

**WHITE OAK CITY COUNCIL
SPECIAL MEETING
WHITE OAK CITY HALL
APRIL 10, 2014
3:00 P.M.**

MEMBERS PRESENT : Mayor Rick May, Mayor Pro-Tem Barbara Ray, Lance Noll, Kyle Kutch

STAFF PRESENT : Charlie Smith, Sherry Roberts, Billy Morgan, Terry Roach, Randy Dodson, Wendell Basham, Debbie Sadler, Jason Maxted

CALL TO ORDER

- A. Invocation
- B. Pledge of Allegiance

Mayor May called the meeting to order at 3:00 p.m. Councilmember Kutch led the invocation and Mayor May led the Pledge of Allegiance.

CONSENT AGENDA

- A. Consider and/or approve payment of bills
- B. Consider and/or approve City Council minutes from March 11, 2014
- C. Consider and/or approve WOEDCO minutes from February 25, 2014.
- D. Consider and/or approve Ordinance 2014-04 approving an amendment to the fiscal year 13/14 General Fund budget.
- E. Consider and/or approve Quarterly Investment Report ending March 31, 2014.

Mayor Pro-tem Ray made the motion to accept, seconded by Councilmember Noll. Carried unanimously.

CITIZEN COMMENTS

None.

CONSIDER AND/OR APPROVE White Oak, Texas Parks & Quality of Life Foundation original members.

City Coordinator Charlie Smith explained that once all of the original board members are approved, the Foundation will elect their officers. Proposed members are Joe Bower, Kenny Corbell, Jo Swanson, Tom Wilcox, and Dustin Williams. Mayor Pro-Tem Ray asked if there would be other members. Mr. Smith answered these will be the only members at this time. Mayor Pro-Tem Ray mentioned her concern that with WOEDCO, there are seven members and sometimes it is hard to get a quorum and questioned if five will be enough. Mayor May replied that he thinks five members are enough to start with, especially since the board would only require three for a quorum. Mr. Smith explained that since this is a foundation, there are different meeting rules versus a city. Mayor May stated the board will not meet as often. Mayor Pro-Tem Ray asked if the Council had a copy of the board's specified responsibilities. Mr. Smith answered yes, in their by-laws which were drawn up by an attorney.

Councilmember Noll made a motion to approve, seconded by Councilmember Kutch. Carried unanimously.

CONSIDER AND/OR APPROVE interlocal agreement between City of White Oak, White Oak ISD, and White Oak Economic Development Corporation regarding high school baseball field loan.

City Coordinator Charlie Smith passed out a copy of the amended contract by the WOEDCO attorney then by City Attorney Brad Echols. White Oak ISD will vote on the same contract next week. Mayor Pro-Tem Ray questioned what would happen if one entity cannot pay. Mr. Smith replied then that would mean there would be a contract default. He then stated that in his opinion, the foundation will pay for a lot of it. Mayor Pro-Tem Ray questioned if the foundation would split the funds between the all three entities. Mayor May replied no; the donations will go toward retiring the debt for the field.

Councilmember Noll questioned the payment of \$60,000 versus \$50,000 on the city's behalf. Rick answered it included his personal donation to the foundation. Councilmember Noll then asked if it would not make more sense to break out the part that comes through the foundation. Mr. Smith replied that he talked to the city attorney about this and he was fine with it. He further stated that he did not think the WOEDCO attorney had an issue except for the amount of money being dedicated for future years. Mayor Pro-Tem Ray explained the original contract did not give any guarantee to WOEDCO when they are the ones holding the purse; it is to protect WOEDCO. Mr. Smith explained that he did not know what the conversation was between the city and WOEDCO attorneys, but this was the contract sent from the city attorney to all three entities. Councilmember Kutch interpreted the contract as dedicating the \$50,000/year for the city. Mr. Smith pointed out that it is all subject to Part IV, B; Subject to Appropriated Funds. If the city went bankrupt, then the city would face suit from the other two entities.

Councilmember Kutch made the motion to approve the contract, seconded by Mayor Pro-Tem Ray. Carried unanimously.

CONSIDER AND/OR APPROVE agreement with White Oak ISD regarding the usage of the high school baseball field.

City Coordinator Smith explained the city had an original contract with White Oak ISD back in 1994 and in doing this new project, we needed a new contract. A lot of it is based on the old contract. The school attorney has seen contract. Mayor Pro-Tem Ray asked about #11-Damage to Premises. If there is an act of God that causes damage, the city shall not be liable. Then in the next paragraph, it states if the field should be damaged, the city would be liable; it seems to be the two paragraphs are in conflict. Mr. Smith explained the city would not be responsible for any school property that is there at the time. The dugouts, fences, etc. is city property. Only the equipment they have there is theirs.

Councilmember Noll made the motion to approve, seconded by Councilmember Kutch. Carried unanimously.

CONSIDER AND/OR APPROVE Resolution 2014-05 suspending for 45 days the effective date proposed by CenterPoint Energy Resources Corp., Beaumont/East Texas Division ("CenterPoint") in its application filed on or about March 31, 2014 pursuant to section 104.301 of the Gas Utility Regulatory Act.

City Coordinator Charlie Smith explained that CenterPoint wants to increase their rates and with the help of Cities Advocating Reasonable Deregulation (CARD), we will suspend the increase.

Mayor Pro-Tem Ray made the motion to approve, seconded by Councilmember Noll. Carried unanimously.

CITY COORDINATOR ITEMS

A. Update on water sources, meters, and plant improvements.

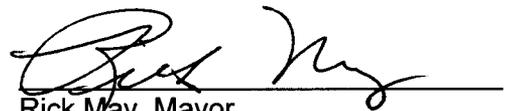
City Coordinator Smith explained he was still waiting on C. Miller and the engineers on the well plan. The meters should go out for installation bids for soon. There has been a lot of equipment moved to the plant to paint the clarifiers. He invited the Council to go look inside of one of the clarifiers since all of the water is out of it for repairs.

B. Update on High School Baseball Field Renovation.

The bleachers are installed, the seats are on the bleachers, and they are cleaning the rest of the week to get ready for tomorrow's ball game at 4:00 p.m. Mayor Pro-Tem Ray said the bleachers seemed close to the street. Mr. Smith explained the street will be a normal sized street when the project is done. Councilmember Noll questioned if the netting was there. Mr. Smith answered it is up and says "Roughneck Baseball." Mayor May stated he had spoken to the baseball team and personally apologized to the seniors for the delay in completion of the field. He told them we would do everything possible to get the field ready to play at least one or two games at home. Mayor May emphasized how Jason Simpson with Heartland Park & Recreation has gone above and beyond anything we could ever ask to get the field done for us. He has been working by car lights to help get us to this point, and tomorrow is really a big day for our seniors, etc. Everyone needs to express gratitude for the work he has done. Mother Nature has hampered construction progress. Mayor May also acknowledged the city workers that have been there helping with construction which saves on cost.

ADJOURNMENT

Motion to adjourn at 3:32 p.m. by Councilmember Noll, seconded by Councilmember Kutch. Carried unanimously.


Rick May, Mayor

ATTEST:


Sherry Roberts, TRMC
City Secretary