

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.

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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 1964 and 1976  
27 and has served on various City Boards since 1976, including fourteen (14) years on City Council  
28 between term limits. Mr. Braccio further explained that the City Charter is the Bible of a home  
29 rule city and having a home rule charter gives the citizens and the City a lot of leeway in conducting  
30 city business. Mr. Braccio stated that he had three (3) items to address: Section 10.07(f), Section  
31 6.06, and term limits for boards and commissions, specifically for the Seabrook Economic  
32 Development 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.

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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".  
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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.  
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140       **2.3** Review, discuss, and if appropriate, take action on Seabrook City Charter, Article XII,  
141 "Transitional Provisions".  
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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”.  
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191           *Motion was made by Vice Chair Hefner and seconded by Member Jones*  
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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**  
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209           **4.1** Discussion, and if appropriate, action on the 2019/2020 Charter Review Commission Final  
210 Report.  
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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