

**TAX INCREMENT REINVESTMENT ZONE NUMBER ONE,
HISTORIC DOWNTOWN, CITY OF PLAINVIEW, TEXAS
PROJECT SUBMITTAL GUIDELINES**

OVERVIEW

The City of Plainview, Texas City Council adopted Ordinance No. 18-3677 (the “Ordinance”) on May 8, 2018 creating TAX INCREMENT REINVESTMENT ZONE NUMBER ONE, HISTORIC DOWNTOWN, PLAINVIEW, TEXAS) (the “TIRZ” or “TIF”). The Ordinance appointed a seven-member TIRZ Board of Directors (the “TIRZ Board”) to administer TIRZ in compliance with Chapter 311 of the Texas Tax Code and in accordance with these TIRZ Project Submittal Guidelines.

Tax increments collected in the TIRZ are the increase of property tax revenues over and above a base value established in the base year prior to designation of the TIRZ boundary by the City Council. The purpose of the TIRZ is to facilitate development or redevelopment of the historic downtown Plainview area as defined in the Ordinance. This is done through the use of the tax increment funds generated by the TIRZ and used for public improvements and to assist private initiatives in the TIRZ. These improvements enhance the value of real property located within the TIRZ.

The TIRZ Board shall have the power to establish and administer economic development programs, including the power to make loans and grants from the TIRZ collected tax increment to the same extent as authorized by Chapter 380 of the Texas Local Government Code. Should such loans or grants occur, their intent must fulfill the public purposes of developing and diversifying the economy, eliminating unemployment/underemployment, and in developing or expanding transportation, business and commercial activity in the TIRZ.

TIRZ funds may be used to assist with the following types of improvements:

- The installation of public works and public improvements;
- utilities, water and sewer facilities, flood and drainage facilities;
- railroad or transit facilities;
- streets and streetlights;
- affordable housing;
- the remediation of conditions that contaminate public or private land or buildings;
- the preservation of the facade of a private or public building;
- the demolition of a public or private building;
- professional service costs incurred for architectural, planning, and engineering services; or
- public projects – including the cost of buildings, schools or other educational facilities owned by or on behalf of a school district, community college district or other political subdivision of the state.

Please be aware that an improvement that may be eligible per State law may not be provided TIRZ funds per discretion of the TIRZ Board, and/or City Council.

QUALIFIED PROJECT SUBMITTALS

All submittals will be reviewed according to the premise that “But For” the TIRZ assistance:

- Economic development would not occur solely from private investment in the reasonably foreseeable future.
- Proposed project property values and/or sales tax revenues would likely decline or remain stagnant.
- Contemplated public improvements would not be funded as quickly or under the same conditions as with the TIRZ assistance.

The following questions are provided to help potential applicants determine project eligibility:

Does the project:

1. Benefit the general public?
2. Create a positive economic impact in the TIRZ?
3. Increase property value?
4. Create jobs?
5. Revitalize vacant land or structures?
6. Have other sources of support?

Is the project consistent with:

1. TIRZ Project and Finance Plan?
2. The City of Plainview’s Comprehensive Land Use Plan?
3. The Goals and Objectives of the Main Street Program?

Examples:

- A developer may pay the cost of approved public improvements associated with a private development and be reimbursed over time from the increment associated with the development of the TIRZ.
- Public improvements may be paid for directly with increment funds approved by the TIRZ Board to encourage further development in the TIRZ.
- Public improvements may be funded by the sale of bonds that will be repaid over time out of tax increments.
- TIRZ funds may be used to reimburse private or public investment in the zone as new increment is collected.

TIRZ ELIGIBILITY REVIEW PROCESS

Potential applicants are encouraged to contact the City of Plainview Economic Development Staff and arrange a meeting [(806) 296-1107] to ascertain whether the public improvements

associated with the proposed project may be eligible for TIRZ funding. TIRZ funding requests will be presented to the TIRZ Board with a recommendation from City staff. After the TIRZ Board votes on the item it will go to the City Council for consideration. Two City Council meetings are required to approve (or disapprove) the funding of a project.

All contractor(s) doing the work on the project must secure appropriate permits, insurance and bonding before any work is done. All completed work must be certified in compliance with applicable City codes and construction standards prior to any TIRZ funds being reimbursed.

DOWNTOWN FACADE IMPROVEMENT GRANTS

Improving downtown facades, sidewalks and streetscapes within the TIRZ boundary is a high priority of the TIRZ Board and the City Council. Applicants desiring to improve private building facades and the adjacent sidewalks and/or streetscapes shall submit an application, attached hereto as **Appendix A**, for matching TIRZ fund assistance via a Section 380 Grant in accordance with the following guidelines.

The purpose of the Downtown Facade Improvement Grant Program is to utilize an annual portion of available TIRZ funds to provide matching grant funding to existing business and/or property owners to encourage renovation, restoration, preservation, and rehabilitation of the exterior of buildings in the TIRZ. Each year, during the annual City budget preparation process, the TIRZ Board may designate a portion of the annual TIRZ increment to be used directly for Facade Improvement Grants. This Program aims to improve the aesthetics within the Zone, as attractive building facades will positively impact the marketability and perception of the area. The Program consists of a one-dollar to one-dollar match of up to \$10,000.00 for approved improvements. Reimbursement grants will be awarded for facade improvements that restore, preserve, rehabilitate, enhance or beautify a structure in accordance with program requirements and all applicable City Codes. Removal and replacement of inappropriate or incompatible exterior finishes or materials and restoration of distinctive architectural details of existing buildings are priority projects for funding. Projects that do not incorporate these elements will not be considered.

Eligible improvements include:

- Signs (new, repairs, replacement, removal)
- Grate and grate box removal or conversion of solid grates to an open mesh style
- Awnings
- Lighting
- Paint
- Removal/replacement of inappropriate or incompatible exterior finishes or materials
- Recessing/reconfiguring entrances
- Removal of extraneous elements
- Door/window replacement or repair

- Exterior cleaning
- Historical architectural elements

Design and permit fees associated with the renovation are considered eligible project costs. The Program will be administered by the City's Economic Development Department. An application, attached hereto as **Appendix A**, is to be submitted with a description of the work to be completed. Applications will be reviewed by a Review Committee consisting of staff from relevant City Departments and the TIRZ Board.

DESIGN REQUIREMENTS

Applicants are encouraged to promote historic preservation, energy efficiency, and accessibility standards in designing improvements, to the extent that they are financially feasible or required by law. All improvements must conform to applicable city building codes, zoning ordinances, local, state, and federal laws and to the design guidelines adopted for the area and approved by City staff and the TIRZ Board. Facade improvements to properties within TIRZ must be completed in accordance with Historic District Guidelines and Applicants must obtain any requisite certifications or other approvals of the City's Administrative Review Process.

PAINT AND COLOR PALLET GUIDELINES

An appropriate color scheme on a building facade accentuates its architectural details and enhances the character of the historic elements of the facade. The details of exterior walls, window and door openings, trim, scale and texture of exterior materials can be enhanced or obscured by appropriate and inappropriate paint colors selected for a building. To this end, Facade Improvement applications shall include colors that are appropriate to the style, period and type of building; colors selected shall contribute to restoring the historic character of the building by reflecting the historical age, period and style of a building, accentuating architectural features of the design and representing the current owner's taste, and contribute to the overall positive appearance of the downtown facade. Original stone or masonry surfaces should be maintained and not be painted, unless severe deterioration of the brick or stone can be shown to require painting and other consolidation or stabilization methods cannot be shown to be appropriate. If masonry was previously painted, it is often not appropriate or possible to remove paint, appropriate repainting can be considered.

Brick color should be selected from the historic architectural style of the buildings found in downtown Plainview and specifically the Downtown Historic District. Selection and location of paint colors based on research of historic finishes is encouraged. Paint colors should be complementary to each other and used to accentuate a building's significant features. Paint colors should pull together all building elements, including the cornice, upper facade, windows, storefront, and doors. Storefront colors were traditionally chosen in a contrasting shade lighter or darker than the primary building color. If more than 10% of the painted storefront requires

painting, then building colors should be selected from an appropriate color palette. Limit trim paints to three compatible shades chosen from the appropriate color palette. Commercial buildings typically had their body color defined by the material the building was constructed of (i.e. brick) while a trim color was utilized for defining windows, doors and other architectural elements. Body and trim colors should not be similar in hue or tone intensity (i.e. 2 shades of colors that are closely related like green and red or 2 dark or light shades of color that are similar in darkness or lightness). A third color, commonly called an accent color, was quite often utilized to highlight a particular feature of a building facade.

Additional considerations for Color Palettes:

The following paint manufacturer’s preservation color palettes for Historic Landmarks and buildings within Historic Districts have been approved in Texas communities and are provided as examples not requirements:

- Sherwin Williams - Preservation Palette
- Pittsburgh Paints - Historic Paints
- Do It Best Paints - American Historical Restoration Colors (Exteriors only)
- Valspar - American Tradition Historic Colors (Lights only/Light Features)

FUNDING AVAILABILITY

Funding is limited, and grant awards will be limited to annually appropriated available funds. Applicants will be prioritized on a first-come, first-serve basis. A commitment letter allocating the project funds for a particular approved project will be issued and a commitment period established so that if funds are not used within that period, program funds can be reallocated for other eligible projects.

APPLICATION PROCESS

A completed application form, attached hereto as **Appendix A** and available at The City Manager’s Office and the Main Street Program office, with the following information is to be submitted for consideration:

- Property address
- Applicant and Property owner name(s), address(es) and signature(s)
- Proof of ownership or if tenant, copy of lease or other property agreement and written consent of Property owner to complete the proposed improvements
- Verification that property taxes on the property are paid and current
- Project Scope description, to include a detailed elevation plan
- Conceptual or actual building permit plans for the work to be completed
- Hard copy and digital photograph of existing building facade
- Project budget (detailed estimated costs by materials, labor, services and fees)

Incomplete applications will not be processed and will be returned to the Applicant without consideration.

The Review Committee for the Program will review and approve applications and select grant award recipients. The Review Committee will be comprised of appointees named by the City Manager and/or his or her designee and shall be representative of the City's building permitting and development review staff. The Main Street Program Director will be responsible for processing applications and for facilitating the Review Committee process. Specifically, the office of the Main Street Program Director will conduct an initial review of the submitted application to determine whether the application is complete and will meet with Applicants as necessary. Applicants may be invited to present their applications before the Review Committee.

The Review Committee will evaluate applications based on the following Review Criteria and Funding Priorities:

- Preference is given to commercial buildings with operating businesses.
- Substantial visible improvement to the appearance of the building, as determined by the Review Committee.
- Projects that do not restore architectural details of facades with significant architectural elements will not be considered. Projects must maintain or restore architectural details of facades, especially those with historically significant architectural elements.

Applicants will be notified in writing as to whether his/her application has been rejected or Approved by the Review Committee. Upon approval, the Applicant must enter into a Section 380 reimbursement agreement with the City regarding the terms and conditions of his/her participation in the Program and receipt of the reimbursement grant, to include the following:

1. Project scope, and property location and attachment(s) identifying the specific improvements to be undertaken;
2. Maximum amount of the allowed reimbursement grant;
3. Work commencement date;
4. Submission of building permit(s) and other applicable permits or approvals;
5. Acknowledgment of the reimbursement claim procedure and requisite supporting documentation for reimbursement processing to the City's Financial Services Department (W-9 and vendor forms required);
6. Monitoring and right of final inspection by City personnel as designated by the City Manager;
7. Acknowledgment of change order procedures;
8. Compliance with applicable local, state, and federal laws;
9. Promotional Rights to the City;

10. Maintenance Requirements and Repayment Penalty for Removal of Improvements within two years; and
11. The City's standard contract terms and provisions (e.g., liability, indemnification, termination, and insurance requirements).

Following execution of the reimbursement agreement and the City's receipt of copies of any required building permits or approvals, the City will issue a "Notice to Proceed with Improvements" that outlines the approved work. The project must begin within 45 consecutive calendar days from the date of the Notice and must be completed within 180 consecutive calendar days, except where the Review Committee has granted in writing the Applicant's written request for an extension stating a reasonable cause for the delay. Applicant may only employ licensed and bonded contractors and subcontractors approved by the City to perform the proposed improvement work. As appropriate, The Main Street Program staff and/or City Personnel authorized by the City Manager will monitor the construction process. The Review Committee must approve in writing any change orders to the proposed improvement work.

REIMBURSEMENT PROCESS

Requests for reimbursement must be accompanied by a completed Reimbursement Form including a W-9 and a Vendor Form and will only be processed after the rehabilitation/improvement work is completed and approved following a final field inspection by The Main Street Program staff and/or personnel authorized by the City Manager in order to verify compliance with the project scope. Further, reimbursement under the Program means that no payment will be issued until the Applicant has paid for the improvement work in full. Reimbursement claims must be accompanied by the following supporting documents: proof of payments (e.g., cancelled checks, paid invoices/receipts of eligible expenses), statements from architects, contractors and/or subcontractors acknowledging that all payments have been received, notarized final lien waivers from all contractors and/or subcontractors, if applicable, proof of final government inspections and a hard copy and digital "after" photograph of the facade improvements. Applicant must complete, sign and submit a request for reimbursement in order for disbursement of funds per the City's Financial Services Department guidelines. Required reimbursement forms will be issued along with the commitment letter notifying the applicant of the award. A photocopy of the front and back of all cancelled checks must be submitted for reimbursement along with an invoice marked "paid." All invoices must clearly indicate the work that was performed, the amount of the invoice as well as the corresponding check number(s). All payments are subject to the review and approval of the Main Street Program Director and the City Manager and/or his or her designee. Please allow eight weeks for receipt of the reimbursement check.

MAINTENANCE REQUIREMENTS

By accepting grant funds, the Applicant commits to properly maintain all facade improvements, clean and free of graffiti for a minimum of 3 years at the Applicant's own cost and expense. Any damage to the facade is to be repaired immediately by the Applicant so that the property remains in good condition and positively contributes to the Zone. Applicant will be strongly encouraged to touch up painted areas and perform any other repairs needed on an ongoing basis and to maintain building appearance including the cleaning of any awnings at least once a year.

PROMOTIONAL RIGHTS

By accepting grant funds, Applicant authorizes the City to promote the project and property including, but not limited to, displaying a sign at the site during and after construction indicating participation in the Program, and using photographs and descriptions of the project and property in the City's printed promotional materials, press releases, and websites.

PUBLIC IMPROVEMENT GRANTS (NON-FACADE)

Non-facade improvements which are eligible for TIRZ funding consideration and included in the TIRZ Project and Finance Plan shall comply with the following guidelines.

Eligibility

- Project located within the TIRZ boundaries as described in the Ordinance.
- Project meets the purpose of this Program and assistance is necessary to stimulate private investment to add further value to the project above current minimum zoning requirements.

Application and Approval Process:

- An application for incentives must be submitted to the Main Street Program director by the land owner/developer. The application should include a detailed description of the project, including renderings or drawings of the proposed project, and a project budget including sources of funds and a project timetable.
- Project review of each application is required by staff and the TIRZ Board including appropriate comments and recommendations for changes prior to submission to the City Council.
- All applications will be reviewed by the City Manager and/or his or her designee. Applicants may be interviewed by City staff and/or the TIRZ Board and any modifications to the application will be made prior to forwarding the application to the full City Council with a recommendation for approval or denial.
- City Council will review the recommendation of City Staff and the TIRZ Board and vote to either approve or deny the application.
- Incentives will not be granted until a successful binding incentive agreement is entered into between the City and the owner/ developer.

APPENDIX A – FACADE/PUBLIC IMPROVEMENT APPLICATION

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