

***Targeted Improvement
Incentives Program***

Aubrey, Texas

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Resolution 14-24
Targeted Improvement Incentives Policy
Aubrey Municipal Development District Performance-Based Matching Grant Policy
(Updated and Approved 05/16/2024)

WHEREAS, the City Council of the City of Aubrey, Texas (“City”) desires to implement a Targeted Improvement Grant program to encourage the development, retention, or expansion of business enterprises in the City and extra-territorial jurisdiction (ETJ); and

WHEREAS, Chapter 380 of the Texas Local Government Code authorizes municipalities to establish and provide for the administration of programs that promote economic development and stimulate business and commercial activity in the City and its ETJ; and

WHEREAS, the City’s Municipal Development District on May 16, 2024 considered and recommended the City Council approve this Targeted Improvement Incentives Policy (“Policy”); and

WHEREAS, the City Council on May 23, 2024 considered and approved Resolution 14-24 approving the Policy.

BE IT KNOWN THAT, the terms and conditions of the Policy, having been reviewed by the Council and found to be acceptable and in the best interest of the City and its citizens and businesses, are hereby approved.

Section 1.
Introduction & Goals

This Policy is a matching grant program that reimburses commercial property owners or business operators for a Targeted Improvements Grant and Eligible Improvements, set forth in Section 4 below, made to their property. The purpose of the Targeted Improvement Commercial Facilities Grant Program (“Grant”) of the Aubrey Municipal Development District (“AMDD”) is to encourage private sector investment of interior and exterior commercial facilities, located in the City and its ETJ, by partnering with the AMDD. This partnership seeks to revitalize the City’s commercial corridors through restoration and rehabilitation of commercial building facades and interiors. As an economic incentive, AMDD has designed the following Grant for façade and/or interior commercial facilities improvement cost matching.

The goals of this Policy are to:

- 1.1. Improve the commercial viability and sustainability of commercial properties in the City and ETJ;
- 1.2. Improve the physical appearance of businesses to and visibly enhance the City & ETJ commercial corridors and complement existing businesses;
- 1.3. Increase the marketability and occupancy rate of commercial buildings hindered by an outdated appearance, safety equipment, electrical, plumbing, or utility facilities; and structural safety.
- 1.4. Increase the safety, ADA compliance and public access of a commercial area and stimulate more public interaction; and
- 1.5. Provide incentives in areas and to businesses most likely to stimulate increased revenues, facilitate other business development, create jobs, and/or accommodate demand for leasable space currently available in the City and ETJ.

Section 2.
Definitions

The following definitions shall apply to the terms used in this Policy:

Agreement shall mean: a written performance agreement between the Board / City and the Applicant.

Applicant: shall mean the property owner or business occupant signing the Application for a Targeted Improvement Grant.

Application: shall mean the Application for Targeted Improvement Grant as maintained by Staff. Board: shall mean the Board of Directors of the Aubrey Municipal Development District.

City: shall mean the City of Aubrey, Texas.

City Council: shall mean the City Council of the City.

Code Violations: shall mean any violation of the City's code of ordinances.

Construction Costs: shall mean the cost of permits, fees, construction materials, and installation labor. All other associated costs are deemed excluded, including, but not exclusively, the following costs: design, construction document preparation, bidding, sweat equity and construction financing.

Aubrey Municipal Development District (AMDD): shall mean the Aubrey Municipal Development District.

Eligible Improvements: shall mean the Improvements identified as eligible in Section 4 herein and subject to approval by the Board in reviewing an Application.

Improvements: shall be as defined in Section 4 herein.

Façade: shall mean the exterior of a building, including signs affixed to the building or a frame/base on the property.

Notice to Proceed: shall mean a written notice authorizing the Applicant to begin construction as approved.

Policy: shall mean this Targeted Improvement Incentives Policy (TIP).

Property: Shall mean the physical lot and / or building to which Improvements are being made.

Staff: shall mean the Executive Director of the AMDD or their designee.

Targeted Improvement Grant: shall mean the financial support to make designated Improvements to the Property as approved, and sometimes referred to as "Grant."

Section 3. Eligibility

The following properties and businesses are eligible to receive Grants.

- 3.1. Properties: Only properties meeting the following requirements at the time an Application is submitted shall be eligible to receive Grants as outlined by this Policy:
 - 3.1.1. Within the City or ETJ: Property must be located within the City municipal boundaries or ETJ boundaries.
 - 3.1.2. Commercial Properties: Property must be zoned for uses other than residential uses and the current use of the Property may not be residential.
 - 3.1.3. Tax-Paying Entity: Property must be subject to the City's and/or ETJ ad valorem property tax.
 - 3.1.4. Financial Standing: Property shall be in good standing as it relates to taxes or any monies due to the City, Denton County or the AMDD.
 - 3.1.5. Liens: Property shall be in good standing as it relates to any liens held by the City or Denton County.
 - 3.1.6. Ownership: Property owners must provide sufficient proof of ownership. Tenants must provide authorization from the Property owner for any proposed Improvements.
 - 3.1.7. Code Violations: Any Code Violations may prohibit eligibility but will be considered on a case-

by-case basis. This section does not include Projects to remedy Code Violations in accordance with Section 4.11.

- 3.1.8. Frequency: Property must not have received a Grant for the same category of Improvement (e.g. Façade, Landscaping, Equipment) in a 24- month period.
- 3.2. Businesses: Only businesses meeting the following requirements shall be eligible to receive benefits outlined by this Policy:
 - 3.2.1. Financial Standing: The business shall be in good standing as it relates to taxes or any monies due to the City.
 - 3.2.2. Tax-Paying Entity: The business must be a tax-paying entity.
 - 3.2.3. Property Owner Approval: Businesses, if not the owner of the property to be occupied, must provide a copy of their lease agreement and support of the Application from the Property owner prior to approval of the Application.

Section 4. **Improvements**

- 4.1. Aspirations: As with any policy or regulation, it is difficult to precisely regulate factors that are not easily defined. With that in mind, the following are to be considered aspirations for contemplated Improvements:
 - Improvements should be compatible with the character and architecture of the individual building and those in within its proximity;
 - Where appropriate, Improvements may act as a catalyst to create a unique environment;
 - Improvements should make the Property more inviting to the public; and
 - Improvements should be functional as well as visually appealing.
- 4.2. General Improvement Eligibility: Property Improvements shall be deemed as eligible or ineligible for the benefits of this Policy as defined below. In general, the following Improvements, though not exclusively, are ineligible for all Grants:
 - Any Improvements that do not comply with existing ordinances of the City or County if business is in the ETJ; except as referenced in 4.11.
 - Any Improvements made prior to the Notice to Proceed;
 - Sweat equity or “in-kind” services;
 - New construction that is not specifically listed in this Policy as an Eligible Improvement;
 - Any Improvements to eliminate Code Violations of a Property or Business, except as referenced in 4.11 or as deemed appropriate by the Board on a case-by-case basis;
 - Fees for designing, engineering, surveying, legal services, financing, etc.; or
 - Any Improvement(s) not identified as eligible below. A potential applicant may discuss an improvement not identified below with Staff to ascertain whether or not the Improvement meets the purpose and intent of this Policy. If so, an amendment to this Policy may be placed before the AMDD Board to determine the merits of including a new eligible Improvement.
- 4.3. Façade Improvements: The following are Eligible Improvements except as noted otherwise:
 - 4.3.1. Façade Materials: Replacing deteriorated or unsafe façade materials with brick, stone, tile, wood, or siding meeting the City’s architectural standards. Removal of “slip” coverings of prior façade materials and re-establishment of historic façade details. Repointing of mortared joints, and replacement or repair of damaged masonry.

- 4.3.2. Cleaning: Pressure washing or sand blasting existing facades, cleaning of tiles.
- 4.3.3. Painting: Scraping, priming and otherwise preparing the surface of and painting existing buildings. The Grant shall not cover the painting of new buildings.
- 4.3.4. Windows and Doors: Replacement of or improvements to existing windows or doors that are visible from a public street. Replacement of broken glass panes. For historic buildings, new windows and doors matching replaced windows or doors. The Grant shall not cover the purchase, replacement, or installation of burglar bars.
- 4.3.5. Awnings and Canopies: Replacement of or improvements to existing awnings or canopies, or new awnings or canopies.
- 4.3.6. Historical Restoration: Restoration of architectural details of historic significance and / or removal of elements covering such details.
- 4.3.7. Roof Repair: Replacement or repair of all or portions of the roof.
- 4.3.8. Gutters and Downspouts: Replacement or repair of existing gutters and / or downspouts.
- 4.4. Interior Renovation: The following are Eligible Improvements except as noted otherwise:
 - 4.4.1. Renovations: Renovations that enhance the commercial usability, including, but not limited to, adding or removing interior walls, finish and trim, carpentry, flooring, lighting, fixtures, and improving consumer use and safety of the building, including grease traps, HVAC, fire suppression systems, vent-a-hood, and upgrades to energy efficient lighting, electrical or plumbing fixtures. Any fixtures and appliances provided in the grant must stay with the building.
 - 4.4.2. Ineligible: Though not an all-inclusive list, the following are specifically not eligible: painting, wallpaper, aesthetic treatments, and aesthetic fixtures for lighting.
- 4.5. Landscaping: The following are Eligible Improvements except as noted otherwise:
 - 4.5.1. Edging and Trim: Providing a perimeter to shrub beds with materials deemed to be of a long life, e.g. brick, stone, concrete, steel and/or planters affixed to the property.
 - 4.5.2. Irrigation: Automatic irrigation system complying with all City code requirements. Irrigation may be required with any other Landscaping Improvement to provide proper care and maintenance for plants, trees, shrubs in front or back side of the property if visible to the public.
 - 4.5.3. Fencing: Replacement of fencing or installation of new fencing that is visually appealing.
 - 4.5.4. Ineligible: Though not an all-inclusive list, the following are specifically not eligible: landscape pruning, mowing and / or maintenance.
- 4.6. Exterior Lighting: The following are Eligible Improvements:
 - 4.6.1. Pedestrian: Increases in lighting in pedestrian areas on or adjacent to the Property, (e.g. sidewalks and parking lots).
 - 4.6.2. Accents: Lighting that accentuates features of the building or Property creating a pleasant ambience on the Property.
 - 4.6.3. Signage: Lighting that illuminates signage identifying the business.
- 4.7. Parking and Driveways: The following are Eligible Improvements except as noted otherwise:
 - 4.7.1. Reconstruction: Removal of existing pavement, gravel, curbing, drives, accessibility ramps, etc. and replacement with reconstruction meeting City requirements.
 - 4.7.2. Resurfacing: Re-topping parking areas per city code.
 - 4.7.3. Restriping: Repainting of parking stall stripes and / or fire lane graphics meeting the City's requirements.
 - 4.7.4. Ineligible: Though not an all-inclusive list, the following are specifically not eligible: Installation,

repair or replacement of any surface that is not allowed by the City's code of ordinances.

- 4.8. Pedestrian Amenities: The following are Eligible Improvements:
- 4.8.1. Paving: Paving of a unique nature in areas that allow customers to congregate and/or paving that is a safety improvement.
 - 4.8.2. Seating Areas: Provisions for seating in areas where customers may congregate before, during or after supporting the business if the seating will become a permanent feature of the Property.
 - 4.8.3. Shade: Provisions for shading pedestrian areas to include permanent or temporary canopies, awnings, or similar shade structures affixed to the building.
 - 4.8.4. Music: Provisions for permanent installation of fixtures to accommodate providing music in areas where customers congregate.
 - 4.8.5. Play Equipment: Recreational equipment intended for the entertainment of children when placed on private property in close proximity to the primary building.
- 4.9. Signage: The following are Eligible Improvements.
- 4.9.1. Replacing Signs: The replacement of signs that do not conform to current City requirements is a priority for the City. To that extent, the Policy allows for replacing existing signs, with new signage that complies with all City requirements and is affixed to the building or property.
 - 4.9.2. New Signs: New sign cans, bases, lettering or frames if affixed to the building or property for existing or new businesses.
- 4.10. Utilities: The following are Eligible Improvements:
- 4.10.1. Franchise Utilities: The upgrading or installation of new franchise utilities (e.g. electric, phone, and internet) that increase the commercial capacity or functionality of a building. Grant funds shall not be used to cover utility bill payments.
 - 4.10.2. Public Utilities: The upgrading or installation of new public utilities (e.g. water, sanitary sewer, and gas) that increase the commercial capacity or functionality of a building.
 - 4.10.3. Private Utilities: The upgrading or installation of new private utilities (e.g. septic systems) that increase the commercial capacity or functionality of a building.
 - 4.10.4. Placement Underground: The placement of existing or new utilities underground.
- 4.11. Code Compliance: The following are Eligible Improvements:
- 4.11.1. Public Accessibility: Reconstruction or new construction to comply with public accessibility requirements.
 - 4.11.2. Fire Suppression Systems: Replacement, upgrade, or installation of fire suppression systems in compliance with current codes.
- 4.12. Demolition: The costs of demolishing and removing existing structures on a Property may be considered for Property Improvements.
- 4.13. Participation Limitations: The potential matching Grant for each type of Improvement would be a 50/50 match of the total cost of the Improvement project up to \$30,000 total. The Applicant is responsible for the remaining costs of the Improvement(s) and must complete the full Improvement(s) to be eligible for the matching Grant. If an Improvement Project exceeds the allowed maximum match for improvements, the applicant may make a request for the AMDD Board to consider the project outside the Grant Policy. No Property or business may receive more than thirty thousand dollars (\$30,000) in Grants during a 24-month period.

Section 5.
Administrative Procedures

Following are the Administrative Procedures regarding Grant Applications:

- 5.1. Pre-Submittal: All Applicants are encouraged to meet with Staff prior to preparation of an Application. Applicants should contact the following to set up a meeting.

Executive Director
Aubrey Municipal Development District
Address: 205 S. Main Street, Aubrey, TX 76227
PH: (940) 765-1215

- 5.2. Application: The submittal of an Application is required prior to any evaluation of the request for Targeted Improvement Grants. The Application shall be on a form prepared by Staff, which is available on the Aubrey MDD's website or by request.

5.2.1. Required Information: The following shall be included with the Application:

- A. Proof of ownership or if the Applicant is not the Property owner;
 - i. Written approval of the Application from the owner; and
 - ii. Copy of the signed lease agreement
- B. Photographs of the existing Property;
- C. Drawings, renderings, and plans of the proposed Improvements;
- D. Written description of the Improvements including building materials and color schemes to be used;
- E. Construction cost estimates from at least two (2) different contractors or two (2) different bids from professional installers, as appropriate for the proposed Improvement; and
- F. Proof of insurance on the Property.

5.2.2. Amendments: Staff may amend the form of the Application as needed to more efficiently evaluate the merits of requested Improvements.

- 5.3. Review & Evaluation: Following are criteria to review and evaluate the Application:

5.3.1. Review Criteria:

- A. Completeness of Application: Completeness of the Application; including all required attachments;
- B. Impact: An estimation of the impact that the Improvements might have, particularly as a catalyst for continued private investment;
- C. Non-funded Improvements: Whether the improvements associated with the Grant are part of a larger effort to enhance the Property; and
- D. Elimination of a Non-Conformity: Whether the Improvements eliminate a legal non-conforming aspect of the Property.

5.3.2. Staff Evaluation and Recommendation: The coordinating Staff member shall evaluate the Application and shall prepare a recommendation to forward to the board for final review with a scoring system.

- A. Site Visit: Prior to formal evaluation of the Application, the Applicant shall allow Staff the opportunity to visit the Property to verify its status prior to any Improvements Grant approval.

- 5.4. Approval: The Board shall make the final decision regarding the merits of the Application and the appropriate Targeted Improvement Grant to be given, if any. Upon approval of a Targeted Improvement Grant, the Board shall enter into an Agreement with the Applicant on a form approved by the AMDD Attorney. The Agreement, at a minimum, must contain the following:

- 5.4.1. Improvements: List the specifications of the proposed Improvements on the Property.
- 5.4.2. Access: Provide the City and Staff access to the Property to ensure that the Improvements or repairs are made according to the specifications and conditions in the Agreement.
- 5.4.3. Grant: Provide for the procedures of the TIP Grant payment.
- 5.4.4. Recapture Provisions: Provide for the repayment of a Grant if the Applicant or the condition of the Property do not fulfill all obligations required under the Agreement. The City or AMDD may take any remedy necessary to recover the funds, including filing a lien on the Property.
- 5.5. Available Funds. Approval of Grant Applications shall be dependent upon if funds are available as pre-approved by the Council for the funding period and not to exceed thirty thousand dollar (\$30,000) per Grant. If approval of the Application requires funds not pre-approved by the Council, the Board will prepare a recommendation to forward to the Council for final approval.
- 5.6. City Council Approval. Application approval shall comply with Chapter 505 of the Texas Local Government Code.
- 5.7. Pre-Construction Meeting: If the TIP Grant is approved as noted above, and if deemed necessary by Staff, the Applicant must attend a pre-construction meeting with Staff to coordinate any required permits, execute Grant documents, and resolve any questions either party might have.
- 5.8. Notice to Proceed: Upon approval as noted above, Staff shall prepare and issue a written Notice to Proceed authorizing the Applicant to begin work on the Improvements. The Notice to Proceed shall in no event be regarded as the issuance or approval of a building permit or any other construction permits.
 - 5.8.1. Required: All Grant documents, including the Agreement with the Board, must be executed and all required permits must be received prior to issuance of the Notice to Proceed.
 - 5.8.2. Beginning of Work: All work must begin within sixty (60) days of the issuance of the Notice to Proceed.
 - 5.8.3. Completion of Work: All work for approved projects must be complete within six months of the Notice to Proceed unless an Applicant's written request for extension is granted in writing by the Board.
- 5.9. Construction: All construction shall be in accordance with all requirements for permitting and inspection required by the City.
- 5.10. Verification: Upon completion and approval of the work by the City, Staff shall verify that the work has been performed as authorized in the approval action.
 - 5.10.1. Documentation: The Applicant shall provide Staff with documentation necessary to determine the Construction Costs of the Improvements as approved, e.g. copies of paid contractor invoices, receipts or processed checks. Construction Costs not supported by adequate documentation shall not be eligible for reimbursement.
- 5.11. Payment: Upon verification of compliance with the approval action, Staff shall cause a check to be issued to the Applicant in the approved amount.
 - 5.11.1. Cost Overruns: Any costs above and beyond the amounts approved shall be the responsibility of the Applicant.

Section 6.
Applicant / Owner Certifications

The Application shall include the following certifications which shall be affirmed by the Applicant by signing the Application.

- 6.1. Application Accuracy: The information provided in the Application, and all that may have been affixed

thereto, is true and correct, and the Board may rely on all of the information therein contained, and all that may have been affixed thereto, as being true and correct.

- 6.2. Compliance: I (we) certify that I am (we are) solely responsible for all safety conditions and compliance with all safety regulations, building codes, ordinance and other applicable regulations. Neither approval of an Application, nor payment of a Targeted Improvement Grant upon completion of the project, shall neither constitute approval of the project by any City department, Board member or staff member, or a waiver by the City of any safety regulation, building code, ordinance or other applicable regulation.
- 6.3. Insurance: I (we) certify that I (we) maintain sufficient insurance coverage for property damage and personal injury liability relating to the project.
- 6.4. Maintenance: I (we) certify that the Improvements, once approved by the AMDD or City shall be maintained for a period of three (3) years from the date of payment. No changes shall be made without prior written approval from the Board. Failure to maintain or abandonment of the Improvements shall entitle the AMDD to a refund of the Grant awarded.
- 6.5. Discretionary Rights: I (we) certify that I (we) acknowledge that the Board has the absolute right of discretion in deciding whether or not to approve a Targeted Improvement Grant relative to the Application, whether or not such discretion is deemed arbitrary or without basis in fact, including the right to approve or disapprove a Grant on terms and conditions that are contrary to the guidelines of this Policy.
- 6.6. Policy Promotion: I (we) authorize the Board to use an approved project to promote the merits of this Policy, including but not limited to displaying a sign at the Property or business during and within thirty (30) days after construction, and using photographs and descriptions of the project in distribution material, press releases, social media and on the AMDD's website.
- 6.7. Indemnification: I (we) certify that I am (we are) solely responsible for overseeing the work, and will not seek to hold the City, the Board, and their agents, employees, officers, and directors liable for any property damage, personal injury, or other loss related in any way to this Policy, and by submission of an Application, agree to indemnify the City, the Board and their agents, employees, officers, and directors from any claims or damages resulting from the project, including reasonable attorney fees.

Section 7.
General Provisions

- 7.1. Termination: The City has the right to terminate any Agreement under this Policy for any reason.
- 7.2. Changes During Construction: If an Applicant seeks to change the scope of their project after a Grant has been approved, the Applicant shall meet with Staff to discuss the desired change. Staff has the authorization to approve minor modifications during construction. Any other desired modification shall be placed before the approving body for reconsideration.
- 7.3. Flexibility: The terms and conditions of this Policy are a guideline for the Board and / or City Council during their deliberation and evaluation. The Board reserves the right to modify the terms and conditions herein at any time, including for any pending application, and may approve a Grant on terms and conditions contrary to the guidelines set forth in this Policy.
- 7.4. Section or Other Headings: Section or other headings contained in this Policy are for reference purposes only and shall not affect in any way the meaning or interpretation of this Policy.
- 7.5. Severability: In the event that any provision of this Policy is determined to be illegal, invalid, or unenforceable, then, and in that event, it is the intention that the remainder of this Policy shall not be affected thereby.