

## ACTION FORM BRYAN CITY COUNCIL

<b>DATE OF COUNCIL MEETING:</b> November 12, 2013		<b>DATE SUBMITTED:</b> October 29, 2013	
<b>DEPARTMENT OF ORIGIN:</b> Strategic Projects		<b>SUBMITTED BY:</b> Lindsey Guindi	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	<b>STRATEGIC INITIATIVE:</b>
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input checked="" 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 checked="" type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
<b>AGENDA ITEM DESCRIPTION:</b> An Ordinance amending Tax Increment Reinvestment Zone (TIRZ) #21 Project and Financial Plan for land within the TIRZ boundary generally located in Downtown Bryan. The Plan includes one (1) new expenditure totaling \$250,000 for Project Costs associated with the development and re-development of Downtown, in the Tax Increment Reinvestment Zone (TIRZ) #21, in the jurisdiction of the City of Bryan, previously designated as a reinvestment zone pursuant to the provisions of Chapter 311, Texas Tax Code (the "Tax Increment Financing Act").			
<b>SUMMARY STATEMENT:</b> TIRZ #21 was created in 2006 and the original project and finance plan is now four (4) years old. All of the projects in the original project and finance are complete; however, no adjustments have been made to the project and finance plan since the original adoption of the plan.			
The amendment would provide for an amount not to exceed \$250,000 for Project Costs associated with the development and re-development of Downtown, including: alteration, remodeling, and repair of existing buildings; preservation of the façade of existing buildings; and construction of site improvements. Priority will be given to projects within the Downtown North area, defined as properties north of 22nd Street, south of 18th Street, east of North Parker Avenue and west of North Tabor Avenue. However, projects within other areas of the zone will also be given consideration.			
<b>STAFF ANALYSIS AND RECOMMENDATION:</b>			
Having a current and viable project and finance plan is an important aspect of tax increment financing. Amending the project and finance plan will allow for the use of funds to assist in the continued redevelopment of Downtown Bryan, specifically the area north of 22 <sup>nd</sup> Street. The TIRZ #21 Board of Directors voted to recommend approval of this amendment. Staff concurs and recommends approval of this amendment.			
<b>OPTIONS (In Suggested Order of Staff Preference):</b>			
<ol style="list-style-type: none"> <li>1. approve the ordinance amending the project and financing plan;</li> <li>2. modify the ordinance amending the project and finance plan, which may require consideration at a future City Council meeting; or</li> <li>3. deny the ordinance amending the project and financing plan.</li> </ol>			
<b>ATTACHMENTS:</b> Draft ordinance			
<b>FUNDING SOURCE:</b> TIRZ 21 Fund			
<b>APPROVALS:</b> Joey Dunn, 10-29-13; Hugh R. Walker. 11/01/2013			
<b>APPROVED FOR SUBMITTAL: CITY MANAGER</b> Kean Register, 10-31-2013			
<b>APPROVED FOR SUBMITTAL: CITY ATTORNEY</b> Janis K. Hampton, 11-03-2013			

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING THE AMENDMENT OF THE PROJECT PLAN AND FINANCING PLAN FOR “REINVESTMENT ZONE NUMBER 21, CITY OF BRYAN, TEXAS”, AND ORDAINING OTHER MATTERS RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Bryan, Texas (the “City”) has created, as authorized by the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code, Vernon’s Texas Codes Annotated (the “Act”), a tax increment reinvestment zone within the City designated “Reinvestment Zone Number 21, City of Bryan, Texas” (the “Zone”); and

**WHEREAS**, the City Council of the City has approved, as required by the Act, the “Project and Financing Plan” (the “Plan”) for the Zone; and

**WHEREAS**, the Board of the Zone has recommended that the Plan be amended to provide that additional “Project Costs” be funded by the Zone; and

**WHEREAS**, the City has determined that it is necessary and advisable to consider adding additional Project Costs for the Zone and to amend the Plan to reflect the additional Project Costs; and

**WHEREAS**, in compliance with the Act, the City has called a public hearing to hear public comments on the additional Project Costs to be funded by the Zone and its benefits to the City and the property in the Zone, and on the proposed amendments to the Plan; and

**WHEREAS**, in compliance with the Act, notice of such public hearing was published in the *Bryan-College Station Eagle*, a daily paper of general circulation in the City, such publication date being not later than seven (7) days prior to the date of the public hearing; and

**WHEREAS**, such hearing was convened at the time and place mentioned in the published notice, to-wit, on the \_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ at the City Hall of the City, which hearing was conducted and then closed; and

**WHEREAS**, the City, at such hearing, invited any interested person, or the attorney thereof, to appear and contend for or against the amendment of the Plan to permit the additional Project Costs to be funded by the Zone.

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

**SECTION 1:** That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

**SECTION 2:** That the City Council, after conducting such hearing and having heard such evidence and testimony, here by make the following findings and determinations based on the evidence and testimony presented to it:

- (a) That the public hearing on the proposed amendment to the Plan has been properly called, held and conducted.
- (b) That the improvements proposed to be implemented in the Zone, as proposed by the Amendment to the Plan, will significantly enhance the value of all the taxable real property therein.

- (c) That the development or redevelopment of the property in the Zone will not occur solely through private investment in the reasonable foreseeable future.

**SECTION 3:** That the City hereby approves an amendment to the Plan for an amount not to exceed \$250,000 for Project Costs associated with the development and re-development of Downtown, including: alteration, remodeling, and repair of existing buildings; preservation of the façade of existing buildings; and construction of site improvements. Projects in the area of Downtown North will be given priority, with Downtown North being defined as properties north of 22<sup>nd</sup> Street, south of 18<sup>th</sup> Street, east of North Parker Avenue and west of North Tabor Avenue.

**SECTION 4:** That if any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

**SECTION 5:** This Ordinance shall take effect in two readings.

**PRESENTED AND GIVEN** first reading the 12<sup>th</sup> day of November, 2013, at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, passed and approved on the 18<sup>th</sup> day of November, 2013, by a vote of \_\_\_\_ yeses and \_\_\_\_ noes at a regular meeting of the City Council of the City of Bryan, Texas.

**ATTEST:**

**CITY OF BRYAN:**

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Mary Lynne Stratta, City Secretary

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Jason P. Bienski, Mayor

**APPROVED AS TO FORM:**

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Janis K. Hampton, City Attorney