

Mayor
Dee Grimm

Council Members
Dwayne Padalecki
Susann Baker
Caid Franckowiak
Deborah McInerney
John Hafner

City Secretary
Janice Staudt

CITY OF ST. HEDWIG
P.O. Box 40
St. Hedwig, Texas 78152
(210) 667-9568 Office
(210) 667-1448 Fax

APPROVED MINUTES
of the Regular City Council

June 4, 2020

1. CALL MEETING TO ORDER

Mayor Dee Grimm called the meeting to order at 7:36 p.m. at the American Legion, Post 539, Saint Hedwig, Texas.

2. ROLL CALL AND ESTABLISH A QUORUM

Roll call was taken. Members present were Councilman Dwayne Padalecki, Councilwoman Susann Baker, Councilman Caid Franckowiak, Councilwoman Deborah McInerney and Councilman John Hafner. A quorum was established. Janice Staudt presided as City Secretary.

Mayor Grimm recommended to Council that the item on the agenda under New Business, Planning and Zoning Commission's recommendation to grant a request for a change in zoning classification, be moved up on the agenda for discussion and action, after the swearing in of the newly elected officials. Councilman Dwayne Padalecki moved to have this item moved up on the agenda, Councilwoman Deborah McInerney seconded the motion. Councilman John Hafner reminded Mayor Grimm of the need to hear the citizens to be heard prior to discussion and action on this item, so Mayor Grimm amended the motion as such. All were in favor of changing the order of the agenda.

3. SWEAR IN NEWLY ELECTED OFFICIALS

City Secretary, Janice Staudt, swore Dee Grimm into another term of office as Mayor. Mayor Dee Grimm then swore Susann Baker into another term of office as Councilwoman Place 2, and Deborah McInerney into another term of office as Councilwoman Place 4. Mayor Dee Grimm thanked both Ms. Baker and Ms. McInerney for their numerous years of service as Council members.

8. CITIZENS TO BE HEARD (approved agenda order change)

Mitch Adums, 3702 Kusmierz, Saint Hedwig, inquired if the City Council has discussed the drainage issue at FM 1518 and Abbott Road, as a result of the new subdivisions in that area. Mayor Dee Grimm responded that the City Council has not discussed that issue. Mr.

Adums said the retention ponds at that intersection are not large enough to handle the runoff and the area floods. He also voiced concerns about the speeding in that area.

Kathy Doege, 3085 Kusmierz, Saint Hedwig, said she had nothing to say since she spoke at the previous held Public Hearing.

Emily Terrell, 1306 Churchview Drive, Saint Hedwig, wanted to inform the Council that the Silesia Subdivision in Saint Hedwig has listed a two-acre parcel of land for sale. She said there should be a process put in place to inform realtors of the city's 5-acre minimum rule.

Wanda Polasek, 13810 Nave Way, Saint Hedwig, said she wished the Future Land Use (FLU) map was on display so citizens could see how the 2.5-acre R2 zoning areas on the map were grouped in one area and the predominant zoning of the city is the A-1R zoning, where 5-acre minimum is required. She stated that with other rezoning requests, the city and citizens used the FLU map in their favor, when the map showed the property requesting rezoning to be within the A-1R zoning. Ms. Polasek said she hopes the city doesn't view the FLU map as a detriment to the city, but instead, as protecting the city in a planned thought-out process.

Richard Hammond, 2780 Pittman Road, Saint Hedwig, said although Mr. Pennington showed him the proposed layout of the lots, he didn't see it as a complimentary usage of the property. He said the frontage to depth ratio is large and unappealing. Mr. Hammond also added that he would like to see the maximum weight limit signs on the city roads enforced.

Kenny Gulley, 731 Mihalski Lane, Saint Hedwig, inquired why Saint Hedwig property taxes do not freeze at age 65 like Bexar County taxes do.

John Landrom, 16753 E Gable Road, Saint Hedwig, said he lived in San Antonio for over 30 years in a subdivision, which was nice when he first moved there, but by the time he moved out, there was more gun fire there than in the country. He said he believes if the city allows this 2.5-acre development, then there will be a demand for more of them, and soon there won't be room for kids to raise their 4H and FFA animals.

10. NEW BUSINESS (approved agenda order change)

- a. The Planning & Zoning Commission's recommendation to grant a request for a change in zoning classification requested by Mr. Robert Pennington of an 18.0 acre parcel (BCAD PIN: 1312509) located on the eastern side of Pittman Rd, south of FM 1346 in Saint Hedwig, Texas. Request is to rezone property located on Pittman Rd from A-1R (Agricultural/Residential) to R-2 (Single Family Residential zoning that allows for subdivision into 2.5 acre or greater tracts)**

Councilman John Hafner moved to deny the Planning and Zoning Commission's (P&Z's) recommendation to grant a change in zoning classification requested by Mr. Robert Pennington of an 18.0 acre parcel. Councilman Dwayne Padalecki seconded the motion. Mayor Dee Grimm then opened it up for discussion. Councilman Dwayne Padalecki asked city attorney, Cynthia Trevino, if Council is

required to accept P&Z's recommendation to grant the rezoning request from A-1R to R-2 because it is shown as R-2 zoning on the Future Land Use (FLU) map. He also informed the citizens that he did not vote on the FLU map. Ms. Trevino responded, saying the FLU map is a development tool, does not govern the zoning boundaries or districts within the city, and it is not controlling of the Council's decision regarding a request for rezoning. She also stated that the Planning and Zoning Commission is a recommended body only and cannot make the ultimate rezoning decision, they can only make a recommendation. But the City Council she said, is a legislative body, and has the authority to make the final rezoning decision. Ms. Trevino said that City Council's legislative decisions are defensible at law so long as it is based on the reasons that are allowed when considering zoning and rezoning requests, such as, what does it do to the city's density, roadways, and drainage?; does the city have the funds to maintain the upkeep of it?; will the changes promote the safety, health and welfare of the community? As the City's attorney, Ms. Trevino said her legal advice to Council is, that with every rezoning application and variance request, their first position should be "no", until they see enough evidence that whatever is proposed will promote the safety, health and welfare of the community, and the city will be able to accept whatever infrastructure comes with the development and be able to maintain it. She then reiterated that Council is not required to approve P&Z's recommendation simply because the requested rezoning matches the zoning indicated on the FLU map. Councilman Dwayne Padalecki then informed everyone that from the past four Public Hearings for rezoning requests from A-1R to R2, he calculated 83% (a super majority) of the Citizens to be Heard were opposed to the rezoning. He added, that by law, Saint Hedwig has to allow subdivisions, but the developers must abide by the Saint Hedwig Subdivision Ordinance. Mayor Dee Grimm proceeded with a roll call vote and the Council voted unanimously in favor to deny P&Z's recommendation to grant Mr. Pennington's rezoning request. The rezoning request was denied.

4. READING AND APPROVAL OF MINUTES

The minutes to approve were from the May 7, 2020 regular City Council teleconference meeting. Councilman John Hafner moved to approve the minutes as written. Councilwoman Deborah McInerney seconded the motion. All were in favor. The May 7, 2020 minutes were approved.

5. READING AND APPROVAL OF FINANCIAL SUMMARY

There financial summary to approve was for April, 2020. Councilman John Hafner moved to approve to approve the financial summary. Councilwoman Susann Baker seconded the motion. All were in favor. The April, 2020 financial summary was approved.

6. REPORT FROM CODE COMPLIANCE

Code Compliance Officer Kim Fornof presented the May report. She said she has received a huge increase in inquiries regarding buying, selling, and developing property in Saint Hedwig. Mayor Dee Grimm asked Ms. Fornof to give Council an update on item 5 of the

report. Ms. Fornof said the property owner of 14126 La Vernia Rd has contracted the removal of soil/sand from the property, but has not filed a required storm water pollution prevention plan with Texas Commission of Environmental Quality, and neighbors are concerned about erosion and complaining about the blowing sand. Mayor Grimm said she would be discussing this issue further with the attorney. Councilwoman Susann Baker asked if the RV listed in item 7 of the report was connected to septic. Ms. Fornof stated she had not been on site but was seeking legal counsel.

For the complete report, visit our website at sainthedwiggcity.com, and click on "Documents", "Code Compliance Reports".

7. REPORT FROM PLANNING AND ZONING

Planning and Zoning (P&Z) Commission Chairman, Mr. Charles Mais, presented the report and said they have finished reviewing the Zoning Ordinance and will be sending it to the City Attorney for review. He said next they will be reviewing the Subdivision Ordinance. Councilman John Hafner requested a written report from P&Z be provided to Council in the future.

9. OLD BUSINESS

a. Roads – Receive Road Maintenance Report, and Take Action on Related Items

There was no road maintenance report.

1. Matching Fund Project – Gable Road - Discuss and take action

Councilman Dwayne Padalecki stated that the easement agreement with the landowner should be resolved soon and hopes Council can take action to proceed with construction at the next meeting.

2. Silesia Drive - Discuss potential deficiencies in the design/construction of the road - Discuss and Take Action

Mayor Dee Grimm reminded everyone of the concerns about possible deficiencies in the construction of Silesia Drive, which led to the City hiring an Engineering firm to conduct a second set of tests of the road to check if the road is compliant with the City's Ordinances. The second set of tests revealed that deficiencies in Silesia Drive exist and that Silesia Drive did not meet the City's Ordinance minimum requirements. Mayor Grimm said, upon legal advice, she recommends continuing discussion on this matter in a closed session with the City Attorney concerning possible litigation.

3. Status of Road Review

Mr. Jess Swaim, Vice President of 6S Engineering, presented Council with the evaluation report he conducted on all the roads within the City of Saint Hedwig. He said he initially drove the roads and scored the roads according to the amount of distress, cracking and potholes observed. Upon review of his assessment, he ranked the roads in order of need for repair, determined the best maintenance procedures and associated construction costs to repair the roads, and provided budgetary amounts and plans to move forward with repairs. Councilman Dwayne Padalecki reminded Council that based on the amount of taxes the City collects, there's not a lot of revenue to spend on the roads, and about four to five miles of roads, costing about 1.2-1.3 million, are in the most need of repair/repaving. Mayor Dee Grimm thanked Mr. Swaim and asked him to proceed by providing a formal recommendation, stating which roads he recommends addressing first and assembling a bid package for the work.

b. City Park

There was nothing to report on the City Park.

c. Update on Monthly Crime Stats

Councilwoman Susann Baker gave the Crime Stats Report. For the Month of May, 2020, there were a total of 5 crimes: 2 violent crimes (both outside city limits) and 3 property crimes (2 outside city limits). For locations of these crimes and all crime reports, see our website at sainthedwigcity.com, and click on "More", "Crime Stats".

d. St. Hedwig's Contract with MD Systems for Exclusive Waste Management Services within the City Limits

Mayor Dee Grimm informed Council that although the City has an exclusive contract with MD Systems for residential waste management services, it has been brought to the City's attention that other unauthorized companies are providing this service. She said these unauthorized companies will be sent a cease and desist letter, and residents will be sent letters reminding them of their requirement to use MD Systems. Councilman John Hafner asked if a recycling service could be provided. Councilwoman Susann Baker said that MD Systems sent a letter out in the past asking if the residents wanted the recycling service, but the majority did not want to deal with an additional garbage container. Mayor Grimm said perhaps it is a good time to ask MD Systems again if they can provide the recycling service as an addendum to their existing contract with the City.

h. New Website Status & New Emails

Mayor Dee Grimm announced that one of the requirements under the open records act, is that all emails between elected officials must be backed up. Thus, she said, the City acquired new email addresses, associated with our new website domain, for all city officials, to assure email back up. Councilwoman Deborah McInerney and Councilman John Hafner complimented the new website.

10. New Business

b. Maintenance Employees

Mayor Dee Grimm complimented the great job the existing part-time Maintenance employees are doing. However, since they both now have full time jobs, she questioned the need for someone more permanent that would be available during the day, especially when situations occur that require immediate attention. Councilwoman Susann Baker agreed with Mayor Grimm on the great job the Maintenance employees currently do, but suggested keeping them employed, and looking for someone on-call to assist with the rare occasion of needing immediate help during the day. Councilwoman Deborah McInerney agreed with Councilwoman Susann Baker. Mayor Grimm then said she would look into acquiring a third maintenance employee on an on-call basis.

11. ANNOUNCEMENTS

Councilwoman Susann Baker announced that as of June 5, Saint Hedwig was at 64.1% participation in the 2020 census, and encouraged everyone to still respond to the census.

Councilman John Hafner announced that the American Legion is partially open, but cancelled the picnic this year. He said the Legion hopes to make up for the picnic by having a spectacular turkey dinner this year, twice as big as last year!

12. DETERMINE AGENDA & DATE FOR NEXT MEETING

Due to 4th of July, Council decided the next City Council Meeting will be July 9, 2020, hopefully back at City Hall again.

1. Call Meeting to Order
2. Roll call & Establish a Quorum
3. Reading and Approval of Minutes
4. Reading and Approval of Financial Summary
5. Report from Fire Department
6. Report from Code Compliance
7. Report from Planning & Zoning Commission
8. Citizens to be Heard

9. Old Business
 - a. Roads
 1. Miller Road Bridge
 2. Matching Fund Project on Gable Rd
 - b. City Park
 - c. Update on Monthly Crime Stats
10. New Business
11. Announcements
12. Determine Agenda for next meeting
11. Adjournment

15. ADJOURNMENT

Mayor Dee Grimm adjourned the meeting at 8:54 pm