

**RESOLUTION NO. 73-2022**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS  
AUTHORIZING THE CITY MANAGER TO EXECUTE A CHAPTER 380 AGREEMENT  
WITH DYESS AIR FORCE BASE, UNITED STATES AIR FORCE**

**WHEREAS**, the Developer owns Dyess Air Force Base, located within the city limits of Abilene, Texas; and

**WHEREAS**, the Developer has initiated a construction project that will address the deficiencies and vulnerabilities in vehicular gates leading to the flight line at Dyess Air Force Base as determined by an Anti-Terrorism/Force Protection (AT/FP) examination by Global Strike Command (USAF), and the project removes the gates, purchases and installs 10 K-4 rated cantilever drop arm type gates on entryways to the flight line (the "Project"); and

**WHEREAS**, the continued operation of Dyess Air Force Base is vital to the economic development and economic stability of the City of Abilene, Texas; and

**WHEREAS**, on March 12, 2021, the City entered into an Agreement for the Defense Economic Adjustment Assistance Grant with the Office of the Governor, Texas Military Preparedness Commission ("OOG") whereby the OOG will reimburse the City for the actual, reasonable, and allowable costs incurred by the City that are directly allocable to the Project, as determined by the OOG (the "DEAAG"); and

**WHEREAS**, by Resolution No. 26-2022, the City Council approved the reimbursement to the Developer of actual and allowable costs paid for the Project, in an amount not to exceed \$1,888,700.00 made in accordance to the terms and conditions of the DEAAG; and

**WHEREAS**, the Developer has now informed the City that it has need for upfront payment of the \$1,888,700.00 in order to initiate and complete the Project; and

**WHEREAS**, the State of Texas has authorized cities to create economic development programs in accordance with Article III, Chapter 52-a of the Texas Constitution and Chapter 380 of the Texas Local Government Code; and

**WHEREAS**, the City Council approved Resolution No. 49-2016 creating a Chapter 380 economic development program for the City of Abilene; and

**WHEREAS**, the City desires to enter into a Chapter 380 Economic Development Agreement with Dyess Air Force Base in order to implement the economic development program developed by the City to enhance and expand the City's commercial, economic and employment base to the long term interest and benefit of the City and the State of Texas; and

**WHEREAS**, the City hereby finds that the Chapter 380 economic development Agreement embodies an eligible "project" and clearly promotes economic development in the City and, as such, meets the requisite under Chapter 380 of the Texas Local Government Code and is in the best interests of the City.

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

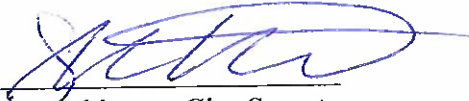
Part 1: The City Council authorizes the City Manager to execute a Chapter 380 Economic Development Agreement with Dyess Air Force Base, as the Developer, and contribute the sum of \$1,888,700.00 for initiation and completion of the Developer's flight line gate project, that the Developer shall repay the City for the sum contributed, and that the Developer shall receive credit toward repayment for any and all amounts reimbursed to the City through the DEAAG.

Part 2: That the statements and findings in the above WHEREAS clauses are hereby affirmed and adopted.

Part 3: That is Resolution takes effect immediately upon its adoption.

**ADOPTED** this 28<sup>th</sup> day of April, 2022.

ATTEST:

  
\_\_\_\_\_  
Shawna Atkinson, City Secretary  
\_\_\_\_\_  
Anthony Williams, Mayor

APPROVED:

  
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Stanley Smith, City Attorney