


PUBLIC NOTICE

DEVELOPMENT CORPORATION OF ABILENE, INC.

The annual meeting of the Development Corporation of Abilene, Inc. will be held on Tuesday, January 29, 2008, in the Develop Abilene conference room, 174 Cypress St., Abilene, Texas, 3rd floor, commencing at 1:30 p.m. to consider the following agenda:

SIGNED:


Richard Burdine, Asst. City Manager for Economic Development

AGENDA

January 29, 2008
1:30 p.m.

Develop Abilene Conference Room
174 Cypress St., 3rd floor

1. Call the meeting to order.
2. Officer elections for 2008: President, Vice President, Secretary/Treasurer.
3. Presentation of Certificate of Appreciation to Ray Ferguson.
4. Approval of minutes from December 18, 2007 meeting.
5. Sales Tax report for January 2008 and Preliminary Status of Funds reports for November and December 2007.
6. Discussion and possible approval of a resolution authorizing the award of a bid for construction of Spec 3 shell and approval of funding.
7. Discussion and possible approval of a resolution authorizing the CEO to negotiate a contract and funding to install infrastructure in the Five Points Business Park to accommodate development.
8. Discussion and possible approval of an oral resolution authorizing sponsorship of ACU's Springboard Idea Challenge.
9. Executive Session: Pursuant to Tex. Gov't Code Sec. 551.087, an executive session may be held (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1). After discussion in executive session, any action or vote will be taken in public.

Pursuant to Tex. Gov't Code Sec. 551.072, an executive session may be held to discuss the possible exchange, lease, or value of real property associated with a project to be funded by the DCOA since

deliberation in open session would have a detrimental effect on the DCOA's negotiations with a third party. After discussion in executive session, any action or vote will be taken in public.

Pursuant to Tex. Gov't Code Sec. 551.071, an executive session may be held to consult with the DCOA attorney regarding pending or contemplated litigation or a settlement offer regarding DCOA funded projects or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code. After discussion of the contemplated legal matters in executive session, any action or vote will be taken in public.

10. Adjournment

CERTIFICATE

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of Abilene, Texas, on the _____ day of _____, 2008, at _____.

City Secretary

NOTICE

Persons with disabilities who would like special assistance or need special accommodations to participate in this meeting should contact Department of Economic Development, (325) 676-6390, at least forty-eight (48) hours in advance of this meeting. Telecommunication device for the deaf is (325) 676-6360.

DEVELOPMENT CORPORATION OF ABILENE, INC.
BOARD MEETING MINUTES
DECEMBER 18, 2007

MEMBERS PRESENT:	Ray Ferguson Stan Lambert Mike Schweikhard	Joe Crawford Dee Moore
STAFF PRESENT:	Richard Burdine A.C. Alrey David Wright	Kim Tarrant Pat McGinnis Dan Santee
GUESTS PRESENT:	Bill Ehrie Doug Myers Victor Sotelo	Abilene Industrial Foundation Abilene Reporter-News KTAB TV

- 1. CALL TO ORDER.** Ray Ferguson called the meeting to order at 1:30 p.m. in the Develop Abilene conference room located at 174 Cypress, 3rd floor, Abilene, TX.
- 2. APPROVAL OF MINUTES FROM NOVEMBER 27, 2007 MEETING.** Stan Lambert made a motion to approve the minutes from the November 27, 2007 meeting. Joe Crawford seconded and the motion carried.
- 3. SALES TAX REPORT FOR DECEMBER 2007 AND PRELIMINARY STATUS OF FUNDS REPORT FOR OCTOBER 2007.** David Wright reviewed the Sales Tax Report for December 2007 and the preliminary status of funds report for October 2007. The sales tax rebate for economic development is \$644,726.81, which is 6.67% above last year. For October 2007, total assets were about \$53.2 million, total liabilities were \$2.4 million, and the undesignated fund balance was \$21.4 million. Two major expenditures for October were to Fehr Foods and Receptor Logic.
- 4. FY07 ANNUAL REPORT FROM THE ABILENE INDUSTRIAL FOUNDATION.** Bill Ehrie presented this report. Of the \$140,000 marketing budget for FY07, \$108,270 was spent. Most of the extra budgeted amount would have been spent in marketing the new Spec III building. However, timing issues concerning the Spec III building prevented this. Of the 96 total leads received in FY07, 58 were responded to. Thirteen prospect files were opened, 81 retention visits were made, and 151 consultant visits were made. Wind energy is a big issue right now. These visits continue to reinforce the relationships between the companies, the Abilene Industrial Foundation and the DCOA.
- 5. DISCUSSION AND POSSIBLE APPROVAL OF AN ORAL RESOLUTION AUTHORIZING THE CEO TO NEGOTIATE A CONSTRUCTION CONTRACT FOR THE EXPANSION OF THE BUILDING LOCATED AT 6450 FIVE POINTS PARKWAY, OCCUPIED BY PWP INDUSTRIES.** PWP currently leases the Spec 2 building and has grown more rapidly than expected. The company needs about \$125,000 square feet of additional warehouse space. Staff has worked with the Tittle-Luther

Partnership (TLP) and Rose Builders, Inc. (Rose) to determine the most efficient way to build the expansion for PWP. Rose built the original Spec 2 Building and is well-versed in tilt-wall construction and has a reputation of completing projects on time. In Rose's proposal, he is willing to construct the building for cost plus a fee of 4.25% with a substantial completion date in late June 2008 to meet PWP's needs. He will establish a guaranteed maximum price once he has bids from the various subcontractors but the early estimate is \$6,000,000.

Staff recommends approval of an oral resolution authorizing the CEO to negotiate a contract with Rose Builders, Inc. for construction of the Spec 2 Building expansion in which the basis of compensation is the cost of the work plus a fee of 4.25%, with a negotiated guaranteed maximum price not to exceed \$6,000,000.

A motion was made by Stan Lambert to approve an oral resolution as presented. Dee Moore seconded the motion and it carried.

6. **EXECUTIVE SESSION.** I hereby announce we are going into Executive Session pursuant to Texas Government Code Sections 551.071, .072, and .087 to consult with our legal counsel, discuss real property transactions, and discuss economic development negotiations involving a business prospect, as set forth on the agenda. Any vote or action will be taken in open session.

The time is now 2:03 p.m. on December 18, 2007. No vote or action was taken in Executive Session. The date is December 18, 2007 and the time is 3:03 p.m.

7. **DISCUSSION AND POSSIBLE APPROVAL OF AN ORAL RESOLUTION AUTHORIZING THE CEO TO NEGOTIATE AN EXCHANGE OF REAL ESTATE WITH THE TAYLOR COUNTY EXPO CENTER, THE CITY OF ABILENE AND TAYLOR COUNTY AND REIMBURSEMENT TO TAYLOR COUNTY OF TAX REVENUE LOST FROM ADOPTION OF FREEPORT TAX EXEMPTION IN SUBSTANTIAL CONFORMANCE WITH THE DRAFT MEMORANDUM OF UNDERSTANDING AMONG THE PARTIES.** This item was pulled from the agenda.
8. **ADJOURNMENT.** The next regularly scheduled meeting will be January 22, 2008. There being no further business, the meeting was adjourned.

Ray Ferguson, President

MEMORANDUM

January 9, 2008

TO: Larry D. Gilley, City Manager
FROM: David M. Wright, Director of Finance
SUBJECT: January Sales Tax

The sales tax rebate for January is \$2,506,807.45, which represents November sales. This is 0.13% above last year. The breakdown of the January rebate is \$1,880,105.59 to the General Fund and \$626,701.86 for economic development. Of this rebate, \$71,565 is from prior periods, audit payments, future payments, and unidentified payments. Based on this rebate, sales tax is 3.37% above last year for the period of October through January. You may recall the budget has projected a 5% increase over last year. Our February rebate will reflect December sales. I have requested the detail from the state.

Should you have any questions, please contact me.

DMW:ls

cc: Richard Burdine, Assistant City Manager
David Vela, Assistant City Manager
Evalin McClain, Assistant City Manager

**CITY OF ABILENE
SALES TAX COMPARISON**

Accounting Period Month	GENERAL FUND Actual 2006-07	ECONOMIC DEVELOPMENT Actual 2006-07	TOTAL 2006-07	GENERAL FUND Actual 2007-08	ECONOMIC DEVELOPMENT Actual 2007-08	TOTAL 2007-08
October	\$1,951,422.77	\$650,474.25	\$2,601,897.02	\$2,029,217.53	\$676,405.84	\$2,705,623.37
November	2,229,381.42	743,127.14	2,972,508.56	2,293,733.19	764,577.73	3,058,310.92
December	1,813,239.09	604,413.03	2,417,652.12	1,934,180.44	644,726.81	2,578,907.25
January	1,877,628.47	625,876.16	2,503,504.63	1,880,105.59	626,701.86	2,506,807.45
YTD	<u>\$7,871,671.75</u>	<u>\$2,623,890.58</u>	<u>\$10,495,562.33</u>	<u>\$8,137,236.75</u>	<u>\$2,712,412.24</u>	<u>\$10,849,648.99</u>
February	2,710,392.23	903,464.08	3,613,856.31			
March	1,797,210.64	599,070.21	2,396,280.85			
April	1,922,282.36	640,760.78	2,563,043.14			
May	2,554,414.62	851,471.54	3,405,886.16			
June	1,819,065.78	606,355.26	2,425,421.04			
July	1,987,476.01	662,492.00	2,649,968.01			
August	2,348,841.11	782,947.03	3,131,788.14			
September	2,013,292.73	671,097.58	2,684,390.31			
FY TOTAL	<u>\$25,024,647.23</u>	<u>\$8,341,549.06</u>	<u>\$33,366,196.29</u>			

NOTE: REPORT REFLECTS THE MONTH SALES TAX IS RECEIVED FROM AUSTIN. REVENUE IS RECORDED ON THIS BASIS FOR BUDGETARY PURPOSES.

THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) WILL REFLECT GASB 33 REQUIREMENT IN ADDITION TO THE BUDGET BASIS.

DEVELOPMENT CORPORATION OF ABILENE, INC.
1/2 CENT SALES TAX REVENUE
FY 2008: Monthly and Year-to-Year Comparisons

Accounting Period Month	Actual 2006-07	Actual 2007-08	% Change
October	\$650,474	\$676,406	3.99%
November	743,127	764,578	2.89%
December	604,413	644,727	6.67%
January	625,876	626,702	0.13%
YTD	\$2,623,891	\$2,712,412	3.37%
February	903,464		
March	599,070		
April	640,761		
May	851,472		
June	606,355		
July	662,492		
August	782,947		
September	671,098		
FY TOTAL	\$8,341,549		

Note: Report reflects the month sales tax is received from Austin.
Revenue is recorded on this basis for budgetary purposes.

The Comprehensive Annual Financial Report (CAFR) will reflect
GASB 33 requirement in addition to the budget basis.

Revenue for January '08 represents November '07 sales. Approximately
\$17,891 of the rebate is from prior periods, audit, and future payments.

Audit Payments: Larger businesses submit sales tax collections to the State
Comptroller every month and smaller ones either quarterly or annually. The
Comptroller audits the books of these businesses on a four year cycle to
determine if sales tax was collected on all taxable sales. Audit collections
represent the sales tax revenue from prior sales and submitted or refunded
subsequent to the audit.

CITY OF ABILENE, TEXAS

PRELIMINARY

DEVELOPMENT CORPORATION OF ABILENE, INC.

Balance Sheet

November 30, 2007

ASSETS:

Cash and Investments	\$18,473,962
Notes receivable	16,546,907
Accounts receivable	4,500
Due from other governments	1,432,663
Prepaid Expense	0
Total Current Assets	<u>\$36,458,032</u>

OTHER ASSETS:

Fixed assets	\$20,671,347
Accumulated depreciation	(3,281,334)
Total Other Assets	<u>17,390,013</u>

TOTAL ASSETS \$53,848,045

LIABILITIES:

Vouchers payable	\$69,381
Deferred revenues	2,344,169
Total Liabilities	<u>\$2,413,550</u>

FUND BALANCES:

Investment in general fixed assets	\$17,390,013
Reserved for contractual obligations(external)	11,717,822
Reserved for obligated programs(internal)	672,806
Reserved for contingent liabilities	
Undesignated Balance	21,653,854
Total Fund Balance	<u>\$51,434,495</u>

TOTAL LIABILITIES AND FUND BALANCES \$53,848,045

FIXED ASSETS:

Buildings and Improvements:	Original Cost	Improvements	Depreciation	Total
2601 Airport Blvd.	\$1,563,210	\$540,632	\$282,508	\$1,821,334
2809 Airport Blvd.	396,519	444,583	293,458	547,644
2841 Airport Blvd.	456,736	62,923	262,261	257,398
4002 Loop 322	1,290,916	2,384,891	1,205,519	2,470,288
515 acres - Five Pts Bus Park	552,287	2,435,432	243,544	2,744,175
6450 Five Points Parkway	5,809,354	-	575,521	5,233,833
Grant Bldg 341 Pine	147,194	405,726	187,767	365,154
303.53 acres Hwy 36 & FM 18	449,238	-	-	449,238
2742 Lance Dr. (EASI Storage)	2,527,408	9,987	151,678	2,385,717
4109 Vine St	583,524	-	35,012	548,512
4009 Vine St	583,524	-	35,011	548,513
Vehicle: 2005 Dodge Caravan	18,011	-	7,205	10,806
Office Equipment: Copier	9,250	-	1,850	7,400
TOTAL FIXED ASSETS	<u>\$14,387,173</u>	<u>\$6,284,174</u>	<u>\$3,281,334</u>	<u>\$17,390,013</u>

**DEVELOPMENT CORPORATION OF ABILENE
STATUS OF FUNDS @ NOVEMBER 30, 2007**

	Beginning I-T-D Revenues	Current Month Revenues	Current FY Revenues	(MARCH, 1990) Ending I-T-D Revenues
REVENUE-TO-DATE				
City Sales Tax (3131)	\$ 102,733,207.48	\$ 760,964.29	\$ 1,432,662.76	\$ 104,165,870.24
Sales Tax Retained (3132)	241,850.15	3,613.44	8,320.81	250,170.96
Other Services Charges (3731)	25.00			25.00
Princ. - Loans & Assess (3775)	868,651.55			868,651.55
Int. - Loans & Assess (3802)	2,060,915.74	2,595.45	5,304.51	2,066,220.25
Interest (3803)	5,948,089.74	73,252.64	132,820.89	6,080,910.63
Land Lease (3810)	7,428.83			7,428.83
Building/Space Rent (3816)	2,949,794.08	50,004.23	82,191.73	3,031,985.81
City Pay Phones (3890)	9,170.58			9,170.58
Miscellaneous Revenue (3892)	30,227.99			30,227.99
EDA Grant (3305)	242,100.00			242,100.00
Miscellaneous State Grants (3359)	6,500.00			6,500.00
Miscellaneous Federal (3379)	937,926.00			937,926.00
Interest on Investments (3800)	176,263.67			176,263.67
Other Interest (3809)	32,252.85			32,252.85
Interfund Recovery (3828)	1,534,976.08			1,534,976.08
Miscellaneous Recovery (3839)	1,891,340.41			1,891,340.41
Miscellaneous Prior Year (3840)	16,464.88			16,464.88
DCOA Admin (3847)	7,070.55			7,070.55
Other Contributions (3860)	96,866.60			96,866.60
Sale of Land (3870)	273,554.84			273,554.84
Sale of Buildings (3871)	981,647.87			981,647.87
Miscellaneous Damage Claims (3889)	1,173.04			1,173.04
GASB 22 Restatement	355,634.89			355,634.89
GASB 34 FY 03 Adjustment	579,426.49			579,426.49
	<u>\$ 121,982,559.31</u>	<u>\$ 890,430.05</u>	<u>\$ 1,661,300.70</u>	<u>\$ 123,643,860.01</u>

**DEVELOPMENT CORPORATION OF ABILENE
STATUS OF FUNDS @ NOVEMBER 30, 2007**

	Beginning I-T-D Expenditures	Current Month Expenditures	Current FY Expenditures	Ending I-T-D Expenditures	Outstanding Contracts
CONTRACTS ENCUMBERED/ EXPENDITURES-TO-DATE					
Prior Years Programs	\$ 57,047,456.33			\$ 57,047,456.33	
Business Services Division	6,133,252.87	61,643.37	125,052.53	6,258,305.40	20,000.00
DCOA Annual Contracts	1,788,884.61	772.40	28,343.29	1,817,227.90	-
Abilene Industrial Foundation (4950)	10,550,934.60	102,484.39	102,484.39	10,653,418.99	629,465.61
TTU Small Business Dev Cntr (4951)	2,045,621.05	18,806.25	18,806.25	2,064,427.30	176,193.75
Chamber Military Affairs (4952)	1,011,976.83	-	-	1,011,976.83	70,000.00
Airport Business Dev Mgr (4953)	318,606.12	-	-	318,606.12	-
EASI Records Const. 4990	2,440,442.58	-	-	2,440,442.58	65,854.42
Murf Systems 4998	151,665.00	-	-	151,665.00	-
Bandag Training 5203	516,334.72	-	29,135.48	545,470.20	296,749.80
Rentech 04 5207	335,360.00	-	-	335,360.00	-
Sunoco Logistics 5208	143,544.00	-	-	143,544.00	33,456.00
EASI 04 5213	1,020,937.66	-	-	1,020,937.66	2,252,000.00
EHT 5216	98,300.00	-	-	98,300.00	-
Fehr Food 5220	521,670.00	-	523,350.00	1,045,020.00	-
Research Ins 5221	500.00	-	-	500.00	-
Advanced Trailer 5224	29,750.00	-	-	29,750.00	-
Transcend Services 5227	280,157.82	-	-	280,157.82	-
Bandag Building Improv 5228	-	-	-	-	44,259.24
Glazers Ph III 5229	26,280.00	-	-	26,280.00	64,720.00
Highland Campus Health 5231	128,791.66	49,950.00	54,950.00	183,741.66	368,466.67
Rentech 5232	48,800.00	-	-	48,800.00	-
Tige Infrastructure 5233	144,397.68	-	-	144,397.68	74,238.00
Robinson Fan 5237	126,482.00	-	-	126,482.00	469,394.09
Reg Website 5240	4,317.07	-	-	4,317.07	682.93
TTU Pharmacy School 5242	-	-	-	-	-
Lauren Holdings 5245	259,770.00	-	-	259,770.00	-
18/36 Business Park 5246	23,800.00	-	-	23,800.00	11,200.00
Teleperformance USA 5247	88,040.00	-	-	88,040.00	668,960.00
BCBSTX Reroof Construction 5249	781,098.40	-	-	781,098.40	49,621.60
Shelter Distribution 5250	44,724.96	-	-	44,724.96	48,117.04
PWP Industries Ph I 5251	610,993.77	-	-	610,993.77	159,469.23
Abilene Internet 5252	59,340.00	-	-	59,340.00	-
Integrated Clinic Research 5253	-	-	-	-	695,502.00
SBIR/STTR 5255	23,283.51	-	-	23,283.51	-
Coca Cola 5256	300,000.00	-	-	300,000.00	-
Welder Training Program 5257	141,824.36	-	-	141,824.36	-
Genesis Network 5258	353,533.33	-	-	353,533.33	739,100.00
URS Consultants 5259	-	-	11,252.00	11,252.00	2,500.00
Carter Burgess 5260	222,323.88	-	10,831.35	233,155.23	116,164.77
Fehr Foods 5261	118,091.53	-	-	118,091.53	-
TMAC 5262	30,000.00	-	-	30,000.00	30,000.00
SBIR/STTR 5263	37,612.59	183.75	7,571.50	45,184.09	226,215.91
EASI 7th Doc 5265	86,119.14	-	-	86,119.14	188,880.76
BMWT Leasing 5266	-	-	-	-	10,533.00
ABTEX Beverage 5267	-	-	-	-	1,599,040.00
MSSC Training 5269	35,479.08	20,576.00	20,576.00	56,055.08	27,349.92
Receptor Log 5270	57,404.62	44,766.56	88,014.16	145,418.78	1,854,297.32
WTCIC 5272	16,582.00	-	-	16,582.00	16,582.00
Accelerator A/E 5274	8,164.39	12,172.50	12,172.50	20,336.89	331,463.11
Spec 2 Expansion A/E 5275	-	-	-	-	377,345.00
Miscellaneous Activities 2785	354,189.86	-	-	354,189.86	-
TOTAL ENCUMB. / EXPENDITURES	\$ 88,566,838.02	\$ 311,355.22	\$ 1,032,539.45	\$ 89,599,377.47	\$ 11,717,822.17
TOTAL FUND BALANCE				\$ 34,044,482.54	
UNENCUMBERED FUND BALANCE					\$ 22,326,660.37

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**DEVELOPMENT CORPORATION OF ABILENE
STATUS OF FUNDS @ NOVEMBER 30, 2007**

	Amount Obligated	Prior Years Disbursed	Current Month Disbursed	Current Year Disbursed	Amount Encumbered	Balance
BALANCE OF OBLIGATED PROGRAMS						
Business Services Division	\$ 617,070.00	\$ -	\$ 61,643.37	\$ 125,052.53	\$ 20,000.00	\$ 472,017.47
DCOA Annual Contracts	227,470.00	-	772.40	28,343.29	-	199,126.71
Abilene Industrial Foundation (4950)	731,950.00	-	102,484.39	102,484.39	629,465.61	-
TTU Small Business Dev Cntr (4951)	195,000.00	-	18,806.25	18,806.25	176,193.75	-
Chamber Military Affairs (4952)	70,000.00	-	-	-	70,000.00	-
Airport Business Dev Mgr (4953)	-	-	-	-	-	-
EASI Records Const. 4990	2,506,297.00	2,440,442.58	-	-	65,854.42	(0.00)
Murf Systems 4998	151,665.00	151,665.00	-	-	-	-
Bandag Training 5203	842,220.00	516,334.72	-	29,135.48	296,749.80	-
Rentech 5207	335,360.00	335,360.00	-	-	-	-
Sunoco Logistics 5208	177,000.00	143,544.00	-	-	33,456.00	-
EASI 04 5213	3,272,938.00	1,020,937.66	-	-	2,252,000.00	0.34
EHT 5216	98,300.00	98,300.00	-	-	-	-
Fehr Food 5220	1,045,020.00	521,670.00	-	523,350.00	-	-
Research Ins 5221	500.00	500.00	-	-	-	-
Advanced Trailer 5224	29,750.00	29,750.00	-	-	-	-
Transcend Services 5227	280,158.00	280,157.82	-	-	-	0.18
Bandag Building Improv 5228	44,260.00	-	-	-	44,259.24	0.76
Glazers Ph III 5229	91,000.00	26,280.00	-	-	64,720.00	-
Highland Campus Health 5231	552,209.00	128,791.66	49,950.00	54,950.00	368,466.67	0.67
Rentech 5232	48,800.00	48,800.00	-	-	-	-
Tige Infrastructure 5233	218,636.00	144,397.68	-	-	74,238.00	0.32
Robinson Fan 5237	595,876.00	126,482.00	-	-	469,394.09	(0.09)
Reg Website 5240	5,000.00	4,317.07	-	-	682.93	-
TTU Pharmacy School 5242	-	-	-	-	-	-
Lauren Holdings 5245	259,770.00	259,770.00	-	-	-	-
18/36 Business Park 5246	35,000.00	23,800.00	-	-	11,200.00	-
Teleperformance USA 5247	757,000.00	88,040.00	-	-	668,960.00	-
BCBSTX Reroof Construction 5249	830,720.00	781,098.40	-	-	49,621.60	-
Shelter Distribution 5250	92,842.00	44,724.96	-	-	48,117.04	-
PWP Industries Ph I 5251	770,463.00	610,993.77	-	-	159,469.23	-
Abilene Internet 5252	59,340.00	59,340.00	-	-	-	-
Integrated Clinic Research 5253	695,502.00	-	-	-	695,502.00	-
SBIR/STTR 5255	23,284.00	23,283.51	-	-	-	0.49
Coca Cola 5256	300,000.00	300,000.00	-	-	-	-
Welder Training Program 5257	141,824.00	141,824.36	-	-	-	(0.36)
Genesis Network 5258	1,092,633.00	353,533.33	-	-	739,100.00	(0.33)
URS Consultants 5259	15,127.00	-	-	11,252.00	2,500.00	1,375.00
Carter Burgess 5260	349,320.00	222,323.88	-	10,831.35	116,164.77	-
Fehr Foods 5261	118,092.00	118,091.53	-	-	-	0.47
TMAC 5262	60,000.00	30,000.00	-	-	30,000.00	-
SBIR/STTR 5263	271,400.00	37,612.59	183.75	7,571.50	226,215.91	-
EASI 7th Doc 5265	275,000.00	86,119.14	-	-	188,880.76	0.10
BMWT Leasing 5266	10,533.00	-	-	-	10,533.00	-
ABTEX Beverage 5267	1,599,040.00	-	-	-	1,599,040.00	-
MSSC Training 5269	83,405.00	35,479.08	20,576.00	20,576.00	27,349.92	-
Receptor Log 5270	2,000,000.00	57,404.62	44,766.56	88,014.16	1,854,297.32	283.90
WTCIC 5272	33,164.00	16,582.00	-	-	16,582.00	-
Accelerator A/E 5274	351,800.00	8,164.39	12,172.50	12,172.50	331,463.11	-
Spec 2 Expansion A/E 5275	377,345.00	-	-	-	377,345.00	-
Prior Year Program	-	-	-	-	-	-
Miscellaneous Activities 2785	354,189.86	354,189.86	-	-	-	-
BALANCE OF OBLIGATED PROGRAMS	\$ 23,093,272.86	\$ 9,670,105.61	\$ 311,355.22	\$ 1,032,539.45	\$ 11,717,822.17	\$ 672,805.63
Contingent Liabilities						\$ -
UNDESIGNATED FUND BALANCE						\$ 21,653,854.74
DCOA Board approved projects waiting for signed contracts						
			EXPIRATION DATE			
Integrated Clinical Research 5253	64,000.00		12/19/2007			
MSSC Additional Funding 5269	90,060.00		03/25/2008			
Welder Training Additional Funding 5257	37,600.00		03/25/2008			
Sr. Safe at Home (Project SSH) 5271	402,455.00		01/31/2008			
Research Center 5273	3,000,000.00		03/25/2008			
PWP (Project LF) 5251	2,077,000.00		04/16/2008			
	<u>5,671,115.00</u>					

5.7

**ECONOMIC DEVELOPMENT DEPARTMENT
SERVICE EVALUATION REPORT
NOVEMBER 2007**

**PERFORMANCE DATA
SERVICE ANALYSIS**

Staff: Richard Burdine-Assistant City Manager for Economic Development; A.C. Alrey-Business Services Director; Kim Tarrant-Contracts Administrator; David White-Construction Projects Manager, Susan Campbell-Secretary to Assistant City Manager.

City of Abilene/Business Services - *Funding Sources: DCOA*

DCOA approved a one-year contract with the City of Abilene beginning 10-1-07 in the amount of \$617,070 for operating expenses for the Business Services Division, plus \$175,000 for maintenance expenses for DCOA-owned properties.

During the November meeting, the DCOA ratified a contract with Tittle Luther Partnership and authorized \$377,345 to design the expansion of Spec 2 to suit the needs of PWP Industries. The board heard FY07 annual reports from the TTU Small Business Development Center and DCOA. Finally, the DCOA approved an oral resolution authorizing the purchase of land for construction of the life sciences accelerator building.

TTU Small Business Development Center - *Funding Sources: DCOA and Federal Govt. (SBA)*

DCOA approved a one-year contract beginning 10-1-07 in the amount of \$195,000 to reimburse SBDC for counseling services provided to Abilene residents.

A total of 142 Abilene client sessions were held this month with 20% being new clients. Eleven new businesses opened, and 67 new jobs were reported. Attached is a summary of monthly activity.

Abilene Industrial Foundation, Inc./Abilene Chamber of Commerce - *Funding Sources: DCOA and Public Donations*

DCOA approved a one-year contract with AIF/ACOC beginning 10-1-07 in the amount of \$801,950: \$421,450 for AIF operating, \$140,000 for AIF marketing, \$170,500 for Dyess AFB retention efforts, and \$70,000 for Military Affairs Committee expenses and staff expenses incurred.

During the month, AIF responded to 12 requests for information. Staff visited 7 local companies, made 1 out-of-town company/consultant contact and hosted 2 visits to Abilene by prospects. The Develop Abilene website experienced 43,365 hits with 1,057 unique visits. Attached is a year-to-date summary of activity for this year and last.

**SMALL BUSINESS DEVELOPMENT CENTER
NOVEMBER 2007 UPDATE**

Billable Hours:

279.50	Abilene business counseling hours for the month of November
142	Client sessions conducted for the month of November
29	New clients
2	Workshops
22	Attendees

Businesses Created:

11	Month of November
3	Retail
1	Accommodation/Food Services
2	Professional/Scientific/Technical Services
1	Arts/Entertainment/Recreation
4	Other Services
14	Year-to-Date
4	Retail
1	Manufacturing
2	Accommodation/Food Services
2	Professional/Scientific/Technical Services
1	Arts/Entertainment/Recreation
4	Other Services

Jobs Created (Full Time Equivalents):

67	Month of November
9	Retail
14	Accommodation/Food Services
5	Professional/Scientific/Technical Services
20	Arts/Entertainment/Recreation
19	Other Services

107	Year-to-Date
	31 Retail
	2 Manufacturing
	29 Accommodation/Food Services
	1 Educational Services
	5 Professional/Scientific/Technical Services
	20 Arts/Entertainment/Recreation
	19 Other Services

Capital Formation:

\$1,080,200	Month of November
	\$85,000 Retail
	\$250,000 Accommodation/Food Services
	\$85,200 Professional/Scientific/Technical Services
	\$421,500 Arts/Entertainment/Recreation
	\$238,500 Other Services

\$6,645,100	Year-to-Date
	\$22,000 Service
	\$615,400 Retail
	\$12,500 Manufacturing
	\$5,250,000 Accommodation/Food Services
	\$85,200 Professional/Scientific/Technical Services
	\$421,500 Arts/Entertainment/Recreation
	\$238,500 Other Services

.bilene Industrial Foundation.
 Monthly Marketing Summary
 November 2007

Total leads received/responded to: 12/8

- 2 – AIF (Robinett)
- 3 – Referral
- 1 – Organizations
- 1 – Magazine
- 5 – TREIA Trade Show

Prospect/Consultant visits: 1

- Avanti Wind Systems

New prospect files opened: 0

Prospect visits to Abilene: 2

- Project JK
- Tek SUN PV

Website hits/visits:

- Hits – 43,365
- Unique visits – 1,057
- Visits – 1,463

Retention visits: 7

- Abtex
- AT&T
- Constellation New Energy
- Eagle Aviation

Retention visits (continued):

- Robinson Fans
- Coca-Cola
- Martin Sprocket & Gear

Trade shows / conferences: 2

- TREIA (Robinett)
- TMCN Exec. Comm. Planning Retreat

E-Newsletters: 116

- Monthly E-Newsletter

Events: 1

- Manufacturers Luncheon

Presentations:

- Lions Club
- Abilene Board of Realtors

Activity	Nov 07	Nov 06	YTD 07/08	YTD 06/07
Number of ads placed	0	0	0	0
E-Newsletters	116	120	232	240
Prospect files opened	0	4	0	4
Consultant contacts	1	0	5	1
Retention contacts	7	7	25	8
Prospect visits to Abilene	2	6	4	8

CITY OF ABILENE, TEXAS

PRELIMINARY

DEVELOPMENT CORPORATION OF ABILENE, INC.

Balance Sheet

December 31, 2007

ASSETS:

Cash and Investments	\$19,001,495
Notes receivable	16,490,282
Accounts receivable	4,500
Due from other governments	1,432,663
Prepaid Expense	0
Total Current Assets	<u>\$36,928,940</u>

OTHER ASSETS:

Fixed assets	\$20,671,347
Accumulated depreciation	(3,281,334)
Total Other Assets	<u>17,390,013</u>

TOTAL ASSETS

\$54,318,953

LIABILITIES:

Vouchers payable	\$366,295
Deferred revenues	2,339,943
Total Liabilities	<u>\$2,706,238</u>

FUND BALANCES:

Investment in general fixed assets	\$17,390,013
Reserved for contractual obligations(external)	11,608,767
Reserved for obligated programs(internal)	2,702,593
Reserved for contingent liabilities	
Undesignated Balance	19,911,342
Total Fund Balance	<u>\$51,612,715</u>

TOTAL LIABILITIES AND FUND BALANCES

\$54,318,953

FIXED ASSETS:

Buildings and Improvements:	Original Cost	Improvements	Depreciation	Total
2601 Airport Blvd.	\$1,563,210	\$540,632	\$282,508	\$1,821,334
2809 Airport Blvd.	396,519	444,583	293,458	547,644
2841 Airport Blvd.	456,736	62,923	262,261	257,398
4002 Loop 322	1,290,916	2,384,891	1,205,519	2,470,288
515 acres - Five Pts Bus Park	552,287	2,435,432	243,544	2,744,175
6450 Five Points Parkway	5,809,354	-	575,521	5,233,833
Grant Bldg 341 Pine	147,194	405,726	187,767	365,154
303.53 acres Hwy 36 & FM 18	449,238	-	-	449,238
2742 Lance Dr. (EASI Storage)	2,527,408	9,987	151,678	2,385,717
4109 Vine St	583,524	-	35,012	548,512
4009 Vine St	583,524	-	35,011	548,513
Vehicle: 2005 Dodge Caravan	18,011	-	7,205	10,806
Office Equipment: Copier	9,250	-	1,850	7,400
TOTAL FIXED ASSETS	<u>\$14,387,173</u>	<u>\$6,284,174</u>	<u>\$3,281,334</u>	<u>\$17,390,013</u>

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**DEVELOPMENT CORPORATION OF ABILENE
STATUS OF FUNDS @ DECEMBER 31, 2007**

	Beginning I-T-D Revenues	Current Month Revenues	Current FY Revenues	(MARCH, 1990) Ending I-T-D Revenues
REVENUE-TO-DATE				
City Sales Tax (3131)	\$ 102,733,207.48	\$ 640,048.22	\$ 2,072,710.98	\$ 104,805,918.46
Sales Tax Retained (3132)	241,850.15	4,678.59	12,999.40	254,849.55
Other Services Charges (3731)	25.00			25.00
Princ. - Loans & Assess (3775)	868,651.55	4,225.98	4,225.98	872,877.53
Int. - Loans & Assess (3802)	2,060,915.74	2,542.13	7,846.64	2,068,762.38
Interest (3803)	5,948,089.74	80,713.09	213,533.98	6,161,623.72
Land Lease (3810)	7,428.83			7,428.83
Building/Space Rent (3816)	2,949,794.08	40,437.50	122,629.23	3,072,423.31
City Pay Phones (3890)	9,170.58			9,170.58
Miscellaneous Revenue (3892)	30,227.99			30,227.99
EDA Grant (3305)	242,100.00			242,100.00
Miscellaneous State Grants (3359)	6,500.00			6,500.00
Miscellaneous Federal (3379)	937,926.00			937,926.00
Interest on Investments (3800)	176,263.67			176,263.67
Other Interest (3809)	32,252.85			32,252.85
Interfund Recovery (3828)	1,534,976.08			1,534,976.08
Miscellaneous Recovery (3839)	1,891,340.41			1,891,340.41
Miscellaneous Prior Year (3840)	16,464.88			16,464.88
DCOA Admin (3847)	7,070.55			7,070.55
Other Contributions (3860)	96,866.60			96,866.60
Sale of Land (3870)	273,554.84			273,554.84
Sale of Buildings (3871)	981,647.87			981,647.87
Miscellaneous Damage Claims (3889)	1,173.04			1,173.04
GASB 22 Restatement	355,634.89			355,634.89
GASB 34 FY 03 Adjustment	579,426.49			579,426.49
	<u>\$ 121,982,559.31</u>	<u>\$ 772,645.51</u>	<u>\$ 2,433,946.21</u>	<u>\$ 124,416,505.52</u>

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**DEVELOPMENT CORPORATION OF ABILENE
STATUS OF FUNDS @ DECEMBER 31, 2007**

	Beginning I-T-D Expenditures	Current Month Expenditures	Current FY Expenditures	Ending I-T-D Expenditures	Outstanding Contracts
CONTRACTS ENCUMBERED/ EXPENDITURES-TO-DATE					
Prior Years Programs	\$ 57,047,456.33			\$ 57,047,456.33	
Business Services Division	6,133,252.87	46,548.26	171,600.79	6,304,853.66	20,000.00
DCOA Annual Contracts	1,788,884.61	664.78	29,008.07	1,817,892.68	-
Abilene Industrial Foundation (4950)	10,550,934.60	6,766.20	109,250.59	10,660,185.19	622,699.41
TTU Small Business Dev Cntr (4951)	2,045,621.05	20,962.50	39,768.75	2,085,389.80	155,231.25
Chamber Military Affairs (4952)	1,011,976.83	-	-	1,011,976.83	70,000.00
Airport Business Dev Mgr (4953)	318,606.12	-	-	318,606.12	-
EASI Records Const. 4990	2,440,442.58	-	-	2,440,442.58	65,854.42
Murf Systems 4998	151,665.00	-	-	151,665.00	-
Bandag Training5203	516,334.72	-	29,135.48	545,470.20	296,749.80
Rentech 04 5207	335,360.00	-	-	335,360.00	-
Sunoco Logistics 5208	143,544.00	-	-	143,544.00	33,456.00
EASI 04 5213	1,020,937.66	324,300.00	324,300.00	1,345,237.66	1,927,700.00
EHT 5216	98,300.00	-	-	98,300.00	-
Fehr Food 5220	521,670.00	-	523,350.00	1,045,020.00	-
Research Ins 5221	500.00	-	-	500.00	-
Advanced Trailer 5224	29,750.00	-	-	29,750.00	-
Transcend Services 5227	280,157.82	46,235.32	46,235.32	326,393.14	-
Bandag Building Improv 5228	-	-	-	-	44,259.24
Glazers Ph III 5229	26,280.00	-	-	26,280.00	64,720.00
Highland Campus Health 5231	128,791.66	-	54,950.00	183,741.66	368,466.67
Rentech 5232	48,800.00	-	-	48,800.00	-
Tige Infrastructure 5233	144,397.68	-	-	144,397.68	74,238.00
Robinson Fan 5237	126,482.00	-	-	126,482.00	469,394.09
Reg Website 5240	4,317.07	-	-	4,317.07	682.93
TTU Pharmacy School 5242	-	-	-	-	-
Lauren Holdings 5245	259,770.00	-	-	259,770.00	-
18/36 Business Park 5246	23,800.00	-	-	23,800.00	11,200.00
Teleperformance USA 5247	88,040.00	-	-	88,040.00	668,960.00
BCBSTX Reroof Construction 5249	781,098.40	-	-	781,098.40	49,621.60
Shelter Distribution 5250	44,724.96	-	-	44,724.96	48,117.04
PWP (Project LF) 5251	610,993.77	-	-	610,993.77	159,469.23
Abilene Internet 5252	59,340.00	-	-	59,340.00	-
Integrated Clinic Research 5253	-	3,040.00	3,040.00	3,040.00	692,462.00
SBIR/STTR 5255	23,283.51	-	-	23,283.51	-
Coca Cola 5256	300,000.00	-	-	300,000.00	-
Welder Training Program 5257	141,824.36	-	-	141,824.36	-
Genesis Network 5258	353,533.33	-	-	353,533.33	739,100.00
URS Consultants 5259	-	2,500.00	13,752.00	13,752.00	-
Carter Burgess 5260	222,323.88	15,412.49	26,243.84	248,567.72	100,752.28
Fehr Foods 5261	118,091.53	-	-	118,091.53	-
TMAC 5262	30,000.00	-	-	30,000.00	30,000.00
SBIR/STTR 5263	37,612.59	5,183.75	12,755.25	50,367.84	221,032.16
EASI 7th Doc 5265	86,119.14	34,280.40	34,280.40	120,399.54	154,600.36
BMWT Leasing 5266	-	-	-	-	-
ABTEX Beverage 5267	-	-	-	-	1,599,040.00
MSSC Training 5269	35,479.08	-	20,576.00	56,055.08	27,349.92
Receptor Log 5270	57,404.62	24,042.04	112,056.20	169,460.82	1,830,255.28
Sr. Safe at Home (Project SSH) 5271	-	-	-	-	402,455.00
WTCIC 5272	16,582.00	-	-	16,582.00	16,582.00
Accelerator A/E 5274	8,164.39	64,489.38	76,661.88	84,826.27	266,973.73
Spec 2 Expansion A/E 5275	-	-	-	-	377,345.00
Miscellaneous Activities 2785	354,189.86	-	-	354,189.86	-
TOTAL ENCUMB. / EXPENDITURES	\$ 88,566,838.02	\$ 594,425.12	\$ 1,626,964.57	\$ 90,193,802.59	\$ 11,608,767.41
TOTAL FUND BALANCE				\$ 34,222,702.93	
UNENCUMBERED FUND BALANCE					\$ 22,613,935.52

5.14

**DEVELOPMENT CORPORATION OF ABILENE
STATUS OF FUNDS @ DECEMBER 31, 2007**

	Amount Obligated	Prior Years Disbursed	Current Month Disbursed	Current Year Disbursed	Amount Encumbered	Balance
BALANCE OF OBLIGATED PROGRAMS						
Business Services Division	\$ 617,070.00	\$ -	\$ 46,548.26	\$ 171,600.79	\$ 20,000.00	\$ 425,469.21
DCOA Annual Contracts	227,470.00	-	664.78	29,008.07	-	198,461.93
Abilene Industrial Foundation (4950)	731,950.00	-	6,766.20	109,250.59	622,699.41	-
TTU Small Business Dev Cntr (4951)	195,000.00	-	20,962.50	39,768.75	155,231.25	-
Chamber Military Affairs (4952)	70,000.00	-	-	-	70,000.00	-
Airport Business Dev Mgr (4953)	-	-	-	-	-	-
EASI Records Const. 4990	2,506,297.00	2,440,442.58	-	-	65,854.42	(0.00)
Murf Systems 4998	151,665.00	151,665.00	-	-	-	-
Bandag Training 5203	842,220.00	516,334.72	-	29,135.48	296,749.80	-
Rentech 5207	335,360.00	335,360.00	-	-	-	-
Sunoco Logistics 5208	177,000.00	143,544.00	-	-	33,456.00	-
EASI 04 5213	3,272,938.00	1,020,937.66	324,300.00	324,300.00	1,927,700.00	0.34
EHT 5216	98,300.00	98,300.00	-	-	-	-
Fehr Food 5220	1,045,020.00	521,670.00	-	523,350.00	-	-
Research Ins 5221	500.00	500.00	-	-	-	-
Advanced Trailer 5224	29,750.00	29,750.00	-	-	-	-
Transcend Services 5227	326,394.00	280,157.82	46,235.32	46,235.32	-	0.86
Bandag Building Improv 5228	44,260.00	-	-	-	44,259.24	0.76
Glazers Ph III 5229	91,000.00	26,280.00	-	-	64,720.00	-
Highland Campus Health 5231	552,209.00	128,791.66	-	54,950.00	368,466.67	0.67
Rentech 5232	48,800.00	48,800.00	-	-	-	-
Tige Infrastructure 5233	218,636.00	144,397.68	-	-	74,238.00	0.32
Robinson Fan 5237	595,876.00	126,482.00	-	-	469,394.09	(0.09)
Reg Website 5240	5,000.00	4,317.07	-	-	682.93	-
TTU Pharmacy School 5242	-	-	-	-	-	-
Lauren Holdings 5245	259,770.00	259,770.00	-	-	-	-
18/36 Business Park 5246	35,000.00	23,800.00	-	-	11,200.00	-
Teleperformance USA 5247	757,000.00	88,040.00	-	-	668,960.00	-
BCBSTX Reroof Construction 5249	830,720.00	781,098.40	-	-	49,621.60	-
Shelter Distribution 5250	92,842.00	44,724.96	-	-	48,117.04	-
PWP (Project LF) 5251	2,847,463.00	610,993.77	-	-	159,469.23	2,077,000.00
Abilene Internet 5252	59,340.00	59,340.00	-	-	-	-
Integrated Clinic Research 5253	695,502.00	-	3,040.00	3,040.00	692,462.00	-
SBIR/STTR 5255	23,284.00	23,283.51	-	-	-	0.49
Coca Cola 5256	300,000.00	300,000.00	-	-	-	-
Welder Training Program 5257	141,824.00	141,824.36	-	-	-	(0.36)
Genesis Network 5258	1,092,633.00	353,533.33	-	-	739,100.00	(0.33)
URS Consultants 5259	15,127.00	-	2,500.00	13,752.00	-	1,375.00
Carter Burgess 5260	349,320.00	222,323.88	15,412.49	26,243.84	100,752.28	-
Fehr Foods 5261	118,092.00	118,091.53	-	-	-	0.47
TMAC 5262	60,000.00	30,000.00	-	-	30,000.00	-
SBIR/STTR 5263	271,400.00	37,612.59	5,183.75	12,755.25	221,032.16	-
EASI 7th Doc 5265	275,000.00	86,119.14	34,280.40	34,280.40	154,600.36	0.10
BMW Leasing 5266	-	-	-	-	-	-
ABTEX Beverage 5267	1,599,040.00	-	-	-	1,599,040.00	-
MSSC Training 5269	83,405.00	35,479.08	-	20,576.00	27,349.92	-
Receptor Log 5270	2,000,000.00	57,404.62	24,042.04	112,056.20	1,830,255.28	283.90
Sr. Safe at Home (Project SSH) 5271	402,455.00	-	-	-	402,455.00	-
WTCIC 5272	33,164.00	16,582.00	-	-	16,582.00	-
Accelerator A/E 5274	351,800.00	8,164.39	64,489.38	76,661.88	266,973.73	-
Spec 2 Expansion	377,345.00	-	-	-	377,345.00	-
Prior Year Program	-	-	-	-	-	-
Miscellaneous Activities 2785	354,189.86	354,189.86	-	-	-	-
BALANCE OF OBLIGATED PROGRAMS	\$ 25,608,430.86	\$ 9,670,105.61	\$ 594,425.12	\$ 1,626,964.57	\$ 11,608,767.41	\$ 2,702,593.27
Contingent Liabilities						\$ -
UNDESIGNATED FUND BALANCE	(unencumbered balance less obligated programs and contingent liabilities)					\$ 19,911,342.25

DCOA Board approved projects waiting for signed contracts	EXPIRATION DATE
Integrated Clinical Research 5253	12/19/2007
MSSC Additional Funding 5269	03/25/2008
Welder Training Additional Funding 5257	03/25/2008
Research Center 5273	03/25/2008
Spec 2 Expansion Construction 5275	06/18/2008
<u>9,191,660.00</u>	

5.15



Development Corporation of Abilene, Inc.

Loan Summary as of 12/31/07

Borrower	Lender	Account	Purpose	Original Loan Amt	Origin. Date	Maturity Date	Int Rate	DCOA Int Rate	P&I= Principal and Interest	D/T= Deed of Trust	PO= Principal Only	IO= Interest Only
								Balance	Collateral	Guarantor	Payment Type	Past Due
402 CEDAR, LLP	DCOA	402CEDAR760	To abate asbestos and make improvements to the facility located at 402 Cedar, to be occupied by EHT (Enprotec/Hibbs & Todd)	\$155,000.00	08/02/2004	08/02/2009	0%	\$56,700.00	None.	None.	Annual (PO)	No
ABILENE INTERNET LLC	DCOA	ABINT05	to purchase used equipment from Leapfrog Technologies and relocate some equipment to 2913 South 1st.	\$115,000.00	05/12/2005	05/12/2011	0%	\$55,660.00	none	none	Annual (PO)	Yes
BANDAG, INC.	DCOA	BNDG760	Purchase of 4549 FM 18 (former Cummings Sign bldg) for \$650,000, plus \$400,000 for improvements.	\$1,050,000.00	03/24/2005	03/24/2012	0%	\$1,005,740.76	1st lien D/T on 4549 FM 18, Abilene, Texas.	None.	Monthly (P&I)	No
BBP BIRD, LP	DCOA	BBP760	Permanent financing for construction of new plant. Pmt @ \$3600/mo beg 7-5-06 until maturity on 7-1-2031. True-up pmts due 6-1-14, 6-1-21, 6-1-28. Additionally, monthly pmts of \$100 for each boat produced the previous month in excess of 36.	\$4,000,000.00	12/30/2005	07/01/2031	0%	\$3,824,100.00	1st lien D/T on 40 acres and new manufacturing plant located at 1801 E. Hwy 36, Abilene, TX.	Corporate Guaranty from Tigé Boats, incorporated	Monthly (P&I)	No
5.16 BMWT LEASING, INC	FNBA	BMWT02RE	Permanent financing for construction of new warehouse at 2989 Pine St. FFB Participation No. 1924.	\$184,000.00	08/30/2002	08/30/2008	5%	\$132,951.72	1st lien D/T on 2989 Pine St., shared with FNBA for \$396,000 loan. Participation renewed 8-30-05 for 3 more yrs at WSJ Prime minus 1.5% (or 5%).	Wayne Lanham, Terry Lanham	Monthly (P&I)	No
BMWT LEASING, INC.	DCOA	BMWT07	To provide financing for the purchase of improvements made to the property located at 3125 Pine St., Abilene, TX.	\$75,000.00	01/01/2007	12/31/2009	0.0	\$50,000.00	HRB-59N 2 RAM Horizontal Baler, Ser #0598121, manufactured in 1995 by Harris Waste Management Group, and 60" wide x 41'6" long, 1/4" plate, 9" pitch steel belt conveyor, Ser #B3977, manufactured in 1995 by Hustler Conveyor Company.	Wayne Lanham, Terri Lanham	Annual (PO)	No

Borrower	Lender	Account	Purpose	Original Loan Amt	Origin. Date	Maturity Date	DCOA Int Rate	DCOA Balance	Collateral	Guarantor	Payment Type	Past Due
DAY, JACOB G.	DCOA	760DAY	DCOA sold and financed 5050 E. Hwy 80 to Jacob G. Day, which will be leased to Day Sign Company, Inc. Sales price is \$390,286. Day was given upfront price reduction of \$55,000 to be earned over 3 years for jobs retained at \$1,666.67 each. Interest only for 6 mos with principal amort. beginning 5-15-04. Further principal reductions can be earned for 3 years for job creation at \$10,000 each.	\$335,286.00	10/15/2003	10/15/2018	2.5	\$210,948.67	1st lien Deed of Trust on 5050 E. Hwy 80, plus Assignment of Rent, Income, and Receipts from Day Sign Company	Day Sign Company, Inc.	Monthly (P&I)	No
FEHR FOODS, INC.	DCOA	FEHRO6	Renewal of balance of DCOA loan FEHRO5EQ (\$2,538,480) and combination with FFB participation no. 1857 (\$113,734.95), participation no. 1776 (\$199,675.19) and participation no. 1888 (\$730,442.84).	\$3,582,332.98	10/01/2006	06/30/2012	0.0	\$2,976,032.98	D/T and Security Agmt for 5425 North 1st Street and all equipment. Lien is subordinated to First Financial Bank, N.A.		Annual (PO)	No
GENESIS NETWORKS SOLUTIONS, INC.	DCOA	GENNET06	To partially offset operating costs associated with the newly established office in Abilene located at 500 Chestnut, Ste. 200.	\$1,740,000.00	11/02/2006	07/31/2011	0.0%	\$836,366.67	Irrevocable Standby Letter of Credit #002286 issued 11-2-06 by First Financial Bank, N.A. on behalf of Rain Dance Capital, Inc. in the amount of \$1.3 mill. to expire 11-2-07. LOC can be extended 1 more year unless notified by FFB 30 days prior to expiry.		Annual (PO)	No
HIBWJ PARTNERSHIP, LTD.	DCOA	BUTTERY-02-0	Improvements to real estate located at 417 Mesquite, Abilene, TX, a 27,000 s.f. bldg. Facility was purchased from West Texas Wholesale Supply. Operates under Buttery Hardware Company, L.L.P., delivering plumbing and electrical supplies over most of Texas.	\$200,000.00	03/14/2002	09/14/2012	4.0%	\$104,960.15	1st lien D/T on 417 Mesquite St., superior to Norma Buttery's lien taken at time of purchase. 10-1-01 as evidenced by a Subordination Agreement of Deed of Trust. Int. is due quarterly on 6-14-02 and 9-14-02. pmts beg. 10-14-02 thru 9-14-12.	Limited guaranties from William Henry Buttery, Buttery Company, L.L.P., Brenda Ann Buttery Durst, and John David Buttery	Monthly (P&I)	No

5.17

Borrower	Lender	Account	Purpose	Original Loan Amt	Origin. Date	Maturity Date	DCOA Int. Rate	DCOA Balance	Collateral	Guarantor	Payment Type	Past Due
											Annual (PO)	No
HENDRICK MEDICAL CENTER	DCOA	HMCTTU2	Offset operating costs for the creation of research jobs in TTU School of Pharmacy, 1718 Pine St., Abilene, TX. Principal reductions applied annually (beg. 7-31-08) at the rate of 7% of salaries expended for research during the previous 12 mos.	\$150,000.00	06/01/2007	07/31/2017	0.0	\$150,000.00	None	None	Annual (PO)	No
HENDRICK MEDICAL CENTER 1	DCOA	HMCTTU1	Reimbursement for eligible infrastructure costs associated with construction of the TTU School of Pharmacy, 1718 Pine St. Principal reductions of \$149,232 earned annually and applied for 7 yrs beg 7-31-08.	\$1,044,622.00	06/01/2007	07/31/2014	0.0	\$1,044,622.00	None	None	Annual (PO)	No
HIGHLAND CAMPUS HEALTH GROUP	DCOA	HIGH760	The purchase of new equipment necessary to implement the electronic medical records software developed by Catalis and installed on various client university campuses & used in conjunction with Borrower's medical billing program.	\$100,000.00	09/15/2006	03/31/2009	0%	\$59,966.67	Security Agreement dated 9/15/06 and UCC-1 on all equipment purchased with Note funds.	None	Annual (PO)	No
HIGHLAND CAMPUS HEALTH GROUP, L.P.	DCOA	HCHG760	The purpose of this loan is to provide financing for the purchase of new equipment and other relocation and start-up needs of Borrower for the Abilene facility.	\$110,000.00	02/23/2005	03/14/2008	0%	\$65,825.00	Security Agreement and UCC filing on all equipment purchased with note funds.	None	Annual (PO)	No
HOLLAND TRAINING & DEVELOPMEN T, INC.	DCOA	Holland 760	Purchase office furniture, fixtures, and equipment, including, but not limited to, computer network system, phones and phone system, and other computer equipment. Reimbursement of purchase price, delivery, & installation.	\$170,000.00	09/01/2003	08/31/2008	0%	\$93,435.86	Security agreement and UCC filing on equipment purchased.	None	Annual (PO)	No
HORIZON AG- PRODUCTS	DCOA	Horizon2003	Purchase facility in IXX Industrial Park in Merkel at 217 CR 287. Monthly pmts of interest only until 8-17-03, when pmts increase to \$357.26.	\$35,000.00	01/17/2003	01/17/2008	3.25	\$17,668.52	1st lien D/T on 1.671 acres at 217 CR 287, Merkel, TX	Michael G. Farmer, CEO and Bradley D. Knickel, Director	Monthly (IO)	No

5.18

Borrower	Lender	Account	Purpose	Original Loan Amt	Origin Date	Maturity Date	DCOA Int Rate	DCOA Balance	Collateral	Guarantor	Payment Type	Past Due
LAUREN HOLDINGS, INC.	DCOA	L.H1760	For expenses associated with construction of an approx. 21,500 s.f. addition to its offices located at 901 S. 1st St., recruiting, relocation, and purchase of office furniture and eqmt to accommodate growth. Principal reductions are earned thru creation of 42 new jobs.	\$853,098.00	04/14/2006	04/14/2013	0%	\$593,328.00	2nd lien D/T on the office plus improvements located at 901 S. 1st St.	C. Cleve Whitener	Annual (PO)	No
PWP INDUSTRIES, INC.	DCOA	PWP760	To reimburse @15% of invoice for equipment purchases plus installation costs for the Abilene plant at 6450 Five Points Parkway.	\$1,800,000.00	09/11/2006	03/01/2011	0%	\$1,440,000.00	Irrevocable Standby Letter of Credit #SE446616W in the amount of \$1,800,000 by General Electric Capital Corporation to expire 3-1-11. Automatic reductions will occur each March 1 for 5 years in the amount of \$360,000, beginning 3-1-07.	N/A	Annual (PO)	No
RENTECH BOILER SYSTEMS, INC.	DCOA	RNTCH760	the purchase of additional equipment by Borrower to be located at Borrower's Abilene, Taylor County, Texas facility at 5025 East Business I-20.	\$150,000.00	03/08/2005	12/31/2011	0	\$65,840.00	unsecured	none	Annual (PO)	No
RENTZ FAMILY PARTNERSHIP, LIMITED	FFB	REntz03RE	FNBA purchased note from ASB, terms to remain same Loan #3419656, Participation #1876; Note renewed 6/12/07 2/FFB - Loan #1857923773 - part. Bal. \$419,756.14	\$788,152.54	04/12/2002	06/12/2008	P - 4%	\$372,895.36	37+ acres at 5725 E Business I-20. DCOA's security interest in property is subordinate and inferior to FFB's security interest.		Monthly (P&I)	No
ROBINSON FANS ABILENE, INC.	DCOA	ROBFANS06	Relocation costs (\$40,000), building investment incentive (\$336,000), and equipment investment incentive (\$76,409) for property at 2424 Oak, Abilene, TX. Replaces note dated 8-29-05 in the amt of \$196,450 with a balance of \$40,000.	\$452,409.00	10/03/2006	12/31/2010	0%	\$291,532.91	Eqmt, machinery, furniture and fixtures in Abilene, and 2nd lien D/T on 2424 Oak St., Abilene, TX.	Robinson Industries, Inc.	Annual (PO)	No

5.19

Borrower	Lender	Account	Purpose	Original Loan Amt	Origin. Date	Maturity Date	DCOA Int Rate	DCOA Balance	Collateral	Guarantor	Payment Type	Past Due
SUNOCO PIPELINE, LP	DCOA	SUN760	Permanent financing for costs associated with the relocation of Sunoco's West Texas District Headquarters, including inventory, equipment, furniture, fixtures, and employee moving expenses from Snyder and Denver City to Abilene. Annual pmts are \$40,000 with Sunoco earning \$25,000 each year by maintaining headquarters in Abilene.	\$200,000.00	05/13/2004	05/13/2009	0	\$80,000.00	None.	None.	Annual (PO)	No
TAYLOR CO EXPO	DCOA	94EXPO760	Purchase land from DCOA	\$192,168.59	11/29/1994	11/29/2034	0	\$129,713.99	1st lien D/T on property - 24.849 acres of land out of Section 52, Blind Asylum Lands, Abilene, Taylor Co., TX - Filled Vol. 2066 Pgc 460 Taylor Co. 01/30/95. Partial Release of Lien filed 3-20-97 in Book 2219, Page 903, for 2.29 acres for public road	None.	Monthly (PO)	No
TRANSCEND SERVICES, INC.	DCOA	TRANS760	To offset start-up costs, first year operating losses and to support the creation of 104 new jobs in Abilene.	\$1,000,000.00	03/01/2005	03/01/2013	0.00	\$673,606.86	Letter of Credit #68005483 dated 3-15-05 issued by Bank of America for \$150,000 to expire 4-30-06, and any and all equipment, machinery, furniture and fixtures located in Atlanta and Abilene. The L/C was released 10-30-05.	None.	Monthly (PO)	No
ZOLTEK	DCOA	97ZOLTEK	Purchase 100,000 sf and 40,000 sf shell buildings at 1221 Fulwiler Abilene	\$3,099,287.00	09/29/1998	01/31/2008	0.00	\$2,128,994.51	First lien D/T on 52 acres and buildings located at 1221 Fulwiler Rd, Abilene, Taylor County, Tx	Zoltck Companies	Annual (PO)	No

\$16,460,890.63

5.20

Fund:
760

Loan Reconciliation Report

Month/Year:
Dec-07

	Ledger	Accounting	Notes
Beginning Note Balance	\$ 16,542,515.02	\$ 16,546,906.69	
Plus: Note Advances	\$ 10,533.00	\$ 10,533.00	BMW/T Leasing final loan draw
Less: Principal Pmts	\$ 20,922.07	\$ 20,922.07	
	\$ 25,000.00		BMW/T Leasing principal reduction
	\$ 46,235.32	\$ 46,235.32	Transcend principal reductions
Sub-Total	\$ 16,460,890.63	\$ 16,490,282.30	
Plus: Unposted Pmts			
Misc Adjustments	\$ 4,391.67		APT Advanced Trlr principal reduction will be posted in 01/08
	\$ 25,000.00		BMW/T Leasing principal reduction will be posted in 01/08
Ending Note Balance	\$ 16,490,282.30	\$ 16,490,282.30	

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2

**ECONOMIC DEVELOPMENT DEPARTMENT
SERVICE EVALUATION REPORT
DECEMBER 2007**

**PERFORMANCE DATA
SERVICE ANALYSIS**

Staff: Richard Burdine-Assistant City Manager for Economic Development; A.C. Alrey-Business Services Director; Kim Tarrant-Contracts Administrator; Patrick McGinnis-Construction Projects Manager, Susan Campbell-Secretary to Assistant City Manager.

City of Abilene/Business Services - *Funding Sources: DCOA*

DCOA approved a one-year contract with the City of Abilene beginning 10-1-07 in the amount of \$617,070 for operating expenses for the Business Services Division, plus \$175,000 for maintenance expenses for DCOA-owned properties.

During the December meeting, the DCOA heard the FY07 annual report from the Abilene Industrial Foundation. In addition, the board approved by oral resolution authority for the CEO to negotiate a contract with Rose Builders for construction of the Spec 2 expansion to suit PWP Industries in which the basis of compensation is the cost of work plus 4.25% with a maximum price of \$6 million.

TTU Small Business Development Center - *Funding Sources: DCOA and Federal Govt. (SBA)*

DCOA approved a one-year contract beginning 10-1-07 in the amount of \$195,000 to reimburse SBDC for counseling services provided to Abilene residents.

A total of 88 Abilene client sessions were held this month with 19% being new clients. Nine new businesses opened, and 44 new jobs were reported. Attached is a summary of monthly activity.

Abilene Industrial Foundation, Inc./Abilene Chamber of Commerce - *Funding Sources: DCOA and Public Donations*

DCOA approved a one-year contract with AIF/ACOC beginning 10-1-07 in the amount of \$801,950: \$421,450 for AIF operating, \$140,000 for AIF marketing, \$170,500 for Dyess AFB retention efforts, and \$70,000 for Military Affairs Committee expenses and staff expenses incurred.

During the month, AIF responded to 8 requests for information. Staff visited 3 local companies, 0 out-of-town companies/consultants and hosted 3 visits to Abilene by prospects. The Develop Abilene website experienced 34,520 hits with 865 unique visits. Attached is a year-to-date summary of activity for this year and last.

**SMALL BUSINESS DEVELOPMENT CENTER
DECEMBER 2007 UPDATE**

Billable Hours:

196	Abilene business counseling hours for the month of December
88	Client sessions conducted for the month of December
17	New clients
2	Workshops
36	Attendees

Businesses Created:

9	Month of December
3	Retail
2	Accommodation/Food Services
1	Professional/Scientific/Technical Services
1	Arts/Entertainment/Recreation
1	Education Services
1	Transportation/Warehousing
23	Year-to-Date
7	Retail
1	Manufacturing
4	Accommodation/Food Services
3	Professional/Scientific/Technical Services
2	Arts/Entertainment/Recreation
1	Education Services
1	Transportation/Warehousing
4	Other Services

Jobs Created (Full Time Equivalents):

44	Month of December
6	Retail
30	Accommodation/Food Services
1	Professional/Scientific/Technical Services

4 Arts/Entertainment/Recreation
 1 Education Services
 2 Transportation/Warehousing

151 Year-to-Date
 37 Retail
 2 Manufacturing
 59 Accommodation/Food Services
 6 Professional/Scientific/Technical Services
 24 Arts/Entertainment/Recreation
 2 Education Services
 2 Transportation/Warehousing
 19 Other Services

Capital Formation:

\$2,687,500 Month of December
 \$70,000 Retail
 \$1,595,500 Accommodation/Food Services
 \$100,000 Professional/Scientific/Technical Services
 \$12,000 Arts/Entertainment/Recreation
 \$110,000 Education Services
 \$25,000 Transportation/Warehousing
 \$25,000 Construction
 \$750,000 Utilities

\$9,332,600 Year-to-Date
 \$22,000 Service
 \$685,400 Retail
 \$12,500 Manufacturing
 \$6,845,500 Accommodation/Food Services
 \$185,200 Professional/Scientific/Technical Services
 \$433,500 Arts/Entertainment/Recreation
 \$110,000 Education Services
 \$25,000 Transportation/Warehousing
 \$25,000 Construction
 \$750,000 Utilities
 \$238,500 Other Services

Abilene Industrial Foundation

Monthly Marketing Summary

December 2007

Total leads received/responded to: 8/2

- 2 – AIF (Robinett)
- 5 – Referral
- 1 – Organizations

Prospect/Consultant visits: 0

New prospect files opened: 0

Prospect visits to Abilene: 3

- Gamesa
- Lockheed
- Hart Corporation

Website hits/visits:

- Hits – 34,520
- Unique visits – 865
- Visits – 1,283

Retention visits: 3

- PWP
- Zoltek
- Bandag

Presentations: 0

Trade shows / conferences: 0

E-Newsletters: 732

- Monthly E-Newsletter
- Consultant E-Newsletter

Events: 0

Activity	Dec 07	Dec 06	YTD 07/08	YTD 06/07
Number of ads placed	1	0	1	0
E-Newsletters	732	120	964	360
Prospect files opened	0	0	0	4
Consultant contacts	0	0	5	1
Retention contacts	3	5	28	13
Prospect visits to Abilene	3	0	7	8

5.25

DEVELOPMENT CORPORATION OF ABILENE, INC.

BOARD AGENDA

MEETING DATE: January 29, 2008

PROJECT: Spec 3 Construction Bid Award

STAFF: Richard Burdine, CEO

GENERAL INFORMATION:

The DCOA approved in 12/06 resolution DCOA-2007.03 authorizing a contract with Carter & Burgess (C&B) to design a third speculative industrial shell building in the Five Points Business Park (Park). Prior to that, C&B had completed a study of the existing master plan for the Park and proposed improvements and enhancements to the plan with preliminary drawings for development, which included another speculative industrial shell structure. Approved in 2/07 via resolution DCOA-2007.11 was additional funding for C&B to conduct site civil engineering work for the new building. In July 2007, the board authorized the CEO to solicit bids for construction of Spec 3 to be located on Five Points Parkway, adjacent to PWP Industries (Spec 2) to the west.

Staff advertised for sealed, written bids which were opened on December 4, 2007. Two bidders submitted bids for construction as follows:

Contractor	Total Bid	Time
Bulldog Constructors of Texas, Inc., Abilene, TX	\$5,215,000	365 days
Crowe Group, Inc., Abilene, TX	\$6,837,000	630 days

SPECIAL CONSIDERATIONS:

Ted Dalferes with Jacobs Carter & Burgess has reviewed the bids and recommends the DCOA award the bid to Bulldog Constructors of Texas.

FUNDING/FISCAL IMPACT:

Bid Amount	\$5,215,000
Contingency (10%)	\$ 521,500
TOTAL	\$5,736,500

STAFF RECOMMENDATION:

Staff recommends approval of the attached resolution authorizing award of the bid to Bulldog Constructors of Texas and funding for the construction of the Spec 3 industrial shell building in the Five Points Business Park on Five Points Parkway.

ATTACHMENTS:

Architects recommendation
Resolution No. DCOA – 2008.04

Tarrant, Kim

From: Tarrant, Kim
Sent: Thursday, January 24, 2008 3:38 PM
To: Tarrant, Kim
Subject: FW: BCTI Reference Follow-Up; Spec 3

From: Dalferes, Thomas E. [mailto:Thomas.Dalferes@c-b.com]
Sent: Friday, January 11, 2008 7:41 AM
To: Burdine, Richard
Subject: BCTI Reference Follow-Up; Spec 3

Richard:

Per your request, below are notes from discussions with references provided by Bulldog Constructors of Texas (BCTI):

- Metroplex Fabrication, Azle, TX
 - Spoke with Harold Johnson, Sr. (817) 444-7017
 - Described the basics of the Spec 3 project to him
 - When asked if in his opinion BCTI had successfully completed projects of a similar nature & scope, his response:
 - He concurred they have adequate tilt-wall building experience, having completed buildings of this type for retail grocers Albertson's & Winn Dixie
 - When asked if in his opinion BCTI had successfully completed projects of a similar nature & scope, his response was he believed they had
 - His company would recommend BCTI for the Spec 3 project.
- Power Shack, Inc., Biloxi, MS (<http://www.powershack.com>)
 - Called to speak with Tom Banisch (800) 359-4792
 - Left messages for Mr. Banisch, but did not get return call
- Spaw Maxwell Company, Austin, TX (<http://www.spawmaxwell.com>)
 - Spoke with Herschel Sandifer (513) 445-2424
 - Described the basics of the Spec 3 project to him
 - When asked if in his opinion BCTI had successfully completed projects of a similar nature & scope, his response:
 - BCTI has actually completed several projects projects for them that were of similar size/type as Spec 3.
 - BCTI completed all these projects on time and on or under budget.
 - His company would recommend BCTI for the Spec 3 project.
- RMS, Inc., Panama City, FL
 - Spoke with Dave Tull (850) 763-9995
 - Described the basics of the Spec 3 project to him
 - When asked if in his opinion BCTI had successfully completed projects of a similar nature & scope, his response:
 - The work BCTI had done with his company had primarily been rehabilitation of buildings damaged by Hurricane Katrina
 - The projects had ranged up to about \$3 million in construction value.
 - In his opinion, BCTI had performed successfully on those projects.
 - His company would recommend BCTI for the Spec 3 project.
- North Wind, Inc., San Antonio, TX (<http://www.northwind-inc.com/>)

6.2

01/24/2008

- o Spoke with Rusty Gilbert (210) 659-3533
- o Described the basics of the Spec 3 project to him
- o When asked if in his opinion BCTI had successfully completed projects of a similar nature & scope, his response:
 - BCTI had not done tilt-wall construction projects specifically, but had performed well on building renovation projects along the MS Gulf Coast following Hurricane Katrina
 - Those projects were in the \$3.5-\$4 million range of construction value
 - His company overall has had good experiences with BCTI, and would recommend them for the Spec 3 project
- Meers Engineering, Inc., Abilene, TX (<http://www.meersengineering.com>)
 - o Called to speak with Carl Meers (325) 691-1200
 - o Left message for Mr. Meers, but did not get return call.

Thanks,

Ted

Thomas Dalferes, P.E.
Jacobs Carter Burgess
Project Manager, Sr | Building Programs, FW
817.222.8587
817.222.8780 fax
Thomas.Dalferes@c-b.com or Thomas.Dalferes@jacobs.com

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Fort Worth, TX 76102-5304
www.c-b.com
www.jacobs.com

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01/24/2008

RESOLUTION NO. DCOA-2008.04

A RESOLUTION OF THE DEVELOPMENT CORPORATION OF ABILENE, INC. ("DCOA"), ABILENE, TEXAS, AUTHORIZING APPROVAL OF THE CONSTRUCTION BID PREPARED FOR THE CONSTRUCTION OF A SPECULATIVE INDUSTRIAL SHELL BUILDING ("SPEC 3") ON FIVE POINTS PARKWAY IN THE FIVE POINTS BUSINESS PARK ("PARK"), AUTHORIZING APPROVAL FOR FUNDING OF THE CONSTRUCTION.

WHEREAS, the purpose of the DCOA is to expand job opportunities for the citizens of Abilene; and,

WHEREAS, Five Points Business Park is owned by the DCOA, is located in west Abilene between Interstate Highway 20 and Business Loop 20, and is a prime location for industrial development; and,

WHEREAS, in 12/06, the DCOA approved resolution DCOA-2007.03 authorizing a contract with Carter & Burgess (C&B) to design a third speculative industrial shell building in the Park known as Spec 3; and,

WHEREAS, bids for construction of the facility were solicited according to procedures adopted by the City of Abilene and opened on December 4, 2007, and two bidders submitted bids; and,

WHEREAS, staff is requesting the DCOA award a bid for construction along with funding; and,

WHEREAS, the DCOA is authorized by the Development Corporation Act of 1979, as amended, to provide financial assistance for projects in order to facilitate the creation, retention or expansion of primary employment.

NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT CORPORATION OF ABILENE, INC., ABILENE, TEXAS, THAT:

PART 1. A contract is hereby awarded to Bulldog Constructors of Texas, Inc. from Abilene, the apparent low bidder, for construction of Spec 3 along with funding in the amount of Five Million Two Hundred Fifteen Thousand and no/100's Dollars (\$5,215,000), plus a 10% contingency in the amount of Five Hundred Twenty-One Thousand Five Hundred and no/100's Dollars (\$521,500) for total funding as follows:

Bid amount	\$5,215,000
Contingency @ 10%	<u>\$ 521,500</u>
TOTAL	\$5,736,500

PART 2. The CEO of the DCOA is hereby authorized to enter into and execute all documents related to the contract agreement for construction of the Spec 3

building.

PART 3. This Resolution will take effect immediately upon its adoption.

ADOPTED this 29th day of January, 2008.

ATTEST:

_____, Secretary

_____, President

APPROVED:

T. Daniel Santee, City Attorney

ITEM NO. 7- Discussion and possible approval of a resolution authorizing the CEO to negotiate a contract and funding to install infrastructure in the Five Points Business Park to accommodate development.

Information for this item will be sent to the board members separately, prior to the board meeting.

DEVELOPMENT CORPORATION OF ABILENE, INC.

BOARD AGENDA

MEETING DATE: January 29, 2008

PROJECT: Consider Sponsorship of the 2008 ACU Springboard Idea Challenge

STAFF: Richard Burdine, CEO

GENERAL INFORMATION:

Attached is additional information on the ACU Springboard Idea Challenge, a business plan competition. The Challenge was developed by James R. (Jim) Porter, ACU's first Entrepreneur-in-Residence in the College of Business Administration (brief resume below) in an effort to increase the entrepreneurial drive and spirit not only on ACU's campus, but across Abilene. The Challenge website address is <http://www.springboardchallenge.com>.

Such competitions are used across the nation to promote entrepreneurship and identify potential business ideas. I was pleased to see ACU College of Business take the initiative to propose such a competition, and to open it up to students and faculty at all local universities, including TTU. Participants will compete for 2 first place prizes of \$7,500 each, 2 second place prizes of \$2,500/each and 10 runner-up prizes of \$1,000 each. Winner will also be recognized at an awards banquet.

The DCOA can sponsor the event under marketing to further the Board's goal, "to increase the number and size of minority-owned, woman-owned and entrepreneurial businesses in Abilene." The sponsorship levels are Platinum (\$5,000), Gold (\$3,000) and Silver (\$1,000). Other sponsors include Don Crisp, First Financial Bankshares, Genesis Network Solutions, Harte-Hanks, Inc., Lauren Engineers and Constructors, Jack Rich and Silicon Valley Bank.

STAFF RECOMMENDATION:

Staff recommends approval of an oral resolution authorizing sponsorship of the Springboard Idea Challenge at the Platinum level of \$5,000.

ATTACHMENTS:

The Official 2008 Competition Packet.

RESUME: James R. Porter has served in a comprehensive range of technology, professional and community activities. Jim was Chairman of CCI/Triad, CEO and President of Triad Systems, and served in executive roles in two successful start-up companies serving the software and life insurance industries.

Jim Porter has been a faculty member at Texas A&M University, and has served on the board and executive committee of the Information Technology Association of America and on the AICPA Accounting Standards Executive Committee for the Software Industry. Jim currently serves on the boards of public and private companies, as well as two medical centers and several foundations. He is a graduate of Texas A&M University and served as a Captain in the United States Air Force.



The Official 2008 Competition Packet

Sponsored by:

The College of Business Administration at Abilene Christian University

Don Crisp

First Financial Bankshares

Genesis Network Solutions

Robert Hall

Harte-Hanks, Inc.

Lauren Engineers and Constructors

Jack Rich

Silicon Valley Bank

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An Introduction to Our Sponsors

Without the support of our sponsors, the SpringBoard Ideas Challenge would never have been able to make the leap from an idea to a reality. With this in mind, we'd like to take a minute to introduce you to them.

The College of Business Administration at Abilene Christian University

As one of our nation's premier Christian business schools and a national leader in Christian higher education, COBA enrolls approximately 900 students each year from approximately 50 states and some 50 nations around the world. Its programs are nationally accredited with AACSB International. The college grants undergraduate degrees in accounting, financial management, information systems, management and marketing, plus a Master of Accountancy degree.

Educational opportunities abound for students in COBA. Curriculum and programs are continuously being upgraded. In 2003, COBA was named a University Alliance Partner with SAP, the world's largest enterprise software company. Compustat and CRSP financial databases are now available for students, faculty and staff. Students interested in international experiences may participate in ACU's Study Abroad program with campuses in Oxford, England, and Montevideo, Uruguay. Those interested in leadership development may participate in programs including Leadership Summit, a one-week intensive leadership course in the Colorado Rockies; and our Distinguished Speaker Series, a program designed to bring Christian business leaders to campus to share their keys to success and how they have integrated Christian faith into their work. Financially minded students may apply for participation in STAR, a student-managed investment portfolio led by some of COBA's finest faculty and students. COBA Connections offers assistance to students as they seek to grow and develop in their preparation for professional careers in business. The Connections Office provides opportunities for career readiness and leadership development experiences such as career workshops, internships, job shadowing, career days, and job placement, just to name a few. Also, there are a variety of student organizations offering exciting growth and development opportunities.

With 27 dedicated full-time Christian faculty, a robust 21st Century curriculum, engaging extra-curricular programs, international study opportunities, a first-rate career readiness program, and a loyal alumni group providing internships, jobs and friendships for life, business students at ACU truly do receive a distinctive Christian education preparing them to change the world for Christ – providing Christian service and leadership throughout the world.

Don Crisp

Don Crisp graduated from ACU in 1964 with a B.S. in Accounting and Business Administration. He was appointed to the ACU Board of Trustees in 1984 and has served as chairman of the board since 1992. In addition to the Board of Trustees, Crisp has also serves on the Advisory Board for the university. In 1990, he was recognized by the College of Business Administration as the Distinguished Business Leader of the Year.

Crisp has worked with Rosewood Corporation since 1977 and currently serves as chairman of Rosewood and trustee of the Caroline Hunt Trust Estate. He is also a member of the Dallas Christian Schools Board of Trustees and the Christian Services of the Southwest Board of Trustees.

First Financial Bankshares

First Financial Bankshares, Inc. is a financial holding company headquartered in Abilene, Texas, with consolidated assets of \$2.9 billion as of September 30, 2007. First Financial operates 10 affiliate banks, which provide services from 45 full-service locations in the Central, West and High Plains regions of Texas. The Company also operates a trust company and a technology services company. The common stock of First Financial Bankshares, Inc. is beneficially held by approximately 5,300 shareholders and is listed on The NASDAQ Global Select Market® under the symbol FFIN.

Genesis Network Solutions, Inc.

Headquartered in Abilene, Genesis Networks Solutions (GNS) is the fastest-growing high tech firm in west Texas. They deliver proven, end-to-end IT solutions designed specifically for companies in customer- and service-oriented industries. GNS works on a direct or subcontracting basis for an expanding client base of successful companies, including Cingular and AT&T.

Their Mission is to lead the IT support services industry by providing comprehensive software testing, development, and support solutions to customer-driven technology customers at an unprecedented value for North America.

Their Vision is to create a hub of technology excellence in west Texas. They partner with local and regional universities to promote enrollment growth in computer science, information technology and related fields. To support that vision, Genesis Networks Solutions (GNS) invests in innovative training philosophies, world-class IT infrastructure, software testing and support laboratories and data center/network operations center facilities, providing qualified graduates with exciting opportunities in the technology marketplace.

Finally, headquartered in Abilene, Texas, GNS pursues a rural sourcing model that provides their customers the best of both worlds: superior software solutions at an unprecedented value for North America. They are working to build a highly skilled workforce of software Quality Assurance engineers, analysts and developers. By seeking domestic on-shore sourcing for IT professional services, forward-looking companies can save money and improve customer satisfaction, while measurably enhancing their community relations.

Robert J. Hall

Robert J. Hall is general partner of the Hall Family Partnership in Abilene, Texas. He manages his own personal affairs. Robert was President and C.E.O. of the Visador Company in Jasper, Texas, for almost 25 years. Visador manufactured and marketed specialty building material products for the home construction industry. He led a company that was an innovator and leader in bringing new products to the construction industry. Robert graduated from Tyler High School in 1947 and from Abilene Christian

(College) University with a B.S. degree in Business Administration in 1951. After being elected as President and C.E.O. of the Visador Company in September, 1964 he felt a need for more education in management techniques. He took a management course offered by American Management Association in New York City in 1965. Prior to becoming President of Visador Company, Robert had been an office clerk at Ready Hung Door Company in Dallas, Texas (1951-1952), Vice President and Manager of El Paso Molding Company in El Paso, Texas (1952-1956) and Vice President of Visador Company in Jasper, Texas (1956-1964). During the 43 years Robert lived in Jasper, Texas, he was a member of the Jasper Church of Christ where he served at various times as a song leader, teacher, deacon, and elder. He was a member of the Kiwanis Club, serving as President in 1960 and Lieutenant Governor of Division 10 in 1975-1976. In Jasper, he was a member and President of the Jasper Chamber of Commerce, Jasper Memorial Hospital, and the Jasper Community Foundation. From the Boy Scouts of America Robert was honored with the Silver Beaver Award in 1975 and the Good Scout Award in 1992. Robert and his wife, Mary Ann, moved to Abilene, Texas in November of 1999 in order to be closer to family members. They now attend Hillcrest Church of Christ. He was selected as the Outstanding Alumnus of the year in 1993 by Abilene Christian University. He currently serves on the boards of Abilene Christian University, Christian Village of Abilene, Abilene Christian Schools, Eastern European Missions and the Christian Chronicle. His hobbies are photography, choral singing, writing his life story for his children and grandchildren and poking fun at himself.

Harte-Hanks, Inc.

Harte-Hanks, Inc., San Antonio, TX, is a worldwide, direct and targeted marketing company that provides direct marketing services and shopper advertising opportunities to a wide range of local, regional, national and international consumer and business-to-business marketers.

Harte-Hanks Direct Marketing improves the return on its clients' marketing investment with a range of services organized around five solution points: Information -- Opportunity -- Insight -- Engagement -- Execution. Expert at each element within this process, Harte-Hanks Direct Marketing is highly skilled at tailoring solutions for each of the vertical markets it serves.

Harte-Hanks Shoppers is North America's largest owner, operator and distributor of shopper publications, with shoppers that are zoned into more than 900 separate editions reaching in excess of 11 million households in California and Florida each week.

Lauren Engineers and Constructors

Lauren Engineers & Constructors, is a leading EPC contractor serving power and industrial clients.

Lauren represents a work-in-progress aimed at continually becoming a better, more competitive Contractor of Choice. Since its beginnings twenty years ago, they have grown from a small, single-office specialty contractor to become a leading EPC contractor. Through this growth process they have changed a lot, but their cornerstone commitments have remained the same: Integrity, Safety, Quality, and Performance.

Lauren Engineers & Constructors has over 200 employees and is licensed in 39 states. They have offices in Texas, Tennessee, and throughout Canada, equipped to provide their customers with a full range of high-quality, cost-effective, in-house engineering and construction services.

Jack Rich

Jack Rich is the senior vice president and chief investment officer of ACU, in charge of overseeing investment strategies. In the fifteen years that the ACU Endowment has been under his guidance, it has grown from \$55 million to \$285 million.

Rich received a Bachelor of Business Administration from ACU in 1976 and an M.B.A. from the University of Texas San Antonio in 1980. He became a CPA in 1978 and earned the right to use the CFA designation in 2006.

Silicon Valley Bank

Headquartered in Santa Clara, Calif., Silicon Valley Bank offers its clients commercial, investment, merchant and private banking, as well as value-added services using its knowledge and networks. Founded in 1983, SVB Financial Group serves nearly 11,000 clients around the world through 27 domestic offices, three international subsidiaries in the U.K., India and China, and an extensive network of relationships with venture capitalists in Asia, Australia, Europe, India, and Israel.

With solid understanding of the true risks and rewards faced by companies in dynamic markets, the company is widely recognized for its ability to develop innovative approaches to meet the unique financial needs of its clients. SVB Financial Group began serving the technology and life science markets at a time when they were not well-understood by the financial services industry and when many of the leading companies in these industries were just getting started. At that time, many of these companies had yet to show profits and were not considered creditworthy by local community or regional banks.

Over the last two decades, SVB Financial Group has become one of the most respected names in the financial services industry. The company has created innovative solutions for some of the world's most successful technology and life sciences companies. These companies face unique challenges and require special services, such as finding the right venture capitalist or angel investor, securing capital to support rapid growth, or driving overseas expansion. SVB Financial Group offers products and services specifically tailored to meet our clients' needs at every stage of corporate growth.

Today, SVB Financial Group has more than 1,000 employees and \$6 billion in assets. The company operates offices throughout Silicon Valley in Fremont, Menlo Park - the center of California's venture capital community, Santa Clara and Palo Alto. Other regional offices within California include Irvine, Los Angeles, Napa, San Diego, San Francisco, and Sonoma. Across the country, SVB Financial Group operates in Phoenix, Arizona; Boulder, Colorado; Atlanta, Georgia; Chicago, Illinois; Boston, Massachusetts; Minneapolis, Minnesota; New York, New York; Durham, North Carolina; Portland, Oregon; Philadelphia, Pennsylvania; Austin, Texas; Dallas, Texas; Reston, Virginia; and Seattle, Washington. International subsidiaries are located in London, Bangalore and Shanghai.

The SpringBoard Ideas Challenge

The SpringBoard Ideas Challenge is a mini-business plan competition for collegiate, university, and graduate students as well as faculty from institutes of higher learning within the city limits of Abilene, Texas. These institutions include Abilene Christian University, Cisco Junior College, Hardin-Simmons University, McMurry University, Texas State Technical College, and Texas Tech University at Abilene. SpringBoard is divided into two(2) categories; the student division which includes all undergraduate and masters level students, and the faculty division which includes faculty and doctoral students. This competition fosters business growth at the college and university level by giving participants a chance to organize, direct and present a business idea to a panel of judges. A first place prize of \$7,500 cash will be awarded to the top finishers in each category. Overall, a total of \$30,000 cash will be awarded to top participants.

The SPRINGBOARD IDEAS CHALLENGE is hosted by the College of Business Administration at Abilene Christian University and is planned and directed by a committee comprised of both students and faculty at Abilene Christian University. This committee manages the operations of the Challenge which include:

- Sponsor Relations
- Judges
- Marketing
- Public Relations
- Awards Event
- Fundraising
- Prize Distribution

In its inaugural year, SpringBoard would like to thank the sponsors, judges and faculty members of participating institutions for their support in this tremendous undertaking.

Eligibility

Student category:

Each participant must be a student at one of the following institutes of higher learning: Abilene Christian University, Cisco Junior College, Hardin-Simmons University, McMurry University, Texas State Technical College, and Texas Tech University at Abilene. Furthermore, students must be currently enrolled during the spring semester of the competition year.

Faculty category:

Each participant must be a faculty member or doctoral student at one of the following institutes of higher learning: Abilene Christian University, Cisco Junior College, Hardin-Simmons University, McMurry University, Texas State Technical College, and Texas Tech University at Abilene. Faculty members can be either full or part-time, but must have taught at least one course during the spring semester of the competition year.

The Competition Process

Preliminary Round: Mini-Business Plan

This phase is open to all contestants who should begin by registering at www.springboardchallenge.com under *Registration*. Submit the form with ALL required information. An entry fee of \$10.00 is required at the time of registration and will be processed through PayPal.

OR

Complete the registration form (found online at www.springboardchallenge.com) and mail (along with \$10 in cash or check) to:

SpringBoard Ideas Challenge
ACU Box 29300
Abilene, TX 79699

OR

Deliver the registration form and \$10 entry fee in cash or check in person to the Mabee Business Building at Abilene Christian University. Submit the form with ALL required information.

Checks should be made out to ACU-Springboard Ideas Challenge. Note that credit card payments will not be accepted EXCEPT through PayPal.

Applications are due by April 4, 2008 at 5p.m.

PLEASE NOTE: Multiple submissions ARE allowed. However, each submission will require a separate registration as well as entry fee.

Participants must prepare a Mini-Business Plan addressing the fundamental issues of interest to potential investors. It should highlight the most important and interesting elements of the business that lead a potential investor to understand why your venture will succeed. For more specific information about the Mini-Business Plan refer to the section under the heading **The Mini-Business Plan**.

Mini-Business Plans are due by April 14, 2008 at 5p.m. and must be submitted electronically in Microsoft Word format (either .doc or .docx) via the dropbox located under the "Submit" tab at www.springboardchallenge.com. Participants who do not wish to submit their Mini-Business Plans online must mail or hand deliver the document on a CD to the address listed above.

Please note that the name of the document must include the competitor's participant number (i.e. 17S.docx). See the heading **The Mini-Business Plan** for more information about participant numbers.

Fifteen to twenty finalists in each category will be selected for the Final Round based on their Mini-Business Plans and will be announced via email with confirmation of receipt required within twelve

hours of announcement. Each of the finalists will present their businesses to the panel of judges. Final judging will take place on April 19, 2008. Since the time is limited to five minutes, the presentation must be well-organized and emphasize only the key features of the business idea. For more information about the Oral Presentation refer to the section under the heading **The Oral Presentation**. All prizes and awards will be announced at the SpringBoard Ideas Challenge Awards Event.

The Mini-Business Plan

The Mini-Business Plan is a brief document that should address the fundamental issues that would be of interest to potential investors. It should highlight the most important and interesting points of the business, which should give potential investors a general understanding of why this venture would succeed.

The Mini-Business Plan does not need to have a cover sheet and need only have a header on each page with the participant number assigned after registration and the year of competition. For instance, if after registration a participant was emailed and informed that his/her participant number was 17S, the header ON EACH PAGE would look like this:

17S - 2008

To avoid any bias in judging, a participant's name and school affiliation should NEVER appear anywhere within the submission as it will be cross referenced with the registration form.

The Mini-Business Plan should be formatted as follows:

- 1-inch margins on all sides
- Times New Roman
- Size 12 font
- Compressed or expanded type is not permitted
- Double spaced

While the entire document should be no more than 10 narrative, NUMBERED pages, contestants should note that charts and graphs are permitted and should be included at the end of the document (charts and graphs DO NOT count towards the 10 page text limit).

The following suggested organization is based on the judging criteria as outlined under the **Judging** section.

Overview

1. What is the need in the environment?
2. What does this business provide that fulfills that need?
3. What makes this idea valuable to the consumer?

Target Market

1. Describe the size and composition of the market.
 - a. Maturity
 - b. Demographic
 - c. Geographic
2. Who or what is the ideal customer for this business?

3. What need do they have?

Business Idea

1. How does this idea fulfill the need?
2. What, in particular, makes this idea unique?
3. Why is now the best time to create the business?
4. What proprietary advantages does this business have?

Competitive Analysis

1. Who are the main competitors in this industry?
2. What are their competitive advantages?

Implementation

1. Where will the business be located?
2. What are the key management positions within the company and who will occupy them? If no one, what does the ideal candidate look like?
3. Approximately how much start-up capital will the business require?

The Oral Presentation

The oral presentation information does not have to be in any particular order. It is important that participants first build enthusiasm for the idea and then prove that it can be successful in the market. Each finalist will have FIVE minutes to present the business followed by a brief period where the panel of judges will have the opportunity to ask questions. A timekeeper in the room will monitor time restrictions. The timekeeper will notify the presenter of remaining time at appropriate intervals and inform the presenter when time is up.

During the Oral Presentation, PowerPoint presentations are NOT allowed, but other visual aids will be permitted. However, participants should note that the five-minute period begins once the contestant enters the presentation room. Therefore, the SpringBoard Ideas Challenge suggests that any visual aids that are utilized are of the small, hand-held variety.

PLEASE NOTE: Judges will have already reviewed a copy of the participant's mini-business plan and will have it in front of them during the presentation so that contestants will be able to refer to appropriate charts and graphs during the presentation.

Judging

The judges' panel consists of venture capitalists, lawyers, accountants, entrepreneurs, and other successful and knowledgeable business and academic leaders. Judges will not be affiliated with the preparation of any participating business idea. The decision of the judges' panel will be final and will not be subject to appeal. The overall selection of winners is based on the viability and likely success of the business. The scoring will be consistent with the criteria put forth in the round scorecards. Judging for each round will be unique to the rounds scoring criteria.

The Judging Criteria

Each round of judging is done using criteria unique to each round. The judging scorecards are available at www.springboardchallenge.com as well as included within this document. Each criterion is evaluated in consideration of creativity, effort, communication, and presentation. The top scores in the preliminary round advance to the final round and winners are chosen based on the combined scores from both rounds.

The next three pages are the official scorecards to be used at SpringBoard.

Judges Evaluation

Preliminary Round – Mini-Business Plan

Category	Score/Point Value
<p>Overview</p> <p><i>(What is the need in the environment? What does this business provide that fulfills that need? What makes this idea valuable to the consumer?)</i></p> <p>Comments/Questions:</p>	<p>(___ / 20)</p>
<p>Target Market</p> <p><i>(Describe the size and composition of the market (i.e. Maturity, Demographics, Geographic Region, etc.) Who or what is the ideal customer for this business? What need do they have?)</i></p> <p>Comments/Questions:</p>	<p>(___ / 50)</p>
<p>Business Idea</p> <p><i>(How does this idea fulfill the need? What, in particular, makes this idea unique? Why is now the best time to create the business? What proprietary advantages does this business have?)</i></p> <p>Comments/Questions:</p>	<p>(___ / 50)</p>
<p>Competitive Analysis</p> <p><i>(Who are the main competitors in this industry? What are their competitive advantages?)</i></p> <p>Comments/Questions:</p>	<p>(___ / 20)</p>

<p>Implementation</p> <p><i>(Where will the business be located? What are the key management positions within the company and who will occupy them? If no one, what does the ideal candidate look like? Approximately how much start-up capital will the business require? What are the main uses of capital?)</i></p> <p>Comments/Questions:</p>	<p>(___ / 20)</p>
<p>Viability</p> <p><i>(Market opportunity, distinctive competence, management understanding, investment potential, etc. At the end of the day, would you invest?)</i></p> <p>Comments/Questions:</p>	<p>(___ / 40)</p>
<p>Additional Comments or Questions:</p>	

Total Points: (___ / 200)

Judges Evaluation
 Final Round – Oral Presentation

Category	Score/Point Value
<p>Formal Presentation</p> <p><i>(Are materials presented in a clear, logical and/or sequential format? Does the presenter maintain your interest? If visual aids are utilized, do they add value to the presentation?)</i></p> <p>Comments/Questions:</p>	<p>(___ / 50)</p>
<p>Questions and Answers</p> <p><i>(Does the presenter have the ability to understand judges' questions? Do they appropriately respond to questions with substantive answers? Is there minimal redundancy in their responses? Do they think effectively on their feet?)</i></p> <p>Comments/Questions:</p>	<p>(___ / 50)</p>
<p>Investment Opportunity</p> <p><i>(Is there a clear market need presented and a plan to address that need? Does the presenter have a clear competitive edge? At the end of the day, would you invest?)</i></p> <p>Comments/Questions:</p>	<p>(___ / 50)</p>
<p>Additional Comments or Questions:</p>	

Total Points: (___ / 150)

Prizes

The first place prizes, in the amount of \$7,500, will be awarded to the top competitor in each division. A second place prize of \$2,500 will also be awarded in each division. Finally, ten(10) runners-up prizes of \$1,000 each will be awarded at the discretion of the judges and the SpringBoard Ideas Challenge committee. The breakdown of prize money is as follows:

2 first place prizes of \$7,500 each = \$15,000

2 second place prizes of \$2,500 each = \$5,000

10 runners-up prizes of \$1,000 each = \$10,000

Total prize money = \$30,000

Checks will be mailed to prize winners within three weeks of the awards banquet to be held at the conclusion of the competition.

Confidentiality and Agreements

Confidentiality is a very important issue when presenting business plans and ideas, and is an issue that the SpringBoard Ideas Challenge takes very seriously. Because of this, the SpringBoard Ideas Challenge offers the opportunity for any participant to request that judges and other persons with access to Mini-Business Plans sign a Confidentiality Agreement, a copy of which can be found on the next page.

If a participant would like to request that this agreement be signed, the request must be submitted via email (springboardchallenge@gmail.com) at the time that the participant's Mini-Business Plan is submitted. The subject of the email should contain the words "Confidentiality Agreement Requested." The body of the email should include the participant's name, school affiliation, student ID number, and participant number.

Competitors are responsible to protect any information concerning the submitted plan that is shared with mentors or fellow participants in the competition. The SpringBoard Ideas Challenge takes no responsibility for unwanted disclosure in these instances.

In registering for the SpringBoard Ideas Challenge, participants agree to indemnify, defend, and hold harmless Abilene Christian University, its Board of Trustees, officers, employees, agents, representatives, and volunteers, including the College of Business Administration and the SpringBoard Ideas Challenge, from and against any and all liability, claims, demands, or on account of injury, loss, damage, or expense, including defense costs, court costs, and attorneys fees, which arise out of or are in any manner connected with their participation in the SpringBoard Ideas Challenge including, but not limited to, disclosure of proprietary concepts.

Contestants should be careful about disclosing information concerning proprietary concepts. Although a patent application can be filed in the United States up to one year after the first public disclosure of an invention, many foreign countries do not allow patent applications unless they are implemented before any sort of public disclosure.



Confidentiality Agreement

It is understood and agreed to that the below identified discloser of confidential information may provide certain information that is and must be kept confidential. To ensure the protection of such information, and to preserve any confidentiality necessary under patent and/or trade secret laws, it is agreed that

1. The Confidential Information to be disclosed can be described as and includes:

Invention description(s), technical and business information relating to proprietary ideas and inventions, ideas, patentable ideas, trade secrets, drawings and/or illustrations, patent searches, existing and/or contemplated products and services, research and development, production, costs, profit and margin information, finances and financial projections, customers, clients, marketing, and current or future business plans and models, regardless of whether such information is designated as "Confidential Information" at the time of its disclosure.

2. This Agreement imposes no obligation upon Recipient with respect to any Confidential Information (a) that was in Recipient's possession before receipt from Discloser; (b) is or becomes a matter of public knowledge through no fault of Recipient; (c) is rightfully received by Recipient from a third party not owing a duty of confidentiality to the Discloser; (d) is disclosed without a duty of confidentiality to a third party by, or with the authorization of, Discloser; or (e) is independently derived by Recipient.

3. This Agreement states the entire agreement between the parties concerning the disclosure of Confidential Information. Any addition or modification to this Agreement must be made in writing and signed by the parties.

4. If any of the provisions of this Agreement are found to be unenforceable, the remainder shall be enforced as fully as possible and the unenforceable provision(s) shall be deemed modified to the limited extent required to permit enforcement of the Agreement as a whole.

WHEREFORE, the parties acknowledge that they have read and understand this Agreement and voluntarily accept the duties and obligations set forth herein.

Recipient of Confidential Information:

Name (Print or Type):

Signature:

Date:

Discloser of Confidential Information:

Name (Print of Type):

Signature:

Date: