

Mayor
Dee Grimm

CITY COUNCIL MEETING



City Manager
Maria Hernandez

Council Members
Dwayne Padalecki
Russell Beck
Caid Franckowiak
Justin Wiatrek
John Hafner (Mayor Pro Tem)

City Marshal
Mark Soto

City Secretary
Janice Staudt

City of Saint Hedwig
13065 FM 1346, St. Hedwig, Texas 78152
210-667-9568

Thursday, February 2, 2023

7:30 pm

Saint Hedwig City Hall
13065 FM 1346
Saint Hedwig, Texas 78152

APPROVED MINUTES

1. CALL MEETING TO ORDER

Mayor Dee Grimm announced that the 7:32 p.m.

2. ROLL CALL AND ESTABLISH A QUORUM

Mayor	Dee Grimm	Present
Mayor Pro-Tem	John Hafner	Present
Councilmember	Dwayne Padalecki	Present
Councilmember	Russell Beck	Present
Councilmember	Caid Franckowiak	Present
Councilmember	Justin Wiatrek	Present

Also Present:

CITY STAFF: City Manager Maria Hernandez, City Secretary Janice Staudt.

CITY MARSHAL: Mark Soto

CITY ATTORNEY: Cynthia Trevino

3. PLEDGE OF ALLEGIANCE

Mayor Dee Grimm led the Pledge of Allegiance.

4. PUBLIC COMMENTS

Mayor Dee Grimm reminded everyone that 5 minutes is allocated for each citizen to be heard, and based on rules of order, City Council is not allowed to engage in discussion with citizens to be heard. She said Council is however, allowed to provide factual answers to questions citizens may have. She also noted that based on items presented by citizens to be heard, Council may determine if an item should be added to the next meeting agenda.

Paul Monceret – Commander of American Legion Post 539 -

Informed the American Legion is open to the public, Monday thru Friday, 2:00 p.m. to 9:00 p.m., and informed of the upcoming Picnic in May, Monday night steak night, and Cornhole Tournament every Thursday evening.

5. CONSENT AGENDA

Approval of:

- A. City Council Regular Meeting Minutes, Thursday, January 5, 2023.
- B. Finance Report for the month of December 2022.

MOTION	Councilman John Hafner moved to approve the Consent Agenda
SECOND	Councilman Caid Franckowiak seconded the motion
VOTE	All were in favor. The Consent Agenda was approved.

6. REPORTS

A. CITY PARK REPORT

Councilman Dwayne Padalecki – Reported a meeting was held to finalize the Park Trail Map, which will show the walking path distances.

B. ROAD REPORT

No report.

C. PLANNING AND ZONING (P&Z) COMMISSION REPORT

P&Z Chairman, Wanda Polasek - Reported:

- Last meeting was January 17th – Approved Pittman Road property preliminary plat.
- The January 17th regular meeting was followed by an informative Workshop concerning the platting process.
- Next meeting is February 21 – Will take action on the Pittman Road property final plat.

Councilman Dwayne Padalecki – encouraged the reading of an article in the January 11th Wilson County News entitled “Development Review Committee Discusses HOA Responsibilities”, which has some good information regarding taking in Subdivisions and new roads.

D. MARSHAL'S OFFICE REPORT

Marshal Mark Soto reported for Month of January, 2023:

- Conducted 307 traffic stops, resulting in 206 citations, and 194 warnings
- Received 32 calls for service
- Conducted 148 security checks
- Made 1 arrest
- Announced he will be assigning one of the Reserve Deputies as a Warrant Officer, to work with the court in processing traffic warrants.

E. PUBLIC SAFETY TASK FORCE

No report

F. MAYOR'S OFFICE REPORT

No report.

G. CITY MANAGER REPORT

City Manager Maria Hernandez reported:

- New city website – info still being added to site.
- Attended San Antonio River Authority Open House, concerning the new Flood Plain Maps
- Continue to receive calls concerning developing and subdividing properties.

CODE COMPLIANCE REPORT

REPORT ITEM #12

Councilman Dwayne Padalecki – Pointed out this item's relation to an entry on last month's Manager's Report.

H. MUNICIPAL COURT REPORT

Mayor Dee Grimm –

January's Court had been rescheduled to February due to its confliction with the Judge's mandatory training, making February's Court lengthy. Court continues to increase and the need to update software may be necessary to keep up with its growth.

City Manager Maria Hernandez –

Informed that the Court's first trial will occur in March or April.

Councilman John Hafner – Inquired about the number of warrants being issued for non-appearance to court, online citation payments, and the affect large number of warrants would have on the City's crime stats.

City Manager Maria Hernandez – Many people pay their citations online. Those who don't pay and don't appear in court, are issued a pre-warrant notice, allowing them another 30 days to come back to court. If they still fail to appear, they are issued a Failure to Appear and a Warrant for their arrest. Currently, 70 Warrants for Arrest have been issued, and the Marshal's Office will be working on these so they don't remain outstanding too long.

Marshal Mark Soto – Traffic violations are Class C Misdemeanors and are not considered violent offenses, and therefore are not entered into the crime stats.

Councilman Dwayne Padalecki introduced Mark McLiney (in attendance). Mr. McLiney, along with Mr. Kosub (the City Attorney at the time), assisted in acquiring the funding for the construction of City Hall and the initial paving of the City's roads.

I. CITY ENGINEERING REPORT

Mayor Dee Grimm – Reported on behalf of City Engineer Jess Swaim.

Currently working on the Park Trail Map and driveway permit inspections.

7. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ORDINANCE 2023-01** – An Ordinance granting a zoning change from A-1R (Agricultural/Residential, 5 acre minimum) to R-2 (Residential, 2.5 acre minimum) for a 49.0150-acre parcel (BCAD Property ID 329487), and a 38.1130-acre parcel (BCAD Property ID 329492), totaling 87.128 acres, located at 15490 Saint Hedwig Road in Saint Hedwig, Texas.

Mayor Dee Grimm – Noted this Ordinance just ratifies the action previously taken by City Council

MOTION	Councilman John Hafner moved to approve Ordinance 2023-01
SECOND	Councilman Caid Franckowiak seconded the motion
DISCUSSION	Councilman Justin Wiatrek - Questioned if the zoning change is specific only to RD Land, for not sure if RD Land has already purchased the property, or whether the zoning change transfers to a future owner of the property. Mayor Dee Grimm – this Ordinance is only to ratify the previous vote which approved the zoning change. City Attorney Cynthia Trevino – Once a zoning change is granted, it is granted to the property, not the owner.
VOTE	All were in favor, with the exception of Councilman Justin Wiatrek who voted Nay. Ordinance 2023-01 was approved.

- B. ORDINANCE 2023-02** – Order of the May 6, 2023 Election

City Manager Maria Hernandez – Explained that this Ordinance is just a formality about the specifics of the election.

MOTION	Councilman John Hafner moved to approve Ordinance 2023-02
SECOND	Councilman Caid Franckowiak seconded the motion
VOTE	All were in favor. Ordinance 2023-02 was approved.

- C. DISCUSSION/POSSIBLE ACTION:** To obtain guidance on the adoption of a Nuisances Ordinance with noise regulations and/or approve a Noise Ordinance 2023-03 – PROVIDING FOR AN ORDINANCE RELATING TO EXCESSIVE NOISE IN THE CITY'S JURSDICITON.

Mayor Dee Grimm – This agenda item is for consideration, not necessarily a vote. Was previously considered, but encountered issues on what constitutes noise, and how to enforce it.

Councilman John Hafner – Feels it's important, especially now that the City has a way to enforce it.

Councilman Justin Wiatrek – Concerned that it may prevent farmers from being able to operate their equipment or do work at night. Feels the Ordinance is interpretive to the situation.

Marshal Mark Soto – Much of the noise is measured in decibels. Officer has discretion to the situation, and often serves as a mediator to reach common ground (between the person filing the complaint and the person making the noise). His department will enforce it, but needs something to work with.

MOTION	Councilman John Hafner moved to table this Agenda Item until the next City Council meeting.
SECOND	Councilman Justin Wiatrek seconded the motion
VOTE	All were in favor. Tabled until the next City Council meeting.

D. UPCOMING FRONTIER WASTE SOLUTIONS CONTRACT RENEWAL

Mayor Dee Grimm – Frontier Waste Solutions' contract expires this year. Has had a few issues with them, but the issues were immediately corrected. Asked Council if they'll want to renew the contract with Frontier Waste Solutions or get quotes from other providers also.

Councilman Russell Beck – Questioned if Frontier's rates would remain the same.

Mayor Dee Grimm – Nothing received from Frontier yet, so it would be part of the negotiations.

Councilman John Hafner – Believes City should get quotes from other providers.

Councilman Dwayne Padalecki – City has always received quotes from multiple providers.

Councilman Russell Beck – Questioned dumpsters and their placement in City right-of-ways.

Mayor Dee Grimm – Dumpsters from other companies besides Frontier, are not allowed within the city limits.

City Attorney Cynthia Trevino – Frontier Waste Solutions holds the right of the exclusive franchise to those services within the City, and it is their decision if they want to take action to enforce their exclusive franchise if another provider is conducting service within the City. Placement of the dumpsters should not be on City property.

Mayor Dee Grimm – The City can inform residents if their dumpster is improperly placed.

Councilman Dwayne Padalecki – Frontier has complied with notifying their customers of improperly placed dumpsters.

City Manager Maria Hernandez – Can provide her with addresses of improperly place dumpsters and she will pass info on to Frontier.

E. RS&H PRESENTATION AND PROPOSAL ON UDATING THE MASTER PLAN AND SUBDIVISION ORDINANCE

Mayor Dee Grimm - City received a proposal from Bryce Cox but felt the cost was a little high, so they pursued other proposals. Council were provided a proposal from RS&H. Hopes that whoever the City hires to update the Master Plan, can help the City legally maintain its historic fashion.

A representative from RS&H (in attendance) said their primary goal for the Master Plan would be to allow the City to create the policies needed to maintain the City character it's looking for.

Mayor Dee Grimm – asked the City Manager to be sure Council receives both proposals for comparison.

F. COUNCIL DECISION ON WHETHER TO CHARGE A PERMIT FEE TO EAST CENTRAL UTILITY OR WAIVE THE FEE

City Manager Maria Hernandez – East Central Special Utility District (ECSUD) submits an application to the City for review and inspection whenever they install a new service connection. She asked Council for their decision on whether to charge ECSUD a permit fee in order to cover the City's costs to review the permit and perform an inspection. She noted however, that ECSUD said they've never had to pay a fee before.

Councilman Dwayne Padalecki – Unlike AT&T, the City hasn't had any problems with ECSUD performing work within the City, and they've always been a good partner with the City.

Councilman Russell Beck – Can't justify charging a permit fee to ECSUD, for the City hasn't had any issues with them, and the City doesn't inspect other utilities' work.

Councilman John Hafner – Also feels ECSUD is an excellent partner with the City, and believes the fee should be waived for them.

Mayor Dee Grimm – Questioned whether Green Valley Special Utility District is charged a permit fee.

Councilman Russell Beck – Should not allow any open cuts across City roads, only boring.

Mayor Dee Grimm – Can revise the Right of Way Ordinance to include some of the proposed fee language.

City Manager Maria Hernandez – City also has the option to waive the fee.

MOTION	Councilman John Hafner moved to waive permit fees for East Central Special Utility District.
SECOND	Councilman Dwayne Padalecki seconded the motion
DISCUSSION	Councilman Russell Beck – A permit is still needed for documentation, but without a fee. City Attorney Cynthia Trevino – if it's not included in the Ordinance revision, it will come in a Resolution to make the appropriate findings.
VOTE	All were in favor. Permit fees for East Central Special utility District were waived.

Councilman Russell Beck – noted that the permit fee for Guadalupe Valley Special Utility District should be waived also.

G. RESOLUTION 2023-01-R – A resolution establishing a calendar for subdivision plat applications and resubmittals

City Manager Maria Hernandez – due to an increase in development in the City, felt it necessary to set one day a month for developers to submit their application, to allow enough time for review and changes before it goes before Planning and Zoning.

City Attorney Cynthia Trevino – this calendar allows time for issues with the application to be resolved before the statutory 30-day shot clock begins, and allows people to plan their time appropriately when submitting their documents to the City.

P&Z Chairman Wanda Polasek – calendar doesn't coincide with the regular scheduled P&Z meetings.

Mayor Dee Grimm – Tabled until the next Council meeting so the calendar revisions can be made.

8. ANNOUNCEMENTS

The next Saint Hedwig General Election will be May 6, 2023, to elect City Council Place 1, City Council Place 3 and City Council Place 5. Filing period for a candidate to file an application for a place on the ballot is January 18, 2023, through February 17, 2023 (5:00 p.m.). Submit application to the City Secretary at City Hall.

American Legion Bingo – Sunday, February 5, doors open at 2:00 pm. and games start at 3:00 pm.

American Legion Fish Fry – February 17.

9. DETERMINE DATE FOR NEXT MEETING

Next Regular City Council Meeting will be Thursday, March 2, 2023.

10. EXECUTIVE SESSION

City Council convened in Closed Session at 8:45 p.m.

- a. Under The Texas Government Code Section 551.072 (Deliberations about Real Property) of the Texas Government Code, regarding the potential purchase of property.
- b. Under the Texas Government Code Section 551.071(consultation with Attorney). Regarding possible litigation related to pending development applications for Special Use Permit (11451 La Vernia Rd, Saint Hedwig, TX) and Variance (11451 La Vernia Rd, Saint Hedwig TX) and matters related thereto.

11. RECONVENE IN OPEN SESSION

City Council reconvened in Open Session at 9:45 p.m.

ROLL CALL

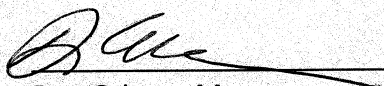
Mayor	Dee Grimm	Present
Mayor Pro-Tem	John Hafner	Present
Councilmember	Dwayne Padalecki	Present
Councilmember	Russell Beck	Present
Councilmember	Caid Franckowiak	Present
Councilmember	Justin Wiatrek	Present

REGARDING AGENDA ITEM 10.a

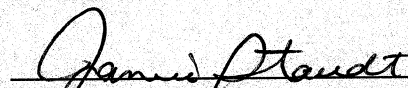
MOTION	Councilman John Hafner moved to proceed in the negotiations of the property at 13035 FM 1346, and to allow the City Manager or Mayor's designee to act as an agent on behalf of the City of Saint Hedwig
SECOND	Councilman Caid Franckowiak seconded the motion
VOTE	Councilman John Hafner requested a roll call vote. Councilman Dwayne Padalecki – Abstained Councilman Justin Wiatrek – Aye Councilman Russell Beck – Aye Councilman Justin Wiatrek – Aye Councilman Caid Franckowiak – Aye The motion was approved.

12. ADJOURNMENT

Mayor Dee Grimm adjourned the meeting at 9:47 p.m.


Dee Grimm, Mayor

ATTEST:


Janice Staudt, City Secretary

