



# CITY OF JAMAICA BEACH

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## CITY COUNCIL REGULAR MEETING MINUTES

**March 20, 2023  
6:00 P.M.**

### **CALL TO ORDER AND ROLL CALL OF MEMBERS:**

*Mayor Morris Called the meeting to order at 6:00 pm.*

*The following Councilmember's were present:*

*Mayor Clay Morris  
MPT Russell Rupertus  
Alderman Sherwood "Woody" Green  
Alderman Gil Madray  
Alderdwoman Lorraine "Taz" Jones  
Alderman David Welch*

*The following staff was present:*

*Director of Operations Robert Quintero  
City Secretary Debbie Nesbitt  
Chief of Police Raymond Garivey*

### **PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS:**

With a quorum of the Council Members present, Mayor Morris called the meeting to order followed by the pledge of allegiance to the U.S. and Texas flags lead by Alderman Welch.

**SPECIAL PRESENTATION:** Police Chief Raymond Garivey introduced 3 new reserve officers to be sworn in. Officers Tim Seimek, Reginald Batista, and Jacob Garcia.

Bryan Kramer discussing bids on the phase 4 water project, suggested which company to use. Will be talked about during meeting it is item 10 on agenda.

Branch Construction, John Ashworth introduces employees with Branch that will be here in Jamaica Beach working. Gives break down of what they have currently been accomplishing with work orders and meter readings. Talked about the water plant, they developed a process control system for daily waste and waste water to make sure everything is working as it should. Lavatory testing they got a better rate for testing for Jamaica Beach. Awarded a rehab project

**PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING:** none

**CITIZENS REQUEST TO SPEAK BEFORE COUNCIL:** **Members of the public are invited to give comments at this time, lasting no longer than 3 minutes.**

Citizens may address council on a **specific agenda item only**, to ask questions. The Mayor may ask you to remain at the podium if Council has statement or questions. These comments should be directed at the entire Council, not individual members of the Council, Staff, or audience. Any speaker making personal attacks, defamation or using vulgar or profane language shall forfeit his/her remaining time and shall be seated.

**Paul Wendt:** 16531 Mansvelt – Agenda item 9. Voice concerns about the dead palm tree ordinance. Asking to be an ordinance for the elderly or people living on disability to help with costs to cut trees down.

**Ginger Jones:** 16612 Curlew – Agenda item 11. Would like an answer on the easement distances for section 23. Also thank you for moving pilings.

**Jerry Jackson:** 16612 Curlew – Agenda item number 11. Concerned about the boat house wanting to be built. Is asking that we look at the residents as two separate lots so we can look at the property lines where they are and where the boat house would possibly be built. It would be built on one of the property lines. It is going to be tough to sell the two separate lots if they ever decide to sell with the boat house being on both properties. Is also concerned if his neighbor decides to build a boat house it would be hampering both boat houses.

**Burt Dillman:** 16616 Sandpiper- Agenda item number 11. Says the waterways are supposed to be navigable and If boat dock is built 25 feet out then the waterway would no longer be navigable. Also that if the core of engineers were involved that they would disallow because they would hinder the use of a navigable waterway.

**David Torreno:** 16511 Jolly Roger - Wanted to introduce himself, Board of adjustments chairman.

**Sarah Clark Konopik:** 16610 Francis Drake- Agenda item 12. Against the rate increase for water, trash collection and drainage. Does not believe the rate increase should be passed on to property owners and residents as a default action by the city. Believes we need an in depth analysis for all water related operations to ensure they have a good handle on all associated processes and procedures. Costs are important yes but often overlooked is our public health and environment. Asks Robert Quintero for a comprehensive report regarding everything water. Examples include, data and information related to the review and audit of items related to utility revenues, meter reading validates against billings, expenses for day to day operations, emergency repairs, planned/unplanned maintenance, infrastructure replacement and upgrades. Also all of the various consulting, engineering, and similar advisory and research related efforts, plans for the utilization of Branch vs other experienced water operations and organizations such as USW, Inframark etc. who are experienced with the true operations of water and waste water operations not just having licensed employees. Wants better communication when we have water issues.

**Sharon Bower:** 16720 Sandpiper- Asking for a review and discussion of the budget, detailing expenditures to date and documenting committed and predicted expenses to the year end to be added to the agenda for the next city council meeting. Would like to know how the city is handling the costs of the water line repairs, the est. total in the budget was \$110,000 the cost is now over \$200,000.

## **REPORTS FROM DIRECTORS, POLICE, AND FIRE:**

Chief of Police Garivey - Report attached for March 2023 - No questions were asked  
Annual Racial Profiling Report, attached. - No questions were asked.  
Director of Operations Quintero - Report attached. - Robert addressed unannounced visitors at the waste water treatment plant. For safety reasons check in with Robert or request walk through the waste water plant with an operator there.  
Fire Chief - No report  
City Secretary Nesbitt - Report attached. - No questions were asked

### **COMMENTS / REPORTS FROM MEMBERS OF COUNCIL:**

**Alderman Green:** No report.

**Alderwoman Jones:** read her report.

"Thank you, Mayor. Debbie, as always, I will email you my Alderman Report to make it easier for you for adding this to the minutes. May I suggest that the other Alderman consider doing the same. Debbie spends a lot of time transcribing your comments.

Last Saturday morning, I stumbled upon members of Irreverent Warriors for their "Silkies Hike." What a great group of Veterans. I shared 50 Stars for Troops in less than 20 minutes. It was all that I had with me. It's an incredible experience to be surrounded by dozens of Veterans in the rain, with temperatures in the 40's to share a token of appreciation from the City of Jamaica Beach.

I want to acknowledge Pam Josselet, Sarah Konopik and many others for contacting the Secretary of State and clearing up any misinformation and/or hearsay by getting a detailed answer about voting in Jamaica Beach.

Pam and Rick Josselet have completed the Official Voter Registration Training and will be available to help anyone register to vote.

Mayor, I am requesting that...

1. You bring Pam's research which was emailed to all members of Council to our city attorneys, Olson and Olson, and ask for a legal opinion to clear up any misinformation or misleading Official Statements from the city.
2. Share this legal opinion with Council and the citizens of Jamaica Beach by posting that opinion on the city website and social media.
3. What I stated on social media was not illegal, Mayor. Your misinformation posted on the city website must be removed. If you or David Welch had contacted me to discuss my interpretation of the information provided to me by the County of Galveston Voter Registration Office, your misinformation posted on the city website and social media may have been avoided.
4. I suspect that you have refused to take the advice from our city attorneys to continue on your own vendetta of voter suppression and intimidation.

The citizens of Jamaica Beach are due an apology by the Mayor and by Alderman David Welch for the misinformation you have given to the city.

Mayor, You allowed a personal attack during a City Council meeting AND when the people objected, you silenced the people and let it continue. This goes against Roberts Rules of Order. Your role as Mayor is to maintain order and follow Robert's Rules of Order.

Mayor, you have a chamber full of people who want to speak to council but you refuse to allow them to address Council. You only allow them to address/ object to items only.

Your duty as Mayor is to ensure all ordinances are enforced. You are violating our own city ordinance 2018-02: The Rules of Decorum. You have violated their 1st Amendment rights to be heard as you limit their right to speak.

Mayor, your wife, also violated this ordinance by using abusive language during City Council meetings. You have limited council meetings to one a month. The people and Council members have asked you to return to 2 meetings a month and include a workshop. You have refused.

You refuse to answer questions from your own council and end meetings abruptly to end discussions without following proper procedure set by Roberts Rules of Order.

The disrespect that you and the Mayor Pro-tem show when someone asks a question or disagrees with you during a City Council meeting is appalling. This is not my opinion. One only needs to review past videos of our Council meetings for examples.

Mayor, As a Council Member, I was told with an email that I can not contact city staff for any reason. All questions should be directed to the Mayor. You have responded to SIX of my emails for the entire year of 2022. One reply was simply a question mark.

Mayor, I was informed to not ask for documents from Heads of Departments. I must ask with a Public Information Request Then you created the Wall of Shame and included all Public Information Requests in the Agenda Packets. This suggests that if a person submits a Public Information Request, they are Persona Non Grata, out of favor with the Mayor.

The city has not completed an Audit since 2019. Those audits are due within 6 months. We started the 2020 audit. The 2022 audit is due at the end of this month.

I suspect that there has been taxpayer money spent without consulting Council as I can not get a reasonable explanations

about the \$2.3 million dollars of encumbered funds.

I've asked about payroll, the Cares Act Money, the Conflict of Interest with West End Maintenance and the alleged computer hacking where critical documents were reportedly stolen from city computers. These questions have not been addressed.

I acquired much of this information with Public Information Requests. When I felt this information should be turned over to the Texas Rangers and/or the District Attorney, I invited the Mayor to go with me in an email. Mayor, you never replied.

A year ago, 27 people reached out to me with concerns about the former Chief of Police. I brought their concerns to council.

Mr. Heiman did eventually resign under questionable circumstances but only after he filed a lengthy 4 page complaint against me, and threatened to file a lawsuit against the City of Jamaica Beach.

Mayor, you continued to push the hateful narrative by publicly posting the resignation letter when you knew 3 months earlier the accusations against me were unsubstantiated. That is the term the City Attorneys used after a very thorough and costly investigation of the unfounded claims. I had to defend myself. I was not provided an attorney to represent me. You have used Executive Privilege to try to hide the City Attorney opinion because you and some on Council desired a different outcome.

And only one person on Council contacted me about the claim. Thank you Gil.

I submitted a Public Information Request for the City Attorney decision. You used taxpayer money for this witch hunt. You submitted my PIR to the Attorney General asking that it be client-attorney privilege. The attorney general ruling disagreed and decided to make the complaint public information because we have an open government.

I have copies of my letter from the City Attorneys. I will be submitting copies to Debbie, the City Secretary and ask that you include it with a former employees file. You are welcome to create a file for me too and include this document. And Debbie, please include this document with the minutes for this meeting. I will be appealing the Texas Attorney General ruling about the documents that you still want to keep hidden from the people. The people deserve to know the truth of this employee resignation and how you spent taxpayer money.

Mayor, I read your 8 page list of accomplishments that are not yours alone. Many things were not your idea but you take credit. Galveston Councilwoman Marie Robb, Sean Hutchison, Tom Quigley, Lilian Quigley, Pam Josselet, Cindy Roberts, Justin Stiff, John Aucoin, Council, and many others deserve the credit for their work and ideas. Many see through your deception. You neglected maintenance of the city till just a few weeks ago because it is election time.

I was elected to represent the Citizens of Jamaica Beach as an equal and I promised to ask the hard questions and bring the concerns that come from the people of this city to Council. I have done this. I refuse to accept hearsay and have asked for documented answers seeking clarification of the people's concerns. Because of my questions, you have investigated me, instructed me to not to communicate with City Staff, ignored my emails, removed my liaison responsibilities without informing me, and tried to silence me from doing the job I was elected to do.

This could be considered / interpreted as Official Oppression. The very thing that I was accused of doing. I have done my best to remain respectful at City Council meetings. I have been respectful with my interaction and emails with Council and City employees. The city attorney's, Olson and Olson, verified this. And it costed \$14,000 of the tax payers money.

I explained to you early on that I would ask questions. I wanted clear answers, accountability and transparency. You explained to me that you would "run the stop sign." In other words, did you plan to not follow the rules or the law?

Mayor, you wanted a rubber stamp. You expected me to go “play at the park.” And to, how did you put it to me, “Stay in my lane.” Obviously, I am not part of the Good Ole Boy Club. Is that because I am a woman? You wanted 5 minute meetings like the previous Administration with little public discussion. Mayor, your council consists of Mr. Green, who has never ONCE contacted me. Mr. Rupertus informed me early on with an email that he would not respond to emails. Mr. Welch’s actions speak for themselves. Mayor, you have your 3 rubber stamps. You and others on Council considered me the enemy for simply asking questions.

This is your Council, Mayor. This is the failure of your Administration.

In the past few years, the city has lost 2 city secretaries, a City Administrator, a Chief of Police, a Director of Operations, a Lieutenant, and 2 Sergeants, that I am aware of. Our city employees call City Hall a “war zone.” That is a direct quote.

Mayor, you’ve created this war zone, not me.

I have survived all of your attacks and attempts to silence and discredit me. I will not be bullied and I am not going away.

We were elected to govern by a form of Democracy. We are a Constitutional Republic, to the republic for which it stands, not a dictatorship.

Mayor, you are not the City of Jamaica Beach, the citizens are. They are the heart and soul of this community.

They deserve clear answers and documentation for the way we spend their tax dollars. They deserve respect especially if they disagree with you. The Citizens of Jamaica Beach are the over site for the actions of the City Council. Their power is in their vote.

Mayor, It is up to the Citizens of Jamaica Beach to vote knowing the entire truth of your administration. Thank you”

**Alderman Madray:**

Says at the last meeting he was committed to developing a concept plan for utilizing the city property at the waste water treatment plant for a dog park. I have gotten a lot of input on this and a win win plan that I am submitting (that you guys have). Received a lot of good comments and bad comments from citizens, but I feel that amenities make a community a community. Things like a pickle ball court, dog park, swimming pool, we don’t make any money off of it but it makes our community a real community. Would like to start thinking about the infrastructure budget for next year. develop a good plan, have logic and develop a budget for next year.

**Alderman Welch:** Would like to apologize to council woman jones. Again would like to go back to two meetings per month including a town hall to make it easier to hear citizen concerns and pick up more great ideas, “give them a better voice”.

**MPT Rupertus** – Apologized for not making the last meeting. One comment “I am exasperated, I love this city, I work hard for this city but it is getting more and more difficult lately. It feels like we are playing tug o war. I want it to stop.” Mentioned Easter at the park and sunrise service at the beach. Thanked the police department and staff for putting together “movie night at the park”, recommended more of a family movie instead of a kid movie. Thank you to the heads of the departments for all of the reports. Wants to acknowledge all heads of departments giving 110%. Welcomed Branch to Jamaica Beach and thanked them for their reports and having answers to all of his questions all the time or finding the answers. Wanted to point out that someone was painting the “Jamaica Beach” sign at the park and that Debbie Nesbitt requested other signs to be cleaned and freshened up as well. Special Thanks to David Torres the city contractor, for handling beautification, trash, maintenance and other projects.

**CONSENT AGENDA AND APPROVAL OF MINUTES:** *The following items are considered routine by the City Council and will be enacted by one motion. There will not be a separate discussion on these items unless a Councilmember request, in which event, the item will be removed from the general order of business and considered in its normal sequence on the agenda.*

*1. Approval of minutes from the Regular City Council meeting 2-27-2022*

*Motion made by Alderman Welch to approve as read, seconded by Alderman Green.  
Motion passed.*

**NEW BUSINESS:**

**9. DISCUSSION, CONSIDERATION AND POSSIBLY TAKE ACTION TO APPROVE ORDINANCE NO. 2023-07 TO ESTABLISH A DEAD TREE, DEASED TREES AND A DEAD PALM TREE BRANCHES RULE AND REGULATION. Quintero**

Motion made by Alderman Rupertus to discuss, seconded by Alderman Green.

Motion made by Alderman Rupertus to table, seconded by Alderman Green.

**VOTE**

**5 AYES (Green, Welch, Madray, Jones, Rupertus)**

**0 NAYS**

**0 ABSENT**

**MOTION TABLED**

**10. DISCUSSION, CONSIDERATION AND POSSIBLY TAKE ACTION TO APPROVE RESOLUTION NO. 2023-06 AUTHORIZING THE MAYOR TO APPROVE THE RECOMMENDATION FROM JOHN D. MERCER AND ASSOCIATES FOR PHASE FOUR OF THE WATERLINE REPLACEMENT PROJECT. Quintero**

Motion made by Alderman Green to discuss, seconded by Alderman Welch.

Motion made by Alderman Madray to approve, seconded by Alderman Rupertus.

**VOTE**

**5 AYES (Green, Welch, Madray, Jones, Rupertus)**

**0 NAYS**

**0 ABSENT**

**MOTION PASSED**

**11. DISCUSSION, CONSIDERATION AND ACTION TO GRANT/DENY A REQUEST FOR A VARIANCE TO CONSTRUCT TWO BOAT DOCKS/HOUSES TWENTY-FIVE FEET (25') FROM THE PROPERTY LINE, INTO THE CANAL, SUCH BEING MORE THAN THE MINIMUM PERMITTED DISTANCE (BUILDING LINE) OF THIRTEEN (13') FROM THE PROPERTY LINE; ON LOT 23 & 25 OF BLOCK 23 IN ZONING DISTRICT F1 (16600 CURLEW ROAD) AS REQUESTED BY PROPERTY OWNER JACK BIRDSOING. Quintero**

Motion made by Alderman Rupertus to discuss, seconded by Alderman Madray.

Motion made by Alderman Rupertus to table, seconded by Alderman Green.

**VOTE**

**5 AYES (Green, Welch, Madray, Jones, Rupertus)**

**0 NAYS**

**0 ABSENT**

**MOTION WAS TABLED**

**12. DISCUSSION, CONSIDERATION AND POSSIBLY TAKE ACTION ON RAISING WATER RATES, REFUSE FEES AND ADDING A DRAINAGE FEE DUE TO VENDOR RATE INCREASES. Quintero**

Motion made by Alderman Rupertus to table, seconded by Alderman Green.

**VOTE**

**5 AYES (Green, Welch, Madray, Jones, Rupertus)**

**0 NAYS**

**0 ABSENT**

**MOTION**

**13. MAYOR'S REPORT:**

"We have done so much right, we have done a lot of good stuff. Yes, we have had a lot of great accomplishments, and yes we have money set aside for us to get this done for previous administration. And we made it happen." Asked what is the difference between alderman welch's report last meeting and alderman jones report this meeting. Touched briefly on voter suppression. Says he and alderman jones have had at least 30 meetings in the past that were 1 hour and 2 hour meetings. Thinks the 2 meetings a month is a big ordeal, says they tried it before and they didn't want to just have a meeting for one of two line items. Feels like this was a good meeting with a good exchange of information. Says the reason the meetings between him and alderman jones stopped was because of harassment. He got tired of having to prove her wrong with every discussion. Addressed the cares act, says Sean Hutchison (city administrator) signed off on the pay. Steve Spicer (mayor) said ok bring it in front of city council. Said everyone on but two on city council agreed. It was brought up to the DA and nothing happened. Have worked as a team, the ones that have chose to be part of the team, to accomplish a bunch. Was interrupted and asked about minutes wanting to be pulled, told the citizen to request an open records request.

**14. ADJOURNMENT:**

Motion made by Alderman Madray to adjourn, seconded by Alderman Welch. Meeting adjourned at 8:10 pm.