



# CITY OF JAMAICA BEACH

16628 San Luis Pass Road (2<sup>nd</sup> Floor Meeting Area)  
5264 Jamaica Beach  
Jamaica Beach, Texas 77554  
PH (409) 737-1142 FAX (409) 737-5211  
[www.ci.jamaicabeach.tx.us](http://www.ci.jamaicabeach.tx.us)



## PUBLIC HEARING MINUTES

SEPTEMBER 23, 2013  
6:00 P.M.

### CALL TO ORDER

*Mayor Steve Spicer called the Public Hearing to order.*

### PLEDGES OF ALLEGIANCE TO THE U.S. FLAG

*Alderman Mary Morse led the Pledges of Allegiance to the U.S. and Texas Flag.*

### ROLL CALL OF ALDERMEN

*The following Councilmember's were present:*

*Mayor Steve Spicer  
MPT Eddie Burke  
Alderman Mary Morse  
Alderman Gene Montgomery*

*The following staff was present:*

*City Administrator Brick  
City Secretary Rushing*

*The following Councilmembers were absent:*

*Alderman Brad South*

### THE SUBJECT OF THE PUBLIC HEARING IS AS FOLLOWS:

THE CITY COUNCIL OF THE VILLAGE OF JAMAICA BEACH WILL HOLD A PUBLIC HEARING ON THE PROPOSED BUDGETS FOR THE FISCAL YEAR 2012/2013 AT 6:00 P.M. ON MONDAY, SEPTEMBER 23, 2013, AT CITY HALL IN THE COUNCIL CHAMBERS, 16628 SAN LUIS PASS ROAD, JAMAICA BEACH, TEXAS. ALL INTERESTED CITIZENS ARE INVITED TO ATTEND THE HEARING. COPIES OF THE BUDGETS ARE AVAILABLE BY REQUEST. THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$6,967.02 (1.03% INCREASE), AND OF THAT AMOUNT \$6,397.67 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

*Mayor Spicer opened the Public Hearing:*

*Ginger Jones, 16612 Curlew, wanted clarification that taxes were not increasing.*

*Mayor Spicer replied no, the taxes were not increasing.*

### ADJOURN

*Public Hearing adjourned at 6:02 p.m.*



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**CITY COUNCIL  
SPECIAL WORKSHOP MEETING  
MINUTES**

**SEPTEMBER 23, 2013**

**6:00 P.M. (OR IMMEDIATELY FOLLOWING THE PUBLIC HEARING)**

**CALL TO ORDER**

*Mayor Steve Spicer called the meeting to order.*

**ROLL CALL OF ALDERMEN**

*The following Councilmember's were present:*

*Mayor Steve Spicer  
MPT Eddie Burke  
Alderman Mary Morse  
Alderman Gene Montgomery*

*The following staff was present:*

*City Administrator Brick  
City Secretary Rushing*

*The following Councilmembers were absent:*

*Alderman Brad South*

**ITEMS OF BUSINESS:**

**1. DISCUSS DANGEROUS HOUSES LOCATED AT 16627 CAPT. KIDD & 16715 TAHITI WAY.**

*The City Attorney, Steve Schultz attended the meeting to explain the current status on the dangerous houses located at 16627 Capt. Kidd & 16715 Tahiti Way. He said the house located at 16627 Capt. Kidd is scheduled for demolition, he said he had spoken to the lender of the property and they do not want to be sued; they have assured him that if the property owners do not demo the house then they will. As for the house at 16715 Tahiti Way he has had no luck in finding a probate for Mr. Safran who was the sole shareholder of Agave Data Systems; Agave actually owns the house; Mr. Schulz said just when he was about to pay \$1,000 to publish it in the newspaper his law firm received a call from an attorney representing Mr. Safran's sister who was looking to employ his law firm to do a probate down here to get the house in her name; Mr. Schulz explained to them they were ready to sue the default company or anybody they can find to sue; Mr. Safran's sister hired Maureen McCutchen, a board certified estate lawyer, so he can transfer the property to Wil Zapalac to honor the contract of sale that was done prior to Mr. Safran's death as long as Mr. Zapalac signed a release for any obligations they still have under the contract of sale. Mr. Schulz said he requested the attorney's to get a street address for Mr. Zapalac so he can serve him as soon as the house is deeded over to him.*

*Alderman Montgomery questioned once the house is deeded to Mr. Zapalac will we be back to step one with all the legal ramifications.*

Mr. Schulz replied as soon as the house is deeded to Mr. Zapalac we can sue him; he said he has spoken to Mr. Zapalac and he told him once the house was deeded to him he planned to get a loan to repair the house.

Shane Clark, 16717 Tahiti Way, spoke in favor of 16715 Tahiti Way being declared dangerous.

Ken Luce, 16626 Edward Teach, spoke in favor of both houses being declared dangerous.

Janeen Judah, 16623 Capt. Kidd, spoke in favor of house at 16627 Capt. Kidd being declared dangerous and city moving forward with lawsuit against homeowners.

David Temper, 16623 Capt. Kidd, 16623 Capt. Kidd, spoke in favor of house at 16627 Capt. Kidd being declared dangerous and city moving forward with lawsuit again homeowners.

MPT Burke asked Mr. Schultz to advise what the city can do tomorrow regarding 16627 Capt. Kidd.

**2. DISCUSS A VARIANCE TO CONSTRUCT A GARAGE/CARPORT AT 4218 SPANISH MAIN.**

City Administrator Brick said variance request was discussed with Planning and Zoning and they recommended approval.

**3. DISCUSS A VARIANCE FOR A FENCE AT 16700 KINGSTON WAY.**

City Administrator Brick said the variance request was discussed with Planning and Zoning and they recommend the homeowner build the fence along their property line to the bulkhead.

Jay Pennison, 16700 Kingston Way, does not agree with Planning and Zonings recommendation; he said if he built a fence on his property line then he wouldn't need to submit a variance request; he could just submit a fence permit; he was trying to be neighborly by requesting a variance to build a fence on a section of the city easement and not along his property line so the neighbor would still have access to back out of his driveway.

Bonnie Pennison, 16700 Kingston Way, wanted to make it clear that if they build the fence along their property line, which they have a right to do, then their neighbor won't be able to back out of his driveway.

Danny James, 16701 Kingston Way, spoke against the construction of the fence.

Bonnie Pennison, 16700 Kingston Way, asked Council to meet with them and Mr. James at the property to discuss a solution that will satisfy both homeowners.

**4. DISCUSS A VARIANCE TO CONSTRUCT A HOUSE AND BOATHOUSE AT 4427 PELICAN WAY.**

City Administrator Brick said Planning and Zoning have met and recommended approval of the variance request to build a house with an 8 ft. setback instead of a 10 ft. and allow the boathouse to have a 13 ft. setback instead of the original variance request of 10 ft. setback.

Ginger Jones, comment this request puts a thorn in her side; when she built her house the city didn't allow them to build with an 8 ft. setback; she doesn't understand why the city approves them now.

**5. DISCUSS THE CITY PURCHASING PROPERTY (LOT 1, SECTION 27) FROM OWNER.**

City Administrator Brick explained to Council this property is the last of the beachfront property needed to construct the sand dune; the homeowner is willing to sell the property to the city for the amount owed in back taxes, which is approximately \$1,500.

**6. DISCUSS GALVESTON COUNTY HEALTH DISTRICT CONTRACT FOR WATER POLLUTION CONTROL AND ABATEMENT FOR 2014.**

City Administrator Brick said this contract is a renewal for the same amount the city paid last year, which is \$967.00.

**7. DISCUSS PROPOSAL TO REPAIR BULKHEAD AT NORTH END OF BOAT LAUNCH AREA AT END OF TRINIDAD WAY.**

City Administrator Brick said he received one bid to repair the bulkhead; he said the repair is a budget item.

**8. DISCUSS ADOPTING A RESOLUTION TO NOMINATE VIC PIERSON TO THE BOARD OF DIRECTORS OF THE GALVESTON CENTRAL APPRAISAL DISTRICT.**

City Administrator Brick said the city has 6 votes and Mr. Pierson asked if we would give him all 6 votes.

**9. DISCUSS ADOPTING A RESOLUTION TO REVISE BIGGERT-WATERS FLOOD INSURANCE REFORM ACT OF 2012.**

*City Administrator Brick explained to Council the resolution is a joint city effort to ask legislator's to revise the Biggert-Waters Flood Insurance Reform Act since the rates will be too high for coastal communities.*

*Ginger Jones, 16612 Curlew, asked if the resolution was related to an article she read in the newspaper about flood insurance rates.*

**10. DISCUSS APPOINTING A REPRESENTATIVE AND ALTERNATE FOR THE H-GAC'S 2014 GENERAL ASSEMBLY.**

*City Administrator Brick said this is an annual request from H-GAC to appoint a City Council representative and alternate to the general assembly.*

**11. DISCUSS APPOINTING AN ALDERMAN TO REPLACE SANDY DENBY FOR AN UNEXPIRED-TERM.**

*City Administrator Brick said Council will need to appoint someone to replace Sandy Denby for her unexpired term; he said three people have applied: Sherwood Green, Terry Hudson & Patricia Sloan.*

*Sherwood Green, 16503 John Silver, comment he had been on Council previously and is interested in joining again.*

*Terry Hudson, 16614 Jamaica Cove, lived in Jamaica Beach for 5 years and is on other city committees.*

**12. DISCUSS ADOPTING FY 2013-2014 BUDGETS.**

*Mayor Spicer said the budget has been submitted to the City Secretary and is on the Called Meeting agenda to be voted on.*

**13. DISCUSS ADOPTING ORDINANCE 2013-5, LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, SETTING THE PROPERTY TAX RATE AT \$0.264380 PER \$100 OF PROPERTY VALUE.**

*Mayor Spicer read the item; he said the ordinance is on the Called Meeting agenda to be voted on.*

**CITIZEN INPUT**

(REQUESTS TO ADDRESS COUNCIL MUST BE MADE TO CITY STAFF BY 5:45 P.M. ON SEPTEMBER 23, 2013.)

*No requests to address Council.*

**CITY ADMINISTRATOR'S REPORT**

*City Administrator Brick acknowledged the City Secretary for her efforts to find the homeowners who rent their properties as short term rentals and remind them to pay their Hotel Occupancy Taxes.*

**MAYOR'S REPORT**

*Mayor Spicer reminded everyone of National Night out on October 1<sup>st</sup>.*

**ALDERMEN REPORTS**

*Alderman Montgomery said the Pool Committee will be going out for bids again.*

*Alderman Morse reminded everyone of the Annual Halloween event on October 31<sup>st</sup>.*

*MPT Burke – No Report.*

**POLICE REPORT**

*Cpl. Todaro reminded everyone of National Night Out on October 1<sup>st</sup> at the City Park.*

**ADJOURN**

*Meeting adjourned at 6:56 p.m.*



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## CITY COUNCIL SPECIAL CALLED MEETING MINUTES

SEPTEMBER 23, 2013

6:00 P.M. (OR IMMEDIATELY FOLLOWING THE SPECIAL WORKSHOP MEETING)

### CALL TO ORDER

*Mayor Steve Spicer called the meeting to order.*

### ROLL CALL OF ALDERMEN

*The following Councilmember's were present:*

*Mayor Steve Spicer  
MPT Eddie Burke  
Alderman Sherwood Green (took his seat after oath)  
Alderman Mary Morse  
Alderman Gene Montgomery*

*The following staff was present:*

*City Administrator Brick  
City Secretary Rushing*

*The following Councilmembers were absent:*

*Alderman Brad South*

### CITIZENS REQUESTING TO ADDRESS COUNCIL ON AGENDA ITEMS

(REQUESTS TO ADDRESS COUNCIL MUST BE MADE TO CITY STAFF BY 5:45 P.M. ON SEPTEMBER 23, 2013.)

*No requests to address Council.*

### ITEMS OF BUSINESS:

- 1. CONSIDER FOR ACTION DANGEROUS HOUSES LOCATED AT 16627 CAPT. KIDD & 16715 TAHITI WAY.**  
*MPT Burke motioned to move forward by filing suit at both locations. Second by Alderman Morse. Unanimously approved by those present.*
- 2. CONSIDER FOR ACTION A VARIANCE TO CONSTRUCT A GARAGE/CARPORT AT 4218 SPANISH MAIN.**  
*Alderman Morse motioned to approve a variance to construct a garage/carport at 4218 Spanish Main. Second by MPT Burke. Unanimously approved by those present.*
- 3. CONSIDER FOR ACTION A VARIANCE FOR A FENCE AT 16700 KINGSTON WAY.**  
*MPT Burke motioned approval of variance request to build a fence 3 ft. outside of the southside of the property line and have 100% use of his bulkhead. Second by Alderman Morse. All in favor: Burke & Morse; Opposed: Montgomery  
Motion failed.*

*Alderman Montgomery motioned to approve the variance as long as the fence is built along the property line on the southside of the property. No second.*

*Motioned failed.*

**4. CONSIDER FOR ACTION A VARIANCE TO CONSTRUCT A HOUSE AND BOATHOUSE AT 4427 PELICAN WAY.**

*Alderman Montgomery motioned to approve the variance request to construct a house and boathouse at 4427 Pelican Way. Second by Alderman Morse. MPT Burke originally abstained, but changed his vote to in favor. Motioned approved unanimously by those present.*

**5. CONSIDER FOR ACTION THE CITY PURCHASING PROPERTY (LOT 1, SECTION 27) FROM OWNER.**

*MPT Burke motioned to approve the city purchasing property (Lot 1, Section 27) from owner. Second by Alderman Montgomery. Unanimously approved by those present.*

**6. CONSIDER FOR ACTION GALVESTON COUNTY HEALTH DISTRICT CONTRACT FOR WATER POLLUTION CONTROL AND ABATEMENT FOR 2014.**

*Alderman Morse motioned to approve the Galveston County Health District Contract for Water Pollution Control and Abatement for 2014. Second by MPT Burke. Unanimously approved by those present.*

**7. CONSIDER FOR ACTION PROPOSAL TO REPAIR BULKHEAD AT NORTH END OF BOAT LAUNCH AREA AT END OF TRINIDAD WAY.**

*MPT Burke motioned to repair the bulkhead at the North end of Boat launch area at end of Trinidad Way. Second by Alderman Montgomery.*

*MPT Burke amended his motion to go out for more bids since the city only received one bid. Second by Alderman Montgomery. Unanimously approved by those present.*

**8. CONSIDER FOR ACTION ADOPTING A RESOLUTION TO NOMINATE VIC PIERSON TO THE BOARD OF DIRECTORS OF THE GALVESTON CENTRAL APPRAISAL DISTRICT.**

*Alderman Morse motioned to adopt a resolution to nominate Vic Pierson to the Board of Directors of the Galveston Central Appraisal District. Second by MPT Burke. Unanimously approved by those present.*

**9. CONSIDER FOR ACTION ADOPTING A RESOLUTION TO REVISE BIGGERT-WATERS FLOOD INSURANCE REFORM ACT OF 2012.**

*Alderman Morse motioned to adopt a resolution to revise Biggert-Waters Flood Insurance Reform Act of 2012. Second by MPT Burke. Unanimously approved by those present.*

**10. CONSIDER FOR ACTION APPOINTING A REPRESENTATIVE AND ALTERNATE FOR THE H-GAC'S 2014 GENERAL ASSEMBLY.**

*MPT Burke motioned to nominate himself as the Representative and Mary Morse as the Alternate for the H-GAC's 2014 General Assembly. Second by Alderman Morse. Unanimously approved by those present.*

**11. CONSIDER FOR ACTION APPOINTING AN ALDERMAN TO REPLACE SANDY DENBY FOR AN UNEXPIRED-TERM.**

*Alderman Morse motioned to appoint Sherwood Green as Alderman to replace Sandy Denby for an unexpired-term. Second by Alderman Montgomery. Unanimously approved by those present.*

**12. CONSIDER FOR ACTION ADMINISTER OATH OF OFFICE TO APPOINTED ALDERMAN.**

*City Secretary administered the Oath of Office to the newly appointed Alderman Sherwood Green.*

**13. CONSIDER FOR ACTION ADOPTING FY 2013-2014 BUDGETS.**

*Alderman Montgomery motioned to adopt the FY 2013-2014 Budgets. Second by Alderman Morse. Unanimously approved by those present.*

**14. CONSIDER FOR ACTION ADOPTING ORDINANCE 2013-5, LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, SETTING THE PROPERTY TAX RATE AT \$0.264380 PER \$100 OF PROPERTY VALUE.**

*Alderman Montgomery motioned to adopt an Ordinance, levying ad valorem taxes for the fiscal year beginning October 1, 2013, setting the property tax rate at \$0.264380 per \$100 on property value. Second by Alderman Morse. Unanimously approved by those present.*

## **ADJOURN**

*Mayor Spicer said if there was no further business to come before Council he would call for a motion to adjourn. MPT Burke motioned the meeting be adjourned. Second by Alderman Montgomery. Unanimously approved by those present. Meeting was adjourned at 7:21 p.m.*