

**MINUTES  
CITY OF PORT ARTHUR SECTION 4A  
ECONOMIC DEVELOPMENT CORPORATION  
REGULAR MEETING  
4173 39<sup>th</sup> Street, Port Arthur, Texas  
October 4, 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, October 4, 2010. The meeting was called to order at 6:00 p.m.

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

The following Board Members were present:

Carolyn Guillory, Aletha Kirkwood, Richard Wycoff, Keith Daws, and Eli Roberts.

The invocation was given by Carolyn Guillory.

The Pledge of Allegiance followed the Invocation

**III. MINUTES**

August 9, 2010  
August 23, 2010  
September 13, 2010

A motion was made by Eli Roberts and seconded by Aletha Kirkwood to approve the minutes of August 9, 2010, August 23, 2010, and September 13, 2010. The vote was 4 to 1. Keith Daws voted no in opposition to the minutes of August 9, 2010, Non-Consent Item 1. Motion passed.

**IV. PETITIONS & COMMUNICATIONS**

**A. PRESENTATIONS**

1. Triangle Waste Solutions – Contract Close Out  
Donovan Weldon and Tony Broussard of Triangle Waste came before the Board to discuss their recent growth and their appreciation to the PAEDC for assistance with an incentive which allowed them to be able to use their funds in other areas to assist in expanding their business to meet the high demand for their services. They have completed all obligations set forth in the agreement with the PAEDC and are eligible and requesting a close out of their contract.
2. Chief Blanton, Port Arthur Police Dept. – Operation Downtown  
Chief Blanton returned before the Board with a request for funding through the Operation Downtown Site Improvement Program. He is

requesting the maximum allowed amount of \$250,000 for the site improvement of the façade of the PA Police Dept./ Municipal Court. The citizens have voted to allow the Police Dept. 1.5 million for the renovation of the building. The City Council has set aside \$502,000 additional city funds to assist with the renovations as well.

**B. COMMUNICATIONS**

1. Junior Achievement – Financial Support  
A motion was made by Aletha Kirkwood and seconded by Eli Roberts to contribute \$800 in support of Junior Achievement. The vote was unanimous. Motion carried.
2. AgTurf – Letter of Intent  
Letter of Intent was not presented.

**C. SPEAKERS**

None

**V. UNFINISHED BUSINESS**

None

**VI. CONSENT AGENDA ITEMS**

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

INVOICE #:	PERTAINING TO:	AMOUNT:
12900	Business Park, Ph II, Contract 2 – Stormwater Detention Pond	\$1,480.00
12901	Design & Construction of New Roadways – Business Park, Ph II, Contract 3	\$15,715.87
<b>Total:</b>		<b>\$17,195.87</b>

2. To discuss and consider approving invoices from Trey's Tractor Services for the cutting of the Spur 93 Business Park.

INVOICE #:	PERTAINING TO:	AMOUNT:
171	Mowing on 8-25-10	\$2,679.00
150	Mowing Sept. 23-28, 2010	\$2,679.00
<b>Total:</b>		<b>\$5,358.00</b>

A motion was made by Eli Roberts and seconded by Keith Daws to approve Invoice # 171 from Trey's Tractor Service. The vote was unanimous. Motion carried.

Invoice # 150 was held as the stated work was not complete.

3. To discuss and consider approving invoices from Germer Gertz, L.L.P. for professional services through 08/31/10.

INVOICE #:	PERTAINING TO:	AMOUNT:
392387	PAEDC	\$2,407.66
392388	SETX Clearwater Environmental, LLC	\$1,156.44
392389	Lamar State College PA	\$1,160.00

392390	Clay Development & Construction, Inc.	\$720.00
392391	MPW Industrial Services Group, Inc.	\$1,060.00
392773	Abraham Mfg., Inc., Debtor in Court	\$948.25
	<b>TOTAL:</b>	<b>\$7,452.35</b>

4. To discuss and consider an invoice in the amount of \$6,000 from the National Development Council for Technical Assistance rendered for the period: September 1 – 30, 2010.

5. To discuss and consider an invoice in the amount of \$337.50 from Grasshopper Lawn Service for the mowing of the Hwy. 73 Business Park.

**A motion was made by Eli Roberts and seconded by Carolyn Guillory to approve the invoice from Grasshopper Lawn Service. The vote was unanimous. Motion carried.**

6. To discuss and consider approving an invoice in the amount of \$2,833.33 from Affordable Lawn and Tractor Service for the lawn maintenance of the Spur 93 Business Park.

**A motion was made by Eli Roberts and seconded by Carolyn Guillory to approve Consent Items 1, 3, 4, and 6 in one motion. The vote was unanimous. Motion carried.**

## **VII. NON-CONSENT AGENDA ITEMS**

1. To discuss and consider closing of the contract with Triangle Waste Solutions.

**A motion was made by Eli Roberts and seconded by Keith Daws to approve the closing of the contract with Triangle Waste Solutions. The vote was unanimous. Motion carried.**

2. Consideration and possible action on proposed Economic Incentive Agreement with Tyco Valves & Controls, LP, a Delaware Limited Partnership, as to Grant/ Loan Incentive Application, dated August 13, 2010.

**This item was held until Executive Session.**

3. To discuss and consider approving the Business Awards Recipients for Economic Development Week 2010.

**A motion was made by Keith Daws and seconded by Carolyn Guillory to approve the award recipients as presented by staff. The vote was unanimous. Motion carried.**

4. To discuss and consider approving renewal of the Contract with Germer Gertz, LLP for legal services through October 18, 2011.

**A motion was made by Eli Roberts and seconded by Keith Daws to approve the renewal of the contract with Germer Gertz, L.L.P. The vote was unanimous. Motion carried.**

5. To discuss and consider going out for bid for semi-annual printing and mail-out of a PAEDC Newsletter.  
**A motion was made by Eli Roberts and seconded by Carolyn Guillory to approve going out for bid for the printing and mail-out of a semi-annual newsletter. The vote was unanimous. Motion carried.**
6. To discuss and consider an entrance sign for the Highway 73 Business Park.  
**A motion was made by Keith Daws and seconded by Eli Roberts to approve the sign as presented in the given quote. The vote was unanimous. Motion carried.**  
**The Board also instructed staff to research the possible costs for maintenance of the sign through the City's maintenance department.**
7. To discuss and consider terminating a contract for the mowing of the Highway 73 Business Park with Grasshopper Lawn Service.  
**A motion was made by Eli Roberts and seconded by Aletha Kirkwood to terminate the contract with Grasshopper Lawn Services. The vote was unanimous. Motion carried.**
8. To discuss and consider approving a one time cut for the Highway 73 Business Park.  
**A motion was made by Eli Roberts and seconded by Keith Daws to approve a one time cut of the Hwy. 73 Business Park. The vote was unanimous. Motion carried.**
9. To discuss and consider an advertisement through the Martin Luther King, Jr. Support Group of Southeast Texas Annual Celebration Brunch.  
**A motion was made by Eli Roberts and seconded by Carolyn Guillory to table this item in order for the Advertising Committee to review their budget. The vote was unanimous. Motion carried.**
10. To discuss and consider an advertisement through the Greater Port Arthur Chamber of Commerce 2011 Community Calendar.  
**A motion was made by Eli Roberts and seconded by Carolyn Guillory to table this item until the Advertising Committee has reviewed the advertising budget. The vote was unanimous. Motion carried.**
11. To discuss and consider a Letter of Agreement and Invoice from SETCAST/ Lamar University video production program for the taping of the 2010 -2011 EDC meetings.  
**A motion was made by Eli Roberts and seconded by Keith Daws to approve the invoice and Letter of Agreement from SETCAST/ Lamar University. The vote was unanimous. Motion carried.**
12. To discuss and consider approving a staff 3% wage increase to be consistent with the City's Basic Schedule of Pay Rates and Ranges.  
**A motion was made by Keith Daws and seconded by Carolyn Guillory to approve a 3% wage increase for PAEDC staff. The vote was unanimous. Motion carried.**

13. Consideration and possible action to amend Professional Service Agreement, dated July 1, 2010 between PAEDC and Vincent P. Hauser, Architect, as to the Port Arthur Savings Building (501 Procter Street), Port Arthur, Texas.

**A motion was made by Keith Daws and seconded by Eli Roberts to approve the amendment to the Professional Service Agreement by Vincent P. Hauser. The vote was unanimous. Motion carried.**

14. Consideration and possible action to authorize PAEDC Officers to execute Commercial Contract-Improved Property and additional closing documents for the purchase of the Port Arthur Savings Building (501 Procter Street), Port Arthur, Texas.

**A motion was made by Eli Roberts and seconded by Keith Daws to allow for PAEDC Officers to execute closing documents for the purchase of the property at 501 Procter Street. The vote was unanimous. Motion carried.**

15. Report from City of Port Arthur and Bond Counsel and possible action on financing alternatives for proposed capital improvements to the Port Arthur Savings Building (501 Procter Street), Port Arthur, Texas.

**Attorney Guy Goodson informed the Board that after discussion with the National Development Council and the Bond Counselor, they have concluded that a bond should not be taken out for this project as it is not allowed to use bond funding with New Market Tax Credit dollars. Research is being done by the Bond Counselor for other options for funding as there will be possible additional tenants in the building.**

**No action taken.**

16. Consideration and possible action to approve Short Form Master Agreement for Professional Services between PAEDC and URS for Professional Services for the plan design and cost estimates for renovation of the City open air multi-purpose pavilion in downtown Port Arthur, Texas.

**A motion was made by Eli Roberts and seconded by Carolyn Guillory to approve the Short Form Master Agreement by URS.**

**Ayes**

**Carolyn Guillory**

**Richard Wycoff**

**Eli Roberts**

**Noes**

**Aletha Kirkwood**

**Keith Daws**

**Motion passed.**

17. Consideration and possible action to authorize termination of Conditional Economic Incentive/ Loan Agreement with Mc-OO, Inc. d/b/a Mc-O Construction.

**This item was held until after executive session.**

18. To discuss and consider an Operation Downtown application submitted by the Port Arthur Police Department.

**A motion was made by Eli Roberts and seconded by Aletha Kirkwood to accept the recommendation by the Operation**

Downtown Committee to approve the application submitted by the Port Arthur Police Department. The vote was unanimous. Motion carried.

## **VIII. REPORTS**

1. Port Arthur Businesses Meet Industry Day  
**Mr. Batiste reported on the outcome of the event. Board members that were present also spoke on the event. It was stated that there was a good turnout of participants and business representatives were pleased with the event as well.**
2. Financial Report  
**Ms. Staley updated the Board on the EDC's financial status.**
3. Business Retention & Expansion Program  
**Mrs. Vaughn gave the Board an update as to the current status of project businesses. She also gave an update to the BR&E visitations that have been made; currently performing two per month. Mrs. Vaughn also informed the Board of an upcoming Cash Rains Supreme Class on November 30<sup>th</sup> that the EDC has partnered with the Chamber, Small Business Development Center, and National Development Council in doing.**
4. ED Week Update  
**Mrs. Vaughn informed the Board that a speaker for the event has been confirmed and currently seeking additional sponsors for the ED Week.**
5. CEO Certification  
**The Board Chairman informed the Board that Mr. Batiste has passed his Economic Developer's Certification through the International Economic Development Council.**

## **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 deliberate the purchase, exchange, lease, or value of real property.
3. **Section 551.074 Government Code** – To discuss personnel matters of Port Arthur Section 4A Economic Development Corporation.
  - a. CEO Evaluation
  - b. Personnel
4. **Section 551.087 Government Code** – To discuss Incentives for EDC Prospects.
  - a. Tyco Flow Control

**The Board retired to executive session at 7:45 p.m. to discuss the above mentioned items, and reconvened at 8:20 p.m.**

Action was taken on the following items:

**Non-Consent Items 2 & 17**

2. Consideration and possible action on proposed Economic Incentive Agreement with Tyco Valves & Controls, LP, a Delaware Limited Partnership, as to Grant/ Loan Incentive Application, dated August 13, 2010.

**A motion was made by Keith Daws and seconded by Eli Roberts to approve entering into an Economic Incentive Agreement with Tyco Valves & Controls, LP per the employment module presented by the CEO. The vote was unanimous. Motion carried.**

17. Consideration and possible action to authorize termination of Conditional Economic Incentive/ Loan Agreement with Mc-OO, Inc. d/b/a Mc-O Construction.

**A motion was made by Eli Roberts and seconded by Aletha Kirkwood to table this item. The vote was unanimous. Motion carried.**

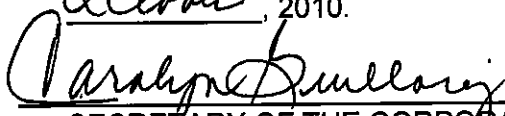
**X. FUTURE AGENDA ITEMS OR REQUESTED REPORTS**

None

**XI. ADJOURNMENT OF MEETING**

A motion was made to adjourn the meeting by Eli Roberts and seconded by Carolyn Guillory. It was adopted unanimously. The meeting was adjourned at 8:23 p.m.

APPROVED BY THE BOARD OF DIRECTORS ON THE 18th DAY OF October, 2010.

  
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SECRETARY OF THE CORPORATION