



CITY OF JAMAICA BEACH

CITY COUNCIL REGULAR MEETING MINUTES

July 27, 2023
6:00 P.M.

CALL TO ORDER AND ROLL CALL OF MEMBERS:

Mayor Sharon Bower called the meeting to order at 6:04 pm



The following Council Members were present:

Mayor Sharon Bower
Mayor Pro Tem Gil Madray
Alderman Lorraine Jones
Alderman David Welch
Alderman Russell Rupertus
Alderman Sherwood Green

The following staff were present:

Director of Operations - Robert Quintero
Chief of Police - Raymond Garivey
Finance Clerk - Ester Abrego
Water Clerk - Tina Sifuentes

PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

SPECIAL PRESENTATION: None

PUBLIC COMMENTS:

- **Ginger Jones:** Believe the rate increases are reasonable but there are many trash cans without handles. Would like to see that taken out.

ANNOUNCEMENTS:

REPORTS FROM DIRECTORS, POLICE, AND FIRE:

- Chief of Police, Garivey – No report
- Director of Operations, Quintero – No report
- Fire Chief, Baden - No report

APPROVAL OF MINUTES:

Mayor Sharon Bower presented the minutes for July 13, 2023, for approval.

Motion made by Mayor Pro Tem Madray to **approve**, seconded by Alderman Welch

VOTE

4 AYES (Green, Jones, Madray, Welch)

0 NAYS

1 ABSTAIN (Rupertus)

MOTION PASSED

ALDERMAN REPORTS:

Mayor Pro Tem Madray: No report.

Alderman Green: No report.

Alderman Jones: stated she attended the WGIPOA meeting and Cheryl Johnson was the speaker who provided an abundance of information. Video available on YouTube.

Alderman Rupertus: No report.

Alderman Welch: No report.

NEW BUSINESS:

1. DISCUSSION AND CONSIDERATION TO POSSIBLY TAKE ACTION APPROVING RESOLUTION 2023-09, ESTABLISHING GUIDELINES FOR VOLUNTEER ENGAGEMENT IN THE CITY OF JAMAICA BEACH. (Bower)

Mayor Sharon Bower stated the resolution specifies the terms in which the city utilizes the volunteers. There will be a waiver that specifies a city council liaison and a city staff will be assigned to each volunteer to ensure the volunteer understands their guidelines and restrictions, and that the staff can maximize the input. Alderman Welch inquired about guardrails which keep the volunteer from personal information. He would like to make sure the staff and volunteers are all protected from a legal standpoint but appreciates all the help volunteers are willing to provide. Alderman Green questioned how the staff feels about accepting help from volunteers in regard to time required to train the volunteers in the tasks they are assisting with. Mayor Bower stated the city council liaison over the task will provide the necessary structure for the task, and the staff will have the input to deem whether the tasks are helpful. Alderman Rupertus stated he contacted staff and they unanimously agreed that they felt uncomfortable because they were worried the volunteers' actions would come back and threaten the staff's position. He does not agree and has requested that Mayor Bower stop allowing the volunteers to complete tasks that could get the city in trouble. He believes this should stop immediately and should be discussed with legal and should be tabled. Mayor Bower stated legal was consulted and that previous administration had goals to improve city volunteerism. Alderman Rupertus stated he believe they should be allowed to assist with tasks that do not include personal information. Alderman Jones stated that all information pertaining to STRs is public information. She submitted an open records request in the past and was able to access information. Alderman Rupertus questioned why volunteers have access to the website, or why they are included in meetings and phone calls that are putting the city in jeopardy. Mayor Bower stated there is a liability clause that is included that will limit the exposure, and that Pam Josselet has updated and improved the website. She stated her challenge with guardrails, she does not have a way to define each instance. Alderman Welch stated that without guardrails, we would have unintentional issues with legal. Alderman Rupertus stated there are currently more staff than previously employed. Mayor Bower stated that even though we have more staff, they are still new and need to catch up. Mayor Pro Tem Madray stated the city is behind on the audit, as well as other items that are behind, but city council has major concerns that he believes the new staff are good. Alderman Welch stated that he wants to see legal input. Alderman Rupertus stated that all volunteerism needs to cease immediately until we are sure the city is protected.

*Motion made by Alderman Jones to **discuss**, seconded by Mayor Pro Tem Madray*

*Motion made by Alderman Welch to **table**, seconded by Alderman Rupertus*

VOTE

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

0 NAYS

0 ABSTAIN

MOTION PASSED

2. DISCUSSION AND CONSIDERATION TO POSSIBLY TAKE ACTION APPROVING THE CITY OF JAMAICA BEACH SOLID WASTE AND RECYCLING AGREEMENT WITH AMERIWASTE, INC. (Bower)

Mayor Bower stated that the agreement has run out and AmeriWaste has been working with the city on a month-to-month basis. Mr. Quintero went out to bid and AmeriWaste was the single respondent to our bid. Rates will be increasing from \$12.19 to \$14.15. There will be a separate bill for dumpsters that will not fall on the homeowner. The contract will be the same other than they only allow 4 canisters allowable for pickup. The trash ordinance does not match the agreement and will need to be modified.

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

*Motion made by Alderwoman Jones to **approve**, seconded by Alderman Green*

VOTE

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

0 NAYS

0 ABSTAIN

MOTION PASSED

3. DISCUSSION ONLY ON POTENTIAL MODIFICATION OF ORDINANCE 2019-1. (Bower)

Mayor Bower stated the current contract allows for a 30-gallon container, but the new contract allows for a 64-gallon container. The ordinance needs to match the contract, which includes fitted trash cans and handles. There also needs to be an update to the number of containers to 4. She would like to propose that the white trash bags not be allowed on the outside of the container due to animals getting into the bags and spreading trash. Alderman Welch inquired about the recycle. Jackie Hildreth with AmeriWaste stated the only restrictions are that recycle cannot be in dark bags, the employees need to see that the contents are truly recyclable. Glass is permitted in recycle. Alderman Welch stated that STR's are not aware of the rules, and he would like the STR's to be informed. Alderwoman Jones stated that all information can be added to the website and the water bills. Mayor Pro Tem inquired about the number of bags allowed for green waste and was informed that there are no limits.

Public Comments:

Ralph McDermont – Questioned whether Galveston uses the 64-gallon bags or not.

Jackie Hildreth – Stated that the 96-gallon bags are hard for workers to remove from the enclosure and sometimes they have to cross the ditch.

Diane Grube – Had a concern about the tight-fitting lid because her canisters are never put back correctly, so she believes her lids will not be returned.

Kelly Billiot – Agreed that trash service is excellent, and she sees the workers struggle with large containers and bags. Does not believe heavy trash is safe for workers to be lifting from that low point. Suggested that large bags not be included in the bin.

Janet Howard – Suggested that STR's specify when trash is supposed to be placed out, or the owner or renter could be charged a fee to be mindful about not having trash strewn about. Also suggested that the city purchase trash bins and have citizens purchase them from city hall. Being that no volunteers are available, have a neighbor tag the bins for them.

Ginger Jones – Stated she and her neighbors take each other's trash bins out and put them back for each other, but some of the renters leave their trash out after the trash has run and she does not want to see the trash out until Monday. She used to have white bags and hated seeing the trash everywhere.

Jerry Jackson – Stated that cleaning people put trash in white bags and load up the trash cans without lids. The homeowners in his area do not have trash bins because of the rodents.

4. DISCUSSION ONLY ON POTENTIAL MODIFICATION OF ORDINANCE 2021-0 1. (Bower)

Mayor Bower stated there has been much work on short-term rentals, with Granicus being the company assisting with our short-term rentals where people can register and make payments, and they also work with hosting sites who advertise with renters. After preliminary work, there are 57 unregistered sites and 257 registered sites. We are not in compliance with paying our taxes. As the contract was not cancelled, we are still under contract for their services. Tina

has been working with Granicus to make sure payments are being posted and who is not in compliance. Research has been done on what surrounding cities are doing in terms of STRs, and it has been discovered that there are occupancy limits established. Looking into modifying our agreement to match other cities, we would like to one, enforce an occupancy limit, but the PD can not go door to door to check how many heads are in beds, so we can confirm that there is no advertising for more occupancy than our guidelines allow. Most cities allow two people per bedroom, plus two additional people. Some cities allow 2 plus 4. Other cities allow the city administrator to grant exceptions or allow based on square footage. There need to be limitations on short-term rentals and there are a number of houses that have higher occupancy. We would like to propose a higher fee. A tremendous amount of staff work is required to maintain STR's. Alderwoman Jones stated that Austin charges a \$730 application fee with an annual renewal of \$300. Austin has a 15-page application and Kemah has a 10-page application. There are annual fees and ordinances in place that the STR can be audited. Mayor Bower stated that parking is an issue, and we are struggling to create an ordinance that includes everyone. Staff are working on updating the city's website to include Granicus, but there is a prior implementation that was missing, and the \$50 registration fee was not collected. Requirements and ordinances will be updated so everyone knows what is to be collected. Alderman Welch stated that occupancy may be an issue because of timing of when guests come and go. He agrees that we should enforce our existing ordinances. Mayor Pro Tem Madray agrees that we should revisit the STR ordinance and increase fees and incorporate occupancy limits. Alderman Rupertus would like to have someone enforce the occupancy limits, but it's a slippery slope.

Public Comments:

Jerry Jackson – Stated that the square footage should be what is listed on CAD, based on the language permitted. If there are only 3 bedrooms permitted, it should not include the additional rooms built downstairs. For volunteers inspecting, can they be sworn in and verify how safe the location is.

Alderman Green – FEMA does not allow anything downstairs if it is not grandfathered in and people are putting new houses with downstairs, and we will be in trouble. Insurance rates will go up.

Lisa Ganucheau – Stated that she thought parking was one car per bedroom, per Sand and Sea contracts.

Dale Hubbert - Revisit volunteerism, volunteers for fire department and volunteers for police department are citizens, and therefore should not be allowed to volunteer.

Al Ayers – Once registration for STRs is completed, is someone going out to verify what was included in the application.

Kelly Billiot – When ordinance is revisited, can the STRs be labeled with an occupancy. Living the Dream lists owner and manager's number. Have the owner list their information.

Chris Warren – As a former STR owner, he would like to see current laws enforced, and being that there are more staff and there is more money coming in, where is the money going.

MAYOR'S REPORT:

Mayor Sharon Bower would like to thank Ginger Jones for assisting the court clerk that has been back logged. She was able to file items that were in the way and needed to be filed. Mayor Bower and Ester will be working over the weekend to get financials compiled and sent out next week.

EXECUTIVE SESSION:

Not included on the agenda

ADJOURNMENT:

Motion made by Alderman Welch to adjourn, seconded by Alderman Madray. Meeting adjourned at 7:05 p.m.