive session @ 8:26PM. Motion to purchase the real property of two acres located along County Road 2403 for an undisclosed amount was made by Councilmember Holley with second by Councilmember Fladmark. Motion Passed 5/0.
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.*
  - Councilmember Fladmark thanked everyone for coming to the meeting.
  - Councilmember Bennett thanked everyone for coming to the meeting and thanked all Committee Chairs of the Eight at Tool Park for their Committee Reports. Councilmember Bennett continued by thanking Director of Maintenance and Operations Frank Martin, Chief of Police Robert Walker and Building and Code Official Lacosta Davis for their help throughout the city.
  - Councilmember Holley thanked all the Eight at Tool Park Committee chairs for their presentations.
18. **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.*
  - City Clerk Alicia Keith discussed her continued efforts with the Eight at Tool Events Chair David Moses regarding the Eight at Tool Groundbreaking
  - Court Clerk Stacy Hamaker discussed Warrant Roundup that will take place starting February 26<sup>th</sup> 2024.
  - Chief of Police Robert Walker stated that the final two Police Tahoe's should be delivered by February 1<sup>st</sup> 2024.
  - City Secretary Kimberley Price congratulated Chief of Police Robert Walker on being named the Employee of the Year.



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## 19. Closing

- A. Next Meeting: February 15<sup>th</sup>, 2024
- B. Adjourn @ 8:35PM

**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:

*Mike Dumont 2/26/24*  
SEAL  
Mike Dumont, Mayor

*Kimberley Price*  
Kimberley Price, City Secretary

