

**MINUTES
CITY OF PORT ARTHUR SECTION 4A
ECONOMIC DEVELOPMENT CORPORATION
REGULAR MEETING
4173 39th Street, Port Arthur, Texas
February 7, 2011**

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, February 7, 2011. The meeting was called to order at 6:07 p.m.

II. ROLL CALL, INVOCATION & PLEDGE

The following Board Members were present:

Carolyn Guillory, Aletha Kirkwood, Roosevelt Petry, Kerry Thomas, Keith Daws, and Eli Roberts.

The invocation was given by Aletha Kirkwood.

The Pledge of Allegiance followed the Invocation

III. MINUTES

January 11, 2011 Annual Meeting
January 11, 2011 Regular Meeting

A motion was made by Keith Daws and seconded by Eli Roberts to approve both the Annual and Regular Meeting Minutes of January 11, 2011. The vote was unanimous. Motion passed.

IV. PETITIONS & COMMUNICATIONS

A. PRESENTATIONS

1. Triangle Waste Solutions – Proposed Property Update
Representatives for Triangle Waste were not present.
2. Turner Spears Consultant
Ms. Linda Spears came before the Board to present a proposal on consulting services for the EDC's Economic Development Week 2011.
3. Performance Blasting & Coating (PBC) – Team Industries; Property on Main Ave. & Procter St.
Mr. John Noddin, Engineer for PBC and Mr. Ed Peveto, Manager of Team Industries came before the Board to request assistance with infrastructure for a project to be done at Main Avenue and Procter St.

B. COMMUNICATIONS

- 1. Texas Municipal League Region XVI Quarterly Meeting
Board will notify staff by Friday if interested in participating.

C. SPEAKERS

- 1. Councilman John Beard – Proposed 4B EDC
Not present

V. UNFINISHED BUSINESS

- 1. To discuss requesting City Council to call an election in May 2011 on creating a 4B Economic Development Corporation.
A motion was made by Aletha Kirkwood and seconded by Keith Daws not to move forward with the submission of a Proposition to make the EDC a Type B Corporation.

Ayes:

**Aletha Kirkwood
Roosevelt Petry
Keith Daws**

Noes:

**Carolyn Guillory
Kerry Thomas
Eli Roberts**

Motion failed.

VI. CONSENT AGENDA ITEMS

- 1. 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: January 1 – 31, 2011.
A motion was made by Eli Roberts and seconded by Keith Daws to approve payment of the invoice from National Development Council in the amount of \$6,000. The vote was unanimous. Motion carried.
- 2. To discuss and consider approving an invoice in the amount of \$11,110.05 from URS Corporation for the Downtown Pavilion Project work undertaken during the period through January 14, 2011.
- 3. To discuss and consider approving invoices from Germer Gertz, L.L.P. for professional services through 12/31/10.

Invoice #	Amount:	Pertaining to:
398561	\$5,617.38	PAEDC
398562	\$480.00	SETX Clearwater
398563	\$60.00	Mc-OO, Inc.
398564	\$1,400.00	Clay Development & Construction
398565	\$3,494.00	Southland Overseas Investment, Inc.
Total:	\$11,051.38	

4. To discuss and consider approving an invoice in the amount of \$42,700 from Workforce Solutions Southeast Texas for the Ready to Work Project Progress Billing.
5. To discuss and consider approving payment of Monthly Estimate No. 3 in the amount of \$155,359.21 to Excavators & Constructors, Ltd. for the Water, Sanitary Sewer, Paving and Drainage Facilities for the Port Arthur Business Park – Phase II, Contract 4.

A motion was made by Eli Roberts and seconded by Keith Daws to approve the invoices in Items 2 – 5 in one motion. The vote was unanimous. Motion carried.

6. To discuss and consider approving payment of Monthly and Final Estimate No. 8 in the amount of \$72,536.15 to Excavators & Constructors, Ltd. for the Water, Sanitary Sewer, Paving and Drainage Facilities for the Port Arthur Business Park – Phase II, Contract 3.

A motion was made by Roosevelt Petry and seconded by Eli Roberts to approve Monthly and Final Estimate No. 8 to Excavators & Constructors, Ltd. The vote was unanimous. Motion carried.

VII. NON-CONSENT AGENDA ITEMS

1. To discuss and consider the Project Close-Out for the Water, Sanitary Sewer, Paving and Drainage Facilities to serve the Port Arthur Business Park – Phase II, Contract 3 with Excavators & Constructors, Ltd.
A motion was made by Eli Roberts and seconded by Roosevelt Petry to approve the Close-Out of Contract 3 with Excavators & Constructors, Ltd. The vote was unanimous. Motion carried.
2. To discuss and consider a request from Performance Blasting & Coating and Team Industries for infrastructure assistance.
This item was taken into executive session for discussion.
3. To discuss and consider appointing a member of the EDC Board to the Downtown Renaissance District Board (DRDB).
This item was taken into executive session for discussion.
4. To discuss and consider approval of a Grow Port Arthur Fund loan to Five Star Feed Store.
A motion was made by Eli Roberts and seconded by Roosevelt Petry to approve a GPAF Loan to Five Star Feed Store. The vote was unanimous. Motion carried.
5. To discuss and consider the renewal of a contract with Trey's Tractor Service for the mowing of the grass at the Spur 93 Business Park.
A motion was made by Keith Daws and seconded by Eli Roberts to approve renewal of the contract with Trey's Tractor Service for another year. The vote was unanimous. Motion carried.

6. To discuss and consider the renewal of a contract with Phillips Productions. **A motion was made by Roosevelt Petry and seconded by Eli Roberts to table this item until Phillips Productions provides a report to the Board. The vote was unanimous. Motion carried.**
7. To discuss and consider modification of the submission procedures of proposed projects and agreements by the PAEDC to the City Council. **No action taken. Item tabled.**
8. To discuss and consider an advertisement in the Mardi Gras of Southeast Texas Program through the Port Arthur News and the Orange Leader. **A motion was made by Roosevelt Petry and seconded by Eli Roberts to approve advertisement in the Mardi Gras of Southeast Texas Program with a ¼ page ad in the amount of \$275. The vote was unanimous. Motion carried.**
9. To discuss and consider partnering with the City of Port Arthur to enter into a Consulting Agreement with John Hall Public Affairs for Environmental Justice Activities. **This item was taken into executive session for discussion.**
10. To discuss and consider amending the Budget for FY 2010-2011 in the amount of \$106,500 for the purchase of Lange Bros. property located within the Spur 93 Business Park and \$34,000 for the engagement of John Hall Public Affairs; a total of \$140,500. **This item was taken into executive session for discussion.**

VIII. REPORTS

1. Monthly Financial Report
Mr. Batiste advised the Board that future financial reports will be in AS400 form. As Ms. Staley was not present, all questions regarding the report provided should be directed to her during the week.
2. ByLaws Committee
Keith Daws updated the Board as to the progress of the Bylaws and requested any input the Board may have. He stated he will have a final draft for review at the next board meeting.
3. URS – Pavilion 30% Review
Ms. Kirkwood attended the 30% review meeting with URS Corp. and other entities. She stated that all were pleased with the presentation and progress of the design of the pavilion.
4. EDC Job Creation
Mr. Batiste presented a report reflecting job creation numbers on several projects in comparison from year to year.
5. Spur 93 Business Park
Joe Wilson of Arceneaux & Gates Consulting Engineers informed the Board of the need to go out for bid for installation of electrical conduit, movement of dirt, and an all weather utility road in the Spur 93 Business Park.

IX. CLOSED SESSION (EXECUTIVE SESSION)

- 1. Section 551.071 Government Code** – To discuss with Attorney Guy Goodson pending and potential litigation.
 - a. SETX Clearwater
- 2. Section 551.072 Government Code** – To deliberate the purchase, exchange, lease, or value of real property.
 - a. 501 Procter St.
- 3. Section 551.074 Government Code** – To discuss personnel matters of Port Arthur Section 4A Economic Development Corporation.
 - a. CEO Evaluation
- 4. Section 551.087 Government Code** – To discuss Incentives for EDC Prospects.

The Board retired to executive session at 8:15 p.m. to discuss the above mentioned items, and reconvened at 9:10 p.m.

Action was taken on the following Non-Consent Items:

- 2. To discuss and consider a request from Performance Blasting & Coating and Team Industries for infrastructure assistance.
This item was separated into two separate actions for each company.**

A motion was made by Roosevelt Petry and seconded by Eli Roberts to approve entering into an Infrastructure Grant Agreement of up to \$130,000 to Performance Blasting & Coating based on payroll performance. The vote was unanimous. Motion carried.

A motion was made by Aletha Kirkwood and seconded by Keith Daws to approve entering into an Infrastructure Grant Agreement with Team Industries based on payroll performance. Roosevelt Petry recused himself from the vote on this action item. The vote was 4-1. Eli Roberts voted no. Motion passed.

- 3. To discuss and consider appointing a member of the EDC Board to the Downtown Renaissance District Board (DRDB).
This item was tabled.**
- 9. To discuss and consider partnering with the City of Port Arthur to enter into a Consulting Agreement with John Hall Public Affairs for Environmental Justice Activities.
A motion was made by Keith Daws and seconded by Carolyn Guillory to approve payment of 50% of contractual services to John Hall Public Affairs for environmental activities and to submit a letter requesting that Mr. Hall make good faith effort to utilize Port Arthur residents and contractors in possible future affairs such as 3rd party consultants.**

10. To discuss and consider amending the Budget for FY 2010-2011 in the amount of \$106,500 for the purchase of Lange Bros. property located within the Spur 93 Business Park and \$34,000 for the engagement of John Hall Public Affairs; a total of \$140,500.

A motion was made by Keith Daws and seconded by Roosevelt Petry to approve the budget adjustment in the total amount of \$140,500. The vote was unanimous. Motion carried.

X. FUTURE AGENDA ITEMS OR REQUESTED REPORTS

Roosevelt Petry – Requested that the CEO's Evaluation as well as staff evaluations be on the next agenda for discussion.

XI. ADJOURNMENT OF MEETING

A motion was made to adjourn the meeting by Eli Roberts and seconded by Roosevelt Petry. It was adopted unanimously. The meeting was adjourned at 9:27 p.m.

APPROVED BY THE BOARD OF DIRECTORS ON THE 17th DAY OF March, 2011.

Caralyn Dillay
SECRETARY OF THE CORPORATION