



**Park Board of Trustees of the City of Galveston  
Beach Maintenance Advisory Committee**

8/5/2022 - Minutes

I. Call Meeting To Order

The meeting was called to order at 9:00am.

II. Pledge Of Allegiance

The Pledge of Allegiance was recited.

III. Roll Call And Declaration Of A Quorum

Roll was called and a quorum was declared.

Committee Members Present: Jason Worthen, Hal Needham, Willis Ghandi, Jen Johnson, Craig Vance, Peggy Zahler, John Machol, and Heidi Whitehead

IV. Conflict Of Interest Declarations

There were no conflicts of interest declared.

V. Requests To Address The Committee

Ted O'Rourke and Frank Maceo addressed the committee in regard to item XI.

Ted O'Rourke stated the following: "My name is Ted O'Rourke and I live at 1123 Church Street. I would like to start off by saying I have the utmost respect for the Park Board, the committee, and the staff. I have been on the Wharves Board for 5 years and 11 months, I've got a month left there. I know it is an honor to serve here. I want you to look at this from my position, if you had private property and if you would defend it. I think everyone in this room would do the same. They've fought wars, there is a war going on in Ukraine right now on about property rights. I am not going to go to war with anybody, I am going to handle things properly. I've got a great relationship with your Director, Kelly De Schaun, I've enjoyed working with her and she does a fantastic job. With that, I will tell you two of the most important things in the general land lease office. It specifically says on the front page, the state and the lessee hereby agree and acknowledge that the use of the term grant and or convey in no way implies that the lease or the leased premises are free of liens, encumbrance, and prior rights. The lessee is hereby put on notice that any prior grants or encumbrance may be of record and the lessee is advised to examine all records of the state and county in which the lease premises are located. I was never located or found or knew anything about to try to get my property. I would have expressed my concerns then. I did receive from the office here a copy of the survey that went out and was done and I couldn't get it open but my wife is my best friend and helper and she got it open and it says this survey is not intended to be used identify or elevate the line of vegetation or the landward boundary of the public beach. And that is in the survey itself that the Park Board immediately ran

out there and surveyed my property. When they say fine print, they mean fine print. And I've got an email. Kelly and I got breakfast on July 7th, and I've got an email that says they might have an issue with my property. In that same day after the breakfast, she sent me an email and it said "It was nice meeting with you for breakfast and while we are waiting on the GLO's final decision on the public lands, I would appreciate you not authorizing any vendor of the property. I think y'all know, my vendor is the Chairman of the committee, and I chose him not because he is on the Parks Board but because he is the best vendor in Galveston. I am trying to protect my rights as a landowner. I am leaving it to my children and we have already named it Pearl Beach. We named it for them and I want to leave it for them. It's not a big strip of beach. It's about as wide from that wall to that wall over there. I can't thank Mr. Worthen and Marlo enough for the top-notch job they have done. They are set up at 7:30, it's set up, and it's clean. The people across the street love it. And I want you to know if you were in my shoes, every one of you would have done the same. And thank you for your time."

Chair Jason Worthen reminded everyone that the committee is not allowed to comment on public comment and thanked the public for participating.

Frank Maceo was invited up for his public comment and stated the following: "Hello everybody. For the record, if Jason is the best concessionaire on the beach, I taught him everything he knows. I've been out there guys for like 30 years alright. I am Frank Thomas Maceo, and I am at 1201 Marine. I'm a former councilman here in Galveston and when I was a councilman a few years ago, me and the current Mayor had to fix problems due to claims like this. It cost the City money and time and that's money and time that we could have been putting into streets and sidewalks and curbs and things that matter to the people in Galveston. I came up to the Park Board today to inform you guys that I ain't got no beef with y'all. Alright. I am leasing privately owner uplands. Which is beachfront property encumbered by the open beaches act. And I know that. And I think you guys know that too. In 2012 my grandfather's will got passed down and we found out that the Park Board was leasing land owned by my family on 10th street. There was no contention because that land was above the highest annual tideline which is a silly line that doesn't apply to anything we do with the beaches. You guys need to remember that. I got that land back by simply telling the Park Board we owned it, we survey it, and showed exactly where it was at. During that time I was intimidated and I was threatened with lawsuits and I'm a smart kid, man, I did my research and I knew that any of these threats and intimidations weren't going to last beyond me going out and setting up on my property. On July 4th I calculated the sunset and I was out there setting up the umbrellas and chairs and I expanded Gulf Properties rights to the property down there. Guys that was 10 years ago now, Gulf Properties is still collecting rent from vendors out there that don't pay the Park Board a dime. I am here to tell you that property rights exist here in the United States of America. They exist in the state of Texas. They exist in the city of Galveston, and they exist on the beachfront here in town. I am of the position now where I am going to occupy the properties that I have a right to occupy until somebody of authority can tell me that I'm wrong. And I'm happy to receive that information because I have succeeded in this endeavor before. I was really trying to meet with Kelly this morning to try to see if she could provide the real information that determines whether the land is privately or publicly owned. And the process, I could tell you that determines if the land is privately or publicly owned, I determine that process because I went and got a lease from a private property owner and I did it 10 years ago and I just did it again. I displaced another Park Board vendor that I have known for 30 years. I've known that man out there. And I feel horrible about it but it's not the position I put anyone in. It's the position the Park Board has put itself in. And I am not talking to you people from little Frankie on the beach, I am talking to you from my experience as an elected official here in town. I think my three minutes are up if you guys even timed it, I don't know, but I am done. If you guys have any questions at all, you have my number and I am open to the proof that we don't own that property. If you guys can provide that, I am down to see it. And if it's real, it's real. And if it is not, I will continue to secure private property up and down the Seawall and will continue to displace Park Board vendors that don't have a right to be on private property."

## VI. Discuss And Consider Approval Of Meeting Minutes

Motion: John Machol made a motion to approve of the June, 3rd, 2022 BMAC meeting minutes.

Second: Second by Peggy Zahler

Vote: Approved (8-0)

VII. Celebration Of BMAC Members Terming Out (Kimberly Danesi, 10 Minutes)

Kimberly Danesi presented members of the Beach Maintenance Advisory Committee terming out.

VIII. Update On Sargassum And Tropical Weather Forecast (Dr. Hal Needham, 15 Minutes)

Dr. Hal Needham provided an update on the sargassum and tropical weather forecast for the Texas coast. He also provided information on why these storms build or dissipate the way they do.

IX. Presentation Of Fiscal Year 2022-2023 Beach Cleaning And Nourished Beach Draft Budget (Bryson Fraizer, 20 Minutes)

Mr. Bryson Fraizer reviewed the FY22.23 Beach Cleaning and Nourished Beach Draft Budget with BMAC members. He explained the coversheet for both draft budgets and explained any jargon seen.

X. Discuss And Consider Approval Of The FY22.23 Beach Maintenance Advisory Work Plan (Kimberly Danesi, 10 Minutes)

Mrs. Kimberly Danesi brought forth the Work Plan for the next fiscal year to the committee for their approval.

Motion: Ms. Peggy Zahler made a motion to approve the FY22.23 BMAC Committee Work Plan.

Second: Mr. John Machol seconded the motion.

Vote: Approved (8-0)

XI. Presentation On Private Property Assertions On Babe's Beach (Kelly De Schaun, 15 Minutes)

Item XI was moved to VI due to public interest in the matter.

Mrs. Kelly De Schaun complimented the committee members for the hard work they've put into the committee and the island. Mrs. De Schaun emphasized the transparency the Park Board has always maintained and reminded the committee that the private/public land is an issue that has been grappled with in the past along the Galveston beaches and the Texas Coast. The Park Board does not own any of it. They manage the property for the City of Galveston and for the State of Texas. The Park Board is providing millions in services to the beaches. Mrs. De Schaun reminded everyone that the assertions of private property are different along the whole Texas Coast. The difference in the situation at Babe's Beach is that the land was submerged for over 20 years and built back with public funds through beach nourishments. The nourishment projects cannot continue if the land is claimed as private property as it is illegal to use public funds on private property.

XII. 2021-2022 Committee Work Plan

The committee is on track with the committee workplan.

XIII. Future Agenda Items

The future agenda items were on track with the draft committee work plan for FY22.23.

XIV. Announcements

Adopt-A-Beach's next Island Wide cleanup is on Sept. 17th.

WGIPOA's next meeting will include a 'meet the candidates' forum for those running for the House of Representatives.

The National Weather Conference will take place Wednesday, August 10 at 10:00am. If you have questions about this season's hurricane activity that you would like answered, Dr. Hal Needham will be in attendance and has kindly offered to share your questions with Phil Klotzbach, Wednesday's presenter. You may reach Dr. Needham by email.

Adopt-a-Beach's Coastwide Fall Cleanup will take place on September 17th.

#### XV. Adjournment

The meeting adjourned at 10:23 am.