



TOWN COUNCIL REGULAR MEETING

Wednesday, June 19, 2024 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 May 15, 2024.
- 2. Discuss/Approve/Disapprove** the April and May 2024 financials.

ITEMS FOR CONSIDERATION

- 3. Discuss/Approve/Disapprove** Resolution No. R-03-2024; A Resolution of the Town of Fulton Texas finding that AEP Texas Inc.'s requested increase to its electric transmission and distribution rates and charges within the Town should be denied; finding that the Town's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the company and legal counsel.
- 4. Discuss/Approve/Disapprove** Ordinance No. 321, an ordinance amending Ordinance No. 300; authorizing mobile food vendors & food trucks in the Town of Fulton; establishing regulations;

repealing ordinances in conflict; providing for severance providing a penalty; negating the requirement of culpable mental state; and providing for publication.

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

5. Mayor's Update.
6. The next Regular Fulton Town Council Meeting will be held Wednesday, July 3, 2024, 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 14, 2024, 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, May 15, 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 4 Margo Nielsen
Place 5 Laura McCorkle

STAFF PRESENT

Stephanie Garcia, City Secretary
Steven Robertson, Comptroller
Matt Olenick, Director of Operations
Ty Gerstenberger, Police Chief
Robert Brake, Police Officer

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/PRAYER

Mayor Cole led everyone in a moment of silence.

CITIZENS TO BE HEARD (PUBLIC FORUM)

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Thomas Grimert: Mr. Grimert thanked the Town for changing speed limit to 25 mph. He informed the Council that on May 6th he was on his morning run and tripped on a bar protruding out of the bottom of

the tents located at Charlotte Plummers. Mr. Grimert fell and was injured. He also mentioned that while Joe Flores, Town employee, was cleaning downtown he pushed the exposed rod back into the tent flap. He provided pictures of the tent and how it was set up and stabilized. Mr. Grimert did speak to Johnny Davis, Town employee, regarding the permit process. Currently, the Town does not have one.

SWEARING IN ELECTED/APPOINTED COUNCIL MEMBERS

1. Swear in Elected/Appointed Officials: Kelli Cole, Mayor; Robert Loflin, Place 1; and Laura McCorkle, Place 5.

The City Secretary swore in Kelli Cole, Mayor; Robert Loflin, Place 1; and Laura McCorkle, Place 5.

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 April 17, 2024.
3. **Discuss/Approve/Disapprove** the March 2024 financials.
4. **Discuss/Approve/Disapprove** Mayor Cole's April credit card statement.
Motion made by Mayor Pro Tem Loflin, Seconded by Place 2 Garis 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

5. 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 asked Alyssa Massingill to present it. Ms. Massingill introduced herself and gave a brief explanation of the quarterly report on hotel motel funds spent by the Rockport-Fulton Chamber of Commerce. She mentioned they are working with an entity to have some walking tours in the Town. Ms. Massingill reviewed the specific ads they are actively advertising and highlighted the STR council that has been created to work with the City of Rockport, Town of Fulton, and Aransas County.

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.

The 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

6. Mayor's Update.

Maintenance – Mayor Cole informed the Council that the streets and drainage project is nearing completion. The contractors are finishing some details and there will be some paperwork to finalize it all. She also mentioned that the new 25 mph speed limit signs are being installed.

Playground – Mayor Cole informed the Council that we are having decking added and hoping to have it done by summer.

FCC – Mayor Cole annual fire alarm and sprinkler inspection was completed and passed.

Police Department – Officer Brake mentioned there have been some burglaries and traffic enforcement. He shared that they have not found many speeders on the new roads but are keeping an eye out for them. Officer Brake noted that citizens should take note of their serial numbers on their mowers, etc. to help with finding stolen items. He reminded people to call if they see something suspicious.

Aldерwoman Pahmiyer noted that the General Land Office project with the Town, City of Rockport, and Aransas County has begun.

7. The next Regular Fulton Town Council Meeting will be held Wednesday, June 5, 2024, beginning at 6:00 pm.

Mayor Cole announced the next meeting date and time.

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 6:35 p.m.

Kelli Cole, Mayor

Stephanie Garcia, City Secretary

RESOLUTION NO. R-03-2024

A RESOLUTION OF THE TOWN OF FULTON TEXAS FINDING THAT AEP TEXAS INC.’S REQUESTED INCREASE TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE TOWN SHOULD BE DENIED; FINDING THAT THE TOWN’S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

WHEREAS, on or about February 29, 2024, AEP Texas Inc. (“AEP Texas” or “Company”), pursuant to Public Utility Regulatory Act (“PURA”) §§ 33.001 and 36.001 filed with the Town of Fulton (“Town”) a Statement of Intent to change electric delivery rates in all municipalities exercising original jurisdiction within its service area, effective April 4, 2024; and

WHEREAS, the Town is an electric utility customer of AEP Texas and a regulatory authority over the rates and charges of AEP Texas within the Town; and

WHEREAS, the Town is a member of the Cities Served by AEP Texas (“Cities”), a membership of similarly situated cities served by AEP Texas that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in AEP Texas’ service area; and

WHEREAS, Cities is an intervenor in the parallel proceeding at the Public Utility Commission of Texas to review AEP Texas’ filing; and

WHEREAS, pursuant to its exclusive original jurisdiction over AEP Texas’ rates and operations within Town limits, the Town previously suspended the effective date of the Company’s requested rate increase; and

WHEREAS, PURA § 33.023 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility; and

WHEREAS, the Town’s attorneys and consultants recommend that the Town deny the application.

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

SECTION 1. That the rates proposed by AEP Texas in an application submitted to the Town by the Company on or about February 29, 2024, are hereby found to be unreasonable, and are denied.

SECTION 2. That the Company shall continue to charge its existing rates for transmission and distribution service to customers with the Town.

SECTION 3. That Cities' reasonable rate case expenses shall be reimbursed by AEP Texas within 30 days of presentation of an invoice to AEP Texas.

SECTION 4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law, and that the public notice was given of the time, place, and purpose of said meeting, as required.

SECTION 5. A copy of this Resolution shall be sent to AEP Texas, care of Jennifer Frederick, American Electric Power Company, 400 West 15th Street, Suite 1520, Austin, Texas 78701 (aepaustintx@aep.com), and to Thomas Brocato at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

PASSED AND APPROVED this _____ day of _____, 2024.

Kelli Cole, MAYOR

ATTEST:

Stephanie Garcia, Town Secretary

APPROVED AS TO FORM:

Hal George, Town Attorney

ORDINANCE NO. 321

AN ORDINANCE AMENDING ORDINANCE NO. 300; AUTHORIZING MOBILE FOOD VENDORS & FOOD TRUCKS IN THE TOWN OF FULTON; ESTABLISHING REGULATIONS; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERANCE PROVIDING A PENALTY; NEGATING THE REQUIREMENT OF CULPABLE MENTAL STATE; AND PROVIDING FOR PUBLICATION

WHEREAS, there is a need for providing safe, efficient provision of food in the Town of Fulton; and

WHEREAS, there is an increase in the number of mobile food vendors and food trucks; and

WHEREAS, the Town Council of the Town of Fulton is charged with the protection of the health, safety and welfare of its citizens; and

WHEREAS, the Town Council of the Town of Fulton desires to provide safe and efficient provision of food in certain locations of the Town of Fulton and to provide for the health, safety and welfare of its citizens; and

WHEREAS, the Town Council of the Town of Fulton passed Ordinance No. 300 on June 22, 2022, authorizing food trucks in Fulton Beach Park; and

WHEREAS, the Town Council of the Town of Fulton has determined to expand the area where food trucks are allowed.

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

Section I. That Ordinance No. 300, passed on June 22, 2022, is hereby amended to read as follows:

“Section 1. Mobile Food Vendors & Food Trucks are authorized and allowed in Fulton Beach Park on a regular basis provided that they abide by all applicable rules and regulations for the provision of food service and in accordance with this Ordinance, and including, but not limited to: Chapter 10, Article II, Fulton Code; and Chapter 34, Fulton Code, as they now read or may hereafter be amended.

Section 2. A. Mobile Food Vendors & Food Trucks shall apply for an application and permit in accordance with the above cited provisions of the Fulton Code for a place in Fulton Beach Park. The Town shall designate certain locations in the Park where such Vendors & Trucks shall be allowed. Each such Vendor shall be assigned a specific location, and the Town may regulate the time periods of operation. All structures should be easily removable and not permanently affixed. Applications for a place in Fulton Beach Park shall be limited to a three (3) month period upon which time such Vendor shall

reapply for a location. No additional fee shall be charged for such reapplication up to one (1) year. The Town reserves the right to assign different locations and to limit the number of permits taking into consideration the needs of the public for such service, the amount of sales from each Vendor and the need to foster competition so that no one Vendor excludes another. The Town reserves the right to limit the number of Vendors and Trucks in the Park.

Section 2. B. Mobile Food Vendors & Food Trucks for Special Events are authorized in the Town of Fulton, including at the Park and Convention Center, on a short-term temporary basis. Such Vendors shall apply for a Special Event application and permit and pay a \$50.00 application fee. Such applications and permits may not exceed seven (7) days. The Mayor or designee shall approve or disapprove such applications. The Town reserves the right to assign different locations and to limit the number of applications and permits. All structures should be easily removable and not permanently affixed. Any party dissatisfied by any action on an application may appeal the decision to the Town Council. Such appeal shall be in writing and submitted within ten (10) days of the decision. The Town Council shall act upon such appeal within thirty (30) days of filing of such appeal. If the Town Council has not acted within such time, the original determination is upheld. All such food trucks must be self-contained. The Town will not provide any utilities. By accepting such application and permit, the owner thereof indemnifies and agrees to hold the Town of Fulton harmless from any claim, cause of action or any damages, including personal injuries, property damage or death arising from the operation of such food truck.

Section 3. Application and permit for the Park shall be approved by the Mayor or designee. Any party dissatisfied by any action on an application or permit may appeal the decision to the Town Council. Such appeal shall be in writing and submitted within ten (10) days of the decision. The Town Council shall act upon such appeal within thirty (30) days of filing of such appeal. If the Town Council has not acted within such time, the original determination is upheld.

Section 4. No Vendor or Truck shall be allowed to operate in the Park or in the Town in conflict with special events at the Convention Center, the Fishing Pier or during Oysterfest and a reasonable time before and after such events.”

Section II. A violation of this Ordinance, upon conviction, shall be a misdemeanor with a fine not to exceed \$500.00. The requirement of a culpable mental state in Penal Code Section 6.02 is hereby negated.

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

Section IV. 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 City 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.

Section V. This Ordinance shall be published by publishing the caption thereof in the official newspaper with a statement the public may view the Ordinance in the Office of the City Secretary. This Ordinance shall be effective from and after the publication provided herein.

PASSED AND APPROVED this the 19th day of June, 2024.

TOWN OF FULTON

Kelli Cole, Mayor

ATTEST:

Stephanie Garcia, City Secretary