

RESOLUTION NO. 07-075

**A RESOLUTION APPROVING INVOICES OF THE  
CITY OF PORT ARTHUR SECTION 4A ECONOMIC  
DEVELOPMENT CORPORATION FOR LEGAL  
SERVICES RENDERED THROUGH NOVEMBER 30,  
2006 BY GERMER GERTZ, LLP.**

**WHEREAS,** the City Council approved Ordinance No. 04-61 and Resolution No. 05-163 pertaining to the payment process of the City Port Arthur Section 4A Economic Development Corporation; and

**WHEREAS,** the invoices denoted in Exhibit "A" were approved by the Board of Directors of the City of Port Arthur Section 4A Economic Development Corporation at their January 9, 2007 meeting; and

**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 invoices denoted in Exhibit "A" is hereby approved.

**Section 3.** That the City Council approves the continued usage of Germer Gertz  
so long as:

1. their hourly rates do not exceed the rates, as denoted in their Agreement, as approved by Resolution No. 05-117.
2. their bills do not exceed the City of Port Arthur Section 4A Economic Development Corporation's budget for legal services; and
3. the City of Port Arthur Section 4A Economic Development Corporation can terminate the agreement with thirty (30) days written notice.

**Section 4.** That a copy of the caption of the Resolution be spread upon the Minutes of the City Council.

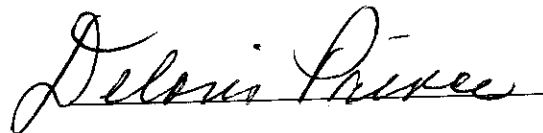
**READ, ADOPTED AND APPROVED** ON THE 14<sup>th</sup> day of February  
A.D. 2007, at a Regular Meeting of the City Council of the City of Port Arthur, Texas by  
the following vote:

**AYES:**

Mayor Pro Tem Prince

City Council: Lewis, Barker, Flood, Beard,  
Williamson and Sinesal.

**NOES:** Councilmember Henderson



**MAYOR PRO TEM PRINCE**

**Attest:**

Terri Hanks  
**EVANGELINE GREEN, CITY SECRETARY**  
On Behalf of

**APPROVED:**

Floyd Batiste  
**FLOYD BATISTE, EDC CEO**

**APPROVED AS TO FORM:**

(SEE CONFIDENTIAL MEMO)  
**MARK T. SOKOLOW, CITY ATTORNEY**

# EXHIBIT “A”

---

**Germer Gertz, L.L.P.**

P.O. Box 4915  
Beaumont, Texas 77704  
409-654-6700  
Tax ID # 76-0445148  
December 20, 2006

RECEIVED DEC 28 2006

Invoice No.  
304462

Port Arthur EDC  
P.O. Box 3934  
4173 39th Street  
Port Arthur, TX 77642

Attn: Chief Executive Officer

---

**Re: EcoDiesel Industries, LLC (CITPOR-69877)**

Professional Services Through 11/30/06	
As per Time Exhibit Attached.....	\$75.00
Total Costs (as shown below): .....	3.00
<b>Total Invoice.....</b>	<b>78.00</b>

Costs Through 11/30/06	
09/07/06 Record search filings 9/7/06 - Secretary Of State	3.00
Total Costs.....	3.00

**Time Exhibit**

Re: EcoDiesel Industries, LLC (CITPOR-69877)  
Invoice for services rendered through 11/30/06

Invoice No.  
304462

Date	Initials	Work Description	Hours	Rate	
11/06/06	GNG	Review documentation from City relative to Bio Diesel equipment list and requirements for audited financial statements;	0.50	150.00	75.00
Total Hours			0.50		

**Time Allocation Exhibit**

Re: EcoDiesel Industries, LLC (CITPOR-69877)  
Invoice for services rendered through 11/30/06

**Invoice No.**  
304462

<b>Timekeeper Name</b>		<b>Hours</b>	<b>Rate</b>	<b>Fee</b>	<b>ID</b>
Guy N. Goodson	Partner	0.50	150.00	\$75.00	GNG
	<b>Totals</b>	<b>0.50</b>		<b>\$75.00</b>	

**Germer Gertz, L.L.P.**

P.O. Box 4915  
Beaumont, Texas 77704  
409-654-6700  
Tax ID # 76-0445148  
December 20, 2006

RECEIVED DEC 28 2006

Invoice No.  
304463

Port Arthur EDC  
P.O. Box 3934  
4173 39th Street  
Port Arthur, TX 77642  
Attn: Floyd Batiste

---

**Re: Mc-OO, Inc. d/b/a Mc-O Construction (CITPOR-70424)**

Professional Services Through 11/30/06	
As per Time Exhibit Attached.....	\$37.50
Total Costs (as shown below): .....	0.00
<b>Total Invoice.....</b>	<b>37.50</b>

**Total Amount Due.....** **\$37.50**

Costs Through 11/30/06

Total Costs..... 0.00

**Time Exhibit**

Re: Mc-OO, Inc. d/b/a Mc-O Construction (CITPOR-70424)  
Invoice for services rendered through 11/30/06

Invoice No.  
304463

Date	Initials	Work Description	Hours	Rate	
11/30/06	RMC	Conference with Guy Goodson and Mark Sokolow regarding Mc-O invoice inaccuracies	0.30	125.00	37.50
Total Hours			0.30		



**Time Allocation Exhibit**

Re: Mc-OO, Inc. d/b/a Mc-O Construction (CITPOR-70424)  
Invoice for services rendered through 11/30/06

Invoice No.  
304463

<b>Timekeeper Name</b>		<b>Hours</b>	<b>Rate</b>	<b>Fee</b>	<b>ID</b>
Robin M. Cummings	Associate	0.30	125.00	\$37.50	RMC
	<b>Totals</b>	<b>0.30</b>		<b>\$37.50</b>	

**Germer Gertz, L.L.P.**

P.O. Box 4915  
Beaumont, Texas 77704  
409-654-6700  
Tax ID # 76-0445148  
December 20, 2006

RECEIVED DEC 28 2006

Invoice No.  
304464

Port Arthur EDC  
P.O. Box 3934  
4173 39th Street  
Port Arthur, TX 77642

Attn: Chief Executive Officer

---

Re: Lamar State College-Port Arthur (CITPOR-70835)

Professional Services Through 11/30/06	
As per Time Exhibit Attached.....	\$212.50
Total Costs (as shown below): .....	0.00
<b>Total Invoice.....</b>	<b>212.50</b>

Costs Through 11/30/06

Total Costs..... 0.00

**Time Exhibit**

Re: Lamar State College-Port Arthur (CITPOR-70835)  
Invoice for services rendered through 11/30/06

Invoice No.  
304464

Date	Initials	Work Description	Hours	Rate	
11/08/06	RMC	Continue preparing grant agreement for \$200 student stipend with Lamar State College-Port Arthur	1.70	125.00	212.50
Total Hours			1.70		

**Time Allocation Exhibit**

Re: Lamar State College-Port Arthur (CITPOR-70835)  
Invoice for services rendered through 11/30/06

Invoice No.  
304464

<b>Timekeeper Name</b>		<b>Hours</b>	<b>Rate</b>	<b>Fee</b>	<b>ID</b>
Robin M. Cummings	Associate	1.70	125.00	\$212.50	RMC
	<b>Totals</b>	<b>1.70</b>		<b>\$212.50</b>	

RECEIVED DEC 28 2006

**Germer Gertz, L.L.P.**

P.O. Box 4915  
Beaumont, Texas 77704  
409-654-6700  
Tax ID # 76-0445148  
December 20, 2006

Invoice No.  
304466

Port Arthur EDC  
P.O. Box 3934  
4173 39th Street  
Port Arthur, TX 77642

Attn: Floyd Batiste

---

Re: Pleasure Island Shrimp House, Inc. (CITPOR-70435)

Professional Services Through 11/30/06	
As per Time Exhibit Attached.....	\$3,240.00
Total Costs (as shown below): .....	1,223.98
<b>Total Invoice.....</b>	<b>4,463.98</b>

**Total Amount Due.....** **\$4,463.98**

Costs Through 11/30/06

11/30/06 Signature review - Linda James	750.00
Copying Expense        1882    @    0.25	470.50
Postage Expense	3.48
<b>Total Costs.....</b>	<b>1,223.98</b>

**Time Exhibit**

Re: Pleasure Island Shrimp House, Inc. (CITPOR-70435)  
Invoice for services rendered through 11/30/06

Invoice No.  
304466

Date	Initials	Work Description	Hours	Rate	
11/01/06	GNG	Prepare memorandum to Council concerning proposed loan modifications;	1.00	150.00	150.00
11/02/06	RMC	Conference with Floyd Batiste, Guy Goodson, and Mark Sokolow regarding EDC Board approval of repayment revision and objection to bankruptcy claim; send copy of Tran's objection to PAEDC Bankruptcy claim and PAEDC's Proof of Claim to Mark Sokolow and Carl Parker	1.20	125.00	150.00
11/02/06	GNG	Telephone conference call with Counsel for the City making requests for additional conditions for Shrimp House loan modification;	1.00	150.00	150.00
11/03/06	GNG	Telephone conference call with City Attorney on additional issues concerning loan modification;	0.80	150.00	120.00
11/06/06	RMC	Correspond with handwriting expert, James Daniels, regarding possible retainer for comparison of Tuan Tran signatures	0.50	125.00	62.50
11/07/06	RMC	Correspond with handwriting comparison expert, Linda James, regarding possible use of services in comparing signatures of Tuan Tran	0.90	125.00	112.50
11/07/06	GNG	Telephone conference call with City Attorney concerning loan modification;	0.50	150.00	75.00
11/08/06	RMC	Conference with Carl Parker regarding settlement negotiations with Victor Tran; receive and review letter to Carl Parker from Guy Goodson and forward to Floyd Batiste for review	0.50	125.00	62.50
11/09/06	RMC	Conference with Mark Sokolow and Tim Smith, Assistant District Attorney, regarding investigation of Pleasure Island Shrimp House	2.40	125.00	300.00
11/09/06	RMC	Conference with Linda James, handwriting expert, regarding signature comparison of Tuan Tran for bankruptcy response	0.40	125.00	50.00
11/14/06	RMC	Prepare and review Port Arthur Economic Development Corporation's Response to Tuan Tran's Objection to PAEDC's Proof of Claim	2.50	125.00	312.50
11/14/06	RMC	Conference with Senator Carl Parker regarding letter with PAEDC proposal to loan repayment with Victor Tran	0.40	125.00	50.00
11/14/06	RMC	Conference with Bill Harris and Mark Sokolow regarding investigation of Pleasure Island Shrimp House by Jefferson County District Attorney's Office	0.70	125.00	87.50

**Time Exhibit**

Re: Pleasure Island Shrimp House, Inc. (CITPOR-70435)  
Invoice for services rendered through 11/30/06

Invoice No.  
304466

Date	Initials	Work Description	Hours	Rate	
11/15/06	RMC	Conference with Guy Goodson and Floyd Batiste regarding letter to Carl Parker as to proposed repayment of emergency loan to Victor Tran and investigation	0.60	125.00	75.00
11/15/06	RMC	Revise Response to Tuan Tran's Objection to PAEDC Proof of Claim in preparation for filing electronically	0.40	125.00	50.00
11/15/06	RMC	Meet and discuss investigation of Victor Tran and Pleasure Island Shrimp House with Jefferson County Assistant District Attorneys	2.10	125.00	262.50
11/15/06	WHH	Meeting with Robin Cummings, Guy Goodson and representative from the Jefferson County District Attorneys office regarding Shrimphouse litigation.	2.00	125.00	250.00
11/16/06	RMC	Conference with Mark Sokolow regarding Pleasure Island Shrimp House investigation	0.30	125.00	37.50
11/21/06	RMC	Conference with Linda James, handwriting expert, and Carl Rose of the Jefferson County District Attorney's office regarding expert review of the signature of Tuan Tran	1.20	125.00	150.00
11/21/06	GNG	Telephone conference with Senator Parker;	0.50	150.00	75.00
11/29/06	GNG	Telephone conference with Floyd Batiste; telephone conference with City Attorney; telephone conference with Carl Parker;	1.00	150.00	150.00
11/30/06	GNG	Telephone conference with on Contract and payment on claim; telephone conference with City Attorney;	0.80	150.00	120.00
11/30/06	RMC	Conference with Guy Goodson, Floyd Batiste, and Thomas Perich of Andrews Kurth regarding recent developments in investigation and payment	0.60	125.00	75.00
11/30/06	WHH	Review documents produced by PAEDC and delivered to USAO pursuant to Grand Jury Subpoena and meeting with AUSA Britt Featherston regarding same.	2.50	125.00	312.50
<b>Total Hours</b>			<b>24.80</b>		

**Time Allocation Exhibit**

Re: Pleasure Island Shrimp House, Inc. (CITPOR-70435)  
Invoice for services rendered through 11/30/06

Invoice No.  
304466

Timekeeper Name		Hours	Rate	Fee	ID
Guy N. Goodson	Partner	5.60	150.00	\$840.00	GNG
Robin M. Cummings	Associate	14.70	125.00	\$1,837.50	RMC
William H. Harris	Associate	4.50	125.00	\$562.50	WHH
	Totals	24.80		\$3,240.00	