



TOWN COUNCIL REGULAR MEETING

Wednesday, January 15, 2025 at 6:00 PM
Fulton Council Chambers, 201 N. 7th Street

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE – U.S. Flag and Texas Flag

OBSERVE A MOMENT OF SILENCE/PRAAYER

CITIZENS TO BE HEARD (PUBLIC FORUM)

Public participation is valued and at this time, comments limited to three (3) minutes will be taken from persons who have signed the Speaker's Card located on the table inside the Council Chambers and delivered to the City Secretary before the meeting begins. Written comments received by submission to the City Secretary in person or emailed to citysec@fultontexas.org by 3:00 p.m. on the day of the meeting, on any subject matter that is not on the agenda, will be read and summarized in the minutes of the meeting. Persons wishing to address the Council and who have registered using the Speaker's Card will have up to three (3) minutes to speak. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda. While civil public criticism is not prohibited; disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.

CONSENT AGENDA

All consent agenda items listed are considered to be routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

- 1. Discuss/Approve/Disapprove** minutes of the Regular Meeting held on December 18, 2024.
- 2. Discuss/Approve/Disapprove** November 2024 financial report.
- 3. Discuss/Approve/Disapprove** the Rockport Fulton Independent School District Police Department and the Fulton Police Department Memorandum of Understanding.

ITEMS FOR CONSIDERATION

- 4. Discuss/Approve/Disapprove** request for use of roads by Jen Thomasson, Tournament Director, for the 26th Annual Babes on the Bay Fishing Tournament.
- 5. Discuss/Approve/Disapprove** request from Fulton Oysterfest to use the Fulton Park from February 18, 2025 through March 12, 2025, their request for a parade permit for the Fulton Oysterfest Parade, and their request for street closures for the event.

6. Receive an update of the 2024 Racial Profiling Report from Chief Gerstenberger.
7. **Discuss/Approve/Disapprove** the Aransas County Navigation District Renewal and Extension Lease to Town of Fulton for the Fulton Convention Center.

CLOSED SESSION

The Town Council may elect to go into closed session pursuant to Chapter 551, Government Code on any Agenda item where appropriate and particularly Sections 551.071 (consultation with attorney) and 551.074 (personnel matters), Government Code.

OPEN SESSION

Discuss/Approve/Disapprove any and all action necessary with regard to the preceding matter(s).

ANNOUNCEMENTS

8. Mayor's Update.
9. The next Regular Fulton Town Council Meeting will be held Wednesday, February 5, 2025, beginning at 6:00 pm.

EXECUTIVE SESSION - PUBLIC NOTICE is given that the Town Council may elect to go into executive session at any time during the meeting in order to discuss any matters listed on the agenda when authorized by the Open Meetings Act, Chapter 551, Texas Government Code. If the Council elects to go into executive session regarding an agenda item, the section or sections of the Open Meetings Act authorizing the executive session will be publicly announced by the Mayor. The Council may deliberate and take action in open session on any issue that may be discussed in executive session.

ADJOURNMENT

NOTICE

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/729-5533 or by email at citysec@fultontexas.org for further information. Braille Is Not Available. The Town of Fulton reserves the right to convene into Closed Session under Government Code 551.071-551.074 and 551-086.

CERTIFICATION

I certify that the above notice of meeting was posted at Town Hall, 201 N. Seventh Street, Fulton, Texas, on Friday, January 10, 2025, at 4:00 p.m., and at the U.S. Post Office located at 301 Cactus Street, Fulton, Texas. I further certify that the following News Media were properly notified of this meeting as stated above: The Rockport Pilot.

/S/ Stephanie Garcia, City Secretary



TOWN COUNCIL REGULAR MEETING

Wednesday, December 18, 2024 at 6:00 PM
Fulton Council Chambers, 201 N. 7th Street

MINUTES

CALL TO ORDER

PRESENT

Mayor Kelli Cole
Mayor Pro Tem Robert Loflin
Place 2 Chris Garis Place
Place 3 MaryAnn Pahmiyer
Place 5 Laura McCorkle

ABSENT

Place 4 Margo Nielsen

STAFF PRESENT

Stephanie Garcia, City Secretary
Ty Gerstenberger, Chief

Mayor Cole called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE – U.S. Flag and Texas Flag

Mayor Cole led everyone in the pledges.

OBSERVE A MOMENT OF SILENCE/PRAAYER

Mayor Cole led everyone in a moment of silence.

CITIZENS TO BE HEARD (PUBLIC FORUM)

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Kathy Kane addressed the Council regarding the Singing Cadets and referenced the informational flyer. The Cadets will be at the Martha Luigi Auditorium on January 11, 2025, at 7 p.m. Tickets may be purchased online or at the door. All proceeds will go to scholarships for students attending A&M.

PROCLAMATION

1. Proclamation honoring Faynell Harrell

Mayor Cole read the proclamation honoring Faynell Harrell. Mrs. Harrell spoke and thanked everyone.

CONSENT AGENDA

All consent agenda items listed are considered to be routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

2. **Discuss/Approve/Disapprove** minutes of the Regular Meeting held on November 6, 2024.
3. **Discuss/Approve/Disapprove** the October 2024 financials.

Motion made by Place 2 Garis, Seconded by Place 5 McCorkle to approve the Consent Agenda items as presented.

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 5 McCorkle

ITEMS FOR CONSIDERATION

4. Receive a report from Alyssa Massingill, Tourism and Events Coordinator, of the quarterly expenditures and activity for the HOT funds for the Rockport-Fulton Chamber of Commerce.

Mayor Cole read the item and introduced Ms. Massingill. Ms. Massingill indicated the report was for the fourth quarter of 2024 and reviewed the information provided. She mentioned that July and August numbers were down significantly; however, September seemed to bounce back. Ms. Massingill reviewed the advertising that had been done during the fourth quarter.

5. **Discuss/Approve/Disapprove** a variance request from the Rockport-Fulton Independent School District for the expansion of the existing fire alarm system at Fulton Elementary School.

Mayor Cole read the item. Michael Miller introduced himself as Vice President of Teal Construction Company. He gave a background to the Council regarding the fire alarm system. The Rockport-Fulton School District intended to keep the existing fire alarm system and have Teal perform modifications to the new systems. Mr. Miller stated that after reviewing the plan the decision was made to in fact extend the system. By doing so, it would lower the cost to the District. Mr. Miller explained the difference between the existing system and the new system. Alderman Loflin deferred to Hal George, Town Attorney, regarding legality. Mr. George indicated that the Town was within its rights to make the variance.

Motion made by Mayor Pro Tem Loflin, Seconded by Place 3 Pahmiyer to approve a variance request from the Rockport-Fulton Independent School District for the expansion of the existing fire alarm system at Fulton Elementary School.

Voting Yea: Mayor Pro Tem Loflin, Place 3 Pahmiyer, Place 5 McCorkle

Voting Abstaining: Place 2 Garis

- 6. **Discuss/Approve/Disapprove** Contract for Election Services between the Elections Officer of Aransas County and the Town of Fulton for the May 3, 2025 General Election.

Mayor Cole read the item and indicated the cost increased and the dates were changed to 2025.

Motion made by Place 2 Garis, Seconded by Place 5 McCorkle to approve the Contract for Election Services between the Elections Officer of Aransas County and the Town of Fulton for the May 3, 2025 General Election.

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 5 McCorkle

- 7. **Discuss/Approve/Disapprove** Resolution No: R-07-2024: A Resolution of the Town of Fulton, ordering a general election and establishing procedures for said election to be held on May 3, 2025.

Mayor Cole read the item.

Motion made by Place 5 McCorkle, Seconded by Place 3 Pahmiyer to approve the Resolution No: R-07-2024: A Resolution of the Town of Fulton, ordering a general election and establishing procedures for said election to be held on May 3, 2025.

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 5 McCorkle

CLOSED SESSION

The Town Council may elect to go into closed session pursuant to Chapter 551, Government Code on any Agenda item where appropriate and particularly Sections 551.071 (consultation with attorney) and 551.074 (personnel matters), Government Code.

Council did not convene into Closed Session.

OPEN SESSION

Discuss/Approve/Disapprove any and all action necessary with regard to the preceding matter(s).

ANNOUNCEMENTS

- 8. Mayor's Update.

Aransas County Leadership has been working with us to erect a "FULTON" letter sign at the park near the playground. The Town may contribute a small portion; however, the majority of the project is being paid for by AC Leadership.

Christmas in Fulton was a success. We gave away 25 bikes and 5 \$100 gift cards.

Police – Chief Gerstenberger indicated that there have been many reports of theft. He reminded everyone to keep their vehicles and doors locked.

Alderwomen Pahmiyer noted that the Pathways sign should be installed soon.

9. The next Regular Fulton Town Council Meeting will be held Wednesday, January 1, 2025, beginning at 6:00 pm.

Mayor announced the date and time of the next meeting.

ADJOURNMENT

There being no further business, Mayor Cole entertained a motion to adjourn.

Motion made by Place 2 Garis, Seconded by Mayor Pro Tem Loflin to adjourn the meeting.

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 5 McCorkle

The meeting was adjourned at 6:20 p.m.

Kelli Cole, Mayor

Stephanie Garcia, City Secretary

**The Rockport Fulton Independent School District Police Department
and
The Fulton Police Department
MEMORANDUM OF UNDERSTANDING**

In compliance with Texas Education Code, Section 37.081., the Rockport Fulton Independent School District, hereinafter referred to as "RFISD" and the Town of Fulton, Texas, hereinafter referred to as "Town" herein enter into this agreement.

The Rockport Fulton Independent School District Police Department, hereinafter referred to as "RFISDPD" and the Town of Fulton Police Department, hereinafter referred to as "TFPD" shall share concurrent jurisdiction with the township limits of the Town, the same lying wholly within the geographical boundaries the RFISD as defined by the State of Texas. The RFISDPD will have the primary responsibility for law enforcement on all property's responsibility for law enforcement in all other areas within the Town except for those areas in which the RFISDPD has the primary responsibility for law enforcement, as stated herein.

The RFISDPD shall perform only those duties and enforce such laws, within its jurisdiction, as may be determined by the RFISD Board of Trustees, to protect the safety and welfare of RFISD students and employees and to protect and preserve RFISD property, which may include enforcement of State and Federal laws, and municipal ordinances.

If requested and contingent upon available manpower, the TFPD will assist the RFISDPD. The TFPD will investigate and have primary control over all investigations relating to offenses reported to it by the RFISDPD, and the RFISDPD shall cooperate fully in such investigations.

In the event of emergencies, major crimes, or events requiring specialized forensic or investigative experience or equipment, including Murders, Suicides, Sexual Assaults, and assorted other investigations requiring extensive crime scene processing or investigative follow-up, RFISDPD will request assistance from TFPD, and TFPD will provide such assistance within the limits of the Township. In such cases, it shall be deemed by the parties that the RFISDPD shall thereafter be in command and control of law enforcement actions relating to the emergency or investigation, until such command and control is subsequently relinquished back to the RFISDPD by the TFPD. In addition to emergencies, major crimes, which involve crime scenes and or investigations by TFPD, all major active incidents within the jurisdiction of the Township, TFPD will automatically establish and assume Incident Command System (ICS).

In those areas of the Township where the TFPD has the primary responsibility for law enforcement, if requested and contingent upon available manpower, the RFISDPD will assist the TFPD in all cases involving student, employees, or property of the RFISD.

The RFISDPD and the TFPD will communicate and work together to ensure a safe environment for all citizens of the Town of Fulton and Aransas County.

TERM AND TERMINATION

The terms of this MOU is for one (1) year, beginning on the date when it is signed by all parties. Any party may terminate the MOU by providing thirty (30) days written notice. Any written notice of termination shall be delivered to the RFISD Superintendent, the RFISDPD Chief of Police, the Town of Fulton Mayor, or the TFPD Chief of Police. Unless any party provides thirty days prior written notice of termination, this MOU shall automatically renew on an annual basis.

ROCKPORT FULTON INDEPENDENT SCHOOL DISTRICT

Mitzi Storey
Chief of Police RFISD PD
Date: _____

Kenny Cruzan
President, Board of Trustees
Date: _____

TOWN OF FULTON, ARANSAS COUNTY, TEXAS

Ty Gerstenberger
Chief of Police,
Date: _____

Kelli Cole
Mayor, Town of Fulton
Date: _____



January 3, 2025

Town of Fulton
P.O. Box 1130
Fulton, TX 78358

To Whom It May Concern,

Babes on the Bay is requesting to be put on your Agenda for the January 2025 meeting. We have also requested the use of the Navigation District roads in Fulton, Texas for the 26th Annual Babes on the Bay Fishing tournament.

The tournament will be held on the festival grounds at and inside the Fulton Convention Center Friday, May 16th through Saturday May 17th, 2024. The dates we are requesting for use are the week of May 12-18, 2024.

When you respond, please indicate that you are aware of the event selling alcoholic beverages. Your reply can be sent to me at PO Box 1437, Fulton, TX 78358.

Should you have any questions, concerns, or require additional information, please feel free to contact me any time.

Thank you so much!

Sincerely,

Janelle Weller
Assistant Tournament Director
CCA Texas Babes on the Bay
ccababes@gmail.com
830.998.5989

cc:

John Blaha, Assistant Director, CCA Texas, jdblaha@ccatexas.org, (979)709-1085

FULTON OYSTERFEST

P.O. Box 393 • Fulton, TX 78358



FULTON OYSTERFEST
"The Best Fest in Texas"

Item 5.

January 06, 2025

Town of Fulton
201 7th street
Fulton, TX 78358

Fulton Oysterfest is asking to be put on your agenda on January 15, 2025 . For the use of the Fulton Park from February 18 till March 12, 2025. We are requesting a parade permit for the use of the Fulton Beach Road and closing off of Palmetto Street, Broadway Street, Cactus Street and Chaparral Street for the Fulton Oysterfest Parade on March 8, 2025 Also Chaparral Street and Mesquite Street for the Carnival from Monday March 4 till March 10, 2025.

If you have any question please contact me at 361-790-6466.

Sincerely,

Sharron Loflin
Fulton Oysterfest

Racial Profiling Report | Full

Item 6.

Agency Name: FULTON POLICE DEPARTMENT
Reporting Date: 01/06/2025
TCOLE Agency Number: 007202

Chief Administrator: JONATHON T. GERSTENBERGER

Agency Contact Information:
Phone: (361) 729-5533
Email: policechief@fultontexas.org

Mailing Address:
PO BOX 1130
FULTON, TX 78358-1130

This Agency filed a full report

FULTON POLICE DEPARTMENT has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the FULTON POLICE DEPARTMENT from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the FULTON POLICE DEPARTMENT if the individual believes that a peace officer employed by the FULTON POLICE DEPARTMENT has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the FULTON POLICE DEPARTMENT who, after an investigation, is shown to have engaged in racial profiling in violation of the FULTON POLICE DEPARTMENT policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The FULTON POLICE DEPARTMENT has satisfied the statutory data audit requirements as prescribed in Article

Total stops: 127

Street address or approximate location of the stop

City street	108
US highway	15
County road	0
State highway	4
Private property or other	0

Was race or ethnicity known prior to stop?

Yes	1
No	126

Race / Ethnicity

Alaska Native / American Indian	0
Asian / Pacific Islander	4
Black	5
White	91
Hispanic / Latino	27

Gender

Female	28
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	22
Hispanic / Latino	6
Male	99
Alaska Native / American Indian	0
Asian / Pacific Islander	4
Black	5
White	69
Hispanic / Latino	21

Reason for stop?

Violation of law	12
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	0
White	9

Hispanic / Latino	0
Contraband	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	0
Probable	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	2
Hispanic / Latino	1
Inventory	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Incident to arrest	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Was Contraband discovered?	
Yes	4
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	3
Hispanic / Latino	1
No	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0

Did the finding result in arrest?	
(total should equal previous column)	
Yes	0
No	0
Yes	0
No	0
Yes	0
No	3
Yes	0
No	1

Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	2
White	18
Hispanic / Latino	6
Written warning	41
Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	2
White	32
Hispanic / Latino	5
Citation	57
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	40
Hispanic / Latino	16
Written warning and arrest	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Citation and arrest	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	1
Arrest	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Arrest based on	
Violation of Penal Code	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0

Number of complaints of racial profiling

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

Comparative Analysis

Use TCOLE's auto generated analysis	<input checked="" type="checkbox"/>
Use Department's submitted analysis	<input type="checkbox"/>

Optional Narrative

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement

ARANSAS COUNTY NAVIGATION DISTRICT
RENEWAL AND EXTENSION
LEASE TO TOWN OF FULTON

WHEREAS, on February 1, 2015, the Aransas County Navigation District leased a certain herein described tract of land to the Town of Fulton; and

WHEREAS, said lease expires December 31, 2024, and both parties wish to renew and extend said lease under the same terms and conditions except as modified herein; and

WHEREAS, it is in the public interest and welfare for such lease to be renewed.

NOW, THEREFORE, for and in consideration of the payments, covenants and undertakings herein, the Aransas County Navigation District, a political subdivision of the State of Texas, with its principal office at 911 Navigation Circle, Rockport, Aransas County, Texas, (District or Lessor), and the Town of Fulton, a political subdivision of the State of Texas, with its principal office at P.O. Box 1130, Fulton, Aransas County, Texas 78358 (Town or Lessee), do contract, covenant and agree to this Lease.

Section 1. Lease of Premises.

- A. The District hereby leases to Lessee the real property described in Exhibit A attached hereto and made a part hereof (Premises) upon the terms and conditions stated herein and Lessee agrees to lease said Premises.
- B. The Premises are adjacent in part to a waterfront bulkhead but shall not be categorized as or deemed to be waterfront property. This lease does not grant to Lessee, and Lessee shall not have under this lease, any littoral rights in any adjacent or other waters or submerged lands.
- C. All improvements on the Premises which at any time during the term of this Lease are owned by Lessee shall be deemed a part of the Premises for the purpose of, and subject to, all regulations and requirements in this Lease except as otherwise specifically stated herein.

Section 2. Term. The term of this Lease shall be for a period of twenty (20) years, commencing on the 1st day of January 2025, and ending December 31, 2045.

Section 3. Lease Payments. Section 4.A. of the lease is amended as follows: Lessee shall make the following monthly lease payments:

The Lease Rate at the commencement of this Lease extension shall be **\$3,500.00** per month and shall be increased by 10% at the end of each 5-year period of this lease extension; as shown in the following table:

Term				10% annual increase
01-01-2025 to 12-31-2029	\$3,500.00			\$ 350.00
01-01-2030 to 12-31-2034	\$3,850.00			\$ 385.00
01-01-2035 to 12-31-2039	\$4,235.00			\$ 423.50
01-01-2040 to 12-31-2044	\$4,658.50			\$ 465.85
01-01-2045 to 12-31-2045	\$5,124.35			Termination

Section 4. Terms and Conditions. The terms and conditions of the lease commencing on February 1, 2015, shall constitute the terms and conditions of this renewal and extension of the Premises, except when in conflict herewith, in which case, the terms herein shall prevail. Said Lease is incorporated herein the same as if written herein.

Section 5. Entire Agreement. This Renewal and Extension Lease constitutes the entire agreement between the District and Lessee relating to the subject of this Lease. This Lease supersedes any and all previous agreements, negotiations and communications, oral or written, express or implied, between the parties with respect to the Premises or this Lease. There are no representations or warranties, expressed or implied, between the District and Lessee with respect to the subject matter of this Lease, except those specified in this Lease. All exhibits to this Lease are incorporated herein by reference.

AGREED effective the 1st day of January 2025.

LESSOR: ARANSAS COUNTY NAVIGATION DISTRICT
911 Navigation Circle, Rockport, Texas 78382

Executed this _____ day of _____, 2025.

By: _____
Chairman

The foregoing Lease was approved by the Navigation and Canal Commission of the Aransas County Navigation District at a duly held meeting on the ____ day of _____, 2025.

Secretary

LESSEE: TOWN OF FULTON
P.O. Box 1130, Fulton, Texas 78358

Executed this _____ day of _____, 2025.

By: _____
Kelli Cole, Mayor

The foregoing Lease was approved by the Town Council of the Town of Fulton on a duly held meeting on the 15th day of January 2025.

ATTEST:

Stephanie Garcia
City Secretary