



**NOTICE OF REGULAR MEETING**  
**Park Board of Trustees of the City of Galveston**  
**Tuesday, February 28, 2023 at 1:30 p.m.**  
**Park Board Plaza**  
**601 Tremont Street, Galveston, Texas 77550**

**Live Streamed:**

<https://www.galvestonparkboard.org/217/Watch-The-Board-of-Trustee-Meetings>

- I. Call Meeting To Order
- II. Pledge Of Allegiance
- III. Roll Call And Declaration Of A Quorum
- IV. Conflict Of Interest Declarations
- V. Requests To Address The Board

*The public shall be allowed to provide comment to the Board regarding one or more agenda or non-agenda items. All requests to address the Board must be submitted in writing and can be presented to the Board Reporter the day of the Board meeting or by completing the Public Comment Form available on the Park Board of Trustees website at the following link prior to the start of the meeting. Each Person will be limited to three (3) minutes regardless of the number of items addressed.*

[HTTPS://WWW.GALVESTONPARKBOARD.ORG/FORMS.ASPX?FID=65.](https://www.galvestonparkboard.org/forms.aspx?fid=65)
- VI. Recognition
  - A. Recognition Of The Untold Marker Award By The Texas Historical Commission For The African American Beach/Lifeguard Marker (Peter Davis/David Mitchell, 10 Minutes)

Documents:

[AFRICAN AMERICAN BEACH AND LIFEGUARDS RECOGNITION.PDF](#)
  - B. Update On United Way Galveston And The Park Board Workplace Giving Campaign (Lindsey White, 10 Minutes)

Documents:

[UNITED WAY.PDF](#)
  - C. Employee Spotlight - Georgia Alvarado (Susan Keeble, 5 Minutes)

Documents:

[GEORGIA ALVARADO.PDF](#)

- D. Presentation Of The Houston Galveston Area Council Parks And Natural Areas Award In Programming (Ann Hobing, 5 Minutes)

Documents:

[02.28.2023\\_PRESENTATION OF THE HOUSTON GALVESTON AREA COUNCIL PARKS AND NATURAL AREAS AWARD IN PROGRAMMING.PDF](#)

VII. Administration

- A. Election Of Vice-Chair Of Board Of Trustees (Marty Fluke, 5 Minutes)

Documents:

[ELECTION OF VICE-CHAIR.PDF](#)

- B. Discuss And Consider Approval Of Trustee Committee Appointments (Marty Fluke, 5 Minutes)

Documents:

[TRUSTEE COMMITTEE APPOINTMENTS.PDF](#)

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

The City Council Liaison will provide an update to the Board on items from City Council.

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

The committee chairs will provide an update on the activities of their committee.

- Beach Maintenance Advisory Committee (Jason Worthen)
- Finance and Operations Committee (Dave Jacoby)
- Parks and Amenities Committee (Jason Hardcastle)
- Tourism Development Advisory Committee (Jeff Ossenkop)
- Workforce Development Committee (Spencer Priest)

- E. Discussion Of 3rd Quarter Hotel Occupancy Tax Allotment Request For Funding From The City Of Galveston (Bryson Frazier, 15 Minutes)

Documents:

[HOT ALLOTMENT REQUEST OVERVIEW.PDF](#)

- F. Discuss And Consider Approval Of Park Board Plaza Redesign Expenditures (Schel Heydenburg, 5 Minutes)

Documents:

[PLAZA REDESIGN OVERVIEW.PDF](#)  
[BID TABULATIONS.PDF](#)

- G. Discuss The Formation Of The Galveston Music Development Advisory Committee (GMAC) As Part Of The Texas Music Friendly Community Certification Program (Alex

Thomas, 10 Minutes)

Documents:

[2023 GMAC OVERVIEW.PDF](#)  
[GMAC PROGRAM INFORMATION.PDF](#)  
[GALVESTON MUSIC ADVISORY COMMITTEE.PDF](#)

- H. Discuss And Consider Approval Of Addition Of Professional Services And Legal Services Procurement Procedures To The Park Board Purchasing Policies, Procedures And Controls Manual (Bryson Frazier, 10 Minutes)

Documents:

[PROFESSIONAL SERVICES AND LEGAL SERVICES PROCUREMENT PROCEDURES.PDF](#)

#### VIII. Tourism Development

- A. Discuss And Consider Juneteenth Grantmaking Program (Tom Singleton, 5 Minutes)

Documents:

[AGENDA ITEM OVERVIEW - JUNETEENTH GRANTMAKING.PDF](#)  
[JUNETEENTH GRANTMAKING PROGRAM TERM SHEET.PDF](#)  
[JUNETEENTH GRANTMAKING PROGRAM GUIDELINES\(1\).PDF](#)

#### IX. Consent

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

Documents:

[PBOT MEETING MINUTES 12-21-2022.PDF](#)  
[PBOT MEETING MINUTES 1-12-2023.PDF](#)

- B. Discuss And Consider Approval Of Revised Policy For Remote Participation Via Videoconferencing For Meetings Of The Park Board Of Trustees And Committees (Schel Heydenburg)

Documents:

[REVISED POLICY OVERVIEW.PDF](#)  
[REVISED REMOTE PARTICIPATION POLICY.PDF](#)

- C. Discuss And Consider Approval Of The 2023 Federal Legislative Agenda (Kelly De Schaun)

Documents:

[FEDERAL LEGISLATIVE AGENDA OVERVIEW .PDF](#)  
[2023 GALVESTON PARK BOARD FEDERAL AGENDA.PDF](#)

- D. Discuss And Consider Approval Of A Budget Amendment To Nourished Beach For The Dellanera Beach Repair (Sheryl Rozier)

Documents:

[2023-02-28 OV NB BUDGET AMENDMENT.PDF](#)

- E. Discuss And Consider Approval Of Coastal Zone Management Facility Loan Term Renewal (Bryson Frazier)

Documents:

[CZM LOAN TERM RENEWAL.PDF](#)

- F. Discuss And Consider Approval To Dispose Of Park Board Vehicle 3704 (Bryson Frazier)

Documents:

[DISPOSAL OF PARK BOARD VEHICLE 3704.PDF](#)

- G. Discuss And Consider Approval For Repair Expense For Beach Patrol Truck (Peter Davis)

Documents:

[BEACH PATROL TRUCK.PDF](#)

- H. Discuss And Consider Approval To Purchase Access Matting From AccessRec (Vince Lorefice)

Documents:

[EAST BEACH ADA ACCESS MAT OVERVIEW UPDATED.PDF](#)  
[EB ACCESS MATING BID TAB.PDF](#)

- I. Discuss And Consider Approving A Contract TO Flamingo Gardens Landscape For Upgrades At Dellanera RV Park (Vince Lorefice)

Documents:

[DELLANERA LANDSCAPE OVERVIEW.PDF](#)

- J. Discuss And Consider Approving Contract To Immaculate Painting For Retiling The Restrooms And Laundry Room At Dellanera RV Park (Vince Lorefice)

Documents:

[DP FLOOR TILE REPLACEMENT OVERVIEW.PDF](#)  
[DELLANERA FLOOR TILE.PDF](#)

- K. Discuss And Consider Special Event Incubator Funding For 2023 Galveston Esports Summit (Bryan Kunz)

Documents:

[ESPORTS SUMMIT FUNDING OVERVIEW.PDF](#)

- L. Discuss And Consider Special Event Incubator Funding For 2023 La Izquierda Surf And Music Festival (Bryan Kunz)

Documents:

LA IZQUIERDA SURF AND MUSIC FEST FUNDING OVERVIEW.PDF

- M. Discuss And Consider Special Event Incubator Funding For 2023 Moto Surf Texas Cup (Bryan Kunz)

Documents:

MOTOSURF FUNDING OVERVIEW.PDF

- N. Discuss And Consider Approval Of Tourism Development Expenditures (Meg Winchester)

Documents:

TOURISM DEVELOPMENT EXPENDITURES.PDF

X. Future Agenda Items

XI. Announcements

XII. Adjournment

***I certify that the above Notice of Meeting was posted in a place convenient to the public, in accordance with Chapter 551 of the Texas government Code, on or before February 24, 2023, 5:00 p.m.***

**Approved**

Marty Fluke, Chair

**Approved as to Format**

Robert Booth, Legal Counsel

**Please Note Members of the City Council may be attending and participating in the discussion.**

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding, contact the Park Board Administration

Office, 601 Tremont, Galveston Texas 77550 (409-797-5147)



**Agenda Item:** Recognition of The Undertold Marker Award by the Texas Historical Commission for the African American Beach/Lifeguard Marker

**Background:** In order to memorialize the historical African American Beach from 27th- 29th and the lifeguards who served the beach going public, a committee comprised of various island groups and several Park Board representatives, has been working on a three-phase project. This group was awarded The 2022 Undertold Marker award by the Texas Historical Commission. An update on this award and the progress of the committee will be provided.



**Agenda Item:** Update on United Way Galveston and the Park Board Workplace Giving Campaign

**Background:** The Park Board has been a Corporate Partner of United Way Galveston since 2017. As a Corporate Partner, we offer employee giving opportunities via payroll deduction. Since starting the Workplace Giving Campaigns in 2017, Park Board Employees have contributed \$22,771.69. In addition to contributing dollars, the Park Board has participated through volunteer events, working with local nonprofit partner agencies to provide much needed assistance. In addition, Park Board employees have served in leadership roles with United Way on their Board as well as various committees.

United Way has been a terrific partner to Park Board employees. Several employees have run into personal issues that were beyond the scope of help management is able to provide. United Way has stepped in to provide assistance with rent, utilities, counseling, food, furniture, clothing and various other needs that often occur during a personal crisis.

Executive Director Lindsey White will present an overview of United Way Galveston and the Park Board's workplace campaign.



**Agenda Item:** Employee Spotlight – Georgia Alvarado

**Background:** Georgia joined the Park Board in July 2013 as Receptionist/Administrative Assistant at Park Board Plaza. Shortly thereafter, for six months, Georgia assumed the additional responsibilities of the Executive Assistant while she was on leave. In February 2016, she was promoted to Payroll Clerk/Field Auditor, then to Human Resources and Payroll Coordinator in September 2019, and is now the Payroll and Accounting Clerk.

Georgia was born at Fort Hood TX and moved to Galveston at age three. She graduated from Ball High School and completed Medical Coding Certification at Galveston College and Medical Assistant Certification at Remington College. Subsequently, Georgia found her true calling in the business world working with numbers. Prior to joining the Park Board, Georgia worked as an account manager in the financial industry for six years and in the education field for one year. She lives in Galveston, where she enjoys spending time with her family and friends and enjoying the little things in life since the passing of her mother in 2021.

Georgia's managers, Stuart Smith and Bryson Frazier, share that she is dedicated, dependable, and hardworking, and is a valuable member of the accounting team. She is very conscientious in performing her work and her work product is consistently accurate, which all employees appreciate! Georgia is attentive to the requests of others and works well under pressure.

We are so glad to have Georgia on the team and we are thrilled to recognize her this month as she approaches her tenth service anniversary with the Park Board.



**Agenda Item:** Presentation of the Houston Galveston Area Council Parks and Natural Areas Award in Programming

**Background:** Last year, the Operations Team developed and implemented a lecture series that highlighted women with careers in coastal science. This program aligns with the Park Board's Diversity, Equity, and Inclusions initiatives as well as its mission to be environmental stewards. The purpose of the programming was to bring to light disparity of women working in the Science, Technology, Engineering, Art and Math (STEAM) fields, and how they overcame barriers to find success in their field. The hope is that these talks would inspire other women to pursue careers in the STEAM industries.

Participants in the lecture series included:

- Dr. Sarah Piwetz from the Texas Marine Mammal Stranding Network
- Kari Howard from the Gulf Center for Sea Turtle Rescue
- Kristen Vale with the American Bird Conservancy
- Haille Leija from the Galveston Bay Foundation
- Kelly Drinnen with the National Oceanic and Atmospheric Administration
- Lucy Flores with the Texas General Land Office's Texas Beach Watch.

The series caught the attention of the Houston Galveston Area Council, or HGAC. As part of the organization's Parks and Natural Areas Awards, the series was the winner in the programming category. The awards recognize outstanding practices across the Houston-Galveston region and the winning projects serve as models for the rest of the region to consider.

Park Board staff, three of the speakers from the 2022 series and one speaker for the 2023 series were present to receive the award. Women in Coastal Science will resume this spring with all new speakers.





**Agenda Item:** Election of Vice-Chair of Board of Trustees

**Background:** With the resignation of Will Wright from the Board of Trustees, the position of Vice-Chair is currently vacant. The Board will elect a vice-chair to complete the term expiring June 30, 2023.



**Agenda Item:** Discuss and Consider Approval of Trustee Committee Appointments

**Background:** Will Wright served as the chair of the Tourism Development Advisory Committee as well as a member of the Finance and Operations Committee. With Mr. Wright's resignation from the Board in January, the Chair will put forth nominations to fill the vacant trustee positions on these committees.



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**Agenda Item:** Discussion of 3rd Quarter Hotel Occupancy Tax Allotment Request for Funding from the City of Galveston

**Background:** Since the ordinances (22-073 and 22-074) were passed on 12/8/2022, the Park Board initially transferred \$14.2 million of HOT to the City (Ordinance 22-073). Pursuant to Ordinance 22-074, the Park Board also transferred all November HOT collections, December HOT collections, and the 1st distribution of January HOT collections to the City totaling \$3.1 million. This is compliant with section 6 of Ordinance 22-074.

Per Ordinance 22-073, the Park Board retained 112 days of operating funds for HOT dependent departments and 120 days of emergency contingency reserves. While both the City and Park Board agreed on the amount of funding that was to be maintained for these purposes (\$7.9 million), they disagreed about the categorization of non-HOT funds as HOT funds, which resulted in a request from the City to transfer more HOT funding than the Park Board had originally calculated.

Tourism Development, Coastal Zone Management, Nourished Beach, and Beach Patrol are HOT dependent departments. Collectively, to date (2/23/2023) they have expended or encumbered \$7.3 million of the total available \$7.9 million in resources retained. Staff has worked to minimize major expenditures in the current fiscal quarter (January 1 to March 31, 2023). While there have been limited operational constraints, one notable issue was a delay in payment to the Texas GLO for the Dellanera Beach Nourishment project. Staff notified the GLO that a draw request to the City will be necessary before the Park Board can expedite payments and request reimbursements from FEMA. The GLO has been an outstanding partner and is willing to work with the Park Board as HOT funding from the City is secured.

Current forecasts indicate that despite the management of funds and activities, HOT resources will likely be exhausted by sometime in March or April, and that the Park Board may need to utilize 120-day reserve funds to maintain the basic operational functions of the organization until the third quarter disbursement of funding is received from the City.

Park Board and City staff have been negotiating the 'HOT Agreement', the contract that awards the use of State and locally appropriated HOT resources to the Park Board annually. Per Ordinance 22-073, this contract is to be in place to provide a process for quarterly payments of HOT to the Park Board to support the council approved budget.

The Park Board is entering the 3rd fiscal quarter of the year; April 1 to June 30, 2023. Historically this is an intense ramp up period for the organization as it prepares for the peak season; staffing up 150 additional seasonal employees, obtaining necessary heavy and lifesaving equipment and deploying 'summer season' advertising campaigns. Special project funds for the sponsorship of 4th of July activities, Juneteenth and beach construction projects are also forecasted to make this the quarter to be a high resource utilization period.

In preparation for the initial quarterly HOT funding draw request, executive staff have prepared forecasts for quarterly expenses, scheduled departmental reviews and established a timeline for submission. Currently, the third quarter Hot funding draw request is scheduled to be submitted to the City by March 15, 2023, to ensure a

timely payment of funds to the Park Board by April 1, 2023. The third quarter funding request will be reviewed by the Finance & Operations Committee before submittal but is not considered an item requiring Board approval. This measure is being taken to keep the FOC abreast of current cash flow constraints and to share newly established processes designed to meet contractual requirements.

It will be the position of the Park Board to obtain contractual agreement with the City that the use of emergency reserves should be avoided unless approved by the board or in time of emergency. Given both the geographic risk of disaster, together with the availability of reserves, best practice dictates that the reserves should be kept whole.

**Staff Recommendation:** N/A – Discussion item only.



**Agenda Item:** Discuss and Consider Approval of Park Board Plaza Redesign Expenditures

**Background:** Park Board Plaza was built in 1957 as Bankers Savings and Loan. In 1997 the building was purchased by Galveston County who remodeled the building for office space. The Park Board purchased the Plaza in 2009 to house the administrative, accounting and tourism development departments. At that time, the entire interior of the building was demolished and reconfigured for the office space on the second floor and the Boardroom and storage on the first floor. The empty space on the 23<sup>rd</sup> street side of the building was expected to be leased and in 2016 a portion of this space was leased to the U.S. Postal Service. The remaining space is currently used informally as storage.

In February 2021, the Seawall Parking Call Center was temporarily moved to the Plaza from the Stewart Beach pavilion due to frequent power issues. With the structural integrity of Stewart Beach Pavilion becoming more unstable and concern for the safety of the staff at the facility, the decision was made to leave the call center at the Plaza and to move the Parks department support staff there as well. These employees are currently set up in the Copy Room on the 2<sup>nd</sup> floor and these functions have been removed completely from Stewart Beach leaving only the Park Manager and Beach Patrol at that location.

In addition to the relocation of the park staff to the Plaza, the accounting, operations administration and tourism development departments have continued to grow in staff without adequate space on the second floor to accommodate them. Since the Plaza is owned by the Park Board, with the mortgage scheduled to be fully paid by December 2024, staff began to look at options to make the best use of the space available in the building for current staffing with room for additional growth. Due to several incidents within the past few years, it was also decided to explore ways to better control access to the building to make it more secure.

In 2021, a needs assessment was completed and architect Brax Easterwood was hired to evaluate and develop plans for the available space on the first floor. After much discussion these plans were finalized in late 2022. The plans proposed include a secure Call Center with 4 cubicles and a service window, 5 staff offices, 8 cubicles and a secure storage room for Marketing and Promotional materials on the first floor. In addition, the plans would also secure the facility by keeping public access primarily on the first floor by moving the training room and reception area downstairs. The stairway, elevator and reception area would be secured with access to the 2<sup>nd</sup> floor only for staff and escorted guests.

When the Park Board purchased the building in 2009, there were approximately 50 full time staff. Currently there are 124 full time staff and while not all are housed at the plaza, this is a good indication of the continued growth of the organization. This first-floor redesign would be the first of two plans to increase the amount of usable space for staff. The next step would be a smaller redesign of the second floor that would include converting the existing training room into office space, creating meeting space in the current reception area and redesigning the floorplans of the existing accounting and tourism development areas.

Staff is seeking approval to move forward with this first step in the Plaza redesign at a cost of approximately \$260,000. This breaks down as follows:

1. A Request for Proposals (RFP) was issued for a General Contractor with two bids received. Staff is recommending to award the general contractor agreement to Immaculate Painting and Construction for the bid amount of \$207,320.06.
2. In addition to the general contractor, staff is seeking approval for agreements with current propriety contractors: Competitive Electric for the electrical work in the amount of \$29,375 and Galveston Computer Solutions for \$22,546.83.

The total for these requests is \$259,241.89. The budgeted amount for this project is \$225,000.

In addition to the above budgeted costs, staff will be bringing back a request for approval of \$114,000 for the purchase and installation of a 7.5 ton Split System HVAC system for this first floor redesign. This cost was not expected when the budgets were estimated but due to the build out, the current allocation of air from other units to this area will not handle the load required to properly cool/heat this space. Staff is currently working on funding for this unit and will bring back to the Board for approval.

**Staff Recommendation:** Staff recommends approval to move forward with the Plaza redesign by contracting with Immaculate Painting and Construction in the amount of \$207,320.06, Competitive Electric in the amount of \$29,375 and Galveston Computer Solutions in the amount of \$22,546.83 for a total of \$259,241.89.

**Funding Source (if applicable):** The funding for the project is split between the departments below. The additional cost will be covered mostly by budget savings and the use of cash reserves.

	<b>Budget Allocations</b>	<b>Percentage</b>	<b>Cost Per Department</b>	<b>Budget Adjustment</b>
<b>GF50 - 5250</b>	\$ 100,000.00	44%	\$ 115,218.62	\$ 15,218.62
<b>GF60 - 5250</b>	\$ 10,000.00	4%	\$ 11,521.86	\$ 1,521.86
<b>NB70 - 5250</b>	\$ 10,000.00	4%	\$ 11,521.86	\$ 1,521.86
<b>TD70 - 7002</b>	\$ 60,000.00	27%	\$ 69,131.17	\$ 9,131.17
<b>DP52 - 5250</b>	\$ 4,600.00	2%	\$ 5,300.06	\$ 700.06
<b>EB51 - 5250</b>	\$ 4,600.00	2%	\$ 5,300.06	\$ 700.06
<b>SB51 - 5250</b>	\$ 4,600.00	2%	\$ 5,300.06	\$ 700.06
<b>SW70 - 5250</b>	\$ 4,600.00	2%	\$ 5,300.06	\$ 700.06
<b>UP51 - 5250</b>	\$ 26,600.00	12%	\$ 30,648.15	\$ 4,048.15
<b>Total</b>	<b>\$ 225,000.00</b>	<b>100%</b>	<b>\$ 259,241.89</b>	<b>\$ 34,241.89</b>





**Direct Contract**

<b>Electrical</b>		
	Competitive Electric	
<b>Phase 1</b>		
	Labor and Materials to install circuits/fixtures	\$ 14,400.00
	Boxes, Wire, Conduit, Devices, Breakers, etc	\$ 4,531.00
	Fixtures	\$ 1,960.00
	Power Pole Allowance	\$ 500.00
	Permit (as needed)	\$ 75.00
	<b>Total Phase 1</b>	<b>\$ 21,466.00</b>
<b>Phase 2</b>		
	Labor and Materials to install circuits/fixtures	\$ 5,760.00
	Boxes, Wire, Conduit, Devices, Breakers, etc	\$ 1,997.00
	Fixtures	\$ 122.00
	Permit (as needed)	\$ 30.00
	<b>Total Phase 2</b>	<b>\$ 7,909.00</b>
	<b>Total Electrical</b>	<b>\$ 29,375.00</b>

<b>Information Technology</b>		
	Galveston Computer Solutions	
<b>Phase 1</b>		
	Materials	\$ 15,338.23
	Labor	\$ 3,450.00
	<b>Total Phase 1</b>	<b>\$ 18,788.23</b>
<b>Phase 2</b>		
	Materials	\$ 2,608.60
	Labor	\$ 1,150.00
	<b>Total Phase 2</b>	<b>\$ 3,758.60</b>
	<b>Total Electrical</b>	<b>\$ 22,546.83</b>



**Agenda Item:** Discuss the Formation of The Galveston Music Development Advisory Committee (GMAC) as Part of the Texas Music Friendly Community Certification

**Background:** For 32 years the Texas Music Office (TMO) has served the Texas music industry. Its mission to create opportunity and connect businesses continues today. Their core functions are to serve as a clearinghouse for Texas music industry information via the TMO's Texas Music Industry Directory (a business referral network comprised of 15,000-plus Texas music businesses), serve as a liaison between music businesses and government offices and agencies, publicize significant developments within the industry, and to attract essential music industry to foster the economic development of Texas music businesses and musicians.

The Music Friendly Texas program, the first in the nation since introduced by TMO in 2016, seeks to foster music business-related economic development and job creation in Texas cities and communities. Participation in the Texas Music Office's "Music Friendly Community" program provides Texas communities with a network for fostering music industry development and sends a clear message to industry professionals that certified communities are serious about attracting and developing music industry growth.

The mission of the Galveston Music Development Advisory Committee (GMAC) is to support the Park Board of Trustees of the City of Galveston on the development and promotion of Galveston's musical attributes through artists, venues, festivals, events, nightclubs and educational institutions.

**Staff Recommendation:** Staff recommends the formation of the Galveston Music Development Advisory Committee (GMAC) that will be made up of local music community industry stakeholders to oversee the development of the Galveston Music Friendly Program and demonstrate partnerships with the community's music-related 501c3 nonprofits in order to foster community development and collaborate with music education programs, including area college or university music schools to foster the GMAC mission.

**Funding Source (if applicable):** Funding through TD 63-5390 in the amount of \$3,000.00 in the approved 2022/2023 budget.

# **Community Committees**

## **Galveston Music Development Advisory Committee (GMAC)**

### Mission:

The mission of the Galveston Music Development Advisory Committee (GMAC) is to support the Park Board of Trustees of the City of Galveston on the development and promotion of Galveston's musical attributes through artists, venues, festivals, events, nightclubs and educational institutions.

### Role:

GMAC will work directly with the Park Board on annual work plans authorized by the Park Board and provide recommendations, insight, metrics, analysis, and direction to the Park Board on issues related to music development, promotions, events and education. GMAC's meetings, recommendations and reports will be open to the public, with all written recommendation and findings sent to the Park Board chairman for consideration by the Park Board.

### Goals:

GMAC's annual goals include, but are not limited to, the following:

- a. Development and maintain updated information to the Texas Music Office's Music Industry Directory;
- b. Recommend approval/denial for music related events allocations;
- c. Review all marketing materials and annual plans prepared by the Park Board staff to promote Galveston's musical attributes;
- d. Provide feedback on new development opportunities for music related initiatives;
- e. Serve as a channel to disseminate information, encourage implementation and/or participation in Visit Galveston's Bi-Annual Festival & Events workshop;
- f. Facilitate annual music awards program and music symposium;
- g. Recommend advocacy and outreach initiatives related to GMAC's mission;
- h. Monitor trends in artist development, public relations and marketing, economic impact, event planning, demographics, and other metrics in order to make recommendations to enhance Galveston's Music industry; and
- i. Review and recommend new initiatives to support the overall Texas music industry.

**Texas Music Friendly: Galveston Music Development Advisory Committee  
Community Committee**

Criteria	GMAC				Comments
<b>Written Mission, Role, Goals, Sunset</b>	<p>The mission of the Galveston Music Development Advisory Committee (GMAC) is to support the Park Board of Trustees of the City of Galveston on the development and promotion of Galveston’s musical attributes through artists, venues, festivals, events, nightclubs and educational institutions.</p> <p>GMAC will work directly with the Park Board on annual work plans and provide recommendations, insight, metrics, analysis, and direction to the Park Board on issues related to music development, promotions, events and education. GMAC’s meetings, recommendations and reports will be open to the public, with all written recommendation and findings sent to the Park Board chairman for consideration by the Park Board.</p> <p>GMAC’s annual goals include, but are not limited to, the following:</p> <ol style="list-style-type: none"> <li>a. Development and maintain updated information to the Texas Music Office’s Music Industry Directory;</li> <li>b. Recommend approval/denial for music related events allocations;</li> <li>c. Review all marketing materials and annual plans prepared by the Park Board staff to promote Galveston’s musical attributes;</li> <li>d. Provide feedback on new development opportunities for music related initiatives;</li> <li>e. Serve as a channel to disseminate information, encourage implementation and/or participation in Visit Galveston’s Bi-Annual Festival &amp; Events workshop;</li> <li>f. Facilitate annual music awards program and music symposium;</li> <li>g. Recommend advocacy and outreach initiatives related to GMAC’s mission;</li> <li>h. Monitor trends in artist development, public relations and marketing, economic impact, event planning, demographics, and other metrics in order to make recommendations to enhance Galveston’s Music industry; and</li> <li>i. Review and recommend new initiatives to support the overall Texas music industry.</li> </ol>				

<p><b>Membership Criteria, Terms</b></p>	<p>This Committee is comprised of 11 individuals elected by the Park Board of Trustees as follows:</p> <ul style="list-style-type: none"> <li>• 1 representative from Galveston Concert halls/Performing arts centers</li> <li>• 1 representative from Galveston Music Education Institutions</li> <li>• 2 representatives from the Galveston Festival &amp; Events Community</li> <li>• 1 representative recommended by the Galveston Chamber of Commerce</li> <li>• 2 representatives from Galveston Clubs, Dancehalls or Small Venues</li> <li>• 1 member of the Park Board of Trustees of the City of Galveston</li> <li>• 1 representative of Galveston Historical Foundation</li> <li>• 2 Galveston Musicians.</li> </ul> <p>Members’ terms on the Music Development Advisory Committee shall be distributed as follows:</p> <p style="padding-left: 40px;">Terms expire in even numbered years:</p> <ul style="list-style-type: none"> <li>• 1 representative from Galveston Concert halls/Performing arts centers</li> <li>• 1 representative from Galveston Music Education Institutions</li> <li>• 2 representatives from the Galveston Festival &amp; Events Community</li> <li>• 1 representative recommended by the Galveston Chamber of Commerce</li> </ul> <p style="padding-left: 40px;">Terms expire in odd numbered years:</p> <ul style="list-style-type: none"> <li>• 2 representatives from Galveston Clubs, Dancehalls or Small Venues</li> <li>• 1 member of the Park Board of Trustees of the City of Galveston</li> <li>• 1 representative of Galveston Historical Foundation</li> <li>• 2 Galveston Musicians</li> </ul>
<p><b>Specified Chair Responsibilities</b></p>	<p>Chair is appointed by the Park Board of Trustees. Conducts GMAC meetings and reports to Park Board of Trustees on GMAC recommendations.</p>
<p><b>Minutes</b></p>	<p>Yes, minutes are recorded and approved by the committee. Approved minutes are published on the Park Board website.</p>
<p><b>Annual Work Plan</b></p>	<p>Yes</p>
<p><b>Metrics</b></p>	<p>TBD</p>

<b>Meeting Protocols</b>	Follows Park Board of Trustees approved policies.
<b>Budget (if applicable)</b>	No allocated budget for committee.
<b>Fiduciary Accountability</b>	N/A
<b>Acting in Community Interest</b>	Yes
<b>Participation Tracked</b>	Yes. Must follow Park Board of Trustees attendance policy.
<b>Online Postings</b>	Agendas and approved minutes are posted on the Park Board website.
<b>Annual Report</b>	Yes



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**Agenda Item:** Discuss and Consider Approval of Addition of Professional Services and Legal Services Procurement Procedures to the Park Board Purchasing Policies, Procedures and Controls Manual

**Background:** The Park Board of Trustees of the City of Galveston (herein referred to as Park Board or Board) has developed and published a Purchasing Policies, Procedures, and Controls manual to operate efficiently and effectively. It was approved in April 2021 and recognizes existing requirements from the State law and the Board policy established through Board approval that governs different types of major purchases.

State law governs the significant parameters that control procurement by local governments in Texas. These requirements are found in Texas Local Government Code Chapters 252 and 271 and Texas Government Code Chapters 2254 and 2269. These laws control the formal bidding limits, define the basis for procuring different types of goods and services, and regulatory standards to ensure compliance with the competitive bidding laws.

Most purchases over \$50,000 are governed by State law with few exceptions. One of those exceptions is personal and professional services. Most professional service procurement falls under The Professional Services Procurement Act. However, that does not apply to attorneys and the selection of an attorney is exempt from competitive bidding requirements as a “professional service.” (See TEX. LOC. GOV’T CODE § 252.022(a)(4) ; Op. Tex. Att’y Gen. No. JM-940 at 3 (1988), MW-344(1981)).

In addition to the items exempt from Texas Local Government Code 252, legal services are exempt from the Park Board Purchasing Policy’s competitive bidding procedures. All other requirements in the policy, and by law, are still applicable. Any expenditures with a value of \$10,000 or more requires board approval, this includes legal services.

Legal and organizational changes and process improvements will bring about policy and procedural changes. Revisions will be issued as needed that reflect these changes to keep this manual current.

While legal and professional services are exempt from competitive bidding, the method for their procurement should be provided for in the Park Board’s procurement manual. During the public Board meeting held on January 24, 2023, Board directed staff draft specific procedures for soliciting and procuring professional and legal services.

Included herein is the draft Professional Services and Legal Services Procurement Procedures addition to the Park Board’s procurement policy. The procedures were developed by staff with the assistance of the City Auditor’s office. Staff is appreciative of the assistance provided by the City Auditor.

The additional procedures for procuring professional services can be summarized as follows:

No professional services will be procured by the Park Board without a written contract, agreement, or engagement letter. The contract or agreement for professional services shall contain the following:

- Scope of services, scope of work, deliverables, and/or a clear description of the services rendered and their purpose.

- A summary of cost to include hourly rates for all individuals providing the service – this can include a lump sum cost and/or hourly rates. All agreements must include a “not to exceed” amount.
- Identify the Park Board employee who will manage the contract, agreement, or engagement letter and guide the work performed under the contract, agreement, or engagement letter. And identify the contact person for the person or firm providing the professional services.
- Provide for dispute resolution.
- Include an appropriations clause.
- Provide for the regular billing for legal services rendered. Billing shall occur at least monthly.
- A termination date for the contract, agreement, or engagement letter. The contract, agreement, or engagement letter can be extended only with board approval.
- Any other items the Park Board or Park Board general counsel deem necessary.

The additional procedures for procuring legal services can be summarized as follows:

No legal services will be procured by the Park Board without a written contract, agreement, or engagement letter. The non-contingent fee contract or agreement for legal services shall contain the following:

- Scope of services, scope of work, deliverables, and/or a clear description of the services rendered and their purpose.
- A summary of cost to include hourly rates for all attorneys providing the service – this can include a lump sum cost and/or hourly rates. All agreements must include a “not to exceed” amount.
- Identify the Park Board employee who will manage the contract, agreement, or engagement letter and guide the work performed under the contract, agreement, or engagement letter. And identify the contact person for the attorney or firm providing the legal services.
- Provide for dispute resolution.
- Include an appropriations clause.
- Provide for the regular billing for legal services rendered. Billing shall occur at least monthly.
- A termination date for the contract, agreement, or engagement letter. The contract, agreement, or engagement letter can be extended with board approval.
- Any other items the Park Board or Park Board general counsel deem necessary.

Staff believes this is an example of how local governments can come together to improve processes and procedures to ensure public funds are spent in legal and appropriate ways that benefit the City, residents, and tourists.

**Staff Recommendation:** Staff recommends approval of the addition of Professional Services and Legal Services Procurement Procedures to the Park Board Purchasing Policies, Procedures and Controls Manual

## Procurement Method – Professional Services

Local Governments are authorized to procure professional services under Chapter 2254, Subchapter A, of the Texas Government Code. The procurement of most professional services falls under the provisions of the aforementioned state law.

Professional services refer to services that are

1. within the scope of the practice, as defined by state law, of accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, or professional nursing;
2. provided in connection with the professional employment or practice of a person who is licensed or registered as one of the following: a certified public accountant, an architect, a landscape architect, a land surveyor, a physician, including a surgeon, an optometrist, a professional engineer, a state certified or state licensed real estate appraiser, or a registered nurse; or
3. provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer under Chapter 1053 of the Occupations Code 242

Professional services procurements are usually advertised as either an RFQ or RFP. The award of a professional services contract is based on (1) demonstrated competence and qualifications to perform the services, and (2) a fair and reasonable pricing. The professional fees under the contract may not exceed any maximum provided by law.

To procure architectural, engineering, or land surveying services, the Park Board must first select the most highly qualified provider based on demonstrated competence and qualifications (this is achieved through the RFQ/RFP process), and then attempt to negotiate a fair and reasonable price for the services. If a satisfactory contract cannot be negotiated with the most highly qualified respondent, the Park Board must formally end negotiations with the respondent and then must attempt to negotiate a fair and reasonable price with the next most highly qualified respondent. This process may continue until a contract is executed for the service solicited by the Park Board. Although the described process applies to the services of an architect, engineer or land surveyor, this selection process can be used for all professional services.

A contract entered into or an arrangement made in violation of Chapter 2254, Subchapter A, of the Texas Government Code is void as against public policy.

A contract awarded for professional services totaling \$10,000 or more will be in a public meeting in accordance with Section [551.041](#) of the Open Meetings Act.

No professional services will be procured by the Park Board without a written contract, agreement, or engagement letter. The contract or agreement for professional services shall contain the following:

- Scope of services, scope of work, deliverables, and/or a clear description of the services rendered and their purpose.

- A summary of cost to include hourly rates for all individuals providing the service – this can include a lump sum cost and/or hourly rates. All agreements **must** include a “not to exceed” amount.
- All agreements must include the following statements:
  - “If the contractor performs work or provides services that if billed or invoiced to the park Board would exceed the ‘not to exceed’ amount, the contractor expressly acknowledges they will **not** be compensated for the work performed or services provided that cause the contractor to exceed the ‘not to exceed’ amount.”
  - “If the contractor anticipates that work will need to be performed or service provided that is necessary to fulfil the deliverables of the agreement and the performance of that work or rendering of that service will cause the contractor to exceed the ‘not to exceed’ amount, the contractor must seek written approval from the Park Board or their designee **before** performing the work or rendering the service, or otherwise incurring any other cost that will cause the contractor to exceed the ‘not to exceed’ amount.”
  - “Any changes in the ‘not to exceed’ amount that total \$10,000 or more **must** be approved by a vote of the Park Board of Trustees in a public meeting **before** any work is performed or service rendered by the contractor that precipitated the change in the ‘not to exceed’ amount.”
  - “Any changes in the ‘not to exceed’ amount that total less than \$10,000 **must** be approved in writing by the Chief Executive Officer **and** Chief Financial Officer of the Park Board **before** any work is performed or service rendered by the contractor that precipitated the change in the ‘not to exceed’ amount.”
- Identify the Park Board employee who will manage the contract, agreement, or engagement letter and guide the work performed under the contract, agreement, or engagement letter. And identify the contact person for the individual or firm providing the professional services.
- Provide for dispute resolution.
- Include an appropriations clause.
- Provide for the regular billing for legal services rendered. Billing shall occur at least monthly.
- A termination date for the contract, agreement, or engagement letter. The contract, agreement, or engagement letter can be extended only with board approval.
- Any other items the Park Board or Park Board general counsel deem necessary.

Other requirements for procuring professional services are as follows:

- For professional service agreements totaling \$1,000 or more in compensation for the service provider, a requisition must be entered into Abila and a Purchase Order issued by the Accounting Department **before** any work is performed or service rendered by the contractor. A copy of the Purchase Order shall be presented to the contractor **before** any work is performed or service rendered by the contractor.
- The written contract, agreement, or engagement letter must be fully executed by all parties **before** any work is performed or service rendered by the contractor.
- Apparent policy violations shall be reported to the CEO’s office. Employees guilty of violations of this policy are subject to disciplinary action, up to and including termination from employment.

## Procurement Method – Legal Services

One exception to the requirements of Chapter 2254 and Chapter 252 of the Texas Government Code is legal services. The requirements of Chapter 2254 and Chapter 252 do not apply to attorneys and the selection of an attorney is exempt from competitive bidding requirements as a “professional service.” (See TEX. LOC. GOV'T CODE § 252.022(a)(4) ; Op. Tex. Att’y Gen. No. JM-940 at 3 (1988), MW-344(1981)).

While legal services are exempt from the requirements of Chapter 2254 and Chapter 252, if the contract is for a contingent fee, then the provisions of Chapter 2254.003 and 2254.1032 apply. A contingent fee contract is defined as:

### Sec. 2254.101

- (1) "Contingent fee" means that part of a fee for legal services, under a contingent fee contract, the amount or payment of which is contingent on the outcome of the matter for which the services were obtained.
- (2) "Contingent fee contract" means a contract for legal services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained. The term includes an amendment to a contract for legal services described by this subdivision if the amendment:
  - (A) changes the scope of representation; or
  - (B) may result in:
    - (i) the filing of an action; or
    - (ii) the amending of a petition in an existing action.

If a contract or agreement for legal services meets the definition of a contingent fee contract, then the requirements of Chapter 2254.003 and 2254.1032 apply. Those requirements are as follows:

### Sec. 2254.1032

- (a) A political subdivision may select an attorney or law firm to award a contingent fee contract only in accordance with Section 2254.003(a) and this section.
- (b) In procuring legal services under a contingent fee contract, a political subdivision shall:
  - (1) select a well-qualified attorney or law firm on the basis of demonstrated competence, qualifications, and experience in the requested services; and
  - (2) attempt to negotiate a contract with that attorney or law firm for a fair and reasonable price.

### Sec. 2254.003

- (a) A governmental entity may not select a provider of professional services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award:
  - (1) on the basis of demonstrated competence and qualifications to perform the services; and
  - (2) for a fair and reasonable price.
- (b) The professional fees under the contract may not exceed any maximum provided by law.

Chapter 2254.1036 also provides for how a local government’s governing body must approve a contingent fee contract for legal services in an open meeting. The requirements are as follows:

Sec. 2254.1036

(a) A political subdivision may enter into a contingent fee contract for legal services only if the political subdivision:

(1) before or at the time of giving the written notice required by Section [551.041](#) for a meeting described by Subdivision (2), also provides written notice to the public stating:

(A) the reasons for pursuing the matter that is the subject of the legal services for which the attorney or law firm would be retained and the desired outcome of pursuing the matter;

(B) the competence, qualifications, and experience demonstrated by the attorney or law firm selected under Section [2254.1032](#);

(C) the nature of any relationship, including the beginning of the relationship, between the political subdivision or governing body and the attorney or law firm selected under Section [2254.1032](#);

(D) the reasons the legal services cannot be adequately performed by the attorneys and supporting personnel of the political subdivision;

(E) the reasons the legal services cannot be reasonably obtained from attorneys in private practice under a contract providing for the payment of hourly fees without contingency; and

(F) the reasons entering into a contingent fee contract for legal services is in the best interest of the residents of the political subdivision; and

(2) approves the contract in an open meeting called for the purpose of considering the matters listed in Subsection (a)(1).

(b) On approval of a contingent fee contract, the governing body of a political subdivision shall state in writing that the political subdivision finds that:

(1) there is a substantial need for the legal services;

(2) the legal services cannot be adequately performed by the attorneys and supporting personnel of the political subdivision; and

(3) the legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which the services will be obtained or because the political subdivision does not have funds to pay the estimated amounts required under a contract providing only for the payment of hourly fees.

It is the Park Board's policy to award non-contingent fee contracts or agreements for legal services in a public meeting in accordance with Section [551.041](#) of the Open Meetings Act, regardless of the amount of the contract.

No legal services will be procured by the Park Board without a written contract, agreement, or engagement letter. The non-contingent fee contract or agreement for legal services shall contain the following:

- Scope of services, scope of work, deliverables, and/or a clear description of the services rendered and their purpose.

- A summary of cost to include hourly rates for all attorneys providing the service – this can include a lump sum cost and/or hourly rates. All agreements **must** include a “not to exceed” amount.
- All agreements must include the following statements:
  - “If the contractor performs work or provides services that if billed or invoiced to the park Board would exceed the ‘not to exceed’ amount, the contractor expressly acknowledges they will **not** be compensated for the work performed or services provided that cause the contractor to exceed the ‘not to exceed’ amount.”
  - “If the contractor anticipates that work will need to be performed or service provided that is necessary to fulfil the deliverables of the agreement and the performance of that work or rendering of that service will cause the contractor to exceed the ‘not to exceed’ amount, the contractor must seek written approval from the Park Board or their designee **before** performing the work or rendering the service, or otherwise incurring any other cost that will cause the contractor to exceed the ‘not to exceed’ amount.”
  - “Any changes in the ‘not to exceed’ amount that total \$10,000 or more **must** be approved by a vote of the Park Board of Trustees in a public meeting **before** any work is performed or service rendered by the contractor that precipitated the change in the ‘not to exceed’ amount.”
  - “Any changes in the ‘not to exceed’ amount that total less than \$10,000 **must** be approved in writing by the Chief Executive Officer, Chief Financial Officer, and General Counsel of the Park Board **before** any work is performed or service rendered by the contractor that precipitated the change in the ‘not to exceed’ amount.”
- Identify the Park Board employee who will manage the contract, agreement, or engagement letter and guide the work performed under the contract, agreement, or engagement letter. And identify the contact person for the individual or firm providing the professional services.
- Provide for dispute resolution.
- Include an appropriations clause.
- Provide for the regular billing for legal services rendered. Billing shall occur at least monthly.
- A termination date for the contract, agreement, or engagement letter. The contract, agreement, or engagement letter can be extended only with board approval.
- Any other items the Park Board or Park Board general counsel deem necessary.

Other requirements for procuring professional services are as follows:

- All legal service agreements must be approved by a vote of the Park Board of Trustees in a public meeting **before** any work is performed or service rendered by the contractor, regardless of the amount to be paid to contractor.
- For legal service agreements totaling \$1,000 or more in compensation for the service provider, a requisition must be entered into Abila and a Purchase Order issued by the Accounting Department **before** any work is performed or service rendered by the contractor. A copy of the Purchase Order shall be presented to the contractor **before** any work is performed or service rendered by the contractor.
- The written contract, agreement, or engagement letter must be fully executed by all parties **before** any work is performed or service rendered by the contractor.
- Apparent policy violations shall be reported to the CEO’s office. Employees guilty of violations of this policy are subject to disciplinary action, up to and including termination from employment.



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**Agenda Item: Discuss and Consider Juneteenth Grantmaking Program**

**Background:**

In order to promote the development of Juneteenth activities and attract new overnight business in Galveston, the Trustees approved \$100,000 for a Juneteenth Grantmaking Program in the FY23 budget as line item “Juneteenth” under 7002 Contingency – Special Projects. As a result, staff at Visit Galveston and the Galveston Park Board have developed a targeted grantmaking program designed to enhance Juneteenth activities on the island. This program represents a new opportunity to highlight Galveston’s unique role in Juneteenth celebrations and the cultural history of Juneteenth on the island. Through these grants, Visit Galveston and the Galveston Park Board will mark Galveston as the premier destination for celebrating Juneteenth both regionally and nationally.

**Staff Recommendation:**

Staff recommends the adoption of this grantmaking program with the goal of promoting Juneteenth celebrations and overnight business in Galveston.

## **Juneteenth Grant Program Term Sheet**

### **Program Summary:**

- Supports Juneteenth events in Galveston that promote overnight business. Proposals must meet applicable HOT guidelines.

### **Eligibility:**

- Proposed events must promote overnight business during Juneteenth festivities in Galveston.

### **Program Objective:**

- Enhance and promote events surrounding the Juneteenth weekend in Galveston.

### **Grant Guidelines:**

- Incomplete Applications cannot be accepted.
- Funding must conform to Texas Law regarding expenditure of HOT funds.
- 50% of awarded funds must be used for advertising focused on areas outside of Galveston, and the total advertising expenditure must match or exceed 50% of awarded funding.
- Funding awards will not exceed \$20,000.
- Funding may be awarded on a reimbursement basis determined case-by-case.
- No funds will be awarded if an activity does not take place for any reason. If funding is provided in advance, all funding must be returned if an activity does not take place for any reason.
- HOT funds must be maintained in a separate account to prevent comingling in violation of Texas law.

### **Reporting Guidelines:**

- Applicants must submit final and interim reports as prescribed in the grant agreement.
- Reports will be due within 30 days of the conclusion of the grant term, or expenditure of all funds.
- Complete financial documents must be included in the final report and upon request. Financial reporting must include a detailed report of the expenditure of all grant funds.

### **HOT funding requirements and categories:**

- Expenditure of HOT funds are tightly regulated. Applicants must meet one of the prescribed uses of HOT funds to receive funding. Please see Section 351.101 of the Texas Tax Code for detailed information on the appropriate expenditure of HOT funds.

### **Visit Galveston Staff Contact Information:**

- Alex Thomas, Product Development Manager at [athomas@visitgalveston.com](mailto:athomas@visitgalveston.com)
- Tom Singleton, Grants Manager at [tsingleton@galvestonparkboard.org](mailto:tsingleton@galvestonparkboard.org).

### **Program Overview:**

Visit Galveston operates the Juneteenth Incubator Program to provide support for current and prospective Juneteenth events in Galveston that produce and promote overnight business and out of town guests. Applicants' proposals must fit one or more of the Hotel Occupancy Tax (HOT) categories prescribed by state law. Funding decisions are based on criteria that includes, but is not limited to, marketing efforts, identified metrics, economic impact, HOT funds applicability, and more.

### **Application Guidelines:**

The following guidelines establish rules that apply universally to entities requesting HOT funds from Visit Galveston's Incubator Program. Stringent Tax Code requirements regulate expenditure of HOT funds, and those requirements are reflected in the accompanying rules and procedures. A copy of the applicable sections of the Tax Code have been included in this packet.

1. Applications must be complete to be considered for funding. Incomplete applications will not be considered. All applicants are responsible for ensuring that their request is complete, true, and accurate to the best of their knowledge.
2. Funding must enhance and promote tourism and accommodations in Galveston. In order to receive funding, all proposed tourism products must satisfy requirements for use of Hotel Occupancy Tax funds under Texas law. See Texas Tax Code Section 351.101 for allowable uses of HOT funds.
3. A minimum of 50% of awarded funding must be used for advertising, and the total advertising expenditure must match or exceed 50% of awarded funding. Advertising should focus on areas outside of Galveston. Invoices and receipts for expenditures must be included in reporting.
4. Funding awards will not exceed a maximum of \$20,000. Dependent on funding availability, requests may be approved for partial funding.
5. Funding may be awarded on a reimbursement basis, and funds may be disbursed after the proposed activities upon verification and approval of reports. Applicants should expect a minimum of 30 days after the final approval of funding to receive funds in the case of a reimbursement grant. The grant review committee will determine the applicability of reimbursement grants on a case-by-case basis.
6. No funds will be disbursed if an event does not take place for any reason. Event organizers are encouraged to obtain special event weather insurance. If a grant award is distributed before an event takes place and that event does not take place for any reason, grant funds must be returned in full in a timely manner.
7. Organizations must maintain and account for revenue provided from this tax authorized by Texas Tax Code Section 351.101 (a) by maintaining a separate checking account without commingling with any other revenues or maintaining in any other bank account.

**Application Review:**

Applications will be reviewed by Visit Galveston staff for completeness and suitability, and if appropriate, will be recommended to the Park Board's Tourism Development Advisory Committee for review and recommendation to the Park Board of Trustees for approval. Applicants are asked to make themselves available during this process to answer questions from Park Board staff, committee members, and trustees. Decisions made by Park Board staff, committee members, and trustees are final.

**Reporting Guidelines:**

Recipients must submit complete, true, and accurate final report documents to Visit Galveston in a timely manner. It is the responsibility of recipients to track and provide the required information. Failure to provide adequate, accurate, and timely reporting on the use of Juneteenth Incubator funds could result in denial of future applications.

1. All applicants must submit a completed Final Report form and supporting documents within 60 days of the conclusion of the proposed activities, or the expenditure of all funds, whichever comes first. See the Final Report form and document checklist.
2. Full and complete financials must be provided as part of the final report, and upon request, for activities supported by this funding. See Final Report document checklist for specific financial reports required.
3. Applicants are encouraged to provide photos and videos from the proposed activities as part of the final report.

**HOT Funding Requirements and Categories:**

Stringent Tax Code requirements regulate expenditure of HOT funds, and to be considered for funding all proposed activities must fit within the prescribed uses. Those uses are determined by a two-part test in which both parts must be satisfied to be eligible for HOT funds. First, expenditure of HOT funds must attract overnight guests to Galveston's hotels, motels, short-term rentals, and other businesses in the accommodation industry. Second, the proposed expenditure must fit within one of the categories outlined in Texas law. Categories include:

1. Advertising and promotional programs to attract tourists



## Park Board of Trustees of the City of Galveston

12/21/2022 - Minutes

### I. Call Meeting To Order

The meeting was called to order at 9:00 a.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, Michael Bouvier, Kimberly Gaido, Jason Hardcastle (9:07), Jeff Ossenkop, Spencer Priest and Jason Worthen.

### IV. Conflict Of Interest Declarations

There were no conflicts declared.

### V. Requests To Address The Board

Written comments were submitted by Charlotte O'Rourke.

### VI. Executive Session

Marty Fluke announced that the meeting would not enter into executive session and that the discussion would be held in open meeting.

- A. 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 Duties And Responsibilities Of The Park Board

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

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

Marty Fluke shared that with the recently passed ordinances by city council there is confusion over the roles and responsibilities of the Park Board and the trustees. He would like to discuss this and has asked Robert Booth to provide input on avenues for clarification. Robert Booth reviewed the recently passed ordinances and asked Bryson Frazier to provide information on the funding transfers of Hotel Occupancy Tax (HOT) required. Mr. Frazier reported that there is a discrepancy on some of the funding classification and he is working with Mike Loftin at the City to resolve. He gave an overview on the policy being used by the Park Board and why it was requested at the previous meeting to hire a 3<sup>rd</sup> party auditor to review the Park Board policies and procedures related to the HOT funds. Mr. Booth reviewed that the state statute does include items that seem

to indicate that the Park Board is a separate government entity such as the ability to hire its own legal counsel, to sue and be sued and to issue bonds. He reported on four ways the Park Board could proceed. The first would be to work with the City to come to an agreement on the roles and duties. The next item he discussed would be getting state legislation passed which would be difficult. Mr. Booth reported that another option would be to get an opinion from the Texas Attorney General. He shared that while this is not binding it is persuasive. The final option would be going to court to resolve. Marty Fluke stated that he will be asking for another special meeting to discuss these options and how the trustees wish to proceed.

#### VIII. Future Agenda Items

Will Wright asked for a general overview of the Open Meetings Act.

#### IX. Announcements

There were no announcements.

#### X. Adjournment

The meeting was adjourned at 9:49 a.m.

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Schel Heydenburg  
Board Reporter

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Dave Jacoby  
Board Secretary



## Park Board of Trustees of the City of Galveston

1/12/2023 - Minutes

### I. Call Meeting To Order

The meeting was called to order at 9:00 a.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, Jason Hardcastle, Jeff Ossenkop, Spencer Priest and Jason Worthen.

### IV. Conflict Of Interest Declarations

There were no conflicts declared.

### V. Requests To Address The Board

Ted O'Rourke addressed the Board regarding agenda item VII.

### VI. Resignation Of Carla Cotropia As General Counsel

Robert Booth shared that Carla Cotropia has resigned as the legal counsel for the Park Board and read the email she sent on January 3, 2023. He reported that he will be taking over as the general counsel in her place as long as it is the will of the Board. Several trustees and staff thanked Ms. Cotropia for her many years of service and shared stories of how she impacted them and the Park Board.

### VII. Discuss And Consider Approval To Solicit Attorney General (Kelly De Schaun, 10 Minutes)

Marty Fluke shared that his support of seeking an attorney general opinion is based on needing clarification and definition of the Park Board and its legal authority as well as clarification of the roles and responsibilities of the trustees. He stated that this is about the long-term view of how the Park Board operates and the impact on our customers. Mr. Fluke reported that since there were two trustees absent, he would entertain a motion to defer until the next meeting.

**Motion:** Spencer Priest motioned to defer.

**Second:** Jeff Ossenkop seconded.

**Vote:** Failed (1-6, Fluke, Jacoby, Bouvier, Hardcastle, Ossenkop and Worthen opposed).

Jason Worthen asked what would be done with the opinion once received if it has no binding authority. Robert Booth clarified that while the opinion is not binding, it is persuasive, and Mr. Fluke shared that the City Manager expressed that an attorney general opinion matters in an October statement. He also clarified that while it was reported in a city council member's newsletter, the Park Board has never expressed any intention of suing the City of Galveston.

Kelly de Schaun shared that previously the City requested an opinion from the attorney general regarding the restriction of the convention center trickle down funds prior to her starting at the Park Board and that it still is used to define these funds.

Jason Hardcastle read a statement he had prepared expressing his support for the attorney general opinion and that he believes it is what is needed to salvage the relationship between the Park Board and the City.

**Motion:** Jason Hardcastle motioned to approve the solicitation of an attorney general opinion.

**Second:** Michael Bouvier seconded.

**Vote:** Passed (5-2, Worthen and Priest opposed).

VIII. Discuss And Consider Approval To Authorize Staff To Hire Larry Simmons With Germer PLLC For Contract Negotiations And Clarification Of Powers And Duties Of The Park Board (Kelly De Schaun, 10 Minutes)

Kelly de Schaun explained that Mills Shirley is still acting as general counsel for the Park Board with Robert Booth filling the role previously held by Carla Cotropia. She shared that Mills Shirley and Mr. Booth have represented the City as well and are therefore not in a position to represent the Park Board during the interlocal discussions with the City. Mrs. de Schaun stated that for this role, a mediator is needed and she would like to enter into an agreement with Larry Simmons of Germer, PLLC who has previously worked with the Park Board. She stated that this would be a short-term agreement for the interlocal discussions. In addition, Mrs. de Schaun would also like to hire Mr. Simmons to prepare the brief for requesting the attorney general opinion at a cost not to exceed \$40,000.

**Motion:** Marty Fluke motioned to approve the hiring of Larry Simmons, Germer, PLLC.

**Second:** Jason Hardcastle seconded.

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

IX. Discuss And Consider Approval Of Changes To The 2023 State Legislative Agenda (Kelly De Schaun, 5 Minutes)

Kelly de Schaun shared the request for consideration to amend the 2023 state legislative agenda would allow Ryan Brannan and staff to have discussions with state legislators on what the original legislative intent was for the creation of the Park Board in state statute and input on how to get clarity on this item.

**Motion:** Spencer Priest motioned to approve the amendment to the 2023 State Legislative Agenda.

**Second:** Jason Hardcastle seconded.

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

X. Discuss And Consider Approval Of Expenditures For Professional Services By Hunton Andrews Kurth For Research And Analysis Of Hotel Occupancy Tax Collection And Distribution (Kelly De Schaun, 5 Minutes)

Kelly de Schaun reported that the one of the tasks assigned to Hunton Andrews Kurth, (HAK), was an opinion on the Hotel Occupancy Tax as it related to the discussion between the Park Board and the City. She shared that when this request was made, they were given the limits of her authority, but when the invoices were received, they totaled well over the limit she can approve. Mrs. de Schaun asked for approval to pay HAK the amount due not to exceed \$60,000. She shared that no invoices for this service had been received and when she inquired, was not

expecting that they had gone over the amount authorized. Marty Fluke reminded the Board that the initial hiring of HAK was approved by the Board for the Babe's Beach project and that when they were asked to do this opinion letter, they were given authority up to the CEO approval. He recommends paying the invoices and not engaging with them any further.

**Motion:** Spencer Priest motioned to approve payment to Hunton Andrews Kurth for services rendered not to exceed \$60,000.

**Second:** Marty Fluke seconded.

**Vote:** Passed (5-0,1 Worthen Abstained, Jacoby was not present at time of vote).

#### XI. Future Agenda Items

- Update on Dellanera nourishment
- Update on AG Opinion Process
- Process for solicitation of general counsel

#### XII. Announcements

Jeff Ossenkop shared information regarding Art Walk, Martin Luther King Day and the Chili Fest.

#### XIII. Adjournment

The meeting was adjourned at 10:07 a.m.

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Schel Heydenburg  
Board Reporter

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Dave Jacoby  
Board Secretary



**Agenda Item:** Discuss and Consider Approval of Revised Policy for Remote Participation via Videoconferencing for Meetings of the Park Board of Trustees and Committees

**Background:** The current policy was originally written in 2016 as requests to attend Board meetings virtually became more frequent by trustees traveling for business and wanting the ability to participate in the meeting. Notice requirements were set at 96 hours prior to the meeting or 120 hours, if the notice was over a weekend, to allow for scheduling of the software and equipment and testing prior to the meeting.

With the onset of the pandemic in 2020, videoconferencing became the normal meeting method and equipment was purchased specifically for the boardroom. This new equipment, along with the increased use of videoconferencing as a means to communicate, has allowed staff, trustees and committee members to become more proficient thus allowing a reduction in notice requirements.

The policy has been revised to change the notice requirement to a minimum of 48 hours prior to the meeting and that this notice is to include the meeting support staff as well as the Board or Committee Chair. In addition, language has also been added to instruct participants that the video and audio portion must be live and that their cameras must be on for the duration of the meeting to comply with the open meetings act.

**Staff Recommendation:** Staff is recommending approval of this revised policy to allow flexibility for remote participation in the case of travel and/or illness.

**Funding Source (if applicable):** n/a

## **Park Board of Trustees of the City of Galveston**

### **Policy for Remote Participation via Videoconferencing For Meetings of the Park Board of Trustees of the City of Galveston (PBTG) and For Meetings of PBTG's Committees**

**Purpose:** This policy for Participation in Board Meetings via Videoconferencing is to ensure compliance with Title 5. Open Government; Ethics, Subtitle A. Open Government, Chapter 551. Open Meetings, Sec. 551.127. Videoconference Call.

#### **I. Compliance**

- a) Trustees will inform the Chair and the Administrative Services Manager of their remote participation a minimum of 48 hours prior to the meeting.
- b) Committee Members will inform the Committee Chair and Committee Support Staff of their remote participation a minimum of 48 hours prior to the meeting.
- c) Remote requests received after the time limits set above will not to be permitted.
- d) Trustees or Committee Members participating via videoconferencing will be counted as present at the meeting.
- e) Trustees and Committee members participating via videoconferencing must have their camera on for the duration of the meeting.
- f) The Trustee or Committee member's video and audio must be broadcast live.
- g) The audio of the meeting must be captured.
- h) Trustees and Committee members are not limited in the number of times they may participate remotely. However, the reason remote participation is requested must be because the Trustee or Committee Member is out of town and unable to participate in person. Trustees and Committee Members cannot participate remotely if participating from home unless they are ill and have received approval from either the Park Board Chair or Committee Chair.
- i) A quorum of the Park Board or the Committee must be present at the meeting located in Galveston. In the case of the Park Board, five Trustees must be present. Therefore, only four Trustees may participate remotely. Remote participants will be allowed on a first come basis.
- j) Telephone participation is not allowable except for emergency or public necessity as defined by Section 551.045.

#### **II. Operational Procedures**

- a) Trustee(s) will inform the Chair and Administrative Services Manager of their remote participation a minimum of 48 hours prior to the meeting.

- b) Committee member (s) will inform the Committee Chair and Committee Support Staff of their remote participation a minimum of 48 hours prior to the meeting.
- c) Remote requests received after this timeframe will not be permitted.
- d) The Trustee or Committee member's video and audio feed must be live.
- e) The audio of meeting must be captured.
- f) The trustee or committee member participating via videoconferencing will be counted as present at the meeting.
- g) Trustees or Committee members participating via videoconferencing must have their camera on for the duration of the meeting.
- h) Every effort will be made to ensure that all documentation not included in the briefing packet but scheduled to be distributed at the meeting will be emailed to the trustee or committee member attending via videoconference prior to the start of the meeting. Documentation distributed during the meeting that is not available to the remote participant will not be cause for an item on the agenda to be deferred.

Approval Date: February 28, 2023



**Agenda Item:** Discuss and Consider Approval of the 2023 Federal Legislative Agenda

**Background:** At the January 24, 2023 Board of Trustees meeting Greg Burns presented an update on the 2022 federal legislative activities and gave an overview of the proposed 2023 Legislative agenda items.

The proposed agenda is being presented for approval and includes the following items:

Federal Engagement in Beach Management

- Continued regular placement of Beneficial Use of Dredged Material (BUDM) along Galveston's beaches.
- Funding for the Coastal Texas project in the fiscal year 2024 appropriations.
- Adequate funding for the Continuing Authorities Program (CAP) in support of the City of Galveston.
- Support a change in the FEMA reimbursement policy for beneficial use beach nourishment projects.

Coastal Restoration

- Monitoring federal implementation of the RESTORE act and other projects and programs that will benefit Galveston.
- Increased funding to states and political subdivisions via adjustments to the GOMESA.
- Support the RISEE act for implementation of a revenue cost share for funds created by offshore wind energy and raising cap for how much states and localities can collect from oil and gas production.
- Continued support for the Land and Water Conservation Fund for opportunities for acquisition or land preservation improvement opportunities.

Tourism Promotion

- Creation of National Recreation Areas or Emancipation Historic Trails in and around Galveston.

General Issues

- Improvement of the National Flood Insurance Program.
- Monitoring FEMA's implementation of the Risk Rating 2.0 program.

**Staff Recommendation:** Staff recommends the approval of the legislative agenda as presented.



Park Board of Trustees  
of the City of Galveston:  
2023 Federal Legislative Agenda

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**Prepared by Thorn Run Partners for**

**The Park Board of Trustees of the City of Galveston**

**Marty Fluke, Chair  
Dave Jacoby, Secretary  
Michael Bouvier, Ex-Officio  
Kimberly Gaido  
Jason Hardcastle**

**Spencer Priest  
Jeff Ossenkop  
Jason Worthen**

**Questions regarding the information within may be directed to:**

**Greg Burns  
(202) 849-8523**

**Kelly de Schaun  
(409) 797-5141**

**February 2023**



## The Park Board of Trustees of the City of Galveston 2023 Federal Legislative Agenda

### Federal Engagement in Beach Management

#### **Galveston Island Beach Management**

**Support** continued and regular placement of Beneficial Use of Dredged Material along the Galveston Island coastline. **Support** funding for the Coastal Texas project in the Fiscal Year 2024 appropriations process to begin the PED phase of the project and ultimately develop beneficial projects for Galveston Island. **Support** adequate annual funding for the Continuing Authorities Program, Section 204. **Support** a change to FEMA's reimbursement policy for beneficial use beach nourishment projects.

### Coastal Restoration

#### **RESTORE Act**

**Monitor** federal implementation of the RESTORE Act to ensure continued benefit to Galveston Island. **Support** efforts to secure funding for projects and programs supported by the Galveston Island Park Board of Trustees.

### **Offshore Energy Exploration Revenue Sharing**

**Support** increased funding to states and coastal political subdivisions – including equal distribution to cities and other political subdivisions – via adjustments to GOMESA. **Support** the RISEE Act, which would implement a revenue cost share for funds created by offshore wind energy production and raise the cap on how much states and localities can collect from oil and gas production.

### **Land and Water Conservation Fund; Open Space Opportunities & Park Amenities**

**Support** the state conservation grant program of the Land and Water Conservation Fund, which would provide opportunities for the Park Board for acquisition or land preservation improvement opportunities.

### Tourism Promotion

#### **Creation of New National Recreation Areas or National Historic Trails in and around Galveston**

**Support** the creation of the Emancipation National Historic Trail and the Lone Star Coastal National Recreation Area in and around Galveston.

### General Issues

#### **National Flood Insurance Program**

**Support** efforts to improve the National Flood Insurance Program for the benefit of all participants. **Monitor** FEMA's implementation of the Risk Rating 2.0 program.

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FEDERAL ISSUE: Galveston Island Beach Management

BACKGROUND: HOW IT MAY AFFECT THE PARK BOARD: Galveston Island is the second most popular tourist destination in Texas. More than 7 million people visit the Island annually, providing a \$1 billion economic impact to the local economy annually. Thirty-five percent of all jobs on the Island are sustained by tourism, and state and local tourism tax receipts offset the average household tax burden by \$4,185 per household. Beaches are by far the largest attraction of visitors to Galveston Island, delivering approximately 200 percent more beach-related visits and four times the financial impact of its other nearest local attraction.

Galveston Island is a roughly 32-mile barrier island with a long history of utilizing engineered solutions to combat its chronic erosion issues. The island conditions range from accreting on the east end, which is adjacent to the ship canal and south jetty area that provides access to the ports of Galveston, Houston, and Texas City; to the central portion where sand is trapped in a groin field; to the south end of the Island where sand is lost through the San Luis Pass inlet. Furthermore, there are sporadic areas of higher erosion along the island with losses of 8 feet per year, which endangers primary evacuation routes, as well as public and private infrastructure.

Given these factors, the Galveston Island Park Board of Trustees engages with the U.S. Army Corps of Engineers (Corps) on several endeavors to secure federal investment for coastal restoration.

*Beneficial Use of Dredged Materials*

The Corps defines Beneficial Use of Dredged Material (BUDM) as “utilizing dredged sediments as resource materials in productive ways which provide environmental, economic, or social benefit.” The nourishment of beaches provides benefits in all three of these areas.

In 2015, 2019, and 2021, the Corps conducted routine dredging activities in the Galveston/Houston region. Rather than dumping the material offshore and removing it from the nearshore system, the Corps partnered with the Park Board and others (often including the Texas General Land Office and the City of Galveston and most recently using RESTORE funding) to place it on the beach, thereby nourishing the shore of Galveston Island. Another nourishment is anticipated to occur in summer 2023.

Finally, the Park Board continues to explore sand harvesting to utilize new technology to take sand from areas of the Island where sand accretes, like East Beach, and move it to the areas of the beaches where sand is lost to erosion.

The Park Board also continues to explore working through the Army Corps’ Continuing Authorities Program (CAP) Section 204 to receive a federal cost-share for ongoing beneficial use projects. Congress provides the U.S. Army Corps of Engineers with standing authorization, known as the Continuing Authorities Programs (CAP), to respond to a variety of water resource issues without the need to seek specific congressional authorization or funding for each project. In theory, this decreases the amount of time required to budget, develop, and approve potential projects for construction. The CAP 204 program authorizes the Corps to restore, protect, or create habitats in connection with maintenance dredging of an authorized federal navigation project. The Park Board has requested the Galveston District’s assistance through the CAP 204 program, efforts which have been supported by the office of Representative Weber.

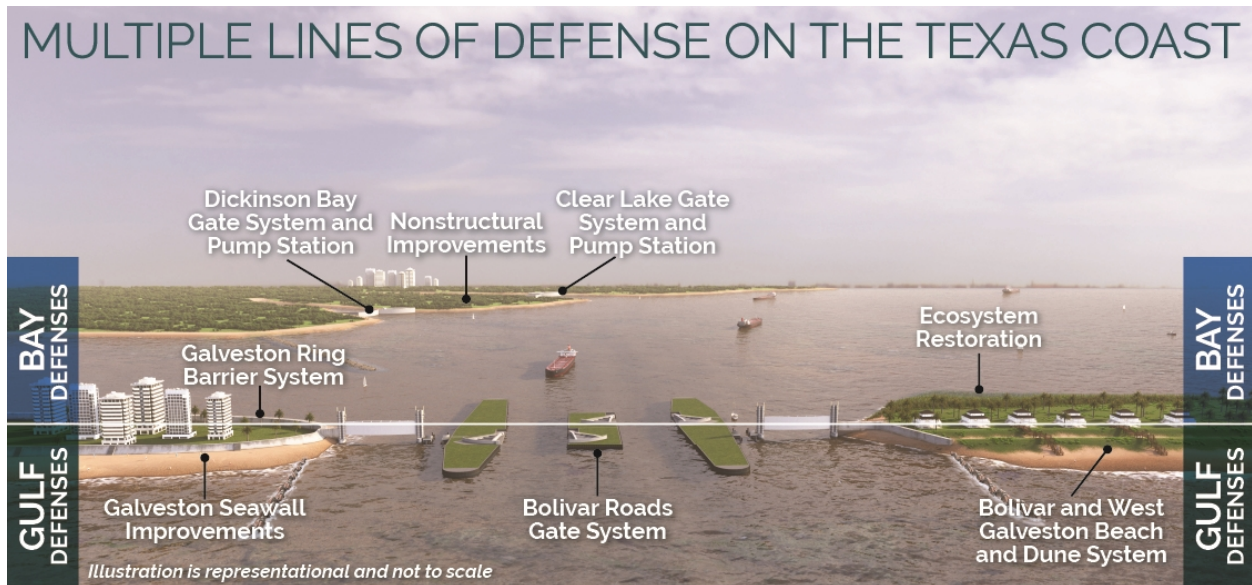
*Coastal Texas Protection and Restoration Study*

The Coastal Texas Protection and Restoration study was authorized in the Water Resources Development Act of 2007. Since then, the Corps has worked to identify potential shoreline erosion control, storm damage reduction, environmental restoration and protection, and related improvements along the Texas Gulf Coast, from the mouth of the Sabine River to the Rio Grande.

In 2021, Lt. General Spellmon, USACE Chief of Engineers signed the Chief's Report for the Coastal Texas study, allowing the project to receive its construction authorization in the Water Resources Development Act of 2022, which became law in December.

The final plan expects the project to be built over a period of 12 to 20 years, depending on Congressional funding and partnerships. The estimated cost for initial construction is projected to be about \$28 billion and the project has a cost to benefit ratio of 1.91. The next steps for the project, however, include the Planning, Engineering, and Design phase, which will be undertaken for portion of the project upon receipt of federal funding.

As shown on the visual below, proposed projects in the Galveston region include:



*Beach Nourishment after a Federally Declared Storm*

The Federal Emergency Management Agency's (FEMA) policy regarding reimbursement for beach nourishment projects following a disaster declaration may present a challenge to beneficial use projects that do not involve direct federal participation, such as the projects completed by the Park Board. FEMA states that "sand placed on a beach from a channel maintenance project is not an eligible beach nourishment project." Therefore, if a storm hits the Galveston area and damages the beach, the project may not be eligible for FEMA reimbursement funding and the local and state investment could be lost.

In November 2015, Rep. Weber sent a letter on behalf of the Park Board to FEMA requesting the agency reconsider this policy. FEMA responded in January 2016 by confirming the policy and clarifying that dredged material "is not selected to meet compatibility design criteria, and the amount placed is dependent on the amount dredged, not a design." FEMA went on to state, however, that if an applicant



can demonstrate compliance with the eligibility requirements set forth by FEMA, they may be eligible for assistance in some cases. FEMA also stated they would review this policy in coordination with the Army Corps.

**POSITION:** *Support* continued and regular placement of Beneficial Use of Dredged Material along the Galveston Island coastline. *Support* funding for the Coastal Texas project in the Fiscal Year 2024 appropriations process to begin the PED phase of the project and ultimately develop beneficial projects for Galveston Island. *Support* adequate annual funding for the Continuing Authorities Program, Section 204. *Support* a change to FEMA's reimbursement policy for beneficial use beach nourishment projects.

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FEDERAL ISSUE: RESTORE Act

BACKGROUND: HOW IT MAY AFFECT THE PARK BOARD: In April 2010, an explosion at the BP-operated Deepwater Horizon oil rig caused the worst oil spill in U.S. history, with millions of barrels of oil spilling into the Gulf of Mexico. In the summer of 2012, Congress passed the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies (RESTORE) Act, which established the Gulf Coast Restoration Trust Fund and mandated that 80 percent of Clean Water Act (CWA) civil damages from the spill be allocated directly to the five impacted states, including Texas.

These CWA fines will flow to the Gulf States via three channels created by the RESTORE Act: Direct Component, Council-selected projects, and the Spill Impact Component. Additional funds are provided to Texas via the Natural Resource Damage Assessment process and the National Fish and Wildlife Foundation.

1. Natural Resource Damage Assessment (NRDA) -- ~\$105 million to date
2. National Fish and Wildlife Foundation -- ~\$155 million
3. RESTORE
  - o Direct Component (Bucket 1) -- Expected total of \$375 million through 2031
  - o Council-selected Projects (Bucket 2) -- Expected total of \$1.6 billion competitively awarded to all Gulf states and federal Council members through 2031
  - o Spill Impact Component (Bucket 3) – Expected total of \$121.5 million through 2031

*Direct Component (Bucket 1)*

The Direct Component portion makes up roughly 35 percent of the total Trust Fund and is equally divided among the five Gulf States. The RESTORE Act grants states with significant discretion as to how they will use the funding for restoration activities. In March 2016, the Park Board submitted two applications to the Texas Commission on Environmental Quality (TCEQ) for RESTORE funding through the Director Component. Those two projects are: 1) Routine beneficial use of material dredged from the ship channel; and 2) The construction of public facilities within the East End Lagoon Park and Preserve. TCEQ submitted their multi-year implementation plan (MYIP) to Treasury in October 2017. The MYIP included both projects, with a combined award amount of \$10.4 million. Treasury accepted the plan in December 2017. The Park Board continues to wait on the funding for these projects as the process is extremely slow.

*Council-selected Projects (Bucket 2)*

The RESTORE Act also established the Gulf Coast Ecosystem Restoration Council (the Council), which is responsible for administering 60 percent of the total funding allocated to the Trust Fund. Thirty percent of the Trust Fund is to be used by the Council to develop and fund a Comprehensive Plan for the restoration of the entire Gulf Coast ecosystem, and the remaining thirty percent is to be distributed under the Spill Impact Component. The Council includes the Secretaries of the Interior, Commerce, Agriculture, the Administrator of the Environmental Protection Agency, Secretary of the Army for Civil Works, the head of the Coast Guard, and the Governors of each state. The Council is projected to receive approximately \$1.6 billion for Council-selected projects. TCEQ Commissioner Toby Baker is Governor Abbott's designee.



In 2015, the Council approved the Initial Funded Priorities List (FPL). The FPL funds approximately \$156.6 million in restoration activities and prioritizes 12 additional projects in the future, subject to further environmental and Council review. It included Category I and Category II projects, with Category I projects to receive funding once the FPL is finalized and Category II projects to be considered for funding in the future. The draft FPL includes \$355,450 in Category 1 funding and \$6,753,550 in Category 2 funding for the Bayou Greenways project, as well as \$968,000 in Category 1 funding for the planning of the Texas Beneficial Use and Marsh Restoration project. Both are environmental restoration projects within the Galveston Bay watershed.

More recently, the RESTORE Council has announced an update to the process for the next round of Bucket 2 funding opportunities, FPL 3. The Council will develop the FPL 3 in two phases: 3a and 3b. Developing the FPL 3 in two phases will enable the Council to respond to urgent ecosystem needs, save money, and take advantage of important partnership opportunities to advance large-scale ecosystem restoration in the near term. For FPL 3a, the Council is considering two ecosystem projects, one in Louisiana and one in Alabama. In the second phase, FPL 3b, the Council will consider restoration projects and programs that address additional ecosystem needs across the Gulf, including Texas.

*Spill Impact Component (Bucket 3)*

In early 2019, TCEQ received approval of Texas' Initial State Expenditure Plan. The initial SEP focuses on Hurricane Harvey recovery efforts and is a programmatic plan addressing the distribution of approximately \$31 million in RESTORE Bucket 3 funds. Other plans will be developed in later years as additional Bucket 3 funds become available. Texas is expected to receive a total of \$121 million by the end of 2031.

**POSITION:** *Monitor* federal implementation of the RESTORE Act to ensure continued benefit to Galveston Island. *Support* efforts to secure funding for projects and programs supported by the Galveston Island Park Board of Trustees.

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FEDERAL ISSUE: Offshore Energy Exploration Revenue Sharing

BACKGROUND: HOW IT MAY AFFECT THE PARK BOARD: There has been a long history of providing revenue to states and local governments derived from oil and gas drilling in federal waters off the coast of those government entities. In 2006, Congress passed the Gulf of Mexico Energy Security Act (GOMESA) as a more permanent, albeit imperfect, solution to revenue sharing. GOMESA created revenue sharing provisions for the four Gulf oil and gas producing states of Alabama, Louisiana, Mississippi, and Texas, and their coastal political subdivisions (CPS's, or in this case, counties). GOMESA funds are to be used for coastal conservation, restoration and hurricane protection. There are two phases of GOMESA revenue sharing:

Phase I: Beginning in Fiscal Year (FY) 2007, 37.5 percent of all qualified OCS revenues, began to be shared among the four States and their coastal political subdivisions from new leases issued in the 181 Area in the Eastern planning area (also known as the 224 Sale Area) and the 181 South Area. Additionally, 12.5 percent of revenues are allocated to the Land and Water Conservation Fund (LWCF).

Phase II: The second phase of GOMESA revenue sharing began in FY 2017. It expanded the definition of qualified OCS revenues to include receipts from Gulf leases issued either after December 20, 2006, in the 181 Call Area, or, in 2002–2007 Gulf of Mexico Planning Areas subject to withdrawal or moratoria restrictions. A revenue sharing cap of \$650 million per year for the four Gulf producing States, their CPS's and the LWCF applies for fiscal years 2020 and 2021. A \$500 million cap will return through 2055 if additional changes are not made.

Phase II has drastically increased the amount of revenue sharing that is available. For example, Galveston County received \$2,039.76 from GOMESA in FY 2017, however, the County received \$1,213,009 in FY 2022 while the state of Texas received over \$55 million. Unfortunately, such funds are not mandated to be shared with cities or other political subdivisions of the state. Because of the return of the \$500 million annual funding cap, monies for states and counties decreased in FY 2022 from the prior two years.

*Wind Energy*

Meanwhile, the "Reinvesting in Shoreline Economies and Ecosystems (RISEE) Act," championed by Rep. Lizzie Fletcher (D-Texas) in the House and Sens. Sheldon Whitehouse (D-R.I.) and Bill Cassidy (R-La.) in the Senate, would allow states to take back up to 50 percent of revenue created by offshore wind energy production along adjacent coastlines, which could then go toward funding coastal restoration efforts. The "RISEE Act" would also overhaul the 2006 Gulf of Mexico Energy Security Act, or GOMESA, which sets a cap for how much revenue four states — Texas, Louisiana, Mississippi and Alabama — can collect from oil and gas production in the outer continental shelf.

The bill would, specifically, raise the cap from 37.5 percent to 50 percent, with this money also allowing states to pursue coastal rebuilding initiatives.

POSITION: **Support** increased funding to states and coastal political subdivisions – including equal distribution to cities and other political subdivisions – via adjustments to GOMESA. **Support** the RISEE Act, which would implement a revenue cost share for funds created by offshore wind energy production and raise the cap on how much states and localities can collect from oil and gas production.

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**FEDERAL ISSUE:** Land and Water Conservation Fund; Open Space Opportunities & Park Amenities

**BACKGROUND: HOW IT MAY AFFECT THE PARK BOARD:** The Land and Water Conservation Fund Act of 1965 was enacted to help preserve, develop, and assure access to outdoor recreation facilities for our nation. The law created the Land and Water Conservation Fund (LWCF) in the U.S. Treasury as a funding source to implement outdoor recreation goals.

The LWCF has been the principal source of monies for land acquisition for outdoor recreation by four federal agencies—the National Park Service, Bureau of Land Management, Fish and Wildlife Service, and Forest Service. The LWCF also funds a matching grant program via the National Park Service to assist states (and local governments as sub-recipients) in acquiring recreational lands and developing outdoor recreational facilities. A portion of the appropriation is divided equally among the states, with the remainder apportioned based on need, as determined by the Secretary of the Interior. The states award their grant money through a competitive selection process based on statewide recreation plans, as well as establish their own priorities and criteria. This state program could offer opportunities for the City of Pismo Beach to either purchase open space opportunities or for additional public park amenities.

The LWCF is authorized at \$900 million annually. The Great American Outdoors Act, which became law in 2020, mandates that the LWCF will receive its authorized funding with 40 percent, or \$360 million, allocated annually to the state grant program. Given relatively recent funding of between \$100 and \$125 million to the program from Congress for the past several years, this is basically a tripling of the funding and should increase the monies available to Texas from about \$10 million to at least \$30 million, thereby increasing the Park Board’s future opportunities. This funding results in a variety of grant programs administered by the Texas Parks and Wildlife Department for which the Park Board can apply.

Apart from mandatory funding for the LWCF, the Great American Outdoors Act also creates a National Parks and Public Land Legacy Restoration Fund that will be funded by up to \$1.9 billion per year for the next five years to help restore maintenance backlogs on National Park Service and other federal lands.

**POSITION:** *Support* the state conservation grant program of the Land and Water Conservation Fund, which would provide opportunities for the Park Board for acquisition or land preservation improvement opportunities.

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FEDERAL ISSUE: Creation of New National Recreation Areas or National Historic Trails in and around Galveston

BACKGROUND: HOW IT MAY AFFECT THE PARK BOARD:

*Proposed Emancipation National Historic Trail*

The National Park Service (NPS) has a work list of at least 28 studies that have been authorized by Congress in recent years that could result in new national park sites or designations for new national heritage areas, national trails, or wild and scenic rivers. Congress added 11 studies to the list in December 2022. Typically, each study is anticipated to cost an average of \$350,000 and is expected to be done within three fiscal years. However, in practice, studies have taken longer to prepare, a frustration for many in Congress that ask the NPS to work more quickly and on more studies nearly every year.

Among those studies to be completed is one to create the Emancipation National Historic Trail in Galveston. This would commemorate the 51-mile trail from Galveston to Houston and honor the route taken by some of the last slaves during their walk to freedom on June 19, 1865, which could be a boon to tourism efforts in Galveston.

*Proposed Lone Star Coastal National Recreation Area*

The proposed Lone Star Coastal National Recreation Area (LNCRA) is envisioned to preserve critical coastal habitat and historical landmarks, while protecting the Upper Texas Gulf Coast from storm surge damage and providing economic benefits to the surrounding communities. According to the National Parks Conservation Association (NPCA), the LNCRA is "...conceived as part of an integrated, long-term flood mitigation system, focuses on the low-lying tidal and brackish marshlands and the surrounding upland areas.... While providing flood protection benefits, the LSCNRA would also help realize the significant potential economic value these lands have for geotourism--bird-watching, kayaking, history trails, and hiking, and more traditional uses such as fishing and hunting... A National Recreation Area for the Upper Texas Coast would include only those public and private land owners who voluntarily chose to participate. It is envisioned as a non-contiguous cluster of lands, historic sites and structures within Matagorda, Brazoria, Galveston and Chambers Counties, to be managed under a custom-built partnership agreement between these participating land owners and the National Park Service, which provides a coordinating presence for visitor services and tourism marketing."

The National Park Service (NPS) manages nearly 20 national recreation areas. Many are managed in cooperation with other land management agencies, such as local, state, and federal public-private partnerships. Congress creates national recreation areas through authorizing legislation. Although Congress may authorize specific land uses in any type of park unit, in practice, activities that could damage or consume resources are more often permitted in some types of units than in others. For example, Congress has not authorized sport hunting in any national parks, whereas this activity is authorized in other types of park units, including some national recreation areas. Similarly, other activities that are prohibited in national parks, such as off-road vehicle use, may be allowed in national recreation areas. The recreational activities to be allowed or prohibited for a recreation area are often explicitly authorized in the legislation to designate the national recreation area.



The clearest benefit of a national recreation area designation is the potential increase in visitors. A 2012 analysis of NPS visitor statistics shows that national recreation areas receive an average of 2.6 million visitors per unit. In addition, some limited federal funding for such an area could be made available.

On the other hand, the costs are less clear, as authorizing legislation has not yet been drafted. However, the NPCA has stated the following regarding how maintenance of the LSCNRA may be paid for: “The business plan for the LSCNRA is tailored to an era of fiscal reform and restraint and, by relying on creative funding tools including philanthropy, recreation fees, and other revenue sources, will minimize use of public sector funding. Partners are anticipated to continue providing funding at current levels for their own sites but are under no obligation to increase expenditures.”

A feasibility study has been prepared with private funding and has been reviewed by the Department of Interior. Typically, a Special Resource Study or Reconnaissance Study would have been produced by the federal government. The NPCA lists as partners in this endeavor Brazoria, Chambers, Galveston and Matagorda counties, the cities of Bay City, Freeport, Texas City, and Galveston, as well as several other organizations.

**POSITION:** *Support* the creation of the Emancipation National Historic Trail and the Lone Star Coastal National Recreation Area in and around Galveston.

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**FEDERAL ISSUE:** National Flood Insurance Program

**BACKGROUND: HOW IT MAY AFFECT THE PARK BOARD:** In 1968, Congress established the National Flood Insurance Program (NFIP) to address the nation's flood exposure and challenges inherent in financing and managing flood risks in the private sector. Private insurance companies at the time claimed that the flood peril was uninsurable and, therefore, could not be underwritten in the private insurance market. A three-prong floodplain management and insurance program was created to identify areas across the nation most at risk of flooding, minimize the economic impact of flooding events through floodplain management ordinances, and provide flood insurance to individuals and businesses.

In mid-2012, Congress passed, and the President signed, the Biggert-Waters Flood Insurance Act (BW12), a 5-year reauthorization of the NFIP that attempted to restore the program to firmer financial footing by making changes to the program that impacted the Island's residents. Then, in early 2014, the Homeowner Flood Insurance Affordability Act (HFIAA), was enacted to address some of the so-called unintended consequences of BW12. While HFIAA delayed many of the premium increases implemented by BW12, the only real difference between rate increases envisioned by the two bills is that HFIAA reinstated grandfathering. This provision, originally ended by BW12, allows property owners to pay flood insurance rates based on original risk, not that which is determined by new community flood maps.

Authorization of the NFIP expires on September 30, 2023.

*Risk Rating 2.0*

The Federal Emergency Management Agency (FEMA) continues to implement the [Risk Rating 2.0](#) (RR2) pricing methodology for the NFIP. FEMA estimates that roughly 3.8 million policyholders will pay higher premiums, while 1.2 million policyholders will see rate decreases. New NFIP policies are subject to new RR2 pricing beginning on Oct. 1, 2021, while existing policyholders will face new pricing on or after April 1, 2022 if their price increases. If existing policyholders' price is scheduled to decrease under RR2, they can benefit when their policy renewal occurs after Oct. 1, 2021.

Several members of Congress and members of the Senate continue to advocate that the implementation of RR2 should be delayed and have written [letters](#), proposed [various legislation](#), and [called](#) on the Administration to carry out the delay.

Finally, House Financial Services Ranking Member Maxine Waters (D-CA) proposed legislation in the 117<sup>th</sup> Congress that, among other things, would limit annual flood insurance rate increases to 9 percent, down from 18 percent allowed under current law. Based on statements to the media, FEMA was supportive of this annual rate increase cap.

For the City of Galveston (zip codes 77550, 77551, 77554), the data relating to the implementation of RR2 indicates the following expected price changes per month for participants in the NFIP: about 28% of City NFIP participants will see a decrease in their flood insurance rates while 50% will see a modest increase of less than \$10 per month. The remaining 22% of policyholders will see more significant monthly premium increases.

**POSITION:** *Support* efforts to improve the National Flood Insurance Program for the benefit of all participants. *Monitor* FEMA's implementation of the Risk Rating 2.0 program.



**Agenda Item: Discuss and Consider Approval of a Budget Amendment to Nourished Beach for the Dellanera Beach Repair**

**Background:**

The stretch of beach for this project encompasses the area from the western end of the Galveston Seawall to the western property line of Dellanera RV Park. This nourishment is necessary due to the damage sustained to the beach from Hurricane Harvey in 2017 and is a beach project with no dune work. The project is being carried out through a FEMA claim in conjunction with our project partner the Texas General Land Office (GLO) Coastal Erosion Planning & Response Act (CEPRA). This project is being funded through FEMA (90%) and CEPRA (10%) and can be found in the Park Board Nourished Beach budget. The FEMA project worksheet was valued at \$4,680,797.02 in 2021 when awarded.

A construction contract was awarded in October 2022 and was valued at approximately \$6.4 million dollars. With this change in project costs the Park Board received an amended contract with CEPRA for the increase for their 10% share in the project.

After the final bids came in for actual construction costs Park Board staff engaged with FEMA through the Texas Division of Emergency Management (TDEM) to make them aware of the funding shortfall in the obligated project worksheet. A request has been made for the cost overrun for the total project costs in the amount of \$6.8 million dollars. The reasoning conveyed was that the estimated cost to complete this project’s scope of work greatly exceeds the obligated amount due to increased material, labor, surveying, and other associated costs relating to the coastal work. This request has been supported by TDEM and all necessary documentation has been presented to FEMA Region 6 for review. The FEMA Consolidated Resources Center is currently reviewing the cost change request for completeness. Upon their acceptance they will write an amendment to the project worksheet to increase the cost of the project.

Due to the increases in accounts 5195, 4665 & 4650 Nourished Beach budget a budget amendment is requested. This item was approved at the February Finance & Operations Committee meeting.

**Staff Recommendation:**

Staff is recommending approval of this amendment to align the Park Board budget with actual project costs.

**Funding Source (if applicable):**

FY23 BUDGET PROJECTIONS				
Nourished Beach -- Expenses				
Account Code	Account Short Title	Original Budget	Budget Adj.	Adjusted Budget
5195	FEMA Storm Repa	\$7,663,650.00	\$2,133,879.00	\$9,797,529.00
FY23 BUDGET PROJECTIONS				
Nourished Beach -- Revenues				
Account Code	Account Short Title	Original Budget	Budget Adj.	Adjusted Budget
4650	Grant Proceeds	\$1,414,271.00	\$213,387.90	\$1,627,658.90
4665	FEMA Reimbu	\$6,897,285.00	\$1,920,491.42	\$8,817,776.42



**Agenda Item:** Discuss and Consider Approval of Coastal Zone Management Facility Loan Term Renewal

**Background:** Loan #0012 held by Moody National Bank (MNB) will be maturing on February 22, 2023. This loan is secured by the Coastal Zone Management Facility located at 2902 Church Street. The current balance on the loan is \$316,973.59 with the February payments due on the 22<sup>nd</sup> of February. Once those payments are made the balance at renewal will be approximately \$312,638.42.

The original loan was on a 20-year amortization schedule with an original maturity of 15 years, and a renewal requirement for the final 5 years. The loan was originated on February 28, 2008, so there five years remaining on the amortization schedule. Based on the current rate (7.75%), the monthly payment will increase by \$334.26 above the current monthly payment of \$5,967.58. MNB has indicated they will work with the Park Board to keep the payment as close to the current payment as possible.

There will be some cost involved in renewing the loan. The renewal will require attorney prepared documents (\$750 - \$1,500 cost estimate), a title search (\$216.50) and a UCC search (\$33-\$34). The attorney fees are an estimate from MNB.

**Staff Recommendation:** Staff recommends approval to renew the CZM loan #0012 held by MNB for an additional 5-years, maturing on February 22, 2028.

**Funding Source:** BC-70-5204 – Professional Fees (attorney and other processing fees), BC-70-5156 – Interest Expense, and BC-70-5251 – Financed Capital Principal Payments.



**Agenda Item:** Discuss and Consider Approval to Dispose of Park Board Vehicle 3704

**Background:** On November 11, 2022, an employee driving park board vehicle 3704 (2017 Chev Colorado, VIN 1GCHTDEN8H1164608) was involved in a collision when another driver ran a red light and hit him. An accident report was filed. Thankfully there were no injuries were reported but the accident resulted in heavy damage to the vehicle. Upon inspection, TML determined that the damage to the vehicle was beyond repair and advised staff that they deemed the vehicle a total loss. TML presented the following 2 options:

Option 1- TML takes possession of the vehicle salvage.

Settlement = \$27,700.00 market value - \$1,000.00 deductible = **\$26,700.00 + \$533.24** Towing Cost

Option 2- The park board keeps the vehicle salvage.

Settlement = \$26,700.00 - \$5,007.31 salvage = **\$21,692.69 + \$533.24** Towing Cost

Based on advice from CZM manager Larry Jackson that we could not get what TML is offering in salvage, staff believes taking the larger, more immediate settlement amount from TML would be the most advantageous.

**Staff Recommendation:** Staff recommends approval of Option 1 as method of disposing of park board vehicle 3704.

**Funding Source:** Funds will be deposited in BP70-4666



**Agenda Item:** Discuss and Consider Approval for Repair Expense for Beach Patrol Truck

**Background:** Beach Patrol employee was involved in a wreck, and an accident report was completed on September 2, 2022. Texas Municipal League Intergovernmental Risk Pool (TML) adjuster, Eric Ceballas was contacted regarding estimate and approved to move forward. Beach Patrol was contacted as well. The estimate for repairs was \$12,387.04. This amount includes the \$1,000.00 deductible.

TML issued a check on October 6<sup>th</sup>, 2022, payable to Park Board of Trustees of Galveston in the amount of \$11,387.04 and was credited to line-item BP-70-4666 (Insurance Reimbursement) on October 24<sup>th</sup>, 2022. The same amount will be deducted from the same line-item. After the insurance payment of \$11,387.04, Beach Patrol will be responsible for the \$1,000.00 deductible.

**Staff Recommendation:** Staff is seeking approval for a total payment of \$12,387.04 payable to Joe Hudson's Collision Center in Galveston.

**Funding Source:** BP-70-4666 \$11,387.04  
BP-70-5242 \$1,000.00



**Agenda Item: Discuss and Consider Approval to Purchase Access Matting From AccessRec**

**Background:**

The Park Board of Trustees of the City of Galveston applied for, and was awarded, a \$20,000 grant to support increasing mobility and accessibility at R.A. Apffel Beach Park (East Beach). The National Environmental Education Foundation's (NEEF) Driving Mobility and Accessibility on Public Lands grant program is a nationally competitive grant program funded through a partnership with Toyota Motor North America. The goal of this program is to make public lands more accessible and enjoyable for Americans of all abilities. With the generous support of NEEF, Galveston's beaches will be significantly more accessible to guests with a range of abilities.

Earlier this year, the Board accepted the grant from NEEF and locals funds were allocated for the local match. Staff has worked with NEEF in further outlining the scope of the project which will include installation of 500 linear feet of access matting (300 from this purchase and 200 of existing Park Board supplies), addition of 10 ADA parking spaces closer to the beach front (non-concrete pads) and connectivity to the stage area near the pavilion. This project will allow seamless access from the pavilion to the beach template.

As illustrated in the bid tabulation, there are several options for this material. Staff recommends the submittal at \$13,817. While not the lowest priced option, this vendor also provided the stakes, straps, caps/plugs and aluminum connectors along with a 5-year warranty. Having the stakes, straps, caps/plugs and connectors will save staff time in locating these supplies and making additional purchase, likely to be more costly than the direct purchase option included in this bid. Additionally, the 5-year warranty gives assurances of the quality of the product. For these reasons, staff recommends awarding this contract to AccessRec in the amount of \$13,817 for access matting and related supplies.

FOC recommended approval.

**Staff Recommendation:**

Staff recommends the purchase of 300 linear feet of access matting from AccesRec in the amount of \$13,817.

**Funding Source (if applicable):** Project outlined in the approved budget under RA 52 5250.





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**Agenda Item: Discuss and Consider Approving A Contract TO Flamingo Landscape For Upgrades At Dellanera RV Park**

**Background:**

With continued effort to increase the guest experience at Dellanera RV Park, staff is recommending a landscape package that will improve the aesthetics of the facility. Utilizing a City of Galveston contract (CON-22-891), Park Board staff worked with Flamingo Landscape in designing a landscape package using rates from the City contract. The plants, shrubs and trees selected are resilient to coastal conditions.

FOC recommended approval.

**Staff Recommendation:**

Staff recommends awarding a contract to Flamingo Landscape utilizing the City of Galveston's contract # CON-22-891 in the amount of \$43,131.00

**Funding Source (if applicable):** Project outlined in the approved budget under DP 51 5250.



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**Agenda Item:** Discuss And Consider Awarding Contract To Immaculate Painting For Retiling The Restrooms and Laundry Room At Dellanera RV Park

**Background:** Over the past year, significant investments have been made into upgrading the pavilion at Dellanera RV Park. Recently, the pavilion had an exterior upgrade with the exterior repairs and repainting of the entire building. As part of the current years approved budget, funds are allocated toward retiling the restrooms and the laundry room. The existing tile has cracks, chips, and is outdated. New tile will tie into the overall design of recent improvements.

Staff solicited bids from qualified firms who have the experience to perform the replacement of the tile. After meeting with numerous firms, only three bids were submitted. Of these bids, the scope of work and the cost of services varied greatly. The company who had the lowest submitted pricing at \$9,200 could not perform all aspect of the scope of work and would require staff to contract with a plumber for the removal and reinstallation of all plumbing items needed to perform the work. Additionally, this bid only included labor to perform the scope of work and did not include the tile and materials needed for the installation. This submittal was incomplete and therefore not considered. The highest submitted project came in at \$35,286.30. This bid was completed and was considered for evaluation. The bid that came in from Immaculate Painting was in the middle at \$20,600. This bid was complete and included all labor and material needed to fully replace the tile flooring as outlined in the scope of work.

FOC Recommended Approval.

**Staff Recommendation:** Staff recommends awarding contract to Immaculate Painting in the amount of \$20,600 for retiling of the Dellanera RV Park Pavilion.

**Funding Source (if applicable):** Project outlined in the approved budget under DP-52 5250.





**Agenda Item:** Discuss and Consider Special Event Incubator Funding for 2023 Galveston Island Esports Summit

**Background:** Galveston Island Esports Summit, scheduled for August 25-27, 2023, is designed to bring together Esports educators, influencers, professionals, trade, merchandisers, gamers, and all interested in the rapidly growing esports market.

The 2023 event will feature exhibits, interactive activities, educational panels, and esports tournaments. The US Army will manage the tournaments, highlighted by the Army Esports Mobile Tournament Center, that will be on display and serve as the tournament center. The US Navy will engage the Army in competition, and NASA will host a virtual reality experience of the International Space Station. In addition, they will exhibit artifacts and space memorabilia. Vendors will include merchandise and services, and the Summit will provide new games and interactive activities to entertain attendees.

Confirmed participants to the Summit to date are the US Army - Esports and Recruitment Houses (2), Texas Scholastic Esports Federation, NASA, Esports Trade Association (ESTA), Women in Games (WIGI), the US Marine Corps, the US Navy, and panels featuring esports professionals, educators, game developers, and technology leaders.

Tournaments will be open to all ages by division, with a special division featuring ages below 12. Panelists will discuss the educational benefits of gaming, cyber security, and the advantages of custom personal computers.

A family event, ticketing options include Day passes, 3-day passes, and VIP passes that are all-inclusive. A nominal tournament registration fee with proof of event pass is required to compete.

Proposed schedule is as follows:

**Friday, August 25**

10 am – 6 pm  
 Tournament registration and competitions  
 Expo & Qualifying Tournaments

**Saturday, August 26**

10 am – 6 pm - Expo and Placement Tournaments

**Sunday, August 27**

10 am - 4 pm – Expo, Tournament Finals, Awards

The promoter has a robust marketing plan in place which includes social media promotion and digital, print and radio advertising. Attendance is expected to exceed 3,500 and generate more than 600 lodging room nights.

**Staff Recommendation:** E-Sports continues to develop as one of the most rapidly growing industries across the globe. Therefore, the event is well-positioned for sustainable growth. Staff recommends approval of up to \$10,000 in funding.

**Funding Source (if applicable):** FY '22-'23 Special Event Incubator Fund.

Tourism Development Advisory Committee Unanimously approved February 14, 2023 (11-0)

# Funding Application Considerations Checklist

Name of Event

Galveston Esports Summit

- The event "directly enhances and promotes tourism AND the convention and hotel industry." (Tax Code, Section 351.101).
- The application is filled out thoroughly and completely.
- Proposed advertising plan is included.
- Organizer has selected a method to account for hotel room nights.
- Application is being submitted more than 180 days in advance of the event.

**Please note: All items must be completed before the application can be submitted.**

# Galveston Park Board Application for Special Event Incubator Funding

## Event / Promoter Information

Event Name	Galveston Esports Summit
Event Date(s)	August 25, - 27, 2023
Event Location	Galveston Island Convention Center
Sponsoring Organization/Promoter Name	M. J. Naschke Public Relations
Tax ID Number	27-0372360
Tax Filing Status	Sole Proprietor

## Contact Information

Event Coordinator Name	Mary Jo Naschke				
Street Address	202 Rosenberg Avenue, Suite 102				
City/State/Zip	Galveston, TX 77550				
Daytime Phone	(409) 762-3930	Mobile Phone	(409) 771-4373	Fax	
Coordinator E-Mail	mj@mjnpr.com				

If you have any questions, please contact Bryan Kunz, Special Events Manager of the Galveston Island CVB at 409-797-5157 or email [bkunz@galvestoncvb.com](mailto:bkunz@galvestoncvb.com).

## Event Description

Please describe the event, including number of expected participants, activities planned, schedules, etc. Attach additional documents as needed.

See Attached.

*Attached*



**August 25 – 27, 2023**

[www.GalvestonEsports.com](http://www.GalvestonEsports.com)

**Event Description**

The 3rd Annual Galveston Island Esports Summit is designed to bring together esports educators, influencers, professionals, trade, merchandisers, gamers, and all interested in the rapidly growing esports market.

Due to COVID supply issues, the 2022 Esports Summit was pushed to 2023. The decision to postpone the event was based on the unavailability of equipment necessary to produce a quality event.

The 2023 event will be August 25 – 27. Friday, Saturday and Sunday the Summit will feature exhibits, interactive activities, educational panels and esports tournaments. The US Army will be managing the tournaments and a highlight will be the Army Esports mobile tournament center that will be on display and will serve as the tournament center. The US Navy will engage the Army in competition and NASA will host a virtual reality experience of the International Space Station. In addition, they are exhibiting artifacts and space memorabilia. Vendors will include merchandise and services and the Summit will provide new games and interactive activities.

Confirmed participants to the summit to date are the US Army – Esports and Recruitment Houses (2), Texas Scholastic Esports Federation, NASA, Esports Trade Association (ESTA), and Women in Games (WIGI), US Marines, Navy, and panels featuring esports professionals, educators, game developers, and technology leaders.

Tournaments will be open to all ages by divisions with a special division being ages below 12 years of age. Panelists will discuss the educational benefits of gaming, cyber security, and advantages of custom personal computers.

A family event, ticketing options include Day passes, 3- day passes, and VIP passes that are all inclusive. A nominal tournament registration fee with proof of event pass is required to compete. It is anticipated that 3,500 – 5,000 people will attend.

Friday, August 25	10 am – 6 pm	Tournament registration and competitions Expo & Qualifying Tournaments
Saturday, August 26	10 am – 6 pm	Expo and Placement Tournaments
Sunday, August 27	11 am - 4 pm	Expo, Finals Tournaments & Awards

## Event Projections

**Total Attendance**  
**Attendance: 3,500 - 5,000**

**Operating Budget**  
**Budget: \$150,000**

### Hotel Room Night Projection

Select one of the methods below and complete the calculation to project Total Hotel Room Nights (TRN) associated with the event. The method you select here will be the method used to determine final funding amount after the event.

A. **Hotel Room Block** – Number of contracted rooms with Galveston hotels = \_\_\_\_\_ TRN

B. **Ticket Sales/Registrations** – Number of tickets/registrations sold 75 or more miles outside Galveston 1,000 x 0.61 = 610 TRN

C. **Total Attendance** – Total attendance \_\_\_\_\_ x 0.045 = \_\_\_\_\_ TRN

### Maximum Funding Projection

Using the Total Hotel Room Nights (TRN) calculated above, please complete the following formula to determine the proposed maximum funding amount. The final approved funding amount will be determined after the event based upon verifiable actual numbers from the event, and could be lower than the projection below.

610 x \$132 (Average Daily Rate) = \$80,520 ÷ 7 = \$11,502 Proposed Max. Funding      -

## Proposed Fund Usage

Please describe in the space provided below: 1) How the funds you are requesting will be used. 2) How you will enhance and promote tourism and the convention and hotel industry. Please be specific. Attach additional documents if needed.

Funds will be used for marketing purposes: print, social media, digital ads, radio. The Galveston Esports Summit attracts a diverse market that is technology driven, and promotes Galveston to tech companies who may be interested in hosting conferences, etc. The event is diverse in age, culture, and is a networking success for businesses.

See attached  
Budget

The above information is accurate and true to the best of my knowledge.

  
\_\_\_\_\_  
Authorized Signature

10/26/22

\_\_\_\_\_  
Date

MARY JO NASCHKE  
\_\_\_\_\_  
Print Name Here

PROMOTER  
\_\_\_\_\_  
Title/Responsibility

Return the completed application above, along with your proposed advertising plan, event budget and any additional documents to Galveston Island CVB, 601 Tremont, Suite 200, Galveston, TX 77550 or email to [bkunz@galvestoncvb.com](mailto:bkunz@galvestoncvb.com).

If you have any questions, please contact Bryan Kunz, Special Events Manager of the Galveston Island CVB at 409-797-5157 or email [bkunz@galvestoncvb.com](mailto:bkunz@galvestoncvb.com).

**Agenda Item:** Discuss and Consider Special Event Incubator Funding for 2023 La Izquierda Surf and Music Festival

**Background:** La Izquierda Surf and Music Festival, scheduled for May 6-7, 2023, at Menard Park, is a two-day surf contest and music festival designed to attract visitors to stay a full weekend in Galveston. Activities planned include a surf contest, live entertainment, vendors, workshops, performances by local groups and community partners, non-profit spotlights, live art including a community mural, photo booth area, and much more.

Proposed schedule is as follows:

**Friday, May 5**

Set-up, volunteer training, local bands.

**Saturday, May 6**

8 am - Event opens, Free yoga class on the beach, free coffee, surf contest begins.

9 am - Free meditation or group class on the beach, art activities for kids at park.

10 am - Reggae band begins, performances continue till noon with DJ sets in between.

3 pm - Performances by local students and community groups.

5 pm – 9 pm - 4 performances by increasingly well-known bands, headliner.

**Sunday, May 7**

8 am - Surf contest continues, youth surf events, free yoga class.

10 am - Classical music on the beach.

Noon - Singer/songwriter focus onstage for midday performances.

2 pm - 2 bands performing on the hour.

4 pm - Surf contest winners announced, awards ceremony.

5 pm - Headliner

6:30 pm - Closing ceremony and break-down.

The event will be supported by a marketing plan which includes digital, website, print, radio, and social media advertising. Attendance is expected to approach 10,000 and generate over 450 lodging room nights.

**Staff Recommendation:** Staff recommends approval of up to \$8,485 in Incubator Funding.

**Funding Source (if applicable):** FY '22-'23 Special Event Incubator Fund.

Tourism Development Advisory Committee Unanimously approved February 14, 2023 (11-0)

# Funding Application Considerations Checklist

Name of Event \_\_\_\_\_

\_\_\_\_\_ The event “directly enhances and promotes tourism AND the convention and hotel industry.” (Tax Code, Section 351.101).

\_\_\_\_\_ The application is filled out thoroughly and completely.

\_\_\_\_\_ Proposed advertising plan is included.

\_\_\_\_\_ Organizer has selected a method to account for hotel room nights.

\_\_\_\_\_ Application is being submitted more than 180 days in advance of the event.

**Please note: All items must be completed before the application can be submitted.**

# Galveston Park Board Application for Special Event Incubator Funding

## Event / Promoter Information

Event Name
Event Date(s)
Event Location
Sponsoring Organization/Promoter Name
Tax ID Number
Tax Filing Status

## Contact Information

Event Coordinator Name		
Street Address		
City/State/Zip		
Daytime Phone	Mobile Phone	Fax
Coordinator E-Mail		

## **Event Description**

Please describe the event, including number of expected participants, activities planned, schedules, etc. Attach additional documents as needed.

If you have any questions, please contact Bryan Kunz, Special Events Manager of the Galveston Island CVB at 409-797-5157 or email [bkunz@galvestoncvb.com](mailto:bkunz@galvestoncvb.com).

## Event Projections

**Total Attendance**

**Operating Budget**

### Hotel Room Night Projection

Select one of the methods below and complete the calculation to project Total Hotel Room Nights (TRN) associated with the event. The method you select here will be the method used to determine final funding amount after the event.

A. **Hotel Room Block** - Number of contracted rooms with Galveston hotels = \_\_\_\_\_ TRN

B. **Ticket Sales/Registrations** - Number of tickets/registrations sold 75 or more miles outside Galveston \_\_\_\_\_ x 0.61 = \_\_\_\_\_ TRN

C. **Total Attendance** - Total attendance \_\_\_\_\_ x 0.045 = \_\_\_\_\_ TRN

### Maximum Funding Projection

Using the Total Hotel Room Nights (TRN) calculated above, please complete the following formula to determine the proposed maximum funding amount. The final approved funding amount will be determined after the event based upon verifiable actual numbers from the event, and could be lower than the projection below.

\_\_\_\_\_ TRN x \$132 (Average Daily Rate) = \$ \_\_\_\_\_ ÷ 7 = \$ \_\_\_\_\_ Proposed Max. Funding

## Proposed Fund Usage

Please describe in the space provided below: 1) How the funds you are requesting will be used. 2) How you will enhance and promote tourism and the convention and hotel industry. Please be specific. Attach additional documents if needed.

The above information is accurate and true to the best of my knowledge.



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Authorized Signature

Date

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Print Name Here

Title/Responsibility

Return the completed application above, along with your proposed advertising plan, event budget and any additional documents to Galveston Island CVB, 601 Tremont, Suite 200, Galveston, TX 77550 or email to [bkunz@galvestoncvb.com](mailto:bkunz@galvestoncvb.com).

If you have any questions, please contact Bryan Kunz, Special Events Manager of the Galveston Island CVB at 409-797-5157 or email [bkunz@galvestoncvb.com](mailto:bkunz@galvestoncvb.com).

**Agenda Item:** Discuss and Consider Special Event Incubator Funding for 2023 MotoSurf Texas Cup

**Background:** The second annual MotoSurf Texas Cup, scheduled for May 2-8, 2023, is a multi-day watersports festival hosted at Moody Gardens by JetSurf Houston. The event will feature a three-day training camp and four days of racing and watersports entertainment.

MotoSurf racing consists of multi-class racing with a single rider aboard a motorized and highly modified surfboard. Racers can reach speeds approaching 40 miles per hour. The sport continues to grow in popularity around the world and within the U.S.

Proposed schedule is as follows:

**May 2 – 4**

Training Camp

**Friday, May 5**

Race Registration/ Check in  
Technical/ Board Inspections and Safety Brief  
Track learning, Practice laps, Open track  
Board tuning  
Meet and greet & racers welcome party

**Saturday, May 6**

Racers Breakfast  
Late Race Registration/ Check in  
Technical/ Board Inspections and Safety Brief  
Track learning, Practice laps, Qualifications  
Lunch  
Heats 1&2

**Sunday, May 7**

Racers Breakfast  
Technical/ Board Inspections and Safety Brief  
Practice Starts, Practice laps  
Heats 3  
Heats 4  
Lunch  
Finals  
Ceremony  
Dinner of Champions

**Monday, May 8**

Breakfast of Champions  
Event Break-down  
Fun Day in Galveston

The event will be supported by a marketing plan which includes digital and social media advertising as well as public relations efforts. Attendance is expected to approach 2,000 and generate more than 300 lodging room nights.

**Staff Recommendation:** MotoSurf racing continues to show growth in popularity on the Gulf U.S. Staff recommends approval of up to \$5,751 in Incubator Funding

**Funding Source (if applicable):** FY '22-'23 Special Event Incubator Fund.

Tourism Development Advisory Committee Unanimously Approved February 14, 2023 (11-0)

# Funding Application Considerations Checklist

Name of Event 2023 MotoSurf Texas Cup

Yes The event "directly enhances and promotes tourism AND the convention and hotel industry." (Tax Code, Section 351.101).

Yes The application is filled out thoroughly and completely.

Yes Proposed advertising plan is included.

Yes Organizer has selected a method to account for hotel room nights.

Yes Application is being submitted more than 180 days in advance of the event.

**Please note: All items must be completed before the application can be submitted.**

# Galveston Park Board Application for Special Event Incubator Funding

## Event / Promoter Information

Event Name	2023 MotoSurf Texas Cup
Event Date(s)	May 5 - 7 / Jetsurf Houston Training Camp
Event Location	Moody Gardens Palm Beach/Marina (May 2-4)
Sponsoring Organization/Promoter Name	Jetsurf Houston / Jordan P. Davlin
Tax ID Number	
Tax Filing Status	

## Contact Information

Event Coordinator Name	Jordan P. Davlin		
Street Address	3222 NASA PKWY		
City/State/Zip	Seabrook, TX 77586		
Daytime Phone	Mobile Phone	Fax	
	713 538-7873		
Coordinator E-Mail	Jordan @ Jetsurfhoustan.com		

If you have any questions, please contact Bryan Kunz, Special Events Manager of the Galveston Island CVB at 409-797-5157 or email [bkunz@galvestoncvb.com](mailto:bkunz@galvestoncvb.com).

JPD

## Event Description

Please describe the event, including number of expected participants, activities planned, schedules, etc. Attach additional documents as needed.

The 2nd Annual MotoSurf Texas Cup © Moody Gardens Resort. Jetsurf Houston is hosting the 2nd MotoSurf race on Galveston Island. This is a 6 day event including 3 day training camp and 3 days of racing. MotoSurf racing is growing in popularity around the world and US. Jetsurf Houston is spearheading the sport of MotoSurf in Texas. We are proud to be promoting the new and exciting sport on Galveston Island. We are expecting 50 racers from all over the US and world. We are planning to have around 2500 spectators throughout the 3 day event. I have sent the race schedule and info ~~pack~~ via email. We will have a half-time show and big air contest along with electric challenge and moteskate challenge.

## Event Projections

Total Attendance <b>2500</b>	Operating Budget <b>\$50,000</b>
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### Hotel Room Night Projection

Select one of the methods below and complete the calculation to project Total Hotel Room Nights (TRN) associated with the event. The method you select here will be the method used to determine final funding amount after the event.

A. **Hotel Room Block** - Number of contracted rooms with Galveston hotels = \_\_\_\_\_ TRN

B. **Ticket Sales/Registrations** - Number of tickets/registrations sold 75 or more miles outside Galveston 500 x 0.61 = 305 TRN

C. **Total Attendance** - Total attendance \_\_\_\_\_ x 0.045 = \_\_\_\_\_ TRN

### Maximum Funding Projection

Using the Total Hotel Room Nights (TRN) calculated above, please complete the following formula to determine the proposed maximum funding amount. The final approved funding amount will be determined after the event based upon verifiable actual numbers from the event, and could be lower than the projection below.

305 TRN x \$132 (Average Daily Rate) = \$ 40,260 ÷ 7 = \$ 5,751 Proposed Max. Funding

## Proposed Fund Usage

Please describe in the space provided below: 1) How the funds you are requesting will be used. 2) How you will enhance and promote tourism and the convention and hotel industry. Please be specific. Attach additional documents if needed.

\$9,000 - Venue Rental  
\$6,000 - Staff rooms and ~~salaries~~ Salaries, flights, etc.  
\$10,000 - Advertising/Marketing/Promotions (Online Social Media, publications)  
\$5,000 - Tents, tables, chairs  
\$5,000 - Banners, signage, flyers  
\$5,000 - Ambulance, safety services (police boat rentals)  
\$5,000 - Race supplies, fuel, ice, water, snacks  
\$5,000 - MISC.

Detailed list to be provided via email

The above information is accurate and true to the best of my knowledge.

J.P. Davlin  
Authorized Signature

1/12/2023  
Date

Jordan P. Davlin  
Print Name Here

Owner/Race Director  
Title/Responsibility

Return the completed application above, along with your proposed advertising plan, event budget and any additional documents to Galveston Island CVB, 601 Tremont, Suite 200, Galveston, TX 77550 or email to [bkunz@galvestoncvb.com](mailto:bkunz@galvestoncvb.com).

If you have any questions, please contact Bryan Kunz, Special Events Manager of the Galveston Island CVB at 409-797-5157 or email [bkunz@galvestoncvb.com](mailto:bkunz@galvestoncvb.com).

# Tourism Development Marketing Deliverables

February 28, 2023

## Discuss and Consider Approval of Tourism Development Expenditures

### Background

The following expenditures are part of Visit Galveston's 2022-2023 annual budget, which is developed with the assistance and guidance from the Park Board and tourism partners. Staff is requesting approval of the following deliverables from the Tourism Development budget.

<b>Budget</b>	<b>Vendor</b>	<b>Amount</b>	<b>Description</b>	<b>FUNDING</b>
<b>70-5352</b>	<b>Meeting Professionals International</b>	\$18,000	Exposure at World Education Conference & Global Mtgs Industry Day	<b>BUDGETED</b>
<b>70-7000</b>	<b>Houston First Corpotation</b>	\$20,000.00	Around Houston IPW Sponsorship - US Travel Assn. Conference in San Antonio	<b>BUDGETED</b>
<b>70-7000</b>	<b>Tourism Summit</b>	\$131,520.00	Total expenses for 2023 - budgeted \$100k and seeking \$31,520 in sponsorships	<b>BUDGETED</b>
<b>TOTAL</b>		<b>\$151,520.00</b>		