

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, APPROVING THE EIGHTH AMENDMENT TO THE PROJECT COSTS IN THE EXISTING PROJECT AND FINANCE PLAN FOR “TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY-ONE, CITY OF BRYAN, TEXAS”, AND ORDAINING OTHER MATTERS RELATED THERETO; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council of the City has approved, as required by the Act, the Project and Finance Plan (“Plan”) for the Zone, as well as seven previous amendments to the Plan providing additional “Project Costs” be funded by the Zone and which are summarized in **Exhibit “A”**; and

WHEREAS, the Board of the Zone has recommended that the Plan be amended an eighth time to provide additional Project Costs be funded by the Zone; and

WHEREAS, Brazos County is participating in the Downtown North portion of the Project Costs associated with this amendment, specifically the County’s participation is restricted to a portion of the projected cost of the public portion of the underground and above ground structure parking; and

WHEREAS, the Brazos County Commissioners Court reviewed and approved the amendment to the Plan as provided in the Interlocal Agreement made by and between the City of Bryan and Brazos County; 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, Brazos County, 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 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 8th day of October, 2024 at 5:30 p.m. at Bryan City Hall, 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; and

WHEREAS, the City Council determines that it is necessary and advisable to consider adding additional Project Costs and therefore it is in the best interests of the citizens to approve this amendment to the Plan.

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 hereby approves an amendment to the Plan for the following items:

- 1.) \$14,000,000.00 for the Downtown North area as shown below in **Exhibit “B”** for costs associated with infrastructure including publicly accessible structured and underground parking, parks and play areas, updates to existing roadways, updates to and construction of sidewalks and pathways, landscaping, lighting, and upgrades to and/or relocation of electrical lines, water lines, sewer lines, and storm sewer currently located within the public right-of-way.
- 2.) \$3,500,000.00 for the Lorca Development area as shown below in **Exhibit “C”** for costs associated with publicly accessible structure and surface parking and façade upgrades beyond what is required by the currently adopted building codes and site development codes.

SECTION 3: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4: Should any section, paragraph, sentences, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, and to this end the provisions of this Ordinance are declared severable.

SECTION 5: It is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meeting was given.

SECTION 6: This Ordinance shall take effect immediately upon its first and only reading and passage.

PASSED, ADOPTED, AND APPROVED the ____ day of _____, 2024 at a regular meeting of the City Council of the City of Bryan, Texas, by a vote of _____yeses and _____ noes.

ATTEST:

CITY OF BRYAN:

Melissa Brunner, City Secretary

Bobby Gutierrez, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper, City Attorney

Exhibit A

Original Project and Finance Plan

- August 25, 2009
- \$1,094,957
 - Consulting / Professional Services
 - Demolition
 - Land and improvements

First Amendment

- November 12, 2013
- \$250,000
 - Façade improvement grants
 - Site improvements

Second Amendment

- February 9, 2016
- \$1,140,000
 - Tax reimbursements for Jordan Center

Third Amendment

- February 28, 2017
- \$100,000
 - Facade improvement grants

Fourth Amendment

- June 12, 2018
- \$170,000
 - Façade improvements grants
 - Public art project

Fifth Amendment

- December 11, 2018
- \$110,000
 - Intersection design associated with Quiet Zones

Sixth Amendment

- September 24, 2019
- \$4,156,970 and extension until 2041
 - Holiday lighting
 - Surface parking lot
 - Design and construction of Quiet Zones

Seventh Amendment

- October 11, 2022
- \$650,000
 - Surface parking
 - Plaza improvements adjacent to La Salle Hotel

Exhibit B



Exhibit C

