

RESOLUTION NO. 06-191

**A RESOLUTION APPROVING THE TRAINING
GRANT AGREEMENT BETWEEN THE CITY OF
PORT ARTHUR SECTION 4A ECONOMIC
DEVELOPMENT CORPORATION AND THE CITY
OF PORT ARTHUR, TEXAS.**

WHEREAS, the City of Port Arthur Section 4A Economic Development Corporation has found that the OAI Katrina Brownfields & Minority Worker Training Program, to be provided by the City of Port Arthur, Texas (the "City") with funds from a Federal grant, is suitable to promote business enterprises moving to or expanding in Port Arthur, particularly new and expanded petrochemical industries. The petrochemical industry needs construction and operations workers who have the skills necessary to prevent and control hazardous conditions; and,

WHEREAS, the PAEDC Board of Directors and the City of Port Arthur have entered into this Training Grant Agreement, wherein PAEDC agrees to pay an \$150.00 incentive for each trainee who successfully completes the OAI Katrina Brownsfields & Minority Worker Training Program, up to a maximum of \$11,250; and,

WHEREAS, the City agrees to (1) administer the PAEDC grant, to ensure that the funds are used exclusively for training incentives or trainees, (2) provide records sufficient to show compliance with both the Agreement and the Development Corporation Act of 1979, and (3) submit monthly status reports to the PAEDC for the life of this Agreement; and

WHEREAS, in 2005 and reiterated at its May 17, 2006 meeting, the PAEDC Board approved a total expenditure of \$115,000.00 for job training to prepare Port Arthur residents for jobs in new or expanding local industries; and

WHEREAS, the PAEDC and the City desire to set forth in this Agreement the terms and conditions for PAEDC to provide a training grant to the City for the purpose of providing an incentive to attract good candidates, who will be successfully placed in local industry.

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 of Port Arthur herein approves the Training Agreement, and herein authorizes the President and Secretary of the City of Port Arthur Section 4A Economic Development Corporation to execute the Training Grant Agreement, 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.

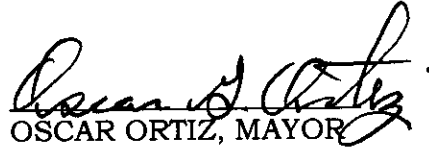
READ, ADOPTED AND APPROVED on this 23rd day of May, A.D. 2006, at a Regular Meeting of the City Council of the City of Port Arthur, Texas

by the following vote: AYES:


Mayor Quiz; Mayor Pro Tem Pounce;
City Council Barker, Henderson, Flood,
Williamson and Sinegal.

NOES:

None.

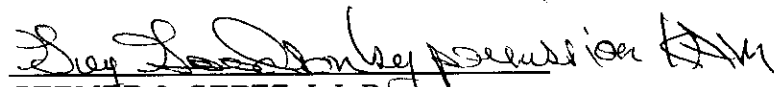

OSCAR ORTIZ, MAYOR

ATTEST:


EVANGELINE GREEN, CITY SECRETARY
On Behalf of

APPROVED AS TO FORM:


MARK T. SOKOLOW, CITY ATTORNEY


GERMER & GERTZ, L.L.P.

APPROVED FOR ADMINISTRATION:


STEPHEN FITZGIBBONS, CITY MANAGER

APPROVED AS TO THE AVAILABILITY OF FUNDS:

REBECCA UNDERHILL, DIRECTOR OF FINANCE

APPROVED FOR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION:

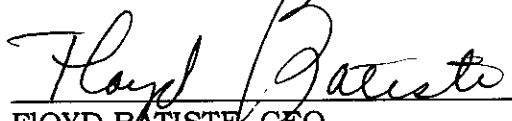

FLOYD BATISTE, CEO

EXHIBIT "A"

**TRAINING GRANT AGREEMENT BETWEEN
 THE CITY OF PORT ARTHUR SECTION 4A
 ECONOMIC DEVELOPMENT CORPORATION
 AND
 THE CITY OF PORT ARTHUR, TEXAS**

RECITALS - 1 -

CONTRACT DATES - 2 -

PARTIES - 2 -

CONDITIONS PRECEDENT - 2 -

 (A) PERFORMANCE BY PAEDC - 2 -

 (B) PERFORMANCE BY THE CITY - 2 -

PAEDC'S CONDITIONAL OBLIGATIONS AND LIMITED LIABILITY - 3 -

RECORDS / INSPECTION / PAEDC AUDIT - 3 -

CHANGES AND AMENDMENTS - 3 -

DEFAULT / TERMINATION - 3 -

ORAL AND WRITTEN CONTRACTS / PRIOR AGREEMENTS - 4 -

VENUE - 4 -

ADDRESS OF NOTICE AND COMMUNICATIONS - 4 -

CAPTIONS - 4 -

ATTORNEY APPROVALS - 4 -

CONTRACT EXECUTION - 5 -

**EXHIBIT "A" - OAI KATRINA BROWNFIELDS & MINORITY WORKER
 TRAINING PROGRAM**

**ECONOMIC DEVELOPMENT GRANT AGREEMENT
BETWEEN
THE CITY OF PORT ARTHUR SECTION 4A
ECONOMIC DEVELOPMENT CORPORATION
AND
THE CITY OF PORT ARTHUR, TEXAS**

RECITALS

(1) **WHEREAS**, one consideration for businesses deciding where to locate a new or expanded business enterprise is the availability of workers with the proper knowledge and skill set;

(2) **WHEREAS**, Section 2(11)(B) of the Development Corporation Act of 1979 authorizes expenditures on job training by the City of Port Arthur Section 4A Economic Development Corporation ("PAEDC") if the PAEDC Board finds the expenditure to be "required or suitable for the promotion of development and expansion of business enterprises and other enterprises...."

(3) **WHEREAS**, the City of Port Arthur, Texas (the "City") has received a *Katrina Brownfields & Minority Worker Training Grant*, administered by OAI, Inc., to provide 160 hours of training in professional skills, environmental, health, and safety ("EHS"), general construction, and construction safety;

(4) **WHEREAS**, on May 17, 2006, the PAEDC Board found that the training to be provided by the City, with funds from this federal grant, is suitable to promote business enterprises moving to or expanding in Port Arthur, particularly petrochemical industries, who need workers who have the skills to prevent and control hazardous conditions during the construction and operation of the petrochemical plants;

(5) **WHEREAS**, the City and the PAEDC have determined that a monetary incentive will attract candidates to the training program, who could otherwise not afford such a large time commitment;

(6) **WHEREAS**, in 2005 and reiterated at its May 17, 2006 meeting, the PAEDC Board approved a total expenditure of \$115,000.00 for job training to prepare Port Arthur residents for jobs in new or expanding local industries; and

(7) **WHEREAS**, the PAEDC and the City desire to set forth in this Agreement the terms and conditions for PAEDC to provide a training grant to the City for the purpose of providing an incentive to attract good candidates, who will be successfully placed in local industry.

NOW THEREFORE, the parties agree as follows:

CONTRACT DATES

CONTRACT START DATE

1. This Economic Development Grant Agreement ("Agreement") is entered into with an effective date of _____, 2006, but in no case later than December 31, 2006, by and between PAEDC and the City.

CONTRACT END DATE

2. This contract expires 30 days after both parties perform fully, subject to earlier termination or extension, voluntary or involuntary, as provided herein.

PARTIES

3. PAEDC located at 4173-39th Street, Port Arthur, Texas, 77642, is a not for profit corporation. It is duly authorized to do business in the State of Texas under Section 4A, Article 5190.6 V.T.C.A. (the Development Corporation Act of 1979) and duly authorized by Resolution of the City Council of the City of Port Arthur to enter into this contract. So authorized and as provided by the PAEDC bylaws, the President and Secretary of the PAEDC Board have the authority to execute this contract.

4. The City is a Texas municipality. City Hall is located at 444 4th Street, P.O. Box 1089, Port Arthur, Texas 77641-1089.

CONDITIONS PRECEDENT

5. This contract has no legal consequences unless and until both the PAEDC Board and the City of Port Arthur City Council approve the contract in its final form.

PROMISED PERFORMANCE

6. The parties agree to perform as follows.

(a) PERFORMANCE BY PAEDC

At the end of each training session, and within 60 days of being invoiced, PAEDC will pay the City an \$150.00 incentive for each Port Arthur trainee that successfully completes the entire training program described in Exhibit "A"; however, in no case will PAEDC pay more than \$11,250, which is sufficient for seventy-five (75) trainees.

(b) PERFORMANCE BY THE CITY

(1) The City shall administer the training grant funds and ensure that all funds received from PAEDC are used exclusively for training incentives, in accordance with the conditions and limitations of this contract.

(2) The City shall send PAEDC quarterly reports on the status of the training program.

- (3) The City shall invoice PAEDC at the end of each training session, with the names of each trainee who completed the entire training program and with reference to this Agreement.

PAEDC'S CONDITIONAL OBLIGATIONS AND LIMITED LIABILITY

7. The PAEDC's sole liability/obligations shall be to the City and shall be limited to the training incentive detailed in this Agreement. The PAEDC shall not be liable, in contract or otherwise, for any expense, expenditure or cost incurred by or on behalf of the City related to the training made the basis of this Agreement.

8. The PAEDC is not liable to the City for four percent (4%) of this contract price, as part of the City's fee for administrative services.

RECORDS / INSPECTION / PAEDC AUDIT

9. All records pertinent to this Agreement shall be retained by the City according to the City's record retention policy.

10. Upon written request, the City shall provide PAEDC with all reports reasonably necessary for PAEDC compliance with the Development Corporation Act of 1979 (Article 5190.6 V.T.C.A.).

CHANGES AND AMENDMENTS

11. Any alterations, additions, or deletions to the terms of this Agreement shall be by amendment in writing and executed by all parties to this Agreement and approved by both the PAEDC Board and the City Council.

12. Any alterations, additions, or deletions to the terms of this Contract which are required by changes in Federal, state or local law are automatically incorporated into this Agreement without written amendment hereto, and shall become effective on the date designated by such law or regulation.

DEFAULT / TERMINATION

13. In the event of default of any of the obligations of the City detailed herein, the PAEDC may, at its sole and exclusive option, withhold and/or disallow further PAEDC grant payments or incentives to the City.

14. In addition to the foregoing, the parties agree that this Agreement may be terminated at any time when both parties agree, in writing, to the terms and conditions of any such voluntary termination.

ORAL AND WRITTEN CONTRACTS / PRIOR AGREEMENTS

15. All oral and written agreements between the parties to this Agreement relating to the subject matter of this Agreement that were made prior to the execution of this Agreement have been reduced to writing and are contained in this Agreement.

16. Exhibit "A", *OAI Katrina Brownfields & Minority Worker Training Program*, is hereby made a part of this Agreement for all purposes, and constitute promised performances by the City, in accordance with this Agreement.

VENUE

17. For purposes of litigation that may accrue under this Contract, venue shall lie in Jefferson County, Texas, where substantially all the performance will occur.

ADDRESS OF NOTICE AND COMMUNICATIONS

City of Port Arthur Section 4A Economic Development Corporation
4173 39th Street
Port Arthur, Texas 77642
ATTN: Floyd Batiste, Chief Executive Officer

City of Port Arthur
444-Fourth Street
P.O.Box 1089
Port Arthur, Texas 77641-1089
ATTN: Doris Hill, Brownfields Manager

CAPTIONS

18. This contract has been supplied with captions to serve only as a guide to the contents. The caption does not control the meaning of any paragraph or in any way determine its interpretation or application.

ATTORNEY APPROVALS

APPROVED AS TO FORM:

Guy Goodson, General Counsel for PAEDC

VERIFIED AS CONSISTANT
WITH CITY COUNCIL RESOLUTION:

Resolution Number : _____

Mark T. Sokolow, City Attorney

CONTRACT EXECUTION

CITY OF PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION

SIGNED AND AGREED TO on the _____ day of _____, 2006.

By: _____
Eli Roberts, President

By: _____
Linda Spears, Secretary

Witness

Witness

CITY OF PORT ARTHUR, TEXAS

SIGNED AND AGREED TO on the _____ day of _____, 2006.

CITY OF PORT ARTHUR, TEXAS

By: _____
Steve Fitzgibbons, City Manager

Witness

EXHIBIT "A"

Training Plan Time Chart

B-MWT Program

Total of 160 hours (4 weeks)

Development Training		TOTAL OF 40 HRS
Development Training Units		Hours
Skills Assessment	Placement Testing, Industry Related Testing, TABE Testing, Abbott Mechanical Reasoning-Testing designed to assess current needs of participant to streamline training.	3
Professional Skills	<p>Workplace Math- In today's high-technology manufacturing centers, accurate computational skills are an essential job requirement. Through this course, participants will develop their ability to perform fundamental mathematical operations with a high degree of accuracy through the context of on-the-job problems and scenarios. Participants will: read a ruler, use a basic calculator, understand basic numerical and value relationships, calculate basic fractions, and solve equations for a single variable. Topics include:</p> <ul style="list-style-type: none"> • Whole Number Applications: Estimation, Addition, Subtraction, Multiplication, Division Order of Operations • Fractions: Parts, Types; Reducing to Lowest Terms, Mixed numbers, Equivalent, Comparing, Multiplication, Division • Decimals: Place Value, Addition, Subtraction, Multiplication, Division, Rounding Decimal/Fractional, Conversations Averages • Measurements • Reading Key Job-Specific Measurement Tools <p>Workplace Writing- Designed to augment participant proficiency in generating written communications. Participants are provided review on basic grammar rules and structures as well as introduced to writing forms required for use in the environmental and construction industries. Topics include:</p> <ul style="list-style-type: none"> • Course Introduction and Overview • Barriers to Writing and Guidelines for Successful Writing • Journal Writing • Self Assessment & Tools • Basic Skills: Nouns and Verbs • Dis-Education Discussion • Basic Skills: Adjectives and Adverbs • Grammar: Parts of Speech Test • Grammar: Parts of Speech Test Review • Resumes and Applications • Excavation • Documentation • Correct Practices • Letter Writing: Basic Letter Forms • Essay Writing: Basic Essay Form <p>Critical Thinking- Participants explore the core basics of problem solving through the following topics:</p> <ul style="list-style-type: none"> • Focus Activity: Your Critical Thinking • Individual Activity: Problem Solving • Debriefing: Five steps to Problem Solving • Direct Instruction: Improving Critical Thinking • Large Group Practice: Testing Critical Thinking Scenarios • Evaluation: Assess Performance <p>Follow up: Challenge students to incorporate critical thinking in training and employment</p>	16

	<p>Time Management- Participants focus on optimizing productivity</p> <ul style="list-style-type: none"> • Focus Activity: Pricing Time • Individual Activity: Participant Activity Logs • Individual Activity: Concentrating on Your Strengths/SWOT • Debriefing: Students Share SWOT • Direct Instruction: Time Management Strategies • Evaluation: Assess Performance • Follow up: Review Time Management Strategies 	
	<p>Mechanical Reasoning- basic laws of physics and mechanical principles to improve understanding of the workings of gears, pulleys and levers; blueprint reading.</p>	4
Site Specific Personal Skills	<p>Stress Management- Issues dealing with life after a disaster and stress in the workplace</p> <ul style="list-style-type: none"> • Focus Activity: Define Stress • Direct Instruction: Identifying Your Stress/Anxiety • Small Group Activity: Dealing with Stress Skit Creation • Debriefing: Dealing with Stress Skit Performances • Direct Instruction: Reducing Stress/Managing Emotions • Evaluation: Assess Performance, Connection Between Personal and Work Stress • Follow up: Where to Get Help 	8

Technical Training		TOTAL OF 80 HRS
Environmental Health and Safety		Hours
	<p>Hazardous Waste General Site Worker- Prepares participants for working safely on a hazardous waste site. We use the manual produced by the Mid-West Consortium for Hazardous Waste Worker training and the Hazardous Waste Student Supplement that contains a Site Safety Plan to be used in the hands-on site simulation. The Activities Workbook contains a series of small group activities that can be utilized for each of the topics covered in the course. Special focus on The Katrina Health and Safety Plan, use of personal protective equipment, medical surveillance requirements including the recognition of signs and symptoms of exposure, stress management, and incident management/unified command systems (NIMS-ICS). An additional 4 hours will focus on safe operations during demolition, clean up and removal activities.</p>	44
	<p>NIEHS Katrina guide Protecting Yourself While Helping Others- This presentation is a joint collaboration between NIEHS and other federal agencies to give health and safety guidance to those responding to Hurricane Katrina. It is the most widely used safety and health awareness program in the disaster zone. Program is customized for intended audiences. Accompanying pocket guide will be made available.</p>	4
	<p>CPR- Prepares participants to recognize and act in an emergency situation and provide the necessary assistance to the victim in terms of rescue breathing, chest compressions, and foreign object removal. Each participant will receive a textbook and work on a practice mannequin for perfecting their CPR skills. Each participant is given a National Safety Council Certificate of Completion.</p> <p>First Aid- Prepare students to recognize assess and react to a medical emergency providing temporary assistance to the victim until qualified medical attention can be obtained. Our instructors are certified and will provide each student with a textbook and Certificate of Completion from the National Safety Council.</p>	16
	<p>Mold Remediation and Fungal Spore Analysis- Course covers the basics of mold remediation, effects of mold on the body, correct protection procedures, PPE, brief history of mold, how molds are identified using microscopy, and how to take a sample of mold.</p>	16

Site Specific Construction Training		TOTAL OF 40 HRS
Construction		Hours
	General Construction/Hands-on- Course will introduce the basic concepts involved in building objects. The students explore measuring in depth, read drawings, and then use the various tools that cut and join wood. They will practice using the fundamental materials of construction and tools that will be used at the site. They will see how their work relates to the bigger project and experience first hand the demands made upon a construction worker.	30
	10 Hour OSHA Construction Safety- The goal of this course is to teach students to understand and read the OSHA standards as they relate to the construction industry. We give the students a copy of 29CFR Part 1926 and a student Activity Book that consists of case studies of typical construction and hazardous waste site incidents that cause health and safety problems. Students work through the case studies by identifying the appropriate OSHA standard and then reading the standard to understand what OSHA mandates as a safe strategy for approaching the problem.	10

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CONTRACT EXECUTION - 5 -

**EXHIBIT "A" - OAI KATRINA BROWNFIELDS & MINORITY WORKER
 TRAINING PROGRAM**

EXHIBIT "A"

Training Plan Time Chart

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	<p>NIEHS Katrina guide Protecting Yourself While Helping Others- This presentation is a joint collaboration between NIEHS and other federal agencies to give health and safety guidance to those responding to Hurricane Katrina. It is the most widely used safety and health awareness program in the disaster zone. Program is customized for intended audiences. Accompanying pocket guide will be made available.</p>	4
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EXHIBIT "B"

GERMER GERTZ L.L.P.
ATTORNEYS AT LAWAUSTIN BEAUMONT HOUSTON
www.germer.com**KATHLEEN A. McGLYNN**
ASSOCIATEDirect Line: 409.813.8000
kmcglynn@germer.com

May 18, 2006

*Via Facsimile No. 1-409-962-4445*Mr. Floyd Batiste
Chief Executive Officer
City of Port Arthur EDC
P.O. Box 3934
Port Arthur, Texas 77642*Re: Training Grant Agreement with City of Port Arthur: GG File #56257*

Dear Mr. Batiste:

We have reviewed the attached Training Grant Agreement between the City of Port Arthur Section 4A Economic Development Corporation ("PAEDC") and the City of Port Arthur (the "City"). The PAEDC Board of Directors approved this contract on May 17, 2006.

The attached contract has been approved by Germer Gertz, L.L.P. as to its legality.

Sincerely,

GERMER GERTZ, L.L.P.

By: 

Kathleen A. McGlynn

KAM/lr

cc: Jana Barnes
Guy N. Goodson (*in the firm*)

**TRAINING GRANT AGREEMENT BETWEEN
THE CITY OF PORT ARTHUR SECTION 4A
ECONOMIC DEVELOPMENT CORPORATION
AND
THE CITY OF PORT ARTHUR, TEXAS**

Executive Summary

The City of Port Arthur Section 4A Economic Development Corporation ("PAEDC") Board has found that the *OAI Katrina Brownfields & Minority Worker Training Program*, to be provided by the City of Port Arthur, Texas (the "City") with funds from a Federal grant, is suitable to promote business enterprises moving to or expanding in Port Arthur, particularly new and expanded petrochemical industries. The petrochemical industry needs construction and operations workers who have the skills necessary to prevent and control hazardous conditions.

PAEDC and the City have entered into this Training Grant Agreement, wherein PAEDC agrees to pay an \$150.00 incentive for each trainee who successfully completes the *OAI Katrina Brownfields & Minority Worker Training Program*, up to a maximum of \$11,250.

The City agrees to (1) administer the PAEDC grant, to ensure the funds are used exclusively for training incentives for trainees, (2) provide records sufficient to show compliance with both the Agreement and the Development Corporation Act of 1979, and (3) submit monthly status reports to the PAEDC for the life of this Agreement.