

**MINUTES
CITY OF PORT ARTHUR SECTION 4A
ECONOMIC DEVELOPMENT CORPORATION BOARD MEETING
4173 39th Street, Port Arthur, Texas
April 6, 2009**

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 Monday, April 6, 2009. The meeting was called to order at 6:00 p.m.

II. ROLL CALL, INVOCATION & PLEDGE

The following Board Members were present:

Carolyn Guillory, Roosevelt Petry, Kaprina Frank, Kelly Shanks, Kerry Thomas, and Keith Daws.

The invocation was given by Keith Daws.

The Pledge of Allegiance followed the invocation.

III. MINUTES

March 23, 2009

A motion was made by Roosevelt Petry and seconded by Kelly Shanks to approve the minutes of March 23, 2009. The vote was unanimous. Motion carried.

IV. PETITIONS & COMMUNICATIONS

A. PRESENTATIONS

1. Terrabon – Gary W. Luce

Mr. Luce informed the Board of the type of company that Terrabon is. He stated that the plant they would like to bring into the Business Park is to turn Green Waste/ sewage sludge/ recycled paper into gasoline. They're entire project cost is \$30-40 million. Will create over 100 construction jobs and 30-40 of those will be permanent. He is requesting 10 – 15 acres in the PA Business Park based on an incentive agreement for the creation of jobs.

2. Camellia Plaza – Douglas Lam

Mr. Lam came before the board to request a waiver or a release of the CD Deposit made. He is in need of these funds to continue and complete his project in order to comply with the agreement made with the EDC.

(After Executive Session the Board announced they will leave the contract as is for now.)

3. Safety First Group, Inc. – Rick Cornwell
Renee Bass gave the Board information regarding the project that will be proposed by the Safety First Group. She stated it will create 197 jobs and is very committed to Port Arthur.
4. Brother Marine – Khai Van Do
Ms. Karen Do came before the Board to inform them of the project and requests she has made to the EDC. She has requested assistance in the amount of \$150,000.

B. COMMUNICATIONS

1. Letter of Intent – The Safety First Group, Inc.
2. Letter of Intent – L & L Transport

Additional information will be needed in order to move forward with the application process for both of these Letters of Intent.

C. PUBLIC COMMENT

None

V. UNFINISHED BUSINESS

None

VI. CONSENT AGENDA ITEMS

1. To discuss and consider the approval of invoices from Germer Gertz, L.L.P. for professional services rendered through February 28, 2009.

<u>Invoice #</u>	<u>Amount:</u>	<u>Pertaining to:</u>
361347	\$3,741.92	Economic Development Corporation
361348	\$ 60.75	Pleasure Island Shrimp House, Inc.
361349	\$ 600.00	Johnson Development Associates
Total:	\$4,402.67	

2. To discuss and consider the approval of invoices from Arceneaux & Gates Consulting Engineers, Inc.

<u>Invoice #</u>	<u>Amount:</u>	<u>Pertaining to:</u>
12314	\$727.97	Jade Avenue Extension – Phase II
12315	\$10,971.67	Design & Construction of New Roadways – Business Park, Phase II
Total:	\$11,699.64	

3. To discuss and consider the approval of Monthly Pay Estimate No. 3 from Excavators & Constructors, Ltd. in the amount of \$137,876 for the construction of water, sanitary sewer, paving and drainage facilities to serve the Port Arthur Business Park – Phase II.

A motion was made by Keith Daws and seconded by Roosevelt Petry to approve Consent Agenda Items 1 – 3 with one motion. The vote was unanimous. Motion carried.

VII. NON-CONSENT AGENDA ITEMS

Non – Consent Items 1 – 5 and 7 were tabled until after Executive Session.

1. To discuss and consider approving a request for Extension of Time due to Weather or Supplies from Excavators & Constructors, Ltd.
A motion was made by Keith Daws and seconded by Kelly Shanks to approve the request for Extension of Time by Excavators & Constructors. The vote was unanimous. Motion carried.
2. To discuss and consider amending the approved terms of the Economic Incentive Agreement between Port Arthur Economic Development Corporation and PA 69.
3. To discuss and consider an Incentive Agreement with Orbital Insulation.
4. To discuss and consider an Incentive Agreement with KT Maintenance.
5. To discuss and consider amending the Economic Incentive Agreement between the Port Arthur Economic Development Corporation and Redwine Family Partners.
6. To discuss and consider approving policies and procedures for the City of Port Arthur Section 4A Economic Development Corporation Grant Incentive Contracts; and amending Resolution No 03-307.
A motion was made by Roosevelt Petry and seconded by Kaprina Frank to table this item until after the Joint Meeting with the City Council. The vote was unanimous. Motion carried.
7. To discuss and consider approving Agreement of Prior Lien Holder with SETX Clearwater.

VIII. REPORTS

1. CEO's Report

- a. Summer Youth Employment
Mr. Batiste informed the Board that the EDC will participate in the TX Workforce's Summer Youth Employment Program again this year.
- b. Emerging Technology & Community Partnership Workshop
The Board was provided with the results of the evaluations done by participants of the workshop. They were also given the news article written about the workshop and were shown a short presentation of photos of the workshop created by Speaker, Jim Brazell.

- c. EDC Sign at 39th St.
Mr. Batiste informed the Board that this matter has been brought to the attention of Mr. Comeaux of Public Works.
- d. Value of Land at the PA Business Park
Mr. Batiste reported that Becky Underhill is currently working on this matter.
- e. IEDC Final Report
Mr. Batiste reported that it is expected that IEDC will be making their final presentation in the latter part of the month of April.
- f. Joint Meeting Agenda - Council/ EDC
Mr. Batiste informed the Board that a Joint Meeting with City Council has been scheduled for Tuesday April 14, 2009 at 5:00 pm.

CLOSED SESSION (EXECUTIVE SESSION)

The Board retired to executive session at 7:49 p.m., and reconvened at 9:17 p.m.

NON-CONSENT ITEMS 2 – 5 AND 7

- 2. To discuss and consider amending the approved terms of the Economic Incentive Agreement between Port Arthur Economic Development Corporation and PA 69.
A motion was made by Roosevelt Petry and seconded by Kelly Shanks to table this item to the next Regular Board Meeting. The vote was unanimous. Motion carried.
- 3. To discuss and consider an Incentive Agreement with Orbital Insulation.
A motion was made by Keith Daws and seconded by Kaprina Frank to approve a \$250,000 conditional grant for building improvements subject to Orbital meeting the milestones established for job creation and retention and subject to the execution of a parity lien agreement with Community Bank to collateralize the conditional grant/ incentive agreement obligations. The vote was unanimous. Motion carried.
- 4. To discuss and consider an Incentive Agreement with KT Maintenance.
A motion was made by Roosevelt Petry and seconded by Kaprina Frank to table this item to the next Regular Board Meeting. The vote was unanimous. Motion carried.
- 5. To discuss and consider amending the Economic Incentive Agreement between the Port Arthur Economic Development Corporation and Redwine Family Partners.
A motion was made by Keith Daws and seconded by Roosevelt Petry to approve the amendment of the Incentive Agreement with Redwine Family Partners with this being the last amendment. The vote was unanimous. Motion carried.

7. To discuss and consider approving Agreement of Prior Lien Holder with SETX Clearwater.

A motion was made by Roosevelt Petry and seconded by Kaprina Frank to approve the Agreement of Prior Lien Holder with the SBA and SETX Clearwater subject to the clearing of all deficiencies by SETX Clearwater, a statement of the intent of usage of the SBA funds by SETX Clearwater, ratification of the City Council, and notification of consequential limiting of future advances. The vote was unanimous. Motion carried.

IX. FUTURE AGENDA ITEMS OR REQUESTED REPORTS

None

X. ADJOURNMENT OF MEETING

A motion was made to adjourn the meeting by Keith Daws and seconded by Roosevelt Petry. It was adopted unanimously. The meeting was adjourned at 9:32 p.m.

APPROVED BY THE BOARD OF DIRECTORS ON THE 20th DAY OF April, 2009.

Louis Anne Green
SECRETARY OF THE CORPORATION