

P.R. No. 13364  
12/15/05 ts

RESOLUTION NO. 05-376

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN CITY OF PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION AND THE CITY OF PORT ARTHUR AS IT PERTAINS TO PAST AND FUTURE ADMINISTRATIVE CHARGES**

**WHEREAS**, based on the past history of projects and the need for City staffing to support EDC projects, the City and the EDC Advisory Committee has recommended that \$300,000 is a fair and reasonable settlement of the administrative charges that are due to the City from October 1, 2002 through September 30, 2005; and,

**WHEREAS**, the EDC and the City Advisory Committee has recommended that for administrative charges and services for the fiscal year October 1, 2005 through September 30, 2006, the EDC shall pay to the City 4% of all EDC project incentive agreements that are approved by the City Council during the fiscal year; and,

**WHEREAS**, the EDC and the City Advisory Committee has recommended that the EDC shall also pay the City the proportionate share of audit fees that can be allocated to the EDC; and,

**WHEREAS**, EDC will also pay up to \$41,552.56 on the following ongoing projects:

- EDC agreement with Schaumberg & Polk as it pertains to the design and contract administration of the Spur 93 Business Park approved by Resolution No. 01-70 in the amount of \$463,140.
- EDC agreement with Placo & Constructors (Contract VI) as to lift station and force main at Spur 93 Business Park in the amount of \$198,300, approved by Resolution No. 02-259.
- EDC agreement with Excavators & Constructors as to landscaping (Contract VII) at Spur 93 Business Park in the amount of \$597,672, approved by Resolution No. 03-107.
- EDC agreement with Entergy as it pertains to Spur 93 Business Park approved by Resolution No. 03-112 in the amount of \$351,000.
- EDC agreement with Schaumburg & Polk as it pertains to relocating electric poles adjacent to Spur 93 Business Park at a total cost of \$12,416 approved by Resolution No. 04-377.
- EDC processing of purchase agreement for KCS property in the amount of \$455,100 for EDC Industrial Development Park as approved by Resolution No. 05-252.

**WHEREAS**, the Board of Directors of the EDC has approved the agreement attached hereto as Exhibit "A".

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ARTHUR:**

**Section 1.** That the facts and opinions in the preamble are true and correct.

**Section 2.** That the City Manager is herein authorized to execute the agreement with the City of Port Arthur Section 4A Economic Development Corporation in substantially the same form as attached hereto as Exhibit "A".

**Section 3.** That a copy of the caption of the Resolution be spread upon the Minutes of the City Council.

**READ, ADOPTED AND APPROVED** on this 20<sup>th</sup> day of Dec, A.D. 2005, at a Regular Meeting of the City Council of the City of Port Arthur, Texas by the following vote: AYES: Mayor O. Ortiz  
City Council Lewis, Henderson, Flood, Beard and Prince.

NOES: None.

Oscar A. Ortiz  
OSCAR ORTIZ, MAYOR

**ATTEST:**

gr E. Green  
EVANGELINE GREEN, CITY SECRETARY

**APPROVED AS TO FORM:**

Mark Sokolow  
MARK T. SOKOLOW, CITY ATTORNEY

**APPROVED FOR ADMINISTRATION:**

  
\_\_\_\_\_  
STEPHEN FITZGIBBONS, CITY MANAGER