



ALTERNATIVE CITIZEN/PUBLIC PARTICIPATION GUIDELINES (Due to COVID-10 Pandemic Disaster Declaration)

Despite the necessity to restrict public access to Economic Improvement Corporation meetings in the interest of public health during the COVID-19 pandemic, citizens and visitor are welcome to participate in EIC meetings in several alternative ways as outlined below.

Instructions for callers:

Dial one of the following numbers:
800-832-5611 (Toll Free) or
346-248-7799 or 253-215-8782

If you cannot get through on one of the numbers due to network congestion, please try the other number.)

When your call is answered you will hear "Welcome to Zoom, enter your Meeting ID followed by pound." Enter in the Meeting ID below followed by the pound sign (#).

The Meeting ID is **917 9428 8947#**
Pass Code is **644101#**

If the moderator has not started the meeting yet, you will hear "The meeting has not started yet, please hold or call back later." If you decide to call back later, please do so before 3:45 p.m.

Once you have called into the meeting, your microphone will be placed on mute and your call will be placed in the call queue. At this point, you will hear silence on the phone. Please do not hang up. The moderator will unmute your microphone as he/she is going down the list. Once the meeting has started, you will be able to listen to proceedings even if your microphone is muted.

The moderator will be accepting calls starting at 3:00pm. Please place your call before the 3:45 p.m. deadline to participate in order to allow time for calls to be loaded and queued. Calls made after this time will not be answered.

Instructions for written comments:

Written comments will be read into record, and can be provided in two different ways:

OPTION 1 by hard copy – Comments may be dropped off at the City Hall Utility Payments Drop-Box on the north side of City Hall by 3:45 p.m. the afternoon of the EIC Meeting. You are required to provide your first and last name, address, and identify the item you wish to comment on.

OPTION 2 by email - Comments can be emailed to **kesha.franchina@kerrvilletx.gov** and must be received by 3:45 p.m. the afternoon of the EIC Meeting. You are required to provide your first and last name, address, and identify the item you wish to comments on.

For either option, please provide **all required information** in order for your comments to be accepted. Thank you for your participation!



ECONOMIC IMPROVEMENT CORPORATION AGENDA

DECEMBER 14, 2020, 4:00 PM

Kerrville City Hall Council Chambers

701 Main Street, Kerrville, Texas

The purpose of the Economic Improvement Corporation is to improve economic prosperity in the City of Kerrville.

1 INVOCATION:

2 VISITORS / CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the Economic Improvement Corporation. No deliberation or action can be taken on these items because the Open Meetings Act requires an item be posted on an agenda 72 hours before the meeting. Visitors are asked to limit their presentation to three minutes.

3 APPROVAL OF MINUTES:

3.A. Minutes from the regular EIC meeting held on October 19, 2020
Attachments:

[EIC Minutes 11-16-20.pdf](#)

4 MONTHLY REPORTS:

4.A. Kerr Economic Development Corporation (KEDC) Update

4.B. Kerrville Economic Improvement Corporation (EIC) Project Status Update

4.C. Monthly Financial Report
Attachments:

[November 2020 financial presentation.pdf](#)

5 PUBLIC HEARING AND POSSIBLE ACTION:

5.A. Funding Agreement between the City of Kerrville, TX Economic Improvement Corporation and the City of Kerrville, TX to fund a Concept Feasibility Study for an extension of the Kerrville River Trail from G Street to Downtown Kerrville

6 EXECUTIVE SECTION:

The Economic Improvement Corporation may, as permitted by law, adjourn into executive session at any time to discuss any matter listed above including if they meet the qualifications in Section 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation

regarding economic development negotiations) of Chapter 551 of the Texas Government Code, including the following matters:

7 POSSIBLE ACTION FOR ITEMS DISCUSSED IN EXECUTIVE SESSION:

8 ITEMS FOR FUTURE AGENDAS:

9 ANNOUNCEMENTS:

10 ADJOURN.

The facility is wheelchair accessible, and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-257-8000 for further information.

I hereby certify that this agenda was posted as notice of the meeting on the bulletin board at the City Hall of the City of Kerrville, Texas, and on the City's website on the following date and time: 12/11/2020 at 3:55 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Kesha Franchina

Kesha Franchina, Deputy City Secretary, City of Kerrville, Texas



**TO BE CONSIDERED BY
ECONOMIC IMPROVEMENT CORPORATION
CITY OF KERRVILLE, TEXAS**



SUBJECT: Minutes from the regular EIC meeting held on October 19, 2020

AGENDA DATE OF: December 14, 2020 **DATE SUBMITTED:** Nov 17, 2020

SUBMITTED BY: Kesha Franchina

EXHIBITS: [EIC Minutes 11-16-20.pdf](#)

| Expenditure Required: | Remaining Budget Balance in Account: | Amount Budgeted: | Account Number: |
|-----------------------|--------------------------------------|------------------|-----------------|
| NA | NA | NA | NA |

PAYMENT TO BE MADE TO: NA

| | |
|-----------------------------|-----|
| Kerrville 2050 Item? | No |
| Key Priority Area | N/A |
| Guiding Principle | N/A |
| Action Item | N/A |

SUMMARY STATEMENT:

Approval of regular EIC meeting held on November 16, 2020

RECOMMENDED ACTION:

Approval of regular EIC meeting held on October 19, 2020

**CITY OF KERRVILLE, TEXAS ECONOMIC IMPROVEMENT CORPORATION
REGULAR MEETING – NOVEMBER 16, 2020**

On Monday, November 16, 2020, at 4:00 p.m. the regular meeting of the City of Kerrville, Texas Economic Improvement Corporation, was called to order by President Gregory Richards, in the Council Chambers at City Hall, 701 Main Street, Kerrville, Texas.

Members Present:

Danny Almond
Don Barnett
Gary Cochrane
Kent McKinney, Vice President
Maggie Megee
Gregory Richards, President
Aaron Yates

Members Absent: None

City Executive Staff Present:

Mark McDaniel, City Manager
E.A. Hoppe, Deputy City Manager
Mike Hayes, City Attorney
Amy Dozier, Finance Director
Shelley McElhannon, City Secretary

1. INVOCATION: Maggie Megee offered the invocation.

2. VISITORS PRESENT: Larry Howard, Theresa Metcalf, John New, and Gil Salinas. In addition, a Zoom webinar was offered.

3. APPROVAL OF MINUTES:

3A. Minutes for the regular EIC meeting held October 19, 2020.

Gary Cochrane moved to approve the minutes as presented. Aaron Yates seconded, and the motion passed 7-0.

4. MONTHLY REPORTS:

4A. Kerr Economic Development Corporation (KEDC) Update.

Gil Salinas and Theresa Metcalf presented information and responded to questions.

4B. Kerrville Economic Improvement Corporation (EIC) Project Status Update.

E.A. Hoppe presented information.

4C. Monthly Financial Report.

Amy Dozier presented monthly financials for October 2020 and responded to questions.

5. DISCUSSION AND POSSIBLE ACTION:

5A. FY2020 Budget Amendment.

Amy Dozier provided information and responded to questions.

Danny Almond made a motion to approve the FY2020 budget amendments, and Maggie Megee seconded. The motion passed 7-0.

5B. Review of existing loan between the Kerrville Economic Improvement Corporation and the Kerrville Public Utility Board.

Amy Dozier provided information. Amy Dozier and Mark McDaniel responded to questions.

EIC directed staff to revisit this issue during the February 2021 meeting for consideration and possible action regarding an advanced payment on the loan.

5C. Concept/Feasibility Study for an extension of the River Trail from G Street to Downtown Kerrville.

E.A. Hoppe presented information and responded to questions. Maggie Megee made a motion to authorize staff to draft a Funding Agreement with the City (not to exceed \$50,000), schedule a public hearing, and present the Funding Agreement at the December 14, 2020. Vice President Kent McKinney seconded, and the motion passed 7-0.

The EIC consensus is to hold the December meeting on December 14, 2020.

6. EXECUTIVE SESSION:

6A. Peterson Farm Road proposal with the legal description ABS A0114 Crook, SUR 71, Block Los Premiados, Acres 86.71 (551.072 and 551.087)

EIC did not discuss Item 6 nor enter into Executive Session. President Richards deemed the item did not need to be addressed.

7. POSSIBLE ACTION FOR ITEMS DISCUSSED IN EXECUTIVE SESSION: N/A

8. ITEMS FOR FUTURE AGENDAS: None.

9. ANNOUNCEMENTS: None

10. ADJOURN. President Richards adjourned the meeting at 4:59 p.m.

APPROVED BY EIC: _____

ATTEST:

Gregory Richards, President

Shelley McElhannon, City Secretary



**TO BE CONSIDERED BY
ECONOMIC IMPROVEMENT CORPORATION
CITY OF KERRVILLE, TEXAS**



SUBJECT: Kerr Economic Development Corporation (KEDC) Update

AGENDA DATE OF: December 14, 2020 **DATE SUBMITTED:** Nov 17, 2020

SUBMITTED BY: Kesha Franchina

EXHIBITS:

| Expenditure Required: | Remaining Budget Balance in Account: | Amount Budgeted: | Account Number: |
|------------------------------|---|-------------------------|------------------------|
| na | na | na | na |

PAYMENT TO BE MADE TO: na

| | |
|-----------------------------|-----|
| Kerrville 2050 Item? | No |
| Key Priority Area | N/A |
| Guiding Principle | N/A |
| Action Item | N/A |

SUMMARY STATEMENT:

RECOMMENDED ACTION:

No Action



**TO BE CONSIDERED BY
ECONOMIC IMPROVEMENT CORPORATION
CITY OF KERRVILLE, TEXAS**



SUBJECT: Kerrville Economic Improvement Corporation (EIC) Project Status Update

AGENDA DATE OF: December 14, 2020 **DATE SUBMITTED:** Nov 17, 2020

SUBMITTED BY: EA Hoppe

EXHIBITS: [EIC Project Update - 20201214.pdf](#)

| Expenditure Required: | Remaining Budget Balance in Account: | Amount Budgeted: | Account Number: |
|------------------------------|---|-------------------------|------------------------|
| na | na | na | na |

PAYMENT TO BE MADE TO: na

| | |
|-----------------------------|-----|
| Kerrville 2050 Item? | No |
| Key Priority Area | N/A |
| Guiding Principle | N/A |
| Action Item | N/A |

SUMMARY STATEMENT:

RECOMMENDED ACTION:

No Action

| | Project Name | Description | Estimated Design Completion | Estimated Construction Completion | Comments |
|---|--------------------------------------|---|-----------------------------|-----------------------------------|---|
| 1 | Olympic Drive Extension | Extension of roadway and utilities from existing Olympic Drive to Loop 534 | Complete | Early 2021 | Construction commenced in March. Final paving is being scheduled for early 2021, weather permitting, and in conjunction with utility partners. Some auxillary utility work is still ensuing. Roadway opening anticipated in early 2021. |
| 2 | Aquatics Center Feasibility Study | Assessment of the Olympic Pool complex to include public/stakeholder meetings and recommendations for enhancement | Mar-2020 | N/A | Community presentation will be rescheduled due to pandemic. |
| 3 | Thompson/Spur 98 Infrastructure Ext. | Extension of water and wastewater infrastructure along the Spur 98 corridor to the The Landing development | Private | Complete | The off-site utility work has been completed, inspected, and accepted by the City. The Landing is in the process of completing a substantial amount of their proposed multi-family housing units, which will likley be ready for occupancy in early 2021. |
| 4 | Doyle Community Center Improvements | Significant enhancements to the building and site work to add functionality | Fall 2020 | TBD/private | Temporary building are being moved onsite and connected to utilities. Significant construction progress anticipated in early 2021. |
| 5 | KERV Airport Improvements | Partnership with KERV, TxDOT, City and County to build T-Hangars, Box Hangars, and other building improvements | TBD | TBD | Partnership Agreement approved Fall 2019. KERV working with TxDOT for T-hangar design effort. KERV has initiated demolition of the "Horseshoe Building." Box Hangar site work pending T-hangar project. |
| 6 | Killdeer Mountain Manufacturing | Renovation of 40,000 sq ft building on 8.2 acres in Airport Commerce Park for 400+ employee Tier-1 aerospace manufacturer | Private | 2021 | Land and existing building shell have been conveyed to KMM. Annexation and Zoning will occur late 2020 and ealry 2021. Utility work is ensuing. Design professionals are being engaged by KMM for the renovation effort, which is anticipated to begin in 2021. |



**TO BE CONSIDERED BY
ECONOMIC IMPROVEMENT CORPORATION
CITY OF KERRVILLE, TEXAS**



SUBJECT: Monthly Financial Report

AGENDA DATE OF: December 14, 2020 **DATE SUBMITTED:** Dec 11, 2020

SUBMITTED BY: Amy Dozier

EXHIBITS: [November 2020 financial presentation.pdf](#)

| Expenditure Required: | Remaining Budget Balance in Account: | Amount Budgeted: | Account Number: |
|-----------------------|--------------------------------------|------------------|-----------------|
| N/A | N/A | N/A | N/A |

PAYMENT TO BE MADE TO: N/A

| | |
|-----------------------------|-----|
| Kerrville 2050 Item? | No |
| Key Priority Area | N/A |
| Guiding Principle | N/A |
| Action Item | N/A |

SUMMARY STATEMENT:

See attached monthly financial report.

RECOMMENDED ACTION:

Information only; no action required.



Financial update for the month ended November 30, 2020

**Economic Improvement Corporation Meeting
December 14, 2020**



Economic Improvement Corporation
Statement of Activities
Month Ended November 30, 2020

| | Annual Budget | Current Period | Y-T-D Actual | % of Budget | Remaining Budget |
|--|-------------------|--------------------|-------------------|----------------|---------------------|
| Revenues | | | | | |
| Sales and Use Tax | \$ 3,511,307 | \$ 376,028 | \$ 687,746 | 19.6% | \$ (2,823,561) |
| Interest Income | 9,000 | 339 | 805 | 8.9% | (8,195) |
| Total Revenues | 3,520,307 | 376,367 | 688,551 | 19.6% | (2,831,755) |
| Expenditures | | | | | |
| Administrative | | | | | |
| Office Supplies | 500 | - | - | 0.0% | 500 |
| Professional Services | 10,000 | - | - | 0.0% | 10,000 |
| Administrative Services Fee | 185,000 | 15,417 | 30,833 | 16.7% | 154,167 |
| Kerr Economic Development Corp. | 197,500 | - | 49,375 | 25.0% | 148,125 |
| Total Administrative | 393,000 | 15,417 | 80,208 | 20.4% | 312,792 |
| Debt Service | | | | | |
| Debt Service - Series 2019 Ref (River Trail) | 251,344 | 20,945 | 41,891 | 16.7% | 209,453 |
| Debt Service - Series 2020 Ref (River Trail) | 247,830 | 20,278 | 40,556 | 16.4% | 207,274 |
| Debt Service - Series 2015 (KSC) | 603,150 | 50,263 | 100,525 | 16.7% | 502,625 |
| Debt Service - KPUB (KMM) | 20,000 | 1,667 | 3,333 | 16.7% | 16,667 |
| Total Debt Service | 1,122,324 | 93,153 | 186,305 | 16.6% | 919,352 |
| Projects | | | | | |
| Thompson Drive Partners (The Landing) | 283,333 | 283,333 | 283,333 | 100.0% | - |
| Airport Projects | 225,000 | 2,400 | 2,400 | 1.1% | 222,600 |
| Doyle School | 450,000 | 6,252 | 15,049 | 3.3% | 434,951 |
| Downtown River Trail Feasibility Study | 50,000 | - | - | 0.0% | 50,000 |
| Total Projects | 1,008,333 | 291,985 | 300,782 | 29.8% | 707,551 |
| Total Expenditures | 2,523,657 | 400,554 | 567,295 | 22.5% | 1,956,362 |
| Change in Net Position | \$ 996,650 | \$ (24,187) | \$ 121,256 | | |

Economic Improvement Corporation

Cash Flow Forecast

As of November 30, 2020

| | FY2021 Actual | FY2021 Projected | | | | |
|--|------------------|-------------------------|--------------|-------------------------|--------------------------|-------------------------|
| | | Oct 2020 to Nov 2020 | Dec 2020 | Jan 2021 to Mar 2021 | Apr 2021 to June 2021 | Jul 2021 to Sep 2021 |
| | | \$ 2,397,892 | \$ 2,518,671 | \$ 2,507,447 | \$ 2,287,797 | \$ 2,604,328 |
| Beginning Cash Balance | | | | | | |
| Revenue | | | | | | |
| Sales Tax | 687,746 | 270,746 | 897,640 | 862,020 | 915,944 | |
| Interest Income | 805 | 750 | 2,250 | 2,250 | 2,250 | |
| Total Revenue | 688,551 | 271,496 | 899,890 | 864,270 | 918,194 | |
| Expenditures | | | | | | |
| Administrative | | | | | | |
| Administrative Fee & Supplies | 30,833 | 15,667 | 46,250 | 46,500 | 46,250 | |
| Professional Services | - | - | 10,000 | - | - | |
| KEDC | 49,375 | - | 49,375 | 49,375 | 49,375 | |
| Total Administrative | 80,208 | 15,667 | 105,625 | 95,875 | 95,625 | |
| Debt Service | 186,305 | 187,054 | 280,581 | 280,581 | 280,581 | |
| Projects | | | | | | |
| Thompson Drive Partners (The Landing) | 283,333 | - | 283,333 | - | - | |
| Airport Projects | 2,400 | 30,000 | - | - | - | |
| Doyle School | 15,049 | 50,000 | 150,000 | 171,283 | - | |
| Downtown River Trail Feasibility Study | - | - | 50,000 | - | - | |
| Killdeer Mountain Manufacturing | 477 | - | 250,000 | - | - | |
| Total Projects | 301,259 | 80,000 | 733,333 | 171,283 | - | |
| Total Expenditures | 567,772 | 282,721 | 1,119,539 | 547,739 | 376,206 | |
| Ending Cash Balance | \$ 2,518,671 | \$ 2,507,447 | \$ 2,287,797 | \$ 2,604,328 | \$ 3,146,317 | |

Financial Analysis

| Project Analysis as of November 30, 2020 | | | |
|--|---------------------|---------------------|---------------------|
| Project Description | EIC Commitment | Disbursed Funding | Remaining Funding |
| Committed Projects: | | | |
| Thompson Drive Partners (The Landing) | \$ 850,000 | \$ 566,666 | \$ 283,334 |
| Airport Projects | 375,000 | 9,767 | 365,233 |
| Doyle School | 500,000 | 128,717 | 371,283 |
| Killdeer Mountain Manufacturing | 2,095,000 | 1,819,422 | 275,578 |
| Committed Project Total | \$ 3,820,000 | \$ 2,524,572 | \$ 1,295,428 |

| Cash Analysis as of November 30, 2020 | | |
|---------------------------------------|-----------------------------------|---------------------|
| by Type - Placement - Amount | | |
| Type | Placement | Amount |
| Short Term Investment | EIC TexPool | \$ 2,518,671 |
| | Total Cash and Investments | \$ 2,518,671 |

| Sales Tax Revenue Analysis - FY2021 | | | | | |
|-------------------------------------|---------------------|---------------------|-------------------|-------------------|-------------------|
| Month | Actual FY2020 | Budget FY2021 | Actual FY2021 | FY2020 vs. FY2021 | Budget vs. Actual |
| October | \$ 294,752 | \$ 278,543 | \$ 311,718 | 5.76% | 11.91% |
| November | 301,001 | 286,414 | 376,028 | 24.93% | 31.29% |
| December | 297,620 | 270,746 | | | |
| January | 292,966 | 277,472 | | | |
| February | 393,938 | 366,686 | | | |
| March | 270,955 | 253,482 | | | |
| April | 262,275 | 252,162 | | | |
| May | 318,521 | 321,737 | | | |
| June | 326,259 | 288,122 | | | |
| July | 350,459 | 288,759 | | | |
| August | 367,921 | 329,872 | | | |
| September | 342,775 | 297,314 | | | |
| YE Adjustment* | 92,904 | | | | |
| YTD Total | \$ 3,912,345 | \$ 3,511,307 | \$ 687,746 | 15.44% | 21.73% |

*to convert from cash to accrual basis for financial reporting purposes



**TO BE CONSIDERED BY
ECONOMIC IMPROVEMENT CORPORATION
CITY OF KERRVILLE, TEXAS**



KERRVILLE
2050

SUBJECT: Funding Agreement between the City of Kerrville, TX Economic Improvement Corporation and the City of Kerrville, TX to fund a Concept Feasibility Study for an extension of the Kerrville River Trail from G Street to Downtown Kerrville

AGENDA DATE OF: December 14, 2020 **DATE SUBMITTED:** Nov 18, 2020

SUBMITTED BY: EA Hoppe

EXHIBITS:

| Expenditure Required: | Remaining Budget Balance in Account: | Amount Budgeted: | Account Number: |
|------------------------------|---|-------------------------|------------------------|
| 50,000 | \$50,000 | \$50,000 | TBD |

PAYMENT TO BE MADE TO: City of Kerrville, TX

| | |
|-----------------------------|---|
| Kerrville 2050 Item? | Yes |
| Key Priority Area | D - Downtown Revitalization |
| Guiding Principle | D5. Promote a walkable, useable, uniform and pedestrian-oriented public space linking Downtown to the surrounding neighborhoods through streetscape elements, access, connections and crossings |
| Action Item | D5.16 - Develop a plan to extend the River Trail beyond its current limits |

SUMMARY STATEMENT:

The Kerrville Economic Improvement Corporation (EIC) directed City staff to include an allocation of \$50,000 in their FY2021 EIC Budget for the completion of a Concept/Feasibility Study for the extension of the Kerrville River Trail from G Street to the Tranquility Island on the north side of the Guadalupe River. Staff has developed a scope of work with local consultants who have helped design/engineer and implement several previous sections of Kerrville River Trail, to include:

Site visits and data collection
Evaluation of potential trail alignments
Identification of property ownership and required easements
Evaluation of both "lower" and "upper" trail alignments along the riverbank
Evaluation of required and existing drainage features
Identification of constructability and contractor access issues
Identification of natural resource and animal habitat constraints
Perform a cursory cultural resource evaluation
Review and summarize various regulatory issues that may exist
Evaluate and recommend potential project phasing
Determine anticipated design and construction schedules and estimated costs
Prepare a final Concept Study Report

RECOMMENDED ACTION:

Conduct a Public Hearing and provide further direction on the Agreement.

**PROJECT FUNDING AGREEMENT BETWEEN THE CITY OF
KERRVILLE, TEXAS, ECONOMIC IMPROVEMENT CORPORATION
AND THE CITY OF KERRVILLE, TEXAS FOR A CONCEPT
FEASIBILITY STUDY FOR AN EXTENSION OF THE RIVER TRAIL
THROUGH DOWNTOWN AND INTO LOUISE HAYS PARK**

THIS PROJECT FUNDING AGREEMENT is entered into this _____ day of _____, 2020, by and between the City of Kerrville, Texas Economic Improvement Corporation (“EIC”), a Texas non-profit corporation established by City pursuant to Section 4B of Tex. Rev. Civ. Stat. Art. 5190.6 and now codified in Chapters 501, 502, and 505 of the Texas Local Government Code (otherwise known as the Development Corporation Act of 1979 and hereafter called “the Act”); and the City of Kerrville, Texas (“City”), a Texas home-rule municipality.

WITNESSETH:

WHEREAS, pursuant to Chapter 505 of the Act, the EIC is authorized to undertake, or to provide funding to City to undertake, projects which the EIC finds to be encompassed by the definition of “projects” as that word is defined in Chapters 501 and 505 of the Act; and

WHEREAS, EIC was formed to administer the sales and use tax approved by the citizens of Kerrville, Texas, in May 1995 and collected for projects as defined by the Act, including:

Projects related to recreational or community facilities, to include land, buildings, equipment, facilities, and improvements found by the Board to be required or suitable for use for professional and amateur sports, including children’s sports, athletic, entertainment, tourist, convention, and public park purposes and events, including stadiums, ball parks, auditoriums, amphitheaters, concert halls, parks and park facilities, open space improvements, museums, exhibition facilities, and related store, restaurant, concession, and automobile parking facilities, related area transportation facilities, and related roads, streets, and water and sewer facilities, and other related improvements that enhance any of the previously described items; and

WHEREAS, City proposes to enter into an agreement with a professional firm(s) to develop a concept feasibility study for an extension of the City’s River Trail from G Street along the north side of the Guadalupe River to Tranquility Island within Louise Hays Park (the “Project”); and

WHEREAS, the EIC finds that the Project as described generally above constitutes a “project” as defined by the Act; and

WHEREAS, the EIC finds that the Project is required or suitable for the study and consideration of a proposed recreational and community facility; and

WHEREAS, the EIC finds that it will be in the public interest to enter into this Agreement with City to provide sales tax revenues collected pursuant to the Act ("4B Revenues") to City for costs related to the Project; and

WHEREAS, on December 14th, 2020, in a meeting that was open to the public in accordance with the Texas Open Meetings Act, the EIC held a public hearing pursuant to Section 501.072 of the Act related to the proposed expenditure of 4B Revenues for the Project;

NOW THEREFORE, for and in consideration of the recitals set forth above and the promises made herein, the EIC and City agree as follows:

1. **"Project" Defined:** When used in this Agreement, the phrase "Project" means the project summary as described in **Exhibit A** attached hereto and included herein for all purposes. City shall not substantively alter the description of the Project in any respect without the prior approval of the EIC.
2. **Agreement to Fund Project:** the EIC agrees to provide City an amount up to and not to exceed \$50,000.00 in 4B Revenues to be used for the Project. City is authorized to make payments for the herein described purposes directly from funds allocated for Project # _____ in the General Capital Projects Fund.
3. **Eligible Costs:** Payments made by City from 4B Revenues as authorized by Section 2, above, are limited to the payment of "costs" as defined in the Act.
4. **Applicable Law:** This Agreement is governed by and construed in accordance with the laws of the State of Texas. The Agreement is entered into and fully performable within Kerr County, Texas. Accordingly, venue for any cause of action arising pursuant to this Agreement is proper only in Kerr County, Texas.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in the year and as of the date indicated.

CITY OF KERRVILLE, TEXAS

By: _____
Bill Blackburn, Mayor

ATTEST:

Shelley McElhannon, City Secretary

**CITY OF KERRVILLE, TEXAS ECONOMIC
IMPROVEMENT CORPORATION**

By: _____
Greg Richards, President

ATTEST:

Kesha Franchina, Secretary for the EIC

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

L:\Legal\EIC\Contract\City Projects\Park Facilities\EIC Project Funding Agreement_River Trail Extension through Downtown into LHP_121120.docx

Exhibit A

- Site visits and data collection
- Evaluation of potential trail alignments
- Identification of property ownership and required easements
- Evaluation of both "lower" and "upper" trail alignments along the riverbank
- Evaluation of required and existing drainage features
- Identification of constructability and contractor access issues
- Identification of natural resource and animal habitat constraints
- Perform a cursory cultural resource evaluation
- Review and summarize various regulatory issues that may exist
- Evaluate and recommend potential project phasing
- Determine anticipated design and construction schedules and estimated costs
- Prepare a final Concept Feasibility Study