

RESOLUTION NO. 13-007

**A RESOLUTION AMENDING THE CONTRACT BETWEEN THE PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION AND LAMAR STATE COLLEGE-PORT ARTHUR FOR BURYING OR RELOCATION OF OVERHEAD UTILITIES AND REPLACING THE EXISTING UTILITY SERVICE IN AN EIGHT BLOCK AREA UNDER THE OPERATION DOWNTOWN SITE IMPROVEMENT GRANT PROGRAM**

**WHEREAS**, on May 9, 2009, a ballot proposition was presented to and approved by the qualified voters in the City of Port Arthur, Texas (the "City") for the City of Port Arthur Section 4A Economic Development Corporation (the "PAEDC") to utilize Section 4A sales and use tax funds for "the cost of demolition of dilapidated structures and infrastructure limited to streets and roads, rail spurs, water and sewer utilities, electric and gas utilities, drainage, site improvements and related improvements necessary to promote or develop new or expanded business enterprises within a project area from 7<sup>th</sup> Street to the Intracoastal Canal and from Martin Luther King, Jr. Drive to Lake Charles Avenue within the City"; said authority limited to the PAEDC's expenditure of not more than \$750,000 per year for said projects (the "Ballot Proposition"); and

**WHEREAS**, the PAEDC has developed an application for a Site Improvement Grant Program under Operation Downtown; and

**WHEREAS**, Lamar State College-Port Arthur has submitted an Application for burying or relocation of overhead utilities and replacing existing utility service in an eight block area on Procter from Lake Charles Avenue to Augusta in accordance with the Application; and

WHEREAS, on May 2, 2011, the Board of Directors of the PAEDC considered and approved funding the Application of Lamar State College-Port Arthur in the amount of \$59,060 for the purpose of the burying or relocation of overhead utilities and replace existing utility service in an eight block area on Procter from Lake Charles Avenue to Augusta as outlined in the Application; and

WHEREAS, on December 3, 2012 at its regular Board meeting, the PAEDC Board of Directors approved extending the contract date an additional 561 days from September 16, 2011, to March 31, 2013, due to construction delays.

**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 Council hereby authorized the PAEDC to amend the contract with Lamar State College-Port Arthur extending the contract date an additional 561 days from September 16, 2011, to March 31, 2013, due to construction delays.

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

**READ, ADOPTED AND APPROVED** on this 8<sup>th</sup> day of Jan A.D., 2013, at a Meeting of the City Council of the City of Port Arthur, Texas, by the following vote:

AYES:

Mayor

Councilmembers

Prince; Mayor Pro Tem Lewis  
Scott, Segler, Absuec and  
Freeman,

NOES:

None.

*Jelani Proctor*  
MAYOR

ATTEST:

*Sherril Bellard*  
Sherril Bellard, City Secretary

APPROVED:

*Floyd Batiste*  
Floyd Batiste, PAEDC CEO

APPROVED AS TO FORM:

*Guy N. Goodson*  
Guy N. Goodson, PAEDC Attorney

APPROVED AS TO FORM:

*Valecia R. Tizeno*  
Valecia R. Tizeno, City Attorney  
*on behalf of*