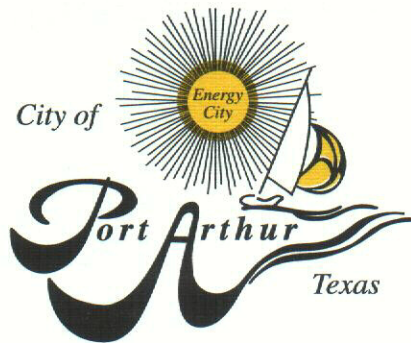


OSCAR G. ORTIZ, MAYOR
RONNIE H. THOMPSON, MAYOR PRO-TEM
COUNCIL MEMBERS:
WILLIE LEWIS, JR.
FELIX A. BARKER
THOMAS J. HENDERSON
MARTIN FLOOD
JOHN BEARD, JR.
DELORES PRINCE
MICHAEL "SHANE" SINEGAL



STEPHEN FITZGIBBONS
CITY MANAGER
EVANGELINE "VAN" GREEN
CITY SECRETARY
MARK T. SOKOLOW
CITY ATTORNEY

AGENDA

City Council & Section 4A EDC Joint/Special Meeting

January 17, 2006
4:30 p.m.

In compliance with the Americans With Disabilities Act, the City of Port Arthur will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meeting. Please contact the City Secretary's Office, at (409) 983-8115.

**CITY COUNCIL AND SECTION 4A EDC
JOINT/SPECIAL MEETING
City Hall Council Chamber
City Of Port Arthur
JANUARY 17, 2006
4:30PM**

I. ROLL CALL, INVOCATION & PLEDGE

Mayor Ortiz	_____	<i>Board of Directors</i>	
Mayor Pro Tem Thompson	_____	Richard Wycoff	_____
Councilmember Lewis	_____	Barbara Mulroy	_____
Councilmember Barker	_____	Keith Alan Daws	_____
Councilmember Henderson	_____	Linda Turner Spears	_____
Councilmember Flood	_____	Eli Roberts	_____
Councilmember Beard	_____	Kim David Klahsen	_____
Councilmember Prince	_____	Lloyd Christian	_____
Councilmember Sinegal	_____	Kerry Thomas	_____
City Manager Fitzgibbons	_____	Antonio Aguilar	_____
City Secretary Green	_____	<i>Staff</i>	
City Attorney Sokolow	_____	Jana Barnes	_____

II. ITEMS REQUIRING INDIVIDUAL ACTION

- (1) P.R. No. 13377 – A Resolution Approving An Economic Incentive Contract Between Triangle Waste Solutions, LLC And The City Of Port Arthur Section 4A Economic Development Corporation.
- (2) P.R. No. 13264 – A Resolution Approving The Material Terms Of An Economic Incentive Agreement Between The City Of Port Arthur Section 4A Economic Development Corporation And Abraham Manufacturing, Inc.
- (3) A Motion by the Board of Directors to approve the transfer of \$340,388 (4% of the signed \$750,000 Pleasure Island Shrimp House Contract and 25% of the \$41,552.50 charge for ongoing projects) to the City of Port Arthur pertaining to the administrative reimbursement agreement, which is in addition to the \$300,000 charge.

III. *CLOSED MEETING (EXECUTIVE SESSION)

"A Closed Meeting Or Executive Session Will Now Be Held Pursuant To The Following Sections Of Chapter 551 Texas Government Code":

Section 551.071 - Litigation And/Or Legal Advice

Section 551.072 – Land

Section 551.073 - Negotiated Contracts For Prospective Gifts To The City

**Joint/Special Agenda
January 17, 2006**

III. *CLOSED MEETING (EXECUTIVE SESSION) – CONTINUED

Section 551.074 – Personnel

Section 551.076 - Security Personnel Or Devices

Section 551.087 - Deliberations Regarding Economic Development Incentives

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Closed Meeting:

- (1) Section 551.087 Government Code – To Discuss Incentives For Business Prospects As To Section 4A Projects.
- (2) Section 551.072 Government Code – To Discuss The Value Of Land At The EDC Business Parks.
- (3) Section 551.071 Government Code – To Discuss With The City Attorney Pending Or Potential Litigation As It Pertains To The EDC Business Parks.
- (4) Section 551.071 Government Code – To Discuss With The City Attorney And The EDC Attorney The Pending Litigation As To Training, Research And Development, Inc.
- (5) Section 551.072 Government Code – To Discuss The Value Of Land On The West Side.

*The Items In Executive Session May Be Discussed And Acted On In Open Session

IV. *Reports And Recommendations

Report From The City Of Port Arthur Section 4A Economic Development Corporation EDC As To The Activities Of The EDC Board Of Directors And Its Committees, Which Includes The Status Of Pending Incentive Agreements, Marketing Plan, And Similar Activities

V. ADJOURNMENT

RULES OF DECORUM – PERSONS ADDRESSING COUNCIL & AUDIENCE MEMBERS

1. **Recognition by Presiding Officer.** No person shall address the Council without first being recognized by the Presiding Officer.
2. **Spokesman for group of persons.** In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Council on the same subject matter, it shall be proper for the presiding officer to request that a spokesman be chosen by the group to address the Council and, in case additional matters are to be presented by any other member of such group, to limit the number of such persons addressing the Council.
3. **Speaking procedure; limitation on discussion and questioning.** Each person addressing the Council shall step up to the microphone provided for the use of the public and give his name and address in an audible tone of voice for the records, state the subject he wishes to discuss, state whom he is representing if he represents an organization or other persons, and, unless further time is granted by majority vote of the Council, shall limit his remarks to (5) five minutes. All remarks shall be addressed to the Council as a whole and not to any member of the Council. No person other than members of the Council and the person having the floor shall be permitted to enter into any discussion, whether directly or through a member of the Council, without the permission of the Presiding Officer.
4. **Improper references, disorderly conduct by persons addressing Council.** Any person making, expressly or impliedly, personal, impertinent, slanderous, derogatory, discourteous, snide or profane remarks, or who willfully utters loud, threatening or abusive language, or engages in any disorderly conduct which would impede, disrupt or disturb the orderly conduct of any meeting, hearing or other proceedings, shall be called to order by the Presiding Officer. If such conduct continues, such person may, at the discretion of the Presiding Officer, be ordered barred from further audience before the Council during that meeting.
5. **Addresses after motion made or public hearing closed.** After a motion has been made or a public hearing has been closed, no member of the public shall address the Council from the audience on the matter under consideration without first securing permission to do so by majority vote of the City Council.
6. **Campaign Speeches.** No person will be allowed to address the City Council by making campaign speeches for or against any candidate who has announced or does announce his intention to run or issue already ordered on a ballot for election.
7. **Persons having complaints, allegations, or charges against individual city employees.** No person shall make any complaint, specific allegation or charge against an individual city employee by name in a public meetings unless he first shows that he has pursued appropriate administrative channels.
8. **Disorderly Conduct.** No person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations which conduct disrupts the peace and good order of the meeting.
9. **Person authorized to be within rail.** No person except members of the Council and the city staff shall be permitted within the rail without the consent of the Presiding Officer.
10. **Limitations on use of supplemental lighting.** Limitations on use of supplemental lighting for television and motion picture cameras to create the least amount of interference with or disturbance of the proceedings of the Council and the least amount of discomfort to the public in attendance.

ENFORCEMENT OF DECORUM

Warning. All persons shall, at the request of the Presiding Officer, be silent.

Removal. If, after receiving a warning from the Presiding Officer, a person persists in disturbing the meeting, such officer may order him to remove himself from the meeting. If he does not remove himself, the Presiding Officer may order the Sergeant-At-Arms to remove him.

Resisting Removal. Any person who resists removal by the Sergeant-At-Arms shall be charged with violating V.T.C.A., Penal Code 42.05.

Motions to enforce. Any Councilmember may move to require the Presiding Officer to enforce this division, and the affirmative vote of a majority of the Council shall require him to do so.

RULES OF PROCEDURE

The City Secretary shall make public, in accordance with the Texas Open Meetings law an agenda containing all business to be discussed at a meeting of the City Council.

Persons Requesting To Be Heard On Agenda Items (1) **Residents.** Any resident who wishes to address the Council may do so by notifying the City Secretary no later than 5:00 p.m. on the Thursday prior to the scheduled meeting. The person shall specify the particular subject matter of such address. The City Secretary shall place the names of those requesting to address the Council on the agenda with the agenda item. (2) **Nonresidents.** Any nonresident wishing to address the Council shall notify the City Secretary and specify his interest in the matter being considered. The City Secretary shall present such request to the Presiding Officer for approval before placing the name on the agenda. Upon timely notification, a nonresident shall be permitted to address the Council when the applicant claims an interest in a matter on the Council's agenda and he is so situated that the disposition of the agenda may, as a practical matter, impair or impede his ability to protect that interest. The Presiding officer shall have the power to deny a nonresident the opportunity to address the Council when his interest in the matter is not deemed by the Presiding Officer to be sufficient, or where the applicant's interest can be adequately represented by residents addressing the Council.

Specific Agenda Items After a motion, second and discussion by the City Council on any specific agenda item, and before a vote is taken, the Presiding Officer shall recognize any citizen in the audience wishing to address the Council on such item, who shall be permitted to address the Council thereon for a period of (3) three minutes. Specific agenda items are defined as any items specified on the notice of meeting posted for purposes of the Texas Open Meetings Law and which becomes the subject of a motion before the Council.