



The City of Liberty
City Council
Special Called Meeting
~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

April Gilliland
City Secretary
936-336-3684

Wednesday, October 21, 2020

12:00 PM

City Council Chambers

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Mayor Carl Pickett	☐	☐	☐	
Mayor ProTem Diane Driggers	☐	☐	☐	
Council Member Dennis Beasley	☐	☐	☐	
Council Member Libby Simonson	☐	☐	☐	
Council Member David Arnold	☐	☐	☐	
Council Member Chipper Smith	☐	☐	☐	
Council Member Neal Thornton	☐	☐	☐	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Public Comment is reserved for members of the public who would like to address the City Council regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Council may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comment with a factual statement or clarification. The City Council may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

III. REGULAR AGENDA

A. Regular Session

1. Resolution (ID # 4941)

Approve the submittal of a grant application to the Texas General Land Office (GLO) for Community Development Block Grant Mitigation (CDBG-MIT) Funding.

- Final Application Memo (PDF)
- Liberty 424-Form (PDF)
- mit-local-certifications (PDF)

IV. ADJOURNMENT

A. Motion To: Adjourn

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 16th day of October, 2020 at 5:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

April Gilliland

April Gilliland, City Secretary

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the _____ day of _____, 2020.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.A.1

Meeting: 10/21/20 12:00 PM

Department: Administration
Category: Grant Issues

RESOLUTION (ID # 4941)

DOC ID: 4941

Department: Administration

Subject: Grant Application CDBG-MIT Funding

Background: The United States Department of Housing and Urban Development (HUD) allocated approximately \$4.3 billion in CDBG-MIT fund to the State of Texas. The GLO has been designated by the Governor to administer these funds on behalf of the State. The CDBG-MIT funds may be used for activities that include, but are not limited to, natural and green infrastructure, public facilities, housing buyouts or acquisitions, activities designed to relocate families outside of floodplains, infrastructure projects and public service activities. The funding is in the form of a grant and requires no local match. However, since these are competitive grants, a 1% local match will add additional points to the application. City Council has previously authorized the City Manager to retain the appropriate firms to assist the City in preparing the application for water, wastewater and storm sewer improvements throughout the City. The final application budget is presented below:

<u>Activity</u>	<u>Grant</u>	<u>Match</u>	<u>Total</u>
Construction	\$31,578,482.00	\$406,266.00	\$31,984,748.00
Engineering	\$ 5,048,100.00	\$ 0.00	\$ 5,048,100.00
Acquisition	\$ 1,670,000.00	\$ 0.00	\$ 1,670,000.00
Administration	\$ 2,330,000.00	\$ 0.00	\$ 2,330,000.00
Total	\$40,626,582.00	\$406,266.00	\$41,032,848.00

The 1% local match commitment has been allocated to the construction activity and will be expended at the start of construction. In addition to approval of the resolution relating to the grant application submittal, City Council will also authorize the approval and submittal of the SF-424 Form and the local certification. These documents are enclosed for City Council's review.

Funding Source: City Council has previously authorized \$406,266.00 in Cambridge Funds for the local match.

Staff Recommendation: Staff recommends approval of the resolution authorizing the submittal of the City's CDBG-MIT application and the approval and submittal of documents relating to the grant application.

A RESOLUTION OF THE CITY COUNCIL OF LIBERTY, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TEXAS GENERAL LAND OFFICE (GLO) FOR COMMUNITY DEVELOPMENT BLOCK GRANT - MITIGATION (CDBG-MIT) PROGRAM; AND AUTHORIZING THE MAYOR AND/OR CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER(S) AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT -

MITIGATION (CDBG-MIT) PROGRAM.

WHEREAS, Hurricane Harvey (DR-4332) severely impacted the City of Liberty; and

WHEREAS, The City of Liberty desires to increase resilience to disasters and reduce or eliminate the long-term risk of loss of life, injury, damage to and loss of property, and suffering and hardship, by lessening the impact of future disasters; and

WHEREAS, The City of Liberty desires a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

WHEREAS, The City of Liberty aims to Affirmatively Further Fair Housing by identifying projects that overcome or do not increase patterns of residential segregation based on race, color, religion, national origin, sex, disability or family status;

WHEREAS, it is necessary and in the best interests of the City of Liberty to apply for funding under the Community Development Block Grant - Mitigation (CDBG-MIT) Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LIBERTY TEXAS:

1. That a Community Development Block Grant - Mitigation (CDBG-MIT) Fund application is hereby authorized to be filed by the City of Liberty with the General Land Office for the mitigation efforts under Hurricane Harvey Competition.
2. That the projects detailed within the application will address major flood mitigation system (stormwater, sewer, water) improvements at various sites throughout the City of Liberty which were identified as a risk due to Hurricanes/Tropical Storms/Tropical Depressions and Riverine Flooding, thereby placing undue and certain health and safety risks on residents.
3. That the CDBG-MIT Application request amount be filed for **\$40,626,582.00**.
4. That the application will require a 1% cash match, based on CDBG-MIT application request amount, in the amount of **\$406,266.00** committed by the City of Liberty from the Capital Improvement Fund.
5. That the total project cost is **\$41,032,848.00** to include construction, engineering, acquisition, and administration services.
6. That the City Council directs and designates the Mayor and/or City Manager as the City's Chief Executive Officer(s) and Authorized Representative to act in all matters in connection with this application and the City's participation in the Community Development Block Grant - Mitigation (CDBG-MIT) Program.
7. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, fair housing, and civil rights requirements.

Resolution (ID # 4941)

City Council Meeting

October 21, 2020

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Passed and approved this _____ day of _____, 2020.

MAYOR

ATTEST:

CITY SECRETARY



Planning • Financing • Management

October 15, 2020

Mayor and Council
City of Liberty
1829 Sam Houston
Liberty, Texas 77575

RE: Liberty CDBG-MIT Application

Dear Mayor and Council:

Please allow this letter, and the detail contained within, to serve as the basis for discussion for the City's application in the upcoming Community Development Block Grant – Mitigation (CDBG-MIT) competition. The project consists of major flood mitigating (drainage, water, sewer) system improvements throughout the City. The final application budget is presented below:

<u>Activity</u>	<u>Grant</u>	<u>Match</u>	<u>Total</u>
Construction	\$31,578,482.00	\$406,266.00	\$31,984,748.00
Engineering	\$5,048,100.00	\$0.00	\$5,048,100.00
Acquisition	\$1,670,000.00	\$0.00	\$1,670,000.00
Administration	\$2,330,000.00	\$0.00	\$2,330,000.00
Total	\$40,626,582.00	\$406,266.00	\$41,032,848.00

Please note, the 1% local match commitment has been allocated to the construction activity and will be expected to be expended at the start of construction.

In addition, the following items are included for final approval and authorization to submit this application to the Texas General Land Officer on or before October 28, 2020:

- Application Resolution
- SF-424 Form (requires signature)
- Local Certification (requires signature)

The approved application resolution and the forms requiring signatures will need to be completed and sent back to me for inclusion with the official application material.

Respectfully,

Nic Houston

Please wait...

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**Texas General Land Office
Community Development and Revitalization Division
Mitigation – Local Certifications**

Each Applicant for Community Development Block Grant Mitigation ("CDBG-MIT") funding must complete Federal Assistance Standard Form 424 (SF-424) and certify that local certifications included in this application guide were followed in the preparation of any CDBG-MIT program application. Additionally, Applicant must certify that it will continue to follow local certifications in the event that funding is awarded and Applicant is reclassified as a Subrecipient.

Each Applicant/Subrecipient must comply with the provisions of the National Environmental Policy Act ("NEPA"), the Council on Environmental Quality ("CEQ") regulations, the requirements set forth in Title 24 of the Code of Federal Regulations ("CFR") part 58, and applicable Texas General Land Office policy directives.

Each Applicant/Subrecipient must comply with all applicable federal and state laws, including environmental, labor (Davis-Bacon Act), the procurement procedures and contract requirements found at 2 C.F.R. §200.318 – §200.326, and all civil rights requirements.

Each Applicant/Subrecipient certifies, as outlined in 84 FR 45838 (August 30, 2019), the following:

- A. The Applicant/Subrecipient certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan in connection with any activity assisted with CDBG-MIT funds.
- B. The Applicant/Subrecipient certifies its compliance with restrictions on lobbying as required by 24 C.F.R. part 87, together with disclosure forms, if required by part 87.
- C. Any entity or entities designated by the subrecipient, and any contractor, subrecipient, or designated public agency carrying out an activity with CDBG-MIT funds, possess(es) the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations and the federal register notice. The subrecipient certifies that activities to be undertaken with CDBG-MIT funds are consistent with the Action Plan.
- D. The Applicant/Subrecipient certifies that it will comply with the acquisition and relocation requirements of the Uniform Relocation Act ("URA"), as amended, and implementing regulations at 49 CFR part 24, except where waivers or alternative requirements are provided for CDBG-MIT funds.
- E. The Applicant/Subrecipient certifies that it will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. §1701u) and implementing regulations at 24 C.F.R. part 135.

F. The Applicant/Subrecipient certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR §91.115 or §91.105 (except as provided for in notices providing waivers and alternative requirements for this grant). Also, each local government receiving assistance from a state grantee must follow a detailed citizen participation plan that satisfies the requirements of 24 CFR §570.486 (except as provided for in notices providing waivers and alternative requirements for this grant).

G. The Applicant/Subrecipient certifies that it is complying with each of the following criteria:

1) Funds will be used solely for necessary expenses related to mitigation activities, as applicable, in the most impacted and distressed areas for which the President declared a major disaster in 2015, 2016, or 2017 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. §5121 et seq.).

2) With respect to activities expected to be assisted with CDBG-MIT funds, the relevant action plan has been developed to give priority to activities that will benefit low- and moderate-income families.

3) The aggregate use of CDBG-MIT funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 50 percent (or another percentage permitted by HUD in a waiver published in an applicable Federal Register notice) of the CDBG-MIT grant amount is expended for activities that benefit such persons.

4) The Applicant/Subrecipient will not attempt to recover any capital costs of public improvements assisted with CDBG-MIT funds by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

i. CDBG-MIT funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or

ii. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (a).

H. The Applicant/Subrecipient certifies that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d), the Fair Housing Act (42 U.S.C. §3601-§3619), and implementing regulations, and that it will affirmatively further fair housing.

I. The Applicant/Subrecipient certifies that it has adopted and is enforcing the following policies, and, in addition, must certify that they will require local governments that receive grant funds to certify that they have adopted and are enforcing:

1) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations;

2) A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

J. The Applicant/Subrecipient certifies that it (and any administering entity) currently has or will develop and maintain the capacity to carry out mitigation activities, as applicable, in a timely manner and that the subrecipient has reviewed the respective requirements of this notice.

K. The Applicant/Subrecipient certifies that it will not use CDBG-MIT funds for any activity in an area identified as flood prone for land use or hazard mitigation planning purposes by the state, local, or tribal government or delineated as a Special Flood Hazard Area (or 100-year floodplain) in FEMA's most current flood advisory maps, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 C.F.R. part 55. The relevant data source for this provision is the state, local, and tribal government land use regulations and hazard mitigation plans and the latest-issued FEMA data or guidance, which includes advisory data (such as Advisory Base Flood Elevations) or preliminary and final Flood Insurance Rate Maps.

L. The Applicant/Subrecipient certifies that its activities concerning lead-based paint will comply with the requirements of 24 CFR part 35, subparts A, B, I, K, and R.

M. The Applicant/Subrecipient certifies that it will comply with environmental requirements at 24 CFR part 58.

N. The Applicant/Subrecipient certifies that it will comply with applicable laws.

WARNING: ANY PERSON WHO KNOWINGLY MAKES A FALSE CLAIM OR STATEMENT TO HUD MAY BE SUBJECT TO CIVIL OR CRIMINAL PENALTIES UNDER 18 U.S.C. §287; 18 U.S.C. §1001, AND 31 U.S.C. § 3729.

Except as otherwise provided under federal law, any person who knowingly and willfully falsifies, conceals, or covers up a material fact by any trick, scheme or device or who makes any materially false, fictitious, or fraudulent statement or representation or who makes or uses any false writing or document knowing the writing or document to contain materially false, fictitious, or fraudulent statement or entry shall be prosecuted under Title 18, United States Code, §1001.

Carl Pickett, Mayor

Printed Name of Authorized Signatory

Date

Signature of Authorized Signatory

Attachment: mit-local-certifications (4941 : CDBG-MIT RESOLUTION)