

PORT LAVACA **PRIDE** INCENTIVE *Grant* PROGRAM

Section 1. Sponsor

City of Port Lavaca General Fund

Section 2. Purpose

The purpose of this Program is to enhance the economic vitality of the City of Port Lavaca by encouraging visually appealing physical improvements to local business establishments.

Section 3. Grant Type

Grants provided are **Reimbursement Grants**, such grants being a cash match for funds disbursed by an Applicant, and are in the amounts not to exceed those provided under Section 6, “Type of Grants” below. In-kind contributions may not be used as a part or whole of an Applicant’s match. Only Applicant’s cash expenditures for the specific proposed project may be used as a grant match.

Section 4. Funding Cycle

Funding cycles shall be October 1 through September 30. For each funding cycle, City of Port Lavaca shall designate an amount of funding for that cycle. Each fiscal year the City appropriates a specific amount of funding for the grant program. Upon depletion of those funds, City of Port Lavaca will be under no obligation to fund additional grants. Likewise, City of Port Lavaca is under no obligation to establish future cycles.

Section 5. Eligibility

- 1) Any new or existing business within the Port Lavaca City Limits that has frontage facing Highway 35, Main Street, Austin Street, Commerce, ~~or~~ Broadway, or Virginia Street from Main Street to SH 35.
- 2) Business facilities also serving as a residence are not eligible (unless located in a Mixed-Use Zone).
- 3) Business facilities and/or properties which have outstanding financial obligations to the City of Port Lavaca, such as liens, court fines, city utility bills, or delinquent property taxes are not eligible.
- 4) Business facilities and/or property owners which have an ongoing lawsuit or are in any way parties to litigation against the City of Port Lavaca are not eligible.
- 5) Business facilities that are not in full compliance with the requirements of Chapter 20 - Environmental and Health and Chapter 36 – Signs are not eligible unless completion of the applied for project will bring them into full compliance.
- 6) Business facilities located within the Historical District as defined by City Ordinance #S-5-81, being Blocks 8,9, and 24, Original Townsite of Port Lavaca and Blocks 3,4, and 5 of the Georgetown Addition to the City of Port Lavaca.

Section 6. Type of Grants

- **FAÇADE IMPROVEMENT:** Improvements to storefronts, including, but not limited to, items such as painting, reconstruction and remodeling.

Up to a 50% matching grant with maximum of \$10,000

- **SIGN IMPROVEMENTS:** New signs, and renovation or removal of existing signs.

Up to a 50% matching grant with maximum of \$5,000

- **PROPERTY IMPROVEMENT:** Items such as landscaping (if in compliance with Section 42-161 of the City Code of Ordinances), Dumpster Screening in compliance with Section 42-162 of the City Code of Ordinances, lighting, sidewalk and driveway improvements, and parking lot improvements.

Up to a 50% matching grant with maximum of \$10,000

- **DEMOLITION:** Demolition of abandoned signs and structures.

Up to a 50% matching grant with maximum of \$10,000

Section 7. Guidelines

- 1) Proof of ownership will be required of Applicants operating a business in an owned facility or owners of a business facility.
- 2) An Applicant operating in a leased facility must apply jointly with property owner. Copies of a lease agreement and proof of ownership will be required.
- 3) Grant funding will be limited to one (1) grant to any one (1) Applicant during a calendar year.
- 4) Improvements shall be made in accordance with project drawings, specifications, and/or information provided in the application, such having been approved by City of Port Lavaca. Failure to do so will render the Applicant ineligible to receive grant funding. Any modifications must first receive the written approval of CITY OF PORT LAVACA or its designee. Failure to do so will likewise render the Applicant ineligible for grant funding.
- 5) Applicant is obligated to obtain all applicable permits related to the improvement project. Failure to do so will render the Applicant ineligible for grant funding.
- 6) The improvements, as presented in the application, must be completed in their entirety. Incomplete improvements will render the Applicant ineligible for grant funding.
- 7) Upon approval of a grant application, and during the implementation of the improvements, a representative or representatives of CITY OF PORT LAVACA shall have the right of access to inspect the work in progress.
- 8) Improvements may not commence prior to having received written approval for a grant from City of Port Lavaca.
- 9) In order to be eligible to receive the grant funding, improvements must be completed within six (6) months of receiving grant approval from City of Port Lavaca. If the applicant anticipates additional time will be needed, the proposed time frame shall be included in the application. If a grantee determines that additional time is needed, a written request for a time

extension shall be submitted to the City for consideration of approval. If approval is not granted, the original completion date will stand to meet eligibility for reimbursement.

- 10) All landscaping installed in the scope of the project must **comply with the requirements of Section 42-161 of the City Code of Ordinances.** ~~be irrigated and maintained or warranted by the Applicant for a minimum of one (1) year from the date of installation.~~
 - a) If landscaping is considered as part of the grant request, an underground irrigation system shall be employed and said landscaping shall be irrigated and maintained. Trees, plants shrubs, or ground cover, as approved in the grant proposal, shall be replaced if they become diseased, damaged, or die.
- 11) All applications must contain a cost estimate (bid) from a minimum of two (2) qualified contractors or suppliers.
- 12) Labor provided by the Applicant or his/her employees may not be included in the cost estimate of the project and is not reimbursable through this Program.

Section 8. Application & Approval

- 1) Applications must be made on a form provided by City of Port Lavaca and may be obtained at the City of Port Lavaca's Community and Economic Development Department, 202 North Virginia, Port Lavaca, Texas 77979.
- 2) Applications will be considered on a first come first serve basis.
- 3) One (1) original and one (1) copy of an application must be submitted.
- 4) City of Port Lavaca reserves the right to utilize whatever outside resources it deems necessary for assistance in its decision-making process.
- 5) Applicants will be notified in writing of City of Port Lavaca's approval or disapproval of an application.
- 6) City of Port Lavaca may award Applicant a grant with certain provisions, conditions, or other requirements as it may from time to time deem appropriate.
- 7) City of Port Lavaca reserves unto itself the absolute right of discretion in deciding whether or not to approve a grant, in whole or in part, relative to this application. The Applicant accepts that any and all decisions relating to the award of grant funds involves subjective judgments on the part of the decision-making entity, related to the aesthetics of the proposed project and the granting of award funds for said project.
- 8) City of Port Lavaca reserves the right to waive any requirement(s) herein contained, and/or add any requirements it deems appropriate in making its determination of approval or disapproval of a grant application.
- 9) Application shall include photos of the existing condition to be improved.

Section 9. Evaluation Criteria Standards

The following factors shall be considered in determining whether or not to award a grant:

Visual Impact: Improvement in the attractiveness of the location and the level of blight or deterioration removed; Paint color/sign chosen are tasteful and consistent with surrounding businesses; Paint chips/sign material/landscaping materials are submitted with application and final project reflects what was submitted and approved; Level of improvement impact on overall appearance of facility; Productive life of improvements.

Economic Impact: Amount of additional funding expended by business; Appropriateness of business to overall economic development in the surrounding area; Traffic level of roadways adjacent to improvement; Mitigation of health and safety issues; Reuse of vacant or underutilized property.

Section 10. Funding

- 1) Funding will only be provided on a reimbursement basis upon the completion of the project in accordance with these guidelines and following an on-site inspection of the improvements.
- 2) City of Port Lavaca shall be granted the right to inspect the improvement work in progress and upon completion
- 3) Applicant shall provide City of Port Lavaca with written notification of project completion. Such notification shall include a letter signed by the Applicant stating that all improvements have been completed in accordance with the application and/or approved modifications, and that full payments have been made for all labor and materials involved in the project. Also included in such notification shall be such documentation, such as, but not limited to, paid receipts for materials and labor, permits, inspection reports, project photographs, or any other items City of Port Lavaca may reasonable deem necessary for determining the successful completion of the project.
- 4) Upon receipt of a notification of completion, an on-site inspection shall be made by a representative or representatives of City of Port Lavaca to confirm, completion in accordance with the application and/or approved modifications, such inspection shall not be considered in any way as a reflection of City of Port Lavaca's approval on the quality, safety, or reliability of the improvements, such being the sole responsibility of Applicant.
- 5) In order to receive approval of a reimbursement, all projects should be completed by September 30 of the budget year in which the grant was approved.

Section 11. Project Review

City of Port Lavaca Staff will review all applications and shall forward complete applications on to the **Economic Development Committee for comment. The City Manager shall approve or disapprove all applications. Applicants may appeal the City Manager's decision to the City Council upon request.**

Section 12. Amendment

The City of Port Lavaca City Council reserves unto itself the right to amend these Guidelines and Criteria as it may from time to time find desirable.

Section 13. Notice

THE PROVISION OR DELIVERY OF THESE GUIDELINES AND CRITERIA TO AN INTERESTED PARTY DOES NOT CONSTITUTE AN OFFER OF AN IMPROVEMENT GRANT TO THAT PARTY.

1. THE ADOPTION OF THESE GUIDELINES AND CRITERIA DOES NOT LIMIT THE DISCRETION OF CITY OF PORT LAVACA TO DECIDE WHETHER TO PROVIDE OR NOT PROVIDE A GRANT TO AN APPLICANT, WHICH ABSOLUTE RIGHT OF DISCRETION CITY OF PORT LAVACA RESERVES UNTO ITSELF, WHETHER OR NOT SUCH DISCRETION MAY BE DEEMED ARBITRARY OR WITHOUT BASIS IN FACT.
2. THE ADOPTION OF THESE GUIDELINES AND CRITERIA DOES NOT CREATE ANY PROPERTY, CONTRACT, OR OTHER LEGAL RIGHTS IN ANY PERSON TO HAVE CITY OF PORT LAVACA PROVIDE GRANT FUNDING.
3. THE LAWS OF THE STATE OF TEXAS SHALL GOVERN THE INTERPRETATION, VALIDITY, PERFORMANCE, AND ENFORCEMENT OF THIS BUSINESS ASSISTANCE GRANT PROGRAM. IF ANY PROVISION OF THIS PROGRAM SHALL BE HELD TO BE INVALID OR UNENFORCEABLE, THE VALIDITY AND ENFORCEABILITY OF THE REMAINING PROVISIONS OF THIS PROGRAM SHALL NOT BE AFFECTED THEREBY.
4. CITY OF PORT LAVACA, ITS EMPLOYEES, AND ITS AGENTS, DO NOT ATTEST TO THE QUALITY, SAFETY, OR CONSTRUCTION OF A PROJECT ELIGIBLE FOR, OR RECEIVING GRANT FUNDING. THEREFORE, CITY OF PORT LAVACA, ITS EMPLOYEE'S, AND AGENTS SHALL BE HELD HARMLESS BY THE APPLICANT/APPLICANTS FOR ANY AND ALL DAMAGES ASSOCIATED WITH THE PLANNING, CONSTRUCTION, AND SUBSEQUENT EXISTENCE OF ANY PROJECT WHOSE APPLICATION HAS BEEN APPROVED, OR HAS RECEIVED ACTUAL GRANT FUNDING.

Please note:

Please review the Port Lavaca Pride Incentive Grant Program Guidelines and Criteria prior to the submission of a grant application.

1. *Submit the original and one (1) copy of the completed application.*
2. *All parties having an ownership in the business or facility must be parties to this application.*
3. *Applications must be submitted jointly by both the lessee and the lessor for businesses operating in leased facilities.*
4. *Applications must contain a minimum of two (2) cost estimates from qualified contractors and/or suppliers.*
5. *Application may be submitted to and additional information obtained from:*

**CITY OF PORT LAVACA
Port Lavaca Pride Incentive Grant Program
202 North Virginia
Port Lavaca, TX 77979**

361-552-9793