

**MINUTES
CITY OF PORT ARTHUR SECTION 4A
ECONOMIC DEVELOPMENT CORPORATION
REGULAR MEETING
4173 39th Street, Port Arthur, Texas
November 16, 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, November 16, 2009. The meeting was called to order at 6:02 p.m.

II. ROLL CALL, INVOCATION & PLEDGE

The following Board Members were present:

Carolyn Guillory, Roosevelt Petry, Kaprina Frank, Richard Wycoff, Kelly Shanks, Kerry Thomas, Keith Daws, and Eli Roberts

The invocation was given by Kerry Thomas.

The Pledge of Allegiance followed the invocation.

III. MINUTES

October 26, 2009

A motion was made by Kelly Shanks and seconded by Kerry Thomas to approve the minutes of October 26, 2009. The vote was unanimous. Motion carried.

IV. PETITIONS & COMMUNICATIONS

A. PRESENTATIONS

1. **Triangle Waste Solutions – Tony Broussard, Donovan Weldon, Greg Gabriel**
Triangle Waste came before the Board to speak regarding the use of the 10 acres acquired for the proposed metal recycling facility. They stated that the metal market has declined, while the market for wood has inclined. They also stated that 60% of the waste in this area is wood. They are requesting the Board to amend the Incentive Agreement that is currently in place to allow them to put a hold on the metal recycling facility and utilize the back three (3) out of the ten acres of land for a wood chipping facility. They currently have verbal commitments by end users to purchase the wood chips. They are still considering the metal recycling facility only at a later date once the market picks back up. They are currently obtaining permits for the wood facility.

Triangle also expressed their interest in utilizing the dirt from the EDC Detention Pond Project to raise the land on their ten acres.

2. **Port Arthur Housing Authority – Cele Quesada**
Mr. Quesada came before the Board to express the Housing Authority's interest in purchasing the land owned by the EDC on 4th St. in the downtown area. They are seeking land in the downtown area to build their new Administration Building. Mr. Quesada stated that the building will be between 25,000 and 30,000 square feet and will be a "green" building.

B. COMMUNICATIONS

None

C. SPEAKERS

None

- **Item 4 of CEO Reports was moved up to allow participants of the SSBG Grant to speak.**

Ms. Chambers and David Martin Jr., SSBG Life Skills Students, spoke before the Board to give their experiences of the life skills classes.

V. UNFINISHED BUSINESS

1. To discuss and consider EDC Advertising.

- a. PAISD Score Board

A motion was made by Richard Wycoff and seconded by Kerry Thomas to approve the agreement with the PAISD under the terms that it be a year to year agreement rather than a commitment to 10 years and that the production costs for the commercials to be advertised on the scoreboard not exceed \$1,000.

Ayes

Carolyn Guillory
Kaprina Frank
Richard Wycoff
Kerry Thomas
Eli Roberts

Noes

Roosevelt Petry
Kelly Shanks
Keith Daws

Motion Passed.

- b. Marketing Alliance – EDC Website

A presentation was given by John Abbate of Marketing Alliance. Questions and answers were entertained. The Board gave Mr. Abbate permission to access the EDC Intranet and server to test the proposed program before taking action.

VI. CONSENT AGENDA ITEMS

1. To discuss and consider approving an invoice in the amount of \$39,280.44 from Arceneaux & Gates Consulting Engineers, Inc. for the Business Park, Phase II, Contract 2 – Storm Water Detention Pond, Services from 8-22-09 through 10-16-09.
Acct. # 301 1601 591 53 00
2. To discuss and consider approving an invoice in the amount of \$6,000 from The National Development Council for Technical Assistance rendered for the period: October 1 -31, 2009.
Acct. # 120 1429 582 54 11
3. To discuss and consider the approval of an invoice in the amount of \$2,833.33 from Lloyd Christian – Affordable Lawn and Tractor Service for Lawn Maintenance of the Spur 93 Business Park for the Month of October 2009.
Acct. # 120 1429 582 59 02
4. To discuss and consider approving Monthly Estimate No. 3 in the amount of \$16,761.33 from Doughtie Construction Co., Inc. for the Water, Sanitary Sewer, Paving, and Drainage Facilities for the Highway 73 Business Park Project.
Acct. # 120 1429 582 86 00

A motion was made by Keith Daws and seconded by Roosevelt Petry to approve Consent Items 1 – 4 with one motion. The vote was unanimous. Motion carried.

VII. NON-CONSENT AGENDA ITEMS

1. To discuss and consider approving a request for additional time by Doughtie Construction Co., Inc. to complete the Highway 73 Business Park Project due to weather delays.

A motion was made by Kerry Thomas and seconded by Keith Daws to approve the request for time extension by Doughtie Construction. The vote was unanimous. Motion carried.

2. Consideration and possible action to authorize PAEDC Executive Director and PAEDC Board President to negotiate and execute a Contract of Sale with the Port Arthur Housing Authority, conveying all of the right, title, and interest of the PAEDC in tracts of land along Fourth Street, and referred to as Urban Renewal Agency Disposal Tract 2-1, Urban Renewal Agency Disposal Tract 2-3, and property out of Lot 7 and 8, Block 152, City of Port Arthur Addition, Jefferson County, Texas; said property more fully described on Exhibits A-1, A-2, and A-3.

This item was held until executive session.

3. To discuss and consider the Awarding of a Bid for the Detention Pond Project in the Spur 93 Business Park.

A motion was made by Keith Daws and seconded by Roosevelt Petry to award the bid for the Detention Pond Project at the Spur 93 Business Park to Sprint Sand & Clay, LLC. The vote was unanimous. Motion carried.

4. To discuss and consider granting a Waiver of the Covenants and Restrictions to Port Arthur Partners, LLC.

A motion was made by Roosevelt Petry and seconded by Kerry Thomas to grant Port Arthur Partners, LLC a waiver to the covenants and restrictions of the Spur 93 Business Park with the amendment by Keith Daws to allow them 36 months to build a second building or they will be required to take the fencing down. The motion passed with a vote of 6 - 2.

5. To discuss and consider the procedure for Board Members placing items on the board meeting agenda.

A motion was made by Roosevelt Petry to require an item to be placed on the agenda with written requests by at least three (3) Board Members and a 72 hour notice to the Executive Director. No second to the motion was made. Motion died.

6. To discuss and consider EDC Advertisements as recommended by the Advertising Committee.

c. PA Chamber of Commerce - 2010 Community Calendar
A motion was made by Kerry Thomas and seconded by Kaprina Frank to approve a full page ad in the Chambers Community Calendar with the addition of a picture of the Hwy. 73 Business Park for the amount of \$500. The vote was unanimous. Motion carried.

d. PA Chamber/ Public School Foundation – Spelling Bee
A motion was made by Keith Daws and seconded by Kerry Thomas to send the form letter for the denial of participation in this event. The vote was unanimous. Motion carried.

e. Martin Luther King, Jr. 24th Annual Celebration
A motion was made by Kerry Thomas and seconded by Kaprina Frank to approve participation and advertisement in the 24th Annual Martin Luther King Celebration for the amount of \$180. The vote was unanimous. Motion carried.

7. To discuss and consider approving an amendment to the Incentive Agreement with Triangle Waste Solutions.

This item was held until after executive session.

8. To discuss and consider a request for proposals for the upgrade of the Downtown Pavilion.

A motion was made Kerry Thomas and seconded by Kaprina Frank to approve requesting proposals for the upgrade of Downtown Pavilion. Motion passed with a vote of 7 – 1.

VIII. REPORTS

CEO's Reports

1. EDC Financial Update
Ms. Staley gave an update as to the EDC financials.
2. EDC Annual Report
The Board was presented with the EDC Annual Report.
3. Economic Development Week 2009
Mrs. Vaughn gave a report to the Board of the outcome of Economic Development Week 2009.
4. Social Services Block Grant
This was discussed during the presentation of the Life Skills Students.

IX. CLOSED SESSION (EXECUTIVE SESSION)

1. **Section 551.071 Government Code** – To discuss with Attorney Guy Goodson pending and potential litigation.
2. **Section 551.072 Government Code** – To discuss the value of land at the City of Port Arthur Section 4A Economic Development Corporation Spur 93 Business Park.
3. **Section 551.072 Government Code** – To discuss the value of land at the Hwy 73 Business Park.
4. **Section 551.072 Government Code** - To discuss and review possible property as to the location of the EDC office in Downtown Port Arthur.
5. **Section 551.087 Government Code** – To discuss Incentives for EDC Prospects.
 - a. Prospective Call Center

The Board retired to executive session at 8:45 p.m. to discuss the above mentioned items, and reconvened at 9:34 p.m.

Action was taken on the following items:

Non-Consent Item #2

Consideration and possible action to authorize PAEDC Executive Director and PAEDC Board President to negotiate and execute a Contract of Sale with the Port Arthur Housing Authority, conveying all of the right, title, and interest of the PAEDC in tracts of land along Fourth Street, and referred to as

Urban Renewal Agency Disposal Tract 2-1, Urban Renewal Agency Disposal Tract 2-3, and property out of Lot 7 and 8, Block 152, City of Port Arthur Addition, Jefferson County, Texas; said property more fully described on Exhibits A-1, A-2, and A-3.

A motion was made Roosevelt Petry and seconded by Kerry Thomas to negotiate a two stage contract of sale at fair market price with the Port Arthur Housing Authority. The vote was unanimous. Motion carried.

Non-Consent Item #7

To discuss and consider approving an amendment to the Incentive Agreement with Triangle Waste Solutions.

A motion was made by Roosevelt Petry and seconded by Richard Wycoff to approve entering into a Global Incentive Amendment with Triangle Waste Solutions including the following stipulations: quarterly incentives, no less than 20% as a result, a limit to the volume of output; two-tiered incentive to the road, and an optional variance for the road being temporary. The vote was unanimous. Motion carried.

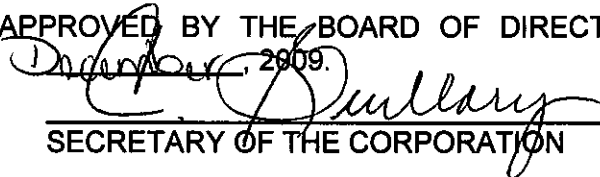
X. FUTURE AGENDA ITEMS OR REQUESTED REPORTS

- Keith Daws requested that the Board receive a current description of the Executive Director's position.

XI. ADJOURNMENT OF MEETING

A motion was made to adjourn the meeting by Richard Wycoff and seconded by Roosevelt Petry. It was adopted unanimously. The meeting was adjourned at 9:48 p.m.

APPROVED BY THE BOARD OF DIRECTORS ON THE 14th DAY OF

December, 2009.

SECRETARY OF THE CORPORATION