



## Park Board of Trustees of the City of Galveston

1/24/2023 - Minutes

### I. Call Meeting To Order

The meeting was called to order at 1:33 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, Dave Jacoby, Michael Bouvier (1:37 p.m.), Kimberly Gaido, Jason Hardcastle, Spencer Priest and Jason Worthen.

### IV. Conflict Of Interest Declarations

Jason Worthen declared a conflict with agenda item IX-B and completed a conflict form. (*Note this was done later in the meeting and not at the time conflicts were called for*).

### V. Requests To Address The Board

An online comment was submitted by John Machol.

### VI. Employee Spotlight - Dottie Bossley (Susan Keeble, 5 Minutes)

Susan Keeble introduced Regional Sales Director, Dottie Bossley and shared a brief overview of her 20 year career with the Park Board.

### VII. Consent

**Motion:** Spencer Priest motioned to approve consent agenda items B-F.

**Second:** Jason Hardcastle seconded.

**Vote:** Pass (7-0).

**Motion:** Jason Hardcastle motioned to approve consent agenda item A.

**Second:** Marty Fluke seconded.

**Vote:** Pass (6-0, 1 – Priest abstained).

A. Discuss And Consider Approval Of Meeting Minutes (Schel Heydenburg)

- B. Discuss And Consider Approval For Bus Stop Lighting Repair At Urban Park (Corey Holcomb)
- C. Discuss And Consider Approval Of Fiscal Year 2022 September Unaudited Financial Statements (Bryson Frazier)
- D. Discuss And Consider Approval Of Lease Agreement With Visual Edge IT For Park Board Plaza Printer/Copier Machines (Schel Heydenburg)
- E. Discuss And Consider Approval Of Memorandum Of Understanding With City Of Galveston For Trolley Advertising Program (Scott Moon)
- F. Discuss And Consider Approval Of Tourism Development Expenditures (Jacquelyn Helton)

#### VIII. Administration

- A. Update And Discussion On Federal Government Affairs (Greg Burns, 20 Minutes)

Greg Burns with Thorn Run Partners presented the 2022 Federal Legislative/Agency activities undertaken on behalf of the Park Board. These included work on the Coastal Texas Construction Authorization, Babe's Beach nourishment, the General Services Administration hotel per diem rate and ongoing grant support. He shared areas to watch for in 2023 and potential efforts moving forward. The federal legislative agenda will be brought before the board in February for approval.

- B. Standing Committee Monthly Updates (Committee Chairs, 10 Minutes)

The Committee Chairs/Vice-Chairs provided updates on their respective committees for January. These included the first recognition for the Friend of Galveston Beaches program, a Beach survey update, Washed Ashore Exhibit update, development updates for Stewart Beach Park and Seawolf Park, discussion of audits and workforce development long term plans.

- C. City Council Liaison Report (Mike Bouvier, 5 Minutes)

Michael Bouvier gave an update on items from City Council which included the upcoming agenda item regarding the possibility of a vote for a City Charter amendment as it relates to the 3% hotel occupancy tax allocated to the Park Board, the postponement of the restrooms for seawall urban park, discussion on updating the City building codes, discussion of road closures with TXDOT for special events and the ongoing discussions regarding the development at Seawolf Park.

- D. Discuss Proposed City Charter Amendment Regarding The De-Obligation Of Marketing And Advertising Funds To The Park Board As Proposed By City Attorney Don Glywasky (Marty Fluke, 10 Minutes)

Marty Fluke reviewed a summary of the proposed charter amendment and the opinion regarding the necessity of this by the Texas Hotel and Lodging Association. Per this opinion, there are no conflicts with state law and the charter amendment is not needed. Mr. Fluke stated he believes that an addendum to the currently interlocal would address the issue as required for the HOT allocation of 3%. Kelly de Schaun shared her concern that this amendment is a step to defund the Park Board's ability to market and advertise the island without any discussion on an alternate plan.

Robert Booth shared that charter amendments can only be done every two years and if it is not approved by City Council at this next meeting, it will not be on the ballot due to deadline constraints. Typically, there is a committee that reviews the amendments and public meetings are had to discuss before putting on a ballot. Robert Booth shared that this is not required but is done by many cities.

- E. Discuss And Consider Approval To Create A Board Task Force For Process Of Solicitation Of General Counsel (Marty Fluke, 5 Minutes)

Due to the resignation of Carla Cotropia as legal counsel for the Park Board, Marty Fluke proposed the creation of a task force for her replacement. This task force would be made up of three of the trustees who would guide the issuance of a Request for Qualifications (RFQ), for legal services, interview the responding firms and make a recommendation to the Board for a replacement. Mr. Fluke recommended that Kimberly Gaido head up the task force with Jeff Ossenkop and Dave Jacoby as the other members. Kelly de Schaun

reviewed some of the considerations that the task force may consider when creating the RFQ and reviewing the submissions.

**Motion:** Jason Hardcastle motioned to approve the creation of the task force with Kimberly Gaido, Dave Jacoby and Jeff Ossenkop as members.

**Second:** Marty Fluke seconded.

**Vote:** Passed (7-0).

F. Discuss And Consider Approval To Appoint Maya Sandy To The Workforce Development Committee (Marty Fluke, 5 Mintues)

Kelly de Schaun reported that the Texas A&M Galveston position on the Workforce Development Committee Task Force is vacant. She shared that Dan Kratz was not able to serve due to conflicts with his position and that he recommended Career Counselor Maya Sandy as his replacement.

**Motion:** Spencer Priest motioned to approve the appointment of Maya Sandy to the Workforce Development Committee.

**Second:** Marty Fluke seconded.

**Vote:** Passed (7-0).

G. Review Of Texas Open Meeting Act Requirements (Schel Heydenburg, 10 Minutes)

Schel Heydenburg presented on the Open Meeting Requirements for the Park Board as determined by the Texas Open Meetings Act.

H. Discuss And Review Park Board Procurement Policy And Procedures (Bryson Frazier, 10 Minutes)

Bryson Frazier gave an overview of the current Park Board procurement policy that was created and approved in 2021. He reported that the policy was done in conjunction with the City. Mr. Frazier stated that most purchases over \$50,000 are governed by state law with few exceptions such as professional services which falls under the Professional Services Procurement Act. He stated that Legal services do not fall under this act and are not required to be competitively bid like other professional services. He did state that Park Board policy does require that all expenditures over \$10,000 be approved by the Board. Mr. Frazier also added that contracts are managed by the departments that consume the goods and are responsible for overseeing the tasks and expenditures for their contracts.

Marty Fluke shared that at the request of Jason Worthen, he asked for this review due to the concern over the unexpected expense for legal services approved at the previous Board meeting. Mr. Worthen expressed concern about preventing this from happening again. Mr. Frazier recommended that the policy be amended to require an engagement letter be signed with detailed expectations and managed by staff. Kelly de Schaun shared that the General Counsel typically oversees contracted attorneys and explained that this oversight happened for many reasons including legal counsel taking leave and the legal firm not billing for their work until she requested their invoice. Once the invoices were received it was discovered that the firm had gone well over the amount that had been authorized for their the task. Jason Hardcastle asked if this had happened previously and none of the staff around the table could recall an instance during their tenure. Mr. Hardcastle agreed that the policy should be revised and would like to see if brought to the Finance and Operations Committee for discussion.

I. Update On Chief Tourism Officer Recruitment (Kelly De Schaun, 5 Minutes)

Kelly de Schaun reported that over sixty applications were received for the Chief Tourism Officer position. This list has been whittled down to twelve that she and Meg Winchester are reviewing. Mrs. de Schaun shared that

a committee will then interview these candidates and get the list to two candidates who would then be invited for in-person interviews.

## IX. Operations

### A. Update On The Washed Ashore Island Wide Art Exhibit (Kimberly Danesi, 10 Minutes)

This item was deferred.

### B. Discuss And Consider Approval To Award Concessionaire Agreements To Begin In The 2023 Season (Ann Hobing, 10 Minutes)

Ann Hobing reviewed the concession renewal requests for the 2023 season.

**Motion:** Jason Hardcastle motioned to approve awarding the concessionaire agreements

**Second:** Spencer Priest seconded.

**Vote:** Pass (5-0, 1 - Worthen abstained).

### C. Presentation Of Federal Emergency Management Agency Receivables (Sheryl Rozier/Tom Singleton, 10 Minutes)

Sheryl Rozier directed the trustees to the table in the briefing packet and shared that these receivables listed are for the active FEMA worksheets.

### D. Update On Dellanera Beach Nourishment Costs And Activities (Sheryl Rozier, 10 Minutes)

Sheryl Rozier reported that to date, 70,000 cubic yards of sand have been placed on the beach with the project total scheduled to be 118,000 cubic yards. She shared that the cost of this project is roughly \$52 per cubic yard of sand compared to the recent Babe's Beach beneficial use of dredged material (BUDM) nourishment project of \$12.50 per cubic yard. Mrs. Rozier stated that this project, written by FEMA was for \$4.6 million but when the bids were received the cost, including engineering was closer to \$6.8 million. She reminded the Board that the project is 90% FEMA funded and 10% Texas GLO funded through the Coastal Erosion Planning and Response Act but the payments are being processed through the Park Board.

## X. Executive Session

The meeting entered executive session at 3:06 p.m.

### A. 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 – The Interplay And Interpretation Of Numerous State Laws, City Charter, Ordinances And Related Agreements Impacting The Division Of Rights, Duties And Responsibilities Between The Park Board And The City Of Galveston And Options For Clarifying The Same

## XI. Action Item (S) Resulting From Executive Session

The open meeting resumed at 4:48 p.m.

*Note: Dave Jacoby left the meeting at 3:50 p.m.*

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

No action was taken.

## XII. Future Agenda Items

- Election of Vice-chair
- Committee appointments
- Federal Legislative agenda for approval
- Washed Ashore update
- Discuss possible joint meeting

#### XIII. Announcements

- Rotary Chili at Ball High School - January 25, 2023 from 6-8 p.m.
- United Way Open House for new office - February 1, 2023 from 4-6 p.m.

#### XIV. Adjournment

The meeting was adjourned at 5:28 p.m.

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Schel Heydenburg  
Board Reporter

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Dave Jacoby  
Board Secretary