

Mayor
Dee Grimm

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

City Secretary
Janice Staudt

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APPROVED MINUTES
of the Regular City Council Meeting

June 3, 2021

1. CALL MEETING TO ORDER

Mayor Dee Grimm called the 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. SWEARING IN OF NEW CANDIDATES & MAYOR PRO TEM

Mayor Dee Grimm noted that all the incumbents were re-elected, acknowledging and thanking Councilman Dwayne Padalecki for his 29 years of service. She then swore in Dwayne Padalecki, City Council Place 1; Caid Franckowiak, City Council Place 3; John Hafner, City Council Place 5; and John Hafner as Mayor Pro Tem.

3. READING AND APPROVAL OF MINUTES

The minutes to approve were from the May 6, 2021 City Council Meeting. Councilman John Hafner moved to approve the minutes as written. Councilwoman Susann Baker seconded the motion. All were in favor. The May 6, 2021 City Council Meeting minutes were approved.

4. READING AND APPROVAL OF FINANCIAL SUMMARY

The financial summary to approve was for April, 2021. Councilman John Hafner moved to approve the April, 2021 financial summary. Councilwoman Deborah McInerney seconded the motion. All were in favor. The April, 2021 financial summary was approved.

NOTE: Mayor Dee Grimm called for a change in order on the Agenda, allowing Agenda Item 9.A to be next.

9. OLD BUSINESS

A. CITY MARSHAL POSITION

Mayor Dee Grimm introduced Jerry Airola, the Chief Marshal for the City of Santa Clara, who presented the city with information on the organizational structure and start-up cost for a Saint Hedwig City Marshal Office, along with his proposal to assist the City with establishing such office. Mr. Airola said his career in law enforcement started in 1989 and since then he's owned several successful businesses while continuing his work in different types of law enforcement, to include helicopter police services and working for the Department of Interior establishing police departments for Indian reservations. He said he received his Texas Peace Officer's License in 2014 and helped the City of Nixon rebuild its police department. Mr. Airola said he also set up the Marshal's Office for the City of Santa Clara, where he currently works as their Chief Marshal. Mr. Airola explained how a Marshal's Office differs from a Police Department. He said a Marshal's Office is more of a stand-alone agency, is considered an elected position in Texas, but can be elected by City Council opposed to the general public, and does not require the Marshal to live within the city limits. He said a Marshal's Office is easier for smaller governments for you don't have to have huge oversight, and authority is given to the Marshal's Office to provide policies and procedures for the agency based on what the City wants, whereas Police Departments are much more micro-managed. Mr. Airola added that the authority of a Marshal is county wide, and is the only position that allows county wide authority for everything including traffic citations, however the jurisdiction would fall to the court in which the citation was written, so there's not a lot of incentive to write a citation outside of the city limits. This is beneficial however he said, in cases that may involve areas or people outside the city limits, for jurisdiction or involvement from other counties or cities is not required, allowing the Marshal's Office the ability to handle the entire case. Mr. Airola clarified to Councilman Dwayne Padalecki that the City's Municipal Court would have authority over the City so if a citation occurs within the city, revenues from the citation would stay in the City. Mayor Dee Grimm noted that if appealed, a case could go to a court outside the city. Mr. Airola said setting up a Municipal Court is easy and he helped Santa Clara set up theirs. He said he knows a level III Municipal Court Clerk that could serve as the temporary clerk for the startup of the Saint Hedwig Municipal Court, and in turn, could train someone else for that position. Councilman Padalecki asked how often Santa Clara has its court and Mr. Airola replied once a month. Mr. Airola said Santa Clara uses a program called Netdata, where once a citation is entered by the officer, it goes directly to Netdata, which sends out a letter to the defendant with notification of the court date. When that letter is returned to the City by the defendant he said, the

Court Clerk then sets the fine and logs it onto the City's website, where the defendant can then enter their citation number, view their fine, and enter a plea. If the defendant pleads not guilty, the defendant first has a chance to talk to the prosecutor and work something out before going before a judge in court. Mayor Grimm stated this is the reason the City has not moved forward yet with its Municipal Court, for it lacks the ability to write citations and lacks the appropriate programs to coordinate the citations with the Court. Mr. Airola assured that he would be able to accomplish that for the City, and added that there's a good chance very few of the citations will actually end up in court. He also said that Santa Clara's Marshal's Office focuses on crimes such as illegal trucking (about 70% of their citations) and dumping, opposed to petty crimes which more often end up in court. He said Santa Clara established a truck route through the city and if a truck goes off that route, it is a municipal violation. He noted that a much larger portion of the revenue from a municipal or City Ordinance violation goes to the City rather than the State, unlike a speeding violation, where the majority goes to the State. Councilman John Hafner noted the City's need for Code Compliance enforcement. Mr. Airola said he would not try to make the Marshal's Office a revenue source, but instead believes it should be for compliance and prefers things to run smoothly, without going to court. Mayor Grimm asked Council to review the documents provided by Mr. Airola, who she said is very knowledgeable on setting up a Marshal's Office. She said the process to create a Marshal's Office is fairly complex, thinks it is not something the City could accomplish on their own, and believes the cost for Mr. Airola's proposed services are well worth it. Councilman John Hafner asked why not just appoint someone to be the Marshal instead of going through the process outlined by Mr. Airola. Mr. Airola responded with numerous reasons. He said that if you do that, you can only appoint one officer, that officer wouldn't have the authority to hire a deputy, that officer would not be commissioned by the State of Texas, the State may not recognize him as being a police officer, you wouldn't be able to operate as an agency, the officer wouldn't have the authority to run a license number or even ask the Sheriff's Dept. to run it for him. He said the officer's authority would be like a bailiff or an officer of the court. Mayor Grimm added that she is looking at it long term, to not only fill a Marshal position, but to eventually create a Marshal Department. Councilman John Hafner asked where the Marshal's Office would be located and Mayor Grimm said the back room in City Hall is available. Mr. Airola noted that the office would require an inspection and audit by the Texas Commission on Law Enforcement (TCOLE) before they'll issue a license, to assure that office has all the proper tools, equipment, vehicles, policies, etc. He added that he wrote the policy manual for the City of Santa Clara's Marshal's Office, using the "best practices" template, where a conglomerate of all the top agencies in Texas identified which policies should always be part of an agency's practices. He noted however, that since some of these policies don't always apply to smaller cities, an explanation is required on why/how these policies were revised. Once the inspection and the policy is approved, he said, TCOLE will issue the agency license allowing the appointment of a Marshal, and an Originating Agency Identifier (OAI) can be acquired, allowing the agency to

perform criminal background checks, etc. Councilwoman Deborah McInerney asked how long the process will take and Mr. Airola said usually sixteen weeks or less. Mayor Grimm said that the timeline is not so critical for the City is not growing at a rapid rate, but noted the rapid growth surrounding the City. Councilman Padalecki also noted that because of this growth, there is more traffic passing through the City. Mr. Airola stated that a Marshal's Office should not be created as a revenue source, and when an application is filed with the State of Texas, proof must be provided on why the City needs a stand-alone agency. Once operational he said, the agency will produce about \$135,000 to \$150,000 of revenue per year, but that revenue must be put back into law enforcement, which Mayor Grimm noted, would cover the law enforcement salaries, expenses, etc. Mr. Airola said that law enforcement is a service to the community, and establishing the right law enforcement and finding the right person/people to hire is critical. Mayor Grimm told Council that although it is not in this year's budget to purchase equipment or for hiring, there is room in the budget to begin the process for applications and licensing. Mr. Airola noted it typically takes him 3 months to get an officer hired, for if you do it too fast, you'll probably end up hiring the wrong person. Mayor Grimm confirmed Councilman Hafner's question that what Mr. Airola is proposing to do, is the first step in establishing a Marshal's Office, before actually hiring an officer. Mr. Airola said he could even take the officer's position, if necessary, in order to get the agency going, until the person the City actually wants in that position is found, at which time he would step down. Councilwoman Susann Baker moved to accept Mr. Airola's proposal to establish a Marshal's Office for the City of Saint Hedwig. Councilwoman Deborah McInerney seconded the motion. Councilman John Hafner asked how much this process will cost. Mayor Grimm asked him to reference Mr. Airola's proposal, pointing out that his consulting fee rate is very reasonable. Councilwoman Susann Baker said she felt it was worth it since the City could not accomplish it on their own. Mayor Grimm then asked Council who all was in favor to accept Mr. Airola's proposal. All were in favor. Mr. Airola's proposal was approved.

6. REPORT FROM CODE COMPLIANCE

Code Compliance Officer Kim Fornof presented the May report.

Ms. Fornof informed that the City abides by Bexar County's standards for the installation of driveway culverts, and those culvert details can be found on the City's website. Councilman Dwayne Padalecki added that it's Council's responsibility to advise Ms. Fornof if they notice any new construction requiring a culvert, so she can be sure it gets installed. Ms. Fornof also said that she has encountered a new issue, where after a permit has already been issued, the owner determines they can't afford to build it, and resubmits revised plans. She said a permit re-issuing fee needs to be established for this situation, to cover the cost of another plan review that would be required. Councilman Dwayne Padalecki asked for clarification on Item #1 on Ms. Fornof's report. Mayor Dee Grimm said that when open records requests are received for information over a period of time, these requests are usually not local and are from data collection agencies. Ms. Fornof agreed and said she

thinks they were just wanting to be sure the City is being fair about things. Councilman Padalecki also asked if the location of Item #3 on Ms. Fornof's report was on or near Silesia Drive. Ms. Fornof said the caller was not specific, but noted that Silesia Subdivision maintains an individual who reviews and approves what is built within the Silesia Subdivision. Concerning Item #8 on Ms. Fornof's report, Mr. Padalecki asked if the American Legion requested the Special Use Permit to install the cellular tower on the American Legion Property? Mayor Grimm responded that it was the cellular tower company that requested it. Councilman John Hafner added that the American Legion is still in negotiations with the cellular tower company. If an agreement is made, Mayor Grimm noted, the American Legion would need to be the one to request the special use permit, not the cellular tower company. Councilman Padalecki asked if the person in Item #9 on Ms. Fornof's report was a resident. Ms. Fornof replied that she didn't know, but although he was inquiring about properties outside the city limits, she still informed him of the City's ordinances regarding his questions. Councilman Padalecki then referenced Item #12 on Ms. Fornof's report and said the City needs to start getting the names of the people from the Fire Marshal's office who are referring people back to the City. Mayor Grimm said she will be speaking on this issue later on the agenda.

For a complete report, see it on our website at sainthedwightcity.com under "Building & Development", "Code Compliance".

7. REPORT FROM PLANNING AND ZONING

Planning and Zoning (P&Z) Commission Chairman Mr. Charles Mais reported that their last meeting was June 1. He said that Ms. Yasmin Gutierrez with the San Antonio River Authority gave a presentation regarding the Flood Insurance Rate Map, and she said the City is in no danger of a flood insurance rate increase. He said Ms. Gutierrez provided the following websites for citizens to reference:

- <https://msc.fema.gov/draft>
(To view draft mapping data now)
- <https://msc.fema.gov/fmcv>
(To view preliminary mapping data and comparison of changes during Preliminary phase later)
- <https://sara-tx.maps.arcgis.com/apps/webappviewer/index.html?id=0b13614f13124257bfe589a459ba84fe>
- <https://www.fema.gov/risk-mapping-assessment-and-planning-risk-map>
(Provides information on Risk MAP)

Mr. Mais said the P&Z Commission's next meeting is June 22 to refresh their memory on the Zoning Ordinance revisions/changes they are proposing. He added that the P&Z Commission would like to meet with the City Council in July to discuss those changes.

8. 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.

Wanda Polasek, 13810 Nave Way, said she didn't mind the shipping containers, to be used at the proposed soccer fields on FM 1518 (whose special use permit was previously approved), but suggested decoratively covering them like the Block House did, or even painting the containers, would help aesthetically.

Connie Low, 15040 New Berlin Rd, wanted to inform everyone of the new Sewer Plant going in on Stapper Road, where 400,000 gallons per day will go into the Woman Hollering Creek, which in turn goes into the Martinez Creek, which in turn goes into the Cibolo Creek. She is concerned that with the increase of water into these creeks, that the water may wash out the roads and that water may always be over the road at these creek crossings. She said citizens can go to the Texas Commission on Environmental Quality (TCEQ) website, <https://www.tceq.texas.gov>, for information and to file a protest. Mayor Grimm responded that the City is aware of this subject and is working with the City Attorney to keep track of its status and how it impacts the City.

9. OLD BUSINESS

B. Roads

1. Road Report

Councilman Caid Franckowiak reported things have been busy due to the rain and the shredding & spraying of the road right-of-ways will begin once it dries up. Councilman Dwayne Padalecki informed Council that the City's tractor is very old and in need of repair, but he believes the City should just purchase a new one, so he will bring estimates for a new tractor to the next meeting. He added, that until a new tractor is purchased, Mr. Ronnie Mills will be using his own tractor for shredding, spraying and tree trimming the City's right-of-ways.

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

City Engineer, Mr. Jess Swaim with 6S Engineering, reported that due to the rain, the Contractor has only had about eight working days on the project. He said the Contractor will be pumping out the sight so work can continue. Councilman Dwayne Padalecki said Council should decide whether to just close the road during construction, after an 18-wheeler truck got stuck trying to go through during the rain. Councilwoman Susann Baker said if they close the road, it shouldn't be any more of an inconvenience than when Miller Road was closed for the new bridge, plus Mr. Swaim acknowledged that the project

would proceed quicker if the road was closed. Mayor Grimm said that it was an administrative decision, and directed Mr. Swaim the close the road during construction. Mr. Swaim added that it would be safer too if the road was closed and will have the Contractor put up barricades. Councilman Padalecki also asked for detour signs to be put up. Mayor Grimm notified Council that the project deadline was extended by TxDOT to September 30, 2021.

3. Silesia Drive – Update on Silesia Drive Deficiency Issues

Mayor Dee Grimm said there is no update at this time.

4. Status of 2020 Roadway Rehabilitation Project

City Engineer, Mr. Jess Swaim with 6S Engineering, reported that the project is substantially complete and it will come in under budget. He said he'd like to have the Contractor however, lay one more course of asphalt and additional surfacing of grade 4 rock, which should help with the hotter months.

5. 2021 Roadway Rehabilitation Project

City Engineer, Mr. Jess Swaim with 6S Engineering said they are ready to bid the job next week. He said the cost estimate is \$870,000 and would like to also bid a contingency or add alternate for reclamation for roads that have certain distresses, which Councilman Dwayne Padalecki said pertained to Kusmierz Road, east of FM 1518. Mr. Swain explained that reclamation is where a piece of equipment mills the existing pavement in place, while mixing an emulsion with it, which is then rolled and smoothed back out on the road before another 2 inches of asphalt is applied on top. He said he hopes this alternate bid will save the City some money. Councilman Padalecki noted that this project will include Kusmierz Road (both sides of FM 1518), Kajec & Oz Way (in Quail Creek Subdivision), and Saint Hedwig Road (from the baseball fields to the Wilson County Line). Mr. Swaim said he'd like to start advertising for bids on Monday, have a pre-bid meeting on June 21, and open bids on June 29, at which time he can make a recommendation to Council. Councilman Padalecki also noted that Kusmierz Road, east of FM 1518, ends in a long gravel private drive, but this road rehabilitation project only includes the city road, so the exact location where the city road ends and the private drive begins will be determined.

C. City Park

Councilman Dwayne Padalecki had nothing to report.

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

Mayor Dee Grimm said since we are finally able to have in-person meetings again, she asked City Council and the Planning and Zoning Committee to let her know what days in July they are available for the workshop, probably in the evening, for about two hours, or perhaps on a Saturday. She added that it is not a public hearing, although citizens are welcome to sit in and listen.

E. Internet Services for the City

Councilman John Hafner said he's still gathering data.

F. Recycling Program for Frontier Waste Solutions Customers

Mayor Dee Grimm said interest to have a recycling program was expressed by some citizens, so Frontier Waste Solutions presented the city with several recycling options and costs at the last City Council meeting. She said due to cost effectiveness, it would have to be where either everyone or no one participates, and the City does not want to mandate it. Councilwoman Deborah McInerney said she is working with Frontier Waste Solutions on ways to survey the customers to see what they want. Councilman Dwayne Padalecki reminded Councilwoman McInerney that Council will want to review the survey before it is sent out.

G. Update on COVID-19 Coronavirus

Mayor Dee Grimm announced that this evening was the last of the City of San Antonio's nightly news conferences regarding COVID-19, and noted how impressed she was by the Mayor's and Judge's diligence to hold these conferences nightly. She happily announced that now that things are getting back to normal, this item will be removed from the agenda.

H. City Investment Policy

Mayor Dee Grimm said the State requires the City to have an Investment Policy and an Investment Officer, assuring investments, if any, that the City makes are safe and secure. This new Investment Policy (drafted by the City Attorney) she said, directs who has delegation of authority, which is the Mayor and the Financial Officer, and that they must acquire investment training. She said the policy also assures internal controls are in place for the City. Mayor Grimm presented the Council with Ordinance 2107 to adopt the new Investment Policy. Councilman John Hafner moved to accept Ordinance 2107. Councilwoman Deborah McInerney seconded the motion. All were in favor. Ordinance 2107 was adopted.

Funding from American Rescue Plan Act of 2021

Mayor Dee Grimm said the American Rescue Plan Act authorizes funding to cities to help with regrowth after COVID, and Saint Hedwig was awarded \$540,000. She said the use of the funds is limited, and the only thing the City can use it for is broadband development. The problem she added, is that because the area of Saint

Hedwig is so large compared to the number of residents, no companies want to bring their internet service to Saint Hedwig because the cost for infrastructure outweighs the profits. However, Mayor Grimm said, now that the City has received the funding, it can assist with infrastructure costs, making the opportunity to bring internet service to the City more inviting to internet companies. She said the City is currently working with GVEC to acquire internet service for the City.

J. Memorandum of Understanding (MOU) with Bexar County for Multiple Services; Animal Control, Fire Marshal and Public Works

Mayor Grimm said she feels the City is not receiving the appropriate services or quality of services from Bexar County and she's had conversations with the County Commissioner about her concerns. Regarding enforcement for fire related issues, she said she spoke with Chief Lopez with the Bexar County Fire Marshal's Office to expand on the existing MOU the City has with them to include enforcement and other issues. Mayor Grimm said his response was that the City would first need to accept a higher level building code. She reminded Council that updating the City's code was discussed several years ago, but the fire department said if they did so, it would make it too hard for citizens to meet the requirements of the newer code. Councilman Dwayne Padalecki confirmed that this was pertaining to commercial, not residential use. Mayor Grimm also reminded Council that when Tradition Elementary was built, the County Fire Marshal asked the Fire Department what code they were using, and when they replied 2006, the County Fire Marshal said that was inadequate for a new school. She said the Fire Department has been invited to attend the City Council meetings for several years to give an update on their services, but they have not shown up. She noted that although they are located in Saint Hedwig, they are part of the Bexar County Emergency Services District (ESD), and not part of the City. Councilwoman Susann Baker commented that the citizens pay taxes to support them so why wouldn't they want to support the City. Mayor Grimm agreed and said she doesn't know ESD's thoughts on bringing the City's Fire Code up to date, but there are probably other areas that they serve that use the latest Fire Code. Councilman Dwayne Padalecki suggested that the City find out what Fire Code the surrounding cities are using and update to that. Mayor Grimm said she feels the ESD should not dictate what code the City should be using, but instead, the City should use the code that's best for its citizens. The other issue that arose she said, was concerning a banner on the City's website stating to call the Fire Department about burn ban info, which she said the Fire Department originally told the City to do years ago. Mayor Grimm said she received a letter from ESD's attorney saying the City must remove that information for ESD does not issue or enforce burn bans, so the City changed it to have citizens call the Bexar County Fire Marshal's Office instead of the Fire Department. She said the Fire Marshal's office said they can issue burn permits but they don't have the authority to enforce them in Saint Hedwig. Councilman Dwayne Padalecki said you just need to look on the Bexar County Fire Marshal's website to see if and when you can burn. Mayor Grimm agreed, but if the City wants to enforce that, animal control, or other compliance she said, it must have law enforcement, such as a City Marshal to do so. She emphasized that she's not

trying to throw the Fire Department or the Fire Marshal's office under the bus for she appreciates all that they do, but is just pointing out the gaps between what the Fire Department can do and what the Fire Marshal can do for the City. She said she will continue working on an MOU with Bexar County and will look into the difference between the 2006 code the city is currently using vs. the 2015 code, and how it would impact the citizens. Councilman Padalecki asked if Bureau Veritas could educate Council on the difference between the codes. Code Compliance Officer Kim Fornof suggested to add it as an agenda item and noted it was discussed about four years ago and that the current electrical code must be used. Mayor Grimm asked Ms. Fornof to see if Bureau Veritas could attend the next City Council meeting.

L. Extending Work Hours for City Staff

Mayor Dee Grimm said it is becoming apparent that the City is growing and asked Council to provide funds in the fiscal year 2021-2022 city budget to increase staffing for the city. Councilman Dwayne Padalecki agreed and noted the amount of hours that the city council volunteers and said he thinks a full time city manager will soon be needed. Mayor Grimm said she and half the city council recently spent the afternoon checking on the roads during the heavy rains due to the lack of maintenance staff. She said she will put together a proposal for more city staff to present to Council at the next meeting.

10. NEW BUSINESS

A. Urban County Renewal (2022-2024)

Mayor Dee Grimm said the U.S. Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program from federal government provides funding to local jurisdictions to help with community development, and in the past the City has participated in it. But as long as she's been in office she said, the City has not received any funds from it. She said it time for Council to decide if they want to renew the City's participation in this program. Councilman Dwayne Padalecki said the only way the City can qualify for a grant through this program is if the average household income is a certain level, and the City has never qualified in the past. Mayor Grimm confirmed that this program is mainly for lower income urban populations. Councilman Dwayne Padalecki moved that the City not renew its participation in the HUD CDBG program. Councilman Caid Franckowiak seconded the motion. Councilman Padalecki added that the City is financially sound and really doesn't need any grant money. Councilwoman Susann Baker added that grant money usually comes with many requirements and stipulations, and the City may not want to deal with any of that anyways. Mayor Grimm then asked for Council's vote. All were in favor, so the City will not renew its participation in the U.S. Housing and Urban Development Community Development Block Grant program 2022-2024.

11. ANNOUNCEMENTS

Councilwoman Deborah McInerney announced that County Line Band is planning a concert in the park on July 4.

12. DETERMINE DATE FOR NEXT MEETING

The next City Council meeting will be held July 8, 2021.

Councilman Dwayne Padalecki asked Mayor Grimm to invite AT&T to the next council meeting to discuss their open (unfinished) projects within the city, which are allowed for 90 days, but these have been ongoing for months. He added that AT&T needs to be held accountable and reminded Council how other entities are required to get permission from the City before boring under a City Road, so AT&T should require permission whenever they want to perform any type of underground work within the city. Councilman Padalecki noted AT&T wires sticking out of the ground at N Lupon and Graytown Roads, and also across from the Hebron Church, which have been exposed for 4+ months. He said he asked an AT&T technician who to call about that and the technician provided a phone number. He added that the City Secretary tried calling the number and after 30 minutes of being transferred from one department to another, was unable to get any assistance. Councilman John Hafner said he also experienced difficulties trying to contact AT&T. Mayor Grimm said she will try to find a name of a local AT&T representative and write them a letter.

13. ADJOURNMENT

Mayor Dee Grimm adjourned the meeting at 9:58 pm