The Charter Review Commission held a regular meeting on Monday, November 17, 2014 at 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook Texas in the second floor conference room to discuss, and if appropriate, take action on the items listed below.

THOSE PRESENT WERE:

LAURA DAVIS	CHAIR
JOHN CHISLER	MEMBER
KEVIN FERGUSON	VICE-CHAIR
DELAINA HANSSEN	MEMBER
DON HOLBROOK	MEMBER
DAVID JOHNSON	MEMBER
ELAINE RENOLA	MEMBER
GAYLE COOK	CITY MANAGER
STEVEN L. WEATHERED	CITY ATTORNEY
MICHELE L. GLASER	CITY SECRETARY

Chair Laura Davis called the meeting to order at 7:00 p.m.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS – None.

1.1 Receive comments from Mayor Royal regarding proposed Charter amendments.

Mayor Royal was not able to attend the meeting.

2.0 NEW BUSINESS

2.1 Review/Consider the Minutes of November 10, 2014.

Motion was made by Mr. Chisler and seconded by Mr. Ferguson

To correct the minutes to show that Mr. Weathered was in attendance as the city attorney and to approve the minutes as amended.

MOTION CARRIED BY UNANIMOUS CONSENT.

2.2 Review/Consider language for Charter Amendments. Review may include revisiting the entire charter (Articles I – XII) for both proposed and possible new amendments.

Members reviewed the charter amendment language and made the following amendments.

Article II. The Council.

Section 2.01. The Council.

Mrs. Renola wanted to discuss the proposed amendment to allow two four-year terms as increasing term limits to three 3-year terms had failed in 2010. She also asked how many Texas cities have four-year terms. Staff members did not know. Mr. Ferguson asked for the rationale in attempting to extend terms at the last charter election. Mr. Johnson stated that the 2009-2010 Commission's reason was in the final report that was distributed to all members. Mr. Ferguson stated that one of the reasons for now proposing two four-year terms was to save money on the number of elections needed. No action was taken on this item.

Section 2.05. Vacancies, forfeiture, filling of vacancies. (c)

Mr. Weathered reported that he did not find a provision in state law that [~~would prohibit~~] **clearly addressed** the appointment of more than one councilmember at the same time in case of vacancies.

Section 2.07. Prohibitions.

Mr. Chisler asked if there was any support for a previous amendment he proposed to prohibit a councilmember from serving in any non-compensated position until two years after the expiration of the councilmember's term. There was no action taken.

Section 2.08. Administrative Offices and Departments.
and
Section 2.09. City Secretary.

Motion was made by Mr. Ferguson and seconded by Mr. Chisler

To move Section 2.08 and Section 2.09 to Article IV.

Ayes: Davis, Chisler, Ferguson, Hanssen, Holbrook
Abstain: Johnson, Renola.

MOTION CARRIED BY MAJORITY VOTE.

Section 2.13. Passage of ordinances in general.

Members revisited this section and the proposed amendment made on October 20 that will provide that changes in substance to an ordinance are to be determined by Council.

Motion was made by Mr. Ferguson and seconded by Mrs. Renola

To amend Subsection (b) Procedure as follows:

"A proposed ordinance, except an election ordinance and/or an emergency and/or a budget/tax ordinance, shall be read at two (2) Council meetings, with at least two (2) weeks elapsing between each reading. A proposed ordinance may be amended at any reading [~~, but any ordinance amended in substance shall automatically be placed again on first reading at a subsequent reading~~]. Amendments involving such items as typographical, grammatical or spelling changes or renumbering of sections shall not be considered substantive. At any reading of a proposed ordinance, persons interested shall have a reasonable opportunity to be heard.

Emergency ordinances shall be passed in accordance with Section 2.14 and budget/tax ordinances in accordance with Article V and election ordinances in accordance with Article VII."

Ayes: Davis, Chisler, Ferguson, Hanssen, Renola.
Abstain: Holbrook, Johnson.

MOTION CARRIED BY MAJORITY VOTE.

Section 2.14. Emergency Ordinances.

Mrs. Glaser stated that there was a possible conflict between Section 2.14 and Section 5.05 which requires a vote of five or more councilmembers for emergency appropriation ordinances.

Motion was made by Mr. Ferguson and seconded by Mr. Holbrook

To amend a sentence in Section 2.14 as follows:

The affirmative vote of at least two-thirds (2/3) of the members of Council present shall be required for adoption **except as otherwise provided in Section 5.05 for emergency appropriation ordinances.**

Motion was made by Mr. Ferguson and seconded by Mr. Holbrook

To further amend the above sentence as follows:

The affirmative vote of [~~at least two-thirds (2/3) of the~~] four **or more Councilmembers** [~~of Council present~~] shall be required for adoption **except as otherwise provided in Section 5.05 for emergency appropriation ordinances.**

MOTION CARRIED BY UNANIMOUS CONSENT TO APPROVE THE AMENDMENT.

MOTION CARRIED BY UNANIMOUS CONSENT TO APPROVE THE ORIGINAL MOTION AS AMENDED.

Article V. Financial Procedures.

Section 5.21. Citizen Approval Required for Certain Expenditures and Use of Reserved Funds.

(a) Capital Expenditures of One Million or More Dollars.

Chair Davis reported that Mayor Royal planned to ask the Commission to consider further increasing the amount that could be spent on capital expenditures without an election. The current maximum is $1,000,000. The Commission has proposed increasing the maximum amount to 20 percent of the combined budgets of the General and Enterprise Funds. Mayor

Royal would like the commission to consider a raise to 30 percent. Mrs. Cook stated that 20 percent of the current budget would be approximately $2, 800,000 which may not be adequate to supply matching funds for grants. She recommended adding language to this subsection (a) to clarify that expenditures would not be paid out of **required** reserves.

Motion was made by Mr. Chisler and seconded by Mrs. Renola to amend subsection (a) as follows:

(a) *Capital Expenditures [~~of One (1) Million or More Dollars~~]* ***in Excess of 30 Percent of the General and Enterprise Fund Budgets***. A favorable majority vote of the people is required for each capital expenditure [~~of one (1) million dollars or more~~] **exceeding 30 percent of the combined budgets of the General Fund and Enterprise Fund most recently approved by the City Council provided that required reserve funds are not used and** provided that the expenditure is not required for an emergency or disaster that includes the City of Seabrook as declared by the Governor of the State of Texas or the President of the United States or an emergency or disaster is declared by the majority vote of City Council only because of an imminent threat to public health and safety. (Note: Exact wording regarding excluding required reserves shall be developed by staff.)

Mrs. Davis stated that the state requires a certain percentage of the budget to be held in reserve for emergencies. In a coastal area, the required reserves are 25 percent of the budget. Seabrook currently has more than the 25 percent in reserves. Mrs. Davis asked Mrs. Glaser and Mr. Weathered if a clarifying explanation sentence could be added to the ballot proposition. Mr. Weathered stated that he would review.

In considering this change, members reviewed subsection (b) “Use of Reserved Funds” which currently allows a maximum expenditure of 30 percent of the reserved funds without an election.

As the two subsections appeared to be confusing and contradictory, Mrs. Cook offered to have staff review the sections and present some proposals at the next meeting, including possible consolidation of subsections (a) and (b).

Motion was made by Mr. Holbrook and seconded by Mr. Chisler

To consolidate subsections (a) and (b).

Motion was made by Mr. Ferguson and seconded by Mr. Holbrook

To table this item to allow the city manager and staff time to prepare options for amendment.

MOTION TO TABLE CARRIED BY UNANIMOUS CONSENT.

Article VI. Planning and Zoning.

Section 6.01. Planning and Zoning Commission.

The third sentence of this section had been amended by members on October 20 to read as follows:

"He or she shall hold no other position elective, appointive, or salaried in the City government, and shall serve without pay**, except that a member may serve on the Comprehensive Master Plan Review Commission as an advisory, non-voting, non-paid member**. The Mayor, the City Manager, the City Engineer and other ex officio members as the Council, by resolution, may provide, shall serve as nonvoting members of the **Planning and Zoning** Commission."

Motion was made by Mr. Chisler and seconded by Mr. Ferguson

To delete the proposed changes as shown above.

Ayes: Chisler, Ferguson, Hanssen, Holbrook.
Nays: Davis, Renola.
Abstain: Johnson.

MOTION CARRIED BY MAJORITY VOTE.

Section 6.06. Development of Property.

Members revisited this section to see if the section affected EDC expenditures. Mr. Weathered stated that he was still researching the effects of this section. It was determined that this section predates the formation of the Seabrook EDC which began in 1992. No action was taken.

Article IX. The Court.

Section 9.02. Judge of the Municipal Court.

The Commission had previously voted to require an affirmative vote of four or more members to appoint the Judge of the Municipal Court. It was unclear, whether the commission intended to require a vote of four or more councilmembers to appoint alternate judges.

Motion was made by Mr. Holbrook and seconded by Mr. Johnson

To clarify that alternate judges shall also to be appointed by an affirmative vote of four or more councilmembers.

MOTION CARRIED BY UNANIMOUS CONSENT.

Motion was made by Mr. Holbrook and seconded by Mr. Chisler

To extend the meeting until 9:30 p.m.
Ayes: Davis, Chisler, Hanssen, Holbrook.
Nays: Ferguson, Renola.
Abstain: Johnson.

MOTION CARRIED BY MAJORITY VOTE.

Section 9.03. Clerk of the Municipal Court.

Members revisited this section concerning that the court clerks report to the Judge and not to the City Manager. Mrs. Cook stated that she did not have a problem with the court clerks reporting to the Judge. No change was made.

Article X. Franchises and Public Utilities.

Section 10.05. Ordinances Granting Franchises.

Mr. Weathered stated that he could not find any requirement in state law that required franchise ordinances to have three readings, to have at least 42 days between the first reading and last reading or require that the entire ordinance must be published once in the official city newspaper.

Article XI. General Provisions.

Section 11.08. Fire Department and Fire Marshal.

On October 27 the Commission deleted the first paragraph in its entirety and substituted a new paragraph as follows:

"The City Council recognizes that providing fire protection to Seabrook citizens is an essential service. The city may continue to provide this service by contract with the Seabrook Volunteer Fire Department and/or related fire service providers as provided by law."

Motion was made by Mr. Chisler and seconded by Mr. Holbrook

To amend the above paragraph as follows:

"The City Council recognizes that providing fire protection to Seabrook citizens is an essential service. The city may continue to provide this service by contract [~~with the Seabrook Volunteer Fire Department and/or related fire service providers~~] as provided by law."

Motion was made by Mr. Renola and seconded by Mr. Chisler

To amend the original motion so that the paragraph reads as follows:

"The City Council recognizes that providing fire protection to Seabrook citizens is an essential service. The city may continue to provide this service by contract with the [~~Seabrook~~] **Volunteer Fire Department and/or related fire service providers as provided by law."**

Ayes: Chisler, Ferguson, Hanssen, Holbrook, Renola.
Nays: Davis, Johnson.

AMENDMENT CARRIED BY MAJORITY VOTE.

Chair Davis called for a vote on the original motion as amended.

Ayes: Chisler, Ferguson, Hanssen, Holbrook, Renola.
Nays: Davis, Johnson.

MOTION CARRIED BY MAJORITY VOTE.

Section 11.16. Amending the Charter.
and
Section 11.18. Charter Review Commission.

Mrs. Glaser asked if the commission would consider renumbering these sections so that they occur consecutively for clarity as the intervening Section 11.17 has nothing to do with the Charter Commission.

Motion was made by Mr. Holbrook and seconded by Mr. Johnson

To direct staff to provide a recommendation and specific wording to combine/consolidate Sections 11.16 and 11.18.

MOTION CARRIED BY UNANIMOUS CONSENT.

Section 11.19. Notice of Claims.

Mr. Weathered stated that he would present two alternatives at the next meeting.

Section 11.24. Comprehensive Master Plan Review Commission.

Members discussed deleting the sentence, “The Council may not amend the Comprehensive Master Plan unless such an amendment is recommended by the Commission.” No change was made.

Section 11.29. Employment at Will.

In answering a question by Mrs. Glaser, Mr. Weathered stated that amending the charter to require removal of the city manager, city secretary or city attorney by an affirmative vote of four or more members did not conflict with this section.

Article XII Transitional Provisions.

On October 27, the Commission voted to delete Article XII in its entirety (pending the city attorney’s recommendation) as the provisions in effect when the Charter was approved in 1980 are no longer relevant. Mr. Weathered reported that most charters retain transitional provisions as historical information.

Motion was made by Mr. Holbrook and seconded by Mrs. Renola.

To reinstate Article XII in the Charter for historical purposes.

Ayes: Davis, Chisler, Hanssen, Holbrook, Renola.
Nays: Ferguson, Johnson.

MOTION CARRIED BY MAJORITY VOTE.

2.3 Review/Consider ballot propositions, including wording of the propositions.

This item was not addressed due to time constraints.

2.4 Review/Prepare final report to City Council.

This item was not addressed due to time constraints.

3.0 ROUTINE BUSINESS

3.1 Establish future meeting dates and agenda items.

The next agenda will include approving the wording of amendments made tonight and specific wording of amendments prepared by staff at the Commission's direction to include:

1. City staff to provide alternative wording for Section 5.21 (a) and (b) including possible combination of the two subsections;
2. City Attorney to research effects of Section 6.06.
3. City Attorney will verify if the passage of franchise ordinances do not have specific requirements for of 42 days between readings as contained is Section 10.05. (Note: this was addressed by city attorney earlier in the meeting;
4. Combine Sections 11.16 and 11.18 so that all information about the Charter Review Commission is together; and
5. City Attorney to present alternative language for Section 11.19 "Claims."

Chair Davis asked members to review the ballot language as follows:

1. Prioritize importance of amendments on a descending scale of 1, 2 and 3;

2. Determine if each ballot amendment has a positive, negative or neutral effect on the budget; and

3. Review to see if any ballot propositions can be combined.

December meetings will be held on Monday, December 8 and 15.

Upon motion, Chair Davis adjourned the meeting at 9:32 p.m.

Approved this 8th day of December 2014.

Laura Davis, Chair

Michele L Glaser, TRMC
City Secretary