



TOWN COUNCIL REGULAR MEETING

Wednesday, January 18, 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.

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 19, 2022.

ITEMS FOR CONSIDERATION

- 2. Discuss/Approve/ Disapprove** Resolution R-01-2023; a Resolution Regarding Dates of Town Council Meetings; Repealing Rules to the Contrary; and Providing an Effective Date.
- 3. Discuss/Approve/Disapprove** Ordinance No. 307; an Ordinance Amending Sec. 48-44, City Code Relating to Septic Tank Systems; Providing a Penalty; Providing a Repealer; Providing a Severance; Providing for Publication and Effective Date.
- 4. Discuss/Approve/Disapprove** Ordinance No. 308; an Ordinance Amending Section 6-90, City Code, to Define Livestock and Require Livestock to be Confined and Not Run Free; Proving a Penalty; Repealing All Ordinances in Conflict; Providing for Severability' Providing for Publication; and Providing an Effective Date.

5. **Discuss/Approve/Disapprove** donating surplus computer equipment to ACE Computer Services.

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

6. Mayor's Update: Beginning to perform needed updates to the Fulton Convention Center as approved in the Town's current budget.
7. Announcement of the next Regular Fulton Town Council Meeting.

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 13, 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

Monday, December 19, 2022 at 6:00 PM
Fulton Council Chambers, 201 N. 7th Street

MINUTES

CALL TO ORDER

PRESENT

Mayor Kelli Cole
Mayor Pro Tem Robert Lofflin
Place 2 Chris Garis
Place 3 MaryAnn Pahmiyer
Place 4 Carl Biesenbach
Place 5 Jayne Robertson

STAFF PRESENT

Stephanie Garcia, City Secretary
Hal George, Town Attorney
Noah Leuschner, Police Officer
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)

Public participation is valued and at this time, comments limited to three (3) minutes will be taken from the audience 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.

No one came forward.

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 November 21, 2022.
2. **Discuss/Approve/Disapprove** the September and October 2022 financials

Motion made by Mayor Pro Tem Loflin, Seconded by Place 2 Garis.

Voting Yea: Mayor Cole, Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Biesenbach, Place 5 Robertson

ITEMS FOR CONSIDERATION

3. Hear a presentation from Craig Karonka with LCR Total Transport, LLC regarding the GLO 20-065-054-C164 project.

Mr. Karonka introduced himself and explained they are still processing the payment method with the grant administrator, Grantworks. Mr. Karonka wanted to inform the Council of the hurdles and explained that Grantworks is the hold up, not the Town of Fulton. He stated that at this time they will not receive their first payment for work performed since October 2022 until February 2023. There was discussion regarding the lack of communication from Grantworks and possible solutions.

4. **Discuss/Approve/Disapprove** request for use of roads from Jen Thomasson, Tournament Director, for the 23rd Annual Babes on the Bay Fishing Tournament.

Mayor Cole informed the Council of this yearly request and reasoning for same.

Motion made by Place 4 Biesenbach, Seconded by Mayor Pro Tem Loflin.

Voting Yea: Mayor Cole, Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Biesenbach, Place 5 Robertson

5. **Discuss/Approve/Disapprove** Interlocal Cooperation Agreement Between Aransas County, Texas, the City of Rockport, Texas, the Town of Fulton, Texas, and the Aransas County Independent School District for Juvenile Case Management Services.

Mayor Cole reminded the Council that this item was postponed from the last meeting due to minor changes by the City of Rockport. Those changes were discussed. It was also noted that the fees for this agreement were in the approved budget.

Motion made by Mayor Pro Tem Loflin, Seconded by Place 4 Biesenbach.

Voting Yea: Mayor Cole, Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Biesenbach, Place 5 Robertson

6. **Discuss/Approve/Disapprove** Ordinance No. 212-A, an Ordinance relating to removal of pet waste; providing a penalty, providing for publication; repealing ordinances in conflict and providing for severance.

Mayor Cole informed the Council that the existing ordinance was updated to increase the fine and modify the terminology regarding pets. Mayor Cole also mentioned that more signage has been ordered and will be placed at the park and convention center grounds.

Motion made by Place 4 Biesenbach, Seconded by Place 5 Robertson.

Voting Yea: Mayor Cole, Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Biesenbach, Place 5 Robertson

7. **Discuss/Approve/Disapprove** changing of the date of the January 2, 2023, meeting to January 3, 2023, due to the holiday.

Mayor Cole informed the Council of the change of date due to the holiday. There was discussion regarding the day of the meeting and possible cancellation due to lack of items.

Motion made by Mayor Pro Tem Loflin, Seconded by Place 5 Robertson.

Voting Yea: Mayor Cole, Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Biesenbach, Place 5 Robertson

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.

Mayor Cole informed the Council that Christmas in Fulton held on December 15, 2022 was a success. She thanked Melissa Pina, Coordinator, and Heather Harrell, Administrative Assistant for all of their work on the project. She also thanked all Town employees for working the event. Fun was had by all! Mrs. Pahmiyer shared the next date, January 10, 2023, for the Neighborhood Watch.

9. The next Regular Fulton Town Council Meeting will be held Tuesday, January 3, 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

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

Motion made by Mayor Pro Tem Loflin, Seconded by Place 5 Robertson.

Voting Yea: Mayor Cole, Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Biesenbach, Place 5 Robertson

Meeting adjourned at 6:20 p.m.

Kelli Cole, Mayor

Stephanie Garcia, City Secretary

RESOLUTION NO. R-01-2023

A RESOLUTION REGARDING DATES OF
TOWN COUNCIL MEETINGS;
REPEALING RULES TO THE CONTRARY; AND
PROVIDING AN EFFECTIVE DATE

WHEREAS, various conflicts during the year require moving the Town Council meeting dates.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FULTON:

Section 1. The Town Council of the Town of Fulton shall hold its regular Council meetings for the remainder of the year on the 1st and 3rd Wednesday of each month at 6:00 p.m., unless events require a particular meeting to be rescheduled. This change in meeting dates will be in force and effect until modified by future Resolution.

Section 2. Any Ordinance, Resolution or rule to the contrary is hereby repealed.

Section 3. This Resolution takes effect from and after its passage.

PASSED and approved on this the 18th day of January, 2023.

TOWN OF FULTON

Kelli Cole
Mayor

ATTEST:

Stephanie Garcia
City Secretary

ORDINANCE NO. 307

AN ORDINANCE AMENDING SEC. 48-44, CITY CODE RELATING
TO SEPTIC TANK SYSTEMS; PROVIDING A PENALTY;
PROVIDING A REPEALER; PROVIDING FOR SEVERANCE;
PROVIDING FOR PUBLICATION AND EFFECTIVE DATE

WHEREAS, the Town Council of the Town of Fulton has determined that an amendment to Section 48-44, City Code is required.

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

Section 1. That Section 48-44, City Code of Ordinances be amended to read as follows:

“Sec. 48.44. Septic tank system allowed where town sewer lines are unavailable.

In those areas of the Town where the Town sewer lines do not exist or pumping is required, all water closets and other such sewage as may come from any residence, place of business or industry shall be connected to a septic tank system constructed and maintained in conformity with the specifications of the State of Texas Department of Health and/or Texas Commission on Environmental Quality.”

Section 2. That every person, firm, partnership, corporation or other entity who fails to comply with or willfully violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not to exceed Five Hundred (\$500.00) Dollars, and a separate offences shall be deemed committed upon each day during or on which a violation occurs or continues.

Section 3. All Ordinances, Resolutions and/or rules contrary to this Ordinance are hereby repealed.

Section 4. If any provision, section, sentence, clause or phrase of this Ordinance, or the application of this Ordinance 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 constitutionality of any other portion hereof and all provisions of this Ordinance are declared severable for that purpose.

Section 5. This Ordinance shall be published by publishing the caption hereof on two separate occasions in the official newspaper of the Town of Fulton and be effective after such publication.

PASSED AND APPROVED this the 18th day of January 2023.

TOWN OF FULTON

Kelli Cole
Mayor

ATTEST:

Stephanie Garcia
City Secretary

ORDINANCE NO. 308

AN ORDINANCE AMENDING SECTION 6-90, CITY CODE, TO DEFINE LIVESTOCK AND REQUIRE LIVESTOCK TO BE CONFINED AND NOT RUN FREE; PROVIDING A PENALTY; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Town Council of the Town of Fulton has determined that livestock should be kept in a confined space; and

WHEREAS, the Town Council of the Town of Fulton has determined that livestock that are not confined are a danger to the health, safety and welfare of the citizens; and

WHEREAS, the Town Council of the Town of Fulton has determined that livestock roaming free constitute a danger to the health, safety and welfare of the citizens.

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

Section 1. That Section 6-90, City Code of Ordinances is hereby amended to hereafter read as follows:

“Sec. 6-90. Livestock to be confined in stalls, pastures or padlocks with fencing.

- A. Livestock shall mean any four-legged animal normally considered as such, including, but not limited to: horses, cattle, sheep, goat, swine, llamas, alpacas, or other similar animals.
- B. Livestock shall and must be kept in stalls, or in enclosed pastures or padlocks with acceptable fencing. No livestock shall be allowed to freely roam within the Town of Fulton. No livestock shall be allowed on any public place within the Town of Fulton unless properly tethered and under control.”

Section 2. Any person, firm, partner, corporation or other entity who fails to comply with or willfully violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in an amount not to exceed Five Hundred (\$500.00) Dollars, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Section 3. All Ordinances, Resolutions and/or rules contrary to this Ordinance are hereby repealed.

Section 4. If any provision, section, sentence, clause or phrase of this Ordinance, or the application of this Ordinance 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 constitutionality of any other portion hereof and all provisions of this Ordinance are declared severable for that purpose.

Section 5. This Ordinance shall be published by publishing the caption hereof on two separate occasions in the official newspaper of the Town of Fulton and be effective after such publication.

PASSED AND APPROVED this the _____ day of _____, 2023.

TOWN OF FULTON

Kelli Cole
Mayor

ATTEST:

Stephanie Garcia
City Secretary