

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 Teleconference Meeting

August 6, 2020

1. CALL MEETING TO ORDER

Mayor Dee Grimm called the teleconference meeting to order at 7:30 pm.

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.

3. READING AND APPROVAL OF MINUTES

The minutes to approve were from the July 9, 2020 City Council Meeting. Councilman Dwayne Padalecki noted an error was made on page 4, Item 8.a.3, under "Road Review Status", and should read "...Lupon Road (from Graytown Road to the "T" intersection at Gable and E Lupon Road)...", not "...Lupon Road (from Graytown Road to East Gable Road)". Councilman John Hafner moved to approve the minutes as amended. Councilwoman Susann Baker seconded the motion. Mayor Grimm proceeded with a roll call vote. All were in favor of passing the minutes. The July 9, 2020 City Council Meeting minutes were approved.

Councilman John Hafner suggested to Mayor Grimm, that although it is a virtual meeting, a roll call vote may not always be necessary, and that only if someone responds with a "nay" vote, a roll call vote would then be required. Mayor Grimm agreed to continue the meeting with that procedure.

4. READING AND APPROVAL OF FINANCIAL SUMMARY

The financial summary to approve was for June, 2020. Councilwoman Susann Baker moved to approve the June, 2020 financial summary. Councilwoman Deborah McInerney seconded the motion. All were in favor; the June, 2020 financial summary was approved.

5. REPORT FROM CODE COMPLIANCE

Code Compliance Officer Kim Fornof presented the July report.

Ms. Fornof said she's received numerous calls about a two-acre parcel of land for sale, and informed the callers that a building permit could not be issued for construction on that property. She said she also received a call requesting a variance on an inherited three-acre parcel, which will go before the Board of Adjustments. Ms. Fornof said she issued a second stop work order at 14830 FM 1346, which noted the need of a Storm Water Pollution Prevention (SWPP) Plan, which has not yet been received, and informed them of city road weight limits. Mayor Dee Grimm asked Ms. Fornof if the work there has stopped. Ms. Fornof responded that she believes it has. Councilman Dwayne Padalecki added that he hadn't noticed any activity there for about a week and a half. In reference to the aforementioned inherited property, Councilwoman Susann Baker asked, if the three-acre parcel was designated to someone in a will, written prior to the City's 2004 Zoning Ordinance, would it be grandfathered, allowing them to build on it. City Attorney Cynthia Trevino said if proof is provided that it is coming through a division, hopefully including meets and bounds, prior to the adoption of the City's Zoning Ordinance, grandfather rights should be assured. Councilman Dwayne Padalecki asked Ms. Fornof if she had addresses for several items on the report but she did not.

For a complete report, see it on our website at sainthedwigcity.org under Code Compliance Reports.

6. REPORT FROM PLANNING AND ZONING

Planning and Zoning (P&Z) Commission Chairman, Mr. Charles Mais, presented the report. He said Ms. Fornof covered the variance and inheritance items in her report. No update on the Zoning Ordinance review was provided at the July 28th Planning & Zoning Commission meeting, so it will be on the next P&Z meeting agenda. Mr. Mais said Ms. Fornof and Commissioner Wanda Polasek met with Mr. Ed McNew to discuss the Subdivision Ordinance review. He also noted that verbiage for rezoning request signage will be submitted to the city attorney for review and will be added to the Zoning Ordinance.

7. CITIZENS TO BE HEARD

Mayor Dee Grimm reminded everyone that 5 minutes is allocated for each citizen to be heard and that City Council is not allowed to engage in discussion with citizens to be heard, but they are allowed to provide factual answers to questions citizens may have.

Kaye Powell, 13810 Spire View, voiced her concerns about switching her business dumpster service to MD Systems. She said she's had good service with her current provider for over 20 years, still has time left on her contract, and when she tried contacting MD Systems they didn't return her call. Mayor Grimm told Ms. Powell that she would get back with her to discuss her concerns.

Jody Carroll, 13807 Spire View, said she would like to see the City of Saint Hedwig freeze property taxes for people 65 and older, and requested the topic be put on the next

meeting's agenda. She said she was okay with the recent rezoning request for the property on Pittman Road behind her house, especially since the developer had deed restrictions on the property. She also noted that most of the citizens were in favor of the rezoning. Ms. Caroll questioned why City Council did not support the Planning & Zoning Commission's recommendation to grant the request, for if they deemed the plat non-complimentary to the surrounding area, they could have counseled with the owner, and if they would have followed the future land use map, it would have protected her property. She also noted that the people who voted against the rezoning, trying to maintain the five-acre minimum, don't even live near the property, whereas she, living next door and was okay with the smaller lots. Ms. Caroll concluded by responding to the concerns that the rezoning would have created more traffic, stating the City cannot stop the increase in traffic already traveling through the city due to the increase in housing surrounding the city. She said if the City would have followed the future land use map and allowed the rezoning request, it would have brought in more taxes, which could have helped with road maintenance expenses.

8. OLD BUSINESS

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

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

Councilman Dwayne Padalecki said the easement agreement was signed by one of the landowners, but is still awaiting a response from another land owner before allowing the Engineer to begin the bid process. Mayor Grimm added that TxDot would consider an extension of the completion date due to the COVID-19 situation.

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

Mayor Dee Grimm said she would defer discussion on this item to agenda item 9.A. under New Business.

3. Road Review Status

Mayor Grimm said she did not have anything new to add. Councilman Dwayne Padalecki said the Engineer drove the roads last week and are working on the specifications before going out to bid. Engineer Jess Swaim with 6S Engineering said they have completed their survey control for setting up their plans, and have driven and walked the roads for their first field review. He added that although the project does not focus on drainage, there are a few locations where the driveways stand in water, so that issue will be addressed. He concluded that the base plans

are in progress and he will continue to meet with Councilman Padalecki regarding the project.

B. City Park

Councilman Dwayne Padalecki reported that the west park lights will be converted to LED and that he should have some bids by next week for constructing a new fence/gates along the west end of the park.

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

Mayor Dee Grimm reminded everyone of the previous discussion about companies, other than MD Systems, that are providing services within the city. She said a letter was sent to those companies reminding them of the City's exclusive contract with MD Systems, and as a result, the question arose that although the contract states that MD Systems will have the exclusive for residential, commercial and industrial services, they are not providing all those services. Mayor Grimm said she contacted MD Systems several times regarding this issue, but did not receive a response, so she does not know if MD Systems proposes to take on the additional services other than residential, and has concerns about their lack of response. Councilman John Hafner and Councilwoman Susann Baker also voiced their concerns with MD Systems. Mayor Grimm noted that until MD Systems confirms they will also provide commercial and industrial services, the City will not make anyone change their current commercial or industrial service.

D. COVID-19 Coronavirus Update

Mayor Dee Grimm said no changes have been made to the Governor's executive order, so the City will continue to follow it. She also said the number of cases that were reported from Metro Health in the Saint Hedwig zip code were not accurate.

9. NEW BUSINESS

A. Resolution 2009 – Rescission of Conditional Approval of Silesia Subdivision Road Adoption. Rescinds Resolution 1911

Mayor Dee Grimm stated that although the City Council already rescinded Resolution 1911, the approval of Silesia Drive, at a previous meeting, a Resolution was required to formally rescind Resolution 1911. Councilman John Hafner moved to adopt Resolution 2009. Councilwoman Susann Baker seconded the motion. All were in favor. Resolution 2009 was adopted.

B. Proposed Budget – Presentation proposed FY 2020-2021 Budget for council review

Mayor Dee Grimm presented the City's FY 2020-2021 proposed budget to Council for their review.

C. Proposed Tax Rate for 2020-2021 – Consideration and possible action to approve Resolution 2010 authorizing the City Secretary of Mayor to provide the Bexar County Central Appraisal District with the anticipated tax rate that will be considered for adoption by the City Council at a future meeting, as requested by the Bexar County Central Appraisal District, and set date for potential Public Hearing

Mayor Dee Grimm explained that this year Bexar County calculated a "No-New-Revenue", a "Voter-Approval", and a "De Minimis" tax rate for the City. The "No-New-Revenue" tax rate (previously called the Effective tax rate) is a tax rate that would provide the same amount of taxes if applied to the same properties taxed in both years. The "Voter-Approval" tax rate (previously called the Roll-Back rate) provides about the same amount of tax revenue the City spent the previous year for day-to-day operations plus an extra three and one-half percent. The "De-Minimis" tax rate is the sum of a.) the City's no-new-revenue maintenance and operations rate, b.) the rate that when applied to a taxing current total value will impose an amount of taxes equal to \$500,000, and c.) the City's current debt rate. Mayor Grimm also noted that a proposed tax rate exceeding the No-New-Revenue rate would require only one public hearing opposed to two required in previous years; a rate exceeding the Voter-Approval rate could result in a petition to have an election to determine the tax rate; and a rate exceeding the De Minimis rate will automatically require an election to determine the tax rate. As a guide for determining the proposed tax rate, Mayor Grimm advised Council to reference the chart they were given, identifying various tax rates along with the amount of revenue the rate will generate, and the additional costs to citizens. She pointed out to Council that if they want the City to generate approximately the same amount of tax revenue as last year, they would need to adopt the No-New-Revenue rate of \$0.463578. City Secretary, Janice Staudt, clarified to Council that based on calculations per Bexar County, citizens would incur an increase in taxes of \$33.58 per \$100,000 appraised value (not \$0 as shown on the chart), if they adopt the No-New-Revenue rate. Councilwoman Deborah McInerney asked Councilman Dwayne Padalecki what his thoughts were. He said he thinks it's important to maintain the same amount of tax revenue as the previous year for future road repairs, noting the upcoming \$1.5 million dollar road project, although it would be nice to keep the tax rate the same for the citizens during this pandemic year. Councilwoman Susann Baker agreed with Councilman Padalecki and moved to adopt a proposed tax rate of \$0.463578 per \$100,000 valuation, which is equal to the No-New-Revenue rate. Councilman John Hafner seconded the motion. All were in favor. Mayor Dee Grimm confirmed that a public hearing is not required for this proposed tax rate, and noted that Resolution 2010, adopting the proposed tax rate, needs to be amended to reflect that. Councilman John

Hafner moved to adopt Resolution 2010 as amended. Councilwoman Deborah McInerney seconded the motion. All were in favor. Resolution 2010, adopting a 2020 proposed tax rate of \$0.463578, was adopted.

D. Determine Workshop Date for the City Council and the Planning & Zoning Commission to Review Revisions to the Zoning Ordinance

This item was tabled to the next meeting agenda because the Planning & Zoning Commission has not yet completed their recommendations for revisions.

E. Discussion of Green Valley SUD proposed project to service wastewater system to the Clearwater Creek residential District

Mayor Dee Grimm said she received a letter from Green Valley Special Utility District (SUD) asking if the City would be providing wastewater service to the approximately 950 home Clearwater Creek Subdivision. She responded by telling them the City does not provide wastewater services. Upon meeting with Green Valley SUD, she said, the Clearwater Creek Subdivision, located off Trainer-Hale Road, is not located within the city limits nor within Saint Hedwig's Extraterritorial Jurisdiction (ETJ), but Green Valley SUD was required to notify the city closest to the subdivision, which was Saint Hedwig. Mayor Grimm said she expressed concern when hearing the waste water, once processed at the plant, would enter the Woman Hollering Creek and Martinez Creek, but Green Valley SUD assured her it would meet all EPA Standards. Mayor Grimm said she reached out for legal counsel to determine what the City's options are and what the process is for moving forward, for even if the water is clean, it will be adding more water to those tributaries. City Attorney Cynthia Trevino said their firm has had previous experience dealing with Green Valley SUD, so they will make sure all required permits are obtained and the City will be able to request such information from Green Valley SUD, once it becomes available.

F. Internet Services for the City

Mayor Grimm said a citizen had asked if the City would reach out to Spectrum to bring their services into the city, but Mayor Grimm said her position is that the City should not be involved in recruiting such services for the citizens, for that is a private and personal choice. Councilwoman Susann Baker agreed that such service should not be solicited, but suggested that the City invite Spectrum to a City Council Meeting to present their program, which could generate enough interest from citizens to warrant them bringing their service to the City. Mayor Grimm said she was unsure how to proceed with that to assure it is a fair process for other providers as well. Councilwoman Baker said other providers may not provide as good of service, and a reliable service is very important. Councilwoman Deborah McInerney agreed with Councilwoman Baker, for as a teacher, she said virtual teaching may be around for a long time and good internet service is critical, not only to teachers, but to parents and students as well, who also need internet access. She said she believes the City owes it to the community, if it can aid in acquiring this service. Councilman

John Hafner commented that if this service involves changes in the City's infrastructure, then the City should get involved. He added that many companies won't want to even bring their service to Saint Hedwig because of the lack of customers, so the City may consider contributing to the infrastructure costs to entice these providers to bring their service out to Saint Hedwig. Councilwoman Baker added that she didn't think the City should mandate the service, and believes the topic requires further discussion. Mayor Grimm asked Councilman Hafner and Councilwoman McInerney to develop a plan on how to proceed, which they agreed to do.

10. ANNOUNCEMENTS

Councilman John Hafner passed on announcements for Linda Doege with the American Legion, saying the Legion will resume their Chicken Fried Steak Dinners, as drive-through service only, every third Friday of the month, beginning August 21. He said the American Legion will also be doing a school supply drive with donation boxes located at local Saint Hedwig businesses.

11. DETERMINE DATE FOR NEXT MEETING

The next City Council meeting will be held September 3.

12. ADJOURNMENT

Mayor Dee Grimm adjourned the teleconference meeting at 9:01 pm