The City Council of the City of Seabrook met in regular session on Tuesday, February 3, 2015 at 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if appropriate, take action on the items listed below.

THOSE PRESENT WERE:

GLENN R. ROYAL	MAYOR
ROBERT LLORENTE	COUNCIL PLACE NO. 1
MIKE GIANGROSSO	COUNCIL PLACE NO. 2
GARY JOHNSON	MAYOR PRO TEM & COUNCIL PLACE NO. 3
MELISSA BOTKIN - Ex. Abs.	COUNCIL PLACE NO. 4
THOM KOLUPSKI	COUNCIL PLACE NO. 5
O. J. MILLER	COUNCIL PLACE NO. 6
GAYLE COOK	CITY MANAGER
SEAN LANDIS	ASSISTANT CITY MANAGER
STEVEN L. WEATHERED	CITY ATTORNEY
MICHELE L. GLASER	CITY SECRETARY

Mayor Royal called the meeting to order at 7:00 p.m. and led the audience in the United States and Texas Pledge of Allegiance.

1.0 PRESENTATIONS

1.1 Introduce the newly hired police officers and administer the Oath of Office. (Wright)

Captain Wright presented a certificate of appreciation to Officer Hill for outstanding recruitment efforts. He introduced the newly appointed police officers who were given the Oath of Office by Mrs. Glaser.

1.2 Presentation of final report by the Charter Review Commission. (CRC)

Chair Laura Davis presented the Commission's final report. (See Exhibit A.) She explained that the Commission attempted to make the charter consistent and more easily understood.

1.3 Presentation of Certificates of Appreciation to Charter Review Commission members. (Council)

Mayor Royal presented the certificates to the members and he and fellow council members thanked them for their outstanding service.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS – None.

2.1 Mayor, City Council and/or members of the city staff may make announcements about city/community events. (Council)

Councilor Giangrosso announced several upcoming events.

3.0 CONSENT AGENDA

3.1 Approve Interlocal Contractual Agreement Concerning Breath Alcohol Technical Supervisor from October 1, 2014 to September 30, 2019. (Wright)

3.2 Approve an excused absence for Councilor Botkin for the February 3, 2015 regular council meeting. (Glaser)

3.3 Approve minutes of the January 20, 2015 City Council meeting. (Glaser)

3.4 Removed from the Consent Agenda.

3.5 Approve proposed Resolution No. 2015-02, "Update in Sanitation Procedures and Rates." (Cook)

3.6 Accept the Five-Year Water & Sewer Rates Study as presented at the special meeting on February 3, 2015 at 6:00 p.m. and direct city staff to prepare a resolution authorizing the new rates. (Cook)

3.7 Approve application for a parade permit for Soldier Ride benefitting the Wounded Warrior Project. This bicycling event will come through Seabrook on Friday, March 6, 2015 between the hours of 9:00 and 11:30 a.m. Pasadena Police will provide escort along the route. Applicant is requesting a waiver of fees. (Applicant)

Motion was made by Councilor Giangrosso and seconded by Councilor Llorente

To approve the Consent Agenda with the exception of Item 3.4.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

3.4 Consider request by Bill Friedrichs, Jr. to withdraw his request for the February 17, 2015 joint public hearing at 6:00 p.m. to present plans for a PUD to consist of approximately 269 senior apartments on Repsdorph Road. (Applicant)

Motion was made by Councilor Giangrosso and seconded by Councilor Llorente

To approve the request for withdrawal.

Ayes: Royal, Giangrosso, Johnson, Llorente, Miller.
Recused and not voting: Kolupski.

MOTION CARRIED BY UNANIMOUS CONSENT OF THOSE VOTING.

Mayor Royal took several items out of order.

4.0 NEW BUSINESS

4.2 Consider the recommendation from city staff to proceed with the proposal from Vortex in the amount of $449,870.42 for splash pads at the Pelican Bay Swimming Pool and the Monroe Field. Proceeds from the 2014 Bond Issue will be used. Authorization for City Manager to sign pending review by city attorney. (Chairez)

Mr. Chairez stated that the splash pad at Pelican Bay Swimming Pool will be built first and plans are to have it ready for the summer season. He also stated that staff will build a parking lot in the front portion of Monroe Field. Other funds will be used to fence both areas. A nautical theme will be used for the splash pads.

Motion was made by Councilor Giangrosso and seconded by Councilor Llorente

To approve the proposal from Vortex in the amount of $449,870.42 for splash pads at the Pelican Bay Swimming Pool and the Monroe Field and authorize the city manager to sign the contract after review by the city attorney.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.3 Consider recommendations of the Public Safety Task Force for 2015 expenditures from the Public Safety Fund in the amount of $87,100.00. (Galyean)

Emergency Management Coordinator Jeff Galyean presented a proposal for the purchase of several items in the amount of $79,800.

Mule FD	$16,000.00
4-Wheeler PD	$10,000.00
Quad copter	$ 2,500.00
Universal Chargers CERT	$ 300.00
GIS Service (City Wide)	$ 2,500.00
Microwave link	$ 7,500.00
Message Board	$ 20,000.00
ReadyOp	$ 6,000.00
Repeater	$ 15,000.00
Radio Headsets	Out of Last year budget
C-Soft Upgrade (All)	Out of Last year budget
Watercraft Trailer	Reserve
TOTAL	$79,800.00

He explained that ten percent (10%) of the money collected each year is placed in a Public Safety Fund Reserve. Therefore, of the $96,813,000 collected in 2014, $87,100 is available for the purchase of items. He asked for approval of $87,100 to allow for additional purchases during the year if necessary.

Motion was made by Councilor Kolupski and seconded by Councilor Miller

To authorize expenditures from the Public Safety Fund in 2015 in the amount of $87,100.

MOTION CARRIED BY UNANIMOUS CONSENT.

7.0 EXECUTIVE SESSION

At 7:59 p.m. Mayor Royal announced that the City Council would hold a closed executive meeting pursuant to the provisions of the Open Meetings Act, Chapter 551, Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.071, Consultation with Attorney.

Section 551.071

7.1 Consult with attorney to receive legal advice only regarding legal issues associated with the proposed charter amendments to be submitted to the electorate as provided by Section 551.071 of the Local Government Code. (Weathered)

8.0 OPEN MEETING

At 8:34 p.m. Mayor Royal reconvened the meeting in Open Session, stating that Item 7.1 had been discussed in Closed Session, but no action had been taken.

4.1 Consider the final report and proposed charter amendments recommended by the Charter Review Commission for submission to the voters of Seabrook. (CRC)

Motion was made by Councilor Kolupski and seconded by Councilor Johnson

To approve the final report and proposed charter amendments recommended by the Charter Review Commission for submission to the voters of Seabrook.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.4 Consider first and final reading of proposed Ordinance No. 2015-02, Ordering a General & Special Election to be held on May 9, 2015 and a June 6, 2015 Runoff Election, if necessary. (Glaser)

Motion was made by Councilor Llorente and seconded by Councilor Johnson

To approve proposed Ordinance No. 201502 on first and final reading with the reading of the caption serving as the reading of the ordinance.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.5 Consider retirement of City Secretary on July 1, 2015 and plans for replacement. (Council)

Mrs. Glaser stated that Assistant City Secretary, Meredith Brant was interested in applying for the position but wanted Council to know that she planned to retire after the May 2017 election and would understand if Council wished to recruit other applicants.

Motion was made by Councilor Kolupski and seconded by Councilor Giangrosso

To appoint Assistant City Secretary, Meredith Brant as City Secretary upon Mrs. Glaser's retirement and to direct staff to fill the assistant's position.

Mrs. Glaser recommended that a new assistant start employment 2-3 months before July 1, to allow for training.

MOTION CARRIED BY UNANIMOUS CONSENT.

5.0 OLD BUSINESS

5.1 Consider participation in and the allocation of funds for the Economic Alliance Advocacy trip to Washington, D.C. April 13-16, 2015. This item was tabled at the January 20, 2015 City Council meeting. (Royal)

Motion was made by Councilor Llorente and seconded by Councilor Miller

To remove this item from the table.

MOTION CARRIED BY UNANIMOUS CONSENT.

Motion was made by Councilor Giangrosso and seconded by Councilor Kolupski

To approve City Manager, Gayle Cook as the city's representative for this event.

MOTION CARRIED BY UNANIMOUS CONSENT.

6.0 ROUTINE BUSINESS

6.1 Approve the Action Items Checklist which is attached and made a part of this agenda. (Council)

Motion was made by Councilor Kolupski and seconded by Councilor Giangrosso

To remove Item 29 and approve the checklist as amended.

MOTION CARRIED BY UNANIMOUS CONSENT.

6.2 Establish future meeting dates and agenda items. (Council)

Councilor Kolupski asked that attendance at an upcoming trip to visit state legislators in Austin in March be placed on the next agenda.

Mrs. Glaser stated that a joint special public hearing and meeting with the Planning and Zoning Commission had been attentively scheduled on March 17 at 6:00 p.m. to review the senior living PUD on Repsdorph.

Upon motion, Mayor Royal adjourned the meeting at 8:52 p.m.

Approved this 17th day of February 2015.

Glenn R. Royal, Mayor

Michele Glaser, TRMC
City Secretary

Seabrook Charter Review Commission

Final Report to City Council

February 3, 2015

Chairperson: Laura Davis
Vice Chairperson: Kevin Ferguson
John Chisler
Delaina Hanssen
Don Holbrook
David Johnson
Elaine Renola

The Seabrook Charter Review Commission, commissioned by City Council to review the City's Charter and to recommend any changes as seen necessary by the Commission, respectfully submits the following report of the Commission's findings and proposed Charter amendments to City Council to be voted upon by the electorate of the City of Seabrook at the next scheduled election in May, 2015.

The Commission's goal was to recommend changes that were deemed necessary in order to improve City operations, address statutory changes, and to create better consistency within the Charter, especially with voting requirements for City Council, to allow for easier interpretation in the future. The Commission received recommendations from City Council, the City Manager and staff, the City Secretary, the City Attorney, the Municipal Court Judge, various City Boards, Committees, Commissions or other appointed positions, and from the citizens of Seabrook. All recommendations were weighted equally, regardless of the source of the recommendation. Following the highlighted recommendations of the Commission on each Article of the Charter is a brief explanation of the Commission's reasoning for these recommendations, and the Commission's assessment of its positive, negative or neutral impact to the City's budget. At the end of the report are suggestions for a future Charter Review Commission to consider (Attachment A).

We request that this official report, ballot propositions and the charter showing the proposed amendments be placed on the City web site as soon as possible, to allow citizens ample time to review all proposed changes before the May 2015 election.

No Proposed Changes:

- **Article I: Incorporation**
- **Article III: The City Manager**
- **Article VI: Planning and Zoning**
- **Article XII: Transitional Provisions**

ARTICLE II: THE COUNCIL

Proposition 1: Section 2.01—Term Limits

Change the term of a Councilmember from a 3-year to a 4-year term, beginning with the General Municipal Election in 2017 for the Mayor and Council Positions 2, 4 and 6 and in 2018 for Council Positions 1, 3 and 5.

Commission Explanation: The Commission identified the following disadvantages of the current term lengths: 1) difficulty for the City to place Council representatives in leadership positions in external organizations that have a direct impact on the City; 2) administrative costs involved with the orientation and training of Council members every three years; 3) costs associated with more frequent elections; and 4) availability of candidates. Extending the terms of office from three to four years mitigates these disadvantages, while still adhering to the limitation of two consecutive terms of office.

Budget Impact: This proposition is expected to save money, as elections would be held less often.

Proposition 2: Section 2.05—Vacancies, Forfeiture, Filling of Vacancies (and related Charter requirements for filling a vacancy, such as Section 8.13, "Results of Election")

Allow an affirmative vote of four (4) or more Councilmembers to fill a vacancy on Council by appointment if the remaining term of the vacant position is 12 months or less.

Commission Explanation: State Law now allows for this provision that permits a Council to fill an unexpired term without having to call a special election, which can be very costly. If the remaining term of the vacant position is greater than 12 months, a special election would be called by Council.

Budget Impact: It is expected that the City would save money as appointment is less costly than a special election.

Proposition 3: Section 2.08—Administrative Offices and Departments

Delete the list of City Departments.

Commission Explanation: The name and number of City Departments can change or be modified over time, as is dictated by the needs of the City. The Departments are named by ordinance, which should suffice.

Budget Impact: There is no expected budget impact.

Proposition 4: Section 2.09—City Secretary

Require an affirmative vote of four or more Councilmembers to appoint or remove the City Secretary.

Commission Explanation: The Commission compared the voting requirements of Council for appointment or termination of critical positions within the City, including the City Secretary, City Manager, City Attorney and Municipal Judge. It found inconsistencies and, in some instances, silence on the subject. As all of these positions are essential for the operation of the City, it is recommended that the voting requirements be the same for all of these positions. The Charter requires an affirmative vote of four or more Councilmembers to appoint or remove the City Manager, so this is the template the Commission used for the other positions, including the City Secretary. In this instance, the Charter has no requirement for removal of a City Secretary, so one is added for consistency.

Budget Impact: There is no expected budget impact.

Proposition 5: Section 2.08—Administrative Departments and Section 2.09—City Secretary

Move both sections from Article II (The Council) to Article IV (Administrative Departments).

Commission Explanation: It would be easier to reference both of these sections if they were in the Article that focuses on different departments, rather than the Article that focuses on the City Council. There is no other revision associated with this amendment.

Budget Impact: There is no expected budget impact.

Proposition 6: Section 2.12—Rules of Procedure

Clarify that all required Council actions shall be adopted by an affirmative vote of a majority of Councilmembers present and voting, except as provided elsewhere in the Charter or in state law.

Commission Explanation: The Charter currently limits any exception to this provision to Section 2.05. There may come a time when other sections of the Charter or state law will also apply, so the Commission recommends changing the exception to "as provided elsewhere in the Charter or state law" so that potential conflicts can be avoided.

Budget Impact: There is no expected budget impact.

Provision 7: Section 2.13—Passages of Ordinances in General

Delete the following: "A proposed ordinance may be amended at any reading but any ordinance amended in substance, as determined by Council, shall automatically be placed again on first reading at a subsequent meeting. Amendments involving such items as typographical, grammatical or spelling changes or renumbering of sections shall not be considered substantive."

Commission Explanation: The phrase "in substance" has caused great confusion in the past as it is left to City Council to interpret which changes are "substantive" in nature. Removing this statement allows less confusion in interpreting the Charter.

Budget Impact: There is no expected budget impact.

Proposition 8: Section 2.13—Passages of Ordinances in General

Clarify that the effective date of ordinances with penal provisions be dictated by state law rather than after it has been posted for two weeks.

Commission Explanation: In ordinances with penal provisions, the state requires certain effective dates. This change is to avoid conflict with state law.

Budget Impact: There is no expected budget impact.

Proposition 9: Section 2.14—Emergency Ordinances

Require an affirmative vote of four or more Councilmembers to approve an emergency ordinance, except where otherwise provided in the Charter.

Commission Explanation: In an emergency, all Councilmembers may not be available, especially if an evacuation or natural disaster has occurred. For uniformity, the Commission recommends changing this voting requirement from two thirds of those present to four or more for approval. This does not impact emergency appropriations ordinances, which require a vote of five or more Councilmembers for approval.

Budget Impact: There is no expected budget impact.

Proposition 10: Section 2.15—Authentication, Recording, Codification, Printing and Distribution of Ordinances

Change the requirement for availability of approved ordinances and resolutions from posting at City Hall and the library to posting at City Hall and on the City website.

Commission Explanation: There is a cost associated with copying and distributing every ordinance and resolution that is passed by Council. This would eliminate that cost. There is also a computer at City Hall where the public can access this information.

Budget Impact: It is expected that this proposition would save copying and administrative costs.

ARTICLE IV: ADMINISTRATIVE DEPARTMENTS

Proposition 11: Section 4.02—City Attorney

Change the voting requirements for appointment or removal of a City Attorney from "majority of members present" to "four or more Councilmembers".

Commission Explanation: See explanation for Proposition 4. This proposition is intended to create consistency and uniformity in voting requirements. In this specific instance, a majority of members present could be as little as three votes.

Budget Impact: There is no expected budget impact.

ARTICLE V: FINANCIAL PROCEDURES

Proposition 12: Section 5.21—Citizen Approval Required for Certain Expenditures and Use of Reserved Funds

Consolidate this section and update it to address current and future City needs, allow for grant opportunities requiring matching funds and adjust for changing state mandates by allowing the City Council to make non-emergency capital expenditures in an amount not to exceed 20 percent of the combined General and Enterprise Operating and Reserve Fund Budgets, less any required reserve fund balance established by the City's financial policy, in effect at the time of the expenditure.

Commission Explanation: This section has been discussed and debated for many years. Currently, the Council may not spend funds of one (1) million dollars or more without a vote of the people. This limitation prevented the City from applying for additional grant money following Hurricane Ike, which could have been a major help in the recovery of the City, because grant application deadlines do not generally allow for time to conduct elections. The Commission determined that having a fixed dollar amount in the Charter will cause future problems related to inflation, rising building costs and other economic factors. Therefore, the Commission recommends a percentage of the General and Enterprise Funds (only these two major funds of the City, not including special funds) to keep in line with the City's current budget needs and limitations. As the budget rises and falls, so will the Council's cap on spending. This proposition does not allow Council to spend any of the required fund balance that is established by the City finance policy, and it does not apply to emergency expenditures.

Budget Impact: Budget impact cannot be quantified due to variables.

ARTICLE VII: NOMINATIONS AND ELECTIONS

Proposition 13: Section 7.01—Nominations and Elections

Allow the general City election to be held on a date other than the second Saturday in May, if allowed by state law.

Commission Explanation: The State recently changed the allowable dates for municipal elections and required cities to choose which date they would use. Because of this charter requirement, the City could not change the date of its elections. It resulted in the City having to purchase its own election equipment. This proposition would give the City flexibility to work within state law.

Budget Impact: This could save money if the City is allowed to hold elections with Harris County.

ARTICLE IX: MUNICIPAL COURT

Proposition 14: Section 9.02—Judge of the Municipal Court

Change the voting requirements for appointment or removal of the Municipal Judge from "majority of members present" to "four or more Councilmembers".

Commission Explanation: See explanation for Propositions 4 and 11.

Budget Impact: There is no expected budget impact.

ARTICLE X: FRANCHISES AND PUBLIC UTILITIES

Proposition 15: Section 10.05—Ordinances Granting Franchises

Change the requirement for approval of franchise ordinances to correspond to other ordinances (after two readings unless otherwise required by state law).

Commission Explanation: The Charter currently requires three readings and a waiting period of 42 days after the first reading. It also requires the full text of the ordinance to be published in the newspaper, which can be very costly. The proposition would allow for publishing the title and caption in the newspaper after passage. The current requirements do not allow the City to be competitive with other cities.

Budget Impact: This proposition may save money due to the changes in requirements for publicizing in the newspaper.

ARTICLE XI: GENERAL PROVISIONS

Proposition 16: Section 11.08—Fire Department and Fire Marshal

Modify the allowable service providers to state that the City could utilize the Seabrook Volunteer Fire Department and/or other fire service providers as permitted by law.

Commission Explanation: The City is exploring all options with the Seabrook Volunteer Fire Department for providing services, including an Emergency Services District. This amendment would allow the City to select the best option for service.

Budget Impact: Budget impact cannot be quantified due to variables.

Proposition 17: Section 11.18—Charter Review Commission

Allow the appointment of a Charter Review Commission no sooner than two (2) years nor later than five (5) years after the most recent appointment.

Commission Explanation: This would allow City Council the flexibility to appoint a Charter Review Commission to coincide with the election schedule, rather than holding a separate, costly, election. It would also allow Council to handle issues as they arise, rather than waiting for the current prescribed time period.

Budget Impact: Budget impact cannot be quantified due to variables.

Proposition 18: Section 11.16—Amending the Charter and Section 11.18—Charter Review Commission

Combine these two sections into one titled "The Charter Review Commission and Amending the Charter".

Commission Explanation: These two sections really discuss different aspects of the same topic. The Commission felt that combining them would allow for easier reference in the future. There is no other revision associated with this amendment.

Budget Impact: There is no expected budget impact.

Proposition 19: Section 11.24—Comprehensive Master Plan Commission

Allow the appointment of a Comprehensive Master Plan Commission no sooner than two (2) years nor later than five (5) years after the most recent appointment and allow Council to extend the six-month term of the Commission.

Commission Explanation: The Charter Review Commission and Comprehensive Master Plan Review Commission meet concurrently, making it difficult for staff to support conflicting meeting schedules. The Council also finds it difficult to attract qualified volunteers for concurrent Commissions. This proposition would allow City Council the flexibility to appoint a Comprehensive Master Plan Review Commission at a different time than the Charter Review Commission, which would assist with staff allocation and volunteer recruitment. It would also maintain consistency between the Comprehensive Master Plan Review Commission and the Charter Review Commission (see Proposition 17). Finally, it would allow the terms for the Comprehensive Master Plan Commission to be extended in the event a planning consultant is hired or other needs arise.

Budget Impact: Budget impact cannot be quantified due to variables.

Proposition 20: Section 11.28—Other Charter Requirements

Require that all City appointees to boards, corporations, organizations, committees and other related entities shall conform to the requirements of the Charter provisions regulating personal interest, conflicts of interest, nepotism and ethics.

Commission Explanation: The current Charter language is vague, which may lead to conflicting interpretations and appears to apply to entities in their entirety. The Commission is clarifying and limiting the specific Charter provisions that shall apply and shifts the emphasis to City appointees. The Charter cannot govern entities outside of the city's jurisdiction; therefore, the proposed amendment places responsibility on the city representatives to comply with these mandates.

Budget Impact: Budget impact cannot be quantified due to variables.

Conclusion: The Charter Review Commission does hereby notify the City Council of the City of Seabrook, City Manager and staff, and the citizenry of Seabrook of the completion of our work. We wish to cause the attached proposed ballot language to be properly submitted to the electorate of the City of Seabrook at the next appropriate and regular election date (May, 2015) for approval by majority vote. This completes our service to the City of Seabrook, which began in July, 2014. It has been an honor to be selected for this Commission and to serve the City in such an important endeavor.

(See next page for signatures.)

Seabrook City Council Regular Meeting
Minutes of February 3, 2015
Exhibit A - 9

Respectfully submitted unanimously on this 3rd day of February, 2015 by

Laura Davis, Chairperson

Kevin Ferguson, Vice-Chairperson

John Chisler

Delaina Hanssen

Don Holbrook

David Johnson

Elaine Renola

Attachment "A"

The Charter Review Commission respectfully submits these suggestions for a future Charter Review Commission to consider. These suggestions were made, in large part, to allow for more consistency within the Charter.

1. Article II, "The Council", Section 2.01 and subsequent sections: Amend to identify the Mayor and Councilmembers collectively as "Council" or "City Council" to avoid ambiguity in reference to the Charter.
2. Article II, "The Council", Section 2.07, "Prohibitions". Amend to clarify that the "manager" referred to in these sections is the "City Manager".
3. Article II, "The Council", Section 2.13, "Passages of Ordinances in General". Amend to allow an ordinance to adopt a technical code by reference provided that the technical code is authenticated by the City secretary and is available for review by the public.
4. Article II, "The Council", Section 2.13, "Passages of Ordinances in General". Amend to more clearly explain that failure to post an adopted ordinance with a penalty clause on the City website and TV channel shall not affect the validity of the ordinance.