



# CITY OF JAMAICA BEACH

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## CITY COUNCIL MEETING MINUTES

MARCH 7, 2022  
6:00 P.M.

### ROLL CALL OF ALDERMEN:

*The following Councilmember's were present:*

Mayor Clay Morris  
MPT Russell Rupertus - Absent  
Alderman Sherwood Green - Absent  
Alderwoman Lorraine "Taz" Jones  
Alderwoman Marci Kurtz-Hoffman  
Alderman Gil Madray

*The following staff was present:*

Director Brad Heiman  
Director Ana Mondragon  
City Secretary Debbie Nesbitt

### CALL TO ORDER AND PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

With a quorum of the Council Members present, Mayor Morris called the meeting to order at 6:00 p.m. followed by the pledge of allegiance lead by Alderwoman Hoffman to the U.S. and Texas flags.

### PUBLIC COMMENTS (LIMITED TO THREE (3) MINUTES PER PERSON)

**Andrea Spearing** - 16617 Jamaica Beach Road: Spearing thanked the city and the council members for continuing to use the call-in number to allow residents to participate in city meetings. Spearing asked about the pathways of the migratory birds that travel through Galveston Island and Jamaica Beach, could the city possibly look into having a dark night, or adding some type of hooding on commercial light at night within the city of Jamaica Beach and help in the process of the migrating birds.

**Mark Sloan** - 16531 Jamaica Cove Road: Sloan voiced his concerns about wanting an update on the issue he asked council about over a month ago concerning an incident he had with Chief Heiman, no one has gotten back to him yet, this issue happened over a year and a half ago, next step will be, take it to the Galveston County District Attorney's office.

**Dale Hubert** - 16720 Sandpiper: Hubert addressed the mayor and council, and is excited about the new video of meeting, should open a lot of transparency. Hubert asked Mayor Morris if he knows the official duties of being a Mayor, CEO of the city. Hubert asked whose trailer was parked at the water wastewater plant, and was it in violation of the law, using city property, and where the bull rock came from that is at the mayor's storage buildings.

### DIRECTORS REPORT:

Director of Operations Mondragon - No report  
Director of Finance Nesbitt - No report  
Director of Emergency Management Heiman - No report

## ITEMS FOR DISCUSSION AND CONSIDERATION:

1. **DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2022-03 AUTHORIZING THE DIRECTOR OF OPERATIONS TO APPROVE A PROPOSAL FROM R&A ROAD BORING, LLC. FOR PROFESSIONAL SERVICES ON PHASE THREE OF THE WATERLINE REPLACEMENT PROJECT.** Mondragon

Alderman Madray made the motion to discuss and approve, seconded by Alderwoman Jones.

With no discussion, Alderman Green made the motion to vote, seconded by Alderman Madray.

### VOTE

3 AYES (Madray, Jones, Hoffman)

0 NAYS

2 ABSENT (Green, Rupertus)

**MOTION PASSED**

## COMMENTS / REPORTS FROM MEMBERS OF COUNCIL:

**Alderwoman Hoffman:** Stated the Mardi Gras events didn't have a very good turnout, probably due to the weather. She also reported that the park has some trees that are not recovering from the winter storm, and she's keeping a watch on them. Hoffman stated we are a little behind on the playground equipment, waiting on the new city website to be able to create a survey page to include the residents help in picking the new park equipment. Stated will be doing a big cleaning event at the storage units and will host the easter events.

**Alderwoman Jones:** Alderwoman Jones read her report:

Mayor, I ask questions, I ask a lot of questions. And I want to thank Debbie and Ana for always being helpful and gracious with answering my questions and searching for documents that help me to understand our city better.

In 2020 I made 64 Open Record Request asking for city documents and shared them on social media.

I have asked for The City Audits, the Financials, city checks, the monthly check register, etc, these are available with Open Record Requests. Items not available on the old city website and I shared those on social media.

These are items easily available on other city websites and Debbie, I look forward to seeing those on our new city website.

Debbie, you are The Officer of Record, which is a sworn position, and that position comes with a great deal of accountability for keeping the documents of the city.

Thank you for finding the documents that I have asked for. I realize it takes time to track down this information and I appreciate your efforts.

The most transparent way to get an official document from the city is with an ORR or when it is on the city website. There is no question, it is not "opinion" or "hearsay" with an ORR.

So, let's talk about the elephant in the room.

Citizens are bringing up complaints about a staff member during Citizen Comments during a public meeting with the City Council. We know that by law they have the right to criticize the government. Many of them have reached out to me in the past few weeks. They feel they have valid concerns and complaints. Many thought their complaints were added to Mr. Heiman's personnel file.

So, with an ORR, I asked for a copy of that personnel file for any complaints or letters of disciplinary actions by the Council in those files.

According to the ORR, Debbie "found no records pertaining to this request."

To have no written complaints in a personnel file after working as a Chief of Police for 6 or 7 years is a remarkable accomplishment.

But what about citizens' very public complaints coming to City Council?

What is the process for submitting a letter of complaint or a letter praise and putting it in a staff's folder?

Certainly, Mr. Heiman is not in control of his own records with Debbie being the Officer of Record?

Today, I have 2 formal complaints that I want on public record to be added to Mr. Heiman's permanent personnel file. I wanted it to be public so that there is no question the items will be there in 6 months or 6 years and not be misplaced or lost by accident.

To save time, I won't be sharing those here but I will be sharing them on Social Media.

The good people of Jamaica Beach can decide for themselves if these are valid concerns or complaints or not. I have always tried to be honest and transparent with the city using social media.

I wanted to do this in a public forum so there is no question that these letters will be in Mr. Heiman's permanent personnel file.

It will be there next week or next year. Anyone can ask for it with an ORR.

I will be giving Debbie 2 copies. One for Mr. Heiman since I understand, he is in charge of the PD personnel files and another copy for her files since she is the Sworn Officer of Records.

In the past few weeks, I've had 27 people reach out to me about concerning events that involved Mr. Heiman. That makes 29 people total.

I have encouraged each person who has reached out to me to write a letter and have it placed in his file. I appreciate each of you for sharing your stories with me. But talking to me is not going to be a permanent record. You are the only one who can write that letter. I suggest that you give a second copy to Debbie and have it added to her files.

If anyone else wants to reach out to me, and you want to remain anonymous, I will file your letter of complaint for you. I will do everything I legally can to protect your name.

There is an old saying. Never pose a problem without having a solution.

May I suggest that Council create a formal procedure for citizens to file a concern or complaint that can be properly be investigated, tracked, and reported back to the citizens with resolution and documentation for each step.

And Council could also organize a Citizen Review Board that would have the power to investigate these types of complaints, and the authority to recommend action.

**Alderman Madray:** Reported he is still working on the entrances to Beachcomber and Bob Smith, working to get them fixed, and basically hit a brick wall. "I will be pursuing it to get it taken care of."

**Alderman Green:** - Absent

**MPT Rupertus** - Absent

**Fire Chief Baden:** No report

**Police Report:** Chief of Police Heiman reported spring break starts this weekend, the police department is fully prepared, new signs for parking and beach preservation are out, have a few regulatory signs, on back order hopefully they will in and installed by weekend, the police department will be fully staffed. Heiman stated he would be presenting to council the Racial Profiling Report at next meeting.

**MAYOR'S REPORT:** Morris reported trying to set a joint meeting with JBIC next month, residents are encouraged to attend. Mayor Morris read the following report

"As far as the "CREATE DOUBTERS" group.

Just as now, I will be spending the next several minutes addressing some unnecessary issues, instead of things I'd really like to be speaking of, such as the Beach Plan, Dune Fencing, the almost completed bollards and signs on the beach, FM3005, our road repaving & it's schedule, the wildlife around JB and so much more...

This group has caused several issues at hand. Including,

\*Some not getting what they wanted...

\*To some,,,, not understanding the duties of an Alderman or as a Citizen. The Order & the Decorum,,,, respect,,,, city protocols & boundaries,,,, state & local law,,,, employee privacy,,,, personal opinions,,,, slander,,,, ethics,,,, City productivity,,,, City guidelines and ordinances,,,, and false pretense.

If more of their time was spent understanding these things first and less time always trying to find something being done wrong from their lack of that knowledge and the processes. The more productive

we could all be. Yes, I know there is an entertainment part of FB, though you should not depend on it as gospel or it's unofficial sources.....

Who watches 1883.... I was on FB, reading assorted "opinion news" (our so-called news) over the last few weeks I noticed several of those agencies reporting this season was the last and only season. I was like wow... dang... I so enjoyed this show... it was upsetting. I thought, "reason says no way"...

did I jump on paramount Facebook page to show my displeasure, did I immediately fire off a nasty email??? Did I run out and start telling everyone??? No, something just didn't seem right.

Later I saw an interview with Taylor Sheridan, the creator, and he said he looked forward to some character building in season 2, though season 2 would probably be the last season. For 1932 was going to be the next prequel. I was so happy! News straight from the source! What a novel idea...

Our Staff, our city FB site or the city website is there just for these type questions. If you have an issue or question, please call or email. Sometime this is a great way for us to go ahead and post something we need to.

The City is working on creating or updating Social Media Guidelines for staff & elected officials..... the Agenda Policies..... and the City Council Policies & Procedures Manual.

Certain individuals have chosen to cherry pick state laws and guidelines to try and create chaos and confusion. All the while making the city and city staff unproductive from their daily duties. Here is just an example of the number of Open Records Requests and from whom. SEE ATTACH

Yes, I know everyone has a right to everything we do. I made one of my priorities to update the City's website so we could have more info on it,,,,, and we are doing that! The old website you just about had to be a computer programmer to change or add things to it.

Where do these open records request become harassment vs. a right to know? 1, 2-3 or 20-30 all from the same individual or group. State law says unlimited,,,,, as it should. I ask you, Jamaica Beach Citizens do you want our staff working on a meaningless ORR (not stating they're all meaningless) or do you want them doing something productive that benefits everyone.

May I remind everyone your elected officials are unpaid and do this because they LOVE this community, they LOVE this City. It is unfair that a select few choose to make this as difficult as possible for them.

While for the most part every elected official is out being productive, spending countless hours, meeting with outside agencies to GET THINGS DONE IN JAMAICA BEACH. To find monies, to make things happen for what's in the BEST INTEREST OF JAMAICA BEACH and not to drag down staff..... and while also creating obstacles for the ones who choose to make a positive real and viable difference.

Others of your elected officials have chosen to take on projects or help out in positive ways, like Marci at the park and the pool,

Gil working on or assisting on the finance numbers for city projects,

Woody for STR input and Fire Dept needs.

Russell, accompanying me to meetings with agencies, job site meetings at projects we have going on, always being available for creative input with staff and their meetings.

And helping me be even more productive than I ever could alone.

You'll probably even start to hear about why we choose certain contractors or why we use certain contractors so often... Because we want a fair price in a reasonable amount of time, and most of all, it done right! We prefer to select from a local selection of contractors we know and can depend on. Now I'm sure we will get an ORR for who all that is! How many of you really truly care? As long as it is being done right and at a fair price! This is just one example of what we are elected to do, and we do it. We should be able to do it without harassment and it creating 2 or 3 more ORR. Which takes staff time that you as citizens must pay for.

You have elected us to make a difference and make daily decisions on running this city as efficiently as possible. And it being able to be done without the constant barrage of ORR, that again costs taxpayers money for every one that is requested about daily operations that you have elected us and trust us to do. Not saying it shouldn't be done, though YOU the taxpayer pays for every one of them.

Yes, we can charge for them at times, though it is ministerial to what it truly costs the taxpayer.

If you'd like a change from which way we are heading please run from Council or Mayor. If not, let us do our job without the constant inundation of requests, creating the ever slowing of progress with the bureaucratic red tape and obstacles.

For some it seems their daily job, they choose to sit at home on their computer browsing funny memes to share, talking to one another to see what they could come up with next vs out seeing and appreciating the improvements all around our city. Visiting with citizens in a positive way, getting input and spreading a positive word.

Some of you have been there in your life! You go to work in a great mood and have a great plan, you get there and wham!!! Here's this negative, here's this challenge, there's that obstacle, there's another complaint. All created by one or two, even though most know and appreciate,,,, and acknowledge your hard work. It takes its toll on ya. Yes,,, you try and be understanding,,,, you try and be empathetic,,,, but it's every day,,,, week after week,,,, month after month.

At some point the nice guy will leave the building and you will start to fire back and at times ignore those constant unreasonable demands and requests that come from the same few people.

For you,,,, the silent majority,,,,, you know where my heart is,,,, where my work ethic is and how easy it is for me to visit and respond to you and explain the city's business. I take pride in that... and the majority of you know it

And finally,,, with all of this being said.... We will always welcome suggestions, constructive criticism and ideas. THERE IS WAY TO EFFECTIVELY DO IT AND SOCIAL MEDIA IS NOT IT. Please don't get mad because we don't do what you suggest for there could be situations or circumstances that prevent it.

We are trying,,,, we are doing,,,,, and always thinking about what's in the best interest of Jamaica Beach as a whole. "

Thank you,

**ADJOURN:**

*Alderman Madray made the motion to adjourn, seconded by Alderwoman Hoffman. Motion passed unanimously to adjourn at 6:42 pm.*