

City Council
Agenda Memo



City Council
Meeting Date: January 14, 2010

TO: Larry D. Gilley, City Manager
FROM: Administrative Staff
SUBJECT: Richard J. Leidl, P.C.

GENERAL INFORMATION

In 2005, the City of Abilene began using the professional services of Richard J. Leidl, a Washington D.C. area legislative and regulatory consultant, to assist in identifying sources of federal funding for City projects. With Mr. Leidl's assistance the City has received funding for use in projects ranging from paratransit vehicles to equipment for the Life Sciences Accelerator.

FUNDING/FISCAL IMPACT

Estimated annual cost will not exceed \$72,000 and will be funded from various sources.

STAFF RECOMMENDATION

Staff recommends that the City Council, by oral resolution, approve a contract with Richard J. Leidl, P.C. for an estimated annual amount of \$72,000 to cover the period January 1 through December 31, 2010, and authorize the City Manager to execute the contract.

Prepared by: Name: Larry D. Gilley Title: City Manager	Item No. <u>6.1</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied <input type="checkbox"/> Other _____ City Secretary _____
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RECEIVED

DEC 21 2009

CITY MANAGERS OFFICE

RICHARD J. LEIDL, P.C.

5335 WISCONSIN AVENUE, N.W.

SUITE 440

WASHINGTON, D.C. 20015

CELL 202.306.3253
FAX 202.686.2877

TEL. 202.686.4847
rleidl@rleidlpc.com

December 17, 2009

Mr. Larry Gilley
City Manager
City of Abilene
555 Walnut Street
Abilene, TX 79601

Re: Proposal for Representation in 2010

Dear Larry:

Enclosed are two signed copies of the proposal for 2010. If the proposal is acceptable, please sign and date one copy and return it to me.

I appreciate the opportunity to continue to assist the City of Abilene and to be a part of the City's team here in Washington.

Sincerely,



Richard J. Leidl

4.1 pg. 2

RICHARD J. LEIDL, P.C.

5335 WISCONSIN AVENUE, N.W.

SUITE 440

WASHINGTON, D.C. 20015

TEL. 202.686.4847
rleidl@rjleidlpc.com

CELL 202.306.3253
FAX 202.686.2877

December 17, 2009

Mr. Larry Gilley
City Manager
City of Abilene
555 Walnut Street
Abilene, TX 79601

Re: Proposal for Representation in 2010

Dear Mr. Gilley:

Based on our discussions, we submit this proposal to continue to assist the City of Abilene ("City") during 2010 (1) in its efforts to obtain Federal funding and other Federal support for various projects, and (2) in support of its initiatives on Federal legislative and regulatory issues. Our efforts will include working with the City's Congressional delegation for support on legislation and funding and working with Federal agencies to obtain funding directly through their programs.

During 2009, we assisted the City in obtaining \$675,000 in Congressionally-directed funding, consisting of (1) \$175,000 for the Elm Creek Flood Control Project, (2) \$300,000 for equipment for the Life Sciences Accelerator, and (3) \$200,000 for paratransit buses. We also assisted the City in preparing a request for \$6.2 million in funding for the construction of a Regional Transit Center under the Highway Reauthorization Bill. Although the bill did not move forward in 2009, Congress is expected to attempt to bring it up in 2010. In 2009, we continued our ongoing effort to have the Federal Aviation Administration ("FAA") build a new control tower at the Abilene Regional Airport. The results have been good, with the groundbreaking for the control tower expected to take place early next year.

We also supported the City's efforts on several legislative issues, including proposed legislation concerning Aircraft Rescue and Fire Fighting requirements and provisions that could affect the development of the biotech industry.

In March and September 2009 we arranged and participated in meetings in Washington with Members and staff of the Congressional delegation and with Federal officials from the

6.1 pg. 3

FAA, the Army Corps of Engineers, and the Federal Emergency Management Agency. We recommend that City officials continue their practice of visiting Washington at least twice during the year for these types of meetings. Based on developments, we will advise the City whether additional visits are necessary to address specific issues.


It has been our practice to work very closely with the City as part of its team and we will be in regular contact through telephone calls and emails with City officials to keep you apprised of developments. Typically, we will be in contact on a weekly basis and more frequently when the Congressional process is moving. If you wish, we will also provide written reports updating the City on developments.

We propose to assist the City on the foregoing matters for a retainer of \$72,000 for the period January 1, 2010 through December 31, 2010, which would be \$6,000 per month. Since we will be in contact on a regular basis and since we will send invoices each month, the City will be able to track our efforts.

If this proposal is acceptable, please confirm the City's agreement by executing the enclosed copy of this letter in the space provided and returning it to me.

It continues to be a privilege to be a part of the City's team here in Washington and we appreciate the opportunity to be of assistance.

Sincerely,


Richard J. Leidl
President

The foregoing is agreed to:

The City of Abilene

By: _____
Larry D. Gilley
City Manager

Dated: January __, 2010

City Council
Agenda Memo



TO: Larry D. Gilley, City Manager

City Council
Meeting Date: 01-14-10

FROM: David A. Vela, Assistant City Manager

SUBJECT: Oral Resolution approving Amendments to the By-Laws of Frontier Texas!

GENERAL INFORMATION

The proposed bylaws made the following changes:

- Number of members changed to 14 at-large members and 1 city representative
- Past president made an ex-officio member of the board
- Manager of Frontier Texas! was changed to executive director
- At-large members are now nominated by the board and approved by the Mayor and City Council
- The City representative, ex-officio directors and initial directors serving less than a three year initial term may exceed the six year limit of being on the board
- Any director appointed for less than a three year term may be eligible for re-election for two successive full three year terms
- No officer shall serve in any office for a term longer than two consecutive years.
- Executive Committee no longer required to meet at least quarterly.

FUNDING/FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval of the amendments.

BOARD OR COMMISSION RECOMMENDATION

The amendments were approved by the Frontier Texas! Board of Directors on December 15, 2009.

ATTACHMENTS

Proposed Bylaws of Frontier Texas! as approved.

Prepared by: Name: David A. Vela Title: Assistant City Manager	Item No. <u>6.2</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied <input type="checkbox"/> Other _____ City Secretary _____
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BY-LAWS
OF
FRONTIER TEXAS!, INC.

TABLE OF CONTENTS

ARTICLE ONE – OFFICES		Page 3
1.01	Registered Office and Registered Agent	
1.02	Principal Office	
ARTICLE TWO – PURPOSES		Page 3
2.01	Purposes	
ARTICLE THREE – NO STOCK AND NO STOCKHOLDERS		Page 3
3.01	No Stock and No Stockholders	
ARTICLE FOUR – BOARD OF DIRECTORS		Page 4
4.01	Responsibility of Board of Directors	
4.02	Number of Directors	
4.03	Ex-Officio Directors	
4.04	Term of Office	
4.05	Vacancies and Appointment of New Directors	
4.06.	Regular Meetings, Notice and Quorum	
4.07	Special Meetings	
4.08	No Compensation	
ARTICLE FIVE – OFFICERS		Page 6
5.01	Composition of Officers	
5.02	Executive Committee	
5.03	Other Committees	
5.04	Election of Officers	
5.05	Removal of Officers	
5.06	President	
5.07	Vice President of Finance	
5.08	Vice President of Operations	
5.09	Secretary	
5.10	Treasurer	
5.11	Salary of Officers	

ARTICLE SIX – FINANCIAL ADMINISTRATION

Page 8

- 6.01 Fiscal Year
- 6.02 Operating Funds
- 6.03 Entering into Contracts

ARTICLE SEVEN – AMENDMENTS TO BY-LAWS

Page 9

- 7.01 Amendments to By-Laws

ARTICLE EIGHT – INDEMNITY

Page 9

- 8.01 Indemnity

ARTICLE NINE – MISCELLANEOUS

Page 10

- 9.01 Miscellaneous
- 9.02 Table of Contents
- 9.03 Construction
- 9.04 Relation to Articles of Incorporation

CERTIFICATE

Page 11

BY-LAWS
OF
FRONTIER TEXAS!, INC.

ARTICLE ONE
OFFICES

1.01 Registered Office and Registered Agent

The Corporation shall have and shall continuously maintain in the State of Texas a registered office, which is located at 555 Walnut St., Abilene, Texas 79601, and whose mailing address is P.O. Box 60, Abilene, Texas 79604. The Corporation shall also have and continuously maintain a registered agent whose office is identical with such registered office. The registered agent shall be the Abilene City Manager. The Board of Directors may, from time to time, change the registered agent and/or the address of the registered office; provided that such change is appropriately reflected in these By-Laws and in the Articles of Incorporation.

1.02 Principal Office

The Principal office of the Corporation in the State of Texas shall be located in the City of Abilene, Taylor County, Texas, and it may be, but need not be, identical with the registered office of the Corporation. The Corporation may have such other offices, either within or without the State of Texas, as the Board of Directors may determine or as the affairs of the Corporation may require from time to time.

ARTICLE TWO

PURPOSES

2.01 Purposes

The purpose of Frontier Texas!, Inc. is to promote the cultural and educational welfare of the citizens of the City of Abilene and surrounding region, in accord with the Articles of Incorporation. More specifically, Frontier Texas!, Inc. will provide a historical, cultural and educational perspective of life on the Texas frontier, including a transportation component and aspects of the Texas Forts Trail. Frontier Texas!, Inc. shall perform governance and oversight duties of the Frontier Texas operations.

ARTICLE THREE

NO STOCK AND NO STOCKHOLDERS

3.01 No Stock and No Stockholders

The Corporation shall have no capital stock and no stockholders.

ARTICLE FOUR

BOARD OF DIRECTORS

4.01 Responsibility of Board of Directors

The business and affairs of the Corporation and all corporate powers shall be exercised by or under authority of the Board of Directors, subject to the Texas Business Corporation Act, the Articles of Incorporation, and these By-Laws. The Board of Directors shall have full charge of the property and business of the Corporation, with full power and authority to manage and to conduct the same.

The Board of Directors may, by contract, resolution, or otherwise, give general or limited or special power and authority to the officers and agents of the Corporation to transact the general business or any special business of the Corporation.

4.02 Number of Directors

The Board of Directors shall be composed of fifteen (15) voting members. Fourteen (14) members will be at large and one (1) City Representative that will be a member of the City Council of the City of Abilene or the City Manager or an Assistant City Manager. The at large Directors of the Corporation shall be nominated by the Board of Directors and appointed by the Mayor with the approval of the City Council of the City of Abilene, Texas.

4.03 Ex-Officio Directors

The following shall be Ex-Officio Directors without vote:

- a. The Taylor County Judge or a Taylor County Commissioner.
- b. The Mission Support Group Commander from Dyess Air Force Base or his/her designee.
- c. The general manager or an executive officer of the Abilene Convention and Visitors Bureau.
- d. The general manager or an executive officer of the Abilene Cultural Affairs Council.
- e. The general manager or an executive officer of the Texas Midwest Community Network.
- f. The general manager or an executive officer of the Texas Forts Trail.
- g. The general manager or an executive officer of the Taylor County Expo Center.
- h. A representative of the Abilene Downtown Association.
- i. A representative of the Western Heritage Classic Board.
- j. The Executive Director of Frontier Texas!, Inc., who shall also be responsible for carrying out the day-to-day operations of the corporation.
- k. The Past President of Frontier Texas!, Inc.

4.04 Term of Office

The at large Directors appointed in paragraph 4.02 above shall hold their office for a term of three (3) years or until their successors are nominated by the Board of Directors and appointed by the Mayor and City Council. All Directors shall serve at the pleasure of the Mayor and shall serve no more than six (6) years, except that the City representative, Directors who are also officers of the Corporation, Ex-Officio Directors, and initial Directors serving less than a three year initial term may exceed the six (6) year limit. The members of the Board of Directors shall have staggered terms.

4.05 Vacancies and Appointment of New Directors

Upon the death, resignation, removal or expiration of the term of office of any of the Directors, a nominating committee appointed by the President shall recommend candidates to the Mayor and the City Council of the City of Abilene, Texas. The Director shall hold his or her office for the unexpired term of the Director she or he is appointed to succeed, or for the period of three (3) years when the appointment is made due to the expiration of a Director's term of office; and further provided that in the event the best interests of the City of Abilene, Texas, require the removal of any Director, removal of such Director shall be effected through appointment of such Director's successor as noted above. Any Director appointed for less than a full term may be eligible for re-election for two successive full three (3) year terms.

4.06 Regular Meetings, Notice and Quorum

Regular meetings of the Board of Directors shall be held at least quarterly, or as directed by the President and shall be held at such place as they may determine. Notice of each regular meeting shall be provided by mail, fax or e-mail. Eight (8) Directors present at the meeting shall constitute a quorum. An affirmative vote of five (5) Directors present or 51% of Directors present, whichever is greater, shall be necessary for approval of motions before the Board.

4.07 Special Meetings

Special meetings of the Board of Directors may be called by the President upon seventy-two hours (72 hours) notice, stating the purpose or purposes thereof, or such special meeting may be held at any time by unanimous consent of the Directors.

4.08 No Compensation

No salary or compensation of any kind shall be paid to any members of the Board of Directors.

ARTICLE FIVE

OFFICERS

5.01 Composition of Officers

The officers of the Corporation are President, Vice President of Operations, Vice President of Finance, Secretary and Treasurer. The President, Vice President of Operations, Vice President of Finance, Secretary and Treasurer shall be elected by the Board. No officer shall serve in any one office for a term longer than two consecutive years.

The President shall appoint a Nominating Committee consisting of three (3) voting members of the Board to nominate officers for that year. The Board shall the Officers at its annual meeting in August with terms beginning October 1. The President and both Vice-Presidents shall be voting members of the Board.

The Board of Directors may appoint such other officers and agents as it deems necessary. Such officers and agents shall be appointed for such terms and shall exercise such powers and perform such duties as may be determined from time to time by the Board.

5.02 Executive Committee

The Executive Committee shall consist of the President, Vice President of Finance, Vice President of Operations, Secretary and Treasurer.

The Executive Committee shall at intervals between meetings of the Directors, authorize and exercise all functions of the Board, subject to final approval by the Board. The Executive Committee shall as directed by the President, at a time and place to be designated and may be called for special meetings at any time by the President, or either Vice President on notice of three days. Three (3) members of the Executive Committee shall constitute a quorum.

5.03 Other Committees

The President may appoint other committees as necessary. These committees may be comprised either from current board members or from members of the community and region. The mission of these other committees is to further assist in the successful workings of Frontier Texas!

5.04 Election of Officers

The Officers of the Corporation shall be elected annually by the Board of Directors at the annual meeting of the Board of Directors. Vacancies shall be filled at any meeting of the Board of Directors and any person who fills a vacancy shall serve until the next election of officers. Each officer shall hold office until his successor has been elected and qualifies, or until the death, resignation, or removal of the officer.

5.05 Removal of Officers

Any officer or agent elected or appointed by the Board of Directors may be removed at any time for any reason by the affirmative vote of a majority of the entire Board of Directors.

5.06 President

The President shall be the chief executive officer of the Corporation and, subject to the direction of the Board of Directors, shall monitor the business and affairs of the Corporation, with the assistance of the Executive Director, who shall be in charge of carrying out day-to-day operations. He shall preside at all meetings of the Board of Directors. He may, and upon written demand addressed to the President by any three (3) Directors, call a special meeting of the Board of Directors. He shall see that all orders and resolutions of the Board are carried into effect, and he shall perform all other duties that usually pertain to the office or are delegated to him by the Board of Directors.

The President or the Vice President of Finance, acting in the place of the President shall have the power to execute Promissory Notes or other evidences of indebtedness of the Corporation, or to execute contracts or deeds of conveyance for and in behalf of the Corporation; provided, however, that each such note, evidence of indebtedness, contract, or deed shall be a binding obligation of the Corporation only when executed pursuant to resolution by the Board of Directors, granting special authority for the execution thereof. All notes, contracts and deeds of conveyance must be attested by the Secretary of the Corporation.

5.07 Vice President of Finance

The Vice President of Finance shall assist the Board in the financial undertakings of Corporation. In the absence of the President or in the event of the President's inability or refusal to act, the Vice President of Finance shall perform the duties of the President and, as such, the Vice President of Finance shall have the powers of, and be subject to all the restrictions upon, the President. The Vice President of Finance shall also have such powers and shall perform such other duties as may be assigned to him by the President or by the Board of Directors.

5.08 Vice President of Operations

The Vice President of Operations shall assist the Board in the operational transactions of the Corporation. In the absence of the President or Vice President of Finance, or in the event of their inability or refusal to act, the Vice President of Operations shall perform the duties of the President and, as such, the Vice President of Operations shall have the powers of, and be subject to all the restrictions upon, the President. The Vice President of Operations shall also have such powers and shall perform such other duties as may be assigned to him by the President or by the Board of Directors.

5.09 Secretary

The Secretary shall keep permanent records of the proceedings of the Board of Directors, including the minutes of all meetings of the Board of Directors. He shall also be the custodian of the records and the seal of the Corporation, if any, and shall affix the seal to documents, the execution of which is duly authorized. He shall give or cause to be given all notices required by law or by these By-Laws. He shall perform all duties that usually pertain to the office of Secretary or which are delegated to him by the Board of Directors or by the President.

5.10 Treasurer

The Treasurer, with the assistance of the Executive Director of Frontier Texas! Inc. shall keep regular books, records and books of account of the Corporation, and shall ensure the deposit of all monies and other valuable effects of the Corporation in a depository selected by the Directors, and make such financial reports as directed by either the Board of Directors or the President. All checks of the Corporation shall be signed by two members of the Executive Committee or a designated staff member, as approved by the Frontier Texas! Inc. Board of Directors, and a member of the Executive Committee or as otherwise indicated by the Board of Directors. The Treasurer shall render to the President and Directors at the regular meetings of the Board of Directors or whenever they may require it, an account of all his transactions as Treasurer and of the financial condition of the Corporation. The Treasurer shall perform all other duties as may be prescribed by the Board of Directors or by the President.

5.11 Salary of Officers

The officers, agents of the Corporation, shall not receive any salary for their service to the Corporation. This provision shall not apply to the employees of Frontier Texas! including the Executive Director.

ARTICLE SIX

FINANCIAL ADMINISTRATION

6.01 Fiscal Year

The initial fiscal year of the Corporation shall begin on September 1, 2003 and end on September 30, 2004. For each year thereafter, the fiscal year of the Corporation shall begin on the 1st day of October and end on the 30th day of September.

6.02 Operating Funds

No profit shall ever be realized by any person in the operation of this Corporation. All monies coming into the hands of the Corporation above that reasonably necessary for use by the Corporation in carrying out its corporate purposes shall be paid over to the City of Abilene for use by said City in the furtherance of the educational and cultural improvement of the citizens of the City of Abilene and surrounding region. The City Council shall be provided an annual financial update on the status of all funds. It shall be the policy of the Corporation to seek to maintain a sum of money in reserve, over and above the current obligations, for various contingencies to include fundraising, endowments, capital expenditures, etc. in connection with the operation thereof. In the event of dissolution of this Corporation, all funds or assets of said Corporation, after the payment of all corporate debts, shall vest in the City of Abilene for the purpose of promoting the educational and cultural improvements and welfare of the citizens of the City of Abilene and surrounding regions.

The Board shall require members of the operational staff of Frontier Texas!, Inc. and each officer referred to in these by-laws to obtain a surety bond made out to the corporation, in such amount as it deems advisable, the cost of such bonds to be borne by the corporation.

6.03 Entering into Contracts

The Board of Directors may authorize, in writing, any officer(s) or agent(s) to enter into any contract or to execute and deliver any instrument in name of and on behalf of the Corporation, and such authority may be general or may be confined to specific instances.

ARTICLE SEVEN

AMENDMENTS TO BY-LAWS

7.01 Amendments to By-Laws

These By-Laws shall be adopted by the Board of Directors of said Corporation and subsequently approved by a written resolution passed by the City Council of Abilene. The power to alter, amend, or repeal the By-Laws or to adopt new By-Laws is vested in the Board of Directors. Any alteration, amendment or repeal requires at least eight (8) members of the Board of Directors to vote in favor of such alteration, amendment or repeal in a meeting called for that purpose. Furthermore, any alteration, amendment or repeal shall not become effective nor have any force or effect whatsoever unless and until same has been approved by a written resolution passed by the City Council of Abilene, Texas.

ARTICLE EIGHT

INDEMNITY

8.01 Indemnity

The Board of Directors shall authorize the Corporation to pay or reimburse any current or former Director or Officer of the Corporation for any costs, expenses, fines, settlements, judgments, and other amounts, actually and reasonably incurred by such persons in any action, suit, or proceeding to which he or she is made a party by reason of holding such position as Officer or Director; provided, however, that such Officer or Director shall not receive such indemnification if he/she be finally adjudicated in such instance to be liable for negligence or misconduct in office. The indemnification herein provided shall also extend to good faith expenditures incurred in anticipation of, or preparation for, threatened or proposed litigation. The Board of Directors may, in proper cases, extend the indemnification to cover the good faith settlement of any such action, suit, or proceedings, whether formally instituted or not.

Furthermore, the Corporation agrees to indemnify and hold harmless and defend the City of Abilene, its officers, agents, and its employees, from and against all claims and suits for damages, injuries to persons (including death), property damage (including loss of use), and expenses, including court costs and attorney's fees, arising out of or resulting from the Corporation's work and from any liability arising out of or in connection with the City of Abilene or its agents, officers, or employees entry upon said property, common, constitutional, or statutory law, or based in whole or in part upon the negligent or intentional acts or omissions of the Corporation, its officers, employees, agents subcontractors, licensees, invitees, or trespassers or based in whole or in part upon the negligent acts or omissions of the City of Abilene, its

officers, employees, agents, licensees, or invitees. The Corporation agrees to waive any and all claims it may have against the City of Abilene, connected with, resulting from, or arising out of, claims and suits covered by this indemnification provision and agrees that any insurance carrier involved shall not be entitled to subrogation under any circumstances against the City of Abilene, its officers, agents, and employees.

ARTICLE NINE

MISCELLANEOUS

9.01 Miscellaneous

The Board of Directors shall provide a Corporate Seal which shall be in the form of a circle and shall have inscribed thereon the name of the Corporation, substantially as follows: Frontier Texas!, Inc.

9.02 Table of Contents and Headings

The Table of Contents and Headings used in these By-Laws have been inserted for convenience only and do not constitute matter to be used in construing or interpreting them.

9.03 Construction

Whenever the context so requires, the use of a masculine pronoun shall include the feminine, and singular shall include plural and conversely.

If any portion of these By-Laws shall be invalid or inoperative, then, so far as is reasonable and possible:

- a. The remainder of these By-Laws shall be considered valid and operative, and
- b. Effect shall be given to the intent manifested by the portion held invalid or inoperative, insofar as not prohibited by law.

9.04 Relation to Articles of Incorporation

These By-Laws are subject to and are governed by the Articles of Incorporation of Frontier Texas!, Inc.

CERTIFICATE

This is to certify that the foregoing is a true and correct copy of the By-Laws of Frontier Texas!, Inc. and that such By-Laws were duly adopted by the Board of Directors of said Corporation on December 15, 2009.

ATTEST:

FRONTIER TEXAS!, INC.

Kim Snyder
Secretary of the Corporation
Printed Name: Kim Snyder

By: Peter Lawrence
President
Printed Name: Peter Lawrence

ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF TAYLOR §



This instrument was acknowledged before me on December 15, 2009,
by Peter Lawrence, President of Frontier Texas!, Inc.,
a Texas corporation, on behalf of said corporation.

Pamela Sue Wells
Notary Public, State of Texas

City Council
Agenda Memo



City Council
Meeting Date: 01/14/2010

TO: Larry D. Gilley, City Manager

FROM: Jon James, Planning and Development Services Director

SUBJECT: A Resolution approving the Fiscal Year 2009-2010 Professional Services Contract between the City Of Abilene and the National Development Council (NDC)

GENERAL INFORMATION

The City of Abilene is renewing its contract with the National Development Council (NDC) to provide professional services to assist the City in accomplishing its community and economic development objectives. NDC is a private nonprofit corporation that specializes in economic development technical assistance, project development and affordable housing development. NDC will provide technical assistance to the City in the following areas: comprehensive program development, downtown revitalization, and economic development project review. In addition, NDC will provide development services towards specific, residential project development in a neighborhood targeted for revitalization. Due to the current economic situation, NDC has offered a \$5,000 grant for a total contract amount of \$67,000.

SPECIAL CONSIDERATIONS

Under CDBG regulations 24 CFR 85.36(d)(4) Procurement and Office of Management and Budget (OMB) Circular A-102, Attachment O, Paragraph 11(d) Non-competitive Negotiation is allowed. The request for contract renewal is based on the determination between the City of Abilene and NDC as being the sole source status for technical assistance with the City of Abilene. The determination allows a local public agency to procure services through non-competitive (sole source) procedures providing the services a contractor provides is available only from a single source.

On July 23, 2009, the City Council approved allocations from the FY2009/2010 Community Development Block Grant (CDBG) for CDBG administration. A portion of the funds for this contract will be paid out of CDBG administration. The remaining funding will be contributed by the DCOA and the General Fund.

FUNDING/FISCAL IMPACT

Funds will be paid out of the City's FY2010 allocations for the CDBG administration (\$13,000), the Department of Economic Development (\$40,000), and the General Fund (\$14,000).

STAFF RECOMMENDATION

Staff recommends approval by oral resolution.

ATTACHMENTS

Contract is available for review in the City Secretary's office.

Prepared by: Name: <u>Joana Wuest</u> Title: <u>Grants Administrator</u>	Item No. <u>6.3</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied <input type="checkbox"/> Other _____
		City Secretary _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE FY 2009-2010 CONTRACT BETWEEN THE CITY OF ABILENE AND THE NATIONAL DEVELOPMENT COUNCIL.

WHEREAS, it is desirable and in the public interest that the City of Abilene renew the contract between the City of Abilene and the National Development Council (NDC).

WHEREAS, the Community Development Block Grant Program (CDBG), authorized under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended. Under CDBG regulations, such authority is granted under 24 CFR 85.36(d)(4) Procurement and Office of Management and Budget (OMB) Circular A-102, Attachment O, Paragraph 11(d) Non-competitive Negotiation, and

WHEREAS, the request for contract renewal is based on the determination between the City of Abilene and NDC as being the sole source status for Technical Assistance with the City of Abilene. The determination allows a local public agency to procure services through non-competitive (sole source) procedures providing when the services a contractor provides is available only from a single source.

WHEREAS, the primary objective of the Community Development Program is to develop a viable urban community, including decent housing and a suitable living environment, and to expand economic opportunities principally for persons of low- and moderate-income. Consistent with the primary objective, the Federal assistance provided in the Community Development Program is for the support of the community development goals, objectives, and strategies which are eligible under applicable Federal regulations; and for the support of the community development goals, objectives, and strategies which are eligible under applicable regulations; and

WHEREAS, NDC is a qualified sole-source provider because they are the only organization with the range of services and the necessary experience and capacity to provide a complete set of technical assistance, training, and financial services made available exclusively to city, state, and federal agencies and non-profits, and

WHEREAS, NDC has been and continues to provide the technical assistance for all legal documents necessary for the City to effectively engage in the HUD Section 108 Loan Program and New Market Tax Credits programs. There is no other entity that combines technical assistance and has an SBS 7(a) small business lending company license dedicated solely to economic and community development, and

WHEREAS, the continuity in services provided by NDC is critical for the successful completion of the downtown historic preservation; the elimination of slum/blight, and continued economic and community development projects, and

WHEREAS, that the NDC contract be paid from the following funding: CDBG (\$13,0000); the Department of Economic Development (\$40,000); and the General Fund (\$14,000) and not to exceed the contract total of \$67,000.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

Part 1. That the contract between the CITY OF ABILENE AND THE NATIONAL DEVELOPMENT COUNCIL FOR THE FY 2009-2010 is hereby approved.

Part 2. That the City Manager, or his designee, is hereby authorized to sign said application and any and all appurtenant documents on behalf of the City.

Part 3. That this resolution shall take effect immediately from and after its passage.


ADOPTED this the 14th day of January 2010.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:



CITY ATTORNEY



City Council
Agenda Memo

TO: Larry D. Gilley, City Manager
FROM: Megan Santee, Interim Director of Public Works
SUBJECT: Award of Bid No. CB-1004 – 95 & 300 gallon plastic containers

City Council
Meeting Date: January 14, 2010
MRG

GENERAL INFORMATION

This bid is for the purchase of 95 & 300 gallon plastic containers. Advertisements were published on October 18th and 25th, 2009. Seven (7) bid packages were sent out with six (6) bids received. The bids were opened on November 3, 2009. A tabulation of bids is attached.

SPECIAL CONSIDERATIONS

The bid provides the City with 95 & 300 gallon plastic refuse containers for use as replacements and for new customers.

FUNDING/FISCAL IMPACT

Funding is available within the Solid Waste Services Division's Enterprise Fund Budget.

STAFF RECOMMENDATION

It is recommended that Item 1 be awarded to OTTO Environmental Systems, Inc. and Item 2 be awarded to Rotonics Manufacturing. These awards represent the low responsive bidders.

ATTACHMENTS

Bid Tabulation Sheet

Prepared By: Name: James Winward Title: Public Works Operations Manager	Item No. <u> 6.4 </u>	Disposition by City Council <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Other Ord./Res # _____ City Secretary _____
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