

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: April 28, 2015		DATE SUBMITTED: April 10, 2015	
DEPARTMENT OF ORIGIN: Economic Development		SUBMITTED BY: Lindsey Guindi	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input checked="" type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
<p>AGENDA ITEM DESCRIPTION: Consideration of nine (9) grant requests for façade improvements in the amount of \$145,318.50, which is to be paid from the Tax Increment Reinvestment Zone (TIRZ) #21 fund, for buildings located at the following addresses: 107-A South Main Street, 111 East 27th Street, 201 East William Joel Bryan, 204 East 23rd Street, 206 West 28th Street, 216 North Bryan Avenue, 400 North Washington Avenue, 419 North Main Street, and 607 North Tabor Avenue in Bryan, Brazos County, Texas.</p>			
<p>SUMMARY STATEMENT: The Bryan City Council adopted a resolution that modified the application and submittal guidelines for the Downtown Improvements Program (DIP) grant in December 2014. The modifications included the establishment of submittal deadlines, modifications of submittal requirements for applicants, and the creation of an application review panel. The changes created a more streamlined process for applications and the review panel ensures viable projects are in compliance with the Secretary of the Interior's Standards for Historic Preservation, and selected projects will provide a positive economic impact to the downtown area.</p> <p>Notification letters regarding the available funding and application changes were mailed on December 3, 2014, to all properties located within the eligible area for DIP funding. A total of nine (9) DIP applications were received by the submittal deadline of 5:00pm on February 16, 2015. The Downtown Improvements Grant Review Panel – made up of the City Engineer, the Director of Strategic Projects, the Historic Preservation Officer, a TIRZ 21 board member, and a Historic Landmark Commissioner – met on March 2, 2015, to review and make recommendations to the Historic Landmark Commission regarding each application.</p> <p>At a regular Historic Landmark Commission meeting on March 25, 2015, the Commission reviewed all applications and kept the same recommendations as the Downtown Improvements Program Review Panel for eight (8) of the nine (9) applications. The Bryan City Council will determine the final monetary allocation for each submittal, not to exceed \$200,000 for the nine (9) submissions. The grant monies, if approved, will be distributed to applicants for completed work once receipts for eligible improvements are submitted to the Planning and Development Services Department.</p>			
<p>STAFF ANALYSIS AND RECOMMENDATION: During its regular meeting on March 25, 2015, the Historic Landmark Commission concurred with the DIP review panel and <u>recommended approval</u> of the following requests:</p> <ul style="list-style-type: none"> • 107-A South Main Street - \$30,000 (original request: \$30,000) • 111 East 27th Street - \$40,000 (original request: \$100,000) • 206 West 28th Street - \$6,225 (original request: \$6,225) • 216 North Bryan Avenue - \$4,093.50 (original request: \$4,093.50) • 419 North Main Street - \$30,000 (original request: \$30,000) 			

The Historic Landmark Commission recommended conditional approval of the following request:

- 400 North Washington Avenue - \$35,000 (original request: \$34,000)

The Historic Landmark Commission modified this request to allow the applicant to submit receipts for completed work that would have been eligible for grant funds had the grant been funded at the time the work was performed. If documentation showing the amount spent on eligible improvements is not received by the April 28 City Council meeting, the recommendation for the project will revert to a recommendation for no funding as previously recommended by the DIP Review Panel.

The Historic Landmark Commission concurred with staff and recommended no funding for the following requests, as they did not meet application and/or submittal guidelines:

- 201 East William Joel Bryan (original request: \$100,000)
- 204 East 23rd Street (original request: \$11,450)
- 607 North Tabor Avenue (original request: \$7,400)

OPTIONS (In Suggested Order of Staff Preference): (options may require consideration at a future City Council meeting)

1. approve the façade grant requests, as recommended by the Historic Landmark Commission;
2. approve the façade grant requests with modifications to the amount of funding, not to exceed \$200,000 total; or
3. deny the façade grant requests.

ATTACHMENTS:

1. location map
2. minutes from the Historic Landmark Commission meeting on March 25, 2015; and
3. Downtown Improvements Program review and recommendation sheets and applications – 9 separate pdf documents

FUNDING SOURCE: Tax Increment Reinvestment Zone (TIRZ) #21 fund

APPROVALS: Joey Dunn, 04-10-15; Hugh R. Walker, 04/14/2015

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 4/20/2015

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 4/21/2015

LOCATION MAP:



EXCERPT FROM THE HISTORIC LANDMARK COMMISSION'S MARCH 25, 2015 DRAFT REGULAR MEETING MINUTES:

- 5. REQUESTS FOR MATCHING GRANT FUNDING BY THE DOWNTOWN IMPROVEMENTS PROGRAM FOR FISCAL YEAR 2015. (The Commission shall either recommend approval, approval with modifications, or denial of each proposal. If a proposal is recommended for approval with modifications by the Commission, the application may be modified to accommodate the Commission's recommendations before the matching grant application is forwarded to the City Council. Historic Landmark Commission makes recommendation; City Council has final approval).**

Commissioner Lawrence excused himself from deliberation and voting on this agenda item.

Ms. Dalton presented general information concerning the Downtown Improvements Program as well as general statistics about the grant applications received:

- Nine grant applications were received before the submission deadline.
- Approximately \$200,000 is available for the FY2015 Downtown Improvements Program.
- A total of \$342,718.50 in funding has been requested by the nine grant applications.
- The Downtown Improvements Program Review Panel that had been tasked with making application recommendations to the Historic Landmark Commission and is made up of the City of Bryan City Engineer, Director of Strategic Projects, Historic Preservation Officer, a Historic Landmark Commissioner, and a TIRZ 21 Board Member.
- During this meeting, the Historic Landmark Commission will be reviewing the nine grant applications and making recommendations to the City Council. The City Council will then make the final decision on project funding during their April 28, 2015 regular meeting.
- The Commission can recommend to the City Council an approval, approval with modifications, or denial of each application.
- Any unused funds from this year's program budget will roll over to next year's improvement program and will not be forfeited if left unused.
- Any funding awarded through the improvement program will need to be matched by the applicants.

a. 107-A SOUTH MAIN STREET (Brazos Masonic Lodge #129 – William Love).

Ms. Dalton presented the Commission with an overview of the grant application from the subject property. Information included:

- The applicant is requesting \$30,000 for repair and replacement of the soffit, repair and replacement of the fascia, repair and replacement of the windows, and the repair of the masonry on the facade.
- The Downtown Improvements Program Review Panel recommends \$30,000 in funding.

Chairperson Hairston invited the applicant or a representative to speak on behalf of the application.

Mr. William Love, 107-A South Main Street, applicant, made himself available for questions concerning the subject property and their grant application.

In response to questions, Mr. Love responded that the application is requesting funds to make

repairs to the soffit, fascia, and windows on all four sides of the building.

Mr. Haynes clarified that the improvements will be made on all four sides of the building, but only from the third floor and up.

Commissioner Holzweiss moved to recommend approval of funding \$30,000 as recommended by the Downtown Improvements Program Review Panel to the Bryan City Council. Commissioner Banks seconded the motion.

The motion passed with a vote of 6 in favor and 0 in opposition. Commissioner Lawrence abstained from deliberation and voting on the item.

b. 111 EAST 27TH STREET (CMBV, LLC – Jeff Brown).

Ms. Dalton presented the Commission with an overview of the grant application from the subject property. Information included:

- The applicant is requesting \$100,000 in funding for work already completed. Completed eligible improvements include site work, masonry, metal, roof repair, doors and windows, painting, and waterproofing.
- The Downtown Improvements Program Review Panel recommends \$40,000 in funding.

In response to questions, Ms. Dalton responded that roof repairs are eligible improvements as per the program guidelines.

Chairperson Hairston invited the applicant or a representative to speak on behalf of the application.

Mr. Tyler Coats, 111 East 27th Street, applicant:

- Thanked the commission for the opportunity to apply for the grant,
- explained the improvements that have been made on the subject property; and
- made himself available for questions concerning the subject property and their grant application.

In response to questions, Mr. Coats stated that all proposed improvements listed in their application have already been completed.

Commissioner Beto moved to recommend approval of funding \$40,000 as recommended by the Downtown Improvements Program Review Panel to the Bryan City Council. Commissioner Weaver-Hart seconded the motion.

The motion passed with a vote of 6 in favor and 0 in opposition. Commissioner Lawrence abstained from deliberation and voting on the item.

c. 201 EAST WILLIAM JOEL BRYAN PARKWAY (Courthouse Cafe – David Sobhani).

Ms. Dalton presented the Commission with an overview of the grant application from the subject property. Information included:

- Applicant is requesting \$100,000 in funding.
- No proposed improvements were included within the application.
- No cost estimates for proposed improvements were submitted.
- The Downtown Improvements Program Review Panel recommends no funding for this application.

Chairperson Hairston invited the applicant or a representative to speak on behalf of the application.

No one came forward.

In response to questions, Ms. Dalton stated that if the applicant were to supply the required information, they would be able to reapply for grant funding during the next application submission period.

Commissioner Holzweiss moved to recommend no funding as recommended by the Downtown Improvement Program Review Panel to the Bryan City Council. Chairperson Hairston seconded the motion.

The motion passed with a vote of 6 in favor and 0 in opposition. Commissioner Lawrence abstained from deliberation and voting on the item.

d. 204 EAST 23RD STREET (Per Curiam Holdings, LLC – Jean Ricciardello Phelps).

Ms. Dalton presented the Commission with an overview of the grant application from the subject property. Information included:

- The applicant is requesting \$11,450 in funding for the proposed demolition of an existing dilapidated structure located to the rear of the Phelps Law Firm.
- The Downtown Improvements Program Review Panel recommends no funding for this application.
- The Downtown Improvements Program Review Panel contends that the proposed demolition of the dilapidated structure does not constitute an eligible improvement as outlined in section 1.b. of the Downtown Improvements Program Application Guidelines.

In response to questions, Mr. Haynes stated:

- The Downtown Improvements Program is specifically for the improvements of existing structures, and not the removal of dilapidated structures.
- No application in the history of the Downtown Improvements Program has received funding for the demolition of a structure.

Chairperson Hairston invited the applicant or a representative to speak on behalf of the application.

Mr. Shane Phelps, 204 East 23rd Street, applicant:

- Spoke in favor of his application, stating his belief that his application fulfills the objectives and goals of the Downtown Improvements Program.
- \$25,000 has been spent on the dilapidated building in an effort to reclaim it. However,

their efforts have been unsuccessful as the building still suffers from flooding issues.

- \$12,000 is required to demolish the dilapidated building with an additional \$6,000 required for asbestos abatement.
- In allow for the expansion of the law firm, the dilapidated building will need to be removed.
- Existing trees on the property will be preserved.
- There has been a new sidewalk constructed along the front of the property.

In response to questions, Mr. Phelps responded:

- There is asbestos in the dilapidated building requiring \$800 for the initial asbestos survey, and an additional \$5,100 to remove the asbestos from the property.
- Flooding in the dilapidated structure has been addressed with \$25,000 in repairs that have not been able to mitigate the flooding. Fundamentally, the foundation is below grade making the structure unsalvageable.

Commissioners discussed:

- The application holds considerable merit.
- In an effort to be fair to the other applicants, the Downtown Improvements Program Review Panel agreed that the demolition of the dilapidated structure does not coincide with the grant program's criteria as it is currently defined.
- The dilapidated structure does not add any value to the downtown area.
- With extra funding available, the removal of the dilapidated structure would be a worthwhile project.

Commissioner Banks moved to recommend \$9,000 in funding to the Bryan City Council to allow for the asbestos removal and demolition of the dilapidated structure. Commissioner Beto seconded the motion.

In response to questions, Ms. Dalton clarified that the subject project is eligible for the Downtown Improvements Program even though it is not in the Downtown Historical District.

In response to questions, Mr. Phelps responded:

- The property was purchased in October 2011 and became occupied April 1, 2012.
- Improvements had been made on the property between October 2011, and April 2012 to the tune of approximately \$175,000 in the law offices, and \$25,000 in the dilapidated building.

Ms. Crawford advised that the Commission could recommend approval of funding the application contingent upon submission of documentation by the applicant exhibiting improvements to the façade of the structure made prior to the availability of grant funds.

The motion failed with a vote of 3 in favor and 3 in opposition with Commissioners Hairston, Weaver-Hart, and Holzweiss casting their votes in opposition. Commissioner Lawrence abstained from deliberation and voting on the item.

Ms. Crawford advised the Commission that although they voted against funding \$9,000 to the application, they must still make a recommendation to the City Council.

Commissioner Holzweiss moved to recommend no funding as recommended by the Downtown Improvements Program Review Panel to the Bryan City Council. Commissioner Weaver-Hart seconded the motion.

The motion passed with a vote of 4 in favor and 2 in opposition with Commissioners Banks and Beto casting their votes in opposition. Commissioner Lawrence abstained from deliberation and voting on the item.

e. 206 WEST 28TH STREET (Timothy Speer – Ben T. Speer).

Ms. Dalton presented the Commission with an overview of the grant application from the subject property. Information included:

- The applicant is requesting \$6,225 in funding for the proposed repair of the existing front porch, siding, trim, fascia, and soffit as well as the painting of the structure's exterior.
- The Downtown Improvements Program Review Panel recommends funding the requested \$6,225 for this application.

In response to questions, Ms. Dalton responded that a total of nearly \$160,000 in repairs will be done on the subject property. However, the requested funding will be used on the exterior of the structure.

Commissioners discussed:

- The applicant is only requesting \$6,225 due to grant requirements stipulating exterior improvements to facades.
- The planned use for the structure after improvements will be for commercial purposes.
- Although the current photos of the property allude to it being in relatively good shape, the structure needs significant work to level the foundation.

Chairperson Hairston invited the applicant or a representative to speak on behalf of the application.

No one came forward.

Chairperson Hairston clarified the requested amount of funding to be \$6,225 with staff due to a clerical error on the application's recommendation checklist paperwork.

Commissioner Mayo moved to recommend \$6,225 in funding as recommended by the Downtown Improvements Program Review Panel to the Bryan City Council. Commissioner Holzweiss seconded the motion.

The motion passed with a vote of 6 in favor and 0 in opposition. Commissioner Lawrence abstained from deliberation and voting on the item.

f. 216 NORTH BRYAN AVENUE (Christen and Mark Maltsberger).

Ms. Dalton presented the Commission with an overview of the grant application from the subject property. Information included:

- A Certificate of Appropriateness was received from this property in the summer of 2014 for the completed improvements listed in the application.
- The applicant is requesting \$4,093.50 in funding for work already completed which includes the addition of a second exterior door, painting of the front and alley facades, repair of the front windows, and added clearstory windows.
- The Downtown Improvements Program Review Panel recommends funding the requested \$4,093.50 for this application.

In response to questions, Ms. Dalton clarified that the proposed improvements to this property have already been completed and were performed under the Certificate of Appropriateness issued in the summer of 2014.

Chairperson Hairston invited the applicant or a representative to speak on behalf of the application.

No one came forward.

Commissioners discussed:

- All proposed improvements performed to the subject property were done in the correct regulatory procedure as required by the city.
- A Certificate of Appropriateness was issued for the completed work by this Commission in the summer of 2014.

Commissioner Beto moved to recommend \$4,093.50 in funding as recommended by the Downtown Improvements Program Review Panel to the Bryan City Council. Commissioner Banks seconded the motion.

The motion passed with a vote of 6 in favor and 0 in opposition. Commissioner Lawrence abstained from deliberation and voting on the item.

g. 400 NORTH WASHINGTON AVENUE (Per Curiam Holdings, LLC – Jean Ricciardello Phelps).

Ms. Dalton presented the Commission with an overview of the grant application from the subject property. Information included:

- The applicant is requesting \$34,000 in funding to expand his law offices.
- The Downtown Improvements Program Review Panel recommends no funding for this application.
- The Downtown Improvements Program Review Panel contends that the proposed expansion of the existing law offices does not constitute an eligible improvement as outlined in the Downtown Improvement Program Application Guidelines.

In response to questions, Mr. Haynes responded:

- The Commission could recommend approval of reimbursing the applicant up to but not exceeding the requested \$34,000 for eligible improvements made to the subject property prior to the Downtown Improvements Program as long as the applicant could produce improvement receipts up to but not exceeding \$68,000.

- The subject property is eligible for the Downtown Improvements Program because it lies within the downtown TIRZ boundary, which is larger than the Downtown Historic District boundary.
- It would not be appropriate to fund the expansion of the law offices as per the program guidelines; however, it would be appropriate to reimburse for eligible improvements made to the subject property during a time when the Downtown Improvements Program was not available to the applicant.

Chairperson Hairston invited the applicant or a representative to speak on behalf of the application.

Mr. Shane Phelps, 400 North Washington Avenue, applicant:

- Passed out photos to the Commissioners to see the newly added sidewalk to the subject property.
- Spoke in favor of his application, stating his belief that his application fulfills the objectives and goals of the Downtown Improvements Program.
- His law offices constitute an important façade within the downtown area.
- Thanked staff for finding options to help in his efforts to improve his property.
- Receipts for improvements already performed on the subject property between October 2011 and April 2012 would easily reach \$68,000.

Commissioners discussed:

- Both of the applicant's applications are worthwhile projects.
- The Downtown Improvements Program Review Panel's recommendations on both of the applicant's projects were based on the details of the Downtown Improvements Program's guidelines.

Ms. Crawford advised that the Commission would need to use this property's application as a means to recommend any reimbursement funding to the City Council. This recommendation would need to be subject to the submission of documentation by the applicant detailing eligible improvements already completed.

Commissioner Holzweiss moved to recommend funding \$35,000 contingent on the applicant's submission of documentation detailing eligible improvements completed between the property date of purchase and through the year 2014 to the Bryan City Council. Commissioner Beto seconded the motion.

In response to questions, Commissioner Holzweiss clarified his motion was for up to but not to exceed \$35,000 of funding for a total of \$70,000 in improvement expenses.

The motion passed with a vote of 6 in favor and 0 in opposition. Commissioner Lawrence abstained from deliberation and voting on the item.

h. 419 NORTH MAIN STREET (Iolo, LLC – Chris Lawrence).

Ms. Dalton presented the Commission with an overview of the grant application from the subject property. Information included:

- The applicant is requesting \$30,000 in funding for the proposed repair of the failing brick, repointing of masonry, cleaning existing graffiti, rebuilding the existing doors, removal of dilapidated awnings, construction of new awnings, and rebuilding the existing windows.
- The Downtown Improvements Program Review Panel recommends funding the requested \$30,000 for this application.

Chairperson Hairston invited the applicant or a representative to speak on behalf of the application.

Ms. Rene Graham, 419 North Main Street, applicant:

- The interior of the building has been completely renovated.
- An architecture firm is occupying the rear third of the building for office space, the middle third of the building is being used by a Texas A&M University Master of Fine Arts class for studio space, and the front third is currently vacant as the owner is searching for the correct retail tenant.
- The interior is completely renovated and the entire roof structure has been replaced with period correct design and materials.

Commissioners discussed:

- Very few buildings in the vicinity of the subject property are in as good of condition as the subject building; and
- their elation that the subject property has been restored and is in operation.

Commissioner Banks moved to recommend \$30,000 in funding as recommended by the Downtown Improvement Program Review Panel to the Bryan City Council. Commissioner Beto seconded the motion.

The motion passed with a vote of 6 in favor and 0 in opposition. Commissioner Lawrence abstained from deliberation and voting on the item.

i. 607 NORTH TABOR AVENUE (Evangalina and Tomas Gomez).

Ms. Dalton presented the Commission with an overview of the grant application from the subject property. Information included:

- The applicant is requesting \$7,500 in funding for the replacement of 16 windows as well as the exterior door.
- The Downtown Improvements Program Review Panel recommends no funding for this application because the subject property is used as a private residence.
- The Downtown Improvements Program Review Panel contends that the proposed improvements do not constitute an eligible improvement as outlined in section 2.e. of the Downtown Improvement Program Application Guidelines.

Chairperson Hairston invited the applicant or a representative to speak on behalf of the application.

Ms. Eva Gomez, 607 North Tabor Avenue, applicant, commented that she understands that her

property is not a commercial property and therefore is ineligible for the Downtown Improvements Program.

Commissioners commented:

- Expressed their appreciation to the applicant for submitting her application, citing that the proposed improvements would be great for the downtown location.
- Unfortunately the subject property does not qualify for grant funding due to the property not being used for commercial use.

Commissioner Mayo moved to recommend no funding as recommended by the Downtown Improvement Program Review Panel to the Bryan City Council. Commissioner Weaver-Hart seconded the motion.

The motion passed with a vote of 6 in favor and 0 in opposition. Commissioner Lawrence abstained from deliberation and voting on the item.