

BudaTx Economic Development Corp.

**NOTICE OF SPECIAL MEETING OF THE
CITY OF BUDA 4B CORPORATION
(Buda Economic Development Corporation)
Monday, April 06, 2020, at 6:00 PM**

VIA ZOOM VIDEOCONFERENCE LINK

<https://zoom.us/j/949628437>

Meeting ID: 949 628 437

(In order to attend the meeting, you may enter the URL link above in your web browser or you can download the ZOOM app on your personal device. If you are using your web browser, Google Chrome is recommended; however for best results it is recommended that you download the ZOOM app. A ZOOM account is not required.)

The Buda Economic Development Corporation will hold a regularly scheduled board meeting at **6:00 PM, Monday, April 6, 2020**, via **ZOOM VIDEOCONFERENCE LINK, Meeting ID 949 628 437**.

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENTS / PUBLIC TESTIMONY

Members of the public who wish to participate in Public Comment must utilize the "Chat" function in the Zoom meeting application to request they be recognized for public comment when the period provided for Public Comment is called for consideration by the presiding officer. Members of the public who wish to participate during the Public Testimony period provided for any item on the agenda must utilize the "Chat" function in the Zoom meeting application to request they be recognized for public testimony before the item they wish to participate is called for consideration by the presiding officer. Those individuals who identify themselves to make public comment or to give public testimony during the meeting will be placed on a list and called in that order during "Public Comments" or "Public Testimony."

D. PUBLIC HEARING

1. In accordance with Sections 505.159 and 505.160 of the Texas Local Government Code, the Buda 4B Corporation, a Texas non-profit 4B economic development corporation (the "Buda Economic Development Corporation") will receive public comments related to the following proposed economic development project being considered by the Buda Economic Development Corporation as follows:
 - Pursuant to Local Government Code Section 505.158, the Buda Economic Development Corporation proposes to contribute \$210,000.00 to the City of Buda Still Budaful Stimulus

Program to assist eligible and qualifying small businesses located in the City of Buda during the COVID-19 state of disaster and time of social distancing.

E. GENERAL AGENDA ITEMS

1. **Budget Amendment:** Discussion and possible action to approve a budget amendment reallocating \$65,000 in project funds from the Main Street Historic Preservation Grant Program and reallocating \$145,000 in project funds from the Small Business Incentive Fund, for a total of \$210,000, to the City of Buda, Texas for the COVID-19 Still Budaful Stimulus Economic Development Project for local business financial relief [Public Testimony] – *ANDERSON*
2. **Funding Agreement:** Discussion and possible action to approve a funding agreement with the City of Buda, Texas for a \$210,000 contribution to the City of Buda Chapter 380 Economic Development program titled the Still Budaful Stimulus Program to fund expenditures of the program promoting new and expanded business development within the City of Buda, Texas. [Public Testimony] – *ANDERSON/NICHOLS FIRM*
3. **Program Guidelines:** Discussion and possible action regarding guidelines, qualifications, and other requirements that may be associated with the use of Buda EDC Project Funds contributed for the COVID-19 Still Budaful Stimulus Program [Public Testimony] – *ANDERSON*

F. EXECUTIVE SESSION

1. The Buda Economic Development Corporation Board of Directors will recess its open meeting and adjourn into executive session pursuant to the Texas Government Code, Chapter 551, to deliberate the following:

§ 551.071 (1) – Consultation with Attorney regarding – (1) legal advice regarding a Funding Agreement between the Buda EDC and the City of Buda, Texas for the COVID-19 Still Budaful Stimulus Program.
2. The Buda Economic Development Corporation Board of Directors will reconvene into open session to discuss, consider, and/or take any action necessary related to the items noticed for discussion during executive session [Public Testimony]

G. ADJOURNMENT

Attendance by Other Elected or Appointed Officials:

It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

This agenda has been reviewed and approved by Buda Economic Development Corporation's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the

attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

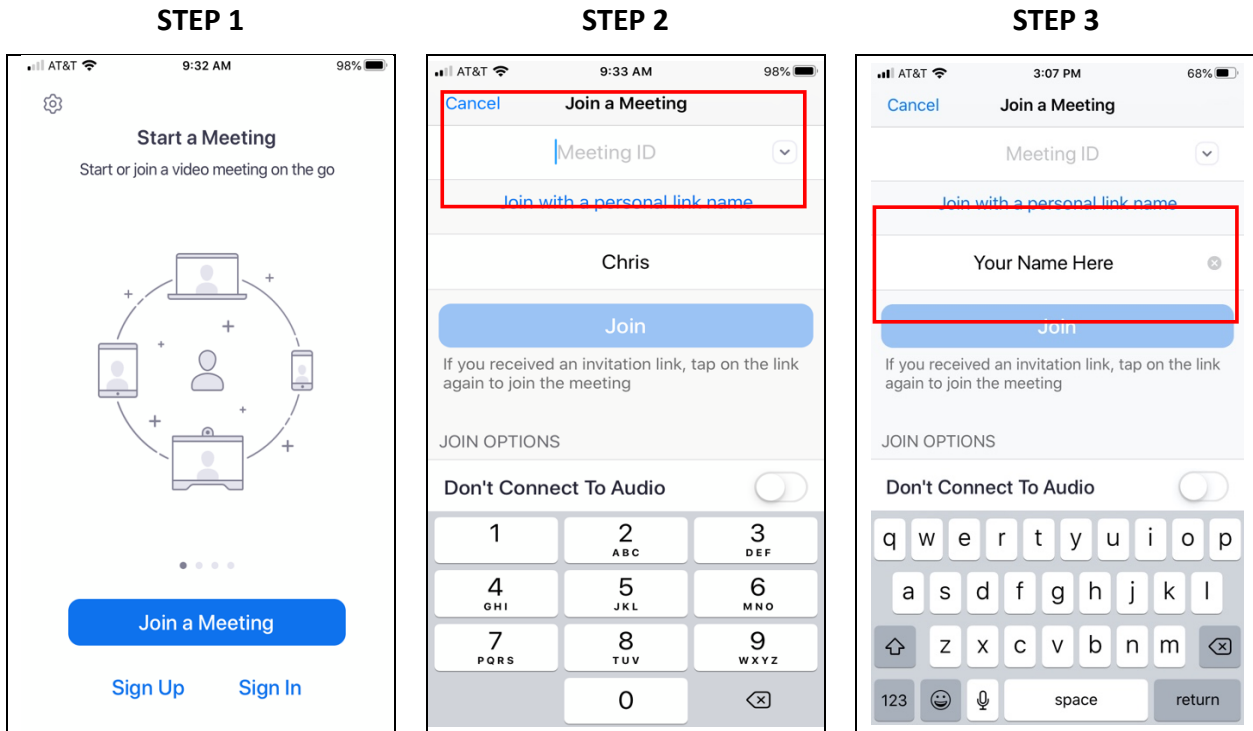
The Buda Economic Development Corporation reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible. The meeting venue is wheelchair accessible and accessible parking spaces are available. Requests for accommodations must be made 48 hours prior to the meeting. Please contact the Economic Development Specialist at 512.295.2022 for information or assistance. I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Governing Body of the Buda Economic Development Corporation was posted on the door of the Buda Economic Development Corporation and Buda City Hall, which is readily accessible to the public at all times, by 5:00 p.m. on Friday, April 3, 2020.

Mandy Shaw

Mandy Shaw, Economic Development Specialist



ZOOM APP DOWNLOAD AND MEETING ENTRY INSTRUCTIONS



Download the Zoom app from your Apple iPhone, iPad, or Android device. Once downloaded, click on the app and you should see the above screen. Choose "Join a Meeting"

You do not need to "Sign Up" or "Sign In" to participate in the meeting.

This is the next screen you will see after selecting "Join a Meeting." Here, you will enter the Meeting ID provided on the Agenda for tonight's meeting.

Do not click "Join" yet.

After you've entered the "Meeting ID", tap the name that appears on your screen and edit it to enter your actual name (if it doesn't already appear) so that you can be identified as public participant.

Now you are ready to join the meeting by pressing "Join"

General appearance guidelines:

- Once you join the meeting, the Zoom meeting coordinator will enable the audio and video for the EDC Board and Staff attendees. It's just like a regular public meeting, so remember to be fully clothed and avoid engaging in any activity that would not be suitable for public viewing (I have to say this, because you'd be surprised what people will do during a Zoom session!)



Buda EDC Agenda Item Report

April 6, 2020

Agenda Item No. E.1.

Budget Amendment: Discussion and possible action to approve a budget amendment reallocating \$65,000 in project funds from the Main Street Historic Preservation Grant Program and reallocating \$145,000 in project funds from the Small Business Incentive Fund, for a total of \$210,000, to the City of Buda, Texas for the COVID-19 Still Budaful Stimulus Economic Development Project for local business financial relief [Public Testimony] – *ANDERSON*

Staff Contact: Traci Anderson

1. Background/History

On April 2, 2020 during a special called board meeting, the board voted to reallocate \$65,000 from the Main Street Historic Preservation Grant Program and reallocate \$145,000 from the Small Business Incentive fund toward the City of Buda COVID-19 Still Budaful Stimulus Grant Program.

2. Current Activity

This item allows for the official approval of the budget amendments for the above items to be considered by Council on Tuesday, April 7, 2020, along with other budget amendments approved on March 9, 2020.

3. Financial Impact

There is not currently a financial impact as these were already budgeted funds. This is just reallocating the funds to another project.

There is a possibility that Main Street will come back to the EDC at a future date asking for the funds again for the Main Street Historic Grant Program.

4. Recommended Actions

Staff recommends approval.

5. Attachments

Budget Amendments

- Yellow highlights were approved March 9, 2020
- Tan highlights were amended after a motion on April 2, 2020 for approval on April 6

Buda Economic Development Corporation
Budget
Budget Amendments #3

		EDC Budget 19-20	Amendments	New Budget Amt.	Notes
Income					
Sales Tax Receipts	General	1,882,899.57			
	Cabela's TIRZ	275,580.39			
	Park 35 South	125,053.25			
	2428 Partners	78,515.04			Estimated based on current Actuals - 5% Increase
	BMG Property	13,000.00			
	Program Income	1,000.00			
Interest Income		40,000.00			
Total Income		2,416,048.25			
Contractual Payouts					
2428 Partners Sales Tax		39,257.52			Percentage of Revenue
Cabela's LGC		234,243.33			Percentage of Revenue
BMG Property		3,900.00			Percentage of Revenue
Principal Payments		205,000.00			Required payment
Interest Payments		52,000.00			Required payment
Total Contractual Payouts		\$34,400.85			
Net Income After Contractual Payouts		1,881,647.40			Revenue available after all contractual payments
Capital Expenditures					
CIP Projects		250,000.00			New CIP Project List from COB
Computers & Equipment		25,000.00			Ops & Fin. Computer / Admin Computer / New Copier / OneDrive Storage
Total Capital Expenditures		275,000.00			*approx. \$200 a month for additional 1 TB Storage
Salaries / Benefits					
Director					
	Salary	125,000.00			Increase to be determined by Board
	Auto Expense	7,500.00			\$625 / month
	Retirement	18,083.25			Percentage of Salary
	Severance	0.00	31,250.00	31,250.00	Equal to 3 months of current salary subject to withholdings, plus unused vacation
Finance					
	Salary	68,000.00			Increase to be determined by Board
	Cell Expense	900.00			\$ 75 / month
	Retirement	9,588.00			Percentage of Salary
Planning					
	Salary	57,000.00	-57,000.00	0.00	Increase to be determined by Board
	Cell Expense	900.00	-900.00	0.00	\$75 / month
	Retirement	9,163.90	-9,163.90	0.00	Percentage of Salary
Retail Marketing					
	Salary	56,375.00	-56,375.00	0.00	Increase to be determined by Board
	Cell Expense	900.00	-900.00	0.00	\$75 / month
	Retirement	7,755.00	-7,755.00	0.00	Percentage of Salary
Administrative Assistant					
	Salary	35,000.00			Increase to be determined by Board
	Retirement	5,000.00			Percentage of Salary
Health Insurance		48,000.00			Estimate
Health Insurance/Co-Pay Reimbursements		15,000.00	2,150.00	17,150.00	Estimate
Temporary Staffing - Administrative		25,000.00	-29,000.00	0.00	Marketing Temporary / Contract Buyout
Economic Development Consulting Fee		14,000.00	-2,456.11	22,543.89	Admin Temporary / Contract Buyout
Executive Director Search Related Expenses		10,000.00			Contingency / Additional Consulting
Relocation Related Reimbursement		10,000.00			Executive Search Firm expenses & Interview Travel Expenses
FICA/Medicare		27,000.00			Moving Costs and related expenses
Total Salaries / Benefits		578,165.15			Percentage of Salary
Insurance					
COB Workers Comp Insurance	*4 Employees	1,272.00			Estimate
COB - Unemployment Insurance	*4 Employees	1,000.00			*approx. 2.6% of the 1st \$9,000 earned per yr per employee
D & O Insurance		2,900.00	-2,000.00	0.00	will review totals for 3 employees next budget year
Total Insurance		4,272.00			will review totals for 3 employees next budget year
Operations					
Cell Phone		1,750.00	518.86	1,231.14	Director's Cell Phone
City of Buda - Office Rental & M/O	*Office Rental \$28,050 / M/O \$12,000	41,000.00			Payment to City of Buda for EDC offices and maintenance
Mileage / Parking		3,500.00			Mileage/Parking Reimbursements
Cleaning Service		3,500.00			EDC office Cleaning - increasing 10%
Subscriptions		500.00			Magazine/Professional Publication Subscriptions
City of Buda - Admin & Professional Services					Payment to City of Buda for Payroll Admin and Audit Services
	Audit Services	10,000.00			
	Administrative Services	2,400.00			
	Payroll Services	10,941.00			

	HR Services	9,013.00				
	IT Services	2,880.00				*\$60 per Device / paid Quarterly
Postage/Mailing Supplies		1,500.00				Postage/Mailing
Office Supplies		6,000.00				General Office Supplies
Copier/Printing Supplies		3,200.00				New Copier Maintenance and Printing Supplies
Legal		50,000.00	64,000.00	114,000.00		Estimated Legal Fees; avg \$3200/month over last 5 months
Accounting		7,500.00				Accounting Services
CoStar		9,200.00				Property Database Subscription and Service
Impact Data		5,300.00				Economic Impact Report Service
Zoom Prospecter		8,750.00	-2,750.00	6,000.00		BudaXInfo Website Services renegotiated contract to \$6k from \$8750; decrease \$2750
Planning/Strategic Services		7,500.00				Follow up services from ED Strategic Plan
Cloud Nine / PA USA		7,000.00				EDO Licenses / 365 Licenses (8 total)
Marketing Software		2,000.00				Design Software Subscriptions
Other Professional Services		6,500.00				Other Prof. Services need i.e. engineering, research, storage unit
Total Operations		199,934.00				
Marketing						
Retail Recruitment						
	ICSC Conferences	8,500.00				ICSC Conference registration and related expenses
	ICSC Travel	4,000.00				ICSC Travel Expenses - Airfare, Hotel, Mileage
	ICSC Promotional Items & Printing	2,000.00				Retail recruitment printing and promotional items
	Other Programs/Services	2,500.00				Misc.
	SCORE Workshops	5,000.00				SCORE Workshops
Website / Communications/Video						
	Website	2,000.00	1,000.00	3,000.00		Hosting and Website Services annual hosting/maintenance
	Software	500.00				Video Software
	Equipment	1,500.00				Video Equipment etc.
	Social Media Archive	2,500.00				Archive Social Subscription
	Newsletter & Social Media Services	2,500.00				Constant Contact and Other Social Media Management Services
General Marketing Supplies/Materials						
	Supplies/Materials	2,500.00				General EDC Marketing Materials - Property Books & Rack Cards
	Promotional Items & Printing	4,000.00				General EDC Promo Items/Printed Materials
	Tradeshow Display	3,000.00				New EDC Tradeshow Display
Traditional Economic Development						
	Tradeshows/Conference/Recruitment Activities	6,500.00				Recruitment Activities/Conferences
	Austin Chamber/Team Texas Activities	5,000.00				Recruitment Trips/Conferences
	TEDC Activities	2,000.00				Includes Retail and Trad. ED Activities for Tx. Eco. Dev. Council
	Site Visits - External Prospects	4,000.00				Company Site Visits - Recruitment
	Small Business Sponsorship/Mentorship	25,000.00				SCORE Mentorship / Workforce Workshops
Planning						
	Education/Outreach	7,500.00	-7,500.00	0.00		Partnership with City - Permitting Process Workshops
	Printing/Materials	1,000.00	-1,000.00	0.00		Planning Brochures and printed materials
Chamber Activities		2,800.00				Chamber gala / Luncheons
Business & Industry Mixers		15,000.00				Partnership with Buda Chamber / business mixers
Community Outreach						
	Coffee Chats	1,000.00				ED Coffee Chats
	Shop Buda	5,950.00	-4,000.00	1,000.00		Shop Buda Campaign Materials 3000; only spent 360.65; for hometown holiday event
	Economic Development Week Activities	1,500.00				Economic Development Week Activities
ED Summit & Business Recognition / Business Appreciation Activities		25,000.00				Annual Event to Award Existing Businesses and Spotlight Economic Development in Buda
Advertising						
	Media Advertising - Print	3,000.00				Austin Eco. Dev. Guide / Print Media (ABJ)
	Media Advertising - General	30,000.00				Billboards, Electronic Signs
	Social Media Advertising	1,500.00				Social Media Advertising (FB, Twitter, Instagram)
	City of Buda - Trail Of Lights Sponsorship	5,000.00				Trail of Lights Event Sponsorship
	Trail of Lights Display	2,500.00				Addition to Buda EDC's Tol. Display
Professional Memberships						
	Team Texas	3,000.00				Membership dues
	Opportunity Austin	2,500.00				Membership dues
	SEDC/IEDC/TEDC/ICSC	2,500.00				Employee Membership dues
	Community Orgs.	500.00				Membership dues - Chamber Dues
	Chamber Memberships for PA Companies	2,500.00				EDC Projects
	GSMP Membership	10,000.00				GSMP Membership
	Research	2,500.00				Cost of Living and Other data subscriptions
Total Marketing		207,300.00				
Professional Development						
Continuing Education						
General Travel		10,000.00				Airfare, Mileage, Hotel, Per Diem
	Retail/Marketing Training/Certification	3,000.00	-3,000.00	0.00		
	ED Training/Recertification	3,000.00				Professional Development Training Registration and Travel for Each Position as part of Individual Professional Development Plans. Unused fund from one position may be transferred to another position with Executive Director and/or EDC Board of Directors approval.
	Finance/Operations Training Recertification	3,000.00				
	Planner Training/Certification	3,000.00	-3,000.00	0.00		
	Administrative Assistant Certification	3,000.00				Administrative Assistant Certification
	Staff Travel - was broken out by individual position	0.00				Staff Travel Expenses - Airfare, Hotel, Per Diem
Leadership Training		2,000.00				Employee Leadership Training
Market Trends/Education		1,250.00				Webinars and Other Education Opportunities - Employees
BEDC Board Costs		2,000.00	1,500.00	3,500.00		EDC Board Meeting Costs & Updates average about \$30-\$100 per meeting; increased by \$1500
EDC Required Training		6,000.00				Includes Sales Tax Workshop (10) & Basic ED Course (5)
Total Professional Development		36,250.00				

Programs / Services				
	City of Buda - Main Street Grant Program Funding	30,000.00		Payment to City of Buda for Main Street Grant Program
	City of Buda - Main Street Historic Preservation Grant Funding Project COVID	65,000.00	65,000.00	Reallocating funds from Main Street Historic Grant to COB Project COVID Still Budafu/ Stimulus Program
	Small Business Programs & Grants-COB Project COVID Still Budafu/ Stimulus Program	150,000.00	-5,000.00	EDC Grant Program Reimbursements-Reallocating to COB Project COVID Still Budafu/ Stimulus Program <small>There has only been \$5,000 expensed from this grant account to Bahama Bucks</small>
	Large Business Incentives	350,000.00		Traditional Economic Development Incentives
	BSW Incentive	0.00	375,000.00	Paid Incentive Agreement <small>new line item and funding amount</small>
	Trade Workforce Partnerships	20,000.00		Partnership with Hays EDC's - Trade Industries Workforce Awareness - Transportation & related costs
	City of Buda - Sportsplex Maintenance	40,000.00		Payment to City of Buda for Sportsplex Maintenance
Total Programs / Services		655,000.00		
	Depreciation Expenses	1,500.00		Depreciation of Office Equipment/Furniture
Total Expenses		1,856,921.15		
Net Income		-75,273.75		
Other Financial Items				
	Reallocation of Reserve Funds to Restricted Project Account	180,000.00		Transfer from unrestricted reserves to restricted reserves.
	Heaven Hill (Deep Eddy)	0.00	25,000.00	Per agreement, they have until 1/1/25 to open a tasting room to receive the incentive

total decreased: \$187,318.97
total increased: \$499,900



Buda EDC Agenda Item Report

April 6, 2020

Agenda Item No. E.2.

Funding Agreement: Discussion and possible action to approve a funding agreement with the City of Buda, Texas for a \$210,000 contribution to the City of Buda Chapter 380 Economic Development program titled the Still Budaful Stimulus Program to fund expenditures of the program promoting new and expanded business development within the City of Buda, Texas. [Public Testimony] – *ANDERSON/NICHOLS FIRM*

Staff Contact: Traci Anderson

1. Background/History

On April 2, 2020 during a special called board meeting, the board voted to reallocate \$65,000 from the Main Street Historic Preservation Grant Program and reallocate \$145,000 from the Small Business Incentive fund toward the City of Buda COVID-19 Still Budaful Stimulus Grant Program. The budget amendment is anticipated to be approved April 6, 2020 in Agenda Item No. E.1.

2. Current Activity

This item allows for the approval of the resolution and funding agreement with the City of Buda for \$210,000 toward the Project COVID Still Budaful Stimulus Program.

3. Financial Impact

There is not currently a financial impact as these were already budgeted funds. This is just reallocating the funds to another project.

There is a possibility that Main Street will come back to the EDC at a future date asking for the funds again for the Main Street Historic Grant Program.

4. Recommended Actions

Staff recommends approval.

5. Attachments

Funding Agreement

**AGREEMENT FOR THE FUNDING OF THE
STILLBUDAFUL STIMULUS PROGRAM BETWEEN
THE CITY OF BUDA, TEXAS AND THE
CITY OF BUDA 4B CORPORATION**

This “Agreement for the Funding of the StillBudaful Stimulus Program” (the “Funding Agreement”) is entered into as of the ___ day of _____, 2020, by and between the City of Buda, Texas, a home-rule municipality located in Hays County, Texas (the “City”) and the City of Buda 4B Corporation, a non-profit economic development corporation (the “Buda EDC”), created and operated as a Type B corporation pursuant to the provisions of Chapters 501 and 505, Texas Local Government Code, as amended (the “Act”).

WITNESSETH:

WHEREAS, the Buda EDC is a Type B corporation in a city with a population of 20,000 or less and is authorized under Local Government Code Section 501.001 et seq. and more specifically Section 505 to provide land, building, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the board of directors to promote new or expanded business development provided that, for projects which require an expenditure of more than \$10,000.00, the city council adopts a resolution authorizing the project after giving the resolution at least two (2) separate readings; and

WHEREAS, the City, in response to the COVID-19 state of disaster, met on April 7, 2020 and established the StillBudaful Stimulus Program (the “Program”) to assist eligible and qualifying small businesses located in the City of Buda during the COVID-19 state of disaster and time of social distancing; and

WHEREAS, the Buda EDC finds that the Program promotes new and expanded business development within the City of Buda; and

WHEREAS, the Buda EDC conducted a public hearing on this Project on April 6, 2020 and shall not fund more than \$10,000.00 of the project until the 61st day after the date notice of the specific project was first published; and

WHEREAS, the Buda EDC finds that this grant program was approved by the city council by resolution authorizing the project after giving the resolution two separate readings; and

WHEREAS the Buda EDC hereby finds, determines and declares, that it met on April ___, 2020, and at that time took formal action to support and authorized a grant to the Program in an amount not to exceed Two Hundred Ten Thousand Dollars (\$210,000.00), that it approved a budget amendment to appropriate the necessary monies to fund a grant to the Program, and that it published a Notice to the public of this Project on or about April 4, 2020, and that it conducted a public hearing on April 6, 2020 to receive public input for such Project; and

WHEREAS the City further finds that on April 7, 2020, the City of Buda, Texas City Council approved on the first and final reading of Resolution No. 2020-_____ authorizing funding of the Program in an amount not to exceed one hundred seventy thousand dollars

(\$170,000) and accepting a contribution from the Buda EDC towards the Program to promote new or expanded business development in response to the COVID-19 state of disaster; and

WHEREAS the City and Buda EDC have determined that partial funding by the Buda EDC through 4B revenues for new and expanded business development in an amount not to exceed two hundred ten thousand dollars (\$210,000.00) as generally authorized by the Act, as appropriate and consistent with the goals of the Act; and

WHEREAS the Buda EDC and City hereby find, determine and declare that the respective meetings of the City Council of the City and the Board of Directors of the Buda EDC at which this agreement was approved were open to the public and public notice of the time, place and subject matter of the public business to be considered and acted upon at said meeting, including this Agreement, was given, all as required by the applicable provisions of Chapter 551, Texas Government Code, as amended;

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

I. AGREEMENT

For and in consideration of the respective promises and mutual covenants and benefits hereinafter set forth, the City and Buda EDC agree to the following funding terms regarding the COVID-19 StillBudaful Stimulus Program:

A. The City, in consultation with Buda EDC, agrees to fund the StillBudaful Stimulus Program in a minimum amount of One Hundred Seventy Thousand Dollars (\$170,000.00) for the purposes of disbursing grants to qualifying businesses, under the Program, within the City of Buda, Texas suffering business interruption during the state of disaster.

B. The Buda EDC agrees to contribute Two Hundred Ten Thousand Dollars (\$210,000.00) towards the Program for the purposes of promoting new and expanded business development within the City of Buda as administered by the Program.

C. The Buda EDC agrees to approach the Buda Area Chamber of Commerce and its private contacts in the City of Buda, Texas to solicit private donations to the Program.

D. The City and Buda EDC agree that the Program funds will be distributed over the next ninety (90) to one hundred twenty (120) days, with monthly allocations based upon funds availability over the next one hundred twenty (120) days in accordance with the terms of the Program

E. Payments made by the City from 4B Revenues as authorized by "A." and "B.", above, shall be limited to the payment of "costs" as defined by the Act.

II. REPRESENTATIONS AND WARRANTIES

3. The Buda EDC's Representation and Warranties.

A. The Buda EDC represents and warrants that it is authorized by applicable law and by its articles of incorporation to enter into this Funding Agreement and make the payment(s) to the City in the manner and to the extent provided in the Program.

B. The Buda EDC represents and warrants that the Project is an authorized project of the Buda EDC under the Act, and that the Buda EDC has taken all action and obtained all approvals required by law and its bylaws in order to proceed with this Project and to undertake its obligations under this Funding Agreement.

C. The Buda EDC agrees to do and perform or cause to be performed all acts and things required to be done or performed by or on behalf of the Buda EDC under this Funding Agreement.

D. The Buda EDC represents and warrants that this Funding Agreement constitutes a valid, legal and binding obligation of the Buda EDC enforceable in accordance with its terms, subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws and principles of equity.

4. The City's Representations and Warranties.

A. The City represents and warrants that it is authorized by applicable law and will take and pursue all action permissible under applicable law to cause the contribution provided by the Buda EDC towards the Program and Project to be applied only to proper Costs under the Act.

B. The City agrees to do and perform or cause to be performed all acts and things required to be done or performed by or on behalf of the City under this Funding Agreement.

III. GENERAL PROVISIONS

A. Section or Other Headings. Article or other headings contained in this Funding Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

B. Entire Agreement. This Funding Agreement contains the entire agreement between the parties with respect to the transactions contemplated herein.

C. Amendment. This Funding Agreement may only be amended, altered or revoked by written instrument signed by all parties.

D. Successors and Assigns. This Funding Agreement shall be binding on and inure to the benefit of the parties and their respective successors and assigns. No assignment by either party shall be made without the express written consent of the other party.

E. Waiver. No term or condition of this Funding Agreement shall be deemed to have been waived, nor shall there be any estoppel to enforce any provision of this Funding Agreement, except by written instrument of the party charged with such waiver or estoppel.

F. Remedies. Upon breach of any of the commitments and obligations contained in this Funding Agreement in addition to any other remedies expressly set forth in this Funding Agreement with respect to such breach, the aggrieved party shall have such remedies as are available in law or equity for breach of contract; provided, however, that no party shall be liable to any other party for incidental or consequential damages.

G. Notices. Unless otherwise specifically provided, any notice, statement and/or other communication required and/or permitted to be delivered hereunder shall be in writing and shall be sent by electronic mail (e-mail) and deemed received the next business day, or mailed by first-class mail, postage prepaid, or delivered by hand, messenger, telecopy, or reputable overnight carrier, and shall be deemed delivered when received at the addresses of the parties set forth below, or at such other address furnished in writing to the other parties hereto:

For Buda EDC:

Buda Economic Development Corporation
Attention: Traci Anderson, Executive Director
405 E. Loop St., Building 100
Buda, Texas 78610
Email: traci@budaedc.com

With a copy to:

Chris Nichols, EDC Attorney
The Nichols Firm, PLLC
1010 N. San Jacinto St., Suite 100
Houston, Texas 77002
Email: chris@nicholsfirm.com

For City:

City of Buda, Texas
Attention: Kenneth Williams, City Manager
405 E. Loop St., Building 100
Buda, Texas 78610
Email: kwilliams@ci.buda.tx.us

With a copy to:

George Hyde, City Attorney
Russell Rodriguez Hyde Bullock, LLP
1633 Williams Dr., Bldg. 2, Suite 200
Georgetown, Texas 78628
Email: ghyde@txlocalgovlaw.com

H. Applicable Law. This Funding Agreement is made and shall be construed under the laws of the State of Texas, and venue shall lie in state courts located in Hays County, Texas.

I. Severability. In the event any provision of this Funding Agreement is illegal, invalid, or unenforceable under present or future laws, then, and in that event, it is the intention of the parties hereto that the remainder of this Funding Agreement shall not be affected thereby, and it is also the intention of the parties to this Funding Agreement that in lieu of each clause or provision that is found to be illegal, invalid, or unenforceable a provision be added to this Funding Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

J. No Third-Party Beneficiaries. City and the Buda EDC intend that this Funding Agreement shall not benefit or create any right or cause of action in or on behalf of any third-party beneficiary, or any individual or entity other than City, the Buda EDC, or permitted assignees of such parties.

K. No Joint Venture. Nothing contained in this Funding Agreement is intended by the parties to create a partnership or joint venture between the parties, and any implication to the contrary is hereby expressly disavowed. It is understood and agreed that this Funding Agreement does not create a joint enterprise, nor does it appoint any party as an agent of any other party for any purpose whatsoever. Except as otherwise specifically provided herein, no party shall in any way assume any of the liability of any other for acts of any other party or obligation of any other party.

L. Counterparts. This Funding Agreement may be executed in multiple counterparts, each of which shall be considered an original, but all of which shall constitute one instrument.

[SIGNATURE PAGE FOLLOWS]

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

CITY OF BUDA, TEXAS

CITY OF BUDA 4B CORPORATION

By: _____
Kenneth Williams, City Manager

By: _____
Jennifer Storm, President

ATTEST:

ATTEST:

Alicia Ramirez, City Clerk

Traci Anderson, Executive Director

APPROVED AS TO FORM:

APPROVED AS TO FORM:

George E. Hyde,
City Attorney

Chris Nichols,
Buda EDC Attorney

DRAFT



Buda EDC Agenda Item Report

April 6, 2020

Agenda Item No. E.3.

Program Guidelines: Discussion and possible action regarding guidelines, qualifications, and other requirements that may be associated with the use of Buda EDC Project Funds contributed for the COVID-19 Still Budaful Stimulus Program [Public Testimony] – *ANDERSON*

Staff Contact: Traci Anderson

1. **Background/History**

The Board reviewed the draft on April 2, 2020 and was asked to provide additional information.

2. **Current Activity**

When the second draft is sent out, we will send to the Board for review. Additional comments can be made via email or at the meeting on Monday.

3. **Financial Impact**

N/A

4. **Recommended Actions**

None.

5. **Attachments**

Draft 3 of the Still Budaful Stimulus Program

Still Budaful Stimulus Program Application

Overview:

The City of Buda and the Buda Economic Development Corporation has developed a Still Budaful Stimulus Program to assist small businesses within the City of Buda during the COVID-19 pandemic. The program provides limited financial assistance to businesses severely impacted as a result of the Stay at Home, Work Safe order implemented by Hays County and the City of Buda to flatten the curve.

History:

On March 20, 2020, the City Council of the City of Buda created the Small Business Task Force (“Task Force”) to explore ways to assist small businesses affected by COVID-19. The Task Force will evaluate applications to the Still Budaful Stimulus Program.

The Task Force consists of: City Council Member Evan Ture; City Manager of the City of Buda Kenneth Williams; Assistant City Manager for the City of Buda Lauren Middleton-Pratt; Buda Area Chamber of Commerce Executive Director J.R. Gonzales; Director of Tourism for the City of Buda Lysa Gonzalez; Director of the Main Street Program for the City of Buda Maggie Gillespie; and City Attorney for the City of Buda George Hyde. Unlike the other members of the Task Force, Mr. Hyde reviews applications for legal compliance and does not evaluate the substance of applications.

The Still Budaful Stimulus Program will provide \$380,000 in government-funded grants through a partnership with the City of Buda and the Buda Economic Development Corporation. Further, the City is seeking substantial additional funding from the private sector.

Eligibility and Qualifications:

To keep businesses running through a time of social distancing, the task force has developed a stimulus program that can assist small Buda businesses that are independently owned and operated with a maximum of 50 employees. Eligible industries include retail (storefront), food and beverage; personal care (barber shop, nail salons, spas, etc.), automobile maintenance, education training, health/wellness, art galleries, performance venues and small manufacturing businesses. National chains and home-based businesses are not eligible for the grant.

Small businesses wishing to apply for the grant must meet the following criteria:

- Physical and publicly accessible location within the City of Buda city limits (no home-based businesses).
- Experienced or projected to experience a decline in revenue and/or employment starting March 1, 2020 and ending at which time the government has allowed citizens to return to normal activity.
- In good standing with the City of Buda regarding licensing and permits.,
- Must be registered with the Texas Comptroller’s Office as a sales tax revenue generating business for the City of Buda.
- Engaged in activities that are legal under city and state law.
- Meet program technical requirements including ability to provide financial records to support grant request.

Still Budaful Stimulus Program Application

Eligibility and Qualifications:

Eligible expenses allowed under the grant program include:

- Rent/Mortgage
- Employee support (salaries, insurance, paid leave, etc.)
- Utilities (electricity, phone/internet, etc.)
- Purchase of supplies to offer alternative business access (curbside pickup, delivery, shipping)
- Purchase of COVID-19 supplies for business/customer protection/cleaning
- Additional expenses as a result of increased cost from suppliers or alternate suppliers
- Other business needs as approved by the Small Business Task Force

Review Process:

- One application for up to \$5,000 may be submitted per business until all resources have been allocated.
- Applications will be reviewed by the Small Business Task Force to ensure completeness and eligibility.
- Applicants will be notified of the status of their application within 5-7 business days of receipt.
- Payments will be made directly to the applicant to be utilized for eligible expenses.

Still Budaful Stimulus Program Application

Please complete the information below and submit to the Still Budaful Stimulus Program online or via email at CREATE NEW EMAIL OR USE EDC EMAIL (CONSULT W/ MICAH) along with a signed W9 and all supporting documentation.

Applicant Information

Name of Applicant: _____

Name of Business: _____

Business Address: _____

Email: _____ Phone: _____

Business Category/NAICS Code: _____

Name of Business Owners (including investors): _____

Business Disaster/Interruption Insurance: Y or N

Business Impacts

What are the impacts to your business from COVID-19? Please check all that apply.

_____ Temporary Business Closure

_____ Permanent Business Closure

_____ Reduced Hours of Operation

_____ Employee Layoffs/furloughs

_____ Restricted access to capital to address costs

_____ Revenue decline

_____ Inability to respond to home delivery

_____ Inability to serve customers

_____ Interrupted supply/deliveries from vendors

_____ Decreased customers

_____ Increased operating costs

_____ Other

Employees. Please describe how many employees you employed prior to the impact; how many you currently have and how many you anticipate in the future as a result of COVID-19.

Still Budaful Stimulus Program Application

	Full Time Employees	Part Time Employees
How many did you have on January 1, 2020		
How many did you have on March 1, 2020?		
How many do you currently have as of application date?		
How many do you anticipate in 30 days from application date?		

Business Revenue. Current and anticipated percentage revenue decline related to COVID-19 Impacts.

Current percentage decline in revenue	___ Less than 5%	___ 5-10%	___ 10-25%	___ >25%
Anticipated percentage decline in revenue – 30 days from application	___ Less than 5%	___ 5-10%	___ 10-25%	___ >25%
Anticipated percentage decline in revenue – 60 days from application	___ Less than 5%	___ 5-10%	___ 10-25%	___ >25%

Grant Funds

Please indicate how your business will utilize the grant funding if approved.

___ Rent/Mortgage

___ Employee support (salaries, insurance, paid leave, etc.)

___ Utilities (electricity, phone/internet, etc.)

___ Purchase of supplies to offer alternative business access (curbside pickup, delivery, shipping)

___ Purchase of COVID-19 supplies for business/customer protection/cleaning

___ Additional expenses as a result of increased cost from suppliers or alternate suppliers

___ Other

Briefly describe how your business has been impacted and the intended use of the grant funds. You may include any applicable expense descriptions and associated due dates.

I certify that all the information provided is true and accurate to the best of my ability and financial information has not been manipulated to exaggerate the financial duress of this business. I understand

Still Budaful Stimulus Program Application

that the information submitted in this application may require additional supporting documentation and will be shared with the Small Business Task Force committee.

I understand that the Small Business Task Force will not accept and/or evaluate incomplete applications.

I understand that the Small Business Task Force may grant or deny applications at its sole discretion.

I understand that my business is not entitled to a grant.

Applicant

Date

Received Date:

Time: