



TOWN COUNCIL REGULAR MEETING

Wednesday, March 20, 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 February 21, 2024.
- 2. Discuss/Approve/Disapprove** the January 2024 financials
- 3. Discuss/Approve/Disapprove** Mayor Cole's February credit card statement.

ITEMS FOR CONSIDERATION

- 4. Discuss/Approve/Disapprove** the Certification of Unopposed Candidates for the May 4, 2024 election.
- 5. Discuss/Approve/Disapprove** the Order of Cancellation for the May 4, 2024 election.
- 6. Discuss/Approve/Disapprove** Ordinance No. 318, An Ordinance Authorizing Holiday Pay; Repealing Ordinances in Conflict; providing for severance and an effective date.
- 7. Discuss/Approve/Disapprove** a variance regarding the size of the signage to be used at 105 S. Fulton Beach Road, Fulton, Texas.

- 8. Discuss/Approve/Disapprove R_02_2024** Resolution of the Town of Fulton suspending the April 4 2024 effective date of AEP Texas Inc.'s requested rate change to permit the town time to study the request and to establish reasonable rates; approving cooperation with the cities served by AEP Texas and authorizing intervention in AEP Texas Inc.'s requested rate change proceedings before the commission; hiring Lloyd Gosselink attorneys and consulting services to negotiate with the company and direct any necessary litigation and appeals; requiring reimbursement of cities' rate case expenses; 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.

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

9. Mayor's Update.
10. The next Regular Fulton Town Council Meeting will be held Wednesday, April 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, March 15, 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, February 21, 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 PRSENT

Stephanie Garcia, City Secretary
 Steven Robertson, Comptroller
 Matt Olenick, Director of Operations
 Ty Gerstenberger, Police Chief
 Hal George, Town's Attorney

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 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.

Thomas Grimert: Mr. Grimert introduced himself and indicated he wanted to speak to the Council regarding the safety of pedestrians on Fulton Beach Road. He runs in the morning and states that on some days there are people speeding. He would like to see some opportunities taken to make it safer for pedestrians.

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 February 7, 2024.
- 2. **Discuss/Approve/Disapprove** November and December 2023 financial report.

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

- 3. **Discuss/Approve/Disapprove** Fulton Community Church's parking permit application to be used during the 2024 Oysterfest.

Mayor Cole read the item and informed the Council that this is the church’s yearly request. There were no questions at this time.

Motion made by Place 5 McCorkle, Seconded by Place 2 Garis to approve Fulton Community Church's parking permit application to be used during the 2024 Oysterfest.

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

- 4. **Discuss/Approve/Disapprove** the Interlocal Cooperation Contract Failure to Appear Program with the State of Texas.

Mayor Cole read the item also informing the Council that is an annual agreement for our Texas Department of Public Safety failure to appear program.

Motion made by Mayor Pro Tem Loflin, Seconded by Place 5 McCorkle to approve the Interlocal Cooperation Contract Failure to Appear Program with the State of Texas..

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

5. Discuss/Approve/Disapprove Policy Renewal Offer for Texas Windstorm Insurance Association for Town of Fulton properties.

Mayor Cole read the item and informed the Council that we compared deductibles but because all properties must have the same deductible, the Town will stay with the current one percent deductible.

Motion made by Place 2 Garis, Seconded by Place 3 Pahmiyer to approve the Policy Renewal Offer for Texas Windstorm Insurance Association for Town of Fulton properties.

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

6. Discuss/Approve/Disapprove Labor Standards Officer Oversight Procedures related to Community Development Block Grant Disaster Recovery Project with the General Land Office, State Contract No. 20-065-054-C164.

Mayor Cole read the item and informed the Council that this is a compliance requirement for the audit on the large west side drainage and street project.

Motion made by Mayor Pro Tem Loflin, Seconded by Place 4 Nielsen to approve the Labor Standards Officer Oversight Procedures related to Community Development Block Grant Disaster Recovery Project with the General Land Office, State Contract No. 20-065-054-C164.

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

7. Discuss/Approve/Disapprove the Fully Managed Services Master Agreement with Straight Edge Technology.

Mayor Cole read the item and informed the Council that Straight Edge Technology will be the Town's new IT representative. They will manage all the software and help with computer, internet, etc. issues.

Motion made by Place 2 Garis, Seconded by Place 5 McCorkle to approve the Fully Managed Services Master Agreement with Straight Edge Technology.

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 convened into Closed Session at 6:08 p.m.

OPEN SESSION

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

Council reconvened into Open Session at 6:19 p.m.

No action was taken.

ANNOUNCEMENTS

8. Mayor's Update.

Mayor Cole shared with the Council the following:

Maintenance: As contractors complete the ditch clean outs/grading, they will begin with the recycling and milling of the streets. Once that process is complete, they will begin with the stabilization of the streets.

Election: No one signed up to run against the incumbents. We will cancel the election on the next agenda. Saved the Town a minimum of \$17,300.

Police Department: Chief Gerstenberger addressed the speeding issue discussed during citizens to be heard. He indicated that he hopes to be able to have an officer on duty in the early mornings in the future. Chief Gerstenberger also noted that to date there have been 133 calls for service in Fulton. He shared that there had been a break in on North 5th Street and reminded everyone to be sure to lock their homes and vehicles.

9. The next Regular Fulton Town Council Meeting will be held Wednesday, March 6, 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 Place 5 McCorkle, 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 6:25 p.m.

Kelli Cole, Mayor

Stephanie Garcia, City Secretary

Name: KELLI COLE Month: FEB 2024 STATEMENT

Date of Transaction	Name of Business	Amount	Account #	Comments
1/22/2024	Amazon	\$574.75	GF535	Lamadri Gra Beads

SIGNATURE: 
KELLI COLE, MAYOR



Town of Fulton
Credit Card Transaction Log COMMERCE/FROST BANK

APPROVED BY COUNCIL: _____
DATE: _____



Details for Order #112-8889494-9103432

6F535

Order Placed: January 17, 2024
Amazon.com order number: 112-8889494-9103432
Order Total: \$574.75

Not Yet Shipped

Items Ordered

Price

25 of: GiftExpress 72 pack Mardi Gras Beads Necklace, Pearl Beaded Necklace, Mardi Gras Throws, Party Beads Costume

\$22.99

Necklaces

Sold by: GiftExpress (seller profile) | Product question? (Ask Seller)

Condition: New

Shipping Address:

TOWN OF FULTON
201 N 7TH STREET
FULTON, TX 78358
United States

Shipping Speed:

One-Day Shipping

Payment information

Payment Method:

Visa | Last digits: 0064

Item(s) Subtotal: \$574.75

Shipping & Handling: \$0.00

Billing address

TOWN OF FULTON
201 N 7TH STREET
FULTON, TX 78358
United States

Total before tax: \$574.75

Estimated Tax: \$0.00

Grand Total: \$574.75

To view the status of your order, return to [Order Summary](#).

[Conditions of Use](#) | [Privacy Notice](#) © 1996-2020, Amazon.com, Inc.

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR OTHER
POLITICAL SUBDIVISIONS (NOT COUNTY) CERTIFICACIÓN DE
CANDIDATOS ÚNICOS
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)**

To: Presiding Officer of Governing Body
Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 4, 2024.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el mayo 4, 2024.

List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

Office(s) Cargo(s)

Cole, Kelli
Loflin, Robert
McCorkle, Laura

Candidate(s) Candidato(s)

Mayor
Alderman, Place 1
Alderwoman, Place 5

Signature (Firma)

Stephanie Garcia

Printed name (Nombre en letra de molde)

(Seal) (sello)

City Secretary

Title (Puesto)

02/20/2024

Date of signing (Fecha de firma)

*See reverse side for instructions
(Instrucciones en el reverso)*

Instructions for certification of unopposed candidates:

Item 4.

The authority responsible for preparing the ballot must certify the unopposed status to the authority responsible for ordering the election. This document is filed with the presiding officer of the political subdivision. The governing body must meet, accept this certification, and issue an order or ordinance declaring the election cancelled and the unopposed candidates elected. To complete the cancellation process, a copy of the order or ordinance canceling the election must be posted on Election Day at each polling place that would have been used in the election. See sample Order of Cancellation and outlines for additional instructions.

An election* may be cancelled if:

- 1) The election is one in which a declaration of write-in candidacy is required; and
- 2) No opposed at-large race is on the ballot* within that election;*and
- 3) Each candidate whose name is to appear on the ballot* is unopposed, with some exceptions;

This means:

- In an all at-large election* (with no single-member districts), if there is one or more opposed at-large races, then all the races go on the ballot within that election.*
- In an election* in which any members of the governing body are elected from single-member districts, an election in a particular district may be cancelled if the candidate is unopposed and the election otherwise meets the above requirements (i.e., there is no at-large opposed race on the ballot).

Note: A general election (for full terms) or a special election (to fill a vacancy in an unexpired term) is considered a *separate election* with a *separate ballot* for purposes of these tests, even if held on the same election date. See our online Cancellation guide for details.

Instrucciones para la certificación de una elección con candidatos únicos:

La autoridad a cargo de preparar la boleta de votación debe certificar los candidatos únicos sin oposición a la autoridad encargada de ordenar la elección. Este documento se debe presentar al presidente de la subdivisión política. La entidad gobernante debe reunirse, aceptar esta certificación y emitir una orden o una ordenanza en la que declara la cancelación de la elección y la elección de los candidatos únicos sin oposición. Para completar el proceso de cancelación, se debe exhibir el Día de la Elección una copia de la orden u ordenanza de cancelación de la elección en todos los sitios de votación que se hubieran utilizado en la elección. Vea el ejemplo Orden de Cancelación y el resumen para más instrucciones.

Una elección* puede ser cancelada si:

- 1) *la elección es una en la que se requiere una declaración de candidatos por escrito en la boleta de votación; y,*
- 2) *no hay oposición para la carrera por acumulación en la boleta* de votación dentro de esa elección* y*
- 3) *Todos los candidatos cuyos nombres deben aparecer en la boleta* de votación no tienen oposición, con unas excepciones;*

Esto significa:

- *En una elección* por acumulación (sin ningún distrito con miembro único), si se encuentra una o más de una carrera por acumulación con oposición, entonces todas las carreras estarán en la boleta dentro de esa elección*.*
- *En una elección* en la que cualquiera de los miembros de la entidad gobernante se eligen de distritos con un solo miembro, se puede cancelar una elección en un distrito específico si hay oposición para el candidato y la elección cumple con los requisitos que anteceden (ej. no hay oposición para la carrera por acumulación en la boleta).*

Nota: *Una elección general (con términos completos) o una elección especial (para llenar una vacante de un término no vencido) es considerada como una elección distinta con una boleta distinta con los propósitos de estas pruebas, aunque se lleven a cabo en la misma fecha electoral. Vea nuestra guía de cancelación en línea para más detalles.*

ORDER OF CANCELLATION
ORDEN DE CANCELACIÓN

The Town of Fulton hereby cancels the election scheduled to be held on
(official name of governing body)
May 4, 2024 in accordance with Section 2.053(a) of the Texas
(date on which election was scheduled to be held)
Election Code. The following candidates have been certified as unopposed and are hereby
elected as follows:

*El Town of Fulton por la presente cancela la elección que, de lo contrario,
(nombre oficial de la entidad gobernante)
se hubiera celebrado el mayo 4, 2024 de conformidad, con
(fecha en que se hubiera celebrado la elección)
la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido
certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado
a continuación:*

Candidate (Candidato)	Office Sought (Cargo al que presenta candidatura)
Cole, Kelli	Mayor
Loflin, Robert	Alderman, Place 1
McCorkle, Laura	Alderwoman, Place 5

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.

Mayor (Alcalde)

Secretary (Secretario)

(seal) (sello)

Date of adoption (Fecha de adopción)

Instructions for sample order of cancellation:

To cancel an election, the governing body must first receive and accept the Certification of Unopposed Candidates form (or the authority may create its own form) from the authority responsible for preparing the ballot. The cancellation order/ordinance must be adopted in an open meeting. The candidates are not required to be present. Certificates of election should be prepared for each unopposed candidate; however, the certificates of election should not be issued until after Election Day, as follows. Section 2.053 provides that the certificate of election shall be issued "in the same manner and at the same time" as for a candidate elected at an election. Therefore, the candidates, who have been declared "elected" at the meeting ordering the cancellation, must wait until after the official election day (even though no election is held) and no earlier than the prescribed canvassing period (even though no canvass is held) to be sworn in and assume their duties. Candidates may complete the Statement of Elected Officer prior to Election Day. The Statement should be kept locally; it does not need to be sent to the Secretary of State's Office. Copies of this order/ordinance must be posted on Election Day at each polling place that would have been used had the election not been cancelled.

An election* may be cancelled if:

- 1) The election is one in which a declaration of write-in candidacy is required; and
- 2) No opposed at-large race is on the ballot* within that election;*and
- 3) Each candidate whose name is to appear on the ballot* is unopposed, with some exceptions;
This means:
 - In an all at-large election* (with no single-member districts), if there is one or more opposed at-large races, then all the races go on the ballot within that election.*
 - In an election* in which any members of the governing body are elected from single-member districts, an election in a particular district may be cancelled if the candidate is unopposed and the election otherwise meets the above requirements (i.e., there is no at-large opposed race on the ballot).

Note: A general election (for full terms) or a special election (to fill a vacancy in an unexpired term) is considered a *separate election* with a *separate ballot* for purposes of these tests, even if held on the same election date. See our online Cancellation guide for details.

Instrucciones para el ejemplo de orden de cancelación:

Para cancelar una elección, la entidad gobernante primero debe recibir y aceptar, de la autoridad responsable para preparar la boleta, el formulario de Certificación para Candidatos Sin Oposición (o la autoridad puede crear su propio formulario) de la autoridad responsable para preparar la boleta. La orden/ordenanza de cancelación debe ser adoptada en una reunión abierta. No se requiere que los candidatos estén presentes. Se debe preparar un certificado de elección para cada candidato sin oposición; sin embargo, los certificados de elección no se deben emitir hasta el Día de las Elecciones, así como se detalla a continuación. La sección 2.053 indica que el certificado de elección será publicado "en la misma manera y al mismo tiempo" para un candidato elegido en una elección. Por lo tanto, los candidatos que hayan sido declarados "elegido" en la reunión de la cancelación, deben esperar hasta después del día oficial de elecciones (aunque no se hayan llevado una elección) y no antes del período prescrito de la campaña política (aunque no se lleve a cabo la campaña política) a ser jurados y asumir sus deberes. Los candidatos pueden llenar la Declaración de Funcionario Elegido antes del Día de las Elecciones. Este documento se debe mantener en los archivos locales. No es necesario enviarlo a la Oficina del Secretario de Estado. El Día de las Elecciones se debe exhibir una copia de esta orden/ordenanza en todos los sitios de votación que se hubieran utilizado en la elección si no hubiera sido cancelada.

Una elección* puede ser cancelada si:

- 1) *la elección es una en la que se requiere una declaración de candidatos por escrito en la boleta de votación; y,*
- 2) *no hay oposición para la carrera por acumulación en la boleta* de votación dentro de esa elección* y*
- 3) *Todos los candidatos cuyos nombres deben aparecer en la boleta* de votación no tienen oposición, con unas excepciones;*
Esto significa:
 - *En una elección* por acumulación (sin ningún distrito con miembro único), si se encuentra una o más de una carrera por acumulación con oposición, entonces todas las carreras estarán en la boleta dentro de esa elección*.*
 - *En una elección* en la que cualquiera de los miembros de la entidad gobernante se eligen de distritos con un solo miembro, se puede cancelar una elección en un distrito específico si hay oposición para el candidato y la elección cumple con los requisitos que anteceden (ej. no hay oposición para la carrera por acumulación en la boleta).*

Nota: *Una elección general (con términos completos) o una elección especial (para llenar una vacante de un término no vencido) es considerada como una elección distinta con una boleta distinta con los propósitos de estas pruebas, aunque se lleven a cabo en la misma fecha electoral. Vea nuestra guía de cancelación en línea para más detalles.*

ORDINANCE NO. 318

**AN ORDINANCE
AUTHORIZING HOLIDAY PAY; REPEALING ORDINANCES IN CONFLICT;
PROVIDING FOR SEVERANCE AND AN EFFECTIVE DATE**

WHEREAS, the Town of Fulton has promulgated its Personnel Policy for all its employees; and

WHEREAS, said Personnel Policy does not make provision for holiday pay while the Town, for the protection of the health, safety and welfare of the community, requires certain employees to work on designated holidays; and

WHEREAS, it is the desire of the Town Council to make provision for holiday pay for those employees who are required to work on designated holidays.

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

Section 1. That the Town of Fulton Personnel Policy be amended by adding the following to Compensation, Chapter 5 thereof:

“Holiday pay:

1. All full-time non-exempt employees shall receive eight (8) hours of holiday pay on designated holidays, except on their personal floating days off provided in Chapter 7 hereof.
2. If a full-time non-exempt employee is required to work on a designated holiday, such employee will receive the eight (8) hours regular pay provided above plus holiday overtime pay for the additional hours worked at one and one-half (1 ½) times such employee’s regular pay.
3. For example: if an employee works five (5) hours on Christmas Day, the employee shall receive regular pay for the eight (8) hours and holiday overtime pay for the five (5) hours worked calculated at one-half (1 ½) times such employee’s regular pay.
4. All regular part-time employees, except seasonal part-time employees, shall be entitled to the holiday pay provided for herein.
5. Holiday pay as provided herein shall be applied to any non-exempt police officer.”

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 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 4. This Ordinance is effective from and upon its passage.

PASSED AND APPROVED this the _____ day of _____, 2024.

TOWN OF FULTON

Kellie Cole, Mayor

ATTEST:

Stephanie Garcia, City Secretary

Sec. 36-61. - Area, height and length.

Item 7.

The maximum area for any one (1) sign is one hundred (100) square feet. Cut-outs (temporary protrusions) are not permitted. No sign shall exceed ten (10) feet in height or fifteen (15) feet in height including support. No sign shall exceed ten (10) feet in length.

(Ord. No. 187, § 4(a)—(c), 3-15-2003; Ord. No. 187A, § 4(a)—(c), 4-15-2003)



March 12, 2024

Re: Sign Variance for Tavern by the Bay – 105 S. Fulton Beach Road

We would like to request a variance to the sign ordinance in Fulton, Texas to erect an entrance structure at 105 S. Fulton beach Road. The property owner has erected a black fence to enclose the property and have various food and beverage trucks/trailers utilize the property for events and during peak tourist months.

As can be seen in the drawings, a 12' double gate opening has been constructed for entering and exiting the property for the trucks and foot traffic from patrons. An aesthetic structure is being proposed to set two steel poles on each side of the gate with a stained wood overhang traversing the entrance. As the food and beverage vehicles near 13' in height, the structure is being proposed to have a 14' clearance from the bottom of the 5D Tavern sign to allow for the maximum clearance for the vehicles as required by the Department of Transportation on roadways.

This structure, or structure bulkhead, will be built using engineered WPI drawings as required. The property name, Tavern by the Bay are 1/2" waterjet cut acrylic letters attached with stainless steel hardware. The 5D Tavern circle is 1/8" aluminum with a galvanized frame for mounting purposes. The 5D Tavern circle has a square footage of 21.12 sq ft. with the Tavern by the Bay individual letters having a total square footage of around 35 sq ft. when calculating the letters only.

We would like to request a variance to allow the structure to be erected, giving the property a nice entrance to the property. We would also request that the proposed signage be allowed to be installed on the overhang to allow wayfinding for customers to the property vendors.

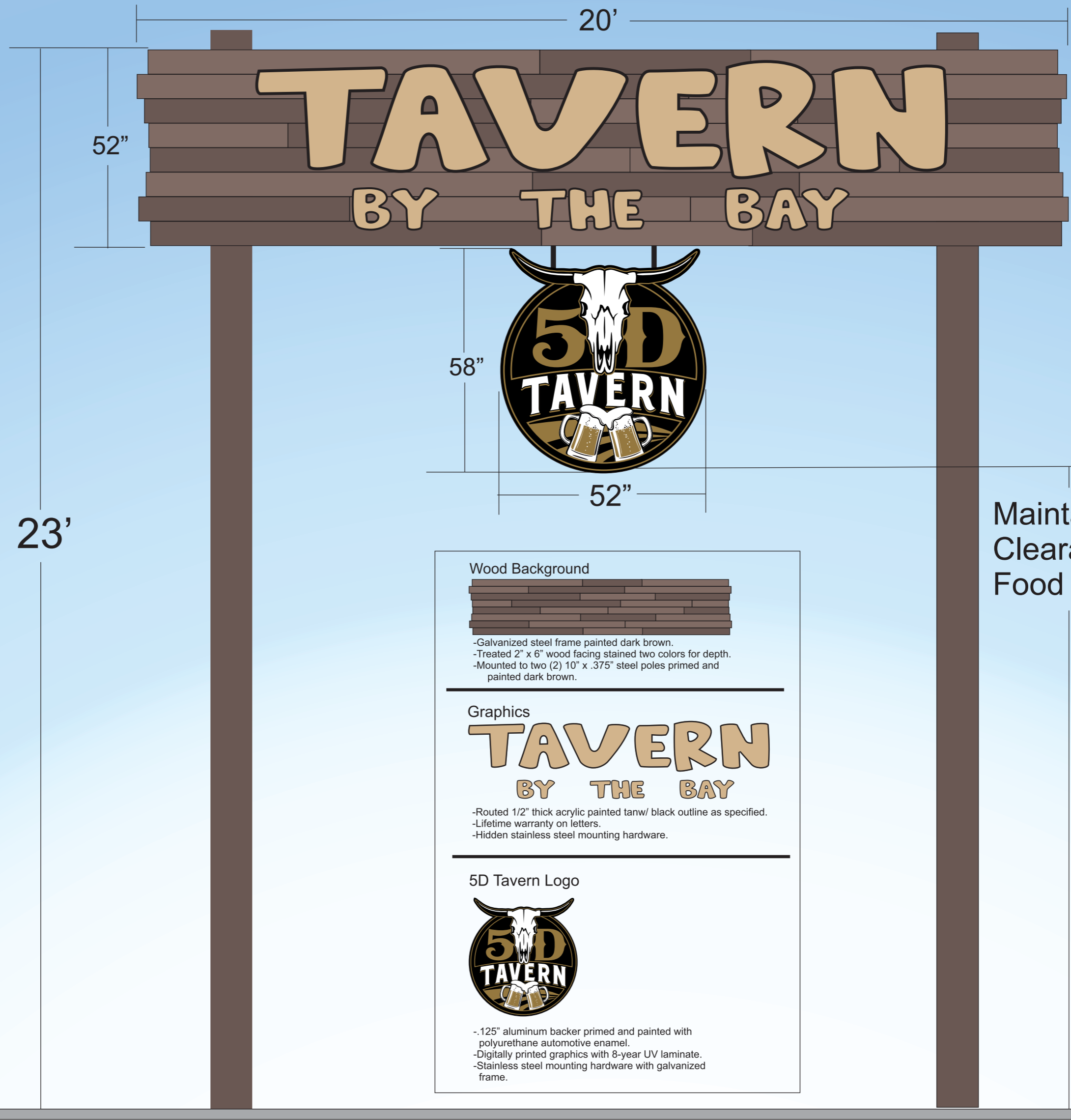
Thank you for considering our request.

Mark Pullin
MarcCorp Media, LLC.
Victoria, Texas 77905
361-550-5270

TAVERN

BY THE BAY





Maintain 14' Clearance for Food Trucks

Wood Background



- Galvanized steel frame painted dark brown.
- Treated 2" x 6" wood facing stained two colors for depth.
- Mounted to two (2) 10" x .375" steel poles primed and painted dark brown.

Graphics



- Routed 1/2" thick acrylic painted tan/ black outline as specified.
- Lifetime warranty on letters.
- Hidden stainless steel mounting hardware.

5D Tavern Logo



- .125" aluminum backer primed and painted with polyurethane automotive enamel.
- Digitally printed graphics with 8-year UV laminate.
- Stainless steel mounting hardware with galvanized frame.

TO: Brianne Dlugosch

COMPANY: Tavern by the Bay

LOCATION: Fulton, Texas

SALESMAN: MARK PULLIN

PROJECT: Entrance Sign

CLIENT SIGNATURE

Contact Info:
 Marcorp Media, LLC.
 Victoria, TX 77905
mark@marcorpmedia.com
 361.550.7376
 361.550.5270 Cell

This sign is intended to be installed in accordance with the requirements of article 600 of the national electrical code and other applicable local and state codes/ordinances.

RESOLUTION OF THE TOWN OF FULTON SUSPENDING THE APRIL 4 2024 EFFECTIVE DATE OF AEP TEXAS INC.’S REQUESTED RATE CHANGE TO PERMIT THE TOWN TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE CITIES SERVED BY AEP TEXAS AND AUTHORIZING INTERVENTION IN AEP TEXAS INC.’S REQUESTED RATE CHANGE PROCEEDINGS BEFORE THE COMMISSION; HIRING LLOYD GOSSELINK ATTORNEYS AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES’ RATE CASE EXPENSES; 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 with an interest in the rates and charges of AEP Texas; and

WHEREAS, the Town is a member of the Cities Served by AEP Texas (“Cities”), a membership of similarly situated cities served by AEP 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, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, the Town retains its rights as a Town with original jurisdiction including the right to suspend the application; 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 consultants and attorneys recommend that the Town suspend the application for further review.

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

SECTION 1. That the April 4, 2024, effective date of the rate request submitted by AEP Texas on or about February 29, 2024, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

SECTION 2. That the Town joins other Cities Served by AEP Texas in this proceeding and, subject to the right to terminate employment at any time, hereby authorizes the hiring of Thomas Brocato of Lloyd Gosselink

Rochelle and Townsend, P.C, and consultants to review the Company’s filing, negotiate with the Company, recommendations regarding reasonable rates and to direct any necessary administrative proceedings or court litigation associated with an appeal of Town action.

SECTION 3. That the Town shall work with Cities Served by AEP Texas in the review and evaluation of whether the proposed rates are appropriate, fair, just, and reasonable; and intervene as a necessary party in the Public Utility Commission of Texas’ consideration of AEP Texas’ rate filing in Docket No. 56165 as it affects the customers in the unincorporated areas of AEP Texas’ service territory.

SECTION 4. That the Town’s reasonable rate case expenses shall be reimbursed by AEP Texas.

SECTION 5. 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 the public notice of the time, place, and purpose of said meeting was given as required.

SECTION 6. 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 20th day of March, 2024.

Kelli Cole, MAYOR

ATTEST:

Stephanie Garcia, Town Secretary

APPROVED AS TO FORM:

Hal George, Town Attorney