

**MINUTES  
CITY OF PORT ARTHUR SECTION 4A  
ECONOMIC DEVELOPMENT CORPORATION BOARD MEETING  
4173 39<sup>th</sup> Street, Port Arthur, Texas  
April 20, 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 20, 2009. The meeting was called to order at 6:03 p.m.

**II. ROLL CALL, INVOCATION & PLEDGE**

The following Board Members were present:

Carolyn Guillory, Kaprina Frank, Richard Wycoff (6:19), Kelly Shanks, Kerry Thomas (7:15), Keith Daws, and Eli Roberts.

The invocation was given by Carolyn Guillory.

The Pledge of Allegiance followed the invocation.

**III. MINUTES**

April 6, 2009

**A motion was made by Kelly Shanks and seconded by Kaprina Frank to approve the minutes of April 6, 2009. The vote was unanimous. Motion carried.**

**IV. PETITIONS & COMMUNICATIONS**

**A. PRESENTATIONS**

None

**B. COMMUNICATIONS**

1. City of Port Arthur's 2<sup>nd</sup> Annual State of Affairs of the City"

**A motion was made by Keith Daws and seconded by Carolyn Guillory to sponsor this event and purchase a "gold" table. The vote was unanimous. Motion carried.**

**C. PUBLIC COMMENT**

None

**V. UNFINISHED BUSINESS**

1. To discuss and consider amending the approved terms of the Economic Incentive Agreement between Port Arthur Economic Development Corporation and PA 69.
2. To discuss and consider an Incentive Agreement with Orbital Insulation.
3. 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.
4. To discuss and consider approving Agreement of Prior Lien holder with SETX Clearwater.

**Items 1 – 4 of Unfinished Business were tabled until after executive session.**

**VI. CONSENT AGENDA ITEMS**

1. To discuss and consider approving invoices for professional services through 3/31/09 from Germer Gertz, L.L.P.

| <b>Invoice #</b> | <b>Amount:</b>    | <b>Pertaining to:</b>               |
|------------------|-------------------|-------------------------------------|
| 362807           | \$4,088.11        | Economic Development Corporation    |
| 362808           | \$160.75          | Camellia Plaza, L.P.                |
| 362809           | \$500.00          | KT Maintenance Company, Inc.        |
| 362810           | \$1,760.00        | Orbital Insulation Corp.            |
| 362811           | \$1,500.00        | Southland Overseas Investment, Inc. |
| <b>Total:</b>    | <b>\$8,008.86</b> |                                     |

**A motion was made by Keith Daws and seconded by Kelly Shanks to hold Invoice # 362810 until after executive session and to approve all of the others. The vote was unanimous. Motion carried.**

**VII. NON-CONSENT AGENDA ITEMS**

1. To discuss and consider the awarding of a contract for road construction and water, sanitary sewer, paving and drainage facilities to serve PAEDC Highway 73 Business Park.

**A motion was made by Keith Daws and seconded by Kaprina Frank to approve the awarding of the contract for road construction and water, sanitary sewer, paving and drainage facilities to serve PAEDC Hwy. 73 Business Park to Doughtie Construction Co.**

2. To discuss and consider a request from Camellia Plaza to modify its Economic Incentive Contract.

**Non-Consent Item 2 was held until after executive session.**

3. To discuss and consider using funds from the Board approved On-the-Job Training Program to supplement the wages for Port Arthur Summer Youth Employment Participants.  
**A motion was made by Richard Wycoff and seconded by Kaprina Frank to approve using funds from the Board approved On-The-Job Training Program to supplement the wages for Port Arthur Summer Youth Employment Participants. The vote was unanimous. Motion carried.**
4. To discuss and consider entering into a Landscape Architecture Plan for Downtown Port Arthur with Rice University.  
**A motion was made by Keith Daws and seconded by Kaprina Frank to defer Non-Consent Item 4 until after the May 9<sup>th</sup> Election. The vote was unanimous. Motion carried.**
5. To discuss and consider for approval, Board Sub-Committee meeting time frame and summary report to full Board of Directors.  
**It was decided by the Board that a summary of the sub-committee meetings should be recorded by a sub-committee member and given to the EDC Secretary to obtain approval by the sub-committee chair and e-mail the information to all Board Members. No action was taken.**
6. To discuss the duties and evaluation of the Chief Executive Officer.  
**Non-Consent Item 6 was held until after executive session.**

**VIII. REPORTS**

1. **4B – Special Project Sub-Committee Report**  
 Eli Roberts reported that all "projects" that come through will be first approved by the EDC Board as well as the Council.
2. **Business Park Development**  
 Eli Roberts gave a report as to the development of the Business Park before the Motiva and Velero Expansions.
3. **CEO's Report**
  - a. Sales Tax Collections to Date  
**Mr. Batiste reported that the sales tax collections have exceeded the projected amount for this year.**
  - b. Propose Special Projects
    - i. Downtown Pavilion  
**Mr. Batiste reported to the Board the possibility of enhancing the downtown pavilion as a special project.**
    - ii. Proposed trip to Bryan, Texas – Terrabon  
**Mr. Batiste reported that a trip will be taken to Bryan, TX to visit the Terrabon facility there. He informed the Board Members they are welcome to go as council members will also be going. Will set a date.**

## CLOSED SESSION (EXECUTIVE SESSION)

The Board retired to executive session at 7:15 p.m., and reconvened at 8:25 p.m.

## UNFINISHED BUSINESS

1. 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 Kelly Shanks and seconded by Kaprina Frank to withdraw this item as there is no need for the road. The vote was unanimous. Motion carried.**
2. To discuss and consider an Incentive Agreement with Orbital Insulation.  
**A motion was made by Keith Daws and seconded by Kerry Thomas to approve moving forward with the Parity Agreement with Orbital Insulation. The vote was unanimous. Motion carried.**
3. 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 Kerry Thomas and seconded by Kaprina Frank to remove this item and bring it back after the May 9<sup>th</sup> Election. The vote was unanimous. Motion carried.**
4. To discuss and consider approving Agreement of Prior Lien holder with SETX Clearwater.  
**A motion was made by Kelly Shanks and seconded by Richard Wycoff to disapprove until he has brought his account status with the EDC to current and until he is in compliance with the Business Park covenants. The vote was unanimous. Motion carried.**

## CONSENT

Germer Gertz L.L.P. - Invoice # 362810

**A motion was made by Richard Wycoff and seconded by Kerry Thomas to approve Invoice # 362810 from Germer Gertz, L.L.P. regarding Orbital Insulation. The vote was unanimous. Motion carried.**

## NON-CONSENT ITEMS 2 AND 6

2. To discuss and consider a request from Camellia Plaza to modify its Economic Incentive Contract.  
**No action was taken. The Board decided to leave the contract as is.**

6. To discuss the duties and evaluation of the Chief Executive Officer.  
A motion was made by Kerry Thomas and seconded by Kaprina Frank to approve moving the CEO to Step 8. The vote was unanimous. Motion carried.

A motion was made by Richard Wycoff and seconded by Kaprina Frank to require the CEO to be certified by the International Economic Development Council by March of 2011.

Ayes: Carolyn Guillory                      Noes: Kelly Shanks  
         Kaprina Frank  
         Richard Wycoff  
         Kerry Thomas  
         Eli Roberts

Motion passed.

A motion was made by Richard Wycoff and seconded by Kerry Thomas to require the CEO to submit a written plan for certification; should be ready for submission by July 9, 2009 and submitted by July 30<sup>th</sup>. The vote was unanimous. Motion carried.

**IX. FUTURE AGENDA ITEMS OR REQUESTED REPORTS**

Kelly Shanks – Would like to open dialogue about future EDC Expenditures.

Keith Daws – In conjunction with Mr. Shanks request, he recommended including the questionnaire given to Board Members regarding their input on the economic development of our community.

Eli Roberts – Requested bringing the Bylaws Article regarding Board attendance as well as an attendance report.

**X. ADJOURNMENT OF MEETING**

A motion was made to adjourn the meeting by Keith Daws and seconded by Richard Wycoff. It was adopted unanimously. The meeting was adjourned at 8:38 p.m.

APPROVED BY THE BOARD OF DIRECTORS ON THE 4<sup>th</sup> DAY OF May, 2009.

  
SECRETARY OF THE CORPORATION