



# CITY OF FULSHEAR DEVELOPMENT CORPORATION

A Type "A" Economic Development Sales Tax Corporation

PO Box 279 / 30603 FM 1093 · Fulshear, Texas 77441  
281-346-1796  
www.fulsheartexas.gov

---

## JOINT ANNUAL MEETING AGENDA

THE STATE OF TEXAS · CITY OF FULSHEAR · COUNTY OF FORT BEND

Notice is hereby given of the annual meeting of the City of Fulshear Development Corporation (CDC) to be **held by videoconference** on Monday, June 22, 2020 at 5:30 p.m. to consider the below stated items. **Audio, and to the extent feasible, video of the meeting, will be available to the public via the following free-of-charge videoconference link:**

<https://global.gotomeeting.com/join/570161701>

*The above videoconference link allows for two-way communication with members of the public; however, to avoid disruption of the meeting by channel noise, audio feedback loops, or excessive background noise, members of the public may be muted by the presiding officer or the officer's designee except during the citizen's comments and public hearing portions of the agenda, if applicable. A recording of the meeting will be made available to the public.*

Incidental Meeting Notice: A quorum of the City of Fulshear City Council, Planning & Zoning Commission, City of Fulshear Development Corporation (Type A), Fulshear Development Corporation (Type B), Parks & Recreation Commission, Historic Preservation & Museum Commission, Zoning Board of Adjustment, or any or all of these, may be in attendance at the meeting specified in the foregoing notice, which attendance may constitute a meeting of such governmental body or bodies as defined by the Texas Open Meetings Act, Chapter 551, Texas Government Code. Therefore, in addition to the foregoing notice, notice is hereby given of a meeting of each of the above-named governmental bodies, the date, hour, place, and subject of which is the same as specified in the foregoing notice.

The Board of Directors of the City of Fulshear Development Corporation reserves the right to meet in closed/executive session for any of the below listed items should the need arise, and if authorized under the provisions of Title 5, Chapter 551, of the Texas Government Code including, but not limited to, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.087 (economic development negotiations).

1. Call to Order
2. Citizen's Comments – Citizens who desire to address the Corporation regarding matters on the agenda will be received at this time. The number of speakers will be limited to the first ten (10) speakers and each speaker is limited to three (3) minutes. Comments or discussion by directors will only be made at the time the subject is scheduled for consideration.

### Joint Corporation Annual Business:

3. Welcome and introduction of new board directors
4. Consideration of and possible action on election of officers of the Corporation in accordance with the Corporation Bylaws, to include the positions of:
  - a) President
  - b) Vice-President
  - c) Secretary
  - d) Treasurer

**Joint Corporation Business:**

5. Review and discuss update on small business grant program to support Fulshear businesses negatively impacted by COVID-19 and parameters for a potential second program
6. Consideration and action on Resolution CDC 2020-05, a Resolution approving participation in a second City of Fulshear Chapter 380 economic development program to continue providing grants to small businesses negatively affected by COVID-19
7. Consideration and action on Resolution CDC 2020-06, a Resolution requesting the City of Fulshear modify the second Chapter 380 economic development program to continue providing grants to small businesses negatively affected by COVID-19
8. Consideration and action on financials and payables for the Corporation for the period ending April 30, 2020
9. Review and discuss items related to Fiscal Year 2020-2021 budget development and take action as necessary to direct staff:
  - a) Draft FY 2021 EDC Budgets – Operational and Projects Funds
  - b) Administrative Services Agreement and associated Economic Development Department budget
  - c) City Capital Improvement Plan (CIP) project funding requests
  - d) Budget schedule
10. Consideration and action on minutes of the Corporation for the May 18, 2020 Joint Meeting
11. Hear update from City Council liaisons
12. Economic development report: Briefings or updates may be provided regarding City and Economic Development projects and programs, certificates of occupancy, conferences and meetings attended, upcoming meetings and events, business contacts and announcements, and economic indicators
  - a) Update on Broadband Discovery Project
  - b) Update on Innovation Hub Playbook Project
  - c) Update on Transit Feasibility Project
  - d) Update on COVID-19 business support
13. Review and discuss upcoming regular joint meeting schedule
14. Future agenda items
15. Announcements
16. Adjournment

Note: In compliance with the American Disabilities Act, and to the extent applicable, this facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive service must be made at least 48 business hours prior to this meeting. Please contact the City Secretary's office at 281-346-1796 for further information.

I, Angela Fritz, Economic Development Director, do hereby certify that the above Notice of Meeting and Agenda for the City of Fulshear Development Corporation of the City of Fulshear, Texas was posted on **Thursday, June 18, 2020 before 5:00 PM**, in a place convenient and readily accessible at all times to the general public, in compliance with Chapter 551, TEXAS GOVERNMENT CODE.



---

Angela Fritz, Economic Development Director



# FULSHEAR DEVELOPMENT CORPORATION

A Type "B" Economic Development Sales Tax Corporation

PO Box 279 / 30603 FM 1093 · Fulshear, Texas 77441  
281-346-1796  
www.fulsheartexas.gov

---

## JOINT ANNUAL MEETING AGENDA

THE STATE OF TEXAS · CITY OF FULSHEAR · COUNTY OF FORT BEND

Notice is hereby given of the annual meeting of the Fulshear Development Corporation (FDC) to be **held by videoconference** on Monday, June 22, 2020 at 5:30 p.m. to consider the below stated items. **Audio, and to the extent feasible, video of the meeting, will be available to the public via the following free-of-charge videoconference link:**

<https://global.gotomeeting.com/join/570161701>

*The above videoconference link allows for two-way communication with members of the public; however, to avoid disruption of the meeting by channel noise, audio feedback loops, or excessive background noise, members of the public may be muted by the presiding officer or the officer's designee except during the citizen's comments and public hearing portions of the agenda, if applicable. A recording of the meeting will be made available to the public.*

**Incidental Meeting Notice:** A quorum of the City of Fulshear City Council, Planning & Zoning Commission, City of Fulshear Development Corporation (Type A), Fulshear Development Corporation (Type B), Parks & Recreation Commission, Historic Preservation & Museum Commission, Zoning Board of Adjustment, or any or all of these, may be in attendance at the meeting specified in the foregoing notice, which attendance may constitute a meeting of such governmental body or bodies as defined by the Texas Open Meetings Act, Chapter 551, Texas Government Code. Therefore, in addition to the foregoing notice, notice is hereby given of a meeting of each of the above-named governmental bodies, the date, hour, place, and subject of which is the same as specified in the foregoing notice.

The Board of Directors of the Fulshear Development Corporation reserves the right to meet in closed/executive session for any of the below listed items should the need arise, and if authorized under the provisions of Title 5, Chapter 551, of the Texas Government Code including, but not limited to, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.087 (economic development negotiations).

1. Call to Order
2. Citizen's Comments – Citizens who desire to address the Corporation regarding matters on the agenda will be received at this time. The number of speakers will be limited to the first ten (10) speakers and each speaker is limited to three (3) minutes. Comments or discussion by directors will only be made at the time the subject is scheduled for consideration.

### Corporation Business:

3. Consideration and possible action to elect a President Pro-Tem

### Joint Corporation Annual Business:

4. Welcome and introduction of new board directors

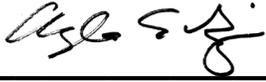
5. Consideration of and possible action on election of officers of the Corporation in accordance with the Corporation Bylaws, to include the positions of:
  - a) President
  - b) Vice-President
  - c) Secretary
  - d) Treasurer

**Joint Corporation Business:**

6. Review and discuss update on small business grant program to support Fulshear businesses negatively impacted by COVID-19 and parameters for a potential second program
7. Consideration and action on Resolution FDC 2020-05, a Resolution approving participation in a second City of Fulshear Chapter 380 economic development program to continue providing grants to small businesses negatively affected by COVID-19
8. Consideration and action on Resolution FDC 2020-06, a Resolution requesting the City of Fulshear modify the second Chapter 380 economic development program to continue providing grants to small businesses negatively affected by COVID-19
9. Consideration and action on financials and payables for the Corporation for the period ending April 30, 2020
10. Review and discuss items related to Fiscal Year 2020-2021 budget development and take action as necessary to direct staff:
  - a) Draft FY 2021 EDC Budgets – Operational and Projects Funds
  - b) Administrative Services Agreement and associated Economic Development Department budget
  - c) City Capital Improvement Plan (CIP) project funding requests
  - d) Budget schedule
11. Consideration and action on minutes of the Corporation for the May 18, 2020 Joint Meeting
12. Hear update from City Council liaisons
13. Economic development report: Briefings or updates may be provided regarding City and Economic Development projects and programs, certificates of occupancy, conferences and meetings attended, upcoming meetings and events, business contacts and announcements, and economic indicators
  - a) Update on Broadband Discovery Project
  - b) Update on Innovation Hub Playbook Project
  - c) Update on Transit Feasibility Project
  - d) Update on COVID-19 business support
14. Review and discuss upcoming regular joint meeting schedule
15. Future agenda items
16. Announcements
17. Adjournment

Note: In compliance with the American Disabilities Act, and to the extent applicable, this facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive service must be made at least 48 business hours prior to this meeting. Please contact the City Secretary's office at 281-346-1796 for further information.

I, Angela Fritz, Economic Development Director, do hereby certify that the above Notice of Meeting and Agenda for the Fulshear Development Corporation of the City of Fulshear, Texas was posted on **Thursday, June 18, 2020 before 5:00 PM,** in a place convenient and readily accessible at all times to the general public, in compliance with Chapter 551, TEXAS GOVERNMENT CODE.



---

Angela Fritz, Economic Development Director



**ECONOMIC DEVELOPMENT  
COMMUNICATION FORM  
June 15, 2020**

ITEM	TITLE
	<b>Elect President Pro-Tem</b>
<b>ITEM/MOTION</b>	
FDC: Consideration and possible action to elect a President Pro-Tem	
<b>ESTIMATED EXPENDITURE:</b>	<b>BUDGET ACCOUNT:</b>

**SUBMITTED BY:**

**SUPPORTING DOCUMENTS:**

Angela E. Fritz  
Economic Development Director

**EXECUTIVE SUMMARY**

There is currently a vacancy in all Corporation officer positions. In this instance, the Bylaws require the election of a President Pro-Tem to run each meeting, with the election of same limited to the duration of that meeting, until officers can be elected.

**RESOLUTION NO. 2020-467**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS APPOINTING DIRECTORS TO THE BOARD OF THE CITY OF FULSHEAR DEVELOPMENT CORPORATION, A TYPE "A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION**

**WHEREAS**, the City appreciates the volunteer service and dedication of board members past and present; and

**WHEREAS**, the terms for certain directors of the Corporation expire June 1, 2020; and

**WHEREAS**, City Council of the City of Fulshear, Texas wishes to make appointments to the City of Fulshear Development Corporation; and

**WHEREAS**, the City Council of the City of Fulshear, Texas has considered the merits of such appointments and finds the persons listed below as competent and eligible for service;

**NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS** that appointments for the City of Fulshear Development Corporation are as follows, that directors no longer listed below are removed from the board, and that those named to serve as directors for the terms designated are expected to duly execute the responsibilities of said positions:

***Directors with terms expiring in 2022***

\_\_\_\_\_  
Prasad Garkhedkar

Term expires: June 1, 2022

\_\_\_\_\_  
Tommy Kuykendall

Term expires: June 1, 2022

***Directors with terms expiring in 2021***

\_\_\_\_\_  
Andrew Van Chau

Term expires: June 1, 2021

\_\_\_\_\_  
Jackie Gilmore

Term expires: June 1, 2021

\_\_\_\_\_  
Randy Etheridge

Term expires: June 1, 2021

**This resolution duly passed this 19<sup>th</sup> day of May, 2020.**



ATTEST:

\_\_\_\_\_  
*Kimberly Kopecky*  
Kimberly Kopecky, City Secretary  
City of Fulshear, Texas

\_\_\_\_\_  
*Aaron Groff*  
Aaron Groff, Mayor  
City of Fulshear, Texas

**RESOLUTION NO. 2020-468**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS APPOINTING DIRECTORS TO THE BOARD OF THE FULSHEAR DEVELOPMENT CORPORATION, A TYPE "B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION**

**WHEREAS**, the City appreciates the volunteer service and dedication of board members past and present; and

**WHEREAS**, the terms for certain directors of the Corporation expire June 1, 2020; and

**WHEREAS**, City Council of the City of Fulshear, Texas wishes to make appointments to the Fulshear Development Corporation; and

**WHEREAS**, the City Council of the City of Fulshear, Texas has considered the merits of such appointments and finds the persons listed below as competent and eligible for service;

**NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS** that appointments for the Fulshear Development Corporation are as follows, that directors no longer listed below are removed from the board, and that those named to serve as directors for the terms designated are expected to duly execute the responsibilities of said positions:

***Directors with terms expiring in 2022***

<u>Tommy Kuykendall</u>	Term expires: June 1, 2022
<u>Ray Kerlick</u>	Term expires: June 1, 2022
<u>Stacy Mangum</u>	Term expires: June 1, 2022
<u>Kim Stacy</u>	Term expires: June 1, 2022

***Directors with terms expiring in 2021***

<u>John Kelly</u>	Term expires: June 1, 2021
<u>Lisa Martin</u>	Term expires: June 1, 2021
<u>Jason Maklary</u>	Term expires: June 1, 2021
<u>Don McCoy (Ex Officio)</u>	Term expires: June 1, 2021

**This resolution duly passed this 19<sup>th</sup> day of May, 2020.**

  
\_\_\_\_\_  
Aaron Groff, Mayor  
City of Fulshear, Texas

ATTEST:  
  
\_\_\_\_\_  
Kimberly Kopecky, City Secretary  
City of Fulshear, Texas





**CITY OF FULSHEAR DEVELOPMENT CORPORATION (A)**  
**COMMUNICATION FORM**  
**June 15, 2020**

ITEM	TITLE
	Election of Officers
<b>ITEM/MOTION</b>	
Consideration of and possible action on election of officers of the Corporation in accordance with the Corporation Bylaws, to include the positions of: President, Vice President, Secretary, and Treasurer	
<b>ESTIMATED EXPENDITURE:</b>	<b>BUDGET ACCOUNT:</b>

**SUBMITTED BY:**

Angela E. Fritz  
Economic Development Director

**SUPPORTING DOCUMENTS:**

1. Corporation Bylaws Excerpt
2. Meeting Minutes Excerpt – June 10, 2019

**EXECUTIVE SUMMARY**

The board elects officers at its Annual Meeting. Staff has included the item for the board's consideration in accordance with the Corporation Bylaws.

Current board officers are as follows:

- **President:** Andrew Van Chau
- **Vice President:** Tommy Kuykendall
- **Secretary:** ~~Jason Maklar~~ **VACANT**
- **Treasurer:** Randy Etheridge



**CORPORATE BYLAWS  
OF THE  
CITY OF FULSHEAR DEVELOPMENT CORPORATION**

These Bylaws shall govern the affairs of the CITY OF FULSHEAR DEVELOPMENT CORPORATION (the Corporation), a public instrumentality and a non-profit corporation created under Section 4A of the Development Corporation Act of 1979, as amended (the Act).

**ARTICLE I  
PURPOSE**

**Sect. 1:** The Corporation acts on behalf of the City of Fulshear, Texas in the furtherance of the public purpose of aiding, promoting, and furthering the economic development of the City of Fulshear, Texas, (City) and may engage in any activities authorized by the Act.

**ARTICLE II  
POWERS**

**Sect. 1:** The Corporation shall have all the powers, both express and implied, granted to corporations governed by Sect. 4A of the Act.

**ARTICLE III  
OFFICE AND AGENT**

**Sect. 1: Principal Office** - The principal office of the Corporation is City Hall, currently located at 30603 FM 1093, Fulshear, Texas. The Corporation may provide for additional offices, or change the location of any office, principal or otherwise, with the approval of the City Council of Fulshear, Texas (the Council).

**Sect. 2: Registered Office and Agent** - The Corporation shall have and continuously maintain in the State of Texas a registered office and a registered agent whose office is identical with such registered office, as required by the Act. The Board of Directors may from time to time change the registered office and/or agent with the approval of Council, and provided that proper notification of such change(s) is given to the Office of the Secretary of State of the State of Texas.

**ARTICLE IV  
BOARD OF DIRECTORS**

**Sect. 1: Management** - The property and affairs of the Corporation shall be managed and controlled by a Board of Directors (the Board) subject to the restrictions imposed by law, by the Articles of Incorporation, these bylaws, and by the Council.

**Sect. 2: Number** - The Board shall consist of five (5) directors who shall be appointed by the Council, and shall at all times serve at the will of Council, irrespective of terms.

**Sect. 3: Term** - The directors shall be appointed for a term not to exceed two (2) years. The initial term of two (2) of the directors shall terminate June 1, 2008. The initial term of three (3) of the directors shall terminate June 1, 2009. The term of any Council member(s) serving as director(s) shall terminate at such time that they cease to be a member of the Council.

**Sect. 4: Qualifications** - Directors shall be at least eighteen (18) years of age and residents of Fulshear, Texas and/or Fort Bend County, Texas. The Council shall consider an individual's experience, profession, accomplishments, and education in appointing directors. Such considerations shall serve the purpose of providing the Board with a varied representation that would best enable it to accomplish its goals and missions. The Board may make recommendations to the Council of individuals for appointment to the Board.

**Sect. 5: Compensation** - Directors shall not receive a salary or any other compensation for their service as directors. However, directors may be reimbursed for their actual and reasonable expenses incurred in the performance of their duties.

**Sect. 6: Duties** - Directors shall exercise ordinary business judgment in managing the affairs of the Corporation. In acting in their official capacity as directors of the Corporation, directors shall act in good faith, and take actions they reasonably believe to be in the best interest of the Corporation, and the City, and which are not unlawful, or unethical. The Board shall be accountable to the Council for all activities undertaken by them, or on their behalf, whether discharged directly by the Board, or by a person, firm, corporation, agency, association, or other entity acting on behalf to the Board.

- A. The directors acting as a Board shall be responsible for, but not limited to, the following:
1. Developing and implementing strategies to bolster the business climate throughout the City
  2. Developing and implementing strategies which fully utilize their assets for the economic development of the City
  3. Utilizing public, private, and academic resources to develop and enhance economic opportunities for the City's citizens and its businesses
  4. At all times being prepared to provide an accounting of all monies expended by the Corporation
  5. Providing to Council such reports on the activities of the Corporation as the Council may from time to time request

**Sect. 7: Ex-Officio Directors** – Council may from time to time appoint ex-officio directors to the Board. The term of office of any appointed ex-officio directors shall expire two years from the date of appointment. Ex-officio directors shall be accorded all the rights and privileges accorded directors with the exception of a voting privilege.

**Sect. 8: Attendance** – Directors should make every effort to attend all regular or special called meetings of the Board. The Council may remove directors absent from meetings on a regular basis.

**Sect. 9: Vacancies** – The Council shall fill any vacancy occurring on the Board. Any such appointment shall be for the unexpired term of the vacated position.

**Sect. 10: Conflicts of Interest** – The directors are local public officials within the meaning of the Texas Government Code. If a director has a substantial interest in a business entity or real property

that is the subject of deliberation by the Board, the director shall file an affidavit with the secretary of the Corporation stating the nature and extent of the interest. Such affidavits shall be filed prior to any vote or decision upon the matter by the Board, and the interested director shall abstain from any vote or decision upon the matter, and may be asked to refrain from participation in discussions of the matter before the Board for consideration.

**Sect. 11: Removal** – The Board of Directors and each member thereof serves at the pleasure of the Council, which may remove any director at any time, either with or without cause, and irrespective of terms.

## **ARTICLE V OFFICERS**

**Sect. 1: Offices** – The officers of the Corporation shall be a president, a vice president, a secretary, and a treasurer, all of whom shall be members of the Board. The Board may create additional officer positions, define the authorities and duties of such additional positions, and appoint persons to fill such positions. No person may hold more than one office at a time in the Corporation.

**Sect. 2: Election and Term** – The officers of the Corporation shall be elected by the Board at the Corporation's organizational meeting, and thereafter annually at the regular annual meeting. Each officer shall hold office until a successor is duly elected, or the officer vacates his position on the Board for whatever reason. An officer may be elected to succeed himself or herself in the same office.

**Sect. 3: Vacancies** – A vacancy in any office will be filled by the Board for the unexpired portion of the officer's term.

**Sect. 4: Removal** – Any officer may be removed by the Board at any time, with or without cause. The removal of an officer does not constitute removal of such person as a director of the Corporation.

**Sect. 5: President** – The president shall be the chief executive officer of the Corporation. He shall preside at all Board meetings and generally supervise and control the business affairs of the Corporation. The president shall execute all documents and agreements affecting the Corporation, except where such power is expressly delegated to another officer of the Corporation. The president shall appoint the members of all committees previously approved by the Council, and all committee chairs. The president shall perform other duties that may from time to time be prescribed by the Board, and all duties incident to the office of president.

**Sect. 6: Vice President** – When the president is absent, is unable to act, or refuses to act, the vice president shall perform the duties of the president. When acting in place of the president, the vice president shall have all the powers, privileges, and duties of president, and be subject to all of the limitations and restrictions placed upon the president.

**Sect. 7: Secretary** – The secretary shall be the custodian of the corporate records. The secretary shall record and keep all the votes and minutes of the meetings of the Board. The secretary shall give notice of all meetings of the Board and its committees. The Board may delegate to another party the duties of recording of votes and minutes, and the posting of meeting notices. The secretary shall authenticate corporate documents and affix the seal of the Corporation as may be required. The secretary shall also perform all duties incident to the office of secretary, and other duties as may from time to time be assigned by the Board. In the absence of the president and vice president, the secretary shall call a meeting to order and preside until the election of a president pro tem.

**Sect. 8: Treasurer** – The treasurer shall, if required by the Board or the Council, provide bond for the faithful discharge of his/her duties in such a form and amount as the Board or Council may require. The cost of such bond shall be paid by the Corporation or the City.

Additionally, the treasurer shall:

1. Have charge and custody of, and be responsible for all funds and securities of the Corporation
2. Receive and give receipts for monies due and payable to the Corporation from any source
3. Deposit all monies in the name of the Corporation in banks, trust companies, or other depositories
4. Maintain the financial books and records of the Corporation
5. Prepare financial reports at least annually, or on a schedule prescribed by the Board or Council
6. Perform other duties as assigned by the Board
7. Perform all duties incident to the office of treasurer

The Board may from time to time delegate to another party those duties of the treasurer it deems appropriate for delegation.

**Sect. 9: Personnel** – The Corporation may establish full-time and/or part-time personnel positions. The Council shall first approve personnel positions so created, as well as the salary and other forms of compensation for any such positions.

**Sect. 10: Executive Director** – The Board may employ an Executive Director to serve as General Manager and Chief Administrative Officer of the Corporation. The Executive Director shall be subject to the supervision of the Board of Directors and shall perform duties specifically delegated to him by the Board. The Executive Director shall serve as an ex-officio member of the Board and any other committees created by the Board. The Council shall first approve the employment of an Executive Director, as well as the salary, other forms of compensation and terms of the employment of an Executive Director.

## **ARTICLE VI MEETINGS**

**Sect. 1: Notice** – The Board shall be considered a “governmental body” within the meaning of Texas Government Code, Sect. 551.001, and all meetings, notices of meetings, and deliberations shall be called, convened, held, conducted, and given in accordance with the provisions of Texas Government Code, Chapter 551 (The Texas Open Meetings Act). In addition to the posting of a meeting notice in accordance with these bylaws and the Texas Open Meetings Act, a copy of each regular or annual meeting notice shall be delivered to each Director not less than seventy-two (72) hours before the time of the meeting. A meeting notice may be delivered in person or by mail. A notice by mail shall be deemed delivered when deposited in the United States mail addressed to the director at his/her address as it appears on the records of the Corporation. A director may waive such notice in writing at any time before the time of a meeting. Notices for special meetings will likewise be required and may be issued to directors by mail or in person in accordance with the above given provisions at least seventy-two (72) hours before the date of the meeting, and shall include who called the meeting and

the purpose of the meeting. The City shall be notified of any meetings either by way of email, phone, fax, or mail.

**Sect. 2: Regular Meetings** – The Board shall provide for at least four (4) regular meetings annually. The regular meetings shall be convened and adjourned within the City of Fulshear, Texas at the principal office of the Corporation, or at such other locations as the Board may designate so long as such meetings are likewise convened and adjourned within the City of Fulshear, Texas.

**Sect. 3: Special Meetings** – Special meetings of the Board may be called at the request of the president or any two (2) directors. A person or persons calling the meeting shall fix the time, date, and location of the meeting. Special meetings shall be convened and adjourned within the City. The person or persons calling the meeting shall notify the secretary of the Corporation of the information required to be included in the notice of the meeting.

**Sect. 4: Annual Meeting** – The annual meeting of the Corporation shall be held during the month of June of each year. The Board shall designate the time and location of the annual meeting.

**Sect. 5: Quorum** – Three (3) directors shall constitute a quorum for the transaction of business at any meeting of the Board. The presence of a director may not be established by proxy. No business shall be conducted, nor shall any action be taken by the Board, in the absence of a quorum.

**Sect. 6: Proxy Voting** – A director may not vote by proxy.

**Sect. 7: Actions of the Board** – The vote of a majority of directors present at a duly convened meeting at which a quorum is present shall be sufficient to constitute an act of the Board.

## **ARTICLE VII COMMITTEES**

**Sect. 1: Authorization** – Upon approval of the Council, the president may appoint persons to serve on standing or ad hoc committees. The Council shall likewise approve a committee's membership. Further, a committee's membership shall contain no less than one (1), or more than two (2) directors, and may also include members who are not directors of the Corporation. Committees may be charged with specific duties and/or authority, but shall in no case take any action, or assume any authority, not specifically granted to them by the Board. The Board or City may terminate any committee, or remove any member at any time, either with or without cause.

**Sect. 2: Term** – Members of standing committees shall serve until successors are appointed, the committee is terminated, or a member is removed or resigns. Vacancies will be filled in the same manner as the original appointment.

### **Sect. 3: Rules**

- A. Each committee may adopt rules for its own operation consistent with these bylaws and any rules adopted by the Board.
- B. In such cases as a committee serves only as an advisory body, it shall not be subject to the Open Meetings Act or the Open Records Act. Should the committee be empowered with decision-making authority, or it's advice and/or

recommendations be deemed tantamount to Board action, it shall then become subject to the Texas Open Meetings Act and the Texas Open Records Act.

- C. Each committee shall keep regular minutes of its meetings and report the same to the Board and the Council.

## **ARTICLE VIII FISCAL YEAR**

**Sect. 1:** The fiscal year of the Corporation shall begin on the first day in October, and end on the last day in September.

## **ARTICLE IX FINANCIAL ADMINISTRATION**

### **Sect. 1: Investments**

- A. Corporate funds shall be deposited and maintained in a manner compliant with the provisions of Chapter 2256, Public Funds Investment Act, of the Texas Government Code.
- B. The Corporation shall adopt an investment policy in compliance with the provisions of Chapter 2256, Public Funds Investment Act, of the Texas Government Code. Such policy shall be approved by the Council. Likewise, any amendments to the policy shall require approval of the Council.

**Sect. 2: Checks and Drafts** – All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Corporation shall be signed by two (2) original signatures. Authorized signatories shall be the directors of the Corporation, and additionally, authorized signatories for checks may include, in addition to the directors, an individual(s) approved by the Board as an authorized signatory(ies) for Corporate checks.

**Sect. 3: Budget** – By August 1<sup>st</sup> of each year the Corporation shall adopt a proposed annual budget of anticipated revenues and proposed expenditures for the coming fiscal year. The budget shall contain such classifications, and be in such a form, as may from time to time be prescribed by Council. The Corporation's budget shall be approved by the Council prior to the expenditure of any budgetary funds.

**Sect 4: Records and Reports** – The Corporation shall at all times maintain financial records of its revenues and expenditures, including receipts of all expenditures made. The Corporation shall provide the Council with monthly reports of revenues and expenditures, along with monthly check register documentation. Additionally, the Corporation shall, within ninety (90) days after the end of its fiscal year, provide the Council with an Annual Statement of Revenues and Expenditures, along with a summary of all its assets.

**Sect. 5: Limitation on Expenditures** – Council approval will not be required for singular un-budgeted expenditures so long as such singular expenditures do not exceed two percent (2%) of the Corporation's budgeted revenues for the fiscal year during which such expenditures are made. No purchase of goods or services on behalf of the Corporation shall be made unless previously approved

by the Board, or authority has been expressly granted by the Board to make purchase on behalf of the Corporation.

Additionally, singular expenditures in excess of ten thousand dollars (\$10,000.00) shall first be approved by the Council, and such Council approval may only be given after two separate readings of an authorizing resolution by Council.

**Sect. 6: Bonds** – Any bonds issued by the Corporation shall be in accordance with the Act, and shall not be issued without prior approval of the Council. Likewise, the Corporation shall seek and take into consideration the advice of the City’s bond counsel and or financial advisor(s).

**Sect. 7: Gifts** – The Board may accept on behalf of the Corporation any gift or bequest. Special funds shall be established for any funds from government contracts, grants, or gifts that were designated by the donor for a specific purpose. All other funds shall be general funds.

**Sect. 8: Audits** –The Corporation shall cause its books, records, accounts, and financial statements, and all other financial activities to be audited annually. Such audit shall be conducted by an outside independent certified public accounting firm. Further, any such audit shall be performed in accordance with generally accepted auditing procedures (GAAP), and shall include a written management letter that details any suggested management controls and operation efficiencies.

**Sect. 9: Conflicts of Interest** – No Board member, officer, or employee of the Corporation or City, or member of Council may lend money to, or borrow money from, the Corporation.

## **ARTICLE X TRANSACTIONS**

### **Sect. 1: Contracts**

- A. The Board may, by official action, authorize any officer or agent of the Corporation to enter into a contract, or execute and deliver any instrument in the name of, or on behalf of the Corporation. This authority may be limited to a specific contract or instrument, or it may extend to any number and type of possible contracts and instruments.
- B. The Corporation may contract with the City, or other entities or persons, for financial, administrative, legal, and other services.

## **ARTICLE XI BOOKS AND RECORDS**

**Sect. 1: Required** – The Corporation shall keep and properly maintain correct and complete books and records of account. Such books and records shall be kept at City Hall. The Corporation’s books and records shall include, but not be limited to, the following:

- A. A file-endorsed copy of all documents filed with the Texas Secretary of State’s office along with originals of all documents received from the Texas Secretary of State’s office
- B. A copy of the Corporation’s bylaws, and any amended versions

- C. Minutes of the proceedings of the Board
- D. Corporate agendas and postings
- E. Books, records, accounts, and financial statements pertaining to corporate funds
- F. Rulings, letters, and other documents relating to the Corporation's federal, state, and local tax status
- G. Any and all contracts or agreements entered into by the Corporation
- H. A current list of names and addresses of the directors, ex-officio directors, and officers of the Corporation

**Sect. 2: Inspection** – The Corporation shall be considered a “governmental body” within the meaning of the Texas Government Code, and all records of the Corporation shall be made available to the public for inspection or reproduction in accordance with the requirements of the Texas Government Code (Open Records Act).

## **ARTICLE XII INDEMNIFICATION**

**Sect. 1: Corporation to Indemnify** – The Corporation shall indemnify any current or former director, officer, employee, or agent of the Corporation for expenses and costs, including attorney's fees, actually and necessarily incurred by the director, officer, employee, or agent in connection with any claim asserted against the director, officer, employee, or agent by action in court, or otherwise, by reason of the person being, or having been, a director, officer, employee, or agent of the Corporation, except in relation to matters as to which the person shall have been guilty of negligence or misconduct in respect of the matter in which indemnity is sought.

**Sect. 2: Insurance** – The Corporation may purchase and maintain insurance on behalf of any person who is, or was, a director, officer, employee, or agent of the Corporation to insure such person against any liability asserted against the person by reason of the person being, or having been, a director, officer, employee, or agent of the Corporation. The premiums for such insurance shall be paid by the Corporation.

## **ARTICLE XIII MISCELLANEOUS PROVISIONS**

**Sect. 1: Seal** – The Corporation may provide for a corporate seal.

**Sect. 2: Parliamentary Authority** – Robert's Rules of Order, the latest version, shall be the parliamentary authority for all matters of procedure not specifically covered by the bylaws, or any specific rules of procedure that may from time to time be adopted by the Board.

**Sect. 3: Legal Authority** – The bylaws shall be construed in accordance with the laws of the State of Texas. All references in the bylaws to statutes, regulations, or other sources of legal authority shall refer to the authorities cited, or their successors, as they may be amended from time to time. It is

expressly provided that the provisions of the Development Corporation Act of 1979 applicable to corporations governed under Sec. 4A of that Act are incorporated within these bylaws by inference. In the event of any conflict between the applicable provisions of such Act, State statute or regulation, and these bylaws, the applicable provisions of such Act, State statute, or regulation shall control.

**Sect. 4: Legal Construction** – If any provision is held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability shall not affect other provisions of the bylaws. The bylaws shall be construed as if the invalid, illegal, or unenforceable provision had not been included in the bylaws.

**Sect. 5: Headings** – The headings used in the bylaws are used for convenience and shall not be considered in construing the terms of the bylaws.

**Sect. 6: Amendment** – The bylaws may be amended, altered, or repealed by the Council. Additionally, the bylaws may be amended, altered, or repealed by the Board, with the approval of the Council.

**Sect. 7: Parties Bound** – The bylaws shall be binding upon and inure to the benefit of the directors, officers, employees, and agents of the Corporation and their respective heirs, executors, administrators, legal representatives, successors, and assigns except as otherwise provided in the bylaws.

**Sect. 8: Dissolution** – Upon dissolution for any reason, all of the Corporation’s assets shall be conveyed to the City after satisfaction of all outstanding obligations of the Corporation.

**Sect. 9: Effective Date** – These bylaws, and any subsequent amendments hereto, shall be effective on and from the date upon which approval has been given by both the Board and the Council.

**CERTIFICATION**

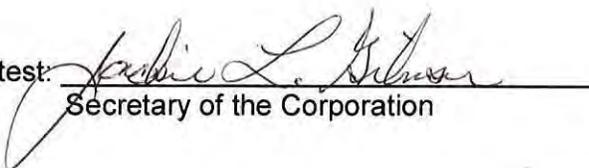
This is to certify that the foregoing is a true and correct copy of the bylaws of the City of Fulshear Development Corporation, and that such bylaws were duly approved by the City Council of the City of Fulshear, Texas on the date set forth below.

Approved by the City Council of the City of Fulshear, Texas on this 16<sup>th</sup> day of October, 2007.

Attest:   
City Secretary

This is to certify that the foregoing is a true and correct copy of the bylaws of the City of Fulshear Development Corporation, and that such bylaws were duly adopted by the Board of Directors of the City of Fulshear Development Corporation on the date set forth below.

Adopted by the Board of Directors of the City of Fulshear Development Corporation on this 29<sup>th</sup> day of January, 2008.

Attest:   
Secretary of the Corporation



# CITY OF FULSHEAR DEVELOPMENT CORPORATION

A Type "A" Economic Development Sales Tax Corporation

PO Box 279 / 30603 FM 1093  
Fulshear, Texas 77441  
Phone: 281-346-1796 Fax: 281-346-2556  
[www.fulsheartexas.gov](http://www.fulsheartexas.gov)

---

## Meeting Minutes

June 10, 2019

6:30 PM

Board Members Present: Andrew Van Chau, Jason Maklary, Rev. Jackie Gilmore, Bill Archer (departed at 6:49 p.m.), Randy Etheridge, Tommy Kuykendall  
Board Members Absent: Troy Bozeman (holdover)  
Staff & City Council Liaison: Angela Fritz, Chandler Marks, Brant Gary, Councilmember John Kelly, Michael Schoof (security)  
Attendees: Aaron Groff, Kaye Kahlich, Kent Pool, C.J. McDaniel

### 1. Call to Order

There being a quorum of the board present, Andrew Van Chau, President, called the meeting to order at 6:30 p.m.

### 2. Citizen's Comments

Mr. Archer stated that the Texas Wildlife Rehabilitation Center has released rehabilitated herons on his property, and passed along contact information for the group to Mr. Van Chau, encouraging someone to reach out to the group regarding potentially relocating to Fulshear as they are looking for a new home.

### 3. Recognition of outgoing board director

Mayor Groff recognized Mr. Archer with a Proclamation declaring June 10, 2019 as *Bill Archer Appreciation Day* in the City in recognition of his years of service on the EDC board as well as numerous other roles in the City.

President Van Chau recessed the meeting at 6:36 p.m.; the meeting was resumed at 6:49 p.m. after a brief reception honoring Mr. Archer.

### Not an Action Item

**4. Welcome and introduction of new board directors**

Ms. Fritz introduced the newly-appointed directors, Mr. Etheridge, and Mr. Kuykendall. The board then introduced themselves to one another.

**Not an Action Item**

**5. Consideration of and possible action on election of officers of the Corporation in accordance with the Corporation Bylaws, to include the positions of: President, Vice-President, Secretary, Treasurer**

Board directors submitted nominations for the positions.

**Motion to appoint Mr. Van Chau as President – Maklary; Second - Kuykendall**

**Ayes: 5      Nays: 0      Abstentions: 0**

**Motion to appoint Mr. Kuykendall as Vice President – Maklary; Second - Etheridge**

**Ayes: 5      Nays: 0      Abstentions: 0**

**Motion to appoint Mr. Maklary as Secretary – Gilmore; Second - Kuykendall**

**Ayes: 5      Nays: 0      Abstentions: 0**

**Motion to appoint Mr. Etheridge as Treasurer – Gilmore; Second - Kuykendall**

**Ayes: 5      Nays: 0      Abstentions: 0**

**6. Consideration of and possible action on minutes of the Corporation for the May 6, 2019 Regular Meeting**

**Motion to accept the minutes as presented – Gilmore; Second – Maklary**

**Ayes: 5      Nays: 0      Abstentions: 0**

**7. Consideration of and possible action on financials and payables for the Corporation for the period ending April 30, 2019**

Ms. Fritz presented a summary of the EDC Sales Tax report, financials, and payables.

**Motion to approve the payables as presented for the reimbursement under the Administrative Services Agreement in the amount of \$13,747.27 – Maklary; Second – Kuykendall**

**Ayes: 5      Nays: 0      Abstentions: 0**

**8. Hear presentation on Wildflower Beautification Project\***

*\*this item was considered after item 6*

Mr. Van Chau introduced C.J. McDaniel who shared a handout with the board and provided an overview of his proposed wildflower beautification project for Fulshear. The initial project proposed would run within the FM 1093 media from FM 1463 to the western edge of Cross Creek Ranch and is estimated to cost a total of approximately \$30,000. Mr. McDaniel stated that he would keep the board apprised of the progress, and that he was not requesting funding from the Corporation at this time. The board discussed the project.

**Not an Action Item**

**9. Economic Development update including:**

- a) **City and Economic Development Projects**
- b) **Certificates of Occupancy**
- c) **Conferences and Meetings Attended**
- d) **Upcoming Meetings and Events**
- e) **Business Contacts and Announcements**
- f) **Legislative Updates**
- g) **Economic Indicators**

Ms. Fritz provided a brief overview of ongoing projects and initiatives. Mr. Marks provided an update on Certificates of Occupancy issued for new businesses. Mr. Van Chau mentioned the First Financial rope cutting scheduled for 6/26, and also the Waller County Ross Distribution Center project.

**Not an Action Item**

**10. Review and discuss items related to Fiscal Year 2019-2020 budget development and take action as necessary to direct staff:**

- a) **Draft FY 2020 EDC Budgets – Operational and Projects Funds**
- b) **Administrative Services Agreement and associated Economic Development department budget**
- c) **City Capital Improvement Plan (CIP) projects**

Ms. Fritz provided an overview of budget development underway. Mr. Gary, the City's Assistant City Manager, provided an overview of capital improvement projects either proposed or underway, for which the EDC has provided or will be asked to provide funding. Mr. Gary noted that the FY20 CIP requests will include "reallocations" from previous years. Discussion ensued among the board. The board was amenable to staff proceeding with budget finalization based on the parameters presented in the drafts.

**Not an Action Item**

**11. Review and discuss regular meeting day and time**

The board reviewed its regular meeting date and time, with staff recommending moving the Corporation's meeting times from the first Monday of each month at 6:30pm, to the second Monday of each month at 6:00pm. The board agreed to the proposal.

**Not an Action Item**

**12. Review and discuss upcoming regular meeting schedule**

The board approved a calendar of future regular meeting dates through June 2020 in accordance with the discussion relative to item 11.

**Not an Action Item**

**13. Announcements.**

Mr. Kuykendall announced the monthly meeting of the Fulshear-Katy Area Chamber of Commerce to be held on Wednesday morning, June 12.

**14. Adjournment.**

**Motion to adjourn – Maklary @ 8:51 p.m.; Second – Etheridge**  
**Ayes: 5      Nays: 0      Abstentions: 0**

Passed and approved this 8<sup>th</sup> day of July, 2019.

  
\_\_\_\_\_  
Jason Maklary, Secretary  
City of Fulshear Development Corporation

  
\_\_\_\_\_  
Andrew Van Chau, President  
City of Fulshear Development Corporation



**ECONOMIC DEVELOPMENT  
COMMUNICATION FORM  
June 15, 2020**

ITEM	TITLE
	Election of Officers
<b>ITEM/MOTION</b>	
Consideration of and possible action on election of officers of the Corporation in accordance with the Corporation Bylaws, to include the positions of: President, Vice President, Secretary, and Treasurer	
<b>ESTIMATED EXPENDITURE:</b>	<b>BUDGET ACCOUNT:</b>

**SUBMITTED BY:**

Angela E. Fritz  
Economic Development Director

**SUPPORTING DOCUMENTS:**

1. Corporation Bylaws Excerpt
2. Meeting Minutes Excerpt – June 17, 2019

**EXECUTIVE SUMMARY**

The board elects officers at its Annual Meeting. Staff has included the item for the board's consideration in accordance with the Corporation Bylaws.



**CORPORATE BYLAWS  
OF THE  
FULSHEAR DEVELOPMENT CORPORATION**

These Bylaws shall govern the affairs of the FULSHEAR DEVELOPMENT CORPORATION (the Corporation), a public instrumentality and a non-profit corporation created under Section 4B of the Development Corporation Act of 1979, as amended (the Act).

**ARTICLE I  
PURPOSE**

**Sect. 1:** The Corporation acts on behalf of the City of Fulshear, Texas in the furtherance of the public purpose of aiding, promoting, and furthering the economic development of the City of Fulshear, Texas, (City) and may engage in any activities authorized by the Act.

**ARTICLE II  
POWERS**

**Sect. 1:** The Corporation shall have all the powers, both express and implied, granted to corporations governed by Sect. 4B of the Act.

**ARTICLE III  
OFFICE AND AGENT**

**Sect. 1: Principal Office** - The principal office of the Corporation is City Hall, currently located at 30603 FM 1093, Fulshear, Texas. The Corporation may provide for additional offices, or change the location of any office, principal or otherwise, with the approval of the City Council of Fulshear, Texas (the Council).

**Sect. 2: Registered Office and Agent** - The Corporation shall have and continuously maintain in the State of Texas a registered office and a registered agent whose office is identical with such registered office, as required by the Act. The Board of Directors may from time to time change the registered office and/or agent with the approval of Council, and provided that proper notification of such change(s) is given to the Office of the Secretary of State of the State of Texas.

**ARTICLE IV  
BOARD OF DIRECTORS**

**Sect. 1: Management** - The property and affairs of the Corporation shall be managed and controlled by a Board of Directors (the Board) subject to the restrictions imposed by law, by the Articles of Incorporation, these bylaws, and by the Council.

**Sect. 2: Number** - The Board shall consist of seven (7) directors who shall be appointed by the Council, and shall at all times serve at the will of Council, irrespective of terms. No more than four (4) of the directors shall be Council members, officers of the City, or employees of the City.

**Sect. 3: Term** - The directors shall be appointed for a term not to exceed two (2) years. The initial term of three (3) of the directors shall terminate June 1, 2008. The initial term of four (4) of the directors shall terminate June 1, 2009. The term of any Council member(s) serving as director(s) shall terminate at such time that they cease to be a member of the Council.

**Sect. 4: Qualifications** - Directors shall be at least eighteen (18) years of age and residents of Fulshear, Texas and/or Fort Bend County, Texas. The Council shall consider an individual's experience, profession, accomplishments, and education in appointing directors. Such considerations shall serve the purpose of providing the Board with a varied representation that would best enable it to accomplish its goals and missions. The Board may make recommendations to the Council of individuals for appointment to the Board.

**Sect. 5: Compensation** - Directors shall not receive a salary or any other compensation for their service as directors. However, directors may be reimbursed for their actual and reasonable expenses incurred in the performance of their duties.

**Sect. 6: Duties** - Directors shall exercise ordinary business judgment in managing the affairs of the Corporation. In acting in their official capacity as directors of the Corporation, directors shall act in good faith, and take actions they reasonably believe to be in the best interest of the Corporation, and the City, and which are not unlawful, or unethical. The Board shall be accountable to the Council for all activities undertaken by them, or on their behalf, whether discharged directly by the Board, or by a person, firm, corporation, agency, association, or other entity acting on behalf to the Board.

A. The directors acting as a Board shall be responsible for, but not limited to, the following:

1. Developing and implementing strategies to bolster the business climate throughout the City
2. Developing and implementing strategies which fully utilize their assets for the economic development of the City
3. Utilizing public, private, and academic resources to develop and enhance economic opportunities for the City's citizens and its businesses
4. At all times being prepared to provide an accounting of all monies expended by the Corporation
5. Providing to Council such reports on the activities of the Corporation as the Council may from time to time request

**Sect. 7: Ex-Officio Directors** – Council may from time to time appoint ex-officio directors to the Board. The term of office of any appointed ex-officio directors shall expire two years from the date of appointment. Ex-officio directors shall be accorded all the rights and privileges accorded directors with the exception of a voting privilege.

**Sect. 8: Attendance** – Directors should make every effort to attend all regular or special called meetings of the Board. The Council may remove directors absent from meetings on a regular basis.

**Sect. 9: Vacancies** – The Council shall fill any vacancy occurring on the Board. Any such appointment shall be for the unexpired term of the vacated position.

**Sect. 10: Conflicts of Interest** – The directors are local public officials within the meaning of the Texas Government Code. If a director has a substantial interest in a business entity or real property that is the subject of deliberation by the Board, the director shall file an affidavit with the secretary of the Corporation stating the nature and extent of the interest. Such affidavits shall be filed prior to any vote or decision upon the matter by the Board, and the interested director shall abstain from any vote or decision upon the matter, and may be asked to refrain from participation in discussions of the matter before the Board for consideration.

**Sect. 11: Removal** – The Board of Directors and each member thereof serves at the pleasure of the Council which may remove any director at any time, either with or without cause, and irrespective of terms.

## **ARTICLE V OFFICERS**

**Sect. 1: Offices** – The officers of the Corporation shall be a president, a vice president, a secretary, and a treasurer, all of whom shall be members of the Board. The Board may create additional officer positions, define the authorities and duties of such additional positions, and appoint persons to fill such positions. No person may hold more than one office in the Corporation.

**Sect. 2: Election and Term** – The officers of the Corporation shall be elected by the Board at the Corporation’s organizational meeting, and thereafter annually at the regular annual meeting. Each officer shall hold office until a successor is duly elected, or the officer vacates his position on the Board for whatever reason. An officer may be elected to succeed himself or herself in the same office.

**Sect. 3: Vacancies** – A vacancy in any office will be filled by the Board for the unexpired portion of the officer’s term.

**Sect. 4: Removal** – Any officer may be removed by the Board at any time, with or without cause. The removal of an officer does not constitute removal of such person as a director of the Corporation.

**Sect. 5: President** – The president shall be the chief executive officer of the Corporation. He shall preside at all Board meetings and generally supervise and control the business affairs of the Corporation. The president shall execute all documents and agreements affecting the Corporation, except where such power is expressly delegated to another officer of the Corporation. The president shall appoint the members of all committees previously approved by the Council, and all committee chairs. The president shall perform other duties that may from time to time be prescribed by the Board, and all duties incident to the office of president.

**Sect. 6: Vice President** – When the president is absent, is unable to act, or refuses to act, the vice president shall perform the duties of the president. When acting in place of the president, the vice president shall have all the powers, privileges, and duties of president, and be subject to all of the limitations and restrictions placed upon the president.

**Sect. 7: Secretary** – The secretary shall be the custodian of the corporate records. The secretary shall record and keep all the votes and minutes of the meetings of the Board. The secretary shall give notice of all meetings of the Board and its committees. The Board may delegate to another party the duties of recording of votes and minutes, and the posting of meeting notices. The secretary shall authenticate corporate documents and affix the seal of the Corporation as may be required. The secretary shall also perform all duties incident to the office of secretary, and other duties as may from

time to time be assigned by the Board. In the absence of the president and vice president, the secretary shall call a meeting to order and preside until the election of a president pro tem.

**Sect. 8: Treasurer** – The treasurer shall, if required by the Board or the Council, provide bond for the faithful discharge of his/her duties in such a form and amount as the Board or Council may require. The cost of such bond shall be paid by the Corporation, or the City. In the absence of the president, vice president, and secretary, the treasurer shall call a meeting to order, and presided until the election of a president pro-tem.

Additionally, the treasurer shall:

1. Have charge and custody of, and be responsible for all funds and securities of the Corporation
2. Receive and give receipts for monies due and payable to the Corporation from any source
3. Deposit all monies in the name of the Corporation in banks, trust companies, or other depositories
4. Maintain the financial books and records of the Corporation
5. Prepare financial reports at least annually, or on a schedule prescribed by the Board or Council
6. Perform other duties as assigned by the Board
7. Perform all duties incident to the office of treasurer

The Board may from time to time delegate to another party those duties of the treasurer it deems appropriate for delegation.

**Sect. 9: Personnel** – The Corporation may establish full-time and/or part-time personnel positions. The Council shall first approve personnel positions so created, as well as the salary and other forms of compensation for any such positions.

**Sect. 10: Executive Director** – The Board may employ an Executive Director to serve as General Manager and Chief Administrative Officer of the Corporation. The Executive Director shall be subject to the supervision of the Board of Directors and shall perform duties specifically delegated to him by the Board. The Executive Director shall serve as an ex-officio member of the Board and any other committees created by the Board. The Council shall first approve the employment of an Executive Director, as well as the salary, other forms of compensation and terms of employment of an Executive Director.

## **ARTICLE VI MEETINGS**

**Sect. 1: Notice** – The Board shall be considered a “governmental body” within the meaning of Texas Government Code, Sect. 551.001, and all meetings, notices of meetings, and deliberations shall be called, convened, held, conducted, and given in accordance with the provisions of Texas Government Code, Chapter 551 (The Texas Open Meetings Act). In addition to the posting of a meeting notice in accordance with these bylaws and the Texas Open Meetings Act, a copy of each regular or annual meeting notice shall be delivered to each Director not less than seventy-two (72) hours before the time of the meeting. A meeting notice may be delivered in person or by mail. A notice by mail shall be deemed delivered when deposited in the United States mail addressed to the director at his/her address as it appears on the records of the Corporation. A director may waive such notice in writing at

any time before the time of a meeting. Notices for special meetings will likewise be required and may be issued to directors by mail or in person in accordance with the above given provisions at least seventy-two (72) hours before the date of the meeting, and shall include who called the meeting and the purpose of the meeting. The City shall be notified of any meetings either by way of email, phone, fax, or mail.

**Sect. 2: Regular Meetings** – The Board shall provide for at least four (4) regular meetings annually. The regular meetings shall be convened and adjourned within the City of Fulshear, Texas at the principal office of the Corporation, or at such other locations as the Board may designate so long as such meetings are likewise convened and adjourned within the City of Fulshear, Texas.

**Sect. 3: Special Meetings** – Special meetings of the Board may be called at the request of the president or any three (3) directors. A person or persons calling the meeting shall fix the time, date, and location of the meeting. Special meetings shall be convened and adjourned within the City. The person or persons calling the meeting shall notify the secretary of the Corporation of the information required to be included in the notice of the meeting.

**Sect. 4: Annual Meeting** – The annual meeting of the Corporation shall be held during the month of June of each year. The Board shall designate the time and location of the annual meeting.

**Sect. 5: Quorum** – Four (4) directors shall constitute a quorum for the transaction of business at any meeting of the Board. The presence of a director may not be established by proxy. No business shall be conducted, nor shall any action be taken by the Board, in the absence of a quorum.

**Sect. 6: Proxy Voting** – A director may not vote by proxy.

**Sect. 7: Actions of the Board** – The vote of a majority of directors present at a duly convened meeting at which a quorum is present shall be sufficient to constitute an act of the Board.

## **ARTICLE VII COMMITTEES**

**Sect. 1: Authorization** – Upon approval of the Council, the president may appoint persons to serve on standing or ad hoc committees. The Council shall likewise approve a committee's membership. Further, a committee's membership shall contain no less than one (1), or more than three (3) directors, and may also include members who are not directors of the Corporation. Committees may be charged with specific duties and/or authority, but shall in no case take any action, or assume any authority, not specifically granted to them by the Board. The Board or City may terminate any committee, or remove any member at any time, either with or without cause.

**Sect. 2: Term** – Members of standing committees shall serve until successors are appointed, the committee is terminated, or a member is removed or resigns. Vacancies will be filled in the same manner as the original appointment

### **Sect. 3: Rules**

- A. Each committee may adopt rules for its own operation consistent with the bylaws and any rules adopted by the Board.

- B. In such cases as a committee serves only as an advisory body, it shall not be subject to the Open Meetings Act or Open Records Act. Should the committee be empowered with decision making authority, or it's advice and/or recommendations be deemed tantamount to Board action, it shall then become subject to the Texas Open Meetings Act and the Texas Open Records Act.
- C. Each committee shall keep regular minutes of its meetings and report the same to the Board and the Council.

## **ARTICLE VIII FISCAL YEAR**

**Sect. 1:** The fiscal year of the Corporation shall begin on the first day in October, and end on the last day in September.

## **ARTICLE IX FINANCIAL ADMINISTRATION**

### **Sect. 1: Investments**

- A. Corporate funds shall be deposited and maintained in a manner compliant with the provisions of Chapter 2256, Public Funds Investment Act, of the Texas Government Code.
- B. The Corporation shall adopt an investment policy in compliance with the provisions of Chapter 2256, Public Funds Investment Act, of the Texas Government Code. Such policy shall be approved by the Council. Likewise, any amendments to the policy shall require approval of the Council.

**Sect. 2: Checks and Drafts** – All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Corporation shall be signed by two (2) original signatures. Authorized signatories shall be the directors of the Corporation, and additionally, authorized signatories for checks may include, in addition to the directors, an individual(s) approved by the Board as an authorized signatory(ies) for Corporate checks.

**Sect. 3: Budget** – By August 1<sup>st</sup> of each year the Corporation shall adopt a proposed annual budget of anticipated revenues and proposed expenditures for the coming fiscal year. The budget shall contain such classifications, and be in such a form, as may from time to time be prescribed by Council. The Corporation's budget shall be approved by the Council prior to the expenditure of any budgetary funds.

**Sect 4: Records and Reports** – The Corporation shall at all times maintain financial records of its revenues and expenditures, including receipts of all expenditures made. The Corporation shall provide the Council with monthly reports of revenues and expenditures, along with monthly check register documentation. Additionally, the Corporation shall, within ninety (90) days after the end of its fiscal year, provide the Council with an Annual Statement of Revenues and Expenditures, along with a summary of all its assets.

**Sect. 5: Limitation on Expenditures** – Council approval will not be required for singular un-budgeted expenditures so long as such singular expenditures do not exceed two percent (2%) of the Corporation’s budgeted revenues for the fiscal year during which such expenditures are made. No purchase of goods or services on behalf of the Corporation shall be made unless previously approved by the Board, or authority has been expressly granted by the Board to make purchase on behalf of the Corporation.

Additionally, singular expenditures in excess of ten thousand dollars (\$10,000.00) shall first be approved by the Council, and such Council approval may only be given after two separate readings of an authorizing resolution by Council.

**Sect. 6: Bonds** – Any bonds issued by the Corporation shall be in accordance with the Act, and shall not be issued without prior approval of the Council. Likewise, the Corporation shall seek and take into consideration the advice of the City’s bond counsel, and or, financial advisor(s).

**Sect. 7: Gifts** – The Board may accept on behalf of the Corporation any gift or bequest. Special funds shall be established for any funds from government contracts, grants, or gifts that were designated by the donor for a specific purpose. All other funds shall be general funds.

**Sect. 8: Audits** – The Corporation shall cause its books, records, accounts, and financial statements, and all other financial activities to be audited annually. Such audit shall be conducted by an outside independent certified public accounting firm. Further, any such audit shall be performed in accordance with generally accepted auditing procedures (GAAP), and shall include a written management letter that details any suggested management controls and operation efficiencies.

**Sect. 9: Conflicts of Interest** – No Board member, officer, or employee of the Corporation or City, or member of Council may lend money to, or borrow money from, the Corporation.

## **ARTICLE X TRANSACTIONS**

### **Sect. 1: Contracts**

- A. The Board may, by official action, authorize any officer or agent of the Corporation to enter into a contract, or execute and deliver any instrument in the name of, or on behalf of the Corporation. This authority may be limited to a specific contract or instrument, or it may extend to any number and type of possible contracts and instruments.
- B. The Corporation may contract with the City, or other entities, or persons for financial, administrative, legal, and other services.

## **ARTICLE XI BOOKS AND RECORDS**

**Sect. 1: Required** – The Corporation shall keep and properly maintain correct and complete books and records of account. Such books and records shall be kept at City Hall. The Corporation’s books and records shall include, but not be limited to, the following:

- A. A file-endorsed copy of all documents filed with the Texas Secretary of State's office along with originals of all documents received from the Texas Secretary of State's office
- B. A copy of the Corporation's bylaws, and any amended versions
- C. Minutes of the proceedings of the Board
- D. Corporate agendas and postings
- E. Books, records, accounts, and financial statements pertaining to corporate funds
- F. Rulings, letters, and other documents relating to the Corporation's federal, state, and local tax status
- G. Any and all contracts or agreements entered into by the Corporation
- H. A current list of names and addresses of the directors, ex-officio directors, and officers of the Corporation

**Sect. 2: Inspection** – The Corporation shall be considered a “governmental body” within the meaning of the Texas Government Code, and all records of the Corporation shall be made available to the public for inspection or reproduction in accordance with the requirements of the Texas Government Code (Open Records Act).

## **ARTICLE XII INDEMNIFICATION**

**Sect. 1: Corporation to Indemnify** – The Corporation shall indemnify any current or former director, officer, employee, or agent of the Corporation for expenses and costs, including attorney's fees, actually and necessarily incurred by the director, officer, employee, or agent in connection with any claim asserted against the director, officer, employee, or agent by action in court, or otherwise, by reason of the person being, or having been, a director, officer, employee, or agent of the Corporation, except in relation to matters as to which the person shall have been guilty of negligence or misconduct in respect of the matter in which indemnity is sought.

**Sect. 2: Insurance** – The Corporation may purchase and maintain insurance on behalf of any person who is, or was, a director, officer, employee, or agent of the Corporation to insure such person against any liability asserted against the person by reason of the person being, or having been, a director, officer, employee, or agent of the Corporation. The premiums for such insurance shall be paid by the Corporation.

## **ARTICLE XIII MISCELLANEOUS PROVISIONS**

**Sect. 1: Seal** – The Corporation may provide for a corporate seal.

**Sect. 2: Parliamentary Authority** – Robert's Rules of Order, the latest version, shall be the parliamentary authority for all matters of procedure not specifically covered by the bylaws, or any specific rules of procedure that may from time to time be adopted by the Board.

**Sect. 3: Legal Authority** – The bylaws shall be construed in accordance with the laws of the State of Texas. All references in the bylaws to statutes, regulations, or other sources of legal authority shall refer to the authorities cited, or their successors, as they may be amended from time to time. It is expressly provided that the provisions of the Development Corporation Act of 1979 applicable to corporations governed under Sec. 4B of that Act are incorporated within these bylaws by inference. In the event of any conflict between the applicable provisions of such Act, State statute, or regulation and these bylaws, the applicable provisions of such Act, State statute, or regulation shall control.

**Sect. 4: Legal Construction** – If any provision is held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability shall not affect other provisions of the bylaws. The bylaws shall be construed as if the invalid, illegal, or unenforceable provision had not been included in the bylaws.

**Sect. 5: Headings** – The headings used in the bylaws are used for convenience and shall not be considered in construing the terms of the bylaws.

**Sect. 6: Amendment** – The bylaws may be amended, altered, or repealed by the Council. Additionally, the bylaws may be amended, altered, or repealed by the Board, with the approval of the Council.

**Sect. 7: Parties Bound** – The bylaws shall be binding upon and inure to the benefit of the directors, officers, employees, and agents of the Corporation and their respective heirs, executors, administrators, legal representatives, successors, and assigns except as otherwise provided in the bylaws.

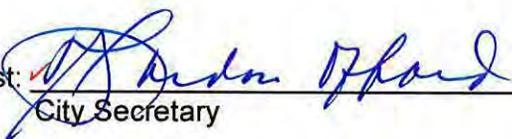
**Sect. 8: Dissolution** – Upon dissolution for any reason, all of the Corporation's assets shall be conveyed to the City after satisfaction of all outstanding obligations of the Corporation.

**Sect. 9: Effective Date** – These bylaws, and any subsequent amendments hereto, shall be effective on and from the date upon which approval has been given by both the Board and the Council.

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of the bylaws of the Development Corporation of Fulshear, and that such bylaws were duly approved by the City Council of the City of Fulshear, Texas on the date set forth below.

Approved by the City Council of the City of Fulshear, Texas on this 16 day of OCTOBER, 2007.

Attest:  \_\_\_\_\_  
City Secretary

This is to certify that the foregoing is a true and correct copy of the bylaws of the Development Corporation of Fulshear, and that such bylaws were duly adopted by the Board of Directors of the Development Corporation of Fulshear on the date set forth below.

Adopted by the Board of Directors of the Fulshear Development Corporation on this 31<sup>st</sup> day of JANUARY, 2008.

Attest:  \_\_\_\_\_  
Secretary of the Corporation

**4. Consideration of and possible action on election of officers of the Corporation in accordance with the Corporation Bylaws, to include the positions of:**

- a) President**
- b) Vice-President**
- c) Secretary**
- d) Treasurer**

Board directors submitted nominations for the positions. Mr. Wauson was nominated for President. Mr. Hopfe was nominated for Vice-President. Ms. Riggs was nominated for Secretary. Mr. Kudlacek was nominated for Treasurer.

**Motion to approve the nomination for President, Vice-President, Secretary and Treasurer as presented; the board then voted for election of new officers – Mangum; Second – Kudlacek**  
**Ayes: 5            Nays: 0            Abstentions: 0**

**5. Consideration of and possible action on minutes of the Corporation for the May 20, 2019 Regular Meeting**

**Motion to approve the minutes as presented – Mangum; Second – Riggs**  
**Ayes: 5            Nays: 0            Abstentions: 0**

**6. Consideration of and possible action on financials and payables for the Corporation for the period ending April 30, 2019**

Ms. Fritz provided a summary of the EDC Sales Tax report, financials and payables.

**Motion to approve the payables as presented for the reimbursement under the Administrative Services Agreement in the amount of \$13,747.27 – Mangum; Second – Hopfe**  
**Ayes: 5            Nays: 0            Abstentions: 0**

**7. Economic Development update including:**

- a) City and Economic Development Projects**
- b) Certificates of Occupancy**
- c) Conferences and Meetings Attended**
- d) Upcoming Meetings and Events**
- e) Business Contacts and Announcements**
- f) Legislative Updates**
- g) Economic Indicators**

Ms. Fritz provided a brief overview of economic development projects underway, as well as mentioned a new state law regarding regulation of building materials to be effective September 1 and announced the City's upcoming Freedom Fest to be held on July 4.

Mr. Marks provided brief overview of the business program.





**ECONOMIC DEVELOPMENT  
COMMUNICATION FORM  
June 22, 2020**

ITEM	TITLE
	<b>Small Business COVID-19 Grant Program Update &amp; Potential Second Program</b>
<b>ITEM/MOTION</b>	
Review and discuss update on small business grant program to support Fulshear businesses negatively impacted by COVID-19 and parameters for a potential second program	
<b>ESTIMATED EXPENDITURE:</b>	<b>BUDGET ACCOUNT:</b>

**SUBMITTED BY:**

Angela E. Fritz  
Economic Development Director

**SUPPORTING DOCUMENTS:**

1. City of Fulshear Resolution 2020-474 – June 16, 2020
2. City of Fulshear Resolution 2020-470 – May 19, 2020
3. CDC Resolution 2020-04 – May 18, 2020
4. FDC Resolution 2020-04 – May 18, 2020

**EXECUTIVE SUMMARY**

There were 22 applications received by the deadline of June 5, 2020 at 5 p.m. for the COVID-19 Small Business Grant program approved in May. The City Manager approved grants for eight (8) eligible applicants totaling \$38,750. This leaves ***\$161,250 remaining of the \$200,000 total the EDCs allocated last month for the program.*** Of the 13 ineligible applicants, the majority was because they did not remit sales tax to the City of Fulshear.

In order to not delay discussion of a second program until July, staff presented recommendations for a second program (same recommendations that were included for EDC discussion 6/15) to City Council on 6/16 for consideration with the caveat that the EDCs would still need to discuss/approve at their upcoming rescheduled meeting 6/22.

Council voted 6/16 to adopt a second program as recommended which would continue the eligibility criteria of the first, but also extend the program in a second layer to non-sales tax generating businesses, with grants awarded on a separate full-time equivalent employee scale. City of Fulshear Resolution 2020-474 is attached as a reference, outlining same. The proposed second program would run on a first-in/first-reviewed basis until the funds were exhausted, or 5 p.m. 8/14/2020, which would allow for the program to be closed out prior to the end of the fiscal year. ***Council adopted the Resolution and program, contingent on the EDCs' approval and consent to participate with remaining funds allocated for the first program (\$161,250) for consideration at the EDCs rescheduled meeting set for 6/22/2020.***

CONTINUED ON NEXT PAGE

Staff has included two subsequent agenda items on this rescheduled meeting agenda that allow for flexibility in action based on the EDCs' discussion and wishes. These include:

1. Consideration of a Resolution to approve participation in a second Chapter 380 Program as adopted by Council and outlined in City of Fulshear Resolution 2020-474 attached; or
2. Consideration of a Resolution to approve participation in a second Chapter 380 Program with requested modifications for consideration by Council at their July 21 regular meeting.

Should the EDCs concur with Council's creation of a second 380 program and the associated parameters adopted 6/16/2020, staff will complete the necessary updates to program information, applications, and notification, and roll out/open applications no later than 6/30. Should the EDCs wish to propose modifications to Council, this would need to go back to them for consideration on July 21, and should Council agree to same, staff would then prepare final docs, etc. for roll out by 7/29.

A couple of additional points of note to discuss include:

1. Ensuring that expenditures would continue to align with findings made by the EDCs in the original project declarations for the \$200,000 estimated expenditure (see Resolutions attached): ***"expenditures to fund a small business grant program for the City of Fulshear for businesses negatively affected by COVID-19 found by the board to promote new or expanded business development."*** If these allocated funds are not exhausted by the City's 380 program/s, they would simply remain in the EDCs' projects funds for use/re-allocation toward other future projects.
2. Other ongoing programs and funding opportunities in short and mid-term:
  - a. Fort Bend County Grant Program (County CARES Act funds) – Commissioners to consider expansion of County grant program at 6/23 meeting from \$21 million initial allocation for grants of \$10,000 for businesses who did not receive other federal assistance during initial two-week application period which began 6/15;
  - b. Federal programs that have reopened: EIDL (loans) and EIDL Advance (\$10,000 max grants at \$1,000 per employee); PPP funds still available through 6/30; and
  - c. Fort Bend CARES Act City of Fulshear allocation (as sub recipient of Federal funds); the City has executed an interlocal agreement with County re: expenditures, reimbursements, etc.; there might be an opportunity to design a program (if necessary) to utilize in mid-term (next Fiscal Year beginning 10/1 by 12/30) for complementary business support efforts, however, this would require clarification on guidance that has been issued to-date relative to viability when considering CARES Act funding compliance requirements (City is a sub-recipient of Federal monies via Fort Bend County)

RESOLUTION NO. 2020-474

A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS, ESTABLISHING AND PROVIDING FOR THE ADMINISTRATION OF AN ECONOMIC DEVELOPMENT PROGRAM TO PROMOTE STATE OR LOCAL ECONOMIC DEVELOPMENT AND TO STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY BY PROVIDING GRANTS TO CERTAIN LOCAL BUSINESSES AFFECTED BY COVID-19.

\* \* \* \* \*

**WHEREAS**, pursuant to Chapter 380 of the Texas Local Government Code, the City of Fulshear, Texas (the "City") may establish and provide for the administration of one or more programs, including programs for making loans and grants of public money and providing personnel and services of the municipality, to promote state or local economic development and to stimulate business and commercial activity in the City; and

**WHEREAS**, the City may administer a program by the use of City personnel; may contract for the administration of a program, and may accept contributions, gifts, or other resources to develop and administer a program; and

**WHEREAS**, the City recognizes that certain local businesses have been affected by the COVID-19 pandemic to the extent that they have contemplated closing, whether permanently or temporarily, laying off or furloughing employees, or any combination thereof; and

**WHEREAS**, the City finds that, under the circumstances currently existing as a result of COVID-19, the making of grants of public money to certain eligible businesses as set forth herein promotes state or local economic development and stimulates business and commercial activity in the City;

**WHEREAS**, the City establish a 380 program that ended June 5,2020 via Resolution 2020-470 to provide for the administration of an economic development program for making grants of public money and for accepting contributions, gifts, or other resources to develop and administer the program; and

**WHEREAS**, the City desires to establish and provide for the administration of second economic development program to continue making grants of public money and to accept contributions, gifts, or other resources to develop and administer the program;

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

Section 1. That the facts set out in the preamble are true and correct and are incorporated herein for all purposes.

Section 2. That pursuant to Chapter 380 of the Texas Local Government Code, the City Council hereby establishes as an economic development program the making of grants of public money to certain eligible businesses as set forth herein.

Section 3. Grant Program. The City shall make one grant in the applicable amount set forth herein to each eligible business that timely submits a complete application as provided for herein, provided that the aggregate amount of such grants does not exceed \$ 161,250 (the Maximum Aggregate Grant Amount), and that businesses are only eligible for a single grant award under either this program of the program established by Resolution No. 2020-470.

Section 4. Source of Grant Funds. The City shall make payment of grant funds using either current revenues available to the City or from contributions, gifts, or other resources which may hereafter be accepted by the City for the purpose of funding such grants.

Section 5. Individual Grant Amounts. Subject to the Maximum Aggregate Grant Amount, the individual grant amount awarded to each eligible business that timely submits a complete application shall be determined according to one of the following two tables based on the table that provides the greatest possible grant amount to the applicant according to the applicant’s specific eligibility criteria. Grants will be awarded on a first-received, first-reviewed basis until the Maximum Aggregate Grant Amount is exhausted or until 5 p.m. Friday, August 14, 2020, whichever comes first:

1. Based on the average monthly sales tax remitted to the comptroller for City of Fulshear sales taxes (2%) under Subchapter I, Chapter 151, Tax Code, for monthly reporting periods between February 1, 2019, and January 31, 2020:

Monthly Average Range Minimum	Monthly Average Range Maximum	Grant Amount
\$0	\$100	\$1,000
\$101	\$125	\$1,333
\$126	\$150	\$1,666
\$151	\$175	\$2,000
\$176	\$200	\$2,333
\$201	\$225	\$2,667
\$226	\$250	\$3,000
\$251	\$275	\$3,333
\$276	\$300	\$3,667
\$301	\$325	\$4,000
\$326	\$350	\$4,250
\$351	\$375	\$4,500
\$376	\$400	\$4,750
\$401	>\$401	\$5,000

2. Based on the number of full time equivalent (FTE) employees as of January 1, 2020:

FTE Employees	Grant Amount
2-5	\$500
6-10	\$1,000
11-15	\$1,500
16-20	\$2,000
21-35	\$2,500

Section 6. Eligibility Criteria. To be eligible for a grant as provided herein, a business must:

1. For City of Fulshear businesses who remit sales tax to the City:
  - (a) have an effective Texas Secretary of State registration date of on or before March 19, 2020;
  - (b) be operated for-profit;
  - (c) have a valid sales tax permit issued by the Texas Comptroller under Subchapter F, Chapter 151, Tax Code, that is not cancelled, suspended, or revoked;
  - (d) attest to experiencing a negative financial impact as a direct result of the COVID-19 state of disaster in Texas declared by the governor on March 13, 2020;
  - (e) be open for business or, if closed, intend to reopen for business;
  - (f) have a physical location within the City of Fulshear where business activity is conducted; provided, however, home-based businesses are not eligible;
  - (g) have a Federal Employer Identification Number (FEIN);
  - (h) have an active right to transact business in Texas as indicated by the franchise tax account status reported by the Texas Comptroller online using the FEIN;
  - (i) have a total of no less than 2 and no more than 35 full time equivalent employees;
  - (j) have sought other state, federal, or lending-institution based financial resources on or after March 13, 2020;
  - (k) have a valid Certificate of Occupancy;
  - (l) have all applicable permits of the City of Fulshear and of the State of Texas required to operate the business;

- (m) have submitted a complete application as provided for herein;
- (n) have executed an unsworn statement, under penalty of perjury, declaring that the eligibility information reported on the application is true and correct; and
- (o) have submitted a Form W-9 and any other required vendor documentation as indicated on the application as being necessary for administration of grant funds.

2. For City of Fulshear businesses who do not remit sales tax to the City:

- (a) have an effective Texas Secretary of State registration date of on or before March 19, 2020;
- (b) be operated for-profit;
- (c) attest to experiencing a negative financial impact as a direct result of the COVID-19 state of disaster in Texas declared by the governor on March 13, 2020;
- (d) be open for business or, if closed, intend to reopen for business;
- (e) have a physical location within the City of Fulshear where business activity is conducted; provided, however, home-based businesses are not eligible;
- (f) have a Federal Employer Identification Number (FEIN);
- (g) have an active right to transact business in Texas as indicated by the franchise tax account status reported by the Texas Comptroller online using the FEIN;
- (h) have a total of no less than 2 and no more than 35 full time equivalent employees;
- (i) have sought other state, federal, or lending-institution based financial resources on or after March 13, 2020;
- (j) have a valid Certificate of Occupancy;
- (k) have all applicable permits of the City of Fulshear and of the State of Texas required to operate the business;
- (l) have submitted a complete application as provided for herein;
- (m) have executed an unsworn statement, under penalty of perjury, declaring that the eligibility information reported on the application is true and correct; and
- (n) have submitted a Form W-9 and any other required vendor documentation as indicated on the application as being necessary for administration of grant funds.

Section 7. Application. Within 7 days of the effective date of this Resolution, staff members of the City of Fulshear shall develop an application which includes the information required for a business to be eligible for a grant as provided for herein.

Businesses wishing to submit an application may access the application via the City's website. The application and program guidelines shall be accessible from the City's website. All applications and backup documentation shall be submitted in the manner prescribed by the application. Incomplete applications and applications submitted in a manner other than as provided for herein shall be invalid. Applications will be accepted on a rolling basis and grants awarded on a first-received, first-reviewed basis until the Maximum Aggregate Grant Amount is exhausted or until 5 p.m. Friday, August 14, 2020, whichever comes first. Applications may not be supplemented, modified, or amended after submission.

Section 8. Determination of Eligibility. The program shall be administered by the following City personnel who shall review each timely submitted application strictly for completeness and eligibility as provided for herein, and who shall make a final recommendation to the City Manager for disbursements:

- (a) Economic Development Director; and
- (b) Chief Financial Officer.

Section 9. Disbursement of Grant Funds. Upon determination of the eligibility of a business and the individual grant amount as provided for herein, the City shall promptly tender payment of the applicable grant amount in the name of the eligible business.

Section 10. Severability Clause. If any word, section, article, phrase, paragraph, sentence, clause, or portion of this Resolution or application thereof to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Resolution; and the City Council hereby declares it would have passed such remaining portions of this Resolution despite such invalidity which remaining portions shall remain in full force and effect.

Section 11. Effective Date. This resolution shall take effect immediately after its passage and approval.

PASSED, APPROVED, and ADOPTED on the 16 day of June, 2020.

  
\_\_\_\_\_  
Aaron Groff, Mayor

ATTEST:





---

Kimberly Kopecky, City Secretary

RESOLUTION NO. 2020-470

A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS, ESTABLISHING AND PROVIDING FOR THE ADMINISTRATION OF AN ECONOMIC DEVELOPMENT PROGRAM TO PROMOTE STATE OR LOCAL ECONOMIC DEVELOPMENT AND TO STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY BY PROVIDING GRANTS TO CERTAIN LOCAL BUSINESSES AFFECTED BY COVID-19.

\* \* \* \* \*

**WHEREAS**, pursuant to Chapter 380 of the Texas Local Government Code, the City of Fulshear, Texas (the "City") may establish and provide for the administration of one or more programs, including programs for making loans and grants of public money and providing personnel and services of the municipality, to promote state or local economic development and to stimulate business and commercial activity in the City; and

**WHEREAS**, the City may administer a program by the use of City personnel; may contract for the administration of a program, and may accept contributions, gifts, or other resources to develop and administer a program; and

**WHEREAS**, the City recognizes that certain local businesses have been affected by the COVID-19 pandemic to the extent that they have contemplated closing, whether permanently or temporarily, laying off or furloughing employees, or any combination thereof; and

**WHEREAS**, the City finds that, under the circumstances currently existing as a result of COVID-19, the making of grants of public money to certain eligible businesses as set forth herein promotes state or local economic development and stimulates business and commercial activity in the City; and

**WHEREAS**, the City desires to establish and provide for the administration of an economic development program for making grants of public money and for accepting contributions, gifts, or other resources to develop and administer the program;

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

Section 1. That the facts set out in the preamble are true and correct and are incorporated herein for all purposes.

Section 2. That pursuant to Chapter 380 of the Texas Local Government Code, the City Council hereby establishes as an economic development program the making of grants of public money to certain eligible businesses as set forth herein.

Section 3. Grant Program. The City shall make one grant in the applicable amount set forth herein to each eligible business that timely submits a complete

application as provided for herein, provided that the aggregate amount of such grants does not exceed \$200,000 (the Maximum Aggregate Grant Amount).

Section 4. Source of Grant Funds. The City shall make payment of grant funds using either current revenues available to the City or from contributions, gifts, or other resources which may hereafter be accepted by the City for the purpose of funding such grants.

Section 5. Individual Grant Amounts. Subject to the Maximum Aggregate Grant Amount, the individual grant amount awarded to each eligible business that timely submits a complete application shall be determined according to the following table, based on the average monthly sales tax remitted to the comptroller for City of Fulshear sales taxes (2%) under Subchapter I, Chapter 151, Tax Code, for monthly reporting periods between February 1, 2019, and January 31, 2020:

Monthly Average Range Minimum	Monthly Average Range Maximum	Grant Amount
\$0	\$100	\$1,000
\$101	\$125	\$1,333
\$126	\$150	\$1,666
\$151	\$175	\$2,000
\$176	\$200	\$2,333
\$201	\$225	\$2,667
\$226	\$250	\$3,000
\$251	\$275	\$3,333
\$276	\$300	\$3,667
\$301	\$325	\$4,000
\$326	\$350	\$4,250
\$351	\$375	\$4,500
\$376	\$400	\$4,750
\$401	>\$401	\$5,000

Section 6. Eligibility Criteria. To be eligible for a grant as provided herein, a business must:

- (a) have an effective Texas Secretary of State registration date of on or before March 19, 2020;
- (b) be operated for-profit;
- (c) have a valid sales tax permit issued by the Texas Comptroller under Subchapter F, Chapter 151, Tax Code, that is not cancelled, suspended, or revoked;

- (d) attest to experiencing a negative financial impact as a direct result of the COVID-19 state of disaster in Texas declared by the governor on March 13, 2020;
- (e) be open for business or, if closed, intend to reopen for business;
- (f) have a physical location within the City of Fulshear where business activity is conducted; provided, however, home-based businesses are not eligible;
- (g) have a Federal Employer Identification Number (FEIN);
- (h) have an active right to transact business in Texas as indicated by the franchise tax account status reported by the Texas Comptroller online using the FEIN;
- (i) have a total of no less than 2 and no more than 35 full time equivalent employees;
- (j) have sought other state, federal, or lending-institution based financial resources on or after March 13, 2020;
- (k) have a valid Certificate of Occupancy;
- (l) have all applicable permits of the City of Fulshear and of the State of Texas required to operate the business;
- (m) have submitted a complete application as provided for herein;
- (n) have executed an unsworn statement, under penalty of perjury, declaring that the eligibility information reported on the application is true and correct; and
- (o) have submitted a Form W-9 and any other required vendor documentation as indicated on the application as being necessary for administration of grant funds.

Section 7. Application. Within 7 days of the effective date of this Resolution, staff members of the City of Fulshear shall develop an application form which includes the information required for a business to be eligible for a grant as provided for herein. Businesses wishing to submit an application may obtain a copy of the application form from the City's website. A copy of the application form and program guidelines shall be available on the City's website. All applications and backup documentation shall be submitted in the manner prescribed by the application form. Incomplete applications and applications submitted in a manner other than as provided for herein shall be invalid. Applications must be submitted on or before Friday, June 5, at 5 p.m. and may not be supplemented, modified, or amended after submission.

Section 8. Determination of Eligibility. The program shall be administered by the following City personnel who shall review each timely submitted application strictly for completeness and eligibility as provided for herein, and who shall make a final recommendation to the City Manager for disbursements:

- (a) Economic Development Director; and
- (b) Chief Financial Officer.

Section 9. Disbursement of Grant Funds. Upon determination of the eligibility of a business and the individual grant amount as provided for herein, the City shall promptly tender payment of the applicable grant amount in the name of the eligible business.

Section 10. Severability Clause. If any word, section, article, phrase, paragraph, sentence, clause, or portion of this Resolution or application thereof to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Resolution; and the City Council hereby declares it would have passed such remaining portions of this Resolution despite such invalidity which remaining portions shall remain in full force and effect.

Section 11. Effective Date. This resolution shall take effect immediately after its passage and approval.

PASSED, APPROVED, and ADOPTED on the 20 day of May, 2020.



  
\_\_\_\_\_  
Aaron Groff, Mayor

ATTEST:

  
\_\_\_\_\_  
Kimberly Kopecky, City Secretary

**RESOLUTION NO. CDC 2020-04**

A RESOLUTION OF THE CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC), A "TYPE A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION, DECLARING A SPECIFIC PROJECT TO BE UNDERTAKEN BY THE CORPORATION FOR FISCAL YEAR 2019-2020

WHEREAS, the CITY OF FULSHEAR DEVELOPMENT CORPORATION (the "Corporation") was created by the City of FULSHEAR, Texas (the "City") pursuant to Chapter 504 of the Development Corporation Act, Texas local Government Code, as amended (the "Act");

WHEREAS, the City of Fulshear adopted Ordinance No. 2011-1046 on October 1, 2011, in accordance with Section 504.171 of the Texas Local Government Code approving the participation of the Corporation in projects previously authorized only for "Type B" development corporations;

WHEREAS, the Corporation adopted a general type of project for Fiscal Year 2019-2020 on July 8, 2019, being land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the Board of Directors to promote new or expanded business development in an estimated total amount of \$825,612 and

WHEREAS, the Corporation wishes to participate in a specific project during Fiscal Year 2019-2020, being expenditures to fund a small business grant program for the City of Fulshear for businesses negatively affected by COVID-19 found by the Board of Directors to promote new or expanded business development;

WHEREAS, the estimated total amount of expenditures for such projects in fiscal year 2019-2020 is \$100,000;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CORPORATION THAT:

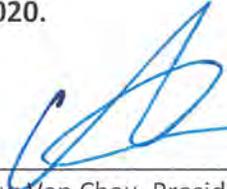
Section 1. The Board hereby proposes to undertake a specific project during Fiscal Year 2019-2020 being expenditures to fund a small business grant program for the City of Fulshear for businesses negatively affected by COVID-19 found by the Board of Directors to promote new or expanded business development.

Section 2. The Board hereby finds that the funds expended will be used for eligible "costs" of "projects" as defined in the Act.

PASSED AND APPROVED this 18<sup>TH</sup> DAY OF MAY, 2020.

ATTEST:

  
\_\_\_\_\_  
Jason Maklary, Secretary  
City of Fulshear Development Corporation

  
\_\_\_\_\_  
Andrew Van Chau, President  
City of Fulshear Development Corporation

**RESOLUTION NO. FDC 2020-04**

A RESOLUTION OF THE FULSHEAR DEVELOPMENT CORPORATION (FDC), A "TYPE B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION, DECLARING THE A SPECIFIC PROJECT TO BE UNDERTAKEN BY THE CORPORATION FOR FISCAL YEAR 2019-2020

WHEREAS, the FULSHEAR DEVELOPMENT CORPORATION (the "Corporation") was created by the City of FULSHEAR, Texas (the "City") pursuant to Chapter 505 of the Development Corporation Act, Texas local Government Code, as amended (the "Act");

WHEREAS, the Corporation adopted a general type of project for Fiscal Year 2019-2020 on July 15, 2019, being land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the Board of Directors to promote new or expanded business development in an estimated total amount of \$808,644; and

WHEREAS, the Corporation wishes to participate in a specific project during Fiscal Year 2019-2020, being expenditures to fund a small business grant program for the City of Fulshear for businesses negatively affected by COVID-19 found by the Board of Directors to promote new or expanded business development;

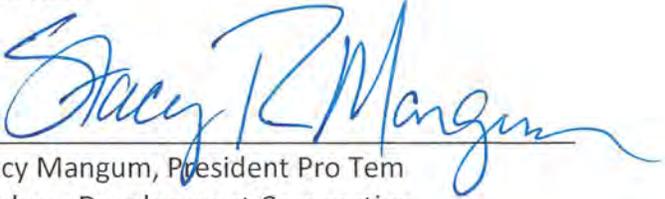
WHEREAS, the estimated total amount of expenditures for such projects in fiscal year 2019-2020 is \$100,000;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CORPORATION THAT:

Section 1. The Board hereby proposes to undertake a specific project during Fiscal Year 2019-2020 being expenditures to fund a small business grant program for the City of Fulshear for businesses negatively affected by COVID-19 found by the Board of Directors to promote new or expanded business development.

Section 2. The Board hereby finds that the funds expended will be used for eligible "costs" of "projects" as defined in the Act.

PASSED AND APPROVED this 18<sup>TH</sup> DAY OF MAY, 2020.

  
Stacy Mangum, President Pro Tem  
Fulshear Development Corporation

ATTEST:

  
Chandler Marks  
Economic Development Coordinator



**RESOLUTION NO. CDC 2020-05**

**A RESOLUTION OF THE CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC),  
APPROVING PARTICIPTION IN A SECOND CITY OF FULSHEAR CHAPTER 380 ECONOMIC  
DEVELOPMENT PROGRAM TO CONTINUE PROVIDING GRANTS TO SMALL BUSINESSES  
NEGATIVELY AFFECTED BY COVID-19**

WHEREAS, the CITY OF FULSHEAR DEVELOPMENT CORPORATION (the "Corporation") was created by the City of FULSHEAR, Texas (the "City") pursuant to Chapter 504 of the Development Corporation Act, Texas Local Government Code, as amended (the "Act");

WHEREAS, the City of Fulshear adopted Ordinance No. 2011-1046 on October 1, 2011, in accordance with Section 504.171 of the Texas Local Government Code approving the participation of the Corporation in projects previously authorized only for "Type B" development corporations;

WHEREAS, on March 13, 2020, Governor Greg Abbott declared a State of Disaster for the State of Texas associated with the imminent threat and public health emergency resulting from the spread of COVID-19; and

WHEREAS, on March 19, 2020, Mayor Aaron Groff signed a Declaration of Local Disaster determining that extraordinary measures must be taken to contain COVID-19 and prevent its spread by supporting efforts of Local Health Authorities designed to mitigate the imminent threat and public health emergency resulting from COVID-19, and City Council consented to the continuation or renewal of this declaration on March 24, and April 21, 2020; and

WHEREAS, COVID-19 poses a substantial threat to the viability of local businesses; and

WHEREAS, the CDC wants to expand an expedient and efficient economic development program to provide grant funds to certain small businesses in the City of Fulshear to assist in mitigating the negative effects while providing working capital for business needs relative to additional costs required by the situation;

WHEREAS, the City may do so as authorized under Chapter 380 of the Texas Local Government Code; and

WHEREAS, the City established a program on May 19, 2020, for which applications closed on June 5, 2020; and

WHEREAS, there are funds remaining from this initial program which could be utilized to expand the program's eligibility to benefit additional local businesses who have been negatively impacted by COVID-19; and

WHEREAS, the City established a second program on June 16, 2020, contingent on the Corporations' approval to participate in same, in a total program amount not to exceed \$161,250;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CORPORATION THAT:

Section 1. The Corporation hereby approves participation in the City of Fulshear's second Chapter 380 Economic Development Program to administer grants in an expedited manner to small businesses negatively impacted by COVID-19 under certain parameters as established in City of Fulshear Resolution 2020-474 adopted June 16, 2020; and

Section 2. The Corporation hereby pledges to allocate funds in an amount not to exceed in total, the previously allocated \$100,000 per Corporation (\$200,000 total) to provide for reimbursement of the City's Chapter 380 economic development programs to distribute grants to eligible applicants, which, for the second program, would amount to \$80,625 per Corporation.

**PASSED AND APPROVED this 22<sup>ND</sup> DAY OF JUNE, 2020.**

\_\_\_\_\_  
\_\_\_\_\_, President  
City of Fulshear Development Corporation

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, Secretary  
City of Fulshear Development Corporation

DRAFT

**RESOLUTION NO. FDC 2020-05**

**A RESOLUTION OF THE FULSHEAR DEVELOPMENT CORPORATION (FDC), REQUESTING THE CITY OF FULSHEAR CREATE A SECOND CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM TO CONTINUE PROVIDING GRANTS TO SMALL BUSINESSES NEGATIVELY AFFECTED BY COVID-19**

WHEREAS, the FULSHEAR DEVELOPMENT CORPORATION (the "Corporation") was created by the City of FULSHEAR, Texas (the "City") pursuant to Chapter 505 of the Development Corporation Act, Texas Local Government Code, as amended (the "Act");

WHEREAS, on March 13, 2020, Governor Greg Abbott declared a State of Disaster for the State of Texas associated with the imminent threat and public health emergency resulting from the spread of COVID-19; and

WHEREAS, on March 19, 2020, Mayor Aaron Groff signed a Declaration of Local Disaster determining that extraordinary measures must be taken to contain COVID-19 and prevent its spread by supporting efforts of Local Health Authorities designed to mitigate the imminent threat and public health emergency resulting from COVID-19, and City Council consented to the continuation or renewal of this declaration on March 24, and April 21, 2020; and

WHEREAS, COVID-19 poses a substantial threat to the viability of local businesses; and

WHEREAS, the FDC wants to expand an expedient and efficient economic development program to provide grant funds to certain small businesses in the City of Fulshear to assist in mitigating the negative effects while providing working capital for business needs relative to additional costs required by the situation;

WHEREAS, the City may do so as authorized under Chapter 380 of the Texas Local Government Code; and

WHEREAS, the City established a program on May 19, 2020, for which applications closed on June 5, 2020; and

WHEREAS, there are funds remaining from this initial program which could be utilized to expand the program's eligibility to benefit additional local businesses who have been negatively impacted by COVID-19; and

WHEREAS, the City established a second program on June 16, 2020, contingent on the Corporations' approval to participate in same, in a total program amount not to exceed \$161,250;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CORPORATION THAT:

Section 1. The Corporation hereby approves participation in the City of Fulshear's second Chapter 380 Economic Development Program to administer grants in an expedited manner to small businesses negatively impacted by COVID-19 under certain parameters as established in City of Fulshear Resolution 2020-474 adopted June 16, 2020; and

Section 2. The Corporation hereby pledges to allocate funds in an amount not to exceed in total, the previously allocated \$100,000 per Corporation (\$200,000 total) to provide for reimbursement of the City's Chapter 380 economic development programs to distribute grants to eligible applicants, which, for the second program, would amount to \$80,625 per Corporation.

**PASSED AND APPROVED this 22<sup>ND</sup> DAY OF JUNE, 2020.**

\_\_\_\_\_  
\_\_\_\_\_, President  
Fulshear Development Corporation

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, Secretary  
Fulshear Development Corporation

DRAFT



**RESOLUTION NO. CDC 2020-06**

A RESOLUTION OF THE CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC), REQUESTING THE CITY OF FULSHEAR MODIFY THE SECOND CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM TO CONTINUE PROVIDING GRANTS TO SMALL BUSINESSES NEGATIVELY AFFECTED BY COVID-19

WHEREAS, the CITY OF FULSHEAR DEVELOPMENT CORPORATION (the "Corporation") was created by the City of FULSHEAR, Texas (the "City") pursuant to Chapter 504 of the Development Corporation Act, Texas Local Government Code, as amended (the "Act");

WHEREAS, the City of Fulshear adopted Ordinance No. 2011-1046 on October 1, 2011, in accordance with Section 504.171 of the Texas Local Government Code approving the participation of the Corporation in projects previously authorized only for "Type B" development corporations;

WHEREAS, on March 13, 2020, Governor Greg Abbott declared a State of Disaster for the State of Texas associated with the imminent threat and public health emergency resulting from the spread of COVID-19; and

WHEREAS, on March 19, 2020, Mayor Aaron Groff signed a Declaration of Local Disaster determining that extraordinary measures must be taken to contain COVID-19 and prevent its spread by supporting efforts of Local Health Authorities designed to mitigate the imminent threat and public health emergency resulting from COVID-19, and City Council consented to the continuation or renewal of this declaration on March 24, and April 21, 2020; and

WHEREAS, COVID-19 poses a substantial threat to the viability of local businesses; and

WHEREAS, the CDC wants to expand an expedient and efficient economic development program to provide grant funds to certain small businesses in the City of Fulshear to assist in mitigating the negative effects while providing working capital for business needs relative to additional costs required by the situation;

WHEREAS, the City may do so as authorized under Chapter 380 of the Texas Local Government Code; and

WHEREAS, the City established a program on May 19, 2020, for which applications closed on June 5, 2020; and

WHEREAS, there are funds remaining from this initial program which could be utilized to expand the program's eligibility to benefit additional local businesses who have been negatively impacted by COVID-19; and

WHEREAS, the City established a second program on June 16, 2020, contingent on the Corporations' approval to participate in same, in a total program amount not to exceed \$161,250; and

WHEREAS, the Corporation wishes to request that Council modify the parameters for the second program in the following manner:

\_\_\_\_\_;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CORPORATION THAT:

Section 1. The Corporation hereby approves participation in the City of Fulshear's second Chapter 380 Economic Development Program to administer grants in an expedited manner to small businesses negatively impacted by COVID-19 under certain parameters as established in City of Fulshear Resolution 2020-474 adopted June 16, 2020, and modified herein;

Section 2. The Corporation hereby pledges to allocate funds in an amount not to exceed in total, the previously allocated \$100,000 per Corporation (\$200,000 total) to provide for reimbursement of the City's Chapter 380 economic development programs to distribute grants to eligible applicants, which, for the second program, would amount to \$80,625 per Corporation, under the modified parameters requested.

**PASSED AND APPROVED this 22<sup>ND</sup> DAY OF JUNE, 2020.**

\_\_\_\_\_  
President  
City of Fulshear Development Corporation

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, Secretary  
City of Fulshear Development Corporation

**RESOLUTION NO. FDC 2020-06**

**A RESOLUTION OF THE FULSHEAR DEVELOPMENT CORPORATION (FDC), REQUESTING THE CITY OF FULSHEAR MODIFY THE SECOND CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM TO CONTINUE PROVIDING GRANTS TO SMALL BUSINESSES NEGATIVELY AFFECTED BY COVID-19**

WHEREAS, the FULSHEAR DEVELOPMENT CORPORATION (the "Corporation") was created by the City of FULSHEAR, Texas (the "City") pursuant to Chapter 505 of the Development Corporation Act, Texas Local Government Code, as amended (the "Act");

WHEREAS, on March 13, 2020, Governor Greg Abbott declared a State of Disaster for the State of Texas associated with the imminent threat and public health emergency resulting from the spread of COVID-19; and

WHEREAS, on March 19, 2020, Mayor Aaron Groff signed a Declaration of Local Disaster determining that extraordinary measures must be taken to contain COVID-19 and prevent its spread by supporting efforts of Local Health Authorities designed to mitigate the imminent threat and public health emergency resulting from COVID-19, and City Council consented to the continuation or renewal of this declaration on March 24, and April 21, 2020; and

WHEREAS, COVID-19 poses a substantial threat to the viability of local businesses; and

WHEREAS, the FDC wants to expand an expedient and efficient economic development program to provide grant funds to certain small businesses in the City of Fulshear to assist in mitigating the negative effects while providing working capital for business needs relative to additional costs required by the situation;

WHEREAS, the City may do so as authorized under Chapter 380 of the Texas Local Government Code; and

WHEREAS, the City established a program on May 19, 2020, for which applications closed on June 5, 2020; and

WHEREAS, there are funds remaining from this initial program which could be utilized to expand the program's eligibility to benefit additional local businesses who have been negatively impacted by COVID-19;

WHEREAS, the City established a second program on June 16, 2020, contingent on the Corporations' approval to participate in same, in a total program amount not to exceed \$161,250; and

WHEREAS, the Corporation wishes to request that Council modify the parameters for the second program in the following manner:

\_\_\_\_\_;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CORPORATION THAT:

Section 1. The Corporation hereby approves participation in the City of Fulshear's second Chapter 380 Economic Development Program to administer grants in an expedited manner to small businesses negatively impacted by COVID-19 under certain parameters as established in City of Fulshear Resolution 2020-474 adopted June 16, 2020, and modified herein;

Section 2. The Corporation hereby pledges to allocate funds in an amount not to exceed in total, the previously allocated \$100,000 per Corporation (\$200,000 total) to provide for reimbursement of the City's Chapter 380 economic development programs to distribute grants to eligible applicants, which, for the second program, would amount to \$80,625 per Corporation, under the modified parameters requested.

**PASSED AND APPROVED this 22<sup>ND</sup> DAY OF JUNE, 2020.**

\_\_\_\_\_  
\_\_\_\_\_, President  
Fulshear Development Corporation

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, Secretary  
Fulshear Development Corporation

DRAFT



**ECONOMIC DEVELOPMENT  
COMMUNICATION FORM  
June 15, 2020**

ITEM	TITLE
	<b>CDC &amp; FDC Financials and Payables</b>
<b>ITEM/MOTION</b>	
<b>CDC:</b> Consideration and action on financials and payables for the Corporation for the period ending April 30, 2020	
<b>FDC:</b> Consideration and action on financials and payables for the Corporation for the period ending April 30, 2020	
<b>EXPENDITURE:</b> \$14,579.81	<b>BUDGET ACCOUNT/S:</b> 600-5-900-5900-10
<b>EXPENDITURE:</b> \$14,579.81	<b>BUDGET ACCOUNT/S:</b> 700-5-900-5900-10

**SUBMITTED BY:**

Angela E. Fritz  
Economic Development Director

**SUPPORTING DOCUMENTS:**

- **EDC Sales Tax Revenue Report & Detail – June 11, 2020**
- **Quarterly Investment Report 20-1**
- **Financials as of April 30, 2020**
  - CDC: Vela Memo, Operating Fund, & Projects Fund
  - FDC: Vela Memo, Operating Fund, & Projects Fund
- **Payables**
  - CDC: City Reimbursement – April 2020 - \$14,579.81
  - FDC: City Reimbursement – April 2020 - \$14,579.81

**EXECUTIVE SUMMARY**

**Sales Tax**

Sales tax revenues received in June (**April** remittances) were **up 30%** from the same period the previous year. Overall, the Corporation's **sales tax revenues total \$558,516.64** for FY20 or **67% of budget with 58% of periods reported**.

**Financials**

Notable **CDC Operating Fund (600) expenditures** reported in April included the quarterly Shared Services Fee transfer to the City under the Administrative Services Agreement. There were no **CDC Projects Fund (601) expenditures** reported.

Notable **FDC Operating Fund (700) expenditures** reported in April included the quarterly Shared Services Fee transfer to the City under the Administrative Services Agreement. There were no **FDC Projects Fund (701) expenditures** reported.

**Payables**

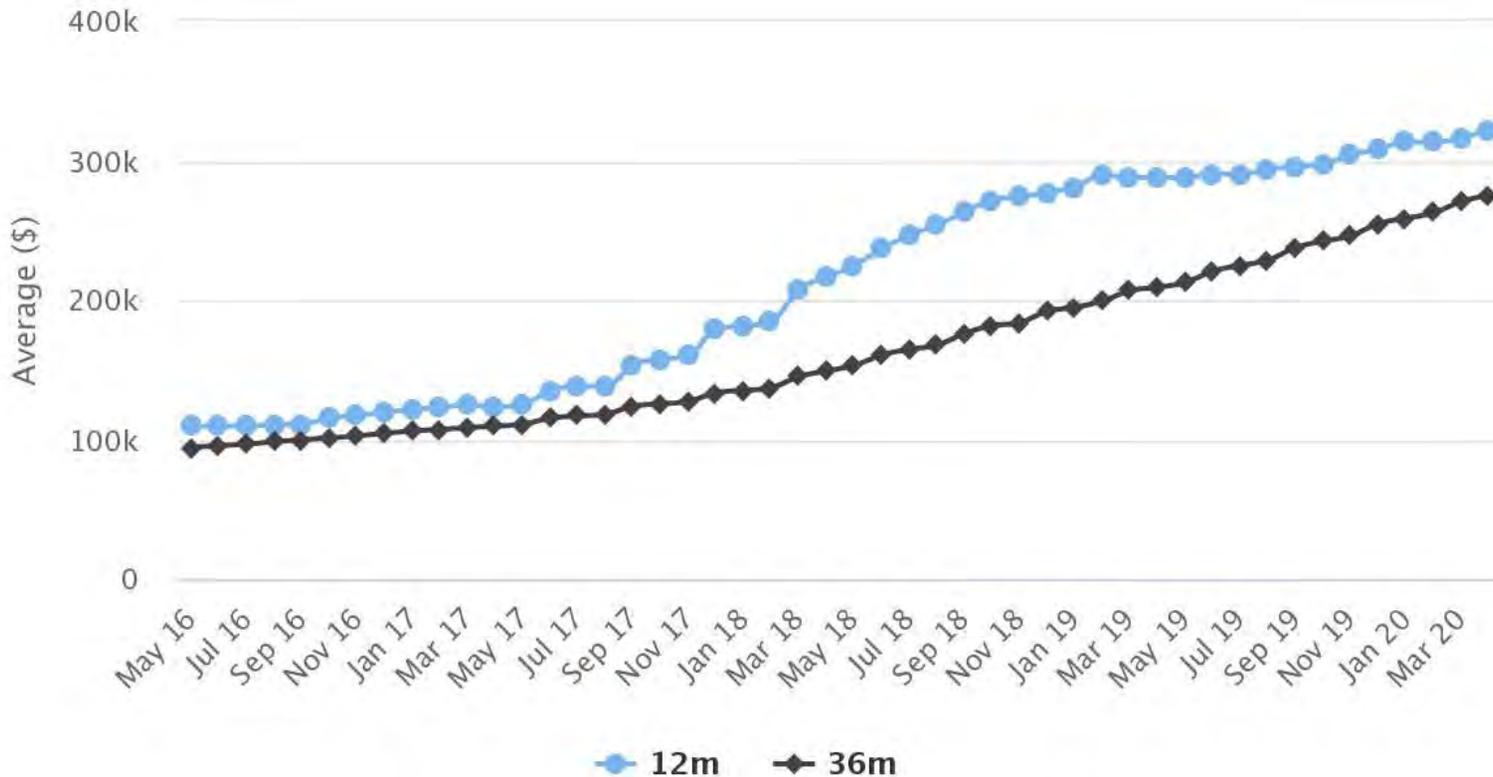
The **reimbursement** register for **April** for the Boards' consideration includes funds to be paid to the City for expenditures (100) pursuant to the Administrative Services Agreement amounting to **\$14,579.81 per Corporation**. This reimbursement includes one-time expenditures for the PASA Update and Workshop with City Council and the EDCs amounting to \$7,225.00.







**12m over 36m Moving Averages – April 2020 | ZacTax**



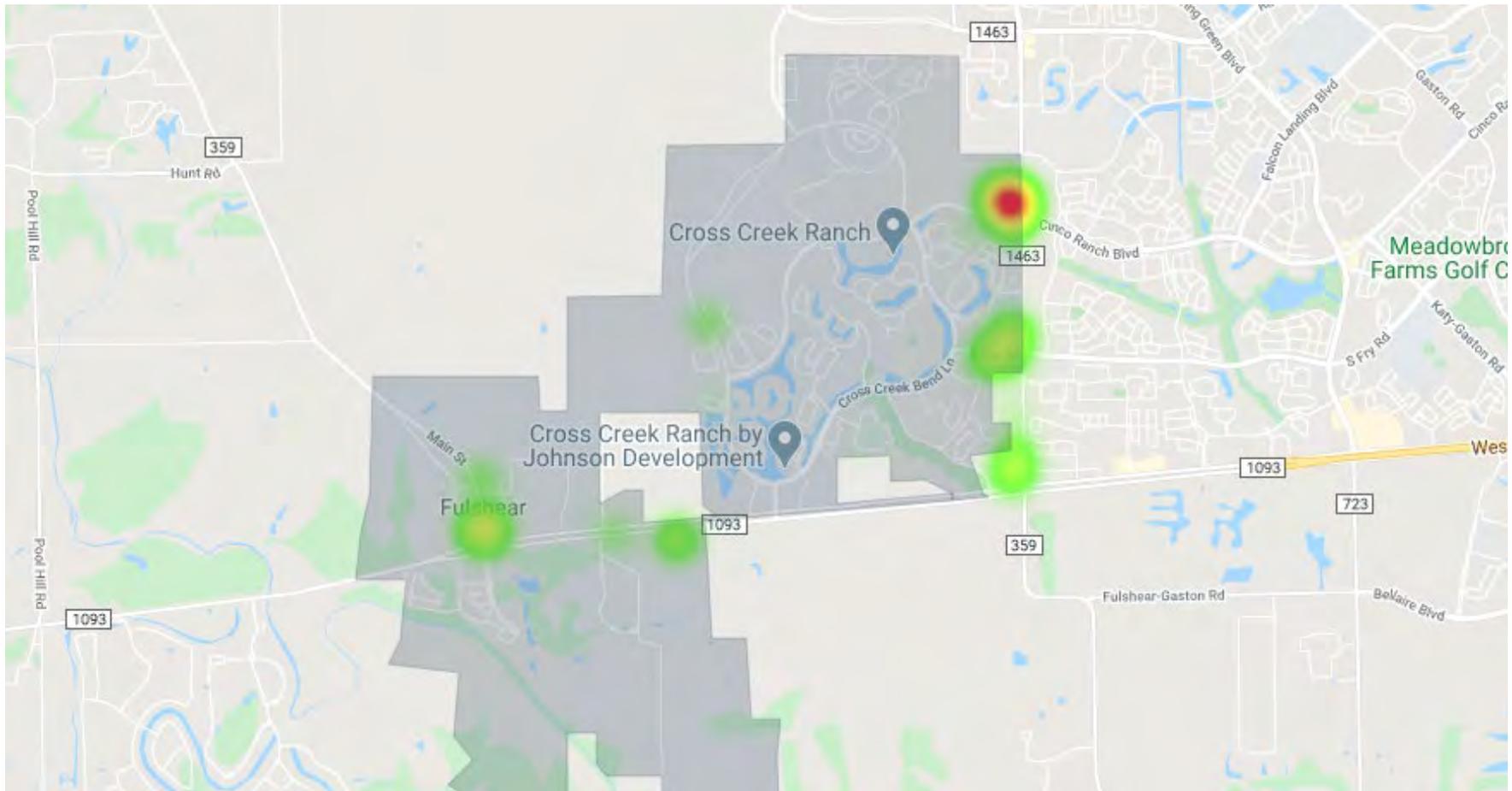
**12 month moving average: April: \$321,877**

(March: \$316,531; February: \$313,235; **January 2020**: \$313,477; December: \$308,239.57; November: \$304,371.27; October: \$295,979.13; September: \$295,979.13; August: \$293,940.86; July: \$290,318.90; June: \$290,589.08; May: \$287,896.61; April: \$287,868.79; March: \$287,950.68; February: \$289,683.30; **January 2019**: \$281,257.48; December: \$277,217.46; **November: \$273,964.07**; October: \$271,832; September: \$263,277; August: \$253,923)

**36 month moving average: April: \$275,432**

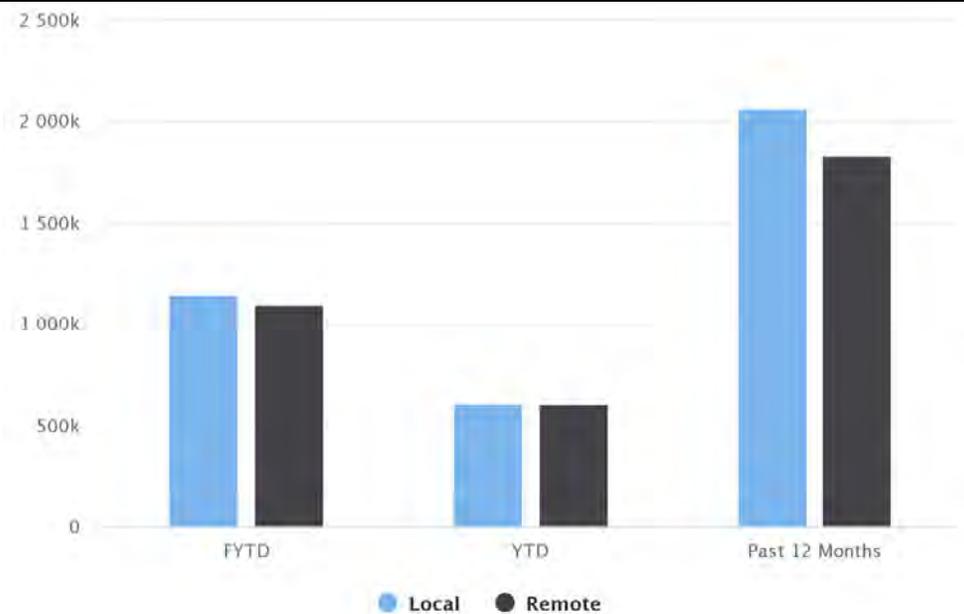
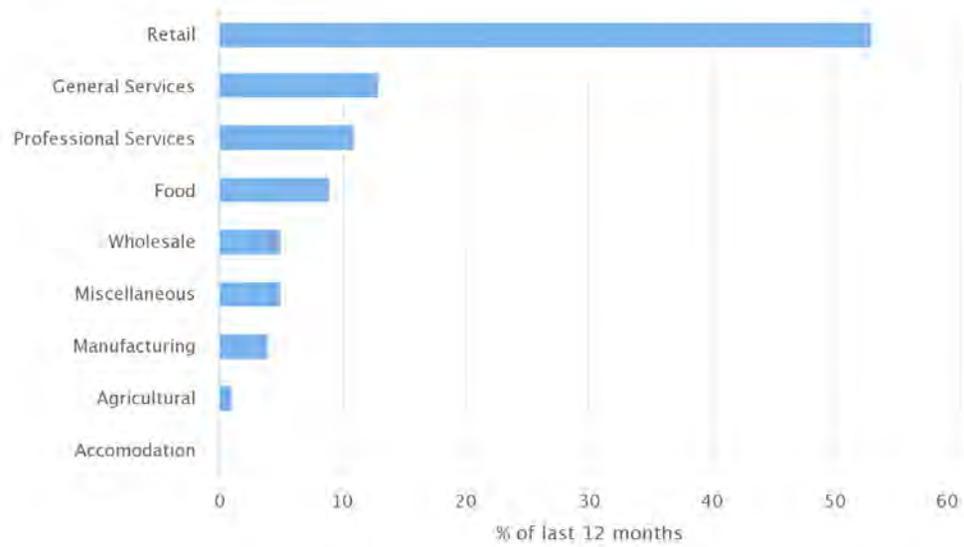
(March: \$270,698; February: \$262,690; **January 2020**: \$258,717; December: \$254,932; November: \$246,204.06; October: \$237,708.66; September: \$237,708.66; August: \$228,726.43; July: \$224,959.69; June: \$220,840.41; May: \$212,658.55; April: \$209,240.66; March: \$206,778.18; February: \$199,364.59; **January 2019**: \$194,778.14; December: \$192,064.97; **November: \$183,823.28**; October: \$181,716; September: \$176,100; August: \$167,625)

**Heatmap – April 2020 | ZacTax**



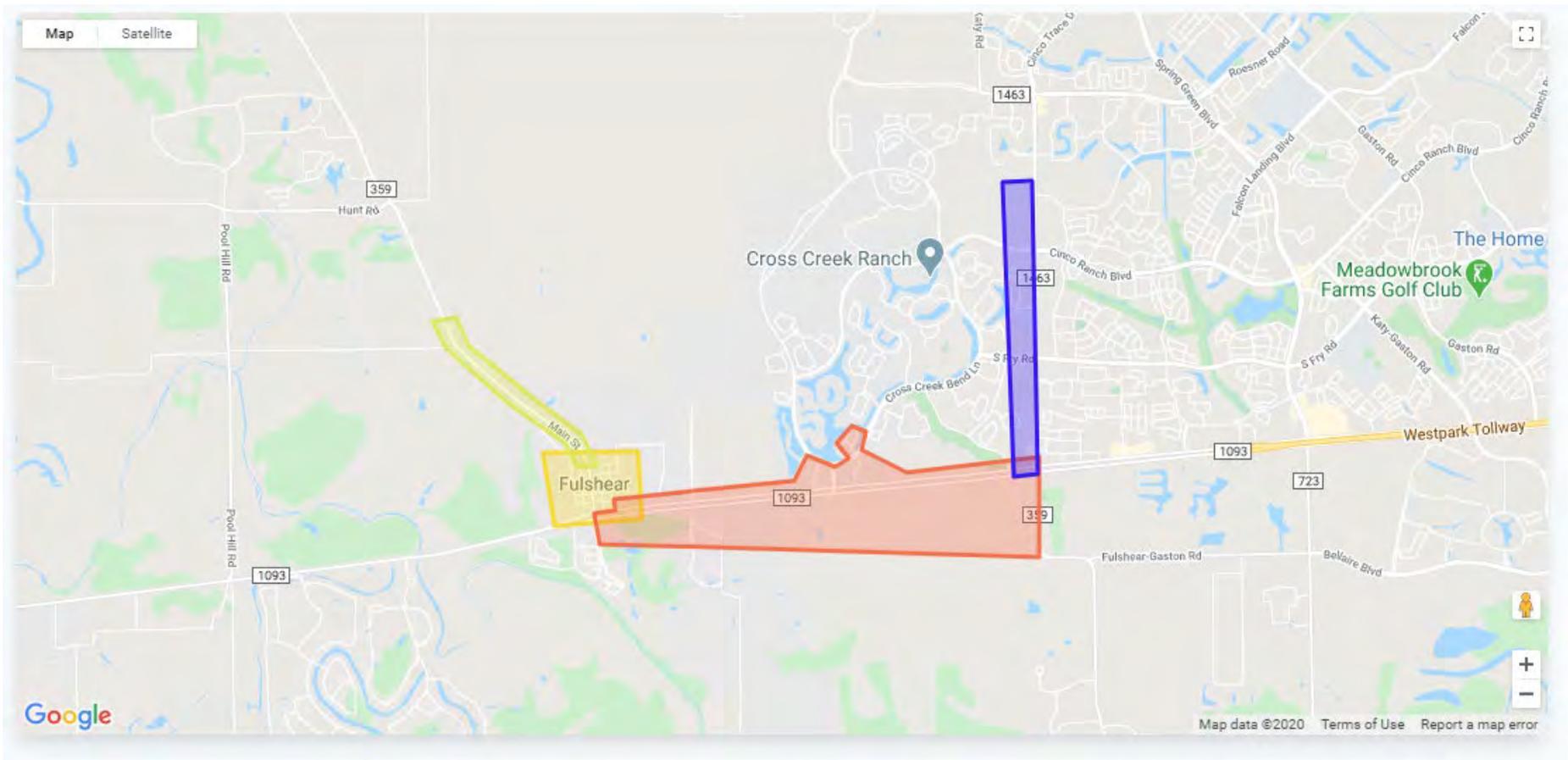
## Industry Percentages & Local vs. Remote – April

### Industry Percentages



### Tracked Regions with >5 Taxpayers – April

Region	Acraage	# Outlets	Annual \$/Acre	YTD	% Change	FYTD	% Change
Downtown	220.38	28	\$1,324.85	\$90,655.20	-2.14%	\$162,433.57	-0.42%
FM 1093 & CCR 1093 Mixed Use Areas	1153.76	11	\$57.27	\$27,907.53	69.35%	\$47,835.21	-4.62%
FM 1463	272.06	52	\$3,278.46	\$287,203.23	13.39%	\$523,612.67	15.79%



City of Fulshear  
Quarterly Investment Report  
20-1

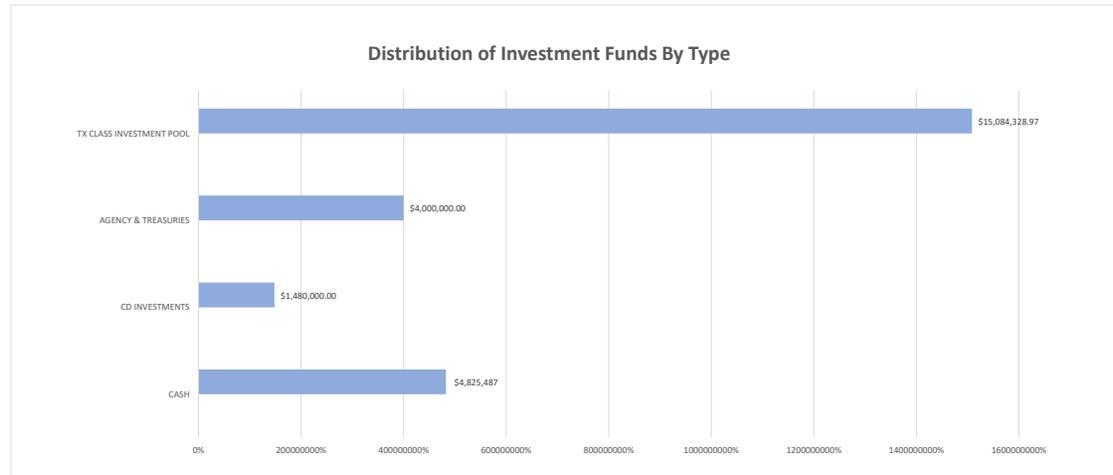
Account Type	Purchase Date	Maturity	Yield	Beginning Book Value 01/01/20	Purchases/ Additions	Sales/ Reductions	Ending 3/31/2020	Increases (Decreases)	Quarterly Interest	Market Value	Yield	Current Month Interest Earned
<b>CASH ACCOUNTS</b>												
Wells Fargo General Operating		1 day	0.00%	\$49,685.00	\$ 8,827,617.77	\$ (8,877,302.77)	\$ -	\$ (49,685.00)	\$ -	\$ -	0.00%	\$ -
Wells Fargo StageCoach Sweep			2.01%	\$6,902,381.42	\$ 2,005,597.21	\$ (4,082,491.52)	\$ 4,825,487.11	\$ (2,076,894.31)	\$ 27,639.86	\$ 4,825,487	2.01%	\$ 7,380.55
<b>CASH TOTALS</b>				\$ 6,952,066.42	\$ 10,833,214.98	\$ (12,959,794.29)	\$ 4,825,487.11	\$ (2,126,579.31)	\$ 27,639.86	\$ 4,825,487		\$ 7,380.55
<b>INVESTMENTS - CD'S</b>												
Dime Community Bank CD 25432JAE3	5/18/2018	2/19/2019	2.40%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -
Morgan Stanley 61690Ubk5060	11/15/2018	11/16/2020	3.10%	\$ 250,000.00	\$ -	\$ -	\$ 250,000.00	\$ -	\$ -	\$ 253,153	3.10%	\$ -
Wells Fargo Bank - 949763XP6	2/21/2019	2/16/2021	2.65%	\$ 250,000.00	\$ -	\$ -	\$ 250,000.00	\$ -	\$ 1,652.11	\$ 253,206	2,65%	\$ 526.37
Goldman Sachs Bank USA 38149MLH4	12/13/2019	12/20/2021	1.75%	\$ 245,000.00	\$ -	\$ -	\$ 245,000.00	\$ -	\$ -	\$ 246,779	1,75%	\$ -
Morgan Stanley 61760A4H9	12/19/2019	12/20/2021	1.75%	\$ 245,000.00	\$ -	\$ -	\$ 245,000.00	\$ -	\$ -	\$ 246,779	1,75%	\$ -
Sallie Mae 7954505Y7	12/19/2019	12/20/2021	1.75%	\$ 245,000.00	\$ -	\$ -	\$ 245,000.00	\$ -	\$ -	\$ 246,779	1,75%	\$ -
Wells Fargo Bank 949495AK1	12/30/2019	12/30/2021	1.75%	\$ 245,000.00	\$ -	\$ -	\$ 245,000.00	\$ -	\$ 1,068.94	\$ 246,800	1,75%	\$ 704.80
<b>CD'S TOTALS</b>				\$ 1,480,000.00	\$ -	\$ -	\$ 1,480,000.00	\$ -	\$ 2,721.05	\$ 1,493,497		\$ 1,231.17
<b>INVESTMENTS - BONDS</b>												
Fannie Mae 3135GOT60	12/13/2019	7/30/2020	1.50%	\$ 2,000,000.00	\$ -	\$ -	\$ 2,000,000.00	\$ -	\$ 15,000.00	\$ 2,008,684	1.50%	\$ -
United States Treasury Note	12/13/2019	1/31/2021	2.50%	\$ 2,000,000.00	\$ -	\$ -	\$ 2,000,000.00	\$ -	\$ 25,000.00	\$ 2,039,688	2.50%	\$ -
<b>BOND'S TOTALS</b>				\$ 4,000,000.00	\$ -	\$ -	\$ 4,000,000.00	\$ -	\$ 40,000.00	\$ 4,048,372		\$ -
<b>TX CLASS INVESTMENT POOL</b>												
TXClass General Fund		1 day	0.83%	\$12,219,170.43	\$ 2,864,601.78	\$ -	\$ 15,083,772.21	\$ 2,864,601.78	\$ 61,411.68	\$ 15,083,772	2.34%	\$ 18,865.74
TXClass - Peg Restricted		1 day	0.83%	\$556.76	\$ -	\$ -	\$ 556.76	\$ -	\$ 2.44	\$ 557	2.34%	\$ 0.70
<b>TX CLASS TOTALS</b>				\$ 12,219,727.19	\$ 2,864,601.78	\$ -	\$ 15,084,328.97	\$ 2,864,601.78	\$ 61,414.12	\$ 15,084,329		\$ 18,866.44
<b>PORTFOLIO TOTALS</b>				\$ 24,651,793.61	\$ 13,697,816.76	\$ (12,959,794.29)	\$ 25,389,816.08	\$ 738,022.47	\$ 131,775.03	\$ 25,451,685	1.90%	\$ 27,478.16

**Portfolio as of March 1, 2020**

Beginning Book Value	\$ 24,651,793.61
Beginning Market Value	\$ 24,675,339.13
Unrealized Gain/(Loss)	\$ 23,545.52
Weighted Average Maturity (days)	74.69

**Portfolio as of March 31, 2020**

Ending Book Value	\$25,389,816.08
Ending Market Value	\$25,451,684.97
Unrealized Gain/(Loss)	\$61,868.89
Weighted Average Maturity (days)	77.90
Investment Income for the period	\$131,775.03
Change in Unrealized Gain/(Loss)	\$38,323.37
Average Yield to Maturity for period	1.90%



The investment portfolio detailed in this report includes all investment transactions made during the above referenced period. The investment portfolio and all related transactions comply with the investment policy of the investment policy of the City of Fulshear, Texas, the Investment Act of the State of Texas and with the Government code Chapter 2256.

Investment Officer: W. K. K. K.

Date: 5-5-2020





# CITY OF FULSHEAR

## Finance Department

PO Box 279 / 29378 McKinnon, Suite A  
Fulshear, Texas 77441  
[www.fulsheartexas.gov](http://www.fulsheartexas.gov)

---

### MEMORANDUM

To: Type A Corp - Development Corporation  
From: Wes Vela, Chief Financial Officer, City of Fulshear  
Date: June 11, 2020  
Subject: Monthly Financial Reports

Attached you will find the Type A Corp Development Corp. Financial Reports for the period **October 1, 2019 through April 30, 2020** for both the operating fund and capital projects fund. This period represents **58%** of the operating period.

Also, included is the Quarterly Investment Report ending 3-31-2020 presented to City Council May 19, 2020.

If you have any questions, please don't hesitate to call me at 281.346.8805.



CITY OF FULSHEAR  
 REVENUE & EXPENSE REPORT (UNAUDITED)  
 AS OF: APRIL 30TH, 2020

600-4/A Operating Fund  
 FINANCIAL SUMMARY

58.33% OF YEAR COMP.

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	% OF BUDGET	BUDGET BALANCE
<u>REVENUE SUMMARY</u>					
TAX & FRANCHISE FEES	832,624.00	61,066.35	381,736.19	45.85	450,887.81
INTEREST EARNED	32,000.00	954.39	17,322.96	54.13	14,677.04
OTHER REVENUE	0.00	0.00	0.00	0.00	0.00
TRANSFERS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL REVENUES	864,624.00	62,020.74	399,059.15	46.15	465,564.85
	=====	=====	=====	=====	=====
<u>EXPENDITURE SUMMARY</u>					
Administrative	22,125.00	205.00	1,214.08	5.49	20,910.92
Transfers Out	<u>994,738.00</u>	<u>8,750.00</u>	<u>890,648.03</u>	<u>89.54</u>	<u>104,089.97</u>
TOTAL EXPENDITURES	1,016,863.00	8,955.00	891,862.11	87.71	125,000.89
	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	( 152,239.00)	53,065.74	( 492,802.96)		340,563.96

CITY OF FULSHEAR  
REVENUE & EXPENSE REPORT (UNAUDITED)  
AS OF: APRIL 30TH, 2020

600-4/A Operating Fund

58.33% OF YEAR COMP.

Administrative

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	% OF BUDGET	BUDGET BALANCE
<u>SUPPLIES</u>					
600-5-100-5311-00 Supplies	250.00	0.00	0.00	0.00	250.00
600-5-100-5326-00 Uniforms/Shirts	0.00	0.00	0.00	0.00	0.00
600-5-100-5381-00 Board Meeting Expenses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL SUPPLIES	250.00	0.00	0.00	0.00	250.00
<u>CONTRACTUAL SERVICES</u>					
600-5-100-5411-00 Admin Prof. Serv. - Legal	10,000.00	0.00	195.00	1.95	9,805.00
600-5-100-5411-04 Professional Svcs - Admin	0.00	0.00	0.00	0.00	0.00
600-5-100-5411-09 Professional Svcs-Acctig/Audit	0.00	0.00	0.00	0.00	0.00
600-5-100-5411-10 Professional Svcs - Consulting	2,900.00	0.00	0.00	0.00	2,900.00
600-5-100-5413-00 Meeting Security	3,000.00	0.00	280.33	9.34	2,719.67
600-5-100-5421-04 Admin - Indemnity Insurance	475.00	0.00	0.00	0.00	475.00
600-5-100-5469-01 Admin - Administrative Fee	0.00	0.00	0.00	0.00	0.00
600-5-100-5475-00 Admin - Bank Charges	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL CONTRACTUAL SERVICES	16,375.00	0.00	475.33	2.90	15,899.67
<u>OTHER CHARGES</u>					
600-5-100-5526-00 Admin - Public Notices	500.00	0.00	0.00	0.00	500.00
600-5-100-5527-00 Dues & Memberships	0.00	0.00	0.00	0.00	0.00
600-5-100-5528-00 Travel & Training	0.00	0.00	544.12	0.00	( 544.12)
600-5-100-5528-05 Continuing Education	<u>5,000.00</u>	<u>205.00</u>	<u>194.63</u>	<u>3.89</u>	<u>4,805.37</u>
TOTAL OTHER CHARGES	5,500.00	205.00	738.75	13.43	4,761.25
TOTAL Administrative	22,125.00	205.00	1,214.08	5.49	20,910.92

CITY OF FULSHEAR  
 REVENUE & EXPENSE REPORT (UNAUDITED)  
 AS OF: APRIL 30TH, 2020

600-4/A Operating Fund

58.33% OF YEAR COMP.

Transfers Out

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	% OF BUDGET	BUDGET BALANCE
<u>TRANSFERS</u>					
600-5-900-5900-10 XFER OUT - Gen Fund 100	176,963.00	0.00	81,623.03	46.12	95,339.97
600-5-900-5900-11 XFER OUT - Community Events	37,500.00	0.00	37,500.00	100.00	0.00
600-5-900-5900-61 XFER OUT 4/A Project Fund 601	745,275.00	0.00	745,275.00	100.00	0.00
600-5-900-5901-10 Xfer Out GF 100-shared service	<u>35,000.00</u>	<u>8,750.00</u>	<u>26,250.00</u>	<u>75.00</u>	<u>8,750.00</u>
TOTAL TRANSFERS	994,738.00	8,750.00	890,648.03	89.54	104,089.97
<hr/>					
TOTAL Transfers Out	994,738.00	8,750.00	890,648.03	89.54	104,089.97
<hr/>					
TOTAL EXPENDITURES	1,016,863.00	8,955.00	891,862.11	87.71	125,000.89
=====					
REVENUES OVER/(UNDER) EXPENDITURES	( 152,239.00)	53,065.74	( 492,802.96)		340,563.96

\*\*\* END OF REPORT \*\*\*



CITY OF FULSHEAR  
 REVENUE & EXPENSE REPORT (UNAUDITED)  
 AS OF: APRIL 30TH, 2020

601-4/A - Projects Fund

FINANCIAL SUMMARY

58.33% OF YEAR COMP.

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	% OF BUDGET	BUDGET BALANCE
<u>REVENUE SUMMARY</u>					
INTEREST EARNED	8,000.00	1,131.12	10,339.80	129.25 (	2,339.80)
OTHER REVENUE	0.00	0.00	0.00	0.00	0.00
TRANSFERS	<u>745,275.00</u>	<u>0.00</u>	<u>745,275.00</u>	<u>100.00</u>	<u>0.00</u>
TOTAL REVENUES	753,275.00	1,131.12	755,614.80	100.31 (	2,339.80)
	=====	=====	=====	=====	=====
<u>EXPENDITURE SUMMARY</u>					
Non-Departmental	1,068,580.00	0.00	720.01	0.07	1,067,859.99
Transfers Out	<u>412,500.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>412,500.00</u>
TOTAL EXPENDITURES	1,481,080.00	0.00	720.01	0.05	1,480,359.99
	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	( 727,805.00)	1,131.12	754,894.79		( 1,482,699.79)

CITY OF FULSHEAR  
REVENUE & EXPENSE REPORT (UNAUDITED)  
AS OF: APRIL 30TH, 2020

601-4/A - Projects Fund

58.33% OF YEAR COMP.

Non-Departmental

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	% OF BUDGET	BUDGET BALANCE
<u>CONTRACTUAL SERVICES</u>					
601-5-000-5470-01 Targeted Incentives	219,210.00	0.00	0.00	0.00	219,210.00
601-5-000-5470-02 Promotional Expenses	185,065.00	0.00	0.00	0.00	185,065.00
601-5-000-5470-03 Studies expense	173,180.00	0.00	720.01	0.42	172,459.99
601-5-000-5470-04 Community Events	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL CONTRACTUAL SERVICES	577,455.00	0.00	720.01	0.12	576,734.99
<u>CAPITAL OUTLAY</u>					
601-5-000-5600-08 Capital Outlay - Land	0.00	0.00	0.00	0.00	0.00
601-5-000-5600-09 Katy-Fulshear/Huggins Rd-ST20B	100,000.00	0.00	0.00	0.00	100,000.00
601-5-000-5600-10 Texas Heritage Pkwy Proj-ST20C	91,125.00	0.00	0.00	0.00	91,125.00
601-5-000-5600-11 Livable Center Implement (EDC)	125,000.00	0.00	0.00	0.00	125,000.00
601-5-000-5600-12 Ec Dev Strat Plan Implem (EDC)	125,000.00	0.00	0.00	0.00	125,000.00
601-5-000-5600-13 Gateway, Corridor and Placemak	<u>50,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>50,000.00</u>
TOTAL CAPITAL OUTLAY	491,125.00	0.00	0.00	0.00	491,125.00
<u>TRANSFERS</u>					
601-5-000-5951-05 Xfer Out - #300 ST19D FM 1093	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL TRANSFERS	0.00	0.00	0.00	0.00	0.00
TOTAL Non-Departmental	1,068,580.00	0.00	720.01	0.07	1,067,859.99

CITY OF FULSHEAR  
 REVENUE & EXPENSE REPORT (UNAUDITED)  
 AS OF: APRIL 30TH, 2020

601-4/A - Projects Fund

58.33% OF YEAR COMP.

Transfers Out

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	% OF BUDGET	BUDGET BALANCE
<b>TRANSFERS</b>					
601-5-900-5900-30 XFER OUT -#300 ST20D FM1093	87,500.00	0.00	0.00	0.00	87,500.00
601-5-900-5900-51 XFER Out - #501 WMP-W18K	50,000.00	0.00	0.00	0.00	50,000.00
601-5-900-5901-30 XFER OUT - #300 FPT19A Parks	50,000.00	0.00	0.00	0.00	50,000.00
601-5-900-5901-51 XFER OUT-#5010D20B-Dntown Drng	100,000.00	0.00	0.00	0.00	100,000.00
601-5-900-5902-30 XFER OUT - #300 FPT19B Livab	50,000.00	0.00	0.00	0.00	50,000.00
601-5-900-5902-51 XFER OUT - #501 WMP-WW18E	<u>75,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>75,000.00</u>
TOTAL TRANSFERS	412,500.00	0.00	0.00	0.00	412,500.00
<hr/>					
TOTAL Transfers Out	412,500.00	0.00	0.00	0.00	412,500.00
<hr/>					
TOTAL EXPENDITURES	1,481,080.00	0.00	720.01	0.05	1,480,359.99
<hr/>					
REVENUES OVER/(UNDER) EXPENDITURES	( 727,805.00)	1,131.12	754,894.79		( 1,482,699.79)

\*\*\* END OF REPORT \*\*\*





# CITY OF FULSHEAR

## Finance Department

PO Box 279 / 29378 McKinnon, Suite A  
Fulshear, Texas 77441  
[www.fulsheartexas.gov](http://www.fulsheartexas.gov)

---

### MEMORANDUM

To: Type B Corp - Development Corporation  
From: Wes Vela, Chief Financial Officer, City of Fulshear  
Date: June 11, 2020  
Subject: Monthly Financial Reports

Attached you will find the Type B- Development Corp. Financial Reports for the period **October 1, 2019 through April 30, 2020** for both the operating fund and capital projects fund. This period represents **58%** of the operating period.

Also, included is the Quarterly Investment Report ending 3-31-2020 as presented to the City Council May 19, 2020.

If you have any questions, please don't hesitate to call me at 281.346.8805.



CITY OF FULSHEAR  
REVENUE & EXPENSE REPORT (UNAUDITED)  
AS OF: APRIL 30TH, 2020

700-4/B Operating Fund  
FINANCIAL SUMMARY

58.33% OF YEAR COMP.

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	% OF BUDGET	BUDGET BALANCE
<u>REVENUE SUMMARY</u>					
TAX & FRANCHISE FEES	832,624.00	61,066.35	381,736.15	45.85	450,887.85
INTEREST EARNED	35,500.00	1,630.94	21,311.05	60.03	14,188.95
OTHER REVENUE	0.00	0.00	0.00	0.00	0.00
TRANSFERS	<u>0.00</u>	<u>0.00</u>	<u>745,275.00</u>	<u>0.00</u>	<u>( 745,275.00)</u>
TOTAL REVENUES	868,124.00	62,697.29	1,148,322.20	132.28	( 280,198.20)
	=====	=====	=====	=====	=====
<u>EXPENDITURE SUMMARY</u>					
Administrative	19,850.00	170.00	3,291.32	16.58	16,558.68
Community Development	10,000.00	0.00	0.00	0.00	10,000.00
Business Development	0.00	0.00	0.00	0.00	0.00
Transfers Out	<u>994,738.00</u>	<u>8,750.00</u>	<u>907,285.87</u>	<u>91.21</u>	<u>87,452.13</u>
TOTAL EXPENDITURES	1,024,588.00	8,920.00	910,577.19	88.87	114,010.81
	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	( 156,464.00)	53,777.29	237,745.01		( 394,209.01)

CITY OF FULSHEAR  
REVENUE & EXPENSE REPORT (UNAUDITED)  
AS OF: APRIL 30TH, 2020

700-4/B Operating Fund

58.33% OF YEAR COMP.

Administrative

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	% OF BUDGET	BUDGET BALANCE
<u>SUPPLIES</u>					
700-5-100-5311-00 Supplies	250.00	0.00	0.00	0.00	250.00
700-5-100-5326-00 Uniforms/Shirts	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL SUPPLIES	250.00	0.00	0.00	0.00	250.00
<u>CONTRACTUAL SERVICES</u>					
700-5-100-5411-00 Admin Prof. Service - Legal	7,500.00	0.00	195.00	2.60	7,305.00
700-5-100-5413-00 Meeting Security	3,000.00	0.00	192.19	6.41	2,807.81
700-5-100-5421-04 Admin - Indemnity Insurance	600.00	0.00	0.00	0.00	600.00
700-5-100-5469-01 Admin - Administrative Fee	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL CONTRACTUAL SERVICES	11,100.00	0.00	387.19	3.49	10,712.81
<u>OTHER CHARGES</u>					
700-5-100-5526-00 Public Notices	500.00	0.00	0.00	0.00	500.00
700-5-100-5528-00 Travel & Training	8,000.00	170.00	2,904.13	36.30	5,095.87
700-5-100-5528-01 Travel Expenses	0.00	0.00	0.00	0.00	0.00
700-5-100-5528-05 Continuing Education	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL OTHER CHARGES	8,500.00	170.00	2,904.13	34.17	5,595.87
TOTAL Administrative	19,850.00	170.00	3,291.32	16.58	16,558.68

CITY OF FULSHEAR  
 REVENUE & EXPENSE REPORT (UNAUDITED)  
 AS OF: APRIL 30TH, 2020

700-4/B Operating Fund

58.33% OF YEAR COMP.

Community Development

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	% OF BUDGET	BUDGET BALANCE
<u>CONTRACTUAL SERVICES</u>					
700-5-400-5471-00 Community Grants	<u>10,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>10,000.00</u>
TOTAL CONTRACTUAL SERVICES	10,000.00	0.00	0.00	0.00	10,000.00
<hr/>					
TOTAL Community Development	10,000.00	0.00	0.00	0.00	10,000.00



CITY OF FULSHEAR  
 REVENUE & EXPENSE REPORT (UNAUDITED)  
 AS OF: APRIL 30TH, 2020

700-4/B Operating Fund

58.33% OF YEAR COMP.

Transfers Out

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	% OF BUDGET	BUDGET BALANCE
<b>TRANSFERS</b>					
700-5-900-5900-10 Xfer Out - Gen Fund 100	176,963.00	0.00	98,260.87	55.53	78,702.13
700-5-900-5900-11 Community Events	37,500.00	0.00	37,500.00	100.00	0.00
700-5-900-5900-71 Xfer Out - Project und #700	0.00	0.00	0.00	0.00	0.00
700-5-900-5901-10 XFER Out GF 100 shared service	35,000.00	8,750.00	26,250.00	75.00	8,750.00
700-5-900-5901-71 Xfer Out 4/B Project Fund 701	<u>745,275.00</u>	<u>0.00</u>	<u>745,275.00</u>	<u>100.00</u>	<u>0.00</u>
TOTAL TRANSFERS	994,738.00	8,750.00	907,285.87	91.21	87,452.13
<hr/>					
TOTAL Transfers Out	994,738.00	8,750.00	907,285.87	91.21	87,452.13
<hr/>					
TOTAL EXPENDITURES	1,024,588.00	8,920.00	910,577.19	88.87	114,010.81
<hr/>					
REVENUES OVER/(UNDER) EXPENDITURES	( 156,464.00)	53,777.29	237,745.01		( 394,209.01)

\*\*\* END OF REPORT \*\*\*

CITY OF FULSHEAR  
 REVENUE & EXPENSE REPORT (UNAUDITED)  
 AS OF: APRIL 30TH, 2020

701-4/B Projects Fund  
 FINANCIAL SUMMARY

58.33% OF YEAR COMP.

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	% OF BUDGET	BUDGET BALANCE
<u>REVENUE SUMMARY</u>					
INTEREST EARNED	6,650.00	509.36	7,300.60	109.78 (	650.60)
TRANSFERS	<u>745,275.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>745,275.00</u>
TOTAL REVENUES	751,925.00	509.36	7,300.60	0.97	744,624.40
	=====	=====	=====	=====	=====
<u>EXPENDITURE SUMMARY</u>					
Non-Departmental	1,170,935.00	0.00	15,413.01	1.32	1,155,521.99
Transfers Out	<u>412,500.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>412,500.00</u>
TOTAL EXPENDITURES	1,583,435.00	0.00	15,413.01	0.97	1,568,021.99
	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	( 831,510.00)	509.36 (	8,112.41)	(	823,397.59)

CITY OF FULSHEAR  
REVENUE & EXPENSE REPORT (UNAUDITED)  
AS OF: APRIL 30TH, 2020

701-4/B Projects Fund

58.33% OF YEAR COMP.

Non-Departmental

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	% OF BUDGET	BUDGET BALANCE
<u>CONTRACTUAL SERVICES</u>					
701-5-000-5470-01 Targeted Incentives	219,210.00	0.00	0.00	0.00	219,210.00
701-5-000-5470-02 Promotional Expenses	121,046.00	0.00	14,693.00	12.14	106,353.00
701-5-000-5470-03 Studies expense	173,179.00	0.00	720.01	0.42	172,458.99
701-5-000-5470-04 Community Events	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL CONTRACTUAL SERVICES	513,435.00	0.00	15,413.01	3.00	498,021.99
<u>CAPITAL OUTLAY</u>					
701-5-000-5600-08 Capital Outlay - Land	0.00	0.00	0.00	0.00	0.00
701-5-000-5600-09 Katy-Fulshear/Huggins Rd-ST20B	57,500.00	0.00	0.00	0.00	57,500.00
701-5-000-5600-10 Texas Heritage Pky Proj-ST20C	0.00	0.00	0.00	0.00	0.00
701-5-000-5600-11 Livable Center Implement (EDC)	250,000.00	0.00	0.00	0.00	250,000.00
701-5-000-5600-12 Ec Dev Strat Plan Implemt(EDC)	250,000.00	0.00	0.00	0.00	250,000.00
701-5-000-5600-13 Gateway, Corridor, Placemaking	100,000.00	0.00	0.00	0.00	100,000.00
701-5-000-5650-00 LAND AQUISITION	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL CAPITAL OUTLAY	657,500.00	0.00	0.00	0.00	657,500.00
<u>TRANSFERS</u>					
701-5-000-5900-61 Xfer Out Project Fund #701	0.00	0.00	0.00	0.00	0.00
701-5-000-5930-07 Xfer Out - #300 FPT19B Livab C	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL TRANSFERS	0.00	0.00	0.00	0.00	0.00
TOTAL Non-Departmental	1,170,935.00	0.00	15,413.01	1.32	1,155,521.99

CITY OF FULSHEAR  
 REVENUE & EXPENSE REPORT (UNAUDITED)  
 AS OF: APRIL 30TH, 2020

701-4/B Projects Fund

58.33% OF YEAR COMP.

Transfers Out

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	% OF BUDGET	BUDGET BALANCE
<u>TRANSFERS</u>					
701-5-900-5900-30 Xfer Out #300 ST19D FM1093	87,500.00	0.00	0.00	0.00	87,500.00
701-5-900-5900-51 Xfer Out #501 WMP-W18K	50,000.00	0.00	0.00	0.00	50,000.00
701-5-900-5901-30 Xfer Out #300 FPT19A Parks	50,000.00	0.00	0.00	0.00	50,000.00
701-5-900-5901-51 Xfer Out - #501 WMP-WW18E	75,000.00	0.00	0.00	0.00	75,000.00
701-5-900-5902-30 Xfer Out-#300 FPT19B Livab	50,000.00	0.00	0.00	0.00	50,000.00
701-5-900-5902-51 Xfer Out #501 D20B Dntwn Drain	<u>100,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>100,000.00</u>
TOTAL TRANSFERS	412,500.00	0.00	0.00	0.00	412,500.00
<hr/>					
TOTAL Transfers Out	412,500.00	0.00	0.00	0.00	412,500.00
<hr/>					
TOTAL EXPENDITURES	1,583,435.00	0.00	15,413.01	0.97	1,568,021.99
<hr/>					
REVENUES OVER/(UNDER) EXPENDITURES	( 831,510.00)	509.36	( 8,112.41)		( 823,397.59)

\*\*\* END OF REPORT \*\*\*



100-General Fund

58.33% OF YEAR COMP.

Economic Development

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	% OF BUDGET	BUDGET BALANCE
<b>PERSONNEL COSTS</b>					
100-5-180-5210-00 Salaries	167,199.00	12,861.40	96,460.52	57.69	70,738.48
100-5-180-5210-01 Wages	0.00	0.00	0.00	0.00	0.00
100-5-180-5210-02 Overtime	0.00	0.00	0.00	0.00	0.00
100-5-180-5210-03 Auto Allowance	4,800.00	369.24	2,769.30	57.69	2,030.70
100-5-180-5230-00 Payroll Tax Expense	12,791.00	1,012.14	8,078.21	63.16	4,712.79
100-5-180-5235-00 Employee Health Benefits	17,714.00	1,551.43	12,275.52	69.30	5,438.48
100-5-180-5238-00 Retirement Contribution	12,298.00	1,035.96	8,374.28	68.09	3,923.72
100-5-180-5239-00 Workers Compensation	403.00	0.00	403.00	100.00	0.00
100-5-180-5240-00 Unemployment	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL PERSONNEL COSTS	215,205.00	16,830.17	128,360.83	59.65	86,844.17
<b>SUPPLIES</b>					
100-5-180-5311-00 Supplies	2,500.00	0.00	295.02	11.80	2,204.98
100-5-180-5314-00 Publications/Ref Material	730.00	20.00	245.00	33.56	485.00
100-5-180-5316-00 Minor Tools & Equipment	2,000.00	0.00	0.00	0.00	2,000.00
100-5-180-5326-00 Uniforms/Shirts	0.00	0.00	0.00	0.00	0.00
100-5-180-5363-00 Fuel/Oil Expense	0.00	0.00	0.00	0.00	0.00
100-5-180-5363-01 Auto Repair/Maintenance	0.00	0.00	0.00	0.00	0.00
100-5-180-5380-00 Public Relations	0.00	0.00	0.00	0.00	0.00
100-5-180-5381-00 Meeting Expenses	<u>2,000.00</u>	<u>0.00</u>	<u>5.87</u>	<u>0.29</u>	<u>1,994.13</u>
TOTAL SUPPLIES	7,230.00	20.00	545.89	7.55	6,684.11
<b>CONTRACTUAL SERVICES</b>					
100-5-180-5411-10 Prof. Services - Consulting	25,000.00	7,225.00	11,758.40	47.03	13,241.60
100-5-180-5411-13 Prof. Services - I.T.	0.00	0.00	0.00	0.00	0.00
100-5-180-5411-14 Prof. Service Legal & Engineer	10,000.00	4,329.00	9,799.10	97.99	200.90
100-5-180-5434-00 Telecommunications	2,200.00	0.00	755.52	34.34	1,444.48
100-5-180-5440-00 Marketing	32,500.00	0.00	1,825.52	5.62	30,674.48
100-5-180-5472-00 Business Devlpmnt & Retention	<u>7,500.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>7,500.00</u>
TOTAL CONTRACTUAL SERVICES	77,200.00	11,554.00	24,138.54	31.27	53,061.46
<b>OTHER CHARGES</b>					
100-5-180-5515-00 Advertising	0.00	0.00	0.00	0.00	0.00
100-5-180-5520-00 Printing	2,500.00	0.00	0.00	0.00	2,500.00
100-5-180-5527-00 Dues & Memberships	2,325.00	0.00	1,338.41	57.57	986.59
100-5-180-5527-01 Dues & Memberships - Org.	17,250.00	180.00	7,480.00	43.36	9,770.00
100-5-180-5528-00 Travel & Training	14,500.00	420.00	5,293.73	36.51	9,206.27
100-5-180-5529-00 Miscellaneous Expense	0.00	0.00	0.00	0.00	0.00
100-5-180-5530-00 Technology Maintenance	51,000.00	0.00	0.00	0.00	51,000.00
100-5-180-5531-00 Mileage	<u>1,500.00</u>	<u>155.44</u>	<u>400.17</u>	<u>26.68</u>	<u>1,099.83</u>
TOTAL OTHER CHARGES	89,075.00	755.44	14,512.31	16.29	74,562.69
TOTAL Economic Development	388,710.00	29,159.61	167,557.57	43.11	221,152.43

CDC: 600-5-900-5900-10

\$14,579.81

FDC: 700-5-900-5900-10

\$14,579.81

Approved:

Approved:

Date:

Date:



**ECONOMIC DEVELOPMENT  
COMMUNICATION FORM  
June 15, 2020**

ITEM	TITLE
	<b>Fiscal Year 2021 Budget Development</b>

ITEM/MOTION
<p>Review and discuss items related to Fiscal Year 2020-2021 budget development and take action as necessary to direct staff:</p> <ul style="list-style-type: none"> <li>a) Draft FY 2021 EDC Budgets – Operational and Projects Funds</li> <li>b) Administrative Services Agreement and associated Economic Development Department budget</li> <li>c) City Capital Improvement Plan (CIP) project funding requests</li> <li>d) Budget schedule</li> </ul>

<b>ESTIMATED EXPENDITURE:</b>	<b>BUDGET ACCOUNT:</b>
-------------------------------	------------------------

**SUBMITTED BY:**

Angela E. Fritz  
Economic Development Director

**SUPPORTING DOCUMENTS:**

1. FY20 Adopted Administrative Services Agreements (ASAs) and Budgets
  - a. CDC\_A
  - b. FDC\_B
2. Prelim. Draft FY21 Budgets (to be provided at meeting)
  - a. CDC\_A – 600/601
  - b. FDC\_B – 700/701
3. Prelim. Draft FY21 ASA template (to be provided at meeting)
4. Valiante Memo – FY21 City Capital Improvement Plan (CIP) Funding Requests

**EXECUTIVE SUMMARY**

FY21 Preliminary Draft Budgets

Staff will walk through the preliminary draft budgets with the boards, which will include priorities and projects discussed at last month’s meeting focused on continued implementation of the adopted Economic Development Strategy, namely: continued broadband planning/strategy; continued Livable Center implementation support; continued capital project support; continued support for development of entrepreneurial ecosystem and programming; projects fund allocations to start saving for potential future land acquisition re: transformative projects as identified in ED Strategy; contract services for developing specific economic development programs for opportunity areas as well as overall for the City to support goals in ED Strategy and Livable Center study, etc.

**CONTINUED ON NEXT PAGE**

Draft budgets will also take into consideration City recurring capital project contribution requests (Texas Heritage Parkway, Huggins Road Project, FM 1093) and additional FY21 City CIP funding requests.

Administrative Service Agreements (ASAs)

Staff will walk through any proposed revisions to the existing ASAs as recommended by adopted Economic Development Strategy or necessitated by other circumstances.

FY21 CIP EDC funding request

Sharon Valiante, Public Works Director, has provided a memo outlining the City's FY21 CIP contribution requests from the EDCs. She will be at the meeting to present and answer any questions the boards may have regarding same.

Budget Schedule

The Corporations' Bylaws require the EDCs to adopt budgets by August 1. Final budgets and ASAs will be prepared for board consideration/action at the July meeting. Additionally, staff will work with legal to prep any necessary legal instruments to facilitate the ongoing CIP contribution requests from the City, for consideration alongside the budget. Staff will also prep all required statutory items for consideration (public hearings, project declarations, etc.) so the budgets, expenditures and projects may be moved forward to Council for final approval as required for FY21 expenditures starting 10/1/2020.

RESOLUTION NO. 2019-428

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS APPROVING AN ADMINISTRATIVE SERVICES AGREEMENT BETWEEN THE CITY AND THE CITY OF FULSHEAR DEVELOPMENT CORPORATION (TYPE A)**

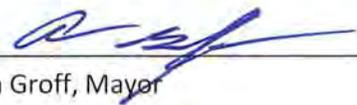
**WHEREAS**, the City Council of the City of Fulshear, Texas is desirous of ensuring efficient and effective administration for its Economic Development Corporations; and

**WHEREAS**, the City of Fulshear Development Corporation has previously acted to approve the tenets and facets of the Administrative Services Agreement attached hereto;

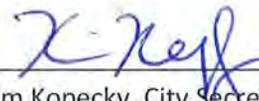
**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS THAT:** The Administrative Services Agreement for Fiscal Year 2019-2020 is hereby approved in the form as attached to this document as "Exhibit A".

This Resolution duly passed this 20<sup>th</sup> day of August, 2019.



  
\_\_\_\_\_  
Aaron Groff, Mayor

ATTEST:

  
\_\_\_\_\_  
Kim Kopecky, City Secretary

**ADMINISTRATIVE SERVICES AGREEMENT  
BETWEEN  
THE CITY OF FULSHEAR DEVELOPMENT CORPORATION  
AND  
THE CITY OF FULSHEAR**

This Agreement is entered into by and between the **City of Fulshear Development Corporation** (hereinafter referred to as the "**Corporation**" and) the **City of Fulshear, Texas** (hereinafter referred to as the "**CITY**").

**WHEREAS**, the **CORPORATION** and **CITY** wish to aid, and cooperate with each other in coordinating certain functions and services including administrative services for the effective, efficient operation of the **CORPORATION** and the provision of economic development services for the **CITY**; and

**WHEREAS**, it is in the best interests of the **CITY** to cooperate with the **CORPORATION** in that the **CORPORATION** is a public instrumentality acting on behalf of the **CITY** in furtherance of the public purposes of the Development Corporation Act of 1979, now located in Texas Local Government Code, Title 12, Subtitle C1; and

**WHEREAS**, the governing body of **CITY** has duly authorized this agreement; and

**WHEREAS**, the governing body of **CORPORATION** has duly authorized this agreement;

**NOW THEREFORE**, in consideration of the foregoing and further consideration of the mutual promises, covenants and conditions herein **CITY** and **CORPORATION** hereby agree as follows:

**Use of City Facilities**

1. The **CITY** will agree to allow the **CORPORATION** to use City Hall facilities, the Community Center, and additional City conference rooms without fee. Adequate office space for **CORPORATION** daily operations, utilities and common space (restrooms, break rooms and storage) will be provided by the City. Utilities include telephone service and hardware, internet connections, and shared building utilities. Also, the **CITY** agrees to allow the **CORPORATION** to post notices for public hearings, special or regular meetings or workshops.

2. The **CITY** agrees to share a Post Office box and a box at City Hall for receipt of mail to the **CORPORATION** and to disseminate any and all mail to the **CORPORATION** box at City Hall without charge.

**Services to be Provided**

The **CITY** agrees to provide the following services to the **CORPORATION** pursuant to the City Manager's direction and approval, and such employees furnishing said services are to be considered at all times to be employees of the **CITY**.

- a. Economic Development Director Services
  - 1. Develop and implement strategies for the retention, expansion, and recruitment of business enterprises.
  - 2. Provide administrative services as required by the **CORPORATION**.
  - 3. Perform all services related to State of Texas requirements for Economic Development Corporation's reporting. Maintain all public documents and records of the Corporation.
  - 4. Prepare (in coordination with Finance Department) and administer budgets including Economic Development Department operating budget (Fund 100) and Corporation operating budget (Fund 600) and projects fund budget (Fund 601) in accordance with City, Corporation, and State purchasing and expenditure requirements.

Once adopted, and approved by the City Council, the Economic Development Director shall be allowed to expend any funds within operating budgets (Fund 100 and Fund 600) for purposes described in the budgets without further Corporation approval.

At no time shall any funds be expended from the projects fund (Fund 601) without prior Corporation approval. Except that expenditures under \$10,000 identified during the budgeting process from the promotional and studies line items in the Projects Fund may be expended by staff in accordance with the budget without additional approval of the Corporation.

- b. Economic Development Coordinator Services
  - 1. Assist the Economic Development Director in the development and implementation of sound, fact-based economic development strategies to retain, expand and recruit business enterprises, and in the day-to-day operation of the CITY's and CORPORATION's economic development programs.
- c. Finance and Accounting
  - 1. Payment of any and all bills submitted by the **CORPORATION** within **CORPORATION** budgetary and bylaw requirements. The City accepts no responsibility for the accuracy of bills submitted.
  - 2. Receive, manage and invest **CORPORATION** funds in accordance with the **CORPORATION's** Investment Policy, as may be adopted and amended from time to time. The CORPORATION follows the CITY's adopted and amended Investment Policy.

3. Maintenance of accounting records, including but not limited to general ledger, income and expense accounts, balance sheet, and annual financial report/audit.
  4. Process annual budgets, and provide monthly budget reports and Corporation financials.
- d. Other Services
1. The **CORPORATION** may request other needed services from the CITY via the City Manager.
  2. Funds for general economic development legal services not specific to the Corporations will be provided for in the Economic Development Department operating budget (Fund 100). General legal services for the Corporation, including advice, the review and preparation of resolutions, general contracts, and other legal documents or records for the Corporation shall be funded by the Corporation in its operating budget (Fund 600). Legal services provided in regard to specific Corporation-initiated projects will be charged to the individual project.

### **Compensation**

In consideration for the services and related costs provided by the CITY for the benefit of the **CORPORATION**, the **CORPORATION** agrees to reimburse the CITY's costs for performing such services in an amount not to exceed the total "**ASA Reimbursement**" line item in the Corporation's approved fiscal year budget, a copy of which is attached hereto as Exhibit "A".

Estimated amounts will be prepared concurrently with the establishment of the annual budget, will be billed to the **CORPORATION** in arrears at least quarterly, and will be reconciled to actual costs incurred (except for funding for Community Events).

The Corporation shall provide payment as set forth in the Corporation's annual operating budget (Fund 600) under the "ASA Reimbursement" line item, equivalent to 50% of the City's Economic Development Department operating costs as outlined in the City's Fund 100 budget, which includes funding for Economic Development Personnel, Equipment and Supplies, Dues and Memberships, Professional and Legal Services, Travel and Training, and Programming. The Corporation's budget commitment is based upon budget projections provided by the City. Said sum shall be payable on a reimbursement basis to the City and be due upon presentment of an invoice from the City to the Corporation (except for Community Events funding).

In addition, the **CORPORATION** agrees to pay the CITY a fee for related support costs in an amount not to exceed the total "**ASA Shared Services Fee**" line item in the Corporation's approved fiscal year budget. This fee shall be paid in advance in four quarterly payments to the City for associated City General Fund costs to administer the Corporation.

For Fiscal Year 2020, the ASA Shared Services Fee includes costs for the City Manager, Chief Financial Officer, Finance Manager, and Accounts Payable/Payroll Clerk, for time and related costs.

The Corporation may provide funding as outlined in their annual operating budget (Fund 600), for transfers to the Corporation's **Projects Fund** (Fund 601) to be administered by City personnel under the direction of the Corporation. For Fiscal Year 2020, these transfers include funding for targeted incentives; promotional expenses; professional services (studies, planning, and program development); Corporation Livable Center Implementation projects, Corporation Economic Development Strategic Plan Implementation projects; and Corporation Gateway, Corridor, and Placemaking Enhancements.

The Corporation will provide funding for **Community Events** as outlined in the budgets for transfers to the City's General Fund to be administered directly by the City under the City Manager's direction pursuant to the terms of agreements between the City and third parties for all community events.

### **Period of Duration**

This Agreement shall remain in force and effect for a one-year period. The parties agree to use best efforts to continue this Agreement from year to year. The Agreement shall be reviewed annually, and any modifications or extension of the terms and conditions of the Agreement shall be of no force and effect except in a subsequent document in writing signed by the parties hereto.

This agreement will have no force or effect until duly executed by all parties hereto, will run concurrent to the City and Corporation's fiscal year (October 1 through September 30), terminating at **12:01 a.m. on October 1, 2020.**

The **CORPORATION** and the CITY may cancel this agreement at any time upon sixty (60) days written notice to the other party. The obligations of the **CORPORATION**, including its obligation to pay the CITY for all costs incurred under this agreement prior to such notice, shall survive such cancellation, as well as any other obligation incurred under this agreement, until performed or discharged by the **CORPORATION**.

Nothing in this Agreement shall constitute a waiver by the Parties of governmental immunity nor shall the Parties' enforcement of any legal right or assertion of any affirmative defense arising out of this Agreement constitute a waiver of the Parties' governmental immunity. Nothing in this Agreement shall be construed as express or implied consent of the Parties to being sued.

Execution

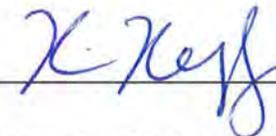
Executed, in duplicate originals, by the CORPORATION on the 8<sup>th</sup> day of July, 2019, and by the CITY on the 20<sup>th</sup> day of August, 2019, at Fulshear, Fort Bend County, Texas, to be *effective on October 1, 2019*.

CITY OF FULSHEAR DEVELOPMENT CORPORATION

By:  \_\_\_\_\_  
Jason Maklary, Secretary

By:  \_\_\_\_\_  
Andrew Van Chau, President

CITY OF FULSHEAR

By:  \_\_\_\_\_  
Kim Kopecky, City Secretary



By:  \_\_\_\_\_  
Aaron Groff, Mayor

**EXHIBIT "A" TO FY20 CDC\_A ADMINISTRATIVE SERVICES AGREEMENT  
ADOPTED FUND 600 FY20 BUDGET**

CDC\_A FUND 600 (OPERATING)  
08/02/2019

			FY2018	FY 2019	FY2019	New	FY2020
		Account Number	Actual	Budget	Estimate	Program	Proposed Budget
		<b>Beginning Fund Balance</b>	<b>886,914</b>	<b>1,424,798</b>	<b>1,410,509</b>		<b>1,500,308</b>
<b>Revenues</b>							
<b>Tax</b>							
	600-41301	Sales & Use Tax Revenue	789,832	617,780	717,780		832,624
		Total Tax	789,832	617,780	717,780	-	832,624
<b>Interest Earned</b>							
	600-46000	Interest Revenue	16,083	1,000	32,000		32,000
		Total Interest Earned	16,083	1,000	32,000	-	32,000
		<b>Total Revenues</b>	<b>805,915</b>	<b>618,780</b>	<b>749,780</b>	<b>-</b>	<b>864,624</b>
<b>Expenditures</b>							
<b>Administration</b>							
<b>Supplies</b>							
	600-5-100-5311-00	Supplies	68	250	250		250
		Total Supplies	68	250	250	-	250
<b>Contractual</b>							
	600-5-100-5411-00	Admin Prof. Serv. - Legal	2,457	10,000	5,000		10,000
	600-5-100-5411-10	Professional Svcs - Consulting	2,353	2,900	2,900		2,900
	600-5-100-5413-00	Meeting Security	-	2,500	2,500		3,000
	600-5-100-5421-04	Admin - Indemnity Insurance	475	475	475		475
	600-5-100-5469-01	Admin-Administrative Fee	-	-	-		-
	600-5-100-5475-00	Admin - Bank Charges	-	-	-		-
		Total Contractual	5,285	15,875	10,875	-	16,375
<b>Other Charges</b>							
	600-5-100-5526-00	Admin - Public Notices	150	200	200		500
	600-5-100-5527-00	Dues & Memberships	-	-	-		-
	600-5-100-5528-00	Travel & Training	-	-	-		5,000
	600-5-100-5528-05	Continuing Education	1,094	5,000	5,000		-
		Total Other Charges	1,244	5,200	5,200	-	5,500
<b>Transfers</b>							
	600-5-100-5900-10	Xfer Out - Gen Fund 100	93,999	160,100	160,100		176,963
	600-5-100-5900-10	Xfer Out-Gen Fund 100-share service		35,000	35,000		35,000
	600-5-100-5900-11	Xfer Out - Community Events	24,420	37,500	37,500		37,500
	600-5-100-5900-61	XFER OUT 4/A Project Fund 601	143,015	411,056	411,056	578,750	745,275
		Total Transfers	261,434	643,656	643,656	578,750	994,738
		Total Administration Expenditures	268,031	664,981	659,981		1,016,863
		Revenue Over(Under) Expenditures	537,884	(46,201)	89,799		(152,239)
		<b>Ending Fund Balance</b>	<b>1,424,798</b>	<b>1,378,597</b>	<b>1,500,308</b>		<b>1,348,069</b>
							<b>Restricted Fund Balance (90 days operating)</b>
							<b>254,216</b>
							<b>Estimated Unrestricted Fund Balance</b>
							<b>1,093,854</b>

**EXHIBIT "A" TO FY20 CDC\_A ADMINISTRATIVE SERVICES AGREEMENT  
ADOPTED FUND 601 FY20 BUDGET**

CDC\_A FUND 601 (PROJECTS FUND)  
08/02/2019

Account Number		Account Description	FY2018 Actual	FY 2019 Budget	FY2019 Estimate	New Program	FY2020 Proposed Budget
Beginning Fund Balance			252,648	4,960	389,007		347,007
<b>Revenues</b>							
<b>Interest Earned</b>							
601-46000	Interest Revenue		4,384	100	8,000		8,000
Total Interest Earned			4,384	100	8,000		8,000
<b>Other Revenue</b>							
601-49560	XFER IN - 4/A EDC FUND 600		143,015	411,056	411,056		745,275
Total Other Revenue			143,015	411,056	411,056		745,275
Total Revenue			147,399	411,156	419,056		753,275
<b>Expenditures</b>							
<b>Contractual</b>							
601-5-000-5470-01	Targeted Incentives		-	61,778	61,778	-	83,262
601-5-000-5470-02	Promotional Expenses		11,040	61,778	61,778	-	83,262
601-5-000-5470-03	Studies, Planning & Program Development		-	-	50,000	125,000	125,000
601-5-000-5470-04	Community Events		-	-	-	-	-
Total Contractual			11,040	123,556	173,556	125,000	291,524
<b>Capital Outlay</b>							
601-5-000-5600-08	Capital Outlay - Land		-	-	-	-	-
601-5-000-5600-09	Katy-Fulshear/Huggins Road (CoF CIP ST20B)		71,250	-	-	28,750	28,750
601-5-000-5600-10	Texas Heritage Parkway Project (CoF CIP ST20C)		91,125	-	-	-	-
NEW LINE ITEM	Livable Center Implementation (EDC)		-	-	-	125,000	125,000
NEW LINE ITEM	Eco Dev Strat Plan Implementation (EDC)		-	-	-	125,000	125,000
NEW LINE ITEM	Gateway, Corridor & Placemaking Enhancements (EDC)		-	-	-	50,000	50,000
Total Capital Outlay			162,375	-	-	328,750	328,750
<b>Transfers</b>							
601-5-000-5930-05	Xfer Out-#300 ST20D FM1093 (CoF)		-	87,500	87,500	-	-
601-5-000-5930-06	Xfer Out-#300 FPT19A Parks (CoF)		-	50,000	50,000	-	-
601-5-000-5930-07	Xfer Out-#300 FPT19B Livab (CoF)		-	50,000	50,000	-	-
601-5-000-5951-02	Xfer Out-#501 WMP-W18K (CoF)		-	25,000	25,000	25,000	25,000
601-5-000-5951-03	Xfer Out-#501 WMP-WW18E (CoF)		-	75,000	75,000	-	-
NEW LINE ITEM	Xfer Out -#.... - D20B - Downtown Drng. East (CoF)		-	-	-	100,000	100,000
Total Transfers			-	287,500	287,500	125,000	125,000
TOTAL EXPENDITURES			173,415	411,056	461,056	578,750	745,274
Revenues Over(Under) Expenditures			(26,016)	100	(42,000)	(578,750)	8,001
Ending Fund Balance			226,632	5,060	347,007		355,008





RESOLUTION NO. 2019-429

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS APPROVING AN ADMINISTRATIVE SERVICES AGREEMENT BETWEEN THE CITY AND THE FULSHEAR DEVELOPMENT CORPORATION (TYPE B)**

**WHEREAS**, the City Council of the City of Fulshear, Texas is desirous of ensuring efficient and effective administration for its Economic Development Corporations; and

**WHEREAS**, the Fulshear Development Corporation has previously acted to approve the tenets and facets of the Administrative Services Agreement attached hereto;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS THAT:** The Administrative Services Agreement for Fiscal Year 2019-2020 is hereby approved in the form as attached to this document as "Exhibit A".

This Resolution duly passed this 20<sup>th</sup> day of August, 2019.



  
\_\_\_\_\_  
Aaron Groff, Mayor

ATTEST:

  
\_\_\_\_\_  
Kim Kopecky, City Secretary

**ADMINISTRATIVE SERVICES AGREEMENT  
BETWEEN  
THE FULSHEAR DEVELOPMENT CORPORATION  
AND  
THE CITY OF FULSHEAR**

This Agreement is entered into by and between the **Fulshear Development Corporation** (hereinafter referred to as the "**Corporation**" and) the **City of Fulshear, Texas** (hereinafter referred to as the "**CITY**").

**WHEREAS**, the **CORPORATION** and **CITY** wish to aid, and cooperate with each other in coordinating certain functions and services including administrative services for the effective, efficient operation of the **CORPORATION** and the provision of economic development services for the **CITY**; and

**WHEREAS**, it is in the best interests of the **CITY** to cooperate with the **CORPORATION** in that the **CORPORATION** is a public instrumentality acting on behalf of the **CITY** in furtherance of the public purposes of the Development Corporation Act of 1979, now located in Texas Local Government Code, Title 12, Subtitle C1; and

**WHEREAS**, the governing body of **CITY** has duly authorized this agreement; and

**WHEREAS**, the governing body of **CORPORATION** has duly authorized this agreement;

**NOW THEREFORE**, in consideration of the foregoing and further consideration of the mutual promises, covenants and conditions herein **CITY** and **CORPORATION** hereby agree as follows:

**Use of City Facilities**

1. The **CITY** will agree to allow the **CORPORATION** to use City Hall facilities, the Community Center, and additional City conference rooms without fee. Adequate office space for **CORPORATION** daily operations, utilities and common space (restrooms, break rooms and storage) will be provided by the City. Utilities include telephone service and hardware, internet connections, and shared building utilities. Also, the **CITY** agrees to allow the **CORPORATION** to post notices for public hearings, special or regular meetings or workshops.

2. The **CITY** agrees to share a Post Office box and a box at City Hall for receipt of mail to the **CORPORATION** and to disseminate any and all mail to the **CORPORATION** box at City Hall without charge.

**Services to be Provided**

The **CITY** agrees to provide the following services to the **CORPORATION** pursuant to the City Manager's direction and approval, and such employees furnishing said services are to be considered at all times to be employees of the **CITY**.

a. Economic Development Director Services

1. Develop and implement strategies for the retention, expansion, and recruitment of business enterprises.
2. Provide administrative services as required by the **CORPORATION**.
3. Perform all services related to State of Texas requirements for Economic Development Corporation's reporting. Maintain all public documents and records of the Corporation.
4. Prepare (in coordination with Finance Department) and administer budgets including Economic Development Department operating budget (Fund 100) and Corporation operating budget (Fund 700) and projects fund budget (Fund 701) in accordance with City, Corporation, and State purchasing and expenditure requirements.

Once adopted, and approved by the City Council, the Economic Development Director shall be allowed to expend any funds within operating budgets (Fund 100 and Fund 700) for purposes described in the budgets without further Corporation approval.

At no time shall any funds be expended from the projects fund (Fund 701) without prior Corporation approval. Except that expenditures under \$10,000 identified during the budgeting process from the promotional and studies line items may be expended by staff in accordance with the budget without additional approval of the Corporation.

b. Economic Development Coordinator Services

1. Assist the Economic Development Director in the development and implementation of sound, fact-based economic development strategies to retain, expand and recruit business enterprises, and in the day-to-day operation of the CITY's and CORPORATION's economic development programs.

c. Finance and Accounting

1. Payment of any and all bills submitted by the **CORPORATION** within **CORPORATION** budgetary and bylaw requirements. The City accepts no responsibility for the accuracy of bills submitted.
2. Receive, manage and invest **CORPORATION** funds in accordance with the **CORPORATION's** Investment Policy, as may be adopted and amended from time to time. The CORPORATION follows the CITY's adopted and amended Investment Policy.

3. Maintenance of accounting records, including but not limited to general ledger, income and expense accounts, balance sheet, and annual financial report/audit.
  4. Process annual budgets, and provide monthly budget reports and Corporation financials.
- d. Other Services
1. The **CORPORATION** may request other needed services from the CITY via the City Manager.
  2. Funds for general economic development legal services not specific to the Corporations will be provided for in the Economic Development Department operating budget (Fund 100). General legal services for the Corporation, including advice, the review and preparation of resolutions, general contracts, and other legal documents or records for the Corporation shall be funded by the Corporation in its operating budget (Fund 700). Legal services provided in regard to specific Corporation-initiated projects will be charged to the individual project.

#### **Compensation**

In consideration for the services and related costs provided by the CITY for the benefit of the **CORPORATION**, the **CORPORATION** agrees to reimburse the CITY's costs for performing such services in an amount not to exceed the total "**ASA Reimbursement**" line item in the Corporation's approved fiscal year budget, a copy of which is attached hereto as Exhibit "A".

Estimated amounts will be prepared concurrently with the establishment of the annual budget, will be billed to the **CORPORATION** in arrears at least quarterly, and will be reconciled to actual costs incurred (except for funding for Community Events).

The Corporation shall provide payment as set forth in the Corporation's annual operating budget (Fund 700) under the "ASA Reimbursement" line item, equivalent to 50% of the City's Economic Development Department operating costs as outlined in the City's Fund 100 budget, which includes funding for Economic Development Personnel, Equipment and Supplies, Dues and Memberships, Professional and Legal Services, Travel and Training, and Programming. The Corporation's budget commitment is based upon budget projections provided by the City. Said sum shall be payable on a reimbursement basis to the City and be due upon presentment of an invoice from the City to the Corporation (except for Community Events funding).

In addition, the **CORPORATION** agrees to pay the CITY a fee for related support costs in an amount not to exceed the total "**ASA Shared Services Fee**" line item in the Corporation's approved fiscal year budget. This fee shall be paid in advance in four quarterly payments to the City for associated City General Fund costs to administer the Corporation.

For Fiscal Year 2020, the ASA Shared Services Fee includes costs for the City Manager, Chief Financial Officer, Finance Manager, and Accounts Payable/Payroll Clerk, for time and related costs.

The Corporation may provide funding as outlined in their annual operating budget (Fund 700), for transfers to the Corporation's **Projects Fund** (Fund 701) to be administered by City personnel under the direction of the Corporation. For Fiscal Year 2020, these transfers include funding for targeted incentives; promotional expenses; professional services (studies, planning, and program development); Corporation Livable Center Implementation projects, Corporation Economic Development Strategic Plan Implementation projects; and Corporation Gateway, Corridor, and Placemaking Enhancements.

The Corporation will provide funding for **Community Events** as outlined in the budgets for transfers to the City's General Fund to be administered directly by the City under the City Manager's direction pursuant to the terms of agreements between the City and third parties for all community events.

### **Period of Duration**

This Agreement shall remain in force and effect for a one-year period. The parties agree to use best efforts to continue this Agreement from year to year. The Agreement shall be reviewed annually, and any modifications or extension of the terms and conditions of the Agreement shall be of no force and effect except in a subsequent document in writing signed by the parties hereto.

This agreement will have no force or effect until duly executed by all parties hereto, will run concurrent to the City and Corporation's fiscal year (October 1 through September 30), terminating at **12:01 a.m. on October 1, 2020**.

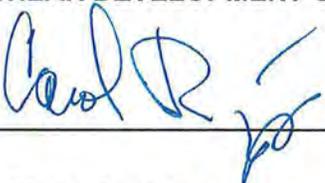
The **CORPORATION** and the CITY may cancel this agreement at any time upon sixty (60) days written notice to the other party. The obligations of the **CORPORATION**, including its obligation to pay the CITY for all costs incurred under this agreement prior to such notice, shall survive such cancellation, as well as any other obligation incurred under this agreement, until performed or discharged by the **CORPORATION**.

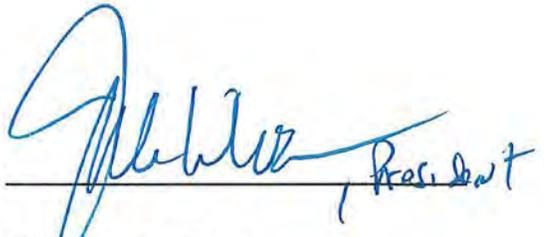
Nothing in this Agreement shall constitute a waiver by the Parties of governmental immunity nor shall the Parties' enforcement of any legal right or assertion of any affirmative defense arising out of this Agreement constitute a waiver of the Parties' governmental immunity. Nothing in this Agreement shall be construed as express or implied consent of the Parties to being sued.

**Execution**

Executed, in duplicate originals, by the **CORPORATION** on the 15<sup>th</sup> day of July, 2019, and by the **CITY** on the 20<sup>th</sup> day of August, 2019, at Fulshear, Fort Bend County, Texas, to be **effective on October 1, 2019**.

**FULSHEAR DEVELOPMENT CORPORATION**

By:   
Carol Riggs, Secretary

By:  President  
J.W. Wauson, President

**CITY OF FULSHEAR**

By:   
Kim Kopecky, City Secretary



By:   
Aaron Groff, Mayor

**EXHIBIT "A" TO FY20 FDC\_B ADMINISTRATIVE SERVICES AGREEMENT  
ADOPTED FUND 700 FY20 BUDGET**

FDC\_B FUND 700 (OPERATING)  
08/02/2019

Account Number	Account Description	FY2018 Actual	FY 2019 Budget	FY2019 Estimate	New Program	FY2020 Proposed Budget
<b>Beginning Fund Balance</b>		<b>1,043,695</b>	<b>1,215,061</b>	<b>1,583,752</b>		<b>1,676,826</b>
<b>Revenues</b>						
<b>Tax</b>						
700-41301	Sales & Use Tax Revenue	789,832	617,780	717,780		832,624
	Total Tax	789,832	617,780	717,780		832,624
<b>Interest Earned</b>						
700-46000	Interest Revenue	18,526	5,000	35,500		35,500
	Total Interest Earned	18,526	5,000	35,500		35,500
<b>Other Revenue</b>						
700-49560	XFER IN 4/A EDC FUND 600	-	-	-		-
	Total Other Revenue	-	-	-		-
	<b>Total Revenues</b>	<b>808,358</b>	<b>622,780</b>	<b>753,280</b>		<b>868,124</b>
<b>Expenditures</b>						
<b>Administrative</b>						
<b>Supplies</b>						
700-5-100-5311-00	Supplies	250	250	250		250
	Total Supplies	250	250	250		250
<b>Contractual</b>						
700-5-100-5411-00	Admin Prof. Service - Legal	2,142	7,500	5,000		7,500
700-5-100-5413-00	Meeting Security	-	2,500	2,500		3,000
700-5-100-5421-04	Admin - Indemnity Insurance	561	600	600		600
700-5-100-5469-01	Admin - Administrative Fee	-	-	-		-
	Total Contractual	2,703	10,600	8,100		11,100
<b>Other Charges</b>						
700-5-100-5526-00	Public Notices	148	200	200		500
700-5-100-5528-00	Travel & Training	-	8,000	8,000		8,000
700-5-100-5528-05	Continuing Education	1,766	-	-		-
	Total Other Charges	1,914	8,200	8,200		8,500
<b>Transfers</b>						
700-5-100-5900-10	Xfer Out - Gen Fund 100	93,999	160,100	160,100		176,963
700-5-100-5900-10	Xfer Out-Gen Fund 100-shared service	-	35,000	35,000		35,000
700-5-100-5900-11	Xfer Out - Community Events	24,420	37,500	37,500		37,500
700-5-100-5900-61	Xfer Out-Project Fund #701	-	303,773	411,056	578,750	745,275
700-5-100-5900-71	XFER OUT 4/B Project Fund 701	143,015	107,283	-		-
	Total Transfers	261,434	643,656	643,656	578,750	994,738
	Total Administrative	266,301	662,706	660,206		1,014,588
<b>Community Development</b>						
<b>Contractual</b>						
700-5-400-5471-00	Community Grants	2,000	10,000	-		10,000
	Total Contractual	2,000	10,000	-		10,000
	Total Community Development	2,000	10,000	-		10,000
	Total Expenditures	268,301	672,706	660,206		1,024,588
	Revenues Over(Under) Expenditures	540,057	(49,926)	93,074		(156,464)
	<b>Ending Fund Balance</b>	<b>1,583,752</b>	<b>1,165,135</b>	<b>1,676,826</b>		<b>1,520,362</b>
						<b>Restricted Fund Balance (90 days operating)</b> <b>256,147</b>
						<b>Estimated Unrestricted Fund Balance</b> <b>1,264,215</b>

**EXHIBIT "A" TO FY20 FDC\_B ADMINISTRATIVE SERVICES AGREEMENT  
ADOPTED FUND 701 FY20 BUDGET**

FDC\_B FUND 701 (PROJECTS FUND)  
08/02/2019

Account Number	Account Description	FY2018 Actual	FY 2019 Budget	FY2019 Estimate	New Program	FY2020 Proposed Budget
<b>Beginning Fund Balance</b>		<b>224,452</b>	<b>3,410</b>	<b>343,346</b>		<b>299,996</b>
<b>Revenues</b>						
<b>Interest Earned</b>						
701-46000	INTEREST	3,782	100	6,650		6,650
<b>Total Interest Earned</b>		<b>3,782</b>	<b>100</b>	<b>6,650</b>		<b>6,650</b>
<b>Other Revenue</b>						
701-49570	XFER IN - 4/B EDC FUND 700	143,015	411,056	411,056		745,275
<b>Total Other Revenue</b>		<b>143,015</b>	<b>411,056</b>	<b>411,056</b>		<b>745,275</b>
<b>Total Revenue</b>		<b>146,797</b>	<b>411,156</b>	<b>417,706</b>		<b>751,925</b>
<b>Expenditures</b>						
<b>Contractual</b>						
701-5-000-5470-01	Targeted Incentives	-	61,778	61,778		83,262
701-5-000-5470-02	Promotional Expenses	27,903	61,778	61,778		83,262
701-5-000-5470-03	Studies, Planning & Program Development	-	-	50,000	125,000	125,000
701-5-000-5470-04	Community Events	-	-	-		
<b>Total Contractual</b>		<b>27,903</b>	<b>123,556</b>	<b>173,556</b>	<b>125,000</b>	<b>291,524</b>
<b>Capital Outlay</b>						
701-5-000-5600-09	Katy-Fulshear/Huggins Road (CoF CIP ST20B)	71,250	-	-	28,750	28,750
701-5-000-5600-10	Texas Heritage Parkway Project (CoF CIP ST20C)	91,125	-	-		
NEW LINE ITEM	Livable Center Implementation (EDC)	-	-	-	125,000	125,000
NEW LINE ITEM	Eco Dev Strat Plan Implementation (EDC)	-	-	-	125,000	125,000
NEW LINE ITEM	Gateway, Corridor & Placemaking Enhancements (EDC)	-	-	-	50,000	50,000
<b>Total Capital Outlay</b>		<b>162,375</b>	<b>-</b>	<b>-</b>	<b>328,750</b>	<b>328,750</b>
<b>Transfers</b>						
701-5-000-5930-05	Xfer Out-#300 ST20D FM1093 (CoF)	-	87,500	87,500		
701-5-000-5930-06	Xfer Out-#300 FPT19A Parks	-	50,000	50,000		
701-5-000-5930-07	Xfer Out-#300 FPT19B Livab	-	50,000	50,000		
701-5-000-5951-02	Xfer Out-#501 WMP-W18K	-	25,000	25,000	25,000	25,000
701-5-000-5951-03	xfer Out-#501 WMP-WW18E	-	75,000	75,000		
NEW LINE ITEM	Xfer Out -#.... - D20B - Downtown Drng. East (CoF)	-	-	-	100,000	100,000
<b>Total Transfers</b>		<b>-</b>	<b>287,500</b>	<b>287,500</b>	<b>125,000</b>	<b>125,000</b>
<b>Total Expenditures</b>		<b>190,278</b>	<b>411,056</b>	<b>461,056</b>	<b>578,750</b>	<b>745,274</b>
<b>Revenue Over(Under) Expenditures</b>		<b>(43,481)</b>	<b>100</b>	<b>(43,350)</b>		<b>6,651</b>
<b>Ending Fund Balance</b>		<b>180,971</b>	<b>3,510</b>	<b>299,996</b>		<b>306,647</b>







Summary of FY21 EDC Project Requests										
5-Year Capital Improvement Plan										
City of Fulshear, Texas										
Project Code & Name	Funding Source	Description								
ST20B - Huggins Drive Road Participation Project	Oper. Funds/ CIP Fund Bal./CAD Fund/ EDC Requests	Project tracks the City's participation in regional road projects with Fort Bend County. ROW acquisitions for Huggins Rd improvements will be funded in this phase. The estimated ROW acquisition costs are approximately \$1.4m for Huggins. The budget for FY21 assumes \$200k in EDC requests and \$325k in funds from Gen Oper, CIP, & CAD funds (CURRENT ESTIMATE \$2.5M for 7 years at 3.51% interest) .								
ST20C - Texas Heritage Parkway Participation Project	Oper. Funds/ CIP Fund Bal./ EDC Requests	For the Texas Heritage Parkway project, this item will track payments made to the County for the City's portion of the costs. For FY20, the initial payment is estimated to be \$379,712 Of that amount, \$182,250 was allocated by EDC boards in FY 20; FY 21 Project request is \$7,750 to supplement the FY 20 allocation; remaining FY funding requests = \$189,856/FY over 24 years to assist in the loan repayment								
ST20D - FM 1093 Widening Cost Participation	Fund 250-CAD/ EDC Requests	Cost sharing for FM 1093 Widening Project - Utility Relocations/Upsizing and new Utility lines to serve development in the corridor. This assumes financing by Ft. Bend County over seven years. (Estimated FY21 cost split will be \$50,050k-Fund 250 & \$50,050k-EDC Requests and continue thru FY 25)								
FPT19A - Parks & Pathways Master Plan Implementation	Oper. Funds/ Fund Bal. Park & EDC Funds	This ongoing effort will support the design and implementation of projects as identified by and/or in line with the goals of the Parks and Pathways Master Plan. Current projects include Phase 1 of Primrose Park and the Frances Smart Park Station House re-creation project (Estimated cost split will be \$100k-Parks Fund & \$100k-EDC Requests)								
FPT19B - Livable Centers Study Implementation	Oper. Funds/ Fund Bal. & EDC Requests	This ongoing effort will support the design and implementation of projects as identified by and/or in line with the goals of the HGAC Livable Centers Study. (Estimated cost split will be \$100k-Gen Fund & \$100k-EDC Requests)								
D20A - Downtown West Side Storm Sewer Project	Oper. Funds/ CIP Fund Bal.	Per Project A in the FY19 Downtown Drainage Study findings, this will establish a new drainage outfall in the West portion of the downtown area (5th Street & Wallis Street) to provide for proper drainage flows to the existing drainage way. This addresses the drainage issues on the west side of FM 359 by providing capacity for the 2-year design storm and minimizes the need for on-site detention per current standards and the findings of the Livable Center Study. This Project is anticipated to begin in FY21. (Estimated EDC requests = \$200k)								
Project Code	FY21 (Current Proposed Budget)			Estimated Future Funding Participation by ED By ILA					Total Estimated EDC Contributions	Total Estimated Project Costs
	Prior Years	FY21 Project Budget		FY22	FY23	FY24	FY25	Beyond FY25		
ST20B*	\$200,000	\$525,000	\$200,000	\$200,000	\$200,000	\$100,000	\$100,000	\$0	\$1,000,000	\$2,500,000
ST20C*	\$182,250	\$15,500	\$7,750	\$189,856	\$189,856	\$189,856	\$189,856	\$2,847,446	\$3,796,870	\$7,594,240
ST20D*	\$175,000	\$101,000	\$50,500	\$101,000	\$101,000	\$101,000	\$101,000	\$301,167	\$930,667	\$981,167
FPT19A	\$100,000	\$200,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	unknown	\$600,000	\$23,700,000
FPT19B	\$100,000	\$200,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	unknown	\$600,000	unknown
D20A	\$0	\$820,000	\$200,000						\$200,000	\$820,000
<b>TOTALS</b>	<b>\$757,250</b>	<b>\$1,861,500</b>	<b>\$658,250</b>	<b>\$750,000</b>	<b>\$750,000</b>	<b>\$590,856</b>	<b>\$590,856</b>	<b>\$3,148,613</b>	<b>\$7,127,537</b>	<b>\$35,595,407</b>

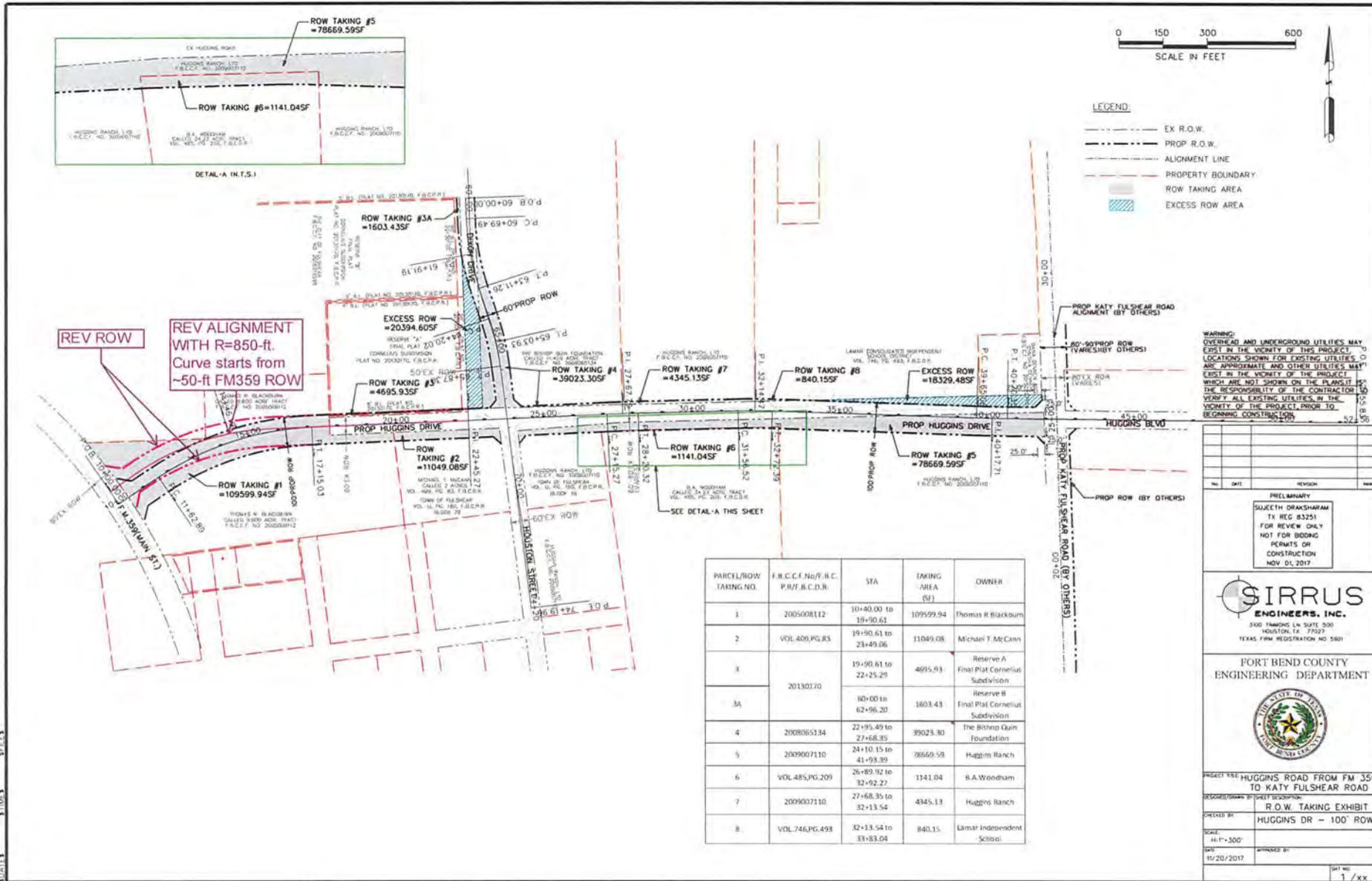
Additional information is also being provided as attachments:  
 FM 1093 ILA & Amortization Schedule  
 Texas Heritage Parkway ILA 7 Amortization Schedule  
 Phase II Concept – Primrose Park  
 Phase I – Branding concept

If approved, the transfer of funds would be done as expenditures for associated projects are received.

**RECOMMENDATION**

Staff recommends the CDC and FDC approve participation in the projects as requested.

Project	Funded FY2018	Funded FY2019	Funded FY2020	Total Allocated per EDC	Total Allocated to City CIP for Project	FY20 EDC Notice Category
W18K - Water Master Plan Years 1-5 (Project 2)	\$0	\$25,000	\$25,000	\$50,000	\$100,000	Specific
WW18E - Wastewater Master Plan Years 1-5 (Project 3)	\$0	\$75,000	\$0	\$75,000	\$150,000	
D20B - Downtown Drainage Improvements FY20 (Eastside)	\$0	\$0	\$100,000	\$100,000	\$200,000	Specific
ST20B - Katy-Fulshear & Huggins Roads Improvements Cost Participation	\$71,250	\$0	\$28,750	\$100,000	\$200,000	Specific
ST20C - Texas Heritage Parkway (Year 1)	\$91,125	\$0	\$0	\$91,125	\$182,250	
ST20D - FM 1093 Widening Cost Participation	\$0	\$87,500	\$0	\$87,500	\$175,000	
FPT19A - Parks & Pathways Master Plan Implementation*	\$0	\$50,000	\$0	\$50,000	\$100,000	
FPT19B - Livable Center Study Implementation*	\$0	\$50,000	\$0	\$50,000	\$100,000	
<b>Total Allocated to PF per FY</b>	<b>\$162,375</b>	<b>\$287,500</b>	<b>\$153,750</b>	<b>\$603,625</b>	<b>\$1,207,250</b>	
				\$603,625	\$1,207,250	
			Subtotal FY20 Specific	\$153,750		



**REV ROW**  
**REV ALIGNMENT WITH R=850-ft.**  
**Curve starts from ~50-ft FM359 ROW**

**WARNING:**  
 OVERHEAD AND UNDERGROUND UTILITIES MAY EXIST IN THE VICINITY OF THIS PROJECT. LOCATIONS SHOWN FOR EXISTING UTILITIES DO NOT APPROXIMATE AND OTHER UTILITIES MAY EXIST IN THE VICINITY OF THE PROJECT WHICH ARE NOT SHOWN ON THE PLANS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL EXISTING UTILITIES IN THE VICINITY OF THE PROJECT PRIOR TO BEGINNING CONSTRUCTION.

PARCEL/ROW TAKING NO.	F.B.C.C.F. No./F.B.C. P.R.F.B.C.D.B.	STA	TAKING AREA (SF)	OWNER
1	2005008112	10+00.00 to 19+50.61	109599.94	Thomas R Blackburn
2	VOL 409, PG. 83	19+90.61 to 23+49.06	11049.08	Michael T. McCann
3	20130170	19+90.61 to 22+25.29	4695.93	Reserve A Final Plat Cornelius Subdivision
3A		00+00.00 to 02+96.20	1603.43	Reserve B Final Plat Cornelius Subdivision
4	2008065134	22+95.49 to 27+46.85	39023.30	The Bishop Quin Foundation
5	2009007110	28+10.15 to 41+93.30	78560.59	Huggins Branch
6	VOL 485, PG. 209	26+89.92 to 32+92.27	1141.04	R.A. Woodham
7	2009007110	27+68.35 to 32+13.54	4345.13	Huggins Branch
8	VOL 746, PG. 498	32+13.54 to 33+83.04	840.15	Lamar Independent School

NO.	DATE	REVISION	BY
PRELIMINARY			
SUBJECT DRAKSHARAM TX REG 83251 FOR REVIEW ONLY NOT FOR BIDDING PERMITS OR CONSTRUCTION NOV 01, 2017			

**SIRRUS ENGINEERS, INC.**  
 5100 FARMERS LN SUITE 500  
 HOUSTON, TX 77057  
 TEXAS FIRM REGISTRATION NO 5801

FORT BEND COUNTY  
 ENGINEERING DEPARTMENT



PROJECT TITLE: HUGGINS ROAD FROM FM 359 TO KATY FULSHEAR ROAD  
 DESIGNED/DRAWN BY: SHEET 2009007110  
 CHECKED BY: HUGGINS DR - 100' ROW  
 SCALE: H.T. - 300'  
 DATE: 10/20/2017  
 DRAWN BY: [Signature]  
 SHEET NO. 1 / xx

**Fort Bend County**  
**FM1093 Widening Debt Service - Fulshear**  
**7 Year, 3.51% Interest, Level Pmt**

Fiscal Year	Principal	Interest	Total Pmt	Total Int	Balance
					\$ 856,736
9/30/2021	\$ 110,096	\$ 30,071	\$ 140,167	\$ 30,071	746,640
9/30/2022	113,960	26,207	140,167	56,278	632,680
9/30/2023	117,960	22,207	140,167	78,485	514,720
9/30/2024	122,100	18,067	140,167	96,552	392,620
9/30/2025	126,386	13,781	140,167	110,333	266,234
9/30/2026	130,822	9,345	140,167	119,678	135,412
9/30/2027	135,412	4,753	140,165	124,431	-
Totals	<u>\$ 856,736</u>	<u>\$ 124,431</u>	<u>\$ 981,167</u>		

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF FORT BEND

§

§

**INTERLOCAL AGREEMENT FOR UTILITY RELOCATIONS AND ENHANCEMENTS  
FM 1093/WESTPARK TOLLWAY EXTENSION**

This Agreement is made and entered into pursuant to the Interlocal Cooperation Act, Chapter 791 of the TEXAS GOVERNMENT CODE, by and between the City of Fulshear, a municipal corporation and home-rule city of the State of Texas, situated in Fort Bend County, acting by and through its City Council, (the "City"), and Fort Bend County, a body corporate and politic under the laws of the State of Texas, acting by and through its Commissioners Court, (the "County"). The City and the County may be referred to herein individually as a "Party" and collectively as the "the Parties."

**RECITALS**

WHEREAS, the County deemed it necessary to make certain highway improvements to FM 1093/Westpark Tollway (the "Project") as designated by the County and approved by the Federal Highway Administration; and

WHEREAS, the proposed highway improvements requires the adjustment, removal, and/or relocation of certain utility facilities along FM 359 from FM 1093/FM 359 to West of Cross Creek Ranch Boulevard and along FM 1093 from James Lane to FM 1093/FM 359 ("Utility Relocations"); and

WHEREAS, the County entered into an Amendment to the Advance Funding Agreement with the Texas Department of Transportation, an agency of the State of Texas, as authorized by the Texas Transportation Commission (the "State"), revising the Project funding and work responsibilities of the State and the County which obligated the County to fund one hundred percent (100%) of the utility relocation costs; and

WHEREAS, the City and the County agreed to jointly participate in the Utility Relocations with the City reimbursing the County for a portion of the cost of the Utility Relocations paid by the County to the State, as reflected in the Cost Estimate attached hereto as Exhibit A, and incorporated herein for all purposes; and

WHEREAS, the Commissioners Court of Fort Bend County finds that work contemplated in this Agreement serves a County purpose; and

WHEREAS, the governing bodies of the City and County agree to participate in this Utility Relocations according to the terms stated herein and have authorized this Agreement;

NOW, THEREFORE, for and in consideration of the mutual covenants, agreements and benefits to both parties, it is agreed as follows:

---

INTERLOCAL AGREEMENT FOR UTILITY RELOCATIONS AND ENHANCEMENTS  
FM 1093/WESTPARK TOLLWAY EXTENSION

## AGREEMENT

### **Section 1. Purpose**

The purpose of this Agreement is to outline the funding obligations related to the Utility Relocations.

### **Section 2. Incorporation of Recitals**

The representations, covenants and recitations set forth in the foregoing recitals are material to this Agreement and are incorporated into this Agreement.

### **Section 3. Funding**

A The County agrees to advance funding to the State to facilitate completion of the Utility Relocations, with a total cost currently estimated at \$908,593.00.00. However, the City will be responsible for reimbursing the County for the actual costs of the Utility Relocations items reflecting the City as the Responsible Party in Exhibit A, currently estimated at \$856,736.00. The County shall be responsible for the actual costs of the remaining Utility Relocations items reflecting the County as the Responsible Party in Exhibit A, currently estimated at \$51,857.00.

B Upon completion of the Utility Relocations, but no later than ninety (90) calendar days after final payment the State, the County will furnish the City with a full accounting of the funds expended on the Utility Relocations.

C Within sixty (60) days of the beginning of the fiscal year (October 1<sup>st</sup>) following the County's issuance of the full accounting, the City shall initiate annual payments to the County to reimburse the County for a portion of the actual funds advanced in accordance with Section 3.A., plus interest calculated at a 3.51% annual interest rate. The City agrees to reimburse the County its obligated amount for such advanced funding with interest within seven (7) years of its initial payment to the County.

D The Parties understand and acknowledge that the funding of this Agreement is contained in each Party's annual budget and is subject to the approval of each Party in each fiscal year. The Parties further agree that should the governing body of any Party fail to approve a budget that includes sufficient funds for the continuation of this Agreement, or should the governing body of any Party fail to certify funds for any reason, then and upon the occurrence of such event, this Agreement shall automatically terminate as to that Party and that Party shall then have no further obligation to the other Party. When the funds budgeted or certified during any fiscal year by a Party to discharge its obligations under this Agreement are expended, the other Party's sole and exclusive remedy shall be to terminate this Agreement.

### **Section 4. Fair Compensation**

The Parties acknowledge and agree that each of the payments contemplated by this Agreement fairly compensate the performing Party.

**Section 5. Maintenance**

Upon completion of the Utility Relocations, each party shall maintain that portion of the Project within its own jurisdiction.

**Section 6. No Joint Enterprise**

The Agreement is not intended to, and shall not be construed to, create any joint enterprise between the Parties.

**Section 7. Alternative Dispute Resolution**

Pursuant to Texas Government Code § 791.015 and Texas Government Code Chapter 2009, in the event of a dispute over the terms and conditions of this Agreement or the Parties' rights, duties, and performance under this Agreement, the Parties agree to submit such dispute to alternative dispute resolution procedures set forth in Texas Civil Practice and Remedies Code Chapter 154.

**Section 8. Public Information**

This Agreement is public information. To the extent, if any, that any provision of this Agreement is in conflict with Texas Government Code Chapter 552 et seq., as amended (the "Texas Public Information Act"), such provision shall be void and have no force or effect.

**Section 9. No Personal Liability**

Nothing in this Agreement shall be construed as creating any personal liability on the part of any employee, officer, or agent of any Party to this Agreement.

**Section 10. No Indemnification by City or County**

The Parties expressly acknowledge that the City's and the County's authority to indemnify and hold harmless any third party is governed by Article XI, Section 7 of the Texas Constitution, and any provision that purports to require indemnification by the City or the County is invalid. Nothing in this Agreement requires that either the City or County incur debt, assess or collect funds, or create a sinking fund.

**Section 11. Sovereign Immunity Acknowledged and Retained.**

**THE PARTIES EXPRESSLY ACKNOWLEDGE AND AGREE THAT NO PROVISION OF THIS AGREEMENT IS IN ANY WAY INTENDED TO CONSTITUTE A WAIVER BY ANY PARTY OF ANY IMMUNITY FROM SUIT OR LIABILITY THAT A PARTY MAY HAVE BY OPERATION OF LAW. THE CITY AND THE COUNTY RETAIN ALL GOVERNMENTAL IMMUNITIES.**

**Section 12. Insurance**

The City and the County are both governed by the Texas Tort Claims Act, Chapter 101/001 et seq., as amended, of the Texas Civil Practice and Remedies Code which sets limits of liability for certain causes of action. Each Party to this Agreement warrants and represents

that it is insured under a commercial insurance policy or is self-insured for all claims falling with the Texas Tort Claims Act.

**Section 13. Assignment**

No party hereto shall make, in whole or in part, any assignment of this Agreement or any obligation hereunder without the prior written consent of the other party.

**Section 14. No Third Party Beneficiaries**

The parties do not intend that any specific third party obtain a right by virtue of the execution or performance of this Agreement.

**Section 15. Notices**

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, or delivered to the following addresses:

County:	Fort Bend County Attn: County Judge 401 Jackson Street, 1 <sup>st</sup> Floor Richmond, Texas 77469
With a copy to:	Fort Bend County Engineering Department Attn: County Engineer 301 Jackson Street Richmond, Texas 77469
City:	City of Fulshear, Texas Attn: City Manager P.O. Box 279 Fulshear, Texas 77441
With a copy to:	Grady Randle, Fulshear City Attorney 820 Gessner, Suite 1570 Houston, Texas 77024

**Section 16. Entire Agreement**

This Agreement contains the entire agreement between the parties relating to the rights granted and the obligations assumed. Any modifications concerning this instrument shall be of no force or effect, unless a subsequent modification in writing is signed by all parties hereto.

**Section 17. Execution**

This Agreement has been executed by the City and the County upon and by the authority of their respective governing bodies. This Agreement shall become effective on the date executed by the final party, remain in effect until September 30, 2029 or until the obligations under Section 3 of this Agreement are fulfilled, whichever is later.

**FORT BEND COUNTY, TEXAS**

**CITY OF FULSHEAR, TEXAS**

Grady Prestage

Aaron Groff

Grady Prestage, Commissioner, Precinct 2  
Presiding Officer, Commissioners Court, November 26, 2019

Aaron Groff, Mayor

Date: 11.26.2019

Date: 10-15-2019

ATTEST:

ATTEST:

Laura Richard  
Laura Richard, County Clerk

Kimberly Kopecky  
Kimberly Kopecky, City Secretary



APPROVED:

J. Stacy Slawinski  
J. Stacy Slawinski, P.E., County Engineer

APPROVED AS TO LEGAL FORM:

Marcus D. Spencer  
Marcus D. Spencer, First Assistant County Attorney

**AUDITOR'S CERTIFICATE**

I hereby certify that funds are available in the amount of \$ 0 to accomplish and pay the obligation of Fort Bend County under this contract.

Robert Ed Sturdivant  
Robert Ed Sturdivant, County Auditor

---

# EXHIBIT A

---

FM 1093 Westpark Extension  
Phase II-B  
City of Fulshear Utility Relocations

Item	Location	Engineering Cost <sup>1</sup>	Estimated Construction Cost	Estimated Total Cost	Responsible Party
1	Adjust Sanitary Sewer Manholes in TxDOT ROW	\$274	\$2,362	\$2,637	City of Fulshear
2	Extend Sanitary Sewer Steel Casing at FM 359	\$1,097	\$11,600	\$12,697	City of Fulshear
3	Extend 10" Sanitary Sewer south through new ROW at Sta 162+00 and 172+50	\$4,593	\$62,266	\$66,859	City of Fulshear
4	Relocate 12" Sanitary Sewer at Texas Heritage Parkway	\$7,129	\$67,081	\$74,210	City of Fulshear
5	Relocate 8" Waterline from Sta 120+00 to Sta 123+00 in City of Fulshear ROW	\$3,469	\$40,544	\$44,013	Fort Bend County
6	Relocate 8" Waterline from Sta 134+00 to Sta 151+00 in TxDOT ROW	\$16,810	\$200,374	\$217,184	City of Fulshear
7	Relocate 8" Waterline at Bois D' Arc Lane in TxDOT ROW	\$2,277	\$43,878	\$46,155	City of Fulshear
8	Relocate 12" Waterline at Texas Heritage Parkway	\$7,791	\$91,878	\$99,669	City of Fulshear
9	Adjust Existing Water Valves and Meters in City of Fulshear Easement	\$326	\$3,959	\$4,284	Fort Bend County
10	Sleeves for future electric and irrigation feeds	\$4,369	\$73,753	\$78,122	City of Fulshear
11	Sleeves for future Waterline and Sanitary Sewer	\$11,654	\$119,476	\$131,130	City of Fulshear
12	Additional 8" WL from Bois D' Arc to Parcel 410 **Added after Letting**	\$2,152	\$32,158	\$34,310	City of Fulshear
13	Additional 12" WL West of Texas Heritage Parkway **Added after Letting**	\$2,152	\$32,616	\$34,768	City of Fulshear

<b>Subtotal</b>	<b>\$64,093</b>	<b>\$781,945</b>	<b>\$846,038</b>
<b>8% Construction Management</b>	<b>\$0</b>	<b>\$62,556</b>	<b>\$62,556</b>
<b>Total</b>	<b>\$64,093</b>	<b>\$844,500</b>	<b>\$908,593</b>

**Cost by Participant**

Fort Bend County	<b>\$3,794</b>	<b>\$48,063</b>	<b>\$51,857</b>
City of Fulshear	<b>\$60,299</b>	<b>\$796,437</b>	<b>\$856,736</b>

**NOTES**

1. Engineering Cost includes water and sanitary sewer relocation design, and incorporation of relocation plans into bid documents. Engineering Cost is added to Estimated Construction Cost to obtain Total Cost.

FM 1093 Westpark Extension - Phase II-B  
Preliminary Cost Estimate - City of Fulshear Utility Relocations

**BID ITEM LIST**

Item / Description Code	DESCRIPTION	UNIT	QUANTITY	UNIT BID	COST	QUANTITY COMPLETED TO DATE	QUANTITY REMAINING	% COMPLETE
479 6004	ADJUSTING MANHOLES (SANITARY)	EA	6	\$590.60	\$3,543.60	3	3	50%
496 6003	REMOV STR (MANHOLE)	EA	3	\$409.50	\$1,228.50	2	1	67%
618 6058	CONDT (PVC) (SCH 80) (4")	LF	2,199	\$16.80	\$36,943.20	1,113	1,086	51%
624 6010	GROUND BOX TY D (162922) W/APRON	EA	41	\$897.80	\$36,809.80	21	20	51%
7017 6018	SANITARY SEWER (10 IN) (PVC) (SDR 26)	LF	523	\$40.00	\$20,920.00	523	0	100%
7017 6019	SANITARY SEWER (12 IN) (PVC) (SDR 26)	LF	335	\$45.10	\$15,108.50	243	92	73%
7017 6051	MANHOLE (SAN SEWER) ( 4' DIA)	EA	5	\$4,551.80	\$22,759.00	4	1	80%
7049 6005	WATER MAIN PIPE (PVC) (8IN)	LF	515	\$67.70	\$34,865.50	515	0	100%
7049 6007	WATER MAIN PIPE (PVC) (12IN)	LF	780	\$72.70	\$56,706.00	584	196	75%
7049 6008	WATER MAIN PIPE (PVC) (16N)	LF	2,413	\$100.40	\$242,265.20	200	2,213	8%
7049 6045	CASING STEEL (18IN)	LF	550	\$145.00	\$79,750.00	260	290	47%
7049 6048	CASING STEEL (24IN)	LF	970	\$175.70	\$170,429.00	260	710	27%
7049 6064	ADJUST WATER VALVE BOX	EA	11	\$304.50	\$3,349.50	0	11	0%
7049 6083	TAPPING SLEEVE AND VALVE (8IN X 8IN)	EA	1	\$3,823.60	\$3,823.60	1	0	100%
7049 6093	TAPPING SLEEVE AND VALVE (16IN X 12IN)	EA	1	\$6,000.00	\$6,000.00	0	1	0%
7049 6104	FIRE HYDRANT ASSEMBLY	EA	6	\$4,989.80	\$29,938.80	3	3	50%
7049 6114	REMOVING FIRE HYDRANT	EA	5	\$357.00	\$1,785.00	2	3	40%
7049 6115	REMOVING WATER VALVE AND BOX	EA	6	\$254.60	\$1,527.60	0	6	0%
7049 6122	ADJUSTING METER BOX	EA	6	\$304.50	\$1,827.00	0	6	0%
7049 6127	CUT AND PLUG WATER MAIN (8IN)	EA	5	\$392.20	\$1,961.00	2	3	40%
7049 6131	CUT AND PLUG WATER MAIN (16IN)	EA	1	\$811.80	\$811.80	0	1	0%
7049 6140	WET CONNECTION (8IN)	EA	2	\$2,052.80	\$4,105.60	1	1	50%
7049 6142	WET CONNECTION (12IN)	EA	1	\$2,500.00	\$2,500.00	1	0	100%
7049 6144	WET CONNECTION (16IN)	EA	1	\$2,986.60	\$2,986.60	0	1	0%
					\$781,945			
8% Construction Management					\$62,556			
					<b>Total</b>	<b>\$844,500</b>		

**FM 1093 Westpark Extension - Phase II-B**  
**Preliminary Cost Estimate - City of Fulshear Utility Relocations**

**DETAILED BID ITEM BREAKDOWN**

Item	Location	Item / Description Code	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	COST	RESPONSIBLE ENTITY
1	Adjust Sanitary Sewer Manholes in TxDOT ROW	479 6004	ADJUSTING MANHOLES (SANITARY)	EA	4	\$590.60	\$2,362.40	City of Fulshear
2	Extend Sanitary Sewer Steel Casing at FM 359	7049 6045	CASING STEEL (18IN)	LF	80	\$145.00	\$11,600.00	City of Fulshear
3	10" Sanitary Sewer Extensions south through new ROW at Sta 162+00 and 172+50	479 6004	ADJUSTING MANHOLES (SANITARY)	EA	2	\$590.60	\$1,181.20	City of Fulshear
		496 6003	REMOV STR (MANHOLE)	EA	1	\$409.50	\$409.50	City of Fulshear
		7017 6018	SANITARY SEWER (10 IN) (PVC) (SDR 26)	LF	523	\$40.00	\$20,920.00	City of Fulshear
		7017 6051	MANHOLE (SAN SEWER) ( 4' DIA)	EA	3	\$4,551.80	\$13,655.40	City of Fulshear
		7049 6045	CASING STEEL (18IN)	LF	180	\$145.00	\$26,100.00	City of Fulshear
4	12" Sanitary Sewer Relocation at Texas Heritage Parkway	496 6003	REMOV STR (MANHOLE)	EA	2	\$409.50	\$819.00	City of Fulshear
		7017 6019	SANITARY SEWER (12 IN) (PVC) (SDR 26)	LF	335	\$45.10	\$15,108.50	City of Fulshear
		7017 6051	MANHOLE (SAN SEWER) ( 4' DIA)	EA	2	\$4,551.80	\$9,103.60	City of Fulshear
		7049 6045	CASING STEEL (18IN)	LF	290	\$145.00	\$42,050.00	City of Fulshear
5	8" Waterline from Sta 120+00 to Sta 123+00 in City of Fulshear ROW	7049 6005	WATER MAIN PIPE (PVC) (8IN)	LF	20	\$67.70	\$1,354.00	Fort Bend County
		7049 6008	WATER MAIN PIPE (PVC) (16N)	LF	324	\$100.40	\$32,529.60	Fort Bend County
		7049 6083	TAPPING SLEEVE AND VALVE (8IN X 8IN)	EA	1	\$3,823.60	\$3,823.60	Fort Bend County
		7049 6127	CUT AND PLUG WATER MAIN (8IN)	EA	2	\$392.20	\$784.40	Fort Bend County
		7049 6140	WET CONNECTION (8IN)	EA	1	\$2,052.80	\$2,052.80	Fort Bend County
6	8" Waterline from Sta 134+00 to Sta 151+00 in TxDOT ROW	7049 6005	WATER MAIN PIPE (PVC) (8IN)	LF	20	\$67.70	\$1,354.00	City of Fulshear
		7049 6008	WATER MAIN PIPE (PVC) (16N)	LF	1775	\$100.40	\$178,210.00	City of Fulshear
		7049 6064	ADJUST WATER VALVE BOX	EA	3	\$304.50	\$913.50	City of Fulshear
		7049 6104	FIRE HYDRANT ASSEMBLY	EA	3	\$4,989.80	\$14,969.40	City of Fulshear
		7049 6114	REMOVING FIRE HYDRANT	EA	3	\$357.00	\$1,071.00	City of Fulshear
		7049 6115	REMOVING WATER VALVE AND BOX	EA	4	\$254.60	\$1,018.40	City of Fulshear
		7049 6127	CUT AND PLUG WATER MAIN (8IN)	EA	2	\$392.20	\$784.40	City of Fulshear
7	8" Waterline at Bois D' Arc Lane in TxDOT ROW	7049 6140	WET CONNECTION (8IN)	EA	1	\$2,052.80	\$2,052.80	City of Fulshear
		7049 6007	WATER MAIN PIPE (PVC) (12IN)	LF	400	\$72.70	\$29,080.00	City of Fulshear
		7049 6064	ADJUST WATER VALVE BOX	EA	1	\$304.50	\$304.50	City of Fulshear
		7049 6093	TAPPING SLEEVE AND VALVE (16IN X 12IN)	EA	1	\$6,000.00	\$6,000.00	City of Fulshear
		7049 6104	FIRE HYDRANT ASSEMBLY	EA	1	\$4,989.80	\$4,989.80	City of Fulshear
		7049 6114	REMOVING FIRE HYDRANT	EA	1	\$357.00	\$357.00	City of Fulshear
		7049 6115	REMOVING WATER VALVE AND BOX	EA	1	\$254.60	\$254.60	City of Fulshear
		7049 6127	CUT AND PLUG WATER MAIN (8IN)	EA	1	\$392.20	\$392.20	City of Fulshear
		7049 6142	WET CONNECTION (12IN)	EA	1	\$2,500.00	\$2,500.00	City of Fulshear
8	16" Waterline Relocation at Texas Heritage Parkway	7049 6008	WATER MAIN PIPE (PVC) (16N)	LF	314	\$100.40	\$31,525.60	City of Fulshear
		7049 6048	CASING STEEL (24IN)	LF	290	\$175.70	\$50,953.00	City of Fulshear
		7049 6144	WET CONNECTION (16IN)	EA	1	\$2,986.60	\$2,986.60	City of Fulshear
		7049 6104	FIRE HYDRANT ASSEMBLY	EA	1	\$4,989.80	\$4,989.80	City of Fulshear
		7049 6114	REMOVING FIRE HYDRANT	EA	1	\$357.00	\$357.00	City of Fulshear
		7049 6115	REMOVING WATER VALVE AND BOX	EA	1	\$254.60	\$254.60	City of Fulshear
		7049 6131	CUT AND PLUG WATER MAIN (16IN)	EA	1	\$811.80	\$811.80	City of Fulshear
9	Adjust Existing Water Valves and Meters	7049 6064	ADJUST WATER VALVE BOX	EA	7	\$304.50	\$2,131.50	Fort Bend County
		7049 6122	ADJUSTING METER BOX	EA	6	\$304.50	\$1,827.00	Fort Bend County
10	Sleeves for future electric and irrigation feeds	618 6058	CONDT (PVC) (SCH 80) (4")	LF	2199	\$16.80	\$36,943.20	City of Fulshear
		624 6010	GROUND BOX TY D (162922) W/APRON	EA	41	\$897.80	\$36,809.80	City of Fulshear
11	Sleeves for future Waterline and Sanitary	7049 6048	CASING STEEL (24IN)	LF	680	\$175.70	\$119,476.00	City of Fulshear
12	Additional 8" WL from Bois D' Arc to Parcel 410	7049 6005	WATER MAIN PIPE (PVC) (8IN)	LF	475	\$67.70	\$32,157.50	City of Fulshear
13	Additional 12" WL West of Texas Heritage Parkway **Added after Letting**	7049 6007	WATER MAIN PIPE (PVC) (12IN)	LF	380	\$72.70	\$27,626.00	City of Fulshear
		7049 6104	FIRE HYDRANT ASSEMBLY	EA	1	\$4,989.80	\$4,989.80	City of Fulshear

Subtotal **\$781,945**  
8% Construction Management **\$62,556**  
**Total \$844,500**

Cost by Participant  
City of Fulshear **\$796,437**  
Fort Bend County **\$48,063**  
**Total \$844,500**

**PRELIMINARY  
SUBJECT TO CHANGE**



**PRELIMINARY  
SUBJECT TO CHANGE**

**PRELIMINARY  
SUBJECT TO CHANGE**



**PRELIMINARY  
SUBJECT TO CHANGE**

**Fort Bend County**  
**Heritage Parkway Debt Service - Fulshear**  
**25 Year, 2.75% Interest, Level Pmt**

Fiscal Year	Principal	Interest	Total Pmt	Total Int	Balance
					\$ 6,800,000
9/30/2020	\$ 192,712	\$ 187,000	\$ 379,712	\$ 187,000	6,607,288
9/30/2021	198,012	181,700	379,712	368,700	6,409,276
9/30/2022	203,457	176,255	379,712	544,955	6,205,819
9/30/2023	209,052	170,660	379,712	715,615	5,996,767
9/30/2024	214,801	164,911	379,712	880,526	5,781,966
9/30/2025	220,708	159,004	379,712	1,039,530	5,561,258
9/30/2026	226,777	152,935	379,712	1,192,465	5,334,481
9/30/2027	233,014	146,698	379,712	1,339,163	5,101,467
9/30/2028	239,422	140,290	379,712	1,479,453	4,862,045
9/30/2029	246,006	133,706	379,712	1,613,159	4,616,039
9/30/2030	252,771	126,941	379,712	1,740,100	4,363,268
9/30/2031	259,722	119,990	379,712	1,860,090	4,103,546
9/30/2032	266,864	112,848	379,712	1,972,938	3,836,682
9/30/2033	274,203	105,509	379,712	2,078,447	3,562,479
9/30/2034	281,744	97,968	379,712	2,176,415	3,280,735
9/30/2035	289,492	90,220	379,712	2,266,635	2,991,243
9/30/2036	297,453	82,259	379,712	2,348,894	2,693,790
9/30/2037	305,633	74,079	379,712	2,422,973	2,388,157
9/30/2038	314,038	65,674	379,712	2,488,647	2,074,119
9/30/2039	322,674	57,038	379,712	2,545,685	1,751,445
9/30/2039	331,547	48,165	379,712	2,593,850	1,419,898
9/30/2039	340,665	39,047	379,712	2,632,897	1,079,233
9/30/2039	350,033	29,679	379,712	2,662,576	729,200
9/30/2039	359,659	20,053	379,712	2,682,629	369,541
9/30/2039	369,541	10,162	379,703	2,692,791	-
Totals	<u>\$ 6,800,000</u>	<u>\$ 2,545,685</u>	<u>\$ 7,594,240</u>		

RESOLUTION NO. 2020-459

A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS, APPROVING THE AMENDED & RESTATED INTERLOCAL AGREEMENT FOR COUNTY-MANAGED MOBILITY PROJECT, TEXAS HERITAGE PARKWAY, AND CONSENTING TO THE CREATION OF THE TEXAS HERITAGE PARKWAY IMPROVEMENT DISTRICT.

\* \* \* \* \*

**WHEREAS**, the City of Fulshear, Texas ("City"), and Fort Bend County ("County") previously entered into that certain Interlocal Agreement for County-Managed Mobility Project, Texas Heritage Parkway, dated March 6, 2018; and

**WHEREAS**, since entering into said agreement, certain conditions related thereto have changed, including the creation of the Texas Heritage Parkway Improvement District ("THPID"); and

**WHEREAS**, in response to such changed conditions, the City desires to enter into an Amended & Restated Interlocal Agreement for County-Managed Mobility Project, Texas Heritage Parkway, between the City, the County, and THPID;

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

**Section 1.** The facts set out in the preamble are found to be true and correct and are incorporated herein for all purposes.

**Section 2.** The Amended & Restated Interlocal Agreement for County-Managed Mobility Project, Texas Heritage Parkway is hereby approved in the form attached hereto as Exhibit A.

**Section 3.** The City of Fulshear, Texas, hereby consents to the creation of the Texas Heritage Parkway Improvement District, previously created by an act of the legislature.

PASSED, APPROVED, and ADOPTED on the <sup>24<sup>th</sup></sup> 17<sup>th</sup> day of March 2020.



  
\_\_\_\_\_  
Aaron Groff, Mayor

ATTEST:

  
\_\_\_\_\_  
Kimberly Kopecky, City Secretary

# EXHIBIT A

## AMENDED & RESTATED INTERLOCAL AGREEMENT FOR COUNTY-MANAGED MOBILITY PROJECT TEXAS HERITAGE PARKWAY

This Agreement is made and entered into pursuant to the Interlocal Cooperation Act, Chapter 791 of the TEXAS GOVERNMENT CODE and Section 251.012 of the TEXAS TRANSPORTATION CODE, by and between the City of Fulshear, a municipal corporation and home-rule city of the State of Texas, principally situated in Fort Bend County, acting by and through its City Council, ("City"), Fort Bend County, a body corporate and politic under the laws of the State of Texas, acting by and through its Commissioners Court ("County"), and the Texas Heritage Parkway Improvement District, a political subdivision of the State of Texas ("THPID").

### RECITALS

WHEREAS, the County has entered into that certain *Agreement for Regional Road Improvements for a Parkway between the cities of Fulshear and Katy* (the "Participant Agreement") with certain private landowners to promote the development of a major north-south thoroughfare from Interstate 10 at Pederson Road to approximately 2100 feet south of the intersection with FM 1093 (the "Project", as generally shown on Exhibit A and as defined more fully below) contemporaneously with the approval of this Agreement; and

WHEREAS, the County and Waller County have or will enter into an agreement to provide for the development of the Project near I-10, as shown in Exhibit B-1 and Exhibit B-2 attached hereto; and

WHEREAS, the County has entered into an Interlocal Agreement for the Project with the City of Katy (the "Katy Agreement") to pay for a portion of the Project; and

WHEREAS, the Project is the construction of roadway improvements that will enhance the traffic flow/circulation and drainage in the service area, and such Project is desired by the City and the County; and

WHEREAS, the County may not expend proceeds of bond issues or taxes levied pursuant to Article III, Section 52 (b) or (c) of the Texas Constitution on city streets that are not integral parts of or connecting links with county roads or state highways in accordance with Section 251.012 of the TEXAS TRANSPORTATION CODE; and

WHEREAS, the parties assert that the Project is part of a city street that is an integral part of or a connecting link with county roads or state highways in accordance with Section 251.012 of the TEXAS TRANSPORTATION CODE; and

WHEREAS, the Commissioners Court of Fort Bend County finds that the Project contemplated in this Agreement serves a County purpose; and

WHEREAS, the THPID has been created by the legislature; and

WHEREAS, the City and the County agreed to participate in this Project according to the terms of this Agreement in its original form dated March 6, 2018 (“Original Agreement”); and

WHEREAS, the City and County desire to amend the Original Agreement to (1) confirm the design shown in Exhibit A, Exhibit B-1, and Exhibit B-2 attached hereto, and (2) allow the THPID to manage the construction of the Project; and

WHEREAS, the governing bodies of the City and County have authorized this Agreement;

NOW, THEREFORE, for and in consideration of the mutual covenants, agreements and benefits to both parties, it is agreed as follows:

## AGREEMENT

### **Section 1. Definitions**

- A. **City** means the City of Fulshear, Texas.
- B. **County** means Fort Bend County, Texas.
- C. **Project** means the proposed a Parkway from I-10 to approximately 2100 feet south of FM1093 as generally shown on Exhibit A, Exhibit B-1, and Exhibit B-2, and all improvements necessary or convenient to the functioning of the roadway (e.g. drainage, detention, required lighting, etc.) including a 12-foot wide concrete trail and grade separations.
- D. **Eligible Project Costs** means costs, as determined by the County, for engineering design and services related to the completion of Plans, Specifications and Estimates (“PS&E”) and construction of roadway improvements, project related drainage facilities, utility and pipeline conflicts, approved traffic control devices, and; development of standards for improvements within the property subject to the ROW Deeds; design, development, utility relocation, right-of-way acquisition, and construction; all payments arising under any contracts entered into for the design or construction of the Project; all costs incurred in connection with obtaining governmental approvals, certificates and permits required in connection with the construction of the Project, including the engineering and other fees and expenses related to the design and construction of the Project.
- E. **County/Fulshear Segment** means that portion of the Project located within the City’s corporate limits and extraterritorial jurisdiction as shown in Exhibit A.
- F. **County Contribution** means seventy percent (70%) of fifty percent (50%) of the Eligible Project Costs for the County/Fulshear Segment. At the time of this agreement, the estimated County Contribution is \$13,285,674.
- G. **City Contribution** means thirty percent (30%) of fifty percent (50%) of the Eligible Project Costs for the County/Fulshear Segment. At the time of this agreement, the estimated City Contribution is \$5,693,860.

H. **THPID** means the Texas Heritage Parkway Improvement District.

**Section 2. Incorporation of Recitals**

The representations, covenants and recitations set forth in the foregoing recitals are material to this Agreement and are incorporated into this Agreement.

**Section 3. City's Rights and Obligations**

A. During the work on the Project, the City shall have the right to review all documents, maps, plats, records, photographs, reports and drawings affecting the construction and to inspect the work in progress; provided however, that in conducting such inspections, the City shall not interfere with the work in progress. Any deficiencies noted by the City shall be brought to the attention of the THPID, and the deficiencies shall be promptly addressed by the THPID.

B. The City shall have the right to participate in the final inspection of the Project. At that time, any deficiencies noted by the City shall be promptly addressed by the THPID.

C. Pursuant to Local Government Code Section 42.042, the City consents to the creation of the THPID.

**Section 4. THPID and County Obligations**

A. The THPID is responsible for managing the design and overseeing the construction and completion of the Project and complying with the applicable state and federal laws.

B. In the event the County determines the Project lacks feasibility or for any other reason elects to forego its construction, the County shall provide written notice to the City of its decision to forego construction and refund all amounts provided by the City upon thirty (30) days of said notice to the City.

C. The THPID shall submit reports to the City describing in sufficient detail the progress of the Project. These reports shall be submitted to the City at increments agreed to between the parties as appropriate for the various phases of the Project. Reports received by the City from contractors detailing the progress of the Project shall suffice for the requirements of this section, so long as the THPID has reviewed such reports and confirmed accuracy of the contractor's report.

D. The THPID will submit the plans for the Project to the City Engineer for review and comment. During the work on the Project, the City may review the documents, maps, plats, records, photographs, reports, and drawings pertaining to the Project and may inspect the work in progress, provided that it does not interfere with the work.

E. Upon completion of the Project, but no later than 60 days after, the THPID will furnish the City with a full accounting of the funds expended on the Project and an electronic copy of the record drawings showing the Project as constructed. The City Auditor may review

the THPID's records regarding this Project.

#### **Section 5. Liability**

The City, County, and THPID are entitled to the immunities and defenses of the Texas Tort Claims Act.

#### **Section 6. Maintenance**

Upon completion of the Project, the County and City shall maintain that portion of the Project within its own jurisdiction, and THPID shall maintain the landscaping and beautification related to the Project.

#### **Section 7. Plan of Finance**

The City and the County will finance their share of the Project in accordance with this section.

A. Plan of Finance. Fort Bend County will issue County debt or otherwise finance an amount necessary to pay for the County Contribution and the City Contribution as those costs become due and payable pursuant to the Participant Agreement.

B. Annual City Payments. The City shall make the Annual City Payment to the County to reimburse for the City Contribution. The Annual City Payment is an annual payment of principal and interest in an amount equal to the City Contribution amortized for a period of not more than 25 years and at an interest rate not less than the County's interest costs and issuance costs, which the County would have issued at the time of execution of the agreement including agreed upon cost of issuance, and with such other terms and payment structure as may be approved by the County Auditor and the City's Finance Director. The Annual City Payment will also include any Eligible Project Costs incurred by the County prior to this issuance with 2% interest compounded monthly (until the proceeds of the issuance reimburse these preliminary expenditures). An example of the Annual City Payment is shown on Exhibit C reflects a hypothetical issue based on current costs estimates and financial conditions for the Eligible Project Costs. The actual Annual City Payment schedule will be fixed when the County first makes payments pursuant to the Participation Agreement. The City will pay the County by April 15 of each year. Late payments will accrue interest at the net effective interest rate of the County Debt. Fort Bend County will attempt to provide the City with a clear distinction of the County Debt from the County's other outstanding obligations. After any refunding of the obligations, County will provide a new total debt service to the City.

C. Prepayment Option. The City may prepay the remaining City Contribution to the County at any time without penalty, provided however, if the County has issued debt that is not callable at the time of the prepayment, the City will be responsible for any additional costs necessary to advanced refund the debt and any interest through the call date.

**Section 8. Insurance Requirements**

The THPID agrees that it will require the contractor's insurance policies to name the County, THPID, and the City as additional insureds on all policies except for Workers' Compensation and Professional Liability. Any such insurance policies shall include at least the following minimum coverage:

A. Workers' Compensation in the amount required by law. The policy shall include the All States Endorsement.

B. Comprehensive General Liability Insurance including contractual liability insurance, \$1,000,000 per occurrence, \$2,000,000 aggregate (defense costs excluded from face amount of policy).

C. Comprehensive Automatic Liability Insurance, including owned, non-owned and hired vehicles used for the Project, with bodily injury and property damage with a combined limit of not less than \$1,000,000 each occurrence.

D. The THPID may require insurance in excess of the amount of coverage set out above, as it deems necessary, in such cases the City shall remain an additional insured. The THPID will provide the City with proof of insurance within 30 days of the THPID's award of the contract for the Project construction.

**Section 9. Assignment**

No party hereto shall make, in whole or in part, any assignment of this Agreement or any obligation hereunder without the prior written consent of the other party.

**Section 10. No Third Party Beneficiaries**

The parties do not intend that any specific third party obtain a right by virtue of the execution or performance of this Agreement.

**Section 11. Notices**

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, or delivered to the following addresses:

County: Fort Bend County  
Attn: KP George, County Judge  
401 Jackson Street, 1<sup>st</sup> Floor

Richmond, Texas 77469

With a copy to: Fort Bend County Engineering Department  
Attn: J. Stacy Slawinski, P.E., County Engineer  
301 Jackson Street  
Richmond, Texas 77469

City: City of Fulshear, Texas  
Attn: City Manager  
P.O. Box 279  
Fulshear, Texas 77441

THPID: Texas Heritage Parkway Improvement District  
C/O The Muller Law Group, PLLC  
Attn: Richard Muller  
202 Century Square Blvd.  
Sugar Land, Texas 77478

**Section 12. Entire Agreement**

This Agreement shall supersede and replace the Original Agreement in its entirety. This Agreement contains the entire agreement between the parties relating to the rights granted and the obligations assumed. Any modifications concerning this instrument shall be of no force or effect, unless a subsequent modification in writing is signed by all parties hereto.

**Section 13. Execution and Condition Precedent**

This Agreement has been executed by the City, the County, and THPID upon and by the authority of their respective governing bodies. This Agreement shall become effective on the date executed by the final party. However, this Agreement shall not become effective unless and until the Participation Agreement described on page 1 has been fully executed.

**Section 14. Revenue**

Each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.

FORT BEND COUNTY, TEXAS

CITY OF FULSHEAR, TEXAS

\_\_\_\_\_  
KP George, County Judge

\_\_\_\_\_  
Aaron Groff, Mayor

Date \_\_\_\_\_

Date: 3-24-2020

ATTEST:

ATTEST:

\_\_\_\_\_  
Laura Richard, County Clerk

\_\_\_\_\_  
Kimberly Kopecky, City Secretary



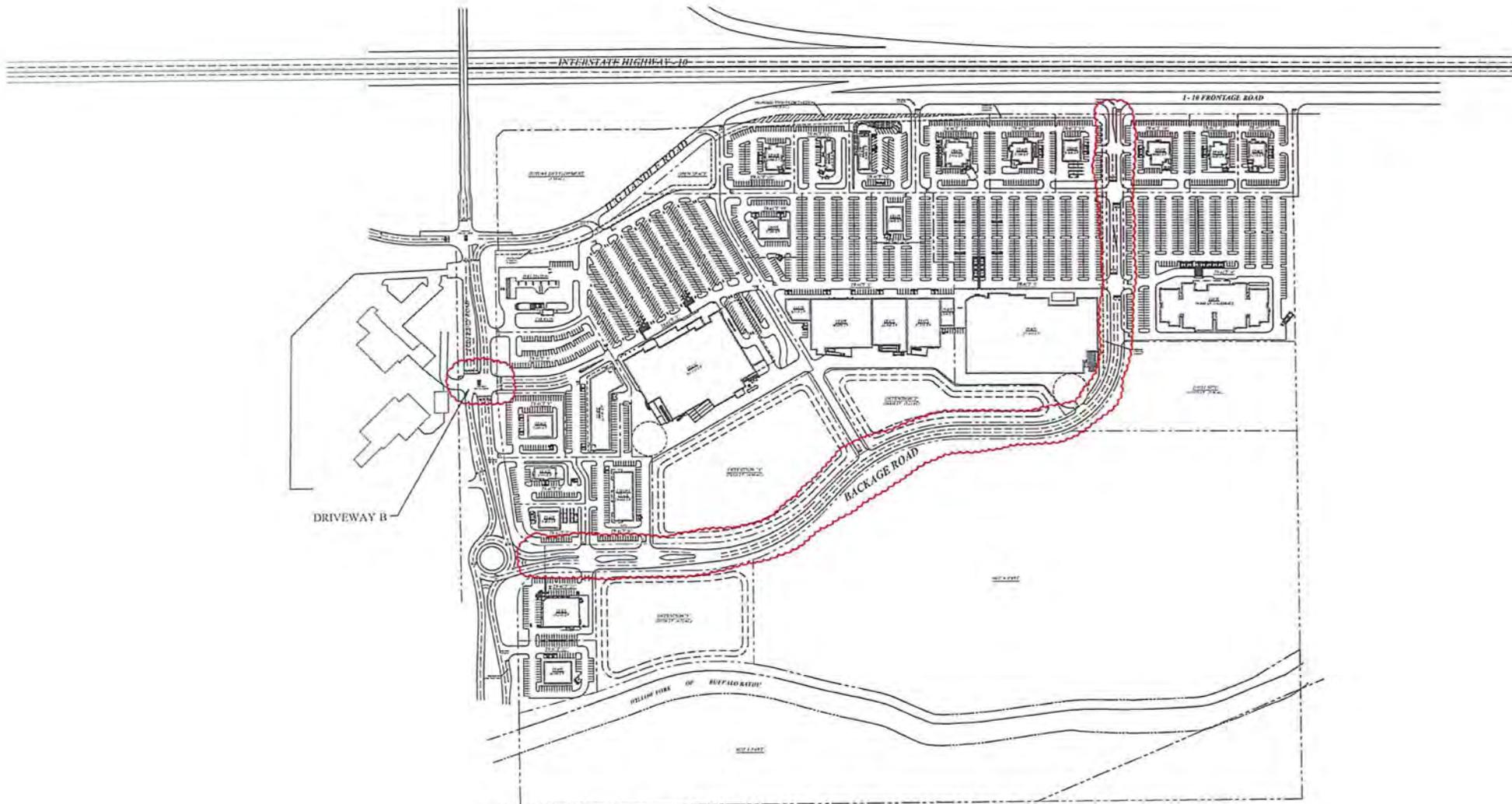
APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney

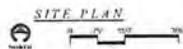
TEXAS HERITAGE PARKWAY IMPROVEMENT DISTRICT

\_\_\_\_\_  
\_\_\_\_\_, President





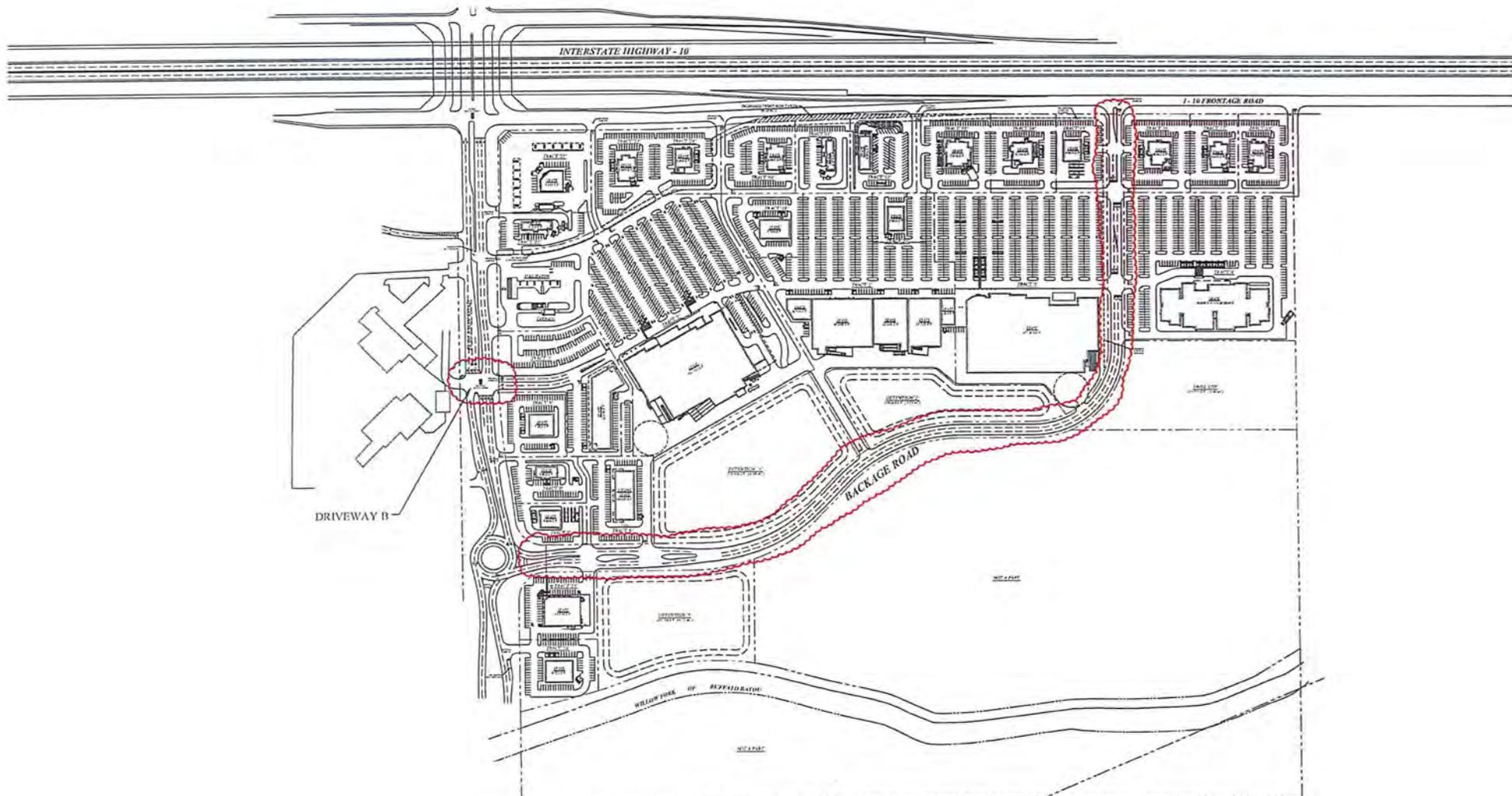
**EXHIBIT 'B-1**



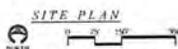
*TEXAS HERITAGE MARKETPLACE*

SEC. OF INTERSTATE HIGHWAY 10 & FEDERSON ROAD  
KATY, TEXAS

**NewQuest**  
PROPERTY  
8027 W. South Houston Parkway N  
Suite 200 | Houston, Texas 77068  
281.477.4300 www.newquest.com



**EXHIBIT 'B-2'**



**TEXAS HERITAGE MARKETPLACE**

SEC OF INTERSTATE HIGHWAY 10 & PEDERSON ROAD  
KATY, TEXAS

**NEWQUEST**  
PROPERTY  
3817 W. South Houston Parkway H  
Suite 200 | Houston, Texas 77040  
281.477.4300 www.newquest.com

TEXAS HERITAGE PARKWAY  
COST SUMMARY - WITH TRAILS REMOVED  
MARCH 7, 2017

	Total Costs 6.40 Miles	City of Katy Costs I-10 to Kingsland	Kingsland Round- about	Kingsland to Katy ETJ Costs	Katy ETJ to South of FM 1093	Preliminary Activities	TOTAL	Construction Costs
							Pre- Construction Costs	
<b>Construction:</b>								
Roadway	\$12,684,591	\$924,582		\$888,718	\$10,871,292			\$12,684,591
Bridges	\$2,602,000	\$2,602,000		\$0	\$0			\$2,602,000
Storm Sewer	\$5,642,981	\$439,026	\$160,692	\$189,657	\$4,853,606			\$5,642,981
Cross Culverts / Offsite Drainage	\$3,371,250	\$0		\$143,915	\$3,227,335			\$3,371,250
Detention	\$412,550	\$184,000		\$0	\$228,550			\$412,550
Signalization / Roundabouts / Intersections	\$4,428,280	\$836,274	\$734,089	\$0	\$2,857,917			\$4,428,280
Tunnels	\$5,600,000	\$365,883	\$477,639	\$0	\$4,756,478			\$5,600,000
Subtotal	\$34,741,652	\$5,351,765	\$1,372,420	\$1,222,289	\$26,795,178			\$34,741,652
Utility Relocations (3% of CC)	\$1,001,077	\$160,553		\$36,669	\$803,855			\$1,001,077
Contingencies (7.5% of CC)	\$2,502,692	\$401,382		\$91,672	\$2,009,638			\$2,502,692
<b>Total Construction</b>	<b>\$38,245,421</b>	<b>\$5,913,700</b>	<b>\$1,372,420</b>	<b>\$1,350,630</b>	<b>\$29,608,671</b>	<b>\$0</b>	<b>\$0</b>	<b>\$38,245,421</b>
<b>Environmental *</b>	<b>\$555,000</b>	<b>\$89,011.02</b>		<b>\$20,329.22</b>	<b>\$445,659.75</b>	<b>\$128,600</b>	<b>\$250,000</b>	<b>\$176,400</b>
<b>Professional Services:</b>								
Engineering (15%)	\$5,736,813	\$887,055	\$205,863	\$202,594	\$4,441,301	\$65,000	\$3,728,929	\$1,942,885
Geotechnical and Materials Testing (2%)	\$764,908	\$118,274	\$27,448	\$27,013	\$592,173		\$75,000	\$689,908
Planning / Preliminary Platting	\$50,000	\$7,731		\$1,766	\$40,503	\$25,000	\$25,000	
Traffic Study	\$148,000	\$22,885		\$5,227	\$119,889	\$148,000		
Drainage Study	\$125,000	\$19,328		\$4,414	\$101,258	\$90,000	\$35,000	
Surveying	\$140,000	\$21,648		\$4,944	\$113,408	\$140,000		
Legal (5%)	\$1,843,650	\$295,685		\$67,531	\$1,480,434	\$450,000	\$380,000	\$1,013,650
Corridor Landscape and Beautification Plan	\$50,000	\$7,731		\$1,766	\$40,503	\$50,000		
<b>Total Professional Services</b>	<b>\$8,858,372</b>	<b>\$1,380,337</b>	<b>\$233,311</b>	<b>\$315,255</b>	<b>\$6,929,469</b>	<b>\$968,000</b>	<b>\$4,243,929</b>	<b>\$3,646,443</b>
<b>Right-of-Way</b>								
Roadway Land (Condemnation of GM Equity Group Only)	\$407,484	\$63,007		\$14,390	\$330,086		\$407,484	
Detention Land	\$749,890	\$115,952		\$26,482	\$607,456		\$749,890	
Platting	\$35,000	\$5,412		\$1,236	\$28,352		\$35,000	
Title Insurance	\$11,574	\$1,790		\$409	\$9,375		\$11,574	
<b>Total Right-of-Way</b>	<b>\$1,203,947</b>	<b>\$186,160</b>	<b>\$0</b>	<b>\$42,517</b>	<b>\$975,270</b>	<b>\$0</b>	<b>\$1,203,947</b>	<b>\$0</b>
<b>Totals</b>	<b>\$48,862,740</b>	<b>\$7,569,208</b>	<b>\$1,605,732</b>	<b>\$1,728,731</b>	<b>\$37,959,069</b>	<b>\$1,096,600</b>	<b>\$5,697,876</b>	<b>\$42,068,264</b>

\* Environmental assumptions: A \$30,000 constraints mapping exercise will be performed initially and the intent is to adjust alignments as necessary to avoid wetlands. If wetlands cannot be avoided, \$300,000 is included for Section 10 /404 permit, wetlands delineation, cultural resource survey / report and protected species assessment. \$250,000 is estimated for mitigation (2% of ROW). If a NEPA document is required for this project, the estimated cost is \$2,500,000, which is not included above.

NOTE: COSTS AND FEES SHOWN ABOVE ASSUME ONE (1) CONSTRUCTION CONTRACT AND ONE (1) DESIGN CONTRACT. SEPARATION OF THIS PROJECT INTO MULTIPLE CONTRACTS WILL RESULT IN A COST INCREASE

Texas Heritage Parkway Estimated Cost Allocation  
 March 10, 2017

	Total Costs 6.40 Miles	Katy Segment	FBC/Fulshear Segment	Percentage of Total Project Costs
Totals	\$ 48,862,740	\$ 10,903,671	\$ 37,959,069	
Landowner Participants	\$ 24,431,370	\$ 5,451,836	\$ 18,979,535	50.0%
Fort Bend County	\$ 13,285,674		\$ 13,285,674	27.2%
Fulshear	\$ 5,693,860		\$ 5,693,860	11.7%
Katy	\$ 5,451,836	\$ 5,451,836		11.2%
Total	\$ 48,862,740	\$ 10,903,671	\$ 37,959,069	100.0%

Notes:

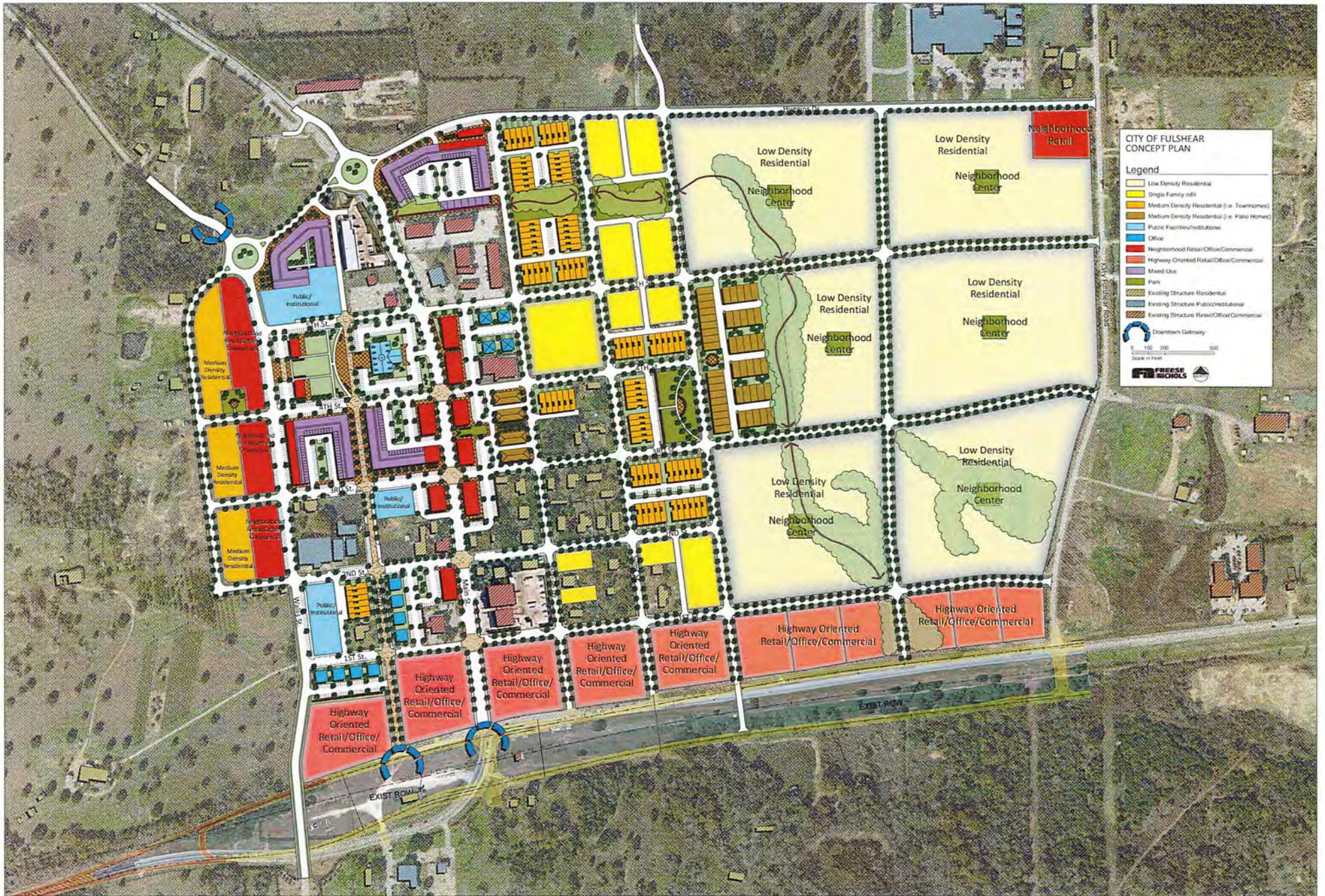
1. Project Cost Estimates from BGE dated March 7, 2017
2. Project Cost excludes cost for trail pavement; included costs for trail tunnels at roundabouts.
3. Katy Share based on 50% of project cost from I-10 to Katy Corp Limits south of Kingsland.
4. Fulshear Share based on 30% of 50% of Project cost in Fulshear/FBC Segment;  
 which is approximate % of liner feet of project from FM 1093 north to northern most Fulshear corporate limit line.
5. Fort Bend County Share based on 70% of 50% project costs for FBC/Fulshear Segment.

**Preliminary Bid Results**  
**Texas Heritage Parkway Improvement District**  
**Tuesday, January 21, 2020**  
**Section 1**

**Texas Heritage Parkway**

**Project No. SECTION 1**  
**(BGE: 5880-00)**

<b>COMPANY</b>	<b>UNOFFICIAL BID TOTALS</b>
Allgood Construction Inc.	\$12,901,274.21
Lindsey	\$13,436,777.77
R Construction Civil, LLC dba	\$13,493,291.00
Triple B Services, LLP	\$13,512,224.61
AngelBrothers	\$13,789,981.45
WadeCon, LLC	\$14,393,284.00
Harris Construction	\$14,447,675.80
Texas Sterling Construction Co.	\$15,041,134.24
SER Construction Partners, LLC	\$15,118,064.70



# Implementation Summary Table

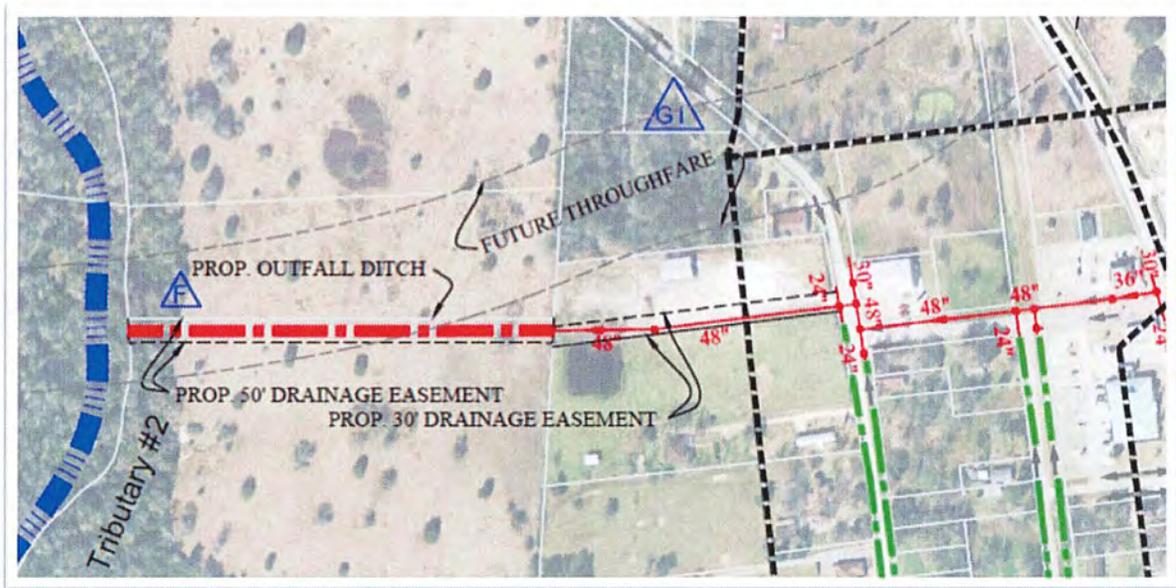
Recommendation		Economic Development Tools	Partnerships	Horizon			Approximate Cost
				5-yr	10-yr	20-yr	
<b>Theme 1: Create a walkable and pedestrian friendly environment through transportation improvements that encourage multi modal transportation options.</b>							
1.1	Acquire necessary right-of-way for roadway improvements in downtown						
1.2	Complete sidewalk network						
1.3	Construct pedestrian-friendly intersections at key locations						
1.4	Create one-way pair utilizing Main and Wallis Streets						
1.5	Plan for public parking locations near the downtown core						
<b>Theme 2: Encourage the sustainable growth and development of downtown by incorporating appropriate development types that support and promote a downtown center.</b>							
2.1	Develop Economic development program						
2.2	Acquire strategic properties to encourage development in downtown						
<b>Theme 3: Develop distinct identity for downtown Fulshear that preserves the existing character and welcomes new growth while maintaining a consistent design.</b>							
3.1	Develop a Branding and Signage Plan and Implementation						
3.2	Develop a Downtown Streetscape Design Master Plan and Implementation						
3.3	Acquire strategic properties to encourage development in downtown						
3.4	Develop zoning regulations for downtown district:						



- Park Features
- Baseball/Softball 4-Plex
  - Multi-purpose Fields (soccer/football/lacrosse)
  - Basketball Courts (2)
  - Amphitheater
  - Walking Trails
  - Playgrounds (2)
  - Amenity Pond
  - Pavilion

**Conceptual Site Plan - Primrose Park**

\*not to scale





**ECONOMIC DEVELOPMENT  
COMMUNICATION FORM  
June 15, 2020**

ITEM	TITLE
	Minutes

**ITEM/MOTION**

**CDC:** Consideration and action on minutes of the Corporation for the May 18, 2020 Joint Meeting

**FDC:** Consideration and action on minutes of the Corporation for the May 18, 2020 Joint Meeting

**ESTIMATED EXPENDITURE:**

**BUDGET ACCOUNT:**

**SUBMITTED BY:**

**SUPPORTING DOCUMENTS:**

1. CDC Draft Minutes – May 18, 2020 Joint Meeting
2. FDC Draft Minutes – May 18, 2020 Joint Meeting

Chandler Marks  
Economic Development Coordinator

**EXECUTIVE SUMMARY**

Draft minutes are attached for the boards' consideration.





# CITY OF FULSHEAR DEVELOPMENT CORPORATION

A Type "A" Economic Development Sales Tax Corporation

PO Box 279 / 30603 FM 1093  
Fulshear, Texas 77441  
Phone: 281-346-1796 Fax: 281-346-2556  
www.fulsheartexas.gov

---

**Meeting Minutes  
May 18, 2020  
5:30 PM (Virtually)**

**Board Members Present:** Andrew Van Chau, Tommy Kuykendall (departed at 7:18 p.m.), Jason Maklary, Randy Etheridge, Rev. Jackie Gilmore  
**Board Members Absent:** None  
**Staff & City Council Liaison:** Angela Fritz, Chandler Marks, Sharon Valiante (departed at 6:57 p.m.), Byron Brown, John Kelly (Council Liaison)  
**Attendees:** None

**1. Call to Order**

There being a quorum of the board present, Andrew Van Chau, President, called the meeting to order at 5:34 p.m.

**2. Citizen's Comments**

Mr. Van Chau opened Citizen's Comments at 5:35 p.m.

No comments were presented.

Mr. Van Chau closed Citizen's Comments at 5:36 p.m.

**Joint Corporation Business:**

- 3. Public hearing on specific project being proposed by the Corporation for Fiscal Year 2019-2020 being expenditures to fund a small business grant program for the City of Fulshear for businesses negatively affected by COVID-19 found by the Board of Directors to promote new or expanded business development, the amount of which is approximately \$100,000. Comments or discussion by the Board of Directors will only be made at the time the agenda item is taken up for deliberation by the board.**

Mr. Van Chau opened the public hearing at 5:39 p.m.

No comments were presented.

Mr. Van Chau closed the public hearing at 5:41 p.m.

**4. Review and discuss staff recommendation for small business grant program to support Fulshear businesses negatively impacted by COVID-19**

ED Staff provided an overview of the proposed small business grant program and its implementation. City Attorney spoke about the collaborative efforts required under Section 380 of the State of Texas Local Government Code, and the need for agreements for businesses who are awarded these grants.

**5. Consideration and action on Resolution CDC 2020-03, a Resolution requesting the City of Fulshear create a Chapter 380 economic development program to provide grants to small businesses negatively affected by COVID-19**

**Motion to approve Resolution CDC 2020-03, a Resolution requesting the City of Fulshear create a Chapter 380 economic development program to provide grants to small businesses negatively affected by COVID-19, also with the provision that staff review Item J to soften the language, as discussed – Kuykendall; Second – Maklary**

**Ayes: 5 – Roll call: Etheridge, Gilmore, Kuykendall, Maklary, Van Chau**

**Nays: 0**

**Abstentions: 0**

**6. Consideration and action on Resolution CDC 2020-04, a resolution of the CDC declaring a specific project of the Corporation for Fiscal Year 2019-2020**

ED Staff explained that this is the applicable financial resolution for the project, given that Resolution CDC 2020-03 had just been approved.

**Motion to adopt Resolution CDC 2020-04, a resolution of the CDC declaring a specific project of the Corporation for Fiscal Year 2019-2020 – Kuykendall; Second – Maklary**

**Ayes: 5 – Roll call: Etheridge, Gilmore, Kuykendall, Maklary, Van Chau**

**Nays: 0**

**Abstentions: 0**

**7. Consideration and action on budget allocation to fund a small business grant program for the City of Fulshear for businesses negatively affected by COVID-19**

ED Staff provided that the document in the packet shows where the allocation of funds will come from.

**Motion for budget allocation of \$100,000 to fund a small business grant program for the City of Fulshear for businesses negatively affected by COVID-19 – Maklary; Second: Etheridge**

**Ayes: 5 – Roll call: Etheridge, Gilmore, Kuykendall, Maklary, Van Chau**

**Nays: 0**

**Abstentions: 0**

**8. Review and discuss mid-year FY20 Corporation budgets, FY20 City Capital Improvement Plan (CIP) projects update, and FY21 budget parameters, process, and schedule**

ED Staff provided an overview of FY20 corporation budgets and FY21 budget parameters, process and scheduling, and did not recommend any mid-year adjustments to budget expenditures. City Public Works Director then provided an overview of the FY20 CIP update.

**9. Review and discuss Economic Development Strategic Plan implementation specific to Corporations' priorities for FY21 budgetary purposes**

ED Staff provided that much of the discussion is for continuing to lay the groundwork in order to get to the capital funding and capital improvement stages, and provided an overview of FY21 potential projects and priorities.

Mr. Kuykendall provided that infrastructure, supporting the City's such initiatives, and implementing Livable Center Study items especially along FM 1093, will be important. Mr. Kerlick (FDC – "B") provided that the Innovation Hub Strategy, broadband initiative, and the extent that we need studies or help to begin to make those successful, will be important. Mr. Maklary and Mr. Kelly suggested CRM software, and Mr. Kerlick (FDC – "B") suggested something on an ongoing basis for capital outlay for land.

**10. Consideration and action on minutes of the Corporation for the April 13, 2020 Joint Meeting, and the April 21, 2020 Special Joint Meeting**

**Motion to approve minutes of the Corporation for the April 13, 2020 Joint Meeting, and the April 21, 2020 Special Joint Meeting, as presented – Maklary; Second – Etheridge**

**Ayes: 4 – Roll call: Etheridge, Gilmore, Maklary, Van Chau**

**Nays: 0**

**Abstentions: 0**

**11. Consideration and action on financials and payables for the Corporation for the period ending March 31, 2020**

ED Staff presented the financials and payables.

**Motion to approve financials and payables for the Corporation for the period ending March 31, 2020, including reimbursement to the City in the amount of \$16,921.34 – Maklary; Second - Etheridge**

**Ayes: 4 – Etheridge, Gilmore, Maklary, Van Chau**

**Nays: 0**

**Abstentions: 0**

**12. Hear update from City Council liaison**

Mr. Kelly provided an overview of key agenda items and discussion topics in May's council meetings. It was on the council agenda for the next day (May 19) to discuss and approve new commission and board members and potential financial impact expectations for the City.

ED Staff also said that EDC items related to the stimulus grant program were scheduled to be discussed by council at 5:30pm; council and board appointments, at 7:00pm.

**13. Economic development update including: City and Economic Development projects, certificates of occupancy, conferences and meetings attended, upcoming meetings and events, business contacts and announcements, and economic indicators**

ED Staff provided an overview, and said that the broadband survey will remain open until a sufficient amount of responses have been received.

Mr. Don McCoy (FDC – “B,” ex-officio) said that it was still uncertain whether the Fulshear-Katy Area Chamber of Commerce’s July 4 event would be happening this year.

**14. Future agenda items**

None

**15. Announcements**

Mr. Van Chau announced that the next day (May 19), the Fort Bend County Commissioners Court meeting would be held to discuss the County’s allocation of CARES Act funding.

**16. Adjournment**

**Motion to adjourn @ 7:50 p.m. – Maklary; Second – Etheridge**

**Ayes: 4 – Etheridge, Gilmore, Maklary, Van Chau**

**Nays: 0**

**Abstentions: 0**

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

---

Chandler Marks  
Economic Development Coordinator

---

Andrew Van Chau, President  
City of Fulshear Development Corporation



# FULSHEAR DEVELOPMENT CORPORATION

A Type "B" Economic Development Sales Tax Corporation

PO Box 279 / 30603 FM 1093

Fulshear, Texas 77441

Phone: 281-346-1796 Fax: 281-346-2556

www.fulsheartexas.gov

---

**Meeting Minutes  
May 18, 2020  
5:30 PM (Virtually)**

**Board Members Present:** John Kelly, Ray Kerlick, Jason Maklary, Stacy Mangum, Don McCoy (ex-officio)  
**Board Members Absent:** Ryan Kudlacek, Lisa Martin, Carol Riggs  
**Staff & Council Liaison:** Angela Fritz, Chandler Marks, Sharon Valiante (departed at 6:57 p.m.),  
Byron Brown  
**Attendees:** None

**1. Call to Order**

There being a quorum of the board present, Stacy Mangum called the meeting to order at 5:34 p.m.

**2. Citizen's Comments**

Ms. Mangum opened Citizen's Comments at 5:35 p.m.

No comments were presented.

Ms. Mangum closed Citizen's Comments at 5:36 p.m.

**Corporation Business:**

**3. Consideration and possible action to elect a President Pro-Tem**

Mr. Maklary nominated Ms. Mangum to be President Pro-Tem

**Motion to nominate Ms. Mangum as President Pro-Tem for this meeting – Maklary; Second – Kerlick**

**Ayes: 4 – Roll call: Kelly, Kerlick, Maklary, Mangum**

**Nays: 0**

**Abstentions: 0**

**4. Consideration and possible action on election of officers of the Corporation in accordance with the Corporation Bylaws, to include the positions of: President, Vice-President, Secretary, and Treasurer**

City Attorney qualified that this item is proforma, has to be on the agenda, and a motion needs to be entertained to postpone this item.

**Motion to table this agenda item until the rest of the board is appointed – Kerlick; Second – Maklary**

**Ayes: 4 – Roll call: Kelly, Kerlick, Maklary, Mangum**

**Nays: 0**

**Abstentions: 0**

**Joint Corporation Business:**

- 5. Public hearing on specific project being proposed by the Corporation for Fiscal Year 2019-2020 being expenditures to fund a small business grant program for the City of Fulshear for businesses negatively affected by COVID-19 found by the Board of Directors to promote new or expanded business development, the amount of which is approximately \$100,000. Comments or discussion by the Board of Directors will only be made at the time the agenda item is taken up for deliberation by the board.**

Ms. Mangum opened the public hearing at 5:39 p.m.

No comments were presented.

Ms. Mangum closed the public hearing at 5:41 p.m.

- 6. Review and discuss staff recommendation for small business grant program to support Fulshear businesses negatively impacted by COVID-19**

ED Staff provided an overview of the proposed small business grant program and its implementation. City Attorney spoke about the collaborative efforts required under Section 380 of the State of Texas Local Government Code, and the need for agreements with businesses who are awarded these grants.

- 7. Consideration and action on Resolution FDC 2020-03, a Resolution requesting the City of Fulshear create a Chapter 380 economic development program to provide grants to small businesses negatively affected by COVID-19**

**Motion to approve Resolution FDC 2020-03, a Resolution requesting the City of Fulshear create a Chapter 380 economic development program to provide grants to small businesses negatively affected by COVID-19, also with the provision that staff review Item J to soften the language, as discussed – Kerlick; Second - Kelly**

**Ayes: 4 – Roll call: Kelly, Kerlick, Maklary, Mangum**

**Nays: 0**

**Abstentions: 0**

- 8. Consideration and action on Resolution FDC 2020-04, a resolution of the FDC declaring a specific project of the Corporation for Fiscal Year 2019-2020**

ED Staff explained that this is the applicable financial resolution for the project, given that Resolution CDC

2020-03 had just been approved.

**Motion to adopt Resolution FDC 2020-04, a resolution of the CDC declaring a specific project of the Corporation for Fiscal Year 2019-2020 – Kerlick; Second – Kelly**

**Ayes: 4 – Roll call: Kelly, Kerlick, Maklary, Mangum**

**Nays: 0**

**Abstentions: 0**

**9. Consideration and action on budget allocation to fund a small business grant program for the City of Fulshear for businesses negatively affected by COVID-19**

ED Staff said that the document in the packet shows where the allocation of funds will come from.

**Motion for budget allocation of \$100,000 to fund a small business grant program for the City of Fulshear for businesses negatively affected by COVID-19 – Kerlick; Second – Maklary**

**Ayes: 4 – Roll call: Kelly, Kerlick, Maklary, Mangum**

**Nays: 0**

**Abstentions: 0**

**10. Review and discuss mid-year FY20 Corporation budgets, FY20 City Capital Improvement Plan (CIP) projects update, and FY21 budget parameters, process, and schedule**

ED Staff provided an overview of FY20 corporation budgets and FY21 budget parameters, process and scheduling, and did not recommend any mid-year adjustments to budget expenditures. City Public Works Director then provided an overview of the FY20 CIP update.

**11. Review and discuss Economic Development Strategic Plan implementation specific to Corporations' priorities for FY21 budgetary purposes**

ED Staff provided that much of the discussion is for continuing to lay the groundwork in order to get to the capital funding and capital improvement stages, and provided an overview of FY21 potential projects and priorities.

Mr. Kuykendall (CDC – “A”) provided that infrastructure, supporting the City’s such initiatives, and implementing Livable Center Study items especially along FM 1093, will be important. Mr. Kerlick provided that the Innovation Hub Strategy, broadband initiative, and the extent that we need studies or help to begin to make those successful, will be important. Mr. Maklary and Mr. Kelly suggested CRM software, and Mr. Kerlick suggested something on an ongoing basis for capital outlay for land.

**12. Consideration and action on minutes of the Corporation for the April 13, 2020 Joint Meeting, and the April 21, 2020 Special Joint Meeting**

**Motion to approve minutes of the Corporation for the April 13, 2020 Joint Meeting, and the April 21, 2020 Special Joint Meeting, as presented – Kerlick; Second – Maklary**

**Ayes: 4 – Roll call: Kelly, Kerlick, Maklary, Mangum**

**Nays: 0**

**Abstentions: 0**

**13. Consideration and action on financials and payables for the Corporation for the period ending March 31, 2020**

ED Staff presented the financials and payables.

**Motion to approve financials and payables for the Corporation for the period ending March 31, 2020, including reimbursement to the City in the amount of \$16,921.34 – Kerlick; Second – Maklary**

**Ayes: 4 – Roll call: Kelly, Kerlick, Maklary, Mangum**

**Nays: 0**

**Abstentions: 0**

**14. Hear update from City Council liaison**

Mr. Kelly provided an overview of key agenda items and discussion topics in May's council meetings. It was on the council agenda for the next day (May 19) to discuss and approve new commission and board members and potential financial impact expectations for the City.

ED Staff also said that EDC items related to the stimulus grant program were scheduled to be discussed by council at 5:30pm; council and board appointments, at 7:00pm.

**15. Economic development update including: City and Economic Development projects, certificates of occupancy, conferences and meetings attended, upcoming meetings and events, business contacts and announcements, and economic indicators**

ED Staff provided an overview, and said that the broadband survey will remain open until a sufficient amount of responses have been received.

Mr. McCoy said that it was still uncertain whether the Fulshear-Katy Area Chamber of Commerce's July 4 event would be happening this year.

**16. Future agenda items**

None

**17. Announcements**

Mr. Van Chau (CDC – "A") announced that the next day (May 19), the Fort Bend County Commissioners Court meeting would be held to discuss the County's allocation of CARES Act funding.

**18. Adjournment**

**Motion to adjourn – Maklary; Second – Etheridge**

**Ayes: 4 – Roll call: Kelly, Kerlick, Maklary, Mangum**  
**Nays: 0**  
**Abstentions: 0**

Passed and approved this \_\_\_ day of \_\_\_\_\_, 2020.

---

Chandler Marks  
Economic Development Coordinator

---

Stacy Mangum, President Pro Tem  
Fulshear Development Corporation

DRAFT





**ECONOMIC DEVELOPMENT  
COMMUNICATION FORM  
June 15, 2020**

<b>ITEM</b>	<b>TITLE</b>
	<b>City Council Liaison Update</b>
<b>ITEM/MOTION</b>	
Hear update from City Council liaisons	
<b>ESTIMATED EXPENDITURE:</b>	<b>BUDGET ACCOUNT:</b>

**SUBMITTED BY:**

Angela E. Fritz  
Economic Development Director

**SUPPORTING DOCUMENTS:**

**EXECUTIVE SUMMARY**

This will be a regular, recurring agenda item to allow for City Council liaisons (Councilmember Kelly – “A”; Councilmember Martin – “B”) to provide an update on relevant topics.



**ECONOMIC DEVELOPMENT  
COMMUNICATION FORM  
June 15, 2020**

ITEM	TITLE
	<b>Economic Development Update</b>
<b>ITEM/MOTION</b>	
<p>Economic development report: Briefings or updates may be provided regarding City and Economic Development projects and programs, certificates of occupancy, conferences and meetings attended, upcoming meetings and events, business contacts and announcements, and economic indicators</p> <ul style="list-style-type: none"><li>a) Update on Broadband Discovery Project</li><li>b) Update on Innovation Hub Playbook Project</li><li>c) Update on Transit Feasibility Project</li><li>d) Update on COVID-19 business support</li></ul>	
<b>ESTIMATED EXPENDITURE:</b>	<b>BUDGET ACCOUNT:</b>

**SUBMITTED BY:**

Chandler Marks  
Economic Development Coordinator

**SUPPORTING DOCUMENTS:**

1. Economic Development Update – June 12, 2020

<b>EXECUTIVE SUMMARY</b>
<p>Staff will provide a general overview during the meeting.</p>





# CITY OF FULSHEAR

## Economic Development Update

### June 12, 2020

---

#### 1. Fulshear Commercial Development (Permits):

- **Certificates of Occupancy (CO)** issued since May: Rapid Car Wash (1463)
- **Business Openings:** Rapid Car Wash
- **Fulshear-Katy Area Chamber of Commerce Rope Cuttings:** Tajana Surlan Realtor – Re/Max Signature
- **Currently Under Construction:** Marcel Town Center; Market at Cross Creek; Leo’s Kitchen; Molina’s Mexican Kitchen (Shoppes at Cross Creek); Texana; Local Table; Ivy Kids Cross Creek; Rogers Road Business Park; Monarch Title; F45 Training; Experience Fusion (Marcel Town Center); Sylvan Learning Center (Marcel Town Center); Alders

#### 2. City Council actions concerning development and/or Economic Development Corporations:

More info. on any of the items considered by City Council may be found in the City Council meeting packets available here: [http://www.fulsheartexas.gov/government/city\\_council2.php](http://www.fulsheartexas.gov/government/city_council2.php). **City Council Meeting Video is also available now!**

#### City Council meetings:

- City Council liaisons from each board will provide an update as a separate agenda item.
  - May 19
  - June 9
  - June 16

#### 3. Economic Development-Related Projects & Initiatives:

- **Business Visits and Outreach** - We’ve been in regular contact with our local businesses regarding COVID-19 resources, assistance, and business status.
  - ***We estimate there are 225 businesses that operate in Fulshear. As of the morning of Friday, June 12, to the best of our knowledge, we estimate that out of these 225, at least 3 are temporarily closed, and at least another 10 are operating on very limited bases, as a result of COVID-19. This means about 80% of businesses which were temporarily closed or operating on very limited bases as a result of COVID-19, have now reopened.***
- **Business Development** – We continue to field calls and inquiries and host familiarization meetings in Economic Development from people interested in opening businesses in Fulshear, or developing properties.
- **Fulshear First:** We are doing a Father’s Day giveaway which will end on June 19; this is similar to the Mother’s Day giveaway that took place in May. Staff will provide additional information in the June meeting and throughout the summer on similar and additional ideas that we would like to potentially pursue in the future to encourage folks to think #FulshearFirst.

- **Broadband Discovery Study** – Underway. A draft Market Assessment has been provided and is under staff review currently. We are still working to flesh out the responses to the Survey as well as complete Public Sector input.
- **Innovation Hub Playbook** – We have issued a notice to proceed to The Cannon to begin work on the Fulshear Innovation Hub Playbook and provided the initial documents for their review. Staff will engage beginning next week to start to schedule focus groups/connections. If you have someone you feel should be included in this, we would greatly appreciate that input ASAP so we can be sure we’re covering a good swath of folks with experience, knowledge, and interest in helping establish an entrepreneurial ecosystem in Fulshear.
- **[Fort Bend Public Transportation Fulshear Transit Feasibility Study](#)** – The Fort Bend County Transit Department’s Fulshear Feasibility Study is currently on hold at the County’s request due to COVID-19. The County has advised that they plan to pick the project back up in July.

4. Regional Partner Meetings & Events Attended:

- FKACC Meetings, HREDA Meetings, FBEDC meetings, GHP Economy Updates, SBA Webinars, joint chambers of commerce webinar, etc.
- Fulshear-Katy Area Chamber of Commerce Rope Cutting, June 4, Tajana Surlan Realtor – Re/Max Signature

5. Upcoming Meeting/Event Dates:

	June 2020	July 2020	August 2020
<b>HOLIDAY</b>	N/A	July 3 (City offices closed for Independence Day)	N/A
<b><a href="#">Fulshear Freedom Fest</a></b>	----	July 4	--
<b><a href="#">FKACC Membership Meeting</a></b>	June 10	July 8	August 12
Joint Meeting <b><a href="#">CDC (A), FDC (B)</a></b>	June 15	July 20	August 17
<b><a href="#">City Council Regular Meeting</a></b>	June 16	July 21	August 18
<b><a href="#">KAEDC General Assembly Meeting</a></b>	June 16	July 21	August 18
<b><a href="#">FBEDC Membership Meeting</a></b>	June 18	July 23	August 20

6. Economy Overview:

- [Greater Houston Partnership – Houston Economy at a Glance](#)
- [Federal Reserve Bank of Dallas – Houston Economic Indicators](#)
- [Federal Reserve Bank of Dallas – Texas Economy Update](#)
- [Federal Reserve Bank of Dallas – Texas Economic Indicators](#)
- [Outlook for the Texas Economy](#) - Texas A&M Real Estate Center
- [Key Economic Indicators](#) – Texas Comptroller’s Office

7. Quick Statistics:

<a href="#">Estimated Population (PASA)</a>	<b>Fulshear – Oct. 2019</b> <b>Fulshear – October 2020</b>	<b>13,969</b> <b>16,083</b>
<a href="#">Unemployment</a> March 2020	Fort Bend Houston-Woodlands -Sugar Land MSA Texas United States	12.9% 14.2% 13.0% 14.4%
<a href="#">Sales Tax</a> June 2020 (Apr. 2020 sales)	<b>Fulshear – Period / YTD</b> All Texas cities – Period / YTD	29.81% / 17.58% -11.30% / 0.37%
<a href="#">Crude Oil Price – West Texas Intermediate</a>	June 5, 2020 May 14, 2020 April 21, 2020 April 7, 2020 March 9, 2020 February 7, 2020 January 3, 2020 December 2, 2019 November 11, 2019 October 4, 2019 August 30, 2019 August 9, 2019 July 5, 2019 April 5, 2019	\$39.55 \$27.62 \$11.26 \$23.63 \$32.12 \$50.32 \$63.05 \$55.96 \$56.86 \$52.81 \$55.10 \$54.50 \$57.51 \$63.08

8. General Demographic Resources - Fulshear:

- Population and Survey Analysts Fulshear Update:  
[http://www.fulsheartexas.gov/community/demographic\\_reports.php](http://www.fulsheartexas.gov/community/demographic_reports.php)
- US Census Bureau Quick Facts:  
<https://www.census.gov/quickfacts/fact/table/fulshearcitytexas/PST120216>
- ESRI via FBEDC:  
[https://www.fortbendcounty.com/wp-content/uploads/2018/07/Fulshear-7\\_2018.pdf](https://www.fortbendcounty.com/wp-content/uploads/2018/07/Fulshear-7_2018.pdf)
- Zoom Prospector:  
<https://www.zoomprospector.com/communities/tx/city/fulshear/4827876>

9. Articles:

- [“When small businesses can’t access PPP, local governments struggle to close the gap”](#)
- [“Abbott: More people allowed in bars, other businesses under next phase of Texas' reopening”](#)
- [“Fulshear clears the way for mixed-use development near city's downtown”](#)





**ECONOMIC DEVELOPMENT  
COMMUNICATION FORM  
June 15, 2020**

<b>ITEM</b>	<b>TITLE</b>
	<b>Meeting Schedule</b>
<b>ITEM/MOTION</b>	
Review and discuss upcoming regular joint meeting schedule	
<b>ESTIMATED EXPENDITURE:</b>	<b>BUDGET ACCOUNT:</b>

**SUBMITTED BY:**

**SUPPORTING DOCUMENTS:**

Angela E. Fritz  
Economic Development Director

**EXECUTIVE SUMMARY**

Board bylaws require at least four regular meetings a year. Special meetings may be called as required.

The following are the boards' regular meetings dates through January 2021 based on 3<sup>rd</sup> Mondays. Conflicts for upcoming meeting dates are noted below, along with the proposed reschedule dates.

**Joint Fulshear EDC Regular Meetings**

Month	Meeting Date - 3 <sup>rd</sup> Monday	Reschedule Date
July 2020	7/20/2020 @ 5:30 p.m.	N/A
August 2020	8/17/2020 @ 5:30 p.m.	N/A
September 2020	9/21/2020 @ 5:30 p.m.	N/A
October 2020	10/19/2020 @ 5:30 p.m.	N/A
November 2020*	11/16/2020 @ 5:30 p.m.	N/A
December 2020*	12/21/2020 @ 5:30 p.m.	N/A
January 2020*	<del>01/18/2021</del> MLK HOLIDAY	01/11/2021 @ 5:30 p.m.

*\*the EDCs sometimes consolidate either the Nov/Dec or Dec/Jan meetings due to the holidays*





**ECONOMIC DEVELOPMENT  
COMMUNICATION FORM  
June 15, 2020**

ITEM	TITLE
	<b>Future Agenda Items</b>
<b>ITEM/MOTION</b>	
Future agenda items	
<b>ESTIMATED EXPENDITURE:</b>	<b>BUDGET ACCOUNT:</b>

**SUBMITTED BY:**

**SUPPORTING DOCUMENTS:**

Chandler Marks  
Economic Development Coordinator

<b>EXECUTIVE SUMMARY</b>
<p>This item allows the boards to request items for future discussion. Discussion regarding the particular items requested is not allowed at this time, as the items must be properly noticed for discussion at a future public meeting.</p>