

RESOLUTION NO. 21-341

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH DAVIDSON TROILO REAM & GARZA, A PROFESSIONAL CORPORATION TO SERVE AS INTERIM LEGAL COUNSEL FOR THE PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION IN THE NOT TO EXCEED AMOUNT OF \$60,000; FUNDS AVAILABLE IN PAEDC ACCOUNT NO. 120-80-625-5420-00-00-000.

WHEREAS, on July 13, 2021, Germer PLLC, the current legal counsel for the PAEDC sent correspondence to the board notifying him of its intent to not act as legal counsel to the PAEDC, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, as a result at the PAEDC Board of Directors meeting held on August 2, 2021, it deliberated upon the appointment of interim legal counsel.

WHEREAS, the Board approved entering into an Interim Legal Services agreement with Davidson, Troilo, Ream & Garza PC Attorneys At Law of San Antonio, Texas to assist with the immediate provision of legal services. A copy of a proposal and legal services contract is attached hereto as "Exhibit B".

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 herein authorized to entering into a professional legal services contract with Davidson, Troilo, Ream & Garza PC Attorneys at Law of San Antonio, Texas to serve as PAEDC counsel on an interim basis, as delineated in Exhibit "B",

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

READ, ADOPTED AND APPROVED on this 1st day of August A.D., 2021, 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

Holmes, Kinlaw, Marks and

Moser

NOES:

none

Donald Frank Sr.

DONALD FRANK, SR. MAYOR PRO TEM

ATTEST:

Kelly Moore

Sherri Bellard, City Secretary

APPROVED:

Floyd Batiste, PAEDC CEO

APPROVED AS TO FORM:

Guy N. Goodson, PAEDC Attorney

APPROVED AS TO FORM:



Valecia R. Tizeno, City Attorney

APPROVED AS TO AVAILABILITY OF FUNDS:



Kandy Daniel, Interim Finance Director

Exhibit "A"

July 13, 2021

Mr. Darrell Anderson
Board President
City of Port Arthur Section 4A Economic Development Corporation
P.O. Box 3934
Port Arthur, Texas 77642

VIA E-MAIL

Re: City of Port Arthur Section 4A Economic Development Corporation (the "PAEDC") –
Contract for Legal Services between Germer PLLC and the City of Port Arthur Section 4A
Economic Development Corporation dated October 16, 2020 (the "Contract")

Dear President Anderson:

This correspondence acts as notification that Germer PLLC shall not act as legal counsel to the City of Port Arthur Section 4A Economic Development Corporation ("PAEDC") beyond the end of the term of the Contract. The undersigned further suggests that the Contract be terminated effective August 15, 2021, as such is more than 30 days as specified in the closing paragraph of the Contract and as time sufficient for PAEDC to secure the services of other legal counsel for its representation. This would currently allow for the undersigned to conclude pending matters being handled on behalf of PAEDC by Germer PLLC and to arrange for the boxing and transport of PAEDC files from our offices.

Unless advised otherwise, we will proceed to begin conclusion of all legal service matters which were pending in our office on your behalf.

Yours very truly,

GERMER PLLC

By: 
Guy N. Goodson

GNG/kg

cc: Mr. Floyd Batiste
City of Port Arthur EDC
P.O. Box 3934
Port Arthur, Texas 77642

VIA E-MAIL

Valecia R. Tizen
City Attorney
444 4th Street
Port Arthur, Texas 77640

VIA E-MAIL

Exhibit “B”



**DAVIDSON
TROILO
REAM &
GARZA PC**
ATTORNEYS AT LAW

PAUL M. GONZÁLEZ SCOTT J. SMYTH STEVEN M. PEÑA JESSIE LOPEZ RICHARD E. LINDNER
MOLLY G. SOLIS BETSY J. JOHNSON JUSTIN J. NAIL SPENCER NEALEY CHELSEA AMEN
OF COUNSEL TERRY TOPHAM

Frank J. Garza
fgarza@dtgrlaw.com

August 23, 2021

PAEDC Board of Directors
c/o Floyd Batiste
CEO, Executive Director
501 Procter St., Suite 100
Port Arthur, Texas 77640

Email to: fbatiste@PAEDC.ORG

**RE: Engagement Letter Interim General Counsel Services
Port Arthur Economic Development Corporation**

Dear Mr. Batiste:

Per our discussion, the Port Arthur Economic Development Corporation ("PAEDC") Board at its last meeting approved the hiring of Davidson Troilo Ream & Garza, to provide Interim General Counsel services to the PAEDC. I am hoping that this will allow the PAEDC sufficient time and opportunity to issue a Request for Proposal for legal services for new General Counsel. Davidson Troilo Ream & Garza has focused primarily on the public sector and our firm has a long history of successful collaborative effort in the representation of municipalities and EDC's. As such, we are well qualified to provide such legal services on an interim basis to the PAEDC.

Per our original proposal, the PAEDC's Interim General Counsel team will be led by Molly Solis, Austin Beck and myself. Our fees for professional services are charged at hourly rates ranging from \$210.00 to \$450.00. Services that I will perform will be at the reduced rate of \$275.00 per hour, Molly Solis will be at \$225.00 per hour and Austin Beck at \$200 per hour. Any traveling that I do to Port Arthur will be charged at one-half our regular rate. The services for our paralegal personnel, who assist our attorneys by performing many technical services under their supervision, are charged at \$100.00 an hour.

As Interim General Counsel, our firm will bill the PAEDC monthly for services rendered and for any support expenses (copying, special mailing, out of town travel, etc.) incurred in its behalf. Our statements are payable within thirty (30) days upon receipt. Since I am familiar with the requirements of EDC's, our statements will include a description and a breakdown of each of my entries for each day, the amount of time expended and the dollar figure charged for each entry. There is no expectation for any billable hours per attorney and only anticipate payment for actual services provided.

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MAINTAINING A TRADITION OF TEXAS VALUES SINCE 1962

601 NW LOOP 410, SUITE 100 SAN ANTONIO, TX 78216-5511 T 210.349.6484 F 210.349.0041 DTRGLAW.COM

To the best of our knowledge, our firm does not represent any person, company or entity that would create a conflict of interest with the City of Port Arthur or the PAEDC. It is our firm's policy not to represent any client against any of our governmental entity clients.

If you have any questions regarding this submission, please contact me at (210) 349-6484. Thank you for your consideration and I look forward to hearing from you.

Sincerely,



Frank J. Garza
Davidson Troilo Ream & Garza
A Professional Corporation

Acknowledge Approval:

Darrell Anderson
PAEDC Board President

Floyd Batiste
PAEDC CEO and Executive Director