

Minutes

May 15th 2025 @ 6:00 p.m.
Regular Council Meeting
Oran White Civic Center
701 N Tool Drive
Tool, TX 75143



1. Call to Order @ 6 p.m.
2. Roll Call: Bennett, Dumont, Figueroa, Fladmark, Sayre, Stykes. Figueroa Absent. Quorum was established with Mayor Dumont Presiding.
3. Invocation and Pledge of Allegiance
4. Declare, if any, Council's Conflicts of Interest
 - All present Councilmembers declared that there were no known conflicts of interest
5. **Appointments, Presentations, Proclamations and Recognitions**
 - a. Receive status reports from Emergency Services District #4, Fire Chief Rodney McClain
6. **Citizen Comments:** Citizens wishing to speak on an agenda item must sign up to do so (**3 Minute Maximum**) *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.*

Citizens chose to speak later in the meeting

- Mark Holley spoke on Item Five
- Teresa Foster spoke on Item Eight
- Allen Anderson spoke on behalf of Leslie Anderson on Item Eight during Item 13
- Vicki Dumont spoke on Item Eight during Item 13
- David Moses spoke on Item 15
- Mayor Dumont allowed Randall Ingle to speak on Item 15 (Randall Ingle did not sign up to speak prior to the meeting)
- Chris Grissom spoke on Item 16

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 city's public record.*

7. Open, announce the time and conduct a public hearing to receive testimony on the following:
 - Public Hearing was opened @ 6:04 p.m.
8. Discuss a variance request by Greg Figueroa, of 705 Royal Way, to encroach the setbacks for an existing structure in a B-1, Local Business District.
 - Marsha Goforth stated that Mr. Figueroa should have obtained a permit before starting the project and concluded by stating that something should be done about this since Mr. Figueroa is a Councilmember and knows the law.

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- Teresa Foster stated that 705 Royal Way was not located in a B-1, Local Business District but in a Residential District. Foster continued by stating that entering into her neighborhood is difficult due to parking at 705 Royal Way. Foster continued by stating that music had been being played until 1:00 a.m. at this location and concluded by stating that if the citizens of Tool are to be held accountable for noise and how they conduct themselves in public, then Mr. Figueroa should have to held accountable as well.

Mayor Dumont allowed Rodney McClain to speak on Item Five which was to receive status reports from Emergency Services District #4, Fire Chief Rodney McClain, during the public hearing period.

McClain discussed the status reports for the Emergency Services District #4 highlighting their calls for service and concluded by discussing their upcoming fundraiser.

9. Close public hearing and announce the time. The public hearing was closed @ 6:11 p.m.

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.*

Mayor Dumont moved that Item 19 and Item 20 be discussed first, then move to Item 10

10. Approve Minutes: April 17th, 2025 Regular Meeting. Motion to Approve Minutes: April 17th, 2025 Regular Meeting as submitted was made by Councilmember Fladmark with second by Councilmember Sayre. Motion Passed 4/0. (Mayor Dumont stated that the motion passed 4/1 however all present members voted in favor so there were no opposing votes.)
11. Approve Monthly Activity Reports for April 2025 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. Mayor Dumont inquired regarding the Mixed Beverage Tax being a huge deposit this month. Councilmember Fladmark inquired regarding the financial statements, the income from the food trucks located at the Eight at Tool park and inter-fund transfers of the City's bank accounts as listed on the Profit and Loss Statement. Councilmember Fladmark continued by inquiring regarding the leftover funds from the City Hall Addition project. Councilmember Sayre inquired regarding the recent Calls for Service and violations issued from the Police Department. Councilmember Fladmark concluded by inquiring in regard to applications received to fill the vacancy in Code Enforcement. Councilmember Bennett inquired regarding the equipment purchases for the Eight at Tool Park and a check written to Federal Signal Corporation. Councilmember Bennett continued by congratulating Chief of Police Robert Walker on his completion of the Certified Public Manager program. Councilmember Bennett continued by inquiring regarding building permits in The Groves development. Councilmember Stykes inquired regarding the 81-acre development to which City Administrator Kizzee stated that the developers have reached out to him and are requesting a meeting with him and West Cedar Creek Municipal Utility District. City Administrator Kizzee continued by stating that the developers had mentioned they were still in the process of setting up a

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meeting with West Cedar Creek Municipal Utility District to discuss water needs for the development. Councilmember Stykes inquired regarding the recent work on the West Cedar Creek Municipal Utility District lift station located at the City Hall. Motion to Approve Monthly Activity Reports for April 2025 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 Sayre with second by Councilmember Stykes. 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:*

12. Consider and Take Action to reschedule the June 2025 Regular City Council meeting. Mayor Dumont stated that the purpose of this item was to move the meeting from Thursday, June 19th to Wednesday, June 18th in recognition of the Juneteenth holiday. Motion to Take Action to reschedule the June 2025 Regular City Council meeting from Thursday, June 19th to Wednesday, June 18th was made by Councilmember Sayre with second by Councilmember Bennett. Motion Passed 4/0

13. Discuss and Take Action on a variance request by Greg Figueroa, of 705 Royal Way, to encroach the setbacks for an existing structure in a B-1, Local Business District. Carter Figueroa spoke on Greg Figueroa's behalf for this item. Carter Figueroa stated that the variance request was for the encroachment of the side setback of the property. Figueroa continued by stating that during the recent addition on the property, it was discovered that the addition extends 10 feet past the setback limit, but it was not in any ditches or under any power lines. Figueroa continued by stating that the addition did not impede any access to any easements either, but that it did slightly encroach a utility easement. Figueroa continued by stating that the addition was going to be revenue producing and provide a better experience at Fig's Backyard as it is a family-owned company. Figueroa continued by stating that undue hardship should be considered when requesting a variance and that it would be an undue hardship to remove the addition since it cost \$40,000.00 to build the addition and that it would cost another \$20,000.00 to remove the addition. Figueroa continued by stating that these figures do not include the lost revenue due to no longer having the addition since it provides the BBQ experience at Fig's Backyard. Figueroa continued by stating that this current City Council had approved variance requests to other individuals who also encroached setbacks and easements. Figueroa continued by stating that all required permits had been obtained for this project. Councilmember Bennett stated that the individuals Carter Figueroa was referring to had requested a variance prior to the building on those properties and not after building was completed. Councilmember Bennett continued by inquiring why the variance was not applied for prior to the construction, to which Carter Figueroa stated that there was an oversight on this since they personally do not oversee construction as we have contractors who oversees projects. Figueroa continued by stating that while that is not an excuse for the oversight, they are here now asking for the variance to continue to be allowed to use the building. Figueroa continued by stating that retroactive variances are not uncommon and that this council has approved retroactive variances in the past. Councilmember Stykes inquired regarding the survey of the property and inquired if the building was built past the property line to which Carter Figueroa stated that the survey was incorrect and the building was not past the build

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line. Building Official Davis stated that according to the survey stakes on the property, the building was not past the build line. Councilmember Bennett inquired if a written stop work order was given to Greg Figueroa to which City Administrator Kizzee stated that a written stop work order was not issued but Greg Figueroa was given a verbal stop work order.

Councilmember Sayre inquired how a code violation was to be handled to which Building Official Davis discussed the process and highlighted that a warning must be issued prior to issuing a citation. Councilmember Sayre inquired regarding the fine for the code violation to which Building Official Davis stated that the fine would be \$400.00. Building Official Davis continued by stating that a permit was applied for and issued for this project at a later date.

Councilmember Stykes stated that he would like further clarification on where the property lines are for the property in question. Councilmember Stykes continued by stating that he felt that the building was over the property line and that if the building was over the property line, he would like to see the building be moved so it would be inside the property lines.

Councilmember Stykes concluded by stating that he would like to get clarification of Building Official Davis's interpretation of the setbacks for different parts of the property in question.

Building Official Davis again stated that Greg Figueroa building was inside the property lines.

Motion to Table this item was made by Councilmember Stykes. Motion Failed due to the lack of a second. Motion to Approve the variance request by Greg Figueroa, of 705 Royal Way, to encroach the setbacks for an existing structure in a B-1, Local Business District with a fine included was made by Councilmember Sayre with second by Councilmember Fladmark.

Motion Passed 3/1 with Councilmember Bennett opposed.

14. Discuss and Take Action to dissolve all Eight at Tool Park Committees. Councilmember Sayre inquired regarding the future committees for the Eight at Tool. Councilmember Fladmark inquired regarding the creation of new committees for the Eight at Tool. Councilmember Bennett discussed her ideas for all the committees for the Eight at Tool and highlighted the local events committee, small events committee, concert series committee and the fundraising committee. Councilmember Fladmark requested clarification in regard to the local events committee and the small events committee. Motion to Dissolve all current Eight at Tool Park Committees and relinquish those assigned duties to the Eight at Tool Park Board was made by Councilmember Fladmark with second by Councilmember Sayre. Motion Passed 4/0.
15. Consider, Discuss and give direction on the need for a Municipal Development District and/or an Economic Development Corporation for the City of Tool and the allocation of sales tax. Mayor Dumont spoke regarding the current City of Tool financials and the need to keep sales tax money in the General Fund and not to divert the funds to an Economic Development Corporation. Mayor Dumont concluded by stating that he would like to see the City Council to keep the money unrestricted. Councilmember Stykes requested clarification on who would oversee the spending of the Sales Tax funds to which Mayor Dumont stated that if an Economic Development Corporation was created, the corporation would have the authority of the allocated sales tax funds and that the City Council would not have oversight in regard to those funds. Councilmember Fladmark requested additional information regarding the current sales tax figures for the City of Tool for this current fiscal year. Mayor Dumont again stated that he believed that the authority should be left up to the City Council and not an Economic Development Corporation. Councilmember Bennett stated that she would like to see both

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measures on the ballot in November.

16. General Discussion on drainage issues and solutions, as presented by Councilmember Sayre. Austin Lightle of Hayes Engineering spoke in regard to drainage solutions. Lightle continued by discussing recent progress made by the Maintenance Department, specifically on Guam Street and Oahu Loop, to name a few, and concluding by discussing his recent visit to the Paradise Bay subdivision. City Administrator Kizzee and Mayor Dumont presented their solutions for the drainage issues throughout the city. Councilmember Sayre discussed the current drainage issues in the Paradise Bay subdivision. Director of Maintenance and Operations Frank Martain stated that the drainage problem was too big for the Maintenance Department to handle and that outside help would be needed for this project. City Administrator Kizzee and Councilmember Bennett stated that specific planning for relief in regard to flooding was needed and concluded by stating that a drainage study was needed. Councilmember Fladmark discussed current drainage issues in the Heatherwoods subdivision.
17. Discuss and Take Action to terminate all approved bids and contracts from Raymond's Concrete for Project #2025-01, Maintenance Barn, due to the inability to provide a payment and performance bond for the project. Motion to Remove Items 17 & 18 from the Agenda was made by Councilmember Stykes with second by Councilmember Bennett. Motion Passed 4/0.
18. Consider, Review bids and award the bid to New Beginnings Custom Homes for Project #2025-01, Maintenance Barn
19. Consider and Take Action to approve the Fiscal Years 2021-2022 and Fiscal Years 2022-2023 Audits (Annual Financial Report) from YWRD, P.C. Bryan Thomas of YWRD, P.C. presented his findings of the audits for the Fiscal Years 2021-2022 and Fiscal Years 2022-2023 highlighting that Fiscal Years 2022-2023 was deemed as a clean audit. Thomas continued by stating that for Fiscal Years 2022-2023 the Budget vs Actual showed that the city had \$2.2 Million Dollars in revenues which was roughly \$200,000.00 over what was budgeted. Thomas continued by stating that the city had \$2.4 million dollars in expenditures which was \$500,000.00 over what was budgeted. Thomas continued by stating that the overage expenditures were due to capital outlay projects and public safety projects that were not budgeted for. Mayor Dumont asked City Controller Kimberly Kroha how the audit process had gone to which City Controller Kroha stated that the audit process went well and that she was in constant contact with the auditors. Councilmember Bennett inquired regarding the comparisons from the Fiscal Year 2022 to the Fiscal Year 2023 Audit in regard to assets and liabilities. Councilmember Bennett continued by stating that the City of Tool's net position in 2023 was \$270,605 and asked that Bryan Thomas further explain what that meant exactly to which Bryan Thomas stated that your fund balance was calculated by subtracting your assets minus your liabilities. Councilmember Bennett continued by inquiring if the Fiscal Years 2021-2022 and Fiscal Years 2022-2023 Audits showed anything out of the ordinary to which Bryan Thomas stated that there was nothing unusual and that YWRD, P.C. gave clean opinions on both audits. Councilmember Stykes inquired regarding the \$340,000.00 in grant funds and when was the deadline for those funds to be spent to which Bryan Thomas stated that many cities, including Tool, received American Rescue Plan Act (ARPA) fund during the COVID-

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19 Pandemic. Thomas continued by stating that the City of Tool received roughly \$600,00.00 in ARPA funds in 2022. Councilmember Fladmark inquired if there were any precautions the City of Tool could take going forward to which Bryan Thomas stated that the City of Tool was in a good position and that as a reminder, grant funds and bond funds must be used for their intended purpose and used during the required time period. Motion to Approve the audits for Fiscal Years 2021-2022 and Fiscal Years 2022-2023 was made by Councilmember Bennett with second by Councilmember Fladmark. Motion Passed 4/0. (Mayor Dumont stated that the motion passed 4/1 however all present members voted in favor so there were no opposing votes.)

20. Consider and Take Action to engage YWRD, P.C for auditing services for the fiscal year periods of October 1st, 2023 to September 30th, 2024. Motion to Take Action to engage YWRD, P.C for auditing services for the fiscal year periods of October 1st, 2023 to September 30th, 2024 was made by Councilmember Sayre with second by Councilmember Fladmark. Councilmember Bennett inquired the pricing for the Fiscal Year 2023-2024 Audit. City Administrator Julius Kizzee discussed how the pricing for an audit was calculated. Councilmember Stykes inquired if the city had used the same auditing company in 2019 to which City Administrator Kizzee stated that he was unsure at this time. Motion to Take Action to engage YWRD, P.C for auditing services for the fiscal year periods of October 1st, 2023 to September 30th, 2024 passed 4/0. (Mayor Dumont stated that the motion passed 4/1 however all present members voted in favor so there were no opposing votes.)

Ordinance Readings

21. Discuss and Take Action, on first reading, to Adopt Ordinance 2023-08C, International Codes, relating to a fee schedule for Accessory Structures. Building Official Davis stated that the fee schedule needed to be increased due to it costing the city more money for inspections, than the city is receiving in permit fees for accessory structures. Building Official Davis continued by recommending the use of the existing table for commercial properties - be used for accessory structures as well. Councilmember Fladmark inquired if the fee schedule would change from square footage to project valuation to which Building Official Davis stated that Councilmember Fladmark was correct. Building Official Davis again stated that this Ordinance would only deal with accessory structures. Motion to Adopt Ordinance 2023-08C, International Codes, relating to a fee schedule for Accessory Structures was made by Councilmember Sayre with second by Councilmember Stykes. Motion Passed 4/0.
22. Discuss and Take Action, on third reading, to Adopt Ordinance 2025-02, Elevation of Residential Structures. Austin Lightle of Hayes Engineering spoke in regard to this item stating that most cities have similar ordinances regarding elevation. Councilmember Fladmark inquired regarding exceptions to properties being built on a hill. Councilmember Fladmark continued by providing his requested changes to the ordinance. Motion to Adopt Ordinance 2025-02, Elevation of Residential Structures as amended was made by Councilmember Fladmark with second by Councilmember Sayre. Motion Passed 4/0.
23. Discuss and Take Action, on first reading, to adopt Ordinance 2025-04, Amusement Redemption Machines, Gambling Devices and Game Rooms. Mayor Dumont stated that this ordinance was necessary since cities are not allowed to having gaming machines in city limits. Motion to, on first reading, to adopt Ordinance 2025-04, Amusement Redemption Machines, Gambling Devices and Game Rooms was made by Councilmember Sayre with second by Councilmember Bennett. Motion Passed 4/0.

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24. **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. Director of Maintenance and Operations Martin discussed the upcoming Trash Off to be held on May 17th
 - B. Building Official Davis discussed the upcoming Fire Department Crawfish Boil fundraiser
25. **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 Stykes congratulated Chief of Police Walker on the completion of the Certified Public Manager Program
 - B. Councilmember Bennett thanked everyone for coming to the meeting
 - C. Councilmember Sayre discussed the Emergency Siren installation and the upcoming garage sale in the Paradise Bay subdivision
 - D. Councilmember Fladmark congratulated Chief of Police Walker on the completion of the Certified Public Manager program
26. **Closing**
 - A. Next Meeting: June 18th, 2025
 - B. Adjourn @ 8:51 p.m.

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.

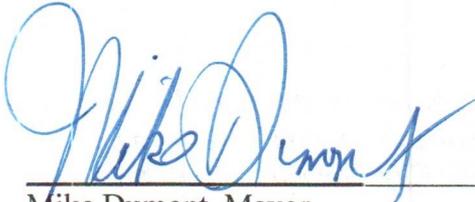
I certify that the above notice of meeting, a true and correct copy, was posted on the bulletin board in front of Tool City Hall prior to the required 72 hours and that the city’s official newspaper was notified.

Attest:

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Mike Dumont, Mayor




Kimberley Price, City Secretary