

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, June 8, 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 called the meeting to order at 7:33 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 ATTORNEY: Cynthia Trevino

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

CITY MARSHAL: Mark Soto

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.

Keith Burg – 205 Kingsdale, La Vernia

Voiced his concerns about the amount of commercial truck traffic on Graytown Road and weight limits, and asked City to install a no truck traffic sign there.

Wanda Polasek – 1310 Nave Way

- Flag placements in cemeteries was huge success, with approximately 57 volunteers placing 264 flags at 3 cemeteries. Proud of the community's participation.
- P&Z waiting on status on Subdivision Ordinance and Comprehensive Plan review.
- Believes the proposed Noise Ordinance should be made public for citizen comments prior to adoption.
- Believes P&Z Commissioners should be able to sit in on the Executive Session pertaining to their review.

Mark Mueller – 3349 Kusmierz

Since he is against the R&D Subdivision, he believes he should not vote on the upcoming preliminary plat approval by P&Z, and announced his resignation from the Planning and Zoning Commission.

Mayor Dee Grimm – reminded him that he could just recuse himself from voting and did not have to resign because of that.

Connor Fillingim - 2210 FM 1518 #27 (Write-In, not present)

Requested to be re-appointed to the Planning and Zoning Commission. Is a lifelong resident, vested in the direction of the community regarding future development, has been on P&Z the past 15 months, and is dedicated to amplifying citizens voices concerning the City’s growth. Passionate about safeguarding the essence of Saint Hedwig while ensuring responsible growth that benefits both commercial and residential sectors.

5. PRESENTATION

A. Presentation of newly elected 2023-2025 Councilmembers:

- Dwayne Padalecki, City Council Place 1.
- Caid Franckowiak, City Council Place 3.
- John Hafner, City Council Place 5.

Mayor Dee Grimm congratulated and thanked the newly elected Councilmembers for their continued service.

6. CONSENT AGENDA

Approval of:

- A. City Council Meeting Minutes, Thursday, May 4, 2023.
- B. Special Called City Council Meeting Minutes, Wednesday, May 17, 2023.
- C. Finance Report for the month of April 2023.

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.

7. REPORTS

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

P&Z Chairman, Wanda Polasek –

May 16th P&Z meeting –

- Opened discussion only on the feasibility of creating an AC1 zoning option, which would be a commercial zone limited to ag related businesses only.
- Waiting on the preliminary plat for R&D’s subdivision (Saint Hedwig Subdivision).
- Waiting on info for rezoning the Tradition school.
- Waiting on the appointment of three commissioners.

B. MARSHAL’S OFFICE REPORT

Marshal Mark Soto reported for Month of May, 2023:

Traffic Stops:

- Total # of Stops = 297
- Total # of Citations = 144
- Total # of Warnings = 227

Activity Report:

- Calls for Service = 69
- Security Checks = 183
- Arrest = 2

Currently in planning with ECISD, ESD10 & ESD12 to perform an exercise on an active shooter situation.

C. CITY MANAGER’S REPORT

City Manager Maria Hernandez –

- Met with Congressman Cuellar’s office and arranged for them, along with the Bexar County Clerk’s Office, Alamo Area Council of Governments (AACOG), and CPS Energy to be at City Hall the second Wednesday of each month to assist citizens with services and resources they offer.
- Waiting on approval of agreement with City Engineer to begin this year’s Road Rehabilitation Project
- Received park message boards today and should be installed next week.
- Working on the review of the Saint Hedwig Subdivision preliminary plat, which will be on P&Z’s June 13th meeting agenda.

Mayor Dee Grimm – asked for more detail on the Farmer’s Market call received in the City Manager’s Report.

City Manager Maria Hernandez – The caller is interested in running a Farmer’s Market in the historical area, and make it available to all the crafters in the city.

Councilman John Hafner – Suggested contacting the American Legion for assistance.

D. MUNICIPAL COURT REPORT

City Manager Maria Hernandez -

Court will be held June 15 with 134 defendants on the docket.

Beginning in July, court will be held twice a month. The first Thursday court will be for citation initial appearances, and the third Wednesday court will be for show causes, resets, and trials.

E. CITY ENGINEERING REPORT

Mayor Dee Grimm –

With the onset of the 2023 Road Rehabilitation Project, she requested City Engineer Jess Swaim to appear in person at the Council meetings.

Councilman Dwayne Padalecki – asked when the Engineer will be putting the project out for bids.

City Manager Maria Hernandez – as soon as his Professional Services Agreement is authorized.

8. ITEMS FOR INDIVIDUAL CONSIDERATION

A. MUNICIPAL SOLID WASTE COLLECTION, DISPOSAL AND RECYCLING SERVICES – To select service provider and award contract beginning July 1, 2023 and ending June 30, 2028.

Mayor Dee Grimm – publicized Request for Proposals and received the following three Proposals:

	Residential Weekly Rate (Qty 1, 95-Gallon Container)
1. Apache Disposal, Inc.	15.00
2. Waste Connections	16.81
3. Frontier Waste Solutions	21.99

Councilman Dwayne Padalecki – noted the current 3-month rate is \$61.40 (pre-tax), and \$66.44 (with tax), for it’s important for comparison.

City Manager Maria Hernandez – asked for a 5% franchise fee in the bids for road maintenance, but it’s up to Council to require that. Noted that Apache’s proposal does not include it.

Councilman Dwayne Padalecki – is opposed to the franchise fee. Reason City went to great lengths over 20 years ago to have a single waste collection provider was to cut down on the amount of truck traffic on the roads. City also aligned commercial with residential collection to help limit the truck traffic.

Mayor Dee Grimm – clarified with Councilman Padalecki that his concern is that the provider would pass this franchise fee on to the customers, and he confirmed.

Councilman Russell Beck – doesn’t feel everyone should pay for recycling, for some people may not want or need it, and it would require an additional truck on the roads. Would prefer a community dumpster for recycling.

Mayor Dee Grimm – Council previously discussed the recycling option with the current provider, about the same concerns as Councilman Beck’s.

Councilman Dwayne Padalecki – former Councilwoman Deborah McInerney previously conducted a survey on recycling, and the majority of the people didn’t want it.

Mayor Dee Grimm – a community recycle bin could be an option and can be discussed with the provider, once a new agreement is approved.

MOTION	Councilman Russell Beck moved to accept Frontier Waste Solution’s proposal, minus the franchise fee and recycle fee.
SECOND	Councilman Dwayne Padalecki seconded the motion
DISCUSSION	<p><u>Kirk Harrison</u>, Municipal Manager of Frontier Waste Solutions, noted that Comal County provides recycling locations on certain days, which are manned to manage what is being put in the bins, for the fee at the recycle center is \$85 per ton, with an upcharge if the recyclables are mitigated with trash. The City’s previous discussion on this type of recycling service is a viable idea and it would also cut down on truck traffic.</p> <p><u>Ryan Schuyler</u>, District Manager of Waste Connections, noted their proposal includes the 5% franchise fee, but Waste Connections is assuming that charge and it would not be passed on to the customer. Also, their price is a flat rate, with no additional fees.</p> <p><u>Mayor Dee Grimm</u> – asked for clarification on Frontier’s fuel price increase designation of “yes”. Does that imply the price is subject to change?</p> <p><u>Kirk Harrison</u> – No, it doesn’t. They will go with the price that they have.</p>
VOTE	All were in favor, with the exception of Councilman John Hafner who voted Nay. Frontier Waste Solution’s proposal was accepted.

B. TO APPROVE AN AGREEMENT FOR ANIMAL SHELTER SERVICES PROVIDED BY WILSON COUNTY NO KILL ANIMAL SHELTER.

Mayor Dee Grimm – it concerns her that the City does not have a process for dealing with stray animals, but the burden on the City to have its own shelter would be pretty significant. She has reached out to Bexar County in the past for assistance, but to no avail.

Alena Berlanga, Director, President and Animal Control Officer for the Wilson County No Kill Animal Shelter. They are non-profit, are not run by the county, and do a lot of work with local law enforcement.

Marshal Mark Soto – when he sought help for an animal control issue, Wilson County No Kill Animal Shelter was the first to offer assistance. The City has always had animal control issues, but they are being reported more often now.

Councilman John Hafner – are there any repercussions if a dumped animal’s owner is identified by its chip?

Marshal Mark Soto - Yes, criminal charges could be pursued.

Mayor Dee Grimm – Reviewed the agreement, stating the annual fee for Wilson County No Kill Animal Shelter’s services is \$10,000, but noted the cost for the City to provide its own shelter would greatly exceed that amount.

Councilman Dwayne Padalecki – For clarification, before 2019 Bexar County would come out to Saint Hedwig for animal control, and the City would pay Bexar County \$55 per animal, but for whatever reason, Bexar County stopped providing that service. Wants citizens to know that the City was not asking Bexar County for new service, but for continued service. It’s important for tax payers to know what you’re getting, but in this case it’s what you’re not getting, from Bexar County.

Councilman John Hafner – would the City or animal shelter be responsible for providing an Animal Control Officer to pick up the animals?

Alena Berlanga – they would work in conjunction with the City’s Marshal’s Office.

Marshal Mark Soto – the Marshal’s Office will not be training anyone for Animal Control Officer Certification, for it does not fall under the purview of the Marshal’s Office, but at some point, the City may consider hiring someone specifically for that. They will however, work in conjunction with the animal shelter.

Councilman John Hafner – voiced concerns about liability of Marshal’s Office picking up and transporting aggressive animals.

Marshal Mark Soto – circumstances will vary and they will contact the animal shelter for assistance if necessary.

Councilman Justin Wiatrek – questioned Marshal’s Office response to a call if in the middle of transporting an animal.

Marshal Mark Soto – per agreements with Bexar County, Bexar County will respond should someone from Saint Hedwig’s Marshal’s Office not be in the area.

Councilman John Hafner – can citizen bring an animal directly to the shelter or do they have to go through the City?

Alena Berlanga – No, they need to contact the City Marshal’s Office.

MOTION	Councilman John Hafner moved to accept the agreement with Wilson County No Kill Animal Shelter.
SECOND	Councilman Dwayne Padalecki seconded the motion
VOTE	All were in favor, with the exception of Councilman Justin Wiatrek who voted Nay. The agreement with Wilson County No Kill Animal Shelter was accepted.

C. ORDINANCE 2023-03 – AN ORDINANCE REGULATING EXCESSIVE NOISE IN THE CITY’S JURISDICTION. AN ORDINANCE OF THE CITY OF SAINT HEDWIG, TEXAS; CREATING A NOISE PROHIBITION ORDINANCE; CREATING MINIMUM AND MAXIMUM PENALTIES FOR NOISE VIOLATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

MOTION	Councilman John Hafner moved to approve Ordinance 2023-03
SECOND	No Second. Motion Failed.

Marshal Mark Soto – Recently passed Texas House Bill 2127 will take away the authority of Cities to enforce a noise ordinance.

Councilman Dwayne Padalecki - asked if Disturbance of the Peace can still be implemented?

Marshal Mark Soto – Yes, but note that an officer is not allowed to jump over a gate to enforce a Disturbance of the Peace offense, unless there is someone in danger. If officer cannot make contact, they will try to follow up on the incident.

D. DETERMINING THE DATES FOR BUDGET WORKSHOP FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024.

City Manager Maria Hernandez – would like to have budget ready for approval by the September Council Meeting.

Council determined 3rd or 4th week of July would work best for the workshop.

E. ORDINANCE 2023-11 – APPOINTMENT OF MAYOR PRO TEMPORE FOR THE PERIOD OF JUNE 8, 2023 THROUGH JUNE 5, 2024

MOTION	Councilman Dwayne Padalecki moved to appoint Councilman John Hafner as Mayor Pro Tem, approving Ordinance 2023-11
SECOND	Councilman Caid Franckowiak seconded the motion
VOTE	All were in favor.

	Ordinance 2023-11, appointing Councilman John Hafner as Mayor Pro Tem was approved.
--	---

F. TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT, BETWEEN THE CITY OF SAINT HEDWIG, TEXAS AND 6S ENGINEERING, INC. FOR THE 2023 ROAD PROJECT

MOTION	Councilman Dwayne Padalecki moved to accept the Professional Services Agreement with 6S Engineering for the 2023 Road Project
SECOND	Councilman John Hafner seconded the motion
DISCUSSION	Councilman Dwayne Padalecki – Feels Mr. Swaim or a representative from 6S Engineering should be present at the Council meetings, particularly during this road project.
VOTE	All were in favor. The agreement was accepted.

9. ANNOUNCEMENTS

A. Second Wednesday of the Month

- Congressman Cuellar’s office staff will be at City Hall to help residents that need assistance with federal agencies.
- Alamo Area Council of Governments (AACOG), will provide information on Military and Veterans affairs, Transportation for the elderly and other regional services.
- City Public Service (CPS), Will provide information on the free home energy assessment and the free high-performance A/C Tune up.
- City council will convene in Closed Session under the Texas Government Code Section 551.071 (consultation with Attorney) - Regarding possible legal issues related to pending Special Use Permit (14400 FM 1346, Saint Hedwig, TX), pending development applications/variances and matters related thereto.

Mayor Dee Grimm – met with NE Partnership of Mayors and spoke highly about the beauty of Saint Hedwig.

Councilman John Hafner – Have a safe 4th of July

Councilman Dwayne Padalecki – announced the loss of citizen Walter Wyrwich, who built buildings all over Saint Hedwig, to include the roofs over the bleachers at the baseball diamond, the buildings at the American Legion where they serve to-go plates, the ESD12 fire department’s hose rack, and the roof on the Church Rectory. But most importantly was his supervision in the construction of City Hall, along with the design, engineer and supervision of the construction of the City Park’s cabanas, all free of charge. He helped hand-plant all the trees and crepe myrtles in front of City Hall and he’ll be remembered each time they bloom. Walter also served on City Council for many years and was a great servant of the City. May he rest in peace.

10. DETERMINE DATE FOR NEXT MEETING

Next Regular City Council Meeting will be Thursday, July 6, 2023.

11. EXECUTIVE SESSION

Council went into Executive Session at 8:44 pm

- A.** City Council will convene in Closed session under The Texas Government Code Section 551.072 (Deliberations about Real Property) of the Texas Government Code, regarding the purchase of property and matters related to negotiations for property.
- B.** City Council will convene in Closed session under The Texas Government Code Section 551. 071 (Consultation with Attorney) of the Texas Government Code, regarding potential Litigation: Celltex Site Services, Ltd., Plaintiff v. City of Saint Hedwig, Defendant. Case Number 2023CI09544.

- C. City Council will convene in Closed session under the Texas Government Code Section 551-074 to discuss the appointment, evaluation, and duties of the P&Z commission members. Mark Mueller, Connor Fillingim, and Charles Chenoweth.

12. RECONVENE IN OPEN SESSION - Discussion/Possible Action

Council reconvened in Open Session at 10:15 p.m.

- A. Take any Action(s) based on discussion held in executive session under Agenda item 11.A.

MOTION	Councilman moved John Hafner to approve the purchase of the neighboring property at 13035 FM 1346.
SECOND	Councilman Caid Franckowiak seconded the motion
VOTE	Councilman John Hafner called for a roll-call vote. Councilman Dwayne Padalecki – Abstained Caid Franckowiak – Yea John Hafner – Yea Russell Beck - Nay Justin Wiatrek - Nay Tie Breaker Vote by Mayor Dee Grimm – Yea The purchase of the neighboring property at 13035 FM 1346 was approved.

- B. Take any Action(s) based on discussion held in executive session under Agenda Item 11 B.
No action taken on this item.

- C. Take any action(s) based on discussion held in executive session under Agenda item 11 C.

MOTION	Councilman John Hafner moved to accept Mark Mueller’s resignation from the Planning and Zoning Commission.
SECOND	Councilman Russell Beck seconded the motion
VOTE	All were in favor. Mark Mueller’s resignation from the Planning and Zoning Commission was accepted.

MOTION	Councilman John Hafner moved to postpone taking action on the Planning and Zoning Commission until the next Council meeting.
SECOND	Councilman Russell Beck seconded the motion
VOTE	All were in favor. Action on the Planning and Zoning Commission was postponed until the next Council meeting.

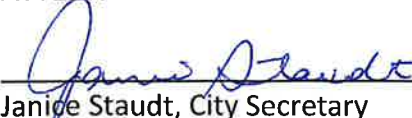
13. ADJOURNMENT

Mayor Dee Grimm adjourned the meeting at 10:18 p.m.



Dee Grimm, Mayor

ATTEST:



Janice Staudt, City Secretary