

**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

August 12, 2021

**1. CALL MEETING TO ORDER**

Mayor Dee Grimm called the meeting to order at 7:33 pm.

**2. ROLL CALL AND ESTABLISH A QUORUM**

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

**3. READING AND APPROVAL OF MINUTES**

The minutes to approve were from the July 8, 2021 City Council Meeting. Councilwoman Deborah McInerney moved to approve the minutes as written. Councilman Caid Franckowiak seconded the motion. All were in favor. The July 8, 2021 City Council Meeting minutes were approved.

**4. READING AND APPROVAL OF FINANCIAL SUMMARY**

The financial summary to approve was for June, 2021. Councilman John Hafner moved to approve the June, 2021 financial summary. Councilman Dwayne Padalecki seconded the motion. All were in favor. The June, 2021 financial summary was approved.

**5. REPORT FROM CODE COMPLIANCE**

Code Compliance Officer Kim Fornof presented the July report via teleconference.

Ms. Fornof said she continues to receive a lot of calls from people in the City's extraterritorial jurisdiction (ETJ), but most recently, concerning alarm monitor permits. She said she told the callers to ask ADT (the company from whom they received a letter about

this matter), where they saw this requirement. She added that she's not aware of Bexar County wanting such permits and Saint Hedwig does not require them.

Councilman Dwayne Padalecki asked for more detail on Item#5 on the report. Ms. Fornof said apparently realtors are requesting permits, when putting a property up for sale, and she has heard that they were not going to include any non-permitted structures in the appraisal. She said she foresees a problem with this, for to her knowledge, permitting in unincorporated Bexar County areas is optional, and thinks it's just a current trend.

Councilman Padalecki also asked what type of containers are referenced in Item#10 on the report. Mr. Fornof said she still hasn't received the plans and has not permitted anything yet, but believes it's two 40-foot containers and two trailers. She added that she informed them that the containers/trailers could be temporary, but not permanent, and will keep tabs on that. Councilman Padalecki asked if she knew what type of trailers those were. Ms. Fornof said house trailers, but said she informed them of the zoning requirements. She said she has not received any plans yet on that.

Councilman Padalecki also asked if Item#11 & 14 on the report were the same person. Ms. Fornof said they were different.

Councilman Padalecki asked Ms. Fornof how much of her time is spent dealing with inquiries from the ETJ, and she responded, at least half of her time. Ms. Fornof added that it's a problem, for the homes for sale in the ETJ are listed as being in Saint Hedwig, but that's only the address, and they're actually not within the city limits. Councilman John Hafner suggested contacting the home owner associations in the ETJ to educate them on this matter. Mayor Dee Grimm agreed and said she'd work on that.

For a complete report, see it on our website at [sainthedwigcity.com](http://sainthedwigcity.com) under "Building & Development", "Code Compliance".

## **6. REPORT FROM PLANNING AND ZONING**

Planning and Zoning (P&Z) Commission Chairman Mr. Charles Mais reported that the P&Z Commission has not met since the workshop with City Council to review proposed changes to the City's Zoning Ordinance, and is awaiting feedback from the City Council. Mayor Dee Grimm said there were some items that required the City Attorney's attention, so she's waiting on those responses before scheduling another workshop.

## **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.

Edward (E.J.) Cielencki, 655 N Graytown Rd, voiced his concerns about the proposed cellular/internet tower to be constructed on the American Legion property. He said although it was voted down by the American Legion, he fears it could still be built in the future. As a

long-time resident he said, not only would it be unsightly and overshadow everything else, but such towers attract buzzards, which are a major nuisance. Mr. Cielencki brought photos of another tower, which harbors buzzards, for the Council to view.

Dwayne Nicholson, 3520 Abbott Rd, said since all the new construction occurred on the north side of Abbott Road, he has had a flooding issue on his property, which he's never had for the past 5.5 years he's lived there. He said he tried contacting Bexar County, who said they would have flood control contact him, but has not had a response from them yet. Mr. Nicholson also voiced his frustration about the noise from the new construction across the street from him and his concerns about speeding traffic on Abbott Road. Mayor Dee Grimm shared the fact that the City has been in contact with County Commission Tommy Calvert concerning the flooding issue, and will contact him again. She also said the City will be acquiring a City Marshal soon, who will be able to address your speeding concern. Mayor Grimm also stated, that since the new construction is in the City's extraterritorial jurisdiction (ETJ), there is nothing the City can do, per Texas law, about the noise situation. Mr. Nicholson added, that there's a lot of truck traffic using FM 1518 as a shortcut from IH-10 to Loop 1604, and believes weight limit signs should be erected. He also pointed out that at the intersection of Graytown and Abbott, people think it's a 4-way stop, but it isn't, so he would like to see it either become a 4-way stop, or erect signs on Abbott Rd warning motorists that cross-traffic does not stop.

Christopher Herron, 3928 Abbott Rd, asked for clarification on a rumor he heard that the City wanted to change their Ordinance's 5-acre requirement to 1-acre. Mayor Dee Grimm responded that she has not heard that rumor, but it is definitely not true. She added that the City spent a great amount of time developing their future land use map, with much consideration from citizen input, and there are no plans to change that 5-acre requirement. Mayor Grimm noted however, that the City doesn't have any jurisdiction in its ETJ concerning zoning, and cannot control its rapidly developing growth. She did say though, that when citizens voice their concerns, it makes a difference, and the City takes note of it.

## **8. OLD BUSINESS**

### **A. Roads**

#### **1. Road Report**

Councilman Caid Franckowiak reported that a citizen had concerns of motorists running into the fence on their property at the "S" curve of Lupon Rd, so he recommended that the City erect signs, warning motorists of the sharp curves in the road at that location. He also reported that the shredding along the roads has been completed, spraying will begin, and then another round of shredding will occur. Councilman Dwayne Padalecki added that due to liability concerns, it is difficult for Council to have a guardrail installed in front of someone's fence at such sharp turns in the roads, so at best, signage can be installed, and suggested maybe installing signs with blinking red warning lights. Councilwoman Deborah McInerney pointed out that there are a bunch of potholes on Miller Road near the 3-way stop, even though road

maintenance as recently performed there. Councilman Franckowiak responded that that work is still pending completion, but should be resolved.

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

Mr. Joe Cantu with 6S Engineering reported that verticals and top deck of the bridge should be poured by the end of next week. Mayor Dee Grimm reminded him of the end of September deadline, but said she can request another extension if needed due to all the rainfall in the past months.

## **3. Silesia Drive – Update on Silesia Drive Deficiency Issues**

Mayor Dee Grimm said litigation is still ongoing, a letter was sent to the plaintiff regarding the City's settlement conditions, and she's waiting on the plaintiff's response.

## **4. Status of 2020 Roadway Rehabilitation Project**

Mr. Joe Cantu with 6S Engineering said he wasn't very familiar with this project, but understands that negotiations are underway with the Contractor to resolve the issues and complete this project.

## **5. 2021 Roadway Rehabilitation Project**

Mr. Joe Cantu with 6S Engineering reported that this project is underway, starting with the roads where base repair and a two-course treatment will be applied. Councilman Dwayne Padalecki confirmed that the City will receive plans on where the base repairs will be made. Mr. Cantu added that it will be about 2-3 weeks before they will start on the roads using the reclamation process.

## **B. City Park**

Councilman Dwayne Padalecki reported that new concrete bench pads will be poured, along with concrete around some junction boxes in the ground, to prevent damage to them when driven over.

## **C. Update on Internet Services for the City**

Councilman John Hafner said that he has been in contact with GVEC and that along with funds from the American Funds Rescue Plan Act, there may also be funds available to the City in the Infrastructure Bill. He said these funds should help offset GVEC's costs enough to negotiate an agreement with them, at which time the City can determine whether to have the service installed in phases or just do it all at once. Councilman Dwayne Padalecki noted, that on the west end of the City, Starlink satellite internet service should be available now, if not soon, which

offers a speed that's six times greater than other services. Councilman Hafner said he would check into that.

#### **D. Update on Recycling Program for Frontier Waste Solutions Customers**

Councilwoman Deborah McInerney said Frontier Waste Solutions is not able to fit a survey link on their billing card, so another survey method will need to be considered. Mayor Grimm suggested adding it to the fall cleanup flyer.

#### **E. Update on Funding from American Rescue Plan Act of 2021**

Mayor Dee Grimm said receiving the funds for this is more complicated than anticipated, but she is actively working on it.

#### **F. Update on Memorandum of Understanding (MOU) with Bexar County for Multiple Services; Animal Control, Fire Marshal and Public Works**

Mayor Dee Grimm reminded everyone that in order to obtain a MOU with Bexar County, that the City would need to update its fire code to the 2015 code. Since the City has agreed to do that, she said, she's reached out to Bexar County, but hasn't received a response from them yet, so she'll continue to pursue this issue.

#### **G. Status on Establishing a City Marshal's Office**

Mayor Dee Grimm said the City Attorney has reviewed the agreement with Mr. Airola, and determined that since Mr. Airola is already a Marshal for the City of Santa Clara, he cannot serve as an interim Marshal for the City, so changes were made to the agreement where he would just serve as a Consultant to the City to help establish a City Marshal's Office. She said the Office would need to be established before hiring a Marshal, which should take a couple of months, and the City has budgeted funds in next fiscal year's budget to do so.

#### **H. Update on Green Valley SUD Clear Creek Subdivision Waste Water Treatment Plant**

Mayor Dee Grimm said this is a growing concern for citizens, and as discussed at the last City Council meeting, the Council felt there was enough concern to petition the Texas Commission on Environmental Quality (TCEQ) in protest against the Clear Creek Subdivision wastewater treatment plant. She added that there are two other cities in the area that are also contesting it, who have hired a law firm in Austin to represent them, and she, along with the City's Attorney will meet with the law firm to find out who the other cities are, what the basis of their litigation is, and what the lawyer's concession will be. Mayor Grimm said she will then present that information to Council so they can decide what next steps they want to take. She also noted that on September 14, a Public Hearing will be held by TCEQ, which she will be attending, and Council can determine whether they want her to attend on behalf of the City. If so, she added, a statement needs to be

drafted for her to present, on what the City's position is on this matter. Councilman John Hafner commented that Saint Hedwig is not Bexar County's dumping ground for wastewater, waste treatment plants, or run-off water, all of which cause problems for Saint Hedwig constituents, and he believes it is worth the fight against it. Mayor Grimm noted that these problems are not being generated from areas in Saint Hedwig, but rather, from areas in its extraterritorial jurisdiction (ETJ). She said the City's Officials are elected by the citizens and should represent their concerns, but noted it will be a lengthy process to fight it. She added, that of all the cities affected by this, Saint Hedwig is the most affected, for this wastewater treatment plant's discharge will dump directly into waterways that flow through the City, causing concern for the farmers and ranchers who rely on this water for their livestock and crops. Mayor Grimm concluded that she believes it is important to have a large citizen participation at the upcoming Public Hearing and encourages everyone to attend.

### **I. AT&T's Unfinished Projects in Saint Hedwig**

Mayor Dee Grimm noted that not much progress has been made on this issue. Councilman Dwayne Padalecki said the City Attorney also had a hard time trying to locate the appropriate AT&T representative, but was able to provide several contacts to pursue. He said if the City is unsuccessful making contact with them, he will then, with the approval of the Mayor, have the Attorney try again, for his goal is to have an AT&T representative come to a City Council meeting to discuss protocol. He said he believes the City needs to put something in place that requires AT&T to notify the City when they perform any work within the city limits, so there is record of what work is being performed and the date the work started. Councilman John Hafner added that he may be able to locate the appropriate contact and will look into it.

## **9. NEW BUSINESS**

### **A. Handicap Restroom for Park**

Mayor Dee Grimm said she received a letter from a woman who said she attended the July County Line Band concert in the park, but because of her mobility issue, was not able to use the port-a-potty, and the circumstance ended up being problematic for her. Councilman Dwayne Padalecki reminded everyone that next fiscal year's budget money for the park will be used to construct a small restroom facility on the west end of the park, where existing utilities (electric, water, and septic, if still good) will be utilized. He said the restrooms will be similar to the ones in Universal City's Veterans Park and will be compliant with the American Disabilities Act (ADA). Mayor Grimm noted however, that if the City's intent of the existing port-a-potty is to provide access to it for people in the City Park, then that is a service the City provides to the public, and per the ADA, it must be handicap accessible. If that is the case she said, then the City needs to look into acquiring a handicap port-a-potty.

## **B. Proposed Budget – Presentation of the Proposed FY 2021-2022 Budget for Review**

Mayor Dee Grimm reminded Council that this agenda item is for discussion only and commenced reviewing the proposed budget with them. She noted changes from last year's budget, to include funds for a new tractor and implements, an increase in personnel/Mayor hours/salaries, a new maintenance position, a City Marshal's Office, a municipal court, and road maintenance projects. Councilman John Hafner questioned if there's a need of funding for a Municipal Court Judge and possibly a City Manager, but it was determined that there probably wouldn't be a need until maybe the following fiscal year. He also asked why nothing was budgeted under alcohol sales tax, for there is a business that sells alcohol in the City. Mayor Grimm said she would look into that.

## **C. Proposed Tax Rate for 2021**

Mayor Dee Grimm asked Council to review the chart provided to them as an aid in their decision on a proposed tax rate. She explained that the No-New-Revenue, Voter Approval and De Minimis tax rates are calculated and provided by Bexar County and explained how the amount of tax revenue the City will receive is based on the tax rate selected, as indicated on the chart. She noted that if the same tax rate as last year is selected, the rate would be a higher than the No-New-Revenue rate, the City would receive approximately \$27,000 more in tax revenue, but the citizens would not see an increase in their taxes unless their appraisal value increased. Mayor Grimm also noted that if the tax rate selected is higher than the No-New-Revenue rate, a Public Hearing will be required. Councilman John Hafner moved to keep the 2021 proposed tax rate the same as the 2020 tax rate, and to approve Resolution 2108 accepting a 2021 proposed tax rate of \$0.463578 per \$100 valuation. Councilman Dwayne Padalecki seconded the motion, and added that the City really needs the additional tax revenue to maintain the constant need of road repairs, especially due to the increase in traffic coming through the City. Mayor Grimm proceeded with a roll call vote as follows: Council member Place 1, aye; Place 2, absent, Place 3, aye; Place 4, aye; and Place 5, aye. All Council member present were in favor. Resolution 2108 was approved, authorizing a 2021 proposed tax rate of \$0.463578 per \$100 valuation.

## **10. ANNOUNCEMENTS**

Wanda Polasek announced that the American Legion Auxiliary collected and will be delivering three large boxes of donated school supplies to East Central School District and three large boxes to La Vernia School District.

Mayor Dee Grimm announced that former Councilman Frank Arevalo passed away. Councilman Dwayne Padalecki noted that Mr. Arevalo was instrumental in the establishment and construction of City Hall, he donated the flooring in City Hall, and donated the first circular concrete walkway in the city park. He also acknowledged Mr. Arevalo's many years

of devotion to the City as Councilman. Councilman John Hafner also noted that Mr. Arevalo was a devoted and generous member of the American Legion Post 2.

City Secretary Janice Staudt complimented Laura Strzelczyk on her fabulous job of bringing the City Hall tile floors back to life with numerous coats of new wax. Great job Laura!

#### **11. DETERMINE DATE FOR NEXT MEETING**

The next City Council meeting was scheduled for September 9, 2021, immediately following a 7:00 pm Budget and Tax Rate Public Hearing.

#### **12. ADJOURNMENT**

Mayor Dee Grimm adjourned the meeting at 9:11 pm.