

**NOTICE OF REGULAR  
ROSENBERG DEVELOPMENT CORPORATION MEETING**

**NOTICE IS HEREBY GIVEN THAT THE ROSENBERG DEVELOPMENT CORPORATION OF THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, WILL MEET IN REGULAR SESSION OPEN TO THE PUBLIC AS FOLLOWS:**

**DATE:** Thursday, May 14, 2015

**TIME:** 4:00 p.m.

**PLACE:** Rosenberg Civic Center  
3825 Highway 36 South  
Rosenberg, Texas 77471

**PURPOSE:** Regular Rosenberg Development Corporation Meeting

Call to order.

Statement of rules pertaining to audience comments.

Comments from the audience.

**CONSENT AGENDA**

- A. Consideration of and action on the Regular Rosenberg Development Corporation Meeting Minutes for April 9, 2015. (Jasmine Bowens, Secretary II)
- B. Consideration of and action on the monthly Rosenberg Development Corporation Financial Reports for the period ending April 30, 2014. (Joyce Vasut, Executive Director of Administrative Services)

**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. (Randall Malik, Rosenberg Development Corporation Executive Director)
- 2. Review and discuss a presentation from Dave Vrshek, Chair of the West Fort Bend Management District – Wayside Horn Committee on railroad quiet zones. (Jimmie Pena, Rosenberg Development Corporation Director)
- 3. Consideration of and action on Gateway Maintenance for US 90A, SH 36, FM 2218, and FM 723. (Bill Knesek, Rosenberg Development Corporation President)
- 4. Consideration of and action on a Performance Agreement by and between the Rosenberg Development Corporation and Fort Bend Corps. (Randall Malik, Rosenberg Development Corporation Executive Director)
- 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 2014-2015 Annual Budget in the amount of \$40,000 for other professional services. (Joyce Vasut, Executive Director of Administrative Services)
- 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.

7. Adjourn Executive Session, reconvene Regular Session, and take action as necessary as a result of Executive Session.
8. Consideration of and action on a Performance Agreement by and between the Rosenberg Development Corporation and Paragon Outlets Rosenberg Limited Partnership. (Randall Malik, Rosenberg Development Corporation Executive Director)
9. Consideration of and action on a Performance Agreement by and between the Rosenberg Development Corporation and Texas State Technical College System. (Randall Malik, Rosenberg Development Corporation Executive Director)
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 (Randall Malik, Rosenberg Development Corporation Executive Director):
  - 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
11. Review and discuss requests for future agenda items, and take action as necessary.
12. Announcements.
13. Adjournment.

{EXECUTION PAGE TO FOLLOW}

DATED AND POSTED this the \_\_\_\_\_ day of \_\_\_\_\_ 2015, at \_\_\_\_\_ m.

by \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Linda Cernosek, City Secretary

Approved for posting:

\_\_\_\_\_  
Randall Malik, Executive Director

**Reasonable accommodation for the disabled attending this meeting will be available; persons with disabilities in need of special assistance at the meeting should contact the City Secretary at (832) 595-3340.**

# **ITEM A**

## **Minutes:**

- 1. Regular Rosenberg Development Corporation Meeting  
Minutes – April 9, 2015**

## ROSENBERG DEVELOPMENT CORPORATION MEETING MINUTES

On this the 9<sup>th</sup> day of April 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
Cynthia McConathy	Director, Rosenberg Development Corporation
Jimmie J. Peña	Director, Rosenberg Development Corporation

### ABSENT

Bill Kneseck	President, Rosenberg Development Corporation
Amanda J. Barta	Director, Rosenberg Development Corporation
Allen Scopel	Vice President, Rosenberg Development Corporation

### STAFF PRESENT

Jasmine Bowens	Secretary II
Robert Gracia	City Manager
Jeremy Heath	Assistant Economic Development Director
Randall Malik	Executive Director, Rosenberg Development Corporation
Cynthia Sullivan	Secretary II
Travis Tanner	Executive Director of Community Development
Joyce Vasut	Executive Director of Administrative Services
Scott Tschirhart	City of Rosenberg Attorney
Jeanne H. McDonald	Jeanne H. McDonald, P.C. Attorneys at Law

### CALL TO ORDER.

Secretary Teresa Bailey called the meeting to order at 4:00 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 MARCH 12, 2015.**
- B. **CONSIDERATION OF AND ACTION ON THE MONTHLY ROSENBERG DEVELOPMENT CORPORATION FINANCIAL REPORTS FOR THE PERIOD ENDING MARCH 31, 2015.**  
*Executive Summary:* The March 2015 RDC Financial Reports are attached for your review and consideration. Staff recommends approval.

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

### REGULAR AGENDA

1. **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 4:05 p.m.

2. **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 4:50 p.m.

**Action:** Director McConathy moved, seconded by Director Garcia, to approve substantially the form presented of the Performance Agreement relating to Texas State Technical College. The motion passed by a unanimous vote of those present.

3. **CONSIDERATION OF AND ACTION ON AUTHORIZING THE RDC EXECUTIVE DIRECTOR TO EXECUTE NON-DISCLOSURE AGREEMENTS ON BEHALF OF THE ROSENBERG DEVELOPMENT CORPORATION FOR PROSPECTIVE ECONOMIC DEVELOPMENT NEGOTIATIONS.**

**Executive Summary:** Economic Development staff has received a Non-Disclosure Agreement from a site selector interested in Rosenberg. Legal Counsel has recommended that the Board authorizes the Executive Director to execute Non-Disclosure Agreements on behalf of the Board. Jeanne McDonald, P.C., Attorneys at Law is planning to attend the meeting and will discuss Non-Disclosure Agreements with the Board of Directors. Staff recommends authorizing the RDC Executive Director to execute Non-Disclosure Agreements on behalf of the RDC for prospective economic development negotiations.

**Key discussion points:**

- Scott Tschirhart viewed the documents and provided a few revisions, which did not change the substance of the agreement.
- Jeanne McDonald agreed with the changes.

**Action:** Director Garcia moved, seconded by Director McConathy, to authorize the Executive Director to execute and accept the Non-Disclosure Agreement with the recommended corrections. The motion passed by a unanimous vote of those present.

4. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. RDC-94, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ROSENBERG DEVELOPMENT CORPORATION IN SUPPORT OF TEXAS SENATE BILL NO. 581 RELATING TO THE CREATION OF A CAMPUS OF THE TEXAS STATE TECHNICAL COLLEGE SYSTEM IN FORT BEND COUNTY.**

**Executive Summary:** Senator Lois Kolkhorst of Texas Senate District 18 has filed Texas Senate Bill No. 581 relating to the creation of a campus of the Texas State Technical College (TSTC) in Fort Bend County. TSTC is working with the George and Henderson-Wessendorff Foundations on building a new TSTC Fort Bend Campus.

Staff recommends approval of Resolution No. RDC-94 as presented.

**Key discussion points:**

- Randall Malik explained the Texas Senate Bill No. 581 is the Senate companion bill for House Bill No. 658.

**Action:** Director Garcia moved, seconded by Director McConathy, to approve Resolution No. RDC-94, a Resolution in support of Texas Senate Bill No. 581 relating to the creation of a campus of the Texas State Technical College System in Fort Bend County. The motion passed by a unanimous vote of those present.

5. **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 LIVABLE CENTERS STUDY
- D. UPDATE ON ROSENBERG BUSINESS PARK
- E. UPDATE ON WALSH ROAD INDUSTRIAL 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 Economic Development 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.

6. 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:**

- Quiet Zones requested by Director Peña.

No action was taken.

7. ANNOUNCEMENTS.

- The RDC Finance Committee will meet early May.
- TSTC's 50<sup>th</sup> anniversary is April 22, 2015.
- The Main Street Advisory Boards meeting will be held April 23, 2015.

8. 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 5:16 p.m.

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Jasmine Bowens  
Secretary II



## COMMUNICATION FORM

May 14, 2015

<b>ITEM #</b>	<b>ITEM TITLE</b>
B	Rosenberg Development Corporation Financial Reports
<b>ITEM/MOTION</b>	
Consideration of and action on the monthly Rosenberg Development Corporation Financial Report for the period ending April 30, 2015.	
<b>APPROVAL</b>	<b>SUPPORTING DOCUMENTS</b>

**SUBMITTED BY :**

*Joyce Vasut*

- 1) RDC Financial Report – April 2015
- 2) RDC Investment Report – QE 03-31-15

Joyce Vasut  
Executive Director of Administrative Services

### EXECUTIVE SUMMARY

The April 2015 RDC Financial Reports are attached for your review and consideration. Staff recommends approval.

**CITY OF ROSENBERG, TEXAS**  
**ROSENBERG DEVELOPMENT CORPORATION**  
**AS OF APRIL 30, 2015**

Classification	2014-15 Amended Budget	2014-15 Act. Rev/Exp YTD	2014-15 Encumbered	2014-15 YTD Budget Remaining	% of Budget Target
<b>REVENUES:</b>					58%
<i>Sales Taxes</i>	\$ 2,840,000	\$ 1,745,576	\$ -	\$ 1,094,424	61.46%
<i>Sales Taxes BTC I</i>	575,000	367,756	-	207,244	63.96%
<i>Sales Taxes BTC II</i>	425,000	279,844	-	145,156	65.85%
<i>Downtown Sales Taxes</i>	-	21,911	-	(21,911)	
<i>Sales Tax Total</i>	3,840,000	2,415,087	-	1,424,913	
<i>Interest Earnings</i>	5,000	1,405	-	3,595	28.10%
<b>TOTAL REVENUES</b>	<b>3,845,000</b>	<b>2,416,493</b>	<b>-</b>	<b>1,428,507</b>	<b>62.85%</b>
<b>EXPENDITURES:</b>					
<b>Administration (max 10%):</b>					
<i>Office Supplies</i>	1,000	823	-	177	82%
<i>Computer Supplies</i>	2,000	1,588	-	412	79%
<i>Board Meeting and Directors' Expenses</i>	1,700	992	-	708	58%
<i>General Insurance</i>	400	277	-	123	69%
<i>Education and Travel</i>	8,250	4,213	-	4,037	51%
<i>Administrative Services</i>	244,374	109,291	-	135,083	45%
<b>Subtotal for Administration Expenses</b>	<b>257,724</b>	<b>117,184</b>	<b>-</b>	<b>140,540</b>	<b>45%</b>
<b>Marketing:</b>					
<i>Greater Fort Bend Economic Development</i>	12,500	12,500	-	-	100%
<i>Postage</i>	200	0.48	-	200	0%
<i>Freight and Express</i>	100	13	-	87	13%
<i>Advertising</i>	30,500	12,953	-	17,547	42%
<i>Printing and Binding</i>	4,500	340	-	4,160	8%
<b>Subtotal for Marketing Accounts</b>	<b>47,800</b>	<b>25,807</b>	<b>-</b>	<b>21,993</b>	<b>53.99%</b>
<b>Memberships &amp; Services:</b>					
<i>Business Recruitment</i>	9,000	158	-	8,842	2%
<i>Dues, Subscriptions &amp; Service Contracts</i>	17,627	14,102	-	3,525	80%
<i>RDC Memberships</i>	83,000	26,389	-	56,611	32%
<i>Business Retention</i>	10,000	-	-	10,000	0%
<b>Subtotal for Memberships &amp; Services Accounts</b>	<b>119,627</b>	<b>40,649</b>	<b>-</b>	<b>78,978</b>	<b>34%</b>
<b>Professional Services:</b>					
<i>Professional Services - Legal Fees</i>	40,000	41,255	-	(1,255)	103%
<b>Subtotal for Professional Services</b>	<b>40,000</b>	<b>41,255</b>	<b>-</b>	<b>(1,255)</b>	<b>103%</b>
<b>Infrastructure:</b>					
<i>Prospective Business Incentive</i>	500,000	-	-	500,000	0%
<i>Debt Service - Principal</i>	767,235	447,554	-	319,681	58%
<i>Debt Service - Interest</i>	197,708	115,330	-	82,378	58%
<i>Transfer to RDC Projects Fund</i>	1,485,375	1,100,375	-	385,000	74%
<b>Subtotal for Infrastructure Accounts</b>	<b>2,950,318</b>	<b>1,663,259</b>	<b>-</b>	<b>1,287,059</b>	<b>56%</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 3,415,469</b>	<b>\$ 1,888,154</b>	<b>\$ -</b>	<b>\$ 1,527,315</b>	<b>55%</b>

**ROSENBERG DEVELOPMENT CORPORATION**  
**2014-15 ACTUAL**  
**PERIOD ENDED APRIL 30, 2015**

Classification	RDC Actual	RDC Projects	Total
<b>Resources:</b>			
Total Beginning Fund Balance @ 10/01/14 (audited)	\$ 3,755,279	\$ 4,887,495	\$ 8,642,774
Revenues and Transfers In	2,416,493	1,101,609	3,518,102
Total Funds Available	<u>\$ 6,171,772</u>	<u>\$ 5,989,104</u>	<u>\$ 12,160,876</u>
 <b>Uses/Deductions:</b>			
Expenditures and Transfers Out	1,888,154	751,405	2,639,559
 <b>Ending Fund Balance:</b>			
Total Ending Fund Balance	\$ 4,283,618	\$ 5,237,699	\$ 9,521,317
Reserved for Debt Service	964,943	\$ -	964,943
Reserved for RDC Projects	-	\$ 5,237,699	5,237,699
<b>Unreserved Fund Balance Total</b>	<u>\$ 3,318,675</u>	<u>\$ -</u>	<u>\$ 3,318,675</u>

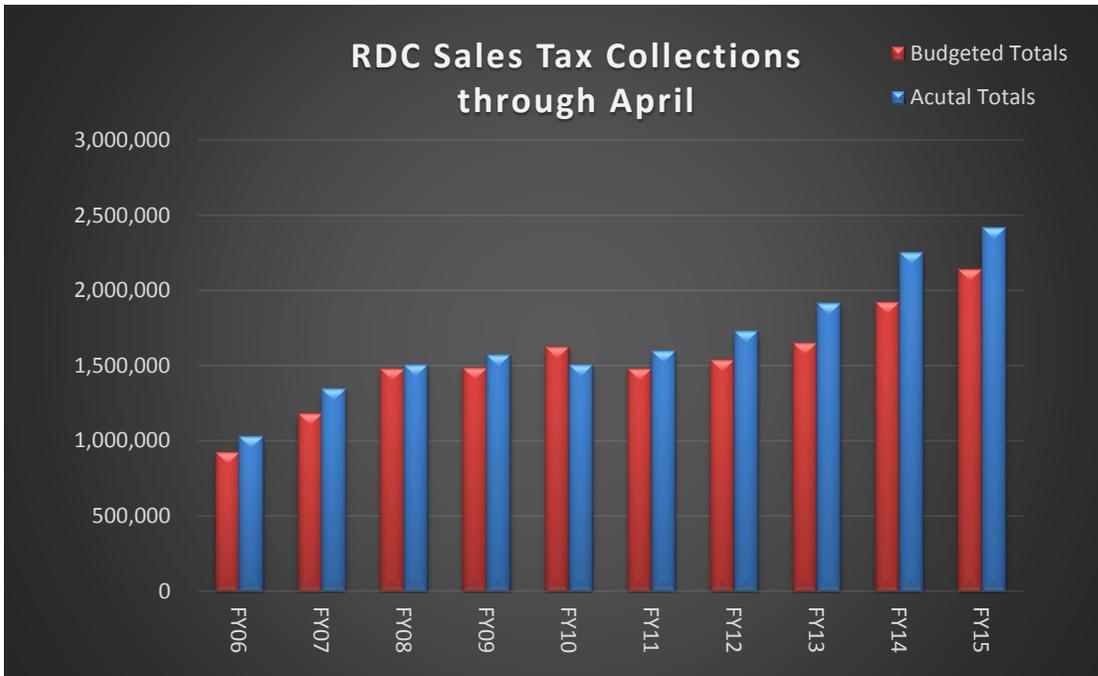
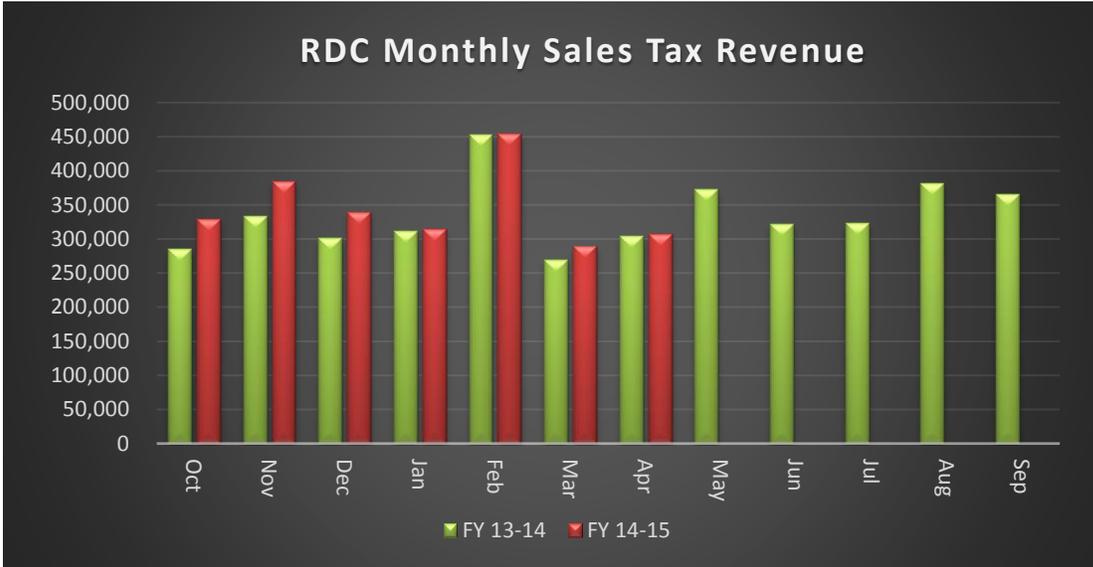
**Synopsis of Current Revenues and Expenditures  
Rosenberg Development Corporation  
For the Month Ended April 30, 2015**

Account Number	Description	Amount
<b>Revenues</b>		
219-0000-402-0000	Sales Taxes	\$ 306,989.08
<b>Total Current Period Revenues</b>		<b>\$ <u>306,989.08</u></b>
<b>Expenditures</b>		
219-1000-540-3110	Office Supplies (Administration)	135.26
219-1000-540-3120	Computer Supplies (Administration)	-
219-1000-540-3135	Board Meeting and Directors' Expenses (Administration)	44.39
219-1000-540-5120	General Insurance (Administration)	-
219-1000-540-5510	Education and Travel (Administration)	-
219-1000-540-5710	Administrative Services (Administration)	83.01
<b>Total Administration</b>		<b>\$ <u>262.66</u></b>
219-2000-540-4391	Greater Fort Bend Economic Development (Marketing)	-
219-2000-540-5220	Postage (Marketing)	-
219-2000-540-5230	Freight and Express (Marketing)	-
219-2000-540-5310	Advertising (Marketing)	282.31
219-2000-540-5410	Printing and Binding (Marketing)	-
<b>Total Marketing</b>		<b>\$ <u>282.31</u></b>
219-3000-540-3135	Business Recruitment (Memberships and Services)	157.64
219-3000-540-4235	Dues/Subscriptions/Service Contracts (Memberships and Services)	100.00
219-3000-540-4390	RDC Memberships (Memberships and Services)	-
219-3000-540-5730	Business Retention (Memberships and Services)	-
<b>Total Business Recruitment</b>		<b>\$ <u>257.64</u></b>
219-6000-540-4390	Other Professional Services - Legal Fees (Professional Services)	22,260.57
<b>Total Professional Services</b>		<b>\$ <u>22,260.57</u></b>
219-7000-540-5725	Prospective Business Incentive (Infrastructure)	-
219-7000-540-8110	Debt Service - Principal (Infrastructure) - April 2015	63,936.00
219-7000-540-8120	Debt Service - Interest (Infrastructure) - April 2015	16,476.00
219-7000-540-9225	Transfer to RDC Projects Fund (Infrastructure)	-
<b>Total Infrastructure</b>		<b>\$ <u>80,412.00</u></b>
<b>Total Current Period Expenditures</b>		<b>\$ <u>103,475.18</u></b>



**ROSENBERG DEVELOPMENT CORPORATION  
SALES TAX REVENUES**

**GRAPHS**



**Rosenberg Development Corporation  
Outstanding Debt Service  
2014-2015 Budget**

<b>Fiscal Year</b>	<b>Principal Due</b>	<b>Total Interest</b>	<b>Total Principal &amp; Interest</b>	<b>Adjustment for Business Park</b>	<b>Adjusted Principal &amp; Interest</b>
2014-15	802,235	197,708	999,943	(35,000)	964,943
2015-16	652,770	177,221	829,991	(35,000)	794,991
2016-17	657,305	160,476	817,781	(113,000)	704,781
2017-18	672,840	147,957	820,797	(113,000)	707,797
2018-19	687,875	126,890	814,765	(113,000)	701,765
2019-20	703,410	104,444	807,854	(113,000)	694,854
2020-21	382,980	85,627	468,607	(191,000)	277,607
2021-22	387,515	71,341	458,856	(191,000)	267,856
2022-23	284,800	59,162	343,962	(270,000)	73,962
2023-24	297,835	48,994	346,829	(270,000)	76,829
2024-25	228,190	39,216	267,406	(256,000)	11,406
2025-26	236,225	29,874	266,099		266,099
2026-27	247,295	19,974	267,269		267,269
2027-28	255,330	9,557	264,887		264,887
2028-29	71,400	2,621	74,021		74,021
2029-30	23,005	489	23,494		23,494
<b>Total</b>	<b>\$6,591,010</b>	<b>\$1,281,551</b>	<b>\$7,872,561</b>	<b>(1,700,000)</b>	<b>\$6,172,561</b>

**Rosenberg Development Corporation  
RDC Projects Fund  
For the Period Ended April 30, 2015**

CP0705		Total	Amount Paid	Encumbrance	Remaining
Project Description	G/L Account	Project Cost	Project To Date	Amount	Funds
Transportation Gateway Improvements	225-7000-540-7030	\$ 676,392	\$ 659,809	\$ 16,583	\$ -
FY15 Transportation Gateway Improvements	225-7000-540-7038	80,000	1,595	11,456	66,949
Project Management Fee		4,016	4,016	-	-
Totals		\$ 760,408	\$ 665,420	\$ 28,039	\$ 66,949

CP1301		Total	Amount Paid	Encumbrance	Remaining
Project Description	G/L Account	Project Cost	Project To Date	Amount	Funds
FY2013 Park Improvements	225-7000-540-7030	\$ 251,177	\$ 237,660	\$ -	\$ 13,517
Totals		\$ 251,177	\$ 237,660	\$ -	\$ 13,517

CP1302		Total	Amount Paid	Encumbrance	Remaining
Project Description	G/L Account	Project Cost	Project To Date	Amount	Funds
Business Park Development	225-7000-540-7030	\$ 3,849,783	\$ 372,674	\$ 3,452,700	\$ 24,409
Project Management Fee	225-7000-540-4395	85,000	7,593	-	77,407
Totals		\$ 3,934,783	\$ 380,267	\$ 3,452,700	\$ 101,816

CP1316		Total	Amount Paid	Encumbrance	Remaining
Project Description	G/L Account	Project Cost	Project To Date	Amount	Funds
Downtown Parking Lot	225-7000-540-7030	\$ 250,000	\$ 111,213	\$ -	\$ 138,787
Project Management Fee		12,500	-	-	12,500
Totals		\$ 262,500	\$ 111,213	\$ -	\$ 151,287

CP1317		Total	Amount Paid	Encumbrance	Remaining
Project Description	G/L Account	Project Cost	Project To Date	Amount	Funds
Bamore Road Phase IV	225-7000-540-7031	\$ 750,000	\$ 265,087	\$ 375,769	\$ 109,145
Totals		\$ 750,000	\$ 265,087	\$ 375,769	\$ 109,145

CP1402		Total	Amount Paid	Encumbrance	Remaining
Project Description	G/L Account	Project Cost	Project To Date	Amount	Funds
Aldi Project	225-7000-540-7032	\$ 500,000	\$ -	\$ -	\$ 500,000
Totals		\$ 500,000	\$ -	\$ -	\$ 500,000

CP1501		Total	Amount Paid	Encumbrance	Remaining
Project Description	G/L Account	Project Cost	Project To Date	Amount	Funds
Livable Centers	225-7000-540-7035	\$ 250,000	\$ -	\$ -	\$ 250,000
Totals		\$ 250,000	\$ -	\$ -	\$ 250,000

CP1503		Total	Amount Paid	Encumbrance	Remaining
Project Description	G/L Account	Project Cost	Project To Date	Amount	Funds
Traffic Signal at Reading Rd and Town Ctr Blvd	225-7000-540-7037	\$ 115,375	\$ -	\$ -	\$ 115,375
Totals		\$ 115,375	\$ -	\$ -	\$ 115,375

CP1507		Total	Amount Paid	Encumbrance	Remaining
Project Description	G/L Account	Project Cost	Project To Date	Amount	Funds
Macario Garcia Park Restrooms	225-7000-540-7036	\$ 150,000	\$ -	\$ -	\$ 150,000
Totals		\$ 150,000	\$ -	\$ -	\$ 150,000

<b>Total</b>		<b>\$ 6,872,727</b>	<b>\$ 1,648,037</b>	<b>\$ 3,856,507</b>	<b>\$ 1,368,182</b>
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<b>Total Project Management Fees</b>		<b>\$ 101,516</b>	<b>\$ 11,609</b>	<b>\$ -</b>	<b>\$ 89,907</b>
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**ROSENBERG DEVELOPMENT CORPORATION  
QUARTERLY INVESTMENT REPORT  
FOR THE QUARTER ENDED MARCH 31, 2015**

The investment portfolio detailed in the attached 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 Rosenberg Development Corporation and the Public Funds Investment Act of the State of Texas.



Investment Officer: \_\_\_\_\_

Joyce Vasut, Executive Director of Administrative Services

Date: \_\_\_\_\_

5/7/2015

**ROSENBERG DEVELOPMENT CORPORATION  
 QUARTERLY INVESTMENT REPORT  
 AS OF MARCH 31, 2015**

**Balance Comparison by Quarter**

<b><u>INVESTMENT BALANCES BY TYPE</u></b>	<b><u>Book Value 6/30/2014</u></b>	<b><u>Book Value 9/30/2014</u></b>	<b><u>Book Value 12/31/2014</u></b>	<b><u>Book Value 3/31/2015</u></b>
TEXPOOL	\$ 3,161,512	\$ 2,541,922	\$ 3,518,063	\$ 3,335,300
BRAZOS VALLEY SCHOOLS CREDIT UNION	245,380	245,748	246,117	246,485
AMEGY BANK - OPERATING ACCOUNT	32,828	3,745	42,898	14,242
TOTAL CASH AND INVESTMENTS	<b><u><u>\$ 3,439,720</u></u></b>	<b><u><u>\$ 2,791,415</u></u></b>	<b><u><u>\$ 3,807,078</u></u></b>	<b><u><u>\$ 3,596,028</u></u></b>

**ROSENBERG DEVELOPMENT CORPORATION**  
**INVESTMENTS OUTSTANDING AS OF MARCH 31, 2015**

Purchase Date	Description	Maturity Date	# Days to Maturity	Cost	Par Value	Coupon Yield	12/31/2014		Quarterly Activity			3/31/2015		Unrealized Gain/Loss
							Book Value	Market Value	Purchases	Maturities	Interest	Book Value	Market Value	
TEXPOOL														
N/A	Texpool - General Fund	N/A	N/A		3,335,300	0.05%	3,518,063	3,518,063	1,057,198	(1,240,375)	414	3,335,300	3,335,300	-
													93% OF TOTAL	
BRAZOS VALLEY SCHOOLS CREDIT UNION														
3/28/2015	Certificate of Deposit	3/27/2016	365	245,000	245,000	0.60%	246,117	246,117			368	246,485	246,485	-
													7% OF TOTAL	
DEPOSITORY - AMEGY BANK														
N/A	Operating Account	N/A	N/A		14,242	0.00%	42,898	42,898	141,000	(169,655)		14,242	14,242	-
													0% OF TOTAL	
<b>TOTAL PORTFOLIO</b>				<b>\$ 245,000</b>	<b>\$ 3,594,543</b>	<b>0.09%</b>	<b>3,807,078</b>	<b>3,807,078</b>	<b>1,198,198</b>	<b>(1,410,030)</b>	<b>782</b>	<b>3,596,028</b>	<b>3,596,028</b>	<b>-</b>



## COMMUNICATION FORM

May 14, 2015

ITEM #	ITEM TITLE
1	Fort Bend Small Business Development Center Update
<b>ITEM/MOTION</b>	
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.	
<b>APPROVAL</b>	<b>SUPPORTING DOCUMENTS</b>

SUBMITTED BY :

1. None

Randall Malik  
RDC Executive Director

### 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.



## COMMUNICATION FORM

May 14, 2015

ITEM #	ITEM TITLE
2	Presentation on Railroad Quiet Zones
<b>ITEM/MOTION</b>	
Review and discuss a presentation from Dave Vrshek, Chair of the West Fort Bend Management District – Wayside Horn Committee on railroad quiet zones.	
<b>APPROVAL</b>	<b>SUPPORTING DOCUMENTS</b>

**SUBMITTED BY :**

1. None

Randall Malik  
RDC Executive Director

### 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.



## COMMUNICATION FORM

May 14, 2015

<b>ITEM #</b>	<b>ITEM TITLE</b>
3	Gateway Maintenance
<b>ITEM/MOTION</b>	
Consideration of and action on Gateway Maintenance for US 90A, SH 36, FM 2218, and FM 723.	
<b>APPROVAL</b>	<b>SUPPORTING DOCUMENTS</b>

**SUBMITTED BY :**

1. None

Randall Malik  
RDC Executive Director

### 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.



## COMMUNICATION FORM

May 14, 2015

<b>ITEM #</b>	<b>ITEM TITLE</b>
4	Fort Bend Corps Performance Agreement
<b>ITEM/MOTION</b>	
Consideration of and action on a Performance Agreement by and between the Rosenberg Development Corporation and Fort Bend Corps.	
<b>APPROVAL</b>	<b>SUPPORTING DOCUMENTS</b>

**SUBMITTED BY :**

A handwritten signature in black ink, appearing to read "R. Malik", is written over a light-colored background.

1. Fort Bend Corps Performance Agreement
2. Economic Development Handbook 2008  
Excerpt -Affordable Housing
3. Title 42 United States Code Section 12745

Randall Malik  
RDC Executive Director

### 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.

**THE ROSENBERG DEVELOPMENT CORPORATION  
AND FORT BEND CORPS  
PERFORMANCE AGREEMENT**

**THIS AGREEMENT** (this “**Agreement**”) is made and entered into by and between the **Rosenberg Development Corporation**, a Type B economic development corporation organized pursuant to the Development Corporation Act, Chapters 501 and 505 of the Texas Local Government Code (the “**RDC**”), and) **Fort Bend Corps**, 501(c)(3) nonprofit corporation (the “**Corporation**”).

**WHEREAS**, the RDC has established policies to adopt such reasonable projects, as are permitted by law, to attract industry, create and retain primary jobs, promote or develop new or expanded business enterprises within the City of Rosenberg (the “**City**”), and, thereby, expand the growth and enhance the economic stability of the City; and

**WHEREAS**, the Corporation proposes to expand affordable housing in Rosenberg; and

**WHEREAS**, the RDC agrees to reimburse the Corporation an amount up to \$3,000 in recognition of the Corporation’s anticipated expansion of affordable housing; and

**WHEREAS**, the Board of Directors of the RDC has found the expenditures hereunder to be required or suitable for the development and expansion of affordable housing; and

**WHEREAS**, the Corporation has agreed, in exchange for and as consideration of this Agreement and funding provided herein, to satisfy and comply with certain terms and conditions set forth below;

**NOW, THEREFORE**, in consideration of the premises and the mutual benefits and obligations set forth herein, including the recitals set forth above, the RDC and the Corporation agree as follows:

1.

The Corporation covenants and agrees that it will investment a minimum of three-thousand dollars (\$3,000) towards the expansion of affordable housing in Rosenberg by December 31, 2015. The foregoing deadline shall be extended due to extenuating circumstances or uncontrollable delays. Within thirty-one days of the earlier date of (i) December 31, 2015, or (ii) the date at which all funds provided by the RDC are expended, the Corporation shall provide an accounting to the RDC providing full and complete details of the use of the funding. The Corporation has no requirement to create or maintain a fixed number of jobs. If the Corporation fails to meet investment requirements by such date, the RDC shall have the right to terminate this Agreement.

2.

In consideration of the Corporation's representations, promises, and covenants, the RDC agrees, subject to the terms and conditions of this Agreement, to provide \$3,000 in funding for the development and expansion of affordable housing in Rosenberg. Such payments shall be due 20 days after execution of the agreement by both parties. All funding provided by the RDC shall comply with Title 42 of the United States Code Section 12745.

3.

The Corporation covenants and agrees that it does not and will not knowingly employ an undocumented worker. An “**undocumented worker**” shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States; or (b) authorized under the law to be employed in that manner in the United States.

4.

The Corporation understands and agrees that if the Corporation is convicted of a violation under 8 U.S.C. Section 1324a(f), the Corporation will reimburse the RDC the total amount of any payment or incentive made to the Corporation, with interest at the rate equal to the 90-day U.S. Treasury Bill plus ½% per annum, within 120 days after said conviction and the RDC’s delivery to the Corporation of written notice of the exercise of RDC’s reimbursement remedy.

The Corporation agrees to allow the RDC, upon receipt of not less than 7-day’s prior written request, reasonable access to such information as is necessary to ensure compliance with this Section 2.

The Corporation further understands and agrees that if the Corporation is in default of any obligation under this Agreement beyond any applicable notice and cure period, the Corporation will reimburse the RDC the total amount of any payment or incentive made to the Corporation with interest at the rate equal to the 90-day Treasury Bill plus ½% per annum, within 120 days after the RDC’s delivery to the Corporation of written notice of said default, if the default has not been cured by that date. Notwithstanding any contrary provisions contained herein, the Corporation shall be

entitled to 120 days prior written notice and opportunity to cure such default prior to the RDC's taking any action for implementation of any reimbursement remedy.

The Corporation also agrees to reimburse the RDC for any and all reasonable attorney's fees and costs incurred by the RDC as a result of any action required to obtain reimbursement of such funds. Such reimbursement shall be due and payable within 120 days after the Corporation receives written notice of its failure to cure such default or violation hereof without such default and/or violation being cured.

The Corporation's obligation to reimburse the RDC shall survive termination of this Agreement.

6.

This Agreement shall inure to the benefit of and be binding upon the RDC and the Corporation, and upon the RDC's and the Corporation's respective successors and assigns, provided that any assignment has been approved in accordance with this Agreement.

7.

Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) delivering the same in person to such party; or (iii) overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above. The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to the RDC: Rosenberg Development Corporation  
2110 Fourth Street  
Rosenberg, Texas 77471  
Attn: Executive Director

If to Corporation: Fort Bend Corps.  
Attn: Executive Director  
13330 South Gessner Road  
Missouri City, Texas 77489  
Fax #: 281-617-7924

8.

This Agreement shall be performed and enforceable in Fort Bend County, Texas, and shall be construed in accordance with the laws of the State of Texas.

9.

Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment, or modification only in writing with the signatures and mutual consent of the parties hereto.

10.

The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.

11.

This Agreement shall bind and benefit the respective parties and their legal successors and shall not be assignable, in whole or in part, by any party without first obtaining written consent of the other party.

12.

In the event any one or more words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement, or the application thereof to any person, firm, corporation, or circumstance, shall be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, then the application, invalidity or unconstitutionality of such words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement shall be deemed to be independent of and severable from the remainder of this Agreement, and the validity of the remaining parts of this Agreement shall not be affected thereby.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on this \_\_\_\_\_ day of \_\_\_\_\_ 2015 (the “Effective Date”).

**FORT BEND CORPS**

By: \_\_\_\_\_  
Ronald M. Castillo

ATTEST:

By: \_\_\_\_\_  
\_\_\_\_\_  
Secretary

**ROSENBERG DEVELOPMENT CORPORATION**

By: \_\_\_\_\_  
Bill Knesek

**Public parks and related open space improvements.** Public parks, park facilities and events, and open space improvements are permissible Section 4B projects.<sup>164</sup>

**Affordable housing.** Projects required or suitable for the development and expansion of “affordable housing” as defined by federal law (42 United States Code Section 12745) are permissible Section 4B projects.<sup>165</sup>

**Water supply facilities.** Any water supply facilities, including dams, transmission lines, well field developments, and other water supply alternatives can be permissible Section 4B projects.<sup>166</sup> Nonetheless, to undertake a water supply facility, a majority of the qualified voters of the city voting in an election called and held for that purpose must approve the water supply project.<sup>167</sup> The ballot proposition for the election shall be printed to provide for voting for or against the proposition:<sup>168</sup>

**“The use of sales and use tax proceeds for infrastructure relating to \_\_  
\_\_\_\_\_ (insert description of water supply  
facility).”**

**Water conservation programs.** Water conservation programs, including incentives to install water-saving plumbing fixtures, educational programs, brush control programs, and programs to replace malfunctioning or leaking water lines and other water facilities can be permissible Section 4B projects.<sup>169</sup> As with water supply facilities, to undertake a water conservation program, a majority of the qualified voters of the city voting in an election called and held for that purpose must approve the water conservation program.<sup>170</sup> The ballot proposition for the election shall be printed to provide for voting for or against the proposition:<sup>171</sup>

**“The use of sales and use tax proceeds for infrastructure relating to \_\_  
\_\_\_\_\_ (insert description of water  
conservation program).”**

<sup>164</sup> *Id.*

<sup>165</sup> *Id.* § 4B(a)(2)(C) (to be codified at Tex. Loc. Gov’t Code Ann. § 505.153 (Vernon Supp. 2008), effective April 1, 2009).

<sup>166</sup> *Id.* § 4B(a)(2)(D) (to be codified at Tex. Loc. Gov’t Code Ann. § 505.154 (Vernon Supp. 2008), effective April 1, 2009).

<sup>167</sup> *Id.* § 4B(a-5)(1)-(2) (to be codified at Tex. Loc. Gov’t Code Ann. § 505.304 (Vernon Supp. 2008), effective April 1, 2009).

<sup>168</sup> *Id.* § 4B(a-5)(1) (to be codified at Tex. Loc. Gov’t Code Ann. § 505.304 (Vernon Supp. 2008), effective April 1, 2009).

<sup>169</sup> *Id.* § 4B(a)(2)(E) (to be codified at Tex. Loc. Gov’t Code Ann. § 505.154 (Vernon Supp. 2008), effective April 1, 2009).

<sup>170</sup> *Id.* § 4B(a-5)(1)-(2) (to be codified at Tex. Loc. Gov’t Code Ann. § 505.304 (Vernon Supp. 2008), effective April 1, 2009).

<sup>171</sup> *Id.* § 4B(a-5)(1) (to be codified at Tex. Loc. Gov’t Code Ann. § 505.304 (Vernon Supp. 2008), effective April 1, 2009).

(1) with respect to rental assistance and rental units—

(A) not less than 90 percent of (i) the families receiving such rental assistance are families whose incomes do not exceed 60 percent of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, (except that the Secretary may establish income ceilings higher or lower than 60 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction cost or fair market rent, or unusually high or low family income) at the time of occupancy or at the time funds are invested, whichever is later, or (ii) the dwelling units assisted with such funds are occupied by families having such incomes; and

(B) the remainder of (i) the families receiving such rental assistance are households that qualify as low-income families (other than families described in subparagraph (A)) at the time of occupancy or at the time funds are invested, whichever is later, or (ii) the dwelling units assisted with such funds are occupied by such households;

(2) with respect to homeownership assistance, 100 percent of such funds are invested with respect to dwelling units that are occupied by households that qualify as low-income families; and

(3) all such funds are invested with respect to housing that qualifies as affordable housing under section 12745 of this title.

(Pub. L. 101-625, title II, § 214, Nov. 28, 1990, 104 Stat. 4101; Pub. L. 103-233, title II, § 202, Apr. 11, 1994, 108 Stat. 364; Pub. L. 105-276, title V, § 599B(a), Oct. 21, 1998, 112 Stat. 2660.)

AMENDMENTS

1998—Par. (2). Pub. L. 105-276 struck out “at the time of occupancy or at the time funds are invested, whichever is later” before “; and”.

1994—Par. (1)(A). Pub. L. 103-233, § 202(1), substituted “(i) the families receiving such rental assistance are” for “such funds are invested with respect to dwelling units that are occupied by”, “, or” for “, and” before cl. (ii), and added cl. (ii).

Par. (1)(B). Pub. L. 103-233, § 202(2), substituted “(i) the families receiving such rental assistance are” for “such funds are invested with respect to dwelling units that are occupied by” and added cl. (ii).

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-276, title V, § 599B(c), Oct. 21, 1998, 112 Stat. 2660, provided that: “The amendments made by this section [amending this section and section 12745 of this title] are made on, and shall apply beginning upon, the date of the enactment of this Act [Oct. 21, 1998].”

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-233 applicable with respect to any amounts made available to carry out this subchapter after Apr. 11, 1994, and any amounts made available to carry out this subchapter before that date that remain uncommitted on that date, with Secretary to issue any regulations necessary to carry out such amendment not later than end of 45-day period beginning on that date, see section 209 of Pub. L. 103-233, set out as a note under section 5301 of this title.

**§ 12745. Qualification as affordable housing**

**(a) Rental housing**

**(1) Qualification**

Housing that is for rental shall qualify as affordable housing under this subchapter only if the housing—

(A) bears rents not greater than the lesser of (i) the existing fair market rent for comparable units in the area as established by the Secretary under section 1437f of this title, or (ii) a rent that does not exceed 30 percent of the adjusted income of a family whose income equals 65 percent of the median income for the area, as determined by the Secretary, with adjustment for number of bedrooms in the unit, except that the Secretary may establish income ceilings higher or lower than 65 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes;

(B) has not less than 20 percent of the units (i) occupied by very low-income families who pay as a contribution toward rent (excluding any Federal or State rental subsidy provided on behalf of the family) not more than 30 percent of the family's monthly adjusted income as determined by the Secretary, or (ii) occupied by very low-income families and bearing rents not greater than the gross rent for rent-restricted residential units as determined under section 42(g)(2) of title 26;

(C) is occupied only by households that qualify as low-income families;

(D) is not refused for leasing to a holder of a voucher or certificate of eligibility under section 1437f of this title because of the status of the prospective tenant as a holder of such voucher or certificate of eligibility;

(E) will remain affordable, according to binding commitments satisfactory to the Secretary, for the remaining useful life of the property, as determined by the Secretary, without regard to the term of the mortgage or to transfer of ownership, or for such other period that the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this Act, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if such action (i) recognizes any contractual or legal rights of public agencies, nonprofit sponsors, or others to take actions that would avoid termination of low-income affordability in the case of foreclosure or transfer in lieu of foreclosure, and (ii) is not for the purpose of avoiding low income affordability restrictions, as determined by the Secretary; and

(F) if newly constructed, meets the energy efficiency standards promulgated by the Secretary in accordance with section 12709 of this title.

**(2) Adjustment of qualifying rent**

The Secretary may adjust the qualifying rent established for a project under subpara-

graph (A) of paragraph (1), only if the Secretary finds that such adjustment is necessary to support the continued financial viability of the project and only by such amount as the Secretary determines is necessary to maintain continued financial viability of the project.

**(3) Increases in tenant income**

Housing shall qualify as affordable housing despite a temporary noncompliance with subparagraph (B) or (C) of paragraph (1) if such noncompliance is caused by increases in the incomes of existing tenants and if actions satisfactory to the Secretary are being taken to ensure that all vacancies are filled in accordance with paragraph (1) until such noncompliance is corrected. Tenants who no longer qualify as low-income families shall pay as rent the lesser of the amount payable by the tenant under State or local law or 30 percent of the family's adjusted monthly income, as recertified annually. The preceding sentence shall not apply with respect to funds made available under this Act for units that have been allocated a low-income housing tax credit by a housing credit agency pursuant to section 42 of title 26.

**(4) Mixed-income project**

Housing that accounts for less than 100 percent of the dwelling units in a project shall qualify as affordable housing if such housing meets the criteria of this section.

**(5) Mixed-use project**

Housing in a project that is designed in part for uses other than residential use shall qualify as affordable housing if such housing meets the criteria of this section.

**(6) Waiver of qualifying rent**

**(A) In general**

For the purpose of providing affordable housing appropriate for families described in subparagraph (B), the Secretary may, upon the application of the project owner, waive the applicability of subparagraph (A) of paragraph (1) with respect to a dwelling unit if—

- (i) the unit is occupied by such a family, on whose behalf tenant-based assistance is provided under section 1437f of this title;
- (ii) the rent for the unit is not greater than the existing fair market rent for comparable units in the area, as established by the Secretary under section 1437f of this title; and
- (iii) the Secretary determines that the waiver, together with waivers under this paragraph for other dwelling units in the project, will result in the use of amounts described in clause (iii)<sup>1</sup> in an effective manner that will improve the provision of affordable housing for such families.

**(B) Eligible families**

A family described in this subparagraph is a family that consists of at least one elderly person (who is the head of household) and one or more of such person's grand<sup>2</sup> chil-

dren, great grandchildren, great nieces, great nephews, or great great grandchildren (as defined by the Secretary), but does not include any parent of such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren. Such term includes any such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren who have been legally adopted by such elderly person.

**(b) Homeownership**

Housing that is for homeownership shall qualify as affordable housing under this subchapter only if the housing—

(1) has an initial purchase price that does not exceed 95 percent of the median purchase price for the area, as determined by the Secretary with such adjustments for differences in structure, including whether the housing is single-family or multifamily, and for new and old housing as the Secretary determines to be appropriate;

(2) is the principal residence of an owner whose family qualifies as a low-income family—

(A) in the case of a contract to purchase existing housing, at the time of purchase;

(B) in the case of a lease-purchase agreement for existing housing or for housing to be constructed, at the time the agreement is signed; or

(C) in the case of a contract to purchase housing to be constructed, at the time the contract is signed;

(3) is subject to resale restrictions that are established by the participating jurisdiction and determined by the Secretary to be appropriate to—

(A) allow for subsequent purchase of the property only by persons who meet the qualifications specified under paragraph (2), at a price which will—

(i) provide the owner with a fair return on investment, including any improvements, and

(ii) ensure that the housing will remain affordable to a reasonable range of low-income homebuyers; or

(B) recapture the investment provided under this subchapter in order to assist other persons in accordance with the requirements of this subchapter, except where there are no net proceeds or where the net proceeds are insufficient to repay the full amount of the assistance; and

(4) if newly constructed, meets the energy efficiency standards promulgated by the Secretary in accordance with section 12709 of this title.

(Pub. L. 101-625, title II, §215, Nov. 28, 1990, 104 Stat. 4101; Pub. L. 102-550, title II, §§208, 209, Oct. 28, 1992, 106 Stat. 3754; Pub. L. 103-233, title II, §203, Apr. 11, 1994, 108 Stat. 364; Pub. L. 105-276, title V, §599B(b), Oct. 21, 1998, 112 Stat. 2660; Pub. L. 106-569, title IX, §904, Dec. 27, 2000, 114 Stat. 3027.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(1)(E), (3), is Pub. L. 101-625, Nov. 28, 1990, 104 Stat. 4079, known as the

<sup>1</sup> So in original.

<sup>2</sup> So in original. Probably should be "grandchildren".

Cranston-Gonzalez National Affordable Housing Act. For complete classification of this Act to the Code, see Short Title note set out under section 12701 of this title and Tables.

#### AMENDMENTS

2000—Subsec. (a)(6). Pub. L. 106-569 added par. (6).

1998—Subsec. (b)(2). Pub. L. 105-276 amended par. (2) generally. Prior to amendment, par. (2) read as follows: "is the principal residence of an owner whose family qualifies as a low-income family at the time of purchase";

1994—Subsec. (b)(3). Pub. L. 103-233, §203(a), redesignated par. (4) as (3) and struck out former par. (3) which read as follows: "is made available for initial purchase only to first-time homebuyers";

Subsec. (b)(3)(B). Pub. L. 103-233, §203(b), substituted "subchapter" for "subsection" after "requirements of this";

Subsec. (b)(4), (5). Pub. L. 103-233, §203(a)(2), redesignated pars. (4) and (5) as (3) and (4), respectively.

1992—Subsec. (a)(1)(A). Pub. L. 102-550, §208(a)(1), substituted "number of bedrooms in the unit" for "smaller and larger families";

Subsec. (a)(1)(E). Pub. L. 102-550, §208(b), inserted before semicolon " , except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if such action (i) recognizes any contractual or legal rights of public agencies, nonprofit sponsors, or others to take actions that would avoid termination of low-income affordability in the case of foreclosure or transfer in lieu of foreclosure, and (ii) is not for the purpose of avoiding low income affordability restrictions, as determined by the Secretary";

Subsec. (a)(3). Pub. L. 102-550, §208(a)(2), (3), substituted "the lesser of the amount payable by the tenant under State or local law or" for "not less than" in second sentence and inserted at end "The preceding sentence shall not apply with respect to funds made available under this Act for units that have been allocated a low-income housing tax credit by a housing credit agency pursuant to section 42 of title 26."

Subsec. (b)(4). Pub. L. 102-550, §209, added par. (4) and struck out former par. (4) which read as follows: "is made available for subsequent purchase only—

"(A) to persons who meet the qualifications specified under paragraph (2), and

"(B) at a price consistent with guidelines that are established by the participating jurisdiction and determined by the Secretary to be appropriate—

"(i) to provide the owner with a fair return on investment, including any improvements, and

"(ii) to ensure that the housing will remain affordable to a reasonable range of low income homebuyers; and"

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-276 made on, and applicable beginning upon, Oct. 21, 1998, see section 599B(c) of Pub. L. 105-276, set out as a note under section 12744 of this title.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-233 applicable with respect to any amounts made available to carry out this subchapter after Apr. 11, 1994, and any amounts made available to carry out this subchapter before that date that remain uncommitted on that date, with Secretary to issue any regulations necessary to carry out such amendment not later than end of 45-day period beginning on that date, see section 209 of Pub. L. 103-233, set out as a note under section 5301 of this title.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-550 applicable to unexpended funds allocated under subchapter II of this chapter in fiscal year 1992, except as otherwise specifically provided, see section 223 of Pub. L. 102-550, set out as a note under section 12704 of this title.

### § 12746. Participation by States and local governments

The Secretary shall designate a State or unit of general local government to be a participating jurisdiction when it complies with procedures that the Secretary shall establish by regulation, which procedures shall only provide for the following:

#### (1) Allocation

Not later than 20 days after funds to carry out this part become available (or, during the first year after November 28, 1990, not later than 20 days after (A) funds to carry out this part are provided in an appropriations Act, or (B) regulations to implement this part are promulgated, whichever is later), the Secretary shall allocate funds in accordance with section 12747 of this title and promptly notify each jurisdiction receiving a formula allocation of its allocation amount. If a jurisdiction is not already a participating jurisdiction, the Secretary shall inform the jurisdiction in writing how the jurisdiction may become a participating jurisdiction.

#### (2) Consortia

A consortium of geographically contiguous units of general local government shall be deemed to be a unit of general local government for purposes of this subchapter if the Secretary determines that the consortium—

(A) has sufficient authority and administrative capability to carry out the purposes of this subchapter on behalf of its member jurisdictions, and

(B) will, according to a written certification by the State (or States, if the consortium includes jurisdictions in more than one State), direct its activities to alleviation of housing problems within the State or States.

#### (3) Eligibility

(A) Except as provided in paragraph (10), a jurisdiction receiving a formula allocation under section 12747 of this title shall be eligible to become a participating jurisdiction if its formula allocation is \$750,000 or greater, or if the Secretary finds that—

(i) the jurisdiction has a local housing authority and has demonstrated a capacity to carry out provisions of this part, and

(ii) the State has authorized the Secretary to transfer to the jurisdiction a portion of the State's allocation that is equal to or greater than the difference between the jurisdiction's formula allocation and \$750,000, or the State or jurisdiction has made available from the State's or jurisdiction's own sources an equal amount for use by the jurisdiction in conformance with the provisions of this part.

(B) If a jurisdiction has met the requirements of subparagraph (A), the jurisdiction's formula allocation for a fiscal year shall subsequently be deemed to equal the sum of the jurisdiction's allocation under section 12747(a)(1) of this title and the amount made available to the jurisdiction under subparagraph (A)(ii).



# COMMUNICATION FORM

May 14, 2015

<b>ITEM #</b>	<b>ITEM TITLE</b>
<b>5</b>	<b>Resolution No. RDC-95 - Budget Adjustment</b>
<b>ITEM/MOTION</b>	
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.	
<b>APPROVAL</b>	<b>SUPPORTING DOCUMENTS</b>

**SUBMITTED BY:**

1) Resolution No. RDC-95

Joyce Vasut  
Executive Director of Administrative Services

## EXECUTIVE SUMMARY

The original budget for Other Professional Services in FY2014-2015 is \$40,000. Invoices received through April 30<sup>th</sup>, 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.

**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.**

\* \* \* \* \*

**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ROSENBERG DEVELOPMENT CORPORATION:**

Section 1. The Rosenberg Development Corporation (RDC) does hereby approve the amendment of its Fiscal Year 2014-15 Annual Budget by allocating \$40,000.00 from Unrestricted Fund Balance for Other Professional Services, and further authorizing the expenditure of said funds for the aforementioned expenses.

**PASSED, APPROVED, AND RESOLVED** on this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

**ATTEST:**

**Rosenberg Development Corporation**

\_\_\_\_\_  
Linda Cernosek, **City Secretary**

\_\_\_\_\_  
Bill Knesek, **President**

# **ITEM 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.**

# **ITEM 7**

**Adjourn Executive Session, reconvene Regular Session, and take action as necessary as a result of Executive Session.**



## COMMUNICATION FORM

May 14, 2015

<b>ITEM #</b>	<b>ITEM TITLE</b>
8	Paragon Outlets Performance Agreement
<b>ITEM/MOTION</b>	
Consideration of and action on a Performance Agreement by and between the Rosenberg Development Corporation and Paragon Outlets Rosenberg Limited Partnership.	
<b>APPROVAL</b>	<b>SUPPORTING DOCUMENTS</b>

**SUBMITTED BY :**

1. Performance Agreement with Paragon Outlets Rosenberg – Provided under separate confidential cover

Randall Malik  
RDC Executive Director

**EXECUTIVE SUMMARY**

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



## COMMUNICATION FORM

May 14, 2015

ITEM #	ITEM TITLE
9	Texas State Technical College System Performance Agreement
<b>ITEM/MOTION</b>	
Consideration of and action on a Performance Agreement by and between the Rosenberg Development Corporation and Texas State Technical College System.	
<b>APPROVAL</b>	<b>SUPPORTING DOCUMENTS</b>

**SUBMITTED BY :**

A handwritten signature in black ink, appearing to read "R. Malik".

Randall Malik  
RDC Executive Director

1. Performance Agreement with Texas State Technical College Foundation – Provided under separate confidential cover

### EXECUTIVE SUMMARY

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



## COMMUNICATION FORM

May 14, 2015

ITEM #	ITEM TITLE
10	Executive Director's Report
<b>ITEM/MOTION</b>	
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: <ul style="list-style-type: none"><li>a. Update on Economic Indicators</li><li>b. Update on Business Retention Visits</li><li>c. Update on Economic Development Compliance Efforts</li><li>d. Update on Livable Centers Study</li><li>e. Update on Rosenberg Business Park</li><li>f. Update on Richmond – Rosenberg Bus Route</li><li>g. Update on BNSF Downtown Property</li><li>h. Update on New and Expanded Businesses</li><li>i. Update on Existing Businesses</li></ul>	
<b>APPROVAL</b>	<b>SUPPORTING DOCUMENTS</b>

SUBMITTED BY :

Randall Malik  
RDC Executive Director

1) Executive Director's Report – April 2015

### 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.



## **Rosenberg Development Corporation Economic Development Director's Update April 2015**

### **New Home Update**

City Housing Starts in 2015:	102
City Housing Starts in March:	45
ETJ Housing Starts in 2015:	119
ETJ Housing Starts in March:	21

### **Economic Indicators:**

Unemployment for March 2015:	3.8%
Non-Adjusted Employment for March 2015:	15,906
April Sales Tax Receipts (February 2015 sales):	\$1,651,923.22
Percentage Change From Previous Year:	+ 11.36%
Annual Sales Tax Receipts for 2015 (February 2015 sales):	\$ 7,088,369.48
Percentage Change From Previous Year:	+ 4.01%

### **Business Retention Visits**

Spray and Forget (New company)  
Finnegan Auto Group  
Legacy Ford

### **Department Activity**

- Attended GFBEDC Board Meeting and Membership Meeting.
- Met with Turkish investors through Fort Bend Global Initiative.
- Attended West Fort Bend Management District Meeting.
- Presented development activity in Rosenberg to Houston Association of Realtors.
- Hosted Texas Main Street Program Resource Team.
- Met with the Rosenberg Livable Centers Team to review and discuss recommendations in the Livable Centers Study.
- Attended Central Fort Bend Chamber Board of Directors meeting.
- Attended Fort Bend Chamber Board of Directors Meeting.
- Attended ribbon cutting for Fresenius Dialysis Clinic.
- Attended TSTC Foundation 50<sup>th</sup> Anniversary.



- Attended SBDC event welcoming new Houston Small Business Association Director Tim Jeffcoat.
- Attended BNSF/UP Quiet Zone – Rosenberg Meeting.
- Attended Foshon Welcome Dinner and Business Forum at Safari Texas.
- Hosted site tour for Turkish Business investors

### **Projects Update:**

***BNSF Downtown Property-*** Real Estate Purchase Contract has been signed by the City of Rosenberg and BNSF. Phase One Environmental Study and Survey on the property have been ordered.

***Richmond – Rosenberg Bus Route:*** Fort Bend County has executed the contract for bus services. Additionally, two public meetings were held by Fort Bend Transit to discuss the proposed bus route. The Public comment period for the bus route will last until May 28<sup>th</sup>. The planning opening day for the expanded bus route is July 1st.

***Livable Centers Study-*** Morris Architects is planning a public meeting and planning event demo on Saturday, June 20<sup>th</sup>. The event will be an opportunity for residents, store owners and visitor to see what the Livable Centers Plan is proposing.

***Rosenberg Business Park-*** Hurtado Construction has now received authorization to begin work on the Phase One Infrastructure Improvements. The estimated completion date for the project is August 31, 2015.



## May 2015 Area Sales Tax Comparisons (Feb. 2015 receipts)

City	Net Payment This Period	Comparable Payment Prior Year	Change	2015 Payments To Date	2014 Payments To Date	Change
<b>Rosenberg</b>	1,651,923.22	1,483,347.31	11.36%	7,088,369.48	6,814,817.79	4.01%
<b>Richmond</b>	495,255.60	460,824.20	7.47%	2,221,080.50	1,972,918.92	12.57%
<b>Fulshear</b>	124,392.41	94,312.79	31.89%	550,013.05	386,274.68	42.38%
<b>Houston</b>	61,737,096.47	58,124,412.59	6.21%	285,457,196.51	268,458,767.23	6.33%
<b>Humble</b>	1,226,456.21	1,178,525.17	4.06%	6,183,762.41	5,652,737.35	9.39%
<b>Katy</b>	985,412.05	953,905.48	3.30%	4,745,070.07	4,540,839.38	4.49%
<b>League City</b>	1,639,113.42	1,544,813.86	6.10%	7,143,066.74	6,632,621.02	7.69%
<b>Missouri City</b>	824,890.47	742,597.09	11.08%	3,593,136.97	3,291,919.06	9.15%
<b>Pearland</b>	2,705,100.63	2,292,994.07	17.97%	12,087,344.72	10,698,883.54	12.97%
<b>Sugar Land</b>	4,671,654.02	4,177,215.97	11.83%	22,224,918.20	20,372,341.80	9.09%
<b>Tomball</b>	1,410,809.10	1,266,817.30	11.36%	6,063,373.53	6,026,840.50	0.60%

RDC May Allocation: \$412,980.81



## COMMUNICATION FORM

May 14, 2015

ITEM #	ITEM TITLE
11	Future Agenda Items
<b>ITEM/MOTION</b>	
Review and discuss requests for future agenda items, and take action as necessary.	
<b>APPROVAL</b>	<b>SUPPORTING DOCUMENTS</b>

**SUBMITTED BY :**

1) None

Randall Malik  
RDC Executive Director

### EXECUTIVE SUMMARY

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

# **ITEM 12**

**Announcements.**

# **ITEM 13**

**Adjournment.**