

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF BRYAN, TEXAS, APPROVING A LIFE SAFETY AND ECONOMIC DEVELOPMENT PROGRAM TO ASSIST IN REVITALIZATION, PROMOTE PUBLIC SAFETY AND LOCAL ECONOMIC DEVELOPMENT AND TO STIMULATE BUSINESS AND COMMERCIAL ACTIVITY OF DOWNTOWN BRYAN, DESIGNATING AREAS OF ELIGIBILITY AND ESTABLISHING REQUIREMENTS FOR THE SUBMITTAL OF APPLICATIONS FOR THE LIFE SAFETY AND ECONOMIC DEVELOPMENT MATCHING GRANT PROGRAM, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan (the “City”) is engaged in a long range endeavor to rehabilitate and restore the historic Downtown which had fallen into a state of blight, with buildings and infrastructure in disrepair and many buildings being vacant; and

WHEREAS, the City has undertaken efforts to facilitate restoring and preserving the historical fabric and character of Downtown Bryan, ensuring the survival of the area’s rich architectural and cultural history, stimulating redevelopment to increase sales tax revenues and property values and eliminating slum and blight conditions in downtown Bryan; and

WHEREAS, many buildings in Downtown were constructed long before current fire and safety codes were in place and before current practices and technology were available, and the cost of retrofitting these buildings can be cost prohibitive and often cause efforts to retain existing business and attract new business and housing resources to the area to be impractical; and

WHEREAS, the buildings in the Downtown were developed in close proximity, with common walls or closely spaced exterior walls, thus creating a heightened fire hazard and safety issues, including risk of fire in one building spreading across the Downtown area; and

WHEREAS, the City desires to stimulate economic development, create or maintain jobs, provide housing opportunities and promote public safety in the Downtown area, while preserving and enhancing Bryan’s architectural and cultural history; and

WHEREAS, the City has determined that it is necessary that the City establish and approve a program under the authority granted to the City by Chapter 380 to promote economic development and to stimulate business and commercial activity, and the program to be herein established is consistent with the Downtown Bryan Master Plan,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

Section 1.

That the facts and recitations contained the preamble of this Resolution are hereby found and declared to be true and correct.

Section 2.

That the City Council hereby establishes, pursuant to authority granted to the City by Chapter 380, a program where the City will make grants in the manner hereinafter provided, to assist in and effectuate the goals and objectives of the program, to-wit, to improve fire and life safety in Downtown Bryan in conjunction with the restoration and preservation of the historic structural and aesthetic features Downtown buildings. The City Council hereby finds that the economic development program outlined in

this Resolution is necessary to stimulate business and commercial activity within an area of the City that is underdeveloped or blighted. Authority is hereby granted for the appropriate officials and employees of the City to execute agreements as necessary for the Project and approved as to form by the City Attorney with respect to any loan or grant of funds.

Section 3.

The City will provide a matching grant of an amount not to exceed \$35,000 to Owners of Properties located along Main Street and Bryan Avenue between West Martin Luther King Street and West 29th Street. The grant shall be for construction or installation of Life Safety improvements required by the Bryan Code of Ordinances in order for Owner to obtain certificates of occupancy for Owner's intended use(s) of the Property. The aggregate total of grants awarded to a property may not exceed \$50,000.

Section 4.

The program will be in accordance with the requirements outlined in Exhibit "A" attached hereto.

Section 5.

This Resolution shall be effective immediately upon its adoption by the Bryan City Council.

APPROVED AND ADOPTED by the City Council of the City of Bryan, at a regular meeting on the 7TH day of June, 2016.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

Exhibit “A”

I. DOWNTOWN LIFE SAFETY GRANT GUIDELINES

- A. Goal:** The Downtown Life Safety Grant seeks to provide financial assistance for the installation and compliance of the International Building Code fire suppression and safety code requirements. The program will benefit the City of Bryan by assisting Downtown Bryan property owners to improve existing vacant commercial buildings in the form of a reimbursement program. The program will increase the economic vitality of the buildings, increase sales tax and property values, while preserving and enhancing Bryan’s architectural and cultural history.
- B. Objectives:**
- a. Encourage elimination of conditions that could be a serious growing menace, injurious to public health, safety and welfare;
 - b. Encourage private investment in commercial and multi-family housing downtown through the use of public incentives;
 - c. Stimulate economic and business development downtown by providing safe environments for workers, businesses and the public;
 - d. Stimulate redevelopment to increase sales tax revenues and property values;
- C. Eligible Area:** Properties located along Main Street and Bryan Avenue between West Martin Luther King Street and West 29th Street. Refer to “Eligible Area” shown in blue on ATTACHMENT “1,” attached.
- D. Eligible Improvements:** Eligible improvements must be required Life Safety improvements required by the Bryan Code of Ordinances. Examples include, but are not limited to the following:
- a. Fire separation between floors or adjacent occupancies;
 - b. Fire/smoke alarm/sprinkler systems;
 - c. Fire proofing of stairwells;
 - d. Repair/replacement/installation of fire escapes, fire rated walls or windows;
 - e. Additional means of egress, (for example doors and windows);
- E. Program Eligibility:**
- a. Grant recipient must be the owner of record or the tenant with the owner’s approval of the proposed changes to the building.
 - b. Owner must have clear title of the property with no adverse judgments of liens
 - c. The property must be located within the eligible area.
 - d. Qualifying buildings are to be used for commercial or multi-family uses; structures used exclusively for single-family residences will not qualify.

- e. New commercial development will not qualify, only structures in existence at the time this ordinance is adopted are eligible.
- f. Work that has been completed or is underway at the time the grant application is submitted will not qualify.
- g. The property owner must be willing to comply with all local and state laws and regulations affecting the property, its rehabilitation and future use.
- h. Property owner must be in good standing with the City of Bryan, any fines, fees or unpaid taxes owed to the City of Bryan by the property owner are paid in full prior to the application being accepted.

F. Policy and Conditions of the Grant Program: Matching grants will be awarded for any approved Downtown Life Safety Grant applications. Project proposals must be reviewed and approved before rehabilitation work begins. Guidelines are as follows:

- a. Matching grant amounts are awarded for up to 50% of the total estimated cost, up to \$35,000 of each life safety improvement, on a reimbursable basis. Qualified applicants will be required to match the awarded grant funds dollar for dollar. Grants will be awarded based on the number of life safety improvements and the costs of each improvement. For example; if the property has three separate life safety improvements required prior to opening, then the property owner is eligible for three separate grant awards, each limited to up to 50% of the total estimated repair cost, up to \$35,000.
- b. The aggregate total of grants awarded to a property may not exceed \$50,000.
- c. Qualified applicants will be required to match the awarded grant funds dollar for dollar. Agents of the property owner are not eligible to receive reimbursement. Reimbursement checks will only be issued to the owner of the property, the business owner and/or the property owner's or business owner's designated financial institution.
- d. The total funds available in the Downtown Life Safety Grant account at any given time may restrict the City's ability to meet a grant request.
- e. Professional Fees (Architectural and/or Engineering fees) incurred by the applicant are not eligible for reimbursement.
- f. The City of Bryan Historic Landmark Commission will review exterior changes to buildings requesting funding from the Downtown Life Safety Grant.

G. Reimbursement Procedure: As a general rule, all commercial or private funding for a project must be expended prior to the use of the City funding. Matching grant monies will be disbursed at the completion of improvements and with the acceptance of work by the City of Bryan. Documentation of proof of payment must be submitted with a written request for reimbursement. Acceptable proofs of payment for reimbursement include, but are not limited to the following:

- a. Itemized contractor and/or sub-contractor's invoices with the corresponding receipts and /or cancelled checks

- b. Paid Invoices for materials and/or supplies with the corresponding receipts and/or cancelled checks, or
- c. A release of lien from contractors, sub-contractors, and/or suppliers (A sample of the release of lien is available upon request)

The owner of the property will supply any additional documentation as required by the City of Bryan to confirm expenses.

- H. Project Duration:** Approved Construction must begin within sixty (60) days from the date of grant approval, and must be completed within three hundred and sixty five (365) days or monies will be recycled back into the program and reimbursement will not be made.
- I. Changes to Approved Scope of Work:** The City of Bryan must approve any changes made to the scope of work. Funding will not be awarded for any changes under construction without prior approval. Significant changes to the scope of work will require the authorization of the City Council. Minor changes (those less than the amount set forth in spending authorization ordinances § 26-28 of the Bryan City Code) may be approved by staff.
- J. Eligible Labor:** Matching grant monies may not be used to pay the property owner or members of the owner's family for labor on the project.
- K. Grant Limitations:** Life Safety improvements must comply with all state and local laws including all ordinances and regulations of the City of Bryan. The total funds available in the matching grant program at any given time may restrict the City's ability to fully fund a grant request. Matching grants shall be processed on a first come – first served basis, as grant monies are limited, and can be competitive. Consideration will include the necessity of the repairs or improvements, and the benefit to the building and the general public.

II. INITIATING REQUESTS FOR THE DOWNTOWN LIFE SAFETY GRANT

- A. Submittal Requirements:** Eligible property owners (see ATTACHMENT "1") interested in the program should submit six (6) copies of the following on compact discs to the City of Bryan Planning Department. Staff will review the provided information and may request additional information, if needed.
 - a. A completed application form.
 - b. A narrative of the project describing the work to be completed (max. 750 words).
 - c. Drawings/plans detailing the proposed improvements (PDF format).
 - d. Two (2) itemized cost estimates from two independent sources. Cost estimates from the property owner or any entity to which the property owner is associated will not be accepted.
 - e. Current tax certificate showing no delinquent taxes for the property.
 - f. Owner's certification and proof of ownership.

B. Downtown Life Safety Program Review Panel: The program applications will be reviewed by the Downtown Life Safety Program review panel to ensure all funds are awarded to viable improvements that are in compliance with the cities adopted International Building Code fire suppression and safety code requirements. The Review Panel shall consist of the following individuals; Fire Marshal, Chief Building Official, and an Economic Development representative. Please be aware that in an effort to assist as many applicants as possible with the limited program funds available, the City of Bryan cannot guarantee that all matching grant requests will be funded.

C. City Council Review: With recommendations from the Historic Landmark Commission regarding projects changing the exterior of the structure, and recommendations for the Review Panel, all matching grant applications will be forwarded for consideration by the Bryan City Council. The City Council may vote to approve, approve with modifications, or deny each matching grant application. If approved, a pre-construction conference will be held before the project can commence.

D. Project Construction: Upon application approval by the City Council, City staff will schedule a mandatory pre-construction conference for each approved application within thirty (30) days. Project construction must begin within sixty (60) days from the City Council approval date and must be completed within three hundred and sixty five (365) days from the beginning of construction, or monies for said project will not be distributed and returned to the program fund for the following fiscal year.

E. Contact Information:

Development Services
City of Bryan
300 South Texas Avenue
Bryan, Texas 77803
Ph: 979-209-5030
Fax: 979-209-5035

III. APPLICATION PROCESS FOR THE DOWNTOWN LIFE SAFETY GRANT PROGRAM

There are several steps to obtaining funds through the Downtown Life Safety Program depending on the type of improvements proposed. City staff will review the application for completeness and eligibility before initiating the review process.

A. Design Approval: The proposed changes must be reviewed and approved by the Bryan City Council before the grant can be awarded.

B. Review Process: City staff will work with the owner to determine the appropriate review process(s). At a minimum, the owner will need to supply the reviewing entity with a written description and detailed plans of the proposed changes. Descriptions should be specific as to materials to be used and any technical specifications pertinent to the proposal. Owner will also supply an itemized cost estimate for the improvements from a minimum of two (2) contractors. The International Building Code fire suppression and safety code requirements

and the City of Bryan Code of Ordinances will serve as the basis for reviewing the correctness of the proposed life safety improvements. Copies of these guidelines are available in the Development Services Department. Additional information may be required by staff as needed.

- C. Building Standards Approval:** If funds are to be used to add construction, improvements within a right-of-way; correct code violations; improve structural stability; the City of Bryan Building Services Division and/or the Site Development Review Committee (SDRC) must review the planned changes and issue the required permit(s) before the grant can be awarded. Submissions will vary depending on the improvements planned. Applicants should contact the Development Services Department, at 209-5030, for information specific to their project. All work undertaken will be inspected and must be found in compliance with all applicable building codes and regulations before the grant is awarded.
- D. Financial Approval:** Development Services staff will review the two (2) itemized cost estimates for the project, proof of title to the building and proof that taxes are current. The applicant is required to have completed the design and/or building standards review(s) and received approval(s) before staff will review the grant application. The Life Safety Grant Panel will review all submitted materials and the grant request will then be placed on the next available City Council agenda. City Council will approve or deny the grant request based upon their review of the application packet.
- E. Inspections:** Inspections may occur periodically throughout the construction phase. At the completion of construction, the applicant will submit a written request for final inspection. A final inspection is required prior to requesting reimbursement, and will verify that all work approved for the grant is completed, and in keeping with the approved Certificate of Appropriateness, if any.
- F. Reimbursement:** Once the City of Bryan has accepted the completed construction, the applicant may submit for reimbursement. Documentation of proof of payment must be submitted with the request in accordance with Section G “Reimbursement Procedure” of the Downtown Life Safety Grant document.

ATTACHMENT "1"
Eligible Area for the Downtown Life Safety Grant

