



ECONOMIC IMPROVEMENT CORPORATION AGENDA
MONDAY, JANUARY 9, 2023, 4:00 PM
Kerrville City Hall Council Chambers
701 Main Street, Kerrville, Texas

1 CALL TO ORDER:

2 INVOCATION:

3 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.

4 APPROVAL OF MINUTES:

- 4.A Minutes from the regular Economic Improvement Corporation (EIC) meeting held on December 12, 2022.

Attachments:

[EIC Minutes 12-12-2022.pdf](#)

5 MONTHLY REPORTS:

- 5.A Kerr Economic Development Corporation (KEDC) update.

- 5.B Kerrville Economic Improvement Corporation (EIC) project status update including the following:

- Tranquility Island Electrical Infrastructure
- KERV Airport Improvements
- Killdeer Mountain Manufacturing
- Peterson Medical Center Campus Infrastructure Improvements
- Louise Hays Park Fitness Court
- Downtown Area Streetscape
- Downtown River Trail Extension
- River Tail, Nimitz Lake

Attachments:

[20230109_EIC project update.pdf](#)

- 5.C Monthly Financial Report.

Attachments:

[December 2022 financial presentation.pdf](#)

6 CONSIDERATION AND POSSIBLE ACTION:

- 6.A City Council 2022-2023 priority list of policies and programs.
- 6.B Economic Improvement Funding Priorities.

7 PUBLIC HEARING AND POSSIBLE ACTION:

- 7.A Consider funding the 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 around Nimitz Lake.

Attachments:

[20230109_PFA Feasibility Study Nimitz Lake.pdf](#)

8 EXECUTIVE SESSION:

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.

9 POSSIBLE ACTION FOR ITEMS DISCUSSED IN EXECUTIVE SESSION:

10 ITEMS FOR FUTURE AGENDAS:

11 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: 1/6/2023 at 3:00 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 THE ECONOMIC IMPROVEMENT
CORPORATION
CITY OF KERRVILLE, TEXAS**

SUBJECT: Minutes from the regular Economic Improvement Corporation (EIC) meeting held on December 12, 2022.

AGENDA DATE OF: January 9, 2023

DATE SUBMITTED: December 9, 2022

SUBMITTED BY: Kesha Franchina, Deputy City Secretary

EXHIBITS:

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:

Approve minutes from the regular Economic Improvement Corporation (EIC) meeting held on December 12, 2022.

RECOMMENDED ACTION:

Approve minutes from the regular Economic Improvement Corporation (EIC) meeting held on December 12, 2022.

ATTACHMENTS:

[*EIC Minutes 12-12-2022.pdf*](#)

**CITY OF KERRVILLE, TEXAS ECONOMIC IMPROVEMENT CORPORATION (EIC)
REGULAR MEETING – November 14, 2022**

On Monday, December 12, 2022, at 5:00 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:

Gregory Richards, President
Danny Almond, Vice-President
John Anderson
Gregg Appel
Kyle Bond
Kim Clarkson, Councilmember Place 2
Gary Cochran

MEMBERS ABSENT: None

CHIEF EXECUTIVE STAFF PRESENT:

Michael Hornes, Assistant City Manager
Kim Meismer, Assistant City Manager
Mike Hayes, City Attorney
Kesha Franchina, Deputy City Secretary
Ashlea Boyle, Director of Parks and Recreation
Trina Rodriguez, Assistant Director of Finance

VISITORS PRESENT: No citizen speakers registered to speak during the Visitors/Citizens forum item 3.

1 **CALL TO ORDER:** President Richards called the meeting to order at 5:00 p.m.

2 **INVOCATION:** Kyle Bond led the invocation.

3 **VISITORS / CITIZENS FORUM:** None.

4 **APPROVAL OF MINUTES:**

4.A. Minutes from the regular Economic Improvement Corporation (EIC) meeting held on November 14, 2022.

Vice-President Almond motioned to approve the minutes, and Gregg Appel seconded. The motion passed 7-0.

5 **MONTHLY REPORTS:**

5.A. Kerr Economic Development Corporation (KEDC) update.

Katy Milton Jordan presented the KEDC update, and responded to questions.

5.B. Kerrville Economic Improvement Corporation (EIC) project status update including the following:
- Tranquility Island Electrical Infrastructure

- KERV Airport Improvements
- Killdeer Mountain Manufacturing
- Peterson Medical Center Campus Infrastructure Improvements.
- Louise Hays Park Fitness Court
- Downtown Area Streetscape

Michael Hornes presented the EIC Project Status Update.
Citizen Speakers were as follows:

- George Eychner

5.C. Monthly Financial Report.

Trina Rodriguez presented the Monthly Financial Report.

6 CONSIDERATION AND POSSIBLE ACTION:

- 6.A. Consider a funding application to the City of Kerrville, Texas Economic Improvement Corporation for a concept study for the westward expansion of the Kerrville River Trail, from Palacios del Guadalupe Condominiums extending 12,800 linear feet northwest to the Spur 98 Bridge, then approximately 13,600 linear feet back along the southeast side of the Guadalupe River to the Francisco Lemos Bridge.

Michael Hornes presented the project funding request for the development and construction of an extension to the City's River Trail from the Tranquility Island Bridge to the scenic Downtown Overlook (Pavilion), and responded to questions. Ashlea Boyle responded to questions.

Citizen Speakers were as follows:

- George Eychner
- Elizabeth Hern
- Jill Drake
- John Hewitt

Kim Clarkson motioned to approve project funding request for the development and construction of an extension to the City's River Trail from the Tranquility Island Bridge to the scenic Downtown Overlook (Pavilion). Greg Appel seconded, and the motion passed 5-2, President Richards and Vice-President Almond opposed.

The EIC did not convene into closed Executive Session.

7 EXECUTIVE SESSION:

- 7.A. Workforce Housing development projects. (551.071, 551.072, 551.087).

8 POSSIBLE ACTION FOR ITEMS DISCUSSED IN EXECUTIVE SESSION: None.

9 ITEMS FOR FUTURE AGENDAS:

- EIC Funding Priorities.
- Revisit City Council 2022-2023 priority list of policies and programs presentation; and discussion into Parks and Recreation projects, and general costs.

- Town Creek River Trail Extension estimate from John Hewitt.

10 ADJOURN. President Richards adjourned the meeting at 6:24 p.m.

Minutes Approved: _____

President Gregory Richards: _____

Attest: Kesha Franchina, Deputy City Secretary: _____



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

SUBJECT: Kerr Economic Development Corporation (KEDC) update.

AGENDA DATE OF: January 9, 2023

DATE SUBMITTED: November 16, 2022

SUBMITTED BY: Gil Salinas, Kerr Economic Development Corporation (KEDC)

EXHIBITS:

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?	Yes
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

RECOMMENDED ACTION:

Information only; no action required.



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

SUBJECT: Kerrville Economic Improvement Corporation (EIC) project status update including the following:

- Tranquility Island Electrical Infrastructure
- KERV Airport Improvements
- Killdeer Mountain Manufacturing
- Peterson Medical Center Campus Infrastructure Improvements
- Louise Hays Park Fitness Court
- Downtown Area Streetscape
- Downtown River Trail Extension
- River Trail, Nimitz Lake

AGENDA DATE OF: January 9, 2023

DATE SUBMITTED: December 9, 2022

SUBMITTED BY: Michael Hornes, Assistant City Manager

EXHIBITS:

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?	Yes
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

RECOMMENDED ACTION:

Information only; no action.

ATTACHMENTS:

[20230109_EIC project update.pdf](#)

Monthly EIC Project Status Report

	Project Name	Description	Estimated Design Completion	Estimated Construction Completion	Comments
1	Tranquility Island Electrical Infrastructure	Partnership with City and Kerrville Christmas Lighting Corporation to help further enhance seasonal and Christmas lighting on Tranquility Island	Complete	Phase 1 Complete	Phase 1 construction complete. Final project closeout coordination and documents review in progress. Phase 2 pending easement approval from General Land Office for Guadalupe River crossing. Private funding to continue based on engineer's projected cost.
2	KERV Airport Improvements	Partnership with KERV, TxDOT, City and County to build T-Hangars, Box Hangars, and other building improvements	TBD	TBD	Dirtwork has begun on both the row hangar and box hangar project site as of December, 2022.
3	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	2023	Staff has been conducting inspections for plumbing and electrical work on the main building finish out.
4	Peterson Medical Center Campus Infrastructure Improvements	Campus improvements including extension of public utilities and roadway	Private	2023	Partnerhsip Agreement approved Jaunary 2022. Design in progress for Surgery Center. Construction in progress for off-site parking with completion anticipated early 2023.
5	Louise Hays Park Fitness Court	Collaboration between BCBSTX, National Fitness Campaign and local donors to provide quality outdoor fitness equipment in Louise Hays Park.	NA	Spring, 2023	The grand opening is scheduled for Spring (March) 2023, pending any unforeseen delays.
6	Downtown Area Streetscape	Relocate overhead utility lines to underground; improved beautification of the garage with stone veneer panels, stone planter boxes, LED light upgrades and xeriscaped planter beds.	TBD	Spring, 2023	KPUB has finalized design and is working on the bid documents. KPUB expects to issue PO in mid-February and commence construction in March, 2023.
7	Downtown River Trail extension	River Trail extension from G Street to Tranquility Island	TBD	TBD	Funding application approved by EIC in November, 2022. Council to consider project December, 2022. Plan is for the development and construction of an extension of the City's river trail from Tranquility Island to the scenic downtown
8	River Trail, Nimitz Lake	Feasibility study of extending trail around lake	TBD	TBD	EIC approved funding for feasibility study for exnesnions of the Kerrville River Trail around Nimitz Lake.



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

SUBJECT: Monthly Financial Report.

AGENDA DATE OF: January 9, 2023

DATE SUBMITTED: December 9, 2022

SUBMITTED BY: Trina Rodriguez, Assistant Director of Finance

EXHIBITS:

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:

RECOMMENDED ACTION:

Information only; no action.

ATTACHMENTS:

[*December 2022 financial presentation.pdf*](#)



Financial update for the month ended December 31, 2022

**Economic Improvement Corporation Meeting
January 9, 2023**



Economic Improvement Corporation
Statement of Activities
Month Ended December 31, 2022

Revenues

	Annual Budget	Current Period	YTD Actual	YTD Budget Estimate	Better/Worse YTD Estimate
Sales and Use Tax	\$ 5,262,270	\$ 376,754	\$ 1,229,928	\$ 1,196,877	\$ 33,050
Interest Income	28,373	23,794	58,869	6,369	52,501
Investment Maturity	3,000,000	-	1,000,000	1,000,000	-
Total Revenues	8,290,643	400,548	2,288,797	2,203,246	85,551

Expenditures

	Annual Budget	Current Period	YTD Actual	YTD Budget Estimate	Better/Worse YTD Estimate
Administrative					
Supplies and Miscellaneous	650	-	-	-	-
Legal Services	10,000	-	-	-	-
Professional Services	200,000	16,667	50,000	50,000	-
Kerr Economic Development Corp.	312,500	-	78,125	78,125	-
Total Administrative	523,150	16,667	128,125	128,125	-
Debt Service					
Debt Service - Series 2019 Ref (River Trail)	251,291	20,941	62,823	62,823	-
Debt Service - Series 2020 Ref (River Trail)	231,000	19,250	57,750	57,750	-
Debt Service - Series 2015 (KSC)	602,850	50,238	150,713	150,713	-
Total Debt Service	1,085,141	90,428	271,285	271,285	-
Investment Purchases	2,500,000	-	980,161	980,161	-
Projects					
Airport Projects	95,901 *	-	475	475	-
Sid Peterson Memorial Hospital	800,000	-	-	-	-
Outdoor Fitness Court	100,000 *	100,000	100,000	100,000	-
Downtown Utilities/Streetscape	400,000 *	-	-	-	-
Downtown River Trail	1,020,280 *	-	-	-	-
Total Projects	2,416,181	100,000	100,475	100,475	-
Total Expenditures	6,524,472	207,095	1,480,046	1,480,046	-

Change in Net Position

\$ 1,766,171 \$ 193,453 \$ 808,751





Economic Improvement Corporation
Cash Flow Forecast
As of December 31, 2022

	FY2023 Actual	FY2023 Estimate	FY2023 Projection	
	Oct 2022 to Dec 2022	Jan 2023 to Mar 2023	Apr 2023 to Jun 2023	Jul 2023 to Sep 2023
Beginning Cash Balance	\$ 3,606,229	\$ 4,397,588	\$ 5,000,437	\$ 4,938,851
Revenue				
Sales Tax	1,229,928	1,308,897	1,244,462	1,512,034
Interest Income	58,869	67,156	63,024	61,502
Investment Maturity	1,000,000	1,000,000	-	1,000,000
Total Revenue	2,288,797	2,376,052	1,307,486	2,573,536
Expenditures				
Administrative				
Supplies and Miscellaneous	-	163	163	163
Legal Services	-	2,500	2,500	2,500
Professional Services	50,000	50,000	50,000	50,000
Kerr Economic Development Corp.	78,125	78,125	78,125	78,125
Total Administrative	128,125	130,788	130,788	130,788
Debt Service	271,285	271,285	271,285	271,285
Projects				
Airport Projects	475	23,975	23,975	23,975
Sid Peterson Memorial Hospital	-	-	800,000	-
Outdoor Fitness Court	100,000	-	-	-
Downtown Utilities/Streetscape	-	200,000	-	200,000
Downtown River Trail	-	125,000	125,000	125,000
Total Projects	100,475	348,975	948,975	348,975
Investment Purchase	980,161	1,000,000	-	1,000,000
Total Expenditures	1,480,046	1,751,048	1,351,048	1,751,048
Interest Receivable	17,391	22,156	18,024	16,502
Ending Cash Balance	\$ 4,397,588	\$ 5,000,437	\$ 4,938,851	\$ 5,744,837



Financial Analysis

Cash Analysis as of December 31, 2022		
Type	Placement	Amount
Pool	EIC TexPool	\$ 4,397,588
ST Investment	MUFG Bank CP-62479MQP1	\$ 989,554
ST Investment	Toyota Motor Credit CP-8923A1VR9	\$ 483,423
ST Investment	FHLB Call Note-3130ATRA7	\$ 500,285
	Total Cash and Investments	\$ 6,370,849

Sales Tax Revenue Analysis - FY2023					
Month	Actual FY2022	Budget FY2023	Actual FY2023	FY2022 vs. FY2023	Budget vs. Actual
October	\$ 365,850	\$ 385,387	\$ 442,046	20.83%	14.70%
November	420,172	432,879	411,128	-2.15%	-5.02%
December	333,189	378,611	376,754	13.08%	-0.49%

Project Analysis as of December 31, 2022			
Project Description	EIC Commitment	Disbursed Funding	Remaining Funding
Committed Projects:			
Airport Projects	132,767	37,341	95,426
Sid Peterson Memorial Hospital	1,600,000	-	1,600,000
Outdoor Fitness Court	100,000	100,000	-
Downtown Utilities/Streetscape	400,000	-	400,000
Downtown River Trail	1,020,280	-	1,020,280
Committed Project Total	\$ 3,253,047	\$ 137,341	\$ 3,115,706



Questions?



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

SUBJECT: Economic Improvement Funding Priorities.

AGENDA DATE OF: January 9, 2023

DATE SUBMITTED: December 13, 2022

SUBMITTED BY: Michael Hornes, Assistant City Manager

EXHIBITS:

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?	Yes
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

RECOMMENDED ACTION:

Information only; no action.



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

SUBJECT: Consider funding the 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 around Nimitz Lake.

AGENDA DATE OF: January 9, 2023

DATE SUBMITTED: December 12, 2022

SUBMITTED BY: Michael Hornes, Assistant City Manager

EXHIBITS:

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

PAYMENT TO BE MADE TO: City of Kerrville, TX

Kerrville 2050 Item? Yes

Key Priority Area P - Parks / Open Space / River Corridor

Guiding Principle N/A

Action Item P6.5 - Continue developing a vision/plan and identify funding options to extend the River Trail

SUMMARY STATEMENT:

At its monthly meeting on November 14, 2022, the Kerrville Economic Improvement Corporation (EIC) discussed the potential funding of a Concept/Feasibility Study for the westward expansion of the Kerrville River Trail around Nimitz Lake. Hewitt Engineering has provided a concept study fee estimate, which is attached to this agenda.

A Concept/Feasibility Study for a westward expansion of the River Trail will include:

- Kickoff meeting with City staff to finalize scope and schedule
- Site Visit and Data Collection
- Identify ownership along the trail and property easement requirements for this trail segment
- Evaluate trail alignment alternatives that comply with all building code and TDLR/ADA requirements.
- Evaluate feasibility of cantilevered trail sections required along a portion of this segment in the limited construction areas including width, height, framework, guardrail design, pier spacing and ramp access
- Determine the locations where site drainage needs to pass under the trail and evaluate bridge and/or elevated trail sections to allow for drainage across the trail.
- Identify constructability and access issues for the construction contractor

- Perform a natural resources constraints review including wetlands/jurisdictional waters determination and listing state and federal threatened and endangered species
- Perform a cursory cultural resources evaluation including archaeological literature and records research
- Review and summary of regulatory issues that will be applicable to this project
- Lead a Public Input Meeting with local residents to identify concerns and desires for the trail
- Evaluate and recommend project phasing
- Determine anticipated design and construction schedule and estimated costs
- Prepare final Concept Study Report

The study is broken out into two parts. The first segment goes from Palacios del Guadalupe Condominiums along the northeast side of the river west to Thompson Drive Bridge. The second segment goes from Thompson Drive Bridge back along the southwest side of the river to Francisco Lemos.

The total lump sum fee for both sections is \$182,800.

RECOMMENDED ACTION:

Approve the 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 around Nimitz Lake.

ATTACHMENTS:

[*20230109_PFA Feasibility Study Nimitz Lake.pdf*](#)

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 AROUND NIMITZ LAKE

THIS PROJECT FUNDING AGREEMENT is entered into this ____ day of _____, 2023, 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 items described by Section 505.152 of the Act* (emphasis supplied); 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 around Nimitz Lake (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 January 9, 2023, 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 \$182,800.00 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 # 70-23003 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

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

By: _____
Judy Eychner, Mayor

By: _____
Greg Richards, President

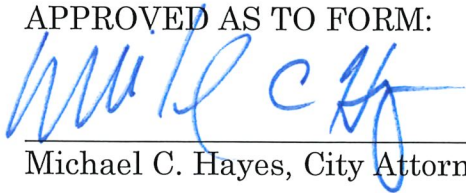
ATTEST:

ATTEST:

Shelley McElhannon, City Secretary

Kesha Franchina, Secretary for the EIC

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney



Hewitt Engineering, Inc.
Consulting Engineering Services

December 5, 2022

Mr. Michael Hornes
Deputy City Manager
City of Kerrville
701 Main Street
Kerrville, TX 78028

Re: River Trail West Segment Improvements–Concept Study Fee Estimate

Dear Michael,

Per your request, I have prepared a scope and fee schedule for the preparation of a Concept Study for the River Trail West Segment Improvements Project. The project will consist of approximately 12,800 linear feet of 10-foot-wide concrete trail located generally along the northeast side of the Guadalupe River from the Palacios del Guadalupe Condominiums extending northwest to the Spur 98 Bridge, then approximately 13,600 linear feet back along the southeast side of the Guadalupe River to the Francisco Lemos Bridge. The scope of the Concept Study will include the following:

- Kickoff meeting with City staff to finalize scope and schedule
- Site Visit and Data Collection
- Identify ownership along the trail and property easement requirements for this trail segment
- Evaluate trail alignment alternatives that comply with all building code and TDLR/ADA requirements.
- Evaluate feasibility of cantilevered trail sections required along a portion of this segment in the limited construction areas including width, height, framework, guardrail design, pier spacing and ramp access
- Determine the locations where site drainage needs to pass under the trail and evaluate bridge and/or elevated trail sections to allow for drainage across the trail.
- Identify constructability and access issues for the construction contractor
- Perform a natural resources constraints review including wetlands/jurisdictional waters determination and listing state and federal threatened and endangered species
- Perform a cursory cultural resources evaluation including archaeological literature and records research
- Review and summary of regulatory issues that will be applicable to this project
- Lead a Public Input Meeting with local residents to identify concerns and desires for the trail
- Evaluate and recommend project phasing
- Determine anticipated design and construction schedule and estimated costs
- Prepare final Concept Study Report

There are several locations along this segment of the river trail that have limited buildable area for the trail between the steep river bank and the river channel. Sparks Engineering Inc. has been added to the project team in order to provide their expertise on possible cantilevered trail sections or other alternatives in these areas. The structural analysis will include evaluation of alternatives such as supports for a possible boardwalk or the construction of a retaining wall along the steep bank of the

river. The structural scope of work will also include the development of estimated construction costs and a discussion of construction methods in the difficult section of this river trail segment.

SWCA Environmental Consultants will be a part of the project team to provide environmental, cultural resources, and regulatory analysis for this section of the river trail. Their scope of work will include a review of available data and desktop analysis of potential natural and cultural resources constraints in the project review area. SWCA recently completed the environmental, cultural and regulatory studies for the Rivertrail Schreiner University and Downtown Segments for the City.

The final result of this project will be a signed and sealed Concept Study Report that summarizes the results of the evaluation, provides alignment recommendations, construction phasing and estimated total project costs for each phase. The total lump sum fee to perform these tasks including subconsultant fees and all expenses is \$182,800.

FEE SCHEDULE Palacios del Guadalupe Condominiums along the northeast side of the river west to the Spur 98 (Thompson Drive) Bridge:

Hewitt Engineering Inc.	\$74,500.00
Sparks Engineering Inc.	\$7,500.00
SWCA Environmental Consultants	\$3,500.00
Total Services Fee.....	\$85,500.00

FEE SCHEDULE Spur 98 (Thompson Drive) Bridge back along the southwest side of the river to Francisco Lemos:

Hewitt Engineering Inc.	\$84,800.00
Sparks Engineering Inc.	\$8,500.00
SWCA Environmental Consultants	\$4,000.00
Total Services Fee.....	\$97,300.00

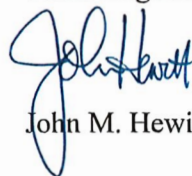
TOTAL FEE \$182,800.00

Please feel free to contact me at 830-315-8800 or by email at jmhewitt@hewitt-inc.com if you would like to discuss this proposal in detail or have any questions.

Sincerely,

HEWITT ENGINEERING INC.

Texas Registered Engineering Firm F-10739



John M. Hewitt, P.E., CFM