

Mayor
Dee Grimm

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

City Secretary
Janice Staudt

CITY OF ST. HEDWIG
P.O. Box 40
St. Hedwig, Texas 78152
(210) 667-9568 Office
(210) 667-1448 Fax

APPROVED MINUTES
of the Regular City Council Meeting

December 2, 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.

Also in attendance was City Attorney Cynthia Trevino.

3. READING AND APPROVAL OF MINUTES

The minutes to approve were from the November 4, 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 November 4, 2021 City Council Meeting minutes were approved.

4. READING AND APPROVAL OF FINANCIAL SUMMARY

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

5. PERMITTING REPORT

Kim Fornof presented the November Permitting Report. She reported that three residential permit applications were submitted in November, and noted a very bright light on the east side of Abbott Road, south of Graytown Road, which she plans to investigate. Councilwoman Susann Baker asked if the letter, written by Mayor Grimm, had been sent out

to the homeowner associations in the City's extraterritorial jurisdiction (ETJ). Mayor Grimm said she is still collecting homeowner association addresses. Ms. Fornof pointed out in Item #9 on her report, that a company is intending to buy and rent out several houses in the City's ETJ, and noted there are specific programs to monitor rentals, and there must be a reason for those programs. Mayor Grimm said since they are in the ETJ, there's nothing the City can do about it.

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

6. PLANNING AND ZONING COMMISSION REPORT

Mr. Charles Mais reported that a citizen, at the Planning and Zoning Commission's last meeting, voiced concerns about the location of a proposed cell phone tower. He added that the Commission is still reviewing changes to the Zoning Ordinance and awaiting answers from the City Attorney to questions posed during the Joint Workshop with City Council. Mayor Dee Grimm said she will work to get those questions answered so a Public Hearing on P&Z's proposed changes can be held prior to the next City Council meeting.

7. CITY MARSHAL'S OFFICE REPORT

City Marshal Mark Soto reported via teleconference that everything required to obtain an agency ID number has been submitted to the Texas Commission on Law Enforcement (TCOLE), and once the inspection is performed and approved, an agency license and ID number can be obtained. He added that he's also been working on the required policies and procedures, and said he's spoken with Bexar County Emergency Management, along with Emergency Services District 12 (ESD12), requesting a monthly report, to become familiarized with the types of emergency responses they perform in the area.

8. MUNICIPAL COURT REPORT

Mayor Dee Grimm reported that she recently obtained the required 16 hours of continuing education units (CEUs) to maintain her position as the Municipal Court Judge, and has been looking at the City's needs for the court. With the development of the Marshal's Office moving more quickly than anticipated, she noted that the City's budget for the Municipal Court may need to be adjusted to cover costs, such as required software and Municipal Court Clerk services, which she does not want to impose on the City Secretary, due to specific required training and time factors.

9. 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 Cielencki, 655 N Graytown, informed the Mayor and Council that the City of San Antonio is proposing to annex property between Loop 1604, N Graytown Road, and IH-10.

10. OLD BUSINESS

A. Roads

1. Road Report

Councilman Caid Franckowiak reported that the winter shredding of the roads will begin within the next couple of weeks.

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

City Engineer, Mr. Jess Swaim with 6S Engineering, reported that this project was substantially complete on October 8, and the Contractor is working on some touch-ups, deepening an existing water line, and installing a new fire hydrant. Due to a drop in night time temperatures, Mr. Swaim said he gave the Contractor an option to install one and one-half inch of type D asphalt in place of the two-course surface treatment. He said the Contractor agreed and will be using Austin Bridge and Road to install it, and should be complete the week of December 13th. Mr. Swaim said he hopes to close the project out around the beginning of January. Mayor Dee Grimm added that she submitted Mr. Swaim's project completion approval letter and photos to Darcy Schipull at TXDOT, which were accepted, thus closing out this Miller Road Bridge Matching Funds Project with TXDOT.

3. Silesia Drive – Update on Silesia Drive Deficiency Issues

This agenda item was not addressed.

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's non-performance on this project. He said upon consulting with Mayor Grimm and Councilman Caid Franckowiak, he's given Austin Bridge and Road notice to proceed on this project, placing one and one-half inch of Type D asphalt, which is a very smooth aggregate, on Graytown Road. Mr. Swaim said Graytown Road was selected over Lupon Road for there are serious concerns about Lupon Road base failures, and noted that pot holes will continue to develop on this road due to the lack of substance in the base.

5. 2021 Roadway Rehabilitation Project

City Engineer, Mr. Jess Swaim with 6S Engineering said this project is substantially complete, a final walk through has been conducted, but due to the current night-time temperatures, the Contractor's final touch-ups may not be complete until March. He added that this contract is set to be under by approximately \$16,000, but due to a change order of approximately \$78,000 for this Contractor, Austin Bridge and Road, to complete the 2020 Roadway Rehabilitation Project as previously stated in Agenda Item 10.A.4., the contract will be over. Mr. Swaim noted however, that this overage is expected to be recovered from All In Construction's non-performance of its 2020 Roadway Rehabilitation Project contract.

B. City Park

Councilman Dwayne Padalecki had nothing to report.

C. Update on Internet Services for the City

Councilman John Hafner said he will discuss this agenda item under Agenda Item 10.E.

D. Update on Recycling Program for Frontier Waste Solutions Customers

Councilwoman Deborah McInerney said she's working with Frontier Waste Solutions to see if recycling service can be provided to those customers who want it without it being mandatory for all customers to participate. She noted that of the people who have responded to the survey, the majority of them are in favor of having the recycling service. Councilman Dwayne Padalecki asked how many people have responded to the survey. Councilwoman McInerney said she would have to check on that. She noted that per Frontier Waste Solutions, they have approximately 670 customers in Saint Hedwig. Councilwoman Susann Baker asked if the responses are from Frontier Waste Solution customers within the city limits and Councilwoman McInerney confirmed that they were.

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

Councilman John Hafner said he attended Congressman Henry Cuellar's Round Table with other areas in Congressman Cuellar's district. He said he informed them that Saint Hedwig is a rural city in a very urban county, and because of its size, is in need of roads, bridges, internet, etc., and requested \$50,000,000 in funding. He said Congressman Cuellar asked to set up a meeting with him to see how they can help the City. Councilman Hafner said he is also working with County Commissioner Tommy Calvert to receive funding through the County. He noted that there is a lot of funding available through grants, to include funding for land, public safety, roads, bridges, internet, new municipal facilities, etc., and suggested the City hire or contract a grant writer to try to obtain some of that funding. Mayor

Dee Grimm agreed, noting that grant writing for government funding is extremely complicated, but added that now is the best time ever to try to acquire some of this funding, for these opportunities may not last. Councilman Dwayne Padalecki asked about the funds the City already received. Mayor Grimm confirmed that a portion of those funds have already been received, which can only be used for broadband infrastructure, but said there is so much more available for other uses.

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

Mayor Dee Grimm informed Council that the responses from Texas Commission on Environmental Quality (TCEQ) to the public comments at the TCEQ Public Hearing could be found in their meeting packet. Attorney Maris Chambers with Lloyd Gosselink Attorneys at Law, representing the City in its protest of the waste water treatment plant (WWTP), joined the meeting via teleconference. She said there has been a lot of public interest in the protest of this WWTP permit, noting the 63 public comments that TCEQ responded to, but which resulted in no changes to the draft permit. She said upon review of TCEQ's responses, she feels there are areas where TCEQ's response didn't sufficiently address the concerns presented, and they're clearly relying simply on the information that Guadalupe Valley Special Utility District (GVSUD) included in its application, which in some instances, is false. The next step she said, in this protest process, would be to request a contested case hearing, which would send this matter over to the state office of administrative hearings. To do this she said, a written request must be filed, outlining the City's concerns and addressing the issues found in the Executive Director's response to comments, and this request would need to be filed by December 17th (30 days after notice was received of their decision). Ms. Chambers said that TCEQ and GVSUD would then have a chance to respond, and the City would have one more chance to reply, before a decision is made on whether or not to grant the request. She summarized the protest process in three steps: 1.) the public comments, 2.) the request for the contested case hearing, 3.) the hearing itself. She believes there is a strong case to contest what TCEQ has said thus far. Councilman Dwayne Padalecki asked Ms. Chambers if the change in GVSUD's Board of Directors, as the result of its recent election, would have any effect on the permit, and she felt that was a possibility. Councilman John Hafner then moved to allow Lloyd Gosselink law firm to continue to work the protest and submit an application for a contested hearing. Councilman Dwayne Padalecki seconded the motion. All were in favor. Councilman John Hafner informed Mayor Grimm that Congressman Henry Cuellar and County Commissioner Tommy Calvert, are planning a joint town hall meeting in China Grove, where citizens would be able to voice their opinions on this matter. Mayor Grimm said she's had a meeting with Commissioner Calvert, informing him of what the City's concerns are regarding this WWTP, but she's not sure he's clear about it, so she will continue informing him.

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

Mayor Dee Grimm said since this agenda item is related to Agenda Item 11.B, so it will be discussed later under that item. Councilman Dwayne Padalecki reported that AT&T recently completed one of the City's biggest issues with them, located at N Lupon and Graytown roads. However, he said, although they removed all their orange construction fencing, which was tied to a citizen's fence, the pavement damage made to the road was not repaired and they installed their pod approximately 12 inches from the edge of the road, which he foresees eventually getting knocked down.

H. Update of New City Staff Positions/Hiring

Mayor Dee Grimm recognized the City's new Maintenance Supervisor, Mr. Dale Kidd, and complimented him on projects he's already performed. She also noted that she, along with the City Marshal, will be working to determine what additional staffing will be needed for the Municipal Court. She asked Councilman John Hafner if he still had concerns regarding the need for a City Manager. Councilman Hafner confirmed that with the rapid growth outside the City, and need to alleviate the overwhelming work currently imposed on the Mayor and Council members, he thinks a full-time City Manager is definitely needed soon. Mayor Grimm noted that the time she devotes to her position has increased enormously over the past year, and she thinks someone with experience in matters such as finance, budgeting, insurance, and personnel is needed sooner rather than later. Councilman Hafner added that a City Manager would maintain continuity for the City. Mayor Grimm said she still plans to acquire information on typical City Manager salaries and job requirements to present to the Council, hopefully at the next meeting.

I. Bureau Veritas Additional Services

Mr. Greg Hallmark, a Special Coordinator for Bureau Veritas (BV), informed Council of additional services they now provide besides the building inspections they currently perform for the City. These services he said, include planning, ADA, and fire, which was of most interest to Mayor Grimm. He said their staff is just like Bexar County's staff, who are all commissioned fire inspectors through the state, but BV's staff also carry other certifications nation-wide. Mr. Hallmark noted that there is a lot BV can provide in regards to planning and can also assist with public works, providing assistance to the engineers, along with inspections. He said BV can also provide training to businesses requiring health inspections. For fire, he said, BV can provide everything from plan review to building fire inspections and annual inspections too. Mr. Hallmark noted how BV can provide a full staff for the City, but that there's no cost to the City until they use them. Mayor Dee Grimm informed Mr. Hallmark that the City has an engineer, who assists the City with road projects and flood plain management, but has a need for fire and public health inspections. Councilwoman Susann Baker asked if a new contract was needed since BV is already providing services to the City. Mr. Hallmark said a new Professional Services Agreement (PSA) is recommended. Mayor Grimm asked Mr.

Hallmark to provide a PSA for the City Attorney to review. Mr. Maurice Schwanke with BV, who joined the meeting via teleconference, expanded on Mr. Hallmark's presentation, informing that BV can also provide services for zoning, ordinances, site plans and subdivision review.

11. NEW BUSINESS

A. Ordinance 2116 – Budget Amendment

Mayor Dee Grimm explained that this budget amendment is to reflect the Council approved new Maintenance Supervisor's hourly rate of \$25 per hour. Councilman John Hafner asked the City Attorney if this Ordinance approval required a super majority vote, but she said no, just a regular vote. Councilman John Hafner moved to pass Ordinance 2116. Councilwoman Deborah McInerney seconded the motion. All were in favor. Ordinance 2116 was adopted.

B. Draft Right-of-Way (ROW) Ordinance & Management Permit

Mayor Dee Grimm said there is concern that the City currently doesn't have a lot of control over utility companies, AT&T being an example, performing work in the City's right-of-ways, besides the City's Ordinance for management of wireless network providers. She said this copy of a new right-of-way ordinance is a draft for Council to review. City Attorney Cynthia Trevino then explained that the City is entrusted by the State to care for all public lands related to right-of-ways. However, she said, it is difficult for cities to control that property, for although a right-of-way ordinance is required to be in place, cities are limited to the amount of authority they have for certain utility companies. She said the City can however, require that anyone doing construction in a city right-of-way must obtain a construction permit from the City. She noted though, that you cannot charge a telecommunications company a fee for such permit, but they are still required to obtain a permit and comply to all local ordinances. Ms. Trevino said she feels that the proposed draft right-of-way ordinance is the best fit for Saint Hedwig, for it sets forth that whoever performs construction within the City's right-of-way is required to give notice to the City, required to obtain a construction permit from the City, and is required to do certain things to get final inspection and approval from the City. She added that this ordinance would give the City the control that it needs and provide a way to start tracking the work performed. Ms. Trevino also noted that this ordinance would give the City the right to issue a stop work order and it allows the City to establish a penalty, which gets the attention of violators and gets them to comply. Councilman Dwayne Padalecki asked if driveway entrance construction requirements within the City's right-of-way can be included in this ordinance. Ms. Trevino replied that those provisions are already in the draft ordinance, requiring permission and a permit be obtained for such construction. Mayor Grimm asked that the requirement to follow Bexar County's specification for driveway entrance construction also be included in this ordinance. Ms. Trevino said the ordinance could definitely cross reference to that and also to the driveway requirements, if any, in the City's Zoning Ordinance. Ms. Trevino said she is also

reviewing the draft permit to be sure it is correctly cross referenced to the ordinance. Councilman Dwayne Padalecki noted that the reason the City follows Bexar County guidelines, is to provide assurance that if it's good enough for Bexar County, then it's good for Saint Hedwig. Mayor Grimm asked if the definition of public right-of-way could be better clarified in the Ordinance. She asked Council to review the draft ordinance and submit any proposed changes to her before the next Council meeting.

C. May 7, 2022 Election

Mayor Dee Grimm announced that the next St. Hedwig General Election will be May 7, 2022, to elect Mayor, City Council Place 2, and City Council Place 4, and the filing period for a candidate to file an application for a place on the ballot is January 19, 2022 through February 18, 2022 (5:00 p.m.). She said the application can be found on the City's website or obtained at City Hall. She also announced that a position is still open on the City's Planning and Zoning Commission

D. Credit Card Policy

Mayor Dee Grimm said the need for a City credit card is way over due, so she has drafted a credit card policy for Council's review, which includes information on who can use the card, prohibitions for the card, what the allowable purchases are, and required documentation. She said that at this time, the authorized users would be the Mayor, City Secretary and City Marshal. Marshal Mark Soto recommended the Mayor consider acquiring a debit card for the Marshal's Office in lieu of a credit card.

E. Public Safety Task Force

Mayor Dee Grimm explained that due in part to growth, safety, and as a result of the drowning incident on October 14th, she is proposing the development of a Public Safety Task Force. She said the City needs to be more cognoscente of the fact that with the rapid development outside the City, the City's roads will be more traveled by people passing through. She said she'd like the Task Force to consist of the Director of Public Safety Mark Soto, Councilman Caid Franckowiak serving as the City's Road Manager, Mr. Dale Kidd serving as the City's Maintenance Supervisor, Mr. Ronnie Mills who is primary in assisting with barricades, and Mr. Jess Swaim serving as the City Engineer. Mayor Grimm said she'd like for them to develop a study on safety issues with the City roads, by surveying the City's roads and prioritizing which areas have the most significant hazard risks, and make recommendations on how to fix the hazards. She said because the City is so limited on physically being able to put up barriers, she feels the City needs to consider more sophisticated mechanisms to work with the very limited City staffing and the broad area of roads within the City. Mayor Grimm said she believes this Task Force, led by the Director of Public Safety, will be able to determine what the City needs to do to enhance the public safety on all the city roads due to the

increase amount of traffic. The Council members agreed that it is a good idea. Mayor Grimm said the Task Force will report back to Council, and that budget amendments will most likely be required for the assessment and purchase of more modernized barrier/warning systems.

F. Set date for Public Hearing on Zoning Ordinance Recommendations

Mayor Dee Grimm said the City Council and Planning and Zoning Commission has had two workshops to review changes to the City's current Zoning Ordinance, and asked City Attorney Cynthia Trevino if she could clarify some definitions, resulting from the last workshop. She also asked the Planning and Zoning Commission to submit a summary to her of all the recommended proposed changes so she can move forward with a public hearing on this matter.

11. ANNOUNCEMENTS

Councilman Dwayne Padalecki announced that the City's trustee representative for East Central School District, Mr. Steve Bryant, resigned, so that position will be open next fall, and encourages anyone interested to run, for the City really needs representation from someone who lives within the City. He added that Mr. Bryant served for 29 years.

Councilman John Hafner said he will inform when the Congressman and Commissioner's Town Hall Meeting will occur.

12. DETERMINE DATE FOR NEXT MEETING

The next City Council meeting will be held January 6, 2022.

13. ADJOURNMENT

Mayor Dee Grimm adjourned the meeting at 9:03 pm