

**MINUTES
CITY OF PORT ARTHUR SECTION 4A
ECONOMIC DEVELOPMENT CORPORATION
REGULAR MEETING
4173 39th Street, Port Arthur, Texas
April 5, 2010**

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 5, 2010. The meeting was called to order at 6:16 p.m.

II. ROLL CALL, INVOCATION & PLEDGE

The following Board Members were present:

Aletha Kirkwood, Kaprina Frank, Richard Wycoff, Kerry Thomas, and Keith Daws.

The invocation was given by Keith Daws.

The Pledge of Allegiance followed the invocation.

III. MINUTES

March 22, 2010

A motion was made by Keith Daws and seconded by Kaprina Frank to approve the minutes of March 22, 2010. The vote was unanimous. Motion carried.

IV. PETITIONS & COMMUNICATIONS

A. PRESENTATIONS

B. COMMUNICATIONS

1. Economic Trends – March 2010

The Board was given a copy of the Economic Trends distributed by the Regional Economic Development Initiative (REDI)

C. SPEAKERS

None

V. UNFINISHED BUSINESS

1. To discuss and consider the purchase of trees for the Board Downtown Project.

A motion was made by Keith Daws and seconded by Kerry Thomas to remove this item until Renaissance District, Beautification Committee and the EDC have met jointly to discuss the landscaping of downtown. The vote was unanimous. Motion carried.

VI. CONSENT AGENDA ITEMS

1. To discuss and consider approving invoices from Arceneaux & Gates Consulting Engineers, Inc. for professional services.

Invoice #	Amount:	Pertaining to:
12758	\$10,011.05	Design & Construction of new roadways – Business Park Phase II, Contract 3 Acct.: 301-1601-591-53-00
12759	\$2,838.95	Business Park, Phase II, Contract 2 – Stormwater Detention Pond Acct.: 301-1601-591-53-00
Total:	\$12,850.00	

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: March 1 – 31, 2010.
Acct.: 120-1429-582-54-11

3. To discuss and consider approving invoices from Germer Gertz, L.L.P. for professional services through 02/28/2010.
Acct.: 120-1429-582-54-00

Invoice :	Amount:	Pertaining to:
382070	\$4,557.58	PAEDC
382072	\$570.00	Mc-OO, Inc./ Mc-O Const.
382073	\$110.00	Abraham Mfg., Inc.
382074	\$471.50	Triangle Waste Solutions, Inc.
382075	\$150.75	Social Service Block Grant (Acct.: 133-1021-555-54-00)
382561	\$1,392.49	Abraham Mfg., Inc./ Debtor; US Bankruptcy Court
Total:	\$7,252.32	

4. To discuss and consider approving Pay Estimate No. 1 in the amount of \$170,780.39 from Sprint Sand & Clay for the Stormwater Detention Facilities for the Port Arthur Business Park – Phase II, Contract 2.
Acct.: 301-1601-591-86-00

A motion was made by Kerry Thomas and seconded by Keith Daws 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 the International Economic Development Council's costs for facilitating the Community Economic Development Retreat/ Workshop.

A motion was made by Kerry Thomas and seconded by Kaprina Frank to approve the total facilitator's cost of \$11,800 for the Community Economic Development Workshop/ Retreat. The vote was unanimous. Motion carried.

2. To discuss and consider approving a change order to the contract for road construction in the Hwy. 73 Business Park with Doughtie Construction to include the additional cost to install a 6" water service connection.

Joe Wilson of Arceneaux & Gates Consulting Engineers was present to provide the Board with details of this matter and to address any questions or concerns.

A motion was made by Keith Daws and seconded by Kerry Thomas to approve the Change Order to include an additional cost of \$5,663.90 to the contract with Doughtie Construction. The vote was unanimous. Motion carried.

3. To discuss and possible action on a contract with URS for the Downtown Pavilion.

A motion was made by Kerry Thomas and seconded by Kaprina Frank to approve the contract with URS for an architectural design plan not to exceed an amount of \$150,000 and to allocate additional funds in the amount of \$150,000 for possible additional costs associated with the design of the pavilion.

Ayes

**Kaprina Frank
Richard Wycoff
Kerry Thomas**

Noes

**Aletha Kirkwood
Keith Daws**

Motion passed.

4. To discuss and consider a recommendation by the Advertising Committee regarding the Gulf Coast Gala by Lamar State College Port Arthur.
5. To discuss and consider a recommendation by the Advertising Committee regarding the "Southeast Texas Salute" by Quota International of Southeast Texas.

A motion was made by Kerry Thomas and seconded by Keith Daws to send a letter of non-participation for both Non-Consent Items 4 and 5. The vote was unanimous. Motion carried.

VIII. REPORTS

1. EDC Monthly Financial Report
Ms. Staley gave the Board an update as to the EDC Finances.

2. **Economic Incentive Contractual Obligations Report**
Ms. Staley and Mrs. Vaughn presented the Board with an update status report as to the current/ open economic incentive contracts.

Aletha Kirkwood requested an update as to the status with Phillips Productions. Mr. Batiste informed her that media training will begin this month for the entities involved.

IX. CLOSED SESSION (EXECUTIVE SESSION)

1. **Section 551.071 Government Code** – To discuss with Attorney Guy Goodson pending and potential litigation.
 - a. SETX Clearwater
 - b. Abraham Manufacturing
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.
 - a. Potential Incentive
3. **Section 551.072 Government Code** - To discuss and review possible property as to the location of the EDC office in Downtown Port Arthur.
4. **Section 551.087 Government Code** – To discuss Incentives for EDC Prospects.
 - a. Prospective Call Center
5. **Section 551.072 Government Code** – To discuss acquisition of real property for potential call center.

The Board retired to executive session at 7:25 p.m. to discuss the above mentioned items, and reconvened at 7:49 p.m.

Action was taken on the following item/s:

- A motion was made by Kerry Thomas and seconded by Kaprina Frank to authorize Germer Gertz to submit a response to the proposal by Abraham Manufacturing under the plan of a 15 year amortization with a \$3,119.71 per month payment with note to be subject to a 5 year balloon on April 15, 2015; on this date, the outstanding balance would be due in full. Also to be included in the plan, covenants by Abraham Manufacturing that once they are able to receive funds from the Windstorm Insurance as a result of Hurricane Ike, that they make payment to the PAEDC sooner than the 5 year balloon. The vote was unanimous. Motion carried.

X. FUTURE AGENDA ITEMS OR REQUESTED REPORTS

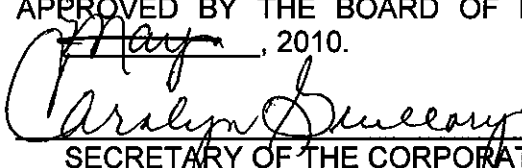
Aletha Kirkwood – Business Park Landscape Maintenance Checklist Report

Kerry Thomas/ Richard Wycoff – Would like to have Deselle Maggard Corp. present before the Board to discuss hiring.

Richard Wycoff – Bylaws Committee Update
Operation Downtown Update

XI. ADJOURNMENT OF MEETING

A motion was made to adjourn the meeting by Kerry Thomas and seconded by Kaprina Frank. It was adopted unanimously. The meeting was adjourned at 7:52 p.m.

APPROVED BY THE BOARD OF DIRECTORS ON THE 3rd^{19th} DAY OF April May, 2010.

SECRETARY OF THE CORPORATION