

Minutes
Special Emergency Session
July 19, 2019

On this 19th day of July, 2019, at 12:00 p.m., the City Council of the City of Devine convened in a Special Emergency Session; the same being opened to the public at their regular meeting place thereof, at City Hall, 303 S. Teel Drive, Devine, Texas. Notice of said Meeting having been prescribed in Chapter 551, Government Code, and Vernon's Texas Codes, Annotated, and the following members being present:

Mayor Pro-Tem Steve A. Lopez
Alderman David Valdez
Alderman David Espinosa
Alderman Cory Thompson
Alderwoman Jennifer Schott

Absent being Mayor William L. Herring; thus, constituting a quorum.

Personnel present: Dora V. Rodriguez, Interim City Administrator/City Secretary; Denise Duffy, City Accountant; Tom Cate, City Attorney; City; City Financial Advisor, Mary Rodriguez; Police Lieutenant Chris Andrews, and Police Officer Clint Schmelzer.

Others present: Marly Davis, Devine News; and Gabriel Romero, Medina Valley Times.

City Attorney Tom Cate explained to Council that Mayor Herring was not home when Lieutenant Andrews delivered his agenda. He was contacted by phone and he stated that he would not be at the meeting. City Attorney Tom Cate then stated that Mayor Pro-Tem Steve A. Lopez would be conducting the meeting.

Mayor Pro-Tem Lopez, presiding, called the meeting to order.

The first order of business was to discuss, consider and act upon Mayor Herring's resignation.

Mayor Pro-Tem Lopez read Mayor Herring's letter of resignation aloud which was addressed to Interim City Administrator/City Secretary Dora V. Rodriguez, stating: "Mrs. Rodriguez, Effective August 1, 2019, I will reside my position of Mayor of the City of Devine." City Attorney Tom Cate explained that is the letter of resignation that Mayor Herring submitted to Interim City Administrator/City Secretary Dora V. Rodriguez.

City Attorney Tom Cate informed Council that state law states that the resignation is actually effective when the Council accepts it or eight days from the time he submitted the letter. He stated that his advice was that it would be better to present it to Council at the earliest possible time. He stated that the resignation was having a negative effect on the day-to-day operations of the City, and that was the reason for an emergency meeting. City Attorney Tom Cate advised that Council needs to decide whether to accept the mayor's resignation now or make it effective eight days after he submitted the letter.

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Motion by Alderman Espinosa, seconded by Alderman Thompson to accept Mayor Herring's resignation effective immediately.

Ayes	--	Five
Nays	--	None

Motion carried.

The second order of business was to discuss, consider and act upon filling the Mayor's unexpired term.

- A. Call for a Special Election
- B. Appoint replacement until next General Election

City Attorney Tom advised that these were the two options that Council had; they can either call for a Special Election or they have the authority to appoint someone to fill the position of Mayor until the next General Election.

Alderman Lopez stated that he thinks the Council should vote for Item B. Interim City Administrator/City Secretary Dora V. Rodriguez informed the Council they needed to appoint someone. Alderwoman Schott inquired if they appointed Alderman Lopez to become Mayor, what would happen to his seat. She asked come next election, if someone takes over his District, does he not get his seat back? City Attorney Tom Cate and Interim City Administrator/City Secretary Dora V. Rodriguez both stated no.

Alderman Lopez inquired if the appointment/election would be for the full two years. City Attorney Tom Cate stated no, it would be to fill the one year. He explained the City is in a certain cycle, and we need to keep it that way. He clarified that this appointment/possible election would only be until the next General Election, where the people will vote to fill the regular term.

Motion by Alderman Lopez, seconded by Alderman Espinosa to go with Item B. to appoint a replacement until the next General Election.

Ayes	--	Five
Nays	--	None

Motion carried.

Discussion continued with Item B as Interim City Administrator/City Secretary told Council that now they needed to appoint someone for the position.

Alderwoman Schott inquired if Alderman Lopez, Mayor Pro Tem, wanted to be appointed Mayor. Alderman Lopez stated no.

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Motion by Alderman Espinosa, seconded by Alderman Lopez to appoint Alderman Cory Thompson to fill the Mayor's unexpired term.

Discussion was held by Alderman Thompson who stated that he was alright with this but expressed concern over finding someone to replace his seat in District 5. He explained that he would want someone that would honor the commitments he made and vote the same way he voted for the people who voted him into office. He stated that he feels hesitant to fully take over as Mayor, until he knows he has somebody who will step up and represent the people in his district.

Alderwoman Schott inquired if Alderman Espinosa would like the position. Alderman Espinosa stated no, because of his health issues.

Alderman Espinosa informed Council that he believes Alderman Thompson could be really committed as Mayor. Alderman Thompson stated that he could be; however, if he takes over the mayor's position, he will run the position differently than Mayor Herring. He explained that the meetings would be much shorter, and that he wouldn't be as involved in the day to day activities of the City as Bill Herring. He clarified that it might be him coming by once a week asking Interim City Administrator/City Secretary Dora V. Rodriguez if she needed him to do anything. Alderman Thompson stated that he knows Bill Herring intervened a lot when the City had individuals with complaints; in Alderman Thompson's opinion that's the job of the Council. He explained that if the compliant was within his district, he should've been the one addressing the issue; since the Council is made up of City Representatives.

Alderman Espinosa stated that he knows Alderman Thompson expressed interest at the last General Election for Mayor. Alderman Thompson informed Council that he did ask Mayor Herring if he was going to run again; if not, the Council would have a vacant seat and they would have to appoint someone. He explained that no one wanted to run against Mayor Herring for the seat back in January; no one even signed up. Alderman Thompson stated that he believes it would be better to ask people throughout the district. He clarified that if Council thinks it's better, he can try and find a suitable person in his district to fill that spot. He informed Council that he currently doesn't have someone on tab because he has not yet discussed this with anyone.

City Attorney Tom Cate advised that only the Mayor's position is on the agenda, and the council seat for District #5 can stay open for a while; we have plenty of time. Alderman Espinosa stated that they can all help Alderman Thompson. City Attorney Tom Cate explained that we could actually leave the seat open, those were the two ways that they can do it. He stated they can call for a Special Election, appoint someone, or keep it vacant. Alderman Thompson stated that the Special Election is going to cost the City more money and they would be taking the risk of no one signing up. He explained that his hesitation is finding someone to fill his position.

Alderman Lopez stated that he doesn't believe Council will have a hard time finding someone to fill the representative position for District #5. Alderman Thompson stated that he wants everyone to be comfortable with him, including the City staff. He informed Council that he doesn't have the time to do what Bill Herring did.

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Alderman Lopez stated that he is Mayor Pro-Tem and that he will help Mr. Thompson in any way that he can. Alderman Thompson stated that he really appreciates that. Alderman Thompson stated that, if he becomes Mayor, if there is an issue with a customer he is going to put it upon their Council person to fix it; partially due to time constraints. Alderman Espinosa stated they want him to do that. Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that it is her job to deal with the people, and if they don't like her decision then they are given the option to go before Council. She explained that's the way it is supposed to be; Bill Herring just liked to be involved. She informed Council that there were times she met people without the mayor; if they agreed, they went on their way; if not, they were put on the agenda. Alderman Thompson stated that if they have problems they should be in better contact with their Council member. Interim City Administrator/City Secretary Dora V. Rodriguez agreed.

Alderman Thompson informed Council that he would accept being appointed Mayor as long as they know he won't run the position the same way.

Alderman Lopez inquired if the Council finds candidates, gets a bio of who they are and what they've done, if he will take them into consideration. Alderman Thompson stated yes, and asked if they could leave a phone number because he likes to hold a conversation/meeting with them. He explained that it gives him a good opportunity for him to go over scenarios that will come before Council.

Motion by Alderman Espinosa, seconded by Alderman Lopez to appoint Alderman Cory Thompson to fill the Mayor's unexpired term.

Ayes	--	Five
Nays	--	None

Motion carried.

The third order of business was to administer the Oath of Office to the newly appointed Mayor.

City Attorney Tom Cate then swore in Cory Thompson as the new Mayor for the City of Devine:

"I solemnly swear that I will faithfully execute the duties of the Office of Mayor, of the City of Devine, of the State of Texas and will to the best of my abilities preserve, protect and defend the Constitution of Office and the United States and of this State, so help me God."

The Council congratulated him.

Mayor Thompson then took over presiding over the meeting.

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The fourth order of business was to discuss, consider and act upon authorizing city staff and appointed-mayor to execute any documents required for the mayor to perform his job.

Discussion was held on signature cards for the bank, for Cory to sign. City Attorney Tom Cate advised that we will need a Resolution for Cory Thompson to be able to transact business at the banks on behalf of the City. Interim City Administrator/City Secretary Dora V. Rodriguez stated that we would be needing his signature.

Motion by Alderman Espinosa, seconded by Alderman Lopez to do a resolution giving Cory Thompson the authority to execute any documents required for the mayor to perform his job.

Ayes	--	Four (with 1 vacancy in District 5)
Nays	--	None

Motion carried.


There being no further business to come before the governing body, motion made by Alderman Lopez, seconded by Alderwoman Schott to adjourn meeting.

Ayes	--	Four (with 1 vacancy in District 5)
Nays	--	None

Motion carried.



City Secretary



Mayor