

**City Of Vidor  
Vidor City Council  
Regular Meeting  
September 14, 2023**

**MEMBERS PRESENT:**

Mayor Misty Songe  
Councilmember Mercedes Lee  
Councilmember Michael Thompson  
Councilmember Nicole McGowan  
Councilmember Jessica Barker  
Councilmember Gary Herrera  
Councilmember Kathryn Weldon

**MEMBERS ABSENT:**

**Administrative Personnel:** Misty Torres, City Secretary; Katrina Jones, Finance Director; Chris Leavins, City Attorney; Ed Martin, Police Captain.

**A. OPENING, PRESENTATIONS, AND CITIZENS COMMENTS**

**A -1. Call to order and the establishment of a Quorum.**

A quorum was present, and the Regular Meeting of the Vidor City Council began at 7:00 p.m., Mayor Songe presiding.

**A -2. Invocation and Pledge to the United States Flag and the State of Texas Flag**

Chris Leavins, City Attorney gave the Invocation and led the Pledge.

**A -3. Citizen Comments**

There was one citizen comment from Mikayla Borque, who introduced herself to Council and attendees to express her interest in filling the Ward 5 seat.

**B. COUNCIL CONSENT AGENDA**

**B -1. Approval of Accounts Paid:**

**General Fund – \$367,820.23**

**MCBSF - \$349.32**

**Hotel Occupancy Tax Fund - \$8,0325.74**

**Juvenile Case Manager Fund - \$416.34**

**Proprietary Fund - \$42,707.49**

**Employee Benefits Trust - \$74,919.93**

**B -2. Approval of Minutes:**

**Regular Meeting – August 24, 2023**

**C. COUNCIL REGULAR AGENDA**

**C -1. Public Hearing - on the proposed tax rate for the City of Vidor for the fiscal year 2023-2024.**

Mayor Songe opened the public hearing at 7:03pm. Katrina Jones, Finance Director, addressed attendees of the hearing and provided the following information: The 2022/2023 fiscal year tax rate is \$.67393. The proposed tax rate for the 2023/2024 fiscal year is \$.65393 – a 2% overall decrease from last year’s rate. The proposed 2023/2024 tax rate is greater than the voter-approved rate, but not greater than the de minimis rate. Mayor Songe provided the following breakdown of the proposed tax rate: \$.56797 for maintenance and operations, \$.08596 for interest and sinking. The proposed tax rate is estimated to raise \$3,126,552 at a 100% collection rate before the debt service deduction. No questions were asked by Council or the public. Mayor Songe closed the public hearing at 7:05pm.

**C -2. Consideration and possible action to approve *A RESOLUTION OF THE CITY OF VIDOR, TEXAS IN COMPLIANCE WITH CHAPTER 102, LOCAL GOVERNMENT CODE PROVIDING FOR THE ADOPTION OF A BUDGET THAT WILL REQUIRE RAISING MORE REVENUE FROM PROPERTY TAXES FOR FISCAL YEAR 2023-2024 THAN WERE RAISED IN FISCAL YEAR 2022-2023.***

*Katrina Jones, Finance Director provided the following information regarding the proposed budget for fiscal year 2023/2024: The total revenue budgeted for all funds in the 2023/2024 fiscal year for all funds is \$37,249,304. The revenue breakdown is as follows:*

*General Fund \$7,656,340  
Debt Service Funds \$391,400  
Special Revenue Funds \$28,019,064  
Sanitation Fund \$1,182,500*

*The total expenditures budgeted for the 2023/2024 fiscal year for all funds is \$39,141,218. The expenditures breakdown is as follows:*

*General Fund \$8,361,889  
Debt Service Funds \$428,200  
Special Revenue Funds \$29,171,437  
Sanitation Fund \$1,179,693*

A motion was made by Councilmember McGowan and seconded by Councilmember Barker, to approve ***A RESOLUTION OF THE CITY OF VIDOR, TEXAS IN COMPLIANCE WITH CHAPTER 102, LOCAL GOVERNMENT CODE PROVIDING FOR THE ADOPTION OF A BUDGET THAT WILL REQUIRE RAISING MORE REVENUE FROM PROPERTY TAXES FOR FISCAL YEAR 2023-2024 THAN WERE RAISED IN FISCAL YEAR 2022-2023.*** Council voted 6 for and none opposed. The motion carried.

**C -3. Consideration and possible action to approve of AN ORDINANCE ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING ON SEPTEMBER 30, 2024, IN ACCORDANCE WITH THE CHARTER OF THE CITY OF VIDOR, TEXAS; CONTAINING A SEVERABILITY/REPEALING CLAUSE; WAIVING A SECOND READING AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.**

A motion was made by Councilmember McGowan and seconded by Councilmember Thompson, to **approve of AN ORDINANCE ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING ON SEPTEMBER 30, 2024.** Council voted via roll call vote with 6 for and none opposed. Motion carried.

**C -4 Consideration and possible action to approve of AN ORDINANCE CREATING A TAX LEVY AND FIXING THE TAX RATE FOR THE CITY OF VIDOR, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024, UPON ALL TAXABLE PROPERTY IN THE CITY OF VIDOR, TEXAS, ACCORDING TO THE LAWS OF THE STATE OF TEXAS, CHARTER PROVISIONS AND ORDINANCES OF THE CITY OF VIDOR, TEXAS; CONTAINING A SEVERABILITY/REPEALING CLAUSE; WAIVING A SECOND READING AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.**

Mayor Songe moved that the maintenance and operations property tax rate be increased by the adoption of a tax rate of \$.56797, which is a .00644% increase in the maintenance and operations property tax rate from last year's rate. Mayor Songe moved that the debt service property tax rate be decreased by the adoption of a tax rate of \$.08596, which is a .02644% decrease in the debt service property tax rate from last year's rate.

A motion was made by Councilmember McGowan and seconded by Councilmember Thompson, to approve of **AN ORDINANCE CREATING A TAX LEVY AND FIXING THE TAX RATE FOR THE CITY OF VIDOR, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024, UPON ALL TAXABLE PROPERTY IN THE CITY OF VIDOR, TEXAS, ACCORDING TO THE LAWS OF THE STATE OF TEXAS, CHARTER PROVISIONS AND ORDINANCES OF THE CITY OF VIDOR, TEXAS.** Council voted via roll call vote with 6 for and none opposed. Motion carried.

**C- 5 Consideration and possible action to approve of AN ORDINANCE RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024, FOR THE CITY OF VIDOR, TEXAS, IN ACCORDANCE WITH HOUSE BILL 3195; CONTAINING A SEVERABILITY/ REPEALING CLAUSE; WAIVING A**

**SECOND READING AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.**

Mayor Songe read: The property tax rate will decrease with the adoption of a tax rate of \$.65393 which is effectively a 6.30% increase in tax revenue. A motion to approve **AN ORDINANCE RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024, FOR THE CITY OF VIDOR, TEXAS** was made by Councilmember McGowan and was seconded by Councilmember Thompson. Council voted via roll call vote with six for and 0 opposed. The motion carried.

**C- 6. EXECUTIVE SESSION pursuant to Section 551.071 of the Texas Government Code – Consultation with Attorney, to seek or receive legal advice regarding pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, regarding vacancy of Councilmember Ward 5.**

Mayor Songe convened the regular meeting to an Executive Session at 7:14pm. Mayor Songe reconvened the regular meeting at 7:51p.m.

**C- 7. Discussion and possible action regarding filling the unexpired term of Councilmember Ward 5.**

Councilmember Barker made a motion to **appoint Cody Bankin to the Ward 5 Council seat**. The motion was seconded Councilmember Lee. A roll call vote was conducted, and Council voted two (2) in favor,

Councilmember Lee  
Councilmember Barker

three (3) opposed

Councilmember McGowan  
Councilmember Thompson  
Councilmember Weldon

and one (1) abstained.

Gary Herrera

The motion failed.

Councilmember McGowan made a motion to **appoint Gary Herrera back to the Ward 5 Council seat**. The motion was seconded by Councilmember Weldon. A roll call vote was

Conducted and Council voted three (3) in favor,

Councilmember McGowan  
Councilmember Thompson  
Councilmember Weldon

two (2) opposed

Councilmember Lee  
Councilmember Barker

and one (1) abstained.

Gary Herrera

The motion carried.

**C- 8. Discussion and possible action to appoint Rod Carroll as acting Interim City Manager.**

Councilmember Herrera asked whether additional pay would accompany Rod Carroll's appointment to Interim City Manager if the motion was approved. City Attorney Chris Leavins said that could be discussed at a future meeting. Councilmember Barker made a motion to **appoint Rod Carroll as Interim City Manager**. Councilmember Lee seconded the motion. Council conducted a roll call vote and voted unanimously in favor. The motion carried.

**C- 9. Discussion and possible action to approve Captain Edward Martin as acting Chief of Police while Rod Carroll is acting Interim City Manager, if approved under C-8.**

Captain Ed Martin said, if appointed, as acting Chief of Police, he would seek and follow Chief Carroll's directive in all police matters and uphold the standards of the position. Councilmember Barker made a **motion to approve Captain Edward Martin as acting Chief of Police while Rod Carroll is acting Interim City Manager**. The motion was seconded by Councilmember McGowan. Council voted unanimously in favor of the motion and the motion carried.

**C- 10. Discussion and possible action to approve a Resolution naming and designating the Supervisor of Accounting and Finance as Deputy City Secretary to perform necessary City Secretary functions during the absence or vacancy of the City Secretary position.**

Councilmember Herrera questioned why it had to be the Finance Director that would serve as the Deputy City Secretary instead of the Police Chief or City Manager or any other city employee. City Attorney Chris Leavins explained that anyone can be appointed the Deputy City Secretary so long as they are present for Council meetings and able to attest to Council proceedings, but appointing the Finance Director as such would make the most sense, being

that that position is familiar with the duties of the City Secretary and is located in the same office. Leavins went on to explain that the Deputy Secretary would only act in the official capacity of City Secretary in the absence of a City Secretary and/or City Manager. A motion was made by Councilmember Barker to **approve a Resolution naming and designating the Supervisor of Accounting and Finance as Deputy City Secretary**. Councilmember Lee seconded the motion. Council voted unanimously in favor of the motion and the motion carried.

**C -11. Discussion and possible action to approve a Resolution authorizing the execution of a Memorandum of Understanding between the Vidor Police Department and the Texas Department of Public Safety for enforcement of commercial Vehicle laws under the Texas Transportation Code section 621.402.**

Captain Ed Martin explained that Vidor Police Department received a Memorandum of Understanding (MOU) from the Texas Department of Public Safety (DPS) that would provide training to Vidor patrol officers that would allow them to conduct Texas Department of Transportation (TXDOT) inspections on commercial vehicles operating on city roadways and issue citations for violations. Councilmember Herrera asked if the city would be able to retain the revenue from the citation fines and Captain Martin said yes. Mayor Songe said the officers would attend the required training in February 2024 and officers would be able to commence DOT inspection duties shortly after. A motion to **approve a Resolution authorizing the execution of a Memorandum of Understanding between the Vidor Police Department and the Texas Department of Public Safety for enforcement of commercial Vehicle laws under the Texas Transportation Code section 621.402** was made by Councilmember Barker and seconded by Councilmember Weldon. Council voted unanimously in favor of the motion and the motion carried.

**C -12. EXECUTIVE SESSION pursuant to Section 551.074 of the Texas Local Government Code – Personnel Matters, regarding the Mayor.**

Mayor Songe announced Council would not convene in Executive Session and that the meeting would continue in Open Session. Councilmember Thompson expressed concern about how some things were handled by Mayor Songe and Council's belief that certain information was withheld from certain councilmembers during the Council's investigation of allegations against the City Manager. Councilmember Thompson said that not having all available information regarding certain matters prevented Council from making informed decisions in regards to Council business.

Councilmember McGowan alleged that Mayor Songe was participating in the same withholding of information from Council that she had previously accused a former Mayor of doing and did so for a period of two months. Mayor Songe denied the allegations saying that her actions came under the advisement of the City Secretary and the City Attorney in an attempt to avoid a walking quorum. Councilmember McGowan voiced frustration that Mayor's apparent withholding of relevant information greatly hindered Council's ability to properly investigate allegations levelled against the City Manager. Councilmember McGowan said Council's pending investigation into the City Manager's conduct was unrelated to employee complaints against

him because Council was not aware of the employee allegations at the time. She went on to say this misunderstanding resulted in city employees being angry with Council and allegations that they refused to investigate the City Manager. Mayor Songe countered that she also lacked all the information at the time, due to employees coming forward with their allegations at various times. Councilmember Thompson expressed concern that Mayor Songe did not reassure employees that an investigation was forthcoming, and that Council was planning to act on the allegations, which would have deescalated the situation. Mayor Songe said there was no deescalating the situation at that point. City Attorney Chris Leavins interjected to caution Council and Mayor against getting into specific details of the allegations, due to the investigation into the City Manager is still open and active.

Mayor Songe asked if there were any other matters to discuss on the subject. Councilmember Weldon attempted to issue a public apology to the employees involved in the investigation. However, Mayor Songe reminded her that this Open Discussion was for discussion an agenda item related to her and her actions and was not the appropriate forum for addressing employees. Mayor Songe closed the public hearing at 8:13p.m.

### **C -13. Consideration and possible action arising out of or related to Executive Session under C-12.**

Councilmember Thompson made a motion for **a vote of No Confidence in the actions of Mayor Misty Songe**. The motion was seconded by Councilmember McGowan. Council voted via roll call vote with four (4) in agreement

Councilmember McGowan  
Councilmember Thompson  
Councilmember Herrera  
Councilmember Weldon

and two (2) opposed.


Councilmember Lee  
Councilmember Barker

The motion carried.

### **C: -14. Consideration of Adjournment**

A motion was made by Councilmember Thompson, seconded by Councilmember McGowan, for **Consideration of Adjournment**. The Council voted six (6) for and none (0) opposed. The motion carried, and the Regular Meeting of the Vidor City Council adjourned at 8:13 p.m.

*These minutes were approved on the 28<sup>th</sup> day of September, 2023.*

  
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Misty Songe, Mayor

ATTEST  
  
\_\_\_\_\_  
Misty Torres, City Secretary