

**Mayor**  
Dee Grimm

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

**City Secretary**  
Janice Staudt

**CITY OF ST. HEDWIG**  
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**APPROVED MINUTES**  
of the Regular City Council Meeting

October 7, 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, Councilwoman Deborah McInerney and Councilman John Hafner. Councilman Caid Franckowiak was absent. A quorum was established. Janice Staudt presided as City Secretary.

Also in attendance was City Attorney Cynthia Trevino.

**3. READING AND APPROVAL OF MINUTES**

The first set of minutes to approve were from the September 9, 2021 Budget and Tax Rate Public Hearing. Councilman John Hafner moved to approve the minutes as written. Councilman Dwayne Padalecki seconded the motion. All were in favor. The September 9, 2021 Budget and Tax Rate Public Hearing minutes were approved.

The second set of minutes to approve were from the September 9, 2021 regular City Council Meeting. Councilman John Hafner moved to approve the minutes as written. Councilwoman Deborah McInerney seconded the motion. All were in favor. The September 9, regular City Council Meeting minutes were approved.

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

The financial summary to approve was for August, 2021. Councilman Dwayne Padalecki moved to approve the August, 2021 financial summary. Councilwoman Susann Baker seconded the motion. All were in favor. The August, 2021 financial summary was approved.

## **5. REPORT FROM CODE COMPLIANCE**

Code Compliance Officer Kim Fornof presented the September report via teleconference. Councilwoman Susann Baker asked Ms. Fornof to confirm that the City does not require alarm permits. Ms. Fornof confirmed that the City does not require alarm permits and added that she has received numerous calls inquiring about that. Council had no further questions.

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

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

Planning and Zoning (P&Z) Commission Chairman Mr. Charles Mais reported that P&Z is waiting on Council to determine a date for a 2<sup>nd</sup> Joint Workshop to review the zoning ordinance proposed changes. Mayor Dee Grimm said she had been waiting on a response from the City Attorney concerning questions from the 1<sup>st</sup> Joint Workshop, which she has finally received, so the 2<sup>nd</sup> Joint Workshop is tentatively scheduled for October 27.

## **7. REPORT FROM DIRECTOR OF PUBLIC SAFETY**

Mr. Jerry Airola said a City Marshal will normally report on the statistics for the past month, such as number vehicles stopped, number of citations written, arrests made, etc., and will also provide detailed answers to any questions Council may have, unless it is confidential. He said he's been working on writing a policy book for the new Marshal's Office and the State requires certain policies be included with the application. He also noted that standard operating procedures are part of the policy and need to be very specific. Mr. Airola said once he has completed the policy book, he will provide a copy to Council and ask for their input. He noted that there are seventeen items he needs to do to acquire a license for the Marshal's Office, but once a Marshal is sworn in, the Marshal has authority, but with limited powers until the Marshal's Office is established as a State Agency. Mr. Airola said he is getting ready to submit the application to the State to secure a license, and then will push to get the required inspection done by the end of the year. He said the inspection is an on-site inspection, and upon approval of the inspection, a license is usually issued within a couple of days. He added, that out of the seventeen required items on his proposal, eight of them are complete or partially complete, and of the nine policies required for the State, eight of them are complete. Mr. Airola said he will also need agreements with Bexar County Sheriff's Dept. for them to house prisoners and to provide radio dispatch, which the State requires before they will issue a license. He went on to say he was able to acquire a 2015 4-wheel drive Chevy Tahoe for the Marshal's vehicle, which is already equipped with most of the required equipment needed, and the cost will be under budget.

## **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.

Gary Rose, 224 Green Valley Loop, Cibolo, Texas, introduced himself as a Green Valley Special Utility District (GVSUD) rate payer, and notified everyone of the upcoming GVSUD Board of Directors election on November 2. He voiced his reasons for his opposition of two of the current board members, whom he said lack fiscal responsibility and oversight of Green Valley. He also informed everyone of a Facebook page, which keeps Green Valley rate payers informed on Board issues. Mr. Rose said there are two positions on the Board that are open and announced his endorsement of candidate Steve Cooper and James Hendrix for those positions.

Doug Thomas, 378 N Graytown Rd, expressed his concerns about speeding traffic, potholes, and shredding. Mayor Grimm said the City's tractor has been down, so Mr. Thomas requested that maintenance at least weed eat the tall grass around the stop signs at N Lupon and Miller.

Nick Sherman, 653 Padova, Cibolo, introduced himself as a sitting GVSUD Director, and as the one counter-vote on the Board on many issues, and made it clear that he is representing himself here, and not GVSUD. He said he attended the recent Texas Commission on Environmental Quality (TCEQ) public hearing on the proposed GVSUD Clear Creek Subdivision waste water treatment plant, but did not vote in favor of the project. He invited everyone to attend the GVSUD meetings held on the 3<sup>rd</sup> Thursday of every month at 9:00 a.m., or submit comments to the Board via his email, nsherman@gvsud.org, and he will read them at the meetings. All Board member emails he said, can be found on the GVSUD website.

James Hendrix, 332 Blaze Moon, Cibolo, voiced his issues with GVSUD, to include their lack of customer service, transparency, and communication, along with double billing, inaccurate meter readings and low water pressure. He also voiced his frustration with GVSUD Board meetings, and particularly their rushed approval of the bond and contractors for a new \$22,000,000 office building in Marion. He added that they don't stream or record their meetings, or take accurate meeting minutes, and that 70% of their discussions are taken into executive session. Mr. Hendrix then stated what he would do if elected, and asked that GVSUD rate payers vote for Steve Hendrix for open position 1, and for himself for open position 2, on the GVSUD Board of Directors.

## **9. OLD BUSINESS**

### **A. Roads**

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

Councilman Dwayne Padalecki followed up on citizen-to-be heard Doug Thomas' comments, regarding shredding of the roads. He said due to the recent heavy rains, spraying and shredding of the roads has been delayed, but should resume shortly. He noted that the City usually waits 10-14 days after spraying, before they begin to shred. Councilman Padalecki also noted that pending legal issues prohibited the him discussing potholes on Lupon Road. He also added that there has been an increase in dumping along City roads.

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

City Engineer, Mr. Jess Swaim with 6S Engineering, reported substantial completion of this project by next week. He said the Contractor hit a water line, which was shown on the plans, so his inspector is working with the utility district, who wants to install a fire hydrant there if the Contractor agrees to install it. Councilman Dwayne Padalecki asked Mr. Swaim if the utility district was requesting the fire hydrant or Emergency Services District. Mr. Swaim said he thought it was the utility district but would confirm that. Mayor Dee Grimm asked Mr. Swaim how long he thought this would delay the project. Mr. Swaim said the real project delay was due to all the rainfall, but the timeline for the water line repair will depend on the availability of parts and the communication with the landowner, for the water line is located on private property. He said the bridge itself is essentially complete. Mayor Grimm asked Mr. Swaim to provide a letter, along with photos, informing of the project's completion, once it's complete.

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

Mayor Dee Grimm said there is no update at this time, except there have been some changes in representation.

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

City Engineer, Mr. Jess Swaim with 6S Engineering, reported that as a result of a previous meeting with the Contractor, the Contractor agreed to repair areas of road that had base failure, and those repairs would be completed by September, but the Contractor then notified him that they were not going to be able to do the repairs. Mr. Swaim said he therefore recommends that the City terminate All In Construction's contract and hire Austin Bridge and Road (the Contractor for the current 2021 Roadway Rehabilitation Project) to finish the work. City Attorney Cynthia Trevino said there are actions the City needs to take, but she is not prepared to announce those actions in open session. Mayor Dee Grimm told Mr. Swaim that she would let him know how the City plans to proceed.

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

City Engineer, Mr. Jess Swaim with 6S Engineering said this project went fairly smoothly and there will be project savings. He said he will be meeting with the City and the Contractor soon to create a final punch list, and the Contractor has requested that he stop time and consider the project substantially complete. Councilman Dwayne Padalecki asked Mr. Swaim to explain again to the public the differences between the two methods used in this project; the reclamation process, and the two-course treatment process. Mr. Swaim explained that with the reclamation process, existing road material is injected with emulsion which hardens the subgrade, and is then topped with one and one-half inches of type B asphalt (smaller type aggregate). He said the two-course treatment is a maintenance type treatment and is not as smooth as the reclamation type treatment.

### **B. City Park**

Councilman Dwayne Padalecki said more concrete bench pads have been added, and some repairs to the concrete walking path will be made soon. He also said new park restrooms are planned for this fiscal year, similar to the Veteran's Park restrooms in Schertz.

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

Councilman John Hafner said he is waiting to see if more funding will be available as a result of Congress' Infrastructure Bill.

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

Councilwoman Deborah McInerney said a link to the recycling survey will be on Frontier Waste Solutions' fall cleanup day flyer.

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

Mayor Dee Grimm announced that the City has received half of its funding from the American Rescue Plan Act of 2021.

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

Mayor Dee Grimm said there was nothing to report. Councilman John Hafner moved to have this item 9.F removed from future agendas until further action is needed. Councilwoman Susann Baker seconded the motion. All were in favor. Mayor Grimm added that Bexar County Fire Marshal basically told her that if they are needed, they will come.

**G. Update on Establishing a City Marshal's Office**  
**Resolution 2111 – Accepting a proposal for professional services to assist in the establishment of the office of City Marshal; and designating a director of public safety to make application for a law enforcement agency for and on behalf of the city**

Mayor Dee Grimm clarified that the City has already passed the Ordinance establishing a City Marshal's Office, but this Resolution is to accept Mr. Airola's proposal and designate him as the City's Director of Public Safety. Councilman John Hafner moved to approve Resolution 2111. Councilwoman Deborah McInerney seconded the motion. All were in favor. Resolution 2111 was passed.

**H. Ordinance 2112 - Establishing the Office of City Secretary**

City Attorney Cynthia Trevino explained to everyone that the City's City Secretary position is transitioning from a part-time to a full-time position, and the Local Government Code requires the appointment of that position as a City Officer or a City Official, subject to the Local Government Code, whereas before as a part-time position, that position could be hired at will. Ms. Trevino also noted that under the Local Government Code, there are certain requirements that must be met for that position, and the City is also required to follow the provisions of the Local Government Code in order to take action to terminate any employment in that position. Councilwoman Susann Baker moved to approve Ordinance 2112. Councilman Dwayne Padalecki seconded the motion. All were in favor. Ordinance 2112 was approved.

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

Mayor Dee Grimm said Texas Commission on Environmental Quality (TCEQ) recently had a public hearing concerning the Green Valley Special Utility District (GVSUD) Clear Creek Subdivision Waste Water Treatment Plant (WWTP). She said she thought the Commission was poorly prepared for the hearing, and said the City of Cibolo and Schertz are also contesting the WWTP. Mayor Grimm said she presented a statement at the hearing on behalf of the City, which can be found on the City's website, and allowed the attorney representing Cibolo and Schertz to also represent Saint Hedwig at the hearing, to formally request a contested hearing on this matter. She said she will work with the attorney group to assure the City's cost remains minimal and will keep Council updated as costs occur. City Attorney Cynthia Trevino added that the appointed attorney for the City is Maris Chambers with Lloyd Gosselink, and this law firm is already in litigation against GVSUD. Ms. Trevino noted that since her firm (Denton Navarro Rocha Bernal & Zech) is also in litigation against GVSUD, they can share information with Lloyd Gosselink to help keep costs down, and with the information Lloyd Gosselink already has available to them, it's probably the strongest option the City has available to contest the WWTP application. Councilman Dwayne Padalecki thanked the mayor for her presentation, representing the City, at the Public Hearing. Mayor

Grimm said she was approached by several people living in the vicinity of the proposed WWTP, asking for annexation, so she will work with Attorney Trevino to better understand what that process would entail.

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

Mayor Grimm said the City has had difficulty making contact with AT&T, so as suggested by Councilman Dwayne Padalecki at the last meeting, she has reached out to the City Attorney to develop an Ordinance to address this issue. City Attorney Cynthia Trevino said the City can adopt an Ordinance for Right-of-Way Maintenance to assure anyone doing any type of work in the City owned right-of-way, leaves it the way they found it. She said she should have a draft Ordinance available for Council's review at the next meeting. Councilman Dwayne Padalecki voiced his frustration again about the length of time AT&T's projects remain unfinished in the city and how AT&T should give notice to the City when performing work just as CPS Energy and East Central SUD does. Attorney Trevino said she can send a letter to AT&T's legal department this time. Councilman Padalecki said he would provide her with the locations of the unfinished projects throughout the city. Councilman John Hafner asked to just request an AT&T account representative, but Ms. Trevino recommended contacting their legal department directly instead, as she said she would do.

#### **K. Update of New City Staff Positions/Hiring**

Mayor Dee Grimm said there are still ads out for the Code Compliance and Maintenance positions, and since the Code Compliance position will fall under the Director of Public Safety, he will be conducting the interviews. Mr. Jerry Airola, the City's Director of Public Safety said he hasn't received any applicants with any Code Compliance experience. So, he said, he would like to hire the City Marshal first, and let that person be a part of bringing in a Code Compliance person, since the Marshal will be handling Code enforcement. He said he'd also like to see the Code Compliance person be involved in animal control, which is a certification process. Mr. Airola also suggested creating Nuisance Ordinances, which extends their ability into the City's extraterritorial jurisdiction (ETJ) to enforce those codes. He added too, in regards to the previous AT&T topic, that the City Marshal will be able to help assure such companies doing work in the City's right-of-way are in compliance.

### **10. NEW BUSINESS**

#### **A. Recommendation by Director of Public Safety for Appointment of City Marshal**

Mr. Jerry Airola said the most important thing he could do for the City was to find a City Marshal for them. He said after spending time getting to know the City, visiting with the Fire Department, and interviewing people for the position, he felt that his chief deputy at Santa Clara, Mark Soto, was the best fit for the position.

He said Mr. Soto is a community-oriented person and has previously served as a City Marshal. Mr. Airola said Mr. Soto is very dedicated to his family, his Catholic faith, speaks fluent Spanish, has worked with Bexar County and Wilson County, knows the law, understands the position, and already has the required training. He said he has already conducted the required back ground check on Mr. Soto, and although it's confidential information, he can share it with anyone on the City Council if they wish to see it. Mr. Airola then formally recommended Mr. Mark Soto to Council for appointment as the new City Marshal.

Mr. Mark Soto then introduced himself. Mr. Soto spoke of his accomplishments, mainly as City Marshal for the City of Smiley, where he brought their full reserve department to a full-time department with a full staff, and was able to generate enough revenue to support that office. He said he feels law enforcement presence is important for community safety. Mayor Grimm said she was glad to see he is familiar with the City Council process for he served on the City Council for the City of Nixon. Mr. Soto added that he also served as Mayor Pro-Tem, and understands Roberts Law and budgeting.

Councilwoman Susann Baker moved to hire Mr. Mark Soto as City Marshal effective immediately. Councilwoman Deborah McInerney seconded the motion. Mayor Dee Grimm said based on Mr. Soto's experience, she feels the budgeted amount of \$52,000 for the Town Marshal Salary should be increased to \$62,000. Councilman John Hafner ask the City Attorney how to proceed. City Attorney Cynthia Trevino said Council can make the appointment, but the budget amendment needs to be put on the agenda for the next meeting. Mayor Grimm then asked for a vote from Council on the appointment of Mr. Mark Soto as City Marshal. All were in favor. Mr. Mark Soto was appointed as City Marshal. Mayor Dee Grimm thanked Mr. Airola for his help in filling this position. Attorney Trevino said Mr. Soto could be sworn in after the meeting.

## **B. Letter to Home Owner Associations in Saint Hedwig's Extraterritorial Jurisdiction (ETJ)**

Mayor Dee Grimm said there is a lot of confusion for people living in the City's extraterritorial jurisdiction (ETJ), and what it means if they do as far as city services, so she has written a form letter to help explain it, but it does not address the City Marshal's jurisdiction. City Attorney Cynthia Trevino said the City Marshal has the jurisdiction as a peace office all over the state of Texas, and as a Type A City, some of those jurisdictions are mandated via the Codes, so it can be discussed which Codes the City may want enforcement on. Mayor Grimm asked Council to review the letter for she wants to send it out to all the home owner associations in the ETJ, asking them to distribute it to their residents. Councilman Dwayne Padalecki asked for the letter to be posted on the City's website.

### **C. ESD12 New Fire Station on FM 1518**

Mayor Dee Grimm announced that Bexar County Emergency Services District 12 (ESD12) will be building a new fire station on FM 1518 and after consulting the city attorney, she has notified Mr. Nickles with ESD12, that because of their government entity position, they do not need a variance to build within the A-1R zoning. Councilman Dwayne Padalecki noted that ESD12's service and tax base extends outside the Saint Hedwig city limits, where everything the City does is within the city limits.

### **11. ANNOUNCEMENTS**

Mayor Dee Grimm announced Frontier Waste Solution Fall Cleanup Day is Saturday, October 16, 9:00 am – noon.

Councilwoman Susann Baker announced that about 70% of the City's population participated in the 2020 Census. She said the results of the 2020 Census indicated an increase in Saint Hedwig's population from 2,096 to 2,529.

Councilman John Hafner announced the American Legion Turkey Dinner on Sunday October 17, 11:00 am – 4:00 pm.

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

The next City Council meeting will be held November 4, 2021.

### **13. ADJOURNMENT**

Mayor Dee Grimm adjourned the meeting at 9:10 pm

Immediately following the City Council meeting, Mayor Dee Grimm swore in Mr. Mark Soto as City Marshal.