

1 The Charter Review Commission of the City of Seabrook met on Tuesday, August 20, 2019 at  
2 5:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if  
3 appropriate, take action on the items listed below.  
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5 THOSE PRESENT WERE:

6 JOHN CHISLER	CHAIR
7 BRUCE DRESNER	MEMBER
8 MARCY FRYDAY	MEMBER
9 ROB HEFNER – Abs.	VICE CHAIR
10 NANCY JONES	MEMBER
11 TERRY MOORE	MEMBER
12 RICHARD TOMLINSON	MEMBER
13 GAYLE COOK	CITY MANAGER
14 SEAN LANDIS	DEPUTY CITY MANAGER
15 STEVE WEATHERED	CITY ATTORNEY
16 ROBIN HICKS	CITY SECRETARY

17  
18 Chair, John Chisler, called the meeting to order at 5:00 p.m.  
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20 **1. PUBLIC COMMENTS AND ANNOUNCEMENTS**  
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22 City Secretary, Robin Lenio, explained that the Charter Review Commission took oaths of  
23 office on March 19, which means that the six month term end would be September 19. Ms. Lenio  
24 further explained that because of the way the City Council meetings fall, the Commission will not  
25 be able to present the final report to City Council until Tuesday, October 1.  
26

27 **2. OLD BUSINESS**  
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29 **2.1** Consider and take all appropriate action on any additional review of previously examined  
30 Articles I , II, III, IV, V, VI, VII, VIII, IX, X, and XII as necessary, including sections brought  
31 forward during Public Comments at the August 6, 2019 Charter Review Commission meeting.  
32

33 **Article II**

34 Chair John Chisler explained that in its final report the 2015 Charter Review Commission  
35 had suggested a few amendments for the next Charter Review Commission to consider, among  
36 them was the suggestion that the language in Section 2.01 be amended to make it clear that the  
37 Mayor is a member of the City Council. Commission members reminded Mr. Chisler that said  
38 amendment in Section 2.01 has been approved by the current Charter Review Commission.  
39

40 Member Fryday asked to review Section 2.01, as she had been approached by a couple of  
41 citizens about changing the four year terms of the City Council because they felt that four years is  
42 too long. Ms. Fryday asked if any other Charter Review Commission members had been  
43 approached about the same item. No other Commission members had been approached by anyone  
44 to change the four year terms. By consensus the Commission decided to have no further  
45 discussion, nor take any action on Section 2.01.

46           **No discussion on Article III.**

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48           **Article IV**

49           Member Moore reminded members that Section 4.04 was going to be discussed for  
50 considering opening up the board appointments to non-Seabrook residents, maybe Harris County  
51 residents, because the pool of potential board members is smaller. Mr. Chisler stated that every  
52 Council has appointed board members who were residents of the City. Commission members  
53 stated that they weren't sure they would like a person on a board who doesn't live in the City, and  
54 that Seabrook is large enough to find volunteers. By consensus the Commission decided to have  
55 no further discussion, nor take any action on Section 4.04.  
56

57           Member Fryday reminded the Commission that there was an intent to go back and review  
58 Section 4.06. Gayle Cook, City Manager, explained that the City has historically tied back job  
59 descriptions to a point system that would go into a pay scale system, which is referred to as a STEP  
60 system. It can be confusing because a merit system in the private sector is based on performance.  
61 Employees at the City advance through a pay scale system based on the year of employment. Ms.  
62 Cook stated that there is no need to change Section 4.06. Mr. Chisler asked if the Commission  
63 should amend this section to include Civil Service. Mr. Weathered stated that Civil Service is  
64 specified by statute and the electorate made the determination and the designation of Civil Service  
65 cannot be withdrawn without taking the matter to the electorate. By consensus the Commission  
66 decided to have no further discussion, nor take any action on Section 4.04.  
67

68           **No discussion on Article V.**

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70           **Article VI**

71           Sean Landis, Deputy City Manager, reminded the Commission that an amendment to  
72 Section 6.01 has been approved by the Commission to allow up to three (3) Planning & Zoning  
73 Commission members to serve on the Comprehensive Master Plan Review Commission. Mr.  
74 Chisler stated that the assumption is that the PZ members would go onto the Master Plan Review  
75 Commission and affect the outcome. Mr. Chisler suggested that PZ members as non-voting  
76 members would be preferable, and stated that the language amendment of "non-voting" member  
77 would be more appropriate in Section 11.23.  
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79           *Motion was made by Chair Chisler to delete the amendment and take out the phrase, "other than*  
80 *the Comprehensive Master Plan review Commission", that was previously added and approved*  
81 *by the Commission.*

82  
83           *Motion died for a lack of a second.*  
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85           Member Fryday started the discussion on Section 6.06, pursuant to the Public Comments  
86 made during the August 6 Charter Review Commission meeting. Mr. Chisler stated that Section  
87 6.06 is in the Charter to prevent the injection of general funds into development, and as the Section  
88 is written now, the City can only pull from EDC funds to help a developer. Member Fryday stated  
89 that the current Charter Review Commission has voted to amend Article VI by deleting Section  
90 6.06 in its entirety.

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*Motion was made by Chair Chisler to replace the approved deletion with the original language in Section 6.06. Motion died for lack of a second.*

Mr. Chisler stated that striking Section 6.06 allows the City to take general fund money, residents' tax dollars, and help a developer. Seabrook has a provision for helping a development that meets the requirements under the Economic Development statute. Ms. Cook stated that there has not been an economic goal met with residential development; therefore, EDC monies have not been used for residential development. Mr. Chisler explained that currently under Section 6.06, if a developer proposed a wonderful new development and qualified for EDC funds, and EDC funded 75%, the developer could not ask the City to use tax payer money to help fund the remaining 25%. Mr. Chisler further stated that Section 6.06 has always been in the Charter since he moved to Seabrook in the 1990's. Mr. Chisler explained that the deletion of Section 6.06 will go to the voters and there will be a lot of lobbying back and forth. This is a contentious issue. An amendment to Section 6.06 was on the ballot during a previous Charter Amendment Election, and the voters chose to keep Section 6.06 in the Charter with no amendments.

Ms. Cook explained that the issue is the definition of public funds. Mr. Weathered asked if the Commission is specifically trying to keep the EDC funds from being used? Ms. Cook stated that the monies in the bank for EDC are public funds. Mr. Chisler stated that the general funds that are used to fix roads, etc. should not be used for development. Member Dresner explained that EDC funds cannot be used for funding roads, etc.

Ms. Cook explained that the generic definition of public funds is the issue with striking this section because EDC funds are public funds. Mr. Chisler suggested that an amendment be made to Section 6.06 that clearly delineates that EDC funds can be used for development. Ms. Cook explained that staff's opinion is that it would cleaner if Section 6.06 were struck from the Charter so that there is not a question of interpretation. Everything EDC does on incentives comes back to Council for ratification, and if any monies are taken from general funds towards a project, the approval would come from Council by majority vote.

Member Moore stated that the City wants to be competitive because the next five (5) years might be tough. Mr. Moore stated that he is in favor of striking Section 6.06.

*Motion was made by Chair Chisler and seconded by Member Dresner*

*To restore Section 6.06 to the way it is currently written.*

***MOTION FAILED BY A TIE VOTE OF 3 TO 3, WITH CHAIR CHISLER, MEMBER DRESNER AND MEMBER JONES VOTING IN FAVOR AND MEMBER FRYDAY, MEMBER MOORE, AND MEMBER TOMLINSON VOTING IN OPPOSITION***

**No discussion on Article VII.**  
**No discussion on Article VIII.**  
**No discussion on Article IX.**

136 **Article X**

137 Mr. Moore stated that he is interested in trying to understand the speaker's point of view  
138 from the August 6 Charter Review Commission meeting.

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140 Ms. Cook explained that with some of the new legislation in the last two sessions, there is  
141 certain state legislation now that is disallowing cities to regulate in the rights-of-way. The State is  
142 trumping what the City can do in the rights-of-way. For example, when the small cell nodes apply  
143 for a permit, there is now legislation that requires the City to respond to the permit application  
144 within a certain amount of time. The State continues to pre-empt the cities' powers to regulate in  
145 certain situations.

146  
147 Mr. Landis explained that the City used to have certain authorities, but the City does not  
148 have those authorities now. Mr. Chisler stated that even if the Charter Review Commission votes  
149 to keep Section 10.07(f), the State has pre-empted those authorities, and Mr. Landis confirmed.

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151 By consensus the Commission decided to have no further discussion, nor take any action  
152 on Section 10.07(f) or Article X.

153 **No discussion on Article XII.**

154 **3. NEW BUSINESS**

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156 **3.1** Consider and take all appropriate action on the August 6, 2019 Charter Review Commission  
157 minutes.

158 *Motion was made by Member Fryday and seconded by Member Jones*

159 *To approve the August 6, 2019 Charter Review Commission minutes, as written.*

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161 **MOTION CARRIED BY UNANIMOUS CONSENT**

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163 **3.2** Review, discuss, and if appropriate, take action on Seabrook City Charter, Article XI,  
164 "General Provisions".

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166 The Commission reviewed Article XI and approved the following amendment  
167 recommendations:

168 Section 11.10 Publicity of records. - As approved in a previous Charter Review  
169 Commission meeting

170 All records and accounts of every office, department or agency of the City except those  
171 closed to the public by law shall be open to inspection by any citizen, any representative of a  
172 citizen's organization or any representative of the press at all reasonable times and under  
173 reasonable regulations established by the ~~City Manager~~ **Texas Public Information Act.**

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181 Section 11.02. – no discussion and no amendments  
182 Section 11.03. – no discussion and no amendments  
183 Section 11.04. – no discussion and no amendments  
184 Section 11.05. – no discussion and no amendments  
185 Section 11.06. – no discussion and no amendments  
186 Section 11.07. – no discussion and no amendments

187

188 *Motion was made by Member Moore and seconded by Member Jones*

189

190 *To approve the change in Section 11.08 as evidenced below.*

191

192 *MOTION CARRIED BY UNANIMOUS CONSENT*

193

194 Section 11.08. - Fire Department and Fire Marshal.

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196 So long as it is determined advisable by the Council, the City may continue to contract with  
197 the Volunteer Fire Department existing at the time of the adoption of the Charter. At such time as  
198 the Council deems it advisable to do so, the Council may, by ordinance, create a regular Fire  
199 Department for the City in which event it may provide regulations, make provision for the  
200 employment of ~~firemen~~ **firefighters**, set up civil service rules, and make all such provisions as  
201 may be found necessary for the maintenance and government of such department, including  
202 provision for compensating personnel of such department.

203

204 A Fire Marshal shall be appointed by and be responsible to the City Manager. The Fire  
205 Marshal shall be responsible for the enforcement of ordinances pertaining to general protection  
206 from fire.

207

208 Section 11.09. – no discussion and no amendments

209 Section 11.10. – no discussion and no amendments

210 Section 11.11. – no discussion and no amendments

211 Section 11.12. – no discussion and no amendments

212 Section 11.13. – no discussion and no amendments

213 Section 11.14. – no discussion and no amendments

214 Section 11.15. – no discussion and no amendments

215

216 Section 11.16. - The Charter Review Commission and Amending the Charter.

217

218 Robin Lenio, City Secretary, stated that a change to the time of the appointment of the  
219 Charter Review Commission members from “the most recent appointment of the Commission” to  
220 “the most recent Charter Amendment Election” would be more in line with the Texas Constitution  
221 provisions governing charter amendments, as charters are reviewed and amendment not fewer than  
222 two nor more than five years.

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226 *Motion was made by Member Moore and seconded by Member Fryday*

227

228 *To approve the change in Section 11.16 as evidenced below*

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230 *MOTION CARRIED BY UNANIMOUS CONSENT*

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The Council shall appoint a Charter Review Commission of seven (7) citizens of the City no sooner than two (2) years and no later than five (5) years after the most recent appointment of the Commission **Charter Amendment Election.**

235

(a) *Duties of the Commission:*

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(1) Inquire into the operation of the City Government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the Commission shall have the power to compel the attendance of any official or employee of the City and require the submission of any of the City records which it may deem necessary to the conduct of such hearing.

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(2) Propose any recommendation it may deem desirable to ensure compliance with the provisions of the Charter by the several departments of the City Government.

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(3) Propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions.

245

(4) Report its findings and present its proposed amendments, if any, to the Council.

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(b) *Action by the Council:* The Council shall receive any report presented by the Charter Review Commission; and shall consider any recommendations made, and if any amendments be presented as part of such report, shall order such amendment or amendments to be submitted to the voters of the City in the manner provided by V.T.C.A., Local Government Code § 9.001 et seq. All proposed amendments shall be published in the designated official public newspaper of the city and when practical, in other designated media, prior to the election. All Charter amendments approved by the electors shall become automatically effective and incorporated into law upon canvass of the election.

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(c) *Term of Office:* The term of office of such Charter Review Commission shall be six (6) months, and at the completion of such term a report shall be presented to the Council, and all records of the proceedings of such commission shall be filed with the City Secretary and shall become a public record.

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Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by Chapter 13 of Title 28 of the Revised Civil Statutes of Texas, 1925, as now and hereafter amended [V.T.C.A., Local Government Code § 9.001 et seq.]. Except as noted in the following paragraph, amendments to this Charter shall be proposed to the people only by the Charter Review Commission, or by petition of the people in conformance with state law.

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The City Council may, without approval of the voters, adopt an ordinance that corrects errors in spelling, cross-references, punctuation or numbering of Articles or Sections in the Charter. A revision adopted under this section is not intended to and is not to be interpreted as making any substantive change in any Charter provision.

271 Section 11.17. – no discussion and no amendments  
272 Section 11.18. – no discussion and no amendments  
273 Section 11.19. – no discussion and no amendments

274  
275 Section 11.20. - Garbage disposal.

276  
277 Mr. Chisler asked if the Charter Review Commission should consider adding or addressing  
278 recycling in Section 11.20.

279  
280 Ms. Cook stated that the City has a vendor for recycling and there have been increases in  
281 rate and every time the renewal of the contract comes up, the Council is then able to make a  
282 decision to keep the recycling service or to stop the service; therefore, having the ability to address  
283 the contract upon renewal, rather than having the provisions in the Charter that is only amended  
284 every five years, is best for the citizens.

285  
286 Member Jones stated that having recycling available in Seabrook keeps trash down and  
287 also teaches children about recycling.

288  
289 No further discussion and no amendments.

290  
291 Section 11.21. - no discussion and no amendments  
292 Section 11.22. – no discussion and no amendments

293  
294 Section 11.23. - Comprehensive Master Plan Review Commission.

295  
296 The Commission discussed the revisions made at the June 25, 2019 Charter Review  
297 Commission meeting whereby the vote taken was to approve the language as seen below:

298  
299 Section 11.23. - Comprehensive Master Plan Review Commission.

300 If, as or when the Comprehensive Master Plan is proposed to be amended, Council shall  
301 appoint at its next regular meeting a Comprehensive Master Plan Review Commission comprised  
302 of seven (7) citizens of the City. **The Commission shall comprise of three (3) Council appointed**  
303 **Planning and Zoning Commissioners, along with four (4) Council appointed members.**  
304 [~~Council may not amend the Comprehensive Master Plan unless such an amendment is~~  
305 ~~recommended by the Commission.~~] Such a Commission shall be appointed no sooner than two (2)  
306 years and no later than five (5) years after the most recent [~~appointment of the Commission.~~] **plan**  
307 **adoption.** The function of the Comprehensive Master Plan Review Commission is to develop a  
308 Comprehensive Master Plan that is a planning tool in keeping with the intent of Chapter 213 of  
309 the Texas Local Government Code. "Comprehensive Master Plan" as referenced in this section, is  
310 intended as an ongoing planning tool and does not constitute zoning regulations or establish zoning  
311 district boundaries.

312  
313 Sean Landis, Deputy City Manager, explained that the Comprehensive Master Plan is a  
314 vision document, and when it is time for this document to be updated, member of the Planning and  
315 Zoning Commission, who have taken action on various zoning items, would have input and

316 expertise on the Master Plan Review Commission. Mr. Landis stated, when asked, that he believes  
317 the Planning & Zoning Commission members would be willing to serve on the Master Plan Review  
318 Commission. In addition, the Council is the body that approves the Comprehensive Master Plan.  
319 The Master Plan Review Commission is an advisory body only. However, if the suggested  
320 amendments are not made, the process for updating the Comprehensive Master Plan will still work  
321

322 Member Moore stated that it would be a good transition from Planning & Zoning to  
323 Comprehensive Master Plan Review Commission.  
324

325 Chair Chisler stated that members of the Planning & Zoning Commission can't follow the  
326 zoning ordinance and City Charter while serving on PZ and then vote at a Master Plan Review  
327 Commission meeting. Mr. Chisler suggested that if Planning & Zoning Commission members are  
328 appointed to the Comprehensive Master Plan Review Commission that they be appointed as non-  
329 voting, advisory members.  
330

331 *Motion was made by Chair Chisler and seconded by Member Jones*  
332

333 *To make an additional amendment to Section 11.23 to provide for the appointment of seven (7)*  
334 *citizen members of the Comprehensive Master Plan Commission and up to three (3) Planning &*  
335 *Zoning members who are appointed as advisory members only*  
336

337 *MOTION CARRIED BY 5-1 VOTE, WITH MEMBER MOORE VOTING AGAINST*  
338

339 Mr. Weathered pointed out that the Commission wanted to review 6.01 after review of  
340 Section 11.23. He then stated that no change is needed to Section 6.01, as 6.01 merely allows the  
341 appointment of the Planning & Zoning Commission members to another board, specifically the  
342 Comprehensive Master Plan Review Commission. Mr. Weathered stated that if the PZ members  
343 appointed are ex-officio, then why would they want to serve in that capacity? The Comprehensive  
344 Master Plan Review Commission can bring in anyone to the meetings that they want to bring. Mr.  
345 Weathered explained that Section 11.23 is somewhat incongruent with Section 6.01, and specific  
346 controls over general.  
347

348 Mr. Chisler pointed out there will still be seven (7) resident members appointed to the  
349 Master Plan Review Commission and up to three (3) members of PZ as ex-officio members. Mr.  
350 Chisler also stated that no one wants to confuse the voters, and suggested that the Commission be  
351 clear.  
352

353 Mr. Weathered suggested that the simplest way to be clear is to leave both Sections alone  
354 with no amendments.  
355

356 *Motion was made by Member Dresner and seconded by Member Fryday*  
357

358 *To rescind the prior vote on the amendments to Sections 11.23 and 6.01 and have them remain as*  
359 *currently written.*  
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361 *MOTION CARRIED BY UNANIMOUS CONSENT*

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364 *Motion was made by Member Tomlinson and seconded by Chair Chisler*

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366 *To keep the amendment in Section 11.23 to keep the language regarding "after plan adoption".*

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368 *MOTION CARRIED BY UNANIMOUS CONSENT*

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371 Section 11.24. – no discussion and no amendments

372 Section 11.25. – no discussion and no amendments

373 Section 11.26. – no discussion and no amendments

374 Section 11.27. – no discussion and no amendments

375 Section 11.28. – no discussion and no amendments

376 Section 11.29. – no discussion and no amendments

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378 **4. *DISCUSSION***

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380 **4.1** Discussion, and if appropriate, action on the 2019/2020 Charter Review Commission Final  
381 Report.

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383 Chair Chisler stated that the City Secretary is in the process of drafting the final report and  
384 will bring that report to the September 3 meeting for the Commission's review. Mr. Weathered  
385 confirmed that budgetary impacts will be included on the final report, as is required by law.

386

387 **5. *ROUTINE BUSINESS***

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389 **5.1** Establish future meeting dates and agenda items.

390

391 The next meeting of the Charter Review Commission will be held at 5:00 p.m. on Tuesday,  
392 September 3, 2019.

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394 All business having been completed, Chair Chisler adjourned the meeting at 6:41 p.m.

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396 Approved this 3rd day of September, 2019.

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404 Robin Lenio, TRMC

405 City Secretary



John Chisler  
Chair