

**MINUTES
CITY OF PORT ARTHUR SECTION 4A
ECONOMIC DEVELOPMENT CORPORATION BOARD MEETING
4173 39th Street, Port Arthur, Texas
September 10, 2008**

I. CALL TO ORDER

The Board of Directors of the City of Port Arthur Section 4A Economic Development Corporation met in a Regular Meeting on Wednesday, September 10, 2008. The meeting was called to order at 6:08 p.m.

II. ROLL CALL, INVOCATION & PLEDGE

The following Board Members were present:

Carolyn Guillory, Doris Green, Richard Wycoff, Kelly Shanks, and Keith Daws,

The invocation was given by Keith Daws.

The Pledge of Allegiance followed the invocation.

III. MINUTES

August 20, 2008

August 27, 2008

A motion was made by Kelly Shanks and seconded by Doris Green to approve the minutes for August 20th, 2008 with correction to the invocation, as it was given by Doris Green and not Carolyn Guillory as stated in the minutes, and the minutes for August 27th, 2008. The vote was unanimous.

IV. PETITIONS & COMMUNICATIONS

PRESENTATIONS

Mr. Arceneaux presented the board with a progress print of Business Park Phase II. He discussed the progress and time frame of the Jade Avenue Extension. Mr. Arceneaux also suggested the draft of the change of 2-way lane after exit ramp to 9th Ave from State Hwy. 73.

V. UNFINISHED BUSINESS

1. To discuss and consider making a contribution to the newly formed Regional Economic Development Initiative (REDI) for regional economic efforts throughout Jefferson, Hardin and Orange Counties.

An amount to be contributed was discussed. A motion was made by Richard Wycoff and seconded by Doris Green to contribute \$3,000.00. The vote was unanimous.

VI. CONSENT AGENDA ITEMS

- 1. To discuss and consider the approval of an invoice in the amount of \$5,954.00 from Arceneaux & Gates Consulting Engineers, Inc for professional services regarding design and construction of JADE Avenue from Business Park to Hwy 365.**
- 2. To discuss and consider the approval of an invoice in the amount of \$14,745.90 from Arceneaux & Gates Consulting Engineers, Inc for design and construction of New Roadways – Business Park, Phase II.**
- 3. To discuss and consider the approval of an invoice in the amount of \$6,804.14 from Germer Gertz, L.L.P. for professional legal services rendered through 7/31/08.**
- 4. To discuss and consider the approval of an invoice in the amount of \$6,000.00 from National Development Council for technical assistance rendered for the period of August 1-31, 2008.**
- 5. To discuss and consider the approval of an invoice in the amount of \$4,550.00 from Trey's Tractor Service for Business Park grass cutting on August 11, 2008.**
- 6. To discuss and consider the approval of an invoice in the amount of \$429,182.47 from Excavators & Constructors, Ltd. for the Monthly Estimate No. 3 of the construction of JADE Ave. Extension Phase II.**

A motion was made by Kelly Shanks and seconded by Richard Wycoff to approve Consent Agenda Items 1-6. The vote was unanimous.

IV. NON-CONSENT AGENDA ITEMS

- 1. Consideration and possible action to approve a request for Extension of Time Due to Weather or Supplies by Excavators & Constructors, Ltd. for the construction of JADE Ave. Extension Phase II Project.**

A motion was made by Richard Wycoff and seconded by Doris Green to approve the request for Extension of Time due to Weather or Supplies by Excavators & Constructors, Ltd.

2. **Consideration and possible action to request amended authorization for issuance of City of Port Arthur Section 4A Economic Development Corporation Sales Tax Revenue Bonds, Series 2008 not to exceed \$6,000,000.**

A motion was made by Richard Wycoff and seconded by Doris Green to approve the requested amended authorization for issuance of City of Port Arthur Section 4A Economic Development Corporation Sales Tax Revenue Bonds, Series 2008 not to exceed \$6,000,000. The vote was unanimous.

3. **Consideration and possible action to amend the Financial Advisory Agreement with First Southwest Company and bond counsel engagement letter with Vinson & Elkins requesting issuance of City of Port Arthur Section 4A Economic Development Corporation Sales Tax Revenue Bonds, Series 2008 not to exceed \$6,000,000**

A motion was made by Kelly Shanks and seconded by Richard Wycoff to approve the amendment to the Financial Advisory Agreement with First Southwest Company and bond counsel engagement letter with Vinson & Elkins requesting issuance of City of Port Arthur Section 4A Economic Development Corporation Sales Tax Revenue Bonds, Series 2008 not to exceed \$6,000,000. The vote was unanimous.

4. **Discuss and consider possible action to approve amendments to Economic Incentive Agreement between City of Port Arthur Section 4A Economic Development Corporation and ENGlobal Systems, Inc.**
5. **Discuss and consider possible action to amend Lease with Option to Purchase between City of Port Arthur Section 4A Economic Development Corporation and ENGlobal Corporation.**
6. **Discuss and consider possible action to approve Lease Guaranty between City of Port Arthur Section 4A Economic Development Corporation and ENGlobal Corporation.**
7. **Consideration and possible action to authorize officers of the Board of Directors of the Corporation and Executive Director to execute any and all documents necessary for the issuance and sale of the City of Port Arthur Section 4A Economic Development Corporation Sales Tax Revenue Bonds, Series 2008 and related documents as to the Economic Incentive Agreement with ENGlobal Systems, Inc.**

The EDC Attorney gave a summary over the update to the ENGlobal contract. He also stated the application process is not yet complete as the tax returns have not been turned in. The EDC Attorney suggested that this information may also be available through other means. No actions were needed for Non-Consent Agenda Items 4-7.

8. **Discuss and consider possible action to approve a 4.5% salary increase for EDC Staff to keep their salary structure in line with city employees.**

A motion was made by Richard Wycoff and seconded by Doris Green to approve a 4.5% salary increase for EDC Staff. The vote was unanimous.

9. **Consideration and possible action to approve construction of road for the Embree/ RCS Rental Road Agreement.**

A motion was made by Kelly Shanks and seconded by Richard Wycoff to approve the construction of road for the Embree/ RCS Rental Road Agreement. The vote was unanimous

10. **To discuss and consider the value of the land in the Highway 73 Business Park.**

11. **To discuss and consider requirements, restrictions and expectations for the land in Highway 73 Business Park.**

Non-Consent Agenda Items 10 and 11 were tabled until next regular board meeting.

12. **To discuss and consider the renewal of the contract with Germer Gertz, L.L.P. for legal services provided to the Port Arthur Section 4A Economic Development Corporation.**

A motion was made by Richard Wycoff and seconded by Doris Green to approve the renewal of the contract with Germer Gertz, LLP. The vote was unanimous.

V. REPORTS

1. CEO's Report

a.) Business Award Recommendations

Deadline to turn in Business Award Recommendation was set for Friday, September 19, 2008.

b.) Business Retention Survey

CEO explained the suggestion to drop Entergy Cost Plan and return to using the survey linked to the EDC Website. It is believed to serve for better response and reporting to better serve the community businesses.

c.) Monthly Radio Talk Show Participation

An update was given as to businesses and staff members who have participated on the show. It was suggested that more board participation may be favorable. Times and information were given.

d.) ED Week Update

It is estimated that 200 students will participate in this year's Economic Development Week. It was also requested that the Board Members participate at the ED Workshop featuring Mr. Jim Brazell.

2. Financial Report

EDC Financial Representative gave report on Financial Stand-Point. Approximately \$207,000.00 will be contributed to the EDC Fund Balance for next fiscal year.

VI. CLOSED SESSION (EXECUTIVE SESSION)

The Board retired to executive session at 7:20pm, and reconvened at 7:46pm.

VII. FUTURE AGENDA ITEMS OR REQUESTED REPORTS

VIII. ADJOURNMENT OF MEETING

A motion was made to adjourn the meeting by Richard Wycoff and seconded by Carolyn Guillory. It was adopted unanimously. The meeting was adjourned at 7:48 p.m.

APPROVED BY THE BOARD OF DIRECTORS ON THE 8th DAY OF

October 2008.

David Malik Ame Green
SECRETARY OF THE CORPORATION