

RESOLUTION NO. 11472

**A RESOLUTION APPROVING THE USE OF \$336,578.00  
OF PROMOTIONAL FUNDS TO BE USED FOR THE  
REHABILITATION OF THE DOWNTOWN PAVILION TO  
PROMOTE NEW BUSINESS ENTERPRISE**

**WHEREAS**, Section 4A(b)(1) of the Development Corporation Act limits Section 4A corporations to spend no more than 10% of their corporate revenues (Section 4A tax proceeds) for promotional purposes. The Development Corporation Act generally requires a Section 4A development corporation to use sales tax revenues “for the promotion and development of new and expanded businesses.” Thus, a promotional expenditure under Section 4A(b)(1) must advertise or publicize the City for the purpose of developing new or expanded business enterprises. Authorized uses include economic development projects (such as land, equipment, facilities and infrastructure) as set forth in Section 2(4) and (11)(a) of the Development Corporation Act; and

**WHEREAS**, the City of Port Arthur Section 4A Economic Development Corporation (the “PAEDC”) Board of Directors at its Special Board Meeting on October 10, 2011, approved spending \$336,578.00 of its promotional budget for the rehabilitation of the Downtown Pavilion to promote new and expanded business enterprises in the City; and

**WHEREAS**, the City has determined that the rehabilitation of the Downtown Pavilion will meet not only objectives sought in the Operation Downtown Ballot Proposition but will promote and advertise the City to potential business and industries through the cultural, musical and related events at the Downtown Pavilion and will promote continued revitalization of Downtown Port Arthur.

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

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

**Section 2.** That the PAEDC is hereby authorized to allocate \$336,578.00 from its Promotional Programs Account number 120-1429-582-59.06 for the rehabilitation of the Downtown Pavilion, via an adjustment to its FY2012 budget.

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

**READ, ADOPTED AND APPROVED** on this 18<sup>th</sup> day of Oct. A.D., 2011,  
at a Meeting of the City Council of the City of Port Arthur, Texas, by the following vote:

AYES: ✓

Mayor

Prince; Mayor Pro Tem Osucel;

Councilmembers

Scott, Segler, Bearcl,  
Williamson, Freeman and  
Thomas.

NOES:

None.

Deloris Prince  
Deloris "Bobbie" Prince, Mayor

ATTEST:

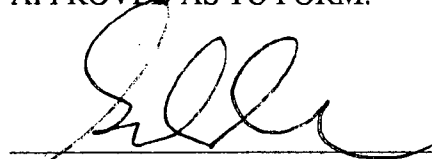
Sherri Bellard  
Sherri Bellard, City Secretary

APPROVED:

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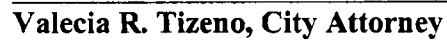
**Floyd Batiste, PAEDC CEO**

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Guy N. Goodson", written over a horizontal line.

**Guy N. Goodson, PAEDC Attorney**

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Valecia R. Tizeno", written over a horizontal line.

**Valecia R. Tizeno, City Attorney**

APPROVED AS TO FORM:

*Val Mene*

City Attorney