

RESOLUTION NO. 07-135

**A RESOLUTION APPROVING INVOICE NO. 282790  
OF THE CITY OF PORT ARTHUR SECTION 4A  
ECONOMIC DEVELOPMENT CORPORATION  
FOR LEGAL SERVICES RENDERED IN MAY 2006  
BY GERMER GERTZ, LLP. IN THE AMOUNT OF  
\$5,188.57**

**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**, Invoice No. 282790 in the amount of \$5,213.57, for services rendered in May 2006, denoted in Exhibit "A", was approved by the Board of Directors of the City of Port Arthur Section 4A Economic Development Corporation at their November 29, 2007 meeting.

**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 Invoice No. 282790 in the amount of \$5,213.57, attached hereto as Exhibit "A", is hereby approved, with the exception of \$25 as to a 05/30/2006 invoice entry involving Schaumburg & Polk. Therefore, the EDC is authorized to pay \$5,188.57 ( $\$5,213.57 - 25.00 = \$5,188.57$ ).

**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 THE** 07<sup>th</sup> day of March

A.D. 2007, at a Regular Meeting of the City Council of the City of Port Arthur, Texas by  
the following vote:

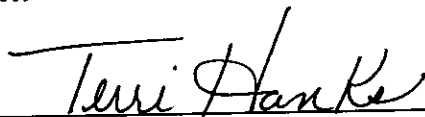
AYES: Mayor Pro Tem Prince;

City Council: Lewis, Barker, Henderson,  
Williamson and Vinegal.

NOES: Council member Beard.


  
**MAYOR PRO TEM PRINCE**

**Attest:**

  
\_\_\_\_\_

TERRI HANKS, ASSISTANT CITY SECRETARY

**APPROVED:**

  
\_\_\_\_\_

FLOYD BATISTE, EDC CEO

**APPROVED AS TO FORM:**

**SEE CONFIDENTIAL MEMO DATED MARCH 16, 2007**  
**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  
June 22, 2006

Invoice No.  
282790

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

Attn: Chief Executive Officer

Re: Economic Development Corporation (CITPOR-56257)

Professional Services Through 5/31/2006  
As per Time Exhibit Attached..... \$4,725.00  
Total Costs (as shown below): ..... 488.57  
Total Invoice..... 5,213.57

Prior Amount Due..... \$9,189.84

Invoice Date:	Invoice #:	Balance
12/20/2006	304467	4,634.36
1/11/2007	305417	4,555.48

Total Amount Due..... \$14,403.41

Costs Through 5/31/2006

5/4/2006 Long distance telephone charges April 2006 - SBC Long Distance 16.24  
5/18/2006 Mileage to/from Port Arthur to attend EDC Board 17.80  
6 Meeting 05/17/06 KAM  
5/19/2006 Record search/filing 05/19/06 - Secretary Of State 1.00  
6  
5/19/2006 Record search/filing 05/19/06 - Secretary Of State 3.00  
6  
5/22/2006 Lien search certificate - Port Arthur Abstract and Title 270.63  
6 Company (743 Proctor)  
5/31/2006 File Plat - Jefferson County Clerk 36.00  
6  
Copying Expense 471 @ 0.25 117.75  
Postage Expense 26.15

*Floyd Gattuso*  
1/22/07

Copying Expense	471	@	0.25	117.75	
Postage Expense				26.15	
Total Costs.....					488.57

**Time Exhibit**

Re: Economic Development Corporation (CITPOR-56257)  
 Invoice for services rendered through 05/31/06

Invoice No.  
 282790

Date	Initials	Work Description	Hours	Rate	
5/1/2006	KAM	Receive and review information on proposed Brownfield training;	0.90	125.00	112.50
5/1/2006	KAM	Confer with CEO and Brownfield's manager regarding stipend from PAEDC;	0.50	125.00	62.50
5/2/2006	KAM	Prepare draft contract between City and PAEDC for training stipend;	2.70	125.00	337.50
5/3/2006	KAM	Confer with compliance manager regarding GP, FRP and 743 Proctor Street;	0.20	125.00	25.00
5/3/2006	KAM	Confer with CEO regarding agenda and 743 Proctor Street property;	0.30	125.00	37.50
5/8/2006	KAM	Confer with compliance manager regarding FRP, Bowhead and training grant; forward training grant contract to co-counsel for review;	0.50	125.00	62.50
5/9/2006	KAM	Confer with CEO and compliance manager regarding Triangle Deed & Deed of Trust;	0.10	125.00	12.50
5/9/2006	KAM	Confer with co-counsel regarding training incentive grant to City;	0.30	125.00	37.50
5/10/2006	GNG	Meeting with co-counsel;	0.50	150.00	75.00
5/11/2006	KAM	Confer with CEO and co-counsel regarding professional service fees;	0.50	125.00	62.50
5/12/2006	KAM	Receive, review and comment on GP Industrial Contract Amendment; prepare cover letter;	0.80	125.00	100.00
5/12/2006	KAM	Review resolution on GP Industrial Contract Amendment;	0.30	125.00	37.50
5/12/2006	KAM	Confer with CEO and Compliance Manager on issues for May 17, 2006 Board meeting;	0.50	125.00	62.50
5/12/2006	KAM	Prepare cover letter for City Training Contract Resolution;	0.20	125.00	25.00
5/12/2006	KAM	Confer with City Attorney regarding attorney fee bills from prior counsel for EDC and the status of Camilla Estates Project;	0.20	125.00	25.00
5/15/2006	KAM	Receive and review Plaintiff's Attorney Motion to Withdraw as counsel in Mills v. EDC and City;	0.20	125.00	25.00
5/15/2006	KAM	Confer with CEO regarding other Houston Ave Properties;	0.30	125.00	37.50
5/15/2006	KAM	Pursuant to discussion with City Attorney locate and review March 2005 bill from Jim Wimberley for expense billing (in response to allegation that expenses were billed but not paid);	0.50	125.00	62.50

**Time Exhibit**

Re: Economic Development Corporation (CITPOR-56257)  
Invoice for services rendered through 05/31/06

Invoice No.  
282790

Date	Initials	Work Description	Hours	Rate	
5/16/2006	KAM	Prepare cover letter and draft contract for City Council Meeting;	0.30	125.00	37.50
5/16/2006	KAM	Review Agenda packet for May 17, 2006 meeting and confer with CEO;	0.30	125.00	37.50
5/16/2006	KAM	Confer with CEO and City Attorney regarding KCS land purchase and Union Pacific refusal of pole relocation application;	0.40	125.00	50.00
5/16/2006	GNG	Telephone conference calls with client concerning KCS contract, purchase of West Side development property and review contract documents;	1.00	150.00	150.00
5/17/2006	KAM	Confer with co-counsel regarding meal allowance policy; forward State allowances to Operations Manager;	0.50	125.00	62.50
5/17/2006	KAM	Prepare preliminary Deed for 743 Proctor and forward to EDC staff for completion and execution;	0.50	125.00	62.50
5/17/2006	KAM	Travel to and attend EDC Board meeting;	3.80	125.00	475.00
5/18/2006	KAM	Organize meeting materials and set up new action items;	0.40	125.00	50.00
5/18/2006	KAM	Confer with City Attorney regarding GP Amendment;	0.50	125.00	62.50
5/18/2006	KAM	Investigate process for purchasing property at delinquent tax auction;	1.30	125.00	162.50
5/18/2006	KAM	Confer with co-counsel and CEO regarding Camellia Plaza, L.P. and Port Iron;	0.80	125.00	100.00
5/18/2006	KAM	Research the owners, property values and deeds for 831 and 835 Houston Ave.;	1.20	125.00	150.00
5/18/2006	KAM	Replace copy of Development Corporation Act given to Councilman Lewis;	0.10	125.00	12.50
5/19/2006	KAM	Confer with CEO regarding Houston Ave. properties, KCS, spending priorities and ballot propositions;	1.20	125.00	150.00
5/19/2006	KAM	Receive, review and comment on resolution for City Training Contract;	0.30	125.00	37.50
5/19/2006	KAM	Confer with City Attorney and CEO regarding proposed resolutions for City Council;	0.30	125.00	37.50
5/23/2006	GNG	Receive and review request for information on Houston Avenue properties; telephone conference call with City Attorney on West Side Development properties;	1.00	150.00	150.00
5/24/2006	KAM	Prepare for May 24, 2006 meeting by reviewing and bulletizing goals and strategies;	1.70	125.00	212.50

**Time Exhibit**  
 Re: Economic Development Corporation (CITPOR-56257)  
 Invoice for services rendered through 05/31/06

Invoice No.  
282790

Date	Initials	Work Description	Hours	Rate	
5/24/2006	KAM	Travel to, prepare for and facilitate goal setting at Board meeting;	4.30	125.00	537.50
5/25/2006	KAM	Confer with CEO regarding law requiring expert affidavits with petition;	0.30	125.00	37.50
5/30/2006	KAM	Confer with CEO and Assistant City Attorney regarding Schaumburg & Polk discussion at EDC meeting;	0.20	125.00	25.00
5/30/2006	KAM	Research litigation agenda requirements and seek co-counsel opinion on interpretations;	1.00	125.00	125.00
5/30/2006	KAM	Communicate recommendation on litigation discussion in executive session;	0.20	125.00	25.00
5/30/2006	GNG	Review request on litigation agenda items;	0.50	150.00	75.00
5/31/2006	KAM	Confer with law clerk regarding legal research on methods of acquisition available on tax delinquent property;	0.20	125.00	25.00
5/31/2006	KAM	Send City Attorney legal opinion letter on buildings roads;	0.30	125.00	37.50
5/31/2006	KAM	Travel to and attend Board meeting;	5.10	125.00	637.50
<b>Total Hours</b>			<b>37.20</b>		



**Time Allocation Exhibit**

Re: Economic Development Corporation (CITPOR-56257)  
Invoice for services rendered through 05/31/06

Invoice No.  
282790

<b>Timekeeper Name</b>		<b>Hours</b>	<b>Rate</b>	<b>Fee</b>	<b>ID</b>
Guy N. Goodson	Partner	3.00	150.00	\$450.00	GNG
Kate A McGlynn	Associate	34.20	125.00	\$4,275.00	KAM
	<b>Totals</b>	<b>37.20</b>		<b>\$4,725.00</b>	