



CITY OF FULSHEAR

"FIND YOUR FUTURE IN FULSHEAR"

30603 FM 1093 WEST/ PO Box 279 ~ FULSHEAR, TEXAS 77441

PHONE: 281-346-1796 ~ FAX: 281-346-2556

WWW.FULSHEARTEXAS.GOV

CITY COUNCIL:

MAYOR: Aaron Groff

MAYOR PRO-TEM: Kaye Kahlich

COUNCIL MEMBER: Kent Pool

COUNCIL MEMBER: Kevin White

COUNCIL MEMBER: Debra Cates

COUNCIL MEMBER: Lisa Martin

COUNCIL MEMBER: Joel Patterson

COUNCIL MEMBER: John Kelly

STAFF:

CITY MANAGER: Jack Harper

CITY SECRETARY: Kimberly Kopecky

CITY ATTORNEY: J. Grady Randle

SPECIAL CITY COUNCIL MEETING MAY 19, 2020

NOTICE IS HEREBY GIVEN OF A SPECIAL CITY COUNCIL MEETING OF THE CITY OF FULSHEAR TO BE HELD BY VIDEOCONFERENCE ON TUESDAY, MAY 19, 2020 AT 5:30 P.M., FOR THE PURPOSE OF CONSIDERING THE FOLLOWING 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:

[\[https://global.gotomeeting.com/join/340526189\]](https://global.gotomeeting.com/join/340526189)

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 portion of the agenda. 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."

I. CALL TO ORDER

II. QUORUM & ROLL CALL

III. CITIZEN'S COMMENTS- *THIS IS AN OPPORTUNITY FOR CITIZENS TO SPEAK TO COUNCIL RELATING TO AGENDA AND NON-AGENDA ITEMS. SPEAKERS ARE ADVISED THAT COMMENTS CANNOT BE RECEIVED ON MATTERS WHICH ARE THE SUBJECT OF A PUBLIC HEARING ONCE THE HEARING HAS BEEN CLOSED. SPEAKERS ARE REQUIRED TO REGISTER IN ADVANCE AND MUST LIMIT THEIR COMMENTS TO THREE (3) MINUTES.*

IV. BUSINESS

- A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A DEVELOPMENT AGREEMENT WITH GRANDIN ENERGY**
- B. CONSIDERATION AND ACTION ON 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**
- C. CONSIDERATION OF RESOLUTION NO. 2020-471, A RESOLUTION OF THE CITY OF FULSHEAR AUTHORIZING PROJECTS OF THE CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC), A TYPE "A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION (1ST READING)**
- D. CONSIDERATION OF AND ACTION ON RESOLUTION NO. 2020-471, A RESOLUTION OF THE CITY OF FULSHEAR AUTHORIZING PROJECTS OF THE CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC), A TYPE "A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION (2ND READING)**
- E. CONSIDERATION OF RESOLUTION NO. 2020-472, A RESOLUTION OF THE CITY OF FULSHEAR AUTHORIZING PROJECTS OF THE FULSHEAR DEVELOPMENT CORPORATION (FDC), A TYPE "B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION (1ST READING)**
- F. CONSIDERATION OF AND ACTION ON RESOLUTION NO. 2020-472, A RESOLUTION OF THE CITY OF FULSHEAR AUTHORIZING PROJECTS OF THE FULSHEAR DEVELOPMENT CORPORATION (FDC), A TYPE "B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION (2ND READING)**
- G. DISCUSSION AND POSSIBLE ACTION ON CAPITAL IMPROVEMENT PROJECTS UPDATE**

V. ADJOURNMENT

NOTE: IN COMPLIANCE WITH THE AMERICAN WITH 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, KIMBERLY KOPECKY, CITY SECRETARY OF THE CITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING AND AGENDA FOR THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS WAS POSTED ON MAY 13, 2020 BY 5:00 P.M. IN PLACE CONVENIENT AND READILY ACCESSIBLE AT ALL TIMES TO THE GENERAL PUBLIC, IN COMPLIANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

Kimberly Kopecky

KIMBERLY KOPECKY, CITY SECRETARY

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 5/19/2020 **ITEMS:** IV.A.
DATE 4/23/2020 **DEPARTMENT:** Public Works
SUBMITTED:
PREPARED BY: Sharon Valiante, Public Works **PRESENTER:** Sharon Valiante, Public Works
Director Director
SUBJECT: CONSIDERATION AND POSSIBLE ACTION TO APPROVE A DEVELOPMENT AGREEMENT
WITH GRANDIN ENERGY

Expenditure Required: NA

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

The Grandin Energy site is located adjacent to Rogers Rd, north side. The property owner's of the tract have requested certain terms related to the dedication of the utility easement being dedicated to facilitate the City Council approved Capital Improvement Project - W18K & WW18E; a utility project extending and expanding the City's water and wastewater system north along FM 359.

The terms in summary are:

1. City to provide two Sanitary Sewer connections - taps
2. City to provide two water connections - taps
3. City to provide a fire hydrant located within easement granted by Grandin

Staff believe the requests are reasonable and equitable to both parties

RECOMMENDATION

Approve the Development Agreement with Grandin Energy.

ATTACHMENTS:

Description	Upload Date	Type
Development Agreement Grandin Energy	4/23/2020	Exhibit
UE and Location Exhibit	4/13/2020	Backup Material

**DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF FULSHEAR, TEXAS, AND
GRANDIN ENERGY, LLC**

This **DEVELOPMENT AGREEMENT** (hereinafter referred to as the “Agreement”) is made and entered as of the date on which the last party hereto executes this agreement (hereinafter referred to as the “Effective Date”), between the City of Fulshear, Texas, a Texas home-rule municipality (hereinafter referred to as “City”), and Grandin Energy, LLC, a domestic limited liability corporation (hereinafter referred to as “Developer”).

RECITALS

WHEREAS, Developer owns that certain 3.0866 acre tract of land conveyed to Grandin Energy, LLC under Fort Bend County Clerk’s File Number (F.B.C.C.F. No.) 2018024224 (the “Property”); and

WHEREAS, the City desires to acquire a utility easement with temporary construction license across the Property in consideration of the terms set forth herein; and

WHEREAS, the Developer desires to grant a utility easement with temporary construction license across the Property in consideration of the terms set forth herein;

NOW, THEREFORE, for and in consideration of the terms set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Developer agree as follows:

**ARTICLE I
PROVISIONS FOR THE DEVELOPER**

Section 1.01 Waiver of Actions Under Private Real Property Rights Preservation Act. The Developer hereby waives its right, if any, to assert any causes of action against the City accruing under the Private Real Property Rights Preservation Act, Chapter 2007, Texas Government Code (the “Act”) or other state law, that the City’s execution or performance of this Agreement or any authorized amendment or supplements thereto may constitute, either now or in the future, a “Taking” of Developer’s or its grantee’s, or a grantee’s successor’s “Private Real Property,” as such terms are defined in the Act. Provided, however, that this waiver does not apply to, and the Developer and its grantees and successors do not waive their rights under the Act to assert a claim under the Act for any action taken by the City beyond the scope of this Agreement which otherwise may give rise to a cause of action under the Act.

Section 1.02 Ownership of Property. Developer represents and warrants that it is the sole owner of fee simple title to the Property as of the effective date of this Agreement.

Section 1.03 Undocumented Workers. Developer certifies that Developer does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, Developer is convicted of a violation under 8 U.S.C. § 1324a(f), Developer shall repay the amount of any public subsidy

provided under this Agreement plus interest, at the rate of the prime rate plus six percent (6%) per annum, not later than the 120th day after the date the City notifies Developer of the violation.

Section 1.04 Anti-Boycott Verification. As required by Chapter 2271, Texas Government Code, Developer hereby verifies that it, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of the same, does not boycott Israel and will not boycott Israel through the term of this Agreement. The term "boycott Israel" in this paragraph has the meaning assigned to such term in Section 808.001 of the Texas Government Code, as amended.

Section 1.05 Iran, Sudan, and Foreign Terrorist Organizations. Pursuant to Chapter 2252, Texas Government Code, Developer hereby verifies that, at the time of execution of this Agreement neither it, nor any wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of the same, is a company listed by the Texas Comptroller of Public Accounts under Sections 2270.0201 or 2252.153 of the Texas Government Code.

Section 1.06 Utility Easement with Temporary Construction License. The Developer agrees to grant to the City, on or before thirty (30) days after the Effective Date, a Utility Easement with Temporary Construction License upon a portion of the Property, in the form attached hereto as Exhibit A (the "Easement").

Section 1.07 Impact Fees. The Developer agrees and acknowledges that it shall be responsible for any impact fees applicable to the Property as may be imposed, assessed, and collected by the City as provided by law.

ARTICLE II PROVISIONS FOR THE CITY

Section 2.01 Water Taps. Upon request of and at no cost to the Developer, the City agrees to connect no more than two (2) laterals ("Water Taps") to the water main to be constructed by the City within the Easement, provided that the size and location of such Water Taps is in accordance with sound engineering principles as determined by the City in its sole discretion, and further provided that such Water Taps shall be used solely for the purpose of providing water service to development within the Property.

Section 2.02 Sewer Taps. Upon request of and at no cost to the Developer, the City agrees to connect no more than two (2) laterals ("Sewer Taps") to the sewer main to be constructed by the City within the Easement, provided that the size and location of such Sewer Taps is in accordance with sound engineering principles as determined by the City in its sole discretion, and further provided that such Sewer Taps shall be used solely for the purpose of providing sewer service to development within the Property.

Section 2.03 Additional Water and Sewer Taps. Nothing herein shall prohibit the Developer from acquiring additional Water Taps, Sewer Taps, or both, at the sole cost and expense of the Developer, as may be permitted by applicable law.

Section 2.04 Fire Hydrant. Upon request of and at no cost to the Developer, the City agrees to install no more than one (1) fire hydrant within the Easement at a location agreeable to the Developer, provided that the location is in accordance with sound engineering principles and in

accordance with the City's applicable fire hydrant placement standards as determined by the City in its sole discretion.

ARTICLE III
BENEFICIARIES, TERM, ASSIGNMENT, AND AMENDMENT

Section 3.01 Beneficiaries. This Agreement shall bind and inure to the benefit of the City and the Developer, their successors and assigns.

Section 3.02 Term. This Agreement shall be effective from and on the Effective Date and shall terminate on the earlier of the full performance of each party's obligations as set forth herein or fifteen (15 year term) from the Effective Date.

Section 3.03 Assignment. This Agreement may not be assigned by either party without the express written consent of the other party, which consent may not be unreasonably withheld.

Section 3.04 Amendment. This Agreement may be amended only upon written amendment executed by the City and Developer.

ARTICLE IV
MISCELLANEOUS PROVISIONS

Section 4.01 Applicable Law and Venue. The construction and validity of this Agreement shall be governed by the laws of the State of Texas without regard to conflicts of law principles. Venue shall be in Fort Bend County, Texas.

Section 4.02 Reservation of Rights. To the extent not inconsistent with this Agreement, each party reserves all rights, privileges, and immunities under applicable laws, including sovereign immunity, except to enforce any rights and remedies under this Agreement.

Section 4.03 Further Documents. The parties agree that at any time after execution of this Agreement, they will, upon request of another party, execute and deliver such further documents and do such further acts and things as the other party may reasonably request in order to effectuate the terms of this Agreement.

Section 4.04 Incorporation of Exhibits and Other Documents by Reference. All Exhibits and other documents attached to or referred to in this Agreement are incorporated herein by reference for the purposes set forth in this Agreement.

Section 4.05 Effect of State and Federal Laws. Notwithstanding any other provision of this Agreement, Developer and its successors and assigns and the City and its successors and assigns, shall comply with all applicable statutes or regulations of the United States and the State of Texas, as well as any applicable City ordinances to the extent not in conflict with this Agreement, and any rules implementing such statutes or regulations. This section may not be interpreted to extend to the Property those City ordinances which are not applicable to the extraterritorial jurisdiction of the City.

Section 4.06 Authority for Execution. The City hereby certifies, represents, and warrants that the execution of this Agreement is duly authorized and adopted in conformity with the City charter and ordinances. The Developer hereby certifies, represents, and warrants that the execution of this Agreement is duly authorized and adopted in conformity with the articles of incorporation and bylaws or partnership agreements of such entities, as applicable.

Section 4.07 Caption Headings. Caption headings in this Agreement are for convenience purposes only and are not to be used to interpret or define the provisions of the Agreement.

Section 4.08 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall constitute one and the same document. IN WITNESS WHEREOF, the undersigned parties have executed this Agreement to be effective as of the Effective Date.

CITY OF FULSHEAR, TEXAS

By: Aaron Groff, Mayor

Date: _____

ATTEST

By: Kimberly Kopecky, City Secretary

Date: _____

THE STATE OF TEXAS §

§

COUNTY OF FORT BEND §

This instrument was acknowledged before me on _____, 20____, by Aaron Groff, Mayor of the City Fulshear, Texas.

Notary Public, State of Texas

[Official Notary Stamp]

GRANDIN ENERGY, LLC

By:

Kimberly Levy Costanzo
Kimberly Levy Costanzo
Managing Member

Date:

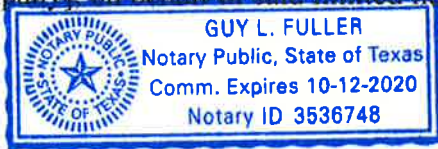
4/16/2020

THE STATE OF TEXAS §

§

COUNTY OF HARRIS §

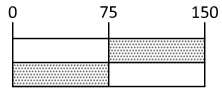
This instrument was acknowledged before me on *April 16th*, 2020, by Kimberly Levy Costanzo, Managing Member of Grandin Energy, LLC, [Texas] [limited liability company], on behalf of said limited liability company..



Guy L. Fuller
Notary Public, State of Texas

[Official Notary Stamp]

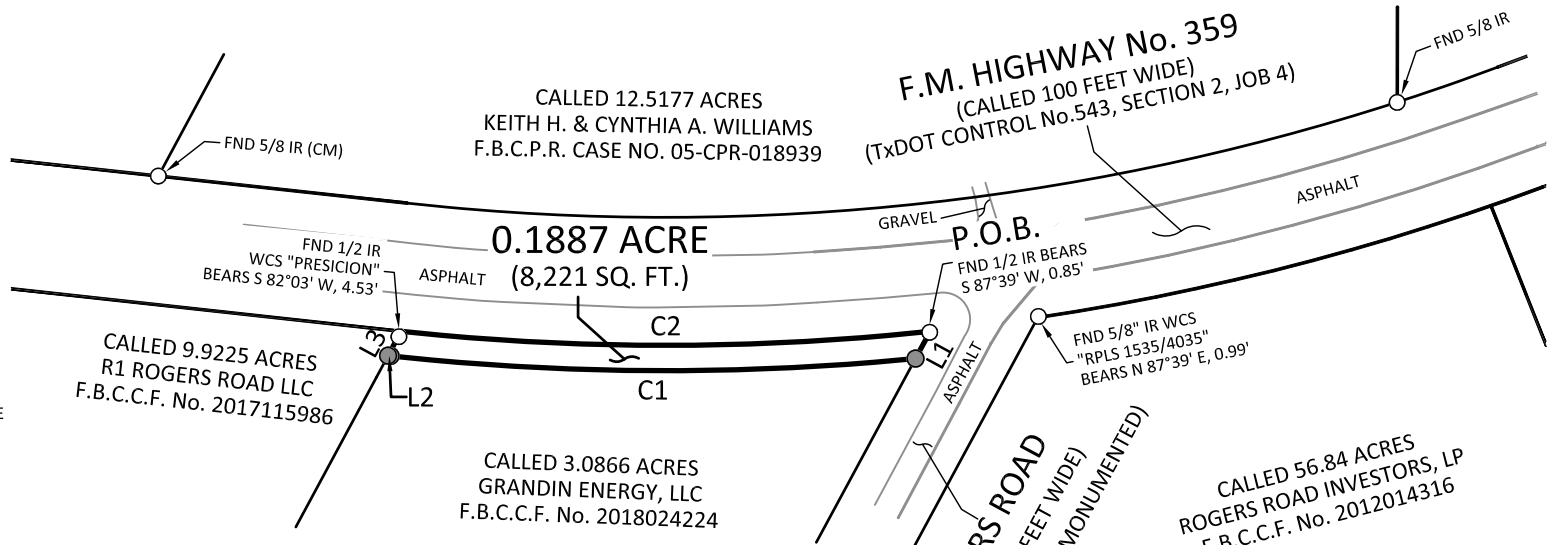
GRAPHIC SCALE



1 inch = 150 ft.

ABBREVIATIONS LEGEND:

F.B.C.C.F.	FORT BEND COUNTY CLERK'S FILE
FND	FOUND
IR	IRON ROD
No.	NUMBER
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
WCS	WITH CAP STAMPED
VOL.	VOLUME
PG.	PAGE
F.B.C.D.R.	FORT BEND COUNTY DEED RECORDS



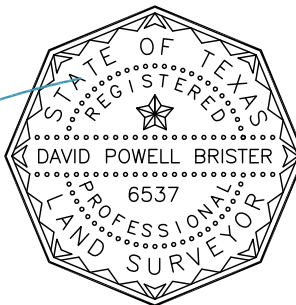
CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	410.75	2012.61	011°41'36"	N30°25'46"W	410.04
C2	414.05	1959.86	012°06'17"	S30°43'00"E	413.28

LINE TABLE

LINE	BEARING	LENGTH
L1	S87°38'47"W	24.19'
L2	N24°29'09"W	2.01'
L3	N87°34'53"E	21.59'

David Powell Brister, RPLS 6537



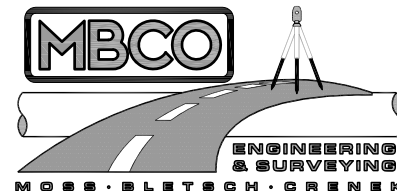
NOTES:

1. There exists a separate Metes and Bounds description of this easement.
2. Corners have not been staked, unless noted otherwise.
3. All bearings shown hereon are based on the Texas Coordinate System of 1983, South Central Zone No. 4204.

UE1

NO.	DATE	REVISION
1	02-21-2020	REDUCE PERMANENT UE WIDTH TO 20'
DRAWN BY: GM SCALE: 1" = 150' FB No.		
APP'VD BY: DPB DATE: 05/28/2019 PRJ. No. 61.19.01 UE1		

EXHIBIT OF A
 20' WIDE UTILITY EASEMENT
 0.1887 ACRE (8,221 SQ. FT.)
 CHURCHILL FULSHEAR LEAGUE, A-29
 FORT BEND COUNTY, TEXAS



1505 Highway 6 South
 Suite 180
 Houston, Texas 77077
 TBPE Reg. No. F16850
 TBPLS Reg. No.
 10194112
 Phone: 281-760-1656
 www.mbcengineering.com

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 5/19/2020 **ITEMS:** IV.B.
DATE 5/5/2020 **DEPARTMENT:** Economic Development
SUBMITTED:

PREPARED BY: Angela Fritz **PRESENTER:** Angela Fritz

SUBJECT: CONSIDERATION AND ACTION ON RESOLUTION 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

Expenditure Required: NTE \$200,000

Amount Budgeted: \$200,000

Funding Account: EDC Projects Funds

Additional Appropriation Required: N/A

Funding Account: N/A

EXECUTIVE SUMMARY

The EDCs will be considering parameters for a small business grant program for Fulshear businesses negatively impacted by COVID-19 at their May 18, 2020 meeting. Staff's recommendation is for this process to be facilitated by funding a Chapter 380 program that the City administers. This Resolution provides for the Council making the necessary findings in order to establish same and grant monies directly to small businesses under the parameters established.

RECOMMENDATION

Staff recommends approval of Resolution 2020-470, a resolution of the City of Fulshear 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.

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 5/19/2020 **ITEMS:** IV.C.
DATE 5/5/2020 **DEPARTMENT:** Economic Development
SUBMITTED:

PREPARED BY: Angela Fritz **PRESENTER:** Angela Fritz
SUBJECT: CONSIDERATION OF RESOLUTION NO. 2020-471, A RESOLUTION OF THE CITY OF FULSHEAR AUTHORIZING PROJECTS OF THE CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC), A TYPE "A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION (1ST READING)

Expenditure Required: N/A

Amount Budgeted: N/A

Funding Account: N/A

Additional Appropriation Required: N/A

Funding Account: N/A

EXECUTIVE SUMMARY

The City of Fulshear Development Corporation (CDC) is scheduled to consider adoption of a project at a joint meeting on May 18, 2020 to fund a COVID-19 Small Business Grant Program for the City of Fulshear. The Corporation will hold a public hearing on the project at the same meeting.

Because the City's population is under 20,000 and the proposed specific project expenditure is greater than \$10,000 in total, the Local Government Code requires the authorizing entity (City Council) to adopt a resolution authorizing the project after giving the resolution at least two separate readings before the EDC may spend funds related to the project/s.

RECOMMENDATION

No action - first reading.

ATTACHMENTS:

Description	Upload Date	Type
DRAFT Resolution 2020-471 (no exhibit)	5/11/2020	Resolution Letter

RESOLUTION NO. 2020-471

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS
AUTHORIZING PROJECTS OF THE
CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC),
A TYPE "A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION

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

WHEREAS, the City adopted Ordinance No. 2011-1046 on October 1, 2011, approving the participation of the Corporation in projects previously approved only for 4B development corporations under the auspices of HB 3302; and

WHEREAS, the Corporation adopted Resolution CDC 2020-04 on May 18, 2020, attached hereto as "Exhibit A," proposing a project of the Corporation, 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 and held a public hearing on same; and

WHEREAS, the estimated amount of expenditures for such project is \$100,000; and

WHEREAS, the Corporation may not undertake such project until the City adopts this Resolution after at least two separate readings;

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

Section 1. The City hereby authorizes the project proposed by Resolution CDC 2020-04 and the associated expenditure of funds, being expenditures found by the Board of Directors to promote new or expanded business development.

PASSED AND APPROVED this 19th DAY OF MAY, 2020.

Aaron Groff, Mayor
City of Fulshear, Texas

ATTEST:

Kim Kopecky, City Secretary
City of Fulshear, Texas

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 5/19/2020 **ITEMS:** IV.D.
DATE 5/5/2020 **DEPARTMENT:** Economic Development
SUBMITTED:

PREPARED BY: Angela Fritz **PRESENTER:** Angela Fritz

SUBJECT: CONSIDERATION OF AND ACTION ON RESOLUTION NO. 2020-471 A RESOLUTION OF THE CITY OF FULSHEAR AUTHORIZING PROJECTS OF THE CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC), A TYPE "A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION (2ND READING)

Expenditure Required: N/A

Amount Budgeted: N/A

Funding Account: N/A

Additional Appropriation Required: N/A

Funding Account: N/A

EXECUTIVE SUMMARY

The City of Fulshear Development Corporation (CDC) is scheduled to consider adoption of a project at a joint meeting on May 18, 2020 to fund a COVID-19 Small Business Grant Program for the City of Fulshear. The Corporation will hold a public hearing on the project at the same meeting.

Because the City's population is under 20,000 and the proposed specific project expenditure is greater than \$10,000 in total, the Local Government Code requires the authorizing entity (City Council) to adopt a resolution authorizing the project after giving the resolution at least two separate readings before the EDC may spend funds related to the project/s.

RECOMMENDATION

Staff recommends adoption of Resolution No. 2020-471 authorizing the City of Fulshear Development Corporation's project and expenditures to fund a COVID-19 Small Business Grant Program for Fulshear.

ATTACHMENTS:

Description	Upload Date	Type
DRAFT Resolution 2020-471 (no exhibit)	5/11/2020	Resolution Letter

RESOLUTION NO. 2020-471

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS
AUTHORIZING PROJECTS OF THE
CITY OF FULSHEAR DEVELOPMENT CORPORATION (CDC),
A TYPE "A" ECONOMIC DEVELOPMENT SALES TAX CORPORATION

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

WHEREAS, the City adopted Ordinance No. 2011-1046 on October 1, 2011, approving the participation of the Corporation in projects previously approved only for 4B development corporations under the auspices of HB 3302; and

WHEREAS, the Corporation adopted Resolution CDC 2020-04 on May 18, 2020, attached hereto as "Exhibit A," proposing a project of the Corporation, 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 and held a public hearing on same; and

WHEREAS, the estimated amount of expenditures for such project is \$100,000; and

WHEREAS, the Corporation may not undertake such project until the City adopts this Resolution after at least two separate readings;

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

Section 1. The City hereby authorizes the project proposed by Resolution CDC 2020-04 and the associated expenditure of funds, being expenditures found by the Board of Directors to promote new or expanded business development.

PASSED AND APPROVED this 19th DAY OF MAY, 2020.

Aaron Groff, Mayor
City of Fulshear, Texas

ATTEST:

Kim Kopecky, City Secretary
City of Fulshear, Texas

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 5/19/2020 **ITEMS:** IVE.
DATE 4/7/2020 **DEPARTMENT:** Economic Development
SUBMITTED:

PREPARED BY: Angela Fritz **PRESENTER:** Angela Fritz
SUBJECT: CONSIDERATION OF RESOLUTION NO. 2020-472, A RESOLUTION OF THE CITY OF FULSHEAR AUTHORIZING PROJECTS OF THE FULSHEAR DEVELOPMENT CORPORATION (FDC), A TYPE "B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION (1ST READING)

Expenditure Required: N/A

Amount Budgeted: N/A

Funding Account: N/A

Additional Appropriation Required: N/A

Funding Account: N/A

EXECUTIVE SUMMARY

The Fulshear Development Corporation (FDC) is scheduled to consider adoption of a project at a joint meeting on May 18, 2020 to fund a COVID-19 Small Business Grant Program for the City of Fulshear. The Corporation will hold a public hearing on the project at the same meeting.

Because the City's population is under 20,000 and the proposed specific project expenditure is greater than \$10,000 in total, the Local Government Code requires the authorizing entity (City Council) to adopt a resolution authorizing the project after giving the resolution at least two separate readings before the EDC may spend funds related to the project/s.

RECOMMENDATION

1st reading - no action

ATTACHMENTS:

Description	Upload Date	Type
DRAFT Resolution 2020-472 (no exhibit)	5/11/2020	Resolution Letter

RESOLUTION NO. 2020-472

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS
AUTHORIZING PROJECTS OF THE
FULSHEAR DEVELOPMENT CORPORATION (FDC),
A TYPE "B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION

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

WHEREAS, the Corporation adopted Resolution FDC 2020-04 on May 18, 2020, attached hereto as "Exhibit A," proposing a project of the Corporation, 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 and held a public hearing on same; and

WHEREAS, the estimated amount of expenditures for such project is \$100,000; and

WHEREAS, the Corporation may not undertake such project until the City adopts this Resolution after at least two separate readings;

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

Section 1. The City hereby authorizes the project proposed by Resolution FDC 2020-04 and the associated expenditure of funds, being expenditures found by the Board of Directors to promote new or expanded business development.

PASSED AND APPROVED this 19th DAY OF MAY, 2020.

Aaron Groff, Mayor
City of Fulshear, Texas

ATTEST:

Kim Kopecky, City Secretary
City of Fulshear, Texas

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 5/19/2020 **ITEMS:** IV.F.
DATE 4/7/2020 **DEPARTMENT:** Economic Development
SUBMITTED:

PREPARED BY: Angela Fritz **PRESENTER:** Angela Fritz

SUBJECT: CONSIDERATION OF AND ACTION ON RESOLUTION NO. 2020-472, A RESOLUTION OF THE CITY OF FULSHEAR AUTHORIZING PROJECTS OF THE FULSHEAR DEVELOPMENT CORPORATION (FDC), A TYPE "B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION (2ND READING)

Expenditure Required: N/A

Amount Budgeted: N/A

Funding Account: N/A

Additional Appropriation Required: N/A

Funding Account: N/A

EXECUTIVE SUMMARY

The Fulshear Development Corporation (FDC) is scheduled to consider adoption of a project at a joint meeting on May 18, 2020 to fund a COVID-19 Small Business Grant Program for the City of Fulshear. The Corporation will hold a public hearing on the project at the same meeting.

Because the City's population is under 20,000 and the proposed specific project expenditure is greater than \$10,000 in total, the Local Government Code requires the authorizing entity (City Council) to adopt a resolution authorizing the project after giving the resolution at least two separate readings before the EDC may spend funds related to the project/s.

RECOMMENDATION

Staff recommends adoption of Resolution No. 2020-472 authorizing the Fulshear Development Corporation's project and expenditures to fund a COVID-19 Small Business Grant Program for Fulshear.

ATTACHMENTS:

Description	Upload Date	Type
DRAFT Resolution 2020-472 (no exhibit)	5/11/2020	Resolution Letter

RESOLUTION NO. 2020-472

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS
AUTHORIZING PROJECTS OF THE
FULSHEAR DEVELOPMENT CORPORATION (FDC),
A TYPE "B" ECONOMIC DEVELOPMENT SALES TAX CORPORATION

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

WHEREAS, the Corporation adopted Resolution FDC 2020-04 on May 18, 2020, attached hereto as "Exhibit A," proposing a project of the Corporation, 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 and held a public hearing on same; and

WHEREAS, the estimated amount of expenditures for such project is \$100,000; and

WHEREAS, the Corporation may not undertake such project until the City adopts this Resolution after at least two separate readings;

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

Section 1. The City hereby authorizes the project proposed by Resolution FDC 2020-04 and the associated expenditure of funds, being expenditures found by the Board of Directors to promote new or expanded business development.

PASSED AND APPROVED this 19th DAY OF MAY, 2020.

Aaron Groff, Mayor
City of Fulshear, Texas

ATTEST:

Kim Kopecky, City Secretary
City of Fulshear, Texas

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 5/19/2020 **ITEMS:** IV.G.
DATE SUBMITTED: 4/28/2020 **DEPARTMENT:** Public Works
PREPARED BY: Sharon Valiante, Public Works Director **PRESENTER:** Jack Harper, CM; Wes Vela; CFO; Sharon Valiante, DPW
SUBJECT: DISCUSSION AND POSSIBLE ACTION ON CAPITAL IMPROVEMENT PROJECTS UPDATE

Expenditure Required:

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

The City Council adopted the FY 20 Capital Improvement Program (CIP) Projects budget to include related to Drainage, Streets, Facilities, Parks, & Utilities.

The COVID-19 event affected the City's ability to effectively begin/implement some of these projects. In addition, a Project Manager position, approved by City Council to fill in FY 21 at mid-year, began in February, with interviews scheduled in March. The timing of the event preempted our interview process, delaying the fulfillment of the position until a later date.

With the uncertainty of the duration of the event, staff have reviewed the CIP to determine which projects are waiting to begin design and/or construction.

The following projects that fall into that category, have General Fund (GF) and CIP funding. Staff are presenting them here for City council discussion and possible guidance on advancement/delay:

1. D18A - Master Drainage Plan (\$75,000) (CIP Funds) (Need to assign to Professional Services Vendor)
2. D18B - Drainage System Mgt Program (\$100,000) (CIP Funds) (Designed/ready for bid in 30-60 days - 5 months for construction)
3. D20B - Downtown East Side Storm Sewer (\$1,000,000) (80% GF;20% EDC) (Need RFQ for design; bid for construction)
4. ST20E - Redbird Ln Project - (\$500,000) (GF)(Need to assign a Professional Services vendor for design; bid for construction)

Staff request guidance from City Council regarding status of projects listed for discussion.

RECOMMENDATION

Staff request guidance from City Council regarding status of projects listed for discussion.