

PUBLIC NOTICE

DEVELOPMENT CORPORATION OF ABILENE, INC.

A regular meeting of the Development Corporation of Abilene, Inc. will be held on Wednesday, December 17, 2014, at Abilene Laboratories conference room, 1325 Pine St., Abilene, Texas, commencing at 1:30 p.m. to consider the following agenda:

SIGNED:


Kent Sharp, CEO

AGENDA

December 17, 2014
1:30 p.m.

Abilene Laboratories Conference Room
1325 Pine St.

1. Call the meeting to order.
2. Approval of minutes from the November 25, 2014, board meeting.
3. Sales tax report for December 2014.
4. 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.

(Consultation with Attorney) Section 551.072
Discuss DCOA v. Slidefire litigation.
5. Discussion and possible approval of a resolution authorizing match funding for a Joint Land Use Study for Dyess AFB.
6. 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
November 25, 2014

MEMBERS PRESENT: Dave Copeland Marelyn Shedd Dani Ramsay
 Scott Senter John Beckham

STAFF PRESENT: Kent Sharp Kim Tarrant Dan Santee
 Mike Rains

GUESTS PRESENT: Brian Bethel - Abilene Reporter News

1. CALL THE MEETING TO ORDER:

President Dave Copeland called the meeting to order at 1:34 p.m. at Abilene Laboratories, 1325 Pine St., Abilene Texas.

2. APPROVAL OF MINUTES FROM THE NOVEMBER 04, 2014, BOARD MEETING:

John Beckham moved to approve the minutes from the November 04, 2014 board meeting. Marelyn Shedd seconded and the motion carried.

3. SALES TAX REPORT FOR NOVEMBER 2014 AND PRELIMINARY SEPTEMBER 2014

FINANCIAL REPORTS: Mike Rains, Assistant Director of Finance, presented the November 2014 sales tax rebate report. The sales tax rebate received for economic development, which represents September 2014 sales, was \$987,886.92. The rebate is 10% above last year and about 6% above the projected FY 15 budget.

On the preliminary September 2014 Statement of Net Position, the total assets were \$73 million with \$19 million in current assets, \$44 million in capital assets and \$17 million in notes receivable. The year-to-date revenue for FY14 is \$11,883,808. Expenses for the month included twenty projects totaling \$3,394,112.

4. PRESENTATION AND POSSIBLE APPROVAL OF THE FY14 ANNUAL REPORT OF ACTIVITIES OF THE DEVELOPMENT CORPORATION OF ABILENE, INC.:

Kent Sharp presented the DCOA's FY 14 annual report of activities. He requested the Board approve the report with two changes; 1) On page 7 of the report (page 4.9 in the board packet) the references to New Market Tax Credits and DCOA's Borrowing Options under the Spec 3 finish-out/CarbonLITE Recycling section are too pre-mature to be listed in the annual report, and 2) On page 16 of the report (page 4.14 in the board packet) under TTUHSC Experimmune FY15 Funding, language should be added that mentions all revenues generated by Experimmune are returned to the DCOA.

Scott Senter moved to approve by oral resolution the DCOA's FY 14 Annual Report with the two changes mentioned above. Marelyn Shedd seconded and the motion was carried.

5. EXECUTIVE SESSION – SESSION 1:

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 Dave Copeland announced the date is November 25, 2014, and the time is 1:52 p.m. Later, President Copeland announced the date is still November 25, 2014, and the time is 1:56 p.m. No vote or action was taken in Executive Session.

6. APPOINTMENT BY THE BOARD PRESIDENT OF AN AD HOC COMMITTEE TO SEARCH FOR A CONSULTING FIRM TO DEVELOP A STRATEGIC PLAN FOR ECONOMIC DEVELOPMENT IN ABILENE: President Dave Copeland recommended Ray Ferguson as the Chair of a new ad hoc committee to help develop a strategic plan for the DCOA. Also recommended were Tucker Bridwell as Vice Chair, Yvonne Batts of the Abilene Industrial Foundation, City Councilman Anthony Williams, and DCOA members John Beckham and Scott Senter. Mr. Copeland added that Kent Sharp and Jason Smith will be the primary support staff for the committee.

Dave Copeland recommended by oral resolution six members for a strategic planning ad hoc committee. Dani Ramsey seconded and the committee members were appointed.

4. EXECUTIVE SESSION – SESSION 2:

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 Dave Copeland announced the date is November 25, 2014, and the time is 1:59 p.m. Later, President Copeland announced the date is still November 25, 2014, and the time is 3:17 p.m. No vote or action was taken in Executive Session.

7. ADJOURNMENT:

The next meeting is scheduled for Wednesday, December 17, 2014, at 1:30 p.m. There being no further business the meeting was adjourned.

Dave Copeland, President

MEMORANDUM

December 10, 2014

TO: David A. Vela, Interim City Manager
FROM: Mindy Patterson, Director of Finance
SUBJECT: December Sales Tax

The sales tax rebate for December is \$3,347,689.22 which represents October sales. This is 9.19% above last year and 7.05% above the projected FY 15 budget amount. The breakdown of the rebate is \$2,510,766.92 to the General Fund and \$836,922.30 for economic development. Of this rebate, \$140,213 is from prior periods, audit payments, future payments, and unidentified payments. For the period of October through December, sales tax is 8.68% above last year and 6.55% above the projected FY 15 budget amount. I have requested the detail from the state.

Should you have any questions, please contact me.

MP:ls

CITY OF ABILENE SALES TAX COMPARISON

Accounting Period Month	GENERAL FUND Actual 2013-14	ECONOMIC DEVELOPMENT Actual 2013-14	TOTAL 2013-14	GENERAL FUND Actual 2014-15	ECONOMIC DEVELOPMENT Actual 2014-15	TOTAL 2014-15
October	\$2,445,377.87	\$815,125.96	\$3,260,503.83	\$2,605,980.73	\$868,660.24	\$3,474,640.97
November	2,690,282.27	896,760.76	3,587,043.03	2,963,660.77	987,886.92	3,951,547.69
December	2,299,504.67	766,501.56	3,066,006.23	2,510,766.92	836,922.30	3,347,689.22
YTD	\$7,435,164.81	\$2,478,388.28	\$9,913,553.09	\$8,080,408.42	\$2,693,469.46	\$10,773,877.88
January	2,232,726.16	744,242.05	2,976,968.21			
February	3,184,058.27	1,061,352.76	4,245,411.03			
March	2,231,833.90	743,944.63	2,975,778.53			
April	2,178,587.64	726,195.88	2,904,783.52			
May	2,944,225.82	981,408.61	3,925,634.43			
June	2,319,035.66	773,011.89	3,092,047.55			
July	2,382,921.14	794,307.05	3,177,228.19			
August	2,900,442.34	966,814.11	3,867,256.45			
September	2,537,417.37	845,805.79	3,383,223.16			
FY TOTAL	\$30,346,413.11	\$10,115,471.05	\$40,461,884.16			

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

The Comprehensive Annual Financial Report (CAFR) will reflect revenue based upon the month the sales tax is paid by the vendor to the State Comptroller in accordance with GASB 33 requirements.

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

Accounting Period Month	Actual 2013-14	Actual 2014-15	% Change
October	\$815,126	\$868,660	6.57%
November	896,761	987,887	10.16%
December	766,502	836,922	9.19%
YTD	\$2,478,388	\$2,693,469	8.68%
January	744,242		
February	1,061,353		
March	743,945		
April	726,196		
May	981,409		
June	773,012		
July	794,307		
August	966,814		
September	845,806		
FY TOTAL	\$10,115,471		

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 revenue based upon the month the sales tax is paid by the vendor to the State Comptroller in accordance with GASB 33 requirements.

Revenue for December '14 represents October '14 sales. Approximately \$35,053 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.

DEVELOPMENT CORPORATION OF ABILENE, INC.
1/2 CENT SALES TAX REVENUE
Five Year Comparison

Accounting Period Month	Actual 2010-11	Actual 2011-12	Actual 2012-13	Actual 2013-14	Actual 2014-15
October	\$661,859	\$890,386	\$855,868	\$815,126	\$868,660
November	774,838	964,808	891,956	896,761	987,887
December	647,119	725,276	773,104	766,502	836,922
YTD	<u>\$2,083,815</u>	<u>\$2,580,470</u>	<u>\$2,520,928</u>	<u>\$2,478,388</u>	<u>\$2,693,469</u>
January	693,114	941,066	728,710	744,242	
February	978,890	1,175,879	1,012,685	1,061,353	
March	646,308	732,189	821,529	743,945	
April	641,310	769,064	800,963	726,196	
May	948,413	977,461	965,056	981,409	
June	741,634	766,944	827,415	773,012	
July	749,767	756,886	826,951	794,307	
August	1,013,393	920,096	927,272	966,814	
September	799,173	800,200	797,862	845,806	
FY TOTAL	<u><u>\$9,295,819</u></u>	<u><u>\$10,420,256</u></u>	<u><u>\$10,229,372</u></u>	<u><u>\$10,115,471</u></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 revenue based upon the month the sales tax is paid by the vendor to the State Comptroller in accordance with GASB 33 requirements.

DEVELOPMENT CORPORATION OF ABILENE, INC.
BOARD AGENDA
MEETING DATE: December 17, 2014

PROJECT: Match Funding for Joint Land Use Study for Dyess AFB

STAFF: Kent Sharp, CEO

BACKGROUND INFORMATION

Like most military installations, Dyess Air Force Base was originally located in a remote area due largely to the availability of land and for defense and security purposes. Over time however, people and businesses have moved closer to take advantage of civilian job opportunities and to provide goods and services to support base operations. The result is land use conflicts between base operations and civilian development. Military operations can be loud and present safety concerns for nearby civilian communities. Low flying, high performance military aircraft create both noise and accident potential during landings, take-offs, and training exercises. Conversely, urban development near DAFB impacts operational effectiveness, training, and readiness missions, and if allowed to go unregulated, the incompatible development may further compromise the base's utility and mission effectiveness. Examples of incompatible uses include homes, places of assembly, childcare centers, nursing homes, hospitals, restaurants, theaters, and shopping centers.

THE REQUEST

Through joint, cooperative military and community planning, growth conflicts can be anticipated, identified, and prevented. This will help protect the base's military mission, public health, safety, quality of life and community economic stability. The U.S. Department of Defense Office of Economic Adjustment (OEA) supports several programs designed to provide technical information on noise and aircraft accident potential that communities can use to regulate urban encroachment while promoting economic growth and development. Encroachment issues can be used as a factor in base closure deliberations.

One option is the Joint Land Use Study Program (JLUS), which is a grant program for state and local governments to help better understand and incorporate technical data into local planning efforts. A JLUS is a cooperative land use planning effort between the affected the City and the base. Study recommendations will present a rationale, justification and provide a policy framework to support adoption and implementation of compatible development measures designed to; 1) prevent urban encroachment, 2) safeguard the military mission, and 3) protect the public health, safety, and welfare. JLUS implementation measures may involve revisions to the City's comprehensive land use plan and development controls, such as zoning, subdivision regulations, structural height restriction, and promotion of planned unit development concepts.

The financial incentive for Abilene is a cost-shared Community Planning Assistance grant to support the cost of a JLUS. OEA will make the grant to the City of Abilene as the sponsoring jurisdiction. The City, working with OEA and DAFB, will develop a scope of work, outlining the study contents, including goals and objectives, phases of the study, methods of public involvement, and an implementation plan. The proposal will also include an estimate of the cost

to produce the study and the amount of local funds or match resources that will be pledged by the City. In-house staff can do the work or it can be contract to a consultant qualified in land use planning, zoning and environmental issues. A JLUS is usually completed in 12 months, and the OEA can contribute up to 90% of the cost.

The expected cost for a JLUS could reach \$500,000, so the City's contribution of 10% would be \$50,000. The City's contribution will be the value of staff time dedicated to the study. Staff is requesting the DCOA approve funding up to \$50,000 to cover the short-fall of the required 10% contribution net the value of the City's in-kind contribution. City Council will consider becoming the JLUS sponsor and providing the 10% grant match during a meeting on January 8, 2015.

FISCAL IMPACT

Up to \$50,000 for City's required 10% contribution net the value of City's in-kind contribution.

STAFF RECOMMENDATION

Staff recommends the board approve resolution DCOA-2015.02 authorizing funding of up to \$50,000 to cover the required 10% grant match for a JLUS study net the value of the City's in-kind contribution.

ATTACHMENTS

Resolution DCOA-2015.02

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RESOLUTION NO. DCOA-2015.02

A RESOLUTION OF THE DEVELOPMENT CORPORATION OF ABILENE, INC. (DCOA), ABILENE, TEXAS AUTHORIZING PARTIAL MATCH FUNDING FOR A DEPARTMENT OF DEFENSE OFFICE OF ECONOMIC ADJUSTMENT GRANT TO PERFORM A JOINT LAND USE STUDY FOR DYESS AIR FORCE BASE.

WHEREAS, like most military installations, Dyess Air Force Base (DAFB) was originally located in a remote area due largely to the availability of land and for defense and security purposes; and,

WHEREAS, over time people and businesses have moved closer to the base to take advantage of civilian job opportunities and to provide goods and services to support base operations resulting in land use conflicts between base operations and civilian development; and,

WHEREAS, urban development near DAFB impacts operational effectiveness, training, and mission readiness; and, if allowed to go unregulated, the incompatible development may further compromise the base's utility and mission effectiveness; and,

WHEREAS, through joint, cooperative military and community planning, growth conflicts can be anticipated, identified, and prevented, which will help protect the base's military mission, public health, safety, quality of life and community economic stability; and,

WHEREAS, the U.S. Department of Defense Office of Economic Adjustment (OEA) offers the Joint Land Use Study Program (JLUS) for state and local governments to help better understand and incorporate the appropriate technical data into local planning efforts; and,

WHEREAS, the financial incentive for Abilene is a cost-shared Community Planning Assistance grant to support the cost of a JLUS, whereby OEA will make the grant to the City of Abilene as the sponsoring jurisdiction; and,

WHEREAS, the expected cost for a JLUS could reach \$500,000, so the City's match contribution of 10% would be up to \$50,000; which will be the value of staff time dedicated to the study; and,

WHEREAS, Staff proposes the board authorize funding up to \$50,000 to cover the short-fall of the required 10% contribution net the value of the City's in-kind contribution.

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

PART 1. DCOA approves funding up to Fifty Thousand and no/100's Dollars (\$50,000) to cover the 10% contribution required of the City of Abilene as sponsoring entity for application to the U.S. Department of Justice Office of Economic Adjustment (OEA) for a cost-shared Community Planning Assistance grant to perform a Joint Land Use Study (JLUS). The JLUS will be used as a cooperative land use planning effort between the City and Dyess AFB to address perceived incompatible development near Dyess AFB that could adversely affect the military mission and the community.

DCOA funding is contingent upon approval by the Abilene City Council of application and award of a Community Planning Assistance grant to perform the JLUS. Funding will only be required should the value of the City's in-kind contribution of staff time dedicated to the study fall short of the required 10% match for the grant. The Abilene City Council will consider approval of application for the grant during the regular meeting on January 8, 2015.

PART 2. Funding under this resolution is contingent upon execution of all necessary agreements. The funding 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, enter into and execute a final contract and all other related documents on behalf of the DCOA.

ADOPTED this the 17th day of December, 2014.

ATTEST:

Dani Ramsay
Secretary/Treasurer

Dave Copeland
President

APPROVED:

T. Daniel Santee, City Attorney

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