

Minutes

August 21st, 2025 @ 6:00 p.m.

Regular Council Meeting

Oran White Civic Center

701 N Tool Drive

Tool, TX 75143



1. Call to Order @ 6:01 p.m.
2. Roll Call: Bennett, Dumont, Figueroa, Fladmark, Sayre, Stykes. All Present. Quorum was established with Mayor Dumont Presiding.
3. Invocation and Pledge of Allegiance
4. Declare, if any, Council's Conflicts of Interest. No Known Conflicts of Interest from any present Councilmember
5. **Appointments, Presentations, Proclamations and Recognitions**
 - (a) Receive status reports from the Tool Fire Department, Fire Chief Rodney McClain. Rodney McClain of the Tool Fire Department presented the monthly update for the Fire department.
 - (b) Receive and read proclamation designating the City of Tool as a Purple Heart City, as presented by Ben Pate, President of Caring for America for Henderson County. Ben Pate presented the Proclamation declaring the City of Tool as a Purple Heart City.
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.*
 - A. Diann Carroll spoke on Item 7B
 - B. Kathy Donoghue spoke on Item 7A & Item 7B
 - C. Georgia Owen spoke on Item 7A & 7B
 - D. Marsha Goforth spoke on Item 7A & 7B
 - E. Jacqui Moses spoke on Item 7A
 - F. Alan Terry Jr. spoke on Item 15 during Item 15
 - G. City Clerk Alicia Keith spoke on Item 7B
 - H. Court Clerk Stacy Hamaker spoke on Item 7B
 - I. Code Enforcement Officer Heath Hamaker spoke on Item 7B during Item 7B
 - J. City Secretary Kimberley Price spoke on Item 7B
 - K. Leslie Anderson spoke on Item 7A during Item 7A
 - L. Karen Miller spoke on Item 14, Mayor Dumont allowed her to speak without signing up to speak

Executive Session

7. Convene into executive session pursuant to Texas Government Code Chapter 551 sections @ 6:45 p.m.
 - a. Section 551.074 (Municipal Officer) to discuss a complaint against a municipal officer, Council Member Vera Bennett, and possible discipline. Councilmember Bennett stated that she would like to invoke her statutory right of having the executive session for this item be held in open session. Councilmember Bennett continued by stating that transparency is very important to her and that she has nothing to hide so she would like to have this discussion in the open. City Administrator presented this item highlighting a letter that was given to him by Building Official LaCosta Davis on June 27th regarding harassment from Councilmember Bennett. City Administrator Kizzee continued by presenting the letter that stated the following:

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Dear Mr. Kizzee, I'm writing to formally express my grave concern regarding the ongoing harassment I have endured over the past two years from Councilmember Bennett where I have been her persistent target. This behavior has created a hostile work environment and has had significant negative impact on my mental health and my ability to effectively perform my job duties and my overall sense of security in the workplace. As a committed public servant and a single mother who has worked diligently to build a meaningful career, these actions have been extremely distressing to work under. The constant to retaliation, termination or worse, convenience has made repeated efforts to undermine composition, including issuing the burdensome number of public information requests. And engage with the behavior that clearly exceeds the scope of her official duty. Her actions have led me to question my professional stability and have at times made me consider resigning from the position I have worked so hard to attain. I have reached an emotional and psychological breaking point. I can no longer tolerate the constant anxiety and sleepless nights, undue stress caused by fatigue harassment. If this conduct is allowed to persist, I will be left with no choice but to seek legal relief for the damage being inflicted upon me, I respectfully urge the city to take this matter seriously and take swift, decisive action to investigate and address its behavior. It is imperative that the city protect its employees from workplace intimidation and ensure professional and respectful environment for all. Councilmember Bennett's manipulative tactics presenting herself as victim while engaging in predatory conduct must stop. Sincerely LaCosta Davis.

City Administrator Kizzee continued by stating that in the aftermath of the letter from Building Official Davis, he met with Building Official Davis and inquired if she stood behind everything in the letter that she created to which Building Official Davis stated that yes she could stand by everything written in the letter. City Administrator Kizzee continued by stating that after receiving the letter, he called Mayor Dumont and Councilmember Fladmark and discussed the letter he received and also requested a sit-down meeting with them and Councilmember Bennett regarding this. City Administrator Kizzee continued by stating that the scheduled sit-down meeting was for the following Monday. City Administrator Kizzee continued by stating that when he met with the employee regarding the submitted letter, he inquired where the feeling had stemmed from. Building Official Davis stated that she had faced constant harassment from Councilmember Bennett. City Administrator Kizzee continued by stating that the letter sent to him by the employee was sent the day after Councilmember Bennett submitted a Public Information Request. City Administrator Kizzee continued by stating that on Monday, the Mayor, Councilmember Fladmark, Councilmember Bennett and himself met to discuss the letter that was submitted by the Building Official. City Administrator Kizzee stating that during that meeting the following items were discussed: a flatwork permit pulled by Councilmember Bennett and the Public Information Request that was submitted by Councilmember Bennett. City Administrator Kizzee continued by stating that during that conversation, Councilmember Bennett stated that it was a violation of the Public Information Act to inquire why someone submits a Public Information Request. City Administrator Kizzee continued by stating that it was at this point that all discussions regarding the Public Information Requests stopped. City Administrator Kizzee continued by stating that he then asked Councilmember Bennett if during the past week, had anything happened that would lead to the letter by the employee, to which Councilmember Bennett stated that nothing to her knowledge had happened and she was unsure why the letter had been submitted. City Administrator Kizzee continued by stating that Councilmember Fladmark remarked that he just wanted to get to the bottom of the issue at

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hand. City Administrator Kizzee continued by stating that Councilmember Bennett's response to Councilmember Fladmark's comment was that she did not believe she had done anything wrong and that it was illegal to be asked why she submitted a Public Information Request. City Administrator Kizzee stated that the conversation then turned to the permitting process as a whole and how the permit process could become easier for residents who are not technologically savvy. City Administrator Kizzee stated that after this meeting, he then met with Building Official Davis and requested specifically what had Councilmember Bennett had done to her to which Building Official Davis again stated that Councilmember Bennett was requesting information regarding her credentials and that Councilmember Bennett called Bureau Veritas (the City of Tool's third party inspector and engineering firm) for inspections done at 705 Royal Way ahead of a Council meeting months prior, which in Building Official Davis's opinion, undermined her position as the Building Official. City Administrator Kizzee continued by stating that he concluded the conversation with Building Official Davis by asking if there was anything else that happened outside of the two things that she had mentioned to which Building Official stated that she would get back with City Administrator Kizzee on this. City Administrator Kizzee continued by stating that a week and a half had gone by and he had not heard anything from the Building Official in regard to additional things that have happened to which City Administrator Kizzee states that he then met with Building Official Davis and Building Official Davis stated that she would get back with me regarding the issue. City Administrator Kizzee continued by stating that in the weeks following several Councilmembers had approached him and stated that there was no end to the harassment that the Building Official was facing. Councilmember Figueroa requested that City Administrator Kizzee read the Public Information Request that Councilmember Bennett submitted to which City Administrator Kizzee read the request that requested the following items: a copy of the survey for the last five flatwork permits issued by the City of Tool, a copy of the ordinance or rules that outlined the requirements for permit for flatwork, a copy of the last three permits for Raymond's Concrete, a copy of the last three permits for Fig's Backyard, including surveys and inspections, a copy of the final inspection, the last five homes built in Tool Texas and a copy of all of the Building Official's testing and credentials. City Administrator Kizzee continued by stating that in the subsequent weeks, several council members had come to me and asked, is there a resolution to which City Administrator Kizzee stated that he was only provided with the original two instances which were Councilmember Bennett was requesting information regarding her credentials and that Councilmember Bennett called Bureau Veritas (the City of Tool's third party inspector and engineering firm) for inspections done at 705 Royal Way which in Building Official Davis's opinion, undermined her position as the Building Official. City Administrator Kizzee continued by stating that the two instances that were provided to him by the Building Official were deemed unsubstantiated for an HR complaint. City Administrator Kizzee continued by stating that a Public Information Request cannot be questioned nor contested, per the Local Government Code. City Administrator Kizzee continued by stating that it was everyone's job in the city to fulfill Public Information Requests, so to deem that as harassment would be misplaced in his opinion. City Administrator Kizzee continued by stating that while he had told Councilmember Bennett that calling Bureau Veritas (the City of Tool's third party inspector and engineering firm) for inspections done at 705 Royal Way was not a good idea, however, a project at 705 Royal Way was to be discussed on the upcoming City Council agenda. City Administrator Kizzee continued by stating that Councilmember Bennett told him that she had called Bureau Veritas inquiring if inspections

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had taken place at 705 Royal Way and that she did not request an inspector to visit the property. City Administrator Kizzee continued by stating that at the time of this meeting, Building Official Davis had not provided any additional information regarding the claim of harassment from Councilmember Bennett. City Administrator Kizzee continued by stating that in subsequent conversations he had with the Councilmembers who had brought this to his attention, he had asked them if they had additional information from the Building Official, in regards to what factual substantial information that they have supplied to them or what that person had given to them. City Administrator Kizzee concluded by stating that, the two claims brought to him by the Building Official have been deemed unsubstantiated and that was why this item was placed on the agenda. Councilmember Figueroa stated that he would like to correct some things that City Administrator Kizzee stated. Councilmember Figueroa continued by stating that in regards to 705 Royal Way being on the agenda at that time and Councilmember Bennett researching for the agenda was not true. Councilmember Figueroa continued by stating that he had not applied for the proper variance for a roof that was 15 feet from the property line, over a deck and that there was no conclusion at that point. Councilmember Figueroa continued by stating that Bureau Veritas was called to shut down the work, and both himself and Building Official Davis were at the job site. Councilmember Figueroa continued by stating that the inspector stated that he was on his way to shut down the project under the direction given to him by Councilmember Bennett. Councilmember Figueroa continued by stating that Building Official Davis spoke to the inspector and told them not to come out to the site since she did not request for them to come to the job site. Councilmember Figueroa continued by stating that during that time, the only thing that was happening with the project was permits and that all permits had been pulled. Councilmember Figueroa continued by stating that he felt that after the Building Official gave her statement, he didn't think City Administrator Kizzee actually interviewed her or took written statements or anything from anybody in relation to her complaint or her. Councilmember Figueroa continued by stating that in the letter read by City Administrator Kizzee written by Building Official Davis, it details a lot about how she feels and her perception for two years, not just about those two incidents. Councilmember Figueroa continued by stating that he did not think that City Administrator Kizzee did a proper investigation and that is why we're here today. Councilmember Figueroa continued by stating that none of this, for the record, was political. Councilmember Figueroa continued by stating that this was not political, this is an HR issue. Councilmember Figueroa continued by stating that to say it is political or anything other than just an HR issue that needed to be dealt with by a city was incorrect. Councilmember Figueroa continued by stating that he did not think the complaint by Building Official Davis was taken seriously and that there was not any action followed through on the complaint. Councilmember Figueroa continued by inquiring what action was taken with the Council, going to the Council, or asking the Council to discuss this and come up with a resolution after Building Official Davis letter but before her termination? Councilmember Figueroa asked that Building Official be given the opportunity to speak and give her version of events. Building Official Davis presented the following speech: Hello, my name is Lacosta Davis, I have served the city of Tool for nearly three years as the department head of code enforcement with dedication, professionalism and pride. Today I come before you, not out of anger but out of necessity. For the past two years I have been subjected to hostile work environment and targeted harassment by Council member Vera Bennett. This has gone far beyond ordinary disagreements or oversights. It has been persistent, calculated and deeply harmful. I have lived under the constant threat of being fired, humiliated,

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undermined and even criminalized all while performing my duties in service to the residents of Tool. What began as tension has become a clear campaign of intimidation and bullying and it has affected my mental health, my job performance and my ability to feel safe at work. Councilmember Bennett has misused her authority in the following ways, publicly challenging my integrity in Council meetings, burdening my office with excessive invasive public information request, directly contacting Bureau Veritas to influence actions on matters that undermine the jurisdiction, repeatedly pursuing civic leadership to suspend or terminate me without valid cause or due process. This is not governance, this is harassment. Moreover, her behavior has not been limited to me alone. I have witnessed and others have shared with me that Councilmember Bennett has targeted fellow city staff, contractors, vendors, and even members of this Council. This represents a pattern of abuse of power and a culture of intimidation that has gone unchecked for far too long. I remained silent for as long as I could. I tried to endure. I followed appropriate channels and voiced my concerns with professionalism and discretion. But rather than being protected, I was forced by the City Administrator to either accept termination or resignation, only to later be told I was placed on suspension with pay. My complaint was not only ignored; it became the basis for retaliation. I was removed from my position because of speaking out as a single mother who has fought to build a career in public service. This experience has inflicted profound emotional distress I have felt isolated, afraid and betrayed by the very institution I served with pride, I am left with no option but to speak publicly on the record and ask for justice. Here is what I respectfully ask this Council to do, reinstate me to my position, restore a safe, respectful and non-toxic work environment free from retaliation, fear, or political vendettas. Ensure all department heads are treated equally, held to the same standards, and offered the same opportunity for correction, support and professional growth. Acknowledge and formally address the behavior of Councilmember Vera Bennett for what it is an abuse of power that has endangered the integrity of the city's leadership and the welfare of its employees. This is your opportunity to lead and to show the citizens and employees of Tool that the city will no longer tolerate abuse of authority or culture of silence. The people who serve this city deserve dignity, protection and fairness. Under legal advisement from my attorney, I will not be taking questions following the statement. Everything I Have shared is truthful, heartfelt and supported by documented records and patterns of behavior. I respectfully urge this Council to act decisively and with integrity. Councilmember Stykes inquired if City Administrator Kizzee had received documentation from Building Official Davis in regards to her letter to which City Administrator Kizzee stated that she had mentioned six things in her letter, and he was aware of the incident with Bureau Veritas and Building Official Davis's claim of burdensome public information requests. City Administrator Kizzee continued by stating that he was unaware of how many public information requests Councilmember Bennett had submitted. City Secretary Kimberley Price stated that as the Public Information Officer for the City, she had received three public information requests from Councilmember Bennett since she had been in office. City Administrator Kizzee stated that outside of the incident with Bureau Veritas and the public information requests, he had not received any other documentation from Building Official Davis regarding constant fear of retaliation or hostile work environment from Councilmember Bennett. Councilmember Bennett stated that was very embarrassing to our city and that this should have been handled internally rather than bringing it before the City Council. Councilmember Bennett inquired who requested that this item come before the City Council to which City Administrator Kizzee stated that Councilmember Figueroa and Councilmember Sayre. Councilmember Bennett

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continued by stating that when she is accused of things by a Councilmember on the message board she had no choice but to bring it in the open to defend herself. Councilmember Bennett continued by stating that she had nothing to hide and wanted the chance to publicly share her side. Councilmember Bennett continued by stating that last year at the August Council Meeting she was brought up for censure. Councilmember Bennett continued by stating that the Council failed to find that there was sufficient evidence and that they did not censure me. Councilmember Bennett continued by stating that since then she had made an effort to be as nice as possible to everyone at city hall. Councilmember Bennett continued by discussing the three public information requests that she had submitted. Councilmember Bennett continued by stating that the law states that Councilmembers, when acting in their official capacity, can obtain public information free of charge. Councilmember Bennett continued by stating that she had requested information in her personal capacity and that she had paid for the requested information. Councilmember Bennett continued by stating that as a Councilmember, she will not be afraid to ask for information because she took an oath to ensure things were to be done correctly by the city. Councilmember Bennett continued by stating that the HR complaint that was filed by Building Official Davis was submitted after I made the public information request therefore it was a retaliation against me for requesting information. Councilmember Bennett continued by stating that she had reached out to the Texas Attorney General regarding this and was instructed to bring this information to the District Attorney since this was be considered retaliation against her. Councilmember Bennett continued by stating that there was not any other evidence provided that supports the claims against her in her treatment to Building Official Davis. Councilmember Bennett continued by discussing the conversation that she had had with Bureau Veritas, highlighting it was to discuss a variance for 705 Royal Way due to power lines being directly above construction on the property. Councilmember Bennett continued by stating that, per the Local Government Code, it was illegal to inquire why a requester was requesting public information. Councilmember Bennett continued by discussing the meeting that was had with herself, Mayor Dumont, Councilmember Fladmark and City Administrator Kizzee on the submission of her public information request. Councilmember Bennett continued by stating that the individuals have apologized for asking why she had submitted a public information request and she had forgiven them and moved forward. Councilmember Bennett continued by discussing the complaint filed against her from Building Official Davis. Councilmember Bennett continued by stating that over the past year, she had gone out of her way to be nice to city staff. Councilmember Bennett continued by asking City Administrator Kizzee how many complaints he had received this year against her outside of the one from Building Official Davis to which City Administrator Kizzee stated that he had not received any complaints against her. Councilmember Bennett continued by stating that being in fear of retaliation and HR complaints made against me for doing my job as a Councilmember is not ok. Councilmember Bennett continued by inquiring if after public information requests are submitted, will it be met with a HR complaint in the future. Councilmember Bennett continued by asking the following city staff if she had done anything to them: Court Clerk Stacy Hamaker, City Clerk Alicia Keith, City Secretary Kimberley Price to which all individuals stated that Councilmember Bennett had not done anything to them. Councilmember Bennett continued by stating that she was really shocked that this item was put on the agenda. Councilmember Bennett continued by stating that the allegations of hostile work environment were untrue but that it would be further discussed on the next agenda item. Councilmember Bennett continued by discussing a stop work order that was to be issued to

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705 Royal Way but that Building Official Davis did not issue the work order to the property owner. Councilmember Bennett continued by stating that Building Official Davis alleges to multiple things that I had done to the Building Official, yet the only thing provided was a public information request that she submitted and a phone call requesting information in regards to a property on an upcoming agenda item. Councilmember Bennett continued by stating that any items that are placed on the agenda, she will always research regardless of the property owner. Councilmember Bennett continued by stating that Councilmember Figueroa also researches items that will come before the City Council highlighting items such as funding from bond council and items with Henderson County to name a few. Councilmember Bennett continued by stating that she received correspondence from City Administrator Kizzee called, a Determination of Facts, regarding the complaint from Building Official Davis. Councilmember Bennett continued by summarizing the letter stating that the letter was a follow up dated August 13th, 2025 via e-mail stating that City Administrator Kizzee stated that he drew the conclusion that the HR complaint against Councilman Bennett was unsubstantiated as of this date. Councilmember Bennett continued by asking if during the initial HR complaint if Building Official Davis asked to have time over the weekend to provide additional information for her HR complaint to which City Administrator Kizzee stated that Building Official did state that she would like to have the weekend to think about it. Councilmember Bennett continued by stating that if you have proof of a complaint, you would not need the weekend to provide additional information. Councilmember Bennett continued by stating that if our City Administrator, who we have empowered to do his job, found nothing, I don't know why the Council would find something. Councilmember Bennett continued by stating that she had not heard anything from anybody to substantiate an HR complaint here today and I don't think it should have ever been brought before the Council. Councilmember Figueroa stated that Building Official Davis's letter states that it was the treatment from Councilmember Bennett during the past two years. Councilmember Figueroa continued by stating that during the censure last year against Councilmember Bennett, the City Council stopped short of censure but that a lot of information came out during that time. Councilmember Figueroa continued by stating that Building Official Davis's trauma first started after an incident between herself and Councilmember Bennett during a meeting with a contractor where Building Official Davis touched Councilmember Bennett on the shoulder after telling her to be quiet. Councilmember Figueroa continued by stating that Councilmember Bennett requested that City Administrator Kizzee fire or suspend Building Official Davis for her actions when City Administrator Kizzee chose not to do so, Councilmember Bennett chose to file criminal charges against Building Official Davis. Councilmember Figueroa continued by stating that it was at that point that several employees signed a petition against Councilmember Bennett regarding her treatment towards them and that they were unsure if they were next to face criminal charges from Councilmember Bennett. Councilmember Figueroa continued by stating that this is where the trauma started for Building Official Davis. Councilmember Figueroa continued by stating that it would mess with anyone if you were a department head and you have a Councilmember filing criminal charges against you. Councilmember Figueroa continued by inquiring if those actions would not cause stress, sleepless nights or fear of retaliation. Councilmember Figueroa continued by stating that why Councilmember Bennett would ask for public information as a citizen if you can get the information for free as a Councilmember. Councilmember Figueroa continued by stating that Councilmembers should just ask for things without doing a public information request because doing a request for people's credentials is not nice and is not

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fostering a good work environment. Councilmember Figueroa continued by stating that he too took an oath of office and that it did not stop when he wanted to be a private citizen. Councilmember Figueroa continued by stating this was not political and the purpose for this agenda item was that there was an HR issue that was not handled by the City Administrator, so the employee brought it to the City Council. Councilmember Figueroa again stated that this item was never brought before the City Council to deliberate on before the termination or resignation of Building Official Davis. Councilmember Figueroa continued by stating that the Mayor had instructed City Administrator Kizzee to wait one day so he could return to the City and review all evidence but City Administrator Kizzee chose not to wait. Councilmember Figueroa continued by stating that the bottom line to all of this is about Councilmember Bennett fostering a better working environment for City Staff. Councilmember Figueroa continued by stating that he had spoken with the Mayor and City Administrator Kizzee several times regarding handling an outstanding HR complaint prior to terminating Building Official Davis and that it was a part of his job as a Councilmember to protect the city from lawsuits. Councilmember Figueroa continued by stating that you could not provide proof of mental anguish, sleepless nights, and intimidation. Councilmember Figueroa continued by stating that this was not political and that this was an HR issue that was handled incorrectly and that was why the issue was being handled today. Councilmember Bennett stated that it was improper to rehash the possible censure from last year and that issues from that meeting last year should not be rehashed now. Councilmember Bennett continued by stating that the HR complaint was unfounded and no other employees during this past year had any issues with her. Councilmember Bennett continued by stating that messages between City Administrator Kizzee and Councilmember Figueroa will show that I am not a bad actor and I am not the one causing trouble. Councilmember Bennett continued by stating that in regards to certifications, if anyone asked her for her credentials, she would gladly show anyone and it would not require anyone to do anything to see them because she is proud of the work she put in to receive those credentials. Councilmember Bennett continued by inquiring why someone would get upset if someone asked to see their credentials. Councilmember Bennett continued by inquiring if she had ever asked City Administrator Kizzee to fire an employee to which City Administrator Kizzee stated that she had never asked him to fire an employee. Councilmember Bennett continued by inquiring who knew about Building Official Davis's upcoming termination at the time to which City Administrator Kizzee stated himself, and City Secretary Kimberley Price. City Administrator Kizzee continued by stating that, beforehand, he had spoken to the Mayor, and shared concerns with the permitting process with Councilmember Figueroa during the week the Building Official was out of town, and called Councilmember Sayre the morning of the Building Official's termination. Mayor Dumont stated that the issue at hand is an HR complaint from Building Official Davis, not the termination of Building Official Davis. Building Official Davis stated that in her 16 years of working for municipalities, she had never had a Councilmember submit a public information request and that they just always came to my office and asked me for what they needed. Building Official Davis continued by inquiring if City Clerk Alicia Keith complained to City Administrator Kizzee regarding the way Councilmember Bennett had treated her during a recent trip to City Hall to which City Administrator Kizzee stated that he did not receive a complaint from City Clerk Keith. Building Official Davis continued by stating that City Administrator Kizzee was lying. Councilmember Fladmark inquired regarding the stop work order that was not issued to 705 Royal Way. Councilmember Figueroa inquired if City Administrator Kizzee believed Building

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Official Davis's HR complaint was baseless to which City Administrator inquired if Councilmember Figueroa was asking if the complaint was baseless in facts or baseless in emotion to which Councilmember Figueroa stated that he was asking if City Administrator if it was in baseless in fact or emotion to which City Administrator Kizzee stated that he was aware of Building Official Davis's emotions on this and recognized them. Councilmember Fladmark discussed the appeal process and that several attempts at scheduling a date for Building Official Davis's appeal had been set, but at this time the appeal had not taken place. Councilmember Figueroa continued by stating that he had asked City Administrator Kizzee several times to close out the HR complaint properly and it was never done. Councilmember Figueroa stated that by not handling the HR complaint prior to Building Official Davis termination, it opens the city up to possible legal actions. City Administrator Kizzee stated that per the City Attorney, to file a wrongful termination or a harassment claim it has to be based against protected classes. City Administrator Kizzee continued by inquiring if Building Official Davis had expressed any of the concerns to Councilmember Figueroa to which Councilmember Figueroa stated that he was not the one making the claim. City Administrator Kizzee again explained that once he had received the HR letter from Building Official Davis, he reached out to Councilmember Bennett to see if anything had happened recently to which City Administrator Kizzee was informed of a public information request submitted by Councilmember Bennett. City Administrator Kizzee continued by stating that he has never claimed that Building Official Davis's feelings were not valid, however there is no evidence provided to support her claims as a proper HR complaint. City Administrator Kizzee continued by stating that all the discipline that Building Official Davis has received from him has always been performance-based only. Motion to not discipline Councilmember Vera Bennett for the complaint issued by LaCosta Davis was made by Councilmember Fladmark with second by Councilmember Stykes. Motion Passed 3/2. Councilmember Figueroa and Councilmember Sayre opposed.

- b. Section 551.074 (Employee) to consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Administrator @ 7:56 p.m. City Administrator Kizzee stated that he would be invoking his right to have this evaluation in open session. Mayor Dumont asked that a ten-minute break be called prior to starting agenda item 7B @ 7:58 p.m. The meeting was reconvened at 8:07 p.m. in open session. Councilmember Figueroa stated that it was hard to hear from staff pointing fingers at the City Council and that it was the City Council's job to provide governance over the City Staff. Councilmember Figueroa continued by stating the following reasons are why he asked that City Administrator Kizzee's evaluation be placed on the agenda: Councilmember Figueroa stated that City Administrator Kizzee was advocating for someone other than his employee, the Building Official, in regards to her HR complaint, Councilmember Figueroa highlighted flaws in the permitting process that falls back on the City Administrator since he should be reviewing his employees' work, Councilmember Figueroa stated that ensuring all employees have the appropriate certifications was also a part of City Administrator Kizzee's job. Councilmember Figueroa continued by stating that by going from "0 to 100" in regards to Building Official Davis's HR complaint was a bad executive move on City Administrator Kizzee's part. Councilmember Figueroa continued by discussing the senior tax freeze and how City Administrator Kizzee stated how the senior tax freeze would wreck the tax rate and budget for the next fiscal year. Councilmember Figueroa continued by stating that these actions by City

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Administrator Kizzee shows lack of maturity and experience. Councilmember Figueroa continued by stating that instead of City Administrator Kizzee providing the City Council with the correct information, he was more concerned with being correct. Councilmember Figueroa continued by stating that he did the calculations of what the tax rate should be and came to the budget meeting and the City Council is presented with the incorrect tax rate of 0.44, which was a massive increase in the tax rate. Councilmember Figueroa continued by discussing the meeting he had with City Administrator Kizzee and City Controller Kimberly Kroha the morning of the budget meeting, highlighting that he had tried to explain that the seniors were receiving a 100% tax break and not just a tax freeze along with a larger homestead exemption amount. Councilmember Figueroa continued by stating that during that meeting, City Administrator Kizzee continued to be argumentative and try to prove that he was right. Councilmember Figueroa continued by stating that the tax rate should be lower than the current rate and that presenting the tax rate of 0.44 was not a good idea and that it would result in a major tax rate increase to the citizens. Councilmember Figueroa continued by stating that City Administrator Kizzee stated that filling out the Truth-In-Taxation Worksheet gave him this rate of 0.44. Councilmember Figueroa continued by stating that these actions by City Administrator Kizzee caused the City Council to not take action on the budget and the tax rate at that budget meeting since the tax rate was incorrect. Councilmember Figueroa continued by stating that by City Administrator's actions on the tax rate, the special budget meeting was a complete waste of time. Councilmember Figueroa continued by stating that items discussed in City Administrator Kizzee's last review also raised some concerns to him as well. Councilmember Figueroa continued by discussing City Administrator Kizzee not asking the right questions to the bond council in regards to financing the Maintenance Barn Project. Councilmember Figueroa continued by stating that it was alarming that he was able to calculate the tax rate and City Administrator Kizzee and City Controller Kimberly Kroha, who is a Certified Public Accountant (CPA) could not. Councilmember Figueroa continued by discussing City Administrator Kizzee not bringing Building Official Davis back to the city with just a write up and then claimed City Administrator Kizzee then found more evidence against Building Official Davis. Councilmember Figueroa continued by stating that the Mayor had asked City Administrator Kizzee to wait one day until he was able to return to Tool and how City Administrator Kizzee chose to still fire her after the Mayor had asked him to wait until he could get back into town and review the evidence against Building Official Davis. Councilmember Figueroa continued by stating that City Administrator Kizzee's actions in going against the Mayor's wishes was insubordination on his part. Councilmember Figueroa continued by stating that over the last three years, City Administrator Kizzee had not written anyone up to then going from "0 to 100" and fired the Building Official. Councilmember Figueroa continued by stating that during Building Official Davis's appeal process, City Administrator Kizzee brought Building Official Davis in for a meeting and offered her job back and presented her with the terms of her return. Councilmember Figueroa continued by stating that Building Official Davis stated that she would sleep on it. Councilmember Figueroa continued by stating that in that meeting, City Administrator Kizzee informed Building Official Davis that she would have a hard time coming back to the office because of people's feelings towards her. Councilmember Figueroa continued by stating that by City Administrator Kizzee telling Building Official Davis she would have a hard time coming back into the office created a hostile work environment for her. Councilmember Figueroa continued by stating that City Administrator Kizzee should have told the employees that they should do their jobs and not

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worry about Building Official Davis. Councilmember Figueroa continued by stating that he was informed of polling going on in the office and that City Administrator Kizzee was polling the employees on Building Official Davis coming back to the office. Councilmember Figueroa continued by stating that the actions of the City Administrator polling employees regarding Building Official Davis was not only a toxic work environment, but that it was also not fair to the Building Official. Councilmember Figueroa continued by stating that Building Official Davis sets up another meeting with City Administrator Kizzee to come back to work and City Administrator Kizzee told her that the offer was now off the table and to continue with the Appeals Process. Councilmember Figueroa continued by stating that he believed the polling in the office of who might have their feelings hurt or quit is what caused the City Administrator to not allow the Building Official to come back to work. Councilmember Figueroa continued by stating that City Administrator Kizzee was stubborn and would not ever admit he was wrong. Councilmember Figueroa continued by stating that failures start at the top and the failures of City Administrator Kizzee's employees fall back on him. Councilmember Figueroa continued by stating that City Administrator Kizzee listens to politics and has decided to go from "0 to 100". Councilmember Figueroa continued by stating that City Administrator Kizzee always wants to be right and that it was very hard to work with someone who has the mentality of always being right. Councilmember Figueroa continued by stating that he was losing confidence in City Administrator Kizzee's ability to lead the city and in his decision-making ability. Councilmember Figueroa continued by stating that he could chalk City Administrator Kizzee's actions as signs of immaturity, age, lack of experience, lack of leadership and picking favorites in the office. Councilmember Figueroa continued by stating that he would only judge people on their work performance, but never personally. Councilmember Figueroa continued by stating that it was brought to the attention of City Administrator Kizzee not calculating the correct tax rate, that saved the city from adopting a tax rate that would be a large hike in property taxes, if not for Councilmember Figueroa. Councilmember Figueroa continued by stating that while he would like to regain confidence in the City Administrator. However, with the comments by staff tonight, it seems that there is good motivation to now make it the City Council's problem. Councilmember Bennett stated that during City Administrator Kizzee's evaluation in June 2025, the Council asked him to take a stronger leadership role in the city. Councilmember Bennett continued by asking City Administrator Kizzee if he felt that he had taken a stronger leadership role in the city since his evaluation, to which City Administrator Kizzee stated that he had felt that he had taken a strong stance with Council and staff on not engaging in politics, to stop acknowledging petty beefs or disagreements and to ensure all things that are being done are rooted in morals, ethics and law. Councilmember Bennett continued by asking City Administrator Kizzee if he felt that he had made the right decision in the termination of the Building Official Davis to which City Administrator Kizzee stated that yes he did, and that he stood by his decision 100%. Councilmember Bennett continued by stating that these were the exact things that the City Council had asked City Administrator Kizzee to work on and he has done that. Councilmember Bennett continued by asking City Administrator Kizzee if in regards to the tax rate worksheet, had there been any changes since the last meeting to which City Administrator Kizzee stated that there had been changes due to information from the Henderson County Appraisal District in regard to the court of appeals slashing \$7,000,000.00 on the values. This caused a change in the total values in the city. Councilmember Bennett inquired what the change that City Administrator Kizzee just mentioned was to the voter approval tax rate to which City Administrator Kizzee stated that

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the voter approval rate was now 0.448 and that before this change the voter approval rate was 0.441. Councilmember Bennett continued by stating that in regards to the figures that City Administrator Kizzee presented during the last budget workshop, would he still stand by those figures today to which City Administrator Kizzee stated that he would not and the tax rate of 0.44 would be unnecessary to do now. Councilmember Bennett continued by asking City Administrator Kizzee if during the budget workshop if Councilmember Figueroa stated that if the tax rate was 0.44 then that's what the tax rate was to which City Administrator Kizzee stated that yes, that is what Councilmember Figueroa had said. Councilmember Bennett continued by stating that she inquired if the city had the ability to adopt a tax rate lower to the 0.44 tax rate to which City Administrator Kizzee stated that yes that was possible. Councilmember Bennett continued by inquiring if the senior tax freeze was a new thing for the City of Tool, to which City Administrator Kizzee stated that yes, this was a new item. Councilmember Bennett continued by discussing how she had met with the City Administrator and calculated the tax rate and came up with a very similar rate. Councilmember Bennett continued by requesting that City Administrator Kizzee explain how the voter approval tax rate affects the taxpayers to which City Administrator Kizzee explained the voter approval tax rate this year, if passed, would raise taxes. Councilmember Bennett continued by requesting City Administrator Kizzee to explain who he had worked with to calculate the tax rate to which City Administrator Kizzee explained he had met with representatives from McCreary, Veselka, Bragg & Allen, the Henderson County Appraisal District, the Henderson County Tax Office and Linebarger, Goggan, Blair & Sampson, LLP, who he had worked with and what role they provided in helping calculate the tax rate. Councilmember Bennett continued by inquiring when Councilmember Figueroa had reached out to City Administrator Kizzee regarding the tax rate before the budget meeting to which City Administrator Kizzee stated it was around 10 p.m. the night before the budget meeting and that it did not allow him time to review the tax rate prior to the budget workshop on his own. City Administrator Kizzee continued by discussing how the meeting with Councilmember Figueroa, City Controller Kroha and himself before the budget workshop transpired. Councilmember Bennett continued by requesting City Administrator to discuss the funding option that he had presented for the maintenance barn project and what information he had provided the City Council in regards to that project to which City Administrator Kizzee explained the process that took place over several months. Councilmember Bennett continued by inquiring the timeline of events in regard to the termination of Building Official Davis to which City Administrator Kizzee provided the requested timeline from before Building Official Davis's termination to present day. Councilmember Bennett inquired who had the authority to fire Building Official Davis to which City Administrator Kizzee stated that all employees with the exception of the Chief of Police, the City Secretary was under the purview of the City Administrator. Councilmember Bennett continued by inquiring how much pressure City Administrator Kizzee had faced from Councilmembers since the termination of Building Official Davis to which City Administrator Kizzee stated that he had been under a significant amount of pressure from members of the council. Councilmember Bennett continued by requesting City Administrator Kizzee to further describe the pressures he has faced recently to which City Administrator Kizzee described the pressures he has faced which included attempted persuasion from Councilmember Figueroa and Mayor Dumont in regards to the termination of Building Official Davis. City Administrator Kizzee continued by discussing the conversations that he had in regards to the termination of Building Official Davis. Councilmember Bennett inquired what evidence City

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Administrator Kizzee had in the termination of Building Official Davis to which City Secretary Price stated that this information could not be discussed since it would be a violation of the appeals process and that Building Official Davis deserved a fair and impartial appeal process. Councilmember Kizzee discussed the appeals process for employees and continued by stating that he has was unable to provide any information in relation to the appeal of Building Official Davis. Councilmember Figueroa stated that the facts at the time of Building Official termination were very thin to which City Administrator Kizzee asked Councilmember Figueroa to discuss what the facts of her termination were. Councilmember Figueroa stated that the termination of Building Official Davis was in part of permits at projects dealing with 705 Royal Way and that Building Official Davis had told him why she was terminated. City Administrator Kizzee inquired if the Building Official knew, that by discussing her termination with a Councilmember whom was not part of the appeals process, she was in direct violation of the appeals process to which Councilmember Figueroa stated that Building Official Davis stated that she was unsure why she was terminated. City Administrator Kizzee continued by inquiring how the facts were considered pretty thin, in his opinion, if he did not know why Building Official Davis was terminated. Councilmember Figueroa stated that City Administrator Kizzee was not considering a wrongful termination lawsuit. He continued stating that the City Administrator has a lack of judgement since there was an open HR complaint at the time of the Building Official's termination which could create legal issues for the city. Councilmember Figueroa continued by stating that since the City Administrator serves at the pleasure of the City Council, it was the City Council's right and duty to share their opinions on the City Administrator's judgment. Councilmember Stykes stated that in his experience, a write-up is standard discipline. However, if someone does something so egregious, termination can be the discipline selected. Councilmember Stykes continued by stating that no action should be taken against the City Administrator until the conclusion of the appeals process. Councilmember Figueroa inquired how City Administrator Kizzee felt during his annual review this year to which City Administrator Kizzee stated that he had received mixed reviews. Mayor Dumont stated that Texas is an at-will employer and while he does not like that, it was still City Administrator Kizzee's job to terminate employees. Mayor Dumont continued by discussing his conversation that he had with City Administrator Kizzee prior to Building Official Davis's termination highlighting that he did ask City Administrator Kizzee to hold off on any decisions in regard to the Building Official until he returned to the City. Mayor Dumont continued by stating that his concern was ensuring proper documentation was had to ensure the city would not face a wrongful termination lawsuit. Mayor Dumont continued by stating that if City Administrator Kizzee believes that he has the proper documentation to support the termination of the Building Official then he does not see an issue of City Administrator Kizzee terminating one of his employees. City Administrator Kizzee stated that Building Official Davis had violated the appeals process several times now by involving the City Council. City Administrator Kizzee continued by stating that he believed that Building Official Davis and Councilmember Figueroa had been engaging in conversations in regards to her appeal. City Administrator Kizzee continued by stating that the intimate details of the appeals process should be kept private and that too much information is known by too many people in regards to the appeal process for Building Official Davis. Councilmember Figueroa again stated that he had serious questions regarding the judgment of the City Administrator because how could Building Official Davis be doing the things under your nose and you not see them. Councilmember Figueroa continued by stating that City Administrator Kizzee has

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some culpability in the actions of the Building Official, in which City Administrator Kizzee agreed. City Administrator Kizzee stated that he would like to respond to some of the questions brought before him by Councilmember Figueroa. City Administrator Kizzee stated that in regards to the permitting process for 705 Royal Way, there were issues in the consistency of the permitting processes at that addresses, than at others. City Administrator Kizzee continued by stating that plans for the project were to be sent to Bureau Veritas for review. City Administrator Kizzee continued by stating that the Building Official chose not to follow through with that process, even though she knew sending the plans for review was standard process. Councilmember Figueroa stated that the permitting process was changed because of him. City Administrator Kizzee continued by stating that decisions that the Building Official made in regards to this project went against professional opinions, from two different engineering firms. City Administrator Kizzee continued by stating that during his discussion with Building Official Davis, he was met with defiance and carelessness from her. Councilmember Figueroa inquired if City Administrator Kizzee would own up to any of his leadership failures and if he told Building Official Davis that it would be difficult for her to return. City Administrator Kizzee inquired how Councilmember Figueroa would know what City Administrator Kizzee said to the Building Official to which Councilmember Figueroa stated that Building Official Davis had told him. City Administrator stated that he had thought Councilmember Figueroa had not been speaking with the Building Official during the appeals process. Mayor Dumont stated that it was very important that the appeals process for the Building Official was not violated. City Administrator Kizzee stated that in regards to the claim from Councilmember Figueroa that "I was trying to be right and the city would go broke if the senior freeze took place" was not true. City Administrator Kizzee continued by stating that it was not a matter of being right, but that he did say that the senior freeze could affect the tax rate and the effects would not be known until the certified values were received. City Administrator Kizzee continued by stating that, legally, the tax rate must be calculated and the proposed tax rate presented at the earlier budget meeting was only proposed, but the Council could adopt whichever tax rate they saw fit. City Administrator Kizzee continued by stating that in regards to disciplining employees, he should have done that more and in regard to Building Official Davis specifically, she should have been written up more or terminated sooner. City Administrator Kizzee continued by stating that in regards to financing the maintenance barn project, Councilmember Figueroa asked Kizzee to see the feasibility for a Certificate of Obligation; not a tax note. City Administrator Kizzee continued by stating that for Councilmember Figueroa to continue to bring up funding through a tax note is placing blame on the wrong person. City Administrator Kizzee continued by stating that the City Council is the one who made the decision on financing the project, not him, so it was unfair to place the blame of that decision on him constantly. City Administrator Kizzee continued by stating that his job was to bring information to the City Council and provide a recommendation only. City Administrator Kizzee continued by inquiring how Councilmember Figueroa would know that the facts were very thin in regard to the termination of Building Official to which Councilmember Figueroa stated that City Administrator Kizzee had told him. City Administrator Kizzee continued by stating that he had only told City Secretary Price and the Building Official on some of the intimate details of the termination. Councilmember Figueroa again questioned City Administrator Kizzee's judgement since the Building Official had an open HR complaint at the time of her termination. City Administrator Kizzee requested Councilmember Figueroa further explain his claims of his immaturity as the City

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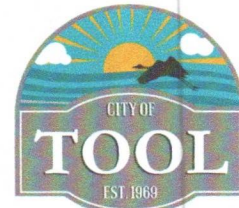
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Administrator. Councilmember Figueroa stated that City Administrator Kizzee's behavior was not age appropriate and that most of his business experience was with the city. Councilmember Figueroa continued by stating that in the beginning, City Administrator Kizzee was always willing to learn but now he is making his questionable decisions, as they may be a liability to the city. Councilmember Figueroa continued by stating that City Administrator Kizzee did not want to take ownership of his mistakes and was determined to be right. City Administrator Kizzee continued by reading a text message from July 29th stating that he had received this message from Councilmember Figueroa which read as follows: Building Official Davis did not turn in a resignation letter and instead submitted a letter for an appeal. City Administrator Kizzee continued by inquiring how Councilmember Figueroa would know details regarding the Building Official and the appeals process to which Councilmember Figueroa stated that City Administrator Kizzee had told him to which City Administrator Kizzee stated that he did not tell Councilmember Figueroa that. Councilmember Figueroa then stated that City Administrator Kizzee told him to tell Building Official Davis to apply for an appeal. City Administrator Kizzee stated that he did tell Councilmember Figueroa to tell Building Official to apply for an appeal since he knew that Councilmember Figueroa and Building Official were discussing the appeals process. Councilmember Figueroa stated that he was talking to Building Official Davis to which City Administrator stated that he thought Councilmember Figueroa originally stated that he was not talking to Building Official Davis. Councilmember Figueroa stated that he was not on trial and that City Administrator Kizzee did not provide progressive discipline and lacks sound judgment. Councilmember Figueroa continued by stating that some of the actions by City Administrator Kizzee were reckless, jumpy, immature and showed a lack of experience on his part. Councilmember Figueroa continued by stating that he was here to judge City Administrator Kizzee, not for City Administrator Kizzee to judge him. Councilmember Figueroa continued by stating that it was his job to tell the City Administrator if he was acting reckless, fiscally irresponsible and having favorite employees. Councilmember Figueroa continued by stating that he had a right to govern the City Administrator, but that the City Administrator did not have a right to govern him. City Administrator Kizzee again stated that in regards to decisions by the City Council, that was not up to him and that the decisions that were left up to him would be rooted in facts, morals, laws and ethics. City Administrator Kizzee continued by stating that he carries the burden of the city on his back, but he carries that burden with humility and honor and a commitment to make the city a better place. Councilmember Bennett discussed a meeting that she had had with Councilmember Figueroa on July 25th regarding their thoughts on City Administrator Kizzee to which Councilmember Bennett stated that Councilmember Figueroa had nothing but praise for City Administrator Kizzee. Councilmember Bennett continued by inquiring what had happened between July 25th and today that would change Councilmember Figueroa's feeling towards the City Administrator besides the termination of the Building Official. Councilmember Bennett continued by stating that the treatment that Councilmember Figueroa was putting on the city staff had to stop. Councilmember Bennett continued by stating that quarterly meetings with the City Administrator was needed to see how we could help him and provide guidance. Councilmember Bennett continued by stating that Councilmember Figueroa was accusing City Administrator Kizzee going from "0 to 100" with Building Official Davis when Councilmember Figueroa is going from "0 to 100" with City Administrator Kizzee. Councilmember Figueroa stated that Councilmember Bennett was mischaracterizing the conversation that they had by highlighting that he did say that both the Building Official and

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the City Administrator had a lot to learn; However, I never spoke wrongly about them. Councilmember Figueroa continued by stating that City Administrator Kizzee provided questionable leadership and that his employees failures are his failures. Motion to not discipline City Administrator Kizzee was made by Councilmember Bennett with second by Councilmember Stykes. Motion Passed 4/1. Councilmember Figueroa opposed.

- c. Section 551.074 (Municipal Officer) to discuss a complaint against a municipal officer, Council Member Daniel Sayre, and possible discipline. The City Council convened into closed executive session at 9:24 p.m. The Meeting reconvened in open session at 10:09 p.m. Motion that no action be taken on executive session item 7C was made by Councilmember Stykes with second by Councilmember Bennett. Motion Passed 5/0.

8. Reconvene in open session and take any action necessary resulting from executive session

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.*

9. Approve Minutes: July 10th, 2025 Budget Workshop Meeting, July 17th, 2025 Eight at Tool Member Meeting, and July 17th, 2025 Regular Meeting. Motion to Approve Minutes: July 10th, 2025 Budget Workshop Meeting, July 17th, 2025 Eight at Tool Member Meeting, and July 17th, 2025 Regular Meeting as amended was made by Councilmember Fladmark with second by Councilmember Sayre. Motion Passed 5/0.
10. Approve Monthly Activity Reports for July 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. Motion to Approve Monthly Activity Reports for July 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 Stykes with 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:*

11. Discuss and Take Action on a request by Jeno Flores of 504 Plantation Drive, for a replat request to combine Lots 31, 32 & 33 Block 1 to create a 1.17 acre lot, Lot 33R. City Administrator Kizzee stated that this replat was a simple three lots to one replat. Motion to Approve a request by Jeno Flores of 504 Plantation Drive, for a replat request to combine Lots 31, 32 & 33 Block 1 to create a 1.17 acre lot, Lot 33R was made by Councilmember Stykes with second by Councilmember Figueroa. Motion Passed 5/0.
12. Discuss and Take Action on a request by Jesse and Mary Thornton of 1101 Doe Run Road, to replat lots 217-218-219-220 to create a 0.46 acre lot, Lot 217R. City Administrator Kizzee stated that this replat was a simple three lots to one replat. Motion to Approve request by Jesse

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and Mary Thornton of 1101 Doe Run Road, to replat lots 217-218-219-220 to create a 0.46 acre lot, Lot 217R was made by Councilmember Figueroa with second by Councilmember Sayre. Motion Passed 5/0.

13. Discuss and Take Action to enter into a contract agreement with the Eight at Tool 501(C)3 Non-Profit Corporation, for the purposes of event planning, recreational programming and future improvements at the Eight at Tool Park. City Administrator Kizzee stated that he had worked on this contract with Councilmember Bennett and Councilmember Figueroa. City Administrator Kizzee continued by stating that the contract amount is left blank at this time due the budget not being finalized but that once the budget is approved, the amount would be entered into the contract. Councilmember Bennett shared her concern on entering into an agreement and leaving the contract amount blank to which City Administrator Kizzee stated that the motion could be worded that could state that the amount budgeted would be in line with budgetary amounts. Mayor Dumont presented his requested changes to the contract. All present councilmembers also presented their requested changes to the contract as well. Motion to Approve the contract between the Eight at Tool 501(C)3 Non-Profit Corporation and the City of Tool for park services related to events where the amount will be approved after the approval of the budget and that will authorize City Administrator Kizzee to add to the agreement with the edited changes as requested was made by Councilmember Figueroa with second by Councilmember Sayre. Motion Passed 4/0. Councilmember Bennett Abstained.
14. Consider, Discuss and Take Action to order a Special Election to “Legalize the legal sale of all alcoholic beverages for off-premise consumption only”. City Secretary Kimberley Price presented this item stating that on Lucky Shal submitted an Application to “Legalize the legal sale of all alcoholic beverages for off-premise consumption only” on May 9th, 2025 along with posting the application in the Mabank Monitor newspaper. On May 21st, 2025, City Secretary Kimberley Price issued a Petition to “Legalize the legal sale of all alcoholic beverages for off-premise consumption only” to Lucky Shal and explained the petition, the required amount of signatures needed along with the deadlines that the petition pages would need to be returned to the City Secretary. On July 1st, 2025, City Secretary Price met with Lucky Shal regarding the upcoming deadline of the petition and was informed by Lucky Shal that he did not have enough signatures to continue this liquor election this election cycle. On July 7th, 2025, City Secretary Price received the petition and confirmed the minimum required signatures of 272 had not been met, according to Section 501.032 of the Texas Election Code. City Secretary Price continued by stating that according to Section 501.033, the Council must take action regarding the petition. City Secretary Price continued by stating that since the petition did not meet the required signatures, it is staff’s recommendation to deny the petition. The following individuals signed the Petition to “Legalize the legal sale of all alcoholic beverages for off-premise consumption only” which was issued May 21st, 2025 and returned to City Hall on July 7th, 2025: Tracy Don Skaggs, Chris Grissom, Joan Waddill, Kaitlyn Garvin, James Milligan, Dan Wade, Matt Vowell, Darrer Fletcher, Frank Gonzalez, Robert Caudwell, John Waddill, Terry L Zeiger, Tracy Lawhon, James Milligan, Floyd Kollman, Dallas Dewees, Brenda Coutney, Angela Hinkle, Scott Hinkle, Steve Casteel, John Herridz, Tammy Wilson, Billy Wilson, Charlie Ptaszek, King Chancellor and Dory Le Grand. City Secretary Price provided the recommended motion to the City Council. Motion to order a Special Election to “Legalize the legal sale of all alcoholic beverages for off-premise consumption only” was made by

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Councilmember Sayre with second by Councilmember Stykes. Motion Failed 0/5. All Councilmembers opposed.

15. Discuss and Take Action to fund Project 2025-02, Paradise Bay Subdivision, for a total bid amount of \$48,750. City Administrator Kizzee stated that he is requesting that the bid amount be expended from the Capital Improvement Fund. City Administrator Kizzee continued by stating that once the funding was approved by the City Council, the contractor would be ready to start on the work. Councilmember Figueroa stated that he felt that the funding for this project should come from the Emergency Fund, since proper drainage was an emergency. Councilmember Figueroa continued by stating that funds from the Capital Improvement Fund was for projects throughout the whole city, not just one specific area in the city. Councilmember Bennett continued by stating that she felt the Capital Improvement Fund was exactly where projects like this should be funded from. Councilmember Bennett continued by stating that improvements to drainage should be expended from the Capital Improvement Fund, prior to economic deals expending funds from the Capital Improvement Fund. Councilmember Bennett continued by stating that historically, the Emergency Fund was what the city would use until the first round of property taxes were paid before there was a budget surplus. Councilmember Bennett continued by stating that it would not be wise to drain the Emergency Fund, then the city does not have a budget overage to pay bills for the first few months of the fiscal year. Mayor Dumont stated that the Emergency Fund was used to purchase the emergency sirens so the balance has already decreased this fiscal year, however, there was still over \$300,000.00 in that account today. Councilmember Figueroa stated again that he believed the best option at this time would be to use funds for this project from the Emergency Fund. Councilmember Figueroa continued by stating that if business and capital are not brought into the city soon, the budget will have to be raised in the future. Councilmember Figueroa continued by stating that the purpose of the Capital Improvement Fund was to bring businesses into the city. Councilmember Sayre inquired if the Emergency Fund could be used to fund this project and when was the next time money would be transferred to the Emergency Fund account. City Administrator Kizzee stated that money from a budget overage is transferred yearly to the Emergency Fund, usually in the fourth quarter of the calendar year. Councilmember Bennett stated that the whole purpose of separating the Emergency Fund and the Capital Improvement Fund was for projects like this one being discussed. Councilmember Figueroa and Councilmember Sayre stated that the current flooding was considered an emergency so the funds from the Emergency Fund should be used for this project. Councilmember Figueroa continued by stating that digging ditches to help with flooding were not capital improvements. Councilmember Bennett asked City Controller Kroha what her recommendation would be in terms of which account would be proper to spend from for this project to which City Controller Kroha stated that she believed either account would be sufficient for this project. City Administrator Kizzee stated that this project would be the first of many to help with the flooding, and that the cost of additional projects was unknown at this time since the projects had not gone out for bid. Councilmember Figueroa stated that depending on the total scale of the drainage project going forward, a bond or some type of financing may be required. Mayor Dumont stated that he felt in regards to projects that are for capital improvement, the city should go out for grants to assist with the cost of the

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project. Mayor Dumont continued by stating that there are several grants available for capital improvement projects. Motion to fund the Project 2025-02, Paradise Bay Subdivision, for a total bid amount of \$48,750 from the Capital Improvement account was made by Councilmember Bennett with second by Councilmember Stykes. Motion Passed 5/0.

16. Consider, Act, and Take Record Vote on the proposed budget for the Fiscal Year 2025-2026, as presented by the City Controller. City Controller Kroha presented the budget highlighting that the total budget amount was approximately \$3,200,000.00 and was a zero-based budget. Mayor Dumont inquired what major changes had been made to the budget since the last budget meeting on July 31st, to which City Controller Kroha highlighted the following changes: purchasing only one electric vehicle for the Police Department, continuing with the current standard of employee benefits, reducing the allocation of maintenance road materials from 10% of the total sales tax to \$35,000.00 and the reallocation of the funds received for the Oran White Civic Center back to the City of Tool's General Fund to name a few. City Controller Kroha continued by stating that a line item for contingency was added to the budget to carry the city over from the end of the fiscal year until the first set of Ad Valorem payments were deposited since the city typically sweeps the accounts at the end of the fiscal year, to \$0. City Controller Kroha continued by stating that this would allow the city to still pay its obligations while waiting for Ad Valorem payments. Councilmember Figueroa inquired if it was expected to have a budget overage going into the next fiscal year to which City Administrator Kizzee stated that the overage would be slim. Councilmember Figueroa continued by inquiring how City Administrator would handle a potential budget amendment to which City Administrator Kizzee stated that he would manage the budget and only request a budget amendment if it was deemed necessary but that a budget amendment was a last resort. Motion to vote YES on the proposed budget for the Fiscal Year 2025-2026 was made by Councilmember Sayre with second by Councilmember Bennett. Motion Passed 5/0.
17. Consider, Act, and take Record Vote on the proposed tax rate for Fiscal Year 2025-2026, as presented by the City Controller. Mayor Dumont stated that the proposed tax rate for the upcoming fiscal year of 0.375061, was same tax rate for Fiscal Year 2024-2025. Motion to vote YES on the proposed tax rate of 0.375061 per \$100 valuation for Fiscal Year 2025-2026 was made by Councilmember Sayre with second by Councilmember Bennett. Motion Passed 5/0.
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.*
 - A. Director of Maintenance and Operations Frank Martin stated that the water usage at the Eight at Tool park had decreased.
 - B. Chief of Police Robert Walker discussed the progress of the Police Department Remodel.

Minutes

August 21st, 2025 @ 6:00 p.m.

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



- C. City Administrator Kizzee stated that while the meeting had contentious items tonight, he was willing to lead the City of Tool forward.
- D. City Secretary Price discussed the upcoming November Election and highlighted the following: Candidates running for office, Write-In candidate deadlines, and the Drawing for a place on the ballot.

19. **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 the City Staff for their hard work and stated that he appreciated the City Council for their work. Councilmember Fladmark concluded by stating that he looked forward to the upcoming Council Meetings.
- B. Councilmember Sayre thanked the City Staff for their hard work and understanding.
- C. Councilmember Bennett thanked everyone for coming to the meeting and thanked city staff for their hard work. Councilmember Bennett concluded by stating that she believed meeting with City Administrator Kizzee on a quarterly basis would be beneficial, to not only him, but the City Council as well.
- D. Councilmember Figueroa stated that while it was a long meeting he felt that it was a productive meeting and that he was excited to see the city continue to grow moving forward. Councilmember Figueroa concluded by stating that City Administrator Kizzee had his support and he would be there for him in anything that he may need.
- E. Councilmember Stykes stated that he appreciated City Staff for their hard work and that while the meeting tonight had to happen, it was now time to move forward.
- F. Mayor Dumont stated that he was here to support City Administrator Kizzee and his staff on anything they may need. Mayor Dumont concluded by apologizing for a comment he made before the May Council Meeting stating that while it was a joke, he did want to apologize for his comment.

20. **Closing**

- A. Next Meeting: September 18th, 2025
- B. Adjourn 11:19 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

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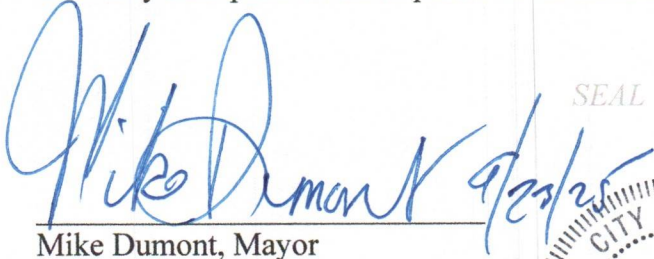


personnel or to hear complaints against personnel. Should any final action, final decision or final vote be required in the opinion of the City Council regarding any matter considered in such executive session, then the final action, final decision or final vote shall be in the open meeting covered by 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.

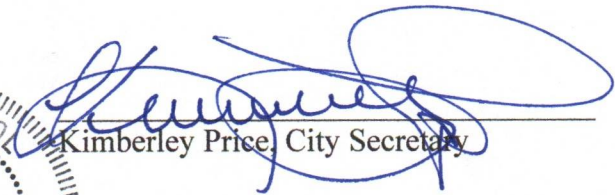
Attest:

SEAL



Mike Dumont, Mayor





Kimberley Price, City Secretary