

ROSENBERG DEVELOPMENT CORPORATION MEETING MINUTES

On this the 14th day of May 2015, the Rosenberg Development Corporation (RDC) of the City of Rosenberg, Fort Bend County, Texas, met in Regular Session at the Rosenberg Civic Center, 3825 SH 36S, Rosenberg, Texas.

PRESENT

Teresa Bailey	Secretary, Rosenberg Development Corporation
Ted Garcia	Treasurer, Rosenberg Development Corporation
Bill Knesek	President, Rosenberg Development Corporation
Cynthia McConathy	Director, Rosenberg Development Corporation
Jimmie J. Peña	Director, Rosenberg Development Corporation
Allen Scopel	Vice President, Rosenberg Development Corporation

ABSENT

Amanda J. Barta	Director, Rosenberg Development Corporation
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STAFF PRESENT

Jasmine Bowens	Secretary II
Randall Malik	Executive Director, Rosenberg Development Corporation
Travis Tanner	Executive Director of Community Development
Joyce Vasut	Executive Director of Administrative Services
Jeanne H. McDonald	Jeanne H. McDonald, P.C. Attorneys at Law

GUESTS PRESENT

Paul Reed	Paragon Outlets - Senior Vice President of Construction
Marco Ruiz	Fort Bend County Small Business Development Center
Dave Vrshek	Chair of the West Fort Bend Management District
Mandi Bronsell	Executive Director of the West Fort Bend Management District
Bill Tobin	Houston-Galveston Area Council – Transportation Planner

CALL TO ORDER.

President Knesek called the meeting to order at 4:09 p.m.

STATEMENT OF RULES PERTAINING TO AUDIENCE COMMENTS.

Jasmine Bowens, Secretary II, read the statement of rules pertaining to audience comments.

COMMENTS FROM THE AUDIENCE.

There were no comments from the audience.

CONSENT AGENDA

- A. **CONSIDERATION OF AND ACTION ON THE REGULAR ROSENBERG DEVELOPMENT CORPORATION MEETING MINUTES FOR APRIL 9, 2015.**
- B. **CONSIDERATION OF AND ACTION ON THE MONTHLY ROSENBERG DEVELOPMENT CORPORATION FINANCIAL REPORTS FOR THE PERIOD ENDING APRIL 30, 2015.**
Executive Summary: The April 2015 RDC Financial Reports are attached for your review and consideration. Staff recommends approval.

Action: Director Garcia moved, seconded by Director McConathy, to approve the Consent Agenda items A and B. The motion carried by a unanimous vote of those present.

REGULAR AGENDA

1. **REVIEW AND DISCUSS A PRESENTATION FROM MARCO RUIZ OF THE FORT BEND COUNTY SMALL BUSINESS DEVELOPMENT CENTER REGARDING ACTIVITIES OF THE SMALL BUSINESS DEVELOPMENT CENTER.**

Executive Summary: Marco Ruiz of the Fort Bend County Small Business Development Center (SBDC) will provide an overview of services offered by the SBDC and discuss trends in the small businesses that they are serving.

Key discussion points:

- Marco Ruiz gave an update to the board on current projects of the Fort Bend County Small Business Development Center.

No action was taken.

2. (This item was taken out of order after Item 4)
REVIEW AND DISCUSS A PRESENTATION FROM DAVE VRSHEK, CHAIR OF THE WEST FORT BEND MANAGEMENT DISTRICT – WAYSIDE HORN COMMITTEE ON RAILROAD QUIET ZONES.

Executive Summary: At the April RDC Board Meeting, Director Pena had requested rail road quiet zones be added to a future agenda item. Dave Vrshek, Chair of the West Fort Bend Management District – Wayside Horn Committee will present information regarding railroad quiet zones.

Key discussion points:

- Dave Vrshek presented information regarding railroad quiet zones through a slide presentation.

No action was taken.

3. (This item was taken out of order after Item 1)
CONSIDERATION OF AND ACTION ON GATEWAY MAINTENANCE FOR US 90A, SH 36, FM 2218, AND FM 723.

Executive Summary: This item has been requested by RDC President Bill Knesek to discuss gateway maintenance for US 90A, SH 36, and FM 2218 and FM 723.

Key discussion points:

- Randall Malik explained the contract was altered from annual terms to an as needed basis. This allowed more flexibility for a decrease in maintenance during the winter, and now an increase during the wet season.

Questions/Answers:

- President Knesek inquired about the maintenance on FM 2218 near the South Texas Medical Clinic.
- Randall Malik stated that location is not a part of the RDC contract.
- Director McConathy asked about trash collecting along the intersection, on SH 36.
- Randall Malik replied that he was able to add to the services previously with a similar concern, so he does not believe it will be a problem.
- President Knesek requested more information on repainting Rosenberg's box signs.

No action was taken.

4. **CONSIDERATION OF AND ACTION ON A PERFORMANCE AGREEMENT BY AND BETWEEN THE ROSENBERG DEVELOPMENT CORPORATION AND FORT BEND CORPS.**

Executive Summary: The RDC has budgeted \$3,000 in the Fiscal Year 2014-15 for Fort Bend Corps. The RDC - Fort Bend Corps Performance Agreement would provide funding of \$3,000 to Fort Bend Corps contingent upon Fort Bend Corps investing a minimum of \$3,000 towards the expansion of affordable housing in Rosenberg by December 31, 2015. Additionally, all funding by the RDC to Fort Bend Corps would be required to comply with Title 42 of the United States Code Section 12745, relating to the qualification as affordable housing. The Performance Agreement has been reviewed and approved by City Attorney Scott Tschirhart.

Staff recommends authorizing the RDC President to execute the Performance Agreement by and between the RDC and Fort Bend Corps.

Action: Director McConathy moved, seconded by Director Scopel, to approve a Performance Agreement by and between the Rosenberg Development Corporation and Fort Bend Corps. The motion passed by a unanimous vote of those present.

5. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. RDC-95, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ROSENBERG DEVELOPMENT CORPORATION AMENDING THE FISCAL YEAR 2014-15 ANNUAL BUDGET IN THE AMOUNT OF \$40,000 FOR OTHER PROFESSIONAL SERVICES.**

Executive Summary: The original budget for Other Professional Services in FY2014-2015 is \$40,000. Invoices received through April 30th, 2015, total \$45,653.60. Payments were made to the following:

• Denton Navarro Rocha Bernal Hyde & Zech, P.C.:	\$10,544.82
• Jeanne M. McDonald, Attorney:	\$11,706.78
• Jones & Carter, Inc.:	\$18,402.00
• <u>Texas Municipal League:</u>	<u>\$ 5,000.00</u>
Total	\$45,653.60

Denton Navarro Rocha Bernal Hyde and Zech, P.C., provides services for general legal matters and litigation services regarding Imperial Arts. Jeanne McDonald provides legal services for development and performance agreements. Jones & Carter, Inc., provides infrastructure reviews, most recently for the Paragon Outlet Mall. The Texas Municipal League expenditure provided for the insurance deductible for Imperial Arts litigation.

This budget amendment would provide the additional funds for the Other Professional Services line item. Staff recommends approval of Resolution No. RDC-95.

Key discussion points:

- Joyce Vasut discussed the amendment for the Fiscal Year 2014-15 annual budget, explaining that other invoices were received after the time the original budget for Other Professional Services was written.

Action: Director Scopel moved, seconded by Director Garcia, to approve Resolution No. RDC-95, a Resolution of the Board of Directors of the Rosenberg Development Corporation amending the Fiscal Year 2014-15 Annual Budget in the amount of \$40,000 for other professional services. The motion passed by a unanimous vote of those present.

6. **HOLD EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY CONCERNING PENDING LITIGATION, NAMELY DISPUTE WITH IMPERIAL PERFORMING ARTS, INC., PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE; TO DELIBERATE THE POTENTIAL PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.072; AND REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE.**

Regular Session was adjourned for Executive Session at approximately 5:15 p.m.

7. **ADJOURN EXECUTIVE SESSION, RECONVENE REGULAR SESSION, AND TAKE ACTION AS NECESSARY AS A RESULT OF EXECUTIVE SESSION.**

Executive Session: The Executive Session was adjourned and the RDC Board reconvened Regular Session at approximately 6:22 p.m.

8. **CONSIDERATION OF AND ACTION ON A PERFORMANCE AGREEMENT BY AND BETWEEN THE ROSENBERG DEVELOPMENT CORPORATION AND PARAGON OUTLETS ROSENBERG LIMITED PARTNERSHIP.**

Executive Summary: Staff recommends authorizing the RDC President to execute the Performance Agreement by and between the RDC and Paragon Outlets.

Action: Director Scopel moved, seconded by Director Garcia, to approve the Performance Agreement by and between the City of Rosenberg Development Corporation and Paragon Outlets Rosenberg Limited Partnership. The motion carried by a unanimous vote of those present.

9. **CONSIDERATION OF AND ACTION ON A PERFORMANCE AGREEMENT BY AND BETWEEN THE ROSENBERG DEVELOPMENT CORPORATION AND TEXAS STATE TECHNICAL COLLEGE SYSTEM.**

Executive Summary: Staff recommends authorizing the RDC President to execute the Performance Agreement by and between the RDC and Paragon Outlets.

Action: Director McConathy moved, seconded by Director Bailey, to approve the Performance Agreement by and between the City of Rosenberg Development Corporation and Texas State Technical College System. The motion carried by a unanimous vote of those present.

10. **CONSIDERATION OF AND ACTION ON A REPORT FROM THE ROSENBERG DEVELOPMENT CORPORATION EXECUTIVE DIRECTOR REGARDING THE PREVIOUS MONTH'S ECONOMIC DEVELOPMENT ACTIVITIES AND CONTACTS, WHICH INCLUDES THE FOLLOWING:**

- a. UPDATE ON ECONOMIC INDICATORS
- b. UPDATE ON BUSINESS RETENTION VISITS
- c. UPDATE ON ECONOMIC DEVELOPMENT COMPLIANCE EFFORTS
- d. UPDATE ON LIVABLE CENTERS STUDY
- e. UPDATE ON ROSENBERG BUSINESS PARK
- f. UPDATE ON RICHMOND – ROSENBERG BUS ROUTE
- g. UPDATE ON BNSF DOWNTOWN PROPERTY
- h. UPDATE ON NEW AND EXPANDED BUSINESSES
- i. UPDATE ON EXISTING BUSINESSES

Executive Summary: This item has been included to provide the Executive Director the opportunity to update the Board on the previous month's activities, contacts, and projects.

Key discussion points:

- Randall Malik updated the Board on economic development activities.

No action was taken.

11. **REVIEW AND DISCUSS REQUESTS FOR FUTURE AGENDA ITEMS, AND TAKE ACTION AS NECESSARY.**

Executive Summary: This item provides the RDC Board the opportunity to request future agenda items.

Key discussion points:

- Fort Bend Corps Update by Director Scopel.
- Rosenberg Development Office by President Knesek

No action was taken.

12. **ANNOUNCEMENTS.**

- Planet Fitness has a new sign.
- Bush Chicken ribbon cutting May 16, 2015.

13. **ADJOURNMENT.**

Action: Director McConathy moved, seconded by Director Garcia, to adjourn the RDC Board Meeting. The motion carried by a unanimous vote of those present. The meeting adjourned at 6:40 p.m.



Jasmine Bowens
Secretary II