

1 The Charter Review Commission of the City of Seabrook met on Tuesday, May 7, 2019 at 5:00
2 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.

4
5 THOSE PRESENT WERE:

6 JOHN CHISLER	CHAIR
7 BRUCE DRESNER	MEMBER
8 MARCY FRYDAY	MEMBER
9 ROB HEFNER	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.

19
20 **1. PUBLIC COMMENTS AND ANNOUNCEMENTS - none**

21
22 **2. OLD BUSINESS**

23
24 **2.1** Consider and take all appropriate action on any additional review of previously examined
25 Articles I, II, III, IV and V, as necessary.

26
27 The Commission had no discussion on previously examined Articles I, II, III, IV and V.
28 Gayle Cook, City Manager, stated that after discussion with the City Attorney, she had no further
29 recommendations for amendments to Section 4.04

30
31 **3. NEW BUSINESS**

32
33 **3.1** Consider and take all appropriate action on the April 16, 2019 Charter Review Commission
34 minutes.

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36 Steve Weathered, City Attorney, pointed out that his name was misspelled in Line 45 of
37 the April 16, 2019 Charter Review Commission minutes.

38
39 *Motion was made by Member Dresner and seconded by Vice Chair Hefner*

40
41 *To approve the April 16, 2019 Charter Review Commission minutes, with the amendment to line*
42 *45 to correct the spelling of Mr. Weathered's name.*

43
44 **MOTION CARRIED BY UNANIMOUS CONSENT**

45 **3.2** Review, discuss, and if appropriate, take action on Seabrook City Charter, Article VI,
46 "Planning and Zoning." Deputy City Manager, Sean Landis, may participate in the discussion on
47 Article VI to share information with the Charter Review Commission on historical perspective,
48 best practices, and suggested amendments, if any.
49

50 Section 6.01 - Sean Landis, Deputy City Manager, stated that he would like to recommend
51 a change to the provisions in Article VI that prohibit the Planning & Zoning Commission members
52 to be appointed to the Comprehensive Master Plan Review Commission. Mr. Landis explained
53 that the Planning & Zoning Commission members review, discuss, and approve or deny zoning
54 requests and they have knowledge of changes around the City that would be beneficial in the
55 review and discussion on the Comprehensive Master Plan. Mr. Landis further explained that there
56 would not be a need to appoint the entire Commission to the Master Plan Review body, but three
57 members of PZ on Master Plan would be beneficial.
58

59 Steve Weathered, City Attorney, suggested the following change to Section 6.01, should
60 the Charter Review Commission vote to make the recommendation suggested by Mr. Landis:
61

62 **Section 6.01 – Planning and Zoning Commission.**

63 The Council shall appoint a Planning and Zoning Commission which shall
64 consist of seven (7) members. Each member shall be a qualified voter at the
65 time of appointment and shall be a resident within the corporate limits of the
66 City of Seabrook and shall have been a resident for a period of twelve (12)
67 months prior to appointment. He or she shall hold no other position ~~elective,~~
68 ~~appointive, or salaried~~ in the City government, **other than a position on the**
69 **Comprehensive Master Plan Review Commission,** and shall serve without
70 pay. The Mayor, the City Manager, the City Engineer and other ex officio
71 members as the Council, by resolution, may provide, shall serve as nonvoting
72 members of the Commission. All actions of this Commission shall be in
73 accordance with Chapter 13 of Title 28 of the Revised Civil Statutes of Texas,
74 1925 [V.T.C.A., Local Government Code, Section 211.001 et seq., 212.001 et
75 seq.], as now or hereafter amended.
76

77 There were questions about the provisions and requirements of the Comprehensive Master
78 Plan Commission, and because the review of Article XI was not on this agenda, staff and the
79 Commission were not able to discuss the Comprehensive Master Plan Commission.
80

81 *Motion was made by Member Jones and seconded by Chair Chisler*
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83 *To table the discussion on Section 6.01 until Article XI is on the Charter Review Commission*
84 *agenda.*
85

86 **MOTION CARRIED BY UNANIMOUS CONSENT**
87

88 Section 6.02 – no discussion and no amendments
89 Section 6.03 – no discussion and not amendments

90 Section 6.04 – Mr. Landis recommended that the language requiring the Planning & Zoning
91 Commission to meet at least once per month be removed, as often there are no zoning change
92 requests or plat/re-plat requests for consideration, so the PZ Commission is then required to meet
93 for a very brief amount of time to approve minutes from the last meeting in order to meet the
94 Charter requirement of at least one meeting per month.

95
96 *Motion was made by Member Fryday and seconded by Member Jones*

97
98 *To approve the deletion of Section 6.04 (f) in its entirety*

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100 **MOTION CARRIED BY UNANIMOUS CONSENT**

101
102 Section 6.05 – no discussion and no amendments

103
104 Section 6.06 – Gayle Cook, City Manager, explained that at certain times, general fund
105 monies are used as part of an incentive package for development. Steve Weathered, City Attorney,
106 stated that the wording of this section with regard to the exception for the extension of utilities or
107 service brings up the question of “what is service?” Mr. Weathered further stated that Seabrook
108 is in competition with other cities and Section 6.06 clouds the Chapter 380 allowances under the
109 Texas Local Government Code. Attorneys for developers look at city charters and Section 6.06
110 could cause those developers to move on to other cities when they see that public funds cannot be
111 used for development of property. Mr. Landis pointed out that it is commercial development where
112 general fund monies are sometimes used in the incentive package. Mr. Landis explained that
113 Section 6.06 is in conflict with the EDC tool that is available to cities through Chapter 380 of the
114 Texas Local Government Code. Mr. Weathered pointed out that the voters in Seabrook have
115 already approved the EDC and the statute that authorizes the incentives.

116
117 Ms. Cook stated that Section 6.06 was on the ballot during the last Charter amendment
118 election and it did not pass because there may have been confusion about the modification
119 language that was proposed. Ms. Cook recommended that the entire section be removed, and that
120 the removal would help make the City competitive.

121
122 Chair Chisler suggested that Section 6.06 be removed in its entirety from Article VI, and
123 possibly be placed in another Article or Section in the Charter, since Section 6.06 is about the use
124 of public funds and has nothing to do with Planning and Zoning.

125
126 *Motion was made by Member Fryday and seconded by Member Dresner*

127
128 *To strike Section 6.06 from Article VI, with the possibility of adding the language to another*
129 *section within the City Charter.*

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131 **MOTION CARRIED BY UNANIMOUS CONSENT**

132
133 Section 6.07 – no discussion and no amendments

134 Section 6.08 – no discussion and no amendments

135 At this time, Chair Chisler asked if Commission members would agree to move Item 3.5 up, so
136 that Judge Gregg could discuss the Article on Municipal Court. By consensus, Commission
137 members agreed to move Item 3.5 up in the agenda.
138

139 **3.5** Review, discuss, and if appropriate, take action on Seabrook City Charter, Article IX,
140 "Courts". Municipal Court Judge, Dick Gregg, III, and Municipal Court Administrator, Jessica
141 Ancira, may participate in the discussion on Article IX to share information with the Charter
142 Review Commission on historical perspective, best practices, and suggested amendments, if any.
143

144 Judge Dick Gregg explained that he had reviewed Article IX, and the changes he suggests
145 revolve around the fact that the Seabrook Municipal Court has been a Municipal Court of Record,
146 pursuant to Texas Government Code, Chapter 30, since the City Council passed Ordinance 2004-
147 09 on May 5, 2004. Judge Gregg suggests adding the words "Of Record" in each section of
148 Article IX where the term "Municipal Court" is used. Judge Gregg also suggested that the word
149 "Presiding" be added in any section where Municipal Judge or Judge is used, to distinguish the
150 Presiding Judge from any and all Alternate Judges.
151

152 Judge Gregg also recommended that the term for the judges be changed from three years
153 to four years, per Texas Government Code Chapter 30. When Judge Webbon was reappointed in
154 2018, Council appointed Judge Webbon for a four year term, to comply with Chapter 30.
155

156 Judge Gregg also recommended that the residency requirement be removed from Article
157 IX to remain competitive in finding judges in the area. He stated his opinion that a candidate's
158 qualifications of experience, knowledge, temperament, respect and lack of ethical violations
159 should be the primary consideration in selecting suitable judges.
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161 *Motion was made by Vice Chair Hefner and seconded by Member Fryday*

162 *To accept all recommendations for Article IX presented by Judge Gregg*

163 *MOTION CARRIED BY UNANIMOUS CONSENT*

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167 **3.3** Review, discuss, and if appropriate, take action on Seabrook City Charter, Article VII,
168 "Nominations and Elections". City Secretary, Robin Hicks, may participate in the discussion on
169 Article VII to share information with the Charter Review Commission on historical perspective,
170 best practices, and suggested amendments, if any.
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172 No discussion was able to be held on Article VII before the end of the meeting, and this
173 item will be moved to the next Charter Review Commission agenda.
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175
176 **THIS SPACE INTENTIONALLY LEFT BLANK**
177
178

179 **3.4** Review, discuss, and if appropriate, take action on Seabrook City Charter, Article VIII,
180 "Initiative, Referendum and Recall". City Secretary, Robin Hicks, may participate in the
181 discussion on Article VIII to share information with the Charter Review Commission on historical
182 perspective, best practices, and suggested amendments, if any.
183

184 No discussion was able to be held on Article VIII before the end of the meeting,
185 and this item will be moved to the next Charter Review Commission agenda.
186

187 **3.6** Review, discuss, and if appropriate, take action on Seabrook City Charter, Article X,
188 "Franchises and Public Utilities". City Manager, Gayle Cook, Director of Finance, Michael
189 Gibbs, and Director of Public Works, Kevin Padgett, may participate in the discussion on Article
190 X to share information with the Charter Review Commission on historical perspective, best
191 practices, and suggested amendments, if any.
192

193 No discussion was able to be held on Article X before the end of the meeting, and
194 this item will be moved to the next Charter Review Commission agenda.
195

196 **4. ROUTINE BUSINESS**

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198 **4.1** Establish future meeting dates and agenda items.
199

200 The next Charter Review Commission meeting will be held on May 21, 2019. Chair
201 Chisler will not be in attendance; therefore, Vice Chair Hefner will preside over the meeting.
202

203 All business having been completed, Chair Chisler adjourned the meeting at 6:45 p.m.
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205 Approved this 21st day of May, 2019.
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210

Rob Hefner
Vice Chair

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219 Robin Hicks, TRMC
220 City Secretary