

1 The Charter Review Commission of the City of Seabrook met on Tuesday, August 6, 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.
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***
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22 Robin Hicks, City Secretary, explained that because the City Manager, Deputy City
23 Manager, City Attorney and City Secretary were to attend the special City Council meeting starting
24 at 6:00 p.m., the Charter Review Commission meeting would need to be finished by 5:45 p.m.
25

26 Pete Braccio, 1868 Dolphin Drive, stated that he's been in Seabrook since 1976 and has
27 served on various City Boards, including fourteen (14) years on City Council between term limits.
28 Mr. Braccio further explained that the City Charter is the Bible of a home rule city and having a
29 home rule charter gives the citizens and the City a lot of leeway in conducting city business. Mr.
30 Braccio stated that he had three (3) items to address: Section 10.07(f), Section 6.06, and term
31 limits for boards and commissions, specifically for the Seabrook Economic Development
32 Corporation.
33

34 Mr. Braccio stated that at a prior Charter Review Commission meeting a motion was made
35 to delete Section 10.07(f) from the Seabrook Charter, and Mr. Braccio's opinion is that deleting
36 Section 10.07(f) is a major mistake. He suggested that the Charter Review Commission not touch
37 this section until shown documentation by the City Attorney that home rule cities have lost the
38 right to regulate franchises. The Charter approved by the voters in August of 1979 has various
39 stipulations in it for right-of-way and property use by franchises. If those rights and stipulations
40 are removed from the Charter, the City will have various poles in its rights-of-way. Other cities'
41 charters have similar provisions for the right to control franchises.
42
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44

45 Mr. Braccio continued with comments on Section 6.06. He stated that if you are a home
46 rule city and you are a developer, then you check the charter for limitations to development before
47 you proceed. For Seabrook, the limitations are in Section 6.06. Mr. Braccio explained that the
48 people of Seabrook voted to keep Section 6.06 in the Charter and they will not approve using
49 general funds to put money in developers' pockets, so that the general fund would have to be
50 replenished. Mr. Braccio stated that property taxes go into the general fund and raiding of the
51 general fund is prevented through the Charter. There is no conflict between Chapter 380 of the
52 Texas Local Government Code and this Charter.

53
54 Mr. Braccio's third point was that term limits are needed specifically for the Seabrook
55 Economic Development Corporation in order to get newer members and new perspectives. Mr.
56 Braccio explained that he was on Council when the Seabrook EDC was originated. He stated that
57 the SEDC currently has at least one (1) member who has been on the board for 14 years, two
58 members (2) for seven (7) years, two (2) members for six (6) years, and one member for two (2)
59 years. Mr. Braccio proposed term limits that would allow for overlap of members, staggered terms,
60 so that if potential volunteers see that there are going to be vacancies, then they might step forward.
61 Mr. Braccio stated that the City should give citizens a crack at participating. The City hired a
62 consultant to look at the makeup of the population and there are smart citizens and people that can
63 serve on EDC.

64
65 **2. NEW BUSINESS**

66
67 Chair Chisler pointed out that this agenda is not in the regular order of business because
68 New Business is before Old Business, so that because of the shortened meeting, a review of the
69 previously discussed sections will not occur. Ms. Hicks explained that because the Commission
70 did not complete the review of Article XI at the last meeting, she placed New Business first, in the
71 hope that the Commission might finish Articles XI and XII, so that a discussion on previously
72 reviewed articles would be a natural preview to a discussion on the final report. In addition, the
73 Commission has sometimes not been able to get to the approval of the minutes, so placing the
74 minutes item at the beginning of the agenda would be preferable.

75
76 Chair Chisler asked if the work of the Charter Review Commission must be completed by
77 the end of August. Ms. Hicks stated that because the Charter Amendment Election would not be
78 until May, 2020, she thought that the Commission's appointment could be extended, and she
79 believed the end of the six month term was the end of September, and not the end of August. Ms.
80 Hicks deferred to the City Attorney for an opinion on whether the Charter Review Commission
81 term could be extended past the initial six month term. Steve Weathered, City Attorney, stated
82 that the Charter Section appointing the Review Commission simply states that the term is six
83 months, with no provision for an extension of time. The Charter Review Commission term is
84 different from the terms for the Comprehensive Master Plan Review Commission because that
85 section of the Charter allows for an extension of time.

86
87 Chair Chisler suggested that because there were unforeseen circumstances that prevented
88 the Charter Review Commission from meeting in July, losing an entire month, the Charter Review
89 Commission take an additional month to finish its work. Vice Chair, Rob Hefner, stated that if the

90 work of the Commission is not finished in the six-month time frame, then the Commission could
91 work with the City Attorney on a process to go back to the City Council to ask for additional time
92 on the appointments. Ms. Hicks agreed to double check and then notify the Commission on the
93 date that would mark the end of the six month term.
94

95 Ms. Hicks stated that the Commission is not behind in their work, even though they did not
96 meet during the month of July. Because there is only a portion of Article XI and because the
97 sections in Article XII are historical in nature, and not conducive to amendment, the Commission
98 should be able to complete the initial review of the Charter fairly quickly. In addition, because the
99 Commission has voted to recommend a small number of amendments, Ms. Hicks volunteered to
100 write the final report, so that Commission members will only spend time reviewing the report, not
101 writing it.
102

103 Mr. Hefner suggested that the Commission go through Article XI tonight, so that Article
104 XII and the previously discussed sections can be reviewed at the next meeting in August. The
105 Commission members can decide at the end of the next meeting in August if they want to go to
106 City Council for an extension on the appointment term. Ms. Hicks stated that there is a section in
107 Article XI that might need a longer discussion, so she asked if the Commission would be agreeable
108 to getting through the minutes approval and Article XII tonight.
109

110 Member Nancy Jones reminded the members that the Commission is not limited to only
111 two (2) meetings per month. Ms. Hicks stated that staff is trying to not have the City Attorney
112 travel to Seabrook more than necessary, and asked if the Commission would set additional
113 meetings for the same nights as other public meetings that Mr. Weathered attends, such as the
114 same night as EDC meetings.
115

116 **2.1** Consider and take all appropriate action on the June 25, 2019 Charter Review Commission
117 minutes.
118

119 Chair Chisler stated that there are a few items in the minutes that he would like to see
120 discussed further, but the minutes document itself is accurate. Vice Chair Hefner agreed that there
121 are a few items that he is not 100% comfortable with, but as a document he is comfortable with
122 the minutes and the details with how information is presented to the public is something that can
123 be covered at a later date.
124

125 *Motion was made by Vice Chair Hefner and seconded by Member Moore*
126

127 *To approve the June 25, 2019 Charter Review Commission minutes, as presented.*
128

129 **MOTION CARRIED BY UNANIMOUS CONSENT**
130

131 At this time, Chair Chisler suggested that the Commission adjourn, because the meeting
132 needs to end by 5:45 p.m. Mr. Weathered countered that the review of Article XII would not
133 take that long.

134 **2.2** Review, discuss, and if appropriate, take action on Seabrook City Charter, Article XI,
135 "General Provisions".
136

137 No discussion held on Article XI before the end of the meeting, and this item will be on
138 the next Charter Review Commission agenda.
139

140 **2.3** Review, discuss, and if appropriate, take action on Seabrook City Charter, Article XII,
141 "Transitional Provisions".
142

143 Mr. Weathered stated that the title of Article XII, "Transitional Provisions", is misleading.
144 Those provisions were for the first charter and its implementation and the word, "Historical" would
145 be better, so that no one will think the sections apply now. It would still be a charter change to the
146 voters. The change to "Historical" or "Historical Reference" would be better to clear up any
147 confusion, so that in a courtroom situation, no one can argue that the city does not honor its charter,
148 and then point to a section in Article XII.
149

150 Vice Chair Hefner ask if "historical reference" could be interpreted as a non-binding
151 portion of the charter, and if so, would the article be needed at all. Mr. Weathered stated that he
152 has seen historical provisions in many charters and the reason is that the cities that have converted
153 from general law to home rule are proud of what they have done, and they want to leave a historical
154 record of exactly what their intentions were at the time.
155

156 Member Fryday suggested "historical intentions".
157

158 Mr. Hefner stated that there is not anything that can be updated in Article XII because the
159 sections are about what was done 30 years ago, 40 years ago. Considering that Article XII is
160 primarily historical in nature, the question is whether it is properly titled, so that it is not confused
161 in the future. If changed to "historical", it could be easily argued that it is irrelevant. What is the
162 least opportunity for chaos?
163

164 Ms. Fryday asked if Article XII could be considered as an addendum to the Charter. Mr.
165 Weathered said no.
166

167 Mr. Chisler said that people will ask what happened to Article XII, if it gets dropped. It is
168 reference material more than anything else, not necessarily a historical record.
169

170 Member Dresner suggested a title of "Transitional Provisions, Circa April, 1980."
171

172 Mr. Hefner asked if there would be an opportunity in the future to add anything to or amend
173 anything in Article XII so that "historical" would not apply. If the change was to "Historical
174 Provisions" that might allow anything that gets struck from the Charter to move into Article XII
175 and still make it obvious that the sections are not binding. Anything that we don't want to lose
176 can be moved into Article XII for historical purposes.
177

178 Gayle Cook, City Manager, reminded the Commission that there have been many
179 amendments made to the Charter before now, so if all of the sections that have been removed in
180 the past were not included when adding the removed sections from this Charter Review, then
181 Article XII would be inaccurate.
182

183 Mr. Hefner stated that there is value to holding on to decisions that were made when the
184 City became a home rule city, and value to holding on to decisions that this Commission may
185 make, and that the successor Commissions may make. Mr. Hefner proposed “Historical Provisions
186 of the City of Seabrook”, and leaving the sections in Article XII as is and allowing Article XII to
187 capture anything deemed worthy of retaining.
188

189 Member Moore suggested “historical reference”.
190

191 *Motion was made by Vice Chair Hefner and seconded by Member Jones*
192

193 *To change the title of Article XII from “Transitional Provisions” to “Historical Reference”, and*
194 *leave all sections in Article XII as is.*
195

196 *MOTION CARRIED BY UNANIMOUS CONSENT*
197

198 **3. OLD BUSINESS**
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200 **3.1** Consider and take all appropriate action on any additional review of previously examined
201 Articles I , II, III, IV, V, VI, VII, VIII, IX, and X as necessary.
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203 No discussion was able to be held on previously examined Articles I, II, III, IV, V, VI, VII,
204 VIII, IX, and X before the end of the meeting, and this item will be moved to the next Charter
205 Review Commission agenda.
206

207 **4. DISCUSSION**
208

209 **4.1** Discussion, and if appropriate, action on the 2019/2020 Charter Review Commission Final
210 Report.
211

212 No discussion was able to be held on the 2019/2020 Charter Review Commission Final
213 Report before the end of the meeting, and this item will be moved to the next Charter Review
214 Commission agenda.
215

216 **5. ROUTINE BUSINESS**
217

218 **5.1** Establish future meeting dates and agenda items.
219

220 The next meeting of the Charter Review Commission will be held at 5:00 p.m. on
221 Tuesday, August 20, 2019.
222

223 Mr. Hefner stated that the minutes approval, Article XI, and previously reviewed articles
224 will be on the August 20 meeting agenda, and asked if the Commission should specifically discuss
225 the sections mentioned during Public Comments at this meeting.
226

227 Mr. Weathered asked that the Commission members notify the City Secretary of any
228 sections that they wish to review and discuss, so that Mr. Weathered can be prepared before the
229 next meeting.
230

231 All business having been completed, Chair Chisler adjourned the meeting at 5:47 p.m.
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233 Approved this 20th day of August, 2019.
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John Chisler
Chair

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246 Robin Hicks, TRMC
247 City Secretary