

**WHITE OAK CITY COUNCIL  
REGULAR MEETING  
WHITE OAK CITY HALL  
DECEMBER 13, 2011  
6:00 P.M.**

MEMBERS PRESENT : Mayor Rick May, Mayor Pro-Tem Barbary Ray, Kyle Kutch, Lance Noll, Kelly Mitchell

MEMBERS ABSENT : Charlie Owens

STAFF PRESENT : Charlie Smith, Terry Roach, Jim Nall, Billy Morgan, Chad Walls, Mike Self, Tracey Fears, Nate Holder

CALL TO ORDER

Mayor May called the meeting to order at 6:00 p.m. Mayor May led the invocation and Pledge of Allegiance.

CONSENT AGENDA

- A. Consider and/or approve payment of bills.
- B. Consider and/or approve City Council minutes from December 13, 2011
- C. Consider and/or approve WOEDCO minutes from November 22, 2011

Councilmember Kutch made the motion to approve, seconded by Councilmember Noll. Carried 3-1 with abstention by Mayor Pro-tem Ray.

CITIZEN COMMENTS

Gene Keenon with Allied Waste provided the Council with an annual \$1,000 donation for Roughneck Days.

CONSIDER AND/OR APPROVE Allied Waste's Sanitation Fee Increase Request.

Gene Keenon with Allied Waste spoke to the Council and explained the CPI and received approval to have the increase cut in half. City Coordinator Charlie Smith stated the City will have two extra trash off days next year and stated the City and Allied have a great working relationship.

Motion to approve by Councilmember Mitchell, seconded by Mayor Pro-tem Ray. Carried unanimously.

DISCUSSION of Public, Educational, & Government (PEG) Cable Fees.

City Coordinator Charlie Smith explained to the council that as of September 1, 2011, the state legislature has mandated that out of the 6% cities receive from cable franchise fees, 1% of this must be kept separate from the general fund which will be approximately \$12,000-\$15,000 a year and the money can only be used for specific items for televising council meetings. Even though the City does not currently televise council meetings, the money is allowed to remain in a separate bank account until the decision is made to do so.

Councilmember Kutch asked how the City can opt out. City Coordinator Smith stated the city attorney advised keeping the money for future use and Mr. Smith stated he agreed and this money may sit there for a long time, but maybe one day the door will be opened to allow the City to use it.

Councilmember Mitchell stated that maybe at some point this could help offset the \$30,000 the City contributes to the library. Mr. Smith stated he is not sure yet and is not sure how other cities are spending their money.

Mayor Pro-tem Ray asked if we know what they mean by dedicated vehicles. Mr. Smith stated he does not from what he has read. Mayor Pro-tem Ray then asked about cameras; maybe in the patrol cars. Mr. Smith stated he was not sure if this would fall under the education requirement.

He also stated he thinks that if we opt out then it will be lost and at some point, it might be hard to get it back. He suggested the City keep the funds until the legislature clarifies what expenses are allowed with these funds. Mayor May stated it would be great if later down the road, these monies were allowed to be spent on libraries.

Mayor Pro-tem Ray questioned if this will increase our fees any. Mr. Smith explained no, the city is already receiving this; it just has to go into a special fund now. One never knows if or when the City could use these funds or if maybe the legislature will rescind this decision.

CONSIDER AND/OR APPROVE Resolution 2011-09; Electing Not to Require the Remittance of a PEG Fee by Holders of a State Issued Certificate of Franchise Authority.

Item died due to the lack of a motion.

DISCUSSION regarding Christmas Decorations.

City Coordinator Charlie Smith explained citizens have commented about asking for voluntary donations to decorate City light poles, etc. Mayor May stated he heard only positive comments on the parade and plans on having another parade next year. He also said he would get prices, etc. for the council for future discussion.

Mr. Smith stated the donations could be accepted through water payments and monies will be accounted for separately.

#### CITY COORDINATOR ITEMS

##### A. Capital Projects Update

The digging of the pond has begun and they hit water because there was water in the bottom of the hole. It would take a week or so to dig the pond.

##### B. Update on Red River Lawsuit

He received a timeline from the city attorney and mediation probably will not even begin until 2013 sometime. A discovery of names of who all was working at the plant and who with the city was involved with the project was done last week.

Councilmember Mitchell requested Mr. Smith to explain again the specifics of the lawsuit. Mr. Smith explained the City had the water treatment plant items lined out for what exactly was to be done, and then there was a "B" list of optional items. Of those items, approximately \$200,000 was removed and performed by City staff.

Red River Construction wants the City to pay them for mobilization because they had their equipment in their yard and remained there because we did not call them to begin the work. The amount of the lawsuit is approximately \$57,000.

C. Update on Non-Smoking in Parks Ordinance

The city attorney is working on this ordinance and will be presented to council.

ADJOURNMENT

Motion to adjourn at 6:30 p.m. by Councilmember Mitchell, seconded by Councilmember Noll.  
Carried unanimously.



Rick May, Mayor

ATTEST:



Sherry Roberts, TRMC  
City Secretary