

Minutes

April 17th 2025 @ 6:00 p.m.

Regular Council Meeting
Oran White Civic Center
701 N Tool Drive
Tool, TX 75143



1. Call to Order @ 6:00 p.m.
2. Roll Call: Bennett, Dumont, Figueroa, Fladmark, Sayre, Stykes. Dumont Absent. Quorum was established with Mayor Pro-Tem Fladmark Presiding.
3. Invocation and Pledge of Allegiance
4. Declare, if any, Council's Conflicts of Interest. Mayor Pro-Tem Fladmark stated that he would recuse himself from all items regarding Robert Cochrane.

5. **Appointments, Presentations, Proclamations and Recognitions**

(a) Discuss and Take Action on a Proclamation designating April 26th, Eight at Tool Day. Councilmember Bennett and Mayor Pro-Tem Fladmark presented the proclamation proclaiming April 26th as Eight at Tool Day.

(b) Discuss and Take Action on a Proclamation designating April as Child Abuse Awareness and Prevention Month in the City of Tool. Leslie Saunders of the Henderson County HELP Center presented the proclamation designating April as Child Abuse Awareness and Prevention Month in the City of Tool.

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.*

Mayor Pro-Tem Fladmark stated that the City Council operates under the Robert's Rules of Order and that citizens would be given three minutes to speak. Mayor Pro-Tem Fladmark continued by stating that Item 20 was not eligible for reconsideration since actions had already been taken on this item at a previous meeting and that he believed that Item 20 should be removed from the agenda. Councilmember Figueroa stated that he did not agree with the removal of Item 20 and that it should be allowed for reconsideration. Councilmember Figueroa continued by stating that the citizens who signed up to speak should have the opportunity to speak and concluded by stating that while there was action in the sense of a vote, there had not been any money spent, or contracts acted on. Mayor Pro-Tem Fladmark concluded by stating that everyone who signed up to speak would be given the opportunity to speak.

- Rodney McClain of the Henderson County Emergency Services District Four Fire District discussed the Calls for Service for the Months of March and April.
- Randall Newkirk of the Henderson County Emergency Services District Four Fire District discussed the proposed tax increase which would provide the Emergency Services District with needed funds to purchase required equipment.
- Mark Holley spoke in favor of a proposed tax increase which would provide the Emergency Services District with funds needed to purchase required equipment. Mark Holley also spoke in regard to Item 20.
- Teresa Barth spoke in regard to Item 20
- Kathy Donoghue spoke in regard to Item 20 and Robert's Rules of Order
- Beatrice Gonzales spoke in regard to Item 20
- Kathryn Pinell spoke in regard to Item 20

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- Karen Miller spoke in regard to Item 20
- Billie Hathaway spoke in regard to Item 20
- Sharon Woods spoke in regard to Item 20
- David Moses spoke in regard to Item 20 and Robert's Rules of Order
- Julie Spanos spoke in regard to Item 20
- Alan Terry Jr. spoke in regard to Item 20
- Randall Ingle spoke in regard to Item 20
- Joanne Salvato spoke in regard to Item 20
- Tommy Salvato spoke in regard to Item 20
- Stan Fernald spoke in regard to Item 20
- Kevin Roberts signed up to speak on Item 20 but was absent when called upon
- Brent Walker spoke in regard to Item 20 and Robert's Rules of Order
- Marsha Goforth spoke in regard to Item 20
- Carter Figueroa spoke in regard to Item 20 and Robert's Rules of Order

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 @ 6:51 p.m.

8. Discuss a variance request by Lucky Shah, of 610 S. Tool Dr, to allow a zoning variance that would allow a portable structure to be placed in a B-1, Local Business District. Lucky Shah sent his representative Shakil Ahmed to present the variance request citing the need for the structure to provide security to the business. Ahmed continued by stating that the structure would not be visible from the highway and that he would like to keep the structure for two years maximum. Councilmember Sayre stated that he had spoken with Lucky Shah and that the structure would be for security reasons only and would not be a residence. Councilmember Stykes inquired if, in the future, would there be cameras and outdoor lighting at the business to which Shakil Ahmed stated that there currently were these things however more were needed.
9. Discuss a variance request by Robert Cochrane, of 918 S. Tool Dr., to allow a zoning variance that would allow a carport to be built in a Local Business District, in accordance with Appendix A: Schedule of Uses. Robert Cochrane was present and presented his variance request. Councilmember Bennett inquired what materials would be used to build the carport.
10. Discuss a variance request by Robert Cochrane, of 1007 S. Tool Dr., to allow a zoning variance that would allow a metal structure to be built and visible from State Highway 274, in accordance with Ordinance 2023-06A, Highway Façade Standards. Robert Cochrane was present and presented his

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variance request. Building and Code Official LaCosta Davis stated that this variance would allow for a drastic improvement to the property and stated that she thought that this variance should be approved. Councilmember Figueroa inquired if new structures were to be constructed, to which Robert Cochrane stated that yes, new structures were to be built. Building and Code Official Davis discussed what the building process would look like if the variance were to be approved. Councilmember Figueroa inquired regarding the building materials and Councilmember Stykes inquired regarding the foundation of the proposed buildings.

11. Discuss a variance request by Robert Cochrane, of 1007 S. Tool Dr., to encroach the setbacks for a new storage building in a B-1, Local Business District. Building and Code Official Davis presented this item and discussed the purpose of this item highlighting that the current foundation encroaches the setbacks and that Robert Cochrane would like to use the existing foundation for the new building. Councilmember Bennett inquired the current setbacks for the property.

12. **Close public hearing and announce the time.**

Public hearing was closed @ 7:05 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.*

13. Approve Minutes: March 18th, 2025 Council Workshop and March 20th, 2025 Regular Council Meeting. Mayor Pro-Tem Fladmark discussed his recommended changes to the Minutes. Motion to Approve Minutes: March 18th, 2025 Council Workshop and March 20th, 2025 Regular Council Meeting as amended was made by Councilmember Sayre with second by Councilmember Figueroa. Motion Passed 5/0.

Mayor Pro-Tem Fladmark called for a five minute break and adjourned the meeting @ 7:07 p.m. The meeting was reconvened @ 7:15 p.m.

14. Approve Monthly Activity Reports for March 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 Pro-Tem Fladmark requested that City Administrator Julius Kizzee present his Executive Summary and asked that Councilmembers ask their questions as each report is presented. Councilmember Bennett requested that City Administrator Kizzee read the email that was received from Stan Hayes of Hayes Engineering in regard to drainage concerns. Councilmember Figueroa stated that he would like to see equipment purchased to allow the Maintenance Department to dig bigger ditches and recommended that the purchase of the equipment come from the Capital Improvement Fund. City Controller Kimberly Kroha presented the Finance and Expenditure reports for the month of March and concluded by stating that all city accounts were in order. Councilmember Bennett requested current fund balances of several city funds to which City Controller Kroha and City Administrator Kizzee provided the requested fund balances. Councilmember Bennett inquired in regard to whether the Police Department made many Driving While Intoxicated (DWI) arrests to which Chief of Police Robert Walker stated that the Department of Public Safety (DPS) is typically called out to handle Driving While Intoxicated

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(DWI) arrests. Chief of Police Walker continued by stating that one of his officers was being sent to field sobriety training to get certified and that he would notify the City Council once that training is completed. Chief of Police Walker concluded by discussing the recent promotion of Police Sergeant Hatcher to the position of Investigator and the promotion of Officer Mendoza to the position of Police Sergeant. Motion to Accept the Monthly Activity Reports as presented was made by Councilmember Bennett with second by Councilmember Figueroa. 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:*

15. Discuss and Take Action on a variance request by Lucky Shah, of 610 S. Tool Dr, to allow a zoning variance that would allow a portable structure to be placed in a B-1, Local Business District. Motion to Approve variance request by Lucky Shah, of 610 S. Tool Dr, to allow a zoning variance that would allow a portable structure to be placed in a B-1, Local Business District for no longer than two years was made by Councilmember Sayre with second by Councilmember Bennett. Motion Passed 5/0.
16. Discuss and Take Action on a request by Robert Cochrane, of 918 S. Tool Dr., to allow a zoning variance that would allow a carport to be built in a Local Business District, in accordance with Appendix A: Schedule of Uses. Motion to Approve a request by Robert Cochrane, of 918 S. Tool Dr., to allow a zoning variance that would allow a carport to be built in a Local Business District, in accordance with Appendix A: Schedule of Uses was made by Councilmember Figueroa with second by Councilmember Sayre. Motion Passed 4/0. Mayor Pro-Tem Fladmark did not vote due to his previously declared conflict of interest.
17. Discuss and Take Action on a request by Robert Cochrane, of 1007 S. Tool Dr., to allow a zoning variance that would allow a metal structure to be built and visible from State Highway 274, in accordance with Ordinance 2023-06A, Highway Façade Standards. Motion to Approve a request by Robert Cochrane, of 1007 S. Tool Dr., to allow a zoning variance that would allow a metal structure to be built and visible from State Highway 274, in accordance with Ordinance 2023-06A, Highway Façade Standards was made by Councilmember Sayre with second by Councilmember Figueroa. Motion Passed 4/0. Mayor Pro-Tem Fladmark did not vote due to his previously declared conflict of interest.
18. Discuss and Take Action on a variance request by Robert Cochrane, of 1007 S. Tool Dr., to encroach the setbacks for a new storage building in a B-1, Local Business District. Motion to Approve a variance request by Robert Cochrane, of 1007 S. Tool Dr., to encroach the setbacks for a new storage building in a B-1, Local Business District was made by Councilmember Stykes with second by Councilmember Sayre. Motion Passed 4/0. Mayor Pro-Tem Fladmark did not vote due to his previously declared conflict of interest.
19. Consider and Discuss a Business Proposal from Betina Miller on behalf of M&M BBQ located at 1331 N. Tool Drive for the construction of an additional building. Betina Miller was present and presented her Business Proposal highlighting the need for additional space to expand their business. Mayor Pro-Tem Fladmark inquired regarding M&M's BBQ customer base on

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whether the majority of their customers were local and concluded by inquiring how customers could place their orders to which Betina Miller stated that residential customers are subjected to sales tax. However, most of their customers were commercial customers who have tax exempt status. Mayor Pro-Tem Fladmark inquired on what exactly M&M BBQ was asking for to which Betina Miller stated that she would like to for the City from an economic development perspective, to assist in the funding of the construction of their new building. Betina Miller continued by discussing how M&M BBQ was involved in the community highlighting the recent donation of a BBQ smoker to the Volunteer Fire Department after they saved their building from burning down. Councilmember Stykes inquired how much sales tax is generated currently by M&M BBQ to which Betina Miller stated that currently sales tax is minimal since residential sales are currently a relatively new thing for the company. Councilmember Stykes inquired if M&M BBQ expected to see more residential sales or was it primarily going to remain business to business sales. Betina Miller stated that due to the business type, it would always be primarily commercial but that she hoped to see an increase in residential sales since the business had collaborated with big names in the BBQ world. Councilmember Bennett stated that M&M BBQ would need to fill out an Economic Development Application and then the application would be brought before the Council to see what could be done in regard to funding/support. City Administrator Kizzee stated that the purpose of the item tonight was to see the council's interest in this project. City Administrator Kizzee concluded by stating that since the council was interested in this project, that he, along with staff, would get additional information and bring it back before the City Council.

20. Discuss, Consider and Take Action on a reconsideration of the allocation of funds for the Maintenance Barn, as presented by Councilmember Greg Figueroa. Councilmember Figueroa requested that a representative of SAMCO Capital, who is the City of Tool's financial advisor, be given the opportunity to present his presentation on a proposed tax note to fund the Maintenance Barn Project. Mayor Pro-Tem Fladmark stated that for the discussion to be had, there would have to be a suspension to the Rules of Procedure. Councilmember Figueroa stated that per the Resolution, Council Rules of Procedure, it stated that a reconsideration could take place at the following meeting. Mayor Pro-Tem Fladmark stated that per Robert's Rules of Order it stated that a reconsideration must be made at the same meeting in which it was first discussed. Motion to Suspend Robert's Rules of Order so Item 20 can be opened up for a vote was made by Councilmember Figueroa with second by Councilmember Sayre. Councilmember Bennett stated that if the rules are suspended the City Council would be setting precedence going forward. Councilmember Bennett continued by stating that she would like to hear from SAMCO Capital regarding the bonding information, however, she felt that it would be more appropriate for that to be done during Item Six, which is Citizens Comment. Motion Failed 2/3. Councilmember Figueroa and Councilmember Sayre voted in favor of the motion to suspend Robert's Rules of Order. Councilmember Bennett, Councilmember Stykes and Mayor Pro-Tem Fladmark voted against the suspension of Robert's Rules of Order. Motion to Move Item 20 to Item Six was made by Councilmember Sayre with second by Councilmember Stykes. Motion Passed 4/1. Councilmember Figueroa voted against Moving Item 20 to Item Six.

Ryan Cunningham of SAMCO Capital discussed the process of obtaining tax notes for projects and highlighted the opportunity of issuing a Reimbursement Resolution or cover some costs if

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funds were spent prior to funding through a tax note or other financing type. Cunningham continued by stating that a Reimbursement Resolution would only allow for a few items eligible for reimbursement such as planning, design, engineering or cost of issuance to name a few. Cunningham continued by discussing that if the city issued a tax note, the city could use level debt servicing that would over seven years result in a tax increase of about one cent, or the debt could be structured at a similar rate as it is currently on the Interest and Sinking Fund. Motion to Extend Citizens Comment for Ryan Cunningham for as long as needed was made by Councilmember Bennett with second by Councilmember Sayre. Motion Passed 5/0.

Ryan Cunningham concluded his presentation by discussing that the City Council would need to provide the audits for Fiscal Year 2021-2022, Fiscal Year 2022-2023 and the Fiscal Year 2023-2024 unaudited financial documents prior to any actions to issue debt since the potential purchasers of the debt would need to see the financials of the city to determine the city's financial health. Cunningham continued by saying that the interest rates were very volatile due to the recent tariffs and highlighted that the estimated interest rate was 4.125% up from the 3.75% that was estimated at the end of March 2025. Cunningham continued by stating that once the preliminary certified values were provided by the appraisal district, a more concrete interest rate would be determined at that time. Mayor Pro-Tem Fladmark inquired on the deadline to submit the audit information to which Ryan Cunningham stated that it was best to do it before going out for the tax notes since the potential purchaser of the tax notes will want to know the city's financial health. Councilmember Fladmark inquired if the Fiscal Year Audits for 2021-2022, 2022-2023 and 2023-2024 would be on the agenda to pass at the next City Council meeting to which City Controller Kroha stated that the plan was to have all the outstanding audits be presented and approved at the next meeting. Ryan Cunningham stated that the process for issuance of tax notes is typically 90 days. Councilmember Figueroa stated that it could take 90 days but that the city could submit a Reimbursement Resolution to recoup the costs that would be spent prior to receiving the tax notes. Councilmember Bennett stated that at the previous interest rate of 3.75% it would cost the city either \$130,000 under Option One or \$140,000 under Option Two for a tax note for the city. Councilmember Bennett continued by again stating that the estimated interest was 3.75% not at the current interest rate of 4.125% which is currently. Councilmember Figueroa stated that the amount of money would be borrowed would be \$500,000.00, which would be for both the financing of the Maintenance Barn and the Police Station Remodel. Councilmember Figueroa continued by stating that the interest cost for the tax note would be offset since the account is currently earning interest. Councilmember Bennett stated that the agenda language was discussing the Maintenance Barn not the Police Station so the Police Station should not be included in the discussion. Motion to Take Action on a reconsideration of the allocation of funds for the Maintenance Barn, as presented by Councilmember Greg Figueroa was made by Councilmember Sayre with second by Councilmember Figueroa. Councilmember Figueroa stated that he would like to see the city keep its capital and finance the barn. Councilmember Figueroa continued by stating that the capital could be used to help with the drainage issues in the city. Councilmember Figueroa concluded by stating that the city needed to focus more on saving money and not spending money. Mayor Pro-Tem Fladmark asked the Council to take a vote of the reconsideration of the allocation of funds for the Maintenance Barn, as presented by Councilmember Greg Figueroa. Motion Failed 2/3. Councilmember Figueroa and Councilmember Sayre voted in favor of the reconsideration. Mayor Pro-Tem Fladmark,

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Councilmember Bennett and Councilmember Stykes opposed the reconsideration.

Resolution Adoption

21. Consider, Discuss and Take Action, on first reading, to Adopt Resolution 2025-03R, Changes to Board Members for the Eight at Tool Park Board. City Administrator Kizzee presented this item. City Administrator Kizzee stated that the following people submitted applications to become Park Board members: Vera Bennett, Kimberly Kroha, Marsha Goforth, Terri Gregory, David Moses, Brayden Raymond, Tommy Salvato, Moriah Sheller, Pam Skaggs and Kim Welch. Motion to Appoint Vera Bennett as Councilmember, Kimberly Kroha as City Staff Member and to have David Moses, Tommy Salvato, Pam Skaggs and Kim Welch as the four member citizen board was made by Councilmember Bennett with second by Councilmember Stykes. Motion Passed 5/0.

Executive Session

22. Convene into executive session pursuant to Texas Government Code Chapter 551 (2) sections: @ 8:49 p.m.
 - a. Section 551.074 to consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Secretary.
23. Reconvene in open session and take any action necessary resulting from executive session @ 9:09 p.m.

Motion to Renew the City Secretary's contract for five years as amended was made by Mayor Pro-Tem Fladmark with second by Councilmember Sykes. 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.*
 - A. Councilmember Stykes thanked everyone for coming to the meeting
 - B. Councilmember Figueroa thanked everyone for coming to the meeting
 - C. Councilmember Bennett thanked everyone for coming to the meeting and discussed the Grand Opening of the Eight at Tool Park on April 26th. Councilmember Bennett concluded by congratulating City Secretary Kimberley Price on her contract renewal.
 - D. Councilmember Sayre thanked everyone for coming to the meeting and provided an update in regard to the Emergency Sirens.
 - E. Mayor Pro-Tem Fladmark thanked everyone for coming to the meeting and congratulated City Secretary Price on her contract renewal

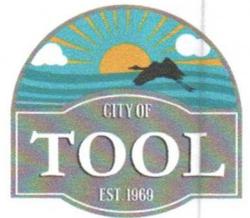
25. **Staff Comments** - *Hear announcements concerning matters appearing on the agenda; items of community interest; Staff gives regards dealing with specific factual information or existing policy dealing within the City, that may have an impact on citizens, staff or the City Council of Tool. No formal action will be discussed or taken.*

- A. Chief of Police Robert Walker provided an update on the Police Station Remodel
- B. City Administrator Kizzee congratulated City Secretary Price on her contract renewal

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C. City Secretary Price thanked the City Council on her contract renewal and thanked City Administrator Kizzee for his kind words in regards her contract renewal.

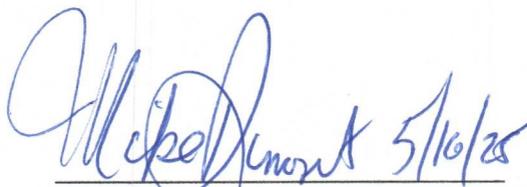
26. Closing

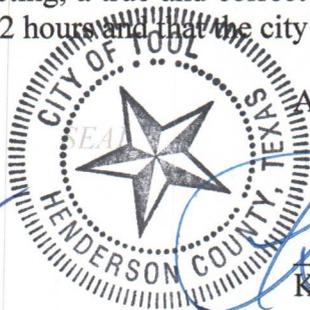
- A. Next Meeting: May 15th, 2025
- B. Adjourn

Motion to Adjourn was made by Councilmember Bennett with second by Councilmember Stykes. Motion Passed 5/0. Meeting Adjourned @ 9:15 p.m.

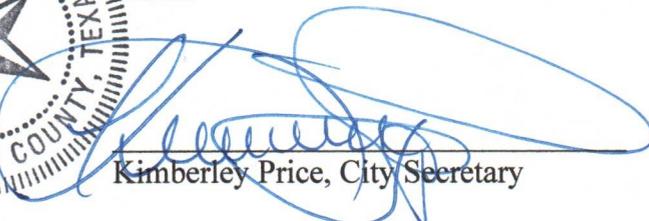
A meeting that is “open to the public”, pursuant to the Open Meetings Act, is one that the public is permitted to attend. The act does not entitle the public to choose the items to be discussed or to speak about items on the agenda. If the City Council, during the course of the meeting covered by this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


Mike Dumont, Mayor



Attest:


Kimberley Price, City Secretary