

RESOLUTION NO. 15-434

**A RESOLUTION RECONSIDERING THE APPROVAL OF
AN OPERATION DOWNTOWN GRANT TO HILTON
KELLEY FOR THE RENOVATION OF PROPERTY
LOCATED AT 600 AUSTIN AVENUE, PORT ARTHUR,
TEXAS (REQUESTED BY COUNCILMEMBER LEWIS).**

WHEREAS, on November 10, 2015, the City Council considered P.R. 19202, regarding the approval of an operation downtown grant to Mr. Hilton Kelly. The measure failed due to a tie vote (3-3). The City of Port Arthur's Code of Ordinances provides an exception for reconsideration of an agenda item in the event of a tie vote; and

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 7th 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, Mr. Hilton Kelley submitted an application to the PAEDC Board of Directors requesting funding to renovate his property located at 600 Austin Avenue as denoted in **Exhibit "A"** (the "Project"); and

WHEREAS, on September 29, 2015, the Board of Directors of PAEDC considered and approved funding Mr. Kelley's project in the amount of \$78,875.50 to renovate his building; and

WHEREAS, funds are available during fiscal year 2014-2015 from the funds allocated in the Ballot Proposition for the improvements.

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 PAEDC is hereby authorized to allocate \$78,875.50 of funds from the Ballot Proposition for fiscal year 2014-2015 to Mr. Hilton Kelley in order to renovate his property located at 600 Austin Avenue, Port Arthur, Texas.

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

READ, ADOPTED AND APPROVED on this 8th day of Dec. A.D., 2015, at a Meeting of the City Council of the City of Port Arthur, Texas, by the following vote: AYES:

Mayor Mayor Pro Tem Frank

Councilmembers Lewis, Mosely, Scott,

NOES: Council members Hamilton, Surti and
Mayor Prince

Deloris Prince
Deloris "Bobbie" Prince, Mayor

ATTEST:

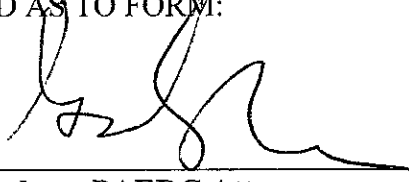
Sherri Bellard
Sherri Bellard, City Secretary

APPROVED:



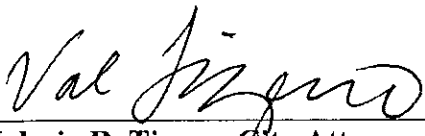
Floyd Batiste, PAEDC CEO

APPROVED AS TO FORM:



Guy N. Goodson, PAEDC Attorney

APPROVED AS TO FORM:



Valecia R. Tizen, City Attorney

EXHIBIT “A”

**City of Port Arthur Section 4A Economic Development Corporation
OPERATION DOWNTOWN
Infrastructure Grant Agreement**

This Infrastructure Grant Agreement (the "Grant Agreement") is executed as of this ____ day of _____, 2015 (the "Effective Date") between the **City of Port Arthur Section 4A Economic Development Corporation**, a Texas economic development corporation authorized to do business in the State of Texas under Section 504, Texas Local Government Code, 501 Procter Street, Port Arthur, Texas 77640 (the "PAEDC" or "Grantor") and **Hilton Kelley**, 910 Colorado Avenue, Port Arthur, Texas 77642 (the "Grantee").

RECITALS

A. PAEDC administers funds under a downtown redevelopment initiative to provide specific infrastructure improvements necessary to promote and development new or expanding business enterprises in downtown Port Arthur, Texas ("Operation Downtown").

B. All grant funds provided under Operation Downtown shall be in accordance with Operation Downtown Site Improvement Grant Program as set forth in **Exhibit "A"** to this Grant Agreement.

C. PAEDC and Grantee agree that all disbursements to Grantee are subject to the conditions, procedure and eligibility requirements specified in **Exhibit "A"** and as set forth in this Grant Agreement.

D. Grantee agrees that the grant to be provided by PAEDC shall be used solely to finance the cost to construct the qualifying infrastructure improvements to the property located at 600 Austin Avenue, Port Arthur, Texas (the "Project") as specified in its Application submitted under the Site Improvement Grant Program attached hereto as **Exhibit "B"** and made a part hereof for all purposes (the "Application").

E. Grantee agrees PAEDC will only fund up to \$78,875.50 of the eligible infrastructure improvements.

F. Grantee agrees to expend its best efforts to accomplish the infrastructure improvements described in the Application and as approved by PAEDC.

NOW, THEREFORE, IN CONSIDERATION of the RECITALS which are incorporated in this Grant Agreement as fully set forth below and for other good and valuable consideration of the receipt and sufficiency is hereby acknowledged, PAEDC and Grantee agree to the following conditions and procedures for the grant:

1) **Grant Amount and Approved Infrastructure Improvements.** PAEDC has agreed to provide a grant in the amount of \$78,875.50 (the "Grant Amount") to Grantee to fund qualified infrastructure improvements as set forth in the Bid Proposal dated September 4, 2015 attached hereto

as **Exhibit "C"** and made a part hereof for all purposes (the "Cost Estimate"). Any costs in excess of the Cost Estimate shall be solely borne by Grantee unless a supplemental grant is approved by PAEDC.

2) **Payment Procedures.** PAEDC will only fund up to \$78,875.50 of the eligible infrastructure improvements. PAEDC will reimburse the Grant Amount to Grantee on a monthly basis after receiving and approving pay requests and corresponding documentation as set forth below:

- a) Grantee must provide PAEDC a project budget;
- b) Grantee must provide PAEDC documentation and assurances evidencing the availability of funds to complete the project before PAEDC approves a submitted pay request;
- c) Grantee must provide PAEDC a project schedule which includes estimated dates for completion of each division of work;
- d) Grantee must identify all contractors and subcontractors who will be performing the work;
- e) Grantee must present pay requests that are signed by the Grantee, contractor, engineer and/or architect (as appropriate) to PAEDC on a monthly basis in order to receive reimbursements for qualified infrastructure improvements;
- f) Grantee must provide PAEDC lien waivers from the contractor(s) and subcontractor(s) with the monthly pay requests (for the prior month's work); and
- g) PAEDC will submit payment to the Grantee only after PAEDC approves the submitted pay request and corresponding documentation.

PAEDC will only fund the construction of eligible infrastructure improvements in an amount not to exceed \$78,875.50.

3) **Timeline.** The Project shall begin only after the execution of this Grant Agreement. The Project shall be completed as set forth in the Application within twelve (12) months from the later of (i) execution of this Grant Agreement or (ii) the issuance of a Notice to Proceed by Grantor to its contractor. PAEDC must receive from Grantee a written request for time extension prior to the expiration of the period set forth in the preceding sentence if any unforeseen delays occur. Granting an extension is at the sole discretion of PAEDC.

4) **Project Changes.** As stated herein, Grantee may make revisions to the Project, but may not make any improvements that result in changes to infrastructure improvements heretofore approved by PAEDC without PAEDC's approval. Grantee retains the right to expand the Project at its sole cost and expense with additional improvements or costs to be solely borne by Grantee.

5) **PAEDC Promotional Activities.** Grantee agrees to participate in the following promotional activities to showcase the renovations and the improvements:

- a) allow PAEDC to place a temporary sign on the property prior to and for a period of not to exceed SIX (6) months after completion of the Project; the sign shall denote the assistance of PAEDC and the completion of the Project;

- b) allow PAEDC to place before and after pictures of the Project on the PAEDC website including the amount of assistance provided (total Project costs may also be included with the agreement of Grantee);
- c) reference the PAEDC as a recipient of a PAEDC Operation Downtown Site Improvement Grant information materials including the amount of assistance provided (total Project costs may also be included with the agreement of Grantee);
- d) participate in other promotional activities as deemed appropriate and agreed upon by PAEDC and Grantee;

6) **Operation Downtown Site Improvement Grant Program Eligibility.** The PAEDC requires at all times through the completion of funding of the grant that Grantee may ensure that all requirements of Operation Downtown including the matters as submitted in its Application are true and correct.

7) **Supplemental Covenant.** INCENTIVE RECIPIENT AND ANY BRANCH, DIVISION OR DEPARTMENT OF INCENTIVE RECIPIENT, ITS CONTRACTOR OR SUBCONTRACTORS CERTIFIES THAT THEY HAVE NOT AND WILL NOT KNOWINGLY EMPLOY AN "UNDOCUMENTED WORKER" WHICH MEANS "AN INDIVIDUAL WHO, AT THE TIME OF EMPLOYMENT, IS NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE TO THE UNITED STATES OR AUTHORIZED UNDER LAW TO BE EMPLOYED IN THAT MANNER IN THE UNITED STATES." IF THIS PROVISION IS VIOLATED THE INCENTIVE IS VOID AND MUST BE REPAID IN FULL.

8) **Indemnification.** Grantee agrees to indemnify and hold PAEDC, its staff, officers and the City of Port Arthur, from any and all actions preceding claims, demands, costs, damages and expenses including reasonable attorneys' fees arising out of or related to the Project.

9) **Assignability.** The rights and liabilities under this Agreement shall not be assigned by Grantee in whole or in part without the prior written consent of the PAEDC.

10) **Law and Ordinances.** Grantee shall be responsible for compliance with all applicable laws, regulations and ordinances including building and zoning codes and for obtaining all necessary building permits required for the Project.

11) **Governing Law.** This Grant Agreement shall be governed under the laws of the State of Texas, and venue for any matters arising under this Grant Agreement shall be in the courts of competent jurisdiction in Jefferson County, Texas.

SIGNED AND AGREED TO on the ____ day of _____, 2015.

HILTON KELLEY

By: _____

Witness

**CITY OF PORT ARTHUR SECTION 4A
ECONOMIC DEVELOPMENT CORPORATION**

SIGNED AND AGREED TO on the ____ day of _____, 2015.

President

Secretary

Witness

Witness

ATTORNEY APPROVALS

APPROVED AS TO FORM:

Guy N. Goodson
General Counsel for PAEDC

VERIFIED AS CONSISTENT
WITH CITY COUNCIL RESOLUTION:

Resolution Number: _____

Valecia R. Tizeno, City Attorney

EXHIBIT "A"
(Operation Downtown Guidelines)

OPERATION DOWNTOWN

A Downtown Improvement Program of the City of Port Arthur Economic Development Corporation for Site Improvements and Related Improvements necessary to promote or develop new or expanded business enterprises

A key element of a revitalization effort is the return of activity to a business corridor. These first few steps can be the spark to ignite interest and spur new business excitement. Operation Downtown provides a catalyst for these first steps. New site improvements and related improvements such as fresh paint, new awnings or complete façade rehabilitation all signal that something positive is happening. Operation Downtown is a conditional grant/loan program available for site improvements and related improvements to business buildings located in Port Arthur Downtown Revitalization target areas (see attached map for target area boundaries). Projects will be granted up to \$250,000 to be matched by private or other source funds. For every dollar of investment by private source funds into an Operation Downtown project Port Arthur Economic Development Corporation (PAEDC) will invest fifty cents, not to exceed \$250,000 of public dollar investment.

The purpose of Operation Downtown is to promote or develop new or expanded business enterprises in the designated downtown area as per the proposition approved by the voters in the May 2009 Special Election for site improvements and related improvements necessary to promote or develop new or expanded business enterprises which will also do the following:

- Reverse the deterioration of business structures in the targeted areas.
- Enhance efforts to market vacant space and attract new businesses.
- Stimulate new, private investment and economic growth.
- Promote consistency in design and create a fresh and aesthetically pleasing environment.
- Assist property owners with the appropriate exterior rehabilitation of their buildings and bring them up to code.
- Reduce the perception of crime.
- Invest in historic preservation and rehabilitation.

This package contains other documents detailing the application process and information to assist you in completing the application. The package includes:

- This cover letter
- Basic Procedures and list of eligible projects
- Blank Application
- Map

For more information, contact:
Port Arthur Downtown Revitalization Program
4173 39th Street
Port Arthur, TX 77642
409-963-0579

ELIGIBLE PROJECTS

Project Description

PAEDC may provide a conditional grant/loan forgivable over five (5) years to owners of public facilities or other eligible properties to undertake Eligible Improvements as herein after described on the property of the applicant or on adjacent public property and/or right-of-way and related improvements which can include bringing building up to code and exterior repairs or renovations and infrastructure improvements including sidewalk repairs and landscaping in and adjacent to the public right-of-way. The conditional grant/loan will be forgiven over a five (5) year period at a rate of 20% for each year that the property is occupied as approved by PAEDC. The conditional grant/ loan assistance shall be provided to the property owners on a reimbursement basis as projects progress or may be paid upon completion of renovations. All conditional grants/loans shall be secured by private sector matching investment of fifty percent (50%) from the property owner or a financial institution. Conditional grants/loans may be secured, as required by PAEDC, by a mortgage on the property to be improved or other approved collateral.

Grant/Conditional Loan Award

Grant or conditional loans are awarded based on total project cost. PAEDC will award projects fifty percent (50%) of the total cost of the project not to exceed \$250,000 for total projects equal to or below \$500,000. Projects with a total project cost equal to or above \$500,001 can be subject to changes in the reimbursement rate and/or award amount as approved by the PAEDC Board and City Council. In addition, the award amount will be reimbursed for bringing a building up to code and exterior eligible improvements based upon percentages of the total project cost (see attached example).

Eligible Properties

Applications may be submitted for public facilities or business properties, either by the owner or tenant within the Port Arthur Downtown Revitalization target areas. Owners of vacant buildings are encouraged to apply and improve property as a catalyst for future occupancy. Mixed use buildings with retail/commercial in the storefront are also encouraged.

Non Eligible Properties

Properties used primarily as residences are not eligible for Operation Downtown.

Eligible Applicants

Public entities or private property owners of commercial properties in eligible areas may apply for assistance. Tenants may apply for assistance if they provide an executed lease of terms of not less than five (5) years beyond the date of the requested completion of improvements joined in the application by the property owner. The City of Port Arthur and the PAEDC Board of Directors may each make a request for a grant for a new or existing project without the requirement for matching funds during the 4th quarter of each year of the Operation Downtown project if funds are available and with applications from private property owners or tenants having priority for such funds. Any approved project by public or private applicants must be completed within twelve (12) months from the effective date of the conditional grant/loan subject to the option of PAEDC to extend the completion period.

Exceptions

The Port Arthur City Council and the PAEDC Board of Directors are each allowed to submit grant applications as specified herein without matching funds within the three year period of the Program dependent on availability of funds. And projects with a total project cost equal to or above \$500,001 can be subject to changes in the reimbursement rate and/or award amount as approved by the PAEDC Board and City Council.

Eligible Improvements

Operation Downtown will fund site improvement and related improvement projects. All improvements must be permanent or fixed. Eligible exterior improvements may include, but are not limited to:

- complete facade and site rehabilitation;
- replacement of broken window panes, aluminum or wood windows and broken store front glass;
- scraping, priming, and painting of window frames, cornice and store front;
- painting of brick facade and sites where brick has been previously painted;
- repair or replace deteriorating signage and brackets when attached to the building;
- repair or replace missing or broken tile;
- repair or replace worn awnings or canopies;
- removal of metal slipcovers to expose original materials;
- certain types of security elements or security recommendations;
- rehabilitation of the upper facade and site and display areas or side walls of a building may also be eligible if street level improvements are approved;
- roof repair when incidental to overall facade and site improvements;
- Restore old historical facades;
- Streetscape including removal and/or relocation of utilities, landscaping, sidewalk improvements; and
- Other site improvements as authorized by the proposition approved by the voters in the May 2009 Special Election

Other minor repairs when incidental to overall façade improvements such as:

- ✓ exterior lighting;
- ✓ certain types of security elements or security recommendations;
- ✓ roof repair;
- ✓ repair of sidewalk, ADA accessibility;
- ✓ detached signage;
- ✓ new construction;
- ✓ parking lots;
- ✓ landscaping;
- ✓ other improvements as approved by the EDC

In addition, professional, architectural, and City permit fees may be included in the total improvement costs.

Eligible improvements to bring a building up to code may include, but are not limited to:

- Electrical
- Plumbing
- Gas
- Fire
- Mechanical (Heating, Ventilation & Refrigeration)
- Others improvements as approved by the EDC

Ineligible Improvements

The following improvements are not eligible for funding:

- burglar bars; and
- fencing.

BASIC PROCEDURE

Step 1 - Applicant Eligibility

- Public entities or property owners are eligible to apply for Operation Downtown funds if the business is 1) located within a Port Arthur Downtown Revitalization target area; and 2) utilized primarily for business purpose (this does NOT include residences or apartments) or for public facilities.
- For information for Port Arthur Downtown Revitalization target area boundaries see map included herein or contact the Operation Downtown Coordinator or Port Arthur Downtown Revitalization Coordinator or the EDC CEO.
- If needed, a meeting with the applicant, their contractor and Port Arthur Downtown Revitalization staff can be arranged to discuss the application process.

Step 2 – Complete The Application

- The application (enclosed herein) is to be completed by the applicant (business owner, property owner or tenant). A completed application must contain information for all three parts: applicant information, property information and project information. Incomplete applications may result in delays in processing.
- A completed application should be submitted to:
 - Port Arthur Downtown Revitalization Program
 - Port Arthur Economic Development Corporation
 - ATTN: Floyd Batiste, CEO
 - 4173 39th Street, Port Arthur, TX 77642
- Once an application is received, the Operation Downtown Coordinator will confirm eligibility of the site and the proposed scope of work, notify the applicant that the application has been received and is under review, and arrange a Project Review meeting.
- Projects that are eligible for funding will be considered on a first come, first serve basis. There is no deadline; applications are accepted year round. However, projects may be limited due to budget constraints and funding availability. Any approved project by public or private applicants must be completed within twelve (12) months from the effective date of a grant and/or conditional loan subject to the option of PAEDC to extend the completion period.

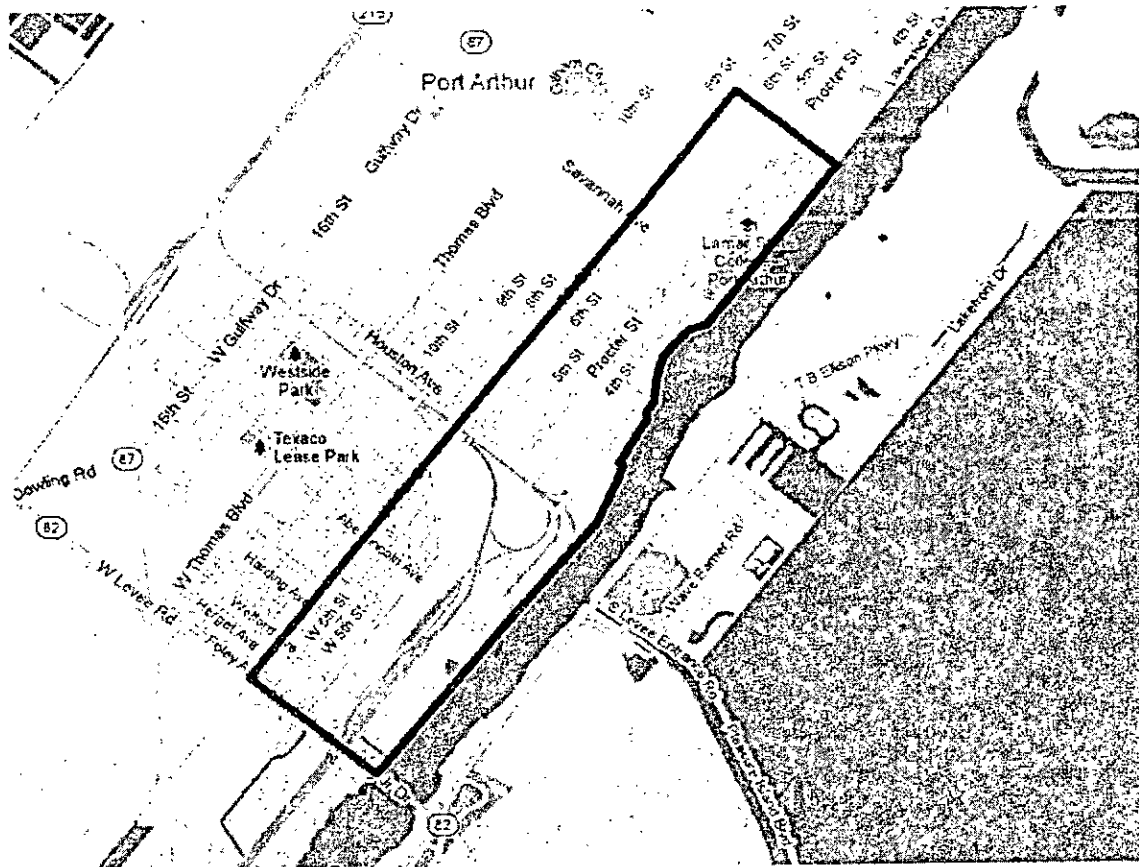
Step 3 - Project Review & Contract Execution

- The Operation Downtown Committee will conduct a Project Review meeting with the applicant to review the application. A site visit may also be helpful but is not required.
- The Operation Downtown Committee will discuss the merits of the project and form a **recommendation** to either fund the project, require the applicant to make changes and re-submit or not fund the project.
- The Operation Downtown Committee's recommendation is presented to the PAEDC Board of Directors.
- If the recommendation is accepted by the EDC Board of Directors, the recommendation will be presented to the applicant to accept or withdraw.
- If approved, a Conditional Grant/Loan Agreement (the "Agreement") will be prepared by the EDC Attorney and/or by the City Attorney and then forwarded to the applicant, EDC Board of Directors and to the City Council for approval
- The applicant and the EDC will sign the Agreement. A fully executed Agreement will be returned to the applicant. **Start of the construction prior to the date of contract signing will void the grant.**

Step 4 – Construction

- Applicant shall construct the Eligible Improvements in accordance with the scope of work outlined in the Agreement and cannot undertake change orders or changes in the scope of work without the prior written consent of EDC as to any EDC funded Eligible Improvements.
- A Pre-Construction Meeting will be held to go over construction scope of work, change orders, as well as other procedures. This meeting will usually be held on

Downtown Revitalization Target Area Map



The boundaries of the Downtown Revitalization Target area are the Intracoastal Canal to the south, Martin Luther King, Jr. to the west, 7th Street to the north and Lake Charles Avenue to the East. Properties on both sides of the right-of-way of the boundary roads will be considered for Operation Downtown funding.

site, prior to construction but after the contract is signed. It is helpful if the applicants as well as contractors are present.

- If the Eligible Improvements require a building permit or any approvals from state agencies including but not limited to the Texas Historic Design and Review Commission, the applicant must comply with any such local or state regulations. The EDC and/or staff of the City may monitor the progress of the construction and make periodic inspections during normal business operations. Neither EDC or City staff will direct or control the performance of any work done under the Agreement, but shall report any discrepancies in performances to respectively the EDC and/or City.
- A Subcommittee from Board or City staff may monitor the progress and make periodic inspections during the project.
- Applicant shall ensure that its general contractor and any subcontractor comply with all requirements of state or federal law including ensuring that undocumented workers are not performing services in the project funded by EDC. Applicant and/or its general contractor shall provide certified payrolls to EDC during the progress if the project providing identification information on workers sufficient to identify its workers including digits of their social security numbers.
- Upon completion of the project, applicant shall be required to provide to EDC a certificate of substantial completion executed by the applicant and/or the general contractor constructing the Eligible Improvements in the project. Additionally, the applicant shall be required to execute along with the contractor and any subcontractors on the project a waiver of liens and claims prior to the release of any retainage by EDC.

Step 5 – Reimbursement

- Funds will be provided on a reimbursement basis or upon final completion of a project.
- Reimbursement will be processed no less often than monthly at a rate of 90% of work completed with a 10% retainage until project completion; however, upon the request of applicant, applicant may request funding upon receipt of the certificates and waivers set forth in the preceding section and receive full funding at the end of the project rather than requesting payment requests monthly.
- Applicant will contact the PAEDC or City staff to conduct a final inspection. If all parties are satisfied with the work, the PAEDC and applicant will sign off on completion of the improvement.
- The applicant will submit copies of invoices and canceled checks upon asking for final reimbursement of applicable costs.
- When **all** work and documentation is received, the PAEDC staff will request payment. A final check will be sent to the applicant.

Grant/Conditional Loan Award Example

Exterior Project Description & Cost:

Landscaping	\$ 20,000
Façade Repair	\$ 35,000
Roof Repair	\$ 25,000
Windows	\$ 7,000
Signage	\$ 3,000
Security Cameras	\$ 9,000

TOTAL EXTERIOR COST **\$99,000**

Building Code Cost:

Electrical	\$ 9,000
Plumbing	\$ 12,000
Mechanical	\$350,000
Gas	\$ 10,000
Fire	\$ 15,000
Other	\$ 5,000

TOTAL BUILDING CODE COST **\$426,000**

TOTAL PROJECT COST **\$525,000**

Exterior Project Percent (Total Exterior Cost /Total Project Cost) **19%**

Building Code Project Percent (Total Bldg. Code Cost /Total Project Cost) **81%**

PAEDC Award (50% of Total Project not to exceed \$250K) **\$250,000**

Exterior Reimbursement (PAEDC Award x Exterior Project Percent) **\$ 47,500**

Building Code Reimbursement (PAEDC Award x Bldg. Code Project Percent) **\$202,500**

NOTE: This project total cost is over \$500,001; therefore, the PAEDC Board and City Council can approve awarding this applicant what they deem is necessary and/or appropriate.

OPERATION DOWNTOWN
Site Improvement Grant Program
Application

APPLICANT INFORMATION

Is the applicant a: Corporation Partnership Proprietorship Individual
Name of Applicant: d/b/a _____

Mailing Address: _____

Contact Name: _____ Title: _____
Telephone: Work Home _____ Email: _____
Type of Business: _____

PROPERTY INFORMATION

The Port Arthur Downtown Revitalization Target Area: _____
Street address of property to be improved: _____
Legal Description: Lot Block Tax Account No _____
Does the applicant own or lease the property. _____
If leasing, please include copy of lease agreement and letter of approval from owner.
Is the property currently: occupied _____ vacant _____ if vacant, when will property be
occupied (date) _____
What is the current and proposed use of the property?

How many **full time** employees, if any, does the business currently employ? _____
Do you anticipate hiring additional employees after the proposed improvements are
complete? Yes _____ No _____
If so, how many more?

PROJECT INFORMATION

Description of Site Improvements and related improvements including improvements to
facade: _____

Estimated total cost of project: \$ _____ (Attach Project Budget form)
Grant funds are available up to **\$250,000** per eligible property.
When does the project need to begin? _____ Estimated time to complete
(Date)
job? _____

ESTIMATED PROJECT COST

Exterior Project Description & Cost:

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

TOTAL EXTERIOR COST

\$ _____

Building Code Project Description & Cost:

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

TOTAL BUILDING CODE COST

\$ _____

TOTAL PROJECT COST

\$ _____

Exterior Project Percent (Total Exterior Cost /Total Project Cost) _____ %

Building Code Project Percent (Total Bldg. Code Cost /Total Project Cost) _____ %

PAEDC Estimated Award (50% of Total Project not to exceed \$250K) \$ _____

Exterior Reimbursement (PAEDC Award x Exterior Project Percent) \$ _____

Building Code Reimbursement (PAEDC Award x Bldg. Code Project Percent) \$ _____

(# of days)

NOTE: Work must not start prior to contract execution.

Attach:

1. Recent photos of the property **(required)**
2. Budget and supporting estimates broken out between Building Code Cost and Exterior Cost **(required)**
3. Copy of lease and/or letter from property owner granting approval or copy of warranty deed (if applicable)
4. Proof of funds for 50% of the total cost of the project **(required)**
5. Drawings or renderings that convey concept (if available)

I certify that work has not started nor have I entered into any contract with any contractor for work to be covered under this grant application. I also understand that I will have to sign an agreement with the City of Port Arthur Economic Development Corporation to be approved by the City of Port Arthur regarding this grant award; a maintenance covenant will be filed to insure that the improvements will be maintained.

Applicant signature _____ Date _____

Applicant printed name _____

How did you hear about the Operation Downtown Project?

EXHIBIT "B"
(Operation Downtown Application)

OPERATION DOWNTOWN
Site Improvement Grant Program
Application

APPLICANT INFORMATION

Is the applicant a: Corporation Partnership Proprietorship Individual

Name of Applicant: d/b/a

910 Colorado Ave Port Arthur TX 77642
Mailing Address:

Contact Name: Hilton Kelley Title: OWNER

Telephone: Work Home 409-498-1088 Email: hiltonkelley5011@gmail.com

Type of Business: RESTAURANT

PROPERTY INFORMATION

The Port Arthur Downtown Revitalization Target Area: YES

Street address of property to be improved: 600 AUSTIN AVE

Legal Description: Lot Block Tax Account No 053400-000/120700-00000

Does the applicant own or lease the property. OWN

If leasing, please include copy of lease agreement and letter of approval from owner.

Is the property currently: occupied YES vacant if vacant, when will property be occupied (date)

What is the current and proposed use of the property?

RESTAURANT / ENTERTAINMENT COMPLEX

How many full time employees, if any, does the business currently employ? 2

Do you anticipate hiring additional employees after the proposed improvements are complete? Yes X No

If so, how many more? 5

PROJECT INFORMATION

Description of Site Improvements and related improvements including improvements to facade:

A NEW ROOF WILL BE INSTALLED, A NEW ROOM WILL BE ADDED ON REAR TO AS SUN ROOM, WINDOWS WILL BE INSTALLED ELECTRICAL OUTLETS, CENTRAL AIR + HEAT, NEW WINDOWS DOORS EXTERIOR, NEW SPRINKLER SYSTEM WILL BE INSTALLED TO MEET CITY CODE

Estimated total cost of project: \$ 245,200 (Attach Project Budget form)

Grant funds are available up to \$250,000 per eligible property.

When does the project need to begin? NOW Estimated time to complete (Date)

job? OCTOBER 15, 2015

EXHIBIT “C”

(Bid Proposal)

(# of days)

NOTE: Work must not start prior to contract execution.

Attach:

1. Recent photos of the property **(required)**
2. Budget and supporting estimates broken out between Building Code Cost and Exterior Cost **(required)**
3. Copy of lease and/or letter from property owner granting approval or copy of warranty deed (if applicable)
4. Proof of funds for 50% of the total cost of the project **(required)**
5. Drawings or renderings that convey concept (if available)

I certify that work has not started nor have I entered into any contract with any contractor for work to be covered under this grant application. I also understand that I will have to sign an agreement with the City of Port Arthur Economic Development Corporation to be approved by the City of Port Arthur regarding this grant award; a maintenance covenant will be filed to insure that the improvements will be maintained.

Applicant signature Hilton Kelley Date July 2, 2015

Applicant printed name Hilton Kelley

How did you hear about the Operation Downtown Project?

From Councilman Derrick Freeman

HATCH GENERAL CONTRACTOR

2800 GULFWAY DR.

PORT ARTHUR, TEXAS 77640

409-728-0444

Owner: HILTON KELLEY (KELLEY'S KITCHEN)

Property: 600 AUSTIN AVE
Port Arthur, TX 77640

Job Description: ADD-ON/ ROOFING

Estimator: Hatch General Contractor

Date of Loss: N/A

Date Entered: JUNE 24, 2014

WE HEREBY PROPOSE TO FURNISH ALL THE MATERIALS AND PERFORM ALL LABOR NECESSARY FOR THE COMPLETION OF:

SEE ATTACHED SHEET FOR DETAILS.....

COMPLETE IN ACCORDANCE WITH THE BELOW SPECIFICATIONS, FOR THE SUM OF: THREE HUNDRED THOUSAND, NINE HUNDRED EIGHTEEN DOLLARS AND NO CENTS. \$300,918.00.

WITH PAYMENT TO BE MADE AS FOLLOWS:

ALL MATERIAL IS GUARANTEED TO BE AS SPECIFIED. ALL WORK TO BE COMPLETED IN A WORKMANLIKE MANNER ACCORDING TO STANDARD PRACTICE. ANY ALTERATION OR DEVIATION FROM ABOVE SPECIFICATIONS INVOLVING EXTRA COSTS, WILL BE EXECUTED ONLY UPON WRITTEN ORDER AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE ESTIMATE. ALL AGREEMENTS CONTINGENT UPON STRIKES, ACCIDENTS OR DELAYS BEYOND OUR CONTROL. THIS PROPOSAL SUBJECT TO ACCEPTANCE WITHIN ____ DAYS AND IS VOID THEREAFTER AT THE OPTION OF THE UNDERSIGNED.

AUTHORIZED SIGNATURE _____

ACCEPTANCE OF PROPOSAL

THE ABOVE PRICES, SPECIFICATIONS AND CONDITIONS ARE HEREBY ACCEPTED. YOU ARE AUTHORIZED TO DO THE WORK AS SPECIFIED. PAYMENT WILL BE MADE AS OUTLINED ABOVE.

ACCEPTED: _____ **SIGNATURE** _____

DATE: _____ **SIGNATURE** _____

Total \$ \$ 5,000.00

5. ITEM TO BE WORKED ON

DESCRIPTION OF WORK TO BE PERFORMED: EXTERIOR WALLS
Paint Owners Choice \$ 3,500.00
\$
\$
\$
Total \$ 3,500.00

6. ITEM TO BE WORKED ON

DESCRIPTION OF WORK TO BE PERFORMED: Awning
\$ 17,500.00
\$
\$
\$
Total \$ 17,500.00

7. ITEM TO BE WORKED ON

DESCRIPTION OF WORK TO BE PERFORMED: Windows
Windows cased high end \$ 7,500.00
\$
\$
\$
Total \$ 7,500.00

8. ITEM TO BE WORKED ON

DESCRIPTION OF WORK TO BE PERFORMED: Lights
Exterior only \$ 1,200.00
\$
\$
\$
Total \$ 1,200.00

9. ITEM TO BE WORKED ON

DESCRIPTION OF WORK TO BE PERFORMED: Doors
Doors Metal \$ 3,400.00
\$

The "Hilton Kelley" Bid Review

1. ITEM TO BE WORKED ON

<u>DESCRIPTION OF WORK TO BE PERFORMED</u>		<u>ROOF</u>	<u>1900sqft</u>
Tear off flat roof and redo with brier roofing			\$ 13,300.00
Architect Shingles 32.00 high end per sq 27 low end			\$ 8,192.00
Certified Windstorm			\$ 1,500.00
Rotten gable roof lumber 7.27 2x6 15 pieces			\$ 109.00
		Total	\$ 23,101.00

2. ITEM TO BE WORKED ON

<u>DESCRIPTION OF WORK TO BE PERFORMED:</u>		<u>20X25 Addition</u>	
Slab 500 sqft			\$ 3,900.00
Framing with roof			\$ 4,500.00
Windows			\$ 8,500.00
Hardy planks			\$ 2,400.00
2x8 pre-stained tongue and grove ceiling not for city code			\$ 1,600.00
Door metal			\$ 1,500.00
		Total	\$ 22,400.00

3. ITEM TO BE WORKED ON

DESCRIPTION OF WORK TO BE PERFORMED: Landscaping

Removal of shrubs, weeds, grass and debris		\$ 2,400.00
Plants to treat Exterior front of building and court yard		\$ 1,200.00
Trees		\$ 1,800.00
		Total \$ 5,400.00

4. ITEM TO BE WORKED

ON

DESCRIPTION OF WORK TO BE PERFORMED: Security Cameras

Exterior only		\$ 5,000.00
		\$

§

\$ 3,400.00

DESCRIPTION OF WORK TO BE PERFORMED:

\$ 3,800.00

\$

\$

\$ 3,800.00

DESCRIPTION OF WORK TO BE PERFORMED:

\$ 20,000.00

\$

5

\$ 20,000.00

DESCRIPTION OF WORK TO BE PERFORMED:

\$ 7,250.00

\$

\$

\$ 7,250.00

DESCRIPTION OF WORK TO BE PERFORMED:

\$ 8,000.00

4

\$ 8,400.00

DESCRIPTION OF WORK TO BE PERFORMED:

Sprinkler system

Bid Addition

{Attachment}

The Hilton Kelley Bid addition to proposal

Dated September 18, 2015

To help make the 500 sqft Deck at 600 Austin meet city code

1. ITEM TO BE WORKED ON

<u>DESCRIPTION OF WORK TO BE PERFORMED:</u>	Electrical to existing structure	
	To City code	\$ 2,500.00
		\$
		\$
		\$
	Total	<u>\$ 2,500.00</u>

2. ITEM TO BE WORKED ON

<u>DESCRIPTION OF WORK TO BE PERFORMED:</u>	Plumbing existing structure	
	To City code	\$ 3,800.00
		\$
		\$
		\$
	Total	<u>\$ 3,800.00</u>

Grand Total addition to original Bid: \$ 6,300.00

Original \$ 151,451.00

Full Bid if addition is granted \$ 157,751.00

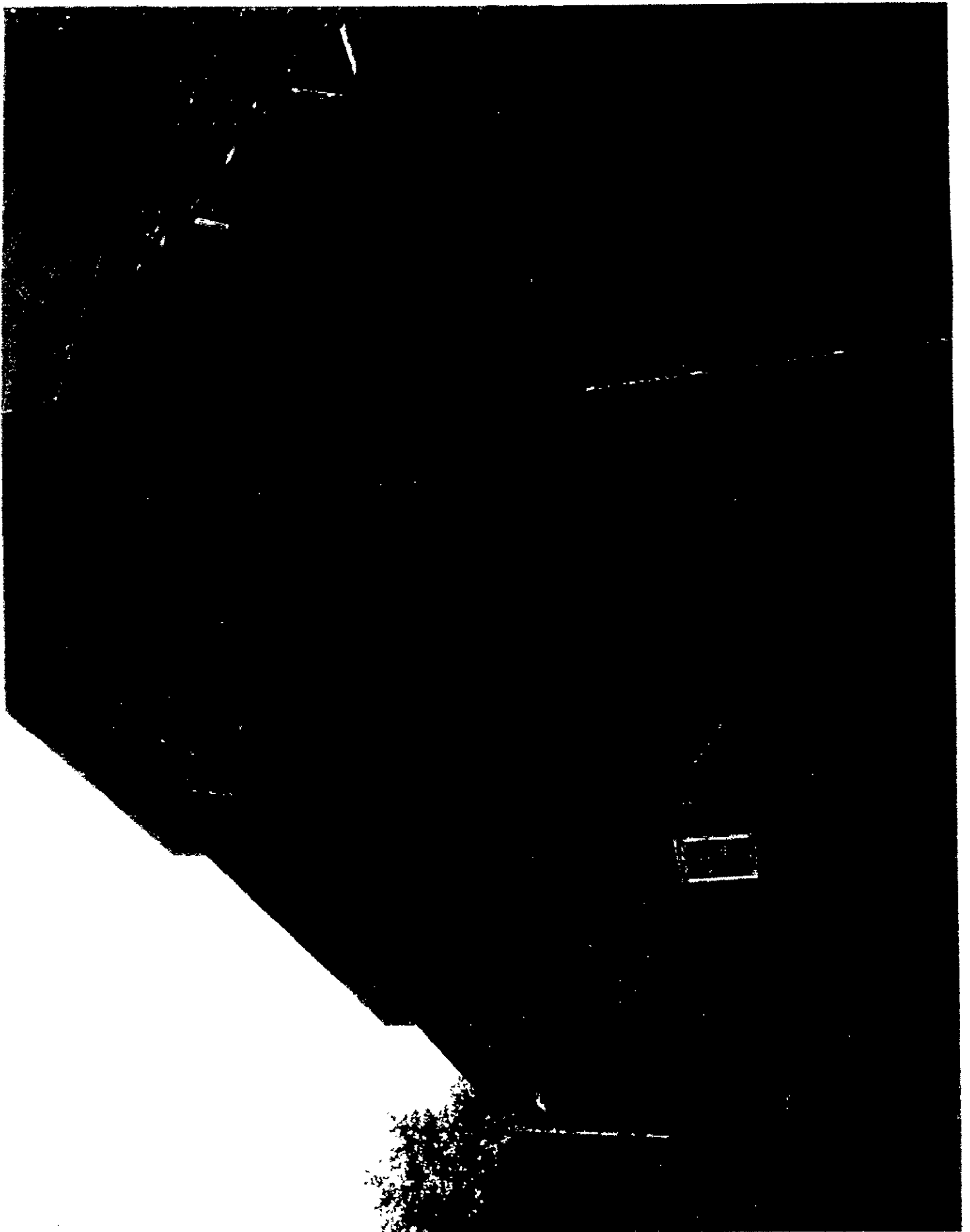
To City code \$ 23,000.00

\$

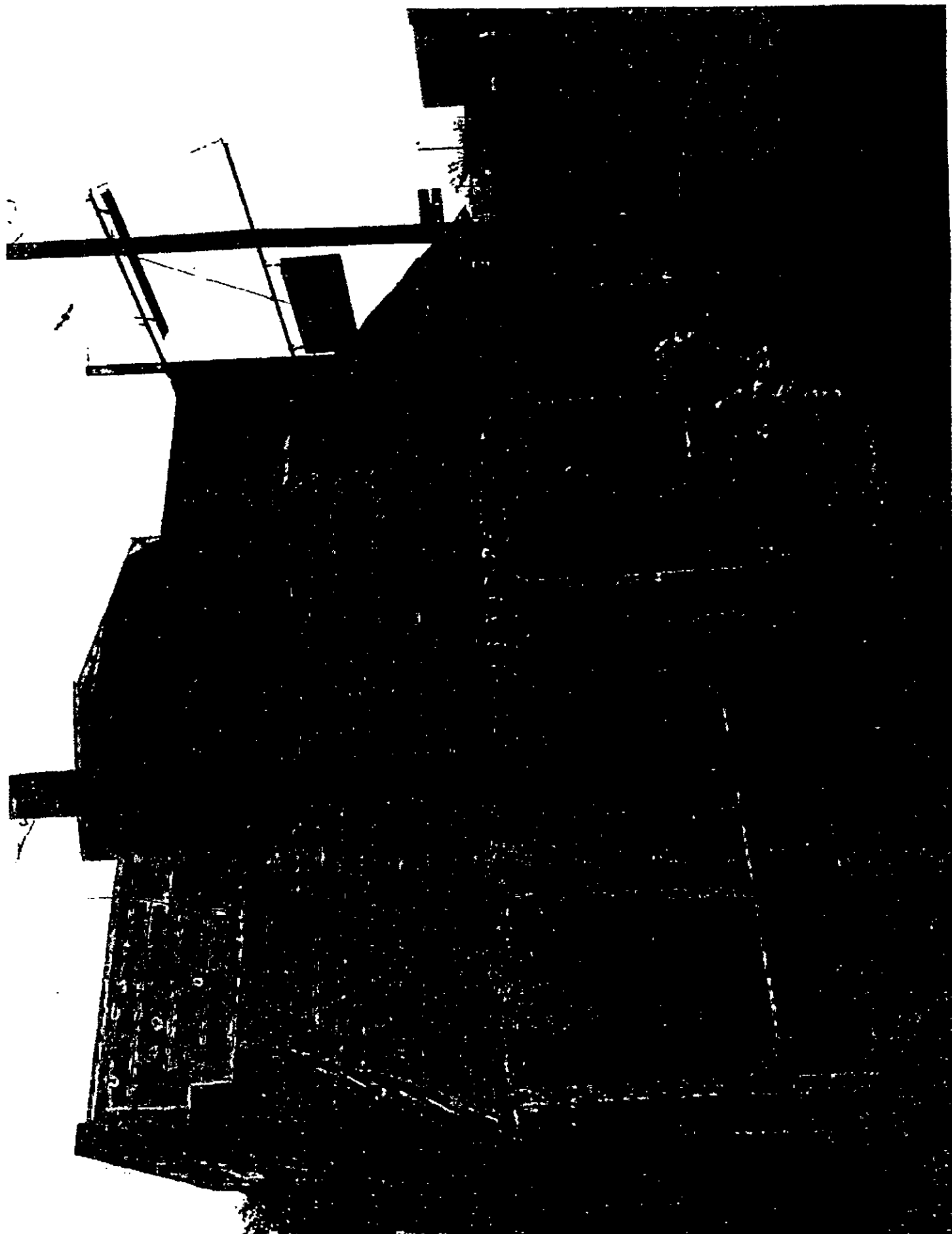
\$

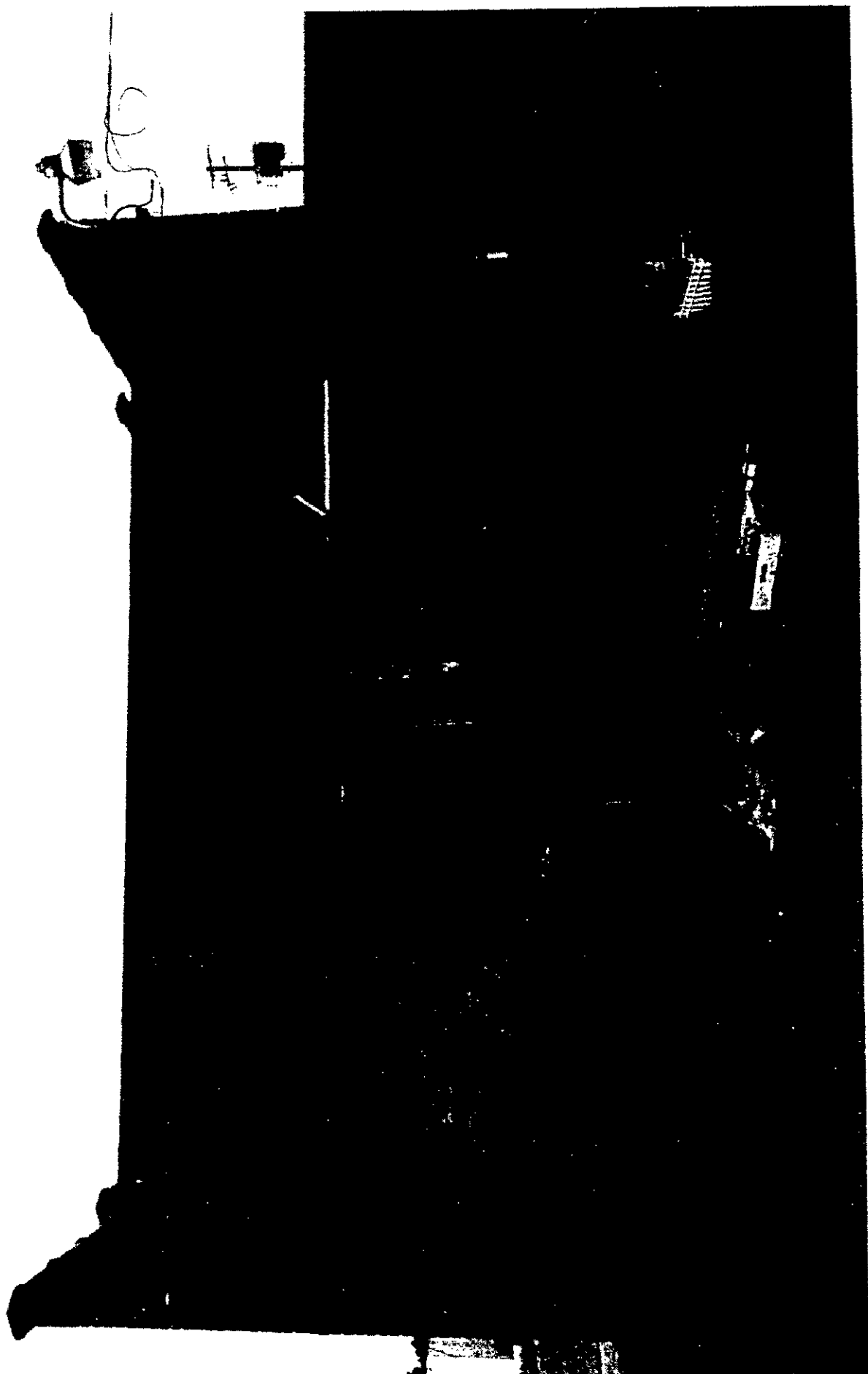
Total \$ 23,000.00

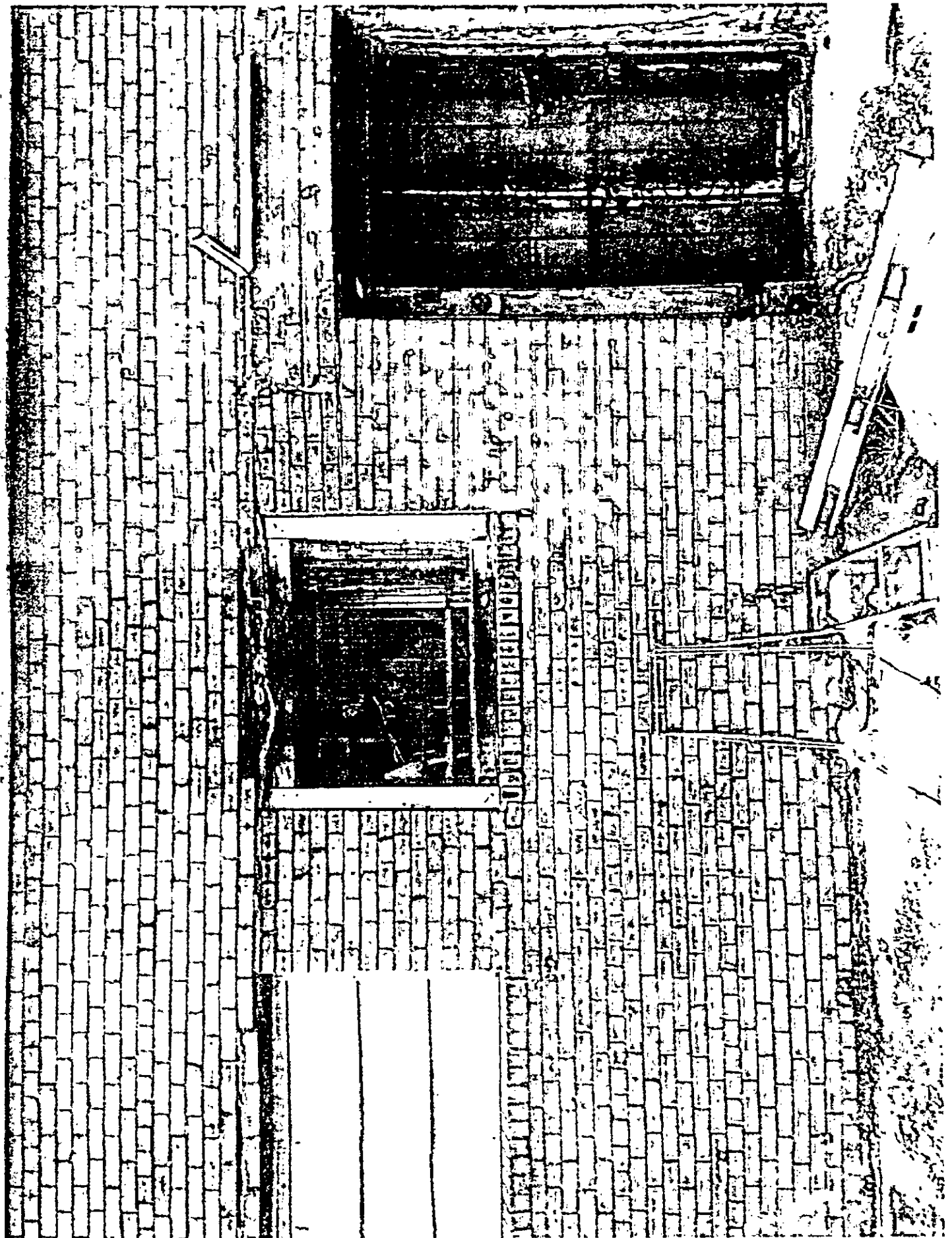
Grand Total of Bid **\$151,451.00**

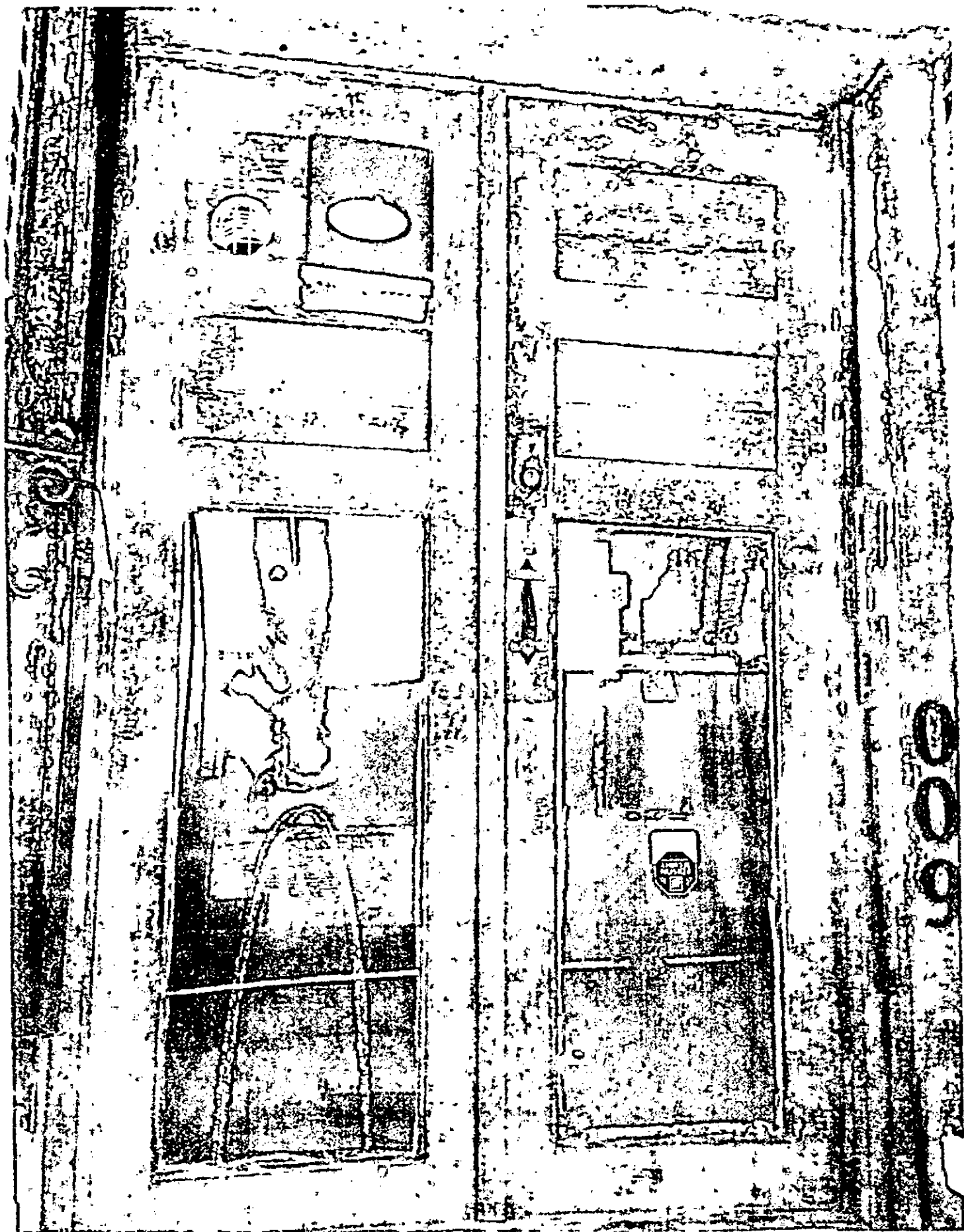






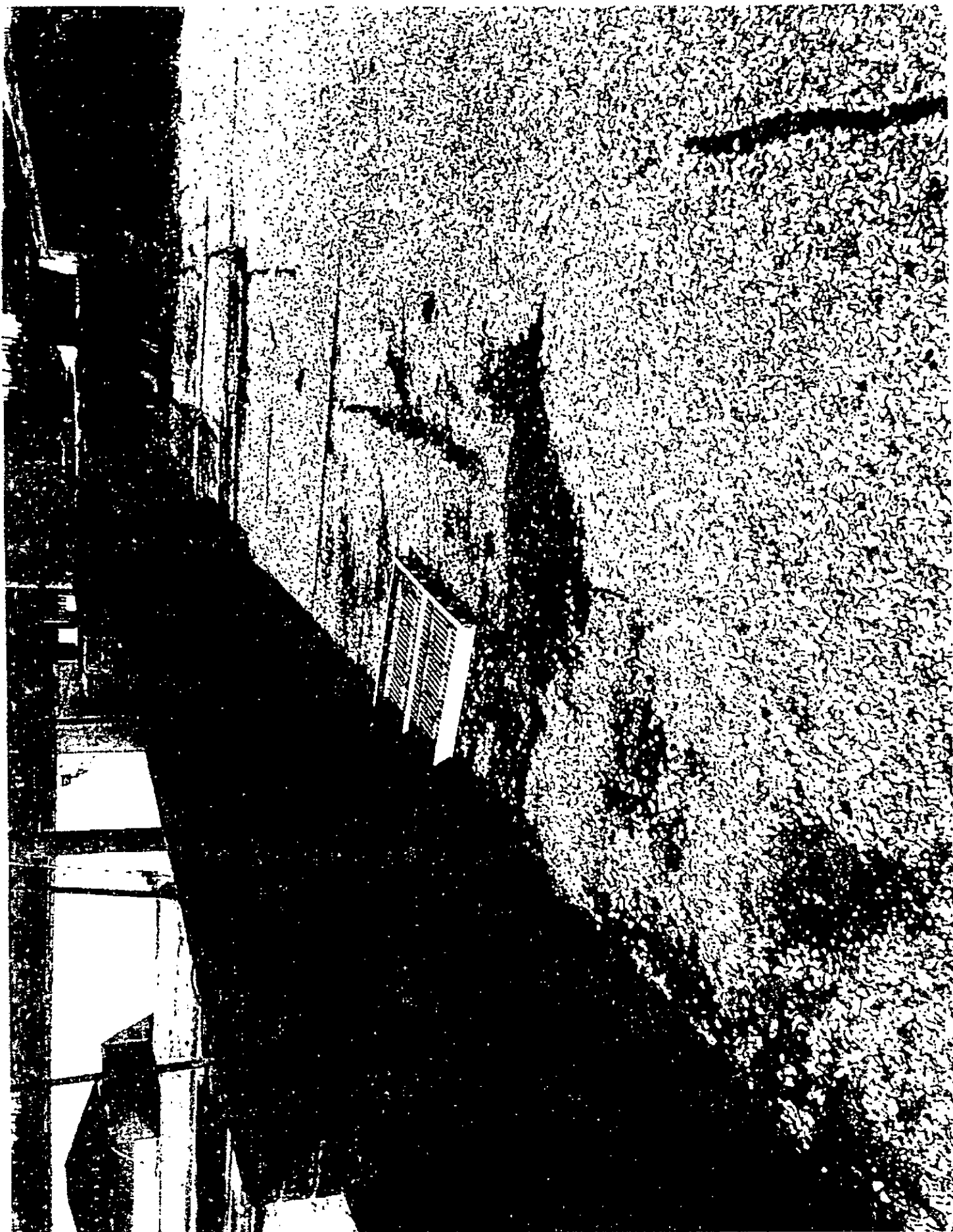


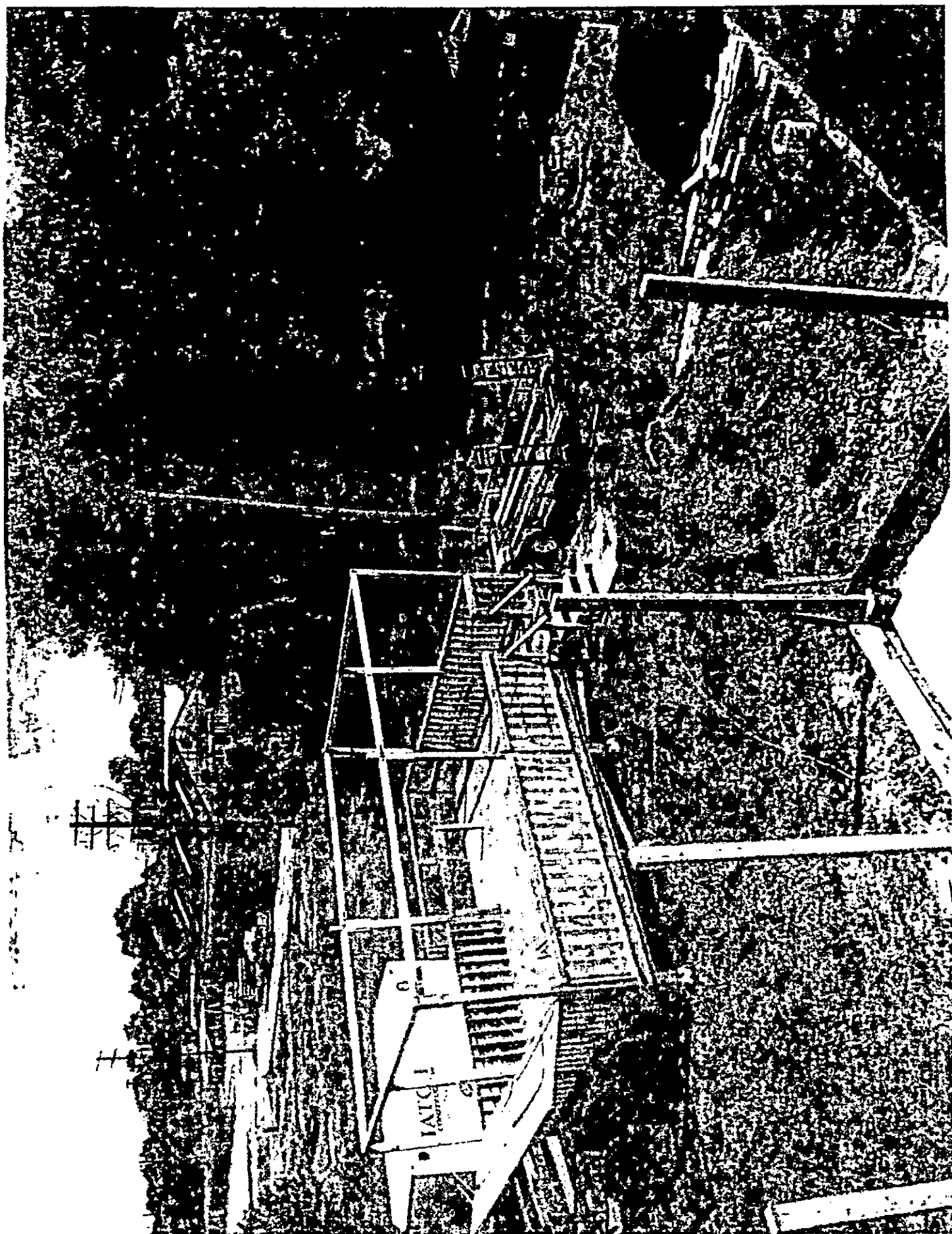












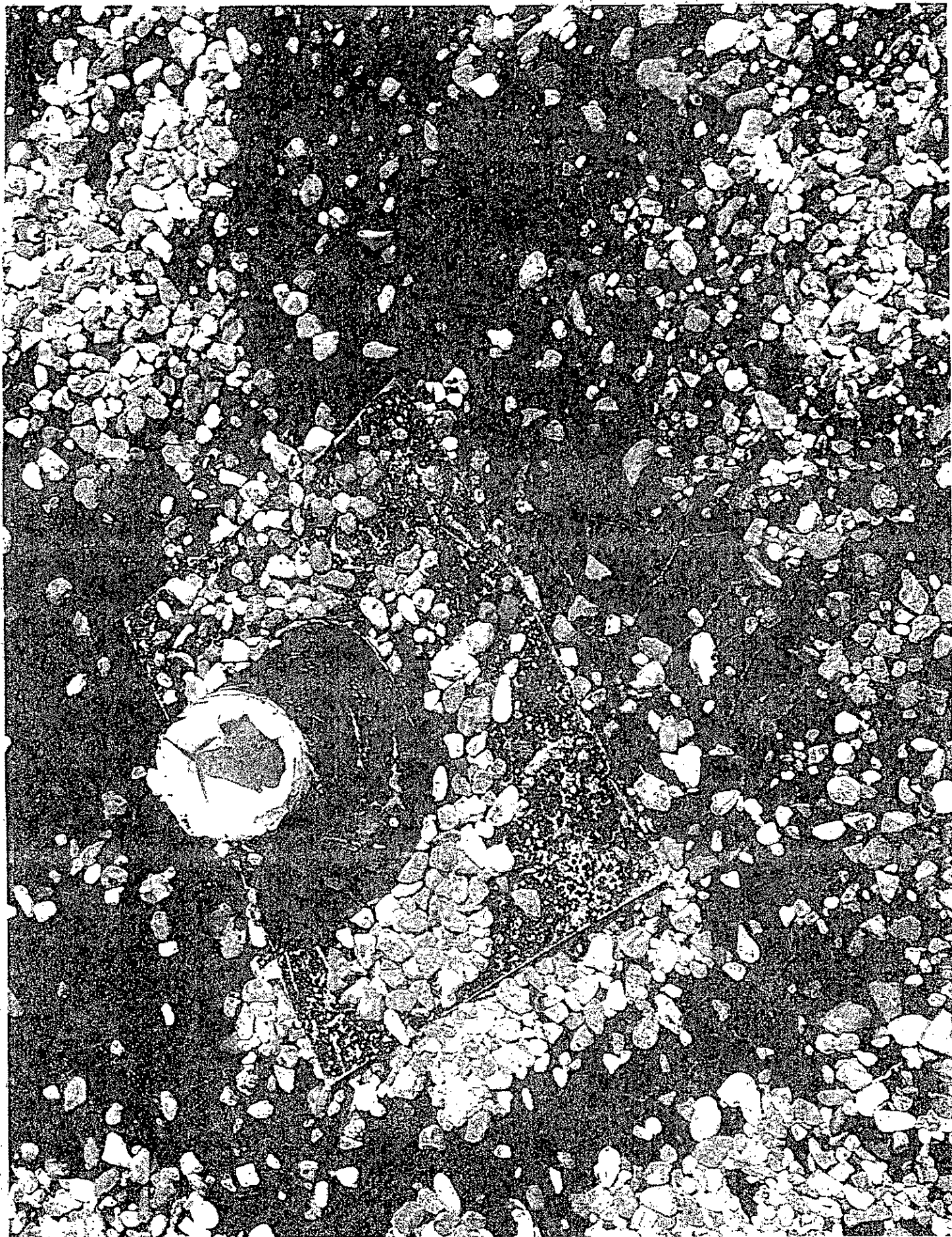




EXHIBIT "D"

CERTIFICATION REGARDING LOBBYING For Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his knowledge and belief, that:

1. No funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of the City or of the PAEDC in connection with the awarding of any contract, the making of any grant, the making of any loan, the entering into of any cooperative agreement, or modification of any contract, grant, loan, or cooperative agreement.

2 The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements), and that all Subs shall certify and disclose accordingly.

This certification is material representation of fact which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction.

HILTON KELLEY

Date: _____

By: _____
Hilton Kelley

EXHIBIT "E"
COMPLIANCE STATEMENT

Hilton Kelley hereby certifies that it has fully complied with Local Government Code §176.006, as amended, which mandates the disclosure requirements for persons who contract or seek to contract with a local governmental entity.

HILTON KELLEY

Date: _____

By: _____
Hilton Kelley