City Council Agenda

SAGINAW CITY COUNCIL
NOTICE OF MEETING AND WORKSHOP

Meeting, Workshop, and/or Executive Session Agenda
6:00 PM - Tuesday, October 1, 2019
Saginaw City Hall Council Chambers
333 West McLeroy Blvd.

In accordance with Section 551.042 of the Texas Government Code, this agenda has been posted at Saginaw City Hall, and distributed to the appropriate news media within the required time frame. All meetings of the Saginaw City Council are open to the public. Public participation and written comments are invited on all open session business items.

The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside to respond to a page or to conduct a phone conversation.

The City Hall is wheelchair accessible and special parking is available on the east side of the building. If special accommodations are required please contact the City Secretary a minimum of 72 hours in advance at 817-232-4640.

(1) Call to Order--Todd Flippo, Mayor

Pledge of Allegiance to the United States

Pledge of Allegiance to the State of Texas

"Honor the Texas Flag; I pledge allegiance to thee, Texas, one State under God, one and indivisible"

(2) Invocation--Pastor Sean Reed, The Crossroads Church

(3) Audience Participation

(4) Consent Agenda

(a) Action regarding Minutes, September 3, 2019--Janice England, City Secretary

(b) Action regarding Minutes, September 10, 2019--Janice England, City Secretary

(c) Action regarding Minutes, September 17, 2019--Janice England, City Secretary

(d) Action regarding Building Improvement Grant Agreement with NDFIII North Town Center, LLC (1029 N Saginaw Blvd)--Alora Wachholz, CEcD,

Director of Economic Development

(e) Consideration and action regarding Award of Contract for Saginaw Manhole and Pipe Rehabilitation Contract--Rick Trice, P.E., Director of Public Works

(5) Consideration and Action to Approve Funds for Keep Saginaw Beautiful Committee Project – Wrapping Traffic Control Boxes--Keith Rinehart, Director of Community Services

(6) Consideration and Action regarding Authorization for City Staff and Consultants to proceed with privately placing General Obligation Refunding Bonds, Series 2019 via Competitive Bidding Process for the Purpose of achieving Annual Debt Service Savings so long as Certain Savings Thresholds can be met--Kim Quin, Finance Director

(7) Consideration and Action regarding Ordinance No. 2019-21, Adopting Regulations for Protection of the City Logo and City Seal, and Prohibiting the Unauthorized Use Thereof--Bryn Meredith, City Attorney

(8) Briefing on Bailey Boswell Overpass Project--Rick Trice, P.E., Director of Public Works

(9) Recess into Workshop--Todd Flippo, Mayor

(10) Economic Development Snapshot--Alora Wachholz, CEcD, Director of Economic Development

(11) Reconvene Back into Regular Session--Todd Flippo, Mayor

(12) Executive Session

551.071. Texas Government Code.

Consultation with Attorney. The City Council may convene in executive session to conduct a private consultation with its attorney on any legally posted agenda item, when the City Council seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551, including the following items:

(a) Any Posted Item

(13) Adjournment--Todd Flippo, Mayor

City of Saginaw

Meeting Date: 10/1/2019

Staff Contact: Janice England
City Secretary

Agenda Items: (4)(a)

E-mail: jengland@saginawtx.org

Phone: 817-230-0327

SUBJECT:
Action regarding Minutes, September 3, 2019

BACKGROUND/DISCUSSION:
The minutes of the City Council Meeting held on September 3, 2019 are being presented for consideration.

FINANCIAL IMPACT:
N/A

RECOMMENDATION:
Staff recommends approval.

ATTACHMENTS:

Description

9-3-2019 Minutes

CITY OF SAGINAW
CITY COUNCIL MEETING
AND PUBLIC HEARING
HELD AT THE SAGINAW CITY HALL
333 W. MCLEROY BLVD.
SEPTEMBER 3, 2019

Present at the meeting:

Mayor	Todd Flippo
Mayor Pro-Tem	Valerie Tankersley
Councilmember	Charles Beasley
Councilmember	Patrick Farr
Councilmember	Charles Tucker
Councilmember	Cindy Bighorse
Councilmember	Mary Copeland
City Attorney	Bradley Anderle
City Engineer	Andrew Simonsen, P.E.
City Manager	Gabe Reaume
Asst. City Manager	Dolph Johnson
Finance Director	Kim Quin
City Secretary	Janice England
Police Chief	Lee Howell
Fire Chief	Doug Spears
Director of Public Works	Rick Trice, P.E.
Director of Comm. Services	Keith Rinehart
Director of Human Resources	Melanie McManus
Director of Economic Dev.	Alora Wachholz
Library Director	Ellen Ritchie
Police Officer	

Absent from the meeting:

None

Visitors at the meeting:

Rick McNealy	Kathryn Johnson
Miranda Tindle	Vance Tindle
David Frich	Barbara Beerling
Tabitha O'Connor	Mary Ragle
William C. Kelley	Kelly Stewart
Larry Scheid	Brack St. Clair
Kelly McDowell	Jan Young
Dale Reed	

(1) Call to Order

Mayor Flippo called the meeting to order at 6:00 p.m. with a quorum present.

Pledge of Allegiance to the United States

Pledge of Allegiance to the State of Texas

(2) Invocation

In the absence of Dr. Danny Howe, Councilmember Tucker gave the invocation.

(3) Audience Participation

This item was covered on the video screen.

(4) Consent Agenda

a. Action regarding Minutes, August 20, 2019

b. Action regarding Resolution No. 2019-16, Revised Investment Policy

Summary: Chapter 2256 of the Government Code, also known as "The Public Funds Investment Act" requires the City to have a written investment policy that must be reviewed by the governing body. The City's Investment Policy was last revised in October 2017. The proposed Investment Policy has been reviewed by the Investment Committee which is comprised of the Mayor, the City Manager, the Assistant City Manager, and the Finance Director. The Committee has determined that the only revisions necessary are changes that refer to the position Assistant City Manager/Finance Director. That position no longer exists and the investment duties have been assigned to the Finance Director. The Investment Committee recommends approval of Resolution No. 2019-16, the revised investment policy.

c. Action regarding Ordinance No. 2019-14, Settlement Agreement between ACSC and Atmos Energy

Summary: Saginaw, along with 171 other Mid-Texas cities served by Atmos Energy Corporation, is a member of the Atmos Cities Steering Committee (ACSC). The ACSC's Executive Committee and attorneys have negotiated a reduced settlement with Atmos regarding Atmos' state filing for a rate increase. The new gas rates will be effective October 1, 2019. Ordinance No. 2019-14 addresses the settlement agreement.

d. Action regarding Purchase of Two Chevrolet 1500 Pickup Trucks for the Parks and Drainage Departments

Summary: The 2018-2019 Parks and Drainage Department budgets included funds in the amount of $20,000 each for the purchase of a new service truck. Both vehicles will be 2019 Chevrolet 1500 Pickup trucks. The trucks were competitively bid and James Wood Motors submitted the low bid for the two vehicles in the amount of $45,436.20. The total financial impact will be $45,436.20. Funds in the amount of $20,000 are budgeted for replacement of the Parks Department Truck (Parks Department, Account 01-7000-07, Capital Outlay/Special Request). Funds in the amount of $20,000 are budgeted for replacement of the Drainage Department truck (Drainage Utility Fund, Account 14-7000-00, Capital Outlay/Special Request). The remaining $5,436.20 will come from Fund Balance.

Motion was made by Councilmember Farr with a second by Mayor Pro-Tem Tankersley to approve the consent agenda as presented. Motion carried unanimously. 7-0-0-0

For: Mayor Flippo, Mayor Pro-Tem Tankersley, Councilmembers Beasley, Farr, Tucker, Bighorse, and Copeland

Against: None

Abstain: None

Absent: None

(5) PUBLIC HEARING – Proposed 2019 Property Tax Rate for Fiscal Year 2019-2020

Mayor Flippo declared the public hearing opened at 6:02 p.m. City Manager Reaume explained that this is the first of two public hearings required by law on the proposed 2019 tax rate. He stated that the proposed 2019 tax rate is 0.45900. The proposed tax rate is above the effective tax rate of 0.430869 which by State Law requires specific Truth-in-Taxation procedures that must be followed including tonight's public hearing.

Councilmember Copeland asked the Council to consider setting the 2019 tax rate at the rollback rate which is 0.469175. She explained her concerns about approving the proposed tax rate of 0.45900 and increasing Animal Services fees and Recreation and Community Center fees as proposed.

Councilmember Farr expressed his appreciation to the staff for their efforts in responding to the Council's requests in regards to the proposed budget and tax rate. He explained that he does not agree with adopting the rollback tax rate. He stated that raising user fees will affect only those residents and non-residents that use the services and/or facilities. He added that the Council owes it to their constituents to demonstrate that they are making the best decisions they can each year during the budget process.

Mayor Flippo called for public input. Jan Young addressed the Council. She explained that she has lived in Saginaw since 1984 and has witnessed the City's growth through the years. She expressed her appreciation for the Council and staff working together. She added, however, that she would prefer the higher rollback tax rate rather than increasing user fees.

Larry Scheid addressed the Council. He expressed his concern about the increased property values and the EMS-ISD taxes. City Manager Reaume explained that the City has no control over the school property taxes. Mr. Scheid asked if revenue from the Crime Control and Prevention District (CCPD) sales tax could be used for items such as the need repairs to the Police Department roof. City Manager Reaume explained that the CCPD sales tax is a dedicated sales tax to be used for police officers and equipment.

Kathryn Johnson addressed the Council. She stated that she has lived in Saginaw for six months. She expressed her concern over the high property taxes. She added that any increase in the tax rate would not be good. City Manager Reaume explained the various taxing entities that bill property taxes. He stated that the City only has control over the City's tax rate. Property values are set by the Tarrant Appraisal District. Ms. Johnson stated that she would prefer an increase in user fees instead of an increase in the tax rate. She expressed her appreciation to the Council for their efforts.

Mayor Flippo declared the public hearing closed at 6:28 p.m.

Mayor Flippo announced that the second public hearing on the proposed tax rate increase will be held on September 10, 2019 at 6:00 p.m. at the Saginaw City Hall and that the adoption of the proposed tax rate increase will be considered at the City Council Meeting on September 17, 2019 at 6:00 p.m. at the Saginaw City Hall.

(6) PUBLIC HEARING – Consideration and Action regarding a Request for Approval to Amend the 2016 Comprehensive Plan from Office Professional (OP) to Neighborhood Commercial (NC) and to Change the Zoning from Office Professional (OP) to Neighborhood Commercial (NC) on approximately 5.93 acres of Land out of a Portion of Tract 4, Abstract 1849, A.F. Albright Survey located at the Northeast Corner of N. Knowles Dr. and W. McLeroy Blvd. (Ordinance No. 2019-15)

Mayor Flippo declared the public hearing for this item opened at 6:28 p.m. Director of Public Works Trice explained that this item is to take action on the zoning request that was tabled at the July 23, 2019 City Council Meeting. The item was tabled in order to consider the zoning and the Specific Use Permit for the property (Item No. 7 on tonight's agenda) at the same meeting. He explained that the zoning request is for approval of a change in the zoning from Office Professional (OP) to Neighborhood Commercial (NC) on approximately 5.93 acres of land located at the northeast corner of N. Knowles Drive and W. McLeroy Blvd. He added that the Planning and Zoning Commission considered this request and voted unanimously to recommend approval. He also explained that Item No. 7 is a request for a Specific Use Permit on the same property. He stated that the Planning and Zoning Commission considered this request also and voted unanimously to recommend approval. The Council concurred to consider Item No. 6 and Item No. 7 together. Mayor Flippo declared the public hearing for Item No. 7 opened at 6:30 p.m.

Mr. Rick McNealy addressed the Council. He explained the he represents the developer and builder for the proposed project which is a skilled nursing facility. He stated that the facility will offer short term care as well as long term care depending on the needs of the community. He explained they are totally open to both types of care. However, he added they will not be set up for long term Alzheimer's patient care. He did state that they would be open to consideration of that type of care if the need arises in the future. He explained the proposed facility will be approximately 52,000 sq.ft. with 128 beds and have approximately 100 employees. He stated that "down lighting" will be used on the exterior of the facility and in the back parking areas so that a minimum amount of light is visible to the adjacent neighborhood.

Mayor Flippo called for public input. Mr. William Kelley addressed the Council. He stated that he lives in the neighborhood behind the property. He asked how tall the facility would be. Mr. McNealy explained that the facility will be one story with a roof peak at approximately thirty-three feet. Mr. Kelley asked about the length of construction. Mr. McNealy stated that construction is anticipated to take twelve to thirteen months.

Mr. Larry Scheid addressed the Council. He asked if the proposed facility would have a plan for emergencies. Mr. McNealy explained there are State requirements regarding emergency management plans for the proposed type of facility. He added that the City has very thorough requirements as well.

There being no further public input, Mayor Flippo declared the public hearing for Item No. 6 and Item No. 7 closed at 6:44 p.m.

Motion was made by Mayor Pro-Tem Tankersley with a second by Councilmember Tucker to adopt Ordinance No. 2019-15, approving the request to amend the 2016 Comprehensive Plan from Office Professional (OP) to Neighborhood Commercial (NC) and to change the zoning from Office Professional (OP) to Neighborhood Commercial (NC) on approximately 5.93 acres of land out of a portion of Tract 4, Abstract 1849, A.F. Albright Survey located at the northeast corner of N. Knowles Drive and W. McLeroy Blvd. as recommended by the Planning and Zoning Commission. Motion carried unanimously. 7-0-0-0

For: Mayor Flippo, Mayor Pro-Tem Tankersley, Councilmembers Beasley, Farr, Tucker, Bighorse, and Copeland

Against: None

Abstain: None

Absent: None

(7) PUBLIC HEARING – Consideration and Action regarding a Request for Approval of a Specific Use Permit to be allowed to operate a Skilled Nursing Facility (Nursing Home) on Property Located at the Northeast Corner of N. Knowles Dr. and W. McLeroy Blvd., a Portion of Tract 4, Abstract 1849, A.F. Albright Survey (Ordinance No. 2019-16)

This item was discussed and the public hearing held during Item 6.

Motion was made by Mayor Pro-Tem Tankersley with a second by Councilmember Bighorse to adopt Ordinance No. 2019-16, approving the request for a Specific Use Permit to be allowed to operate a Skilled Nursing Facility (Nursing Home) on the property located at the northeast corner of N. Knowles Dr. and W. McLeroy Blvd. as recommended by the Planning and Zoning Commission. Motion carried unanimously. 7-0-0-0

For: Mayor Flippo, Mayor Pro-Tem Tankersley, Councilmembers Beasley, Farr, Tucker, Bighorse, and Copeland

Against: None

Abstain: None

Absent: None

Councilmember Farr left the meeting at this point due to a conflict of interest regarding Item No. 8.

(8) Consideration and Action regarding Approval of Change Order #1 to Willow Creek Park Playground (Willow Creek Station) Contract

Director of Public Works Trice stated that the City Council awarded the contract for the Willow Creek Park Playground (Willow Creek Station) on July 23, 2019. He explained at that time the Council discussed the addition of equipment that would be fully accessible to wheelchair bound children. He stated that Change Order #1 will add Whirl and Aeroglider equipment manufactured by Playworld in the amount of $70,120. Both pieces of equipment will be fully accessible. City Manager Reaume explained that funds for this expenditure will come from the recently approved Tax Notes.

Motion was made by Mayor Pro-Tem Tankersley with a second by Councilmember Beasley to approve Change Order #1 to Willow Creek Park Playground (Willow Creek Station) Contract as presented. Motion carried unanimously. 6-0-0-1

For: Mayor Flippo, Mayor Pro-Tem Tankersley, Councilmembers Beasley, Tucker, Bighorse, and Copeland

Against: None

Abstain: None

Absent: Councilmember Farr

Councilmember Farr returned to the meeting.

(9) Consideration and Action regarding Award of Contract for Fairmount 15-inch Sanitary Sewer, Phase 1

Director of Public Works Trice explained that on March 19, 2019 the Council rejected the bids that were received for the Fairmount 15-inch Sanitary Sewer, Phase 1 Project. He explained that the bids received at that time were $400,000 over the budgeted amount. He explained in March the City was notified by Burlington Northern Santa Fe Railroad (BNSF) that it was planning on expansion of its facilities requiring the City to examine its utility crossings to clear for BNSF's construction. On July 2, 2019 the Council authorized an amendment to Kimley Horn & Associates Individual Project Order to add design work required to abandon an 8-inch waterline and relocate a 12-inch sanitary sewer line that is within the BNSF right-of-way. The Fairmount 15-inch Sanitary Sewer, Phase 1 Project was re-bid with only one bid received. The bid was from Atkins Brothers Equipment Co., Inc. in the amount of $2,113,145. Director of Public Works Trice stated that the bid is broken into two units. He added that Kimley Horn & Associates has reviewed the bid and recommended that the bid be awarded to Atkins Brothers Equipment Co. Inc. He added that the additional funds over the budgeted amount for this project will come from the fund balance.

Motion was made by Councilmember Farr with a second by Councilmember Bighorse to approved the award of the contract for both units of the Fairmount 15-inch Sanitary Sewer, Phase 1 Project to Atkins Brothers Equipment Co. Inc. in the amount of $2,113,145 as recommended by staff. Motion carried unanimously. 7-0-0-0

For: Mayor Flippo, Mayor Pro-Tem Tankersley, Councilmembers Beasley, Farr, Tucker, Bighorse, and Copeland

Against: None

Abstain: None

Absent: None

(10) Consideration and Action regarding Resolution No. 2019-17 Creating the Citizens' Bond Committee and Appointing Members

Assistant City Manager Johnson stated that Resolution No. 2019-17 creates the Citizens' Bond Committee and appoints members as nominated by the City Council. The committee will meet during the next few months to review the Financial Plan and the Capital Improvements Plan. Then they will make a recommendation to the Council on which facility and infrastructure projects should be presented to voters for a possible bond election to be held in May of 2020.

City Manager Reaume read a statement from Lewis McLain regarding the City's financial standing and the amount of debt the City could afford. Mr. McLain was unable to be present tonight due to health reasons. A lengthy discussion followed regarding potential projects for the committee to consider and the dollar amount to be considered for a bond election.

Motion was made by Mayor Pro-Tem Tankersley with a second by Councilmember Tucker to approve Resolution No. 2019-17 appointing the following to the Citizens' Bond Committee: Gregory Gerami, Pat Shelton, Jane North Lyon, Rick Russell, Chuck Inmon, Brack St. Clair, Tim Miller, Siobhan Lilley, Travis Albritton, Stephen Watson, Don Cromwell, David Jones, and Monica Dixon. Motion carried unanimously. 7-0-0-0

For: Mayor Flippo, Mayor Pro-Tem Tankersley, Councilmembers Beasley, Farr, Tucker, Bighorse, and Copeland

Against: None

Abstain: None

Absent: None

(11) Executive Session

1 § 551.071. Consultation with Attorney. The City Council may convene in executive session to conduct a private consultation with its attorney on any legally posted agenda item, when the City Council seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551, including the following items:

a. Any Posted Item

1 § 551.087. Deliberation regarding Economic Development Negotiations. The City Council may convene In executive session to discuss or deliberate regarding commercial or financial information that the City has Received from a business prospect that the City seeks to have locate, stay, or expand in or near the City and With which the City is conducting economic development negotiations; or to deliberate the offer of a Financial or other incentive to a business prospect described above, including:

a. Building Improvement Grant Applications—116 N. Saginaw Blvd. and 128 N. Saginaw Blvd.

Mayor Flippo declared the meeting recessed into Executive Session at 7:17 p.m.

Mayor Flippo declared the meeting back in Regular Session at 7:28 p.m.

(12) Adjournment

Motion was made by Councilmember Farr with a second by Councilmember Tucker to adjourn the meeting. Motion carried unanimously. 7-0-0-0

For: Mayor Flippo, Mayor Pro-Tem Tankersley, Councilmembers Beasley, Farr, Tucker, Bighorse, and Copeland

Against: None

Abstain: None

Absent: None

Mayor Flippo declared the City Council Meeting of September 3, 2019 adjourned at 7:28 p.m.

ATTEST: APPROVED:

City Secretary Janice England Mayor Todd Flippo

City of Saginaw

Meeting Date: 10/1/2019

Staff Contact: Janice England
City Secretary

Agenda Items: (4)(b)

E-mail: jengland@saginawtx.org

Phone: 817-230-0327

SUBJECT:
Action regarding Minutes, September 10, 2019

BACKGROUND/DISCUSSION:
The minutes of the City Council Meeting held on September 10, 2019 are being presented for consideration.

FINANCIAL IMPACT:
N/A

RECOMMENDATION:
Staff recommends approval.

ATTACHMENTS:

Description

9-10-2019 Minutes

CITY OF SAGINAW
MINUTES OF SPECIAL CALLED
CITY COUNCIL PUBLIC HEARING
HELD AT THE SAGINAW CITY HALL
333 WEST MCLEROY BLVD.
SEPTEMBER 10, 2019

Present at the meeting:

Mayor	Todd Flippo
Mayor Pro-Tem	Valerie Tankersley
Councilmember	Charles Beasley
Councilmember	Patrick Farr
Councilmember	Charles Tucker
Councilmember	Cindy Bighorse
Councilmember	Mary Copeland
City Manager	Gabe Reaume
Asst. City Manager	Dolph Johnson
Finance Director	Kim Quin
City Secretary	Janice England
Police Chief	Lee Howell
Fire Chief	Doug Spears
Director of Public Works	Rick Trice, P.E.
Director of Human Resources	Melanie McManus
Chief Building Official	Larry Little

Absent from the meeting:

City Attorney	Bryn Meredith
City Engineer	Andrew Simonsen, P.E.
Director of Recreation	Keith Rinehart
Director of Economic Dev.	Alora Wachholz
Library Director	Ellen Ritchie

Visitors at the meeting:

Doe Dec	Kathryn Johnson
Miranda Tindle	Vance Tindle
Mary Ragle	Larry Thompson
Amelia Sharp	Patsy O'Neal
Don Lomax	Daniel J. Bennett
Shawn Morrison	Teniquia Lott
Jennifer Little	Christie Noone
Greg Noone	Joan Gillen
Sherry Hilburn	Karen Fruhorth
Dan Karpenko	Deborah Norris
Stan Saden	Jessica Keefer
Chelsi Snode	Mr. Anderson

(1) Call to Order

Mayor Flippo called the meeting to order at 6:00 p.m. with a quorum present.

(2) **Public Hearing –** Proposed 2019 Property Tax Rate for Fiscal Year 2019-2020

Mayor Flippo declared the public hearing opened at 6:01 p.m. He explained that tonight's public hearing is the second of two required public hearings for the proposed 2019 property tax rate. City Manager Reaume gave a brief power point presentation regarding the proposed tax rate. Mayor Flippo pointed out that there is some misinformation on social media regarding the proposed tax rate. He explained that the proposed tax rate (45.9 cents) is actually lower than the current tax rate (47.18 cents). However, he stated that if property values increase then the amount of property taxes will increase. He explained that property values are controlled by the Tarrant Appraisal District. He added that the property tax on a single family home with an average value of $178,105 will see an annual increase of $52.73 (or $4.39 per month). Mayor Flippo pointed out the city services provided to residents in Saginaw. He added that the proposed budget includes the addition of two positions to be added January 1, 2010 (one Patrol Officer and one Firefighter) and an Emergency Management Coordinator to be added April 1, 2020 (cost to be split with City of Lake Worth).

Councilmember Copeland proposed that the tax rate be set at 46.9 cents instead of the proposed 45.9 cents. She explained her reasons for this proposal. She also stated that she is opposed to increases in Animal Services fees as well as increases in the Recreation and Community Services fees. She added that increases in these fees would have a detrimental effect on the adoption rate of animals and use of facilities such as the pool and recreation center.

Councilmember Farr explained the public safety needs that were presented by staff during the budget process. He stated that the staff and Council worked together and debated throughout the process to determine what would be best for the residents of Saginaw. He expressed his appreciation to the staff and Council for their efforts.

Mayor Flippo called for any public comments.

Ms. Kathryn Johnson addressed the Council. She expressed her concern about increases in property values and the resulting increase in her property taxes.

Mr. Anderson expressed his concern regarding property values and the proposed tax rate.

Ms. Deborah Norris expressed her concern regarding the proposed tax rate.

Mayor Flippo declared the public hearing closed at 6:39 p.m. He announced that the adoption of the proposed property tax rate increase will be considered at the City Council Meeting on September 17, 2019. The meeting will be held at City Hall, 333 West McLeroy Boulevard, and will begin at 6:00 p.m.

(3) Adjournment

Motion was made by Councilmember Farr with a second by Mayor Pro-Tem Tankersley to adjourn the meeting. Motion carried unanimously. 7-0-0-0

For: Mayor Flippo, Mayor Pro-Tem Tankersley,
Councilmembers Beasley, Farr, Tucker, Bighorse, and Copeland

Against: None

Abstain: None

Absent: None

Mayor Flippo declared the Public Hearing of September 10, 2019 adjourned at 6:40 p.m.

ATTEST:

_____
City Secretary Janice England

APPROVED:

_____
Mayor Todd Flippo

City of Saginaw

Meeting Date: 10/1/2019

Staff Contact: Janice England
City Secretary

Agenda Items: (4)(c)

E-mail: jengland@saginawtx.org

Phone: 817-230-0327

SUBJECT:
Action regarding Minutes, September 17, 2019

BACKGROUND/DISCUSSION:
The minutes of the City Council Meeting held on September 17, 2019 are being presented for consideration.

FINANCIAL IMPACT:
N/A

RECOMMENDATION:
Staff recommends approval.

ATTACHMENTS:

Description

Minutes 9-17-2019

CITY OF SAGINAW
MINUTES OF CITY COUNCIL MEETING
AND PUBLIC HEARING
HELD AT THE SAGINAW CITY HALL
333 WEST MCLEROY BLVD.
SEPTEMBER 17, 2019

Present at the meeting:

Mayor Pro-Tem	Valerie Tankersley
Councilmember	Charles Beasley
Councilmember	Patrick Farr
Councilmember	Charles Tucker
Councilmember	Cindy Bighorse
Councilmember	Mary Copeland
City Attorney	Bryn Meredith
City Engineer	Andrew Simonsen, P.E.
City Manager	Gabe Reaume
Asst. City Manager	Dolph Johnson
Finance Director	Kim Quin
City Secretary	Janice England
Police Chief	Lee Howell
Asst. Police Chief	Russell Ragsdale
Fire Chief	Doug Spears
Director of Community Svcs.	Keith Rinehart
Director of Human Resources	Melanie McManus
Director of Economic Dev.	Alora Wachholz
Library Director	Ellen Ritchie
Chief Building Official	Larry Little

Absent from the meeting:

Mayor	Todd Flippo
Director of Public Works	Rick Trice, P.E.

Visitors at the meeting:

Miranda Tindle	Vance Tindle
Doe Dec	Kathryn Johnson
Larry Wright	Jan Young
Clay Cristy	Robert Dorazil
Gerald Sappington	Alvin Burke
William Burke	Amy King
Gregory Gerami	

(1) Call to Order

Mayor Pro-Tem Tankersley called the meeting to order at 6:00 p.m. with a quorum present

Pledge of Allegiance to the United States

Pledge of Allegiance to the State of Texas

(2) Invocation

Councilmember Farr gave the invocation.

(3) Audience Participation

This item was covered on the video screen.

(4) Consent Agenda

a. Action regarding Interlocal Agreement with Fort Worth Transportation Authority ("Trinity Metro") for Tarrant County Transportation Services for the Elderly and Persons with Disabilities for the period of October 1, 2019 through September 30, 2020

Summary: The proposed Interlocal Agreement with Fort Worth Transportation Authority ("Trinity Metro") for Tarrant County Transportation Services (TCTS) is for the period of October 1, 2019 through September 30, 2020. It is basically the same as the current Agreement with no increase in cost to participants or the City. The City is allocated one day (Monday) each week as the primary designated day for transportation. By participating in this program, qualifying residents of Saginaw are entitled to a one-way trip fare of $2.50. In addition, Trinity Metro has been awarded an additional grant for enhancement of TCTS to include an additional day of guaranteed service which will be Wednesday. The total cost will be $1,795. Funds in the amount of $2,250 are budgeted in the Community Services Budget, Account 01-5235-08, Senior Center Programs.

b. Action regarding Building Improvement Grant Agreement with Kirk Bonds (116 & 128 N. Saginaw Blvd.

Summary: On September 3, 2019 the City Council heard information in Executive Session pertaining to the specifics of a Building Improvement Grant (BIG) Program Application that was submitted on August 13, 2019 by Kirk Bonds in regard to his properties located at 116 and 128 N. Saginaw Blvd. The consensus of the Council in that session was to award an amount not-to-exceed $3,000 in reimbursable and matching dollars for the anticipated improvements as proposed on his application. The proposed agreement is the result of that intention. Funds for this expenditure are available in the Economic Development Budget, Account 01-6142-13, Building Improvement Grants.

c. Action regarding Resolution No. 2019-18, Appointing a New Member to the Citizens' Bond Committee

Summary: Thirteen members of the Citizen's Bond Committee were appointed at the City Council Meeting on September 3, 2019. At that time Councilmember Beasley had not named his final nomination for the committee and the position on the committee was left vacant. Since that meeting, Councilmember Beasley has nominated Kathryn Johnson to fill the vacant position. Resolution No. 2019-18 covers the appointment of Kathryn Johnson to the Citizen's Bond Committee.

Mayor-Pro Tem Tankersley stated that Item 4a would be pulled from the Consent Agenda for discussion.

Motion was made by Councilmember Farr with a second by Councilmember Beasley to approve Item 4b and Item 4c as presented. Motion carried unanimously. 6-0-0-1

For: Mayor Pro-Tem Tankersley, Councilmembers Beasley, Farr, Tucker, Bighorse, and Copeland

Against: None

Abstain: None

Absent: Mayor Flippo

Director of Community Services Rinehart updated the Council regarding Item 4a. He explained that initially it was understood that the agreement with The Fort Worth Transportation Authority would not include the additional day of service for qualifying Saginaw residents as is currently available. However, he stated that Trinity Metro has been awarded an additional grant for the period of October 1, 2019 through September 30, 2020 which allows them to offer the additional day of service. He added that the original agreement and the enhancement agreement are both included in the Council packet for this item. He recommended approval.

There was a brief discussion regarding the transportation service and its utilization by residents. It was suggested that additional options for transportation be reviewed and considered during the budgeting process next year.

Motion was made by Councilmember Farr with a second by Councilmember Tucker to approve Item 4a as presented. Motion carried unanimously. 6-0-0-1

For: Mayor Pro-Tem Tankersley, Councilmembers Beasley,
Farr, Tucker, Bighorse, and Copeland

Against: None

Abstain: None

Absent: Mayor Flippo

(15) CC-0918-24

(5) **Public Hearing –** Presentation of Proposed Budget for Fiscal Year 2019-2020

Mayor Pro-Tem Tankersley declared the public hearing for this item opened at 6:06 p.m. City Manager Reaume briefly explained the budget process and timeline. He stated that the budget workshop presentations for the fiscal year 2019-2020 budget have been made available online following each workshop. He added that the proposed budget is posted on the City's website. Mayor Pro-Tem Tankersley called for any public input. There was none. Mayor Pro-Tem Tankersley declared the public hearing closed at 6:08 p.m.

(6) Consideration and Action regarding Resolution No. 2019-19, Adoption of Budget for Fiscal Year 2019-2020

Motion was made by Councilmember Farr with a second by Councilmember Bighorse to approve Resolution No. 2019-19 adopting the budget for the fiscal year 2019-2020. Motion carried. 6-0-0-1

For: Mayor Pro-Tem Tankersley, Councilmembers Beasley
Farr, Tucker, Bighorse, and Copeland

Against: None

Abstain: None

Absent: Mayor Flippo

(7) Consideration and Action to Ratify the Adopted 2019-2020 Fiscal Year Budget

City Attorney Meredith explained that taking action to ratify the adopted budget is necessary because the adopted budget will generate more total revenue than received in the current fiscal year budget.

Motion was made by Councilmember Tucker with a second by Councilmember Farr to ratify the adopted 2019-2020 fiscal year budget. Motion carried. 6-0-0-1

For: Mayor Pro-Tem Tankersley, Councilmembers Beasley
Farr, Tucker, Bighorse, and Copeland

Against: None

Abstain: None

Absent: Mayor Flippo

(8) Consideration and Action regarding Ordinance No. 2019-17, Adopting and Setting the Property Tax Rate for the 2019 Tax Year

City Manager Reaume stated that the proposed tax rate is 45.9 cents which is slightly under the current tax rate of 47.18 cents. He explained that the budget adopted in Item 6 is based on the tax rate of 45.9 cents.

Motion was made by Councilmember Copeland that the property tax rate be increased and set at 46.9 cents which is effectively an 8.85% increase in the tax rate.

Motion died for lack of a second.

Motion was made by Councilmember Farr with a second by Councilmember Bighorse that the property tax rate be increased by the adoption of the tax rate of 0.459000 (45.9 cents), which is effectively a 6.53% increase in the tax rate for the 2019 tax year as stated in Ordinance No. 2019-17. Motion carried. 5-1-0-1

For: Mayor Pro-Tem Tankersley, Councilmembers Beasley,
Farr, Tucker, and Bighorse

Against: Councilmember Copeland

Abstain: None

Absent: Mayor Flippo

(9) Consideration and Action regarding Ordinance No. 2019-18, Water Rates

City Manager Reaume explained that the City of Saginaw contracts with the City of Fort Worth for the purchase of water and the treatment of wastewater. The City of Fort Worth bills the City of Saginaw for wastewater treatment based on the strengths and volume that pass through the system. The City of Fort Worth is decreasing water rates by 10.49% and wastewater rates by 3.44%. He explained that the 2019-2020 fiscal year budget includes a 5% decrease in water rates and no change in wastewater rates. He added that Ordinance No. 2019-18 addresses the decrease in water rates.

Motion was made by Councilmember Farr with a second by Councilmember Beasley to approve Ordinance No. 2019-18, revising the water service rates as presented. Motion carried unanimously. 6-0-0-1

For: Mayor Pro-Tem Tankersley, Councilmembers Beasley, Farr, Tucker, Bighorse, and Copeland

Against: None

Abstain: None

Absent: Mayor Flippo

(10) **Public Hearing –** Presentation of Revised Budget for Fiscal Year 2018-2019

Mayor Pro-Tem Tankersley declared the public hearing for this item opened at 6:15 p.m. City Manager Reaume explained that the revised budget summary for the fiscal year 2018-2019 is included in the Council packets. He stated that the budget is revised twice each year. Once at mid year and then at year end. He explained that this allows the capture of the items approved throughout the year by the City Council.

Mayor Pro-Tem Tankersley called for any public input. Mr. Alvin Burke addressed the Council. He stated that he lives in the Highland Station Subdivision. He expressed his concern about the traffic on Blue Mound Road and also the delays caused by trains. City Manager Reaume explained that Bailey Boswell Road Overpass Project is currently in review with the railroads. He stated that the project will proceed when the railroads complete their review and give their approval. Mayor Pro-Tem Tankersley thanked Mr. Burke for his comments. There being no further public input, Mayor Pro-Tem Tankersley declared the public hearing closed at 6:20 p.m.

(11) Consideration and Action regarding Resolution No. 2019-20, Adoption of Revised Budget for Fiscal Year 2018-2019

Motion was made by Councilmember Copeland with a second by Councilmember Farr to approve Resolution No. 2019-20, adopting the revised budget for the fiscal year 2018-2019 as presented. Motion carried unanimously. 6-0-0-1

For: Mayor Pro-Tem Tankersley, Councilmembers Beasley Farr, Tucker, Bighorse, and Copeland

Against: None

Abstain: None

Absent: Mayor Flippo

(12) Consideration and Action regarding Interlocal Agreement for Animal Control Services between the City of Saginaw and the City of Blue Mound

Director of Community Services Rinehart explained that approximately one year ago the City of Blue Mound approached him about assistance with their animal services. He stated that they currently use police officers to pick up stray animals, and they contract with an individual to pick up the animals once every week or two. He explained the services included in the proposed Interlocal Agreement for Animal Control Services between the City of Saginaw and the City of Blue Mound and that the City of Blue Mound will pay $1,500 per year to the City of Saginaw for the

services. He stated that additional revenue will come from animal adoption fees, micro chip fees, impoundment fees, and other standard fees. He added that existing Animal Services Staff will be able to provide the services. He also explained that any citations issued will be handled through the Blue Mound Municipal Court System. He added that Blue Mound has restructured their ordinances to mirror Saginaw's ordinances so there won't be any conflicts or misunderstandings.

Councilmember Bighorse expressed her concern about overcrowding in the animal shelter, the safety of our Animal Control Officers when responding to dangerous animal calls, and the possibility of injuries. City Manager Reaume explained that any on-the-job injuries to our Animal Control Officers would be cover by the City's Workers Compensation Policy. There was a discussion regarding insurance coverage and liability. Director of Community Services Rinehart explained that the term for the proposed agreement is one year with the option to renew for additional one year terms. He stated that the service will be thoroughly reviewed prior to the end of the term to determine if we want to renew the agreement and continue to provide the services.

Motion was made by Councilmember Farr with a second by Councilmember Bighorse to approve the Interlocal Agreement for Animal Control Services as presented. Motion carried unanimously. 6-0-0-1

For: Mayor Pro-Tem Tankersley, Councilmembers Beasley, Farr, Tucker, Bighorse, and Copeland

Against: None

Abstain: None

Absent: Mayor Flippo

(13) Consideration and Action regarding Contract for Solid Waste and Recycling Services with Waste Connections Lone Star, Inc.

Asst. City Manager Johnson stated that the City's current contact with Waste Connections for solid waste and recycling services expires on October 31, 2019. He explained that earlier this year options were discussed for waste disposal/recycling including automatic service with carts. He added that an online survey was conducted and after consideration of the survey results and much discussion, the Council decided to remain with the current service provided. He explained that the previous contract was for five years with extension options. He stated that a new five year contract is proposed with optional extensions and some changes to the contract language. The changes include: rates can be adjusted annually to reflect changes in the Consumer Price Index (CPI) for All Urban Customers, Garbage, and Trash Collection in U.S.; bulky items will be picked up only on the second pickup day of the week; and fence panels will be limited to three 6'x8' panels (cut in half) per pick up. He added that the first year of the new contract would include a 3% increase in all rates effective November 1, 2019. The rate for residential service will increase from $11.96 per month ($12.95 including tax) to $12.32 per month ($13.34 with tax).

Mr. Norm Bulaich of Waste Connections Lone Star, Inc. addressed the Council. He expressed his appreciation for the City's business and the good working relationship that exists.

Motion was made by Councilmember Tucker with a second by Councilmember Bighorse to approve the Contract for Solid Waste and Recycling Services with Waste Connections Lone Star, Inc. as presented. Motion carried unanimously. 6-0-0-1

For: Mayor Pro-Tem Tankersley, Councilmembers Beasley, Farr, Tucker, Bighorse, and Copeland

Against: None

Abstain: None

Absent: Mayor Flippo

(14) Consideration and Action regarding Ordinance No. 2019-19, amending the Master Fee Schedule by Amending Fire Department Fees, Police Department Fee for Security Alarm Permits, Public Works Department Fees, Animal Services Fees, Recreation and Community Services Fees, and Residential Trash and Recycle Rate

City Secretary England stated that Ordinance No. 2019-19 amends the Master Fee Schedule. She explained that it revises fees in the following departments: Fire, Police, Public Works, Recreation, Community Services, and removes two Library fees (Processing Fee for all Damaged or Non-Resident Library Card Fee and Long Distance Fax Fee) as recommended by the Library Board.. She added that these proposed changes were discussed during the recent budget workshops. There was a discussion regarding the increase in the Animal Adoption Fee. Director of Community Services Rinehart pointed out that Animal Services will continue to waive the adoption fee in conjunction with events such as the recent "Clear the Shelter" event.

Motion was made by Councilmember Copeland to approve Ordinance No. 2019-19 amending the Master Fee Schedule excluding the Recreation and Community Services Fees.

Motion died for lack of a second.

Motion was made by Councilmember Farr with a second by Councilmember Beasley to approve Ordinance No. 2019-19, amending the Master Fee Schedule as presented. 5-1-0-1

For: Mayor Pro-Tem Tankersley, Councilmembers Beasley, Farr, Tucker, and Bighorse

Against: Councilmember Copeland

Abstain: None

Absent: Mayor Flippo

(15) **Public Hearing –** Consideration and Action regarding a Request for a Change in Zoning on Approximately 21.3 Acres out of Abstract 1798, Tract 1N, Henry Robertson Survey from Community Commercial (CC) and Multi Family (MF1) to Community Commercial (CC) (9.804 Acres) and Multi Family (MF2) (11.492 Acres). Property is located at the Southwest Corner of Blue Mound Road (Hwy. 156) and East Bailey Boswell Road (Ordinance No. 2019-20)

Mayor Pro-Tem Tankersley declared the public hearing for this item opened at 6:54 p.m. Chief Building Official Little explained the zoning change request for the property located at the southwest corner of Blue Mound Road and East Bailey Boswell Road. The request is for a change in zoning from Community Commercial (CC) and Multi Family (MF1) to Community Commercial (CC) on 9.804 acres of land and Multi Family (MF2) ON 11.492 acres of land. He stated that the Planning and Zoning Commission considered this request at their meeting on September 10, 2019 and voted unanimously to recommend approval to the Council. He added that the engineer and developer for the property are both present to address any comments or questions.

Mr. Clay Cristy, engineer for the project, addressed the Council. He explained that the change in zoning will help support the proposed commercial development on the property. He added that the reconfiguration of the zoning will allow them to move the multi family portion behind the commercial portion along Blue Mound Road and East Bailey Boswell Road.

Councilmember Farr asked that the comments made by Mr. Burke during Item 10 be acknowledged with this item also since the comments were regarding traffic in the area of the property included in this request. (Mr. Burke left the meeting prior to this item.)

Mr. Alvin Burke addressed the Council. He stated that he lives in the Highland Station Subdivision. He expressed his concern about the traffic on Blue Mound Road and also the delays caused by trains. City Manager Reaume explained that Bailey Boswell Road Overpass Project is currently in review with the railroads. He stated that the project will proceed when the railroads complete their review and give their approval.

There was additional discussion regarding the proposed zoning and the concept site plan.

Mayor Pro-Tem Tankersley called for any public comments. There were none. She declared the public hearing closed at 7:05 p.m.

Motion was made by Councilmember Bighorse with a second by Councilmember Copeland to accept the recommendation from the Planning and Zoning Commission and approve the request for the change in zoning on approximately 21.3 acres out of Abstract 1798, Tract 1N, Henry Robertson Survey from Community Commercial (CC) and Multi Family (MF1) to Community Commercial (CC) (9.804 Acres) and Multi Family (MF2) (11.492 Acres) as addressed in Ordinance No. 2019-20. Motion carried unanimously. 6-0-0-1

For: Mayor Pro-Tem Tankersley, Councilmembers Beasley, Farr, Tucker, Bighorse, and Copeland

Against: None

Abstain: None

Absent: Mayor Flippo

(16) Executive Session

1 § 551.071. Texas Government Code. Consultation with Attorney. The City Council may convene in executive session to conduct a private consultation with its attorney on any legally posted agenda item, when the City Council seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551, including the following items:

a. Any Posted Item

1 § 551.087. Texas Government Code. Deliberation regarding Economic Development Negotiations. The City Council may convene in executive session to discuss or deliberate regarding commercial or Financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the City and with which the City is conducting economic development

negotiations; or to deliberate the offer of a financial or other incentive to a business prospect described above, including:

a. Building Improvement Grant Application—1029 N. Saginaw Blvd.

Mayor Pro-Tem Tankersley declared the meeting recessed into Executive Session at 7:06 p.m.

Mayor Pro-Tem Tankersley declared the meeting back in Regular Session at 7:25 p.m.

(17) Adjournment

Motion was made by Councilmember Farr with a second by Councilmember Bighorse to adjourn the meeting. Motion carried unanimously. 6-0-0-1

For: Mayor Pro-Tem Tankersley, Councilmembers Beasley Farr, Tucker, Bighorse, and Copeland

Against: None

Abstain: None

Absent: Mayor Flippo

Mayor Pro-Tem Tankersley declared the City Council Meeting of September 17, 2019 adjourned at 7:25 p.m.

ATTEST:

_____
City Secretary Janice England

APPROVED:

_____
Mayor Todd Flippo

City of Saginaw

Meeting Date: 10/1/2019

Staff Contact: Alora M. Wachholz, CEcD
Director of Economic Development

Agenda Items: (4)(d)

E-mail: AloraW@saginawtx.org

Phone: 817-230-0331

SUBJECT:
Action regarding Building Improvement Grant Agreement with NDFIII North Town Center, LLC (1029 N Saginaw Blvd)

BACKGROUND/DISCUSSION:
On Tuesday, September 17, 2019, the Saginaw City Council heard information in Executive Session pertaining to the specifics of a Building Improvement Grant (BIG) Program application that was submitted September 3, 2019 by Baceline Investments (corporate name: NDFIII North Town Center, LLC) in regards to their property located at 1029 N Saginaw Blvd, in Saginaw.
The City Council determined in that session to award an amount not-to-exceed $5,000.00 in reimbursable, and matching, dollars for the anticipated improvements as proposed on their application. The included contract under consideration is the realization of that intention.

FINANCIAL IMPACT:
Maximum of $5,000.00 from Account # 01-6142-13-00 Building Improvement Grants

RECOMMENDATION:
NA

ATTACHMENTS:

Description

BIG Program Policy

BIG Program Contract - NDFIII North Town Center LLC

Saginaw, Texas
Building Improvement Grant Policy

WHEREAS, the City Council of the City of Saginaw, Texas (Council) desires to implement a matching grant program to encourage the development, retention, or expansion of business enterprises in the City; 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

WHEREAS, the City Council on December 4, 2018 considered and approved Resolution 2018-23 approving this Building Improvement Grant Policy (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 program is a matching grant program that reimburses commercial property owners or business operators for Eligible Enhancements made to the Property. The goals of this Policy are to:

1.1. Enhance the commercial viability and sustainability of commercial properties in the City;

1.2. Improve the physical appearance of businesses and visibly enhance the City's commercial corridors;

1.3. Aid in the retention and expansion of existing businesses;

1.4. Increase the taxable value of commercial properties in the City;

1.5. Enhance commercial areas through the placement of Public Art;

1.6. Increase the marketability and occupancy rate of commercial buildings hindered by an outdated appearance;

1.7. Increase the safety of a commercial area and stimulate more public interaction; and

1.8. Provide incentives in areas and to businesses most likely to stimulate similar enhancements by other private entities.

Section 2.
Definitions

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

Agreement: A written performance agreement between the Board and the Applicant.

Applicant: Shall mean the Property owner or business occupant signing the Application for a Building Improvement Grant.

Application: Shall mean the Application for Building Improvement Grant Policy Incentives as maintained by Staff.

Board: Shall mean the Board of the Saginaw Economic Development Corporation of the City. Prior to formulation of the Board or in its absence in the future, the City Council shall perform all duties of the Board.

Building Improvement Grant: Shall mean the financial support to make designated Property Enhancements as approved, and sometimes referred to as "Grant."

City: The City of Saginaw, Texas.

City Council: The City Council of the City.

Code Violations: Shall be any violation of the City's code of ordinances.

Construction Costs: 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.

Eligible Enhancements: Shall mean the Enhancements identified as eligible in Section 4 herein.

Enhancements: Shall be as defined in Section 4 herein.

Façade: Shall mean the exterior of a building.

Notice to Proceed: A written notice authorizing the Applicant to begin construction as approved.

Policy: Shall mean this Building Improvement Grant Policy.

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

Public Art: Shall mean sculptures, murals, architectural features and similar tangible exhibits, and specifically excludes performing arts.

Staff: The City Manager or their designee.

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: Property must be located within the City's municipal boundaries.

3.1.2. Non-Residentially Zoned: 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: The Property must be subject to the City's 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.

3.1.5. City Liens: Property shall be in good standing as it relates to any liens held by the City.

3.1.6. Ownership: Property owners must provide sufficient proof of ownership.

3.1.7. Code Violations: Property must not have any outstanding code violations.

3.1.8. Frequency: Property must not have received a Grant for the same category of Enhancement (e.g. Façade, Landscaping) in a twelve 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.
Enhancements

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 Enhancements:

- Enhancements should be compatible with the character and architecture of the individual building and those in proximity;
- Where appropriate, Enhancements may act as a catalyst to create a unique environment;
- Enhancements should make the Property more inviting to the public; and
- Enhancements should be functional as well as visually appealing.

4.2. General Enhancement Eligibility: Property Enhancements shall be deemed as eligible or ineligible for the benefits of this Policy as defined below. In general, the following Enhancements, though not exclusively, are ineligible for all Grants:

- Any Enhancement that does not comply with existing ordinances of the City;
- Any Enhancements made prior to the Notice to Proceed;
- Sweat equity or "in-kind" services;
- New construction which is not specifically listed in this Policy as an Eligible Enhancement;
- Any Enhancements to eliminate Code Violations of a Property or Business;
- Fees for designing, engineering, surveying, legal services, financing, etc.; or
- Any Enhancements not identified as eligible below. A potential applicant may discuss an enhancement not identified below with City staff to ascertain whether or not the enhancement meets the Purpose and Intent of this Policy. If so, an amendment to this Policy may be placed before the City Council to determine the merits of including a new eligible enhancement.

4.3. Façade Enhancements: The following are Eligible Enhancements 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 masonry requirements and / or architectural standards. Removal of "slip" coverings of prior façade materials and re-establishment of historic façade details. Repointing of mortared joints, 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 and painting.

4.3.4. Window / Doors: Replacement of or improvements to existing windows or doors that are visible from a public street. New windows and doors matching replaced windows or doors. Replacement of broken glass panes.

4.3.5. Awnings / Canopies: Replacement of or improvements to existing awnings or canopies. 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.

4.3.9. Ineligible: Though not an all-inclusive list, the following are specifically not eligible: burglar bars, painting a new building.

4.4. Interior Renovation: The following are Eligible Enhancements except as noted otherwise:

4.4.1. Renovations: Renovations that enhance the commercial usability of the building.

4.4.2. Ineligible: Though not an all-inclusive list, the following are specifically not eligible: painting, wallpaper, and other types of aesthetic treatments.

4.5. Landscaping: The following are Eligible Enhancements except as noted otherwise:

4.5.1. Edging: Providing a perimeter to shrub beds with materials deemed to be of a long life, e.g. brick, stone, concrete, steel.

4.5.2. Shrubs and Trees: Shrubs and / or trees of a variety that are sustainable in the area when combined with removal of existing shrubs and / or trees that are either overgrown or of poor quality. Preference is given to xeriscape approaches using drought-tolerant plant species.

4.5.3. Seasonal Color: Providing one-time planting of annual or perennial flowers in critical areas adequate to provide an appealing impact.

4.5.4. Irrigation: Automatic irrigation system complying with all code requirements. Preference is given to water conservation measures and approaches (e.g. drip irrigation).

4.5.5. Lawn Renovation: Removal or re-establishment of an existing lawn with a desirable type of lawn. (An automatic irrigation system is required with this Enhancement.)

4.5.6. Fencing: Replacement of fencing or installation of new fencing that is visually appealing.

4.5.7. Ineligible: Though not an all-inclusive list, the following are specifically not eligible: landscape pruning, mowing and / or maintenance.

4.6. Lighting: The following are Eligible Enhancements:

4.6.1. Interior: Lighting of a permanent nature that enhances the commercial viability of a building.

4.6.2. Pedestrian: Increases in lighting in pedestrian areas on or adjacent to the Property, e.g. sidewalks, parking lots.

4.6.3. Accents: Lighting that accentuates exterior features of the building or Property creating a pleasant ambience on the Property.

4.6.4. Signage: Lighting that illuminates signage identifying the business.

4.7. Parking / Driveways: The following are Eligible Enhancements 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 asphalt parking areas.

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 an all-weather hard surface as required by the City's code of ordinances.

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4.8. Pedestrian Amenities: The following are Eligible Enhancements:

4.8.1. Paving: Paving of a unique nature in areas that allow customers to congregate.

4.8.2. Seating Areas: Provisions for seating in areas where customers may congregate before, during or after supporting the business.

4.8.3. Shade: Provisions for shading pedestrian areas to include permanent or temporary canopies, awnings, umbrellas or similar shade structures.

4.8.4. Music: Provisions for permanent installation of fixtures to accommodate providing music in areas where customers congregate.

4.8.5. Trash Receptacles: Trash receptacles establishing or matching a design theme utilized throughout the pedestrian areas.

4.8.6. 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 Enhancements. The replacement of signs that do not conform to current City requirements is a priority for the City.

4.9.1. Replacing Signs: Replacing existing signs, with new signage that complies with all City requirements.

4.10. Code Compliance: The following are Eligible Enhancements:

4.10.1. Public Accessibility: Reconstruction or new construction to comply with public accessibility requirements.

4.10.2. Fire Suppression Systems: Replacement, upgrade, or installation of fire suppression systems in compliance with current codes.

4.11. Demolition: The costs of demolishing and removing existing structures on a Property may be considered for Property Enhancements.

4.12. Public Art: Providing for the placement of Public Art on the Property.

4.13. Participation Limitations: The potential matching Grant for each type of Enhancement would be the lesser of the Maximum Percentage or Maximum Per Enhancement Category Amount. The Applicant is responsible for the remaining costs of the Enhancement and must complete the full Enhancement to be eligible for the matching Grant.

4.13.1. Maximum Percentage: A Maximum Percentage of fifty percent (50%) shall be the maximum percentage of the total cost of any Enhancement that the City will grant the Applicant.

4.13.2. Maximum Per Enhancement Category: A Maximum Amount of five thousand dollars ($5,000) is the maximum dollar amount to be granted for any category of Enhancement.

4.13.3. Accumulative Maximum Grant: Notwithstanding the Maximum Percentage and Maximum Per Enhancement Category limitations for each type of Enhancement, no Property or Business may receive more than five thousand dollars ($5,000) in matching Grants during one 12-month period. The following examples are provided to clarify different application scenarios:

A. Example 1: Applicant desires to do $12,000 in eligible Landscape Enhancements. By Policy, the maximum Grant allowed by the Max Percentage (50%) would be $6,000, but the maximum Grant allowed by the Max Per Category would be $5,000. The lesser of the two is $5,000 which would be the maximum matching Grant for the $12,000 landscaping project. Further, within a 12-month period the Applicant cannot receive additional grants for any Enhancements (per Section 4.13.3).

B. Example 2: Applicant desires to do $8,000 in eligible Landscape Enhancements. By Policy, the maximum Grant allowed by the Max Percentage (50%) would be $4,000, and the maximum Grant allowed by the Max Per Category would be $5,000. The lesser of the two is $4,000 which would be the maximum matching Grant for the $8,000 landscaping project. Further, within a twelve-month period the Applicant cannot receive more grants for Landscape Enhancements (per Section 3.1.8), but may apply and receive a second matching Grant, not to exceed $1,000 ($5,000 max - $4,000 Grant) for any Enhancement category *other than* Landscaping.

Section 5.
Grant Priorities

The City has determined that the following are priorities for the benefits of this Policy. The evaluation of the merits of any Application shall take into consideration whether or not the Application also meets these priorities.

5.1. Preferred Areas: The following areas of the City are areas of priority for implementation of this Policy:

5.1.1. Transportation Corridors including; Saginaw Blvd, Bailey Boswell Rd, Old Decatur Rd, Blue Mound Rd (west side), McLeroy Blvd; and

5.1.2. Downtown areas.

5.2. Preferred Businesses: The following types of businesses are a priority for implementation of this Policy:

5.2.1. Retail;

5.2.2. Restaurants;

5.2.3. Professional Office;

5.2.4. Industrial and manufacturing; and

5.2.5. Any sales-tax generating business.

Section 6.
Administrative Procedures

Following are the Administrative Procedures regarding the Application for and approval of Building Improvement Grants:

6.1. 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.

Department of Economic Development
333 West McLeroy Blvd, Saginaw, TX 76179
(817) 230-0331

6.2. Application: The submittal of an Application is required prior to any evaluation of the request for Building Improvement Grants. The Application shall be on a form prepared by Staff and available on the City's website or at the location noted in 6.1.

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

A. Proof of ownership of the Property;

B. Photographs of the existing Property;

C. Drawings, renderings, plans of the proposed Enhancements;

D. Written description of the Enhancements including building materials and color schemes to be used;

E. Construction Cost estimate; and

F. If Applicant is not the Property owner:

i. Written approval of the Application from the owner; and

ii. Copy of the signed lease agreement.

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

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

6.3.1. Review Criteria:

A. Completeness of Application: Completeness of the Application; including all required attachments.

B. Grant Priorities: Whether the Application includes a targeted business classification or whether it is located in a targeted improvement area as defined in Section 5.

C. Impact: An estimation of the impact that the Enhancements might have, particularly as a catalyst for continued private investment.

D. Non-funded Improvements: Are the improvements associated with the Grant part of a larger effort to enhance the Property.

E. Elimination of a Non-Conformity: Do the Enhancements eliminate a legal non-conforming aspect of the Property.

6.3.2. Staff Evaluation and Recommendation: The coordinating Staff member shall convene a team of the appropriate persons to evaluate the Application. Upon review, such team shall prepare a recommendation to forward to the Board.

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 Enhancements.

6.4. Approval: The Board shall make the final decision regarding the merits of the Application and the appropriate Property Enhancement Grant to be given, if any, if funds are available as pre-approved by the Council for the funding period. 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. Upon approval of a matching Grant, the Board shall enter into an Agreement with the Applicant on a form acceptable to the City Attorney. The Agreement, at a minimum, must contain the following:

6.4.1. Enhancements: List the specifications of the proposed Enhancements on the Property.

6.4.2. Access: Provide the City and Staff access to the Property to ensure that the Enhancements or repairs are made according to the specifications and conditions in the Agreement.

6.4.3. Grant: Provide for the procedures of the matching Grant payment.

6.4.4. 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 may take any remedy necessary to recover the funds, including filing a lien on the Property.

6.5. Pre-Construction Meeting: If the matching 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.

6.6. 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 Enhancements. The Notice to Proceed shall in no event be regarded as the issuance or approval of a building permit or any other construction permits.

6.6.1. Required: All Grant documents, including the Agreement with the City, must be executed and all required permits must be received prior to issuance of the Notice to Proceed.

6.6.2. Beginning of Work: All work must begin within sixty (60) days of the issuance of the Notice to Proceed.

6.6.3. Completion of Work: All work for approved projects must be complete within ninety (90) days of the Notice to Proceed unless an Applicant's written request for extension is granted in writing by the Board.

6.7. Construction: All construction shall be in accordance with all requirements for permitting and inspection required by the City.

6.8. 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.

6.8.1. Documentation: The Applicant shall provide Staff with documentation necessary to determine the Construction Costs of the Enhancements 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.

6.9. Payment: Upon verification of compliance with the approval action, Staff shall cause a check to be issued to the Applicant in the approved amount.

6.9.1. Cost Overruns: Any costs above and beyond the amounts approved shall be the responsibility of the Applicant.

Section 7.
Applicant / Owner Certifications

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

7.1. Application Accuracy: The information provided in the Application, and all that may have been affixed thereto, is true and correct, and that the City may rely on all of the information therein contained, and all that may have been affixed thereto, as being true and correct.

7.2. 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 Grant upon completion of the project shall constitute approval of the project by any City department or Staff or a waiver by the City of any safety regulation, building code, ordinance or other applicable regulation.

7.3. Insurance: I (we) certify that I (we) maintain sufficient insurance coverage for property damage and personal injury liability relating to the project.

7.4. Maintenance: I (we) certify that the Enhancements, once approved by the 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 City.

7.5. Discretionary Rights: I (we) certify that I (we) acknowledge that the City has the absolute right of discretion in deciding whether or not to approve a matching 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.

7.6. Policy Promotion: I (we) authorize the City 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 City's website.

7.7. 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 / or their agents, employees, officers, and / or 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 / or their agents, employees, officers, and / or directors from any claims or damages resulting from the project, including reasonable attorney fees.

Section 8.
General Provisions

8.1. Termination: The City has the right to terminate any agreement under this Policy for any reason.

8.2. 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.

8.3. Flexibility: The terms and conditions of this Policy are a guideline for the Board during their deliberation and evaluation. The City 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.

8.4. 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.

8.5. 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.

-- The remainder of this page purposefully left blank. --

Building Improvement Grant Program Agreement

This Building Improvement Grant Program Agreement ("Agreement") is made by and between the City of Saginaw (the "City") and NDFIII North Town Center, LLC ("Property Owner").

WITNESSETH:

WHEREAS, the Property Owner is the owner of property located at 1029 N. Saginaw Blvd, Saginaw, Texas; and

WHEREAS, Texas Local Government Code Chapter 380 allows the City to provide incentives for the promotion of economic development; and

WHEREAS, the promotion of the redevelopment of commercial properties in the City promotes economic development within the City and is essential for the continued economic growth and vitality of the City; and

WHEREAS, the Building Improvement Grant Program will enhance the commercial viability and sustainability of commercial properties in the City, improve the physical appearance of businesses and visibly enhance the City's commercial corridors, and aid in the retention and expansion of existing businesses; and

WHEREAS, the City has determined that providing an economic development incentive in accordance with this Agreement will further the objectives of the City, will benefit the City and the City's inhabitants, will promote local economic development, and will stimulate business and commercial activity in the City; and

NOW THEREFORE, in consideration of the foregoing, and on the terms and conditions hereinafter set forth, and other valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Section 1. Term

The term of this Agreement shall begin on the date of Property Owner execution listed below and shall continue until the three-year anniversary of the date that the final Building Improvement Grant is paid by the City, unless sooner terminated as provided herein.

Section 2. Definitions

The terms used in this Agreement shall have the meanings ascribed to them in the City of Saginaw Building Improvement Grant Policy. The term "Impositions" shall mean: all taxes, assessments, use and occupancy taxes, charges, excises, license and permit fees, and other charges by public or governmental authority, general and special, ordinary

and extraordinary, foreseen and unforeseen, which are or may be assessed, charged, levied, or imposed by any public or governmental authority on the Property Owner or any property or any business owned by Property Owner within the City.

Section 3. Economic Development Incentive

(a) Payment. Subject to the Property Owner's continued satisfaction of the terms and conditions of this Agreement and of the Policy, and the obligation of the Property Owner to repay the Incentive pursuant to Section 5(b) hereof, the City agrees to provide the Building Improvement Grant to the Property Owner to be paid in a single lump-sum payment after Property Owner makes a written request for reimbursement, in accordance with the requirements of the Policy. The total Building Improvement Grant shall be an amount not to exceed $5,000.00 and eligibility for any Enhancement category shall be limited as set forth in the Policy.

(b) Current Revenue. The Building Improvement Grant made hereunder shall be paid solely from lawfully available funds that have been appropriated by the City. Under no circumstances shall City's obligations hereunder be deemed to create any debt within the meaning of any constitutional or statutory provision. None of the City's obligations under this Agreement shall be pledged or otherwise encumbered in favor of any commercial lender and/or similar financial institution or other party.

Section 4. Building Improvement Grant Conditions

(a) Conditions. The City's obligation to pay the Building Improvement Grant shall be conditioned upon the Property Owner's continued compliance with and satisfaction of the terms and conditions of this Agreement and the Policy, except those portions of the Policy that have been specifically waived or modified by the City Council. A detailed summary of the required Enhancements and required Construction Costs is set forth in the attached and incorporated Exhibit "A" hereto. A copy of the Policy is hereby attached hereto and incorporated herein as Exhibit "B" to this Agreement.

(b) Inspections. The Property Owner agrees that City, upon reasonable advance notice, may inspect the Enhancements to determine compliance with the terms of the Agreement.

(c) Construction Costs. The Property Owner shall, as a condition precedent to the City's payment of the Building Improvement Grant, provide copies of invoices, receipts and other documentation as may be reasonably requested by the Staff to verify the costs incurred and paid by the Property Owner for construction of the Enhancements.

Section 5. Termination

(a) This Agreement shall terminate upon the occurrence of any one of the following:

(1) mutual agreement of the parties;

(2) the Expiration Date;

(3) at the City's option, if any Impositions owed to the City or the State of Texas by Property Owner shall become delinquent (provided, however Property Owner retains the right to timely and properly protest and contest any such Impositions);

(4) by the City in the event Property Owner breaches any of the terms or conditions of this Agreement and such breach is not cured within sixty (60) days after written notice thereof;

(5) by City, if the Property Owner suffers an event of bankruptcy or insolvency;

(6) by City, if any subsequent Federal or State legislation or any final, non-appealable decision of a court of competent jurisdiction declares or renders this Agreement invalid, illegal or unenforceable; or

(b) In the event of termination by the City pursuant to (a)(3), (4), (5), or (6) the Property Owner shall immediately repay to the City an amount equal to Building Improvement Grant paid to Property Owner, if any, prior to termination of this Agreement.

Section 6. Miscellaneous

(a) Assignment. This Agreement may not be assigned without the prior written consent of the City.

(b) Binding Agreement. The terms and conditions of this Agreement are binding upon the successors and assigns of the parties hereto.

(c) Limitation on Liability. It is understood and agreed between the parties that the Property Owner, in satisfying the conditions of this Agreement, has acted independently, and City assumes no responsibilities or liabilities to third parties in connection with these actions.

(d) No Joint Venture. It is acknowledged and agreed by the parties that the terms hereof are not intended to and shall not be deemed to create a partnership or joint venture among the parties.

(e) Authorization. Each party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Agreement.

(f) Notice. Any notice required or permitted to be delivered hereunder shall be deemed received three days thereafter sent by United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the party at the address set forth below or on the day actually received if sent by courier or otherwise hand delivered.

If intended for Property Owner, to:

NDFIII North Town Center, LLC
Attn: Kathleen Brennan or Taylor Hart
1391 Speer Blvd, Suite 800
Denver, CO 80204

If intended for City, to:

Attn: City Manager
City of Saginaw, Texas
P. O. Box 79070
Saginaw, Texas 76179

(g) Indemnification. **THE PROPERTY OWNER HEREBY CERTIFIES THAT THE PROPERTY OWNER IS SOLELY RESPONSIBLE FOR OVERSEEING THE WORK, AND WILL NOT SEEK TO HOLD THE CITY, THE BOARD, AND / OR THEIR AGENTS, EMPLOYEES, OFFICERS, AND / OR DIRECTORS LIABLE FOR ANY PROPERTY DAMAGE, PERSONAL INJURY, OR OTHER LOSS RELATED IN ANY WAY TO THIS AGREEMENT OR THE POLICY, AND AGREES 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.**

(h) Entire Agreement. This Agreement is the entire Agreement between the parties with respect to the subject matter covered in this Agreement. There is no other collateral oral or written Agreement between the parties that in any manner relates to the subject matter of this Agreement, except as provided in any Exhibits attached hereto.

(i) Governing Law. The Agreement shall be governed by the laws of the State of Texas; and venue for any action concerning this Agreement shall be in the State District Court of Tarrant County, Texas. The parties agree to submit to the personal and subject matter jurisdiction of said court.

(j) Amendment. This Agreement may only be amended by the mutual written agreement of the parties.

(k) Legal Construction. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any

respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

(l) Recitals. The recitals to this Agreement are incorporated herein.

(m) Counterparts. This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.

(n) Survival of Covenants. Any of the representations, warranties, covenants, and obligations of the parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination of this Agreement shall survive termination.

City of Saginaw, Texas

By:

Todd Flippo, Mayor,

Attest:

By:

City Secretary

Executed on this _____ day of _____, 20 .

Property Owner

By: _____

Name:

Saginaw, Texas

Application for Building Improvement Grant

Contact: Alora Wachholz, EDC Executive Director - (817) 230-0331 - aloraw@saginawtx.org

1	PROJECT INFORMATION	
A	Property Address: 1029 N. SAGINAW BLVD. (ENTIRE BUILDING)	
B	Estimated Begin Work Date: ~ 2019	Estimated Completion Date: ~ 2019
C	Years in business at this location: PROPERTY PURCHASED 11/6/14	
D	Reason for requesting grant: SUSTAINABILITY INITIATIVE	

2	ELIGIBILITY OF PROPERTY			
	Yes	No	Item	Notes
A	✓		Within the City?	•
B	✓		Commercially zoned?	•
C	✓		Tax Paying entity?	•
D	✓		City taxes in good standing?	•
E		✓	No City liens existing?	•
F	✓		Proof of ownership provided?	•
G		✓	Outstanding code violations?	•
H	✓		Frequency of Grants OK?	• In accordance with Section 3.1.8

3	ELIGIBILITY OF BUSINESS			
	Yes	No	Item	Notes
A	✓		Business taxes in good standing?	•
B			If not owner, authorization provided?	• OWNER

4	Enhancements	Total Cost	Policy Max %	Policy Max $	Amount Requested	Amount Approved
A	Façade: (Section 4.3) •	$	50 %	$5,000	$	$
B	Interior Renovation: (Section 4.4) •	$	50 %	$5,000	$	$
C	Landscaping: (Section 4.5) •	$	50 %	$5,000	$	$
D	Lighting: (Section 4.6) • LED UPGRADE (EXTERIOR LIGHTING)	11,894.00 $	50 %	$5,000	5,000.00 $	$
E	Parking / Driveways: (Section 4.7) •	$	50 %	$5,000	$	$
F	Pedestrian Amenities: (Section 4.8) •	$	50 %	$5,000	$	$
G	Signage: (Section 4.9) •	$	50 %	$5,000	$	$
H	Code Compliance: (Section 4.10) •	$	50 %	$5,000	$	$
I	Demolition: (Section 4.11) •	$	50 %	$5,000	$	$
J	Public Art: (Section 4.12) •	$	50 %	$5,000	$	$
K	(Max. Grant Per Policy = $5,000) TOTAL BUILDING IMPROVEMENT GRANT APPROVED:					
L	Describe any planned Non-Grant Enhancements: ROOF REPAIRS RECENTLY COMPLETED					

5	GRANT PRIORITIES			
	Yes	No	Preferred Area?	Notes
A	✓		Transportation Corridors including; Saginaw Blvd, Bailey Boswell Rd, Old Decatur Rd, Blue Mound Rd (west side), McLeroy Blvd;	•
B		✓	Downtown	•
	Yes	No	Preferred Business?	Notes
C	✓		Retail	•
D	✓		Restaurants	•
E		✓	Professional Office	•
F		✓	Industrial and manufacturing	•
G	✓		Any sales-tax generating business	•

6	ATTACHMENTS / EXHIBITS			
	Yes	No	Item	Notes
A	✓		Ownership documentation	•
B	✓		Photos of existing conditions	•
C	✓		Drawing, renderings, plans of the proposed enhancements	•
D	✓		Written description of the enhancements including building materials and color schemes	•
E	✓		Construction cost estimate	•
F	N/A		Copy of the signed lease agreement	• If Applicant is not property owner
G	N/A		Written support of the grant application from the owner	• If Applicant is not property owner

7	CONTRACTOR INFORMATION		
A	Contractor for: LED UPGRADE		
	Company Name: WLS LIGHTING SYSTEMS		
	Contact Person: BRYAN SHANKLIN	Title: SALES REP. 76110	
	Address: 1919 WINDSOR PL., FORT WORTH, TX.		
	Wk Phone: 817-731-0020 x 100	817-233-1602	Fax:
	Email: BSHANKLIN@WLSLIGHTING.COM	Website:	
B	Contractor for:		
	Company Name:		
	Contact Person:	Title:	
	Address:		
	Wk Phone:	Cell:	Fax:
	Email:	Website:	
C	Contractor for:		
	Company Name:		
	Contact Person:	Title:	
	Address:		
	Wk Phone:	Cell:	Fax:
	Email:	Website:	
D	Contractor for:		
	Company Name:		
	Contact Person:	Title:	
	Address:		
	Wk Phone:	Cell:	Fax:
	Email:	Website:	

8	**Applicant / Owner Certifications**: In accordance with Resolution 2018-23 adopting the Building Improvement Grant Policy, the undersigned do hereby certify the following:
A	**Section 7.1 - Application Accuracy**: The information provided in the Application, and all that may have been affixed thereto, is true and correct, and that the City may rely on all of the information therein contained, and all that may have been affixed thereto, as being true and correct.
B	**Section 7.2 - 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 Grant upon completion of the project shall constitute approval of the project by any City department, Board Member or Staff or a waiver by the City of any safety regulation, building code, ordinance or other applicable regulation.
C	**Section 7.3 - Insurance**: I (we) certify that I (we) maintain sufficient insurance coverage for property damage and personal injury liability relating to the project.
D	**Section 7.4 - Maintenance**: I (we) certify that the Enhancements, once approved by the 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 City.
E	**Section 7.5 - Discretionary Rights**: I (we) certify that I (we) acknowledge that the City has the absolute right of discretion in deciding whether or not to approve a matching 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.
F	**Section 7.6 - Policy Promotion**: I (we) authorize the City 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 City's website.
G	**Section 7.7 - 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 / or their agents, employees, officers, and / or 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 / or their agents, employees, officers, and / or directors from any claims or damages resulting from the project, including reasonable attorney fees.
9	I (we) hereby affirm the Certifications noted above and approve this Application for Building Improvement Grant incentives and the Enhancements identified herein.

Property Owner		Applicant / Business Representative	
Company: NDFIII NORTH TOWN CENTER, LLC		Company:	
Signed: Kathleen Brennan		Signed:	
Name: KAT BRENNAN, AS AGENT		Name:	
Title: REGIONAL PROPERTY MGR.		Title:	
W:	C:	W:	C:
EM: KBRENNAN@BACELINEINVESTMENTS.COM			
Address: 1391 SPEER BLVD, STE 800 DENVER, CO. 80204		Address:	

* PLEASE ALSO INCLUDE TAYLOR HART ON ALL CORRESPONENCE!
[THART@BACELINEINVESTMENTS.COM]

July 15th, 2019

RE: North Town Center – Saginaw, TX
Natalie Sanko
nsanko@bacelineinvestments.com
Baceline Investments

Thank you for considering WLS Lighting as a supplier of the site lighting for the above referenced project. Your net cost, **applicable taxes,** will be as follows:

LED Exterior Pole Lighting Package:

8 WLS-POA-300W with arms and brackets (5-year warranty)
13 WLS-XSPW-4L with brackets (10-year warranty)

Labor to remove and reinstall new lighting package:

1 Remove 8 existing pole fixtures and reinstall 8 new LED fixtures on existing poles
Remove 13 existing wall packs and reinstall 13 new LED wall packs at existing locations
Permits are not included. If these are needed, we can obtain for an added cost.
Lead time for fixtures are between 4-6 week

Turnkey Lighting Upgrade: $11,894

Energy Savings from Lighting – Based on an estimated $.08 per kWh rate and the lights running dusk to dawn:

Existing Lighting							
Existing Qty	Annual Op. Hours	Location	Lamp Type	Watts / Fixture	Annual kWh	kW	Annual Energy Cost
8	4,380	Pole Lights	1000MH	1080	37,843 kWh	9 kW	$3,027
13	4,380	Pole Lights	175MH/Hor	210	11,957 kWh	3 kW	$957
				Totals	**49,801 kWh**	**11 kW**	**$3,984**

Proposed Lighting						
Proposed Qty	Proposed Description	Fixture Type	Watts / Fixture	Annual kWh	kW	Annual Energy Cost
8	POA-300w	LED	300	10,512 kWh	2 kW	$841
13	XSPW-4L	LED	31	1,765 kWh	0 kW	$141
			Totals	**12,277 kWh**	**3 kW**	**$982**

	Annual kWh Savings	kW Savings	Annual Energy Savings
Totals	**37,523 kWh**	**9 kW**	**$3,002**

Financial Analysis with lowest labor bid:

Project Financial Summary - LED Lighting Upgrade - Sales Tax Included		
Annual Savings		
Energy Savings	$3,002	68%
Maintenance Savings	$1,435	32%
Total Annual Savings	**$4,437**	**100%**
Project Costs		
Material Costs	$7,645	64%
Disposal Costs	$219	2%
Labor Costs	$4,031	34%
Project Sub Total	***$11,894***	100%
Estimated Utility Incentive	*$-*	
Net Project Cost	**$11,894**	
Performance Summary		
10-Year Net Cash Flow	**$32,474.44**	
10-year Net Present Value	**$17,877.51**	
kW Reduction	**9 kW**	
kWh Reduction	**37,523 kWh**	
Return on Investment	**37%**	
Simple Payback (years)	**2.68**	

Project Financial Summary - LED Upgrade w/ netLiNK™ Control System - Sales Tax Included		
Annual Savings		
Energy Savings	$3,513	66%
Maintenance Savings	$1,829	34%
Total Annual Savings	**$5,342**	**100%**
Project Costs		
Material Costs	$12,253	66%
Disposal Costs	$219	1%
Labor Costs	$6,052	33%
Project Sub Total	***$18,523***	100%
Estimated Utility Incentive	*$-*	
Net Project Cost	**$18,523**	
Performance Summary		
10-Year Net Cash Flow	**$34,897**	
10-year Net Present Value	**$17,322**	
kW Reduction	**9 kW**	
kWh Reduction	**43,910 kWh**	
Return on Investment	**29%**	
Simple Payback (years)	**3.47**	

LED Exterior Canopy Lighting Package:

39 WLS GC9.5''-23.5W Recessed Cans (5-year warranty)

1 Labor to remove and reinstall canopy fixtures

Turnkey Lighting Package: $9,807

Annual netLiNK service fee: The online service agreement includes cellular connection to the base station, secure internet interface, alert notifications, monitoring, software upgrades and enhancements, remote tech support and access to historical data. Connectivity to the netLiNK System is included for two years with the purchase of the system. After year two, you will be billed on an annual basis at the current rate of $435.00 for continued cellular access.

This proposal is valid for thirty-days. Sales tax is included. In line fusing, if required, is not included. If you have any questions or need additional information, please contact me.

Best Regards,

Bryan Shanklin
817-233-1602
Sales Representative

Saginaw, Texas
Building Improvement Grant Policy

WHEREAS, the City Council of the City of Saginaw, Texas (Council) desires to implement a matching grant program to encourage the development, retention, or expansion of business enterprises in the City; 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

WHEREAS, the City Council on December 4, 2018 considered and approved Resolution 2018-23 approving this Building Improvement Grant Policy (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 program is a matching grant program that reimburses commercial property owners or business operators for Eligible Enhancements made to the Property. The goals of this Policy are to:

1.1. Enhance the commercial viability and sustainability of commercial properties in the City;

1.2. Improve the physical appearance of businesses and visibly enhance the City's commercial corridors;

1.3. Aid in the retention and expansion of existing businesses;

1.4. Increase the taxable value of commercial properties in the City;

1.5. Enhance commercial areas through the placement of Public Art;

1.6. Increase the marketability and occupancy rate of commercial buildings hindered by an outdated appearance;

1.7. Increase the safety of a commercial area and stimulate more public interaction; and

1.8. Provide incentives in areas and to businesses most likely to stimulate similar enhancements by other private entities.

Section 2.
Definitions

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

Agreement: A written performance agreement between the Board and the Applicant.

Applicant: Shall mean the Property owner or business occupant signing the Application for a Building Improvement Grant.

Application: Shall mean the Application for Building Improvement Grant Policy Incentives as maintained by Staff.

Board: Shall mean the Board of the Saginaw Economic Development Corporation of the City. Prior to formulation of the Board or in its absence in the future, the City Council shall perform all duties of the Board.

Building Improvement Grant: Shall mean the financial support to make designated Property Enhancements as approved, and sometimes referred to as "Grant."

City: The City of Saginaw, Texas.

City Council: The City Council of the City.

Code Violations: Shall be any violation of the City's code of ordinances.

Construction Costs: 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.

Eligible Enhancements: Shall mean the Enhancements identified as eligible in Section 4 herein.

Enhancements: Shall be as defined in Section 4 herein.

Façade: Shall mean the exterior of a building.

Notice to Proceed: A written notice authorizing the Applicant to begin construction as approved.

Policy: Shall mean this Building Improvement Grant Policy.

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

Public Art: Shall mean sculptures, murals, architectural features and similar tangible exhibits, and specifically excludes performing arts.

Staff: The City Manager or their designee.

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: Property must be located within the City's municipal boundaries.
- 3.1.2. Non-Residentially Zoned: 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: The Property must be subject to the City's 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.
- 3.1.5. City Liens: Property shall be in good standing as it relates to any liens held by the City.
- 3.1.6. Ownership: Property owners must provide sufficient proof of ownership.
- 3.1.7. Code Violations: Property must not have any outstanding code violations.
- 3.1.8. Frequency: Property must not have received a Grant for the same category of Enhancement (e.g. Façade, Landscaping) in a twelve 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.
Enhancements

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 Enhancements:

- Enhancements should be compatible with the character and architecture of the individual building and those in proximity;
- Where appropriate, Enhancements may act as a catalyst to create a unique environment;
- Enhancements should make the Property more inviting to the public; and
- Enhancements should be functional as well as visually appealing.

4.2. General Enhancement Eligibility: Property Enhancements shall be deemed as eligible or ineligible for the benefits of this Policy as defined below. In general, the following Enhancements, though not exclusively, are ineligible for all Grants:

- Any Enhancement that does not comply with existing ordinances of the City;
- Any Enhancements made prior to the Notice to Proceed;
- Sweat equity or "in-kind" services;
- New construction which is not specifically listed in this Policy as an Eligible Enhancement;
- Any Enhancements to eliminate Code Violations of a Property or Business;
- Fees for designing, engineering, surveying, legal services, financing, etc.; or
- Any Enhancements not identified as eligible below. A potential applicant may discuss an enhancement not identified below with City staff to ascertain whether or not the enhancement meets the Purpose and Intent of this Policy. If so, an amendment to this Policy may be placed before the City Council to determine the merits of including a new eligible enhancement.

4.3. Façade Enhancements: The following are Eligible Enhancements 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 masonry requirements and / or architectural standards. Removal of "slip" coverings of prior façade materials and re-establishment of historic façade details. Repointing of mortared joints, 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 and painting.

4.3.4. Window / Doors: Replacement of or improvements to existing windows or doors that are visible from a public street. New windows and doors matching replaced windows or doors. Replacement of broken glass panes.

4.3.5. Awnings / Canopies: Replacement of or improvements to existing awnings or canopies. 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.

4.3.9. Ineligible: Though not an all-inclusive list, the following are specifically not eligible: burglar bars, painting a new building.

4.4. Interior Renovation: The following are Eligible Enhancements except as noted otherwise:

4.4.1. Renovations: Renovations that enhance the commercial usability of the building.

4.4.2. Ineligible: Though not an all-inclusive list, the following are specifically not eligible: painting, wallpaper, and other types of aesthetic treatments.

4.5. Landscaping: The following are Eligible Enhancements except as noted otherwise:

4.5.1. Edging: Providing a perimeter to shrub beds with materials deemed to be of a long life, e.g. brick, stone, concrete, steel.

4.5.2. Shrubs and Trees: Shrubs and / or trees of a variety that are sustainable in the area when combined with removal of existing shrubs and / or trees that are either overgrown or of poor quality. Preference is given to xeriscape approaches using drought-tolerant plant species.

4.5.3. Seasonal Color: Providing one-time planting of annual or perennial flowers in critical areas adequate to provide an appealing impact.

4.5.4. Irrigation: Automatic irrigation system complying with all code requirements. Preference is given to water conservation measures and approaches (e.g. drip irrigation).

4.5.5. Lawn Renovation: Removal or re-establishment of an existing lawn with a desirable type of lawn. (An automatic irrigation system is required with this Enhancement.)

4.5.6. Fencing: Replacement of fencing or installation of new fencing that is visually appealing.

4.5.7. Ineligible: Though not an all-inclusive list, the following are specifically not eligible: landscape pruning, mowing and / or maintenance.

4.6. Lighting: The following are Eligible Enhancements:

4.6.1. Interior: Lighting of a permanent nature that enhances the commercial viability of a building.

4.6.2. Pedestrian: Increases in lighting in pedestrian areas on or adjacent to the Property, e.g. sidewalks, parking lots.

4.6.3. Accents: Lighting that accentuates exterior features of the building or Property creating a pleasant ambience on the Property.

4.6.4. Signage: Lighting that illuminates signage identifying the business.

4.7. Parking / Driveways: The following are Eligible Enhancements 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 asphalt parking areas.

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 an all-weather hard surface as required by the City's code of ordinances.

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4.8. Pedestrian Amenities: The following are Eligible Enhancements:

4.8.1. Paving: Paving of a unique nature in areas that allow customers to congregate.

4.8.2. Seating Areas: Provisions for seating in areas where customers may congregate before, during or after supporting the business.

4.8.3. Shade: Provisions for shading pedestrian areas to include permanent or temporary canopies, awnings, umbrellas or similar shade structures.

4.8.4. Music: Provisions for permanent installation of fixtures to accommodate providing music in areas where customers congregate.

4.8.5. Trash Receptacles: Trash receptacles establishing or matching a design theme utilized throughout the pedestrian areas.

4.8.6. 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 Enhancements. The replacement of signs that do not conform to current City requirements is a priority for the City.

4.9.1. Replacing Signs: Replacing existing signs, with new signage that complies with all City requirements.

4.10. Code Compliance: The following are Eligible Enhancements:

4.10.1. Public Accessibility: Reconstruction or new construction to comply with public accessibility requirements.

4.10.2. Fire Suppression Systems: Replacement, upgrade, or installation of fire suppression systems in compliance with current codes.

4.11. Demolition: The costs of demolishing and removing existing structures on a Property may be considered for Property Enhancements.

4.12. Public Art: Providing for the placement of Public Art on the Property.

4.13. Participation Limitations: The potential matching Grant for each type of Enhancement would be the lesser of the Maximum Percentage or Maximum Per Enhancement Category Amount. The Applicant is responsible for the remaining costs of the Enhancement and must complete the full Enhancement to be eligible for the matching Grant.

4.13.1. Maximum Percentage: A Maximum Percentage of fifty percent (50%) shall be the maximum percentage of the total cost of any Enhancement that the City will grant the Applicant.

4.13.2. Maximum Per Enhancement Category: A Maximum Amount of five thousand dollars ($5,000) is the maximum dollar amount to be granted for any category of Enhancement.

4.13.3. Accumulative Maximum Grant: Notwithstanding the Maximum Percentage and Maximum Per Enhancement Category limitations for each type of Enhancement, no Property or Business may receive more than five thousand dollars ($5,000) in matching Grants during one 12-month period. The following examples are provided to clarify different application scenarios:

A. Example 1: Applicant desires to do $12,000 in eligible Landscape Enhancements. By Policy, the maximum Grant allowed by the Max Percentage (50%) would be $6,000, but the maximum Grant allowed by the Max Per Category would be $5,000. The lesser of the two is $5,000 which would be the maximum matching Grant for the $12,000 landscaping project. Further, within a 12-month period the Applicant cannot receive additional grants for any Enhancements (per Section 4.13.3).

B. Example 2: Applicant desires to do $8,000 in eligible Landscape Enhancements. By Policy, the maximum Grant allowed by the Max Percentage (50%) would be $4,000, and the maximum Grant allowed by the Max Per Category would be $5,000. The lesser of the two is $4,000 which would be the maximum matching Grant for the $8,000 landscaping project. Further, within a twelve-month period the Applicant cannot receive more grants for Landscape Enhancements (per Section 3.1.8), but may apply and receive a second matching Grant, not to exceed $1,000 ($5,000 max - $4,000 Grant) for any Enhancement category *other than* Landscaping.

Section 5.
Grant Priorities

The City has determined that the following are priorities for the benefits of this Policy. The evaluation of the merits of any Application shall take into consideration whether or not the Application also meets these priorities.

5.1. Preferred Areas: The following areas of the City are areas of priority for implementation of this Policy:

5.1.1. Transportation Corridors including; Saginaw Blvd, Bailey Boswell Rd, Old Decatur Rd, Blue Mound Rd (west side), McLeroy Blvd; and

5.1.2. Downtown areas.

5.2. Preferred Businesses: The following types of businesses are a priority for implementation of this Policy:

5.2.1. Retail;

5.2.2. Restaurants;

5.2.3. Professional Office;

5.2.4. Industrial and manufacturing; and

5.2.5. Any sales-tax generating business.

Section 6.
Administrative Procedures

Following are the Administrative Procedures regarding the Application for and approval of Building Improvement Grants:

6.1. 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.

Department of Economic Development
333 West McLeroy Blvd, Saginaw, TX 76179
(817) 230-0331

6.2. Application: The submittal of an Application is required prior to any evaluation of the request for Building Improvement Grants. The Application shall be on a form prepared by Staff and available on the City's website or at the location noted in 6.1.

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

A. Proof of ownership of the Property;

B. Photographs of the existing Property;

C. Drawings, renderings, plans of the proposed Enhancements;

D. Written description of the Enhancements including building materials and color schemes to be used;

E. Construction Cost estimate; and

F. If Applicant is not the Property owner:

i. Written approval of the Application from the owner; and

ii. Copy of the signed lease agreement.

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

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

6.3.1. Review Criteria:

A. Completeness of Application: Completeness of the Application; including all required attachments.

B. Grant Priorities: Whether the Application includes a targeted business classification or whether it is located in a targeted improvement area as defined in Section 5.

C. Impact: An estimation of the impact that the Enhancements might have, particularly as a catalyst for continued private investment.

D. Non-funded Improvements: Are the improvements associated with the Grant part of a larger effort to enhance the Property.

E. Elimination of a Non-Conformity: Do the Enhancements eliminate a legal non-conforming aspect of the Property.

6.3.2. Staff Evaluation and Recommendation: The coordinating Staff member shall convene a team of the appropriate persons to evaluate the Application. Upon review, such team shall prepare a recommendation to forward to the Board.

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 Enhancements.

6.4. Approval: The Board shall make the final decision regarding the merits of the Application and the appropriate Property Enhancement Grant to be given, if any, if funds are available as pre-approved by the Council for the funding period. 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. Upon approval of a matching Grant, the Board shall enter into an Agreement with the Applicant on a form acceptable to the City Attorney. The Agreement, at a minimum, must contain the following:

6.4.1. Enhancements: List the specifications of the proposed Enhancements on the Property.

6.4.2. Access: Provide the City and Staff access to the Property to ensure that the Enhancements or repairs are made according to the specifications and conditions in the Agreement.

6.4.3. Grant: Provide for the procedures of the matching Grant payment.

6.4.4. 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 may take any remedy necessary to recover the funds, including filing a lien on the Property.

6.5. Pre-Construction Meeting: If the matching 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.

6.6. 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 Enhancements. The Notice to Proceed shall in no event be regarded as the issuance or approval of a building permit or any other construction permits.

6.6.1. Required: All Grant documents, including the Agreement with the City, must be executed and all required permits must be received prior to issuance of the Notice to Proceed.

6.6.2. Beginning of Work: All work must begin within sixty (60) days of the issuance of the Notice to Proceed.

6.6.3. Completion of Work: All work for approved projects must be complete within ninety (90) days of the Notice to Proceed unless an Applicant's written request for extension is granted in writing by the Board.

6.7. Construction: All construction shall be in accordance with all requirements for permitting and inspection required by the City.

6.8. 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.

6.8.1. Documentation: The Applicant shall provide Staff with documentation necessary to determine the Construction Costs of the Enhancements 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.

6.9. Payment: Upon verification of compliance with the approval action, Staff shall cause a check to be issued to the Applicant in the approved amount.

6.9.1. Cost Overruns: Any costs above and beyond the amounts approved shall be the responsibility of the Applicant.

Section 7.
Applicant / Owner Certifications

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

7.1. Application Accuracy: The information provided in the Application, and all that may have been affixed thereto, is true and correct, and that the City may rely on all of the information therein contained, and all that may have been affixed thereto, as being true and correct.

7.2. 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 Grant upon completion of the project shall constitute approval of the project by any City department or Staff or a waiver by the City of any safety regulation, building code, ordinance or other applicable regulation.

7.3. Insurance: I (we) certify that I (we) maintain sufficient insurance coverage for property damage and personal injury liability relating to the project.

7.4. Maintenance: I (we) certify that the Enhancements, once approved by the 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 City.

7.5. Discretionary Rights: I (we) certify that I (we) acknowledge that the City has the absolute right of discretion in deciding whether or not to approve a matching 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.

7.6. Policy Promotion: I (we) authorize the City 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 City's website.

7.7. 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 / or their agents, employees, officers, and / or 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 / or their agents, employees, officers, and / or directors from any claims or damages resulting from the project, including reasonable attorney fees.

Section 8.
General Provisions

8.1. Termination: The City has the right to terminate any agreement under this Policy for any reason.

8.2. 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.

8.3. Flexibility: The terms and conditions of this Policy are a guideline for the Board during their deliberation and evaluation. The City 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.

8.4. 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.

8.5. 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.

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City of Saginaw

Meeting Date: 10/1/2019

Staff Contact: Rick Trice, P.E.
Director of Public Works

Agenda Items: (4)(e)

E-mail: rtrice@saginawtx.org

Phone: (817) 230-0449

SUBJECT:
Consideration and Action regarding Award of Contract for Saginaw Manhole and Pipe Rehabilitation Contract

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BACKGROUND/DISCUSSION:
The 2019 Wastewater Capital Improvement Plan includes Inflow & Infiltration (I&I) Sanitary Sewer Repairs. The work included in this contract are based on an assessment of the sanitary sewer system within the Little Fossil Creek basin and is designed to reduce I&I. I&I reduction reduces potential for surcharges in pipelines that may result in sanitary sewer overflows.

Bids for the Saginaw Manhole and Pipe Rehabilitation Contract were opened on September 10, 2019. A total of three bids were received as follows:

Bidder	Bid Amount
Barclay's Premier Utility Services	$186,880.00
Excel 4 Construction, LLC	$229,160.00
Atkins Brother Equipment Co.	$596,300.00

The apparent low bidder was Barclay's Premier Utility Services who submitted a bid of $186,880.00. Kimley-Horn and Associates has reviewed their references and verified that the Contractor's bonding company is licensed in the State of Texas.

FINANCIAL IMPACT:
The financial impact will be $186,880.00. Funds in the amount of $250,000 are budgeted for the I&I Projects (Water & Wastewater Budget, Account 05-7024-55-00, EF Capital Projects).

RECOMMENDATION:
Staff recommends that the Saginaw Manhole and Pipe Rehabilitation Contract be awarded to Barclay's Premier

Utility Services in the amount of $186,880.00.

ATTACHMENTS:

Description

KHA Recommendation Letter

Budget Information

Kimley»Horn

September 19, 2019

Mr. Rick Trice
City of Saginaw
205 Brenda Lane
P.O. Box 79070
Saginaw, TX 76179

Re: Saginaw Manhole and Pipe Rehabilitation – Bid Results
KHA No. 061003134

Dear Mr. Trice:

On September 10, 2019, sealed bids were received and opened by the City of Saginaw for the referenced project. A summary of the bids is below.

Contractor	Total Base Bid Unit 1
Barclays Premier Utility Services	$186,880.00
Excel 4 Construction, LLC	$229,160.00
Atkins Brother Equipment Co.	$596,300.00

The detailed bid tabulation is attached for your review.

Kimley-Horn and Associates (KHA) has reviewed the lowest bidder's references and has verified that the Contractor's bonding company is licensed in the State of Texas. Based on these reviews, it appears that Barclays Premier Utility Services is the lowest responsible bidder. The result would be awarding the contract to Barclays Premier Utility Services for an amount of $186,880.00 for the Total Base Bid Unit 1 amount.

If you have any questions or comments, please call me at (817) 335-6511.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.
TBPE No. F-928

Andrew Simonsen, P.E.

Attachment
K:\FTW_Utilities\061003134-Saginaw_I&IStudy\BIDDING\Award Recommendation.doc

BID TABULATION

KIMLEY-HORN AND ASSOCIATES, INC.

Checked by: Andrew Simonsen, P.E.

Andrew Simonsen, P.E., **09/11/19**

Owner: **City of Saginaw**

Job No.: **061003134**

Project: **Saginaw Manhole and Pipe Rehabilitation**

Date: **September 10, 2019**

				BIDDER 1		BIDDER 2		BIDDER 3	
				Barclays Premier Utility Services 1630 Gault Rd Houston, TX 77039		Excel 4 Construction, LLC PO Box 4739 Fort Worth, TX 76164		Atkins Brothers Equipment Co. 3516 Old Fort Worth Rd Midlothian, TX 76065	
Item No.	**Item Description**	**Quantity**	**Unit**	**Unit Price**	**Item Cost**	**Unit Price**	**Item Cost**	**Unit Price**	**Item Cost**
Base Bid	**Unit 1**								
1	Mobilization	1	LS	$10,685.00	$10,685.00	$8,000.00	$8,000.00	$5,000.00	$5,000.00
2	Temporary Erosion, Sediment, & Water Pollution Prevention Plan	1	LS	$850.00	$850.00	$8,500.00	$8,500.00	$3,000.00	$3,000.00
3	Traffic Control	1	LS	$1,500.00	$1,500.00	$9,500.00	$9,500.00	$10,000.00	$10,000.00
4	Remove Existing Sanitary Sewer Manhole	1	EA	$150.00	$150.00	$500.00	$500.00	$5,000.00	$5,000.00
5	Remove Existing Sanitary Sewer Line	260	LF	$1.00	$260.00	$20.00	$5,200.00	$15.00	$3,900.00
6	6" Diameter SDR-35 PVC Sewer Pipe (By Open Cut)	240	LF	$155.00	$37,200.00	$300.00	$72,000.00	$195.00	$46,800.00
7	8" Diameter SDR-35 PVC Sewer Pipe (By Open Cut)	20	LF	$155.00	$3,100.00	$302.00	$6,040.00	$210.00	$4,200.00
8	Sanitary Sewer Line Trench Safety	260	LF	$1.00	$260.00	$1.00	$260.00	$20.00	$5,200.00
9	Trenchless Pipe Replacement for 6" Diameter Sewer Pipe	325	LF	$155.00	$50,375.00	$80.00	$26,000.00	$215.00	$69,875.00
10	Point Repair for Trenchless Installation	50	LF	$155.00	$7,750.00	$85.00	$4,250.00	$250.00	$12,500.00
11	Standard 4' Diameter Concrete Manhole	2	EA	$5,000.00	$10,000.00	$4,700.00	$9,400.00	$15,000.00	$30,000.00
12	Repair, Resurface, and Recoat Existing Sewer Manhole	16	EA	$2,350.00	$37,600.00	$5,000.00	$80,000.00	$17,000.00	$272,000.00
13	Connect to Existing Sanitary Sewer Manhole	2	EA	$150.00	$300.00	$450.00	$900.00	$5,000.00	$10,000.00
14	Connect to Existing Sanitary Sewer Line	14	EA	$150.00	$2,100.00	$500.00	$7,000.00	$2,000.00	$28,000.00
15	Water Meter or Lateral Adjustment and Repair	4	EA	$250.00	$1,000.00	$850.00	$3,400.00	$3,000.00	$12,000.00
16	Reconnect Existing Sanitary Sewer Service	10	EA	$500.00	$5,000.00	$950.00	$9,500.00	$600.00	$6,000.00
17	Pre-Construction Television Inspection for Trenchless Installation	325	LF	$5.00	$1,625.00	$3.00	$975.00	$10.00	$3,250.00
18	Post-Construction Television Inspection for Trenchless and Open Cut Installation	585	LF	$5.00	$2,925.00	$1.00	$585.00	$15.00	$8,775.00
19	Asphalt Pavement Repair	120	SY	$10.00	$1,200.00	$140.00	$16,800.00	$200.00	$24,000.00
20	Concrete Pavement Repair	30	SY	$20.00	$600.00	$125.00	$3,750.00	$220.00	$6,600.00
21	Concrete Curb and Gutter Repair	40	LF	$5.00	$200.00	$25.00	$1,000.00	$70.00	$2,800.00
22	Hydromulch and Grade Repair	240	SY	$5.00	$1,200.00	$15.00	$3,600.00	$10.00	$2,400.00
23	Material Testing	1	LS	$1,000.00	$1,000.00	$12,000.00	$12,000.00	$15,000.00	$15,000.00
24	Allowance	1	LS	$10,000.00	$10,000.00	$10,000.00	$10,000.00	$10,000.00	$10,000.00
Total Base Bid Unit 1					**$186,880.00**		**$299,160.00**		**$596,300.00**

CITY OF SAGINAW
BUDGET SUPPLEMENT
2018-2019

WATER & WASTEWATER

05-6826-50-00 WATER TESTING **$ 32,500**

This account includes all lab fees and any other costs incurred for water samples such as monthly bacteriological sampling and annual water testing required by TCEQ . We are now required to do nitrate and nitrite water sampling and record the results. In addition beginning in March 2018 the next phase of non-regulated contaminant sampling called UCMR 4 will begin. We contract with an EPA certified lab to do this sampling. The results are sent to the EPA and are required to be posted in our CCR.

05-6850-50-00 TELEPHONE EXPENSES **$ -**

W/WW share of telephone expense. This account includes cell phones and dept share of city wide phone system.

05-7000-50-00 CAPITAL OUTLAY/SPECIAL REQUEST **$ 151,075**

F250 Service Truck	$	40,000
Flat File Cabinets	$	5,000
50% funding for APWA accreditation	$	6,850
UB telephone payment system	$	9,500
50% electronic time keeper	$	5,000
50% CivicPlis mobile app	$	3,725
Vermeer Vac Trailer	$	56,000
Portable Office Building	$	25,000
	$	151,075

05-XXXX-55-00 EF CAPITAL PROJECTS **$ 2,024,000**

	(impact fees $)	design for Sag Blvd 16" PH2	$	155,000
		Fairmont 12" sewer rehab PH1	$	650,000
		I&I Study Phase 2	$	95,000
05-7024-55-00		I&I projects	$	250,000
		FM 156 Utility Relocation	$	874,000
		fund balance	$	1,691,875
		developer cont.	$	-
		current revenues	$	177,125
		impact fees	$	155,000
			$	2,024,000

$ 10,681,970

City of Saginaw

Meeting Date: 10/1/2019

Staff Contact: Keith C. Rinehart
Director of Community Services

Agenda Items: (5)

E-mail: krinehart@saginawtx.org

Phone: 817-230-0351

SUBJECT:
Consideration and action to approve funds for Keep Saginaw Beautiful Committee Project – Wrapping Traffic Control Boxes

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BACKGROUND/DISCUSSION:
A few years ago, the Keep Saginaw Beautiful Committee (KSB) began a community-wide beautification project of wrapping the eight (8) traffic signal boxes throughout the city. This project added color and beauty to an otherwise dull gray/silver traffic control box. This project was very well received from the residents and the community. We used winning photos from the "Images of Saginaw" photo contest as the artwork.

Since our last project, the City of Saginaw has added an additional traffic control box bringing that number to nine (9). At the Monday, September 16, 2019 KSB meeting, the committee selected nine (9) pictures/photos to use for the wraps. The locations of the traffic signal boxes are:

- Longhorn & Old Decatur Rd
- W. McLeroy & Old Decatur
- Old Decatur & West Hill/Cromwell Marine Creek
- Old Decatur & Park Center
- Old Decatur & W. Bailey Boswell
- E. Bailey Boswell & Comanche Springs
- (NEW) Knowles & McLeroy Blvd.

FINANCIAL IMPACT:
$5,450. The cost includes both removing the existing wraps and installing new wraps.

RECOMMENDATION:
The Keep Saginaw Beautiful Committee is recommending the approval of $5,450 for Victory Graphics to wrap all nine (9) traffic control boxes throughout the city.

ATTACHMENTS:

Description

Council Communique

City of Saginaw

Community Services Department
333 W. McLeroy Blvd., Saginaw, Texas 76179

Council Agenda Background

To: Gabe Reaume, City Manager

From: Keith C. Rinehart, Director of Community Services

Date: City Council Meeting – October 1, 2019

PRESENTER:

Keith C. Rinehart, Director of Community Services

ITEM:

Consideration and action to approve funds for Keep Saginaw Beautiful Committee Project – Wrapping Traffic Control Boxes

DISCUSSION:

A few years ago, the Keep Saginaw Beautiful Committee (KSB) began a community-wide beautification project of wrapping the eight (8) traffic signal boxes throughout the city. This project added color and beauty to an otherwise dull gray/silver traffic control box. This project was very well received from the residents and the community. We used winning photos from the "Images of Saginaw" photo contest as the artwork.

Since our last project, the City of Saginaw has added an additional traffic control box bringing that number to nine (9). At the Monday, September 16, 2019 KSB meeting, the committee selected nine (9) pictures/photos to use for the wraps. The locations of the traffic signal boxes are:

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- W. McLeroy & Old Decatur
- Old Decatur & West Hill/Cromwell Marine Creek
- Old Decatur & Park Center
- Old Decatur & W. Bailey Boswell
- E. Bailey Boswell & Comanche Springs

- E. Bailey Boswell & High Country Trail
- *(NEW)* Knowles & McLeroy Blvd.

FISCAL IMPACT:

The financial impact will be $5,450. The cost includes both removing the existing wraps and installing new wraps.

RECOMMENDATION

The Keep Saginaw Beautiful Committee is recommending the approval of $5,450 for Victory Graphics to wrap all nine (9) traffic control boxes throughout the city.

ATTACHMENTS:

- Cost Estimate from Victory Graphics
- Photos for the wraps

If you have any questions, please feel free to contact me at 817-230-0351.

Thank you,

Keith C. Rinehart

Director of Community Services
City of Saginaw

Victory Graphics LLC
P.O. Box 14294
Ft. Worth, TX 76117
(817) 222-0420
kendra@victorygraphics.us

Estimate

ADDRESS
City of Saginaw

ESTIMATE # 1065
DATE 09/18/2019

ACTIVITY	QTY	RATE	AMOUNT
Graphics print and install graphics on signal boxes (customer to supply high resolution images)	9	450.00	4,050.00
graphics removal Remove existing graphics from boxes	7	200.00	1,400.00

Box size 3'x 8' w, 4' x 8' h, 2' x 4' d

TOTAL **$5,450.00**

Accepted By

Accepted Date

SAGINAW
FD
FIRE

City of Saginaw

Meeting Date: 10/1/2019

Staff Contact: Kim Quin
Finance Director

Agenda Items: (6)

E-mail: kquin@saginawtx.org

Phone: 817-230-0332

SUBJECT:
Consider and authorize City Staff and Consultants to proceed with privately placing General Obligation Refunding Bonds, Series 2019 via competitive bidding process for the purpose of achieving annual debt service savings so long as certain savings thresholds can be met.

BACKGROUND/DISCUSSION:
The Certificates of Obligation issued in 2009 with interest rates of 4.2% to 4.6% and the 2012 General Obligation Refunding bonds with an interest rate of 3% are eligible for refunding. The City issued tax notes last month with an interest rate of 1.4%. The bond market is volatile and an estimated interest rate of 2% is being used for the attached estimate of $36,754 net present value savings.

FINANCIAL IMPACT:
The debt service savings will depend on market interest rates.

RECOMMENDATION:
Staff recommends authorization to proceed with privately placing General Obligation Refunding Bonds, Series 2019 via competitive bidding process for the purpose of achieving annual debt service savings so long as certain savings thresholds can be met.

ATTACHMENTS:

Description

Bond Refunding Analysis

SAMCO Capital

City of Saginaw, Texas

Bond Refunding Opportunity

October 1, 2019

City of Saginaw

Mark M. McLiney
SENIOR MANAGING DIRECTOR

SAMCO Capital

MEMBER: FINRA/SIPC
www.samcocapital.com

(210) 832-9760 (San Antonio)
(214) 765-1439 (Dallas)
mmcliney@samcocapital.com

Andrew T. Friedman
MANAGING DIRECTOR

SAMCO Capital

MEMBER: FINRA/SIPC
www.samcocapital.com

(210) 832-9760 (San Antonio)
(214) 765-1439 (Dallas)
afriedman@samcocapital.com

Potential Refunding Results

Summary of Bonds to be Refunded				
Series Name	Par Refunded	Refunded Coupon Range	Maturities Refunded	Call Date
Combination Tax and Revenue Certificates of Obligation, Series 2009	$ 615,000	4.20% - 4.60%	2020 - 2025	12/1/2019
General Obligation Refunding Bonds, Series 2012	$ 1,215,000	3.00%	2020 - 2023	12/1/2019

Projected Annual Savings				
Date	Prior Debt Service	Refunding Debt Service	Savings	Present Value Savings
09/30/2020	$ 435,000	$ 435,000	$ -	$ 67
09/30/2021	446,110	439,400	6,710	6,579
09/30/2022	448,120	441,200	6,920	6,625
09/30/2023	444,420	437,800	6,620	6,192
09/30/2024	120,350	109,300	11,050	10,071
09/30/2025	120,290	112,200	8,090	7,222
Total	**$ 2,014,290**	**$ 1,974,900**	**$ 39,390**	**$ 36,754**

Summary of Refunding Results	
Par Amount of Refunded Bonds	$ 1,830,000
Refunding Par Amount	$ 1,875,000
Average Coupon of Refunded Bonds	3.63%
True Interest Cost of Refunding Bonds	2.00%
Gross Savings*	$ 39,390
Present Value Savings as a Percentage of Bonds Refunded	**2.16%**

*** Gross Savings is shown net of all costs of issuance**

SAMCO Capital

Timetable of Events

Timetable of Events	
Tuesday, October 1st	Council gives Staff and SAMCO permission to proceed so long as certain savings thresholds are met
Monday, October 14th	Final interest rates received and locked in
Tuesday, October 15th	SAMCO presents the refunding outcome for final approval and an Ordinance selling the Refunding Bonds is authorized by the Council
Wednesday, November 13th	Bonds Closed
Monday, December 2nd	Series 2009 and Series 2012 Obligations are called in by the Escrow Agent and defeased

City of Saginaw

Meeting Date: 10/1/2019

Staff Contact: Gabe Reaume
City Manager

Agenda Items: (7)

E-mail: greaume@saginawtx.org

Phone: 817-230-0324

SUBJECT:
Consideration and Action regarding Ordinance No. 2019-21, Adopting Regulations for Protection of the City Logo and City Seal, and Prohibiting the Unauthorized Use Thereof

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BACKGROUND/DISCUSSION:
Ordinance No. 2019-21 adopts regulations regarding the City Logo and City Seal. It also prohibits unauthorized use of the logo and seal.

FINANCIAL IMPACT:
N/A

RECOMMENDATION:
N/A

ATTACHMENTS:

Description

Ordinance 2019-21

ORDINANCE NO. 2019-21

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, ADOPTING REGULATIONS FOR PROTECTION OF THE CITY LOGO AND CITY SEAL AND PROHIBITING THE UNAUTHORIZED USE THEREOF; PROVIDING FOR THE LICENIING OF THE CITY LOGO AND CITY SEAL IN CERTAIN CIRCUMSTANCES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas is a home rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Saginaw, Texas owns a logo that is circular, yellow in color, with three grain silos, which represents the grain industry as being vital to city development and business; and

WHEREAS, the City of Saginaw, Texas owns a seal that is circular with the words "City of Saginaw Texas" inside the outer circle with a single star at the bottom of the outer circle, and the words "corporate seal" in the inner circle, which the City applies to official documents of the City; and

WHEREAS, the City of Saginaw, Texas has a substantial interest in protecting its logo and seal from unauthorized use to avoid consumer and resident confusion.

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

SECTION 1.

That the Saginaw City Code is hereby amended by adding a new Article to Chapter 54, to be numbered VI, which said Article reads as follows:

"ARTICLE VI. CITY LOGO AND CITY SEAL

Sec. 54-151 Definitions.

City logo means the logo used by the City of Saginaw, including any cut, facsimile or reproduction thereof, which consists of a circular logo with three blue grain silos with the center silo having the shape of the state of Texas in yellow cut into it and there being a blue star within Texas in the approximate location of the City of Saginaw as set forth below:

City of Saginaw

City Seal means a seal that is circular with the words "City of Saginaw Texas" inside the outer circle with a single star at the bottom of the outer circle, and the words "corporate seal" in the inner circle; and or similar insignia, including any cut, facsimile or reproduction thereof and the face of which is substantially as set forth below:

Sec. 54-152. Custodian.

The City Manager or his/her designee is the custodian of the city logo and city seal.

Sec.54-153. Use of city logo or city seal for official use.

(a) The city logo and city seal are the property of the City of Saginaw.
(b) The city logo may be used by city employees and elected or appointed city officials in connection with the performance of official city business or city sanctioned events, including but not limited to placement of the city logo on city vehicles, equipment, stationery, the city flag, department websites, handouts for city training sessions, city brochures, city presentations, city uniforms and city issued articles of clothing, department news releases, city-sponsored events, and city memorabilia used to promote the city.

(c) The city secretary or the city secretary's designee is authorized to use the city seal on any ordinance, resolution, proclamation, commendation, certificate or other instrument approved by the city council or executed by the mayor or other city officials and to use the city logo to authenticate official documents in the conduct of official city business.

Sec. 54-154. Other approved uses.

(a) The City Manager may approve other uses of the city logo or city seal by any person for the following purposes provided that such use promotes the interests of the city and is not detrimental to the image of the city:

(1) In an encyclopedia, dictionary, book, journal, pamphlet, periodical, magazine or newspaper incident to a description or history of the city logo or city seal;

(2) In a library, museum or educational facility incident to descriptions or exhibits relating to the city logo, city seal, or the city;

(3) In a theatrical, motion-picture, television, or similar production exhibited for a historical, educational or other non-commercial purpose.

(b) Before any person is allowed to use the city logo or any city seal pursuant to this section, the person must:

(1) Agree that the proposed use of the city logo or city seal shall conform to the permitted uses set forth in the preceding subsection.

(2) Submit samples of all documents, goods, and other materials upon which the city logo or city seal is to be used sufficient to demonstrate that the proposed use of the city logo or city seal is a faithful reproduction and has not been altered in any manner.

(3) Acknowledge the right of the city, at all reasonable times, to inspect any item upon which the city logo or city seal is used to ensure that the city logo or city seal is being used appropriately in an unadulterated form.

(4) Execute an agreement approved by the city attorney containing such terms as the city attorney may require.

(c) Approval to use the city logo or city seal shall not be assignable or transferable.

(d) The approval to use the city logo or city seal under this section shall be limited to only the event or item for which the approval is granted.

(e) If a person who is authorized to use the city logo or city seal pursuant to this section breaches any provisions of the agreement for its use, the city attorney shall serve written notice of such breach upon the person with a demand to take appropriate and immediate affirmative action to cure such breach. Any failure to cure the breach to the city's satisfaction shall be grounds for the city's termination of permission to use the city logo or city seal and the city attorney shall pursue all steps reasonably necessary to restrain the improper use of the city logo or city seal

(f) The city may revoke a person's previously authorized use of the city logo or city seal upon finding false or inaccurate information was submitted by the person to the city or that he violated any provision of this division.

Sec.54-155. Prohibited uses.

The use of the city logo or city seal by any person for the following uses is specifically prohibited:

(1) In support or opposition of any candidate for elective office, referendum, initiative, or ballot measure or in any candidate or committee campaign literature.

(2) In connection with any advertisement or promotion for any product, business, organization or service whether offered for sale, profit, or without charge.

(3) On any written or printed material designed, calculated, intended or likely to confuse, deceive or mislead the public or cause the reader of such written or printed material to believe it to be an official city publication, including circulating or distributing any such written or printed material or to suggest or assert any city support or endorsement of any product, goods or services.

Sec. 54-156. Offense.

It shall be unlawful for any person to use the city logo or city seal in violation of this section.

Sec. 54-157.-54-180. - Reserved."

SECTION 2.

That this ordinance shall be cumulative of all other ordinances of the City of Saginaw and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 3.

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

That all rights or remedies of the City of Saginaw, Texas, are expressly saved as to any and all violations of the City Code or any amendments thereto regarding the unauthorized use of either the City Logo or the City Seal that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars ($500.00) for each violation of this ordinance.

SECTION 6.

The City Secretary of the City of Saginaw is hereby directed to publish at least twice in the official newspaper of the City of Saginaw, the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Local Government Code.

SECTION 7.

This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED ON this the _____ day of _____, 2019.

_____
TODD FLIPPO, MAYOR

ATTEST:

_____
JANICE ENGLAND, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

_____
BRYN MEREDITH, CITY ATTORNEY

City of Saginaw

Meeting Date: 10/1/2019

Staff Contact: Rick Trice, P.E.
Director of Public Works

Agenda Items: (8)

E-mail: rtrice@saginawtx.org

Phone: (817) 230-0449

SUBJECT:
Briefing on Bailey Boswell Overpass Project

BACKGROUND/DISCUSSION:
Staff will update City Council on current project status.

FINANCIAL IMPACT:
NA

RECOMMENDATION:
NA

City of Saginaw

Meeting Date: 10/1/2019

Staff Contact: Alora Wachholz, CEcD
Director of Economic Development

Agenda Items: (10)

E-mail: AloraW@saginawtx.org

Phone: 817-230-0331

SUBJECT:
Economic Development Snapshot

BACKGROUND/DISCUSSION:
Director of Economic Development Wachholz will discuss economic development feedback and initiatives.

FINANCIAL IMPACT:
N/A

RECOMMENDATION:
N/A