



TOWN COUNCIL REGULAR MEETING

Wednesday, June 21, 2023 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.

PRESENTATION

1. Certificate of Appreciation to Kevin Jennings and Dwayne Eineen.

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 Fulton Town Council Meeting held on June 7, 2023.

ITEMS FOR CONSIDERATION

3. **Discuss/Approve/Disapprove** Ordinance No. 311 an Ordinance Enacting a Residence Homestead Tax Limitation for Elderly or Disabled Individuals; Repealing Ordinances in Conflict; and Providing for Severance and shall remain in effect for the valuations beginning January 1, 2022, and for each successive tax year.
4. **Discuss/Approve/Disapprove** Ordinance 310, an Ordinance Increasing the Texas Municipal Retirement Services Rate from 6% to 7%; Repealing Ordinances and Resolutions in Conflict.

5. **Discuss/Approve/Disapprove** transfer of the 2017 Ford F250 VIN ending in 4272 from the Sewer fund to the General fund to be used as a maintenance vehicle.
6. **Discuss/Approve/Disapprove** the purchase of a truck for the Sewer fund not to exceed \$35,000.

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

7. Mayor's Update.
8. The next Regular Fulton Town Council Meeting will be held Wednesday, July 5, 2023, 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, June 16, 2023, 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, June 07, 2023 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 3 MaryAnn Pahmiyer
Place 4 Margo Nielsen
Place 5 Laura McCorkle

STAFF PRESENT

Stephanie Garcia, City Secretary
Hal George, Town Attorney
Matt Olenick, Director of Operations

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: Ms. Kane introduced herself and thanked the Town for the updated webpage and posting of the agenda packet. She also welcomed the new alderman.

Toby Kernan: Mr. Kernan introduced himself and briefly discussed his concerns regarding the Town enacting the ceiling freeze for residents.

Rebecca Johnson: Mrs. Johnson introduced herself and congratulated Mrs. Pahmiyer on her winning of the election. She discussed her request for an election recount, process and concerns.

SWEARING IN ELECTED/APPOINTED COUNCIL MEMBERS

1. Swear in Elected/Appointed Officials: Christopher Garis, Place 2; MaryAnn Pahmiyer, Place 3; Margo Nielsen, Place 4; and Laura McCorkle, Place 5.

Stephanie Garcia, City Secretary, swore in the Council members.

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 May 17, 2023.
3. **Discuss/Approve/Disapprove** March and April 2023 financial report

Motion made by Mayor Pro Tem Loflin, 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 4 Nielsen, Place 5 McCorkle

ITEMS FOR CONSIDERATION

4. **Discuss/Approve/Disapprove** Resolution No. R-05-2023 A Canvassing the Returns of Election held May 6, 2023 for Place 3.

Motion made by Place 3 Pahmiyer, Seconded by Mayor Pro Tem Loflin to approve Resolution No. R-05-2023 A Canvassing the Returns of Election held May 6, 2023 for Place 3 as presented.

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Nielsen, Place 5 McCorkle

5. **Discuss, Approve, Disapprove** the Construction Contract for Prairie Road Storm Sewer Replacement Project (FAIN Project #4332DRTP0000001) with Lester Contracting in the amount of \$468,790.00.

Craig Thompson with Hanson Professional Services introduced himself and gave a brief discussion of the upcoming project. The agreement has been amended to adjust for the rising costs since the original bidding. The original bid amount was \$468,790.00. Mr. Thompson also noted that the project is solely funded through FEMA.

Motion made by Place 3 Pahmiyer, Seconded by Place 4 Nielsen to approve the Construction Contract for Prairie Road Storm Sewer Replacement Project (FAIN Project #4332DRTXP0000001) with Lester Contracting.

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Nielsen, Place 5 McCorkle

- 6. Discuss, Approve, Disapprove** approve Change Order No. 1 for Prairie Road Storm Sewer Replacement Project (FAIN Project #4332DRTXP0000001) in the amount of \$60,165.00.

Mr. Thompson with Hanson Professional Services also discussed the reasons for the change order, one being that it has gone beyond 90 days since the original bid. Another reason is that the cost of supplies has increased by \$60,165.00. Mr. Thompson reviewed the actual changes on the change order.

Motion made by Mayor Pro Tem Loflin, Seconded by Place 5 McCorkle to approve Change Order No. 1 for Prairie Road Storm Sewer Replacement Project (FAIN Project #4332DRTXP0000001).

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Nielsen, Place 5 McCorkle

- 7. Discuss, Approve, Disapprove** the updated Fulton Convention Center Contract Agreement.

Mayor Cole overviewed the changes on the rental agreement.

Motion made by Mayor Pro Tem Loflin, Seconded by Place 3 Pahmiyer to approve the updated Fulton Convention Center Contract Agreement.

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Nielsen, Place 5 McCorkle

- 8. Discuss, Approve, Disapprove** the updated Fulton Convention Center Reservation Policy.

Mayor Cole overviewed the changes to the policy.

Motion made by Place 3 Pahmiyer, Seconded by Place 5 McCorkle to approve the updated Fulton Convention Center Reservation Policy.

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Nielsen, 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

9. Mayor's Update.

Tax Ceiling: Mayor Cole informed the Council and audience that an agenda item for the tax ceiling will be placed on the June 21, 2023 meeting.

Maintenance: Matt Olenick, Director of Operations indicated that the drainage and street project is 709% complete and all work is still in progress.

Administration: Mayor Cole mentioned that the Town is working to upgrade the technology in the Council chambers.

Police Department: Mayor Cole mentioned that Chief Harrell is out of town and that the Ty Gerstenberger the new officer will start on Monday, June 12, 2023.

Pier: Mayor Cole mentioned that the Town hired an additional attendant and reviewed the new summer hours.

10. The next Regular Fulton Town Council Meeting will be held Wednesday, June 21, 2023, beginning at 6:00 pm.

Mayor Cole announced the next meeting to be held Wednesday, June 21, 2023 beginning at 6:00 pm.

ADJOURNMENT

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

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

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Nielsen, Place 5 McCorkle

The meeting was adjourned at 6:22 p.m.

Kelli Cole, Mayor

Stephanie Garcia, City Secretary

ORDINANCE NO. 311

**AN ORDINANCE
ENACTING A RESIDENCE HOMESTEAD TAX LIMITATION
FOR ELDERLY OR DISABLED INDIVIDUALS;
REPEALING ORDINANCES IN CONFLICT; AND PROVIDING FOR SEVERANCE**

WHEREAS, Article 8, Section 1-b(h), Texas Constitution provides for a cap on ad valorem taxes for any person who is disabled or is sixty-five (65) years of age or older who receives a residence homestead exemption; and

WHEREAS, In Section 11.262, Tax Code, the Legislature provided for such cap on ad valorem taxes for any person who is disabled or is sixty-five (65) years of age or older who receives a residence homestead exemption; and

WHEREAS, the Town Council of the Town of Fulton desires to enact such residence homestead tax limitation as provided above.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FULTON, TEXAS:

Section 1. That the Fulton Town Code is hereby amended by adding a new section as Chapter 44, Taxation, Article II, Ad Valorem Property Taxes, Division 2, Homestead Exemption, Section 44.50 to read as follows:

“Sec. 44-50 Residence homestead tax limitation for elderly or disabled individuals.

- (a) There is hereby created and established a limitation on the amount of property taxes imposed by the Town of Fulton on the residence homesteads of disabled individuals or individuals age 65 or older.
- (b) The tax office shall appraise the property to which the limitation applies and calculate taxes as other property, but if the tax so calculated exceeds the limitation provided by Section 11.261, Tax Code, the tax imposed shall be the amount of the tax as limited by Section 11.261, Tax Code, except as otherwise may be provided by and subject to other provisions of said Section 11.261 of the Tax Code currently in effect or as may be amended.
- (c) This freeze shall become effective beginning with the 2022 tax year which will set the tax ceiling for future tax years.

Sec. 44-51 Definitions

The following definitions shall apply for purposes of Chapter 44, Article II, Division 2:

Disabled has the same meaning as set forth in Section 11.13(m)(1), Tax Code, as it currently exists or may be amended.

Residence homestead has the same meaning as set forth in Section 11.13(j)(1), Tax Code, as it currently exists or may be amended.

Tax Code means the Texas Tax Code, as it currently exists or may be amended.”

Section 2. Any previously adopted ordinance, resolution, rule, regulation or policy in conflict with this Ordinance is hereby repealed.

Section 3. If any provision, section, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the Town Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

PASSED AND APPROVED this the 21st day of June, 2023.

TOWN OF FULTON

Kelli Cole, Mayor

ATTEST:

Stephanie Garcia, City Secretary

ORDINANCE NO. 310

**AN ORDINANCE
INCREASING THE TEXAS MUNICIPAL RETIREMENT SERVICES RATE
FROM 6% TO 7%; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT**

WHEREAS, the current Texas Municipal Retirement Services Rate is 6%; and

WHEREAS, the Town of Fulton desires Texas Municipal Retirement Services Rate be increased to 7%.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FULTON, TEXAS:

Section 1. That the Texas Municipal Retirement Services Rate paid by employees and withheld with each salary check be increased from 6% to 7%.

Section 2. That any Resolution, Ordinance or other rule in conflict herewith is hereby repealed.

Passed and approved on this the 21st day of June, 2023.

TOWN OF FULTON

Kelli Cole, Mayor

ATTEST:

Stephanie Garcia
City Secretary