

1 The Charter Review Commission of the City of Seabrook met on Tuesday, June 25, 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 – Ex. Abs.	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, V, VI, and IX as necessary.

26

27 The Commission had a brief discussion on the following:

28

29 **Article IV, Section 4.04 on Board and Commission term limits** – a citizen sent an email to the
30 City Secretary, asking whether the Charter Review Commission had considered term limits for
31 City boards and commissions. The Commission had a brief discussion about how requiring term
32 limits would take experienced volunteers off of the boards, and that it is the Council’s process for
33 appointments and re-appointments, so the Council will be able to determine if a current board
34 member should be re-appointed.

35

36 *Motion was made by Member Fryday and seconded by Vice Chair Hefner to make no changes to*
37 *Section 4.04.*

38

39 **MOTION CARRIED BY 5 TO 1 VOTE, WITH MEMBER TOMLINSON VOTING AGAINST**

40

41 **Article V** – Commission approved as written, with no amendments, but also made a motion to
42 take another look at this Article after the current Legislative Session. Gayle Cook, City Manager,
43 stated that the State Legislative Session ended on May 27, and stated that she is comfortable with
44 no changes to Article V.

45

46 **Article VI** – the Commission agreed to revisit sections in Article VI when Article XI is reviewed.

47

48 **Article VII** – the Commission had no further items in Article VII to discuss and consider.

49

50 **3. NEW BUSINESS**

51

52 **3.1** Consider and take all appropriate action on the May 21, 2019 Charter Review Commission
53 minutes.

54

55 *Motion was made by Member Jones and seconded by Vice Chair Hefner*

56

57 *To approve the May 21, 2019 Charter Review Commission minutes, as presented.*

58

59 *MOTION CARRIED BY UNANIMOUS CONSENT*

60

61 **3.2** Review, discuss, and if appropriate, take action on Seabrook City Charter, Article X,
62 "Franchises and Public Utilities". City Manager, Gayle Cook, Director of Finance, Michael
63 Gibbs, and Director of Public Works, Kevin Padgett, may participate in the discussion on Article
64 X to share information with the Charter Review Commission on historical perspective, best
65 practices, and suggested amendments, if any.

66

67 Kevin Padgett, Director of Public Works, stated that he would recommend that
68 Section 10.07(f) be struck in its entirety as this section is out of date. The City does not have
69 jurisdiction over private infrastructure.

70

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

72

73 *To strike Section 10.07(f).*

74

75 *MOTION CARRIED BY UNANIMOUS CONSENT*

76

77 There were no other sections in Article X discussed and considered by the Charter
78 Review Commission.

79

80 **3.3** Review, discuss, and if appropriate, take action on Seabrook City Charter, Article XI,
81 "General Provisions".

82

83 Sean Landis, Deputy City Manager, explained that he would recommend
84 amendments to Section 11.23 in order to allow members of the Planning & Zoning Commission
85 to be appointed to the Comprehensive Master Plan Commission because the Planning & Zoning
86 Commission works on zoning issues and amendments in the five years between reviews of the
87 Comprehensive Master Plan. Mr. Landis stated that having the experience from the PZ
88 Commission on the Comprehensive Master Plan Review Commission would enhance the work of
89 the Comprehensive Master Plan Review Commission. The PZ members could provide insight that
90 staff cannot provide. In addition, Mr. Landis stated that the time requirement in Section 11.23

91 should be changed to reflect that the new Comprehensive Master Plan Review Commission would
92 be appointed five years after the plan adoption, and not five years after the last Commission was
93 appointed. Mr. Landis explained that the last Comprehensive Master Plan Review Commission
94 took much longer than six months to finish their work; therefore, the time is shortened between
95 appointments of Commissions, if the Charter requires the new appointments after the previous
96 appointments, rather than after the adoption of the plan. Mr. Landis suggested amended language
97 for Section 11.23 as follows:

98
99 Section 11.23. - Comprehensive Master Plan Review Commission.

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

112
113 The Charter Review Commission discussed changing the language to state "up to three
114 (3)" or "no more than three (3)" to create flexibility in the appointment process. In addition, there
115 was a lengthy discussion on whether having PZ members on the Comprehensive Master Plan
116 Review Commission would add value to the process. The question was asked why PZ members
117 couldn't just speak during public comments at a Master Plan Review Commission meeting, and
118 also whether this change is beneficial to the City or just making the process more comfortable for
119 staff. Mr. Landis responded that the experience of the PZ members and their familiarity with the
120 Comprehensive Master Plan is beneficial to new members of the Comprehensive Master Plan
121 Review Commission because normally the new members are not familiar at all with the Master
122 Plan. Even though the City wants new people and new thoughts on a review commission, PZ
123 members can speak to the Planning & Zoning Commission's intent on zoning issues and decisions,
124 as they relate to the Comprehensive Master Plan, better than staff can. Staggering some experience
125 on this Commission would be beneficial.

126
127 The Charter Review Commission also discussed a concern that the City Council can amend
128 the plan after it is adopted, thus the recommended change to Section 11.23 regarding when to
129 appoint the Plan Review Commission might not be in the best interest of the City. Charter Review
130 Commission members were concerned that the City Council could make major changes to the plan
131 at some point after its adoption, thus pushing the timeline out further for the next plan review by a
132 group of appointed citizens (the Comprehensive Master Plan Review Commission). Steve
133 Weathered, City Attorney, explained that the Council can adopt ordinances in contrary to the
134 Comprehensive Master Plan, but those ordinances would not change the plan itself. Commission

135 members discussed adding language to Section 11.23 to require that once the Comprehensive
136 Master Plan is adopted, it cannot be changed until the next Master Plan Review Commission is
137 formed. Gayle Cook, City Manager, further explained that the entire process of reviewing the
138 Comprehensive Master Plan involves public hearings and the opportunity for lots of input by
139 citizens and local businesses, as well as planning staff, emergency responders, and other
140 stakeholders in the area. Ms. Cook stated that changes to the plan proposed by the City Council,
141 if any, would be at the time of the adoption and would be minor.

142
143 *Motion was made by Member Fryday and seconded by Member Moore*

144
145 *To approve the concept of the changes to Section 11.23, with “up to” three (3) Planning & Zoning*
146 *members appointed to the Comprehensive Master Plan Review Commission, and with all other*
147 *changes as proposed by Mr. Landis.*

148
149 **MOTION CARRIED BY UNANIMOUS CONSENT**

150
151 By mutual consent, the Charter Review Commission members agreed to revisit Section 6.01, in
152 order to bring Section 6.06 and Section 11.23 in compliance with each other.

153
154 Member Tomlinson suggested that the words “he or she” be struck and substitute the word
155 “members”. Mr. Landis suggested the following amendments to Section 6.01:

156
157 **Section 6.01. - Planning and Zoning Commission.**

158 The Council shall appoint a Planning and Zoning Commission which shall consist of seven
159 (7) members. Each member shall be a qualified voter at the time of appointment and shall be a
160 resident within the corporate limits of the City of Seabrook and shall have been a resident for a
161 period of twelve (12) months prior to appointment. He or she shall hold no other position
162 elective, appointive, or salaried in the City government, **other than on the Comprehensive**
163 **Master Plan Review Commission**, and shall serve without pay. The Mayor, the City Manager,
164 the City Engineer and other ex officio members as the Council, by resolution, may provide, shall
165 serve as nonvoting members of the Commission. All actions of this Commission shall be in
166 accordance with Chapter 13 of Title 28 of the Revised Civil Statutes of Texas, 1925 [V.T.C.A.,
167 Local Government Code §§ 211.001 et seq., 212.001 et seq.], as now or hereafter amended.

168 *Motion was made by Member Fryday and seconded by Vice Chair Hefner*

169 *To approve the recommended changes, as worded by Member Tomlinson and by Mr. Landis.*

170 **MOTION CARRIED BY UNANIMOUS CONSENT**

171 Ms. Hicks asked if the Commission would go back to Section 11.01 to consider changing
172 the wording to read as follows because the City Manager, the City Secretary, the City Attorney,
173 and all City staff are required to follow the Texas Public Information Act:

174

175 **Section 11.01. - Publicity of records.**

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

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

181 *To approve the amendment to Section 11.01 as presented.*

182 **MOTION CARRIED BY UNANIMOUS CONSENT**

183 Because it was the agreed upon time to adjourn the meeting, Chair Chisler informed the
184 Commission members that the remainder of Article XI would have to be discussed and
185 considered at the next Commission meeting.

186 **3.6** Review, discuss, and if appropriate, take action on Seabrook City Charter, Article XII,
187 "Transitional Provisions".

188

189 No discussion was able to be held on Article XII before the end of the meeting, and
190 this item will be moved to the next Charter Review Commission agenda.

191

192 **4. ROUTINE BUSINESS**

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194 **4.1** Establish future meeting dates and agenda items.

195

196 The next Charter Review Commission meeting will be held on July 2, 2019.

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198 All business having been completed, Chair Chisler adjourned the meeting at 6:45 p.m.

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200 Approved this 11th day of July, 2019.

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213

Robin Hicks, TRMC

214 City Secretary

John Chisler
Chair