


## **PUBLIC NOTICE**

### DEVELOPMENT CORPORATION OF ABILENE, INC.

The annual meeting of the Development Corporation of Abilene, Inc. will be held on Thursday, January 30, 2014, at Abilene Laboratories, 1325 Pine St., Abilene, Texas, commencing at 1:30 p.m. to consider the following agenda:

SIGNED:

  
Richard Burdine, Asst. City Manager for Economic Development

## **AGENDA**

January 30, 2014  
1:30 p.m.

Abilene Laboratories  
1325 Pine St.

1. Call the meeting to order.
2. Approval of minutes from the January 14, 2014, board meeting.
3. Executive Session:  
The DCOA reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any item on the agenda, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.074 (Personnel Matters) see list below, and 551.087 (Business Prospect/Economic Development). After discussion in executive session, any action or vote will be taken in public.  
  
(Personnel) Section 551.074  
The DCOA, pursuant to the adopted Bylaws, may consider the appointment, employment and duties of certain positions as well as membership of certain committees.
4. Discussion and possible approval of a resolution authorizing an amendment to the FY14 contract with City of Abilene for administrative, program support and legal services.
5. Discussion and possible approval of a resolution authorizing a professional services contract with Richard Burdine effective March 1, 2014.
6. Discussion and possible approval of a resolution authorizing an amendment to the FY14 contract with the Abilene Industrial Foundation and Abilene Chamber of Commerce with additional funding.
7. Discussion and possible approval of a resolution authorizing a contract for extension of a gas main in Five Points Business Park.
8. Officer Elections; President, Vice President and Secretary/Treasurer.
9. 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 \_\_\_\_\_, 2014, 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**  
**January 14, 2014**

<b>MEMBERS PRESENT:</b>	Paul Cannon Marelyn Shedd	Scott Senter Dave Copeland
<b>MEMBER ABSENT</b>	Dani Ramsay	
<b>STAFF PRESENT:</b>	Richard Burdine Dan Santee	Kim Tarrant Mindy Patterson
<b>GUESTS PRESENT:</b>	Gary Robinett John Mangalonzo Adam Singleton	Abilene Industrial Foundation Abilene Reporter News KTAB

1. **CALL THE MEETING TO ORDER:** President Paul Cannon called the meeting to order at 1:37 p.m. at the Abilene Laboratories, 1325 Pine St., Abilene Texas.
2. **APPROVAL OF MINUTES FROM DECEMBER 16, 2013 BOARD MEETING:** Scott Senter moved to approve the minutes from the December 16, 2013, board meeting. Marelyn Shedd seconded and the motion carried.
3. **JANUARY 2014 SALES TAX REPORT AND PRELIMINARY STATUS OF FUNDS REPORT FOR NOVEMBER 2013:** Mindy Patterson, Director of Finance, explained the January 2014 sales tax report, which represents November 2013 sales. The total rebate is \$2,976,968.21 which is 2.13% above last year and .13% above the projected FY14 budget amount. The Economic Development rebate amount is \$744,242. She also explained the new format used for reporting the November 2013 schedule of revenues, expenses, changes in net position and program status.
4. **EXECUTIVE SESSION:** I hereby announce we are going into Executive Session pursuant to Texas Government Code Sections 551.071, 072, 074 and 087 to consult with our legal counsel, discuss real property transactions, personnel matters, 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.  
  
President Paul Cannon announced the date is January 14, 2014, and the time is 1:44 p.m. Later, President Cannon announced the date is still January 14, 2014, and the time is 2:55 p.m. No vote or action was taken in Executive Session.
5. **DISCUSSION AND POSSIBLE APPROVAL OF A RESOLUTION AUTHORIZING 2014 FUNDING FOR ADS4NEXT SPONSORSHIP:** Mr. Burdine explained the DCOA approved a \$2,500 sponsorship for Ads4Next in 2013. Ads4Next is an entrepreneurial program aimed at high school students that allows them to earn up to \$5,000 for higher education by selling advertisements.

Terry Johnson, Founder, President and CEO of Ads4Next, requested the DCOA fund a 2014 sponsorship in the amount of \$2,500 for the Summer Youth Entrepreneur Program. The DCOA's name will be on their banners, printouts, and sales materials.

Scott Senter moved to approve resolution DCOA-2014.14 authorizing a 2014 sponsorship of Ads4Next in the amount of \$2,500. Marelyn Shedd seconded and the motion carried.

6. **DISCUSSION AND POSSIBLE APPROVAL OF A RESOLUTION AUTHORIZING A 2014 SPRINGBOARD IDEAS CHALLENGE SPONSORSHIP:** Mr. Burdine explained the Springboard Ideas Challenge started at Abilene Christian University and now has expanded to Abilene and the surrounding West Texas region. This is a business plan competition with the goal of providing entrepreneurs an opportunity to get their business up and running.

Staff recommends approval of a seventh year sponsorship for 2014 Springboard Ideas Challenge in the amount of \$5,000.

Dave Copeland moved to approve by oral resolution a Gold level sponsorship of the ACU Springboard Ideas Challenge in the amount of \$5,000. Scott Senter seconded and the motion carried.

7. **DISCUSSION AND POSSIBLE APPROVAL OF A RESOLUTION AUTHORIZING A CONTRACT WITH TITTLE LUTHER PARTNERSHIP/PARKHILL SMITH & COOPER TO DESIGN THE FINISH-OUT OF SPEC 3 LOCATED AT 6558 FIVE POINTS PARKWAY FOR OCCUPANCY BY CARBONLITE RECYCLING:** Mr. Burdine explained the DCOA approved a \$6,196,000 assistance package for CarbonLITE Recycling (formerly Project RZ) plus finish-out of the Spec 3 building to meet CarbonLITE's specifications. In December 2013, CarbonLITE visited the site and revealed a need to expand its Phase 1 project to include additional 100,000 sq ft of warehouse space to store raw material and keep it protected from the weather.

Tittle Luther Partnership/Parkhill Smith & Cooper (TLP/PSC) proposed to provide architectural, civil, structural, mechanical, plumbing, and electrical services to design the sitework, utilities, 10,000 sq ft office addition and a 100,000 sq ft warehouse addition.

Staff recommends the DCOA authorize a contract with TLP/PSC for the design work, any other services plus reimbursable expenses with funding of \$759,601 for the Spec 3 building, as well as authority to bid the project.

Marelyn Shedd moved to approve resolution DCOA-2014.15 as presented. Scott Senter seconded and the motion carried.

8. **APPOINTMENT BY PRESIDENT PAUL CANNON OF A SEARCH COMMITTEE TO UPDATE THE JOB DESCRIPTION OF THE CEO AND**

**CONDUCT A SEARCH FOR A NEW CEO OF THE DCOA:** Paul Cannon, the President of the DCOA, announced that he is appointing a committee to identify a new CEO for DCOA. The committee will also redefine the job description for the position. He mentioned that individuals on this committee represent the leadership of the DCOA as well as leaders from the Chamber of Commerce, Abilene Industrial Foundation and the mayor of Abilene.

Mr. Cannon requested the DCOA's approval of the committee appointees to seek a new CEO of the DCOA and redefine the job description.

Dave Copeland moved to approve Mr. Cannon's request. Marelyn Shedd seconded and the motion carried.

9. **ADJOURNMENT.** The next meeting is scheduled on January 28, 2014. After that meeting DCOA will meet on Monday, February 10, 2014 at 10:00 a.m. There being no further business the meeting was adjourned.

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Paul Cannon, President

# **DEVELOPMENT CORPORATION OF ABILENE, INC.**

## **BOARD AGENDA**

**MEETING DATE: January 30, 2014**

**PROJECT: City of Abilene FY14 Contract Amendment for  
Administrative, Program Support and Legal Services**

**STAFF: Richard Burdine, CEO**

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### **BACKGROUND INFORMATION**

On August 27, 2013, the DCOA board approved a FY14 contract and corresponding funding for the City of Abilene for administrative, program support and legal services. The Department of Economic Development serves as staff to the DCOA for most of the contract support.

### **THE REQUEST**

There has been discussion in the past about changing the reporting structure for the Chief Executive Officer of the DCOA, who also serves as Director of the City's Department of Economic Development. Currently the CEO/Director is supervised by the City Manager. The proposed contract amendment is best summarized in the following excerpt from Attachment A of the amended contract:

5. The hiring, supervision, performance evaluation and termination of the Director shall be the sole responsibility of the DCOA Board, except where otherwise delegated herein to the City. The responsibility and authority for employment related actions shall be as follows:
  - a. The City, acting as the employer of record, shall have the sole authority and responsibility for disciplinary action, including termination, arising from a violation of the City's Policies and Procedures Manual unrelated to work product. The City shall notify the President of the DCOA prior to initiating any disciplinary action.
  - b. The Board shall have the sole authority and responsibility for disciplinary action, including termination, arising from performance issues and duties related to work product. All disciplinary action taken must comply with the City's Policies and Procedures Manual. The President of the DCOA shall notify the City Manager prior to initiating any disciplinary action.

### **FISCAL IMPACT**

None.

### **STAFF RECOMMENDATION**

Staff recommends approval of resolution DCOA-2014.19 authorizing an amendment to the FY14 contract with the City of Abilene for administrative, program support and legal services.

### **ATTACHMENTS**

DCOA Resolution No. DCOA-2014.19

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**RESOLUTION NO. DCOA-2014.19**

A RESOLUTION OF THE DEVELOPMENT CORPORATION OF ABILENE, INC. ("DCOA"), ABILENE, TEXAS AUTHORIZING AN AMENDED FY14 CONTRACT WITH THE CITY OF ABILENE FOR ADMINISTRATIVE, PROGRAM SUPPORT AND LEGAL SERVICES TO THE DCOA.

WHEREAS, on August 27, 2013, the DCOA board approved a FY14 contract and corresponding funding for the City of Abilene for administrative, program support and legal services; and,

WHEREAS, the Department of Economic Development serves as staff to the DCOA and provides most of the contract support; and,

WHEREAS, there has been discussion in the past about changing the reporting structure for the Chief Executive Officer of the DCOA, who also serves as Director of the City's Department of Economic Development; and,

WHEREAS, currently the CEO/Director is supervised by the City Manager; and,

WHEREAS, a FY14 contract amendment is proposed which will provide the DCOA board with the duties of hiring, supervising, evaluating and terminating the CEO/Director, except where otherwise delegated to the City of Abilene; and,

WHEREAS, staff requests the DCOA authorize an amended FY14 contract with the City of Abilene for administrative, program support and legal services to provide the DCOA board with more responsibility concerning the CEO/Director.

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

**PART 1.** DCOA authorizes an amended FY14 contract with the City of Abilene for administrative, program support and legal services. The amendment will change the reporting structure of the CEO/Director who also serves as Director of the City's Department of Economic Development. Currently the CEO/Director is supervised by the City Manager. The proposed contract amendment is summarized below:

The hiring, supervision, performance evaluation and termination of the Director shall be the sole responsibility of the DCOA Board, except where otherwise delegated herein to the City. The responsibility and authority for employment related actions shall be as follows:

- a. The City, acting as the employer of record, shall have the sole authority and responsibility for disciplinary action, including termination, arising from a violation of the City's Policies and Procedures Manual unrelated to work product. The City shall notify the President of the DCOA prior to initiating any disciplinary action.
- b. The Board shall have the sole authority and responsibility for disciplinary action, including termination, arising from performance issues and duties related to work product. All disciplinary action taken must comply with the City's Policies and

Procedures Manual. The President of the DCOA shall notify the City Manager prior to initiating any disciplinary action.

**PART 2.** This resolution is contingent upon execution of all necessary agreements. The commitment authorized under this resolution shall expire without notice 180 days from the date of adoption of same unless all required documents and agreements are executed prior to that expiration date or the commitment herein is extended in writing by the DCOA.

**PART 3.** The President of the Development Corporation of Abilene, Inc. is hereby authorized to negotiate and sign any contract and all other related documents on behalf of the DCOA.

ADOPTED this the 30th day of January, 2014.

ATTEST:

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Marelyn Shedd  
Secretary/Treasurer

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Paul Cannon  
President

APPROVED:

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T. Daniel Santee, City Attorney

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# **DEVELOPMENT CORPORATION OF ABILENE, INC.**

## **BOARD AGENDA**

**MEETING DATE: January 30, 2014**

**PROJECT: Professional Services Contract with Richard Burdine**

**STAFF: Paul Cannon, President**

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### **BACKGROUND INFORMATION**

Richard Burdine has served as CEO of the DCOA and Assistant City Manager for Economic Development for the City of Abilene since September 2003. His retirement is effective February 28, 2014. Post-retirement, Mr. Burdine has agreed to continue to provide on a temporary basis the same level of professional services to the DCOA and City of Abilene at the same level of salary and benefits he is currently receiving.

In addition, Mr. Burdine has agreed to assist the newly-appointed Search Committee as they work to identify and hire a new CEO. He will also provide transition services for the new CEO, once hired, by briefing him/her on current project status, arranging introductions to local, county and state players that affect or can impact the local economy, and provide training on City of Abilene policies and procedures and identify key City staff.

### **THE REQUEST**

With the goal of maintaining continuity of client care, I am requesting the board authorize a professional services contract with Richard Burdine for a period of 3 months beginning March 1, 2014, with an option to extend on a month-to-month basis at the discretion of the DCOA and with Mr. Burdine's consent.

The funding required for the initial contract is \$45,879 paid semi-monthly in an amount not to exceed \$7,646.50. Payment shall be \$15,293 for each one month extension with payment prorated for a partial month. Mr. Burdine will be entitled to compensation for any unused sick or vacation hours accrued during the initial term of the contract and any extensions. Said leave shall accrue at the rate of 20 hours/month. The unused leave shall be compensated at the rate of \$71.71 per hour plus 14%.

### **FISCAL IMPACT**

Initial Contract effective 3-1-14 expiring 5-31-14	\$45,879
Unpaid sick and vacation leave (highest estimate)	\$ 4,948
<b>TOTAL</b>	<b>\$50,827</b>

### **STAFF RECOMMENDATION**

Staff recommends approval of resolution DCOA-2014.17 authorizing a professional services contract with Richard Burdine and funding for continuity of client care during the process of identifying, hiring and acclimating a new CEO.

### **ATTACHMENTS**

DCOA Resolution No. DCOA-2014.17

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**RESOLUTION NO. DCOA-2014.17**

A RESOLUTION OF THE DEVELOPMENT CORPORATION OF ABILENE, INC. ("DCOA"), ABILENE, TEXAS AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH RICHARD BURDINE TO PROVIDE CONTINUITY OF CLIENT CARE DURING THE PROCESS OF SEARCHING FOR AND HIRING A NEW CHIEF EXECUTIVE OFFICER ("CEO") FOR THE DCOA.

WHEREAS, Richard Burdine has served as CEO of the DCOA and Assistant City Manager for Economic Development for the City of Abilene since September 2003. His retirement is effective February 28, 2014; and,

WHEREAS, post-retirement, Mr. Burdine has agreed to continue to provide on a temporary basis the same level of professional services to the DCOA and City of Abilene at the same level of salary and benefits he is currently receiving; and,

WHEREAS, in addition, Mr. Burdine has agreed to assist the newly-appointed Search Committee as they work to identify and hire a new CEO; and,

WHEREAS, he will also provide transition services for the new CEO, once hired, by briefing him/her on current project status, arranging introductions to local, county and state players that affect or can impact the local economy, and provide training on City of Abilene policies and procedures and identify key City staff; and,

WHEREAS, a professional services contract with Mr. Burdine will maintain continuity of client care for a period of 3 months beginning March 1, 2014, with an option to extend on a month-to-month basis at the discretion of the DCOA and with Mr. Burdine's consent; and,

WHEREAS, staff requests the DCOA authorize a professional services contract with Richard Burdine with an initial term of 3 months with the goal of providing continuity of client care.

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

**PART 1.** DCOA authorizes a professional services contract with Richard Burdine and total funding of Fifty Thousand Eight Hundred Twenty-Seven and no/100's Dollars (\$50,827.00) to provide continuity of client care during the process of identifying, hiring and acclimating a new CEO. The contract will be for a period of 3 months beginning March 1, 2014 expiring May 31, 2014, with an option to extend on a month-to-month basis at the discretion of the DCOA and with Mr. Burdine's consent.

The funding of \$50,827 required for the initial contract term shall be disbursed as follows:

- A. \$45,879 paid semi-monthly in an amount not to exceed \$7,646.50. If approved, payment shall be \$15,293 for each one month extension with payment prorated for a partial month.
- B. \$4,948 for any unused sick or vacation hours accrued during the initial term of the contract and any extensions. Said leave shall accrue at the rate of 20 hours/month. The unused leave shall be compensated at the rate of \$71.71 per hour plus 14%.

**PART 2.** This resolution is contingent upon execution of all necessary agreements. The commitment authorized under this resolution shall expire without notice 180 days from the date of adoption of same unless all required documents and agreements are executed prior to that expiration date or the commitment herein is extended in writing by the DCOA.

**PART 3.** The President of the Development Corporation of Abilene, Inc. is hereby authorized to negotiate and sign any contract and all other related documents on behalf of the DCOA.

ADOPTED this the 30th day of January, 2014.

ATTEST:

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Marelyn Shedd  
Secretary/Treasurer

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Paul Cannon  
President

APPROVED:

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T. Daniel Santee, City Attorney

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# **DEVELOPMENT CORPORATION OF ABILENE, INC.**

## **BOARD AGENDA**

**MEETING DATE: January 30, 2014**

**PROJECT: Abilene Industrial Foundation and Chamber of Commerce  
FY14 Contract Amendment**

**STAFF: Richard Burdine, CEO**

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### **BACKGROUND INFORMATION**

On August 27, 2013, the DCOA board approved a FY14 contract and corresponding funding for the Abilene Industrial Foundation ("AIF") and Chamber of Commerce Military Affairs Committee. The DCOA has contracted with the AIF since 1990 to provide business recruitment and marketing services which target those which are identified as a potentially good fit for Abilene. The AIF also provides business retention services by frequently visiting existing businesses and hosting a semi-annual Manufacturer's Luncheon, among other activities. The FY14 budget of \$738,289 includes; 1) \$427,789 for operating expenses, 2) \$140,000 for marketing expenses, and \$170,500 for subcontractors Team Concepts and Rich Liedl, P.C.

The Chamber Military Affairs Committee's objective is to maintain and expand the military presence at Dyess Air Force Base and build on the strong relationship between Abilene and its military community. Dyess AFB is by far the largest employer in Abilene. The FY14 budget of \$100,000 includes travel expenses for trips by Chamber staff and/or Military Affairs Committee members to Department of Defense (DoD) headquarters, legislative and DoD Contractor locations. Also included are administrative expenses incidental to attempts to enforce the position of Abilene and Dyess AFB as a military installation.

Bill Ehrie was President of the AIF for 21 years until his retirement on September 1, 2013. Mr. Ehrie's many years in the military and subsequent years with the AIF have rendered his knowledge of Dyess and contacts within the military community invaluable to Abilene. He is under contract with the Chamber as Jasper Consulting to continue his services to the Abilene community with regard to Dyess AFB. He continues to work closely with Team Concepts and Rich Liedl, P.C. to keep Dyess AFB in the forefront of the minds of decision makers in Washington, D.C.

### **THE REQUEST**

Because the FY14 budget of \$738,289 approved for the AIF did not include a subcontract with Jasper Consulting, Chamber President Jason Smith is requesting the DCOA consider an amendment to the existing contract to include funding of \$99,000 (\$96,000 for the basic fee paid monthly plus \$3,000 for expenses).

In addition, the FY14 contracts between the Chamber and Team Concepts and Rich Liedl, P.C. have increased for the first time since 2008. Mr. Smith also requests a budget increase of \$15,000 for Team Concepts for a total of \$100,000 (\$96,000 basic fee plus \$4,000 for expenses) and an increase of \$12,500 for Rich Liedl, P.C. for a total of \$98,000 (\$96,000 basic fee plus \$2,000 for expenses).

The AIF marketing budget of \$140,000 needs to be increased by \$35,000 to \$175,000 to include a new strategy called Local Communication, which includes development of materials that promote the activities and effectiveness of Develop Abilene including an annual Develop Abilene report, a local economic impact model for economic development activities and other materials to promote economic development to the residents of the Abilene region. I and Mr. Smith along with Gary Robinett, newly appointed Chamber Vice President of Economic Development, have discussed and agreed on the need for these services.

Finally, the AIF operating budget needs to be increased by \$35,000 to work with a qualified service provider on developing a comprehensive labor market analysis that provides significant data on the Abilene region including availability, underemployment, average wages and industry demand. A labor market analysis hasn't been done in quite some years and the information gained from the study will assist as we look forward in trying to determine the types of industry that will best fit Abilene.

#### **FISCAL IMPACT**

Abilene Industrial Foundation	Approved FY14 Budget	Proposed FY14 Budget	Difference/ Increase
Operating	\$427,789	\$462,789	\$35,000
Marketing	\$140,000	\$175,000	\$35,000
Dyess Sub-Contractors	\$170,500	\$297,000	\$126,500
<b><u>TOTAL</u></b>	<b><u>\$738,289</u></b>	<b><u>\$934,789</u></b>	<b><u>\$196,500</u></b>

#### **STAFF RECOMMENDATION**

Staff recommends approval of resolution DCOA-2014.16 authorizing an amendment to the FY14 contract with the Abilene Industrial Foundation plus increased funding of \$196,500 to include a sub-contract with Jasper Consulting, a strategy to promote the activities and effectiveness of the Develop Abilene team and a sub-contract for a labor market analysis.

#### **ATTACHMENTS**

DCOA Resolution No. DCOA-2014.16.

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**RESOLUTION NO. DCOA-2014.16**

A RESOLUTION OF THE DEVELOPMENT CORPORATION OF ABILENE, INC. ("DCOA"), ABILENE, TEXAS AUTHORIZING AN AMENDMENT TO THE FY14 CONTRACT WITH THE ABILENE INDUSTRIAL FOUNDATION ("AIF") AND ABILENE CHAMBER OF COMMERCE ("CHAMBER") PLUS INCREASED FUNDING.

WHEREAS, on August 27, 2013, the DCOA board approved a FY14 contract and corresponding funding for the Abilene Industrial Foundation and Chamber of Commerce Military Affairs Committee; and,

WHEREAS, DCOA has contracted with the AIF since 1990 to provide business recruitment and marketing services which target those which are identified as a potentially good fit for Abilene; and,

WHEREAS, the AIF also provides business retention services by frequently visiting existing businesses and hosting a semi-annual Manufacturer's Luncheon, among other activities; and,

WHEREAS, the FY14 budget for AIF of \$738,289 includes; 1) \$427,789 for operating expenses, 2) \$140,000 for marketing expenses, and \$170,500 for subcontractors Team Concepts and Rich Liedl, P.C.; and

WHEREAS, Bill Ehrie was President of the AIF for 21 years until his retirement on September 1, 2013. Mr. Ehrie's many years in the military and subsequent years with the AIF have rendered his knowledge of Dyess and contacts within the military community invaluable to Abilene; and

WHEREAS, Mr. Ehrie is under contract with the Chamber as Jasper Consulting to continue his services to the Abilene community with regard to Dyess AFB. He continues to work closely with Team Concepts and Rich Liedl, P.C. to keep Dyess AFB in the forefront of the minds of decision makers in Washington, D.C.; and,

WHEREAS, because the AIF's FY14 budget of \$738,289 does not include a subcontract with Jasper Consulting, Chamber President Jason Smith is requesting the DCOA consider an amendment to the existing contract to include funding of \$99,000 (\$96,000 for the basic fee paid monthly plus \$3,000 for expenses); and,

WHEREAS, the FY14 contracts between the Chamber and Team Concepts and Rich Liedl, P.C. have increased for the first time since 2008, so Mr. Smith also requests a budget increase of \$15,000 for Team Concepts and an increase of \$12,500 for Rich Liedl, P.C.; and,

WHEREAS, the AIF marketing budget of \$140,000 needs to be increased by \$35,000 for a new strategy called Local Communication, which includes development of materials that promote the activities and effectiveness of Develop Abilene including an annual Develop Abilene report, a local economic impact model for economic development activities and other materials to promote economic development to the residents of the Abilene region; and,

WHEREAS, the AIF operating budget needs to be increased by \$35,000 to work with a qualified service provider on developing a comprehensive labor market analysis that provides significant data on the Abilene region including availability, underemployment, average wages and industry demand; and,

WHEREAS, staff requests the DCOA authorize a FY14 contract amendment plus additional funding to address the needs described above.

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

- PART 1.** DCOA authorizes an amendment to the FY14 contract with the Abilene Industrial Foundation and Abilene Chamber of Commerce plus increased funding of One Hundred Ninety-Six Thousand Five Hundred and no/100's Dollars (\$196,500.00). Added to the FY14 contract by the amendment are:
- a. A sub-contract with Jasper Consulting plus additional funding of \$99,000 (\$96,000 for the basic fee paid monthly plus \$3,000 for expenses), and
  - b. A budget increase of \$15,000 for subcontractor Team Concepts for a total of \$100,000 (\$96,000 basic fee plus \$4,000 for expenses) and an increase of \$12,500 for subcontractor Rich Liedl, P.C. for a total of \$98,000 (\$96,000 basic fee plus \$2,000 for expenses), and,
  - c. A new marketing strategy called Local Communication plus additional funding of \$35,000, which includes development of materials that promote the activities and effectiveness of Develop Abilene including an annual Develop Abilene report, a local economic impact model for economic development activities and other materials to promote economic development to the residents of the Abilene region, and
  - d. An operating budget increase of \$35,000 to work with a qualified service provider on developing a comprehensive labor market analysis that provides significant data on the Abilene region including availability, underemployment, average wages and industry demand.
- PART 2.** This resolution is contingent upon execution of all necessary agreements. The commitment authorized under this resolution shall expire without notice 180 days from the date of adoption of same unless all required documents and agreements are executed prior to that expiration date or the commitment herein is extended in writing by the DCOA.
- PART 3.** The Chief Executive Officer of the Development Corporation of Abilene, Inc. is hereby authorized to negotiate any contract and all other related documents on behalf of the DCOA.

ADOPTED this the 30th day of January, 2014.

ATTEST:

\_\_\_\_\_  
Marelyn Shedd  
Secretary/Treasurer

\_\_\_\_\_  
Paul Cannon  
President

APPROVED:

\_\_\_\_\_  
T. Daniel Santee, City Attorney

# DEVELOPMENT CORPORATION OF ABILENE, INC.

## BOARD AGENDA

MEETING DATE: January 30, 2014

**PROJECT:** Contract for Extension of Gas Main in Five Points Business Park

**STAFF:** Richard Burdine, CEO

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### **BACKGROUND INFORMATION:**

The Five Points Business Park located in west Abilene is mostly owned by the DCOA and is bounded on the west by Fulwiler Rd., the north by I-20, the east by Wall St., and the south by the Union Pacific railroad tracks. Development in the Park has increased significantly over the last few years with construction of the Texas Healthcare Linen and FedEx Ground facilities, the recent sale of 10 acres to Atmos Energy, the sale of 2 acres to MP2 Energy, and the sale of 11.447 acres to Tucker Energy Services.

Tucker Energy is in the process of developing its lot located west of Arnold Blvd and south of Five Points Parkway. When the board approved resolution DCOA-2013.19 REVISED 2 on June 11, 2013, authorized as part of the assistance package for Tucker Energy Services (formerly Project RN) was an Infrastructure Reserve Fund of up to \$5,000,000 with draws to be determined by the DCOA with assistance from the City Engineer. The funds are to be used for installation of railroad spur tracks, a portion of which will be for Tucker's exclusive use, extension of utilities to the property line as needed, storm water drainage improvements as needed, installation of additional drive approaches to the lot from Five Points Parkway, repair or replacement of the roadway surface on Five Points Parkway and all or a portion of Fulwiler Road. Expenditures from the Infrastructure Reserve Fund may be staff-initiated or upon Tucker Energy's advice, but final decision authority rests with the DCOA Board.

### **REQUEST:**

Tucker Energy's general contractor has been in contact with us to discuss the need for gas service to the new building. A gas main line terminates at the northeast corner of the Spec 3 lot located directly across Five Points Parkway from Tucker Energy's lot. Atmos Energy solicited three bids to extend the main line about 2000' south to the north right-of-way of Five Points Parkway then west across Polaris Dr. From the new termination point, service will eventually be extended to Tucker's property line. The gas main extension will serve not only Tucker but other lots in the area currently being targeted for development by potential construction of a rail spur extension and Polaris Dr.

The 3 bids are:

<u>Contractor</u>	<u>Bid Amount</u>
Diamond T Construction, Inc.	\$75,305
J&N Utilities	\$94,600
Driver Pipeline Co., Inc.	\$97,005

I propose awarding the bid to Diamond T Construction for \$75,305 plus a 15% contingency of \$11,300 in case the contractor encounters rock. The contract will count toward the Infrastructure Reserve Fund described above and approved by the board. This represents the first request for a draw of the Infrastructure Reserve Fund.



**FISCAL IMPACT:**

Diamond T Construction contract	\$75,305
Contingency at 15%	\$11,300
TOTAL	\$86,605

**STAFF RECOMMENDATION:**

Staff recommends approval of resolution DCOA-2014.18 authorizing a contract with Diamond T Construction, Inc. and funding of \$86,605 to extend a gas main line in the Five Points Business Park.

**ATTACHMENTS:**

Resolution DCOA-2014.18

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**RESOLUTION NO. DCOA-2014.18**

A RESOLUTION OF THE DEVELOPMENT CORPORATION OF ABILENE, INC. ("DCOA"), ABILENE, TEXAS AUTHORIZING A CONTRACT WITH DIAMOND T CONSTRUCTION, INC. PLUS FUNDING TO EXTEND A GAS MAIN LINE IN THE FIVE POINTS BUSINESS PARK ("PARK").

WHEREAS, the Five Points Business Park located in west Abilene is mostly owned by the DCOA and is bounded on the west by Fulwiler Rd., the north by I-20, the east by Wall St., and the south by the railroad tracks; and,

WHEREAS, development in the Park has increased significantly over the last few years with construction of the Texas Healthcare Linen and FedEx Ground facilities, the recent sale of 10 acres to Atmos Energy, the sale of 2 acres to MP2 Energy (pending), and the sale of 11.447 acres to Tucker Energy Services (pending); and,

WHEREAS, Tucker Energy is in the process of developing its lot located west of Arnold Blvd and south of Five Points Parkway; and,

WHEREAS, when the board approved resolution DCOA-2013.19 REVISED 2 on June 11, 2013, authorized as part of the assistance package for Tucker Energy Services (formerly Project RN) was an Infrastructure Reserve Fund of up to \$5,000,000 with draws to be determined by the DCOA with assistance from the City Engineer; and,

WHEREAS, the Infrastructure Reserve Fund is to be used for installation of railroad spur tracks, a portion of which will be for Tucker's exclusive use, extension of utilities to the property line as needed, storm water drainage improvements as needed, installation of additional drive approaches to the lot from Five Points Parkway, repair or replacement of the roadway surface on Five Points Parkway and all or a portion of Fulwiler Road; and,

WHEREAS, expenditures from the Infrastructure Reserve Fund may be staff-initiated or upon Tucker Energy's advice, but final decision authority rests with the DCOA Board; and,

WHEREAS, Tucker Energy's general contractor has expressed the need for gas service to the new building, and a gas main line terminates at the northeast corner of the Spec 3 lot located directly across Five Points Parkway from Tucker Energy's lot; and,

WHEREAS, Atmos Energy solicited three bids to extend the main line about 2000' south to the north right-of-way of Five Points Parkway then west across Polaris Dr.; and,

WHEREAS, staff requests the DCOA authorize a contract with the low bidder plus funding to extend the gas main line in Five Points Business Park.

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

**PART 1.** DCOA authorizes a contract with Diamond T Construction, Inc. and total funding of Eighty-Six Thousand Six Hundred Five and no/100's Dollars (\$86,605.00) to extend the gas main line in Five Points Business Park south from its current termination point at the

NE corner of the Spec 3 lot, then west past Polaris Dr. for a total of about 2000'. The contract amount is \$75,305 plus a 15% contingency totaling \$11,300 in the event the contractor encounters rock.

The contract will count toward the Infrastructure Reserve Fund described above and represents the first request for a draw.

**PART 2.** This resolution is contingent upon execution of all necessary agreements. The commitment authorized under this resolution shall expire without notice 180 days from the date of adoption of same unless all required documents and agreements are executed prior to that expiration date or the commitment herein is extended in writing by the DCOA.

**PART 3.** The Chief Executive Officer of the Development Corporation of Abilene, Inc. is hereby authorized to negotiate any contract and all other related documents on behalf of the DCOA.

ADOPTED this the 30th day of January, 2014.

ATTEST:

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Marelyn Shedd  
Secretary/Treasurer

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Paul Cannon  
President

APPROVED:

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T. Daniel Santee, City Attorney

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