

Minutes

March 21st, 2024 @ 6:00 p.m.
Regular Council Meeting



1. Call to Order @ 6:00 p.m.
2. Roll Call: Bennett, Dumont, Figueroa, Fladmark, Holley, Sayre. Quorum was established with Mayor Dumont Presiding.
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. None

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: February 15th, 2024 Regular Meeting. Mayor Dumont recommended language changes to the minutes. Motion to Approve Minutes: February 15th, 2024 Regular Meeting as amended was made by Councilmember Fladmark with second by Councilmember Figueroa. Motion Passed 5/0.

6. Approve Monthly Activity Reports for February 2024 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 the Financial and Expenditure Summary Report highlighting the progress made on the MyGov software integration. Councilmember Sayre and Councilmember Bennett both stated that they appreciated the update and that they were looking forward for its launch. Mayor Dumont requested additional information in regards to the Police Activity Report. Councilmember Holley requested additional information in regards to the Animal Control Activity Report. Councilmember Bennett requested an update on the online ethics message board. City Administrator Kizzee stated that he and citizen David Moses were collaborating on this project and that he had reached out to the City Attorney. David Moses provided additional information in regards to the online message board highlighting ease of use, retention rates and the requirement of a resolution to allow the launch of the message board. Motion to Approve the Monthly Activity Reports for February 2024 as presented was made by Councilmember Holley with second by Councilmember Sayre. Motion Passed 5/0.

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:*

7. Consider, Discuss and take action on a request by Martin Castillo of 1820 South Tool Drive to allow a fence to be taller than 30 inches in the front yard. Mayor Dumont stated that the new fence was currently 46.5 inches tall and since it was constructed of quality materials and off the highway, he would recommend the approval of this variance. Motion to Approve the request by Martin Castillo of 1820 South Tool Drive to allow a fence to be taller than 30 inches in the front yard was made by Councilmember Bennett with second by Councilmember Figueroa. Motion Passed 5/0.

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8. Consider, Discuss and take action on a request by Gene Kernodle of 1824 Cherokee Trace to allow the placement of a recreational vehicle cover in the front yard. John White on behalf of Gene Kernodle presented the variance request. Mr. White stated that the variance was needed due to the fact that the homeowner did not have space in the back yard to place the carport. Councilmember Bennett stated that the recreational vehicle, in her opinion, was too large to be placed in the front yard. Councilmember Holley inquired about the dimension size of the recreational vehicle cover, to which John White stated that the cover was 20 by 40 feet. Councilmember Figueroa inquired the property lot depth to which John White stated that the lot depth was 100 feet. Mayor Dumont stated that the city is trying to get away from metal carports and are wanting to see carports that match the aesthetic of the home. John White stated that all of the carports he installs are engineered and have engineered stamps. No Motion was made so item did not pass.
9. Consider, Discuss and take action on a request by Tufan Kilinc on behalf of Robert Synder of 1211 Joe Dupree Road to allow a 10' set back from State Highway 274. Betina Miller spoke on behalf of Robert Synder. Councilmember Fladmark inquired why a variance was requested. Betina Miller stated that more space was needed to expand the business, M&M BBQ Company. Councilmember Bennett inquired where on State Highway 274 was the variance being requested, to which Building Official LaCosta Davis stated that it was between the 81-acre development and the Royal Oaks subdivision. Councilmember Bennett stated that the request was for a 10' set back from State Highway 274. Building Official Davis stated that a mistake was made on the Agenda. Councilmember Bennett inquired if a variance was needed on the south side of the property to which Building Official Davis stated that yes, a variance was needed on the south side of the property and east side of the property. Councilmember Bennett inquired if a sound barrier would be installed on the east and west side of the property. Betina Miller stated that they planned to build a privacy fence and they currently have no issues with noise. Councilmember Fladmark inquired if the owners of the property had talked with neighbors to get their input on this matter to which Betina Miller stated that yes, the property owners had talked to several people and that they were fine with the idea. Councilmember Fladmark continued by inquiring about a timeline for construction if approved to which Betina Miller stated that construction would be completed within two years. Councilmember Holley inquired what the space would be used for to which Betina Miller stated that the space would be used for building equipment and hosting classes to the public. Councilmember Fladmark inquired where the access points to the property would be located to which Betina Miller stated that the access points would be the existing entrance on Highway 274 and another entrance that would be created. Motion to Approve variance with the condition of a 10-foot setback on the east and southside of the property and that an eight-foot wooden fence be installed to cut down on noise was made by Councilmember Bennett with second by Councilmember Sayre. Motion Passed 4/0 with Councilmemembr Figueroa Abstaining.
10. Discuss and take action on bids received for a City Hall Addition. Mayor Dumont stated that the city had received four bids with a price range between \$735,000.00 and \$875,000.00. Building Official Davis stated she had spoken to New Beginnings Custom Homes and stated that they were knowledgeable and answered her questions. Mayor Dumont inquired if this builder had built commercial buildings before to which Building Official stated that they had not built a commercial building before. Councilmember Figueroa stated that he liked how detailed the bid from Ackley Custom Homes was stated that he would like to see more details on New Beginnings Custom Homes Bid. Councilmember Bennett stated that she spoke with New Beginnings Custom Homes and discussed their

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bid and felt comfortable with the bid that was presented. Councilmember Bennett stated that according to Local Government Code, the city must go with the lowest bidder or provide good reason on why we did not go with the lowest bidder. Councilmember Fladmark stated that he agreed with Councilmember Figueroa and would like to compare the bids line item by line item to ensure the city is getting the best deal for our money. Councilmember Sayre stated that you get what you pay for and going with the lowest bidder is not always the best quality of product. Councilmember Fladmark requested that the bids be resubmitted on a template provided by the city so everything can be compared evenly.

No Action was Taken

Mayor Dumont called for a five-minute adjournment for a break @ 7:19PM and reconvened @ 7:22 PM.

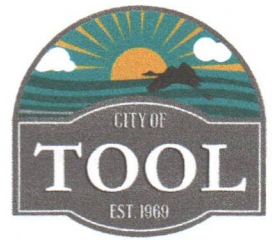
Resolution Adoptions

11. Discuss and take action to adopt Resolution 2024-03R, Official City Newspaper. Mayor Dumont stated that per Local Government Code, the City of Tool is required to establish a newspaper as the Official Newspaper for the City of Tool. Motion to Adopt Resolution 2024-03R, stating that the Mabank Monitor is the Official City Newspaper was made by Councilmember Bennett with second by Councilmember Sayre. Motion Passed 5/0.

Executive Session

12. Convene into executive session pursuant to Texas Government Code Chapter 551 (2) sections:
 - a. Section 551.074 to consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Administrator @ 7:24PM.
13. Reconvene in open session and take any action necessary resulting from executive session @ 8:00PM. **No Action was Taken.**
14. **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 thanked everyone for coming to the meeting.
- B. Councilmember Sayre thanked everyone for coming to the meeting and discussed a Spring Bash that was being held in the Paradise Bay Subdivision on Saturday.
- C. Councilmember Bennett thanked everyone for coming to the meeting and thanked all the staff for their hard work.
- D. Councilmember Figueroa wished everyone a Happy Easter and stated that he would not be at the next Council Meeting. Councilmember Figueroa continued by discussing a Derby Party that will be held May 4th, 2024, with all proceeds benefiting the Community Food Pantry in Tool.
- E. Councilmember Holley stated that he liked to see the Council working together and also thanked David Moses on all his hard work on the Events Committee.
- F. Mayor Dumont stated that the online message board was a big opportunity and would be a wonderful tool.



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15. **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. Chief of Police Robert Walker discussed the Criminal Justice Information Services Audit that would take place on April 3rd, 2024. Chief of Police Walker continued by stating that this audit is conducted every ten years and that several changes will be made after the audit is completed.
- B. Court Clerk Stacy Hamaker stated that there is currently seven jury trials on the docket and that this is the first jury trial in five years.
- C. City Clerk Alicia Keith discussed the Trash Off that will take place on April 20th, 2024 and noted that passenger tires off the rim will be accepted.
- D. Building Official LaCosta Davis stated that the Paradise Bay Apartments had sold, and demolition should start soon.

16. **Closing**

- A. Next Meeting: April 18th, 2024
- B. Adjourn @ 8:15PM

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.

Mike Dumont, Mayor



Attest:

Kimberley Price, City Secretary