

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

November 4, 2021

1. CALL MEETING TO ORDER

Mayor Dee Grimm called the meeting to order at 7:28 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 minutes to approve were from the October 7, 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 October 7, 2021 City Council Meeting minutes were approved.

4. READING AND APPROVAL OF FINANCIAL SUMMARY

The financial summary to approve was for September, 2021. Councilwoman Susann Baker moved to approve the September, 2021 financial summary. Councilman John Hafner seconded the motion. All were in favor. The September, 2021 financial summary was approved.

5. PERMITTING REPORT

Mayor Dee Grimm commended Ms. Kim Fornof on performing beyond her original duties, and noted that the new City Marshal will be able to now relieve her of some of those duties by taking on code enforcement, so Ms. Fornof can focus more on permitting again.

Kim Fornof presented the September Permitting Report. She reported a slow-down in building as prices went up, along with a slow-down of calls from people living in the City's extraterritorial jurisdiction (ETJ). Councilman John Hafner asked if Item#11 on the report was the correct address. Ms. Fornof confirmed that it's not, for it is missing a digit. He also asked if the structure referenced in Item#13 on the report was a house. Ms. Fornof replied it appears the house that was moved there, for it's not on a foundation. She noted that since utilities have now been brought to it without a permit, a letter was sent to the land owner. Ms. Fornof added that CPS Energy and Bexar County are beginning to communicate better with the City to assure the correct process in establishing a residence is followed. Councilwoman Susann Baker inquired about solar panel permitting. Ms. Fornof responded that permit would be required if the solar panels were installed on the ground, but not if they are installed on the roof of a house, a permit is not required.

A. Right-of-Way (ROW) Management Permit

Ms. Fornof presented Council with a draft copy of a Right-of-Way Management Permit for their review. She said its purpose was intended to obtain contact information from companies such as AT&T, but it can also be used for driveway permitting, which the City currently doesn't require, but is becoming problematic, noting driveways being installed close to property lines and driveways impeding City road drainage. Mayor Dee Grimm said she'll send the permit to the City Attorney and City Engineer for review. Councilwoman Susann Baker asked to include driveway setbacks on the permit and Ms. Fornof said that would require further discussion.

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

6. PLANNING AND ZONING COMMISSION REPORT

There was no Planning and Zoning (P&Z) Commission report, however Mayor Dee Grimm said a second workshop with City Council and P&Z was held to finalize the proposed Zoning Ordinance changes and a Public Hearing will be held to inform citizens on what the proposed changes are and to hear citizens' comments.

7. CITY MARSHAL'S OFFICE REPORT

City Marshal Mark Soto presented the City Marshal's Office report. He said he met with Bexar Metro, who is responsible for all the emergency dispatch within Bexar County, and has submitted paperwork to obtain an interlocal agreement with Bexar County Sheriff's Department so the City Marshal can be dispatched to emergency calls within the Saint Hedwig city limits. He said although he is still obtaining equipment for the office, a patrol vehicle has been purchased. Marshal Soto said he attended several city events, visited with many citizens, and received a lot of positive feedback about the Marshal's office, along with concerns that hopefully he'll be able to address. Mayor Dee Grimm asked what citizens' main concerns are, and Marshal Soto responded that speeding is a big issue along with illegal dumping. Councilwoman Deborah McInerney asked who the contact would be for dumping issues. Marshal Soto responded that once operational, the Marshal's Office will have a phone

number that citizens can call to report such issues. Mayor Grimm noted that due to the many changes occurring, additional staff for the Municipal Court may also be required. Marshal Soto added that once the interlocal agreement with Bexar County Sheriff's Department is obtained, he can submit the paperwork to Texas Commission of Law Enforcement (TCOLE) to establish the agency.

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.

Joe Ochoa, 14838 Saint Hedwig Road, voiced his concerns regarding the October 14 incident, and hopes moving forward, the City will have a process in place and will coordinate with other agencies in the county for coordinated response and use the public works personnel to properly perform. He said he understands there are budget challenges but asks that the Council move forward quickly with measures at the incident location. He said he was not here to cast blame, but just asks that everyone work together.

Wanda Polasek, 13810 Nave Way, reported for the American Legion Auxiliary. She said the silent auction at the turkey dinner was very successful and they sold every item in the auction. She added that the Trunk or Treat was a great turnout, and the annual Arts & Crafts show will be held on November 13, 9:00 am to 4:00 pm at the American Legion Hall.

9. OLD BUSINESS

A. Roads

1. Road Report

Although Councilman Caid Franckowiak was absent, Mayor Dee Grimm presented his report. She said Mr. Ronnie Mills is catching up on shredding, which had been delayed due to all the rain. She also noted that Mr. Mills is assisting the City by assessing the roads to determine where there may be issues at low water crossings, meeting with Emergency Services District 12 (ESD12) to determine and identify where and what their concerns are, and he is assisting with barricades.

Following Mr. Jess Swaim's report on Agenda item#5, Mayor Dee Grimm came back to this agenda item to note that she has asked Mr. Swaim to access the low water crossings within the City and make recommendations for crossing arms or devices, which the City will potentially need to make expenditures for. She noted that although the City has 32 miles of roads, the City must be able to make the roads safe while still maintaining its budget.

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

City Engineer, Mr. Jess Swaim with 6S Engineering, reported that the substantial completion letter was written October 8 for the bridge and railings have been completed. He added that the Contractor is putting back fences that had to be removed and is doing final grading. He said by next week, weather permitting, the Contractor will be placing asphalt on the roadway, and will be working with East Central Special Utility District to lower a water main and potentially install a fire hydrant.

3. Silesia Drive – Update on Silesia Drive Deficiency Issues

Mayor Dee Grimm said there is no update.

4. Status of 2020 Roadway Rehabilitation Project

City Engineer, Mr. Jess Swaim with 6S Engineering, reported that he is working with Mayor Grimm and the City Attorney concerning the previous Contractor. Mayor Grimm asked Mr. Swaim if some of the pothole issues could be resolved by another Contractor. Mr. Swaim said Austin Bridge and Road may be agreeable, but will need to consult the City Attorney first. City Attorney Cynthia Trevino noted the claim the City has with the performance bonding company and to be sure all of that is coordinated. She suggested having a teleconference to discuss what all the pot-hole repairs entail.

5. 2021 Roadway Rehabilitation Project

City Engineer, Mr. Jess Swaim with 6S Engineering said this project is substantially complete. He noted some areas where the two-course method was applied, where additional aggregate was put out that hardened. He said a final walk through was conducted and he's awaiting for the Contractor to come back and do the final touch-ups, which will complete the project.

B. City Park

Councilman Dwayne Padalecki noted the park lights will need to be adjusted for the time change.

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 she's received 49 responses on the digital survey, of which 65% are in favor. She said she needs to contact Frontier Waste

Solutions to acquire the survey results from the Fall Cleanup day. Councilwoman Susann Baker said it will be a problem for her if everyone will be required to pay for the service, even if they don't want it. Councilman Dwayne Padalecki asked what the deadline is for the survey. Councilwoman McInerney said the survey has only been ongoing for about a month, but will get with Frontier to see if there is any other option beside the all or none approach.

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

Mayor Dee Grimm announced that the City has received some of its funding from the American Rescue Plan Act of 2021, which is being held until the outcome of the pending infrastructure bill. These funds, she noted, will be used for acquiring internet service to all the City.

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

Mayor Dee Grimm said the City is contesting the placement of the waste water treatment plant (WWTP) in its extraterritorial jurisdiction (ETJ), which does not benefit the City at all. She said the City's attorney has asked Texas Commission on Environmental Quality (TCEQ) for a contested hearing, but has not heard back on that yet, however, County Commission Tommy Calvert has requested a meeting with Saint Hedwig, Cibolo and Schertz, where she will be able to express the City's concerns to him.

G. AT&T's Unfinished Projects in Saint Hedwig

Mayor Grimm asked City Attorney Cynthia Trevino for her input on this issue. Ms. Trevino said first the City must establish a Right-of-Way Ordinance, but she has found that most of these types of Ordinances are very cumbersome and difficult to enforce, so she's working to provide a manageable Ordinance that the City will be able to enforce. She said she hopes to have the first draft ready for the next meeting. Ms. Trevino also noted that she attempted to reach AT&T's legal division, but it has been difficult to get a response. Councilman Dwayne Padalecki noted that he has already provided three locations where AT&T's projects are unfinished, some of which are approaching one year, and noted another location near the Gable road project. City Engineer Mr. Jess Swaim confirmed having to work around the exposed AT&T line at the Gable Road project site. Councilman Padalecki also noted that he saw several AT&T service vehicles working in Saint Hedwig this week, one in Church View Estates and one at the intersection of Pittman Road and FM 1346. Councilman John Hafner added that he contacted AT&T online about acquiring an account rep concerning multiple issues with the City, but never heard back from them. Mayor Dee Grimm said she will continue to try to resolve this issue.

H. Update of New City Staff Positions/Hiring

Mayor Dee Grimm noted how the City has increased its staff with the addition of the new City Marshal, and has increased the City Secretary hours to a full-time position. She said she is also considering additional staff to assist with the new municipal court, and an additional maintenance position has been advertised. Mayor Grimm said she interviewed someone with supervisory experience in construction and is recommending him as the City's Maintenance Supervisor. She said he worked construction for HEB for 20 years, which shows consistent work ethic, and has owned his own construction company. Mayor Grimm said she believes the City needs more structure in its operations and foresees the Maintenance Department eventually having their own facility, perhaps in conjunction with the new city park restrooms, freeing up room in city hall for eventual growth of the City Marshal's Office. She recommended hiring this person as the Maintenance Supervisor and due to it being a supervisory position, she requested the budgeted salary for that position be increased from \$20 per hour to \$23 or \$25 per hour. She noted that this position would be an hourly full-time position, based on 32-40 hours per week. Councilman John Hafner moved to increase the budgeted additional Maintenance position from \$20 per hour to \$25 per hour. Councilwoman Deborah McInerney seconded the motion. Mayor Grimm noted that she discussed with him, the need for his communication with Councilman Caid Franckowiak and having him put barriers up. All were in favor. Approval to amend the budget, increasing the budgeted additional Maintenance position from \$20 per hour to \$25 per hour was approved. City Attorney noted that the official budget amendment must be put on the next agenda, but it does not restrict the hiring of that person.

Councilman John Hafner asked if there is any consideration on acquiring a City Manager any time soon. Mayor Grimm said that with the City's rapid growth, a City Manager should definitely be considered, and said she could put together a list of what the City Manager's responsibilities would entail. Councilman Hafner said he'd like to see what the City Manager's responsibilities are for other cities and would also like those responsibilities to include duties currently being performed by Council members, such as road maintenance/management. Mayor Grimm said it could be added to the next meeting's agenda for discussion. Councilwoman Deborah McInerney asked how a City Manager position would impact the current budget. Mayor Grimm responded that adding any new City positions should be prioritized based on the current need, and believes a Court Clerk may be more prevalent at this time, but the City should start planning for a City Manager for inclusion, perhaps in the next fiscal year's budget.

10. NEW BUSINESS

A. Bureau Veritas Additional Services

Mayor Dee Grimm said she's received a brochure from Bureau Veritas (which she shared with the Council members) listing all of the services they provide, and since

they already provide building inspection services to the City, she would like Ms. Kim Fornof's input on what additional services would be of value to the City. Mayor Grimm said one of the services they provide that she thinks could be of value to the City is fire inspections and fire plan review. She noted that the City has struggled to obtain an interlocal agreement with Bexar County Fire Marshal to perform such fire services, so this may solve the problem. She said she'd like Bureau Veritas to come out and make a presentation or answer questions from the Council. City Attorney Cynthia Trevino noted that Bureau Veritas is a way to receive excellent services with little cost to the tax payer, for most of their costs are passed directly on to the permit applicant.

B. Resolution 2113 – Bexar County Appraisal District 2022-2023 Board of Directors Vote

Councilman Dwayne Padalecki reminded everyone that the City only gets one vote out of 5,000 votes, and said he looks at the candidate who's most closely associated with the City, and this year, that would be Bexar County's nominated candidate. Councilman Dwayne Padalecki then moved to vote for Trish Deberry. Councilwoman Susann Baker seconded the motion. All were in favor.

C. Interlocal Agreement with Texas Municipal League (TML) Health for Employee Insurance Benefits

Mayor Dee Grimm said this agenda item is informational only. A copy of the Interlocal Agreement with Texas Municipal League (TML) was provided to Council, and Mayor Grimm said she just wanted to inform Council that the City will be using TML Health for its employee health insurance benefits.

D. Ordinance 2114 – Modification to Ordinance 2110 Revising City Marshal's Office Authority

Mayor Dee Grimm said it has come to the City's attention that Ordinance 2110 limits the powers and authority of the City Marshal specifically to the limits of the City. Mr. Jerry Airola, the City's consultant for setting up the City's new Marshal's Office, said there's a lot of confusion about jurisdiction for law enforcement, and noted that a City Marshal is different from a Police Department, and their authority differs also. He noted 1987 Case Law, Angel vs. State, specific to a City Marshal, which found that the City Marshal has the same jurisdiction as the County Sheriff does in suppressing crime, and that the City Marshal is not restricted in any of their authority to suppress crime anywhere within the County where the City abides. So he said he'd like clarification by Ordinance that the jurisdiction of the City Marshal be that what's given to him by the State of Texas. City Attorney Cynthia Trevino clarified that existing Ordinance 2110 already contains that language, just in a different form, but suggested that if it is not clearly understood, then it should be rewritten so that it is. Mayor Dee Grimm said Ordinance 2114 is the same as Ordinance 2110, with the exception of Section 2, which states the jurisdiction and authority of the Marshal shall be as stated in the Texas Local

Government Code, Texas Code of Criminal Procedure, and Texas Penal Code, which allows authority to investigate crimes or enforce law outside the city limits. Mr. Airola clarified a question posed by Councilman John Hafner, by stating that if a city is in more than one county, the Marshal's authority would extend into each county. Councilman John Hafner moved to accept Ordinance 2114. Councilwoman Deborah McInerney seconded the motion. All were in favor. Ordinance 2114 was adopted.

**E. Ordinance 2115 – Budget Amendment
Approving an Amendment to the Fiscal Year 2021-2022 Budget,
increasing Account “5706 – Town Marshal’s Salary” from \$52,000/year
to \$62,000/year, and decreasing Account “6019 – Building
Improvements – Other” from \$51,971 to \$41,971.**

Mayor Dee Grimm said that although Council has already approved the increase in the Marshal's salary from \$52,000 per year to \$62,000 per year, Ordinance 2115 must be passed to officially amend the city's budget. Councilwoman Susann Baker moved to accept Ordinance 2115. Councilwoman Deborah McInerney seconded the motion. All were in favor. Ordinance 2115 was approved.

11. ANNOUNCEMENTS

Councilman Dwayne Padalecki asked Mayor Dee Grimm to remind everyone present that they need to sign in.

Mayor Dee Grimm said the City will be putting out its notice in December for its upcoming General Election in May, 2022.

Councilman John Hafner reminded everyone of upcoming Veterans Day and thanked all the Veterans.

12. DETERMINE DATE FOR NEXT MEETING

The next City Council meeting will be held December 2, 2021.

13. ADJOURNMENT

Mayor Dee Grimm adjourned the meeting at 8:44 pm