

WORKSHOP SESSION
MONDAY, APRIL 4, 2011
6:00 P.M.

A Workshop Session of the Anahuac City Council was held in the Council Chambers of Anahuac City Hall located at 501 Miller Street, Anahuac, Texas on Monday, April 4, 2011 at the above noted time.

There were present:

*Sue Hawthorne
Cheryl Sanders
Linda Palmer
Kimberly Upston
Richard Baker
Dan Irby*

*Mayor
Mayor Pro Tem
Councilwoman
City Secretary
City Attorney
Public Works Director*

Those not present:

*Dana Evans
Danny Thompson*

*Councilwoman
Councilman*

Guests:

*Bob Pascasio
Scott Wible*

*Bayside Clinic
Employee*

At 6:01 p.m. Mayor Hawthorne called the Workshop Session to order.

There were no comments from the audience.

Discussion moved to the request for a revised plat for the development of a new clinic on Ross Sterling. Richard Baker started the discussion. He said last meeting the Council approved the drawing subject to any prior notice requirement. He said he had researched the issue and he has formed an opinion on the subject.

His opinion is that no one can give an authority to say in this case it is always a, b, or c. In this case we just have to read the statutes and apply what we read. He said the drawing proposes to redirect what would be called a utility easement that is already around the parameter of the property and dedicate that easement to the public. He went on to say that under 212.004 says the owner of a tract of land located within the limits of the municipality, which is the hospital, who divides the tract into two or more parts to lay out parts of the tract intended to be dedicated for public use must have a plat of the subdivision prepared.

Mr. Baker said that he is talking about the current drawing as presented and that on that drawing there is a portion that will be dedicated to the public. He said it is in a sense dividing that property for that use and under 212.004 there is a plat required and under 212.014 it says a re-plat of a subdivision or part of a subdivision. He said he would consider this property as part of a subdivision.

He said the only material he found on what a subdivision is are books by David Brooks, who writes the Texas Municipal and Special District Law, and said they are treatises. In Mr. Brooks' opinion any division by any method is a subdivision under current statutes. Mr. Baker said so if you have a re-plat of a part of a subdivision it may be recorded and is controlling over the presiding plat. Without vacating that plat, if the re-plat is signed and acknowledged by the owners of the property being re-plated it is approved after a public hearing in which the parties and citizens that have interest in the property have an opportunity to be heard. And by the municipal authority responsible for approving plats.

Mr. Baker said the City can set up an official Council authority to do that but, since there isn't one, the Council is the authority. And it does not attempt to remove or amend any covenants or restrictions, which Mr. Baker said he is unaware of any covenants or restrictions. It is in Mr. Baker's opinion that the City hold a public hearing then approve the re-plat. He went on to say that if all he was saying is empty then they would not be required to come before Council.

Bob Pascasio spoke about a hand-out that he gave to Council before the meeting. He said that it is in the opinion of their attorney's that the land is not a subdivision. He said his attorneys used the same statutes as Mr. Baker but, came up with a different conclusion. He said their

conclusions are based on two things. One is the determinations and/or decisions and/or actions by the owner. He said this goes back to whether a subdivision exists there or not. He said secondly himself and his attorney's feel that a subdivision does not exist in this case.

Mayor Hawthorne asked if they required action from the City. Mr. Pascasio said this was not an area that was discussed between he and his attorneys but, what he is seeking is an approval of a plat not a re-plat of the property that came about through discussions they had with County and City representatives. He said that it was their understanding that under codes they were required to file a re-plat with the City.

Mr. Pascasio then showed Council the drawings of the potential buildings interior and exterior. Councilwoman Sanders asked since Commissioners Court has acted on it is it a file on record. Mr. Pascasio said it hasn't been filed with the County because they were getting everyone's signatures on it at once before filing.

Mr. Baker said since it is drawn out in lots and blocks there is a public hearing requirement. If it wasn't drawn out that way there wouldn't be a need for it. He stated the definition of a subdivision again. Councilwoman Sanders asked if the County had just accepted it as a plat then we would meet section 212.009 and then we could have just accepted it.

Mr. Baker said Mr. Pascasio could file an affidavit and in thirty days it would get recorded whether or not the City had accepted it.

Mayor Hawthorne suggested that a public hearing and an agenda item be placed on the next week's agenda. Mr. Pascasio discussed with Council the placement of the new building in relation to the existing flat work and also expressed his concern with moving. He also spoke about the cost involved in using the existing flat work and the cost of removing it.

The next item discussed was compliance with the junk vehicle ordinance. Councilwoman Sanders explained why she had asked for this item to be on the agenda. She said she noticed a new junk vehicle lot across from the post office. She said she had spoken with Mark Hainley and he said as long as they were not in view they were ok. She said when she read the ordinance it does not say anything about being in view but, it does say any motor vehicle which does not have lawfully affixed thereto both an unexpired license plate and a valid motor vehicle safety inspection certificate, and the condition of which is one or more of the following: wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded.

She said it also speaks of businesses operating in a lawful manner, when same is necessary to the operation of the business enterprise or any junk motor vehicle in any appropriate storage place or depository maintained at a location officially designated and in a manner approved by the City. She said there is another location on Belton Lane that has not been approved either.

Councilwoman Palmer asked if the area was enclosed. Councilwoman Sanders said there is a fence around the property. Zoning was discussed also. Councilwoman Sanders said the Council should also address boats and RV's.

Councilwoman Sanders said she would like on the next agenda to put compliance with the junk vehicle ordinance and getting samples from other Cities to put together an ordinance updating the current ordinance.

Discussion moved to the City Administrator position. Councilwoman Palmer said the City is in a position that we have gone through two of the three applicants and have gone through all of the applications but, have still not filled the position. She said the decision was made not to bring in an interim to get things rolling and a month later we are still without an administrator.

Mayor Hawthorne said she knows everyone is doing what they need to be doing but, the budget needs to be watched and many other things are not getting done. Councilwoman Palmer said Council does not know what is going on because there isn't an administrator guiding the staff.

Councilwoman Palmer said there needs to be something done in the interim but, Council decided against it. Councilwoman Sanders stated it was because of the contract that the Council did not go with the company. Richard Baker said the contract stated that the City would waive all of its rights and indemnify them from all claims but, the company would not do the same for the City.

Councilwoman Sanders expressed her concern with past City decisions being hasty and she would like to be thorough. Councilwoman Palmer expressed her concerns.

Mayor Hawthorne said she would like someone that has strong financial abilities. Councilwoman Palmer said she would like to just have someone that would administrate. She said she would like someone that Council could say this is where we would like to go and that person is able to get the City there and keep Council informed along the way. She said the person needs the ability to be fair and equitable. She also said the person needs to be able to guide projects and staff.

Mayor Hawthorne said the person needs to have discretion and be able to be diplomatic. Councilwoman Palmer said the biggest mistake that has been made is putting people in positions to do a job but, not giving them the authority to do that job. Councilwoman Sanders asked if Mr. Arnold, one of the applicants interviewed, would like to come temporarily as an interim. Councilwoman Palmer said he isn't working and is contracting with Cities. Councilwoman Sanders said maybe since he is not a firm he would be more apt to work with us on the contract. Everyone agreed that the Mayor should gather more information about Mr. Arnold coming in temporarily and that it should be brought before Council for consideration.


The Mayor pointed out that who ever took the position would need to have an understanding of municipal budgets, tax rates, and those tasks start soon. Discussion was had about the many duties of the City Administrator position that are being handled by City staff and the strain it was putting on the employees.

Candidates for the position were discussed. Everyone agreed that the search for a City Administrator needs to continue and that the need is great.

The position, role, and authority of the Public Works Director were discussed next. Councilwoman Sanders expressed her concern with the current job description. The difference between an absence of an administrator and a vacant administrator position was discussed. Councilwoman Sanders said she believes that in the absence of an administrator some of the duties need to be given to the Public Works Director.

She feels that the ability to hire and fire people should be given to him. Discussion was held on the job duties of the City Administrator. Everyone agreed that the matter should be brought before Council for more consideration.

At 7:35 p.m. the Workshop Session of the City of Anahuac City Council was adjourned.


Kimberly Upston, City Secretary
City of Anahuac


Sue Hawthorne, Mayor
City of Anahuac