



Park Board of Trustees of the City of Galveston

12/13/2022 - Minutes

I. Call Meeting To Order

The meeting was called to order at 1:30 p.m.

II. Pledge Of Allegiance

The pledge was recited by those present.

III. Roll Call And Declaration Of A Quorum

Roll was called and a quorum declared.

Trustees present: Marty Fluke, Will Wright, Dave Jacoby, Mike Bouvier, Kimberly Gaido, Jason Hardcastle, Jeff Ossenkop, Spencer Priest and Jason Worthen.

IV. Conflict Of Interest Declarations

Jason Hardcastle and Jason Worthen declared conflicts with Agenda Items X-B and X-C.

V. Requests To Address The Board

Ted O'Rourke addressed the Board regarding agenda item X-C.

VI. Employee Spotlight - Bryan Kunz (Susan Keeble, 5 Minutes)

Susan Keeble introduced Group Sales Director, Bryan Kunz and gave a brief biography of his twenty year career with the Park Board.

VII. Administration

A. Discuss And Consider Approval Of Galveston Island Convention Center 2023 Operating Budget (Alex Villamil, 15 Minutes)

Alex Villamil presented the Galveston Island Convention Center (GICC) 2023 Operating Budget for approval.

Motion: Jason Hardcastle motioned to approve the 2023 GICC Operating Budget.

Second: Kimberly Gaido seconded.

Vote: Approved (9-0).

- B. Discuss And Consider Approval To Purchase Supplemental Insurance For Washed Ashore Artwork As Required By Contract (Bryson Frazier, 5 Minutes)

This item was deferred as approval was not required.

VIII. Operations

- A. Discuss And Consider Approval To Authorize Staff To Lease Vehicles From Enterprise Fleet Management Sourced Through A Dealership, To Order Eleven (11) New Trucks Through Enterprise Fleet Management, And To Purchase A Chevrolet Colorado For Urban Park (Bryson Frazier, 10 Minutes)

Bryson Frazier reported that in November, staff presented the immediate fleet needs to the Finance and Operations Committee and shared the impacts being felt due to the supply chain shortage over the past two years. He stated that Enterprise Fleet Management (EFM) is able to source these vehicles however due to the timeframe of the approval process, the vehicles would no longer be available.. Mr. Frazier asked that the Board give approval for the needed vehicles and approve the presented price ranges to allow staff to move when a vehicle is found in that range. These vehicles include ½ ton crew cab 4x4s for Beach Cleaning, mid-size trucks for Beach Patrol, ½ ton 4x4 and a 1 ton truck with a 10ft. flatbed for the beach parks and a small to mid-sized SUV/ truck for Urban Park. In addition, Mr. Frazier asked for approval to order the eleven Dodge Ram trucks that are in the budget for leasing through EFM with a monthly lease rate of \$3,795.80. He also asked for approval to purchase a Chevy Colorado for Urban Park to replace the previous vehicle, recently totaled in an accident, from Classic Chevrolet in the amount of \$30,911.59.

Motion: Will Wright motioned to approve the vehicle purchases within the ranges requested, the lease of the eleven Dodge Ram Trucks and the purchase of the Chevy Colorado as presented by staff.

Second: Jason Hardcastle seconded.

Vote: Approved (9-0).

- B. Discuss And Consider The Approval Of A Professional Services Agreement With Helm Design Group, LLC For Architectural Work Related To RESTORE Funding (Sheryl Rozier, 10 Minutes)

Sheryl Rozier shared that the professional services agreement with Helm Design Group is for the RESTORE project at East End Lagoon. She reported that the project originally received a building permit in 2017, but due to the length of time required to secure the RESTORE grant the permit was voided and now the code requirements of the City of Galveston have changed necessitating the drawings to be revised to meet the new code. Mrs. Rozier reported that the original architect has retired but Helm Design Group is comprised of two principals from the previous firm and they have extensive knowledge of the project. She also shared that the change in firm has been discussed with the Texas Commission on Environmental Quality RESTORE staff to make sure that there would not be any procurement issues. Mrs. Rozier asked for approval to execute the agreement not to exceed \$62,400.

Motion: Marty Fluke motioned to approve.

Second: Spencer Priest seconded.

Vote: Approved (9-0).

IX. Consent

Motion: Spencer Priest motioned to approve consent agenda items B, C and D.

Second: Jeff Ossenkop seconded.

Vote: Approved (9-0).

Robert Booth reviewed the code of conduct being presented for approval. He shared that after drafting this policy, he was made aware that the Park Board approved a new meeting policy earlier in the year and no longer use Robert's Rules of Order as well as that there is already has an approved decorum policy. He recommends removing Section 4 in the presented document since it is covered under these two documents.

Motion: Marty Fluke motioned to approve the Code of Conduct, removing Section 4.

Second: Spencer Priest seconded.

Vote: Approved (9-0).

- A. Discuss And Consider Approval Of Code Of Conduct For Park Board Of Trustee (Robert Booth, 10 Minutes)
- B. Discuss And Consider Approval Of Tourism Development Expenditures (Michael Woody)
- C. Discuss And Consider Approval To Replace HVAC Condensing Unit And Evaporator For Park Board Plaza Elevator Room (Schel Heydenburg)
- D. Discuss And Consider Approval To Purchase Yamaha FX1800-E Jet Ski For Beach Patrol (Peter Davis)

X. Executive Session

The meeting entered Executive Session at 2:06 p.m.

- A. Pursuant To Texas Government Code Section 551.071: Consultation With Attorney To Seek The Advice On Pending Or Contemplated Litigation Or On A Matter In Which The Duty Of The Attorney To The Park Board Under Texas Disciplinary Rules Of Professional Conduct Of The State Of Texas Clearly Conflicts With The Open Meetings Act Relating To Cause No. 3:21-CV-00359; Porretto V. The City Of Galveston Park Board Of Trustees, Et Al.—In The United States District Court For The Southern District Of Texas-Galveston Division
- B. Pursuant To Texas Government Code Section 551.071 - Consultation With Attorney On A Matter In Which The Duty Of The Attorney To The Governmental Body Under Texas Disciplinary Rules Of Professional Conduct Of The State Of Texas Clearly Conflicts With This Chapter - Legal Matters Concerning Concessionaire Program
- C. Pursuant To Government Code Section 551-071-Consultation With Attorney On A Matter In Which The Duty Of The Attorney To The Governmental Body Under Texas Disciplinary Rules Of Professional Conduct Of The State Of Texas Clearly Conflicts With This Chapter-Legal Matters Concerning Anticipated Litigation About Private VS. Public Beaches
- D. Pursuant To Texas Government Code Section 551.071 - Consultation With Attorney On A Matter In Which The Duty Of The Attorney To The Governmental Body Under Texas Disciplinary Rules Of Professional Conduct Of The State Of Texas Clearly Conflicts With This Chapter – Legal Matters Regarding The Remittances Of Hotel Occupancy Taxes
- E. Pursuant To Government Code Section 551-074-The Board Of Trustees Will Conduct An Executive Session To Discuss The Employment, Evaluation, Reassignment, Or Duties, Of The Following Employees:
 - a. Chief Executive Officer
 - b. Chief Financial Officer
 - c. Beach Patrol Chief
 - d. Chief Operations Officer

XI. Action Item (S) Resulting From Executive Session

Note: Will Wright left the meeting at 4:10 p.m.

The Open Meeting resumed at 5:02 p.m.

A. Discuss And Consider Action For Any Executive Session Item Listed On The Meeting Agenda

Item X-A

No Action

Item X-B

Motion: Marty Fluke motioned for staff to contract a landman to research titles and enter into dialogue with potential

landowners on the Historic Seawall at a price not to exceed \$49,900.

Second: Spencer Priest seconded.

Vote: Approved (6-0-2, Worthen and Hardcastle abstained, Wright not present at time of vote).

Item X-C

No Action

Item X-D

Motion: Marty Fluke motioned to authorize Bryson Frazier to engage a 3rd party auditor to review and validate current

practices related to HOT fund balances by the Park Board.

Second: Spencer Priest seconded.

Vote: Approved: (8-0, Wright not present at time of vote).

Motion: Marty Fluke motioned for staff to work with Legal Counsel to provide additional insight on Duties and Powers of the Park Board.

Second: Jeff Ossenkop seconded.

Vote: Approved (8-0, Wright not present at time of vote).

Item X-E

Motion Marty Fluke motioned to Approve Severance agreements for the Beach Patrol Chief and Chief Operations Officer.

Second: Spencer Priest seconded.

Vote: Approved (8-0, Wright not present at time of vote).

XII. Future Agenda Items

- RESTORE Timeline and commitments
- Information on Historic Seawall
- Hotel Occupancy Tax Audits
- Update on Transfer of Funds per City Ordinance

XIII. Announcements

Kelly de Schaun announced that this meeting would be the last one for Michael Woody who has taken a new position.

XIV. Adjournment

The meeting was adjourned at 5:15 p.m.

Schel Heydenburg
Board Reporter

Dave Jacoby
Board Secretary