



# CITY OF JAMAICA BEACH

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## CITY COUNCIL REGULAR MEETING MINUTES

**November 16, 2023**  
**6:00 P.M.**

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

*Mayor Sharon Bower called the meeting to order at 6:00 pm*

*The following Council Members were present:*

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

*The following staff were present:*

*Director of Operations – Robert Quintero  
Police Chief – Raymond Garivey  
Finance Clerk - Ester Abrego  
Water Clerk – Tina Sifuentes  
Building/STR Clerk – Bailey Clement*

**RECONVENE:** *Mayor Bower reconvened the meeting at 6:10 pm*

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

### **SPECIAL PRESENTATION:**

- 1. Korean Veteran Appreciation** – Medals presented to Bobby Crow and Mel Corolla
- 2. Proclamation Recognizing November 9, 2023, as “Korean War Veterans Appreciation Day”**

### **ANNOUNCEMENTS:**

Mayor Sharon Bower stated that the Annual City Christmas party will be held at the City Park on December 2 from 3:00 pm – 5:00 pm. The Golf Cart Parade will depart at 5:30 pm, with the line-up at City Park at 5:15 pm. The Boat Parade will depart at 7:00 pm, with the line-up at the marina at 6:45 pm. Awards for first place and runner up. Santa and Ms. Claus are getting ready. Chief Garivey thanked everyone involved in the Poker Run for Blue Santa, which raised \$1,000.

### **PUBLIC COMMENTS:**

- **Bob Friedman** asked about the beach nourishment project and asked for the plan for the Beachcomber Drive section. Mayor Bower asked Robert Quintero to set up a meeting to discuss.
- **Zachary Strickland** spoke on the short-term rental ordinance. He supports a maximum occupancy of two persons per bedroom plus four additional persons.

- **Brandon McDermott** spoke on the short-term rental ordinance. He supports a maximum occupancy limit of two persons per bedroom plus two additional persons.
- **Jeff Wright** spoke against the short-term rental ordinance. He believes it is unconstitutional.
- **Mark Sloan** spoke on the short-term rental ordinance. He supports a maximum occupancy of two persons per bedroom plus four additional persons.
- **Jaime Flores** spoke on the short-term rental ordinance. He stated that STRs and full-time residents should follow the same rules.
- **Marina Wright** spoke on the short-term rental ordinance. She commented that STRs and full-time residents should follow the same rules. She is concerned about considerations of fire code that applies to STRs and not residents.
- **Al Ayers** spoke on fire safety of STRs. He requested that a fire code inspection should occur for short-term rental properties.
- **Paul Salvo** spoke on the short-term rental ordinance. He supports a maximum occupancy of two persons per bedroom plus four additional persons.
- **Aaron Renick** spoke on the short-term rental ordinance. He supports no changes to the short-term rental ordinance.
- **Betty Montgomery** spoke against the short-term rental ordinance. She would like to see the current city ordinances enforced.
- **Robin Harris** spoke on the short-term rental ordinance. He requested current STR owners be grandfathered in at two persons per bedroom plus four additional persons and apply the new STR ordinance of two persons per bedroom plus two additional persons to new STRS.
- **Amy Whitlow** spoke on the short-term rental ordinance. She stated that the new ordinance is not constitutional. The city needs to enforce the current ordinances. She is against any occupancy limit.
- **Genevieve Kelly** spoke on the short-term rental ordinance. She is a short-term rental owner and applauds the City Council for the work on the ordinance. She would like to see the beach managed to reduce crowds and trash.
- **Cindy Young** spoke on the short-term rental ordinance. Disappointed that the City Council passed the ordinance. The city needs to enforce the current ordinances. She is against the sign outside of the house and having to place the certificate on the back of the front door when it is glass. She is against allowing the city inside the STR and an occupancy limit. Also, occupancy does not consider infants and children.
- **Tom Prodan** spoke on the short-term rental ordinance. He is against the maximum occupancy limit and the sign outside of the house. The city should enforce current ordinances. He thinks there should be exceptions for increasing maximum occupancy.
- **Susie Knapp** spoke on the short-term rental ordinance. She is against the maximum occupancy limit, the sign outside the house and allowing inspections inside the house when she has renters present.
- **Marisol Flores** spoke on the short-term rental ordinance. She believes it is unconstitutional and referred the City Council to the letter from the attorney.
- **John Knapp** spoke on the short-term rental ordinance. He is against the sign outside of the house. He supports a maximum occupancy of two persons per bedroom plus four additional persons. He is against an inspection while renters are present.
- **Andrea Spiering** spoke on the short-term rental ordinance. She stated that the ordinance was passed too quickly. The City Council should have considered changes before passage. Existing ordinances should be enforced. Non-registered STRs should be addressed. She requested that children be considered separately from adults for occupancy. She asked how STR registration fees will be used. She asked for the City Council to communicate the amount of HOT tax funds collected and how they are being used.
- **Tracy Hird** spoke on the short-term rental ordinance. She is against the maximum occupancy limit. She would like the City to help STR owners communicate city ordinances to renters.
- **Jerry Montgomery** spoke on the short-term rental ordinance. He is against the ordinance. The city should enforce existing ordinances.

- **George Campbell** spoke on the short-term rental ordinance. Long-term residents have seen an increase in STRs. All the sudden he has a business next door. He has an STR next door with high occupancy and remodeled to increase occupancy.

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

- Chief of Police, Garivey – Attached – No Questions
- Director of Operations, Quintero – Attached – No Questions
- Fire Chief, Baden – None

**APPROVAL OF MINUTES:**

Mayor Sharon Bower presented the minutes for October 26, 2023

*Motion made by Mayor Pro Tem Madray to **approve**, seconded by Alderwoman Jones*

**VOTE**

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

**0 NAYS**

**0 ABSTAIN**

**MOTION PASSED**

**ALDERMAN REPORTS:**

**Mayor Pro Tem Madray:** No report

**Alderman Green:** No report

**Alderwoman Jones:** I took a quick trip for an early Thanksgiving with my family. I want to thank our Police Department for adding my home to their WATCH LIST while I was away. This is a comforting service our JBPD provides to anyone who requests it. Thank you Chief. Last Saturday I went to an amazing Veterans Day Event in Utah. Before and AFTER the event, my sister and I were able to share almost 100 stars with the Veterans who also attended this event. Last week, I was honored to attend the Galveston County Fire Department meeting held at our Fire Department Hall. Thank you, Chief Baden, for including me and thank you for making our Fire Department a great example for the County with the limited resources that you have. You make Jamaica Beach very proud. I was able to share stars with many of those who attended from Fire Departments around the County. My volunteers and I have now shared more than 5600 Stars. 5600 active Military, Veterans and 1<sup>st</sup> Responders know that Jamaica Beach appreciates their service.

**Alderman Rupertus:** No report

**Alderman Welch:** Thanked Aaron and Gina Renick for assisting with National Night Out.

**NEW BUSINESS:**

1. **Discussion, consideration, and possibly take action to approve Ordinance No. 2023-12, AN ORDINANCE ADOPTING DROUGHT CONTINGENCY PLAN; REQUIRING A COMPLIANCE WITH SAME AND SETTING UP POSSIBLE PENALTY FOR NONCOMPLIANCE.**

Mayor Bower read the above caption. Robert Quintero gave a presentation on the attached Drought Contingency Plan.

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

**VOTE**

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

**0 NAYS**

**0 ABSTAIN**

**MOTION PASSED**

2. **Discussion, consideration, and possibly take action to approve Ordinance 2023-13 AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS AMENDING ORDINANCE 2023-11; TO CHANGE THE WORDING ON PAGE 5 SECTION SHORT TERM RENTAL OPERATIONAL REQUIREMENTS PARAGRAPH A. FROM “ON THE BACK OF THE FRONT DOOR” TO “IN A LOCATION VISIBLE TO ALL GUESTS.”**

Mayor Bower read the above caption and elaborated on the issues with calling in for the meeting. She stated that there were complaints about the posting of the signs on the back of the front door if the door is glass.

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

**VOTE**

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

**0 NAYS**

**0 ABSTAIN**

**MOTION PASSED**

3. **Discussion, consideration, and possibly take action to approve Ordinance 2023-14 AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS AMENDING ORDINANCE 2023-11; TO ELIMINATE PARAGRAPH D AT THE TOP OF PAGE 6 THAT READS: THE OWNER SHALL POST THE FOLLOWING OUTSIDE THE HOUSE: STREET NUMBER ON THE HOUSE AND A SIGN THAT CONTAINS THE (1) SHORT TERM RENTAL REGISTRATION NUMBER AND (2) THE LOCAL 24 HOUR CONTACT TELEPHONE NUMBER. THE POSTING REQUIRES A MINIMUM OF TWO (2) INCH LETTERING VISIBLE FROM THE PUBLIC STREET FOR EMERGENCY AND POLICE RESPONDERS.**

Mayor Bower read the above caption. Alderman Welch stated he received feedback on this and stated that concerns were addressed having their personal information posted being a security issue. Alderman Rupertus questioned whether the STR number would assist with concerns and assist the police department if issues arise. Mayor Bower stated the information would be available to the police department and be updated monthly based on the information provided in the application. Alderwoman Jones stated she felt the owners should be able to advertise their rentals as long as they are within the sign limits.

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

**VOTE**

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

**0 NAYS**

**0 ABSTAIN**

**MOTION PASSED**

4. **Discussion, consideration, and possibly take action to approve Ordinance 2023-15 AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS AMENDING ORDINANCE 2023-11; TO ELIMINATE ITEM 14 AT THE TOP OF PAGE 4 THAT READS: THE OWNER SHALL GRANT PERMISSION TO THE CITY WITH TEN (10) DAYS WRITTEN NOTICE TO PERFORM AN ON-SITE INSPECTION OF THE SHORT TERM RENTAL TO DETERMINE ACCURACY OF THE SHORT TERM RENTAL APPLICATION INFORMATION OR IF THERE HAS BEEN A WRITTEN COMPLAINT TO THE CITY FROM OCCUPANTS ABOUT THE SAFETY OF THE SHORT TERM RENTAL**

Mayor Bower read the above caption and stated there was a lot of feedback concerning the city going into homes. If the application information does not match the sketch provided, the city could come in and inspect to verify information. Alderman Welch asked if this was about safety issues. Mayor Bower stated that the ordinance addressed if there were questions about the accuracy of the application, there could be an inspection, as well as any safety issues.

Alderman Welch stated he did not believe 10 days was enough notice for an inspection and proposes to strike the amendment. Mayor Pro Tem Madray stated he believes the inspections are necessary. Alderman Rupertus questioned whether or not we are trying to match what is being advertised and that the house is complying. If it is brought to our attention, it should allow the city to inspect the home. If the advertisement is showing something other than what is registered, they will be ticketed. If the advertisement shows more rooms than appears to be available, the city will inspect. If the guests complain about a safety issue, the city will inspect. Alderwoman Jones stated we are violating the 4<sup>th</sup> amendment rights and we should respect their rights. Robin Harris questioned whether or not the owner can request an inspection to provide proof about their occupancy. Ralph McDermott stated the city should give a 30 day notice to inspect a house. Mayor Pro Tem Madray stated that he knew that this issue would be discussed and needed to be revised.

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

**VOTE**

**4 AYES (Green, Welch, Rupertus, Jones)**

**0 NAYS**

**1 ABSTAIN (Madray)**

**MOTION PASSED**

5. **Discussion only on Ordinance 2023-16 AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS AMENDING ORDINANCE 2023-11; PAGE 2, ITEM M TO: MAXIMUM OCCUPANCY – THE MAXIMUM OCCUPANCY SHALL BE TWO (2) PERSONS PER QUALIFIED BEDROOMS, PLUS FOUR (4) ADDITIONAL PERSONS AND PAGE 3, NUMBER 9 TO: MAXIMUM OCCUPANCY FOR THE SHORT TERM RENTAL BASED ON TWO (2) PERSONS PER QUALIFIED BEDROOM(S) PLUS FOUR (4) ADDITIONAL PERSONS. EXAMPLE: GALVESTON COUNTY APPRAISAL DISTRICT LIVING AREA SQUARE FOOTAGE AREA CONTAINS THREE (3) BEDROOMS. THE MAXIMUM OCCUPANCY WOULD BE 3 BEDROOMS TIMES 2 PERSONS ALLOWED EQUALS SIX (6) PERSONS PLUS FOUR (4) ADDITIONAL PERSONS FOR A TOTAL OF TEN (10) PERSONS FOR MAXIMUM OCCUPANCY.**

Mayor Bower read the above caption. Alderman Welch wants to draw the line between adults and children and wants to find the verbiage to decide the ages. Alderwoman Jones stated she would like to have the limit for children at 12. Mayor Pro Tem Madray is pleased that the council is having a discussion and believes we need to get control of the STR's. He stated he read the litigation and it's that law firm's interpretation, and that our law firm, Olson, and Olson looked at we proposed, and it looks reasonable. Natasha Prodan commented about the sketch on the occupancy, and that their home is a new build with built in bunkbeds, so would there be an exception for the square footage and beds. Trisha Sloan stated occupancy should be 2+4. Brandon McDermott stated the comment about the additional two people shouldn't matter, but the loss of two additional people shouldn't matter. Alderman Rupertus stated the bad apples are the issue and why are we not focusing the attention on the current owners and ordinances we have as tools.

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

6. **Discussion only on Ordinance 2023-17 AN ORDINANCE CREATING THE POSITION OF CITY ADMINISTRATOR AND REPLACING ORDINANCE 99-7**

Mayor Bower read the above caption. She stated that the ordinance states that the city Administrator shall discharge all employees other than department heads and City officers, and she received comments that the two positions, City Secretary and Chief of Police, should be specified that the City Administrator does not have authority to hire or fire, but the council does. Alderman Welch stated he was fine with the ordinance as stated if the position was needed. Robert questioned if he would be removed as a director and Mayor Bower clarified that he would be removed as a co-administrator. Alderwoman Jones requested an organization chart and Mayor Bower stated it was the job of the City Administrator to complete. Alderman Rupertus stated he did not see requirements listed for the City Administrator during emergency situations. He asked who is currently listed as the emergency manager and Mayor Bower stated the current plan has the mayor listed.

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

7. **Discussion, consideration, and possibly take action to approve Resolution No. 2023-12 AUTHORIZING THE MAYOR TO APPROVE THE RECOMMENDATION FROM JOHN D. MERCER AND ASSOCIATES FOR PHASE FIVE OF THE WATERLINE REPLACEMENT PROJECT**

Mayor Bower read the above caption. Brian Kramer from Mercer and Associates addressed the council and stated after the bids were opened and reviewed, it is their recommendation to award the job to Branch Construction Group. Mayor Bower questioned what streets will be affected and Mr. Kramer stated Jolly Roger, Bob Smith, Montego Way, Pelican Way, Managua Way, Kingston Way, Tahiti Way, Cabeza de Vaca. Additionally, four fire hydrants will be installed. The fence for the Bayside lift station was installed.

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

**VOTE**

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

**0 NAYS**

**0 ABSTAIN**

**MOTION PASSED**

**8. Council to discuss and approve an additional council meeting to be held on November 30, 2023, at 6:00 pm**

Mayor Bower read the above caption. She stated the meeting has been requested to begin at 5:30.

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

**VOTE**

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

**0 NAYS**

**0 ABSTAIN**

**MOTION PASSED**

**MAYOR'S REPORT:**

Mayor Sharon Bower stated that there was a great turnout for National Night Out. Special thanks to Sandy Denby and the Renick's did an excellent job executing the plan. Applauds the city engagement and assisting in making Jamaica Beach the best it can be. The waterline project is set to begin in January, and we will update everyone on outages. We are vacuuming out the part of the sewer plant that is not working and will have an estimate by the first quarter on how much it will be to get it up and running. Lift stations are needing repairs, and the council has approved funds to revamp. There are three candidates for the City Administrator position that will be presented to the council on November 30<sup>th</sup> and will be interviewed in Executive Session. City Hall will be closed for the holidays on Thursday and Friday for Thanksgiving and will close early on Wednesday at 1:00 pm.

**EXECUTIVE SESSION:**

Convened into executive session at 8:28 pm

1. Personnel
2. IT Cybersecurity

**RECONVENE:**

Reconvened into open session at 9:38 pm

1. Action from Executive Session
  - i. Approve Mayor to authorize additional December pay for qualifying employees.

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

**VOTE**

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

**0 NAYS**

**0 ABSTAIN**

**MOTION PASSED**

- ii. Approve amending the 2023-2024 Budget by moving \$31,000 from the General Fund Reserves, as follows:

1. 11014 Technology increased from \$9,000 to \$19,000.
2. 19013 Court Technology increased from \$7,000 to \$10,000.
3. 14011 PD Technology increased from \$32,000 to \$50,000.

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

**VOTE**

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

**0 NAYS**

**0 ABSTAIN**

**MOTION PASSED**

- iii. Consider for approval of the IT Cybersecurity Execution Plan.

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

**VOTE**

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

**0 NAYS**

**0 ABSTAIN**

**MOTION PASSED**

- iv. Possibly take action to authorize the Mayor to approve Galveston Computer Solutions to upgrade required systems for an amount not to exceed \$25,000.

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

**VOTE**

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

**0 NAYS**

**0 ABSTAIN**

**MOTION PASSED**

- v. Possibly take action to authorize Police Chief Raymond Garivey to migrate body cam data to a cloud-based system utilizing existing camera hardware for an amount not to exceed \$20,000.

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

**VOTE**

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

**0 NAYS**

**0 ABSTAIN**

**MOTION PASSED**

**ADJOURNMENT:**

Motion made by Alderman Welch to **adjourn**, seconded by Alderman Rupertus. Meeting adjourned at 9:43 p.m.