A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, AUGUST 4, 2020

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting on Tuesday, August 4, 2020 at 5:30 pm pursuant to Section 551.045 of the Texas Open Meetings Act.

This meeting will be closed to in person attendance by the public. A temporary suspension of the Open Meetings Act to allow telephone or videoconference public meetings has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code. The meeting will be recorded and uploaded to the City website following the conclusion of the meeting.

Telephonic conferencing capabilities will be utilized to allow member of the public to participate remotely via Toll Free Dial In Number: 1-877-853-5247; Meeting ID: 860 7326 9193

Members of the public who wish to participate in Public Comment on an agenda item must send their name, address and phone number via email to nacantu@weslacotx.gov by 12:00 pm on August 4, 2020. A staff member will contact you with instructions via phone call to address your public comment.

I. CALL TO ORDER

A. Certification of Public Notice.
B. Invocation.
C. Pledge of Allegiance.
D. Mayoral Recognition.
E. Roll Call.

II. PUBLIC COMMENTS

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. Due to the Texas Open Meetings Act, the Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

The Public may comment on anything on the agenda, however if you comment on something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

III. PUBLIC HEARING

A. To solicit input on behalf of 100% Antojitos Mexicanos, Inc. is requesting a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit at 1311 West IH 2 Ste A, also being Lot 1, Weslaco Plaza Subdivision, Hidalgo County, Texas

B. To solicit input on behalf of Chris Cuellar is requesting a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit and Local Cartage Permit at 200 S. Border Ave. Suite C, also being Block 2, Lot 8, 9, 10 & 11, West Highway Subdivision, Weslaco, Hidalgo County, Texas

C. To solicit input on behalf of Ezequiel Reyna Jr. to rezone 3701 S. Westgate. Also being West Tract S330' & E440'-S495'-N990'FT 795 15 AC GR 14.77 AC NET, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district.

D. To solicit input on behalf of Melden & Hunt, Inc to rezone 321 S Airport, Also being 27.080 acre Tract of land of Farm Tract 21 & 22, Block 135, West and Adams Tract Subdivision, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district.

IV. CONSENT AGENDA

The following items are routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

A. Approval of the Minutes of the Regular Meeting on July 21, 2020.
(Staffed by City Secretary Department.) Attachment.

B. Approval on second and final reading of the following:

1) Approve Ordinance 2020-16 amending the Utility Extension Ordinance Codified as Article III Section 5 regarding the approval of a Utility Reimbursement Agreement and authorize the Mayor to execute any related documents, (First reading held July 21, 2020; staffed by Planning and Code Enforcement Department.) Attachment

2) Approve Ordinance 2020-20 for dis-annexation request from the property owner of Mira Vista Phase II also being a 3.63 acre tract of land out of Farm Tract 1020, and out of Lots 11 and 12,Block 113,West and Adams Tracts Subdivision, Hidalgo County, Texas and authorize the Mayor to execute any related documents. (First

reading held July 21, 2020; staffed by Planning and Code Enforcement Department.) Attachment

C. Authorization to apply to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year 2020 Local Formula Solicitation to purchase Victim Services Software and other office hardware in an amount not to exceed $10,633 with NO MATCH REQUIRED with annual reoccurring cost of $1,700 and authorize the Mayor to execute any related documents (Staffed by Police Department.) Attachment

D. Approval of application to the South Texas Literacy Coalition free book distribution program; accept books upon award and authorize the Mayor to execute any related documents. (Staffed by the Library Department.) Attachment

E. Approval of a Mid Valley Airport Hangar Lease Agreement with Felipe Leal, Hangar E-7, and authorize the Mayor to execute any related documents. (Staffed by Airport Department.) Attachment

F. Approval to solicit Requests for Qualifications for grant application assistance, environmental study and engineering design services for the Texas General Land Office CDBG-MIT Competition and authorize the Mayor to execute any related documents. (Staffed by Airport Department.) Attachment

G. Approval to solicit Requests for Qualifications for grant administration for the Texas General Land Office CDBG Grant Competition and authorize the Mayor to execute any related documents. (Staffed by Airport Department.) Attachment

V. APPOINTMENTS

A. Discussion and consideration on Resolution 2020-26 appointing a member to an expired term on the Planning and Zoning Commission and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Zoning Department.) Attachment

VI. NEW BUSINESS

A. Discussion and consideration to approve Ordinance 2020-21 to call the General Election on November 03, 2020 for the City of Weslaco, City Commissioner Single Member District 2, and City Commissioner Single Member District 3 pursuant to Texas Election Code Chapter 271 and authorize the Mayor to execute any related documents. First reading on Ordinance 2020-21. Possible action. (Staffed by City Secretary Department.) Attachment

B. Discussion and consideration on amendments and extension of August 7, 2020 to September 7, 2020 Disaster Declaration (COVID-19) and any reports related to such

executive orders and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)

C. Discussion and consideration after public hearing on behalf of 100% Antojitos Mexicanos, Inc. is requesting a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit at 900 N. Border Ave. Suite C, also being a 1.59 acres tract of land being the W210'-S330' Farm Tract 123, West Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

D. Discussion and consideration after public hearing on behalf of Chris Cuellar is requesting a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit and Local Cartage Permit at 200 S. Border Ave. Suite C, also being Block 2, Lot 8, 9, 10 & 11, West Highway Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

E. Discussion and consideration after public hearing on behalf of Ezequiel Reyna Jr. to approve Ordinance 2020-22 to rezone 3701 S. Westgate. Also being West Tract S330' & E440'-S495'-N990'FT 795 15 AC GR 14.77 AC NET, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district and authorize the Mayor to execute any related documents. First reading of Ordinance 2020-22. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

F. Discussion and consideration after public hearing on behalf of Melden & Hunt, Inc. to approve Ordinance 2020-23 to rezone 321 S Airport, Also being 27.080 acre Tract of land of Farm Tract 21 & 22, Block 135, West and Adams Tract Subdivision, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district and authorize the Mayor to execute any related documents. First reading of Ordinance 2020-23. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

G. Discussion and consideration for Final Plat for Mira Vista Phase II Subdivision– being a 13.49 acres out of Farm Tract 1020 and out of Lot 11 and 12, BLK 113, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 1150ft. East of F.M. 1015 Road. Possible Action and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

H. Discussion and consideration to purchase a 2020 Ford Transit F250 configured as a three compartment jail transport van with emergency lighting and necessary equipment in an amount not to exceed $62,085.98 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment

I. Discussion and consideration to approve and award the Depository Services Contract with the most advantageous respondent from RFP 2019-20-23 for three year contract beginning October 1, 2020 and ending September 30, 2023 with an option to renew the contract for two (2) years and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment

J. Discussion and consideration to approve Fiscal Year 2020 Interlocal Agreement with County of Hidalgo under the Urban County Program setting the amount for the city at $301,060 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment

K. Discussion and consideration on amendment to the Cooperation agreement between the City of Weslaco and Hidalgo County Urban County Program for fiscal years 2021-2023 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment

L. Discussion and consideration to award Southern Trenchless Solutions (Buyboard No. 555-18) to conduct emergency repairs to three collapsed manholes as a result of Hurricane Hanna, in an amount not to exceed $183,838.50 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.) Attachment

VII. EXECUTIVE SESSION

Texas Government Code, Section 551 Open Meetings:

§551.145. Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty

(a) A member of a government body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier or fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. (Added by Acts 1993, 73rd Leg., ch 268, § 1, eff. Sept. 1, 1993.)

NOTE: Any documentation related to the following items will be maintained as part of the certified agenda.

A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by section §551.074 of the Texas Government Code.

B. Legal Consultation - Consultation with City Attorney regarding Christopher De Leon as authorized by section §551.071 of the Texas Government Code.

C. Legal Consultation: Consultation with City Attorney regarding Republic Services as authorized by section §551.071 of the Texas Government Code.

D. Economic Development – Consultation with City Attorney regarding Economic Development incentive programs related to Project Flour as authorized by §551.087 of the Texas Government Code.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

IX. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 31st day of July 2020 at 4:30 a.m. and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Norma A. Cantu, City Secretary

NOTE: If any accommodation for a disability is required, please notify the City Secretary Department at (956) 968-3181, Ext. 1001 prior to the meeting date.

Regular Meetings of the Weslaco City Commission stream live online at http://www.weslacotx.gov/open-government/open-meetings. Archived video of some meetings are also available.

Removed from Bulletin Board	Date:	Initials:

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3350

From:

Subject:
Certification of Public Notice.

Background:

Call to Order, includes the following:
A. Certification of Public Notice.
B. Invocation.
C. Pledge of Allegiance.
D. Mayoral Recognition.
E. Roll Call.

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**

Norma Cantu	Created/Initiated
Aida Vega	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve.

Staff Recommendation:

A. Mayor will Call to Order and certify Public Notice.
B. Commissioner Adrian Farias will lead the invocation.
C. Mayor will lead Pledge of Allegiance; Mayor Pro-Tem may lead Texas Flag.
D. Mayoral Recognition.
E. City Secretary will call roll.
Four or more Commissioners present constitute a Quorum; otherwise, no action may be taken.

Attachments, if any:
Pledge & Mission 2019 updated

Responsibilities upon Approval:

City of Weslaco

"The City on the Grow"

David Suarez, Mayor
Letty Lopez, Mayor Pro-Tem, District 5
Leo Muñoz, Commissioner, District 1
Greg Kerr, Commissioner, District 2
Jose "J.P." Rodriguez, Commissioner, District 3
Adrian Farias, Commissioner, District 4
Josh Pedraza, Commissioner, District 6

Mike R. Perez, City Manager

The Pledge of Allegiance to the Flag

"I PLEDGE ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA AND TO THE REPUBLIC FOR WHICH IT STANDS, ONE NATION UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL."

The Pledge of Allegiance to the State Flag

"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."
**The pledge was amended by House Bill 1034 during the 80th Legislature with the addition of "one state under God." The revised wording became effective on June 15, 2007.*

Preamble to the Constitution of the United States of America

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

STATEMENT OF VISION: AN INTERNATIONAL CENTER OF GROWTH

Friendly people with vision, courage and integrity

STATEMENT OF MISSION: COMMITMENT TO EXCELLENCE IN PUBLIC SERVICE

*Positive Attitude of Courtesy & Concern
*Doing it Right the First Time
*Sensitive to the citizens' needs
*Friendly Respect for All
*Service without Hassle

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3486

From:
Rebekah De La Fuente

Subject:
To solicit input on behalf of 100% Antojitos Mexicanos, Inc. is requesting a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit at 1311 West IH 2 Ste A, also being Lot 1, Weslaco Plaza Subdivision, Hidalgo County, Texas

Background:
The applicant is requesting to obtain a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit. Seven (7) property owners within 200 feet of the applicant's property were notified by letter on June 19, 2020.

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:
Public Hearing

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:
Notice of the application and the public hearing for the Planning and Zoning Commission and the City Commission. Notice appeared in The Monitor on July 3, 2020.

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**
The Planning & Zoning Commission recommended approval of the Conditional Use Permit at their special meeting of July 20, 2020

Kayla Arevalo	Created/Initiated
Rebekah De La Fuente	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve solicitation of public comments.

Staff Recommendation:
Staff recommends approval

Attachments, if any:

Responsibilities upon Approval:
Staff will advise applicant

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3487

From:
Rebekah De La Fuente

Subject:
To solicit input on behalf of Chris Cuellar is requesting a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit and Local Cartage Permit at 200 S. Border Ave. Suite C, also being Block 2, Lot 8, 9, 10 & 11, West Highway Subdivision, Weslaco, Hidalgo County, Texas

Background:
The applicant is requesting to obtain a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit and Local Cartage Permit.Twenty -five (25) property owners within 200 feet of the applicant's property were notified by letter on June 19, 2020.

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:
Mayor's Signature
Public Hearing

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:
Notice of the application and the public hearing for the Planning and Zoning Commission and the City Commission. Notice appeared in The Monitor on July 3, 2020.

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**
The Planning & Zoning Commission recommended approval of the Conditional Use Permit at their special meeting of July 20, 2020

Kayla Arevalo	Created/Initiated
Rebekah De La Fuente	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve solicitation of public comments.

Staff Recommendation:
Staff recommends approval

Attachments, if any:

Responsibilities upon Approval:
Staff will advise applicant

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3488

From:
Rebekah De La Fuente

Subject:
To solicit input on behalf of Ezequiel Reyna Jr. to rezone 3701 S. Westgate. Also being West Tract S330' & E440'-S495'-N990'FT 795 15 AC GR 14.77 AC NET, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district.

Background:
The applicant is requesting to rezone property from R-1 One-family dwelling district to R-2 Duplex and apartment district.. Forty-one (41) property owners within 200 feet of the applicant's property were notified by letter on July 10, 2020.

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:
Mayor's Signature
Public Hearing
Ordinance - First Reading
Ordinance - Final Reading

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:
Notice of the application and the Public Hearing for the Planning and Zoning Commission appeared in The Monitor on July 3, 2020.

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**
The Planning & Zoning Commission recommended approval of the rezone request at their special meeting of July 20, 2020

Kayla Arevalo	Created/Initiated
Rebekah De La Fuente	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve solicitation of public comments.

Staff Recommendation:
Staff recommends denial based on the 2040 land use map.

Attachments, if any:

Responsibilities upon Approval:
Staff will advise applicant

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3489

From:
Rebekah De La Fuente

Subject:
To solicit input on behalf of Melden & Hunt, Inc to rezone 321 S Airport, Also being 27.080 acre Tract of land of Farm Tract 21 & 22, Block 135, West and Adams Tract Subdivision, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district.

Background:
The applicant is requesting to rezone property from R-1 One-family dwelling district to R-2 Duplex and apartment district.. Eighty-two (82) property owners within 200 feet of the applicant's property were notified by letter on July 10, 2020.

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:
Mayor's Signature
Public Hearing
Ordinance - First Reading
Ordinance - Final Reading

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:
Notice of the application and the Public Hearing for the Planning and Zoning Commission appeared in The Monitor on July 3, 2020.

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**
The Planning & Zoning Commission recommended approval of the rezone request at their special meeting of July 20, 2020

Kayla Arevalo	Created/Initiated
Rebekah De La Fuente	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve solicitation of public comments.

Staff Recommendation:
Staff recommends denial based on 2040 Land use map.

Attachments, if any:

Responsibilities upon Approval:
Staff will advise applicant

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3355

From:

Subject:
Approval of the Minutes of the Regular Meeting on July 21, 2020. (Staffed by City Secretary Department.) Attachment.

Background:
Record of Commission action of the regular meeting on July 21, 2020 meeting.

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**

Norma Cantu	Created/Initiated
Aida Vega	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve.

Staff Recommendation:
Approve.

Attachments, if any:
20-07-21 minutes

Responsibilities upon Approval:

MINUTES OF A REGULAR MEETING OF THE WESLACO CITY COMMISSION
JULY 21, 2020

On Tuesday, July 21, 2020, at 5:32 p.m. the City Commission of the City of Weslaco, Texas convened in a Regular Meeting via videoconference with the following member's present:

PRESENT:	Mayor	David Suarez
	Commissioner	Greg Kerr
	Commissioner	Josh Pedraza
	Commissioner	Leo Muñoz
	Commissioner	Adrian Farias
	Commissioner	J.P. Rodriguez
ABSENT:	Mayor Pro Tem	Letty Lopez
	City Manager	Mike R. Perez
	City Secretary	Norma A. Cantu
	City Attorney	Juan E. Gonzalez

Also present: Andrew Munoz, Assistant City Manager/Aviation Director, Martin Vela, Information Technology Director; Rebekah De La Fuente, Planning Director; Pete Garcia, Public Works Director, Joe Pedraza, Asst. Planning Code Enforcement Director, Fire Dept, Joel Rivera, Police Chief, Albert Aldana, City Engineer, Pete Garcia. Public Works Director, and Aida Vega, Deputy City Secretary.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor David Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, July 17, 2020.

B. Invocation.

Commissioner Rodriguez led the invocation.

C. Pledge of Allegiance.

Mayor Suarez led the Pledge of Allegiance and Texas Flag.

D. Mayoral Recognition.

None

E. Roll Call.

Norma A. Cantu, City Secretary, called the roll, noting absence of Mayor Pro Tem Lopez and Commissioner Greg Kerr at the time of roll call a quorum present.

II. PUBLIC COMMENTS

Norma A. Cantu, City Secretary, stated two registered; proceeded and announced the callers with no response.

III. CONSENT AGENDA

The following items are routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

A. Approval of the Minutes of the Regular Meeting on:
1.) July 07, 2020; (Staffed by City Secretary Department.)

B. Approval on second and final reading of the following:

1) Approve Ordinance 2020-15 adopting a midyear budget amendment and authorize the Mayor to execute any related documents. (First reading held July 7, 2020; staffed by Finance Department.)

2) Approve Ordinance 2020-17 a budget amendment in the amount not to exceed $233,206.00 and authorize the Mayor to execute any related documents. (First reading held July 7, 2020; staffed by Public Works Department.)

3) Approve Ordinance 2020-18 for dis-annexation request from the property owner of 5000 S. Border Avenue also being the West 22.0 acres of Farm Tract 799 excluding the W3.68 acres for improvements 18.32 acres gross, West Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. (First reading held July 7, 2020; staffed by Planning and Code Enforcement Department.)

C. Authorization to purchase Faro Laser Scanner (with tripod and training) for an amount not to exceed $70,000 with no reoccurring costs and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

D. Approval to terminate a Mid Valley Airport Ground Lease Agreement with Tenant Clifford Robert Gardner, Jr. for Hangar W-26 and approval of a Mid Valley Airport Ground Lease Agreement with Tenant Johnathan Job Latham Enterprises, LLC., for Hangar W-26, and authorize the Mayor to execute any related documents. (Staffed by Airport Department.)

E. Approve AARP Foundation Senior Company Service Employment Program Host Agency Agreement Renewal and authorize the Mayor to execute any related documents. (Staffed by Human Resources Department.)

Commissioner Muñoz seconded by Commissioner Rodriguez moved to approve consent agenda A, B, D, and E withholding item C as presented. The motion carried unanimously; Mayor Suarez was present and voting.

The following for the record is the ordinance(s).

ORDINANCE 2020-15

AN ORDINANCE AMENDING ORDINANCE NUMBER 2019-39, APPROVING AND ADOPTING A BUDGET FOR THE CITY OF WESLACO, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020, FINDING NEED TO AMEND THE 2019-2020 MUNICIPAL BUDGET; TO WIT; GENERAL FUND, $443,276 LESS; WATER/WASTEWATER COMBINED, $514,610 LESS; AND SOLID WASTE FUND BY $52,846 PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE, AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City Commission of the City of Weslaco utilized diligent thought and attention to the preparation of the 2019-2020 budget; and

WHEREAS, unusual and unforeseen conditions have arisen during the fiscal year which have, or will require, the expenditure of additional funds constituting an emergency expenditure; and

WHEREAS, Section 102.009 of the Texas Local Government Code authorizes the City to amend its budget in such a manner as to provide for emergency expenditures as an amendment to the original budget in a case of grave public necessity to meet an unusual and unforeseen condition; and

WHEREAS, the City Commission finds the amendments in the line items identified in the attached Exhibit are reasonable, necessary, and for municipal purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT:

SECTION 1. FINDINGS. The City Commission finds the statements made in the preamble above are true.

SECTION 2. BUDGET LINE ITEMS. The City Commission approves the budget amendments in the attached Exhibit as such change is necessary to meet an unusual and unforeseen condition as the result of an emergency.

SECTION 3. BUDGET TOTAL. The City Commission further finds the amended budget line items identified in such Exhibit will not cause the total expenditures in the budget to exceed the total amount of estimated revenue.

SECTION 4. APPROVAL. The 2019-2020 Official Budget, adopted by Ordinance 2019-39, is hereby reallocated, revised, amended and approved as set forth in the attached Exhibit.

SECTION 5. AUTHORIZATION. The City Manager is authorized to undertake action to execute such transfers in accordance with state law, and file, or cause to be filed, a true and correct copy of this Ordinance, with the attached budget amendment, with the City Secretary.

SECTION 6. SEVERABILITY CLAUSE. It is the intent of the City Commission that each sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be deemed severable and, should any such

sentence, paragraph, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of the Ordinance left standing.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect upon final reading.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 7th day of July 2020.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 21st day of July 2020.

ORDINANCE 2020-17

AN ORDINANCE AMENDING ORDINANCE NUMBER 2019-39, APPROVING AND ADOPTING A BUDGET FOR THE CITY OF WESLACO, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020, FINDING NEED TO AMEND THE 2019-2020 MUNICIPAL BUDGET; TO WIT; $233,206 IN THE GENERAL FUND, PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE, AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City Commission of the City of Weslaco utilized diligent thought and attention to the preparation of the 2019-2020 budget; and

WHEREAS, unusual and unforeseen conditions have arisen during the fiscal year which have, or will require, the expenditure of additional funds constituting an emergency expenditure; and

WHEREAS, Section 102.009 of the Texas Local Government Code authorizes the City to amend its budget in such a manner as to provide for emergency expenditures as an amendment to the original budget in a case of grave public necessity to meet an unusual and unforeseen condition; and

WHEREAS, the City Commission finds the amendments in the line items identified in the attached Exhibit are reasonable, necessary, and for municipal purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT:

SECTION 1. FINDINGS. The City Commission finds the statements made in the preamble above are true.

SECTION 2. BUDGET LINE ITEMS. The City Commission approves the budget amendments in the attached Exhibit as such change is necessary to meet an unusual and unforeseen condition as the result of an emergency.

SECTION 3. BUDGET TOTAL. The City Commission further finds the amended budget line items identified in such Exhibit will not cause the total expenditures in the budget to exceed the total amount of estimated revenue.

SECTION 4. APPROVAL. The 2019-2020 Official Budget, adopted by Ordinance 2019-39, is hereby reallocated, revised, amended and approved in the amount not to exceed $233,206.00 as set forth in the attached Exhibit.

SECTION 5. AUTHORIZATION. The City Manager is authorized to undertake action to execute such transfers in accordance with state law, and file, or cause to be filed, a true and correct copy of this Ordinance, with the attached budget amendment, with the City Secretary.

SECTION 6. SEVERABILITY CLAUSE. It is the intent of the City Commission that each sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be deemed severable and, should any such sentence, paragraph,

subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of the Ordinance left standing.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect upon final reading.'

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 7th day of July 2020.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 21st day of July 2020.

ORDINANCE NO. 2020-18

AN ORDINANCE AMENDING ORDINANCE NO. 2014-02 TO PROVIDE FOR THE DISANNEXATION OF CERTAIN UNIMPROVED AREA FROM THE TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF WESLACO, HIDALGO COUNTY, TEXAS, AND ORDAIN OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS, THAT:

SECTION I: Section 1 of the Ordinance No. 2014-02 is hereby amended to delete a tract of land from Section 2 of the following territory being annexed by Ordinance No. 2014-02:

A TRACT OF LAND CONTAINING 21.53 AC SITUATED IN THE CITY OF WESLACO IN THE COUNTY OF HIDALGO, TEXAS, BEING ALL OR PART OF FARM TRACT 799, WEST TRACT SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2, PAGES 34-37, ACCORDING TO THE PLAT RECORDED AT THE HIDALGO COUNTY MAP RECORDS.

SECTION II: This Ordinance becomes effective on the Second and Final Reading

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 7th day of July, 2020.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 21st day of July 2020.

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:
/s/Norma A. Cantu, CITY SECRETARY

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, CITY ATTORNEY

C. Authorization to purchase Faro Laser Scanner (with tripod and training) for an amount not to exceed $70,000 with no reoccurring costs and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

Joel Rivera, Police Chief, stated he's seeking to purchase Faro Laser Scanner with tripod and training not to exceed $70,000 to capture 50% faster all the evidence at crash and crime scenes. This would accurately document everything needed to analyze the event and create compelling courtroom presentations. As part of the grant, it was stipulated this asset would be shared with neighboring agencies.

Commissioner Muñoz seconded by Commissioner Pedraza moved to approve purchase of Faro Laser Scanner as presented. The motion was carried unanimously; Mayor was present and voting.

Commissioner Kerr in attendance.

IV. APPOINTMENTS

A. Discussion and consideration on Resolution 2020-25 to appoint Parks and Recreation Board two members and sanctioning of terms to expire August 1st of each year in compliance with Ordinance 83-15 Section 98-86 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks and Recreation Department.) Attachment

Omar Rodriguez, Parks & Recreation Director stated Alejandro Livas and Lupe Garcia expressed their interest in continuing to serve.

In response to the Commission; the City Manager went over the terms served stating both members are eligible for re-appointment and stated there are applicants on file as listed to include Caleb Joseph Cavazos. Omar Rodriguez stated meetings have not been held due to lack of quorums; no attendance information available at this time; staff emails and calls members. Commissioner Pedraza and Kerr voiced concerns of attendance.

Commissioner Kerr, seconded by Commissioner Farias moved to approve Resolution 2020-25 re-appointing Alejandro Livas and appoint Caleb Joseph Cavazos, to the Parks & Recreation Board as presented. The motion carried unanimously; Mayor was present and voting.

The following for the record is the resolution.

RESOLUTION NO. 2020-25

A RESOLUTION OF THE CITY OF WESLACO APPOINTING MEMBER(S) TO THE PARKS & RECREATION BOARD AND SANCTIONING TERMS TO EXPIRE AUGUST FIRST OF EACH YEAR

WHEREAS, the City of Weslaco established the Parks & Recreation Board pursuant to the Weslaco Municipal Code of Ordinance codified as Part II Chapter 98 – Parks and Recreation; and

WHEREAS, The Parks and Recreation board shall be an advisory board and make recommendations to the city commission. The city commission shall have final approval of all goals and objectives that will be implemented within the parks and playgrounds of the city; and

WHEREAS, Article IV, Section 98-86 Parks and Recreation Board states members shall be appointed for terms of three years; provided that where the appointment is to fill a vacancy of an existing member prior to the expiration of his term, such appointment shall be for the remainder of the term of the predecessor. Upon the expiration of each term of each of these seven members, a like number of those whose terms shall expire shall be appointed to serve for a term of three years from August 1st of each year until their successors are appointed and shall qualify.

WHEREAS, the Parks & Recreation Board members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS that the following members are appointed with terms to expire on the first (1st) day of August 2023 and sanctioning terms for unexpired terms to expire on the first (1st) day of August of each year in compliance with Ordinance 83-15, Section 98-86 for the Parks & Recreation Board.

NAME	TERM EXPIRES

Alejandro Livas	08/01/2023
Caleb Joseph Cavazos	08/01/2023
Ismael Quiroz	08/01/2021
Oscar Caballero	08/01/2022
Johnny Cavazos	08/01/2022
Nina Torkelson	08/01/2022
Enrique "Ricky" Rodriguez	08/01/2022

PASSED AND APPROVED on this 21st day of July 2020.

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:
/s/Norma A. Cantu, CITY SECRETARY

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, CITY ATTORNEY

Mayor Suarez changed the order of the day for public comments. There was no objection.

Edward Mejia, voiced concerns regarding COVID-19; more commission action needed to mitigate the rising numbers and more orders should be issued to include shelter in place.

V. OLD BUSINESS

A. Discussion and consideration on purchasing equipment, vehicles and approving proposed improvements to city facilities relating to COVID-19 (CARES Act.) prioritized as follows and authorize the Mayor to execute any related documents. Possible action. (These items were tabled July 7, 2020; staffed by City Manager.) Attachment

Commissioner Pedraza seconded by Commissioner Muñoz moved to remove the item off the table. The motion carried unanimously; Mayor Suarez was present and voting.

POLICE

Unmarked SUV w/ emergency lighting and universal storage unit box ..... (1) $52,458

Chief Rivera recommended approval stating the vendor had submitted a quote in the amount of $44,916.

Commissioner Pedraza seconded by Commissioner Rodriguez moved to approve. The motion carried unanimously. Mayor Suarez was present and voting.

AIRPORT

Building skin-to store PPE delivered by State ..... (1) $500,000

The City Manager requested the item be withdrawn from consideration.

Withdrawn from consideration. No action.

BUILDING MAINTENANCE

Commissioner Farias abstained from vote and discussion.

Ion Generator for HVAC System for disinfection of duct system:

1. Weslaco PD	$9,215.83 (*)
2. Weslaco Public Library	$8,294.25 (*)
3. Weslaco Auditorium	$2,764.75
4. Porter Doss	$1,843.17
5. Station 1 North	$1,843.17 (*)
6. Station 2 Downtown	$2,464.42 (*)
7. Station 3 18th Street	$1,843.17 (*)
8. Fire Admin Office	$1,843.17 (*)
9. Fire Marshall Office	$921.58 (*)
10. Weslaco City Hall	$4,870.33 (*)
11. Old City Hall	$921.58
12. Weslaco PD Substation	$1,843.17
13. Service Center & Old Park Ofc	$4,307.58
14. Tower Theatre	$1,843.17
15. Weslaco Nature Center	$6,451.08
16. Weslaco Public Works	$5,850.42 (*)
17. Weslaco Airport/CBP Bldg	$3,686.33 (*)
Total Price	$60,807.17 (*$40,832.67)

The City Manager recommended approval of those items noted with the asterisk for a total amount of $40,832.67 and noted a budget amendment maybe needed.

In response to Commissioner Muñoz; Omar Rodriguez stated ION generator helps to kill bacteria, viruses and mold in the air and the purchase is through a buy board vendor. Commissioner Muñoz noted the ION generator disburses negative IONs into the airflow and no guarantee a building will be virus free but does help.

Commissioner Rodriguez seconded by Commissioner Pedraza moved to approve as presented in the amount $40,832.67. The motion carried; Commissioner Farias abstained; Mayor Suarez was present and voting.

ALL DEPARTMENTS

Surface Pro Directors/Assistant Dir./Chief/Assistant Chief/EOC
Mayor and Commissioners/City Manager ..... (15) not to exceed $23,000

Name	**Department**
Albert Aldana	Engineering
Omar Rodriguez	Parks
Pete Garcia	Public Works
Chief Joel Rivera	Police
Asst Chief Robert Lopez	Police
Chief Antonio Lopez	Fire
Asst Chief James Hdz	Fire

Rebekah De La Fuente	Planning
Joe Pedraza	Code Enforcement
Sonia Flores	Finance
Arnold Becho	Library
Mayor	
Norma Cantu	City Secretary
Vidal Roman	Finance
Staff	EOC
Staff	IT

Commissioner Rodriguez seconded by Commissioner Pedraza moved to approve as presented in The motion carried unanimously. Mayor Suarez was present and voting.

B. Discussion and consideration to adopt Ordinance 2020-16 amending the Utility Extension Ordinance Codified as Article III Section 5 regarding the approval of a Utility Reimbursement Agreement and authorize the Mayor to execute any related documents. First reading of Ordinance 2020-16. Possible action. (This item was tabled July 7, 2020; staffed by Planning and Code Enforcement Department.)

Commissioner Rodriguez, seconded by Commissioner Farias, moved to remove the item off the table. The motion carried unanimously; Mayor Suarez was present and voting.

Juan E. Gonzalez, City Attorney, reviewed recommending approval and staff recommended approval.

Commissioner Rodriguez, seconded by Commissioner Pedraza moved to approve Ordinance 2020-16 amending Utility Extension Ordinance as presented. The motion carried unanimously. Mayor Suarez was present and voting.

C. Discussion and consideration to amend the City of Weslaco's Drug and Alcohol Policy and authorize the Mayor to execute any related documents. Possible action (This item was tabled July 7, 2020; staffed by Human Resources Department.)

Commissioner Rodriguez seconded by Commissioner Muñoz moved to remove the item off the table. The motion carried unanimously; Mayor Suarez was present and voting.

Andrew Munoz, Interim HR Director/Airport Director, stated amendments included testing of all employee's, employee violations, specific drug(s)and amounts and test refusals; City Attorney reviewed and approved. Staff recommended approval.

Commissioner Rodriguez seconded by Commissioner Farias moved to approve City's Drug and Alcohol Policy as presented. The motion carried unanimously. Mayor Suarez was present and voting.

VI. NEW BUSINESS

A. Discussion and consideration on Ordinance 2020-19 first and final reading approving a negotiated resolution between the City of Weslaco and Texas Gas Service regarding the company's Cost of Service Adjustment tariff filing declaring an effective date and authorize the Mayor to execute any related documents. First and final reading of Ordinance 2020-19. Possible action. (Staffed by Finance Department.) Attachment

The City Manager recommended approval stating the attorney/consultant hired to represent the cities negotiated a final settlement to be fair and reasonable.

Commissioner Pedraza, seconded by Commissioner Muñoz, moved to approve Ordinance 2020-19 for Texas Gas Service Cost of Service Adjustment tariff as presented. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration to approve Ordinance 2020-20 for dis-annexation request from the property owner of Mira Vista Phase II also being a 3.63 acre tract of land out of Farm Tract 1020, and out of Lots 11 and 12,Block 113,West and Adams Tracts Subdivision, Hidalgo County, Texas, and authorize the Mayor to execute any related documents. First reading of Ordinance 2020-20. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment

Staff recommended approval.

Commissioner Pedraza, seconded by Commissioner Muñoz, moved to approve Ordinance 2020-20 for dis-annexation from property owner at Mira Vista Phase II as discussed. The motion carried unanimously; Mayor Suarez was present and voting.

C. Discussion and consideration for a six-month extension of the Final Plat for Lockheart Subdivision– being a 2.12 acre tract of land being a portion of Farm Tract 284 a West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 310 ft. South of Orlando Tijerina Rd. along Martin Morales Rd and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment

Staff recommended approval.

Commissioner Muñoz seconded by Commissioner Rodriguez moved to approve six-month extension for Lockheart Subdivision as presented. The motion carried unanimously; Mayor Suarez was present and voting.

D. Discussion and consideration to accept GIGNAC's Cost Estimate for the North Side Sports Project, solicit Requests for Bids and authorize the Mayor to execute any related documents. Possible action (Staffed by City Manager.) Attachment

Andrew Munoz, recommended approval to accept the cost estimate reduction from GIGNAC and allow solicitation to re-bid the project; reduction cost was $382,885.

In response to the commission; Andrew Munoz stated the estimated project budget was $1.4million; bids received were over $2million and rejected; the detention pond will be reduced

and expended as needed and as funds allow those items downsized (e.g. sand reduction, removal of canopy from exercise equipment and picnic area) will be added back.

Commissioner Pedraza, seconded by Commissioner Rodriguez, moved to accept GIGNAC's cost estimate and solicit requests for bids as presented. The motion carried unanimously; Mayor Suarez was present and voting.

E. Discussion and consideration to appoint a Health Authority for the City of Weslaco and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment

The City Manager recommended Dr. Andrew Levine be appointed as the Health Authority for the City with an annual salary of $10,000; currently is the Medical Director for the Weslaco Fire Department; will safeguard how state funding can be received for public and private schools that close that is a concern raised by Weslaco-ISD; other entities and Hidalgo County already have an appointed Health Authority. Staff recommended approval stating by appointing a Health Authority the city is following State guidelines and mandates.

In response to Mayor Suarez, staff will verify if eligible for CARES Act funding.

Commissioner Rodriguez, seconded by Commissioner Muñoz, moved to appoint Dr. Andrew Levine as the Health Authority as presented. The motion carried unanimously; Mayor Suarez was present and voting.

F. Discussion and consideration on amendments to the Disaster Declaration Order (COVID-19) and any reports related to such executive orders and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)

The City Manager recommended approval of the proposed amendment Order 2020-11 that included; shelter in place (recommended and encouraged); travel limitations no more than two for non-essential services and four for essential failure to comply fine imposed ; face coverings required; social gathering limited to ten unless waived by Mayor violators will be fined; fifty-percent of capacity for restaurants and procedures for individuals testing positive will need to self-quarantine. The amendments follow those issued by other entities, Hidalgo County Judge and Governor Abbott.

In response to Commissioner Pedraza, City Attorney stated Governor Abbott has issued a proclamation order outlining outdoor events, professional and collegiate sporting events, amusement parks, swimming pools and other similar events may operate at fifty percent and stated a gathering over ten need to file a Safe Work Plan.

City Manager and City Attorney recommended to consult in executive session before any action is taken.

Mayor Suarez changed the order of the day to item G.

G. Discussion and consideration on utility reimbursement agreement for Total Commitment for the sewer line improvements on Pleasantview Drive and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment

Albert Aldana, City Engineer, recommended approval. The contractor incurred significant cost due to a high-water table during installation of the sewer line. The utility reimbursement agreement will permit the contractor to recover up to $100,000 from customers that connect to the new sewer line in the future.

In response to Commissioner Muñoz, developer agrees with course of action of a utility reimbursement agreement and will not request any other change orders to the project.

Commissioner Muñoz, seconded by Commissioner Pedraza, moved to approve Utility Reimbursement Agreement as presented. The motion carried unanimously; Mayor Suarez was present and voting.

H. Discussion and consideration on final payment to Total Commitment for the sewer line improvements on Pleasantview Drive in the amount of $21,074.50 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment

Albert Aldana stated this is final payment to close out the project; engineering has approved and accepted the work as completed. Staff recommended approval.

Commissioner Pedraza, seconded by Commissioner Muñoz, moved to approve final payment to Total Commitment as presented. The motion carried unanimously; Mayor Suarez was present and voting.

I. Discussion and consideration on Business Associate Agreement between the City of Weslaco and Weslaco Independent School District relating to sharing of Hidalgo County Health Department information and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment

Commissioner Kerr abstained from vote and discussion.

Police Chief Joel Rivera stated the agreement is like the Hidalgo County Health Department Agreement in place; allows sharing of information with Weslaco ISD of individuals that are COVID-19 positive. City Attorney drafted the agreement that outlines terms and conditions of the parties involved. Staff recommended approval.

Commissioner Pedraza, seconded by Commissioner Muñoz, moved to approve Business Associate Agreement as presented. The motion carried; Commissioner Kerr abstained; Mayor Suarez was present and voting.

VII. EXECUTIVE SESSION

At 6:45 p.m. Commissioner Muñoz, seconded by Commissioner Pedraza, moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 7:29 p.m. Mayor Suarez stated the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

F. Discussion and consideration on amendments to the Disaster Declaration Order (COVID-19) and any reports related to such executive orders and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)

Commissioner Farias; seconded by Commissioner Muñoz, moved to approve amendments to Disaster Declaration Order as discussed in executive session. The motion carried unanimously; Mayor Suarez was present and voting.

A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by section §551.074 of the Texas Government Code.

No Action

B. Legal Consultation - Consultation with City Attorney regarding Felix Sanchez as authorized by section §551.071 of the Texas Government Code.

No action.

C. Legal Consultation - Consultation with City Attorney regarding Steven Sosa as authorized by section §551.071 of the Texas Government Code.

No action.

D. Legal Consultation - Consultation with City Attorney regarding Saltillo v. City of Weslaco as authorized by section §551.071 of the Texas Government Code.

City Manager abstained from discussion on this item.

No action.

E. Legal Consultation - Consultation with City Attorney regarding Christopher De Leon as authorized by section §551.071 of the Texas Government Code.

No action.

IX. ADJOURNMENT

Commissioner Pedraza, seconded by Commissioner Farias moved to adjourn the meeting of July 21 2020 at 7:30 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

_____

MAYOR, David Suarez

ATTEST:

_____
Norma A. Cantu, CITY SECRETARY

ABSENT
_____
MAYOR PRO-TEM, Letty Lopez

_____
COMMISSIONER, Leo Muñoz

_____
COMMISSIONER, Jose "J.P." Rodriguez

_____
COMMISSIONER, Adrian Farias

_____
COMMISSIONER, Greg Kerr

_____
COMMISSIONER, Josh Pedraza

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3429

From:
Rebekah De La Fuente

Subject:
Approve Ordinance 2020-16 amending the Utility Extension Ordinance Codified as Article III Section 5 regarding the approval of a Utility Reimbursement Agreement and authorize the Mayor to execute any related documents, (First reading held July 21, 2020; staffed by Planning and Code Enforcement Department.)

Background:
The current Utility Extension Ordinance was adopted by City Commission in August of 1993. However the section of the ordinance pertaining to the developers right to a Utility Reimbursement Agreement does not properly identify the appropriate filing deadline for an agreement to be approved by the City Commission. The ordinance also does not appropriately outline the process in which a fee schedule is to be developed.

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:
Mayor's Signature
Ordinance - First Reading

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**

Aida Vega	Created/Initiated
Rebekah De La Fuente	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve.

Staff Recommendation:
Staff recommends approval.

Attachments, if any:
Existing- Utility Extension Ordinance- Utility Reimbursements, O2020-16 final amend Utility reimbursement

Responsibilities upon Approval:
Staff will enforce the newly adopted ordinance and regulations.

Section 4. - Extension of utilities to developments or properties shall be in the manner herein prescribed.

(A) The cost to the developer or the person requesting the extension:

(1) The developer shall be responsible for extending utilities from existing utilities in accordance with the City of Weslaco master plan including all costs of right-of-way acquisition and fire hydrants both off-site and on-site and other necessary appurtenances.

(2) It shall be the developer's obligation to acquire right-of-way needed to extend utility lines from their present terminus or nearest location to developer's property, the cost of which shall be reimbursable as set forth above. The location, width and cost of such right-of-way, shall be subject to approval of the city. Should the developer be unable to acquire the needed right-of-way, the city may, at its option, assist in acquiring same.

(3) The developer shall pay in cash or provide an unconditional guarantee from a financial institution, approved by the city, for the developer's share of the utility extensions as determined by the city. Such guarantee shall be filed with the city engineer in letter form from the financial institution and signed by its principal loan officer. The letter shall state the name of the subdivision and shall list the improvement which the developer is required to provide. This payment or guarantee must be filed with the city engineer prior to final plat approval.

(4) However, the developer may request of the city to participate in the cost of such utilities. The city may elect to participate in the cost of such utilities either by paying for the difference in oversizing, when such oversizing is required, or by [participating] jointly in such venture when in the opinion of the city commission that such utilities are in the best interest of the city and are needed to facilitate other city projects. However, the city's participation shall be limited to no more than fifty (50) percent of the cost of the off-site utilities.

(5) Developers may be eligible for reimbursement fee for any off-site utility extension from properties determined to be within the service area of such utilities, provided that:

(a) The developers request must receive approval from the city commission.

(b) The reimbursement schedule is to be prepared by the city engineer.

(c) Pro rata share for off-site water and sanitary sewer lines shall be calculated in accordance with the attached Schedule I. Lift stations and forcemains pro rata costs shall be calculated on acreage only.

Editor's note— Schedule I is not set out herein, but is on file and available for inspection in the office of

the city secretary and the engineering department.

(d) Reimbursement fees are to be collected by the city from the property in the service area at the time of subdivision approval of such properties or at the time of permit application for construction in the properties in the service area.

(e) The city will disburse such reimbursement fees collected to the developer in the same percentage as construction contribution by the developer of subject utilities.

(f) The reimbursement schedule shall be based on actual construction cost to be submitted to the city engineer.

(g) The developer shall be eligible to receive reimbursement fee for a period of ten (10) years from the time of completion of subject utilities.

(h) The city shall notify the developer when a subdivision is approved or when a building permit is issued if reimbursement fees are due and the city shall not be held responsible for failure to collect reimbursement fees from the properties where reimbursement fees were due unless the developer gives notice in writing to the city of such requirements within thirty (30) days of the commencement of construction of utilities.

(B) The cost to property owners where utilities are made available by the extension:

(1) A pro rata charge shall be assessed to each property where utilities are made available. The charge will be made according to the terms of the attached Schedule I.

Editor's note— Schedule I is not set out at length herein, but is on file and available for inspection in the offices of the city secretary and the engineering department.

(2) The city may connect any future customer reasonably served from the utility extension, provided the customer has paid the pro rata charge and tapping fee.

(3) Any customer not contributing the pro rata charge at the time of installation of the utility extension who requests service at a later date, must pay the pro rata charge in full plus an additional fifteen percent (15%), plus the tapping fee before service will be installed. The fifteen percent (15%) surcharge will be retained by the city to defray the cost of bookkeeping for the utility extension and will be excluded from the computations for refunds.

(4) Any condition not covered by these regulations or of such a nature that would result in an inequitable pro rata charge to any customer, will be negotiated by the city commission at the time of installation of a proposed line extension.

(Ord. No. 93-11, § 4, 8-19-1993)

ORDINANCE 2020-16

AN ORDINANCE AMENDING ORDINANCE NUMBER 1993-11, THE CITY OF WESLACO UTILITY EXTENSION ORDINANCE; CODIFIED AS APPENDIX B, ARTICLE III, OF THE WESLACO CODE OF ORDINANCES, ADOPTING NEW REGULATIONS; AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO TEXAS THAT:

SECTION I.

Ordinance Number 1993-11 passed and approved on August 19, 1993 as "Utility Extension Ordinance" and Codified as Appendix B, Article III, of the Weslaco Code of Ordinances is hereby amended.

SECTION II.

After second and final reading of this Ordinance the new Utility Extension ordinance will be adopted and codified as Appendix B, Article III of the Weslaco Code of Ordinances and said Chapter shall read as follows:

APPENDIX B- SUBDIVISION REGULATIONS & POLICIES
ARTICLE III- UTILITY EXTESION

SECTION 4. – EXTENSION OF UTILITIES TO DEVELOPMENTS OR PROPERTIES SHALL BE IN THE MANNER HEREIN PRESCRIBED

(A) (5) Developers may be eligible for reimbursement fee for any off-site utility extension from properties determined to be within the service area of such utilities, provided that:

a) The developer's request must receive approval for a utility reimbursement agreement from the city commission.

b) The utility reimbursement agreement must be submitted for consideration by the city commission prior to the submission of a subdivision review application from a property within the service area.

c) The reimbursement schedule is to be prepared by the city engineer and shall be based on actual construction cost.

d) Pro rata shares for off-site water and sanitary sewer lines, forcemains and lift stations shall be calculated in accordance with actual construction cost as provided by the developer after the construction and acceptance of the subdivision and approved by the City Engineer.

e) Properties within the services area shall be responsible for a pro rate share of the utility extension based on the totally linear feet and fixtures constructed adjacent to the property. Lift stations and forcemains pro rata costs shall be calculated on acreage only.

f) Reimbursement fees are to be collected by the city from the property in the service area at the time of subdivision approval prior to the recording of the subdivision with Hidalgo County Land Records for properties within the service area.

g) The city will disburse such reimbursement fees collected to the developer in the same percentage as construction contribution by the developer of subject utilities.

h) The developer shall be eligible to receive reimbursement fee for a period of ten (10) years from the time of completion of subject utilities.

i) The city shall notify the developer when a subdivision is approved within the service area, the developer shall have thirty (30) days to notify the city in writing if the subdivision is required to pay reimbursement fees. The city shall not be held responsible for failure to collect reimbursement fees from the property owner if written notice of required reimbursement has not been provided to the City prior to recordation of the subdivision.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 21st day of July 2020.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this ____ day of _____, 2020.

CITY OF WESLACO

_____

David Suarez, **MAYOR**

ATTEST:

_____

Norma A. Cantu, **CITY SECRETARY**

APPROVED AS TO FORM:

_____

Juan E. Gonzalez**, CITY ATTORNEY**

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3467

From:
Rebekah De La Fuente

Subject:
Approve Ordinance 2020-20 for dis-annexation request from the property owner of Mira Vista Phase II also being a 3.63 acre tract of land out of Farm Tract 1020, and out of Lots 11 and 12,Block 113,West and Adams Tracts Subdivision, Hidalgo County,Texas and authorize the Mayor to execute any related documents. (First reading held July 21, 2020; staffed by Planning and Code Enforcement Department.)

Background:
The proposed development is currently within Weslaco city limits, Precinct #1 and Mercedes ETJ jurisdiction. The development will be service with water and sanitary sewer by the City of Weslaco. However the majority of the development is within Mercedes ETJ. The issue of response times by emergency personnel as a result of the multiple jurisdictions in this area have been expressed by Weslaco Police Department and 911 Addressing Department. At this time in order to mitigate any conflict in emergency response time staff is requesting that the development be dis-annexed so it will be under the sole jurisdiction of the County

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:
Mayor's Signature
Ordinance - First Reading
Ordinance - Final Reading

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**
The Planning & Zoning Commission will make recommendation on this item at the special meeting to be held July 20, 2020.

Aida Vega	Created/Initiated
Rebekah De La Fuente	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve.

Staff Recommendation:
Staff recommends approval

Attachments, if any:
Request for Disannexation, MIRA VISTA No 2 PLAT, O2020-20 .disannexatio. Mira

Vista II
Responsibilities upon Approval: Staff will advise the developer.

QUINTANILLA, HEADLEY AND ASSOCIATES, INC.

Consulting Engineers ★ Land Surveyors
Alfonso Quintanilla, P.E. # 95534 R.P.L.S #4856 Eulalio Ramirez, P.E. # 77062
Engineering Firm Registration No. F-1513
Surveying Firm Registration No. 100411-00
Municipal & County Projects ★ Subdivisions ★ Surveys

June 29, 2020

Ms. Rebekah de la Fuente
Planning & Code Enforcement Director
City of Weslaco
255 S. Kansas Ave.
Weslaco, Texas 78596

Re: Mira Vista No.2

Dear Ms. de la Fuente,

Based on our telephone conversation earlier today regarding your staff's recommendation to consider the deannexation of the western portion of this subdivision (3.63 acres) from the City of Weslaco city limits for the proper emergency services to the future residents of this subdivision.

The eastern 9.86 acres are in the City of Mercedes Extra-Territorial Jurisdiction (ETJ).

On behalf of the developer Red Rock Real Estate Development Group, Ltd., I am respectfully requesting that the portion inside the City of Weslaco be deannexed (see attached survey plat and metes and bounds description).

Please present this request to the Planning and Zoning Commission and the City Commission.

Should you have any questions, please feel free to call me at 381-6480.

Respectfully,

P.E.

Alfonso Quintanilla, P.E.
President

124 E. Stubbs, Edinburg, TX 78539 ★ Phone 956/381-6480 ★ Fax 956/381-0527

QUINTANILLA, HEADLEY AND ASSOCIATES, INC.

Consulting Engineers ★ Land Surveyors
Alfonso Quintanilla, P.E., R.P.L.S. Eulalio Ramirez, P.E.
Engineering Firm Registration No. F-1513
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Municipal & County Projects * Subdivisions * Surveys
124 E. Stubbs, Edinburg, Texas 78539
Phone 956/381-6480 Fax 956/381-0527

METES AND BOUNDS

A 3.63 ACRE TRACT OF LAND OUT OF FARM TRACT 1020, AND OUT OF LOTS 11 AND 12, BLOCK 113, WEST AND ADAMS TRACTS SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE PLAT OR MAP THEREOF RECORDED IN VOLUME 2, PAGES 34-37, MAP RECORDS HIDALGO COUNTY, TEXAS, AND ACCORDING TO WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 1631125 AND CORRECTED WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 1817664, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

BEGINNING AT A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 FOUND ON THE SOUTH RIGHT OF WAY LINE OF CAMINO REAL VIEJO ROAD FOR THE NORTHEAST CORNER OF MIRA VISTA SUBDVISION (RECORDED IN INSTRUMENT NUMBER 3108623, MAP RECORDS, HIDALGO COUNTY, TEXAS) AND THE NORTHWEST CORNER THIS TRACT, SAID ROD BEARS SOUTH, 519.00 FEET AND S 89°58'50" E, 1,150.00 FEET FROM THE NORTHWEST CORNER OF LOT 12.

THENCE; S 89°58'50" E, ALONG THE SOUTH RIGHT OF WAY LINE OF CAMINO REAL VIEJO ROAD, A DISTANCE OF 216.70 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF FARM TRACT 1024.

THENCE; S 42°02'57" E (DEED RECORD: S 42°04' E), ALONG THE WEST LINE OF FARM TRACT 1024, A DISTANCE OF 40.14 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET FOR AN EXTERIOR CORNER OF THIS TRACT.

THENCE; S 17°12'37" W, A DISTANCE OF 242.80 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET FOR AN INTERIOR CORNER OF THIS TRACT.

THENCE; S 00°00'41" E, A DISTANCE OF 649.36 FEET TO A POINT ON THE SOUTH LINE OF FARM TRACT 1020 FOR THE SOUTHEAST CORNER OF THIS TRACT.

THENCE; N 60°03'00" W, ALONG THE SOUTH LINE OF FARM TRACT 1020, A DISTANCE OF 198.36 FEET TO A POINT FOR THE SOUTHEAST CORNER OF MIRA VISTA SUBDIVISION AND THE SOUTHWEST CORNER OF THIS TRACT.

THENCE; NORTH, ALONG THE EAST LINE OF MIRA VISTA SUBDIVISION, A DISTANCE OF 812.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.63 ACRES OF LAND MORE OR LESS.

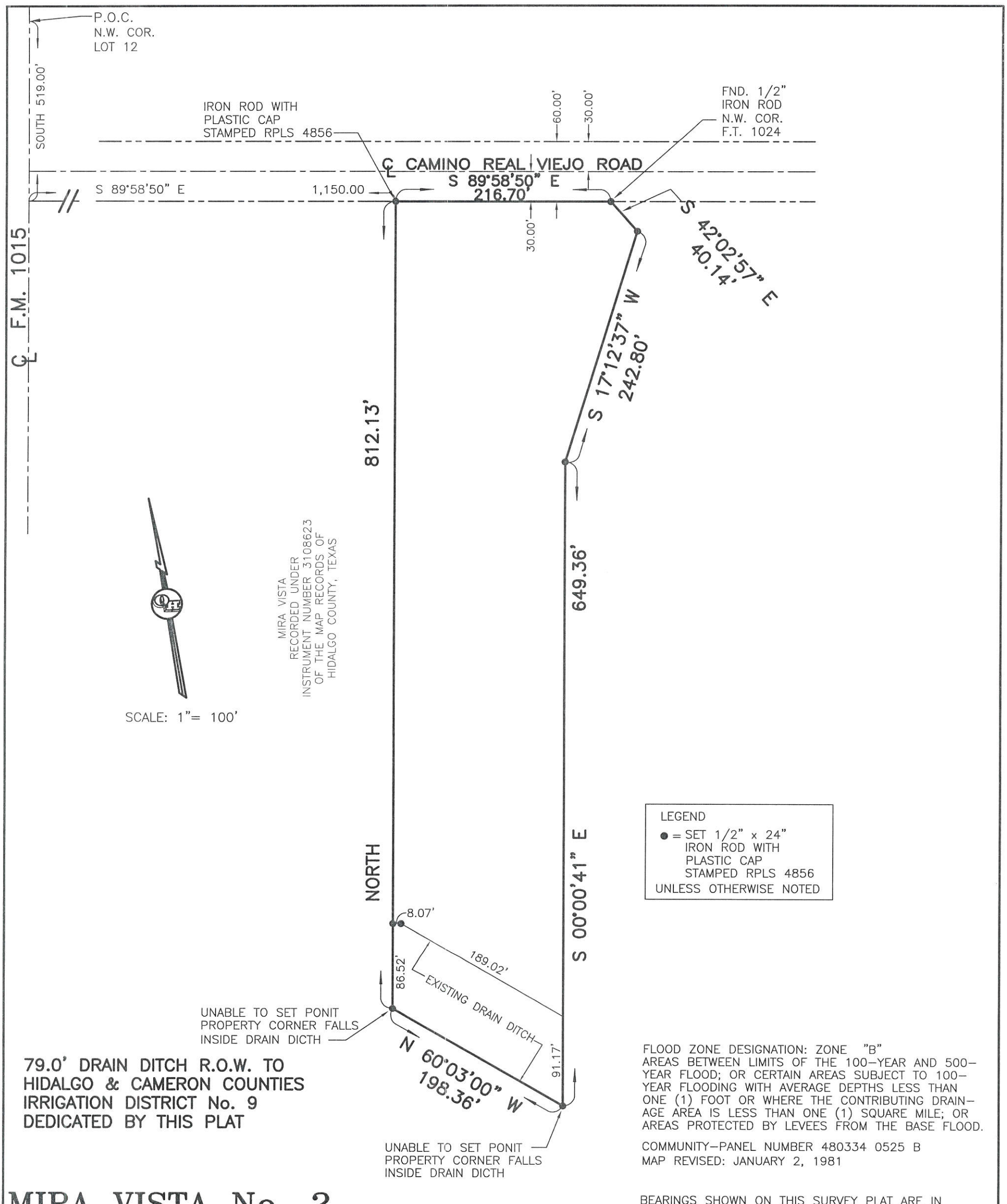
BEARINGS ARE IN ACCORDANCE WITH MIRA VISTA, RECORDED IN INSTRUMENT NUMBER 3108623, MAP RECORDS, HIDALGO COUNTY, TEXAS.

I, ALFONSO QUINTANILLA, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THE ABOVE METES AND BOUNDS TO BE TRUE AND CORRECT, AND TO BE THE REPRESENTATION AND RESULT OF AN ACTUAL SURVEY DONE ON THE GROUND UNDER MY DIRECTION.

DATE PREPARED: JUNE 29, 2020

ALFONSO QUINTANILLA
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4856

STATE OF TEXAS
REGISTERED
ALFONSO QUINTANILLA
4856
PROFESSIONAL
LAND SURVEYOR



LEGEND
● = SET 1/2" x 24"
IRON ROD WITH
PLASTIC CAP
STAMPED RPLS 4856
UNLESS OTHERWISE NOTED

79.0' DRAIN DITCH R.O.W. TO HIDALGO & CAMERON COUNTIES IRRIGATION DISTRICT No. 9 DEDICATED BY THIS PLAT

FLOOD ZONE DESIGNATION: ZONE "B"
AREAS BETWEEN LIMITS OF THE 100-YEAR AND 500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE (1) SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD.

COMMUNITY-PANEL NUMBER 480334 0525 B
MAP REVISED: JANUARY 2, 1981

MIRA VISTA No. 2

A 3.63 ACRE TRACT OF LAND OUT OF FARM TRACT 1020, AND OUT OF LOTS 11 AND 12, BLOCK 113, WEST AND ADAMS TRACTS SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE PLAT OR MAP THEREOF RECORDED IN VOLUME 2, PAGES 34-37, MAP RECORDS HIDALGO COUNTY, TEXAS, AND ACCORDING TO WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 1631125 AND CORRECTED WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 1817664, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

BEARINGS SHOWN ON THIS SURVEY PLAT ARE IN ACCORDANCE WITH LLANO GRANDE SUBDIVISION RECORDED IN VOLUME 3, PAGE 27, MAP RECORDS, HIDALGO COUNTY, TEXAS.

THE PROPERTY SHOWN ON THIS SURVEY PLAT MAY BE SUBJECT TO THE SUBDIVISION REGULATIONS OF THE COUNTY OF HIDALGO AND/OR ORDINANCES OR GOVERNMENTAL REGULATIONS OF THE CITY IN WHICH THE PROPERTY MAY BE LOCATED OR HOLDING

I, ALFONSO QUINTANILLA, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THE FOREGOING PLAT TO BE A TRUE AND CORRECT REPRESENTATION OF THE LANDS SHOWN AS THE RESULT OF AN ACTUAL SURVEY DONE ON THE GROUND UNDER MY DIRECTION. THERE ARE NO VISIBLE DISCREPANCIES, CONFLICTS, OR SHORTAGES IN AREA ON BOUNDARY LINES, OR ANY VISIBLE ENCROACHMENTS, OR ANY VISIBLE OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN ON THIS PLAT.

STATE OF TEXAS
REGISTERED
ALFONSO QUINTANILLA
4856
PROFESSIONAL
LAND SURVEYOR

ALFONSO QUINTANILLA
REGISTERED PROFESSIONAL LAND SURVEYOR
No. 4856

VOL. 2 PAGE 34-37
SURVEYED JUNE 29, 2020
ADDRESS
OWNER
JOB No.
BOOK No. PAGE
F:\DATA\SUBD\MIRA VISTA 2

QUINTANILLA, HEADLEY AND ASSOCIATES, INC.
CONSULTING ENGINEERS · LAND SURVEYORS
124 E. STUBBS ST.
EDINBURG, TEXAS 78539
PHONE 956-381-6480
FAX 956-381-0527
ALFONSOQ@QHA-ENG.COM
ENGINEERING REGISTRATION NUMBER F-1513
SURVEYING REGISTRATION NUMBER 100411-00

MIRA VISTA No. 2

A 13.49 ACRE TRACT OF LAND OUT OF FARM TRACT 1020, AND OUT OF LOTS 11 AND 12, BLOCK 113, WEST AND ADAMS TRACTS SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE PLAT OR MAP THEREOF RECORDED IN VOLUME 2, PAGES 34–37, MAP RECORDS HIDALGO COUNTY, TEXAS, AND ACCORDING TO WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 1631125 AND CORRECTED WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 1817664, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

METES AND BOUNDS

A 13.49 ACRE TRACT OF LAND OUT OF FARM TRACT 1020, AND OUT OF LOTS 11 AND 12, BLOCK 113, WEST AND ADAMS TRACTS SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE PLAT OR MAP THEREOF RECORDED IN VOLUME 2, PAGES 34–37, MAP RECORDS HIDALGO COUNTY, TEXAS, AND ACCORDING TO WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 1631125 AND CORRECTED WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 1817664, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

BEGINNING AT A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 FOUND ON THE SOUTH RIGHT OF WAY LINE OF CAMINO REAL VIEJO ROAD FOR THE NORTHEAST CORNER OF MIRA VISTA SUBDIVISION (RECORDED IN INSTRUMENT NUMBER 0000000, MAP RECORDS, HIDALGO COUNTY, TEXAS) AND THE NORTHWEST CORNER THIS TRACT, SAID ROD BEARS SOUTH, 519.00 FEET AND S 89°58'50" E, 1,150.00 FEET FROM THE NORTHWEST CORNER OF LOT 12.

THENCE, S 89°58'50" E, ALONG THE SOUTH RIGHT OF WAY LINE OF CAMINO REAL VIEJO ROAD, A DISTANCE OF 216.70 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF FARM TRACT 1024.

THENCE; S 42°02'57" E (DEED RECORD: S 42°04' E), ALONG THE WEST LINE OF FARM TRACT 1024, A DISTANCE OF 1,005.05 FEET (DEED RECORD: 1,005.00 FEET) TO A 1/2" IRON ROD FOUND FOR AN EXTERIOR CORNER OF THIS TRACT.

THENCE; S 25°08'57" E (DEED RECORD: S 25°06' E), ALONG THE WEST LINE OF FARM TRACT 1024, A DISTANCE OF 60.57 FEET (DEED RECORD: 60.60 FEET) TO A 1/2" IRON ROD WITH CAP STAMPED MELDEN & HUNT, INC. FOUND ON THE SOUTH LINE OF LOT 11 AND THE NORTH LINE OF LOT 14 FOR AN EXTERIOR CORNER OF THIS TRACT.

THENCE; WEST, ALONG THE SOUTH LINE OF LOT 11 AND THE NORTH LINE OF LOT 14, A DISTANCE OF 331.55 FEET (DEED RECORD: 331.30 FEET) TO A 1/2" IRON ROD WITH CAP STAMPED MELDEN & HUNT, INC. FOUND ON THE EAST LINE OF FARM TRACT 1020 FOR AN INTERIOR CORNER OF THIS TRACT.

THENCE; S 25°04'21" E, ALONG THE EAST LINE OF FARM TRACT 1020, A DISTANCE OF 337.59 FEET TO A POINT FOR THE SOUTHEAST CORNER OF FARM TRACT 1020 FOR THE SOUTHEAST CORNER OF THIS TRACT.

THENCE; WEST, ALONG THE SOUTH LINE OF FARM TRACT 1020, A DISTANCE OF 215.34 FEET (DEED RECORD: 216.97 FEET) TO A POINT FOR AN EXTERIOR CORNER OF THIS TRACT.

THENCE; N 60°03'00" W, ALONG THE SOUTH LINE OF FARM TRACT 1020, A DISTANCE OF 613.71 FEET (DEED RECORD: 612.50 FEET) TO A POINT FOR THE SOUTHEAST CORNER OF MIRA VISTA SUBDIVISION AND THE SOUTHWEST CORNER OF THIS TRACT.

THENCE; NORTH, ALONG THE EAST LINE OF MIRA VISTA SUBDIVISION, A DISTANCE OF 812.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 13.49 ACRES OF LAND MORE OR LESS.

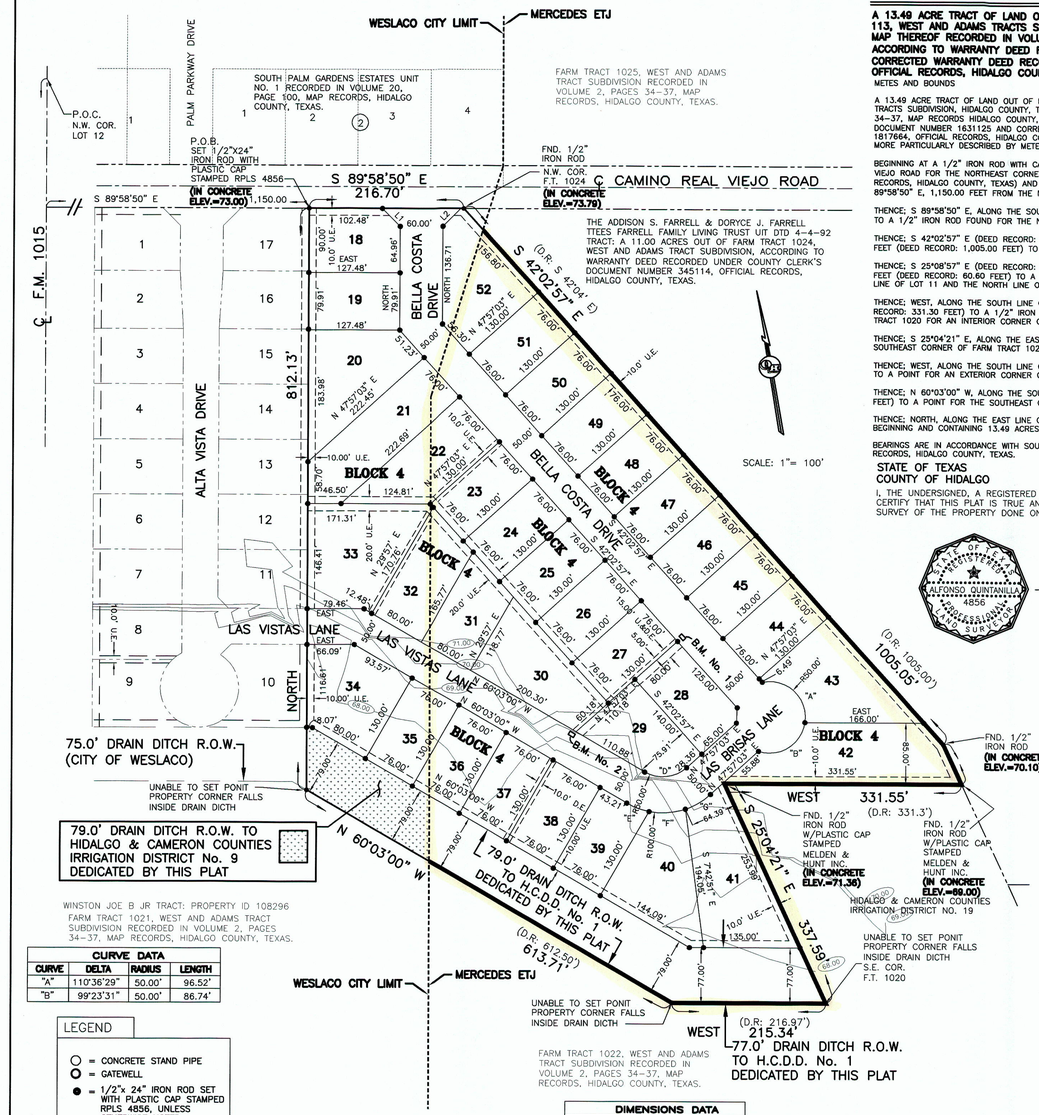
BEARINGS ARE IN ACCORDANCE WITH SOUTH PALM GARDENS ESTATES UNIT No.1, RECORDED IN VOLUME 20, PAGE 100, MAP RECORDS, HIDALGO COUNTY, TEXAS.

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, AND WAS MADE AND PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY DONE ON THE GROUND UNDER MY SUPERVISION.

STATE OF TEXAS · REGISTERED · ALFONSO QUINTANILLA · 4856 · PROFESSIONAL LAND SURVEYOR

ALFONSO QUINTANILLA — 11–12–19
R.P.L.S. No. 4856 — DATE



SUBDIVISION AREA
PORTION INSIDE OF WESLACO CITY LIMITS 3.63 AC.
PORTION INSIDE CITY OF MERCEDES E.T.J. 9.86 AC.
..... WESLACO CITY LIMITS LINE AND MERCEDES E.T.J LINE

CURVE DATA			
CURVE	DELTA	RADIUS	LENGTH
"A"	110°36'29"	50.00'	96.52'
"B"	99°23'31"	50.00'	86.74'

LEGEND

- ○ = CONCRETE STAND PIPE
- O = GATEWELL
- ● = 1/2"x 24" IRON ROD SET WITH PLASTIC CAP STAMPED RPLS 4856, UNLESS OTHERWISE NOTED

DIMENSIONS DATA		
DATA	BEARING	LENGTH
L1	N 45d00'00" W	35.36'
L2	S 45d00'00" W	35.36'

REVISION NOTES

No.	Sheet	REVISION	Date	Approved

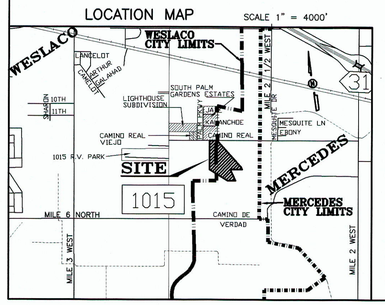
STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATIONS HAVE BEEN GIVEN TO THIS PLAT.

STATE OF TEXAS · MARCO A. GONZALEZ · 120016 · LICENSED · PROFESSIONAL ENGINEER

MARCO A. GONZALEZ — 6-4-20
P.E. 120016 — DATE

LOCATION MAP — SCALE 1" = 4000'



LOCATION OF SUBDIVISION WITH RESPECT TO THE EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY:

MIRA VISTA No. 2 IS LOCATED SOUTHEAST HIDALGO COUNTY ON THE SOUTHSIDE OF CAMINO REAL VIEJO ROAD, APPROXIMATELY 1,150 FEET EAST OF F.M. 1015. THE NEARBY MUNICIPALITY IS THE CITY OF WESLACO ACCORDING TO THE OFFICIAL MAP IN THE OFFICE OF THE SECRETARY OF THE CITY OF WESLACO (POPULATION 37,797). SAN JACINTO ESTATES No. 10 PHASE I, LIES PARTLY INSIDE WESLACO CITY LIMITS AND IT IS WITHIN THE CITY OF MERCEDES THREE–MILE EXTRA–TERRITORIAL JURISDICTION (ETJ) UNDER LOCAL GOVERNMENT CODE § 42.021. IT LIES IN PCT. 1

PRINCIPAL CONTACTS:

	Name	Address	City & Zip	Phone	Fax
OWNER:	MANUEL N. CANTU, JR., MANAGER	2912 S. JACKSON ROAD	MCALLEN, TX 78503	(956)821–8180	
ENGINEER:	MARCO A. GONZALEZ	124 E. STUBBS	EDINBURG, TX 78539	(956)381–6480	381–0527
SURVEYOR:	ALFONSO QUINTANILLA	124 E. STUBBS	EDINBURG, TX 78539	(956)381–6480	381–0527

PLAT NOTES AND RESTRICTIONS:

1.– FLOOD ZONE DESIGNATION: ZONE "B"
AREAS BETWEEN LIMITS OF THE 100–YEAR AND 500–YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100–YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE (1) SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD.

COMMUNITY–PANEL NUMBER 480334 0525 B
MAP REVISED: JANUARY 2, 1981

2.– LEGEND ● – DENOTES 1/2"x 24" IRON ROD SET WITH PLASTIC CAP STAMPED RPLS 4856, UNLESS OTHERWISE NOTED.

3.– SETBACKS:

FRONT	20.00 FEET
FRONT–CUL–DE–SAC	20.00 FEET
REAR	15.00 FEET
SIDE	5.00 FEET
SIDE CORNER	10.00 FEET

OR EASEMENT WHICHEVER IS GREATER IN ALL CASES

4.– MINIMUM FINISH FLOOR NOTE:
MINIMUM FINISH FLOOR ELEVATION SHALL BE 18" ABOVE CENTER LINE OF STREET, TOP OF CURB, WHICHEVER IS GREATER.
ELEVATION CERTIFICATE MAY BE REQUIRED FOR LOTS LOCATED OUTSIDE A DESIGNATED FLOOD ZONE AT THE TIME FOR APPLICATION FOR CONSTRUCTION TO VERIFY PRE AND POST CONSTRUCTION FINISH FLOOR ELEVATIONS. AN ELEVATION CERTIFICATE SHALL BE REQUIRED FOR ALL LOTS WITHIN A DESIGNATED FLOOD ZONE AT THE TIME FOR A DEVELOPMENT PERMIT APPLICATION.

5.– BENCHMARK NOTE:
B.M. No. 1 ELEV.=69.70 TOP OF TYPE "A" INLET LOCATED ON THE NORTH CORNER OF LOT 28. N.A.V.D. 88 DATUM.
B.M. No. 2 ELEV.=69.00 TOP OF TYPE "A" INLET LOCATED ON THE SOUTH CORNER OF LOT 30. N.A.V.D. 88 DATUM.

6.– DRAINAGE:
IN ACCORDANCE WITH THE HIDALGO COUNTY DRAINAGE DISTRICT No. 1 AND HIDALGO (COUNTY REQUIREMENTS, THIS DEVELOPMENT WILL BE REQUIRED TO DETAIN A TOTAL OF 100,696.47 CUBIC –FEET 2.31 ACRE FEET) OF STORM WATER RUNOFF. DRAINAGE RETENTION IN ACCORDANCE WITH THE LOCAL REQUIREMENTS WILL BE ACCOMPLISHED AS FOLLOWS:
SEE DRAINAGE REPORT ON SHEET No.3.

7.– NO ACCESS SHALL BE PERMITED ONTO CAMINO REAL VIEJO ROAD FOR LOTS 18 & 52. DEVELOPER SHALL PROVIDE LOTS WITH BUFFER FENCE ABUTTING CAMINO REAL VIEJO TO DENY ACCESS ONTO THE LOTS.

8.– NO STRUCTURE SHALL BE PERMITTED OVER ANY EASEMENT.
EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, SHEDS, SHRUBS TREES, AND OTHER PLANTINGS (EXCEPT LOW, LESS THAN 18 INCHES MATURE HEIGHT, GROUND COVER, GRASS, OR FLOWERS) AND OTHER OBSTRUCTIONS THAT WOULD INTERFERE WITH THE OPERATIONS AND MAINTENANCE OF THE EASEMENT.

9.– EACH PURCHASE CONTRACT MADE BETWEEN A SUBDIVIDER AND PURCHASER OF A LOT IN THIS SUBDIVISION SHALL CONTAIN A STATEMENT DESCRIBING HOW AND WHEN WATER, SEWER, ELECTRICITY AND GAS SERVICES WILL BE MADE AVAILABLE TO THE SUBDIVISION.

10.– ALL PUBLIC UTILITIES EASEMENTS DEDICATED BY THIS PLAT SHALL BE A MINIMUM WIDTH OF 15.00 FEET AS PER THE HIDALGO COUNTY MODEL SUBDIVISION RULES BY SIGNING THIS PLAT DEVELOPER AND ENGINEER CERTIFY THAT ALL OTHER EASEMENTS SHOWN COMPLY WITH THE SIZE REQUIRED BY EACH UTILITY PROVIDER OCCUPYING AN EASEMENT.

11.– ALL LOTS SHALL HAVE A POST DEVELOPMENT FINISHED GRADE FROM THE REAR OF THE LOT TO THE CURB AT A 0.25% SLOPE TO ACCOMPLISH POSITIVE DRAINAGE. THIS IS IN ACCORDANCE WITH HIDALGO COUNTY APPENDIX 5: COUNTY CONSTRUCTION SPECIFICATIONS 3.1.4.

12.– A 6.00 FOOT BUFFER FENCE ABIDING TO CITY ORDINANCES, ON DRAIN DITCH SIDE SHALL BE CONSTRUCTED AT TIME OF SUBDIVISION CONSTRUCTION.

13.– A 4.00 FOOT SIDEWALK ABIDING TO CITY ORDINANCES, IS REQUIRED ON BOTH SIDES OF INTERIOR STREETS AT BUILDING PERMIT STAGE, AS PER CITY OF WESLACO. A 5.00 FOOT SIDEWALK ALONG CAMINO REAL VIEJO ROAD SHALL BE CONSTRUCTED AT SUBDIVISION STAGE.

14.– U.&D.E. DENOTES UTILITY & DRAINAGE EASEMENT
D.E. DENOTES DRAINAGE EASEMENT

15.–FOR LOTS LOCATED INSIDE THE CITY LIMITS OF WESLACO, CORNER LOTS DRIVEWAYS SHOULD BE CONSTRUCTED AT FURTHEST POSSIBLE POINT FROM INTERSECTIONS AND IN COMPLIANCE WITH ACCESS MANAGEMENT ORDINANCE.

16.– FOR LOTS LOCATED INSIDE THE CITY LIMITS OF WESLACO, LANDSCAPING IS REQUIRED PER CITY ORDINANCE

17.– FOR LOTS LOCATED INSIDE THE CITY LIMITS OF WESLACO, SITE PLAN AND DETENTION PLAN MUST BE REVIEWED AND APPROVED BY THE CITY OF WESLACO PRIOR TO ISSUANCE OF BUILDING PERMITS.

18.– THE DEVELOPER WILL BE RESPONSIBLE FOR THE STREET LIGHT INSTALLATION. STREETLIGHT MUST BE EVERY 300 FEET.

19.– GENERAL NOTE FOR MULTIFAMILY
ALL LOTS SHALL BE FOR MULTIFAMILY USE ONLY. THERE SHALL BE NO OTHER USE OTHER THAN MULTIFAMILY. THIS MUST BE STIPULATED ON ALL DEEDS AND CONTRACT FOR DEEDS. A BUFFER FENCE IS REQRUIED TO BE INSTALLED BY DEVELOPER ALONG ALL ABUTTING RESIDENTIAL LOTS AND ALONG ALONG CAMINO REAL ROAD TO DENY ACCESS ONTO LOT. FOR LOTS LOCATED IN THE ETJ, APPLICATIONS FOR CONSTRUCTION APPROVED BY THE HIDALGO COUNTY PLANNING DEPARTMENT, HIDALGO COUNTY HEALTH DEPARTMENT AND FIRE MARSHALL ARE REQUIRED PRIOR TO OCCUPYING THE LOT

20.– FOR LOTS LOCATED INSIDE THE ETJ, AN OFF–STREET PARKING LOT SITE PLAN & DRAINAGE PLAN APPROVED BY THE HIDALGO COUNTY PLANNING DEPARTMENT AND THE OFFICE OF ENVIRONMENTAL COMPLIANCE SHALL BE REQUIRED FOR MULTIFAMILY USE AT THE TIME OF APPLICATION FOR CONSTRUCTION PRIOR TO THE ISSUANCE OF A BUILDING AND/OR DEVELOPMENT PERMIT. NO WATER OR LIGHT CLEARANCES SHALL BE ISSUED UNTIL THE SITE PLAN, AND DRAINAGE PLAN ARE APPROVED AND PROPOSED IMPROVEMENTS ARE CONSTRUCTED IN ACCORDANCE WITH COUNTY AND STATE STANDARDS.

21.– ALL PRIVATE STREETS, INCLUSIVE OF MEDIAN ISLANDS AND ANY SENTRY SHELTERS, PLUS ANY ACCOMPANYING STORM DRAINAGE, STREET LIGHTING AND/OR SIDEWALKS, SHALL BE PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. ALSO, ALL PERIMITER WALLS AND FENCES SHALL BE UNDER THE OWNSERSHIP AND THE EXCLUSIVE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION FOR THE PURPOSES OF ENCLOSED PRIVACY, SECURITY AND REPAIR.

22.– AFTER THE RECORDING OF THE PLAT'S CONDITIONS, COVENANTS AND RESTRICTIONS (CCR's) TO THUS ASSURE MAINTENANCE OF COMMON AREAS AND MEDIAN ISLANDS, ETC. A BUILDING PERMIT APPLICATION MAY BE FILED WITH THE CITY OF WESLACO FOR ANY PROPOSED GATED ENTRY MECHANISMS WHEREAFTER IT SHALL BE REVIEWED FOR APPROVAL OR DISAPPROVAL BY THE CITY INCLUDING THE FIRE MARSHALL'S OFFICE. IN NO CASE SHALL GATE(S) BE INSTALLED WHERE A BUILDING PERMIT HAS NOT BEEN ISSUED.

23.– THE HOMEOWNER'S ASSOCIATION AND/OR EVERY LOT OWNER SHALL HOLD THE CITY OF WESLACO , TEXAS, HARMLESS AND INDEMNIFY SAID CITY FROM ANY AND ALL LIABILITY AND ALLEGED CLAIMS RELATING TO SAID PRIVATE STREETS. THE LOT OWNERS SHALL BE RESPONSIBLE FOR THE COSTS TO MAINTAIN THE PRIVATE STREETS, ACCOMPANYING STORM DRAINAGE, PRIVATE SIDEWALKS, PRIVATE STREET LIGHTING AND ANY OTHER PRIVATE IMPROVEMENT IN THE PRIVATE STREET AREA.

24.– THE OWNER(S)/DEVELOPER(S) SHALL SIGN AND RECORD AN INDEMNIFICATION AGREEMENT HOLDING HARMLESS THE CITYOF WESLACO AND INDEMNIFYING IT FROM ALL OBLIGATIONS TO MAINTAIN SAID STREETS AND FROM ANY LIABILITY ARISING OUT OF OR INCIDENT TO SUCH STREETS.

25.– THE DEVELOPER SHALL SIGN AND RECORD A PRIVATE STREET AGREEMENT ON A FORM ESTABLISHED BY THE CITY OF WESLACO AFTER CONSULTATION WITH THE CITY ATTORNEY.

HIDALGO COUNTY
CERTIFICATE OF PLAT APPROVAL
UNDER LOCAL GOVERNMENT CODE § 232.028(a)

WE THE UNDERSIGNED CERTIFY that this plat of the MIRA VISTA No. 2, was reviewed and approved by the Hidalgo County Commissioners Court on _____, _____.

Hidalgo County Judge — Date

ATTEST:
Hidalgo County Clerk — Date

STATE OF TEXAS
COUNTY OF HIDALGO
OWNER'S DEDICATION, CERTIFICATION, AND ATTESTATION

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE **MIRA VISTA No. 2**

,DO HEREBY GRANT AN EASEMENT TO THE CITY OF WESLACO AND THOSE WHO MAY NOW OR HEREAFTER HOLD FRANCHISE UNDER SAID CITY, THE USE OF THE STREETS, ALLEYS AND EASEMENTS THEREON SHOWN, SURFACE USE OF THE STREETS AND ALLEYS IS RESTRICTED TO THE EMPLOYEES OR AGENTS OF THE CITY OF WESLACO, EMPLOYEES OF UTILITIES OPERATING UNDER FRANCHISE TO THE CITY OF WESLACO, RESIDENTS OF THE SUBDIVISION, AND THEIR GUESTS.

RED ROCK REAL ESTATE DEVELOPMENT GROUP, LTD., A TEXAS LIMITED PARTNERSHIP
BY: RED ROCK, L.L.C., A TEXAS LIMITED LIABILY COMPANY
ITS: GENERAL PARTNER
BY: MANUEL N. CANTU, JR., MANAGER
2912 S. JACKSON ROAD
MCALLEN, TEXAS 78503
PH. (956) 821–8180 — DATE

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, the undersigned authority, on this day personally appeared
MANUEL N. CANTU, JR., MANAGER
known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for purposes and considerations therein stated.
Given under my hand and seal of office this _____ day of _____, 20____.

CLARISSA ANNETTE QUINTANILLA · Notary Public, State of Texas · My Commission Expires November 04, 2021 · NOTARY ID 129615255

CLARISSA ANNETTE QUINTANILLA – NOTARY PUBLIC

STATE OF TEXAS
CITY OF WESLACO

I, THE UNDERSIGNED, MAYOR OF THE CITY OF WESLACO, TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

CITY MAYOR — DATE

ATTEST: CITY SECRETARY — DATE

STATE OF TEXAS
CITY OF WESLACO

I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF WESLACO ,TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

CHAIRMAN PLANNING COMMISSION

THIS PLAT IS APPROVED BY THE HIDALGO AND CAMERON COUNTIES IRRIGATION DISTRICT No. 9, DATED THIS_____ DAY OF _____ 20____.

1. NO IMPROVEMENTS OF ANY KIND SHALL BE PLACED UPON HIDALGO AND CAMERON COUNTIES IRRIGATION DISTRICT No. 9 RIGHT–OF–WAYS AND/OR EASEMENTS WITHOUT THE EXPRESSED WRITTEN PERMISSION OF HCCID #9.
2. IT IS UNDERSTOOD THAT THE RATE OF FLOW OF STORM WATER FOR THE DEVELOPMENT WILL BE NO GREATER THAN THE RATE OF FLOW OF STORM WATER WHEN THE LAND WAS IN AGRICULTURAL USE.
3. HCCID #9 WILL NOT BE RESPONSIBLE FOR THE STORM/DRAINAGE WATER SYSTEM TO ANY LOT WITH IN THIS SUBDIVISION. AS WELL, HCCID #9 WILL NOT BE RESPONSIBLE FOR THE DELIVERY OF WATER TO ANY LOT WITH IN THIS SUBDIVISION. IF DESIRED, THIS WILL NOT BE AT THE DISTRICTS EXPENSE.
4. HCCID #9 HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE STORM SEWER OR UTILITIES SYSTEMS DESCRIBED ARE APPROPRIATE FOR THE PARTICULAR SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. THE DEVELOPER AND HIS ENGINEER ARE RESPONSIBLE FOR THEIR DETERMINATIONS.

GENERAL MANAGER — DATE
HIDALGO AND CAMERON COUNTIES IRRIGATION DISTRICT No. 9

APPROVED BY DRAINAGE DISTRICT:

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER THE TEXAS WATER CODE 49.211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER AND HIS ENGINEER TO MAKE THEIR DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

RAUL SESIN, P.E., C.F.M. — DATE
GENERAL MANAGER

COUNTY CLERK · COUNTY OF HIDALGO · TEXAS

FILED FOR RECORD IN
HIDALGO COUNTY
ARTURO GUAJARDO, JR.
HIDALGO COUNTY CLERK

ON: _____AT_____ AM/PM
INSTRUMENT NUMBER_____
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY:_____ DEPUTY

QUINTANILLA, HEADLEY AND ASSOCIATES, INC.
CONSULTING ENGINEERS
124 E. STUBBS ST.
EDINBURG, TEXAS 78539
REGISTRATION NUMBER F–1513
SURVEYING REGISTRATION NUMBER 100411–00
LAND SURVEYORS
PHONE 956–381–6480
FAX 956–381–0527
ALFONSOQ@QHA–ENG.COM

DATE OF PREPARATION: Nov. 12th 2019

SHEET NO. 1 OF 3 SHEETS	FILENAME : F:\DATA\SUBDIVIS\WESLACO\MIRA VISTA\PLAT			
	DATE PREPARED	PREPARED BY	CHECKED BY	APPROVED BY
	11–12–19	M.G.		
	DATE REVISED	REVISED BY	CHECKED BY	APPROVED BY

ORDINANCE NO. 2020-20

AN ORDINANCE AMENDING ORDINANCE NO. 2014-02 TO PROVIDE FOR THE DISANNEXATION OF CERTAIN UNIMPROVED AREA FROM THE TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF WESLACO, HIDALGO COUNTY, TEXAS, AND ORDAIN OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS, THAT:

SECTION I: Section 1 of the Ordinance No. 2014-02 is hereby amended to delete a tract of land from Section 2 of the following territory being annexed by Ordinance No. 2014-02:

A 3.63 acre tract of land out of Farm Tract 1020, and out of Lots 11 and 12, Block 113, West and Adams Tracts Subdivision, Hidalgo County, Texas, according to the plat or map thereof recorded in Volume 2, Pages 34-37, map records Hidalgo County, Texas, and according to Warranty Deed recorded under County Clerk's Document Number 1631125 and Corrected Warranty Deed recorded under County Clerk's Document Number 1817664, official, records, Hidalgo County, Texas, reference to which is here made for all purposes and being more particularly described by metes and bounds as follows.

Beginning at a 1/2" iron rod with cap stamped RPLS 4856 found on the south right of way line of Camino Real Viejo road for the northeast corner Of Mira Vista Subdivision (recorded in instrument number 3108623, map records, Hidalgo County, Texas) and the northwest corner this tract, said rod bears south, 519.00 feet and S 89°5850" E, 1,150.00 feet from the northwest corner of lot 12.

Thence; S 89°58'50" E, along the south right of way line of Camino Real Viejo Road, a distance of 216.70 feet to a 1/2" iron rod found for the northwest corner of Farm Tract 1024.

Thence; S 42°02'57" E (deed record: s 42°04' e), along the west line of Farm Tract 1024, a distance of 40.14 feet to a 1/2" iron rod with cap stamped RPLS 4856 set for an exterior corner of this tract.

Thence; S 17°12'37" W, a distance of 242.80 feet to a 1/2" iron rod with cap stamped RPLS 4856 set for an interior corner of this tract.

Thence; S 00°00'41" E, a distance of 649.36 feet to a point on the south line of FARM TRACT 1020 for the southeast corner of this tract.

Thence; N 60°0300" W, along the south line of farm tract 1020, a distance of 198.36 feet to a point for the southeast corner of Mira Vista Subdivision and the southwest corner of this tract.

Thence; north, along the east line of Mira Vista Subdivision, a distance of 812.13 feet to the point of beginning and containing 3.63 acres of land more or less.

SECTION II: This Ordinance becomes effective on the Second and Final Reading

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 21st day of July 2020.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this ____ day of _____, 2020.

CITY OF WESLACO

_____
David Suarez, **MAYOR**

ATTEST:

_____
Norma A. Cantu**, CITY SECRETARY**

APPROVED AS TO FORM:

_____
Juan E. Gonzalez, **CITY ATTORNEY**

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3475

From:

Subject:
Authorization to apply to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year 2020 Local Formula Solicitation to purchase Victim Services Software and other office hardware in an amount not to exceed $10,633 with NO MATCH REQUIRED with annual reoccurring cost of $1,700 and authorize the Mayor to execute any related documents (Staffed by Police Department.)

Background:

Funding Source (budget code, if applicable)**:**
US Department of Justice

Amount: $10,633.00	Term of Impact: 12 months	Identified in Current Budget: No

Additional Action Prompted:
Mayor's Signature

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**

Robert Lopez	Created/Initiated
Robert Lopez	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve.

Staff Recommendation:

Attachments, if any:
Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 Local Solicitation, fy20-jag-local-allocations-tx, fy-20-local-jag-ce-certification, Weslaco TX PD 1 YR 10 01 20 thru 9 30 2021

Responsibilities upon Approval:

OMB No. 1121-0329
Approval Expires 11/30/2020

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Edward Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year 2020 Local Formula Solicitation

CFDA #16.738

Solicitation Release Date: July 9, 2020

Application Deadline: 11:59 p.m. eastern time on August 19, 2020

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) is seeking applications for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This program furthers the Department's mission by assisting state, local, and tribal law enforcement efforts to prevent or reduce crime and violence.

This solicitation incorporates the OJP Grant Application Resource Guide by reference. The OJP Grant Application Resource Guide provides guidance to applicants on how to prepare and submit applications for funding to OJP. **If this solicitation expressly modifies any provision in the OJP Grant Application Resource Guide, the applicant is to follow the guidelines in this solicitation as to that provision.**

This solicitation expressly modifies the OJP Grant Application Resource Guide by not incorporating the "Limitation on Use of Award Funds for Employee Compensation; Waiver" provision in the "Financial Information" section of the OJP Grant Application Resource Guide.

Eligibility

The following entities are eligible to apply:

- Units of local government

By law, for purposes of the JAG Program, the term "units of local government" includes a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state; or, it may be a federally recognized Indian tribal government that performs law enforcement functions (as determined by the Secretary of the Interior). A unit of local government also may be any law enforcement district or judicial enforcement district established under applicable state law with authority to independently establish a budget and impose taxes; for example, in Louisiana, a unit of local government means a district attorney or parish sheriff.

Eligible allocations under JAG are posted annually on the JAG web page. See the allocation determination and Units of Local Government requirements section for more information. **Applicants with eligible allocation amounts of less than $25,000 will apply to Category 1,**

and applicants with eligible allocation amounts of $25,000 or more will apply to Category 2.

All recipients and subrecipients (including any for-profit organization) must forgo any profit or management fee.

Contact Information

For technical assistance with submitting an application, contact the Grants Management System (GMS) Support Hotline at 888–549–9901, option 3, or via email at GMS.HelpDesk@usdoj.gov. The GMS Support Hotline operates 24 hours a day, 7 days a week, including on federal holidays.

An applicant that experiences unforeseen GMS technical issues beyond its control that prevent it from submitting its application by the deadline must email the National Criminal Justice Reference Service (NCJRS) Response Center at grants@ncjrs.gov **within 24 hours after the application deadline** in order to request approval to submit its application after the deadline. For information on reporting technical issues, see "Experiencing Unforeseen GMS Technical Issues" under **How to Apply (GMS)** in the OJP Grant Application Resource Guide.

For assistance with any other requirement of this solicitation, applicants may contact the NCJRS Response Center by telephone at 1–800–851–3420; via TTY at 301–240–6310 (hearing impaired only); by email at grants@ncjrs.gov; by fax to 301–240–5830, or by web chat at https://webcontact.ncjrs.gov/ncjchat/chat.jsp. The NCJRS Response Center hours of operation are 10:00 a.m. to 6:00 p.m. eastern time, Monday through Friday, and 10:00 a.m. to 8:00 p.m. eastern time on the solicitation close date. Applicants also may contact the appropriate BJA State Policy Advisor.

Deadline details

Applicants must register in the OJP Grants Management System (GMS) at https://grants.ojp.usdoj.gov/ prior to submitting an application under this solicitation. All applicants must register, even those that previously registered in GMS. Select the "Apply Online" button associated with the solicitation title. All registrations and applications are due by 11:59 p.m. eastern time August 19, 2020.

For additional information, see the "**How to Apply (GMS)**" section in the OJP Grant Application Resource Guide.

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Edward Byrne Memorial
Justice Assistance Grant (JAG) Program
FY 2020 Local Solicitation
CFDA #16.738

A. Program Description

Overview
The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to states and units of local government. BJA will award JAG Program funds to eligible units of local government as described in this FY 2020 JAG Program Local Solicitation (BJA will issue a separate solicitation for states).

Statutory Authority:
The JAG Program is authorized by Title I of Pub. L. No. 90-351 (generally codified at 34 U.S.C. 10151-10726), including subpart 1 of part E (codified at 34 U.S.C. 10151 - 10158); see also 28 U.S.C. 530C(a).

Program-specific Information

Permissible uses of JAG Funds
In general, JAG funds awarded to a unit of local government under this FY 2020 solicitation may be used to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for **criminal justice**, including any one or more of the following:

- Law enforcement programs
- Prosecution and court programs
- Prevention and education programs
- Corrections and community corrections programs
- Drug treatment and enforcement programs
- Planning, evaluation, and technology improvement programs
- Crime victim and witness programs (other than compensation)
- Mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams

Additionally, JAG funds awarded to a unit of local government under this FY 2020 solicitation may be used to enforce state and local laws that establish offenses similar to offenses established in 21 U.S.C. § *801 et seq*. and/or to improve the functioning of the **criminal justice** system, with emphasis on violent crime and serious offenders, by providing additional personnel, equipment, training, technical assistance, and information systems for the more widespread apprehension, prosecution, adjudication, detention, and rehabilitation of persons who violate these laws and to assist the victims of such crimes (other than compensation). Additional details can be found on the JAG Resource Page.

Note that the statute defines "criminal justice" as "activities pertaining to crime prevention, control, or reduction, or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime or to apprehend criminals, including juveniles, activities of courts having criminal jurisdiction, and related agencies (including but not limited to prosecutorial and defender services, juvenile delinquency agencies and pretrial service or release agencies), activities of corrections, probation, or parole authorities and related agencies assisting in the rehabilitation, supervision, and care of criminal offenders, and programs relating to the prevention, control, or reduction of narcotic addiction and juvenile delinquency."

BJA Areas of Emphasis

BJA recognizes that many state and local criminal justice systems currently face challenging fiscal environments and that an important, cost-effective way to relieve those pressures is to share or leverage resources through cooperation among federal, state, and local law enforcement. BJA intends to focus much of its work on addressing violent crime, enforcing firearms laws, officer safety and wellness, safe policing for safe communities, and fentanyl detection. BJA encourages each recipient of a FY 2020 JAG award to join federal law enforcement agencies across the board in addressing these challenges. Additional details on the BJA areas of emphasis can be found on the JAG Resource Page.

Limitations on the Use of JAG Funds

Prohibited uses of funds – JAG funds may not be used (whether directly or indirectly) for any purpose prohibited by federal statute or regulation, including those purposes specifically prohibited by the JAG Program statute as set out in 34 U.S.C. § 10152.

JAG funds may not be used (directly or indirectly) for security enhancements or equipment for nongovernmental entities not engaged in criminal justice or public safety. Additionally, JAG funds may not be used (directly or indirectly) to pay for any of the following items unless the BJA Director certifies that extraordinary and exigent circumstances exist making them essential to the maintenance of public safety and good order:

- Vehicles, vessels, or aircraft*
- Luxury items
- Real estate
- Construction projects (other than penal or correctional institutions)
- Any similar matters

*Police cruisers, police boats, and police helicopters are allowable vehicles under JAG and do not require BJA certification.

For a list of prohibited expenditures under JAG and information about requesting BJA certification for a prohibited item (including unmanned aircraft, unmanned aerial vehicles, and/or unmanned aerial systems purchases) or for examples of allowable vehicles that do not require BJA certification, refer to the JAG Prohibited Guidance section of the JAG Resource Page or the JAG FAQs.

Cap on use of JAG award funds for administrative costs – Up to 10 percent of a JAG award, including up to 10 percent of any earned interest, may be used for costs associated with administering the award, which can include indirect costs.

Prohibition of supplanting; prohibition on use of JAG funds as match – JAG funds may not be used to supplant state or local funds but must be used to increase the amounts of such funds that would, in the absence of federal funds, be made available. See the JAG FAQs for examples of supplanting.

Although supplanting is prohibited, the leveraging of federal funding is encouraged.

Absent specific federal statutory authority to do so, JAG award funds may not be used as a match for other federal awards.

Other restrictions on use of JAG funds that require compliance, certification, and/or prior approval – If a unit of local government chooses to use its FY 2020 JAG funds for particular, defined types of expenditures, it must satisfy certain preconditions. Examples of items that require compliance, certification, and/or prior approval by BJA before purchase include: body-worn cameras, body armor, interoperable communications, DNA testing of evidentiary materials, uploading DNA profiles to a database, and entry of records into state repositories. Additional information, including the process to obtain prior approval and as well as a body armor and/or body-worn camera certification form, can be found on the JAG Resource Page.

Allocation determination and Units of Local Government requirements regarding use of JAG funds

Eligible allocations under JAG are posted annually on the JAG web page. Award allocations are determined by a four-step statutory formula. Additional information can be found on the JAG Resource Page or the JAG Technical Report.

According to the JAG program statute, a "disparity" may exist between the funding eligibility of a county and its associated municipalities. *See* 34 U.S.C. § 10156(d)(4). Units of local government identified by BJA as disparate must select a fiscal agent that will submit a joint application for the allocation to include all disparate municipalities. A memorandum of understanding (MOU) that identifies which jurisdiction will serve as the applicant or fiscal agent for joint funds must be completed and signed by the authorized representative for each participating jurisdiction. Once an award is made, the fiscal agent will be responsible for distributing award funds to the other jurisdictions in the disparate group through subawards that include all appropriate award conditions. To verify eligibility on the JAG web page, an applicant should click on its respective state and note the following regarding the state's allocation table:

(1) Disparate units of local government are listed in shaded groups, in alphabetic order by county. Units of local government identified as disparate must select one unit of local government to submit an application on behalf of the disparate group.

(2) Counties that have an asterisk (*) under the "Direct Allocation" column did not submit the level of violent crime data to qualify for a direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required MOU; and

(3) Direct allocations are listed alphabetically below the shaded, disparate groupings.

Please note that disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are

responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

A unit of local government that applies for and receives a FY 2020 JAG award **must note the following:**

- Trust Fund – Units of local government may draw down JAG funds either in advance or on a reimbursement basis. To draw down in advance, a trust fund must be established in which to deposit the funds. The trust fund **must** be in an interest-bearing account, unless one of the exceptions in 2 C.F.R. § 200.305(b)(8) apply. If subrecipients draw down JAG funds in advance, they also must establish a trust fund in which to deposit the funds. For additional information, see 2 C.F.R. § 200.305.

- Certifications and Assurances by the Chief Executive of the Applicant Government (which incorporates the 30-day governing body review requirement) – A JAG application is not complete, and a unit of local government may not access award funds, unless the chief executive of the applicant unit of local government (e.g., the mayor) properly executes, and the submits, the "Certifications and Assurances by the Chief Executive of the Applicant Government." The most up-to-date version of this certification can be found at https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/fy-20-local-jag-ce-certification.pdf.

  Please note that this certification takes the place of the review narrative attachment and contains assurances that the governing body notification and public comment requirements, which are required under the JAG statute (at 34 U.S.C. § 10153(a)(2)), have been satisfied.

  OJP will not deny an application for a FY 2020 award for failure to submit these "Certifications and Assurances by the Chief Executive of the Applicant Government" by the application deadline, but a unit of local government will not be able to access award funds (and its award will include a condition that withholds funds) until it submits these certifications and assurances, properly executed by the chief executive of the unit of local government (e.g., the mayor).

- National Incident-Based Reporting System (NIBRS) 3 Percent Set-aside – In preparation for the FBI's 2021 NIBRS compliance deadline, BJA requires, through the application of a special condition, JAG award recipients not certified by the FBI as NIBRS compliant to dedicate 3 percent of their JAG award toward achieving full compliance with the FBI's NIBRS data submission requirements under the Uniform Crime Reporting Program. Additional information can be found on the JAG Resource Page.

Required compliance with applicable federal laws

All applicants should understand that OJP awards, including certifications provided in connection with such awards, are subject to review by DOJ, including by OJP and by the DOJ Office of the Inspector General. Applicants also should understand that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in a certification submitted to OJP in support of an application may be the subject of criminal prosecution, and also may result in civil penalties and administrative remedies for false claims or otherwise. Administrative remedies that may be available to OJP with respect to a FY 2020

award include suspension or termination of the award, placement on the DOJ high-risk grantee list, disallowance of costs, and suspension or debarment of the recipient.

Objectives
In general, the FY 2020 JAG Program is designed to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice. Although the JAG Program provides assistance directly to states, through pass-through (and similar) requirements, the JAG Program also is designed to assist units of local government with respect to their criminal justice needs.

As discussed in more detail in the General Information about Post-federal Award Reporting Requirements discussion, a unit of local government that receives a FY 2020 JAG award will be required to produce various types of reports and to submit data related to performance measurement and accountability.

The objectives are directly related to the JAG Program performance measures described at https://bjapmt.ojp.gov/help/jagdocs.html and demonstrate the results of the work completed, as discussed under What an Application Should Include.

Evidence-based Programs or Practices
OJP strongly emphasizes the use of data and evidence in policy making and program development for criminal justice, juvenile justice, and crime victim services. For additional information and resources on evidence-based programs or practices, see the OJP Grant Application Resource Guide.

A useful matrix of evidence-based policing programs and strategies is available through the BJA-supported Matrix Demonstration Project. It offers a number of program models designed to effectively implement promising and evidence-based strategies through the BJA Innovation Suite of programs, including Innovations in Policing, Prosecution, Supervision, Reentry, and others (see https://www.bja.gov/Programs/CRPPE/innovationssuite.html). BJA encourages units of local government to use JAG funds to develop and implement these crime innovation strategies, including effective partnerships with universities and research partners and with nontraditional criminal justice partners.

Information Regarding Potential Evaluation of Programs and Activities
Applicants should note OJP may conduct or support an evaluation of the programs and activities funded under the JAG Program. For additional information, see the OJP Grant Application Resource Guide section, entitled, "Information Regarding Potential Evaluation of Programs and Activities."

B. Federal Award Information

Maximum number of awards BJA expects to make	1,058
Period of performance start date	October 1, 2019
Period of performance duration	2 or 4 years

Category 1 – Eligible Allocation Amounts of Less than $25,000 (Competition ID BJA-2020-18275) – Units of local government that are listed on the JAG web page as eligible for an allocation amount of less than $25,000 should apply under Category 1. This includes direct and joint

(disparate) allocations. Category 1 awards of less than $25,000 are 2 years in length, and performance periods will be from October 1, 2019 through September 30, 2021. Extensions of up to two years can be requested for these awards via GMS no fewer than 30 days prior to the grant end date, and will be automatically granted upon request.

Category 2 – Eligible Allocation Amounts $25,000 or More (Competition ID BJA-2020-18276) – Units of local government that are listed on the JAG web page as eligible for an allocation amount of $25,000 or more should apply under Category 2. This includes direct and joint (disparate) allocations. Category 2 awards of at least $25,000 are 4 years in length, and performance periods will be from October 1, 2019 through September 30, 2023. Extensions beyond this period may be made on a case- by-case basis at the discretion of BJA and must be requested via GMS no fewer than 30 days prior to the grant end date.

All awards are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by statute.

Type of Award
BJA expects to make awards under this solicitation as grants. See the "Administrative, National Policy, and Other Legal Requirements" section of the OJP Grant Application Resource Guide for additional information.

Financial Management and System of Internal Controls
Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities) must, as described in the Part 200 Uniform Requirements[1] as set out at 2 C.F.R. 200.303, comply with standards for financial and program management. See OJP Grant Application Resource Guide for additional information.

Budget Information

Cost Sharing or Match Requirement
The JAG Program does not require a match.

Please see the OJP Grant Application Resource Guide for information on the following:

Pre-agreement Costs (also known as Pre-award Costs)

Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs

Costs Associated with Language Assistance (if applicable)

C. Eligibility Information

For information on eligibility, see the title page.

For information on cost sharing or match requirements, see Section B. Federal Award Information.

[1] The "Part 200 Uniform Requirements" means the DOJ regulation at 2 C.F.R Part 2800, which adopts (with certain modifications) the provisions of 2 C.F.R. Part 200.

D. Application and Submission Information

What an Application Should Include
See the "Application Elements and Formatting Instructions" section of the OJP Grant Application Resource Guide for information on what happens to an application that does not contain all the specified elements. (This solicitation expressly modifies the "Application Elements and Formatting Instructions" section of the OJP Grant Application Resource Guide by **not** incorporating paragraph two of that section (referring to nonresponsive applications or applications missing critical elements not "[proceeding] to peer review").)

1. **Application for Federal Assistance (Standard Form (SF)-424)**
   The SF-424 is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. See the OJP Grant Application Resource Guide for additional information on completing the SF-424.

   Intergovernmental Review:
   This solicitation ("funding opportunity") **is** subject to Executive Order 12372. An applicant may find the names and addresses of State Single Points of Contact (SPOCs) at the following website: https://www.whitehouse.gov/wp-content/uploads/2020/01/spoc_1_16_2020.pdf. If the applicant's state appears on the SPOC list, the applicant must contact the State SPOC to find out about, and comply with, the state's process under E.O. 12372. In completing the SF-424, an applicant whose state appears on the SPOC list is to make the appropriate selection in response to question 19, once the applicant has complied with its State E.O. 12372 process. (An applicant whose state does not appear on the SPOC list should answer question 19 by selecting the response that the: "Program is subject to E.O. 12372, but has not been selected by the State for review.").

2. **Project Identifiers**
   Applications should identify at least three project identifiers that would be associated with the proposed project activities. The list of identifiers can be found at www.bja.gov/funding/JAGIdentifiers.pdf.

3. **Program Narrative**

   Category 1 – Eligible Allocation Amounts of Less than $25,000
   The program narrative for Category 1 applications should include a description of the project(s), including subawards, if applicable, to be funded with JAG funds over the 2 year grant period.

   Category 2 – Eligible Allocation Amounts of $25,000 or More
   The program narrative for Category 2 applications should include:

   (a) Description of the Issue – Identify the unit of local government's strategy/funding priorities for the FY 2020 JAG funds, the subgrant award process (if applicable, including disparates) and timeline, any progress or challenges, and a description of the programs to be funded over the 2 to 4 year grant period.

   (b) Project Design and Implementation – Describe the unit of local government's strategic planning process, if any, that guides its priorities and funding strategy. This should include a description of how the local community is engaged in the planning process and the data and analysis utilized to support the plan. It should identify the stakeholders

currently participating in the strategic planning process, the gaps in the needed resources for criminal justice purposes, and how JAG funds will be coordinated with state and related justice funds.

(c) Capabilities and Competencies – Describe any additional strategic planning/coordination efforts in which the units of local government participate with other criminal justice juvenile justice agencies in the state.

(d) Plan for Collecting the Data Required for this Solicitation's Performance Measures – OJP will require each successful applicant to submit specific performance data that demonstrate the results of the work carried out under the award. The performance data directly relate to the objectives identified under " Objectives" in Section A. Program Description.

Applicants should visit OJP's performance measurement page at www.ojp.gov/performance for an overview of performance measurement activities at OJP.

The application should demonstrate the applicant's understanding of the performance data reporting requirements for this grant program and detail how the applicant will gather the required data should it receive funding.
Please note that applicants are **not** required to submit performance data with the application. Rather, performance measures information is included as an alert that successful applicants will be required to submit performance data as part of the reporting requirements under an award.

Post award, recipients will be required to submit quarterly performance measures through BJA's PMT, located at https://bjapmt.ojp.gov. The application should describe the applicant's plan for collection of all of the performance measurement data listed in the JAG performance measures at https://bjapmt.ojp.gov/help/jagdocs.html.

Note on Project Evaluations
An applicant that proposes to use award funds through this solicitation to conduct project evaluations should follow the guidance under Note on Project Evaluations in the OJP Grant Application Resource Guide.

Please see the OJP Grant Application Resource Guide for information on the following:

4. Budget Information and Associated Documentation
Please note that the budget narrative should include a full description of all costs, including funds set aside for the NIBRS project(s) and administrative costs (if applicable).

General requirement for federal authorization of any subaward; statutory authorization of subawards under the JAG Program statute.
Generally, a recipient of an OJP award may not make subawards ("subgrants") unless the recipient has specific federal authorization to do so. Unless an applicable statute or DOJ regulation specifically authorizes (or requires) particular subawards, a recipient must have authorization from OJP before it may make a subaward.

However, JAG subawards that are required or specifically authorized by statute (see 34 U.S.C. § 10152(a) and 34 U.S.C. § 10156) do not require prior approval. This includes subawards made by states and unites of local government under the JAG Program. For additional information regarding subawards and authorizations, please refer to the subaward section in the OJP Grant Application Resource Guide.

5. **Indirect Cost Rate Agreement (if applicable)**
   This rule does not eliminate or alter the JAG-specific restriction in federal law that states charges for administrative costs may not exceed 10 percent of the award amount, regardless of the approved indirect cost rate.

6. **Financial Management and System of Internal Controls Questionnaire (including applicant disclosure of high risk status)**

7. **Disclosure of Lobbying Activities**

8. **Applicant Disclosure of Pending Applications**

9. **Applicant Disclosure and Justification – DOJ High Risk Grantees[2] (if applicable)**

10. **Research and Evaluation Independence and Integrity**

11. **Certifications and Assurances by the Chief Executive of the Applicant Government**
    A JAG application is not complete, and a unit of local government may not access award funds, unless the chief executive of the applicant unit of local government (e.g., the mayor) properly executes, and then submits, the "Certifications and Assurances by the Chief Executive of the Applicant Government." The most up-to-date version of this certification can be found at https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/fy-20-local-jag-ce-certification.pdf.

12. **Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)**
    Each applicant must provide responses to the following questions as an attachment to the application:
    (1) Does your jurisdiction have any laws, policies, or practices related to whether, when, or how employees may communicate with DHS or ICE?
    (2) Is your jurisdiction subject to any laws from a superior political entity (e.g., a state law that binds a city) that meet the description in question 1?
    (3) If yes to either:
    - Please provide a copy of each law or policy.
    - Please describe each practice.
    - Please explain how the law, policy, or practice complies with 8 U.S.C. § 1373.

    Note: Responses to these questions must be provided by the applicant as part of the application. Further, the requirement to provide this information applies to all tiers of funding

[2] A "DOJ High Risk Grantee" is a recipient that has received a DOJ High Risk designation based on a documented history of unsatisfactory performance, financial instability, management system or other internal control deficiencies, or noncompliance with award terms and conditions on prior awards, or that is otherwise not responsible.

and for all subawards made to state or local government entities, including public institutions of higher education. All subrecipient responses must be collected and maintained by the direct recipient of funding and must be made available to DOJ upon request. Responses to these questions are not required from subrecipients that are either a tribal government/organization, a nonprofit organization, or a private institution of higher education.

OJP will not deny an application for a FY 2020 award for failure to submit these required responses by the application deadline, but a recipient will not receive award funds (and its award will include a condition that withholds funds) until it submits these responses.

How to Apply
An applicant must submit its application through the Grants Management System (GMS), which provides support for the application, award, and management of awards at OJP. Find information, registration and submission steps on how to apply in GMS in response to this solicitation in the OJP Grant Application Resource Guide.

E. Application Review Information

Review Process
BJA reviews the application to make sure that the information presented is reasonable, understandable, measurable, achievable, and consistent with the solicitation. See the OJP Grant Application Resource Guide for information on the application.

Pursuant to the Part 200 Uniform Requirements, before award decisions are made, OJP also reviews information related to the degree of risk posed by the applicant. Among other things to help assess whether an applicant that has one or more prior federal awards has a satisfactory record with respect to performance, integrity, and business ethics, OJP checks whether the applicant is listed in SAM as excluded from receiving a federal award.

In addition, if OJP anticipates that an award will exceed $250,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the nonpublic segment of the integrity and performance system accessible through SAM (currently, the Federal Awardee Performance and Integrity Information System, FAPIIS).

Important note on FAPIIS: An applicant, at its option, may review and comment on any information about itself that currently appears in FAPIIS and was entered by a federal awarding agency. OJP will consider any such comments by the applicant, in addition to the other information in FAPIIS, in its assessment of the risk posed by the applicant.

Absent explicit statutory authorization or written delegation of authority to the contrary, the Assistant Attorney General will make all final award decisions.

F. Federal Award Administration Information

Please see the OJP Grant Application Resource Guide for information on the following:

Federal Award Notices

Administrative, National Policy, and Other Legal Requirements

OJP strongly encourages prospective applicants to review information on post-award legal requirements and common OJP award conditions **prior** to submitting an application. For additional information on these legal requirements, see the "Administrative, National Policy, and Other Legal Requirements" section in OJP Grant Application Resource Guide.

Information Technology (IT) Security Clauses

General Information about Post-Federal Award Reporting Requirements
In addition to addressing the objectives described in Section A. Program Description, any recipient of an award under this solicitation will be required to submit the following reports and data:

Category 1 – Eligible Allocation Amounts of Less than $25,000

Recipients must submit:

- Quarterly financial status reports (and one final financial report after all funds have been obligated and expended) through OJP's Grants Management System (GMS)
- Quarterly performance measures report and final performance measures report through BJA's Performance Measurement Tool (PMT). Please note that as soon as all project activity has concluded, that report may be marked final
- An annual progress report and final progress report through OJP's GMS. If all project activity has concluded at the time the first annual progress report is submitted, that report may be marked final
- If applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions should also be submitted

Category 2 – Eligible Allocation Amounts of $25,000 or More

Recipients must submit:

- Quarterly financial status reports (and one final financial report after all funds have been obligated and expended) through OJP's Grants Management System (GMS)
- Quarterly performance measures reports and a final performance measures report (at any time once all project activity has concluded) through BJA's Performance Measurement Tool (PMT)
- Semi-annual progress reports and a final progress report (at any time once all project activity has concluded) through OJP's GMS
- If applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions

Future awards and/or fund draw-downs may be withheld if a recipient of an OJP award fails to report the required reports in a timely manner.

See the OJP Grant Application Resource Guide for additional information on specific post-award reporting requirements, including performance measurement data.

Performance measurement data must be submitted through BJA's Performance Measurement Tool (PMT). The performance measures are available at: https://bjapmt.ojp.gov/help/jagdocs.html. (Note that if a unit of local government provides funding to a law enforcement agency, the unit of local government must submit quarterly performance measurement data on training that officers have received on use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.)

G. Federal Awarding Agency Contact(s)

For OJP contact(s), see page 2 of this solicitation.

For contact information for GMS, see page 2.

H. Other Information

Please see the OJP Grant Application Resource Guide for information on the following:

Freedom of Information and Privacy Act (5 U.S.C. 552 and 5 U.S.C. 552a)

Provide Feedback to OJP

Certain Relevant Federal Laws, as in Effect on February 26, 2020
See the JAG Resource Page for more information.

Application Checklist

Edward Byrne Memorial Justice Assistance Grant (JAG) Program: FY 2020 Local Solicitation

This application checklist has been created as an aid in developing an application.

What an Applicant Should Do:

Prior to Registering in GMS:

- ☐ Acquire a DUNS Number (see OJP Grant Application Resource Guide)
- ☐ Acquire or renew registration with SAM (see OJP Grant Application Resource Guide)

To Register with GMS:

- ☐ For new users, acquire a GMS username and password* (see OJP Grant Application Resource Guide)
- ☐ For existing users, check GMS username and password* to ensure account access (see OJP Grant Application Resource Guide)
- ☐ Verify SAM registration in GMS (see OJP Grant Application Resource Guide)
- ☐ Search for and select correct funding opportunity in GMS (see OJP Grant Application Resource Guide)
- ☐ Register by selecting the "Apply Online" button associated with the funding opportunity title (see OJP Grant Application Resource Guide)
- ☐ Read OJP policy and guidance on conference approval, planning, and reporting available at ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm (see OJP Grant Application Resource Guide)

If experiencing technical difficulties in GMS, contact contact the NCJRS Response Center (see page 2)

*Password Reset Notice – GMS users are reminded that while password reset capabilities exist, this function is only associated with points of contact designated within GMS at the time the account was established. Neither OJP nor the GMS Help Desk will initiate a password reset unless requested by the authorized official or a designated point of contact associated with an award or application.

Overview of Post-Award Legal Requirements:

- ☐ Review the "the "Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2020 Awards" in the OJP Funding Resource Center.

Scope Requirement:

- ☐ The federal amount requested is within the allowable limit(s) of the FY 2020 JAG Allocations List as listed on BJA's JAG web page.

Eligibility Requirement:

Only units of local government may apply under this solicitation. By law, for purposes of the JAG Program, the term "units of local government" includes a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state; or, it may be a federally recognized Indian tribal government that performs law enforcement functions (as determined by the Secretary of the Interior). A unit of local government also may be any law enforcement district or judicial enforcement district established under applicable state law with authority to independently establish a budget and impose taxes; for example, in Louisiana, a unit of local government means a district attorney or parish sheriff.

What an Application Should Include:

- ☐ Application for Federal Assistance (SF-424) (see OJP Grant Application Resource Guide)
- ☐ Intergovernmental Review (see page 10)
- ☐ Program Narrative (see page 10)
- ☐ Budget Detail Worksheet (including Budget Narrative (see page 11)
- ☐ Indirect Cost Rate Agreement (if applicable) (see OJP Grant Application Resource Guide)
- ☐ Financial Management and System of Internal Controls Questionnaire (see OJP Grant Application Resource Guide)
- ☐ Disclosure of Lobbying Activities (SF-LLL) (see OJP Grant Application Resource Guide)
- ☐ Applicant Disclosure of Pending Applications (see OJP Grant Application Resource Guide)
- ☐ Applicant Disclosure and Justification – DOJ High Risk Grantees (see OJP Grant Application Resource Guide) (if applicable)
- ☐ Research and Evaluation Independence and Integrity (if applicable) (see OJP Grant Application Resource Guide)
- ☐ Certifications and Assurances by Chief Executive (see page 12)
- ☐ Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE) (see page 12)

2020 TEXAS LOCAL JAG ALLOCATIONS

Listed below are all jurisdictions in the state that are eligible for FY 2020 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the JAG Technical report here: https://www.bja.gov/Jag/pdfs/JAG-Technical-Report.pdf and current JAG Frequently Asked Questions here: https://www.bja.gov/Funding/JAGFAQ.pdf.

Finding your jurisdiction:

(1) Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.

(2) Direct allocations are listed alphabetically below the shaded, disparate groupings.

(3) Counties that have an asterisk (*) under the “Direct Allocation" column did not submit the level of violent crime data to qualify for a direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (MOU). A sample MOU is provided online at: https://www.bja.gov/Funding/JAGMOU.pdf. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

State	Jurisdiction Name	Government Type	Direct Allocation	Joint Allocation
TX	BELL COUNTY	County	*	
TX	KILLEEN CITY	Municipal	$59,490	
TX	TEMPLE CITY	Municipal	$15,431	$74,921
TX	BEXAR COUNTY	County	$41,075	
TX	SAN ANTONIO CITY	Municipal	$688,855	$729,930
TX	BOWIE COUNTY	County	*	
TX	TEXARKANA CITY	Municipal	$21,289	$21,289
TX	BRAZOS COUNTY	County	*	
TX	BRYAN CITY	Municipal	$24,649	
TX	COLLEGE STATION CITY	Municipal	$15,784	$40,433
TX	CAMERON COUNTY	County	$11,938	
TX	BROWNSVILLE CITY	Municipal	$33,735	$45,673
TX	COLLIN COUNTY	County	*	
TX	FRISCO CITY	Municipal	$10,412	
TX	MCKINNEY CITY	Municipal	$17,907	
TX	PLANO CITY	Municipal	$27,722	$56,041
TX	COMAL	County	*	
TX	NEW BRAUNFELS CITY	Municipal	$14,171	$14,171
TX	CORYELL COUNTY	County	*	
TX	COPPERAS COVE CITY	Municipal	$12,159	$12,159
TX	DALLAS COUNTY	County	*	
TX	BALCH SPRINGS CITY	Municipal	$11,009	
TX	CARROLLTON CITY	Municipal	$12,756	
TX	DALLAS CITY	Municipal	$683,041	
TX	DESOTO CITY	Municipal	$12,667	
TX	DUNCANVILLE CITY	Municipal	$13,331	
TX	GARLAND CITY	Municipal	$48,061	
TX	GRAND PRAIRIE CITY	Municipal	$36,300	
TX	IRVING CITY	Municipal	$34,929	
TX	LANCASTER CITY	Municipal	$14,038	
TX	MESQUITE CITY	Municipal	$39,572	
TX	RICHARDSON CITY	Municipal	$10,700	$916,404
TX	DENTON COUNTY	County	*	

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State	Jurisdiction Name	Government Type	Direct Allocation	Joint Allocation
TX	DENTON CITY	Municipal	$26,329	
TX	LEWISVILLE CITY	Municipal	$16,868	$43,197
TX	ECTOR COUNTY	County	*	
TX	ODESSA CITY	Municipal	$65,370	$65,370
TX	EL PASO COUNTY	County	$17,487	
TX	EL PASO CITY	Municipal	$173,430	$190,917
TX	GALVESTON COUNTY	County	*	
TX	GALVESTON CITY	Municipal	$16,934	
TX	TEXAS CITY	Municipal	$15,961	$32,895
TX	GREGG COUNTY	County	*	
TX	LONGVIEW CITY	Municipal	$25,998	$25,998
TX	HARRIS COUNTY	County	$598,128	
TX	HOUSTON CITY	Municipal	$1,631,079	$2,229,207
TX	HAYS	County	*	
TX	SAN MARCOS CITY	Municipal	$15,807	$15,807
TX	HOWARD COUNTY	County	*	
TX	BIG SPRING CITY	Municipal	$11,341	$11,341
TX	JEFFERSON COUNTY	County	*	
TX	BEAUMONT CITY	Municipal	$84,891	
TX	PORT ARTHUR CITY	Municipal	$24,981	$109,872
TX	LAMAR COUNTY	County	*	
TX	PARIS CITY	Municipal	$13,375	$13,375
TX	LUBBOCK COUNTY	County	*	
TX	LUBBOCK CITY	Municipal	$176,856	$176,856
TX	MCLENNAN COUNTY	County	*	
TX	BELLMEAD CITY	Municipal	$10,611	
TX	WACO CITY	Municipal	$47,265	$57,876
TX	MIDLAND COUNTY	County	*	
TX	MIDLAND CITY	Municipal	$26,352	$26,352

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TX	NUECES COUNTY	County	*	
TX	CORPUS CHRISTI CITY	Municipal	$157,601	$157,601
TX	POTTER COUNTY	County	*	
TX	AMARILLO CITY	Municipal	$101,294	$101,294
TX	SMITH COUNTY	County	$16,580	
TX	TYLER CITY	Municipal	$28,872	$45,452
TX	TARRANT COUNTY	County	*	
TX	ARLINGTON CITY	Municipal	$134,986	
TX	FORT WORTH CITY	Municipal	$308,305	$443,291
TX	TAYLOR COUNTY	County	*	
TX	ABILENE CITY	Municipal	$40,146	$40,146
TX	TOM GREEN COUNTY	County	*	
TX	SAN ANGELO CITY	Municipal	$22,859	$22,859
TX	TRAVIS COUNTY	County	$48,923	
TX	AUSTIN CITY	Municipal	$257,680	$306,603
TX	VICTORIA COUNTY	County	*	
TX	VICTORIA CITY	Municipal	$17,288	$17,288
TX	WALKER COUNTY	County	*	
TX	HUNTSVILLE CITY	Municipal	$10,412	$10,412
TX	WEBB COUNTY	County	*	
TX	LAREDO CITY	Municipal	$59,004	$59,004
TX	WICHITA COUNTY	County	*	
TX	WICHITA FALLS CITY	Municipal	$26,661	$26,661
TX	ALAMO CITY	Municipal	$10,501	
TX	BASTROP COUNTY	County	$12,468	
TX	BAYTOWN CITY	Municipal	$19,719	
TX	BRAZORIA COUNTY	County	$11,319	
TX	CONVERSE CITY	Municipal	$10,611	
TX	CONROE CITY	Municipal	$16,249	
TX	DONNA CITY	Municipal	$13,905	

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State	Jurisdiction Name	Government Type	Direct Allocation	Joint Allocation
TX	EDINBURG CITY	Municipal	$21,311	
TX	FORT BEND COUNTY	County	$53,123	
TX	HARLINGEN CITY	Municipal	$17,288	
TX	HENDERSON COUNTY	County	$12,380	
TX	HIDALGO COUNTY	County	$38,113	
TX	HUNT COUNTY	County	$11,230	
TX	JOHNSON COUNTY	County	$11,739	
TX	LIBERTY COUNTY	County	$11,319	
TX	MCALLEN CITY	Municipal	$12,048	
TX	MONTGOMERY COUNTY	County	$41,915	
TX	PASADENA CITY	Municipal	$46,005	
TX	PEARLAND CITY	Municipal	$10,523	
TX	PHARR CITY	Municipal	$14,303	
TX	ROUND ROCK CITY	Municipal	$10,965	
TX	SAN JUAN CITY	Municipal	$10,302	
TX	WESLACO CITY	Municipal	$10,633	
TX	WILLIAMSON COUNTY	County	$12,336	
	Local total		**$6,581,000**	

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Edward Byrne Justice Assistance Grant Program FY 2020 Local Solicitation

Certifications and Assurances by the Chief Executive of the Applicant Government

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2020 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.

2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.

3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (*e.g.*, city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.

4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.

5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.

6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.

Signature of Chief Executive of the Applicant Unit of Local Government	Date of Certification
Printed Name of Chief Executive	Title of Chief Executive

Name of Applicant Unit of Local Government

QUOTE

Online Web Services US, Inc.
10 Town Plaza #177
Durango, CO 81301

970-375-9099
linda@vstracking.com

For Customer	***Date:***	**02/06/2020**
Weslaco Texas Police Dept	**Quote #**	**1044**
901 N. Airport Road		
Weslaco, TX 78599		
Attn: Robert Lopez, Director/Advocate		
rlopez@weslacotx.gov / 956 451 8037		

Account Number	Subscription Period	Account Manager	Payment Terms	PO#
	One year	**Linda Michaels**		

Date	Description	Amount
10/1/2020	Annual VSTracking Software Subscription Letter Writer (Included) Document Storage (Included) Time Sheet (Included) Custom Reports (Included)	$ 1700.00
	Grand Total	**$ 1700.00**

Thank you for your business and for the opportunity to serve you!

Additional benefits included at ***no*** *additional charge:*
Unlimited users (no per seat, per user fees)
Training (now and later if/when needed)
Top-tier customer support
Free Software upgrades

This quote covers one (1) year of the VSTracking software subscription period from Oct 1st 2020 through Sep 30th 2021

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3485

From:
Arnold Becho

Subject:
Approval of application to the South Texas Literacy Coalition free book distribution program; accept books upon award and authorize the Mayor to execute any related documents. (Staffed by the Library Department.)

Background:

The South Texas Literacy Coalition(STLC) is a non-profit organization dedicated to the coordination and promotion of literacy services. The STLC is interested in funding the distribution of books for programs where the need is great.

Books go to community members and are distributed during literacy events. The audience focus is children. There is no fiscal obligation. The library seeks to remain a partner. Past partnerships have been very positive. Last year we received over 1,000 books for kids of all ages. This year we plan to have virtual reading program challenges and distribute books thru our curbside services. Due to the Pandemic there will be no in person events.

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:

If item previously considered, provide date and action by Commission:
N/A

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:
N/A

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**
None at this time

Maricarmen Garcia	Created/Initiated
Arnold Becho	Approved
Vidal Roman	Approved
Mike Perez	Final Approval

City Manager Comments:

Staff Recommendation:
Staff recommends approval.

Attachments, if any:
South Texas Literacy Coalition Book Distribution Proposal, Memo-Request to apply to STLC free book program

Responsibilities upon Approval:
The library will execute the agreement and return it to STLC. The library will then work with STLC to coordinate and document book dispersal events.

C O V E R S H E E T

South Texas Literacy Coalition
Book Distribution Proposal

Organization Name:
_____

Address:
_____

Primary Contact:
_____

Phone:
_____

Email:
_____

We are in agreement with the terms and conditions outlined in the request for proposals from the STLC for the book distribution initiative.

Signature:
_____

Name:
_____

Title:
_____

Today's Date:
_____

Date of Proposed Event:
_____

(*Must be at least 4-6 weeks from the date of the proposal.*)

Please send in pages 1 and 2 of the proposal request ONLY. Fax: 956-380-3902 or mail to 108 N. Jackson Rd., Suite 32, Edinburg, TX 78541

Please read the terms of agreement and requirements and keep for you files so that you can comply with the reporting summary request.

Request for Proposal – South Texas Book Initiative
South Texas Literacy Coalition

From: _____ **Today's date:** _____
Agency/Organization

Type of event you are having (literacy festival, parent conference, in-service): _____

Title of the Event: _____

Date/Time of the event: _____
(*Must be at least 4-6 weeks from the date of the proposal.*)

Number of books requested; grade/reading level (K-5, Middle School, High School, or all):

Number of books	Grade/Reading Level

Other program request (are you also requesting a speaker? exhibitor?) from the STLC:

Introduction - Your organization's qualifications, including your organization's background, primary mission, and history.

Statement of Need (Demographic information for your area (geographic location, population, median income level, households), project goals and objectives, target population, project activities, staff responsible for your project)

Short summary of the type of impact the approval of this request can have on your program

Terms and Agreement

Summary

The South Texas Literacy Coalition, a non-profit organization dedicated to the coordination of literacy services, envisions South Texas as a community where every child and adult is a life-long learner skilled with the highest levels of literacy. The STLC is interested in funding the distribution of books for programs where the need is great, i.e. community-based organizations, faith-based organizations, schools, community centers, or grass-roots organizations who serve at-risk populations.

Program Impact

The Book Distribution Initiative is designed as a community outreach project to promote reading, family literacy, and educational achievement and can be utilized to enhance an organization's program outreach initiatives.

Eligibility

Collaborators/partners eligible for the program include non-profit organizations, community-based organizations, faith-based organizations, grass-roots organizations and schools.

Administrative Requirements

To ensure that each project follows the purpose stated in the proposal, funded organizations will be required to submit:

Before the event -

- An action plan narrative providing a description of the educational event or activity being planned to complement the book distribution

After the event – Form attached

- Documentation of the event and outreach efforts by providing information on the –
    - Number of attendees (children and adults)
    - Number of books distributed
    - Photos
    - Evaluation form for participants
    - Evaluation summary

NOTE: Under no circumstances will the books distributed through the STLC be sold or used in fundraising of any type.

Acquisition of Books

Depending on the type of activity/event, STLC staff will make every effort to prepare book requests on a timely basis. If the event is a family literacy festival or fair, STLC staff (schedules permitting) will attend the event, set up a book exhibit for distribution, and interact with participants.

On other occasions when the presence of STLC staff is not required, books can be picked up at the STLC office upon arrangement with the STLC staff – (956) 292-0257 or (956) 279-1689.

Using the STLC Book Distribution Initiative Evaluation Questionnaire

The South Texas Literacy Coalition encourages the use of this brief evaluation form at literacy events where our books are being distributed. The information gathered from these events provides rich and important qualitative information from parents about family reading habits.

The evaluation form is bilingual with only 10 questions to answer. After the event the collaborating agency can review the forms and summarize them for the event and include the summary in the Post-event Summary Report. Another option is to turn in the evaluation forms to the STLC for tabulating and summarization. In either case, a summary of the event will need to be included in the final report.

It is recommended that the forms be given out at the beginning at the event and then collected at the table where the books are being distributed. The evaluation form is the incentive to receive a free book! It is customary that at our book distribution events each person attending may select ONE book from the entire selection. We have found that this is important to clarify because when books are free some individuals want to take one book from each title. Obviously, we want the books to be available to as many participants, especially children and students, as possible and that is why we limit distribution to one book per person.

We need photos of the event to help document our outreach and partnerships throughout our service area for our sponsors and donors. Please make copies of the following publicity release form to use when taking photos of individual persons and always ask – "May I/We take your picture?" And "Please sign this release form allowing us to use this photo to show how successful our event was."

Book Distribution Post-Event Summary Form

To be completed and returned to STLC Office by email or fax within 2 weeks of the event.

Name of organization: _____

Date of Event: _____**Location** _____

Number of attendees (children and adults): _____

Number of books distributed: _____

Number of books left-over for future distribution: _____

Did you use an evaluation form for the participants? ◯ **Yes** ◯ **No**

Evaluation Summary (from evaluations forms or staff evaluation):

South Texas Literacy Coalition, 108 N. Jackson Road, Suite 32, Edinburg, TX 78541; (956) 292-0257 or (956) 279-1689; www.southtexaslitcoalition.org; stxliteracy@gmail.com.

Please attach/email photos of your event to stxliteracy@gmail.com.

Thank you for partnering with the STLC!

South Texas Literacy Coalition
Book Distribution Initiative Evaluation Form

Place an "X" under the smiley face that best describes your answer.

Ponga una "X" *debajo* de *la carita más apropiada.*

		Excellent/ Excelente	Fair/ Más o menos bueno	Poor/ No me gustó
1.	How did you like the event? *¿Cómo le gustó este evento?*			
2.	Quality of information that you received. *¿Calidad de la información que recibió?*			
3.	Literacy activities?/ ¿Actividades de lectura?			
4.	Do you feel that you learned something? /*¿Piensa que aprendió algo?*			

5.	Do you have books or other reading materials at home? / ¿Tiene usted en su hogar libros, revistas, e otros materiales para leer?	**Yes**	**No**

6.	How many minutes per day do you spend reading to your child? /*¿Cuantos minutos por día pasa usted leyendo con sus hijos?*	___less than 10 minutes /menos de 10 minutos ___20 minutes/minutos ___30 minutes/minutos ___45-60 minutes/minutos ____more than 60 minutos/más de 60 minutos

South Texas Literacy Coalition, 108 N. Jackson Road, Suite 32, Edinburg, TX 78541; (956) 292-0257 or (956) 279-1689; www.southtexaslitcoalition.org; stxliteracy@gmail.com.

7. Level of family income/*Nivel de ingresos de la familia:*

√	Income/*Ingresos*
◯	Less than $9,999/ Menos de $9,999
◯	$10,000 - $14,999
◯	$15,000 - $24,999
◯	$25,000 - $34,999
◯	$35,000 - $49,000
◯	$50,000 – and above ($50,000 o más)
◯	I prefer not to answer/Prefiero no responder

9. Would you and your family like to participate in other literacy and school success events? / ¿Le gustaría a usted y a su familia participar en otros eventos de lectura y éxito escolar? ____◯____Yes/ Si ____◯____No

10. Comments or suggestions/*Comentarios o sugerencias*:

_____

_____

_____

_____

Photograph and Publicity Release Form

I, _____, give _____ and, the South Texas Literacy Coalition (STLC), permission to use my name, likeness, image, voice, and/or appearance as such may be embodied in any pictures, photos, video recordings, audiotapes, digital images, and the like, taken or made on behalf of _____ activities. I agree that the _____ *and STLC* have complete ownership of such pictures, etc., including the entire copyright, and may use them for educational promotion purposes consistent with the mission of these organizations. These uses include, but are not limited to illustrations, bulletins, exhibitions, videotapes, reprints, reproductions, publications, and any promotional or educational materials in any medium now known or later developed, including the Internet. I acknowledge that I will not receive any compensation, etc. for the use of such pictures, etc., and hereby release the _____/ *STLC* and its agents and assigns from any and all claims which arise out of or are in any way connected with such use.

I have read and understood this consent and release.

I give my consent to the _____/*STLC* to use my name and likeness to promote the _____ program, its fiscal agent, and/or their activities.

_____ _____

Signature date

_____ _____

Parent / legal guardian (if age 17) date

South Texas Literacy Coalition, 108 N. Jackson Road, Suite 32, Edinburg, TX 78541; (956) 292-0257 or (956) 279-1689; www.southtexaslitcoalition.org; stxliteracy@gmail.com.

I do not give my consent to the _____*and STLC* to use my name and likeness to promote the _____ program, its fiscal agent, and/or their activities.

_____ _____
Signature date

_____ _____
Parent / legal guardian (if age 17) date

City of Weslaco

"The City on the Grow"

David Suarez, Mayor
Letty Lopez, Mayor Pro-Tem, District 5
Leo Muñoz, Commissioner, District 1
Greg Kerr, Commissioner, District 2
Jose "J.P." Rodriguez, Commissioner, District 3
Adrian Farias, Commissioner, District 4
Josh Pedraza, Commissioner, District 6

Mike R. Perez, City Manager

July 27, 2020

To: David Suarez, Mayor; Letty Lopez, Mayor Pro-Tem; Leo Muñoz, Commissioner; Greg Kerr, Commissioner; Jose "J.P." Rodriguez, Commissioner; Josh Pedraza, Commissioner; Adrian Farias, Commissioner; Mike Perez, City Manager

CC: Martin J. Mata, Vidal Roman, Sonia Flores, MariCarmen Garcia

Fr: Arnoldo Becho, Library Director

Re: Request to reapply for the South Texas Literacy Coalition free book distribution program.

South Texas Literacy Coalition (STLC) is a non-profit organization that funds the distribution of books for qualifying programs. The books go to community members and are distributed during literacy events. The audience focus is children. The book distribution initiative is designed as a community outreach project to promote reading, family literacy, and educational achievement.

Planning and documentation is required of participating organizations but there is no fiscal obligation. The library seeks to remain a partner indefinitely, so long as there is never any fiscal responsibility. Past partnerships have been very positive. Last year, our literacy program was awarded a total of over $10,000 in free books for all ages.

This agenda item requires no additional funding and adds no cost to the library budget. Library staff strongly supports the request. Please feel free to contact me with any questions, I will be happy to provide additional information.

Thank you for the time,

Arnoldo Becho
Library Director, City of Weslaco
Phone: 956.973.3144
Email: abecho@weslacopl.us

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2017-1335

From:

Subject:
Approval of a Mid Valley Airport Hangar Lease Agreement with Felipe Leal, Hangar E-7, and authorize the Mayor to execute any related documents. (Staffed by Airport Department.)

Background:
The hangar lease agreement being presented is for Hangar E-7 (City owned Hangar) located on the east side of the airport. The proposed hangar lease agreement is for two (2) years with a two (2) year renewal option. There is a 3% review and cap every three (3) years.

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:
Mayor's Signature

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**
The Airport Advisory Committee does not approve revenue lease agreements but did approve the hangar lease template.

Andrew Muñoz	Created/Initiated
Andrew Muñoz	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve.

Staff Recommendation:
Staff recommends approval.

Attachments, if any:
E7_Leal, Felipe

Responsibilities upon Approval:

Lease Agreement

STATE OF TEXAS)

CITY OF WESLACO) **KNOW ALL PERSONS BY THESE PRESENTS:**

HIDALGO COUNTY)

This lease is entered into this 1st day of July, 2020, between the City of Weslaco, a home ruled municipal corporation with its principal place of business at 255 S. Kansas Avenue, Weslaco, Hidalgo County, Texas, hereinafter referred to as the "Lessor" and the owner of the Weslaco Mid Valley Airport, hereinafter referred to as "Airport" and Felipe Leal, hereinafter referred to as "Lessee" who covenant and agree as follows:

WHEREAS, Lessor owns and operates the Airport and all grounds within the area designated as the Weslaco Mid Valley Airport for aeronautical and non-aeronautical purposes to include landings, takeoffs, storage of aircraft and sales of fuel; and

WHEREAS, Lessor and Lessee are committed to the proper operation, improvement, and continued development of the Airport; and

WHEREAS, Lessor deems it advantageous to itself and to the operation of the Airport to lease to Lessee certain land/hangar/building/office as stated herein;

NOW THEREFORE, in consideration of the terms, premises, and mutual covenants contained herein and other good and valuable considerations, the sufficiency of which is hereby acknowledged, Lessor and Lessee covenant and agree as follows:

Section 1. Lease Premises

A) Lessor does hereby lease to Lessee Hangar E-4 more particularly described as set forth in Exhibit "A" which is attached and incorporated by reference, hereinafter referred to as the lease premises.

Section 2. Term

A) This lease shall be for the term of 2 years. Thereafter, this lease may be renewed for a subsequent two (2) year extension upon giving of written notice by Lessee to Lessor not more than one hundred eighty (180) nor less than sixty (60) days prior to the expiration of the preceding year lease term and upon mutual and written agreement by Lessor as provided for in this lease.

B) **Surrender and Holding Over**. Upon the expiration or termination of this Lease, Lessee shall quit and surrender the Premises in good and serviceable condition, reasonable wear and tear excepted. Thereafter, the Lessor shall have the right to enter

and take possession of the Premises, with or without process of law and without liability for trespass. Holding over or failure to vacate the Premises at the end of the Initial Term or the Extended Term shall not be construed to be the granting or exercise of any additional term.

Any Improvements erected or constructed on the Premises shall be permanently and inseparably attached to the Premises and shall not be removed without prior written approval of the Lessor.

Section 3. Consideration

A) In consideration for the lease of the Hangars referenced herein Lessee hereby agrees to pay monthly the sum of **$ 230.00**. The first month's payment is to be made at lease execution. Thereafter, all future payments shall be made on or before the first working day of the month due for the term of this contract plus any extensions thereto.

B) All lease fees shall be paid as the same becomes due, without demand, in lawful currency of the United States made payable to the City of Weslaco, Hidalgo County, Texas by mail or delivery as specified in Section 13. Notice Requirements of this agreement.

C) In the event Lessee fails to remit any payments when the same are due, interest at the rate of 10 % shall be charged by Lessor beginning on the tenth (10) day after the date the payment is due and such interest shall continue to accrue against such delinquent payment until the payment plus interest is received by Lessor. In the event Lessee shall become delinquent for more than thirty (30) days, this lease may be terminated by Lessor.

D) Lessee shall be liable for all taxes and fees owed on or by his personal business or himself. Under no circumstances shall Lessor be liable for or be required to pay any tax or fee owed by Lessee. Lessor shall provide insurance for all Lessor owned real property located at the Airport under Lessor's policy which shall be for the sole benefit and protection of Lessor. Lessee should provide his own insurance coverage for any personal property located in or on the Hangar and is required herein to provide business liability insurance in an amount of $1,000,000.00 per occurrence. Certificates of such required insurance shall be furnished by Lessee to Lessor and certificates presently then in effect shall be on file at all times and Lessor shall be listed as an additional insured with the condition that said insurance shall provide Lessor notice of any cancellation of said insurance. Any changes in those certificates must have prior written approval of Lessor.

E) Any sum that Lessee is obligated to pay to Lessor arising from or relating to this agreement or Lessee's use, occupancy or operations at the Airport constitutes additional rent, which may include, but is not limited to, fees, fuel flowage fees for self-fueling activities (at the rate and on the terms imposed by Lessor), fines, civil penalties, damages, claims, interest, charges and utility charges.

F) Lessee shall pay all taxes, fees, assessments, and levies that relate to Lessee's use, occupancy, or operation at the lease premises or the Airport and all other obligations for which a lien may be created relating thereto. Within thirty (30) days Lessee shall remove any such lien that may be created or commence a protest of such lien by depositing with Lessor cash or other security acceptable to Lessor in an amount sufficient to cover the cost of removing such lien. When contracting for any work in connection with the lease premises, Lessee shall include in such contract a provision prohibiting the contractor or any subcontractor or supplier from filing a lien or asserting a claim against Lessor's real property or any interest therein.

Section 4. Use of Lease Premises

A) Lessee and Lessee's associates shall comply at all times, at Lessee's sole cost, with any and all laws and regulation that are applicable to Lessee's use, occupancy, or operations at the lease premises or the Airport, which include, but are not limited to, all laws, statutes, ordinances, regulations, rules, orders, writs, judgments, decrees, injunctions, directives, rulings, guidelines, standards, codes, policies, common law and other pronouncements of any kind having the effect of law including, but not limited, to the Airport Rules and Regulations, City of Weslaco master plans and zoning codes, and all laws and regulations pertaining to the environment, any and all plans and programs developed in compliance with such requirements and all lawful, reasonable, and nondiscriminatory airport policies and other requirements.

B) Lessee agrees that the leased Hangar may be used for any noncommercial aeronautical activity which must be made known to and agreed upon by Lessor and for no other purposes.

C) Lessee may park his and/or his passenger's privately owned automobile(s) inside the Hangar, but only while on a flight which originated at the Airport.

D) Lessee may store containers of aviation oil, in accordance with the Airport Rules and Regulations, inside the Hangar for aircraft use so long, and only so long, as such oil is contained in marked, approved containers. Such storage will be at the discretion of and with written approval from the local fire marshal if such storage is allowed under local fire codes.

E) Lessee agrees that he will at all times keep the premises of the Hangar, including the inside and the outside of the Hangar, clean and free of trash, litter, tall grass, weeds, junked automobiles, and scrap aircraft parts. Lessee shall abide by all applicable rules and regulations of the Environmental Protection Agency, the Texas Commission on Environmental Quality, the Texas Department of Agriculture, the Texas Department of Transportation, and any other public agency concerning the use, storage, and disposal of hazardous chemicals, fuel, and/or oil. Lessee further agrees to abide by the manufacturer's directions in regards to the use, storage, and disposal of all pesticides, herbicides, and other chemicals plus their containers used at the airport. Should Lessee fail to keep the leased Land/Hangar/Building/Office clean and free of hazards, Lessor may, after thirty (30) days written notice, arrange for the cleanup of the littered or

hazardous area. Such cleanup shall be charged to Lessee and payable on demand. Failure to render proper payment for such cleanup and/or general disregard for the considerations and restrictions listed in this lease agreement are grounds for Lessor to terminate this lease.

F) Lessee agrees that the usage of the Hangar plus any associated apron shall be limited to the parking/hangaring of his personal/company owned aircraft. No automobile, bus, truck, or other transportation mode may be permanently or habitually parked or stored on/in the Land/Hangar except in approved automobile parking areas and as agreed upon by Lessor.

G) Lessee agrees that he will not conduct any commercial activity such as pilot instruction, aerial spraying, charter flights, air taxi, sight-seeing, aerial photography, aircraft engine or airframe repair, avionics repair, or any other at the Airport without the written consent of Lessor. Any such approved commercial operation must be in accordance with a separate contract agreement with Lessor.

H) Lessee agrees that he will not store or permit the storage of any fuel or hazardous, volatile, and/or dangerous chemicals on/inside the Land/Hangar/Building/Office except as authorized in this agreement without the written consent of Lessor.

I) Lessee agrees not to fuel or defuel any aircraft parked inside the Hangar.

J) Lessee agrees that he will not operate any non-aviation related business or activity on/in the Hangar without the expressed written consent of Lessor. Any such non-aviation related business or activity must be so established by a separate contract.

K) Lessee agrees that none of the leased premises shall be used for residential purposes or any other purpose prohibited by any federal, state or municipal law, statute, regulation or ordinance

Section 5. Sublease, Assignment, or Sale

A) The Lessee shall not sublease, assign, sell, or transfer this contract agreement or any right hereunder to any person, corporation, or association. Any such sublease, assignment, sale, or transfer shall be grounds, at the option of the Lessor, to immediately terminate this lease agreement. Lessor shall have the right, in Lessor's sole discretion, to assign any of its rights under this agreement and upon any such assignment, Lessee agrees that Lessee shall perform its obligations under this agreement in favor of such assignee.

Section 6. Termination

A) This contract agreement may be prematurely terminated by Lessor or Lessee if either fails to abide by the terms and conditions expressed herein and due the complainant and so decreed by a court of competent jurisdiction. Lessee shall have no more than

fifteen (15) days upon notification to resolve said violation(s). Should Lessee be declared bankrupt or incompetent, this contract agreement shall immediately terminate In the event Lessee fails to make timely payments of all taxes or fees, fails to provide proof of required insurance, uses the Airport property or permits the Airport property to be used for any illegal or unauthorized purpose, files bankruptcy, abandons or leaves the property vacant or unoccupied for thirty (30) consecutive days, or violates any of the terms and conditions of this contract agreement, Lessor has the right to terminate this contract agreement and retake possession of any Airport property leased to or under the control of Lessee.

B) Lessee agrees and understands that Lessor reserves the right to further expand, develop, or improve the airport, including the termination of this lease agreement, in such instance that the continued leasing of the Hangar would have a negative impact on any proposed development or improvements at the Airport. This contract agreement may be terminated regardless of the desires, wishes, or views of Lessee and without interference or hindrance from Lessee, but only so long as such expansion, development, or improvements are shown on a Texas Department of Transportation and/or FAA approved Airport Layout Plan or Master Plan.

C) This contract may be prematurely terminated by mutual agreement and consent of both parties in writing. Such termination by mutual agreement shall cause both Lessor and Lessee to be free of any and all requirements of this contract hereunder, and neither Lessor nor Lessee shall have any derogatory remarks or entries made upon their resumés or upon any public or private records which would indicate failure to successfully fulfill the conditions of this contract.

D) At the termination of this contract agreement, either by normal expiration, premature termination, or mutual agreement, Lessee shall peaceably vacate the premises. Should Lessee be in default of any monies owed to Lessor, Lessor may take possession of any personal property owned by Lessee and located at the Airport and hold until the monetary default is settled. In such case that Lessee cannot or will not settle any claims against him owed to Lessor, Lessor may liquidate any personal property seized, subject to the disposition of a court of competent jurisdiction. Lessee shall be liable for any and all expenses incurred by Lessor in such action.

E) Upon any expiration or termination of this Agreement, Lessee, at Lessee's sole cost, shall (i) promptly and peaceably surrender to Lessor the lease premises "broom clean", free of debris, and in good order and condition: (ii) repair in a good and workmanlike manner any damage to the lease premises or the Airport that arises from or relates to Lessee's use, occupancy, or operations under this Agreement (iii) deliver to Lessor all keys and access credentials relating to the Airport (iv) perform Lessee's environmental obligations as provided in this Agreement; and (v) remove all movable personal property and trade fixtures that are not owned by Lessor. All property that Lessee leaves on the lease premises shall conclusively be deemed to have been abandoned and may be appropriated, sold, stored, destroyed, or otherwise disposed of by Lessor without notice to and without any obligation to account to Lessee or any other person. Lessee shall pay to Lessor all expenses incurred in connection with the disposition of such property in excess of any amount received by Lessor from such disposition. Lessee shall not be released from Lessee's obligations under this Agreement in

connection with surrender of the lease premises until lessor has inspected the lease premises and delivered to Lessee a written acceptance of such surrender.

Section 7. Hold Harmless

A) Lessee agrees to save and hold harmless Lessor and its agents, servants, and employees of and from any and all liabilities, expenses, causes of action, damages, and/or attorney's fees resulting from or as a result of any of Lessee's businesses, operation, occupancy, or use of the Airport or from any act or omission of Lessee's agents, servants, or employees.

Section 8. Maintenance of Landing Area

A) Lessee understands and agrees that Lessor reserves the right, but not the obligation, to maintain the Airport to at least the minimum standards as recommended by the FAA and/or the Texas Department of Transportation. Such right includes the right to maintain and keep in repair all public use areas at the Airport and the right to direct and control all activities as necessary at the Airport.

Section 9. Non-Discrimination

A) Lessee for itself, successors in interest, and assigns (to the extent successors and assigns are permitted by this Agreement), as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the property described in this Agreement for a purpose for which a U.S. Department of Transportation program or activity is extended, or for another purpose involving the provision of similar services or benefits, Tenant/Lessee shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said regulations may be amended.

B) Lessee for itself, successors in interest, and assigns (to the extent successors and assigns are permitted by this Agreement), as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that: (1) no person on the grounds of race, creed, color, national origin, sex, age, or handicap shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities or any activity conducted with or benefiting from Federal assistance, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that Lessee shall use the Premises in compliance with all other requirements imposed by or pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, as said regulations may be amended, and other applicable Laws and

Regulations, and shall obtain such compliance from any sub-leases or other parties holding lower tier agreements (to the extent the same are permitted by this Agreement).

Section 10. Exclusions

A) Nothing in this Agreement shall be construed to grant to Lessee any exclusive right or privilege for the conduct of any activity on the Airport (except to lease the Premises for Lessee's exclusive use as provided herein).

B) This Agreement shall be interpreted to preserve Lessor's rights and powers to comply with Lessor's Federal and other governmental obligations.

C) This Agreement is subordinate to the provisions of any agreement between Lessor and the United States or other governmental authority (regardless of when made) that affects the Airport, including, but not limited to, agreements governing the expenditure of Federal funds for Airport improvements. In the event that the Federal Aviation Administration or other governmental authority requires any modification to this Agreement as a condition of Lessor entering any agreement or participating in any program applicable to the Airport (including, but not limited to, those providing funding), Lessee agrees to consent to any such modification. If a governmental authority determines that any act or omission of Lessee or Lessee's Associates has caused or will cause Lessor to be noncompliant with any of Lessor's government commitments (including, but not limited to, any assurances or covenants required of Lessor or obligations imposed by law), Lessee shall immediately take all actions that may be necessary to preserve Lessor's compliance with the same. Without liability to Lessor, Lessor shall have the right to terminate this Agreement and reenter and repossess any portion of the Premises if the U.S. Department of Transportation or other governmental authority having jurisdiction expressly requires any such action, subject to any review that may be afforded to Lessee by such authority.

Section 11. Force Majeure

A) No act or event, whether foreseen or unforeseen, shall operate to excuse Lessee from the prompt payment of rent or any other amounts required to be paid under this Agreement. If Lessor (or Lessee in connection with obligations other than payment obligations) is delayed or hindered in any performance under this Agreement by a force majeure event, such performance shall be excused to the extent so delayed or hindered during the time when such force majeure event is in effect, and such performance shall promptly occur or resume thereafter at the expense of the party so delayed or hindered. A "force majeure event" is an act or event, whether foreseen or unforeseen, that prevents a party in whole or in part from performing as provided in this Agreement, that is beyond the reasonable control of and not the fault of such party, and that such party has been unable to avoid or overcome by exercising due diligence, and may include, but is not limited to, acts of nature, war, riots, strikes, accidents, fire, and changes in law.

Section 12. Rights and Remedies

A) Except as expressly set forth in this Agreement, the rights and remedies set forth in this Agreement are not intended to be exhaustive and the exercise by either party of any right or remedy does not preclude the exercise of any other rights or remedies that may now or subsequently exist.

Section 13. Notice Requirements

A) This Agreement has specific and strict notice requirements. All payments by Lessee are to be made to Lessor through the Aviation Director at Weslaco Mid-Valley Airport, 1909 Joe Stephens, Weslaco, TX 78596.

All notices between the Lessor and Lessee shall be sent to the following addresses for Lessor in paragraph B and for Lessee in paragraph C. All notices shall be sent regular mail and certified mail return receipt requested. No other form of payment or notice will be accepted. Notice by email is not accepted.

B) Notice to Lessor is to be sent to:

Aviation Director
Weslaco Mid-Valley Airport
1909 Joe Stephens
Weslaco, TX 78596

with a required, simultaneous copy to:

City Attorney
255 South Kansas Street
Weslaco, TX 78596

Lessee Initials

C) Notice to Lessee to be sent to:

Lessee Name: Felipe Leal
Address: 3111 Rimrock Drive
Missouri City, TX 77459

Lessee Initials

Lessee Initials

D) Either Lessor or Lessee may change its notice address by giving written notice (as provided herein) of such change to the other party. Any notice, demand, or written consent or communication shall be deemed to have been given, and shall be effective, upon compliance with this Section and delivery to the notice address then in effect for the party to which the notice is directed; provided, however, that such delivery shall not be defeated or delayed by any refusal to accept delivery or an inability to effect delivery because of an address change that was not properly communicated.

Section 14. Miscellaneous

A) This Agreement and the respective rights and obligations of the parties shall be governed by, interpreted, and enforced in accordance with the laws of the State of Texas. Venue for any action arising out of or related to this Agreement or actions contemplated hereby may be brought in the District Court for the State of Texas sitting in Hidalgo County, Texas so long as one of such courts shall have subject matter jurisdiction over such action or proceeding, and each of the parties hereby irrevocably consents to the jurisdiction of the same and of the appropriate appellate courts there from. Process in any such action may be served on any party anywhere in the world. LESSOR AND LESSEE EACH KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVES ITS RIGHT TO TRIAL BY JURY IN ANY ACTION, PROCEEDING, OR COUNTERCLAIM BROUGHT BY EITHER OF THEM AGAINST THE OTHER FOR ALL MATTERS ARISING OUT OF OR RELATING TO THIS LEASE OR ANY USE, OCCUPANCY, OR OPERATIONS AT THE PREMISES OR THE AIRPORT. The provisions of this agreement shall survive any expiration or termination of this Agreement.

B) No amendment to this Agreement shall be binding on Lessor or Lessee unless reduced to writing and signed by both parties. No provision of this Agreement may be waived, except pursuant to a writing executed by the party against whom the waiver is sought to be enforced.

C) If any provision of this Agreement is determined to be invalid, illegal, or unenforceable, the remaining provisions of this Agreement shall remain in full force and effect if both the economic and legal substance of the transactions that this Agreement contemplates is not affected in any manner materially adverse to any party. If any provision of this Agreement is held invalid, illegal, or unenforceable, the parties shall negotiate in good faith to modify this Agreement to fulfill as closely as possible the original intents and purposes of this Agreement.

D) This Agreement constitutes the final, complete, and exclusive agreement between the parties on the matters contained in this Agreement. All prior and contemporaneous negotiations and agreements between the parties on the matters contained in this Agreement are expressly merged into and superseded by this Agreement. In entering into this Agreement, neither party has relied on any statement, representation, warranty, nor agreement of the other party except for those expressly contained in this Agreement.

E) Lessee acknowledges that Lessor is subject to legal requirements regarding the public disclosure of records. Lessee shall comply with such laws in connection with making any request that Lessor maintain a record confidentially, and if Lessee complies with the same Lessee shall have the right to defend any such request for confidentiality at Lessee's expense.

F) This Agreement does not create any partnership, joint venture, employment, or agency relationship between the parties. Nothing in this Agreement shall confer upon any other person or entity any right, benefit, or remedy of any nature.

G) Each party shall execute any document or take any action that may be necessary or desirable to consummate and make effective a performance that is required under this Agreement.

H) The headings in this Agreement are provided for convenience only and do not affect this Agreement's construction or interpretation. All references to Sections are to Sections in this Agreement. Each provision to be performed by Lessee shall be construed as both a covenant and a condition. This Agreement shall be construed without regard to any presumption or rule requiring construction or interpretation against the drafting party. If Lessee consists of more than one individual or entity, the obligations of all such individuals and entities shall be joint and several. References in this Agreement to any period of days shall mean calendar days unless specifically stated otherwise.

I) Lessee is not authorized to install or operate any signage outside of enclosed structures on the lease premises or at the Airport, except with the prior written approval of Lessor, which may be given or withheld in Lessor's sole discretion. Any approved signage shall be at Lessee's expense and shall comply with local, state or federal laws and regulation. Lessee shall not advertise or permit other to advertise at the Airport by any means, whether or not such advertising is for profit.

J) Lessor and its associates, agents or employees reserve the right to enter the lease premises at any time and the same does not constitute a trespass on the lease premises or a violation of any of Lessee's rights.

K) Lessee warrants and represents that it has the right, power, and legal capacity to enter into and perform its obligations under this agreement as a legal, valid, and binding obligation of Lessee.

L) Time is of the essence of this Agreement.

EXECUTED this 15th day of July, 2020.

City of Weslaco, Hidalgo County, Texas

_____
Mayor

Approved as to Form:

_____
City Attorney

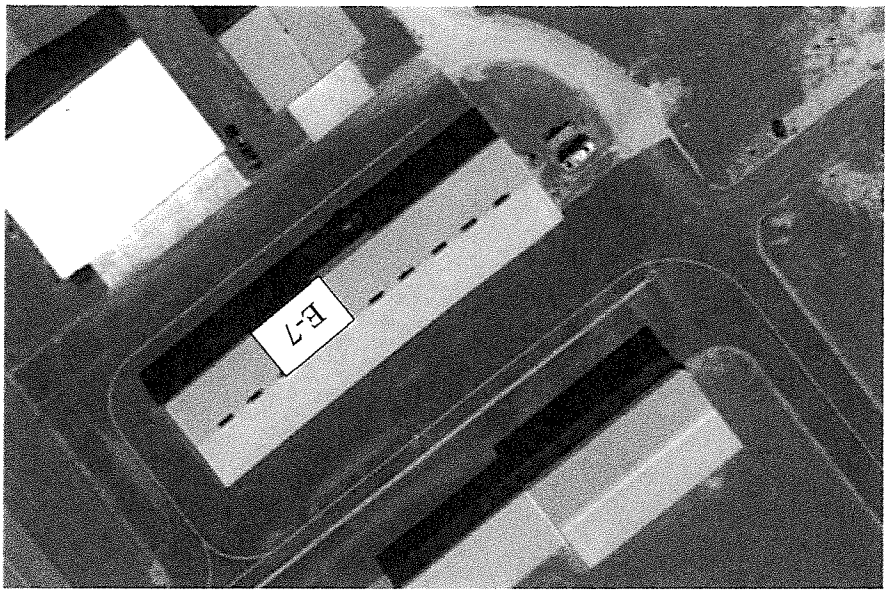
Attest: _____
City Secretary

Felipe Lara
Lessee

Lessee Initials

"EXHIBIT A"

Hangar E-7



Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3516

From:

Subject:
Approval to solicit Requests for Qualifications for grant application assistance, environmental study and engineering design services for the Texas General Land Office CDBG-MIT Competition and authorize the Mayor to execute any related documents. (Staffed by Airport Department.)

Background:
Staff is seeking assistance for the upcoming General Land Office CDBG-MIT grant application. The proposed project will be selected from the approved drainage projects list.

Staff is seeking assistance for the grant application, grant administration, project inspection services and engineering design services. There will be no fee if the selected firm is unable to secure funding.

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:
Mayor's Signature

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**

Andrew Muñoz	Created/Initiated
Andrew Muñoz	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve.

Staff Recommendation:
Staff recommends approval.

Attachments, if any:
cdbg-mit_comp_app_guide_2020

Responsibilities upon Approval:

Texas General Land Office

CDBG-MIT Competition Application Guide

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I. Introduction

The United States Department of Housing and Urban Development (HUD) allocated $4,297,189,000 in Community Development Block Grant (CDBG) - Mitigation (MIT) funds to the state of Texas through their notice published in the Federal Register, 84 FR 45838 (August 30, 2019). The Texas General Land Office (GLO) has been designated by Governor Greg Abbott to administer CDBG-MIT funds on behalf of the state of Texas.

In their Federal Register notice, HUD defines mitigation as:

"Those activities that 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."

CDBG-MIT represents an opportunity to fund strategic and high-impact activities to mitigate disaster risks identified by a community and reduce future losses in those areas.

GLO's *The State of Texas CDBG Mitigation Action Plan: Building Stronger for a Resilient Future* (the Action Plan) outlines the use of funds, programs, eligible applicants, and eligibility criteria for these CDBG-MIT funds. The Action Plan divides the $4,297,189,000 CDBG-MIT funds among eleven mitigation programs. Each program provides the opportunity for entities throughout the state to develop, construct and/ or implement activities allowed under CDBG-MIT; Housing and Community Development Act (HCDA) Section 105(a) (1-5), 105(a) (7-9), and 105(a)(11). These activities may include but are not limited to natural and green infrastructure, public facilities, housing, buyouts or acquisition, activities designed to relocate families outside of floodplains, and public service activities. A copy of the HCDA Section 105(a) is available on the HUD Exchange website at: www.hud.gov/sites/documents/DOC_16364.PDF

Three of the state's eleven programs are competitions, these three competitions provide the opportunity for local applicants to identify potential mitigation projects within their own communities and apply directly to the GLO for funds.

The requirements and procedures specified in the Action Plan and HUD 84 FR 45838 (August 30, 2019) govern this application process and applicants are strongly encouraged to read these documents prior to submitting an application. Failure to meet any programmatic criteria could lead to disqualification. These documents can be found on the GLO website at recovery.texas.gov or requested in writing from GLO.

This guide begins with a summary of the overall competition criteria applicable to all three Mitigation Competitions identified below. The summary is followed by criteria specific to each program along with applicable Scoring Criteria for each of the programs. Next, instruction for local project selection, documentation preparation, and application submittal are provided. This guide only serves the following programs:

- 2015 Floods State Mitigation Competition
- 2016 Floods State Mitigation Competition
- Hurricane Harvey State Mitigation Competition

As stated in the introduction, a variety of activities are eligible within a well identified and defined mitigation project. Prior to deciding to develop a mitigation application, Applicants must consider and take action toward the steps identified below. Each of these steps is addressed in detail in this guide.

General Steps to a Successful Application

TIGR Access

- ☐ Register with the Texas Integrated Reporting (TIGR) System and establish access well before attempting to enter application data and uploading required documentation. Application due dates are firm.

Competition Programs

- ☐ Be aware of the specific requirements of each program as some vary.

Project Selection

- ☐ Determine if the priorities consist of eligible activities as defined in the State Action Plan.
- ☐ Determine if the prioritized *activities* serve one mitigation need and can, therefore, be combined into one project as defined in the State Action Plan.
- ☐ Secure appropriate and thorough Interlocal Agreements/Memoranda of Understanding/etc. as required for regional projects.
- ☐ Clearly identify and document beneficiary identification methodology.

Local Preparation

- ☐ Update local processes and procedures, especially regarding financial management and procurement, to prepare for the receipt of federal funding.
- ☐ Follow federal requirements identified in 2 C.F.R. 200.318 to 200.326 when procuring goods and services to ensure compliance and potential reimbursement.
- ☐ Ensure that local Citizen Participation Plan requirements, as well as those imposed by the specific allocation, are being met and documented to show public involvement;
- ☐ Prepare a Grant Management Plan for each application that identifies all key signatories, decision-makers, and other relevant stakeholders to show and ensure local capacity;
- ☐ Complete the SF-424 Form, have it signed by an authorized signatory, and have it ready for upload when application data is input.
- ☐ Read and understand all requirements of the Local Certifications, have them signed by an authorized signatory, and have it ready for upload when application data is input.
- ☐ Prepare and provide narratives that fully describe the proposed project and how it meets eligibility criteria for the given application.
- ☐ Prepare and properly identify all supporting documentation to ensure efficient review.
- ☐ Ensure all project and beneficiary mapping is complete and accurate to identify and support all aspects of the proposed project.

- ☐ Access the TIGR System and begin entering application data and uploading required documentation. Once an application has begun, an applicant can access and update it as needed until it is officially submitted. When all data and documentation is complete, officially submit the application. The TIGR system will record your submission time and date. **Application due dates and time will be firm.**
- ☐ Finally, all applicants must complete the application in its entirety. Thoroughness and clarity in application data is vital.

Failure to provide a complete and thorough application with supporting backup documentation will result in disqualification.

II. TIGR Access

All applications, along with the completed and signed Application for Federal Assistance SF-424 form and all other accompanying documentation, **must be electronically submitted via the Texas Integrated Grant Reporting (TIGR) System no later than the applicable competition due date. ALL due dates will be posted on the Texas Recovery website at: recovery.texas.gov**

Once an eligible applicant has selected a project in their community and knows what competition they would like to apply to, an electronic application via the Texas Integrated Grant Reporting (TIGR) system is required. Advance registration for system access is required.

When Should Applicants Complete a TIGR Access Form?

Applicants for CDBG-MIT funding must complete a TIGR System Access Form **a minimum of ten (10) business days in advance of creating an application** and must be aware of the potential impact on application deadlines.

The TIGR System Access Form provides general information about the Applicant/Subrecipient and identifies the Primary Contact, Authorized Representatives, and a General User, along with contact information for each. Once access has been provided, this form is also used to request changes to those contacts.

The TIGR System Access Form is available on the GLO website:

https://recovery.texas.gov/files/resources/mitigation/tigr-system-access-form.docx

TIGR ACCESS FORM INSTRUCTIONS

Subrecipient Access Form:

Subrecipient to fill out

1. Subrecipient Name: Applicant Name
2. The main business contact information
3. Signatory: name and email
4. Primary Contact: Assigned point of contact
5. Authorized Rep: this would be who to contact if the Primary Contact is unavailable (Secondary Contact)
6. General User: Individuals on staff that can access TIGR.

General Rules and Reminders:

TIGR Access forms may be filled out by Applicant or Grant Administrator (GA) but can ONLY be submitted by the Applicant. The Applicant must submit the application; it can not be submitted by on contracted vendor.

Email completed forms to TIGRhelp@recovery.texas.gov

Elected Officials *are always* on the form with their own business email address, if they do not wish to receive grant status correspondence *please note this on the form*. However, there are instances where GLO communications must be sent directly to the Elected Officials.

Keep General Users to a minimum, the more individuals with access the more possibility of a security breech.

It is against GLO security policy to share licenses, including Okta and TIGR licenses, and Portal accounts between more than one user. Do Not share your access information and password with anyone.

Upon successful registration, applicants may begin the application entry process. It is highly recommended that applicants read this Guide and prepare supporting documentation that will require upload. The TIGR system will allow applicants to access and work on an application as many times as necessary. However, once officially submitted, access to change/correct/update the application will be closed. Ensure that all required attachments, including signed documents, are uploaded to the application module prior to officially submitting.

Figure 1: Example of TIGR Access Form

Texas General Land Office
Community Development and Revitalization
Texas Integrated Grant Reporting - TIGR
System Access Form

Please complete this form for initial access to the Texas Integrated Grant Reporting (TIGR) system for application and contract management staff identification purposes. Please note each user must have their own unique individual email address.

Applicant/Subrecipient Name (City, County, COG or Vendor Name):
Business Phone number:
Business Address:
Main Email Address:

Primary Contact (Individual with decision making authority who will identify individuals who access TIGR)**:**
First Name:
Middle Name/Initial:
Last Name:
Email:
Phone:
Job Title:

Authorized Rep (Individual who is authorized to act on behalf of the Primary Contact in the POC's absence)**:**
First Name:
Middle Name/Initial:
Last Name:
Email:
Phone:
Job Title:

Example: *Primary Contact* maybe a Judge, Mayor, an *Authorized Rep* may be a City Manager, Executive Assistant

General User (All users needing access to TIGR, including grant administrators, vendors and employees needing access on behalf of Subrecipient)**:**
First Name:
Middle Name/Initial:
Last Name:
Email:
Phone:
Job Title:

TIGR – System Access Form - 2020 Page 1 of 1

III. Competition Programs

HUD's Mitigation Definition as stated in the Federal Register, 84 FR 45838 (August 30, 2019) is as follows:

"Activities that 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."

In addition to the information required for all competitions detailed later, each Mitigation Competition has unique elements. In this section are eligible entities, competition application maximums, the number of applications that may be submitted, and how applications will be chosen for each Competition.

Applicants must develop their community mitigation projects in a manner that considers an integrated approach to housing, fair housing obligations, infrastructure, economic revitalization, and overall community resiliency. Consideration of the long-term planning process is required.

Once an application has been submitted and a final score has been established, no changes that alter the score will be allowed should the project be awarded.

TIGR APPLICATION

<u>Program Selection:</u>

The TIGR application will begin with the selection of a program. Applicants should know prior to accessing the TIGR system which programs they are eligible for and how the proposed project fits the program. Applicants must select carefully to ensure application eligibility.

The Program Options are:

2015 Floods State Mitigation Competition – HUD MID

2015 Floods State Mitigation Competition – State MID

2016 Floods State Mitigation Competition – HUD MID

2016 Floods State Mitigation Competition – State MID

Hurricane Harvey State Mitigation Competition – HUD MID

Hurricane Harvey State Mitigation Competition – State MID

Because of the competitive nature of these funds, it is VITAL that Applicants complete the TIGR application in its entirety and upload all documentation that supports the proposed project. While many forms of documentation are required, as indicated in this guide, Applicants are encouraged to include any additional documentation that supports their proposal.

Unique to the Mitigation Programs and once general eligibility has been established, no project is required to address damage from the named disaster event. However, projects MUST have a connection to an Identified Risk.

TIGR APPLICATION

Mitigation Need Identification:

Upon selection of a program, identify the specific risk the proposed project will mitigate against. Options will be:

For 2015 or 2016 Floods State Mitigation Competitions:

a. **Severe Coastal Flooding**
b. **Riverine Flooding**
c. **Storms**
d. **Tornadoes**

For the Hurricane Harvey State Mitigation Competition:

a. **Hurricanes/Tropical Storms/Tropical Depressions**
b. **Severe Coastal Flooding**
c. **Riverine Flooding**

Hazard Risk Description:

Describe how the risk(s) selected are impacting the proposed project areas. Reference where adopted local mitigation efforts are planned or underway where appropriate.

Hazard Mitigation Actions:

Applicants must describe in narrative format how their proposed project meets the above definition and clearly identify the methodology used to determine how the described criteria are being met. Include information and/or documentation identifying how the proposed project addresses overall local mitigation needs, as well as the risks identified for each program.

2015 Floods State Mitigation Competition

Who is Eligible to Apply for the 2015 Floods State Mitigation Competition?

Any eligible applicant located in a 2015 Floods HUD or State Most Impacted or Distressed (MID) County may apply for the 2015 Floods State Mitigation competition.

The chart and map below show the 2015 Floods State Mitigation Competition's HUD and State MID Counties. Because the cities of Houston and San Marcos each received a direct HUD CDBG-MIT allocation related to the 2015 flooding events, they are ineligible to apply.

Eligible applicants include any entity in the bullet points below located in the 2015 Floods State Competition's HUD and State MID Counties:

- Units of local government (cities and counties),
- Indian Tribes,
- Councils of Governments,
- Entities are encouraged to coordinate activities and submit a joint project that crosses jurisdictional boundaries

How will the funding allocation be distributed?

- At least fifty (50) percent of funds must address identified risks in the 2015 Floods HUD MID areas (counties); and
- Up to fifty (50) percent of funds may address identified risks in the 2015 Floods State MID counties.

What Mitigation Risks must be addressed?

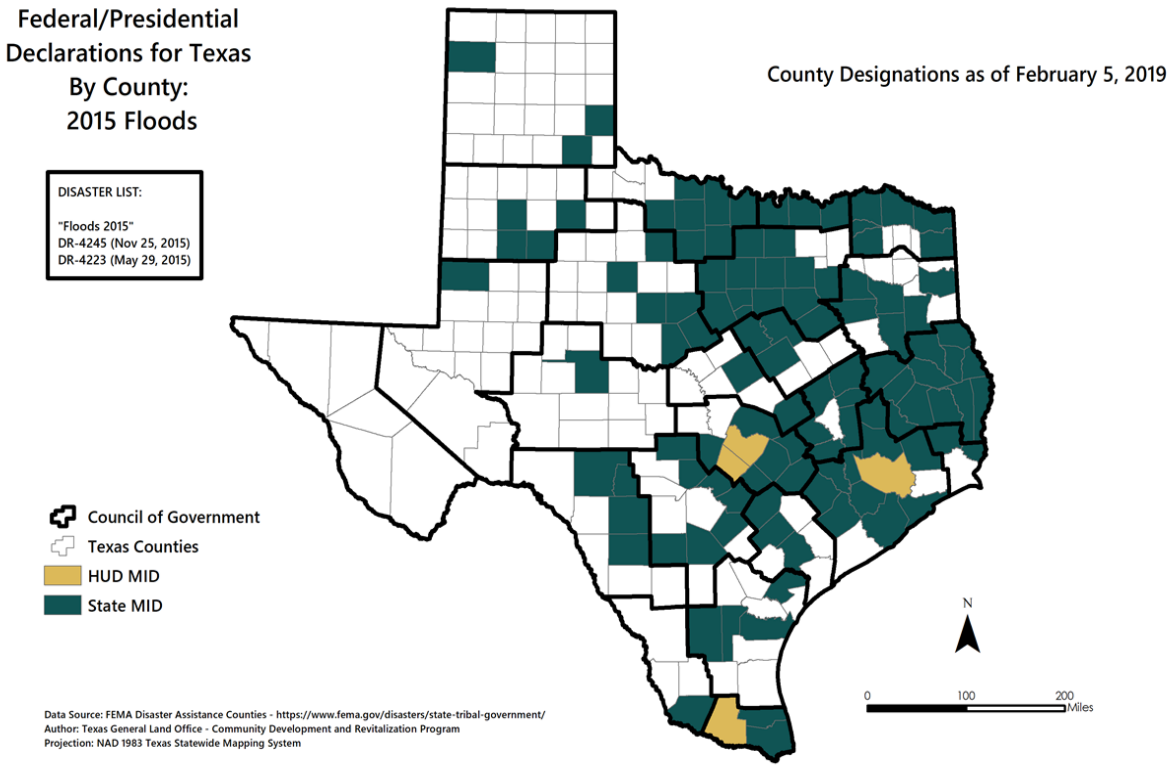
Proposed projects should clearly identify how they will reduce the impacts of one or more of the following risks:

- severe coastal flooding,
- riverine flooding,
- storms, and/ or
- tornadoes.

Table 1: 2015 Floods State Competition HUD and State Eligible Areas

2015 Floods State Mitigation Competition					
HUD MID Counties	**State MID Counties**				
Harris	Angelina	Coryell	Hall	McLennan	Starr
Hays	Archer	Dallas	Hardin	Milam	Tarrant
Hidalgo	Atascosa	Delta	Harrison	Montague	Throckmorton
Travis	Austin	Denton	Hartley	Montgomery	Tom Green
	Bastrop	DeWitt	Henderson	Nacogdoches	Trinity
	Baylor	Dickens	Hill	Navarro	Tyler
	Blanco	Duval	Hood	Newton	Uvalde
	Bosque	Eastland	Hopkins	Nueces	Van Zandt
	Bowie	Edwards	Houston	Orange	Victoria
	Brazoria	Ellis	Jack	Palo Pinto	Walker
	Brown	Erath	Jasper	Parker	Waller
	Burleson	Fannin	Jim Wells	Polk	Washington
	Caldwell	Fayette	Johnson	Real	Wharton
	Callahan	Fort Bend	Jones	Red River	Wichita
	Cameron	Frio	Kaufman	Refugio	Willacy
	Cass	Gaines	Kendall	Robertson	Williamson
	Cherokee	Galveston	Lamar	Rusk	Wilson
	Clay	Garza	Lee	Sabine	Wise
	Collingsworth	Gillespie	Leon	San Augustine	Young
	Colorado	Gonzales	Liberty	San Jacinto	Zavala
	Comal	Grayson	Lubbock	Shelby	
	Comanche	Grimes	Lynn	Smith	
	Cook	Guadalupe	Madison	Somervell	

Figure 2: 2015 Floods State Mitigation Competition HUD and State Eligible Areas



How Much Can Each Applicant Apply for?

For the 2015 Floods State Mitigation Competition each project has a maximum and minimum amount that applicants can apply for. The minimum amount is to encourage applicants to submit projects that have the ability to have a significant impact and to encourage applicants to submit joint applications.

- **Maximum Amount: $10,000,000**
- **Minimum Amount: $3,000,000**
- **Number of projects allowed per application:** 1

How Many Applications May Each Applicant Submit?

Each applicant may submit a total of ***two*** applications, whether applying as the single applicant or jointly with another jurisdiction(s). Depending on demand, no applicant will be awarded for their second application until all successful eligible applicants that receive a minimum of 65 points have been awarded funding at least once. Applications that do not score a minimum of 65 points will only be considered after all applications scoring greater than this amount have been funded.

If an applicant is eligible for multiple MIT-program competitions (e.g., 2015 Floods, 2016 Floods or Hurricane Harvey Competitions), the same project(s) cannot be submitted in each competition. If a project is a phase of a larger project, the phase of the project submitted must be viable as a stand-alone project. Applicants are encouraged to incorporate nature-based solutions, including natural or green infrastructure, into their proposed projects.

The GLO reserves the option to delay award(s) to ensure that at least fifty (50) percent of funds benefit LMI persons and at least fifty (50) percent of funds address identified risks in the 2015 Floods HUD MID areas (counties).

How will My Application be Scored?

Applications will be scored based on the following criteria. In the case of a tie between applications, the project that has the higher poverty rate will receive more points.

Table 2: Scoring Criteria for the 2015 Floods State Mitigation Competition

Question(s)	Criteria	Maximum Points
What is the project service area's Composite Disaster Index?	**County Composite Disaster Index**	**10 Points Possible**
	Top 10%	*10 Points*
	Top 25%	*8 Points*
	Top 75%	*5 Points*
	Bottom 25%	*2 Points*
	Bottom 10%	*0 Points*
	Prorated CDI Rank	*Calculated Points*
	Social Vulnerability Index	**10 Points Possible**

Question(s)	Criteria	Maximum Points
What is the project service area's Social Vulnerability Index (SoVI)?	*High*	*10 Points*
	Medium High	*8 Points*
	Medium	*5 Points*
	Medium Low	*2 Points*
	Low	*0 Points*
	Prorated SoVI Rank	*Calculated Points*
What is the project service area's Per Capita Market Value?	**Per Capita Market Value**	**10 Points Possible**
	Less than $40,000.00	*10 Points*
	$40,000.01 - $65,000.00	*8 Points*
	$65,000.01 - $100,000.00	*5 Points*
	$100,000.01 - $250,000.00	*2 Points*
	$250,000.01 or greater	*0 Points*
Does the project meet the low-to moderate-income (LMI) HUD National Objective?	**LMI National Objective**	**20 Points Possible**
	Project meets LMI national objective	*20 Points*
	Project does not meet LMI national objective	*0 Points*
Is the project type identified in a Local Adopted Plan?	**Project type Identified in Local Adopted Plan**	**5 Points Possible**
	Project type identified in local adopted plan	*5 Points*
	Project type not identified	*0 Points*
What is the applicant's management capacity?	**Management Capacity**	**15 Points Possible**
	No CDBG-DR contracts with GLO (management capacity assessment)	*Up to 15 Points*
	Performance on GLO CDBG-DR contract(s), programs and/or projects	*Up to 15 Points*
What is the total project application amount per total project beneficiaries?	**Project Impact**	**25 Points Possible**
	Total project application amount per total project beneficiaries	*15 Points*
What is the percentage of project beneficiaries out of the total population within the applying jurisdiction(s)?	Percentage of total project beneficiaries out of the total population within a jurisdiction(s)	*10 Points*
	Leverage	**5 Points Possible**

Question(s)	Criteria	Maximum Points
What percentage of project costs being requested are coming from non-CDBG funding sources?	Non-CDBG Leverage (a minimum value of 1% of the CDBG-MIT funds requested)	*5 Points*
Total Possible Points		**100 Possible Points**
Tie Breaker: Higher Poverty Rate		

2016 Floods State Mitigation Competition

Who is Eligible to Apply for the 2016 Floods State Mitigation Competition?

Any eligible applicant located in a 2016 Floods HUD or State Most Impacted or Distressed (MID) County may apply for the 2016 Floods State Mitigation competition.

The chart and map below show the 2016 Floods State Competition's HUD and State MID Counties.

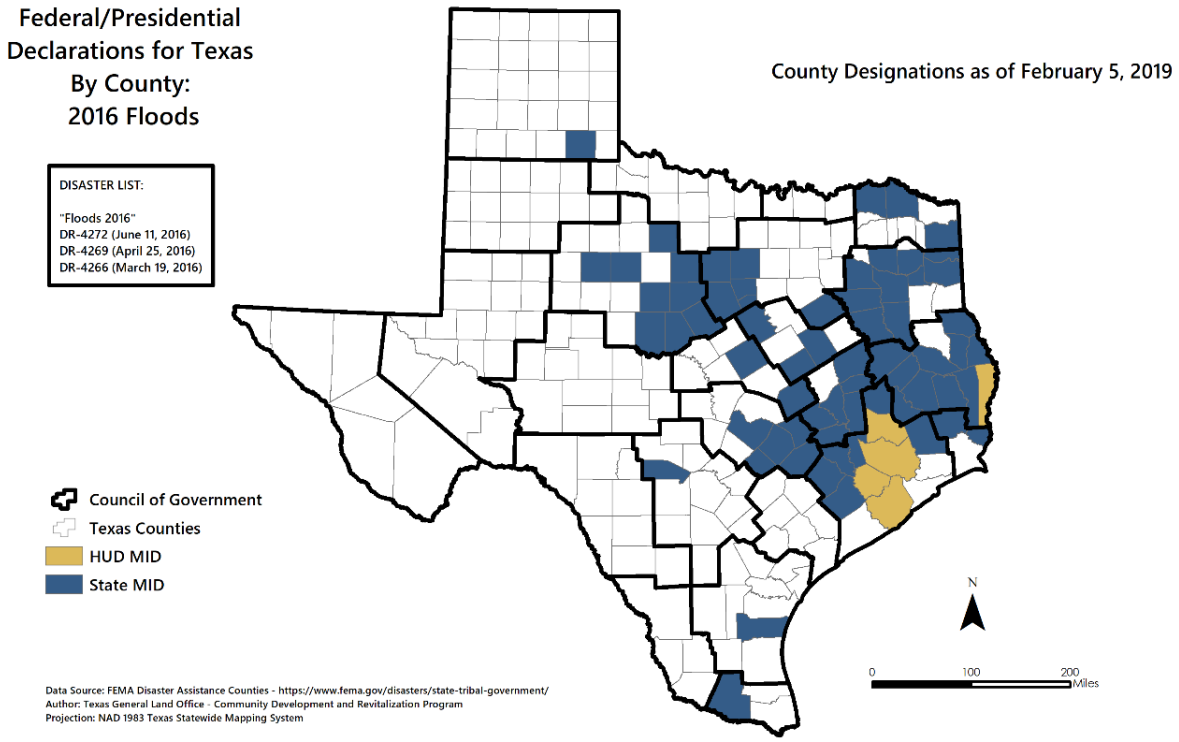
Eligible applicants include any entity in the bullet points below located in the 2016 Floods State Competition's HUD and State MID Counties:

- Units of local government (cities and counties),
- Indian Tribes,
- Councils of Governments,
- Entities are encouraged to coordinate activities and submit a joint project that crosses jurisdictional boundaries

Table 3: 2016 Floods State Competition HUD and State Eligible Areas

2016 Floods State Mitigation Competition				
HUD MID Counties	**State MID Counties**			
Brazoria	Anderson	Eastland	Lamar	Shelby
Fort Bend	Angelina	Erath	Lee	Smith
Harris	Austin	Falls	Leon	Somervell
Montgomery	Bandera	Fayette	Liberty	Stephens
Newton	Bastrop	Fisher	Limestone	Throckmorton
	Bosque	Gregg	Madison	Travis
	Brazos	Grimes	Marion	Trinity
	Brown	Hall	Milam	Tyler
	Burleson	Hardin	Navarro	Upshur
	Caldwell	Harrison	Orange	Van Zandt
	Callahan	Henderson	Palo Pinto	Walker
	Cass	Hidalgo	Parker	Waller
	Cherokee	Hood	Polk	Washington
	Coleman	Houston	Red River	Wharton
	Colorado	Jasper	Sabine	Wood
	Comanche	Jones	San Augustine	
	Coryell	Kleberg	San Jacinto	

Figure 3: 2016 Floods State Mitigation Competition HUD and State Eligible Areas



What Mitigation Risks must be addressed?

Proposed projects should clearly identify how they will reduce the impacts of one or more of the following risks:

- severe coastal flooding,
- riverine flooding,
- storms, and/ or
- tornadoes.

How Much Can Each Applicant Apply for?

For the 2016 Floods State Mitigation Competition each project has a maximum and minimum amount that applicants can apply for. The minimum amount is to encourage applicants to submit projects that have the ability to have a significant impact and to encourage applicants to submit joint applications.

- **Maximum Amount: $10,000,000**
- **Minimum Amount: $3,000,000**
- **Number of projects allowed per application:** 1

How Many Applications May Each Applicant Submit?

Each applicant may submit a total of ***two*** applications, whether applying as the single applicant or jointly with another jurisdiction(s). Depending on demand, no applicant will be awarded for their second application until all successful eligible applicants that receive a minimum of 65 points have been awarded funding at least once. Applications that do not score a minimum of 65 points will only be considered after all applications scoring greater than this amount have been funded.

If an applicant is eligible for multiple MIT-program competitions (e.g., 2015 Floods, 2016 Floods or Hurricane Harvey Competitions), the same project(s) cannot be submitted in each competition. If a project is a phase of a larger project, the phase of the project submitted must be viable as a stand-alone project. Applicants are encouraged to incorporate nature-based solutions, including natural or green infrastructure, into their proposed projects.

The GLO reserves the option to delay award(s) to ensure that at least fifty (50) percent of funds benefit LMI persons and at least fifty (50) percent of funds address identified risks in the 2016 Floods HUD MID areas (counties).

How will My Application be Scored?

Applications will be scored based on the following criteria. In the case of a tie between applications, the project that has the higher poverty rate will receive more points.

Table 3: Scoring Criteria for the 2016 Floods State Mitigation Competition

Question(s)	Criteria	Maximum Points
What is the project service area's Composite Disaster Index?	**County Composite Disaster Index**	**10 Points Possible**
	Top 10%	*10 Points*
	Top 25%	*8 Points*
	Top 75%	*5 Points*
	Bottom 25%	*2 Points*
	Bottom 10%	*0 Points*
	Prorated CDI Rank	*Calculated Points*
What is the project service area's Social Vulnerability Index (SoVI)?	**Social Vulnerability Index**	**10 Points Possible**
	High	*10 Points*
	Medium High	*8 Points*
	Medium	*5 Points*
	Medium Low	*2 Points*
	Low	*0 Points*
	Prorated SoVI Rank	*Calculated Points*
What is the project service area's Per Capita Market Value?	**Per Capita Market Value**	**10 Points Possible**
	Less than $40,000.00	*10 Points*
	$40,000.01 - $65,000.00	*8 Points*
	$65,000.01 - $100,000.00	*5 Points*
	$100,000.01 - $250,000.00	*2 Points*
	$250,000.01 or greater	*0 Points*
Does the project meet the low- to moderate-income (LMI) HUD National Objective?	**LMI National Objective**	**20 Points Possible**
	Project meets LMI national objective	*20 Points*
	Project does not meet LMI national objective	*0 Points*
Is the project type identified in a Local Adopted Plan?	**Project type Identified in Local Adopted Plan**	**5 Points Possible**
	Project type identified in local adopted plan	*5 Points*
	Project type not identified	*0 Points*
What is the applicant's management capacity?	**Management Capacity**	**15 Points Possible**
	No CDBG-DR contracts with GLO (management capacity assessment)	*Up to 15 Points*
	Performance on GLO CDBG-DR contract(s), programs and/or projects	*Up to 15 Points*

Question(s)	Criteria	Maximum Points
What is the total project application amount per total project beneficiaries? **What is the percentage of project beneficiaries out of the total population within the applying jurisdiction(s)?**	**Project Impact**	**25 Points Possible**
	Total project application amount per total project beneficiaries	*15 Points*
	Percentage of total project beneficiaries out of the total population within a jurisdiction(s)	*10 Points*
What percentage of project costs being requested are coming from non-CDBG funding sources?	**Leverage**	**5 Points Possible**
	Non-CDBG Leverage (a minimum value of 1% of the CDBG-MIT funds requested)	*5 Points*
Total Possible Points		**100 Possible Points**
Tie Breaker: Higher Poverty Rate		

Hurricane Harvey State Mitigation Competition

Who is Eligible to Apply for the Hurricane Harvey State Mitigation Competition?

Any eligible applicant located in a Hurricane Harvey HUD or State Most Impacted or Distressed (MID) County may apply for the Hurricane Harvey State Mitigation competition.

The chart and map below show the Hurricane Harvey State Mitigation Competition's HUD and State MID Counties.

Eligible applicants include any entity in the bullet points below located in the Hurricane Harvey State Mitigation Competition's HUD and State MID Counties:

- Units of local government (cities and counties);
- Indian tribes;
- Councils of governments;
- State agencies;
- Special purpose districts including, but not limited to:
    - municipal utility districts;
    - water control and improvement districts;
    - special utility districts;
    - flood and drainage districts; and
    - navigation districts.
    - Port authorities; and
    - River authorities.

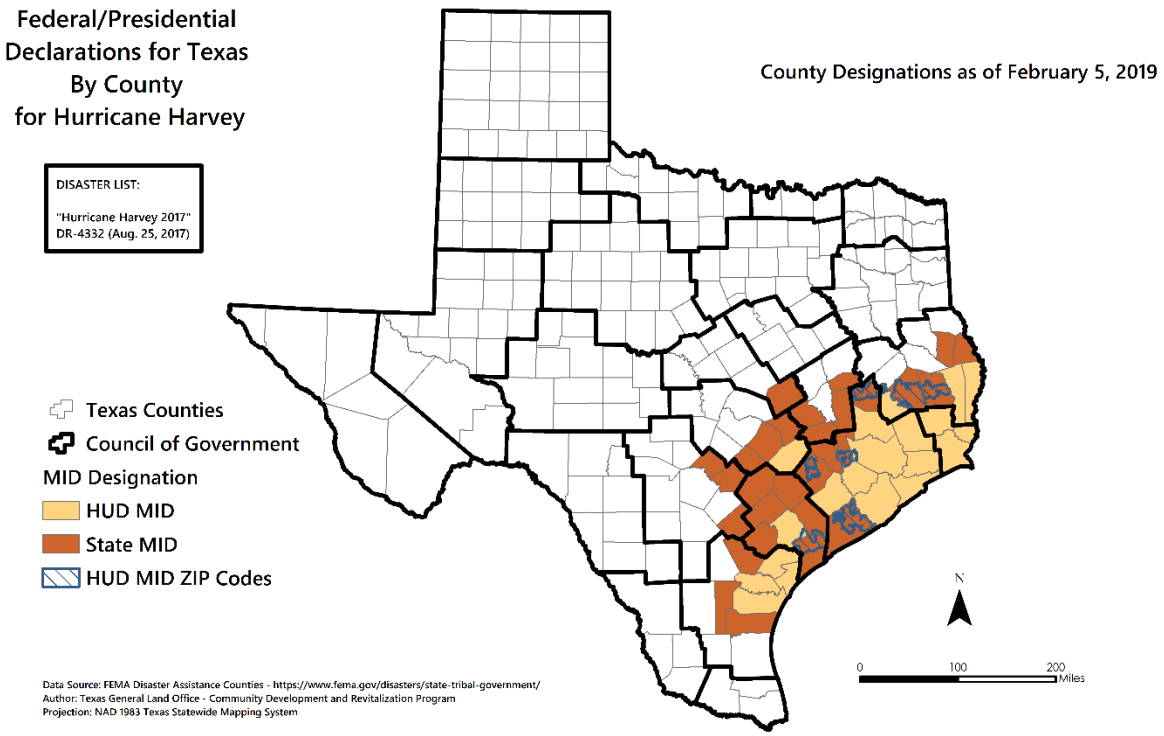
How will the funding allocation be distributed?

- At least fifty (50) percent of funds must address identified risks in the Hurricane Harvey HUD MID areas (counties); and
- Up to fifty (50) percent of funds may address identified risks in the Hurricane Harvey State MID counties.
- Additional areas within counties not explicitly cited as eligible may also become locations of Hurricane Harvey CDBG-MIT funded activities if it can be demonstrated how the expenditure of CDBG-MIT funds in that area will measurably mitigate risks identified within an eligible area (e.g., upstream water retention projects to reduce downstream flooding in an eligible area). Applicants may come from outside of the Hurricane Harvey HUD MID and State MID areas but must enter into an interlocal agreement or memorandum of understanding with a Hurricane Harvey HUD MID or State MID governmental entity representing an area that the project measurably mitigates.

Table 4: Hurricane Harvey State Mitigation Competition HUD and State Eligible Areas

Hurricane Harvey State Mitigation Competition				
HUD MID Counties		**State MID Counties**		
Aransas	Montgomery	Austin	Grimes	Polk
Brazoria	Newton	Bastrop	Guadalupe	Sabine
Chambers	Nueces	Bee	Jackson	San Augustine
Fayette	Orange	Burleson	Jim Wells	Tyler
Fort Bend	Refugio	Caldwell	Karnes	Walker
Galveston	San Jacinto	Calhoun	Kleberg	Waller
Hardin	San Patricio	Colorado	Lavaca	Washington
Harris	Victoria	Comal	Lee	
Jasper	Wharton	DeWitt	Madison	
Jefferson		Goliad	Matagorda	
Liberty		Gonzales	Milam	
HUD MID ZIP Codes				
75979	78934	77414	77335	77423
77351	77482	77979	77320	77493

Figure 4: Hurricane Harvey State Mitigation Competition HUD and State Eligible Areas



What Mitigation Risks must be addressed?

Proposed projects should clearly identify how they will reduce the impacts of one or more of the following risks:

- hurricanes/tropical storms/tropical depressions,
- severe coastal flooding and
- riverine flooding.

How Many Applications May Each Applicant Submit?

Each applicant may submit a total of ***three individual applications and three joint applications***. Depending on demand, no applicant will be awarded for their subsequent applications until all successful eligible applicants have been awarded funding at least once. For the purpose of this competition, individual and joint applications are considered mutually exclusive, meaning an applicant may be awarded its highest scoring one individual application and one joint application. A joint application may be queued if a co-applicant's other joint application scores higher and is awarded. Applications that do not score a minimum of 65 points will only be considered after all applications scoring greater than this amount have been funded.

- **Number of projects allowed per application:** 1
- **Maximum number of application submissions allowed:** ***Each applicant may submit a total of three individual applications and three joint applications.***

If an applicant is eligible for multiple MIT-program competitions (e.g., 2015 Floods, 2016 Floods or Hurricane Harvey Competitions), the same project(s) cannot be submitted in each competition. If a project is a phase of a larger project, the phase of the project submitted must be viable as a stand-alone project. Applicants are encouraged to incorporate nature-based solutions, including natural or green infrastructure, into their proposed projects.

The GLO reserves the option to delay award(s) to ensure that at least fifty (50) percent of funds benefit LMI persons and at least fifty (50) percent of funds address identified risks in the Hurricane Harvey HUD MID areas (counties and ZIP codes).

How Will My Application be Scored?

Applications will be scored based on the following criteria. In the case of a tie between applications, the project that has the higher poverty rate will receive more points

Table 5: Scoring Criteria for the Hurricane Harvey State Mitigation Competition

Question(s)	Criteria	Maximum Points
What is the project service area's Composite Disaster Index?	**County Composite Disaster Index**	**10 Points Possible**
	Top 10%	*10 Points*
	Top 25%	*8 Points*
	Top 75%	*5 Points*

Question(s)	Criteria	Maximum Points
	Bottom 25%	*2 Points*
	Bottom 10%	*0 Points*
	Prorated CDI rank	*Calculated Points*
What is the project service area's Social Vulnerability Index (SoVI)?	**Social Vulnerability Index**	**10 Points Possible**
	High	*10 Points*
	Medium High	*8 Points*
	Medium	*5 Points*
	Medium Low	*2 Points*
	Low	*0 Points*
	Prorated SoVI rank	*Calculated Points*
What is the project service area's Per Capita Market Value?	**Per Capita Market Value**	**10 Points Possible**
	Less than $40,000.00	*10 Points*
	$40,000.01 - $65,000.00	*8 Points*
	$65,000.01 - $100,000.00	*5 Points*
	$100,000.01 - $250,000.00	*2 Points*
	$250,000.01 or greater	*0 Points*
Does the project meet the low-to moderate-income (LMI) HUD National Objective?	**LMI National Objective**	**20 Points Possible**
	Project meets LMI national objective	*20 Points*
	Project does not meet LMI national objective	*0 Points*
Is the project type identified in a Local Adopted Plan?	**Project type Identified in Local Adopted Plan**	**5 Points Possible**
	Project type identified in local adopted plan	*5 Points*
	Project type not identified	*0 Points*
What is the applicant's management capacity?	**Management Capacity**	**15 Points Possible**
	No CDBG-DR contracts with GLO (management capacity assessment)	*Up to 15 Points*
	Performance on GLO CDBG-DR contract(s), programs and/or projects	*Up to 15 Points*
What is the total project application amount per total project beneficiaries?	**Project Impact**	**25 Points Possible**
	Total project application amount per total project beneficiaries	*15 Points*
What is the percentage of project beneficiaries out of the total population within the applying jurisdiction(s)?	Percentage of total project beneficiaries out of the total population within a jurisdiction(s)	*10 Points*

Question(s)	Criteria	Maximum Points
What percentage of project costs being requested are coming from non-CDBG funding sources?	**Leverage**	**5 Points Possible**
	Non-CDBG Leverage (a minimum value of 1% of the CDBG-MIT funds requested)	*5 Points*
What mitigation or resiliency measures have been taken by the applicant(s)?	**Mitigation/Resiliency Measures**	**5 Points Possible**
	Measures taken by the applicants(s)	*5 Points*
Total Possible Points		**105 Possible Points**
Tie: Breaker: Higher Poverty Rate		

IV. Project Eligibility

As indicated in the Introduction, each program has unique characteristics and regulations. Applicants must customize their applications to each specific program. Refer to the Mitigation Action Plan, along with any applicable amendments, on the GLO website at recovery.texas.gov for specific program requirements.

This section provides information regarding the types of projects that are eligible, including definitions and detail regarding application requirements.

Mitigation Project Eligibility

Mitigation projects should be selected based on careful assessment of local risks and how they can best be mitigated. Applicants should then determine if the priority project is eligible based on program requirements, and if it can be achieved within the time and budget limitations. As indicated in the Introduction, CDBG-MIT represents an opportunity to fund strategic and high-impact activities to mitigate disaster risks identified by a community and reduce future losses in those areas.

All Mitigation Project Eligibility requirements are identified in the State Action Plan for each allocation. Mitigation Project Eligibility that applies to all allocations are as follows:

- Meets HUD's definition of mitigation activities;
- Meets GLO Application project definition;
- Addresses identified current and future risks; (NOTE: identified risks change per program)
- Meets the definition of a CDBG-eligible activity under Title I of HCDA or otherwise pursuant to a waiver or alternative requirement;
- Meets a CDBG National Objective; **as amended for MIT funds;**
- Includes a plan for the long-term funding and management of the operations and maintenance of the project; and
- Cost verification controls must be in place to assure that construction costs are reasonable and consistent with market costs at the time and place of construction.

GLO Application Project Definition

For application purposes, a *project* is a combination of *eligible activities* working together to *reduce the risks of identified natural hazards* for a defined geographic area and population. All proposed activities must support the overall mitigation *project* and the overall project will meet only one *CDBG-MIT national objective.*

- *Project Service Area:* Area(s) defined by the applicant that **either have** an urgent mitigation need or are comprised of 51% or more of low to moderate income individuals. It is critical that the service area determined by the applicant include the *entire area* served by the activity (See below for further details).

- *Reducing risks of natural hazards: A*s outlined in Mitigation Needs Assessment section of the Action Plan, hurricanes, tropical storms/ depressions, severe coastal/riverine flooding, storms, and tornadoes are among the top risks to which Texas has the greatest exposure. Each proposed project must mitigate against one of these identified risks.

What types of Activities can be included in an Eligible Project?

Generally, the activities listed below are considered typical eligible activities:

- Infrastructure improvements (such as water and sewer lines/facilities, streets, provision of generators, removal of debris, bridges, etc.);
- Natural or green infrastructure;
- Communications infrastructure;
- Public facilities;
- Public service within the 15 percent cap (e.g., housing counseling, legal counseling, job training, mental health, and general health services);
- FEMA Hazard Mitigation Grant Program (HMGP) cost share for CDBG-MIT eligible project;
- Economic development activities
- Buyouts or Acquisition with or without relocation assistance, down payment assistance, housing incentives, and demolition;
- All activities allowed under HCDA Section 105(a) (1-5), 105(a) (7-9), and 105(a)(11) are allowed.

TIGR APPLICATION:

Applicants will be required to provide full and thorough descriptions <u>and supporting documentation</u> for every element of the proposed project.

Applicants are advised to prepare all project documentation prior to application entry, with easily identified names and indicators, to ensure efficient upload and – ultimately – application review.

Should an applicant need more space for project descriptions or narratives than the TIGR system allows, upload the full description separately but reference the document by specific name in the space provided in TIGR. Do not leave any questions unanswered in TIGR!

What Types of Activities are Ineligible?

- Emergency response services. Emergency response services are those services that are carried out in the immediate response to a disaster or other emergency in order to limit the loss of life and damage to assets by state and local governmental and nongovernmental emergency public safety, fire, law enforcement, emergency response, emergency medical (including hospital emergency facilities), and related personnel, agencies, and authorities.

- Enlarging a dam or levee beyond the original footprint of the structure that existed prior to the disaster event. CDBG-MIT funds for levees and dams are required to:

    - Register and maintain entries regarding such structures with the USACE National Levee Database or National Inventory of Dams;
    - Ensure that the structure is admitted in the USACE PL 84–99 Rehabilitation Program (Rehabilitation Assistance for Non-Federal Flood Control Projects);
    - Ensure the structure is accredited under the FEMA NFIP; and
    - Maintain file documentation demonstrating a risk assessment prior to funding the flood control structure and documentation that the investment includes risk reduction measures.

- Assisting a privately-owned utility for any purpose. A private utility, also referred to as an investor-owned utility, is owned by private investors and is for-profit as opposed to being owned by a public trust or agency (e.g., a coop or municipally owned utility);

- Buildings and facilities used for the general conduct of government (e.g., city halls, courthouses, and emergency operation centers);

- By law, (codified in the HCDA as a note to 105(a)), the amount of CDBG-MIT funds that may be contributed to a USACE project is $250,000 or less;

- Section 582 of the National Flood Insurance Reform Act of 1994, as amended, (42 U.S.C. 5154a) prohibits flood disaster assistance in certain circumstances. In general, it provides that no federal disaster relief assistance made available in a flood disaster area may be used to make a payment (including any loan assistance payment) to a person for ‘‘repair, replacement, or restoration’’ for damage to any personal, residential, or commercial property if that person at any time has received federal flood disaster assistance that was conditioned on the person first having obtained flood insurance under applicable federal law and the person has subsequently failed to obtain and maintain flood insurance as required under applicable federal law on such property. No disaster assistance may be provided for the repair, replacement, or restoration of a property to a person who has failed to meet this requirement;

- If the property is purchased through the use of eminent domain, the ultimate use of that property may not benefit a particular private party and must be for a public use; eminent

domain can be used for public use, but public use shall not be construed to include economic development that primarily benefits private entities; and

- Incentive payments to households that move to disaster-impacted floodplains

Project Service Area Detail

Acknowledging that mitigation needs may span a variety of services and facilities, for purposes of Mitigation funding only, the definition of *project* is expanded to include a discrete and well-defined beneficiary population and subsequent geographic location called a *Project Service Area*. A *Project Service Area* consists of all eligible activities required to complete and provide specific successful mitigation needs to a common population and geographic location.

Each component of the project must benefit the entire Mitigation effort as a whole. For instance, an eligible community may require a combination of three (3) water improvements, five (5) sewer improvements, and seven (7) street improvements to secure city-wide mitigation against severe coastal and riverine flooding, storms, and/or tornados in an application for the 2015 Floods Mitigation Competition. Each component must show clear benefit to the overall mitigation project.

Each Service Project Area Detail must satisfy the requirements identified above by providing sufficient information to clearly identify the proposed project, specify the location to the greatest extent possible, specify the populations who will receive benefit from the mitigation project, indicate whether acquisition (i.e., real property, easements or rights-of-way) is required, clearly describe the scope of work, identify environmental assessment expectations, provide realistic timelines and deliverables, and outline funding detail to include any other funding to be used.

If the proposed project is a single phase of a larger mitigation scenario, applicants may only claim the beneficiary population that is served by the individual phase.

Project Mapping

Maps must be provided for each project and/or site proposed in the application that clearly plot GPS coordinates and includes project/site numbers with any other necessary identifying information. Maps should be titled and/or numbered with the corresponding project title. **GPS coordinates are required for each site.** Latitude and longitude must be entered in Decimal Degrees (DD) to five decimal places (e.g., 0.00001).

Latitude

Guidance: Enter the latitude point of the project. If the project performance is to be measured in linear feet, enter the latitude point for the center of the project. To find the latitude point of a project, go to Google Maps (https://www.google.com/maps), find the location of the project based on address or other geographic information and right-click on the point. When the menu appears over the cursor, click on “What’s here?” A box will appear at the bottom of the screen with latitude and longitude points below the address. Enter the first sequence of numbers into this field of the application. You may click on the latitude and longitude numbers below the

address that will then open the point in the top left search field. You can copy and paste the latitude numbers from this view.

Note: Be sure to enter the latitude point in decimal degrees.

Example: 30.358606

Longitude

Guidance: Enter the longitude point of the project. If the project performance is to be measured in linear feet, enter the longitude point for the center of the project. To find the longitude point of a project, go to Google Maps (https://www.google.com/maps), find the location of the project based on address or other geographic information and right click on the point. When the menu appears over the cursor, click on "What's here?" A box will appear at the bottom of the screen with latitude and longitude points below the address. Enter the second sequence of numbers into this field of the application. You may click on the latitude and longitude numbers below the address that will then open the point in the top left search field. You can copy and paste the longitude numbers from this view.

Note: Be sure to enter the longitude point in decimal degrees.

Example: -97.747471

Maps must be legible and reproducible. Care should be taken in copying maps so that project activities which may have been designated by a colored mark are still identifiable.

TIGR APPLICATION

<u>NOTE:</u> Project Area Mapping is a required element for every proposed project. Project Area Map information must coincide with and be supported by Beneficiary Map information. You will upload these documents in the "Edit Mitigation Application Project - Documents" tab of the TIGR application once your project has been created.

Upload all necessary Project Area Maps along with any explanatory documentation.

Document Group: Project
Document Type: Maps indicating latitude and longitude for a proposed location
Document Title: Use a unique descriptive title for each map or explanatory document

While site photos are not required, they are often helpful in project identification. Upload site photos.

Document Group: Project
Document Type: Site photos
Document Title: Use a unique descriptive title for each photo

Project Identified in Local Plan

Mitigation presents communities with unique opportunities to examine a wide range of issues including (1) housing quality and availability, (2) road and rail networks, (3) environmental issues, (4) the adequacy of existing infrastructure, (5) opportunities for the modernization of public facilities and the built environment, (6) the development of regional and integrated systems, and (7) the stimulation of the local economy impacted by natural disasters.

Applicants **must** develop their community mitigation projects in a manner that considers an integrated approach to housing, fair housing obligations, infrastructure, economic revitalization, and overall community resiliency. Consideration of the long-term planning process is required.

If applicable, applicants must identify where the proposed project type or activity is referenced and detailed in a current local adopted plan for the area where the project is seeking to be implemented. If multiple entities are submitting a joint project that crosses jurisdictional boundaries, the proposed project type or activity must be referenced within a plan, or multiple plans, that cover the multi-jurisdictional area where the project is being implemented.

Local adopted plans may include but are not limited to: Master Plans, FEMA-Approved Local Hazard Mitigation Action Plans, Comprehensive Economic Development Strategies, Capital Improvement Plans, or Transportation Improvement Plans. Please contact GLO to discuss whether another type of adopted local plan may meet this requirement.

To meet the local plan requirement applicants must provide:

- An electronic copy of the adopted plan;
- The title(s) of the adopted plan being referenced;
- The page number(s) of where the proposed project/ project type(s) is in the adopted plan(s);
- The date (Month, Year) the plan(s) was/ were adopted; and
- Documentation from the applicable city council, commissioners court, or other representative body which formally adopts the plan.

TIGR APPLICATION

<u>Local Adopted Plans:</u>

Is the proposed project included in one or more locally adopted plans?

If yes, provide:

1. **The Title of the adopted plan(s) being referenced;**
2. **The page number(s) in the adopted plan(s) where the proposed project is identified;**
3. **The date (month, year) the plan(s) were adopted;**
4. **Upload a copy of the adopted plan(s); and**
5. **Upload documentation from the applicable city council, commissioners court, or other representative body which formally adopted the plan.**

Document Group: Mitigation Needs
Document Type: Copy of any plan Hazard Mitigation Plan with adoption documentation
Document Title: Use a unique descriptive title for each document

Added Resiliency Measures

As relates to the proposed project, the applicant must explain all prior capital improvement projects, short or long-range planning efforts, community engagement or educational outreach, the implementation of enhanced building codes or code enforcement, or other related work that has been completed which enhances hazard mitigation and/or resiliency throughout the applicable community or service area of the applicant(s).

If no previous efforts have been made that relate to the proposed project, this must be stated in the application. If a joint project is being submitted by multiple entities that crosses jurisdictional or service area boundaries, **each jurisdiction or entity** should provide examples of previous hazard mitigation or resiliency efforts that have been completed within their particular jurisdiction or service area. Source documents, such as signed memorandum, must be attached to the application which prove such efforts have been implemented.

TIGR APPLICATION

<u>Added Resiliency Measures:</u>

Does the proposed project enhance mitigation efforts that are already completed or underway?

If yes, select the type(s) of prior or current local efforts undertaken that, combined with the proposed project, will provide enhanced hazard mitigation." [Multiple selections are allowed.]

- **Prior capital improvement project(s)**
- **Current capital improvement project(s)**
- **Short-range planning efforts**
- **Long-range planning efforts**
- **Community engagement**
- **Educational outreach**
- **Implementation of enhanced building codes**
- **Code enforcement**
- **Other related work which enhances hazard mitigation and/or resiliency through the proposed project**

Upload scope of work information, maps, and other applicable documentation for each local effort identified.

Document Group: Mitigation Needs
Document Type: Scope of work information, maps, and other applicable documentation for each Local effort identified
Document Title: Use a unique descriptive title for each document

Covered Projects

For CDBG-MIT program purposes, a "Covered Project" is defined as any infrastructure project having a total project cost of $100 million or more, with at least $50 million of CDBG funds, regardless of source (CDBG–DR, CDBG-National Disaster Resilience (NDR), CDBG–MIT, or CDBG)).

When a Covered Project is proposed, the action plan or substantial amendment must include a description of the project and the information required for other CDBG-MIT activities (how it meets the definition of a mitigation activity, consistency with the Mitigation Needs Assessment provided in the State Action Plan, eligibility under section 105(a) of the HCDA or a waiver or alternative requirement, and national objective, including additional criteria for mitigation activities).

All Covered Projects must be included in the State Action Plan as a substantial amendment. Applicants should be aware that Action Plan amendments are approved at the federal level and can take time.

In addition to all other requirements identified in this guide, Covered Projects must meet the following requirements:

- Consistency with other mitigation activities in the same Most Impacted and Distressed (MID) area;
- Demonstrated long-term efficacy and sustainability of the project including its operations and maintenance
- Demonstration that the benefits of the Covered Project outweigh the costs through a FEMA Benefit-Cost Analysis (BCA) methodology. Additionally, HUD may accept previous BCA analysis, but in order for HUD to accept any BCA completed or in progress pursuant to another Federal agency's requirements, that BCA must account for economic development, community development and other social/community benefits or costs and the CDBG–MIT project must be substantially the same as the project analyzed in the other agency's BCA.

TIGR APPLICATION

<u>NOTE:</u> "Covered Project" identification in TIGR is determined by the amount of funding requested combined with the total of Other Funds specified in the Budget. While the TIGR application does not specifically request "Covered Project" information, applicants for projects meeting the "Covered Project" criteria must upload:

- **All required BCA documentation,**
- **Other Funding Source information and/or disclosures,**
- **Interlocal Agreements/Memoranda of Understanding/etc. (as appropriate) will all Other entities involved, and**
- **Any other documentation required for the proposed project**

Document Group: Project
Document Type: Supporting documentation for Covered Project proposals
Document Title: Use a unique descriptive title for each document

Citizen Participation Plan

An application under the CDBG-MIT program may be awarded only if the locality certifies provides evidence that, at a minimum, the substantially complete application was publicly posted for at least a 14-day public comment period, comments received, and responses provided. Evidence includes but is not limited to:

- an affidavit of public posting with photos to support the posting,
- screenshots of a website posting, publisher's affidavit and tear sheet.

A grant for an eligible application under the CDBG-MIT program may be awarded only if the locality certifies that it is following a detailed citizen participation plan that provides for and encourages citizen participation at all stages of the program. If an applicant has a current citizen participation plan, they must follow their current citizen participation plan for each proposed project.

CDBG-MIT applicants and funded entities are required to carry out citizen participation procedures in accordance with the Citizen Participation Plan as described in this guide. Each applicant certifies, by signing SF-424, that it has and will comply with the requirements of the Citizen Participation Plan as stated in this section and any local citizen participation requirements.

Each applicant must provide evidence that application information providing data sufficient for citizens to understand and comment on the proposed project was publicly posted for a 14-day public comment period, comments received, and responses provided. Evidence includes, but is not limited to:

- Affidavit of public posting with photos to support the posting.
- Screenshot of website posting, publisher's affidavit, or tear sheet.

Each applicant should assess the best way to offer an opportunity for all citizens to provide input on the substantially complete proposed application/project. Best practice is to include a variety of outreach methods to ensure all citizens have access. As stated, ensure a minimum 14-day public comment period. Allow time after the comment period to address and potentially include any public comment that impacts the application/project before finalizing it for submission. All outreach and posting efforts should be fully documented and that documentation uploaded including the date, time, and place a substantially complete application was available for review.

The substantially complete application should include <u>at minimum</u>, a scope of work, budget, identification of all sources of funding, maps to identify location and beneficiaries.

Each applicant must maintain a citizen participation file which includes

1. A copy of the Plan Requirements below,
2. The applicant's complaint procedures,
3. Any technical assistance provided by the applicant, and

4. Public notices, minutes, and attendance lists for any public hearings or meetings or documentation of other citizen participation opportunities.

Applicants are responsible for ensuring that all citizens have equal access to information about project activities.

Citizen Participation Plan Requirements

The Citizen Participation Plan Requirements include the following:

Outreach Efforts

Provide for reasonable public notice, appraisal, examination, and comment on the activities proposed for the use of CDBG-MIT funds. These outreach efforts shall:

- Provide for and encourage citizen participation, particularly by low- and moderate-income persons, and areas in which CDBG-MIT funds are proposed to be used;
- Ensure that citizens will be given reasonable and timely access to local meetings, information, and records relating to an entity's proposed and actual use of CDBG-MIT funds;
- Ensure that residents will be given reasonable and timely access to local meetings, consistent with accessibility and reasonable accommodation requirements in accordance with section 504 of the Rehabilitation Act of 1973 and the regulations at 24 CFR part 8, and the Americans with Disabilities Act and the regulations at 28 CFR parts 35 and 36, as applicable, as well as information and records relating to the proposed and actual use of CDBG funds;
- Furnish citizens information including, but not limited to:
    - the amount of CDBG-MIT funds expected to be made available for the current fiscal year (including the grant and anticipated program income);
    - the range of activities that may be undertaken with the CDBG-MIT funds;
    - the estimated amount of the CDBG-MIT funds proposed to be used for activities that will meet the national objective of benefit to low- and moderate-income persons; and
    - The proposed CDBG activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under § 570.488.
- Provide technical assistance to groups that are representative of persons of low- and moderate-income that request assistance in developing proposals (including proposed strategies and actions to affirmatively further fair housing) in accordance with guidance provided by the State further in this guide. Such assistance need not include providing funds to such groups;
- Provide citizens the address, phone number, and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances.
- Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the state and, for grants already made, activities which are proposed to be added, deleted, or substantially changed from the entity's application to the state. "Substantially changed" means changes made in terms of

purpose, scope, location, or beneficiaries as defined by criteria established by the state; and

- Be accomplished through one or more of the following methods:
  - **(a)** Publication of notice in a local newspaper—a published newspaper article may also be used so long as it provides sufficient information regarding program activities and relevant dates;
  - **(b)** Notices prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups;
  - **(c)** Posting of notice on the local entity website (if available);
  - **(d)** Public Hearing; or
  - **(e)** Individual notice to eligible cities and other entities as applicable using one or more of the following methods: Certified mail, Electronic mail or fax, First-class (regular) mail, Personal delivery (e.g., at a Council of Governments meeting)

Complaint Procedures

The applicant/subrecipient must have written citizen complaint procedures that provide a timely written response (within 15 working days) to complaints and grievances. Citizens must be made aware of the location and the days and hours when the location is open for business so that they may obtain a copy of these written procedures.

Technical Assistance

When requested, the applicant/subrecipient shall provide technical assistance to groups representative of persons of low- and moderate-income in developing proposals for CDBG-MIT funds. The level and type of assistance shall be determined by the applicant/subrecipient based upon the specific needs of the community's residents.

Post-Funding Citizen Participation

The following citizen participation requirements must be met in the event that the applicant receives funding from the CDBG-MIT program:

- The locality is highly encouraged to hold a public hearing any time a substantial change in use of CDBG-MIT funds from one eligible activity to another is proposed. GLO will determine when a change is substantial.
- Upon completion of the community development program activities, the locality is encouraged to hold a public hearing and review its program performance, including the actual use of CDBG-MIT funds.
- If applicable, the locality must retain documentation of the hearing notice(s), attendance lists, minutes of the hearing(s), and any other records concerning the actual use of funds. The entity's Record Retention Policy (regarding federal grants) must include language that complies with this statement: “HUD regulations generally require your community to retain all its grant-related documentation for 3 years from the date HUD closes its related grant to the state of Texas. As the state grant remains open, the GLO will notify your office once it has closed.”

TIGR APPLICATION

Citizen Participation Plan:

When did your jurisdiction post the project for public comment? Provide the "From" and "To" dates for your public posting(s).

Although public hearings are not a program requirement, jurisdictions who choose to hold them or are required by their citizen participation plan should list the date(s) of the hearings and attach appropriate documentation.

Select: **Public Hearing,**
Community Meeting,
Community Survey,
Existing Study, or
Other

Provide each Assessment Date.

Provide a brief description of each Assessment.

Upload an affidavit of public posting along with pictures that demonstrate the posting and documentation of public hearings held for citizen participation purposes, in applicable. Choose the applicable document type for the Citizen Participation Document Group.

Document Group: Citizen Participation
Document Type: Affidavit of public posting
Document Title: Use a unique descriptive title for each document

Such records must be made available to the public in accordance with Chapter 552, Government Code.

The applicant must submit all notices of any public hearings or requests for public comment that the applicant may have that relates to the administration of CDBG-MIT funds provided.

The applicant certifies compliance with the Citizen Participation Plan requirements by completing and signing the required Application for Federal Assistance SF-424.

Grant Management Plan

Each applicant for CDBG-MIT funding is expected to have assessed administrative, design, permitting, construction, and all other elements required to deliver a successful eligible project by the end of the contract.

All applicants are required to submit the minimum Grant Management Plan as defined in the TIGR system to identify stakeholders who will administer and execute an award.

In addition to TIGR Grant Management Plan stakeholder identification, each applicant that does **not** currently have an active 2015 Floods, 2016 Floods, and/or Hurricane Harvey contract with GLO-CDR must submit a proposed Grant Management Plan. Each Grant Management Plan will be reviewed to assure funding recipients are prepared and have sufficient capacity to administer federal grants.

At a minimum the Grant Management Plan shall include the following elements:

- Detail of each project's objectives and goals
- A list of actions to achieve the goals and objectives along with a timeline for the various stages of the project defining when actions, objectives, and goals are to be complete and assigning the responsible staff position (not individual names)/ partner
- A process to handle project implementation to include overall tracking, draw coordination, procurement coordination, and progress reporting
- A process to handle financial management and contract administration to include overall tracking, draw processing, procurement eligibility, and contract maintenance (amendments/revisions/etc.)
- Staff/ partner organizational chart showing all key stakeholders and indicating authorized signatories, financial management responsibility, procurement responsibility, and project management responsibility, along with contact information, specific role and responsibility level, years CDBG-DR experience, and time commitment of each individual identified
- A process to handle staff/ partner personnel changes and duty transfers

TIGR APPLICATION

<u>Grant Management Plan:</u>

Identify key stakeholders that will participate in the execution of all project activities.

Key stakeholders should include:

- **Contact**
- **Authorized Signatories**
- **Financial Management (Lead and Alternate)**
- **Procurement (Lead and Alternate)**
- **Project Management Options:**
  - **Lead**
  - **Alternate**
  - **Grant Administrator**
  - **Environmental**
  - **Engineering**
  - **Other**

Add every key stakeholder and decision-maker.

TIGR APPLICATION

Mitigation Projects Tab:

Once Grant Management Plan has been established, applicants will be asked to Create a new Mitigation project.

Click on the Create button and continue adding Project Information.

Project Type – Select ONLY Hazard Mitigation as other types listed are for other programs.

Latitude and Longitude must be a valid floating-point value. Latitude must have a value between -90.00000 and 90.00000. Longitude must have a value between -180.00000 and 180.00000.

For "Type of Residence" select N/A.

Click "Create New Project".

The Edit Mitigation Application Project module contains the following tabs:

- **General**
- **National Objective Information**
- **Beneficiary Information**
- **Procurement Detail**
- **Environmental Clearance Information**
- **Affirmatively Further Fair Housing**
- **Project Budget**
- **Project Schedule**
- **Documents**

TIGR APPLICATION

General:

Acknowledging that mitigation needs may span a variety of services and facilities, for purposes of Mitigation funding only, the definition of project is expanded to include a discrete and well-defined beneficiary population and subsequent geographic location consisting of all eligible activities required to complete and provide specific successful mitigation benefit to the identified population.

For purposes of Mitigation application and implementation, the Project provided represents the overall Mitigation need being met.

There may be more than one Activity included in a Project. For instance, a successful Mitigation Project may require a drainage facilities activity, a street improvements activity, and a water facilities activity.

Further, a water facilities activity may include more than one Site. For instance, water facility improvements are required at three different geographic locations to mitigate the entire Project. Applicants must demonstrate how each Activity and Site serve the Mitigation Project as a whole.

For all Competition Programs, all Sites, Activities, and the Project must mitigate an identified risk for a specific identified common population.

Program, Subrecipient Application/Contract and Project Title information are auto-populated based on information already provided.

Provide a Project Summary
narrative identifying each Activity and Site required for successful mitigation, and identify the risk being mitigated.

What National Objectives Do Projects Need to Meet?

Each proposed project included in an application for CDBG-MIT funds must further one of HUD's national objectives. It is important to note that HUD's national objective of the elimination of slum or blight is not eligible**.** Instead the Federal Register, 84 FR 45838 (August 30, 2019) created a new national objective- the Urgent Need Mitigation (UNM) national objective. Below is a brief description of each of the national objectives for CDBG-MIT funds:

1.**Urgent Need Mitigation (UNM)** - requires applicants funded by CDBG–MIT to provide sufficient documentation to:

- Address the current and future risks as identified in the Mitigation Needs Assessment of most impacted and distressed areas; and yield a community development benefit,
- Will result in a measurable and verifiable reduction in the risk of loss of life and property.

2. Principally benefit low-and moderate-income persons. To qualify an application activity under the national objective of principally benefitting low-and moderate-income persons, at least fifty-one percent (51%) of the beneficiaries of the activity must be low- and moderate-income persons.

TIGR APPLICATION

<u>National Objective:</u>

All of the state's mitigation activities under this grant will meet a national objective for either (1) benefiting low- to moderate-income persons (LMI), or (2) urgent need mitigation (UNM). To qualify an application activity under the national objective of principally benefiting low-and moderate-income persons, at least fifty-one percent (51%) of the beneficiaries of the activity must be low- and moderate-income persons.

For CDBG-MIT activities, HUD approval will be required to rely on the national objective criteria for elimination of slum and blighting conditions, because this national objective generally is not appropriate in the context of mitigation activities.

Does the proposed project principally benefit Low- and Moderate-Income Persons or Mitigation Urgent Need?

For LMI, select all that apply:

- **LMI Area Benefit**
- **LMI Housing Activity**
- **LMI Limited Clientele**
  Enter the proposed number of Total Beneficiaries, and number of LMI Beneficiaries (% LMI Beneficiaries field will auto-calculate):

TIGR APPLICATION

National Objective (continued):

For UNM:
As indicated in the State Mitigation Action Plan:
HUD has waived the criteria for the established CDBG urgent need national objective as provided at 24 CFR 570.208(c) and 24 CFR 570.483(d), and instead has created a new national objective: urgent need mitigation (UNM).

For CDBG-MIT activities where UNM is cited as the national objective being fulfilled, the state will demonstrate that the activity:

- Addresses the current and future risks as identified in the state's Mitigation Needs Assessment of most impacted and distressed areas; and
- Will result in a measurable and verifiable reduction in the risk of loss of life and property.

Upload any documentation available to support the urgent need mitigation national objective.

Document Group: National Objective Information
Document Type: Mitigation Urgent Need documentation
Document Title: Use a unique descriptive title for each document

Activities Principally Benefiting Low to Moderate Income Persons determinations:

Area Benefit

- Projects, of which the benefits are available to all the residents in a particular area, where at least 51 percent of the residents are low- and moderate-income persons. The residents claimed as beneficiaries in the target area must be based on the entire area served by the project. A project that serves an area that is not primarily residential in character shall not qualify under the area benefit criterion.

Limited Clientele Benefit

- A low- and moderate-income (LMI) limited clientele project is a project that provides benefits to a specific group of persons rather than everyone in a defined service area. It may benefit particular persons without regard to the area in which they reside, or it may be a project that provides benefit on an area basis but only to a specific group of persons who reside in the area. In either case, at least 51 percent of the beneficiaries of the project must be LMI persons. Due to certain statutory limitations, the regulations preclude various activities from qualifying under this subcategory, so contact GLO to see if limited clientele is applicable.

- To qualify under this subcategory, a limited clientele project must exclusively benefit a clientele who are generally presumed by HUD to be principally LMI persons. The following groups are currently presumed by HUD to be comprised principally of LMI persons:
    - Abused children;
    - Elderly persons;
    - Battered spouses;
    - Homeless persons;
    - Adults meeting Bureau of Census' definition of severely disabled adults;
    - Illiterate adults;
    - Persons living with AIDS; and
    - Migrant farm workers.

Direct Benefit

- Each applicant using the LMISD data to identify low- and moderate-income beneficiaries must submit the LMISD data (Excel spreadsheet) used to determine the low- and moderate-income beneficiaries along with corresponding census geographic area maps and data.
- For applicants using CDBG-MIT surveys to establish benefit, all forms (survey questionnaires, survey tabulation form(s), and the survey locations form(s)) must be submitted to GLO for verification.
- For applicants using CDBG-MIT surveys to establish benefit, all forms (survey questionnaires, survey tabulation form(s), and the survey locations form(s)) must be submitted to GLO for verification.

An activity will be regarded as addressing the national objective of principally benefitting low- and moderate-income persons if it meets the criteria described here, unless there is substantial evidence that the activity does not principally benefit low- and moderate-income persons.

Beneficiary Identification Methods

A project that addresses the National Objective of principally benefitting low- and moderate-income persons must provide documentation as to the income status of those persons (also called beneficiaries).

Low- and moderate-income individuals are those whose income is 80 percent or less of the area median family income (AMFI). Clear documentation of an applicant's beneficiary identification method must be received with the application. Incomplete beneficiary documentation could render a Competition application incomplete and ineligible.

The basis for determining which residents are to be considered as beneficiaries of a proposed project can be achieved through the most recent LMISD information, or by conducting a survey of the area with approved CDBG-MIT forms. **GLO-CDR has adopted and utilizes Texas Department of Agriculture CDBG Survey Methodology. For further information:**

https://www.texasagriculture.gov/Portals/0/Publications/RED/CDBG/Beneficiary/2020%20Survey%20Methodology%20-%20W%20appendix%20III.pdf

The method(s) used by the applicant to identify the beneficiaries of a project are based on the type of project proposed, and the persons that are projected to benefit from the proposed project.

Applicants must provide the total number of project beneficiaries identified through either CDBG-MIT surveys, LMISD, direct benefit, or limited clientele methods. If beneficiaries were identified by using a survey, as opposed to using LMISD, the applicant must provide an explanation why the survey was necessary.

GLO staff will review the beneficiaries reported in the application for (1) accuracy, (2) the acceptability of the method(s) used to identify the beneficiaries for the project, and (3) compliance with the criteria for national objectives.

For project service areas that cover multiple jurisdictions, scoring will require beneficiary identification per jurisdiction.

The method used in determining the low- and moderate-income beneficiary race/ ethnicity information is as follows:

Use of Census Data

When CDBG-MIT requirements are met, the applicant must use the applicable Low to Moderate Income Survey Data (LMISD) to identify the number of beneficiaries and the extent of benefit to low- and moderate-income persons for an applicant's proposed project. **Applications shall submit the most current LMISD available at the time of application.**

When an applicant project will only benefit a portion of a Census Geographic Area (CGA), the applicant must demonstrate that a significant number of the persons in the CGA) will benefit from the project. The CDBG-MIT program will not allow an applicant to use the HUD-calculated low- and moderate-income percentage for a block group unless a significant portion of the persons located in that block group will benefit from the project.

The CDBG-MIT program will only allow the use of the Census-based information to qualify an activity and to document the activity beneficiaries under the following conditions:

1. The project will benefit all of the persons within a CGA or a significant number of the persons within a CGA. The CGA could be a county, place, census tract, block group, or logical record number.
2. If only Census-based information is used to document the LMI beneficiaries of an application project, the low- and moderate-income benefit percentage must be at least 51 percent (not 50.99 percent) for a single CGA, or for combinations of two or more CGAs.
3. The Census-based information may be used in combination with CDBG-MIT survey beneficiaries, income eligible beneficiaries, and condition-eligible beneficiaries to document the LMI beneficiaries of an application project. Again, the project must benefit at least 51 percent low- and moderate-income persons.

In the event that an application project does not benefit an entire CGA, or a significant number of the persons within a CGA, then the applicant must use another method to document the beneficiaries. The applicant should then consider conducting a local CDBG-MIT survey to

document the beneficiaries and the low- and moderate-income benefit percentage for the project. A local survey is usually the best way to document the beneficiaries of direct benefit activities.

See the infrastructure beneficiary documentation on the application page in http://recovery.texas.gov/ for detailed information on census and survey methods.

Use of Survey Data

GLO-CDR has adopted and utilizes Texas Department of Agriculture CDBG Survey Methodology. For further information:

https://www.texasagriculture.gov/Portals/0/Publications/RED/CDBG/Beneficiary/2020%20Survey%20Methodology%20-%20W%20appendix%20III.pdf

An approved CDBG-MIT survey must be used to identify the beneficiaries for a project.

Applicants using CDBG-MIT surveys to identify beneficiaries should tabulate race, gender, and ethnicity data. Applicants must also identify the survey dates and number of households benefitting. Survey forms must be complete, dated, and include the interviewers name. Best practice is to complete the entire form including race, ethnicity, and gender information. Survey Tabulations must be signed by the chief elected official or executive officer. When this information is not complete, the data must be extrapolated from census data.

Provide dates when surveying was started and completed and a summary spreadsheet showing survey results.

Surveys of 200 or more households may use random sampling techniques and all surveys must result in at least an 80 percent response rate. When the income profile of a community has changed substantially since the last Census, surveys are often a useful alternative. Surveys may also be used to document the beneficiaries of a project not included in the census data used to document part of the service area.

Finally, provide a detailed explanation of the reason a survey was used to identify the beneficiaries for this activity as opposed to the LMISD information. A response such as ". . . to reach the required low- and moderate-income percentage" is **not** acceptable.

A local survey is the best way to document the beneficiaries of direct benefit activities.

Use of CDBG-MIT Program Questionnaire

The Survey Questionnaires were completed no more than five (5) years prior to the application deadline or the actual date of submittal of an application; however, survey tabulation must be done in a manner compliant with the requirements set forth by the most current Survey Methodology and LMISD Manual. Refer to GLO for details regarding the required Survey Methodology and all associated forms.

Race/Gender/Ethnicity and Census Geographic Area Data:

The race, gender, and ethnicity for the total beneficiaries claimed for the proposed project must be tabulated and provided.

Applicants must list all census tracts and block groups benefitting from the project when using Census data.

Appropriate Census or Texas State Data Center maps are required for data verification.

Project Beneficiary Map(s)

All applications must include a project map(s) identifying the benefit area. Target area projects must use Low and Moderate-Income Summary Data (LMISD) to document beneficiaries and must provide LMISD maps which clearly show all the census geographic areas (i.e. census tract, block group) within the applicant's jurisdiction. Locations and boundaries of all project target areas must be clearly delineated by identifiable features, such as named streets, railroads, streams, etc.

Maps must clearly show the following information:

- Boundaries of the city, county, and/or service area;
- Locations of the target area community or communities within the city, county, and/or service area; and
- Locations of all proposed project activities within the target areas (e.g., sewer/water lines, lift stations, street pavement, water storage tanks, wastewater treatment plants etc.).

Applicants using LMISD to document project beneficiaries must provide maps which show:

- All of the census geographic areas (e.g., census tracts, block groups) within the applicant's jurisdiction where census data is used to document project beneficiaries as well as locations of the project activities on the same census maps; and
- Census tract numbers and block group numbers, which must be legible on these census maps.

Applicants using CDBG-MIT surveys to document project beneficiaries must provide maps which clearly show:

- All the street names where surveys were used to document project beneficiaries' locations of the project activities on the same map;
- Legend on the map that identifies the residences surveyed; and
- Proposed project service area(s) and survey area(s) clearly identified.

Map locations of all proposed project activities should match the description of the locations provided. If project beneficiaries are determined on the basis of area benefit, the project service area must also be clearly delineated on the map. The applicant is required to use maps based on one of the three following options:

1. GIS and/or AutoCAD maps produced by the grantee or its designee (i.e., grant administrator or engineer). Electronic files of maps produced through GIS or AutoCAD should also be submitted with the application;
2. The U.S. Census Bureau for maps based on entire cities or census designated places (CDPs); or
3. Another map format as approved by GLO.

Maps must be legible and reproducible. Care should be taken in copying maps so that project activities which may have been designated by a colored mark are still identifiable. Again,

consistently use the correct project and site identification at all references to a particular site on maps, supporting documentation, and in the application. Multiple maps may be submitted to show overall site, details by sections, if applicable

TIGR APPLICATION

<u>Beneficiary Information Tab:</u>

The basis for determining which residents are to be considered as beneficiaries of a proposed project can be achieved through the most recent LMISD information, or by conducting a survey of the area with approved CDBG-MIT forms.

All applications must include a project map identifying the benefit area. Target area projects must use Low and Moderate-Income Summary Data (LMISD) to document beneficiaries and must provide LMISD maps which clearly show all the census geographic areas (i.e. census tract, block group) within the applicant's jurisdiction. Locations and boundaries of all project target areas must be clearly delineated by identifiable features, such as named streets, railroads, streams, etc.

Select the beneficiary identification method used to determine this National Objective:

CENSUS - Census data should be used to the maximum extent feasible for determining the income of persons residing in service areas; therefore, the boundaries of the service area determined by the applicant for the project need to be compared with the boundaries of census divisions (tracts, block groups, etc.). The census divisions that best fall within the service area should be used for documenting the percentage of low- and moderate-income persons residing in that area. HUD-based LMISD spreadsheets are used to document this beneficiary information.

SURVEY - A local survey is the best way to document the beneficiaries of direct benefit activities. Applicants using CDBG-MIT surveys to identify beneficiaries should tabulate race, gender, and ethnicity data. Applicants must also identify the survey dates and number of households benefitting. Survey forms must be complete, dated, and signed by the surveyor. Incomplete surveys could render the application incomplete and ineligible.

Provide an explanation for the use of Surveys, as opposed to LMISD data.

Provide dates when surveying was started and completed.

Upload supporting beneficiary maps, census maps, DP05 or other US Census Bureau data, other supporting census data, and/or thorough survey documentation to include Survey Tabulation and Summary Sheet. Failure to upload complete supporting beneficiary data could result in disqualification of competition applicants.

Document Group: Beneficiary Information
Document Type: U.S. Census Bureau data and/or MIT-CDBG Survey documentation
Document Title: Use a unique descriptive title for each document

TIGR APPLICATION

<u>Beneficiary Information Tab (continued):</u>

Ensure that all beneficiaries of the proposed project are identified.

The race, gender, and ethnicity for the total beneficiaries claimed for the proposed project must be tabulated in the space provided.

Update the metric for each race and ethnicity as appropriate. Hispanic and Non-Hispanic will auto-calculate based on data entered.

Complete the gender table.

Census Geographic Area Data - Identify the census tract and block group(s) in which the project will take place.

In TIGR, select Add New Census Data and indicate the Census Tract number(s) and Block Group(s) included in the project area. Data should coincide with and support Beneficiary and Project maps provided.

Local Policies and Procedures

Each applicant must adopt policies and procedures that ensure they are prepared to received federal funding on a local level. Full compliance with federal requirements from the beginning is essential to ensure that all funding expenditures are eligible and reimbursable.

Procurement

Applicants must follow the procurement process guidelines set forth in 2 CFR §200.318-§200.326 for grant administration, environmental, and engineering services if using CDBG-MIT funds to pay third-party vendors for those services. These rules and regulations also apply to procurement of construction services.

These procurement requirements must be followed to ensure reimbursement from CDBG-MIT funds.

The required GLO Procurement Checklist is available on the GLO website at https://recovery.texas.gov/. Local adopted procurement policies and procedures are among the documents required along with the completed application.

For better detail regarding procurement methods and requirements, refer to:

recovery.texas.gov/local-government/resources/procurement-contracting/index.html

Financial Interest

Applicants will be expected to follow federal financial management requirements and will be asked to identify all persons/entities with a reportable financial interest in the proposed project to declare.

Submit Financial Interest Report forms with the application for each person/entity with a reportable financial interest. Financial Interest Reports must be included for any procurements that have already occurred and been executed locally, such as Grant Administration, Environmental, Project Delivery and/or Engineering.

TIGR APPLICATION

Procurement Detail Tab:

Applicants must follow the procurement process guidelines set forth in 2 CFR §200.318-§200.326 for grant administration, environmental, and engineering services if using CDBG-DR funds to pay third-party vendors for those services. These rules and regulations also apply to procurement of construction services. For better detail regarding procurement methods and requirements, refer to: https://recovery.texas.gov/local-government/resources/procurement-contracting/index.html

If Professional or other services have been procured to work on this project, provide the following:
*** Copies of executed contracts and procurement process details for each,**
*** A completed GLO Procurement Checklist for every service provider already procured.**
The GLO Procurement Checklist can be found on the GLO website at: https://recovery.texas.gov/files/resources/contract-procurement/procurement-checklist.pdf#search=procurement%20checklist
*** A copy of local procurement policies and procedures.**

For procurement details and Checklist:
Document Group: Procurement
Document Type: Professional Services documentation
Document Title: Use a unique descriptive title for each document

For procurement policies and procedures:
Document Group: General Eligibility
Document Type: Local Procurement Policies and Procedures
Document Title: Use a unique descriptive title for each document

TIGR APPLICATION

<u>Procurement Detail Tab (continued):</u>

Have you procured a third-party administrator to administer the proposed project?

If yes:

(1) Provide:

a. Company Name
b. Contact Name
c. Email
d. Phone Number

(2) Will the vendor also provide environmental services?

Have you procured a third-party environmental service provider for the proposed project?

If yes, provide:

a. Company Name
b. Contact Name
c. Email
d. Phone Number

Have you procured a third-party engineer for the proposed project?

If yes, provide:

a. Company Name
b. Contact Name
c. Email
d. Phone Number

For Financial Interest Reports:

Document Group: Procurement
Document Type: Financial Interest Reports
Document Title: Use a unique descriptive title for each document

For properly procured contracts that include multiple services, ensure the corresponding Financial Interest Report clearly reflects all services being provided and the budget amount for each service.

Environmental Clearance

As indicated in the Local Certifications required for each application, *"Each applicant 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 GLO policy directives. All applicable federal and state laws, including environmental, labor (Davis-Bacon), procurement procedures and contract requirements of 2 CFR 200.318–200.326, and civil rights requirements apply to the use of these funds."*

Project Aggregation – ***Per 24 C.F.R. 58.32, the Responsible Entity must group together and evaluate as a single project all individual activities which are either related either on a geographical or functional basis or are logical parts of a composite of contemplated actions.***

The purpose of project aggregation is to adequately analyze, in a single environmental review, the separate and combined impacts of activities that are similar, connected and closely related, or that are dependent upon other activities and actions (see 40 C.F.R. 1508.25(a)).

The Responsible Entity may choose:

a) functional aggregation when a specific type of activity (e.g., water improvements) is to take place in several separate locales or jurisdictions;

b) geographic aggregation when a mix of dissimilar but related activities is to be concentrated in a fairly specific project area (e.g., a combination of water, sewer and street improvement and economic development activities); or

c) a combination of aggregation approaches, which, for various project locations, considers the impacts arising from each functional activity and its interrelationship with other activities.

Accurate scoping, projects descriptions, and project aggregation are critical success factor of environmental clearance.

TIGR APPLICATION:

Environmental Clearance Information Tab:

Provide a response for each question. Any questions not answered will be considered incomplete and may result in disqualification.

What is the current status of the project? Select drop-down option.

- **Not yet begun**
- **In progress**
- **Completed**

Provide a brief narrative regarding how CDBG-MIT funding is to be used. Demonstrate that all HUD CDBG environmental requirements have been met to date. Applicants should be advised that all HUD CDBG environmental requirements must be met before reimbursement can be considered.

More information at:

https://www.hudexchange.info/resource/167/environmental-review-procedures-24-cfr-58

Will the proposed project site have any negative impact(s) or effect(s) on the environment per HUD environmental regulations as described?

If yes, or the applicant believes an issue may exist, provide a brief narrative explaining the issue.

More information at:

https://www.hudexchange.info/programs/environmental-review

Is the proposed project site likely to require a historical resources/archaeological assessment?

If yes, or the applicant believes a historical resources/archaeological assessment may be needed, provide a brief narrative explaining the issue.

More information at:

https://www.hudexchange.info/environmental-review/historic-preservation

Is the proposed project site listed on the National Register of Historic Places?

If yes, provide a brief narrative explaining how the historic site will be impacted.

More information at:

https://www.nps.gov/subjects/nationalregister/index.htm

TIGR APPLICATION:

Environmental Clearance Information Tab (continued):

Is the proposed project site in a designated flood hazard area or a designated wetland?

Is the applicant participating in the National Flood Insurance Program?
More information at https://www.hudexchange.info/programs/environmental-review/flood-insurance

Is the project in a designated Regulatory Floodway?
More information at:
https://www.hudexchange.info/environmental-review/floodplain-management

Is the proposed project site located in a known critical habitat for endangered species?
More information at
https://www.hudexchange.info/environmental-review/endangered-species

Is the proposed project site a known hazardous site?

More information at
https://www.hudexchange.info/environmental-review/site-contamination

TIGR APPLICATION:

Environmental Clearance Information Tab (continued):

Is the proposed project site located on federal lands or at a federal installation?
If yes, provide a brief narrative detailing why federal land or a federal installation is required for the proposed project.

What level of environmental review is likely needed for the proposed project site?
Select from drop down options.

More information at HUD Exchange

- **Categorical Exclusion**
- **Environmental Assessment**
- **Environmental Impact Statement**

Provide a brief narrative to include any additional detail or information relevant to Environmental Review.

Affirmatively Furthering Fair Housing

In order to assist applicants for U.S. Department of Housing and Urban Development (HUD) funding, GLO has established a series of elements and information regarding Fair Housing for applicants to prepare and consider in the development of their applications, programs, and projects.

Further, applicants may receive requests for technical assistance from individuals or groups representative of persons of low- and moderate-income that request assistance in developing proposals (including proposed strategies and actions to affirmatively further fair housing). Applicant strategies must be ready for such or similar requests.

Finally, well developed strategies, actions, and citizen participation will expedite application and individual project reviews and, in-turn, release authorization to use funds more promptly.

Recognizing that each project and community is different and comes with its own unique circumstances, needs, and considerations, applicants are expected to candidly and objectively assess as much information as possible such that the determinative factors differ between and inform project choices. Include both positive and negative features, concerns, or assessment factors, as applicable. Factors to assess are as follows:

Tier I: "Hard Data"

- ☐ Census data – Demographic information by census block group for the town/county. This may be presented as maps and/or in chart/table form with block groups identified. Include percent of population below poverty level, income, and ethnicity/race.
- ☐ Crime rates – Include immediate and surrounding geographic areas.
- ☐ Household sizes
- ☐ Age group data
- ☐ Other information and/or relevant factors

Tier II: Community Features

Applicant Fair Housing assessments should include distance to each <u>of the following positive and negative features, as well as public transportation time to each, if applicable.</u>

<u>Positive Features</u>

- ☐ Jobs – Identify any large employment center(s)/opportunities.
- ☐ Schools – Quality measures and demographics as compared to other area public schools.
- ☐ Other education – Community colleges, technical schools, higher education, other opportunities. Grocery stores – Identify nearest full-size grocery store(s), other desirable retail.
- ☐ Health care facilities – Local clinic(s) and/or nearest hospital, e.g.
- ☐ Public transportation – Nearest bus stop(s). [NOTE: State if no public

transportation in community] Library – Public library and available resources such as computer access.

- ☐ Parks, athletic fields, playgrounds – Public recreation areas.
- ☐ Community facilities – Child care, senior centers, other community centers. Other – May include features unique to the community.

Proximity to Negative Features:

- ☐ Unsightly facilities, industrial sites, e.g.
- ☐ Environmental/health hazards – May overlap with negative uses
- ☐ Features undesirable for family life – Retail/business density, type of retail/businesses, e.g.
- ☐ Additional subsidized or low-income housing – Public housing and/or LIHTC developments, etc.
- ☐ Other – May include features unique to the community

Tier III: Trends/Other Plans or Projects

- ☐ Area revitalization – Identify economic trends in the area
- ☐ Government plans impacting the area – Identify pending or approved projects/plans/bonds, e.g.
- ☐ Other development projects/investment – Identify public or private projects in the immediate or larger area which may affect the proposed project

Once all information is gathered, applicants are expected to conduct a candid and objective assessment, identify the determinative factors between potential projects, and utilize those factors when making project choices. Applicants should consider both positive and negative features, concerns, or assessment factors in their final proposed project selections.

Applicants must certify 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.

Identify activities already achieved to further fair housing, those activities to be undertaken if an award is made by CDBG-MIT, and when that activity will be complete.

All proposed projects will undergo an Affirmatively Further Fair Housing (AFFH) review by the GLO before approval. Such review will include assessments of:

- A proposed project's area demography,
- Socioeconomic characteristics,
- Housing configuration and needs,
- Educational, transportation, and health care opportunities,

- Environmental hazards or concerns; And
- All other factors material to the AFFH determination.

Viable options to Affirmatively Further Fair Housing:

- Developing a strategy to pass a Fair Housing Ordinance
- Passing a Fair Housing Ordinance
- Initiating a Fair Housing counseling service
- Assisting Fair Housing groups
- Establishing a local complaint and monitoring process
- Providing Housing Choices outside historically minority and/or LMI neighborhoods
- Assisting Housing Projects that are racially mixed
- Enforcing Fair Housing Guidelines that are equivalent to a Fair Housing Ordinance
- Adopting and distributing Fair Housing practices
- Designating a Fair Housing Month
- Holding a special hearing to solicit input from the community
- Developing an anti-NIMBYism (Not In My Back Yard) action plan
- Publishing the contact information – at the local, state, and federal levels – for reporting a Fair Housing complaint
- Developing policies and procedures that take the location of protected classes into account when deciding where to locate undesirable infrastructure improvements
- Other – Describe your process and how it affirmatively furthers fair housing

TIGR APPLICATION

<u>Affirmatively Furthering Fair Housing Tab:</u>

Identify activities already achieved to further fair housing, and those activities to be undertaken if an award is made by CDBG-MIT and when that activity will be complete. Upload any backup documentation to support your efforts.

Update and Save Metric to include each Activity.

For Affirmatively Furthering Fair Housing:

Document Group: General Eligibility
Document Type: Fair Housing Activity information
Document Title: Use a unique descriptive title for each document

Budget/Funding Disclosure

The Total Project Budget represents summary of data provided for each Activity.

Table 6: Example of Summary of Data

Sites	>	Activity	>	Project
Retention Pond 1		Flood control and drainage improvements		**Total Project Budget**
Retention Pond 2	>			
Retention Pond 3				
Lift Station #1		Infrastructure improvements - Sewer Facilities		
Lift Station #2	>		>	
Lift Station #3				
Tower #1		Communications infrastructure		
Tower #2	>			
Tower #3				

Applicants are expected to present a thorough budget that includes all elements required for an eligible and successful project.

Cost Verification

Each proposed project will undergo cost verification. The GLO may use an independent, qualified third-party engineer, architect, construction manager, or other professional (e.g., a cost estimator) to verify the planned project costs and cost changes to the contract (e.g., change orders) during implementation are reasonable.

If the proposed project is a "Covered Project" a more detailed benefit-cost analysis is required.

CDBG-MIT Project Caps

Project Delivery may include, but is not limited to, grant administrator fees, costs associated with environmental clearance, and eligible costs for in-house efforts. For instance, applicants may choose to utilize a portion of their project delivery grant funds to supplement costs for their single audit, pay for staff administration efforts, and required advertisement costs.

Project Delivery costs should be estimated according to the total grant request for the application and included in the application budget. The maximum allowable project delivery cost per grant shall be less than or equal to the caps as outlined here.

Project delivery (PD) fees are capped between 6% and 13% dependent upon the CDBG-MIT award amount and the type of project. Project Delivery fees are capped at maximum rates based on the fixed rate pricing limits as follows:

Table 7: CDBG-MIT Project Caps

Total CDBG-MIT Award (Non-Housing Activities)	Percentage Cap
$249,999.99 or less	13%
$250,000-$749,999.99	11%
$750,000-$999,999.99	10%
$1 million-$24,999,999.99	8%
$25 million or over	6%

Applicants may choose to self-administer for eligible local in-house grant administration services and/or costs, procure a third-party grant administrator, or a combination of the two.

Each application must clearly establish the portion of CDBG-MIT funds to be used to pay for third-party vendor grant administration services, and the portion retained to reimburse the applicant.

Housing-related mitigation activities are allowable up to 12 percent of program amounts for costs directly related to implementation.

Engineering and design activities will be capped at 15 percent of the total construction cost unless special services are necessary; in such cases, the GLO must review and approve the request.

Ensure that all budgeted funds remain within eligible caps. Any expenses in excess of the caps detailed above and approved engineering costs will not be eligible from the CDBG-MIT funds and must be paid for from other funds.

If third-party vendors have already been procured, applicant must demonstrate the procurement efforts and resulting contracts must meet 2 CFR 200.318–200.326 standards as previously indicated. Refer to Procurement Checklist available on recovery.texas.gov.

CDBG-MIT Budget Preparation

Comprehensive budget information will include:

CDBG-MIT Construction

Construction or public facilities budgetary information must be provided by a professional engineer or architect licensed to practice in the state of Texas using the **MIT-Budget Justification of Retail Costs (formerly Table 2)** form on the GLO website at: https://recovery.texas.gov/files/resources/mitigation/mit-budget-justification-of-retail-costs.xlsx

Data should be provided at the site or activity level (as appropriate) to ensure proper budgeting for all necessary elements of the project. Original sealed construction and public facilities budgetary information must be uploaded.

Each proposed project will undergo Cost Verification. Information on Cost Verification is provided in the section below.

CDBG-MIT Engineering

Engineering costs include the cost of all engineering (design, bidding, and construction phase services) and associated work and special services (surveying, materials testing, onsite inspections, environmental support, etc.) required to deliver the grantee project showcased in the application and on Table 2. The applicant must attach to the application justification by the engineer for engineering fees that exceed fifteen percent of the total construction cost. GLO will review the justification for reasonability.

Provide the amount of CDBG-MIT engineering funds requested for each project in this column. For engineering items, this figure must be consistent with the **MIT-Budget Justification of Retail Costs (formerly Table 2)** provided for each activity.

CDBG-MIT Project caps and information are provided in the section below.

CDBG-MIT Acquisition

Provide the amount of CDBG-MIT acquisition (real property, rights of way, etc.) funds required. Acquisition totals must be substantiated on the **MIT-Budget Justification of Retail Costs (formerly Table 2).**

Instruction for:

MIT-Budget Justification of Retail Costs (formerly Table 2)

The completion of MIT-Budget Justification of Retail Costs (formerly Table 2) is required for all construction/public works projects. Costs related to non-construction activities, such as public services, do not have to be reflected on this form.

This form requires the Signature and Seal of the Registered Engineer/Architect Responsible for Budget Justification. It is generally completed by the staff engineer or procured engineer for the project. Refer to the Procurement section of this guide for other documentation required for procured engineering services.

A separate form must be submitted for each activity type at a minimum. Since the TIGR MIT budget is cumulative from the site>activity>project level. Separate forms at site level may be required for accurate reporting.

In order to support HUD reporting requirements, the TIGR CDBG-MIT budget is cumulative beginning from the sites into an activity type and up to the project level.

Figure 5: Example of Budget Justification of Retail Costs

CDBG-MIT: Budget Justification of Retail Costs
(Former Table 2)

Cost Verification Controls must be in place to assure that construction costs are reasonable and consistent with market costs at the time and place of construction.

Applicant/Subrecipient:	
Site/Activity Title:	
Eligible Activity:	

Materials/Facilities/Services	$/Unit	Unit	Quantity	Construction	Acquisition	Total
	$ -		0	$ -	$ -	$ -
	$ -		0	$ -	$ -	$ -
	$ -		0	$ -	$ -	$ -
	$ -		0	$ -	$ -	$ -
	$ -		0	$ -	$ -	$ -
	$ -		0	$ -	$ -	$ -
	$ -		0	$ -	$ -	$ -
	$ -		0	$ -	$ -	$ -
	$ -		0	$ -	$ -	$ -
	$ -		0	$ -	$ -	$ -
	$ -		0	$ -	$ -	$ -
TOTAL	$ -			$ -	$ -	$ -

1. Identify and explain the annual projected operation and maintenance costs associated with the proposed activities.

2. Identify and explain any special engineering activities.

Date:	
Phone Number:	

Seal

Signature of Registered Engineer/Architect Responsible For Budget Justification:

Subrecipient - Use the Applicant's name.

Site/Activity Title

Ensure the same site or activity title used on this form is also used when entering the data in the TIGR system for ease of identification.

Eligible Activity

Use the following Budget Codes:

- Flood control and drainage improvements
- Infrastructure – Water facilities
- Infrastructure – Sewer facilities
- Infrastructure – Street improvements
- Infrastructure – Clearance and Demolition

- Infrastructure – Code Enforcement
- Infrastructure – Debris Removal
- Infrastructure –Dike/Dam/Stream-River Bank repairs
- Natural or Greet Infrastructure
- Communications Infrastructure
- Public Facilities
- Buyouts or Acquisitions

Materials/Facilities/Services Table

In determining actual construction costs, the engineer must provide the following:

1. The material or facility component **(Materials/Facilities)** for each line item. For example, "36 PVC pipe" or "25-50 kW generator." Applicants must provide a reasonable level of detail regarding project materials or components. A material line item of "Shelter Building" would be too broad to determine size, unit, or composition, and greater detail would be required.
2. The unit price **($/Unit)**, type of unit **(Unit)**, and the number of units **(Quantity)** for each activity. The units used (e.g., linear feet, cubic yards, etc.) must be priced to include all proposed improvements related to and necessary for the major construction activity.

Budget Columns (Construction, Acquisition, and Total)

Project costs should be developed using the parametric cost estimating method (or equal) to develop a high confidence estimate. Please keep in mind that localities are prohibited from levying special assessments, fees, and service connection/tap-on costs on low- and moderate-income persons to recover the CDBG-MIT financed portion of a public improvement when CDBG- MIT funds are used to pay all or part of the cost of the public improvement. Localities can, however, levy special assessments, fees, and service connection/tap-on costs on low- and moderate-income persons to recover the portion of a public improvement financed from other funding sources, provided that CBDG- MIT funds are used to pay these costs for the low- and moderate-income beneficiaries.

For public improvements that were not initially assisted with CDBG- MIT funds, such funds may be used to pay special assessments and fees for low- and moderate-income persons when certain conditions exist. The payment of special assessments/fees constitutes CDBG-DR assistance to the public improvement; therefore, CDBG- MIT funds may be used to pay the assessments/fees on behalf of low- and moderate-income persons provided that: 1) the installation of the public improvements was carried out in compliance with requirements applicable to activities assisted under the CDBG-MIT program, including labor, environmental, and citizen participation, 2) the

installation of the public improvement meets a CDBG- MIT national objective, and 3) CDBG- MIT funds are used to pay the assessment/fees on behalf of low- and moderate-income persons.

Force account labor costs must be based on the estimated CDBG-DR contract-related construction hours to be worked by force account workers and the hourly wages to be paid and cannot be based on labor costs estimated through the bid/contract method.

The value of materials/supplies to be provided by the applicant, and already owned by the applicant, must be based on the purchase price of the materials and supplies at the time of purchase, and cannot be based on the current purchase price of such materials/supplies.

Equipment costs for equipment owned by the locality must be based on a use allowance or depreciation (only if the equipment is not already fully depreciated and based on acquisition cost).

Construction $ Column

Construction cost will be computed automatically by multiplying the $/Unit column by the Qty column.

Acquisition $ Column

Any proposed activity involving the acquisition of real property, easements, rights-of-ways, etc., must have the projected costs of this acquisition broken out by the activity for which the acquisition is needed. In developing these costs, compliance with the requirements of the Uniform Real Property Acquisition and Relocation Policies Act of 1970, and exemptions as allowed under this appropriation, must be taken into consideration.

TOTAL $ COLUMN

Total costs per line item will be computed automatically by adding the construction and acquisition costs.

Summary totals for the three budget columns will be computed automatically by adding all line items per column.

CDBG-MIT Environmental

Because only one environmental review will cover the entire project, the applicant must select one budget line item on which to include the total amount of CDBG-MIT environmental funding requested. Applicants should consider and include costs for any special reviews, permitting, or studies that will be required to secure an Authority to Use Grant Funds.

This amount should be within the project delivery fees cap. Ensure that all environmental service fees remain within eligible caps.

CDBG-MIT Administration Costs

Project Delivery (General Administration) costs should be estimated according to the total requested amount for the application. Refer to the section above regarding Project Caps for more information on allowable costs.

A prescribed scope of work for Grant Administration Services is available for reference on the GLO website. Applications should identify those tasks that will be administered locally and those that will be procured. The applicant must clearly establish the portion of CDBG-MIT funds to be used to pay for third-party vendor grant administration services, and the portion of CDBG-MIT funds to be used to reimburse the applicant for in-house grant administration services and/or costs.

Provide the amount of CDBG-MIT administrative funds requested in this column.

The final Budget total must equal the amount requested on the required Application for Federal Assistance SF-424 (SF-424).

Applicants must disclose all funding sources to be utilized on the proposed project and identify the use of other funding sources in the application budget.

Other Funds

Specific use of Other Funds (FEMA, insurance, local, etc.) committed to the proposed project must be identified in the appropriate line of the budget proposal.

Duplication of Benefit - As stated in the Continuing Appropriations Act, 2017 (Pub. L. 115– 56, approved September 8, 2017) prohibits the use of funds for activities reimbursable by, or for which funds are made available by, FEMA, the Army Corps of Engineers or any other Federal program. This non-duplication of benefits restriction that prohibits the use of funds for activities reimbursable by other means remains in effect and cannot be waived.

Common sources of potentially duplicative funding are:

- FEMA
- Small Business Administration (SBA)
- Insurance
- Other sources of local, state, and federal funding
- Therefore, GLO must ensure that mitigation projects comply with this restriction.

FEMA - Any and all FEMA funds received for benefit of any project proposed in this application must be fully disclosed and detailed to ensure the best cross-agency coordination and that duplication of benefit does not occur.

To clarify, if a proposed project falls in one of the FEMA eligible categories of Public Assistance (categories A–G) and the applicant indicates that direct damage has occurred, then the applicant must provide an explanation of why FEMA assistance was not obtained or clarify that it was obtained for a distinct project component with remaining need.

If FEMA funds were received, provide all relevant FEMA Project Worksheets, FEMA project type, and evidence of funds committed/received/expended on the proposed project. Also, explain why funds are needed above and beyond the FEMA funding.

If FEMA funds were not requested, provide an explanation as to why.

Finally, indicate whether any project in the application is a proposed FEMA funding match.

Small Business Administration (SBA) - Any and all SBA proceeds received for benefit of any project proposed in this application must be fully disclosed and detailed to ensure that funds are used most efficiently, and that duplication of benefit does not occur.

If SBA funding was received, provide all relevant documentation and evidence of funds committed/received/expended on the proposed project.

Insurance Coverage - Any and all insurance proceeds received for benefit of any project proposed in this application must be fully disclosed and detailed to ensure that funds are used most efficiently, and that duplication of benefit does not occur.

If insurance proceeds were received, provide all relevant insurance documentation and evidence of funds committed/received/expended on the proposed project. Also, explain why funds are needed above and beyond the insurance funding.

If a policy was in place for the proposed project, but a claim was not made, provide an explanation as to why.

Other Local, State, or Federal Funding - Any and all funds identified for use on any project proposed in an application must be fully disclosed and detailed to ensure accuracy in the budget, eligible use of all funds, schedule coordination, and that a duplication of benefit does not occur.

If other funds are available to address the proposed project in whole or in part, report all sources of that funding and reflect the specific uses (i.e. construction, engineering, administration, environmental).and amounts in the application budget.

Finally, provide a brief narrative or list of other state and/or federal agencies contacted for funding and the results.

Multiple Jurisdictions

While multiple jurisdictions may unite to submit one larger regional project, one of those entities must take "lead" responsibility for a contractual relationship with the GLO to include application entry and submission, contract execution, project implementation, and closeout. For this type of project, applicants must provide clear delineation of ownership. Thorough Interlocal Agreements/Memoranda of Understanding/etc. with every entity involved must include, at a minimum, clear identification of the entity's interest in the project, activities allowed for the project, ongoing maintenance and upkeep, activities not allowed for the project, an outline of how liabilities will be transferred and when, and what is required for final acceptance and closeout.

TIGR APPLICATION:

Budget Tab:

The Project Level Budget represents summary data compiled as each Activity and Site are created.

Applicants are expected to present a thorough budget at the site level that includes all elements required for an eligible and successful project. Construction or public facilities budgetary information must be provided by a professional engineer or architect licensed to practice in the state of Texas. Original sealed construction and public facilities budgetary information must be maintained in the local file structure.

Comprehensive budget information will include:
CDBG-MIT Construction,
CDBG-MIT Engineering,
CDBG-MIT Acquisition,
CDBG-MIT Environmental, and
CDBG-MIT Administration costs.

Specific use of Other Funds (FEMA, insurance, local, etc.) committed to the proposed project must be identified in the appropriate line of the budget proposal.

These totals must equal the amount requested on the required Application for Federal Assistance SF-424 (SF-424).

Click on Add Budget Activity, then Add New Budget Activity.

TIGR APPLICATION:

Budget Tab (continued):

The Project Level Budget represents summary data compiled as each Activity and Site are created.

Applicants are expected to present a thorough budget at the site level that includes all elements required for an eligible and successful project. Construction or public facilities budgetary information must be provided by a professional engineer or architect licensed to practice in the state of Texas. Original sealed construction and public facilities budgetary information must be maintained in the local file structure.

Comprehensive budget information will include:
CDBG-MIT Construction,
CDBG-MIT Engineering,
CDBG-MIT Acquisition,
CDBG-MIT Environmental, and
CDBG-MIT Administration costs.

Specific use of Other Funds (FEMA, insurance, local, etc.) committed to the proposed project must be identified in the appropriate line of the budget proposal.

These totals must equal the amount requested on the required Application for Federal Assistance SF-424 (SF-424).

Click on Add Budget Activity, then Add New Budget Activity.

Click on the Create button to save the record and then reopen it to select the Budget Code. Provide Site information and budget and upload required documents.

Budget Codes:

- **Flood control and drainage improvements**
- **Infrastructure improvements – Water facilities**
- **Infrastructure improvements – Sewer facilities**
- **Infrastructure improvements – Street Improvements**
- **Infrastructure improvements – Multifamily Housing**
- **Infrastructure improvements – Clearance and Demolition**
- **Infrastructure improvements – Code Enforcement**
- **Infrastructure improvements – Debris Removal**
- **Infrastructure improvements – Dike/Dam/Stream-River Bank repairs**
- **Infrastructure improvements – Economic Development**
- **Natural or green infrastructure**
- **Public Facilities**
- **Housing incentives**
- **Public service within the 15 percent cap**
- **Economic Development**
- **Communications infrastructure**
- **Buyouts or Acquisitions**
- **Relocation Assistance**
- **FEMA HMGP Cost Share**

TIGR APPLICATION:

<u>Budget Tab (continued):</u>

Provide a General Description.

This is basically the activity title. As with documents, use a unique descriptive title for each activity.

Provide a Detailed Description.

Provide a brief but thorough narrative describing the scope of work to be completed and how it serves the overall project. If more space is needed, provide the entire narrative on a well identified separate sheet and upload in the Documents section. If this option is taken, use the Detailed Description box to provide the name of the associated document.

Applicants will then click on Add New Project Site.

TIGR APPLICATION:

<u>Create new Project Site Window:</u>

In the Project Sites & Locations section, the Program and Site Number populate automatically based on previous data provided.

Provide a Site Title.

Use a unique descriptive title for each site.

Provide a Site Description.

Provide a brief but thorough narrative describing the scope of work to be completed and how it serves the overall project. If more space is needed, provide the entire narrative on a well identified separate sheet and upload in the Documents section. If this option is taken, use the Site Description box to provide the name of the associated document.

Provide the following information:

Street Address
Street Limits on Street – From Street _____ – To Street_____
Zip Code
City
County
State (auto-populated)
Latitude
Longitude

TIGR APPLICATION:

Create new Project Site Window (continued):

Scope of Work - Provide a brief but thorough narrative describing the scope of work to be completed and how it serves the overall project. If more space is needed, provide the entire narrative on a well identified separate sheet and upload in the Documents section. If this option is taken, use the Site Scope of Work box to provide the name of the associated document.

As previously indicated, applicants must follow the procurement process guidelines set forth in 2 CFR §200.318-§200.326 for procurement of construction services. For better detail regarding procurement methods and requirements, refer to:
https://recovery.texas.gov/local-government/resources/procurement-contracting/index.html

Have you procured construction services for the proposed project? (Yes or No)

Select the construction completion method to be used from the dropdown list:
- **Competitive Sealed Bid/Contract**
- **Force Account**
- **Combination Sealed Bid/Force Account**
- **Request for Proposals**
- **Request for Qualifications**
- **Small Purchase**

Will acquisition of real property or any activity requiring compliance with URA be required? (Yes or No)

If yes: Provide the Estimated Number of Parcels

Select the status of the acquisition from the dropdown list:
- **Completed**
- **In progress**
- **Still needed**

Provide a brief narrative describing the acquisition activities required. If more space is needed, provide the entire narrative on a well identified separate sheet and upload in the Documents section. If this option is taken, use the Acquisition narrative box to provide the name of the associated document.

Provide local Elected Officials District Numbers:
Congressional Representative, State Representative, and State Senator
NOTE: Only District Numbers are required.

Applicants will then click on Add New Project Site.

TIGR APPLICATION:

Create new Project Site Window (continued):

Applicants will then click on Create New Project Site. The Edit Project Site window will open with all the newly entered data. Scroll down to Site Budget.

Click on Add New Site Budget Code. A Create window will open.

Select the appropriate Site Budget Code from the dropdown list:

CDBG-MIT Construction
CDBG-MIT Engineering
CDBG-MIT Environmental
CDBG-MIT Admin (Grant Administration)
CDBG-MIT Acquisition

Enter the Amount Requested and provide a brief description.

Enter any Other Funds that will be used toward this budget code and provide a brief description.

Click on Create new Site Budget.

REPEAT "Add New Site Budget Code" until entire budget is represented for this activity.

Scroll down to Site Metrics.

Click on Edit Metric and provide any necessary Comment. Use a whole number to report either metric.

- **Linear feet of public improvements or**
- **Number of public improvements**

Project Schedule

Applicants must provide a single Project Schedule that represents the entire proposed scope of work. For instance, if three different activity types are included, the "Engineering Design" phase should encompass the amount of time needed to complete "Engineering Design" for all three activity types. If there are Housing, Buyout, or Acquisition activities included, provide the scheduled time allotted for "Program Guideline Development" in the schedule.

Applicants must consider any factors, such as special permitting/migratory patterns/seasonal issues, that may impact completion of the project.

TIGR APPLICATION:

Project Schedule:

In the Dates and Status section, select the project phase from the drop down list. The schedule activities to identify (as appropriate) are:

- **Procurement of Grant Administration/Environmental Service Provider**
- **Procurement of Engineer/Architect Professional Services**
- **Program Guideline Development (applicable to Housing, Buyout, Acquisition)**
- **Start-Up Documentation**
- **Engineering Design**
- **Broad Environmental Review**
- **Acquisition**
- **Bid Advertisement**
- **Contract Award**
- **Construction NTP (Notice to Proceed)**
- **Construction**
- **Construction Activity Completion**
- **Submit As-Builts/COCC/FWCR**
- **Contract Closeout**

Provide the Start Date for each project phase and provide the number of months required to complete the phase. The End Date will automatically calculate.

Repeat until the entire Project Schedule is represented.

Project Documentation

In addition to the completed application, each applicant must upload and submit the following documentation along with their application. These items help the GLO assess the applicant's eligibility, project eligibility, financial capacity, capacity to oversee and manage a CDBG-MIT funded contract, and ensure a successful project:

Table 8: Application Documentation

Document Group	Document Type
Application Submission	Signed Applicant Certifications
Beneficiary Information	Supporting census tract/block group or other beneficiary data maps
	U.S. Census Bureau data and/or MIT-CDBG Survey documentation
Budget	Documentation of other funding (FEMA, insurance, Small Business Administrations, etc.)
	MIT - Budget Justification of Retail Costs form (completed, signed, and sealed by a professional engineer or architect licensed to work in the State of Texas)
Citizen Participation	Affidavit of public posting
	Documentation of public hearings, if applicable
	Pictures that demonstrate public posting
Environmental	Copies of Required Permits
	Environmental Exempt Form for planning and administrative activities
Federal Application	SF-424 (completed and signed)
General Eligibility	Fair Housing Activity information
	Local Financial Management Policies and Procedures
	Local Procurement Policies and Procedures
	Single Audit or Annual Financial Statement
Mitigation Needs	Copy of any relevant adopted plan with official adoption documentation
	Scope of work information, maps, and other applicable documentation for Added Resiliency Measures taken
	Local adopted Hazard Mitigation Plan, if applicable
National Objective Information	Mitigation Urgent Need documentation
Procurement	Financial Interest Reports (Grant Administrator, Environmental Services, Engineering; as applicable)
	Professional Services documentation

Project	Maps indicating latitude and longitude for a proposed location
	Site photos
	Supporting documentation for Covered Project proposals including other funding source data
	Other supporting documentation

Application for Federal Assistance Standard Form-424 (SF-424)

All applications **must** be accompanied by a completed and signed Application for Federal Assistance SF-424, OMB Number: 4040-0004, Expiration Date: 12/31/2022. SF424_

By completing, signing and submitting the SF-424 with the application, each applicant for CDBG-MIT funding is providing local certifications indicating that the application guide has been followed in the preparation of any CDBG-MIT program application, and that they will continue to be followed in the event of funding. False certification can result in legal action against the jurisdiction and disqualification from program eligibility.

The SF-424 form is available on the GLO website:
https://recovery.texas.gov/files/resources/mitigation/sf-424-application-for-federal-assistance.pdf

Local Certifications

Instruction for:

MIT-Local Certifications form

The MIT-Local Certifications form must be signed by the local authorized signatory, submitted with the TIGR application, and retained with the local application file.

The MIT-Local Certifications form is available on the GLO website:
https://recovery.texas.gov/files/resources/mitigation/mit-local-certifications.pdf

Each application must include a MIT-Local Certifications form signed by an authorized signatory. Each applicant for CDBG-MIT funding must certify by signing the Application for Federal Assistance Standard Form 424 (SF-424) and the MIT-Local Certifications form provided on the GLO website and included in this application guide were followed in the preparation of any CDBG-MIT program application, and will continue to be followed in the event of funding.

Each applicant 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 GLO policy directives. All applicable federal and state laws, including environmental, labor (Davis-Bacon), procurement procedures and contract requirements of 2 CFR 200.318–200.326, and civil rights requirements apply to the use of these funds.

It should be noted that 18 USC 1001 states that any person who (1) knowingly or willfully falsified, conceals, or covers up by any trick, scheme, or device of material fact, (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false fact, fictitious, or fraudulent statement is a federal offense and punishable under the law.

Each applicant certifies, in compliance with the requirements presented in the Federal Register notice, 84 FR 45838 (August 30, 2019), that:

a. The 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 funding.

b. The subrecipient certifies its compliance with restrictions on lobbying required by 24 CFR 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 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 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 CFR part 135.

f. The 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 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 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:

(a) 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

(b) 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 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 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 subrecipient certifies that it (and any subrecipient or 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 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 CFR 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 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 subrecipient certifies that it will comply with environmental requirements at 24 CFR part 58.

n. The 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, 1001 and 31 U.S.C. 3729 and disqualification from the CDBG_MIT program.

Application Completion and Submission

Once the applicant has completed the application in its entirety, uploaded all required documentation, and met the required Citizen Participation criteria, they must follow the appropriate steps in TIGR to complete the application submittal.

TIGR APPLICATION:

Application Completion/Submission:

Navigate to the Projects section and click on "Complete an Existing Draft Project."

Locate the Draft Project and click the drop down arrow under Program Type, and click "Submit Project."

Navigate to the Applications section and click on "Complete an Existing Draft."

Locate the Draft Application and click the drop down arrow under Created On, and click "Submit Mitigation Application."

*****Once submitted, the applicant cannot edit the application.*****

Congratulations!

Your Mitigation Competition Application has been submitted for scoring!

V. Additional Application Information

Record Retention

In accordance with federal regulations, all records relevant to this Contract shall be retained for a period of three (3) years subsequent to the final closeout by the State CDBG-MIT grant with HUD. The GLO will notify all CDBG-MIT Program participants of the date upon which local records may be destroyed, and Provider shall retain all records related to this contract until the destruction date determined by the GLO.

Conflict of Interest Procedures

The applicant will be required to designate an individual to serve as an overseer of all grant activities, to ensure that there are no "conflicts of interests" in any, and all, activities related to the administration of a GLO grant. It is recommended that the individual designated to serve in this role be employed in a position outside the chain of command of the staff administering this grant and have the ability to bring any concerns directly to the elected official, city council, or county commissioners court.

False Information

The following actions may be taken, as appropriate, where GLO finds that an applicant provided false information in their application for CDBG-MIT funding.

If GLO staff suspect or have confirmation that an applicant has provided false or misleading information in an application that would affect program eligibility, impact the applicant's score, or falsely define beneficiary information that increases the number or percentage of potential beneficiaries, GLO staff will make a recommendation for action to GLO Monitoring and Quality Assurance.

GLO Monitoring and Quality Assurance may take additional actions that may include, but are not limited to:

1) If an award has NOT been made and adjustment to the information results in program ineligibility for the purpose of funding, the locality will be liable for funds expended to any vendors procured to serve the application process.
2) If an award has been made, GLO Monitoring and Quality Assurance will conduct the appropriate reviews and issue any official findings or concerns. The applicant/ subrecipient may be liable for funds expended.
3) Referral to the HUD Office of the Inspector General (OIG) for further resolution.

Application Review Procedures

All applications will be reviewed by GLO staff or its assigned representatives to determine if each application (1) is complete, (2) proposes activities that are eligible, (3) meets a national objective, and (4) meets program requirements.

The application review procedures consist of the following steps:

- Submission of applications by eligible applicants.
  - Each eligible entity must submit an application via TIGR prior to the application due date and time.
- COMPETITIONS ONLY: All applications received by the prescribed due date are scored using posted Scoring Criteria. Only applications scoring high enough for potential award are reviewed for completeness and eligibility. Should an applicant be disqualified the next highest scorer will be reviewed for eligibility.

1) Completeness and eligibility review.

(a) Upon receipt of an application and scoring, GLO will perform a completeness and eligibility review to determine whether all needed application data has been provided and whether all proposed activities are eligible. Competition applications that are incomplete or contain multiple deficiencies may be disqualified without further opportunity for repair.

(b) If the application contains enough information to clearly identify projects and confirm general eligibility, GLO will contact the applicant to clarify and resolve any minor deficiencies discovered during review. A response correcting the deficiencies must be submitted to GLO within the prescribed timelines.

(c) For competitions, any high scoring applications that are found otherwise ineligible for any reason will be disqualified.

(d) For competitions, completeness and eligibility review will begin with highest scorers and will continue down the list until all available funds have been awarded to complete and eligible applicants.

2) GLO works with eligible applicants to execute contract agreements.

(a) When all project eligibility issues have been resolved, GLO will draft contract documentation based on the information approved in the entity's application. GLO may negotiate any technical elements with the recipient so long as the award amount is not increased and the level of benefits described in the application is not decreased, and/or there are no changes that would impact eligibility and scoring (if applicable.)

What if I Have Additional Questions?

Competition applicants may submit inquiries regarding the Competition programs via email to CDR.mitigation@recovery.texas.gov. Response will be provided via Frequently Asked Questions posted to the GLO website at: http://recovery.texas.gov/.

Non-Competition applicants needing additional assistance are encouraged to contact GLO at: CDR.mitigation@recovery.texas.gov. A Grant Manager will respond to the inquiry.

Abbreviations

AFFH – Affirmatively furthering fair housing
AMFI – Area median family income
BCA – Benefit-Cost Analysis
CDBG - Community Development Block Grant
CDP – Census Designated Places
C.F.R. – Code of Federal Regulations
CGA – Census Geographic Area
COCC – Certification of Construction Completion
DR – Disaster Recovery
FEMA – Federal Emergency Management Agency
FIR – Financial Interest Report
FR – Federal Register
FWCR – Final Wage Compliance Report
GA – Grant Administrator
GIS – Geographic Information System
GLO - Texas General Land Office
GPS – Global Positioning System
HCDA – The Housing and Community Development Act of 1974 Section 105(a) - (Eligible Activities for States)
HMGP – Hazard Mitigation Grant Program
HUD - U.S. Department of Housing and Urban Development
LMI – Low- and Moderate-Income
LMISD – Low Mod Income Summary Data
MID – Most Impacted and Distressed
MIT – Mitigation
NDR – National Disaster Resilience
NFIP – National Flood Insurance Program
NIMBY – Not in my back yard
NTP – Notice to Proceed
PL – Public Law
RFP – Request for Proposals
RFQ – Request for Qualifications
SBA – Small Business Administration
SF-424 – Application for Federal Assistance Standard Form 424
TIGR - Texas Integrated Grant Reporting
UNM – Urgent Need - Mitigation
URA – Uniform Relocation Act
USACE – The Unites States Army Corp of Engineers

Potential Eligible Project Examples

Example A: Three coastal counties worked together to identify a continuous area of land along the coast that stretches across the three counties; the area used to be an industrial site, but now needs to be redeveloped. Their proposed project is to redevelop this area into a nature preserve to protect their coastal cities from coastal flooding. The counties have determined that their identified coastal cities are the logical population that will utilize the preserve, and **all of the cities** meet the unmet need mitigation national objective (See National Objective Section below).

They have proposed a variety of activities to create the nature preserve including: soil remediation, dune restoration, and a community park; all of these proposed activities are within the area that needs to be redeveloped and defined in the application.

The Counties have identified:

- The Service Area as: The coastal cities with an urgent mitigation need
- The Project as: The Nature Preserve
- The Hazard Risk as: Coastal Flooding
- The Activities as: Soil remediation, dune restoration, and a community park

Why is "Example A" a Potentially Eligible Project?

- The project is working to reduce risks from an identified hazard
- The project has identified a specific service area with an urgent mitigation need
- The proposed activities are eligible under CDBG-MIT; HCDA Section 105(a) (1-5), 105(a) (7-9), and 105(a)(11)
- The proposed activities benefit the identified service area

Example B: The City of B's proposed project is to decrease riverine flooding throughout the eastside of the city; the city has determined that the eastside of the city is 55% low to moderate income individuals. The city has identified buyouts, additional culverts, new bioswales, bulkheads, and public service activities (educational campaigns on the risks of flooding and legal assistance for community members living in the eastside of the city) to decrease future flooding throughout the eastside of the city.

The City has identified:

- The Service Area as: The eastside of the city
- The Project as: Decrease future riverine flooding
- The Hazard Risk as: Riverine Flooding
- The Activities as: Buyouts, additional culverts, new bioswales, bulkheads, and public service activities (educational campaigns on the risks of flooding and legal assistance for community members)

Why is "Example B" a Potentially Eligible Project?

- The project is working to reduce risks from an identified hazard
- The project has identified a specific service area that is at least 51% low to moderate income persons
- The proposed activities are allowed under CDBG-MIT; HCDA Section 105(a) (1-5), 105(a) (7-9), and 105(a)(11)
- The proposed activities benefit the identified service area

Potential Ineligible Project Example

Example C: The County of C is working to decrease riverine flooding throughout the county. The County has determined that the entire county is 52 % low to moderate income. The county wants to partner with the county's largest city to concentrate projects in the partnering city's downtown area. Their proposed project is a new downtown district that acts to improve drainage throughout the city's downtown area. Proposed activities include hardening and improving mixed use development (providing assistance to businesses for the installation of disaster mitigation improvements and incorporating green roofs and other design elements to improve local drainage), creating a new central park that acts as a drainage basin, and new storm culverts throughout the downtown.

The County has identified:

- The Service Area as: The entire county
- The Project as: A New Downtown District
- The Hazard Risk as: Riverine Flooding
- The Activities as: hardening a mixed use development, creating a new park that acts as a drainage basin, and new storm culverts throughout the downtown.

Why is "Example C" <u>NOT</u> an Eligible Project?

- While the project is working to reduce an identified risk from an identified hazard (riverine flooding) and proposes potentially allowable activities, the proposed activities do not serve the entire service area that the applicant identified (the entire county).
- Although the whole county has a majority of low to moderate income population, the project only serves to reduce the risks of riverine flooding in one area of one city in the county.
- The county could potentially change the service area to the city's downtown area if the county finds that the downtown has a population that is 51% or more low to moderate income persons or meets the urgent need mitigation objective.

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3519

From:

Subject:
Approval to solicit Requests for Qualifications for grant administration for the Texas General Land Office CDBG Grant Competition and authorize the Mayor to execute any related documents. (Staffed by Airport Department.)

Background:
Staff is seeking assistance for grant administration services if funded under the GLO CDBG grant competition. Point value is given for applicants with the ability to administer federal programs/grants.

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:
Mayor's Signature

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**

Andrew Muñoz	Created/Initiated
Andrew Muñoz	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve.

Staff Recommendation:
Staff recommends approval.

Attachments, if any:
cdbg-mit_comp_app_guide_2020

Responsibilities upon Approval:

Texas General Land Office

CDBG-MIT Competition Application Guide

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I. Introduction

The United States Department of Housing and Urban Development (HUD) allocated $4,297,189,000 in Community Development Block Grant (CDBG) - Mitigation (MIT) funds to the state of Texas through their notice published in the Federal Register, 84 FR 45838 (August 30, 2019). The Texas General Land Office (GLO) has been designated by Governor Greg Abbott to administer CDBG-MIT funds on behalf of the state of Texas.

In their Federal Register notice, HUD defines mitigation as:

"Those activities that 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."

CDBG-MIT represents an opportunity to fund strategic and high-impact activities to mitigate disaster risks identified by a community and reduce future losses in those areas.

GLO's *The State of Texas CDBG Mitigation Action Plan: Building Stronger for a Resilient Future* (the Action Plan) outlines the use of funds, programs, eligible applicants, and eligibility criteria for these CDBG-MIT funds. The Action Plan divides the $4,297,189,000 CDBG-MIT funds among eleven mitigation programs. Each program provides the opportunity for entities throughout the state to develop, construct and/ or implement activities allowed under CDBG-MIT; Housing and Community Development Act (HCDA) Section 105(a) (1-5), 105(a) (7-9), and 105(a)(11). These activities may include but are not limited to natural and green infrastructure, public facilities, housing, buyouts or acquisition, activities designed to relocate families outside of floodplains, and public service activities. A copy of the HCDA Section 105(a) is available on the HUD Exchange website at: www.hud.gov/sites/documents/DOC_16364.PDF

Three of the state's eleven programs are competitions, these three competitions provide the opportunity for local applicants to identify potential mitigation projects within their own communities and apply directly to the GLO for funds.

The requirements and procedures specified in the Action Plan and HUD 84 FR 45838 (August 30, 2019) govern this application process and applicants are strongly encouraged to read these documents prior to submitting an application. Failure to meet any programmatic criteria could lead to disqualification. These documents can be found on the GLO website at recovery.texas.gov or requested in writing from GLO.

This guide begins with a summary of the overall competition criteria applicable to all three Mitigation Competitions identified below. The summary is followed by criteria specific to each program along with applicable Scoring Criteria for each of the programs. Next, instruction for local project selection, documentation preparation, and application submittal are provided. This guide only serves the following programs:

- 2015 Floods State Mitigation Competition
- 2016 Floods State Mitigation Competition
- Hurricane Harvey State Mitigation Competition

As stated in the introduction, a variety of activities are eligible within a well identified and defined mitigation project. Prior to deciding to develop a mitigation application, Applicants must consider and take action toward the steps identified below. Each of these steps is addressed in detail in this guide.

General Steps to a Successful Application

TIGR Access

- ☐ Register with the Texas Integrated Reporting (TIGR) System and establish access well before attempting to enter application data and uploading required documentation. Application due dates are firm.

Competition Programs

- ☐ Be aware of the specific requirements of each program as some vary.

Project Selection

- ☐ Determine if the priorities consist of eligible activities as defined in the State Action Plan.
- ☐ Determine if the prioritized *activities* serve one mitigation need and can, therefore, be combined into one project as defined in the State Action Plan.
- ☐ Secure appropriate and thorough Interlocal Agreements/Memoranda of Understanding/etc. as required for regional projects.
- ☐ Clearly identify and document beneficiary identification methodology.

Local Preparation

- ☐ Update local processes and procedures, especially regarding financial management and procurement, to prepare for the receipt of federal funding.
- ☐ Follow federal requirements identified in 2 C.F.R. 200.318 to 200.326 when procuring goods and services to ensure compliance and potential reimbursement.
- ☐ Ensure that local Citizen Participation Plan requirements, as well as those imposed by the specific allocation, are being met and documented to show public involvement;
- ☐ Prepare a Grant Management Plan for each application that identifies all key signatories, decision-makers, and other relevant stakeholders to show and ensure local capacity;
- ☐ Complete the SF-424 Form, have it signed by an authorized signatory, and have it ready for upload when application data is input.
- ☐ Read and understand all requirements of the Local Certifications, have them signed by an authorized signatory, and have it ready for upload when application data is input.
- ☐ Prepare and provide narratives that fully describe the proposed project and how it meets eligibility criteria for the given application.
- ☐ Prepare and properly identify all supporting documentation to ensure efficient review.
- ☐ Ensure all project and beneficiary mapping is complete and accurate to identify and support all aspects of the proposed project.

- ☐ Access the TIGR System and begin entering application data and uploading required documentation. Once an application has begun, an applicant can access and update it as needed until it is officially submitted. When all data and documentation is complete, officially submit the application. The TIGR system will record your submission time and date. **Application due dates and time will be firm.**
- ☐ Finally, all applicants must complete the application in its entirety. Thoroughness and clarity in application data is vital.

Failure to provide a complete and thorough application with supporting backup documentation will result in disqualification.

II. TIGR Access

All applications, along with the completed and signed Application for Federal Assistance SF-424 form and all other accompanying documentation, **must be electronically submitted via the Texas Integrated Grant Reporting (TIGR) System no later than the applicable competition due date. ALL due dates will be posted on the Texas Recovery website at: recovery.texas.gov**

Once an eligible applicant has selected a project in their community and knows what competition they would like to apply to, an electronic application via the Texas Integrated Grant Reporting (TIGR) system is required. Advance registration for system access is required.

When Should Applicants Complete a TIGR Access Form?

Applicants for CDBG-MIT funding must complete a TIGR System Access Form **a minimum of ten (10) business days in advance of creating an application** and must be aware of the potential impact on application deadlines.

The TIGR System Access Form provides general information about the Applicant/Subrecipient and identifies the Primary Contact, Authorized Representatives, and a General User, along with contact information for each. Once access has been provided, this form is also used to request changes to those contacts.

The TIGR System Access Form is available on the GLO website:

https://recovery.texas.gov/files/resources/mitigation/tigr-system-access-form.docx

TIGR ACCESS FORM INSTRUCTIONS

Subrecipient Access Form:

Subrecipient to fill out

1. Subrecipient Name: Applicant Name
2. The main business contact information
3. Signatory: name and email
4. Primary Contact: Assigned point of contact
5. Authorized Rep: this would be who to contact if the Primary Contact is unavailable (Secondary Contact)
6. General User: Individuals on staff that can access TIGR.

General Rules and Reminders:

TIGR Access forms may be filled out by Applicant or Grant Administrator (GA) but can ONLY be submitted by the Applicant. The Applicant must submit the application; it can not be submitted by on contracted vendor.

Email completed forms to TIGRhelp@recovery.texas.gov

Elected Officials *are always* on the form with their own business email address, if they do not wish to receive grant status correspondence *please note this on the form*. However, there are instances where GLO communications must be sent directly to the Elected Officials.

Keep General Users to a minimum, the more individuals with access the more possibility of a security breech.

It is against GLO security policy to share licenses, including Okta and TIGR licenses, and Portal accounts between more than one user. Do Not share your access information and password with anyone.

Upon successful registration, applicants may begin the application entry process. It is highly recommended that applicants read this Guide and prepare supporting documentation that will require upload. The TIGR system will allow applicants to access and work on an application as many times as necessary. However, once officially submitted, access to change/correct/update the application will be closed. Ensure that all required attachments, including signed documents, are uploaded to the application module prior to officially submitting.

Figure 1: Example of TIGR Access Form

Texas General Land Office
Community Development and Revitalization
Texas Integrated Grant Reporting - TIGR
System Access Form

Please complete this form for initial access to the Texas Integrated Grant Reporting (TIGR) system for application and contract management staff identification purposes. Please note each user must have their own unique individual email address.

Applicant/Subrecipient Name (City, County, COG or Vendor Name):
Business Phone number:
Business Address:
Main Email Address:

Primary Contact (Individual with decision making authority who will identify individuals who access TIGR)**:**
First Name:
Middle Name/Initial:
Last Name:
Email:
Phone:
Job Title:

Authorized Rep (Individual who is authorized to act on behalf of the Primary Contact in the POC's absence)**:**
First Name:
Middle Name/Initial:
Last Name:
Email:
Phone:
Job Title:

Example: *Primary Contact* maybe a Judge, Mayor, an *Authorized Rep* may be a City Manager, Executive Assistant

General User (All users needing access to TIGR, including grant administrators, vendors and employees needing access on behalf of Subrecipient)**:**
First Name:
Middle Name/Initial:
Last Name:
Email:
Phone:
Job Title:

TIGR – System Access Form - 2020 Page 1 of 1

III. Competition Programs

HUD's Mitigation Definition as stated in the Federal Register, 84 FR 45838 (August 30, 2019) is as follows:

"Activities that 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."

In addition to the information required for all competitions detailed later, each Mitigation Competition has unique elements. In this section are eligible entities, competition application maximums, the number of applications that may be submitted, and how applications will be chosen for each Competition.

Applicants must develop their community mitigation projects in a manner that considers an integrated approach to housing, fair housing obligations, infrastructure, economic revitalization, and overall community resiliency. Consideration of the long-term planning process is required.

Once an application has been submitted and a final score has been established, no changes that alter the score will be allowed should the project be awarded.

TIGR APPLICATION

<u>Program Selection:</u>

The TIGR application will begin with the selection of a program. Applicants should know prior to accessing the TIGR system which programs they are eligible for and how the proposed project fits the program. Applicants must select carefully to ensure application eligibility.

The Program Options are:

2015 Floods State Mitigation Competition – HUD MID

2015 Floods State Mitigation Competition – State MID

2016 Floods State Mitigation Competition – HUD MID

2016 Floods State Mitigation Competition – State MID

Hurricane Harvey State Mitigation Competition – HUD MID

Hurricane Harvey State Mitigation Competition – State MID

Because of the competitive nature of these funds, it is VITAL that Applicants complete the TIGR application in its entirety and upload all documentation that supports the proposed project. While many forms of documentation are required, as indicated in this guide, Applicants are encouraged to include any additional documentation that supports their proposal.

Unique to the Mitigation Programs and once general eligibility has been established, no project is required to address damage from the named disaster event. However, projects MUST have a connection to an Identified Risk.

TIGR APPLICATION

Mitigation Need Identification:

Upon selection of a program, identify the specific risk the proposed project will mitigate against. Options will be:

For 2015 or 2016 Floods State Mitigation Competitions:

a. **Severe Coastal Flooding**
b. **Riverine Flooding**
c. **Storms**
d. **Tornadoes**

For the Hurricane Harvey State Mitigation Competition:

a. **Hurricanes/Tropical Storms/Tropical Depressions**
b. **Severe Coastal Flooding**
c. **Riverine Flooding**

Hazard Risk Description:

Describe how the risk(s) selected are impacting the proposed project areas. Reference where adopted local mitigation efforts are planned or underway where appropriate.

Hazard Mitigation Actions:

Applicants must describe in narrative format how their proposed project meets the above definition and clearly identify the methodology used to determine how the described criteria are being met. Include information and/or documentation identifying how the proposed project addresses overall local mitigation needs, as well as the risks identified for each program.

2015 Floods State Mitigation Competition

Who is Eligible to Apply for the 2015 Floods State Mitigation Competition?

Any eligible applicant located in a 2015 Floods HUD or State Most Impacted or Distressed (MID) County may apply for the 2015 Floods State Mitigation competition.

The chart and map below show the 2015 Floods State Mitigation Competition's HUD and State MID Counties. Because the cities of Houston and San Marcos each received a direct HUD CDBG-MIT allocation related to the 2015 flooding events, they are ineligible to apply.

Eligible applicants include any entity in the bullet points below located in the 2015 Floods State Competition's HUD and State MID Counties:

- Units of local government (cities and counties),
- Indian Tribes,
- Councils of Governments,
- Entities are encouraged to coordinate activities and submit a joint project that crosses jurisdictional boundaries

How will the funding allocation be distributed?

- At least fifty (50) percent of funds must address identified risks in the 2015 Floods HUD MID areas (counties); and
- Up to fifty (50) percent of funds may address identified risks in the 2015 Floods State MID counties.

What Mitigation Risks must be addressed?

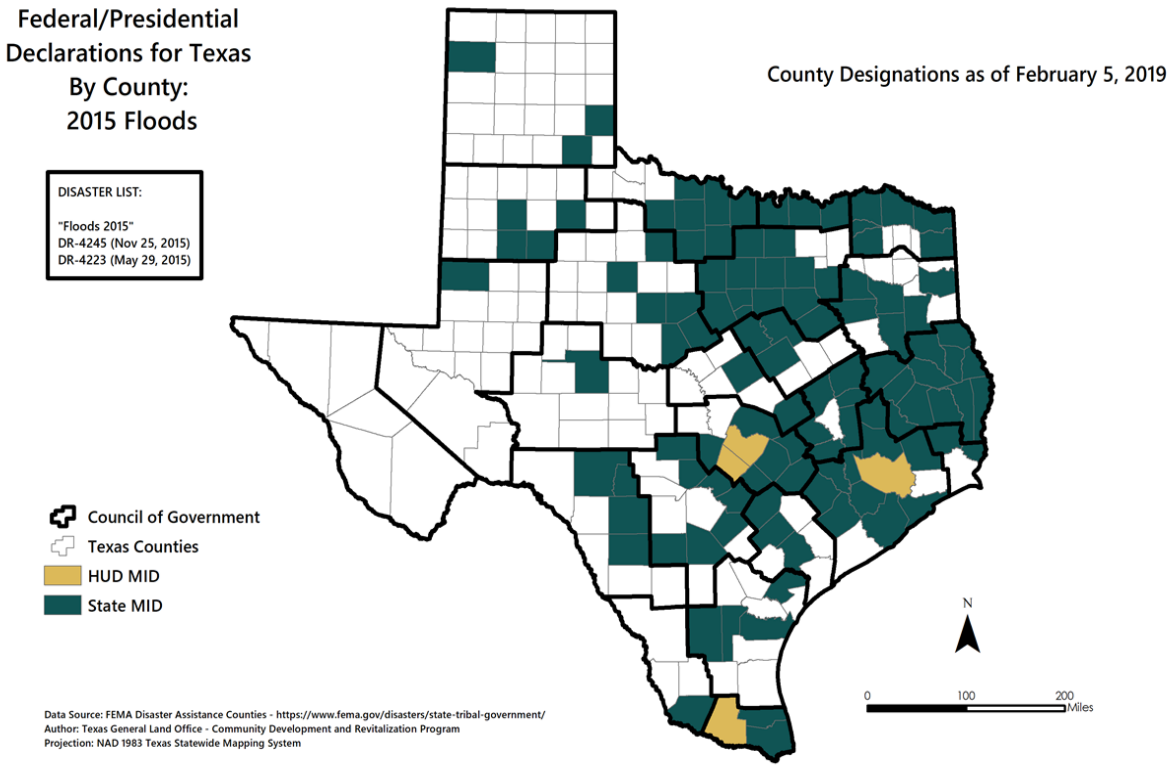
Proposed projects should clearly identify how they will reduce the impacts of one or more of the following risks:

- severe coastal flooding,
- riverine flooding,
- storms, and/ or
- tornadoes.

Table 1: 2015 Floods State Competition HUD and State Eligible Areas

2015 Floods State Mitigation Competition					
HUD MID Counties	**State MID Counties**				
Harris	Angelina	Coryell	Hall	McLennan	Starr
Hays	Archer	Dallas	Hardin	Milam	Tarrant
Hidalgo	Atascosa	Delta	Harrison	Montague	Throckmorton
Travis	Austin	Denton	Hartley	Montgomery	Tom Green
	Bastrop	DeWitt	Henderson	Nacogdoches	Trinity
	Baylor	Dickens	Hill	Navarro	Tyler
	Blanco	Duval	Hood	Newton	Uvalde
	Bosque	Eastland	Hopkins	Nueces	Van Zandt
	Bowie	Edwards	Houston	Orange	Victoria
	Brazoria	Ellis	Jack	Palo Pinto	Walker
	Brown	Erath	Jasper	Parker	Waller
	Burleson	Fannin	Jim Wells	Polk	Washington
	Caldwell	Fayette	Johnson	Real	Wharton
	Callahan	Fort Bend	Jones	Red River	Wichita
	Cameron	Frio	Kaufman	Refugio	Willacy
	Cass	Gaines	Kendall	Robertson	Williamson
	Cherokee	Galveston	Lamar	Rusk	Wilson
	Clay	Garza	Lee	Sabine	Wise
	Collingsworth	Gillespie	Leon	San Augustine	Young
	Colorado	Gonzales	Liberty	San Jacinto	Zavala
	Comal	Grayson	Lubbock	Shelby	
	Comanche	Grimes	Lynn	Smith	
	Cook	Guadalupe	Madison	Somervell	

Figure 2: 2015 Floods State Mitigation Competition HUD and State Eligible Areas



How Much Can Each Applicant Apply for?

For the 2015 Floods State Mitigation Competition each project has a maximum and minimum amount that applicants can apply for. The minimum amount is to encourage applicants to submit projects that have the ability to have a significant impact and to encourage applicants to submit joint applications.

- **Maximum Amount: $10,000,000**
- **Minimum Amount: $3,000,000**
- **Number of projects allowed per application:** 1

How Many Applications May Each Applicant Submit?

Each applicant may submit a total of ***two*** applications, whether applying as the single applicant or jointly with another jurisdiction(s). Depending on demand, no applicant will be awarded for their second application until all successful eligible applicants that receive a minimum of 65 points have been awarded funding at least once. Applications that do not score a minimum of 65 points will only be considered after all applications scoring greater than this amount have been funded.

If an applicant is eligible for multiple MIT-program competitions (e.g., 2015 Floods, 2016 Floods or Hurricane Harvey Competitions), the same project(s) cannot be submitted in each competition. If a project is a phase of a larger project, the phase of the project submitted must be viable as a stand-alone project. Applicants are encouraged to incorporate nature-based solutions, including natural or green infrastructure, into their proposed projects.

The GLO reserves the option to delay award(s) to ensure that at least fifty (50) percent of funds benefit LMI persons and at least fifty (50) percent of funds address identified risks in the 2015 Floods HUD MID areas (counties).

How will My Application be Scored?

Applications will be scored based on the following criteria. In the case of a tie between applications, the project that has the higher poverty rate will receive more points.

Table 2: Scoring Criteria for the 2015 Floods State Mitigation Competition

Question(s)	Criteria	Maximum Points
What is the project service area's Composite Disaster Index?	**County Composite Disaster Index**	**10 Points Possible**
	Top 10%	*10 Points*
	Top 25%	*8 Points*
	Top 75%	*5 Points*
	Bottom 25%	*2 Points*
	Bottom 10%	*0 Points*
	Prorated CDI Rank	*Calculated Points*
	Social Vulnerability Index	**10 Points Possible**

Question(s)	Criteria	Maximum Points
What is the project service area's Social Vulnerability Index (SoVI)?	*High*	*10 Points*
	Medium High	*8 Points*
	Medium	*5 Points*
	Medium Low	*2 Points*
	Low	*0 Points*
	Prorated SoVI Rank	*Calculated Points*
What is the project service area's Per Capita Market Value?	**Per Capita Market Value**	**10 Points Possible**
	Less than $40,000.00	*10 Points*
	$40,000.01 - $65,000.00	*8 Points*
	$65,000.01 - $100,000.00	*5 Points*
	$100,000.01 - $250,000.00	*2 Points*
	$250,000.01 or greater	*0 Points*
Does the project meet the low-to moderate-income (LMI) HUD National Objective?	**LMI National Objective**	**20 Points Possible**
	Project meets LMI national objective	*20 Points*
	Project does not meet LMI national objective	*0 Points*
Is the project type identified in a Local Adopted Plan?	**Project type Identified in Local Adopted Plan**	**5 Points Possible**
	Project type identified in local adopted plan	*5 Points*
	Project type not identified	*0 Points*
What is the applicant's management capacity?	**Management Capacity**	**15 Points Possible**
	No CDBG-DR contracts with GLO (management capacity assessment)	*Up to 15 Points*
	Performance on GLO CDBG-DR contract(s), programs and/or projects	*Up to 15 Points*
What is the total project application amount per total project beneficiaries?	**Project Impact**	**25 Points Possible**
	Total project application amount per total project beneficiaries	*15 Points*
What is the percentage of project beneficiaries out of the total population within the applying jurisdiction(s)?	Percentage of total project beneficiaries out of the total population within a jurisdiction(s)	*10 Points*
	Leverage	**5 Points Possible**

Question(s)	Criteria	Maximum Points
What percentage of project costs being requested are coming from non-CDBG funding sources?	Non-CDBG Leverage (a minimum value of 1% of the CDBG-MIT funds requested)	*5 Points*
Total Possible Points		**100 Possible Points**
Tie Breaker: Higher Poverty Rate		

2016 Floods State Mitigation Competition

Who is Eligible to Apply for the 2016 Floods State Mitigation Competition?

Any eligible applicant located in a 2016 Floods HUD or State Most Impacted or Distressed (MID) County may apply for the 2016 Floods State Mitigation competition.

The chart and map below show the 2016 Floods State Competition's HUD and State MID Counties.

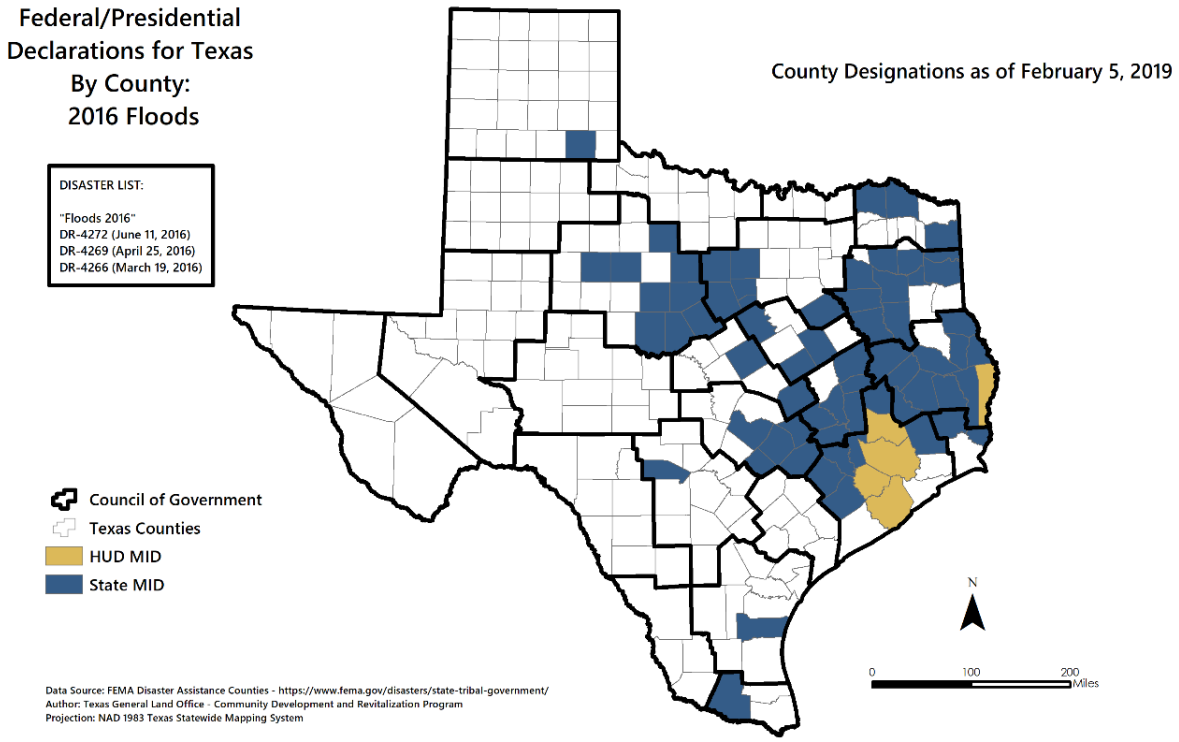
Eligible applicants include any entity in the bullet points below located in the 2016 Floods State Competition's HUD and State MID Counties:

- Units of local government (cities and counties),
- Indian Tribes,
- Councils of Governments,
- Entities are encouraged to coordinate activities and submit a joint project that crosses jurisdictional boundaries

Table 3: 2016 Floods State Competition HUD and State Eligible Areas

2016 Floods State Mitigation Competition				
HUD MID Counties	**State MID Counties**			
Brazoria	Anderson	Eastland	Lamar	Shelby
Fort Bend	Angelina	Erath	Lee	Smith
Harris	Austin	Falls	Leon	Somervell
Montgomery	Bandera	Fayette	Liberty	Stephens
Newton	Bastrop	Fisher	Limestone	Throckmorton
	Bosque	Gregg	Madison	Travis
	Brazos	Grimes	Marion	Trinity
	Brown	Hall	Milam	Tyler
	Burleson	Hardin	Navarro	Upshur
	Caldwell	Harrison	Orange	Van Zandt
	Callahan	Henderson	Palo Pinto	Walker
	Cass	Hidalgo	Parker	Waller
	Cherokee	Hood	Polk	Washington
	Coleman	Houston	Red River	Wharton
	Colorado	Jasper	Sabine	Wood
	Comanche	Jones	San Augustine	
	Coryell	Kleberg	San Jacinto	

Figure 3: 2016 Floods State Mitigation Competition HUD and State Eligible Areas



What Mitigation Risks must be addressed?

Proposed projects should clearly identify how they will reduce the impacts of one or more of the following risks:

- severe coastal flooding,
- riverine flooding,
- storms, and/ or
- tornadoes.

How Much Can Each Applicant Apply for?

For the 2016 Floods State Mitigation Competition each project has a maximum and minimum amount that applicants can apply for. The minimum amount is to encourage applicants to submit projects that have the ability to have a significant impact and to encourage applicants to submit joint applications.

- **Maximum Amount: $10,000,000**
- **Minimum Amount: $3,000,000**
- **Number of projects allowed per application:** 1

How Many Applications May Each Applicant Submit?

Each applicant may submit a total of ***two*** applications, whether applying as the single applicant or jointly with another jurisdiction(s). Depending on demand, no applicant will be awarded for their second application until all successful eligible applicants that receive a minimum of 65 points have been awarded funding at least once. Applications that do not score a minimum of 65 points will only be considered after all applications scoring greater than this amount have been funded.

If an applicant is eligible for multiple MIT-program competitions (e.g., 2015 Floods, 2016 Floods or Hurricane Harvey Competitions), the same project(s) cannot be submitted in each competition. If a project is a phase of a larger project, the phase of the project submitted must be viable as a stand-alone project. Applicants are encouraged to incorporate nature-based solutions, including natural or green infrastructure, into their proposed projects.

The GLO reserves the option to delay award(s) to ensure that at least fifty (50) percent of funds benefit LMI persons and at least fifty (50) percent of funds address identified risks in the 2016 Floods HUD MID areas (counties).

How will My Application be Scored?

Applications will be scored based on the following criteria. In the case of a tie between applications, the project that has the higher poverty rate will receive more points.

Table 3: Scoring Criteria for the 2016 Floods State Mitigation Competition

Question(s)	Criteria	Maximum Points
What is the project service area's Composite Disaster Index?	**County Composite Disaster Index**	**10 Points Possible**
	Top 10%	*10 Points*
	Top 25%	*8 Points*
	Top 75%	*5 Points*
	Bottom 25%	*2 Points*
	Bottom 10%	*0 Points*
	Prorated CDI Rank	*Calculated Points*
What is the project service area's Social Vulnerability Index (SoVI)?	**Social Vulnerability Index**	**10 Points Possible**
	High	*10 Points*
	Medium High	*8 Points*
	Medium	*5 Points*
	Medium Low	*2 Points*
	Low	*0 Points*
	Prorated SoVI Rank	*Calculated Points*
What is the project service area's Per Capita Market Value?	**Per Capita Market Value**	**10 Points Possible**
	Less than $40,000.00	*10 Points*
	$40,000.01 - $65,000.00	*8 Points*
	$65,000.01 - $100,000.00	*5 Points*
	$100,000.01 - $250,000.00	*2 Points*
	$250,000.01 or greater	*0 Points*
Does the project meet the low- to moderate-income (LMI) HUD National Objective?	**LMI National Objective**	**20 Points Possible**
	Project meets LMI national objective	*20 Points*
	Project does not meet LMI national objective	*0 Points*
Is the project type identified in a Local Adopted Plan?	**Project type Identified in Local Adopted Plan**	**5 Points Possible**
	Project type identified in local adopted plan	*5 Points*
	Project type not identified	*0 Points*
What is the applicant's management capacity?	**Management Capacity**	**15 Points Possible**
	No CDBG-DR contracts with GLO (management capacity assessment)	*Up to 15 Points*
	Performance on GLO CDBG-DR contract(s), programs and/or projects	*Up to 15 Points*

Question(s)	Criteria	Maximum Points
What is the total project application amount per total project beneficiaries? **What is the percentage of project beneficiaries out of the total population within the applying jurisdiction(s)?**	**Project Impact**	**25 Points Possible**
	Total project application amount per total project beneficiaries	*15 Points*
	Percentage of total project beneficiaries out of the total population within a jurisdiction(s)	*10 Points*
What percentage of project costs being requested are coming from non-CDBG funding sources?	**Leverage**	**5 Points Possible**
	Non-CDBG Leverage (a minimum value of 1% of the CDBG-MIT funds requested)	*5 Points*
Total Possible Points		**100 Possible Points**
Tie Breaker: Higher Poverty Rate		

Hurricane Harvey State Mitigation Competition

Who is Eligible to Apply for the Hurricane Harvey State Mitigation Competition?

Any eligible applicant located in a Hurricane Harvey HUD or State Most Impacted or Distressed (MID) County may apply for the Hurricane Harvey State Mitigation competition.

The chart and map below show the Hurricane Harvey State Mitigation Competition's HUD and State MID Counties.

Eligible applicants include any entity in the bullet points below located in the Hurricane Harvey State Mitigation Competition's HUD and State MID Counties:

- Units of local government (cities and counties);
- Indian tribes;
- Councils of governments;
- State agencies;
- Special purpose districts including, but not limited to:
    - municipal utility districts;
    - water control and improvement districts;
    - special utility districts;
    - flood and drainage districts; and
    - navigation districts.
    - Port authorities; and
    - River authorities.

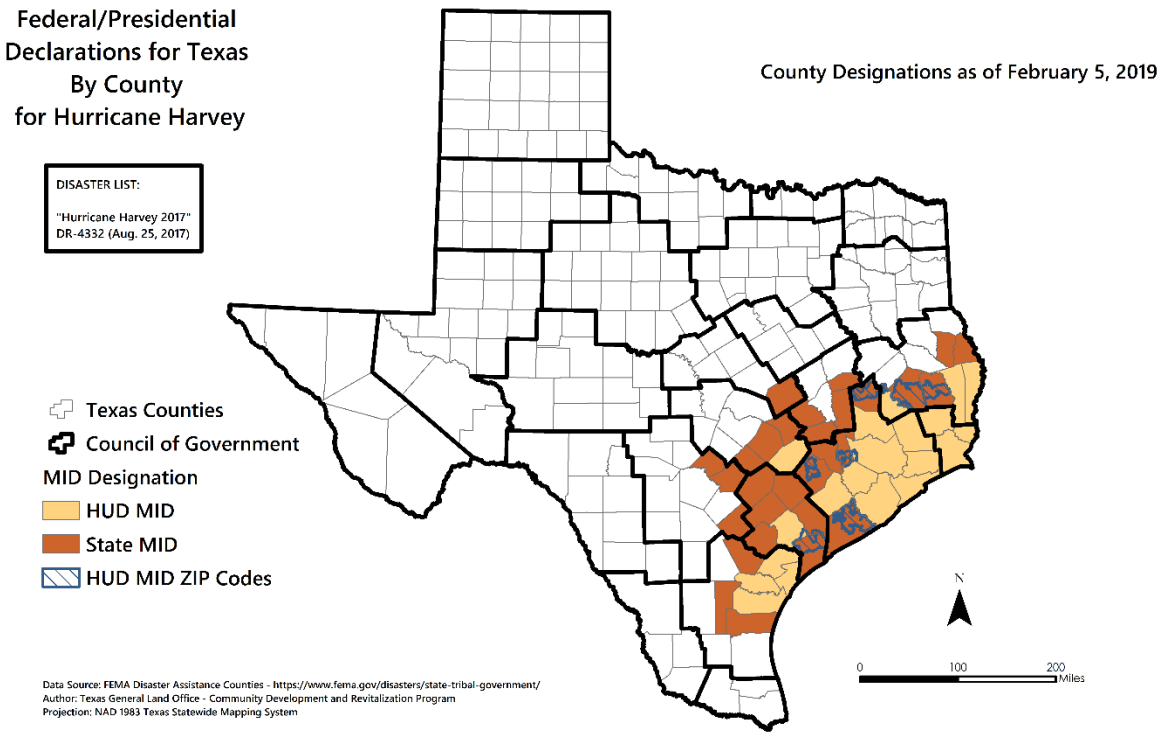
How will the funding allocation be distributed?

- At least fifty (50) percent of funds must address identified risks in the Hurricane Harvey HUD MID areas (counties); and
- Up to fifty (50) percent of funds may address identified risks in the Hurricane Harvey State MID counties.
- Additional areas within counties not explicitly cited as eligible may also become locations of Hurricane Harvey CDBG-MIT funded activities if it can be demonstrated how the expenditure of CDBG-MIT funds in that area will measurably mitigate risks identified within an eligible area (e.g., upstream water retention projects to reduce downstream flooding in an eligible area). Applicants may come from outside of the Hurricane Harvey HUD MID and State MID areas but must enter into an interlocal agreement or memorandum of understanding with a Hurricane Harvey HUD MID or State MID governmental entity representing an area that the project measurably mitigates.

Table 4: Hurricane Harvey State Mitigation Competition HUD and State Eligible Areas

Hurricane Harvey State Mitigation Competition				
HUD MID Counties		**State MID Counties**		
Aransas	Montgomery	Austin	Grimes	Polk
Brazoria	Newton	Bastrop	Guadalupe	Sabine
Chambers	Nueces	Bee	Jackson	San Augustine
Fayette	Orange	Burleson	Jim Wells	Tyler
Fort Bend	Refugio	Caldwell	Karnes	Walker
Galveston	San Jacinto	Calhoun	Kleberg	Waller
Hardin	San Patricio	Colorado	Lavaca	Washington
Harris	Victoria	Comal	Lee	
Jasper	Wharton	DeWitt	Madison	
Jefferson		Goliad	Matagorda	
Liberty		Gonzales	Milam	
HUD MID ZIP Codes				
75979	78934	77414	77335	77423
77351	77482	77979	77320	77493

Figure 4: Hurricane Harvey State Mitigation Competition HUD and State Eligible Areas



What Mitigation Risks must be addressed?

Proposed projects should clearly identify how they will reduce the impacts of one or more of the following risks:

- hurricanes/tropical storms/tropical depressions,
- severe coastal flooding and
- riverine flooding.

How Many Applications May Each Applicant Submit?

Each applicant may submit a total of ***three individual applications and three joint applications***. Depending on demand, no applicant will be awarded for their subsequent applications until all successful eligible applicants have been awarded funding at least once. For the purpose of this competition, individual and joint applications are considered mutually exclusive, meaning an applicant may be awarded its highest scoring one individual application and one joint application. A joint application may be queued if a co-applicant's other joint application scores higher and is awarded. Applications that do not score a minimum of 65 points will only be considered after all applications scoring greater than this amount have been funded.

- **Number of projects allowed per application:** 1
- **Maximum number of application submissions allowed:** ***Each applicant may submit a total of three individual applications and three joint applications.***

If an applicant is eligible for multiple MIT-program competitions (e.g., 2015 Floods, 2016 Floods or Hurricane Harvey Competitions), the same project(s) cannot be submitted in each competition. If a project is a phase of a larger project, the phase of the project submitted must be viable as a stand-alone project. Applicants are encouraged to incorporate nature-based solutions, including natural or green infrastructure, into their proposed projects.

The GLO reserves the option to delay award(s) to ensure that at least fifty (50) percent of funds benefit LMI persons and at least fifty (50) percent of funds address identified risks in the Hurricane Harvey HUD MID areas (counties and ZIP codes).

How Will My Application be Scored?

Applications will be scored based on the following criteria. In the case of a tie between applications, the project that has the higher poverty rate will receive more points

Table 5: Scoring Criteria for the Hurricane Harvey State Mitigation Competition

Question(s)	Criteria	Maximum Points
What is the project service area's Composite Disaster Index?	**County Composite Disaster Index**	**10 Points Possible**
	Top 10%	*10 Points*
	Top 25%	*8 Points*
	Top 75%	*5 Points*

Question(s)	Criteria	Maximum Points
	Bottom 25%	*2 Points*
	Bottom 10%	*0 Points*
	Prorated CDI rank	*Calculated Points*
What is the project service area's Social Vulnerability Index (SoVI)?	**Social Vulnerability Index**	**10 Points Possible**
	High	*10 Points*
	Medium High	*8 Points*
	Medium	*5 Points*
	Medium Low	*2 Points*
	Low	*0 Points*
	Prorated SoVI rank	*Calculated Points*
What is the project service area's Per Capita Market Value?	**Per Capita Market Value**	**10 Points Possible**
	Less than $40,000.00	*10 Points*
	$40,000.01 - $65,000.00	*8 Points*
	$65,000.01 - $100,000.00	*5 Points*
	$100,000.01 - $250,000.00	*2 Points*
	$250,000.01 or greater	*0 Points*
Does the project meet the low-to moderate-income (LMI) HUD National Objective?	**LMI National Objective**	**20 Points Possible**
	Project meets LMI national objective	*20 Points*
	Project does not meet LMI national objective	*0 Points*
Is the project type identified in a Local Adopted Plan?	**Project type Identified in Local Adopted Plan**	**5 Points Possible**
	Project type identified in local adopted plan	*5 Points*
	Project type not identified	*0 Points*
What is the applicant's management capacity?	**Management Capacity**	**15 Points Possible**
	No CDBG-DR contracts with GLO (management capacity assessment)	*Up to 15 Points*
	Performance on GLO CDBG-DR contract(s), programs and/or projects	*Up to 15 Points*
What is the total project application amount per total project beneficiaries?	**Project Impact**	**25 Points Possible**
	Total project application amount per total project beneficiaries	*15 Points*
What is the percentage of project beneficiaries out of the total population within the applying jurisdiction(s)?	Percentage of total project beneficiaries out of the total population within a jurisdiction(s)	*10 Points*

Question(s)	Criteria	Maximum Points
What percentage of project costs being requested are coming from non-CDBG funding sources?	**Leverage**	**5 Points Possible**
	Non-CDBG Leverage (a minimum value of 1% of the CDBG-MIT funds requested)	*5 Points*
What mitigation or resiliency measures have been taken by the applicant(s)?	**Mitigation/Resiliency Measures**	**5 Points Possible**
	Measures taken by the applicants(s)	*5 Points*
Total Possible Points		**105 Possible Points**
Tie: Breaker: Higher Poverty Rate		

IV. Project Eligibility

As indicated in the Introduction, each program has unique characteristics and regulations. Applicants must customize their applications to each specific program. Refer to the Mitigation Action Plan, along with any applicable amendments, on the GLO website at recovery.texas.gov for specific program requirements.

This section provides information regarding the types of projects that are eligible, including definitions and detail regarding application requirements.

Mitigation Project Eligibility

Mitigation projects should be selected based on careful assessment of local risks and how they can best be mitigated. Applicants should then determine if the priority project is eligible based on program requirements, and if it can be achieved within the time and budget limitations. As indicated in the Introduction, CDBG-MIT represents an opportunity to fund strategic and high-impact activities to mitigate disaster risks identified by a community and reduce future losses in those areas.

All Mitigation Project Eligibility requirements are identified in the State Action Plan for each allocation. Mitigation Project Eligibility that applies to all allocations are as follows:

- Meets HUD's definition of mitigation activities;
- Meets GLO Application project definition;
- Addresses identified current and future risks; (NOTE: identified risks change per program)
- Meets the definition of a CDBG-eligible activity under Title I of HCDA or otherwise pursuant to a waiver or alternative requirement;
- Meets a CDBG National Objective; **as amended for MIT funds;**
- Includes a plan for the long-term funding and management of the operations and maintenance of the project; and
- Cost verification controls must be in place to assure that construction costs are reasonable and consistent with market costs at the time and place of construction.

GLO Application Project Definition

For application purposes, a *project* is a combination of *eligible activities* working together to *reduce the risks of identified natural hazards* for a defined geographic area and population. All proposed activities must support the overall mitigation *project* and the overall project will meet only one *CDBG-MIT national objective.*

- *Project Service Area:* Area(s) defined by the applicant that **either have** an urgent mitigation need or are comprised of 51% or more of low to moderate income individuals. It is critical that the service area determined by the applicant include the *entire area* served by the activity (See below for further details).

- *Reducing risks of natural hazards: A*s outlined in Mitigation Needs Assessment section of the Action Plan, hurricanes, tropical storms/ depressions, severe coastal/riverine flooding, storms, and tornadoes are among the top risks to which Texas has the greatest exposure. Each proposed project must mitigate against one of these identified risks.

What types of Activities can be included in an Eligible Project?

Generally, the activities listed below are considered typical eligible activities:

- Infrastructure improvements (such as water and sewer lines/facilities, streets, provision of generators, removal of debris, bridges, etc.);
- Natural or green infrastructure;
- Communications infrastructure;
- Public facilities;
- Public service within the 15 percent cap (e.g., housing counseling, legal counseling, job training, mental health, and general health services);
- FEMA Hazard Mitigation Grant Program (HMGP) cost share for CDBG-MIT eligible project;
- Economic development activities
- Buyouts or Acquisition with or without relocation assistance, down payment assistance, housing incentives, and demolition;
- All activities allowed under HCDA Section 105(a) (1-5), 105(a) (7-9), and 105(a)(11) are allowed.

TIGR APPLICATION:

Applicants will be required to provide full and thorough descriptions <u>and supporting documentation</u> for every element of the proposed project.

Applicants are advised to prepare all project documentation prior to application entry, with easily identified names and indicators, to ensure efficient upload and – ultimately – application review.

Should an applicant need more space for project descriptions or narratives than the TIGR system allows, upload the full description separately but reference the document by specific name in the space provided in TIGR. Do not leave any questions unanswered in TIGR!

What Types of Activities are Ineligible?

- Emergency response services. Emergency response services are those services that are carried out in the immediate response to a disaster or other emergency in order to limit the loss of life and damage to assets by state and local governmental and nongovernmental emergency public safety, fire, law enforcement, emergency response, emergency medical (including hospital emergency facilities), and related personnel, agencies, and authorities.

- Enlarging a dam or levee beyond the original footprint of the structure that existed prior to the disaster event. CDBG-MIT funds for levees and dams are required to:

    - Register and maintain entries regarding such structures with the USACE National Levee Database or National Inventory of Dams;
    - Ensure that the structure is admitted in the USACE PL 84–99 Rehabilitation Program (Rehabilitation Assistance for Non-Federal Flood Control Projects);
    - Ensure the structure is accredited under the FEMA NFIP; and
    - Maintain file documentation demonstrating a risk assessment prior to funding the flood control structure and documentation that the investment includes risk reduction measures.

- Assisting a privately-owned utility for any purpose. A private utility, also referred to as an investor-owned utility, is owned by private investors and is for-profit as opposed to being owned by a public trust or agency (e.g., a coop or municipally owned utility);

- Buildings and facilities used for the general conduct of government (e.g., city halls, courthouses, and emergency operation centers);

- By law, (codified in the HCDA as a note to 105(a)), the amount of CDBG-MIT funds that may be contributed to a USACE project is $250,000 or less;

- Section 582 of the National Flood Insurance Reform Act of 1994, as amended, (42 U.S.C. 5154a) prohibits flood disaster assistance in certain circumstances. In general, it provides that no federal disaster relief assistance made available in a flood disaster area may be used to make a payment (including any loan assistance payment) to a person for ‘‘repair, replacement, or restoration’’ for damage to any personal, residential, or commercial property if that person at any time has received federal flood disaster assistance that was conditioned on the person first having obtained flood insurance under applicable federal law and the person has subsequently failed to obtain and maintain flood insurance as required under applicable federal law on such property. No disaster assistance may be provided for the repair, replacement, or restoration of a property to a person who has failed to meet this requirement;

- If the property is purchased through the use of eminent domain, the ultimate use of that property may not benefit a particular private party and must be for a public use; eminent

domain can be used for public use, but public use shall not be construed to include economic development that primarily benefits private entities; and

- Incentive payments to households that move to disaster-impacted floodplains

Project Service Area Detail

Acknowledging that mitigation needs may span a variety of services and facilities, for purposes of Mitigation funding only, the definition of *project* is expanded to include a discrete and well-defined beneficiary population and subsequent geographic location called a *Project Service Area*. A *Project Service Area* consists of all eligible activities required to complete and provide specific successful mitigation needs to a common population and geographic location.

Each component of the project must benefit the entire Mitigation effort as a whole. For instance, an eligible community may require a combination of three (3) water improvements, five (5) sewer improvements, and seven (7) street improvements to secure city-wide mitigation against severe coastal and riverine flooding, storms, and/or tornados in an application for the 2015 Floods Mitigation Competition. Each component must show clear benefit to the overall mitigation project.

Each Service Project Area Detail must satisfy the requirements identified above by providing sufficient information to clearly identify the proposed project, specify the location to the greatest extent possible, specify the populations who will receive benefit from the mitigation project, indicate whether acquisition (i.e., real property, easements or rights-of-way) is required, clearly describe the scope of work, identify environmental assessment expectations, provide realistic timelines and deliverables, and outline funding detail to include any other funding to be used.

If the proposed project is a single phase of a larger mitigation scenario, applicants may only claim the beneficiary population that is served by the individual phase.

Project Mapping

Maps must be provided for each project and/or site proposed in the application that clearly plot GPS coordinates and includes project/site numbers with any other necessary identifying information. Maps should be titled and/or numbered with the corresponding project title. **GPS coordinates are required for each site.** Latitude and longitude must be entered in Decimal Degrees (DD) to five decimal places (e.g., 0.00001).

Latitude

Guidance: Enter the latitude point of the project. If the project performance is to be measured in linear feet, enter the latitude point for the center of the project. To find the latitude point of a project, go to Google Maps (https://www.google.com/maps), find the location of the project based on address or other geographic information and right-click on the point. When the menu appears over the cursor, click on “What’s here?” A box will appear at the bottom of the screen with latitude and longitude points below the address. Enter the first sequence of numbers into this field of the application. You may click on the latitude and longitude numbers below the

address that will then open the point in the top left search field. You can copy and paste the latitude numbers from this view.

Note: Be sure to enter the latitude point in decimal degrees.

Example: 30.358606

Longitude

Guidance: Enter the longitude point of the project. If the project performance is to be measured in linear feet, enter the longitude point for the center of the project. To find the longitude point of a project, go to Google Maps (https://www.google.com/maps), find the location of the project based on address or other geographic information and right click on the point. When the menu appears over the cursor, click on "What's here?" A box will appear at the bottom of the screen with latitude and longitude points below the address. Enter the second sequence of numbers into this field of the application. You may click on the latitude and longitude numbers below the address that will then open the point in the top left search field. You can copy and paste the longitude numbers from this view.

Note: Be sure to enter the longitude point in decimal degrees.

Example: -97.747471

Maps must be legible and reproducible. Care should be taken in copying maps so that project activities which may have been designated by a colored mark are still identifiable.

TIGR APPLICATION

<u>NOTE:</u> Project Area Mapping is a required element for every proposed project. Project Area Map information must coincide with and be supported by Beneficiary Map information. You will upload these documents in the "Edit Mitigation Application Project - Documents" tab of the TIGR application once your project has been created.

Upload all necessary Project Area Maps along with any explanatory documentation.

Document Group: Project
Document Type: Maps indicating latitude and longitude for a proposed location
Document Title: Use a unique descriptive title for each map or explanatory document

While site photos are not required, they are often helpful in project identification. Upload site photos.

Document Group: Project
Document Type: Site photos
Document Title: Use a unique descriptive title for each photo

Project Identified in Local Plan

Mitigation presents communities with unique opportunities to examine a wide range of issues including (1) housing quality and availability, (2) road and rail networks, (3) environmental issues, (4) the adequacy of existing infrastructure, (5) opportunities for the modernization of public facilities and the built environment, (6) the development of regional and integrated systems, and (7) the stimulation of the local economy impacted by natural disasters.

Applicants **must** develop their community mitigation projects in a manner that considers an integrated approach to housing, fair housing obligations, infrastructure, economic revitalization, and overall community resiliency. Consideration of the long-term planning process is required.

If applicable, applicants must identify where the proposed project type or activity is referenced and detailed in a current local adopted plan for the area where the project is seeking to be implemented. If multiple entities are submitting a joint project that crosses jurisdictional boundaries, the proposed project type or activity must be referenced within a plan, or multiple plans, that cover the multi-jurisdictional area where the project is being implemented.

Local adopted plans may include but are not limited to: Master Plans, FEMA-Approved Local Hazard Mitigation Action Plans, Comprehensive Economic Development Strategies, Capital Improvement Plans, or Transportation Improvement Plans. Please contact GLO to discuss whether another type of adopted local plan may meet this requirement.

To meet the local plan requirement applicants must provide:

- An electronic copy of the adopted plan;
- The title(s) of the adopted plan being referenced;
- The page number(s) of where the proposed project/ project type(s) is in the adopted plan(s);
- The date (Month, Year) the plan(s) was/ were adopted; and
- Documentation from the applicable city council, commissioners court, or other representative body which formally adopts the plan.

TIGR APPLICATION

<u>Local Adopted Plans:</u>

Is the proposed project included in one or more locally adopted plans?

If yes, provide:

1. **The Title of the adopted plan(s) being referenced;**
2. **The page number(s) in the adopted plan(s) where the proposed project is identified;**
3. **The date (month, year) the plan(s) were adopted;**
4. **Upload a copy of the adopted plan(s); and**
5. **Upload documentation from the applicable city council, commissioners court, or other representative body which formally adopted the plan.**

Document Group: Mitigation Needs
Document Type: Copy of any plan Hazard Mitigation Plan with adoption documentation
Document Title: Use a unique descriptive title for each document

Added Resiliency Measures

As relates to the proposed project, the applicant must explain all prior capital improvement projects, short or long-range planning efforts, community engagement or educational outreach, the implementation of enhanced building codes or code enforcement, or other related work that has been completed which enhances hazard mitigation and/or resiliency throughout the applicable community or service area of the applicant(s).

If no previous efforts have been made that relate to the proposed project, this must be stated in the application. If a joint project is being submitted by multiple entities that crosses jurisdictional or service area boundaries, **each jurisdiction or entity** should provide examples of previous hazard mitigation or resiliency efforts that have been completed within their particular jurisdiction or service area. Source documents, such as signed memorandum, must be attached to the application which prove such efforts have been implemented.

TIGR APPLICATION

<u>Added Resiliency Measures:</u>

Does the proposed project enhance mitigation efforts that are already completed or underway?

If yes, select the type(s) of prior or current local efforts undertaken that, combined with the proposed project, will provide enhanced hazard mitigation." [Multiple selections are allowed.]

- **Prior capital improvement project(s)**
- **Current capital improvement project(s)**
- **Short-range planning efforts**
- **Long-range planning efforts**
- **Community engagement**
- **Educational outreach**
- **Implementation of enhanced building codes**
- **Code enforcement**
- **Other related work which enhances hazard mitigation and/or resiliency through the proposed project**

Upload scope of work information, maps, and other applicable documentation for each local effort identified.

Document Group: Mitigation Needs
Document Type: Scope of work information, maps, and other applicable documentation for each Local effort identified
Document Title: Use a unique descriptive title for each document

Covered Projects

For CDBG-MIT program purposes, a "Covered Project" is defined as any infrastructure project having a total project cost of $100 million or more, with at least $50 million of CDBG funds, regardless of source (CDBG–DR, CDBG-National Disaster Resilience (NDR), CDBG–MIT, or CDBG)).

When a Covered Project is proposed, the action plan or substantial amendment must include a description of the project and the information required for other CDBG-MIT activities (how it meets the definition of a mitigation activity, consistency with the Mitigation Needs Assessment provided in the State Action Plan, eligibility under section 105(a) of the HCDA or a waiver or alternative requirement, and national objective, including additional criteria for mitigation activities).

All Covered Projects must be included in the State Action Plan as a substantial amendment. Applicants should be aware that Action Plan amendments are approved at the federal level and can take time.

In addition to all other requirements identified in this guide, Covered Projects must meet the following requirements:

- Consistency with other mitigation activities in the same Most Impacted and Distressed (MID) area;
- Demonstrated long-term efficacy and sustainability of the project including its operations and maintenance
- Demonstration that the benefits of the Covered Project outweigh the costs through a FEMA Benefit-Cost Analysis (BCA) methodology. Additionally, HUD may accept previous BCA analysis, but in order for HUD to accept any BCA completed or in progress pursuant to another Federal agency's requirements, that BCA must account for economic development, community development and other social/community benefits or costs and the CDBG–MIT project must be substantially the same as the project analyzed in the other agency's BCA.

TIGR APPLICATION

<u>NOTE:</u> "Covered Project" identification in TIGR is determined by the amount of funding requested combined with the total of Other Funds specified in the Budget. While the TIGR application does not specifically request "Covered Project" information, applicants for projects meeting the "Covered Project" criteria must upload:

- **All required BCA documentation,**
- **Other Funding Source information and/or disclosures,**
- **Interlocal Agreements/Memoranda of Understanding/etc. (as appropriate) will all Other entities involved, and**
- **Any other documentation required for the proposed project**

Document Group: Project
Document Type: Supporting documentation for Covered Project proposals
Document Title: Use a unique descriptive title for each document

Citizen Participation Plan

An application under the CDBG-MIT program may be awarded only if the locality certifies provides evidence that, at a minimum, the substantially complete application was publicly posted for at least a 14-day public comment period, comments received, and responses provided. Evidence includes but is not limited to:

- an affidavit of public posting with photos to support the posting,
- screenshots of a website posting, publisher's affidavit and tear sheet.

A grant for an eligible application under the CDBG-MIT program may be awarded only if the locality certifies that it is following a detailed citizen participation plan that provides for and encourages citizen participation at all stages of the program. If an applicant has a current citizen participation plan, they must follow their current citizen participation plan for each proposed project.

CDBG-MIT applicants and funded entities are required to carry out citizen participation procedures in accordance with the Citizen Participation Plan as described in this guide. Each applicant certifies, by signing SF-424, that it has and will comply with the requirements of the Citizen Participation Plan as stated in this section and any local citizen participation requirements.

Each applicant must provide evidence that application information providing data sufficient for citizens to understand and comment on the proposed project was publicly posted for a 14-day public comment period, comments received, and responses provided. Evidence includes, but is not limited to:

- Affidavit of public posting with photos to support the posting.
- Screenshot of website posting, publisher's affidavit, or tear sheet.

Each applicant should assess the best way to offer an opportunity for all citizens to provide input on the substantially complete proposed application/project. Best practice is to include a variety of outreach methods to ensure all citizens have access. As stated, ensure a minimum 14-day public comment period. Allow time after the comment period to address and potentially include any public comment that impacts the application/project before finalizing it for submission. All outreach and posting efforts should be fully documented and that documentation uploaded including the date, time, and place a substantially complete application was available for review.

The substantially complete application should include <u>at minimum</u>, a scope of work, budget, identification of all sources of funding, maps to identify location and beneficiaries.

Each applicant must maintain a citizen participation file which includes

1. A copy of the Plan Requirements below,
2. The applicant's complaint procedures,
3. Any technical assistance provided by the applicant, and

4. Public notices, minutes, and attendance lists for any public hearings or meetings or documentation of other citizen participation opportunities.

Applicants are responsible for ensuring that all citizens have equal access to information about project activities.

Citizen Participation Plan Requirements

The Citizen Participation Plan Requirements include the following:

Outreach Efforts

Provide for reasonable public notice, appraisal, examination, and comment on the activities proposed for the use of CDBG-MIT funds. These outreach efforts shall:

- Provide for and encourage citizen participation, particularly by low- and moderate-income persons, and areas in which CDBG-MIT funds are proposed to be used;
- Ensure that citizens will be given reasonable and timely access to local meetings, information, and records relating to an entity's proposed and actual use of CDBG-MIT funds;
- Ensure that residents will be given reasonable and timely access to local meetings, consistent with accessibility and reasonable accommodation requirements in accordance with section 504 of the Rehabilitation Act of 1973 and the regulations at 24 CFR part 8, and the Americans with Disabilities Act and the regulations at 28 CFR parts 35 and 36, as applicable, as well as information and records relating to the proposed and actual use of CDBG funds;
- Furnish citizens information including, but not limited to:
    - the amount of CDBG-MIT funds expected to be made available for the current fiscal year (including the grant and anticipated program income);
    - the range of activities that may be undertaken with the CDBG-MIT funds;
    - the estimated amount of the CDBG-MIT funds proposed to be used for activities that will meet the national objective of benefit to low- and moderate-income persons; and
    - The proposed CDBG activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under § 570.488.
- Provide technical assistance to groups that are representative of persons of low- and moderate-income that request assistance in developing proposals (including proposed strategies and actions to affirmatively further fair housing) in accordance with guidance provided by the State further in this guide. Such assistance need not include providing funds to such groups;
- Provide citizens the address, phone number, and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances.
- Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the state and, for grants already made, activities which are proposed to be added, deleted, or substantially changed from the entity's application to the state. "Substantially changed" means changes made in terms of

purpose, scope, location, or beneficiaries as defined by criteria established by the state; and

- Be accomplished through one or more of the following methods:
  - **(a)** Publication of notice in a local newspaper—a published newspaper article may also be used so long as it provides sufficient information regarding program activities and relevant dates;
  - **(b)** Notices prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups;
  - **(c)** Posting of notice on the local entity website (if available);
  - **(d)** Public Hearing; or
  - **(e)** Individual notice to eligible cities and other entities as applicable using one or more of the following methods: Certified mail, Electronic mail or fax, First-class (regular) mail, Personal delivery (e.g., at a Council of Governments meeting)

Complaint Procedures

The applicant/subrecipient must have written citizen complaint procedures that provide a timely written response (within 15 working days) to complaints and grievances. Citizens must be made aware of the location and the days and hours when the location is open for business so that they may obtain a copy of these written procedures.

Technical Assistance

When requested, the applicant/subrecipient shall provide technical assistance to groups representative of persons of low- and moderate-income in developing proposals for CDBG-MIT funds. The level and type of assistance shall be determined by the applicant/subrecipient based upon the specific needs of the community's residents.

Post-Funding Citizen Participation

The following citizen participation requirements must be met in the event that the applicant receives funding from the CDBG-MIT program:

- The locality is highly encouraged to hold a public hearing any time a substantial change in use of CDBG-MIT funds from one eligible activity to another is proposed. GLO will determine when a change is substantial.
- Upon completion of the community development program activities, the locality is encouraged to hold a public hearing and review its program performance, including the actual use of CDBG-MIT funds.
- If applicable, the locality must retain documentation of the hearing notice(s), attendance lists, minutes of the hearing(s), and any other records concerning the actual use of funds. The entity's Record Retention Policy (regarding federal grants) must include language that complies with this statement: “HUD regulations generally require your community to retain all its grant-related documentation for 3 years from the date HUD closes its related grant to the state of Texas. As the state grant remains open, the GLO will notify your office once it has closed.”

TIGR APPLICATION

Citizen Participation Plan:

When did your jurisdiction post the project for public comment? Provide the "From" and "To" dates for your public posting(s).

Although public hearings are not a program requirement, jurisdictions who choose to hold them or are required by their citizen participation plan should list the date(s) of the hearings and attach appropriate documentation.

Select: **Public Hearing,**
Community Meeting,
Community Survey,
Existing Study, or
Other

Provide each Assessment Date.

Provide a brief description of each Assessment.

Upload an affidavit of public posting along with pictures that demonstrate the posting and documentation of public hearings held for citizen participation purposes, in applicable. Choose the applicable document type for the Citizen Participation Document Group.

Document Group: Citizen Participation
Document Type: Affidavit of public posting
Document Title: Use a unique descriptive title for each document

Such records must be made available to the public in accordance with Chapter 552, Government Code.

The applicant must submit all notices of any public hearings or requests for public comment that the applicant may have that relates to the administration of CDBG-MIT funds provided.

The applicant certifies compliance with the Citizen Participation Plan requirements by completing and signing the required Application for Federal Assistance SF-424.

Grant Management Plan

Each applicant for CDBG-MIT funding is expected to have assessed administrative, design, permitting, construction, and all other elements required to deliver a successful eligible project by the end of the contract.

All applicants are required to submit the minimum Grant Management Plan as defined in the TIGR system to identify stakeholders who will administer and execute an award.

In addition to TIGR Grant Management Plan stakeholder identification, each applicant that does **not** currently have an active 2015 Floods, 2016 Floods, and/or Hurricane Harvey contract with GLO-CDR must submit a proposed Grant Management Plan. Each Grant Management Plan will be reviewed to assure funding recipients are prepared and have sufficient capacity to administer federal grants.

At a minimum the Grant Management Plan shall include the following elements:

- Detail of each project's objectives and goals
- A list of actions to achieve the goals and objectives along with a timeline for the various stages of the project defining when actions, objectives, and goals are to be complete and assigning the responsible staff position (not individual names)/ partner
- A process to handle project implementation to include overall tracking, draw coordination, procurement coordination, and progress reporting
- A process to handle financial management and contract administration to include overall tracking, draw processing, procurement eligibility, and contract maintenance (amendments/revisions/etc.)
- Staff/ partner organizational chart showing all key stakeholders and indicating authorized signatories, financial management responsibility, procurement responsibility, and project management responsibility, along with contact information, specific role and responsibility level, years CDBG-DR experience, and time commitment of each individual identified
- A process to handle staff/ partner personnel changes and duty transfers

TIGR APPLICATION

<u>Grant Management Plan:</u>

Identify key stakeholders that will participate in the execution of all project activities.

Key stakeholders should include:

- **Contact**
- **Authorized Signatories**
- **Financial Management (Lead and Alternate)**
- **Procurement (Lead and Alternate)**
- **Project Management Options:**
  - **Lead**
  - **Alternate**
  - **Grant Administrator**
  - **Environmental**
  - **Engineering**
  - **Other**

Add every key stakeholder and decision-maker.

TIGR APPLICATION

Mitigation Projects Tab:

Once Grant Management Plan has been established, applicants will be asked to Create a new Mitigation project.

Click on the Create button and continue adding Project Information.

Project Type – Select ONLY Hazard Mitigation as other types listed are for other programs.

Latitude and Longitude must be a valid floating-point value. Latitude must have a value between -90.00000 and 90.00000. Longitude must have a value between -180.00000 and 180.00000.

For "Type of Residence" select N/A.

Click "Create New Project".

The Edit Mitigation Application Project module contains the following tabs:

- **General**
- **National Objective Information**
- **Beneficiary Information**
- **Procurement Detail**
- **Environmental Clearance Information**
- **Affirmatively Further Fair Housing**
- **Project Budget**
- **Project Schedule**
- **Documents**

TIGR APPLICATION

General:

Acknowledging that mitigation needs may span a variety of services and facilities, for purposes of Mitigation funding only, the definition of project is expanded to include a discrete and well-defined beneficiary population and subsequent geographic location consisting of all eligible activities required to complete and provide specific successful mitigation benefit to the identified population.

For purposes of Mitigation application and implementation, the Project provided represents the overall Mitigation need being met.

There may be more than one Activity included in a Project. For instance, a successful Mitigation Project may require a drainage facilities activity, a street improvements activity, and a water facilities activity.

Further, a water facilities activity may include more than one Site. For instance, water facility improvements are required at three different geographic locations to mitigate the entire Project. Applicants must demonstrate how each Activity and Site serve the Mitigation Project as a whole.

For all Competition Programs, all Sites, Activities, and the Project must mitigate an identified risk for a specific identified common population.

Program, Subrecipient Application/Contract and Project Title information are auto-populated based on information already provided.

Provide a Project Summary
narrative identifying each Activity and Site required for successful mitigation, and identify the risk being mitigated.

What National Objectives Do Projects Need to Meet?

Each proposed project included in an application for CDBG-MIT funds must further one of HUD's national objectives. It is important to note that HUD's national objective of the elimination of slum or blight is not eligible**.** Instead the Federal Register, 84 FR 45838 (August 30, 2019) created a new national objective- the Urgent Need Mitigation (UNM) national objective. Below is a brief description of each of the national objectives for CDBG-MIT funds:

1.**Urgent Need Mitigation (UNM)** - requires applicants funded by CDBG–MIT to provide sufficient documentation to:

- Address the current and future risks as identified in the Mitigation Needs Assessment of most impacted and distressed areas; and yield a community development benefit,
- Will result in a measurable and verifiable reduction in the risk of loss of life and property.

2. Principally benefit low-and moderate-income persons. To qualify an application activity under the national objective of principally benefitting low-and moderate-income persons, at least fifty-one percent (51%) of the beneficiaries of the activity must be low- and moderate-income persons.

TIGR APPLICATION

<u>National Objective:</u>

All of the state's mitigation activities under this grant will meet a national objective for either (1) benefiting low- to moderate-income persons (LMI), or (2) urgent need mitigation (UNM). To qualify an application activity under the national objective of principally benefiting low-and moderate-income persons, at least fifty-one percent (51%) of the beneficiaries of the activity must be low- and moderate-income persons.

For CDBG-MIT activities, HUD approval will be required to rely on the national objective criteria for elimination of slum and blighting conditions, because this national objective generally is not appropriate in the context of mitigation activities.

Does the proposed project principally benefit Low- and Moderate-Income Persons or Mitigation Urgent Need?

For LMI, select all that apply:

- **LMI Area Benefit**
- **LMI Housing Activity**
- **LMI Limited Clientele**
  Enter the proposed number of Total Beneficiaries, and number of LMI Beneficiaries (% LMI Beneficiaries field will auto-calculate):

TIGR APPLICATION

National Objective (continued):

For UNM:
As indicated in the State Mitigation Action Plan:
HUD has waived the criteria for the established CDBG urgent need national objective as provided at 24 CFR 570.208(c) and 24 CFR 570.483(d), and instead has created a new national objective: urgent need mitigation (UNM).

For CDBG-MIT activities where UNM is cited as the national objective being fulfilled, the state will demonstrate that the activity:

- Addresses the current and future risks as identified in the state's Mitigation Needs Assessment of most impacted and distressed areas; and
- Will result in a measurable and verifiable reduction in the risk of loss of life and property.

Upload any documentation available to support the urgent need mitigation national objective.

Document Group: National Objective Information
Document Type: Mitigation Urgent Need documentation
Document Title: Use a unique descriptive title for each document

Activities Principally Benefiting Low to Moderate Income Persons determinations:

Area Benefit

- Projects, of which the benefits are available to all the residents in a particular area, where at least 51 percent of the residents are low- and moderate-income persons. The residents claimed as beneficiaries in the target area must be based on the entire area served by the project. A project that serves an area that is not primarily residential in character shall not qualify under the area benefit criterion.

Limited Clientele Benefit

- A low- and moderate-income (LMI) limited clientele project is a project that provides benefits to a specific group of persons rather than everyone in a defined service area. It may benefit particular persons without regard to the area in which they reside, or it may be a project that provides benefit on an area basis but only to a specific group of persons who reside in the area. In either case, at least 51 percent of the beneficiaries of the project must be LMI persons. Due to certain statutory limitations, the regulations preclude various activities from qualifying under this subcategory, so contact GLO to see if limited clientele is applicable.

- To qualify under this subcategory, a limited clientele project must exclusively benefit a clientele who are generally presumed by HUD to be principally LMI persons. The following groups are currently presumed by HUD to be comprised principally of LMI persons:
    - Abused children;
    - Elderly persons;
    - Battered spouses;
    - Homeless persons;
    - Adults meeting Bureau of Census' definition of severely disabled adults;
    - Illiterate adults;
    - Persons living with AIDS; and
    - Migrant farm workers.

Direct Benefit

- Each applicant using the LMISD data to identify low- and moderate-income beneficiaries must submit the LMISD data (Excel spreadsheet) used to determine the low- and moderate-income beneficiaries along with corresponding census geographic area maps and data.
- For applicants using CDBG-MIT surveys to establish benefit, all forms (survey questionnaires, survey tabulation form(s), and the survey locations form(s)) must be submitted to GLO for verification.
- For applicants using CDBG-MIT surveys to establish benefit, all forms (survey questionnaires, survey tabulation form(s), and the survey locations form(s)) must be submitted to GLO for verification.

An activity will be regarded as addressing the national objective of principally benefitting low- and moderate-income persons if it meets the criteria described here, unless there is substantial evidence that the activity does not principally benefit low- and moderate-income persons.

Beneficiary Identification Methods

A project that addresses the National Objective of principally benefitting low- and moderate-income persons must provide documentation as to the income status of those persons (also called beneficiaries).

Low- and moderate-income individuals are those whose income is 80 percent or less of the area median family income (AMFI). Clear documentation of an applicant's beneficiary identification method must be received with the application. Incomplete beneficiary documentation could render a Competition application incomplete and ineligible.

The basis for determining which residents are to be considered as beneficiaries of a proposed project can be achieved through the most recent LMISD information, or by conducting a survey of the area with approved CDBG-MIT forms. **GLO-CDR has adopted and utilizes Texas Department of Agriculture CDBG Survey Methodology. For further information:**

https://www.texasagriculture.gov/Portals/0/Publications/RED/CDBG/Beneficiary/2020%20Survey%20Methodology%20-%20W%20appendix%20III.pdf

The method(s) used by the applicant to identify the beneficiaries of a project are based on the type of project proposed, and the persons that are projected to benefit from the proposed project.

Applicants must provide the total number of project beneficiaries identified through either CDBG-MIT surveys, LMISD, direct benefit, or limited clientele methods. If beneficiaries were identified by using a survey, as opposed to using LMISD, the applicant must provide an explanation why the survey was necessary.

GLO staff will review the beneficiaries reported in the application for (1) accuracy, (2) the acceptability of the method(s) used to identify the beneficiaries for the project, and (3) compliance with the criteria for national objectives.

For project service areas that cover multiple jurisdictions, scoring will require beneficiary identification per jurisdiction.

The method used in determining the low- and moderate-income beneficiary race/ ethnicity information is as follows:

Use of Census Data

When CDBG-MIT requirements are met, the applicant must use the applicable Low to Moderate Income Survey Data (LMISD) to identify the number of beneficiaries and the extent of benefit to low- and moderate-income persons for an applicant's proposed project. **Applications shall submit the most current LMISD available at the time of application.**

When an applicant project will only benefit a portion of a Census Geographic Area (CGA), the applicant must demonstrate that a significant number of the persons in the CGA) will benefit from the project. The CDBG-MIT program will not allow an applicant to use the HUD-calculated low- and moderate-income percentage for a block group unless a significant portion of the persons located in that block group will benefit from the project.

The CDBG-MIT program will only allow the use of the Census-based information to qualify an activity and to document the activity beneficiaries under the following conditions:

1. The project will benefit all of the persons within a CGA or a significant number of the persons within a CGA. The CGA could be a county, place, census tract, block group, or logical record number.
2. If only Census-based information is used to document the LMI beneficiaries of an application project, the low- and moderate-income benefit percentage must be at least 51 percent (not 50.99 percent) for a single CGA, or for combinations of two or more CGAs.
3. The Census-based information may be used in combination with CDBG-MIT survey beneficiaries, income eligible beneficiaries, and condition-eligible beneficiaries to document the LMI beneficiaries of an application project. Again, the project must benefit at least 51 percent low- and moderate-income persons.

In the event that an application project does not benefit an entire CGA, or a significant number of the persons within a CGA, then the applicant must use another method to document the beneficiaries. The applicant should then consider conducting a local CDBG-MIT survey to

document the beneficiaries and the low- and moderate-income benefit percentage for the project. A local survey is usually the best way to document the beneficiaries of direct benefit activities.

See the infrastructure beneficiary documentation on the application page in http://recovery.texas.gov/ for detailed information on census and survey methods.

Use of Survey Data

GLO-CDR has adopted and utilizes Texas Department of Agriculture CDBG Survey Methodology. For further information:

https://www.texasagriculture.gov/Portals/0/Publications/RED/CDBG/Beneficiary/2020%20Survey%20Methodology%20-%20W%20appendix%20III.pdf

An approved CDBG-MIT survey must be used to identify the beneficiaries for a project.

Applicants using CDBG-MIT surveys to identify beneficiaries should tabulate race, gender, and ethnicity data. Applicants must also identify the survey dates and number of households benefitting. Survey forms must be complete, dated, and include the interviewers name. Best practice is to complete the entire form including race, ethnicity, and gender information. Survey Tabulations must be signed by the chief elected official or executive officer. When this information is not complete, the data must be extrapolated from census data.

Provide dates when surveying was started and completed and a summary spreadsheet showing survey results.

Surveys of 200 or more households may use random sampling techniques and all surveys must result in at least an 80 percent response rate. When the income profile of a community has changed substantially since the last Census, surveys are often a useful alternative. Surveys may also be used to document the beneficiaries of a project not included in the census data used to document part of the service area.

Finally, provide a detailed explanation of the reason a survey was used to identify the beneficiaries for this activity as opposed to the LMISD information. A response such as ". . . to reach the required low- and moderate-income percentage" is **not** acceptable.

A local survey is the best way to document the beneficiaries of direct benefit activities.

Use of CDBG-MIT Program Questionnaire

The Survey Questionnaires were completed no more than five (5) years prior to the application deadline or the actual date of submittal of an application; however, survey tabulation must be done in a manner compliant with the requirements set forth by the most current Survey Methodology and LMISD Manual. Refer to GLO for details regarding the required Survey Methodology and all associated forms.

Race/Gender/Ethnicity and Census Geographic Area Data:

The race, gender, and ethnicity for the total beneficiaries claimed for the proposed project must be tabulated and provided.

Applicants must list all census tracts and block groups benefitting from the project when using Census data.

Appropriate Census or Texas State Data Center maps are required for data verification.

Project Beneficiary Map(s)

All applications must include a project map(s) identifying the benefit area. Target area projects must use Low and Moderate-Income Summary Data (LMISD) to document beneficiaries and must provide LMISD maps which clearly show all the census geographic areas (i.e. census tract, block group) within the applicant's jurisdiction. Locations and boundaries of all project target areas must be clearly delineated by identifiable features, such as named streets, railroads, streams, etc.

Maps must clearly show the following information:

- Boundaries of the city, county, and/or service area;
- Locations of the target area community or communities within the city, county, and/or service area; and
- Locations of all proposed project activities within the target areas (e.g., sewer/water lines, lift stations, street pavement, water storage tanks, wastewater treatment plants etc.).

Applicants using LMISD to document project beneficiaries must provide maps which show:

- All of the census geographic areas (e.g., census tracts, block groups) within the applicant's jurisdiction where census data is used to document project beneficiaries as well as locations of the project activities on the same census maps; and
- Census tract numbers and block group numbers, which must be legible on these census maps.

Applicants using CDBG-MIT surveys to document project beneficiaries must provide maps which clearly show:

- All the street names where surveys were used to document project beneficiaries' locations of the project activities on the same map;
- Legend on the map that identifies the residences surveyed; and
- Proposed project service area(s) and survey area(s) clearly identified.

Map locations of all proposed project activities should match the description of the locations provided. If project beneficiaries are determined on the basis of area benefit, the project service area must also be clearly delineated on the map. The applicant is required to use maps based on one of the three following options:

1. GIS and/or AutoCAD maps produced by the grantee or its designee (i.e., grant administrator or engineer). Electronic files of maps produced through GIS or AutoCAD should also be submitted with the application;
2. The U.S. Census Bureau for maps based on entire cities or census designated places (CDPs); or
3. Another map format as approved by GLO.

Maps must be legible and reproducible. Care should be taken in copying maps so that project activities which may have been designated by a colored mark are still identifiable. Again,

consistently use the correct project and site identification at all references to a particular site on maps, supporting documentation, and in the application. Multiple maps may be submitted to show overall site, details by sections, if applicable

TIGR APPLICATION

<u>Beneficiary Information Tab:</u>

The basis for determining which residents are to be considered as beneficiaries of a proposed project can be achieved through the most recent LMISD information, or by conducting a survey of the area with approved CDBG-MIT forms.

All applications must include a project map identifying the benefit area. Target area projects must use Low and Moderate-Income Summary Data (LMISD) to document beneficiaries and must provide LMISD maps which clearly show all the census geographic areas (i.e. census tract, block group) within the applicant's jurisdiction. Locations and boundaries of all project target areas must be clearly delineated by identifiable features, such as named streets, railroads, streams, etc.

Select the beneficiary identification method used to determine this National Objective:

CENSUS - Census data should be used to the maximum extent feasible for determining the income of persons residing in service areas; therefore, the boundaries of the service area determined by the applicant for the project need to be compared with the boundaries of census divisions (tracts, block groups, etc.). The census divisions that best fall within the service area should be used for documenting the percentage of low- and moderate-income persons residing in that area. HUD-based LMISD spreadsheets are used to document this beneficiary information.

SURVEY - A local survey is the best way to document the beneficiaries of direct benefit activities. Applicants using CDBG-MIT surveys to identify beneficiaries should tabulate race, gender, and ethnicity data. Applicants must also identify the survey dates and number of households benefitting. Survey forms must be complete, dated, and signed by the surveyor. Incomplete surveys could render the application incomplete and ineligible.

Provide an explanation for the use of Surveys, as opposed to LMISD data.

Provide dates when surveying was started and completed.

Upload supporting beneficiary maps, census maps, DP05 or other US Census Bureau data, other supporting census data, and/or thorough survey documentation to include Survey Tabulation and Summary Sheet. Failure to upload complete supporting beneficiary data could result in disqualification of competition applicants.

Document Group: Beneficiary Information
Document Type: U.S. Census Bureau data and/or MIT-CDBG Survey documentation
Document Title: Use a unique descriptive title for each document

TIGR APPLICATION

<u>Beneficiary Information Tab (continued):</u>

Ensure that all beneficiaries of the proposed project are identified.

The race, gender, and ethnicity for the total beneficiaries claimed for the proposed project must be tabulated in the space provided.

Update the metric for each race and ethnicity as appropriate. Hispanic and Non-Hispanic will auto-calculate based on data entered.

Complete the gender table.

Census Geographic Area Data - Identify the census tract and block group(s) in which the project will take place.

In TIGR, select Add New Census Data and indicate the Census Tract number(s) and Block Group(s) included in the project area. Data should coincide with and support Beneficiary and Project maps provided.

Local Policies and Procedures

Each applicant must adopt policies and procedures that ensure they are prepared to received federal funding on a local level. Full compliance with federal requirements from the beginning is essential to ensure that all funding expenditures are eligible and reimbursable.

Procurement

Applicants must follow the procurement process guidelines set forth in 2 CFR §200.318-§200.326 for grant administration, environmental, and engineering services if using CDBG-MIT funds to pay third-party vendors for those services. These rules and regulations also apply to procurement of construction services.

These procurement requirements must be followed to ensure reimbursement from CDBG-MIT funds.

The required GLO Procurement Checklist is available on the GLO website at https://recovery.texas.gov/. Local adopted procurement policies and procedures are among the documents required along with the completed application.

For better detail regarding procurement methods and requirements, refer to:

recovery.texas.gov/local-government/resources/procurement-contracting/index.html

Financial Interest

Applicants will be expected to follow federal financial management requirements and will be asked to identify all persons/entities with a reportable financial interest in the proposed project to declare.

Submit Financial Interest Report forms with the application for each person/entity with a reportable financial interest. Financial Interest Reports must be included for any procurements that have already occurred and been executed locally, such as Grant Administration, Environmental, Project Delivery and/or Engineering.

TIGR APPLICATION

Procurement Detail Tab:

Applicants must follow the procurement process guidelines set forth in 2 CFR §200.318-§200.326 for grant administration, environmental, and engineering services if using CDBG-DR funds to pay third-party vendors for those services. These rules and regulations also apply to procurement of construction services. For better detail regarding procurement methods and requirements, refer to: https://recovery.texas.gov/local-government/resources/procurement-contracting/index.html

If Professional or other services have been procured to work on this project, provide the following:
*** Copies of executed contracts and procurement process details for each,**
*** A completed GLO Procurement Checklist for every service provider already procured.**
The GLO Procurement Checklist can be found on the GLO website at: https://recovery.texas.gov/files/resources/contract-procurement/procurement-checklist.pdf#search=procurement%20checklist
*** A copy of local procurement policies and procedures.**

For procurement details and Checklist:
Document Group: Procurement
Document Type: Professional Services documentation
Document Title: Use a unique descriptive title for each document

For procurement policies and procedures:
Document Group: General Eligibility
Document Type: Local Procurement Policies and Procedures
Document Title: Use a unique descriptive title for each document

TIGR APPLICATION

<u>Procurement Detail Tab (continued):</u>

Have you procured a third-party administrator to administer the proposed project?

If yes:

(1) Provide:

a. Company Name
b. Contact Name
c. Email
d. Phone Number

(2) Will the vendor also provide environmental services?

Have you procured a third-party environmental service provider for the proposed project?

If yes, provide:

a. Company Name
b. Contact Name
c. Email
d. Phone Number

Have you procured a third-party engineer for the proposed project?

If yes, provide:

a. Company Name
b. Contact Name
c. Email
d. Phone Number

For Financial Interest Reports:

Document Group: Procurement
Document Type: Financial Interest Reports
Document Title: Use a unique descriptive title for each document

For properly procured contracts that include multiple services, ensure the corresponding Financial Interest Report clearly reflects all services being provided and the budget amount for each service.

Environmental Clearance

As indicated in the Local Certifications required for each application, *"Each applicant 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 GLO policy directives. All applicable federal and state laws, including environmental, labor (Davis-Bacon), procurement procedures and contract requirements of 2 CFR 200.318–200.326, and civil rights requirements apply to the use of these funds."*

Project Aggregation – ***Per 24 C.F.R. 58.32, the Responsible Entity must group together and evaluate as a single project all individual activities which are either related either on a geographical or functional basis or are logical parts of a composite of contemplated actions.***

The purpose of project aggregation is to adequately analyze, in a single environmental review, the separate and combined impacts of activities that are similar, connected and closely related, or that are dependent upon other activities and actions (see 40 C.F.R. 1508.25(a)).

The Responsible Entity may choose:

a) functional aggregation when a specific type of activity (e.g., water improvements) is to take place in several separate locales or jurisdictions;

b) geographic aggregation when a mix of dissimilar but related activities is to be concentrated in a fairly specific project area (e.g., a combination of water, sewer and street improvement and economic development activities); or

c) a combination of aggregation approaches, which, for various project locations, considers the impacts arising from each functional activity and its interrelationship with other activities.

Accurate scoping, projects descriptions, and project aggregation are critical success factor of environmental clearance.

TIGR APPLICATION:

Environmental Clearance Information Tab:

Provide a response for each question. Any questions not answered will be considered incomplete and may result in disqualification.

What is the current status of the project? Select drop-down option.

- **Not yet begun**
- **In progress**
- **Completed**

Provide a brief narrative regarding how CDBG-MIT funding is to be used. Demonstrate that all HUD CDBG environmental requirements have been met to date. Applicants should be advised that all HUD CDBG environmental requirements must be met before reimbursement can be considered.

More information at:

https://www.hudexchange.info/resource/167/environmental-review-procedures-24-cfr-58

Will the proposed project site have any negative impact(s) or effect(s) on the environment per HUD environmental regulations as described?

If yes, or the applicant believes an issue may exist, provide a brief narrative explaining the issue.

More information at:

https://www.hudexchange.info/programs/environmental-review

Is the proposed project site likely to require a historical resources/archaeological assessment?

If yes, or the applicant believes a historical resources/archaeological assessment may be needed, provide a brief narrative explaining the issue.

More information at:

https://www.hudexchange.info/environmental-review/historic-preservation

Is the proposed project site listed on the National Register of Historic Places?

If yes, provide a brief narrative explaining how the historic site will be impacted.

More information at:

https://www.nps.gov/subjects/nationalregister/index.htm

TIGR APPLICATION:

Environmental Clearance Information Tab (continued):

Is the proposed project site in a designated flood hazard area or a designated wetland?

Is the applicant participating in the National Flood Insurance Program?
More information at https://www.hudexchange.info/programs/environmental-review/flood-insurance

Is the project in a designated Regulatory Floodway?
More information at:
https://www.hudexchange.info/environmental-review/floodplain-management

Is the proposed project site located in a known critical habitat for endangered species?
More information at
https://www.hudexchange.info/environmental-review/endangered-species

Is the proposed project site a known hazardous site?

More information at
https://www.hudexchange.info/environmental-review/site-contamination

TIGR APPLICATION:

Environmental Clearance Information Tab (continued):

Is the proposed project site located on federal lands or at a federal installation?
If yes, provide a brief narrative detailing why federal land or a federal installation is required for the proposed project.

What level of environmental review is likely needed for the proposed project site?
Select from drop down options.

More information at HUD Exchange

- **Categorical Exclusion**
- **Environmental Assessment**
- **Environmental Impact Statement**

Provide a brief narrative to include any additional detail or information relevant to Environmental Review.

Affirmatively Furthering Fair Housing

In order to assist applicants for U.S. Department of Housing and Urban Development (HUD) funding, GLO has established a series of elements and information regarding Fair Housing for applicants to prepare and consider in the development of their applications, programs, and projects.

Further, applicants may receive requests for technical assistance from individuals or groups representative of persons of low- and moderate-income that request assistance in developing proposals (including proposed strategies and actions to affirmatively further fair housing). Applicant strategies must be ready for such or similar requests.

Finally, well developed strategies, actions, and citizen participation will expedite application and individual project reviews and, in-turn, release authorization to use funds more promptly.

Recognizing that each project and community is different and comes with its own unique circumstances, needs, and considerations, applicants are expected to candidly and objectively assess as much information as possible such that the determinative factors differ between and inform project choices. Include both positive and negative features, concerns, or assessment factors, as applicable. Factors to assess are as follows:

Tier I: "Hard Data"

- ☐ Census data – Demographic information by census block group for the town/county. This may be presented as maps and/or in chart/table form with block groups identified. Include percent of population below poverty level, income, and ethnicity/race.
- ☐ Crime rates – Include immediate and surrounding geographic areas.
- ☐ Household sizes
- ☐ Age group data
- ☐ Other information and/or relevant factors

Tier II: Community Features

Applicant Fair Housing assessments should include distance to each <u>of the following positive and negative features, as well as public transportation time to each, if applicable.</u>

<u>Positive Features</u>

- ☐ Jobs – Identify any large employment center(s)/opportunities.
- ☐ Schools – Quality measures and demographics as compared to other area public schools.
- ☐ Other education – Community colleges, technical schools, higher education, other opportunities. Grocery stores – Identify nearest full-size grocery store(s), other desirable retail.
- ☐ Health care facilities – Local clinic(s) and/or nearest hospital, e.g.
- ☐ Public transportation – Nearest bus stop(s). [NOTE: State if no public

transportation in community] Library – Public library and available resources such as computer access.

- ☐ Parks, athletic fields, playgrounds – Public recreation areas.
- ☐ Community facilities – Child care, senior centers, other community centers. Other – May include features unique to the community.

Proximity to Negative Features:

- ☐ Unsightly facilities, industrial sites, e.g.
- ☐ Environmental/health hazards – May overlap with negative uses
- ☐ Features undesirable for family life – Retail/business density, type of retail/businesses, e.g.
- ☐ Additional subsidized or low-income housing – Public housing and/or LIHTC developments, etc.
- ☐ Other – May include features unique to the community

Tier III: Trends/Other Plans or Projects

- ☐ Area revitalization – Identify economic trends in the area
- ☐ Government plans impacting the area – Identify pending or approved projects/plans/bonds, e.g.
- ☐ Other development projects/investment – Identify public or private projects in the immediate or larger area which may affect the proposed project

Once all information is gathered, applicants are expected to conduct a candid and objective assessment, identify the determinative factors between potential projects, and utilize those factors when making project choices. Applicants should consider both positive and negative features, concerns, or assessment factors in their final proposed project selections.

Applicants must certify 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.

Identify activities already achieved to further fair housing, those activities to be undertaken if an award is made by CDBG-MIT, and when that activity will be complete.

All proposed projects will undergo an Affirmatively Further Fair Housing (AFFH) review by the GLO before approval. Such review will include assessments of:

- A proposed project's area demography,
- Socioeconomic characteristics,
- Housing configuration and needs,
- Educational, transportation, and health care opportunities,

- Environmental hazards or concerns; And
- All other factors material to the AFFH determination.

Viable options to Affirmatively Further Fair Housing:

- Developing a strategy to pass a Fair Housing Ordinance
- Passing a Fair Housing Ordinance
- Initiating a Fair Housing counseling service
- Assisting Fair Housing groups
- Establishing a local complaint and monitoring process
- Providing Housing Choices outside historically minority and/or LMI neighborhoods
- Assisting Housing Projects that are racially mixed
- Enforcing Fair Housing Guidelines that are equivalent to a Fair Housing Ordinance
- Adopting and distributing Fair Housing practices
- Designating a Fair Housing Month
- Holding a special hearing to solicit input from the community
- Developing an anti-NIMBYism (Not In My Back Yard) action plan
- Publishing the contact information – at the local, state, and federal levels – for reporting a Fair Housing complaint
- Developing policies and procedures that take the location of protected classes into account when deciding where to locate undesirable infrastructure improvements
- Other – Describe your process and how it affirmatively furthers fair housing

TIGR APPLICATION

<u>Affirmatively Furthering Fair Housing Tab:</u>

Identify activities already achieved to further fair housing, and those activities to be undertaken if an award is made by CDBG-MIT and when that activity will be complete. Upload any backup documentation to support your efforts.

Update and Save Metric to include each Activity.

For Affirmatively Furthering Fair Housing:

Document Group: General Eligibility
Document Type: Fair Housing Activity information
Document Title: Use a unique descriptive title for each document

Budget/Funding Disclosure

The Total Project Budget represents summary of data provided for each Activity.

Table 6: Example of Summary of Data

Sites	>	Activity	>	Project
Retention Pond 1		Flood control and drainage improvements		**Total Project Budget**
Retention Pond 2	>			
Retention Pond 3				
Lift Station #1		Infrastructure improvements - Sewer Facilities		
Lift Station #2	>		>	
Lift Station #3				
Tower #1		Communications infrastructure		
Tower #2	>			
Tower #3				

Applicants are expected to present a thorough budget that includes all elements required for an eligible and successful project.

Cost Verification

Each proposed project will undergo cost verification. The GLO may use an independent, qualified third-party engineer, architect, construction manager, or other professional (e.g., a cost estimator) to verify the planned project costs and cost changes to the contract (e.g., change orders) during implementation are reasonable.

If the proposed project is a "Covered Project" a more detailed benefit-cost analysis is required.

CDBG-MIT Project Caps

Project Delivery may include, but is not limited to, grant administrator fees, costs associated with environmental clearance, and eligible costs for in-house efforts. For instance, applicants may choose to utilize a portion of their project delivery grant funds to supplement costs for their single audit, pay for staff administration efforts, and required advertisement costs.

Project Delivery costs should be estimated according to the total grant request for the application and included in the application budget. The maximum allowable project delivery cost per grant shall be less than or equal to the caps as outlined here.

Project delivery (PD) fees are capped between 6% and 13% dependent upon the CDBG-MIT award amount and the type of project. Project Delivery fees are capped at maximum rates based on the fixed rate pricing limits as follows:

Table 7: CDBG-MIT Project Caps

Total CDBG-MIT Award (Non-Housing Activities)	Percentage Cap
$249,999.99 or less	13%
$250,000-$749,999.99	11%
$750,000-$999,999.99	10%
$1 million-$24,999,999.99	8%
$25 million or over	6%

Applicants may choose to self-administer for eligible local in-house grant administration services and/or costs, procure a third-party grant administrator, or a combination of the two.

Each application must clearly establish the portion of CDBG-MIT funds to be used to pay for third-party vendor grant administration services, and the portion retained to reimburse the applicant.

Housing-related mitigation activities are allowable up to 12 percent of program amounts for costs directly related to implementation.

Engineering and design activities will be capped at 15 percent of the total construction cost unless special services are necessary; in such cases, the GLO must review and approve the request.

Ensure that all budgeted funds remain within eligible caps. Any expenses in excess of the caps detailed above and approved engineering costs will not be eligible from the CDBG-MIT funds and must be paid for from other funds.

If third-party vendors have already been procured, applicant must demonstrate the procurement efforts and resulting contracts must meet 2 CFR 200.318–200.326 standards as previously indicated. Refer to Procurement Checklist available on recovery.texas.gov.

CDBG-MIT Budget Preparation

Comprehensive budget information will include:

CDBG-MIT Construction

Construction or public facilities budgetary information must be provided by a professional engineer or architect licensed to practice in the state of Texas using the **MIT-Budget Justification of Retail Costs (formerly Table 2)** form on the GLO website at: https://recovery.texas.gov/files/resources/mitigation/mit-budget-justification-of-retail-costs.xlsx

Data should be provided at the site or activity level (as appropriate) to ensure proper budgeting for all necessary elements of the project. Original sealed construction and public facilities budgetary information must be uploaded.

Each proposed project will undergo Cost Verification. Information on Cost Verification is provided in the section below.

CDBG-MIT Engineering

Engineering costs include the cost of all engineering (design, bidding, and construction phase services) and associated work and special services (surveying, materials testing, onsite inspections, environmental support, etc.) required to deliver the grantee project showcased in the application and on Table 2. The applicant must attach to the application justification by the engineer for engineering fees that exceed fifteen percent of the total construction cost. GLO will review the justification for reasonability.

Provide the amount of CDBG-MIT engineering funds requested for each project in this column. For engineering items, this figure must be consistent with the **MIT-Budget Justification of Retail Costs (formerly Table 2)** provided for each activity.

CDBG-MIT Project caps and information are provided in the section below.

CDBG-MIT Acquisition

Provide the amount of CDBG-MIT acquisition (real property, rights of way, etc.) funds required. Acquisition totals must be substantiated on the **MIT-Budget Justification of Retail Costs (formerly Table 2).**

Instruction for:

MIT-Budget Justification of Retail Costs (formerly Table 2)

The completion of MIT-Budget Justification of Retail Costs (formerly Table 2) is required for all construction/public works projects. Costs related to non-construction activities, such as public services, do not have to be reflected on this form.

This form requires the Signature and Seal of the Registered Engineer/Architect Responsible for Budget Justification. It is generally completed by the staff engineer or procured engineer for the project. Refer to the Procurement section of this guide for other documentation required for procured engineering services.

A separate form must be submitted for each activity type at a minimum. Since the TIGR MIT budget is cumulative from the site>activity>project level. Separate forms at site level may be required for accurate reporting.

In order to support HUD reporting requirements, the TIGR CDBG-MIT budget is cumulative beginning from the sites into an activity type and up to the project level.

Figure 5: Example of Budget Justification of Retail Costs

CDBG-MIT: Budget Justification of Retail Costs
(Former Table 2)

Cost Verification Controls must be in place to assure that construction costs are reasonable and consistent with market costs at the time and place of construction.

Applicant/Subrecipient:	
Site/Activity Title:	
Eligible Activity:	

Materials/Facilities/Services	$/Unit	Unit	Quantity	Construction	Acquisition	Total
	$ -		0	$ -	$ -	$ -
	$ -		0	$ -	$ -	$ -
	$ -		0	$ -	$ -	$ -
	$ -		0	$ -	$ -	$ -
	$ -		0	$ -	$ -	$ -
	$ -		0	$ -	$ -	$ -
	$ -		0	$ -	$ -	$ -
	$ -		0	$ -	$ -	$ -
	$ -		0	$ -	$ -	$ -
	$ -		0	$ -	$ -	$ -
	$ -		0	$ -	$ -	$ -
TOTAL	$ -			$ -	$ -	$ -

1. Identify and explain the annual projected operation and maintenance costs associated with the proposed activities.

2. Identify and explain any special engineering activities.

Date:	
Phone Number:	

Seal

Signature of Registered Engineer/Architect Responsible For Budget Justification:

Subrecipient - Use the Applicant's name.

Site/Activity Title

Ensure the same site or activity title used on this form is also used when entering the data in the TIGR system for ease of identification.

Eligible Activity

Use the following Budget Codes:

- Flood control and drainage improvements
- Infrastructure – Water facilities
- Infrastructure – Sewer facilities
- Infrastructure – Street improvements
- Infrastructure – Clearance and Demolition

- Infrastructure – Code Enforcement
- Infrastructure – Debris Removal
- Infrastructure –Dike/Dam/Stream-River Bank repairs
- Natural or Greet Infrastructure
- Communications Infrastructure
- Public Facilities
- Buyouts or Acquisitions

Materials/Facilities/Services Table

In determining actual construction costs, the engineer must provide the following:

1. The material or facility component **(Materials/Facilities)** for each line item. For example, "36 PVC pipe" or "25-50 kW generator." Applicants must provide a reasonable level of detail regarding project materials or components. A material line item of "Shelter Building" would be too broad to determine size, unit, or composition, and greater detail would be required.
2. The unit price **($/Unit)**, type of unit **(Unit)**, and the number of units **(Quantity)** for each activity. The units used (e.g., linear feet, cubic yards, etc.) must be priced to include all proposed improvements related to and necessary for the major construction activity.

Budget Columns (Construction, Acquisition, and Total)

Project costs should be developed using the parametric cost estimating method (or equal) to develop a high confidence estimate. Please keep in mind that localities are prohibited from levying special assessments, fees, and service connection/tap-on costs on low- and moderate-income persons to recover the CDBG-MIT financed portion of a public improvement when CDBG- MIT funds are used to pay all or part of the cost of the public improvement. Localities can, however, levy special assessments, fees, and service connection/tap-on costs on low- and moderate-income persons to recover the portion of a public improvement financed from other funding sources, provided that CBDG- MIT funds are used to pay these costs for the low- and moderate-income beneficiaries.

For public improvements that were not initially assisted with CDBG- MIT funds, such funds may be used to pay special assessments and fees for low- and moderate-income persons when certain conditions exist. The payment of special assessments/fees constitutes CDBG-DR assistance to the public improvement; therefore, CDBG- MIT funds may be used to pay the assessments/fees on behalf of low- and moderate-income persons provided that: 1) the installation of the public improvements was carried out in compliance with requirements applicable to activities assisted under the CDBG-MIT program, including labor, environmental, and citizen participation, 2) the

installation of the public improvement meets a CDBG- MIT national objective, and 3) CDBG- MIT funds are used to pay the assessment/fees on behalf of low- and moderate-income persons.

Force account labor costs must be based on the estimated CDBG-DR contract-related construction hours to be worked by force account workers and the hourly wages to be paid and cannot be based on labor costs estimated through the bid/contract method.

The value of materials/supplies to be provided by the applicant, and already owned by the applicant, must be based on the purchase price of the materials and supplies at the time of purchase, and cannot be based on the current purchase price of such materials/supplies.

Equipment costs for equipment owned by the locality must be based on a use allowance or depreciation (only if the equipment is not already fully depreciated and based on acquisition cost).

Construction $ Column

Construction cost will be computed automatically by multiplying the $/Unit column by the Qty column.

Acquisition $ Column

Any proposed activity involving the acquisition of real property, easements, rights-of-ways, etc., must have the projected costs of this acquisition broken out by the activity for which the acquisition is needed. In developing these costs, compliance with the requirements of the Uniform Real Property Acquisition and Relocation Policies Act of 1970, and exemptions as allowed under this appropriation, must be taken into consideration.

TOTAL $ COLUMN

Total costs per line item will be computed automatically by adding the construction and acquisition costs.

Summary totals for the three budget columns will be computed automatically by adding all line items per column.

CDBG-MIT Environmental

Because only one environmental review will cover the entire project, the applicant must select one budget line item on which to include the total amount of CDBG-MIT environmental funding requested. Applicants should consider and include costs for any special reviews, permitting, or studies that will be required to secure an Authority to Use Grant Funds.

This amount should be within the project delivery fees cap. Ensure that all environmental service fees remain within eligible caps.

CDBG-MIT Administration Costs

Project Delivery (General Administration) costs should be estimated according to the total requested amount for the application. Refer to the section above regarding Project Caps for more information on allowable costs.

A prescribed scope of work for Grant Administration Services is available for reference on the GLO website. Applications should identify those tasks that will be administered locally and those that will be procured. The applicant must clearly establish the portion of CDBG-MIT funds to be used to pay for third-party vendor grant administration services, and the portion of CDBG-MIT funds to be used to reimburse the applicant for in-house grant administration services and/or costs.

Provide the amount of CDBG-MIT administrative funds requested in this column.

The final Budget total must equal the amount requested on the required Application for Federal Assistance SF-424 (SF-424).

Applicants must disclose all funding sources to be utilized on the proposed project and identify the use of other funding sources in the application budget.

Other Funds

Specific use of Other Funds (FEMA, insurance, local, etc.) committed to the proposed project must be identified in the appropriate line of the budget proposal.

Duplication of Benefit - As stated in the Continuing Appropriations Act, 2017 (Pub. L. 115– 56, approved September 8, 2017) prohibits the use of funds for activities reimbursable by, or for which funds are made available by, FEMA, the Army Corps of Engineers or any other Federal program. This non-duplication of benefits restriction that prohibits the use of funds for activities reimbursable by other means remains in effect and cannot be waived.

Common sources of potentially duplicative funding are:

- FEMA
- Small Business Administration (SBA)
- Insurance
- Other sources of local, state, and federal funding
- Therefore, GLO must ensure that mitigation projects comply with this restriction.

FEMA - Any and all FEMA funds received for benefit of any project proposed in this application must be fully disclosed and detailed to ensure the best cross-agency coordination and that duplication of benefit does not occur.

To clarify, if a proposed project falls in one of the FEMA eligible categories of Public Assistance (categories A–G) and the applicant indicates that direct damage has occurred, then the applicant must provide an explanation of why FEMA assistance was not obtained or clarify that it was obtained for a distinct project component with remaining need.

If FEMA funds were received, provide all relevant FEMA Project Worksheets, FEMA project type, and evidence of funds committed/received/expended on the proposed project. Also, explain why funds are needed above and beyond the FEMA funding.

If FEMA funds were not requested, provide an explanation as to why.

Finally, indicate whether any project in the application is a proposed FEMA funding match.

Small Business Administration (SBA) - Any and all SBA proceeds received for benefit of any project proposed in this application must be fully disclosed and detailed to ensure that funds are used most efficiently, and that duplication of benefit does not occur.

If SBA funding was received, provide all relevant documentation and evidence of funds committed/received/expended on the proposed project.

Insurance Coverage - Any and all insurance proceeds received for benefit of any project proposed in this application must be fully disclosed and detailed to ensure that funds are used most efficiently, and that duplication of benefit does not occur.

If insurance proceeds were received, provide all relevant insurance documentation and evidence of funds committed/received/expended on the proposed project. Also, explain why funds are needed above and beyond the insurance funding.

If a policy was in place for the proposed project, but a claim was not made, provide an explanation as to why.

Other Local, State, or Federal Funding - Any and all funds identified for use on any project proposed in an application must be fully disclosed and detailed to ensure accuracy in the budget, eligible use of all funds, schedule coordination, and that a duplication of benefit does not occur.

If other funds are available to address the proposed project in whole or in part, report all sources of that funding and reflect the specific uses (i.e. construction, engineering, administration, environmental).and amounts in the application budget.

Finally, provide a brief narrative or list of other state and/or federal agencies contacted for funding and the results.

Multiple Jurisdictions

While multiple jurisdictions may unite to submit one larger regional project, one of those entities must take "lead" responsibility for a contractual relationship with the GLO to include application entry and submission, contract execution, project implementation, and closeout. For this type of project, applicants must provide clear delineation of ownership. Thorough Interlocal Agreements/Memoranda of Understanding/etc. with every entity involved must include, at a minimum, clear identification of the entity's interest in the project, activities allowed for the project, ongoing maintenance and upkeep, activities not allowed for the project, an outline of how liabilities will be transferred and when, and what is required for final acceptance and closeout.

TIGR APPLICATION:

Budget Tab:

The Project Level Budget represents summary data compiled as each Activity and Site are created.

Applicants are expected to present a thorough budget at the site level that includes all elements required for an eligible and successful project. Construction or public facilities budgetary information must be provided by a professional engineer or architect licensed to practice in the state of Texas. Original sealed construction and public facilities budgetary information must be maintained in the local file structure.

Comprehensive budget information will include:
CDBG-MIT Construction,
CDBG-MIT Engineering,
CDBG-MIT Acquisition,
CDBG-MIT Environmental, and
CDBG-MIT Administration costs.

Specific use of Other Funds (FEMA, insurance, local, etc.) committed to the proposed project must be identified in the appropriate line of the budget proposal.

These totals must equal the amount requested on the required Application for Federal Assistance SF-424 (SF-424).

Click on Add Budget Activity, then Add New Budget Activity.

TIGR APPLICATION:

Budget Tab (continued):

The Project Level Budget represents summary data compiled as each Activity and Site are created.

Applicants are expected to present a thorough budget at the site level that includes all elements required for an eligible and successful project. Construction or public facilities budgetary information must be provided by a professional engineer or architect licensed to practice in the state of Texas. Original sealed construction and public facilities budgetary information must be maintained in the local file structure.

Comprehensive budget information will include:
CDBG-MIT Construction,
CDBG-MIT Engineering,
CDBG-MIT Acquisition,
CDBG-MIT Environmental, and
CDBG-MIT Administration costs.

Specific use of Other Funds (FEMA, insurance, local, etc.) committed to the proposed project must be identified in the appropriate line of the budget proposal.

These totals must equal the amount requested on the required Application for Federal Assistance SF-424 (SF-424).

Click on Add Budget Activity, then Add New Budget Activity.

Click on the Create button to save the record and then reopen it to select the Budget Code. Provide Site information and budget and upload required documents.

Budget Codes:

- **Flood control and drainage improvements**
- **Infrastructure improvements – Water facilities**
- **Infrastructure improvements – Sewer facilities**
- **Infrastructure improvements – Street Improvements**
- **Infrastructure improvements – Multifamily Housing**
- **Infrastructure improvements – Clearance and Demolition**
- **Infrastructure improvements – Code Enforcement**
- **Infrastructure improvements – Debris Removal**
- **Infrastructure improvements – Dike/Dam/Stream-River Bank repairs**
- **Infrastructure improvements – Economic Development**
- **Natural or green infrastructure**
- **Public Facilities**
- **Housing incentives**
- **Public service within the 15 percent cap**
- **Economic Development**
- **Communications infrastructure**
- **Buyouts or Acquisitions**
- **Relocation Assistance**
- **FEMA HMGP Cost Share**

TIGR APPLICATION:

<u>Budget Tab (continued):</u>

Provide a General Description.

This is basically the activity title. As with documents, use a unique descriptive title for each activity.

Provide a Detailed Description.

Provide a brief but thorough narrative describing the scope of work to be completed and how it serves the overall project. If more space is needed, provide the entire narrative on a well identified separate sheet and upload in the Documents section. If this option is taken, use the Detailed Description box to provide the name of the associated document.

Applicants will then click on Add New Project Site.

TIGR APPLICATION:

<u>Create new Project Site Window:</u>

In the Project Sites & Locations section, the Program and Site Number populate automatically based on previous data provided.

Provide a Site Title.

Use a unique descriptive title for each site.

Provide a Site Description.

Provide a brief but thorough narrative describing the scope of work to be completed and how it serves the overall project. If more space is needed, provide the entire narrative on a well identified separate sheet and upload in the Documents section. If this option is taken, use the Site Description box to provide the name of the associated document.

Provide the following information:

Street Address
Street Limits on Street – From Street _____ – To Street_____
Zip Code
City
County
State (auto-populated)
Latitude
Longitude

TIGR APPLICATION:

Create new Project Site Window (continued):

Scope of Work - Provide a brief but thorough narrative describing the scope of work to be completed and how it serves the overall project. If more space is needed, provide the entire narrative on a well identified separate sheet and upload in the Documents section. If this option is taken, use the Site Scope of Work box to provide the name of the associated document.

As previously indicated, applicants must follow the procurement process guidelines set forth in 2 CFR §200.318-§200.326 for procurement of construction services. For better detail regarding procurement methods and requirements, refer to:
https://recovery.texas.gov/local-government/resources/procurement-contracting/index.html

Have you procured construction services for the proposed project? (Yes or No)

Select the construction completion method to be used from the dropdown list:
- **Competitive Sealed Bid/Contract**
- **Force Account**
- **Combination Sealed Bid/Force Account**
- **Request for Proposals**
- **Request for Qualifications**
- **Small Purchase**

Will acquisition of real property or any activity requiring compliance with URA be required? (Yes or No)

If yes: Provide the Estimated Number of Parcels

Select the status of the acquisition from the dropdown list:
- **Completed**
- **In progress**
- **Still needed**

Provide a brief narrative describing the acquisition activities required. If more space is needed, provide the entire narrative on a well identified separate sheet and upload in the Documents section. If this option is taken, use the Acquisition narrative box to provide the name of the associated document.

Provide local Elected Officials District Numbers:
Congressional Representative, State Representative, and State Senator
NOTE: Only District Numbers are required.

Applicants will then click on Add New Project Site.

TIGR APPLICATION:

Create new Project Site Window (continued):

Applicants will then click on Create New Project Site. The Edit Project Site window will open with all the newly entered data. Scroll down to Site Budget.

Click on Add New Site Budget Code. A Create window will open.

Select the appropriate Site Budget Code from the dropdown list:

CDBG-MIT Construction
CDBG-MIT Engineering
CDBG-MIT Environmental
CDBG-MIT Admin (Grant Administration)
CDBG-MIT Acquisition

Enter the Amount Requested and provide a brief description.

Enter any Other Funds that will be used toward this budget code and provide a brief description.

Click on Create new Site Budget.

REPEAT "Add New Site Budget Code" until entire budget is represented for this activity.

Scroll down to Site Metrics.

Click on Edit Metric and provide any necessary Comment. Use a whole number to report either metric.

- **Linear feet of public improvements or**
- **Number of public improvements**

Project Schedule

Applicants must provide a single Project Schedule that represents the entire proposed scope of work. For instance, if three different activity types are included, the "Engineering Design" phase should encompass the amount of time needed to complete "Engineering Design" for all three activity types. If there are Housing, Buyout, or Acquisition activities included, provide the scheduled time allotted for "Program Guideline Development" in the schedule.

Applicants must consider any factors, such as special permitting/migratory patterns/seasonal issues, that may impact completion of the project.

TIGR APPLICATION:

Project Schedule:

In the Dates and Status section, select the project phase from the drop down list. The schedule activities to identify (as appropriate) are:

- **Procurement of Grant Administration/Environmental Service Provider**
- **Procurement of Engineer/Architect Professional Services**
- **Program Guideline Development (applicable to Housing, Buyout, Acquisition)**
- **Start-Up Documentation**
- **Engineering Design**
- **Broad Environmental Review**
- **Acquisition**
- **Bid Advertisement**
- **Contract Award**
- **Construction NTP (Notice to Proceed)**
- **Construction**
- **Construction Activity Completion**
- **Submit As-Builts/COCC/FWCR**
- **Contract Closeout**

Provide the Start Date for each project phase and provide the number of months required to complete the phase. The End Date will automatically calculate.

Repeat until the entire Project Schedule is represented.

Project Documentation

In addition to the completed application, each applicant must upload and submit the following documentation along with their application. These items help the GLO assess the applicant's eligibility, project eligibility, financial capacity, capacity to oversee and manage a CDBG-MIT funded contract, and ensure a successful project:

Table 8: Application Documentation

Document Group	Document Type
Application Submission	Signed Applicant Certifications
Beneficiary Information	Supporting census tract/block group or other beneficiary data maps
	U.S. Census Bureau data and/or MIT-CDBG Survey documentation
Budget	Documentation of other funding (FEMA, insurance, Small Business Administrations, etc.)
	MIT - Budget Justification of Retail Costs form (completed, signed, and sealed by a professional engineer or architect licensed to work in the State of Texas)
Citizen Participation	Affidavit of public posting
	Documentation of public hearings, if applicable
	Pictures that demonstrate public posting
Environmental	Copies of Required Permits
	Environmental Exempt Form for planning and administrative activities
Federal Application	SF-424 (completed and signed)
General Eligibility	Fair Housing Activity information
	Local Financial Management Policies and Procedures
	Local Procurement Policies and Procedures
	Single Audit or Annual Financial Statement
Mitigation Needs	Copy of any relevant adopted plan with official adoption documentation
	Scope of work information, maps, and other applicable documentation for Added Resiliency Measures taken
	Local adopted Hazard Mitigation Plan, if applicable
National Objective Information	Mitigation Urgent Need documentation
Procurement	Financial Interest Reports (Grant Administrator, Environmental Services, Engineering; as applicable)
	Professional Services documentation

Project	Maps indicating latitude and longitude for a proposed location
	Site photos
	Supporting documentation for Covered Project proposals including other funding source data
	Other supporting documentation

Application for Federal Assistance Standard Form-424 (SF-424)

All applications **must** be accompanied by a completed and signed Application for Federal Assistance SF-424, OMB Number: 4040-0004, Expiration Date: 12/31/2022. SF424_

By completing, signing and submitting the SF-424 with the application, each applicant for CDBG-MIT funding is providing local certifications indicating that the application guide has been followed in the preparation of any CDBG-MIT program application, and that they will continue to be followed in the event of funding. False certification can result in legal action against the jurisdiction and disqualification from program eligibility.

The SF-424 form is available on the GLO website:
https://recovery.texas.gov/files/resources/mitigation/sf-424-application-for-federal-assistance.pdf

Local Certifications

Instruction for:

MIT-Local Certifications form

The MIT-Local Certifications form must be signed by the local authorized signatory, submitted with the TIGR application, and retained with the local application file.

The MIT-Local Certifications form is available on the GLO website:
https://recovery.texas.gov/files/resources/mitigation/mit-local-certifications.pdf

Each application must include a MIT-Local Certifications form signed by an authorized signatory. Each applicant for CDBG-MIT funding must certify by signing the Application for Federal Assistance Standard Form 424 (SF-424) and the MIT-Local Certifications form provided on the GLO website and included in this application guide were followed in the preparation of any CDBG-MIT program application, and will continue to be followed in the event of funding.

Each applicant 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 GLO policy directives. All applicable federal and state laws, including environmental, labor (Davis-Bacon), procurement procedures and contract requirements of 2 CFR 200.318–200.326, and civil rights requirements apply to the use of these funds.

It should be noted that 18 USC 1001 states that any person who (1) knowingly or willfully falsified, conceals, or covers up by any trick, scheme, or device of material fact, (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false fact, fictitious, or fraudulent statement is a federal offense and punishable under the law.

Each applicant certifies, in compliance with the requirements presented in the Federal Register notice, 84 FR 45838 (August 30, 2019), that:

a. The 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 funding.

b. The subrecipient certifies its compliance with restrictions on lobbying required by 24 CFR 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 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 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 CFR part 135.

f. The 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 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 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:

(a) 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

(b) 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 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 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 subrecipient certifies that it (and any subrecipient or 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 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 CFR 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 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 subrecipient certifies that it will comply with environmental requirements at 24 CFR part 58.

n. The 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, 1001 and 31 U.S.C. 3729 and disqualification from the CDBG_MIT program.

Application Completion and Submission

Once the applicant has completed the application in its entirety, uploaded all required documentation, and met the required Citizen Participation criteria, they must follow the appropriate steps in TIGR to complete the application submittal.

TIGR APPLICATION:

Application Completion/Submission:

Navigate to the Projects section and click on "Complete an Existing Draft Project."

Locate the Draft Project and click the drop down arrow under Program Type, and click "Submit Project."

Navigate to the Applications section and click on "Complete an Existing Draft."

Locate the Draft Application and click the drop down arrow under Created On, and click "Submit Mitigation Application."

*****Once submitted, the applicant cannot edit the application.*****

Congratulations!

Your Mitigation Competition Application has been submitted for scoring!

V. Additional Application Information

Record Retention

In accordance with federal regulations, all records relevant to this Contract shall be retained for a period of three (3) years subsequent to the final closeout by the State CDBG-MIT grant with HUD. The GLO will notify all CDBG-MIT Program participants of the date upon which local records may be destroyed, and Provider shall retain all records related to this contract until the destruction date determined by the GLO.

Conflict of Interest Procedures

The applicant will be required to designate an individual to serve as an overseer of all grant activities, to ensure that there are no "conflicts of interests" in any, and all, activities related to the administration of a GLO grant. It is recommended that the individual designated to serve in this role be employed in a position outside the chain of command of the staff administering this grant and have the ability to bring any concerns directly to the elected official, city council, or county commissioners court.

False Information

The following actions may be taken, as appropriate, where GLO finds that an applicant provided false information in their application for CDBG-MIT funding.

If GLO staff suspect or have confirmation that an applicant has provided false or misleading information in an application that would affect program eligibility, impact the applicant's score, or falsely define beneficiary information that increases the number or percentage of potential beneficiaries, GLO staff will make a recommendation for action to GLO Monitoring and Quality Assurance.

GLO Monitoring and Quality Assurance may take additional actions that may include, but are not limited to:

1) If an award has NOT been made and adjustment to the information results in program ineligibility for the purpose of funding, the locality will be liable for funds expended to any vendors procured to serve the application process.
2) If an award has been made, GLO Monitoring and Quality Assurance will conduct the appropriate reviews and issue any official findings or concerns. The applicant/ subrecipient may be liable for funds expended.
3) Referral to the HUD Office of the Inspector General (OIG) for further resolution.

Application Review Procedures

All applications will be reviewed by GLO staff or its assigned representatives to determine if each application (1) is complete, (2) proposes activities that are eligible, (3) meets a national objective, and (4) meets program requirements.

The application review procedures consist of the following steps:

- Submission of applications by eligible applicants.
  - Each eligible entity must submit an application via TIGR prior to the application due date and time.
- COMPETITIONS ONLY: All applications received by the prescribed due date are scored using posted Scoring Criteria. Only applications scoring high enough for potential award are reviewed for completeness and eligibility. Should an applicant be disqualified the next highest scorer will be reviewed for eligibility.

1) Completeness and eligibility review.

(a) Upon receipt of an application and scoring, GLO will perform a completeness and eligibility review to determine whether all needed application data has been provided and whether all proposed activities are eligible. Competition applications that are incomplete or contain multiple deficiencies may be disqualified without further opportunity for repair.

(b) If the application contains enough information to clearly identify projects and confirm general eligibility, GLO will contact the applicant to clarify and resolve any minor deficiencies discovered during review. A response correcting the deficiencies must be submitted to GLO within the prescribed timelines.

(c) For competitions, any high scoring applications that are found otherwise ineligible for any reason will be disqualified.

(d) For competitions, completeness and eligibility review will begin with highest scorers and will continue down the list until all available funds have been awarded to complete and eligible applicants.

2) GLO works with eligible applicants to execute contract agreements.

(a) When all project eligibility issues have been resolved, GLO will draft contract documentation based on the information approved in the entity's application. GLO may negotiate any technical elements with the recipient so long as the award amount is not increased and the level of benefits described in the application is not decreased, and/or there are no changes that would impact eligibility and scoring (if applicable.)

What if I Have Additional Questions?

Competition applicants may submit inquiries regarding the Competition programs via email to CDR.mitigation@recovery.texas.gov. Response will be provided via Frequently Asked Questions posted to the GLO website at: http://recovery.texas.gov/.

Non-Competition applicants needing additional assistance are encouraged to contact GLO at: CDR.mitigation@recovery.texas.gov. A Grant Manager will respond to the inquiry.

Abbreviations

AFFH – Affirmatively furthering fair housing
AMFI – Area median family income
BCA – Benefit-Cost Analysis
CDBG - Community Development Block Grant
CDP – Census Designated Places
C.F.R. – Code of Federal Regulations
CGA – Census Geographic Area
COCC – Certification of Construction Completion
DR – Disaster Recovery
FEMA – Federal Emergency Management Agency
FIR – Financial Interest Report
FR – Federal Register
FWCR – Final Wage Compliance Report
GA – Grant Administrator
GIS – Geographic Information System
GLO - Texas General Land Office
GPS – Global Positioning System
HCDA – The Housing and Community Development Act of 1974 Section 105(a) - (Eligible Activities for States)
HMGP – Hazard Mitigation Grant Program
HUD - U.S. Department of Housing and Urban Development
LMI – Low- and Moderate-Income
LMISD – Low Mod Income Summary Data
MID – Most Impacted and Distressed
MIT – Mitigation
NDR – National Disaster Resilience
NFIP – National Flood Insurance Program
NIMBY – Not in my back yard
NTP – Notice to Proceed
PL – Public Law
RFP – Request for Proposals
RFQ – Request for Qualifications
SBA – Small Business Administration
SF-424 – Application for Federal Assistance Standard Form 424
TIGR - Texas Integrated Grant Reporting
UNM – Urgent Need - Mitigation
URA – Uniform Relocation Act
USACE – The Unites States Army Corp of Engineers

Potential Eligible Project Examples

Example A: Three coastal counties worked together to identify a continuous area of land along the coast that stretches across the three counties; the area used to be an industrial site, but now needs to be redeveloped. Their proposed project is to redevelop this area into a nature preserve to protect their coastal cities from coastal flooding. The counties have determined that their identified coastal cities are the logical population that will utilize the preserve, and **all of the cities** meet the unmet need mitigation national objective (See National Objective Section below).

They have proposed a variety of activities to create the nature preserve including: soil remediation, dune restoration, and a community park; all of these proposed activities are within the area that needs to be redeveloped and defined in the application.

The Counties have identified:

- The Service Area as: The coastal cities with an urgent mitigation need
- The Project as: The Nature Preserve
- The Hazard Risk as: Coastal Flooding
- The Activities as: Soil remediation, dune restoration, and a community park

Why is "Example A" a Potentially Eligible Project?

- The project is working to reduce risks from an identified hazard
- The project has identified a specific service area with an urgent mitigation need
- The proposed activities are eligible under CDBG-MIT; HCDA Section 105(a) (1-5), 105(a) (7-9), and 105(a)(11)
- The proposed activities benefit the identified service area

Example B: The City of B's proposed project is to decrease riverine flooding throughout the eastside of the city; the city has determined that the eastside of the city is 55% low to moderate income individuals. The city has identified buyouts, additional culverts, new bioswales, bulkheads, and public service activities (educational campaigns on the risks of flooding and legal assistance for community members living in the eastside of the city) to decrease future flooding throughout the eastside of the city.

The City has identified:

- The Service Area as: The eastside of the city
- The Project as: Decrease future riverine flooding
- The Hazard Risk as: Riverine Flooding
- The Activities as: Buyouts, additional culverts, new bioswales, bulkheads, and public service activities (educational campaigns on the risks of flooding and legal assistance for community members)

Why is "Example B" a Potentially Eligible Project?

- The project is working to reduce risks from an identified hazard
- The project has identified a specific service area that is at least 51% low to moderate income persons
- The proposed activities are allowed under CDBG-MIT; HCDA Section 105(a) (1-5), 105(a) (7-9), and 105(a)(11)
- The proposed activities benefit the identified service area

Potential Ineligible Project Example

Example C: The County of C is working to decrease riverine flooding throughout the county. The County has determined that the entire county is 52 % low to moderate income. The county wants to partner with the county's largest city to concentrate projects in the partnering city's downtown area. Their proposed project is a new downtown district that acts to improve drainage throughout the city's downtown area. Proposed activities include hardening and improving mixed use development (providing assistance to businesses for the installation of disaster mitigation improvements and incorporating green roofs and other design elements to improve local drainage), creating a new central park that acts as a drainage basin, and new storm culverts throughout the downtown.

The County has identified:

- The Service Area as: The entire county
- The Project as: A New Downtown District
- The Hazard Risk as: Riverine Flooding
- The Activities as: hardening a mixed use development, creating a new park that acts as a drainage basin, and new storm culverts throughout the downtown.

Why is "Example C" <u>NOT</u> an Eligible Project?

- While the project is working to reduce an identified risk from an identified hazard (riverine flooding) and proposes potentially allowable activities, the proposed activities do not serve the entire service area that the applicant identified (the entire county).
- Although the whole county has a majority of low to moderate income population, the project only serves to reduce the risks of riverine flooding in one area of one city in the county.
- The county could potentially change the service area to the city's downtown area if the county finds that the downtown has a population that is 51% or more low to moderate income persons or meets the urgent need mitigation objective.

PLANNING & ZONING COMMISSION

TERM START	TERM EXPIRES	FIRST NAME	LAST NAME
12/3/2014	12/17/2020	Juan Jose	Trevino
4/2/1996	4/2/2023	David	Hernandez
12/2/2008	12/17/2020	Lonnie	Berry
4/19/2016	12/17/2020	Jim	Forward
11/21/2017	12/17/2020	Adrian	Torres
7/5/2011	7/07/2020	Randy	Summers
11/21/2017	12/17/2020	Miles	Bullion

Revised 050720

Applicants List for Planning and Zoning Commission

FIRST NAME	LAST NAME	APPLICATION DATE
Gilbert	Zuniga	1/7/2020
Alejandro	Livas	3/10/2020

Randy Summers
1307 S Texas Blvd.
Weslaco, Texas 78596

CITY OF WESLACO
JUL 24 2020
CITY SECRETARY'S OFFICE

July 22, 2020

Honorable Mayor David Sanchez
City of Weslaco
255 S Kansas Avenue
Weslaco, TX 78596

RE: Weslaco Planning and Zoning Commission
Request for re-appointment

Dear Mayor Suarez,

Please allow this letter to serve as my desire and interest to continue serving as a commissioner on the Weslaco Planning and Zoning Commission.

If reappointed, I understand I serve at the will of the City Commission. I look forward to reappointment and continuing to work with yourself, staff and the City of Weslaco in continuing the improvement, growth, and development of our great city. Much progress has been made over our previous 100 years; let's continue the progress.

Respectfully,

Randy Summers
rsummers@davisequity.com

RESOLUTION NO. 2020-26

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE PLANNING AND ZONING COMMISSION BOARD.

WHEREAS, the City of Weslaco created and established the Planning and Zoning Commission Board pursuant to Subsection 2-36 of Ordinance No. 291, as codified in the City of Weslaco Code of Ordinances.

WHEREAS, the terms of the members of this board are for three years; and

WHEREAS, the Planning and Zoning Commission Board members shall serve without compensation and unlimited terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT the following individual is appointed to serve an expired term on the Planning and Zoning Commission Board.

NAME	TERM ENDING
_____	07/07/2023

PASSED AND APPROVED on this 4th day of August 2020.

CITY OF WESLACO

_____
David Suarez **MAYOR**

ATTEST:

_____
Norma A. Cantu, **CITY SECRETARY**

APPROVED AS TO FORM:

_____
Juan E. Gonzalez, **CITY ATTORNEY**

City of Weslaco

"The City on the Grow"

David Suarez, Mayor
Letty Lopez, Mayor Pro-Tem, District 5
Leo Muñoz, Commissioner, District 1
Greg Kerr, Commissioner, District 2
Jose "J.P." Rodriguez, Commissioner, District 3
Adrian Farias, Commissioner, District 4
Josh Pedraza, Commissioner, District 6

Mike R. Perez, City Manager

MEMO

TO: Mayor and City Commission

FROM: Norma A. Cantu, City Secretary Norma A. Cantu

RE: 2020 Election Ordinance

DATE: July 29, 2020

Chapter 3 of the Texas Election Code prescribes that an Order must be issued by the governing body no later than the 78th day before election date.

This Ordinance both calls and orders the general election to be held November 3, 2020. The Districts up for the City Commission are City Commissioner Single Member District 2 and City Commissioner Single Member District 3.

The Candidate filing period is July 18, 2020 to August 17, 2020 with the Declaration of Write-in Candidacy deadline being August 21, 2020. Due to Covid-19 precautions, I am asking that the candidates call me before bringing in their application so they can be allowed into the building to file their application for a place on the ballot. An appropriate notice is posted on the door of City Hall as well as on the City's website. The completed application may also be mailed or faxed. We are waiting on a response from the Secretary of State as to whether an application may also be accepted by email transmission.

The Drawing for Place on the ballot and electioneering spot will be held at City Hall on August 24, 2020 at 8:30 AM. However, due to Covid-19 pandemic, there might be some changes to the drawing.

A contract for election administration services by Hidalgo County is forthcoming on a future agenda.

Thank you,

Norma A. Cantu

ORDINANCE NO. 2020-21

AN ORDINANCE OF THE CITY OF WESLACO, TEXAS, CALLING AND ORDERING AN ELECTION TO BE HELD ON NOVEMBER 3, 2020 TO ELECT CITY COMMISSIONER SINGLE MEMBER DISTRICT 2 AND CITY COMMISSIONER SINGLE MEMBER DISTRICT 3, PURSUANT TO TEXAS ELECTION CODE AND WESLACO CITY CHARTER, MAKING PROVISIONS FOR CONDUCTING THE ELECTION, RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTIONS, PROVIDING FOR SEVERABILTY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the term of office for City Commissioner Single Member District 2 and City Commissioner Single Member District 3 of the City of Weslaco, Texas, will expire on the first Tuesday in November, 2020, that being the general election date of November 3, 2020, and on said date a general election will be held in said City; and

WHEREAS, the City Commission has additionally, by Ordinance No. 2020-13, called for a Special Election for Charter Amendments to be held on the General election date of November 3, 2020;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT:

1. The City Commission of the City of Weslaco hereby calls and orders that an election be held on the General Election date, that being November 3, 2020 to elect City Commissioner Single Member District 2 and City Commissioner Single Member District 3, and any other propositions as may be required by the laws of the State of Texas or authorized by the City Commission of the City of Weslaco to be voted on shall be placed on the Election Ballot.

2. That said Election shall be held at the following polling places within the City of Weslaco**.**

   Early Voting Polling Place: Business Visitor and Event Center, 275 South Kansas Avenue, Conference Room A, Weslaco, Texas.

   Election Day Polling Place: Business Visitor and Event Center, 275 South Kansas Avenue, Conference Room A, Weslaco, Texas**.**

   Election Day Polling Place: Stephen F. Austin School, USDA Building, 514 W. Fourth Street, Weslaco, Texas.

3. All requests by candidates to have their names placed on the ballot for the above mentioned election shall be in writing and sworn to by an officer authorized to administer the oath, signed by the candidate and filed with the City Secretary. The Application for a Place on the Ballot shall be filed not earlier than 8:00 a.m., July 18, 2020 and no later than 5:00 p.m., August 17, 2020. The application includes a statement by the candidate swearing to defend the Constitution and laws of the United States and Texas, as required by Section 141.031 of the Texas Election Code.

4. The polls at the designated polling places shall on Election Day be open from 7:00 o'clock a.m. to 7:00 o'clock p.m.

5. Direct Recording Electronic Voting Machines shall be used to conduct early voting for persons voting early by personal appearance and those voting on election day. Paper ballots shall be provided for voters voting early by mail.

6. Early voting by personal appearance shall begin on Tuesday, October 13, 2020 and continue through Friday, October 30, 2020 preceding the date of said election.

draft

7. The manner of holding said election shall be governed, as nearly as may be, by the Texas Election Code, as amended during the 86th Legislature.

8. The required Notice of Election shall be given, and such notice shall be posted on the City of Weslaco's website. Said posting shall be made at least twenty (20) days before said election. Notice of this election shall also be published at least one (1) time in a newspaper of general circulation in Hidalgo County, Texas, and said publication shall not be made earlier than the thirtieth (30th) day nor later than the tenth (10th) day before election day.

9. The City Commission of the City of Weslaco does hereby order to call a run-off election as per the City of Weslaco Charter and Texas Election Code if a candidate for City Commissioner Single Member District 2 or a candidate for City Commissioner Single Member District 3 fails to receive a majority of the votes cast for such offices after the results of the regular election have been declared. If such Special Run-Off Election is required, only the names of the two (2) candidates receiving the highest number of votes cast for said office at the general regular election shall be printed on the ballot and submitted to the qualified voters for election, and the candidate receiving the majority of the votes at such Special Run-Off Election for office for which he or she was a candidate shall be declared duly elected. The same polling places may be used in the Special Run-off Election as those used in the regular election.

10. If all candidates for elective offices for City Commissioner Single Member District 2 and City Commissioner Single Member District 3 of the City of Weslaco are unopposed, the City of Weslaco may cancel the General Election and will continue with the Special Election for the Propositions scheduled for November 3, 2020.

11. SEVERABILITY CLAUSE. It is the intent of the City Commission that each sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be deemed severable and, should any such sentence, paragraph, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of the Ordinance left standing.

It is further **ORDERED** that this Ordinance shall serve as the Order calling said election and that the contents of this Ordinance is confirmed by the City Commission of the City of Weslaco, Texas. That the Mayor and City Secretary of the City of Weslaco, Texas are hereby authorized to sign this resolution indicating the Commissions' approval of the contents thereof.

That this Ordinance shall take effect immediately from and after its date of final passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission on this the 4th day of August, 2020.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission on this the 18th day of August, 2020.

CITY OF WESLACO

BY : _____
David Suarez, MAYOR

ATTEST:

BY:_____
Norma A. Cantu, CITY SECRETARY

APPROVED AS TO FORM:

BY: _____
Juan E. Gonzalez, CITY ATTORNEY

draft

ORDENANZA NO. 2020 -21

UNA ORDENANZA DE LA CIUDAD DE WESLACO, TEXAS, LLAMANDO Y ORDENANDO UNA ELECCIÓN PARA EL 3 DE NOVIEMBRE DE 2020 PARA ELEGIR UN COMISIONADO DE LA CIUDAD DISTRITO 2 Y UN COMISIONADO DE LA CIUDAD DISTRITO 3, DE CONFORMIDAD CON EL CÓDIGO DE ELECCIÓN DE TEXAS Y ESTATUTO DE LA CIUDAD DE WESLACO, HACIENDO DISPOSICIONES PARA REALIZAR LA ELECCIÓN, RESOLVIENDO OTROS ASUNTOS INCIDENTES Y RELACIONADOS CON DICHAS ELECCIONES, PROPORCIONANDO SEPARABILIDAD Y PROPORCIONANDO UNA FECHA EFECTIVA.

POR CUANTO, el termino de oficina del Comisionado de la Ciudad Distrito 2 y el Comisionado de la Ciudad Distrito 3 de la Ciudad de Weslaco, Texas, vencerán el primer martes de noviembre de 2020, que es la fecha de eleccion general, el 3 de noviembre de 2020, y en dicha fecha la elección general se llevará a cabo en dicha Ciudad; y

POR CUANTO, la Comisión de la Ciudad, además, por Ordenanza No. 2020-13, solicitó una Elección Especial para las Enmiendas de la Estatuto que se celebrará en la fecha de elección general del 3 de noviembre de 2020;

AHORA, POR LO TANTO, SEA ORDENADO POR LA COMISIÓN DE LA CIUDAD DE WESLACO, TEXAS QUE:

1. La Comisión de la Ciudad de Weslaco por la presente llama y ordena tener elección en la fecha de Elección General, que es el 3 de noviembre de 2020 para elegir un Comisionado de la Ciudad Distrito 2 y un Comisionado de la Ciudad Distrito 3 y cualquier otra propuesta que pueda ser requerida para ser votado se colocará en la boleta electoral según lo exijan las leyes del Estado de Texas o lo autorice la Comisión de la Ciudad de Weslaco.

2. Que dicha Elección se llevará a cabo en los siguientes lugares de votación dentro de la ciudad de Weslaco:

   Lugar de votación anticipada: Centro de eventos y visitantes de negocios, 275 South Kansas Avenue, Sala de conferencias A, Weslaco, Texas.

   Lugar de votación del día de las elecciones: Centro de negocios, visitantes y eventos, 275 South Kansas Avenue, Sala de conferencias A, Weslaco, Texas.

   Lugar de votación del día de las elecciones: Stephen F. Austin School, edificio del USDA, 514 W. Fourth Street, Weslaco, Texas.

3. Todas las solicitudes de los candidatos para que se coloquen sus nombres en la boleta electoral para la elección mencionada anteriormente deberán ser por escrito y juradas por un oficial autorizado para administrar el juramento, firmado por el candidato y presentado ante la Secretaria de la Ciudad. La Solicitud para un lugar en la boleta electoral deberá presentarse antes de las 8:00 a.m. el 18 de julio de 2020 y no más tarde de las 5:00 p.m. el 17 de agosto de 2020. La solicitud incluye una declaración del candidato que jura defender la Constitución y las leyes de los Estados Unidos y Texas, según lo exige la Sección 141.031 del Código Electoral de Texas.

4. Los lugares de votación designados estarán abiertas el día de las elecciones de 7:00 a.m. a 7:00 p.m.

5. Las máquinas de votación electrónica de grabación directa se utilizarán para llevar a cabo la votación adelantada en persona y los que votan el día de las elecciones. Se entregarán boletas de papel a los votantes que voten adelantada por correo.

6. La votación adelantada en persona comenzará el martes 13 de octubre de 2020 y continuará hasta el viernes 30 de octubre de 2020 antes de la fecha de dicha elección.

7. La manera de tener dicha elección será gobernada, tan cerca como sea posible, por el Código Electoral de Texas, enmendado durante la 86a. Legislatura.

8. Se dará la Notificación de Elección requerida, y dicha notificación se publicará en el sitio web de la Ciudad de Weslaco. Dicha publicación se realizará al menos veinte (20) días antes de dicha elección. El aviso de esta elección también se publicará al menos una (1) vez en un periódico de circulación general en el Condado de Hidalgo, Texas, y dicha publicación no se hará anterior del trigésimo (30) día ni más tarde que el décimo (10) día anterior del día de elección.

9. La Comisión de la Ciudad de la Ciudad de Weslaco ordena por la presente tener una elección de desempate según el Estatuto de la Ciudad de Weslaco y el Código Electoral de Texas si un candidato para Comisionado de la Ciudad Distrito 2 o un candidato para Comisionado de la Ciudad Distrito 3 no recibe la mayoría de los votos emitidos para tal oficina de la comisión de la ciudad después de que se hayan declarado los resultados de las elecciones regulares. Si se requiere dicha elección especial de desempate, solo los nombres de los dos (2) candidatos que reciben el mayor número de votos emitidos para tal oficina de la comisión de la ciudad en la elección regular se imprimirán en la boleta y se enviarán a los votantes calificados para la elección, y el candidato que reciba la mayoría de los votos en dicha elección especial de desempate para tal oficina de la comisión de la ciudad en el que él o ella fue candidato(a) será declarado debidamente elegido. Se pueden usar los mismos lugares de votación en la Elección Especial de Desempate como los que se usaron en la elección regular.

10. Si todos los candidatos para las oficinas de la ciudad electivos para el Distrito 2 de la Comisión de la Ciudad y el Distrito 3 de la Comisión de la Ciudad de Weslaco no tienen oposición, la Ciudad de Weslaco puede cancelar la Elección General y continuará con la Elección Especial para las Propuestas programada para el 3 de noviembre. 2020.

11. CLÁUSULA DE SEPARABILIDAD. La intención de la Comisión de la Ciudad es que cada oración, párrafo, subdivisión, cláusula, frase o sección de esta Ordenanza se considere separable y, en caso de que dicha oración, párrafo, subdivisión, cláusula, frase o sección se declare inválida o inconstitucional por cualquier razón, dicha declaración de invalidez o inconstitucionalidad no se interpretará que afecte la validez de las secciones de la Ordenanza que quedan.

Se **ORDENA** además que esta Ordenanza servirá como la Orden llamando dicha elección y que el contenido de esta ordenanza es confirmada por la Comisión de la Ciudad de la Ciudad de Weslaco, Texas. Que el alcalde y la secretaria de la ciudad de Weslaco, Texas, estan autorizados a firmar esta ordenanza indicando la aprobació de los contenidos por parte de la Comisión.

Que esta Ordenanza tendrá efecto inmediatamente a partir de su fecha de aprobación final.

PASADO Y APROBADO en primera lectura en una junta regular de la Comisión de la Ciudad el 4 de agosto de 2020.

PASADO Y APROBADO en segunda lectura en una junta regular de la Comisión de la Ciudad el 18 de agosto de 2020.

CIUDAD DE WESLACO

POR: _____
David Suarez, ALCALDE

ATESTADO:

POR:_____
Norma A. Cantu, SECRETARIA DE LA CIUDAD

APROBADO EN FORMA:

POR: _____
Juan E. Gonzalez, ABOGADO DE LA CIUDAD

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3343
From:	
Subject: Discussion and consideration on amendments and extension of August 7, 2020 to September 7, 2020 Disaster Declaration (COVID-19) and any reports related to such executive orders and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)	
Background:	
Funding Source (budget code, if applicable)**:**	

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:
If item previously considered, provide date and action by Commission:
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:
Advisory Review, if any (name of board/committee, date of action, recommendation)**:**

Aida Vega	Created/Initiated
Mike Perez	Final Approval

City Manager Comments: Approve.
Staff Recommendation:
Attachments, if any:
Responsibilities upon Approval:

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3490

From:
Rebekah De La Fuente

Subject:
Discussion and consideration after public hearing on behalf of 100% Antojitos Mexicanos, Inc. is requesting a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit at 900 N.Border Ave. Suite C, also being a 1.59 acres tract of land being the W210'-S330' Farm Tract 123, West Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Background:
The applicant is requesting to obtain a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit. Seven (7) property owners within 200 feet of the applicant's property were notified by letter on June 19, 2020.

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:
Mayor's Signature
Public Hearing

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:
Notice of the application and the public hearing for the Planning and Zoning Commission and the City Commission. Notice appeared in The Monitor on July 3, 2020.

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**
The Planning & Zoning Commission recommended approval of the Conditional Use Permit at their special meeting of July 20, 2020

Kayla Arevalo	Created/Initiated
Rebekah De La Fuente	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve.

Staff Recommendation:
Staff recommends approval

Attachments, if any:
1311 W IH 2 STE A - CUP- Attachments, 1311 W IH 2- aerial

Responsibilities upon Approval:

Staff will advise applicant

APPLICATION FOR CONDITIONAL USE PERMIT

Nave Cantu
227-0505

The Planning & Zoning Commission meets every 1st Wednesday of each month at 5:30 pm.

The City Commission meets every 1st and 3rd Tuesday of each month at 5:30 pm

FILE NO. 20-00008

PROPOSED PROJECT

Legal Description of Property for which Conditional Use Permit is requested:

Lot Weslaco Plaza Lot 1 Block

Subdivision Name Weslaco Plaza Subdivision

Street Address 1311 1412 West Ste A Weslaco TX 78596

Existing Zoning CO Existing Land Use Commercial Shopping Center

Purpose for the Conditional Use Permit Request 100% Antojitos Mexicanos - Restaurant with sale of wine & Beer for on Premise consumption.

What, if anything, is planned to minimize the impact on the surrounding land uses:

_____ $300.00 non-refundable filing fee, plus a $5.00 processing fee
_____ Detailed dimensioned site plan/map must be submitted with this request.
_____ Survey and metes and bounds if the legal description is a portion of a lot.
_____ City and school tax receipts attached.
_____ I have received a copy of "CUP Application Instructions"

APPLICANT Jose R. Mendez Pres. Sec. Nieves Mendez - Director 956-655-6536

Name 100% Antojitos Mexicanos, Inc. Phone 956-655-6518

Address 2020 48th Street Fax:

City McAllen State TX Zip Code 78503 E-Mail: mendez92248@att.net

OWNER

Name Auriel Investments, LLC Phone 956-661-8888

Address 100 E. Nolana, Ste 130 Fax:

City McAllen State TX Zip Code 78504 E-Mail: Shavi@auriel investments.com

255 S. KANSAS AVE ■ WESLACO, TEXAS 78596-6285 ■ 956-447-3401 ■ (Fax) 956-973-3128 ■ WWW.WESLACOTX.GOV

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc., which would prevent the utilization of the property in the manner indicated?

Yes_____ No ✓

I certify that I am the actual owner of the property described above and this application is being submitted with my consent or I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Landlord
Signature _____ Date 05/21/20
Owner

Signature ✓ Jose Ruben Mendez Date 5/28/20
Applicant

Signature _____ Date _____
Authorized Agent

STAFF USE ONLY

Accepted By_____ Date Paid_____

Notice of Public Hearing Sent to Property Owners Within 200' of Proposed Site Date _____

P & Z Notice of Public Hearing Published in Newspaper Date _____

City Commission Notice of Public Hearing Published in Newspaper Date _____

Presented to P & Z Commission Date _____
Approved _____ Disapproved _____ Tabled

Presented to City Commission Date _____
Approved _____ Disapproved _____ Tabled

CITY OF WESLACO
956-968-3181
***** R E P R I N T R E C E I P T*****
REC#: 02640811 6/05/2020 11:55 AM
OPER: NV TERM: 039
REF#: 8587
PAID BY:

TRAN: 202.0000 CONDITIONAL USE PERM
1311 W IH2 STE A
101-400-1026
CONDITIONAL USE PER 305.00CR

TENDERED: 305.00 CHECK
APPLIED: 305.00-

CHANGE: 0.00

255 S. KANSAS AVE ■ WESLACO, TEXAS 78596-6285 ■ 956-447-3401 ■ (Fax) 956-973-3128 ■ WWW.WESLACOTX.GOV

City of Weslaco

"The City on the Grow"

David Suarez, Mayor
Letty Lopez, Mayor Pro-Tem, District 5
Leo Muñoz, Commissioner, District 1
Greg Kerr, Commissioner, District 2
Jose "J.P." Rodriguez, Commissioner, District 3
Adrian Farias, Commissioner, District 4
Josh Pedraza, Commissioner, District 6

Mike R. Perez, City Manager

PLANNING DEPARTMENT

June 19, 2020

Legal Notice

Dear Occupant:

The Weslaco Planning and Zoning Commission will hold a public hearing on Wednesday, July 1, 2020, for the Planning and Zoning Commission and on or before July 7, 2020 at 5:30 p.m. at the City Hall Legislative Chambers located at 255 South Kansas Avenue to consider the following request:

CONDITIONAL USE PERMIT REQUEST:

100% Antojitos Mexicanos, Inc. is requesting a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit at 1311 West IH 2 Ste A, also being Lot 1, Weslaco Plaza Subdivision, Hidalgo County, and Texas.

The public is hereby invited to attend and express their support or opposition to the request. You may also file a written notice supporting or protesting this action. For more information please call the Planning Department at (956) 447-3403.

Si desea información en español, por favor llame al departamento de Planeación de la ciudad de Weslaco, (956) 447-3403.

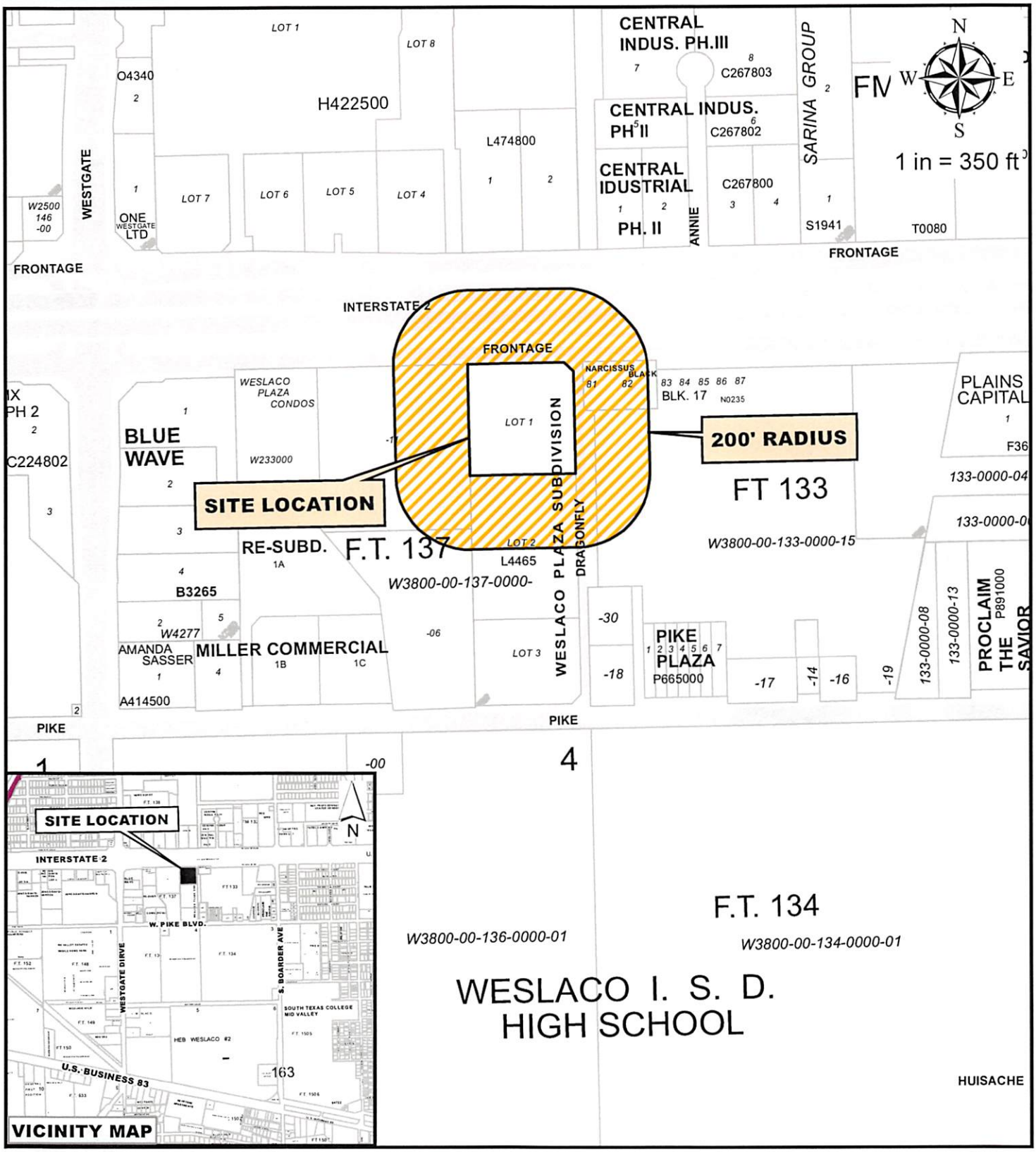
Sincerely,

Rebekah de la Fuente, CFM
Planning Director

Engineering

CITY OF WESLACO

Engineering



Jose R. Mendez
1311 Interstate 2 West Ste. A
WESLACO PLAZA SUBDIVISION LOT 1
LOT 13, BLOCK 162

Purpose for the Conditional Use Permit request

Existing zoning: I Industrial District
Existing land use: Retail
CUP request: Wine and Beer Retailer

City of Weslaco Code Enforcement Dept.

JUN 18, 2020

AURIEL INVESTMENTS LLC 100 E NOLANA AVE STE 130 MCALLEN, TX 78504-2670	L4465-00-000-0001-00 LIMON LOT 1 1310 W PIKE BLVD	L: 531842 B: 361737
GUDINO ELENA OCHOA 1111 FRONTAGE RD WESLACO TX 78596	L4465-00-000-0002-00 LIMON LOT 2 1111 W EXPRWY 83	L: 786650 B: 473585
ANGELITA'S HOLDINGS LLC 17245 N MILE 8 W WESLACO TX 78596	N0235-00-017-0081-00 NARCISSUS BLACK LOT 81 & 82 BLK 17 1221	L: 234000 B: 285990
MID-WAY WELDING INC PO BOX 1531 DONNA TX 78537	N0235-00-017-0082-00 NARCISSUS BLACK LOT 82 BLK 17 1221 W EXPRWY 83	L: 175500 B: 168222
SHARYLAND INVESTORS 305 N SHARY RD MISSION TX 78572-0205	W3800-00-133-0000-15 WEST TRACT N15.62AC AN IRR TR-W1 9.47AC EXC E60'-W597.99'-N100'-S 1101 W EXPRWY 83	L: 0 B: 0
CHAVEZ PETRA S 1406 W PIKE WESLACO TX 78596-4602	W3800-00-137-0000-06 WEST TRACT S 3.00 FOR H/S-W10.07 AC-E20AC FT 137 1406 W PIKE BLVD	L: 335691 B: 77471
BS MANAGEMENT LLC 1806 S CLOSNER EDINBURG TX 78539-6314	W3800-00-137-0000-11 WEST TRACT AN IRR TR W406.36'-E7 16.36'-N433.93'-FT 137 4.03 AC N 1425 W EXPRWY 83	L: 684633 B: 4439

RGV License @ gmail.com. 41,954

TEXAS ALCOHOLIC BEVERAGE COMMISSION

Texans Helping Businesses & Protecting Communities

ON-PREMISE PREQUALIFICATION PACKET

L-ON (9/2019)

Submit this packet to the proper governmental entities to obtain certification for the type of license/permit for which you are applying as required by Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.13
Contact your local TABC office to verify requirements of Sections 11.391 and 61.381 as you may be required to post a sign at your proposed location 60-days prior to the issuance of your license/permit.
All statutory and rule references mentioned in this application refer to and can be found in the Texas Alcoholic Beverage Code or Rules located on our website. ***www.tabc.texas.gov/laws/code_and_rules.asp***

LOCATION INFORMATION

1. Application for: ☒ Original ☐ Add Late Hours Only License/Permit Number _____
☐ Reinstatement ☐ Reinstatement and Change of Trade Name License/Permit Number _____
☐ Change of Location ☐ Change of Location and Trade Name License/Permit Number _____

2. Type of On-Premise License/Permit
- ☒ BG Wine and Beer Retailer's Permit
- ☐ BE Beer Retail Dealer's On-Premise License
- ☐ BL Retail Dealer's On-Premise Late Hours License
- ☐ BP Brewpub License
- ☐ V Wine & Beer Retailer's Permit for Excursion Boats
- ☐ MB Mixed Beverage Permit
- ☐ O Private Carrier's Permit –**Brewpubs (BP) with a BG only**
- ☐ LB Mixed Beverage Late Hours Permit
- ☐ MI Minibar Permit
- ☐ CB Caterer's Permit
- ☐ FB Food and Beverage Certificate
- ☐ PE Beverage Cartage Permit
- ☐ RM Mixed Beverage Restaurant Permit with FB
- ☐ E Local Cartage Permit - **Wine/Beer retailers (BG) Only**

3. Indicate Primary Business at this Location
☒ Restaurant ☐ Sporting Arena, Civic Center, Hotel ☐ Bar
☐ Grocery/Market ☐ Sexually Oriented ☐ Miscellaneous _____

4. Trade Name of Location (Name of restaurant, bar, store, etc.)
100% Antojitos Mexicanos

5. Location Address
1311 IH 2 West Suite A

City	County	State	Zip Code
Weslaco	Hidalgo	TX	78596

6. Mailing Address	City	State	Zip Code
2306 E Expressway Ste 1	Mission	TX	78572

7. Business Phone No.	Alternate Phone No.	E-mail Address
pending	956-328-2878	mendez9224@att.net

OWNER INFORMATION

8. Type of Owner
- ☐ Individual
- ☐ Partnership
- ☐ Limited Partnership
- ☐ Limited Liability Partnership
- ☒ Corporation
- ☐ Limited Liability Company
- ☐ Joint Venture
- ☐ Trust
- ☐ City/County/University
- ☐ Other _____

9. Owner of Business/Applicant (Name of Corporation, LLC, etc.)
100% Antojitos Mexicanos, Inc

PRIMARY CONTACT PERSON

The primary contact person should be a person who can answer questions TABC may have about the application. The contact phone and email are mandatory and must be active and updated regularly. If additional information is needed, it will be requested from this contact person. **Delays in responding to requests may delay the processing and approval of your license/permit.**

10. Contact Person: Jose R Mendez	Relation to Business: Pres.Sec
Phone (mandatory): 956-328-2878	Email (mandatory): mendez9224@att.net

TABC DATESTAMP

11. Are you, the applicant a veteran-owned business?	☐ Yes ■ No
12. Are you, the applicant a Historically Underutilized Business (HUB)?	☐ Yes ■ No

13. As indicated on the chart, enter the individuals that pertain to your business type:
(For additional space, use Form L-OIC)

Individual/Individual Owner	Limited Liability Company/All Officers or Managers
Partnership/All Partners	Joint Venture/Venturers
Limited Partnership/All General Partners	Trust/Trustee(s)
Corporation/All Officers	City, County, University/Official

Last Name	First Name	MI	Title
Mendez	Jose	R	Pres.Sec
Mendez	Nieves	M.	Director

MEASUREMENT INFORMATION
Section 109.31 et seq.

14. Will your business be located within 300 feet of a church or public hospital? ☐ Yes ■ No

NOTE: *For churches or public hospitals measure from front door to front door, along the property lines of the street fronts and in a direct line across intersections.*

15. Will your business be located within 300 feet of any private/public school, day care or child care facility? ☐ Yes ■ No

15.a If "YES," are the facilities located on different floors or stories of the building? ☐ Yes ☐ No

NOTE: *For private/public schools, day care centers and child care facilities measure in a direct line from the nearest property line of the school, day care center or child care facility to the nearest property line of the place of business, and in a direct line across intersections.*

NOTE: *For multistory building: businesses may be within 300 feet of a day care center or child care facility as long as the facilities are located on different floors of the building.*

NOTE: *If located on or above the fifth story of a multistory building: measure in a direct line from the property line of the private/public school to property line of your place of business in a direct line across intersections vertically up the building at the property line to the base of the floor on which your business is located.*

16. Will your business be located within 1,000 feet of a private school? ☐ Yes ■ No

17. Will your business be located within 1,000 feet of a public school? ☐ Yes ■ No

60-DAY SIGN

18. If required under Section 11.391 and 61.381, enter the exact date the 60-Day sign was posted at your location.	Exact Date (MM/DD/YYYY) 03/10/2020

ALL APPLICANTS

19. IF YOUR LOCATION IS NOT WITHIN THE CITY LIMITS, CHECK HERE ☐
I, the applicant, have confirmed I am not located in the city limits of any city, therefore, city certifications are not required.

COMPLETE THE FOLLOWING CHECKLIST BEFORE SUBMITTING YOUR APPLICATION

Per Sec. 102.01, a tied house is defined as any overlapping ownership between those engaged in the alcoholic beverage industry at different levels of the three-tier system. No person having an interest in a permit issued by TABC may secure or hold, directly or indirectly, an ownership interest in a business on a different level.

All required forms have been completed.	■ Yes ☐ No
I have reviewed all forms to ensure they are complete.	■ Yes ☐ No
I have obtained all required local and state certifications (pages 3-5).	■ Yes ☐ No
All application packets have been notarized.	■ Yes ☐ No
Phone numbers and email address for Contact Person are up to date.	■ Yes ☐ No
All additional documentation as required by the application packets is attached	■ Yes ☐ No
If required, out of state criminal history checks are attached (PHS #7).	☐ Yes ☐ No ■ N/A
Certification of publication in local newspaper has been completed (page 5).	■ Yes ☐ No ☐ N/A
A copy of the newspaper publication is attached (page 5).	■ Yes ☐ No ☐ N/A

WARNING AND SIGNATURE

IF APPLICANT IS SHOWN AS:	WHO MUST SIGN:
Proprietorship	Individual Owner
Partnership	Partner
Corporation	Officer
Limited Partnership	General Partner
Limited Liability Partnership	General Partner
Limited Liability Company	Officer/Manager

WARNING: Section 101.69 of the Texas Alcoholic Beverage Code states: "...a person who makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the Commission and required to be sworn commits an offense punishable by imprisonment in the Texas Department of Criminal Justice for not less than 2 nor more than 10 years."

I, UNDER PENALTY OF LAW, HEREBY SWEAR THAT I HAVE READ ALL THE INFORMATION PROVIDED IN THE APPLICATION AND ANY ATTACHMENTS AND THE INFORMATION IS TRUE AND CORRECT. I ALSO UNDERSTAND ANY FALSE STATEMENT OR REPRESENTATION IN THIS APPLICATION CAN RESULT IN MY APPLICATION BEING DENIED AND/OR CRIMINAL CHARGES FILED AGAINST ME. I ALSO AUTHORIZE THE TEXAS ALCOHOLIC BEVERAGE COMMISSION TO USE ALL LEGAL MEANS TO VERIFY THE INFORMATION PROVIDED.

PRINT NAME: Jose R Mendez

SIGN HERE: [signature]

TITLE: Pres Sec.

Before me, the undersigned authority, on this 10th day of March, 2020, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN HERE: [signature] NOTARY PUBLIC

REBECCA REGALADO NOTARY PUBLIC STATE OF TEXAS ID# 2795238 EXPIRES 1-31-2021

CERTIFICATE OF CITY SECRETARY (FOR MB, RM & V)

Section 11.37

I hereby certify on this _____ day of _____, 20_____, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a **"wet"** area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

SIGN HERE _____ City Secretary/Clerk _____ City, TEXAS

SEAL

CERTIFICATE OF CITY SECRETARY (FOR BG & BE)

Section 11.37 & 61.37

I hereby certify on this_____ day of_____, 20_____, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a **"wet"** area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

Election for given location was held for:

- ☐ legal sale of all alcoholic beverages
- ☐ legal sale of all alcoholic beverages except mixed beverages
- ☐ legal sale of all alcoholic beverages including mixed beverages
- ☐ legal sale of beer/wine (17%) on-premise ***AFTER*** Sept. 1, 1999
- ☐ legal sale of beer/wine (14%) on-premise ***BEFORE*** Sept. 1, 1999

OR IF ABOVE DOES NOT APPLY:

Be advised the location must have had two election passages per Section 25.14 or Section 69.17 of the TABC Code. One for beer and wine off-premise and one for mixed beverage.

- ☐ legal sale of beer and wine for off-premise consumption only

AND EITHER:

- ☐ legal sale of mixed beverages

OR

- ☐ legal sale of mixed beverages in restaurants by food and beverage certificate holders (applicant must apply for FB with BG or BE)

SIGN HERE _____ City Secretary/Clerk _____ City, TEXAS

SEAL

CERTIFICATE OF CITY SECRETARY FOR LATE HOURS LICENSE/PERMIT (LB & BL)

Chapters 29 & 70 et seq.

I hereby certify on this _____ day of _____, 20_____, that one of the below is correct:

☐ The governing body of this city has by ordinance authorized the sale of ***mixed beverages*** between midnight and 2:00 A.M.; or

☐ The governing body of this city has by ordinance authorized the sale of ***beer*** between midnight and _____ A.M.; or

☐ The population of the city or county where premises are located was 500,000 or more according to the 22nd Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or

☐ The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010).

SIGN HERE _____, **TEXAS**

City Secretary/Clerk City

SEAL

CERTIFICATE OF COUNTY CLERK (FOR MB, RM & V)

Section 11.37

I hereby certify on this _____ day of _____, 20_____, that the location for which the license/permit is sought is in a **"wet"** area for such license/permit, and is not prohibited by any valid order of the Commissioner's Court.

SIGN HERE _____ _____ **COUNTY**

County Clerk

SEAL

CERTIFICATE OF COUNTY CLERK (FOR BG & BE)

Section 11.37 & 61.37

I hereby certify on this 28 day of MAY, 2020, that the location for which the license/permit is sought is in a **"wet"** area and is not prohibited by any valid order of the Commissioner's Court.

Election for given location was held for:

☑ legal sale of all alcoholic beverages

☐ legal sale of all alcoholic beverages except mixed beverages

☐ legal sale of all alcoholic beverages including mixed beverages

☐ legal sale of beer/wine (17%) on-premise ***AFTER*** Sept. 1, 1999

☐ legal sale of beer/wine (14%) on-premise ***BEFORE*** Sept. 1, 1999

OR IF ABOVE DOES NOT APPLY:

Be advised the location must have had two election passages per 25.14 or 69.17 of the TAB Code. One for beer and wine off-premise and one for mixed beverage.

☐ legal sale of beer and wine for off-premise consumption only

AND EITHER:

☐ legal sale of mixed beverages

OR

☐ legal sale of mixed beverages in restaurants by food and beverage certificate holders (applicant must apply for FB with BG or BE)

SIGN HERE ARTURO GUAJARDO, JR. HIDALGO **COUNTY**

County Clerk

SEAL

CERTIFICATE OF COUNTY CLERK FOR LATE HOURS LICENSE/PERMIT (LB & BL)

Chapters 29 & 70 et seq

I hereby certify on this _____ day of _____, 20_____, that one of the below are correct:

- ☐ The Commissioner's Court of the county has by order authorized the sale of ***mixed beverages*** between midnight and 2:00 A.M.; or
- ☐ The Commissioner's Court of the county has by order authorized the sale of ***beer*** between midnight and _____ A.M.; or
- ☐ The population of the city or county where premises are located was 500,000 or more according to the 22nd Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or
- ☐ The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010).

SIGN HERE _____ County Clerk _____ **COUNTY**

SEAL

COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE

Section 11.46 (b) & 61.42 (b)

This is to certify on this 29TH day of May, 2020, the applicant holds or has applied for and satisfies all legal requirements for the issuance of a Sales Tax Permit under the Limited Sales, Excise and Use Tax Act or the applicant as of this date is not required to hold a Sales Tax Permit.

Sales Tax Permit Number 32041387054 Outlet Number 00009

Print Name of Comptroller Employee Lisa Bazan

Print Title of Comptroller Employee Enforcement Officer

SIGN HERE Lisa Bazan **FIELD OFFICE** 2411/McAllen

SEAL

PUBLISHER'S AFFIDAVIT (FOR MB, LB, RM, BP, BG, BE, BL & V)

Section 11.39 and 61.38

Name of newspaper		ATTACH PRINTED COPY OF THE NOTICE HERE Hover over to see example
City, County		
Dates notice published in daily/weekly newspaper (MM/DD/YYYY)		
Publisher or designee certifies attached notice was published in newspaper stated on dates shown.		
Signature of publisher or designee	See attached	
Sworn to and subscribed before me on this date (MM/DD/YYYY)		
Signature of Notary Public		
SEAL		

2019 TAX STATEMENT

PABLO (PAUL) VILLARREAL JR., PCC
HIDALGO COUNTY TAX ASSESSOR - COLLECTOR
PO BOX 178
EDINBURG, TEXAS 78540

Certified Owner:
AURIEL INVESTMENTS LLC
100 E NOLANA AVE STE 130
MCALLEN, TX 78504-2670

Legal Description:
LIMON LOT 2

Account No: L4465-00-000-0002-00 **Appr. Dist. No.:344080**

Legal Acres: 3.0098
Parcel Address:1111 W EXPRWY 83

As of Date: 06/04/2020
Print Date: 06/04/2020

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
$786,650	$0	$786,650	$786,650	$0	$0	$0	$786,650

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
HIDALGO COUNTY	$786,650		$0.00	$786,650	0.5750000	$4,523.24
DRAINAGE DIST #1	$786,650		$0.00	$786,650	0.1051000	$826.77
CITY OF WESLACO	$786,650		$0.00	$786,650	0.6967000	$5,480.59
Amount saved by additional sales tax revenue $191.94						
WESLACO ISD	$786,650		$0.00	$786,650	1.0687000	$8,406.93
SOUTH TEXAS ISD	$786,650		$0.00	$786,650	0.0492000	$387.03
SOUTH TEXAS COLLEGE	$786,650		$0.00	$786,650	0.1733000	$1,363.26

Total Tax: $20,987.82
Total Tax Paid to date: $20,987.82
Total Tax Remaining: $0.00

Exemptions:

AMOUNT DUE IF PAID BY:

06/30/2020 15%	07/31/2020 18 + up to 15%	08/31/2020 19 + up to 15%	09/30/2020 20 + up to 15%	11/02/2020 21 + up to 15%	11/30/2020 22 + up to 15%
$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
12/31/2020 23 + up to 15%	**02/01/2021 24 + up to 15%**	**03/01/2021 25 + up to 15%**	**03/31/2021 26 + up to 15%**	**04/30/2021 27 + up to 15%**	**05/31/2021 28 + up to 15%**
$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

School Information:
WESLACO ISD 2019 M&O 1.0487000 I&S .02000000 Total 1.0687000 2018 M&O 1.1397000 I&S .02000000 Total 1.1597000

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT. 4.1.69

Print Date: 06/04/2020

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:

PABLO (PAUL) VILLARREAL JR., PCC
HIDALGO COUNTY TAX ASSESSOR - COLLECTOR
PO BOX 178
EDINBURG, TEXAS 78540
(956) 318-2157

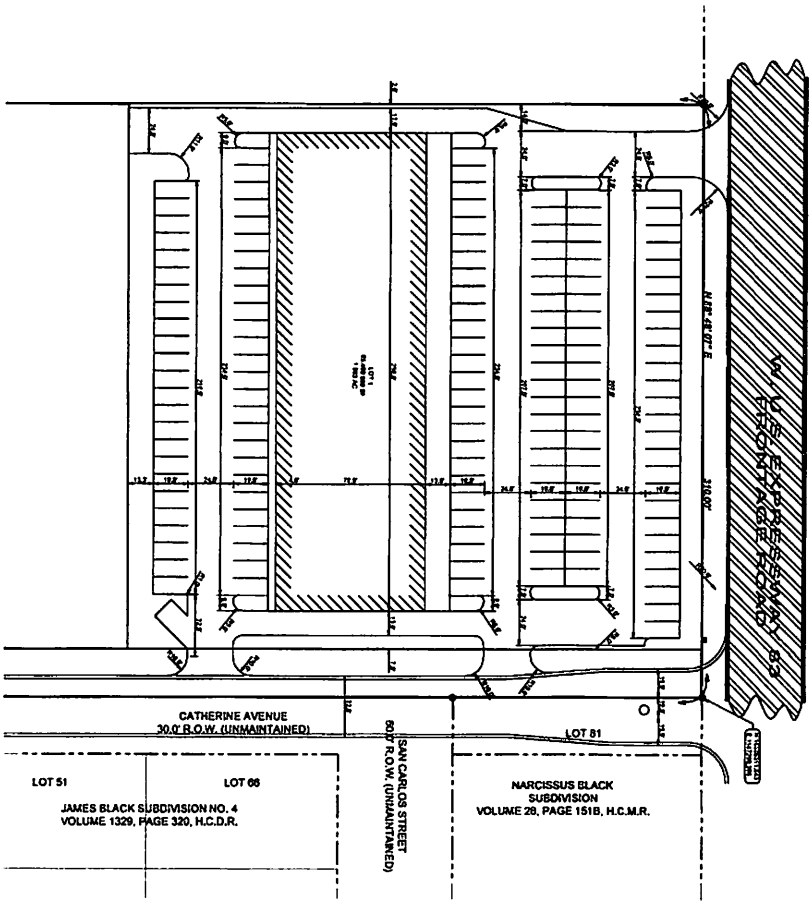
L4465000000000200

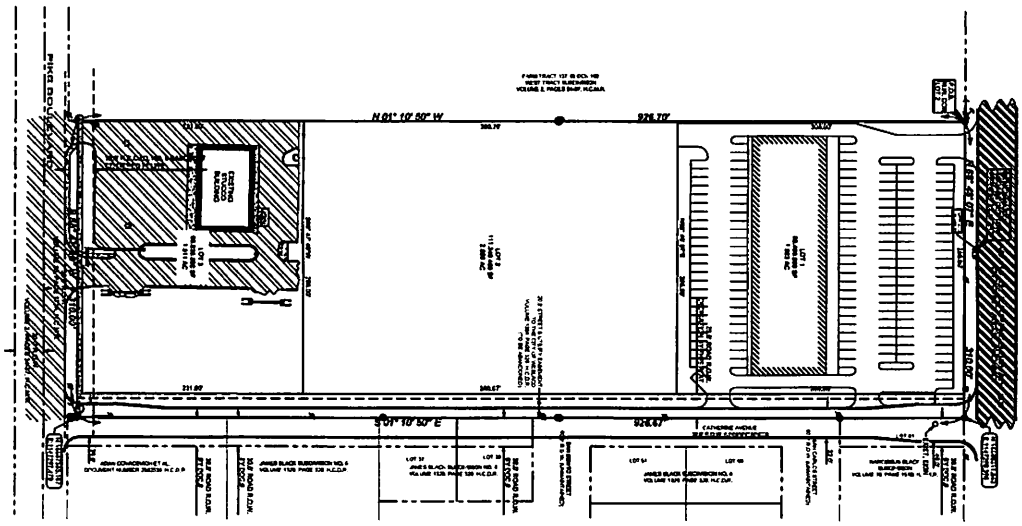
L4465-00-000-0002-00

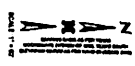
AURIEL INVESTMENTS LLC
100 E NOLANA AVE STE 130
MCALLEN, TX 78504-2670

AMOUNT PAID:
$_____.____

0000344080000000000





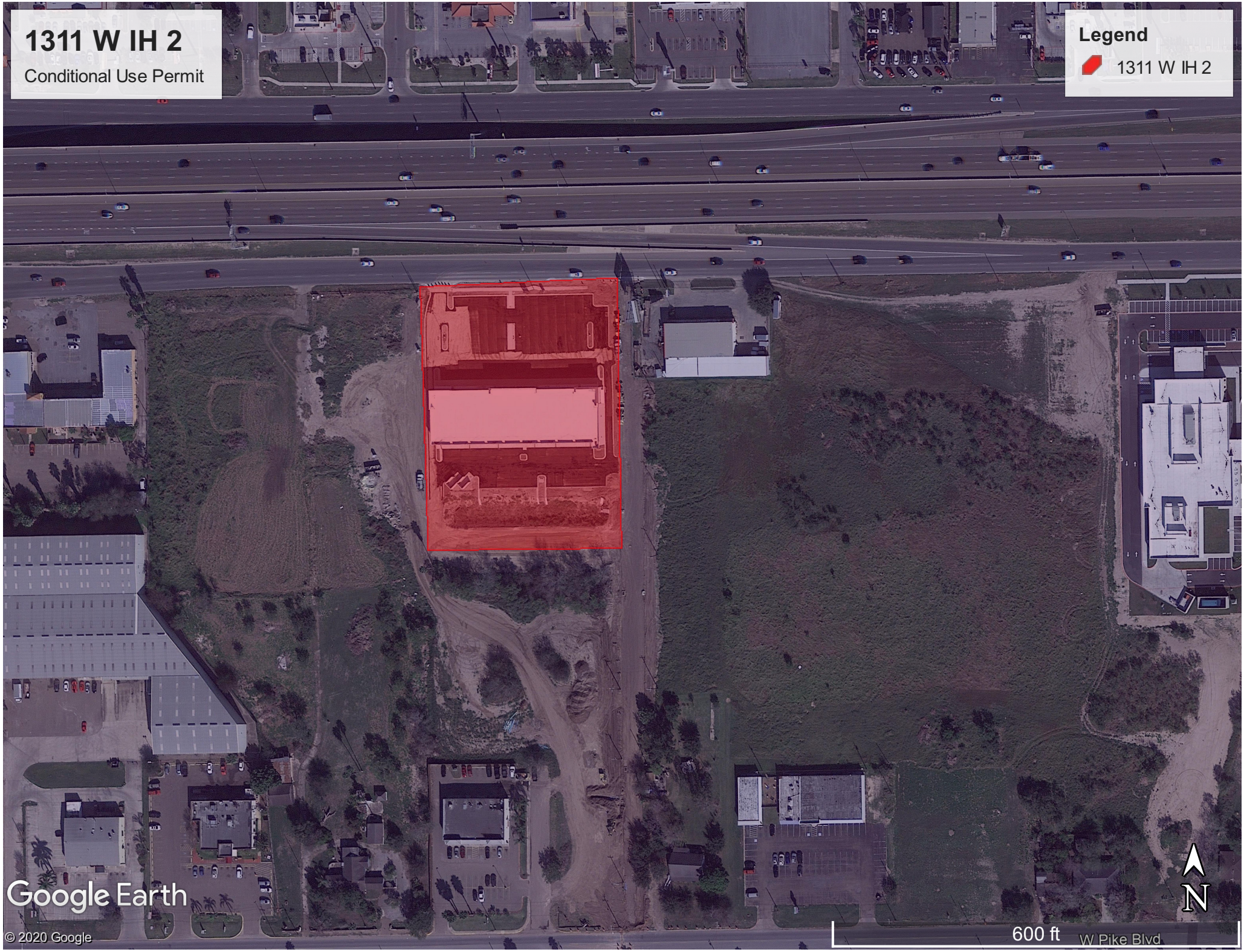


SHEET 1 of 1	Copyright 2001 Melden & Hunt, Inc. All Rights Reserved. File Name: 18097CC0.DWG	SITE PLAN	WESLACO PLAZA SUBDIVISION WESLACO, TEXAS

DWG. TECH:		
PROJECT ENG:		
1-BOOK PG.		
1. RELEASE DATE:		
2. RELEASE DATE:		
3. RELEASE DATE:		
SCALE: AS SHOWN		

MELDEN & HUNT INC
CONSULTANTS • ENGINEERS • SURVEYORS
115 W. McINTYRE • LONGVIEW, TX. 75601
PH: (903) 381-9001 • FAX: (903) 381-1639
ESTABLISHED 1947 • www.meldenandhunt.com

JOB No. 18097.00


1311 W IH 2
Conditional Use Permit
Legend
1311 W IH 2
Google Earth
© 2020 Google
600 ft
W Pike Blvd
N

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3491

From:
Rebekah De La Fuente

Subject:
Discussion and consideration after public hearing on behalf of Chris Cuellar is requesting a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit and Local Cartage Permit at 200 S. Border Ave. Suite C, also being Block 2, Lot 8, 9, 10 & 11, West Highway Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Background:
The applicant is requesting to obtain a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit and Local Cartage Permit. . Twenty -five (25) property owners within 200 feet of the applicant's property were notified by letter on June 19, 2020.

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:
Mayor's Signature
Public Hearing

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:
Notice of the application and the public hearing for the Planning and Zoning Commission and the City Commission. Notice appeared in The Monitor on July 3, 2020

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**
The Planning & Zoning Commission recommended approval of the Conditional Use Permit at their special meeting of July 20, 2020

Kayla Arevalo	Created/Initiated
Rebekah De La Fuente	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve.

Staff Recommendation:
Staff recommends approval

Attachments, if any:
200 S Border- CUP- Attachments, 200 S Border- aerial

Responsibilities upon Approval:
Staff will advise applicant

20-00007

APPLICATION FOR CONDITIONAL USE PERMIT

RECEIVED
MAY 18 2020
Planning & Code Enforcement Dept.

The Planning & Zoning Commission meets every 1st Wednesday of each month at 5:30 pm.

The City Commission meets every 1st and 3rd Tuesday of each month at 5:30 pm

FILE NO._____

PROPOSED PROJECT

Legal Description of Property for which Conditional Use Permit is requested:

Lot 8, 9, 10, 11 Block 2

Subdivision Name West Highway

Street Address 200 S. Border Ave

Existing Zoning Commercial Existing Land Use Restaurant

Purpose for the Conditional Use Permit Request Wine & Beer Retailer's Permit Local Cartage Permit (on Premise)

What, if anything, is planned to minimize the impact on the surrounding land uses:_____

_____ $300.00 non-refundable filing fee.
_____ Detailed dimensioned site plan/map must be submitted with this request.
_____ Survey and metes and bounds if the legal description is a portion of a lot.
_____ City and school tax receipts attached.
_____ I have received a copy of "CUP Application Instructions"

APPLICANT

Name Chris Cuellar Phone 956-252-9885

Address 2110 Valley View Dr. Apt D Fax:_____

City Weslaco State TX Zip Code 78596 E-Mail: unclechopscatering@gmail.com

OWNER

Name Same As Above Phone _____

Address _____ Fax:_____

City _____ State _____ Zip Code _____ E-Mail:_____

255 S. KANSAS AVE ■ WESLACO, TEXAS 78596-6285 ■ 956-447-3401 ■ (Fax) 956-973-3128 ■ WWW.WESLACOTX.GOV

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc., which would prevent the utilization of the property in the manner indicated?

Yes_____ No ✓

I certify that I am the actual owner of the property described above and this application is being submitted with my consent or I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature _____ Date 5/14/20
Owner

Signature _____ Date _____
Applicant

Signature _____ Date _____
Authorized Agent

STAFF USE ONLY

Accepted By_____Payment Received By _____Date Paid_____

Notice of Public Hearing Sent to Property Owners Within 200' of Proposed Site — Date _____

P & Z Notice of Public Hearing Published in Newspaper — Date _____

City Commission Notice of Public Hearing Published in Newspaper — Date _____

Presented to P & Z Commission — Date _____
Approved _____ Disapproved _____ Tabled _____

Presented to City Commission — Date _____
Approved _____ Disapproved _____ Tabled _____

255 S. KANSAS AVE ■ WESLACO, TEXAS 78596-6285 ■ 956-447-3401 ■ (Fax) 956-973-3128 ■ WWW.WESLACOTX.GOV

CITY OF WESLACO
956-968-3181

REC#: 02634759 5/18/2020 9:02 AM
OPER: flor TERM: 040
REF#:

ACCT #: XXXX-XXXX-XXXX-2901
AUTH #: 090221
TRAN #: 000000000310
TYPE: PURCHASE

TRAN: 202.0000 CONDITIONAL USE PERM
UNCLE CHOPS FOOD COURT
101-400-1026
CONDITIONAL USE PER 305.00CR

TENDERED: 305.00 CREDIT CARD
APPLIED: 305.00-

CHANGE: 0.00

CHARGE TOTAL:
305.00

Cardmember acknowledges receipt of goods and/or services in the amount of the total shown hereon and agrees to perform the obligations set forth by the cardmember's agreement with the issuer.

X

City of Weslaco

"The City on the Grow"

David Suarez, Mayor
Letty Lopez, Mayor Pro-Tem, District 5
Leo Muñoz, Commissioner, District 1
Greg Kerr, Commissioner, District 2
Jose "J.P." Rodriguez, Commissioner, District 3
Adrian Farias, Commissioner, District 4
Josh Pedraza, Commissioner, District 6

Mike R. Perez, City Manager

PLANNING DEPARTMENT

June 19, 2020

Legal Notice

Dear Occupant:

The Weslaco Planning and Zoning Commission will hold a public hearing on Wednesday, July 1, 2020, for the Planning and Zoning Commission and on or before July 7, 2020 at 5:30 p.m. at the City Hall Legislative Chambers located at 255 South Kansas Avenue to consider the following request:

CONDITIONAL USE PERMIT REQUEST:

Chris Cuellar is requesting a Conditional Use Permit to obtain an On-Premise Wine and Beer Retailer's Permit and Local Cartage Permit at 200 S. Border Ave. Suite C, also being Block 2, Lot 8, 9, 10 & 11, West Highway Subdivision, Weslaco, Hidalgo County, Texas.

The public is hereby invited to attend and express their support or opposition to the request. You may also file a written notice supporting or protesting this action. For more information please call the Planning Department at (956) 447-3403.

Si desea información en español, por favor llame al departamento de Planeación de la ciudad de Weslaco, (956) 447-3403.

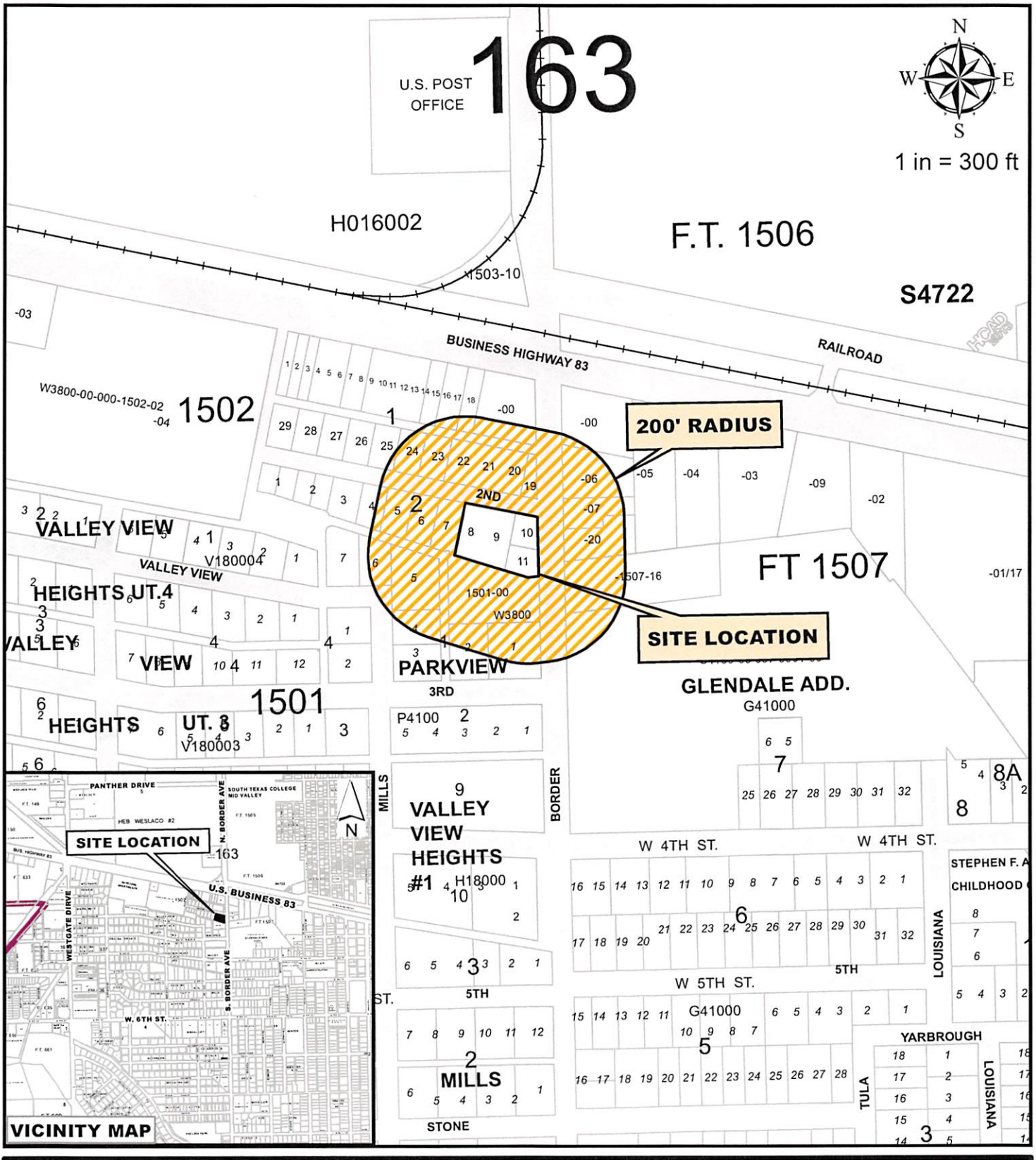
Sincerely,

Rebekah de la Fuente, CFM
Planning Director

Engineering

CITY OF WESLACO

Engineering



Chris Cuellar
200 South Border Ave.
WEST HIGHWAY BLK 2 LTS 8,9,10,11
LOT 11, BLOCK 163

Purpose for the Conditional Use Permit request

Existing zoning: B-1 Neighborhood Business District
Existing land use: Restaurant
CUP request: Wine and Beer Retailer

City of Weslaco Code Enforcement Dept.

JUN 18, 2020

CANTU JOSE A & GRACIELA 1502 VIDA DULCE WESLACO TX 78596-8587	P4100-00-001-0001-00 PARKVIEW BLK 1 LT 1 208 S BORDER AVE	L: 59280 B: 114541
GONZALEZ JORGE A 1513 E LULAC WESLACO TX 78596-6634	P4100-00-001-0002-00 PARKVIEW BLK 1 LT 2 902 W 3RD ST	L: 40365 B: 44544
MOORE JOHN EDWARD 1411 W DURANTA AVE ALAMO TX 78516-9302	P4100-00-001-0004-00 PARKVIEW BLK 1 LOT 4 207 S MILLS AVE	L: 30360 B: 128194
SHERWOOD C C III ET UX PO BOX 354 WESLACO TX 78599-0354	P4100-00-001-0005-00 PARKVIEW BLK 1 LT 5 205 MILLS	L: 48675 B: 70711
GOLDSBERRY DENNIS 492 W TRENTON RD DONNA TX 78537-5235	P4100-00-001-0006-00 PARKVIEW BLK 1 LT 6 1000 VALLEY VIEW DR	L: 27744 B: 69848
GUERRA PROPERTY HOLDINGS LLC 2105 REGINALD DR WESLACO TX 78596-4233	W3500-00-001-0014-00 WEST HIGHWAY E1/2-LT 14 ,ALL LT 15 BLK 1 909 W BUS HWY 83	L: 33750 B: 82783
AVILES WILFREDO & CRISTELA 1313 E 6TH ST WESLACO TX 78596-6601	W3500-00-001-0016-00 WEST HIGHWAY BLK 1 LTS 16-17 907 W BUS HWY 83	L: 45000 B: 154047
AVILES WILFREDO & CRISTELA 1313 E 6TH ST WESLACO TX 78596-6601	W3500-00-001-0018-00 WEST HIGHWAY BLK 1 LT 18 907 W BUS HWY 83	L: 35082 B: 6090
OLIVAREZ FAMILY PARTNERSHIP PO BOX 22 WESLACO TX 78599-0022	W3500-00-001-0019-00 WEST HIGHWAY BLK 1 LTS 19,20,21, 22 900 W 2ND ST	L: 143448 B: 197407
TREVINO ELIZABETH LEE 908 W 2ND ST WESLACO TX 78596-5602	W3500-00-001-0023-00 WEST HIGHWAY BLK 1 LT 23 908 W 2ND ST	L: 15600 B: 22262
VALENZUELA YSIDRO & JUANITA 910 W 2ND ST WESLACO TX 78596-5602	W3500-00-001-0024-00 WEST HIGHWAY BLK 1 LTS 24,25 910 W 2ND ST	L: 31200 B: 30935
GOMEZ RICARDO Z & NORA H 3510 SAN CLEMENTE MISSION TX 78572-7552	W3500-00-002-0004-00 WEST HIGHWAY BLK 2 LT 4 913 W 2ND ST	L: 15642 B: 11748

MORA RENE & ELISA 911 W 2ND ST WESLACO TX 78596-5601	W3500-00-002-0005-00 WEST HIGHWAY BLK 2 LT 5 911 W 2ND ST	L: B:	16606 23300
MORA RENE & ELISA 911 W 2ND ST WESLACO TX 78596-5601	W3500-00-002-0006-00 WEST HIGHWAY BLK 2 LT 6 1911 W 2ND ST	L: B:	17597 48003
LUCIO AMANCIO 701 AMETHYST DR WESLACO TX 78596-6802	W3500-00-002-0007-00 WEST HIGHWAY BLK 2 LT 7 907 W 2ND ST	L: B:	18587 16992
VILLARREAL JESSE & GLADYS 513 W 14TH ST WESLACO TX 78596-7818	W3500-00-002-0008-00 WEST HIGHWAY BLK 2 LTS 8,9,10,11 0	L: B:	60233 51553
GUERRA HECTOR P & SANDRA 202 S BORDER AVE WESLACO TX 78596-5814	W3800-00-000-1501-00 WEST TRACT-0.37AC C/R/W, 0.06AC- S PT LOTS 9 & 11 WEST HIGHWAY SD 202 S BORDER AVE	L: B:	81024 64098
7-ELEVEN INC PO BOX 711 DALLAS TX 75221-0711	W3800-00-000-1502-00 WEST TRACT BLK FT 1502 0.567 AC 901 W BUS HWY 83	L: B:	186218 176431
MAC BORDER CROSSINGS LLC 401 WEST MILE 5 NORTH WESLACO TX 78596-7651	W3800-00-000-1507-00 WEST TRACT N150'-W200' FT 1507 0 .69AC GR 0.62AC NET 625 W BUS HWY 83	L: B:	202553 35392
MAC BORDER CROSSINGS LLC 401 WEST MILE 5 NORTH WESLACO TX 78596-7651	W3800-00-000-1507-06 WEST TRACT NO. 0.49AC AN IRR TR- LOTS 6 & 7 FT 1507 BLK 163 0	L: B:	128064 11309
VOLKMAN STACEY E & VALERIE B 1205 N 7TH ST HARLINGEN TX 78550-5005	W3800-00-000-1507-07 WEST TRACT CENTER 0.14AC - S 1.0 7AC LTS 6&7 FT 1507 159 S BORDER AVE	L: B:	36588 91968
WESLACO ELKS LODGE 201 S BORDER AVE WESLACO TX 78596-5813	W3800-00-000-1507-16 WEST TRACT BLK FT 1507 W1.086 201 S BORDER AVE	L: B:	189224 230477
VOLKMAN STACEY E 110 SCARLETT CIR HARLINGEN TX 78552-3840	W3800-00-000-1507-20 WEST TRACT FT 1507 S76-78'-LOT 6 EXC W25.58'-N28' & S67.90'-LOT 161 S BORDER AVE	L: B:	70566 61907
FAITH AMERICAN LUTHERAN OF WESLACO 300 S BORDER AVE WESLACO TX 78596-5812	P4100-00-001-0003-00 PARKVIEW BLK 1 LT 3	L: B:	32258 52270

City of Weslaco Code Enforcement Dept.

JUN 18, 2020

CITY OF WESLACO	G4100-00-007-0001-00	L: 1685424
255 S KANSAS AVE WESLACO TX 78596-6158	GLENDALE LOTS 1-4, LOT 5 EXC S10 5'-W10', LOT 6 EXC S105', LOTS 7 0	B: 688792

TEXAS ALCOHOLIC BEVERAGE COMMISSION
Texans Helping Businesses & Protecting Communities

ON-PREMISE PREQUALIFICATION PACKET

L-ON (9/2019)

Submit this packet to the proper governmental entities to obtain certification for the type of license/permit for which you are applying as required by Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.13
Contact your local TABC office to verify requirements of Sections 11.391 and 61.381 as you may be required to post a sign at your proposed location 60-days prior to the issuance of your license/permit.
All statutory and rule references mentioned in this application refer to and can be found in the Texas Alcoholic Beverage Code or Rules located on our website. ***www.tabc.texas.gov/laws/code_and_rules.asp***

LOCATION INFORMATION

1. Application for: ☒ Original ☐ Add Late Hours Only License/Permit Number _____
   ☐ Reinstatement ☐ Reinstatement and Change of Trade Name License/Permit Number _____
   ☐ Change of Location ☐ Change of Location and Trade Name License/Permit Number _____

2. Type of On-Premise License/Permit
   - ☒ **BG** Wine and Beer Retailer's Permit
   - ☐ **BE** Beer Retail Dealer's On-Premise License
   - ☐ **BL** Retail Dealer's On-Premise Late Hours License
   - ☐ **BP** Brewpub License
   - ☐ **V** Wine & Beer Retailer's Permit for Excursion Boats
   - ☐ **MB** Mixed Beverage Permit
   - ☐ **O** Private Carrier's Permit **–Brewpubs (BP) with a BG only**
   - ☐ **LB** Mixed Beverage Late Hours Permit
   - ☐ **MI** Minibar Permit
   - ☐ **CB** Caterer's Permit
   - ☐ **FB** Food and Beverage Certificate
   - ☐ **PE** Beverage Cartage Permit
   - ☐ **RM** Mixed Beverage Restaurant Permit with FB
   - ☒ **E** Local Cartage Permit - **Wine/Beer retailers (BG) Only**

3. Indicate Primary Business at this Location
   ☒ Restaurant ☐ Sporting Arena, Civic Center, Hotel ☐ Bar
   ☐ Grocery/Market ☐ Sexually Oriented ☐ Miscellaneous _____

4. Trade Name of Location (Name of restaurant, bar, store, etc.)
   Uncle Chops Food Court, LLC.

5. Location Address
   200 S. Border Avenue
   City: Weslaco County: Hidalgo State: TX Zip Code: 78596

6. Mailing Address
   1900 E. 28th St City: Weslaco State: TX Zip Code: 78596

7. Business Phone No. 956-252-9885 Alternate Phone No. 956-227-14 E-mail Address unclechopscatering@gmail.com

OWNER INFORMATION

8. Type of Owner
   - ☐ Individual
   - ☐ Partnership
   - ☐ Limited Partnership
   - ☐ Limited Liability Partnership
   - ☐ Corporation
   - ☒ Limited Liability Company
   - ☐ Joint Venture
   - ☐ Trust
   - ☐ City/County/University
   - ☐ Other _____

9. Owner of Business/Applicant (Name of Corporation, LLC, etc.)
   Uncle Chops Food Court, LLC

PRIMARY CONTACT PERSON

The primary contact person should be a person who can answer questions TABC may have about the application. The contact **phone and email are mandatory and must be active and updated regularly.** If additional information is needed, it will be requested from this contact person. **Delays in responding to requests may delay the processing and approval of your license/permit.**

10. Contact Person: Christopher O. Cuellar	Relation to Business: Manager
Phone (mandatory): 956-252-9885	Email (mandatory): Chrisocuellar@AOL.com

TABC DATESTAMP

11. Are you, the applicant a veteran-owned business?	☐ Yes ☑ No
12. Are you, the applicant a Historically Underutilized Business (HUB)?	☐ Yes ☑ No

13. As indicated on the chart, enter the individuals that pertain to your business type:
(For additional space, use Form L-OIC)

Individual/Individual Owner	Limited Liability Company/All Officers or Managers
Partnership/All Partners	Joint Venture/Venturers
Limited Partnership/All General Partners	Trust/Trustee(s)
Corporation/All Officers	City, County, University/Official

Last Name	First Name	MI	Title
Cuellar	Christopher	O	Owner / Manager
Cuellar	Arturo III	C	Owner / Manager
Last Name	First Name	MI	Title

MEASUREMENT INFORMATION

Section 109.31 et seq.

14. Will your business be located within 300 feet of a church or public hospital? ☐ Yes ☑ No

NOTE: *For churches or public hospitals measure from front door to front door, along the property lines of the street fronts and in a direct line across intersections.*

15. Will your business be located within 300 feet of any private/public school, day care or child care facility? ☐ Yes ☑ No

15.a If "YES," are the facilities located on different floors or stories of the building? ☐ Yes ☐ No

NOTE: *For private/public schools, day care centers and child care facilities measure in a direct line from the nearest property line of the school, day care center or child care facility to the nearest property line of the place of business, and in a direct line across intersections.*

NOTE: *For multistory building: businesses may be within 300 feet of a day care center or child care facility as long as the facilities are located on different floors of the building.*

NOTE: *If located on or above the fifth story of a multistory building: measure in a direct line from the property line of the private/public school to property line of your place of business in a direct line across intersections vertically up the building at the property line to the base of the floor on which your business is located.*

16. Will your business be located within 1,000 feet of a private school? ☐ Yes ☑ No

17. Will your business be located within 1,000 feet of a public school? ☐ Yes ☑ No

60-DAY SIGN

18. If required under Section 11.391 and 61.381, enter the exact date the 60-Day sign was posted at your location. Exact Date (MM/DD/YYYY) 01/21/2020

ALL APPLICANTS

19. IF YOUR LOCATION IS NOT WITHIN THE CITY LIMITS, CHECK HERE ☐

I, the applicant, have confirmed I am not located in the city limits of any city, therefore, city certifications are not required.

COMPLETE THE FOLLOWING CHECKLIST BEFORE SUBMITTING YOUR APPLICATION

Per Sec. 102.01, a tied house is defined as any overlapping ownership between those engaged in the alcoholic beverage industry at different levels of the three-tier system. No person having an interest in a permit issued by TABC may secure or hold, directly or indirectly, an ownership interest in a business on a different level.

All required forms have been completed.	☐ Yes ☐ No
I have reviewed all forms to ensure they are complete.	☐ Yes ☐ No
I have obtained all required local and state certifications (pages 3-5).	☐ Yes ☐ No
All application packets have been notarized.	☐ Yes ☐ No
Phone numbers and email address for Contact Person are up to date.	☐ Yes ☐ No
All additional documentation as required by the application packets is attached	☐ Yes ☐ No
If required, out of state criminal history checks are attached (PHS #7).	☐ Yes ☐ No ☐ N/A
Certification of publication in local newspaper has been completed (page 5).	☐ Yes ☐ No ☐ N/A
A copy of the newspaper publication is attached (page 5).	☐ Yes ☐ No ☐ N/A

WARNING AND SIGNATURE

IF APPLICANT IS SHOWN AS:	WHO MUST SIGN:
Proprietorship	Individual Owner
Partnership	Partner
Corporation	Officer
Limited Partnership	General Partner
Limited Liability Partnership	General Partner
Limited Liability Company	Officer/Manager

WARNING: Section 101.69 of the Texas Alcoholic Beverage Code states: "...a person who makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the Commission and required to be sworn commits an offense punishable by imprisonment in the Texas Department of Criminal Justice for not less than 2 nor more than 10 years."

I, UNDER PENALTY OF LAW, HEREBY SWEAR THAT I HAVE READ ALL THE INFORMATION PROVIDED IN THE APPLICATION AND ANY ATTACHMENTS AND THE INFORMATION IS TRUE AND CORRECT. I ALSO UNDERSTAND ANY FALSE STATEMENT OR REPRESENTATION IN THIS APPLICATION CAN RESULT IN MY APPLICATION BEING DENIED AND/OR CRIMINAL CHARGES FILED AGAINST ME. I ALSO AUTHORIZE THE TEXAS ALCOHOLIC BEVERAGE COMMISSION TO USE ALL LEGAL MEANS TO VERIFY THE INFORMATION PROVIDED.

PRINT NAME Christopher O. Cullar SIGN HERE

TITLE Manager

Before me, the undersigned authority, on this _____ day of _____, 20____, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN HERE _____
NOTARY PUBLIC

SEAL

CERTIFICATE OF CITY SECRETARY (FOR MB, RM & V)

Section 11.37

I hereby certify on this _____ day of _____, 20_____, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a **"wet"** area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

SIGN HERE _____ _____, TEXAS
City Secretary/Clerk City

SEAL

CERTIFICATE OF CITY SECRETARY (FOR BG & BE)

Section 11.37 & 61.37

I hereby certify on this_____ day of_____, 20_____, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a **"wet"** area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

Election for given location was held for:

- ☐ legal sale of all alcoholic beverages
- ☐ legal sale of all alcoholic beverages except mixed beverages
- ☐ legal sale of all alcoholic beverages including mixed beverages
- ☐ legal sale of beer/wine (17%) on-premise ***AFTER*** Sept. 1, 1999
- ☐ legal sale of beer/wine (14%) on-premise ***BEFORE*** Sept. 1, 1999

OR IF ABOVE DOES NOT APPLY:

Be advised the location must have had two election passages per Section 25.14 or Section 69.17 of the TABC Code. One for beer and wine off-premise and one for mixed beverage.

- ☐ legal sale of beer and wine for off-premise consumption only

AND EITHER:

- ☐ legal sale of mixed beverages

OR

- ☐ legal sale of mixed beverages in restaurants by food and beverage certificate holders (applicant must apply for FB with BG or BE)

SIGN HERE _____ _____, TEXAS
City Secretary/Clerk City

SEAL

CERTIFICATE OF CITY SECRETARY FOR LATE HOURS LICENSE/PERMIT (LB & BL)

Chapters 29 & 70 et seq.

I hereby certify on this _____ day of _____, 20_____, that one of the below is correct:

☐ The governing body of this city has by ordinance authorized the sale of ***mixed beverages*** between midnight and 2:00 A.M.; or

☐ The governing body of this city has by ordinance authorized the sale of ***beer*** between midnight and _____ A.M.; or

☐ The population of the city or county where premises are located was 500,000 or more according to the 22nd Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or

☐ The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010).

SIGN HERE _____, **TEXAS**

City Secretary/Clerk City

S E A L

CERTIFICATE OF COUNTY CLERK (FOR MB, RM & V)

Section 11.37

I hereby certify on this _____ day of _____, 20_____, that the location for which the license/permit is sought is in a **"wet"** area for such license/permit, and is not prohibited by any valid order of the Commissioner's Court.

SIGN HERE _____ _____ **COUNTY**

County Clerk

S E A L

CERTIFICATE OF COUNTY CLERK (FOR BG & BE)

Section 11.37 & 61.37

I hereby certify on this _____ day of _____, 20_____, that the location for which the license/permit is sought is in a **"wet"** area and is not prohibited by any valid order of the Commissioner's Court.

Election for given location was held for:

☐ legal sale of all alcoholic beverages

☐ legal sale of all alcoholic beverages except mixed beverages

☐ legal sale of all alcoholic beverages including mixed beverages

☐ legal sale of beer/wine (17%) on-premise ***AFTER*** Sept. 1, 1999

☐ legal sale of beer/wine (14%) on-premise ***BEFORE*** Sept. 1, 1999

OR IF ABOVE DOES NOT APPLY:

Be advised the location must have had two election passages per 25.14 or 69.17 of the TAB Code. One for beer and wine off-premise and one for mixed beverage.

☐ legal sale of beer and wine for off-premise consumption only

AND EITHER:

☐ legal sale of mixed beverages

OR

☐ legal sale of mixed beverages in restaurants by food and beverage certificate holders (applicant must apply for FB with BG or BE)

SIGN HERE _____ _____ **COUNTY**

County Clerk

S E A L

CERTIFICATE OF COUNTY CLERK FOR LATE HOURS LICENSE/PERMIT (LB & BL)

Chapters 29 & 70 et seq

I hereby certify on this _____ day of _____, 20_____, that one of the below are correct:

☐ The Commissioner's Court of the county has by order authorized the sale of ***mixed beverages*** between midnight and 2:00 A.M.; or

☐ The Commissioner's Court of the county has by order authorized the sale of ***beer*** between midnight and _____ A.M.; or

☐ The population of the city or county where premises are located was 500,000 or more according to the 22nd Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or

☐ The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010).

SIGN HERE _____ _____ **COUNTY**

County Clerk

SEAL

COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE

Section 11.46 (b) & 61.42 (b)

This is to certify on this _____ day of _____, 20_____, the applicant holds or has applied for and satisfies all legal requirements for the issuance of a Sales Tax Permit under the Limited Sales, Excise and Use Tax Act or the applicant as of this date is not required to hold a Sales Tax Permit.

Sales Tax Permit Number _____ Outlet Number _____

Print Name of Comptroller Employee _____

Print Title of Comptroller Employee _____

SIGN HERE _____ **FIELD OFFICE** _____

SEAL

PUBLISHER'S AFFIDAVIT (FOR MB, LB, RM, BP, BG, BE, BL & V)

Section 11.39 and 61.38

Name of newspaper

City, County

Dates notice published in daily/weekly newspaper (MM/DD/YYYY)

Publisher or designee certifies attached notice was published in newspaper stated on dates shown.

Signature of publisher or designee

Sworn to and subscribed before me on this date (MM/DD/YYYY)

Signature of Notary Public

SEAL

ATTACH PRINTED COPY OF THE NOTICE HERE

Hover over to see example

TEXAS ALCOHOLIC BEVERAGE COMMISSION
Texans Helping Businesses & Protecting Communities

OWNERSHIP INFORMATION
Continued for Prequalification Packet

L-OIC
(09/2019)

LOCATION INFORMATION

1. Trade Name of Location
Uncle Chops Food Court

2. Location Address
200 South Border

City: Weslaco
County: Hidalgo
State: Tx
Zip Code: 78596

OWNER INFORMATION

3. Type of Owner

- ☐ Individual
- ☐ Partnership
- ☐ Limited Partnership
- ☐ Limited Liability Partnership
- ☐ Corporation
- ☑ Limited Liability Company
- ☐ Joint Venture
- ☐ Trust
- ☐ City/County/University
- ☐ Other _____

Last Name	First Name	MI	Title
Cuellar	Christopher	O	Manager
Cuellar	Arturo III	C	Manager

200 S Border Ave

On Preimise Beer & Wine Retailer's & Local Cartage Permit

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3492

From:
Rebekah De La Fuente

Subject:
Discussion and consideration after public hearing on behalf of Ezequiel Reyna Jr. to approve Ordinance 2020-22 to rezone 3701 S. Westgate. Also being West Tract S330' & E440'-S495'-N990'FT 795 15 AC GR 14.77 AC NET, Hidalgo County, Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district and authorize the Mayor to execute any related documents. First reading of Ordinance 2020-22. Possible action. (Staffed by Planning and Code Enforcement Department.)

Background:
The applicant is requesting to rezone property from R-1 One-family dwelling district to R-2 Duplex and apartment district.. Forty-one (41) property owners within 200 feet of the applicant's property were notified by letter on July 10, 2020.

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:
Mayor's Signature
Ordinance - First Reading

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:
Notice of the application and the Public Hearing for the Planning and Zoning Commission appeared in The Monitor on July 3, 2020.

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**
The Planning & Zoning Commission recommended approval of the rezone request at their special meeting of July 20, 2020

Kayla Arevalo	Created/Initiated
Rebekah De La Fuente	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve.

Staff Recommendation:
Staff recommends denial based on the 2040 land use map.

Attachments, if any:
3701 S WESTGATE-ATTACHMENTS, 3701 S Westgate- aerial, O2020-22 rezoning 3701 S Westgate- Ordinance (1)

Responsibilities upon Approval:

Staff will advise applicant

Planning & Zoning Commission Standardized Agenda Request Form

Date of Meeting: July 20, 2020	**Agenda Item No.** (to be assigned by PCE)**:** IV. C.
From: Rebekah de la Fuente, Planning Director, on behalf of Ezequiel Reyna Jr.	
Subject/Agenda Item: Discussion and consideration to approve rezone 3701 S. Westgate. Also being West Tract S330' & E440'-S495'-N990'FT 795 15 AC GR 14.77 AC NET, Hidalgo County, and Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district.	
Discussion/Overview: The applicant is requesting to rezone property from R-1 One-family dwelling district to R-2 Duplex and apartment district.. Notice of the application and the Public Hearing for the Planning and Zoning Commission appeared in The Monitor on July 3, 2020. Forty-one (41) property owners within 200 feet of the applicant's property were notified by letter on July 10, 2020.	
Staff recommendation for Commission's Action: Staff recommends denial based on the 2040 land use map.	
Additional Action Prompted: [**X**] Mayor's Signature [**X**] Public Hearing [ ] Budget Amendment [ ] Resolution [x] Ordinance – First Reading [x] Ordinance – Final Reading	
Advisory Review, (if any): (name of board/committee, date of action, recommendation)**:** N/A	
If item previously considered, provide date and action by Commission: N/A	
Attachments,(if any): Application for Conditional Use Permit with attachments.	
Responsibilities upon Commission's Action: Planning staff will advise applicant.	

APPLICATION FOR REZONING

The Planning & Zoning Commission meets every 1st Wednesday of each month at 5:30 pm.

The City Commission meets every 1st and 3rd Tuesday of each month at 5:30 pm

FILE NO. ZO-00039

PROPOSED PROJECT

Legal Description of Property to be rezoned: West Tract S330 & E440 S495-N990FT795 15 ACGR 14.77AC NET

Lot _____ Block _____

Subdivision Name 3701 S. Westgate Dr. TX

Street Address _____

Existing Zoning R1 Single Existing Land Use _____

Proposed Zoning R2 multi Proposed Land Use _____

_____ $305.00 non-refundable filing fee.
_____ Detailed dimensioned site plan/map must be submitted with this request.
_____ Survey and metes and bounds if the legal description is a portion of a lot.
_____ City and school tax receipts attached.
_____ I have received a copy of "The Intent of Zoning Application Instructions".

APPLICANT

Name Ezequiel Reyna Jr. Phone (956) 968-2829

Address 702 W. Expressway 83 Fax: (956) 969-9634

City Weslaco State TX Zip Code 78599 E-Mail: Sonia.reynaprop@gmail.com

OWNER

Name Ezequiel Reyna Jr. Phone (956) 968-2829

Address 702 W. Expressway 83 Fax: (956) 969-9634

City Weslaco State TX Zip Code 78599 E-Mail: Sonia.reynaprop@gmail.com

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable); or I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature _____ Date 6/11/2020
Owner

Signature _____ Date _____
Applicant

Signature _____ Date _____
Authorized Agent

255 S. KANSAS AVE ■ WESLACO, TEXAS 78596-6285 ■ 956-447-3401 ■ (Fax) 956-973-3128 ■ WWW.WESLACOTX.GOV

STAFF USE ONLY

Accepted By _____ Payment Received By _____ Date Paid_____

Notice of Public Hearing Sent to Property Owners within 200' of Proposed Site — Date _____

P & Z Notice of Public Hearing Published in Newspaper — Date _____

City Commission Notice of Public Hearing Published — Date _____

Presented to P & Z Commission — Date _____
Approved _____ Disapproved _____ Tabled _____

Presented to City Commission — Date _____
Approved _____ Disapproved _____ Tabled _____

Ordinance No._____

CITY OF WESLACO
956-968-3181

REC#: 02642756 6/12/2020 10:22 AM
OPER: vm TERM: 041
REF#: 2326
PAID BY:

TRAN: 204.0000 REZONING APPL FEE
EZEQUIEL REYNA JR
WESTGATE DR
101-400-1027
REZONING APPLICATIO 305.00CR

TENDERED: 305.00 CHECK
APPLIED: 305.00

CHANGE: 0.00

City of Weslaco

"The City on the Grow"

David Suarez, Mayor
Letty Lopez, Mayor Pro-Tem, District 5
Leo Muñoz, Commissioner, District 1
Greg Kerr, Commissioner, District 2
Jose "J.P." Rodriguez, Commissioner, District 3
Adrian Farias, Commissioner, District 4
Josh Pedraza, Commissioner, District 6

Mike R. Perez, City Manager

PLANNING DEPARTMENT

July 10, 2020

Legal Notice

Dear Occupant:

The Weslaco Planning and Zoning Commission will hold a public hearing on Monday, July 20, 2020, at 10am for the Planning and Zoning Commission and on or before July 21, 2020 at 5:30 p.m. VIA ZOOM MEETING to consider the following request:

Telephonic conferencing capabilities will be utilized to allow member of the public to participate remotely via Toll Free Dial In Number: 1-877-853-5247; Meeting ID: 878 6097 5351.

Members of the public who wish to participate in Public Hearing on an agenda item must send their name, address and phone number via email to karevalo@weslacotx.gov by 12:00 pm on July 17, 2020. A staff member will contact you with instructions via phone call to address your public comment.

CONDITIONAL USE PERMIT REQUEST:

Ezequiel Reyna Jr. is requesting to rezone 3701 S. Westgate. Also being West Tract S330' & E440'-S495'-N90'FT 795 15 AC GR 14.77 AC NET, Hidalgo County, and Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district.

The public is hereby invited to attend and express their support or opposition to the request. You may also file a written notice supporting or protesting this action. For more information please call the Planning Department at (956) 447-3403.

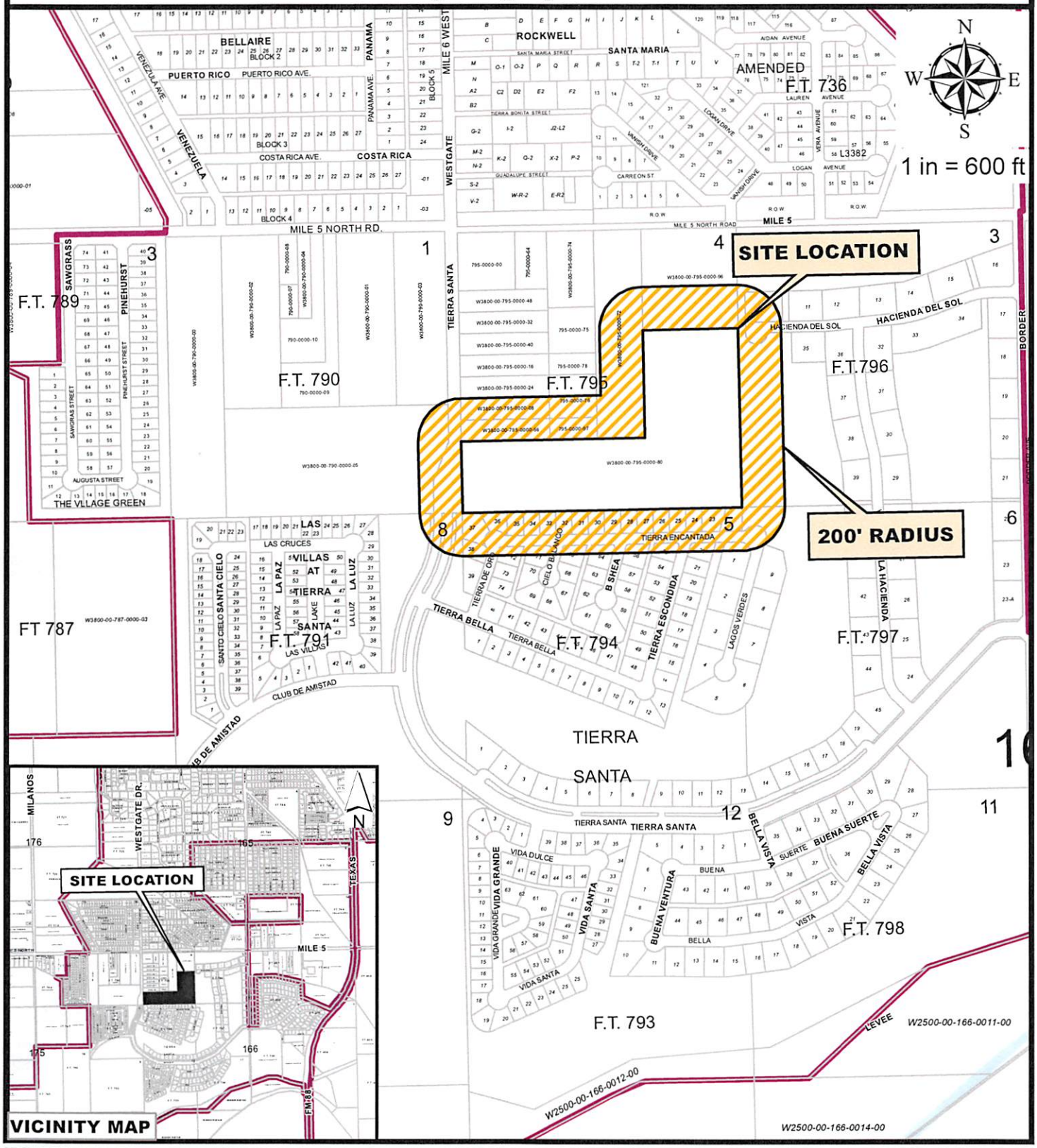
Si desea información en español, por favor llame al departamento de Planeación de la ciudad de Weslaco, (956) 447-3403.

Sincerely,

Rebekah de la Fuente, CFM
Planning Director

CITY OF WESLACO

Engineering Department



Ezequiel Reyan Jr.

3701 South Westgate Dr.

WEST TRACT S330' & E440'-S495'-N990'

FT 795 15 AC GR 14.77 AC NET

Block 66, F.T. 795

Purpose for the Rezoning request

Existing zoning: R-1

Existing land use: Vacent Lot

Proposed zoning: R-2

Proposed land use: Multifamily

City of Weslaco Code Enforcement Dept.

JUL 8, 2020

PIATER ERIC W 1310 TIERRA ENCANTADA WESLACO TX 78596-5869	T5438-01-003-0023-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 23 BLK 3 1310 TIERRA ENCANTADA	L: B:	30856 203796
REYNA EZEQUIEL JR & LIVIA 702 W EXPRESSWAY 83 STE 100 WESLACO TX 78599-4379	T5438-01-003-0024-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 24 BLK 3 1314 TIERRA ENCANTADA	L: B:	16748 0
REYNA EZEQUIEL JR & LIVIA 702 W EXPRESSWAY 83 STE 100 WESLACO TX 78599-4379	T5438-01-003-0025-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 25 BLK 3 1318 TIERRA ENCANTADA	L: B:	16748 0
REYNA EZEQUIEL JR & LIVIA 702 W EXPRESSWAY 83 STE 100 WESLACO TX 78599-4379	T5438-01-003-0026-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 26 BLK 3 1402 TIERRA ENCANTADA	L: B:	16748 0
REYNA EZEQUIEL JR & LIVIA 702 W EXPRESSWAY 83 STE 100 WESLACO TX 78599-4379	T5438-01-003-0027-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 27 BLK 3 1406 TIERRA ENCANTADA	L: B:	16748 0
REYNA EZEQUIEL JR & LIVIA 702 W EXPRESSWAY 83 STE 100 WESLACO TX 78599-4379	T5438-01-003-0028-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 28 BLK 3 1410 TIERRA ENCANTADA	L: B:	16748 0
REYNA EZEQUIEL JR & LIVIA 702 W EXPRESSWAY 83 STE 100 WESLACO TX 78599-4379	T5438-01-003-0029-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 29 BLK 3 1414 TIERRA ENCANTADA	L: B:	16748 0
REYNA EZEQUIEL JR & LIVIA 702 W EXPRESSWAY 83 STE 100 WESLACO TX 78599-4379	T5438-01-003-0030-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 30 BLK 3 1502 TIERRA ENCANTADA	L: B:	16748 0
REYNA EZEQUIEL JR & LIVIA 702 W EXPRESSWAY 83 STE 100 WESLACO TX 78599-4379	T5438-01-003-0031-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 31 BLK 3 1506 TIERRA ENCANTADA	L: B:	16748 0
REYNA, EZEQUIEL JR & LIVIA 702 W EXPRESSWAY 83 STE 100 WESLACO TX 78596-4379	T5438-01-003-0032-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 32 BLK 3 1510 TIERRA ENCANTADA	L: B:	16748 0
REYNA EZEQUIEL JR & LIVIA 702 W EXPRESSWAY 83 STE 100 WESLACO TX 78599-4379	T5438-01-003-0033-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 33 BLK 3 1514 TIERRA ENCANTADA	L: B:	16748 0
GONZALEZ SANTIAGO JR & LOIS 1307 S CLOSNER EDINBURG TX 78539-5665	T5438-01-003-0034-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 34 BLK 3 1518 TIERRA ENCANTADA	L: B:	16748 0

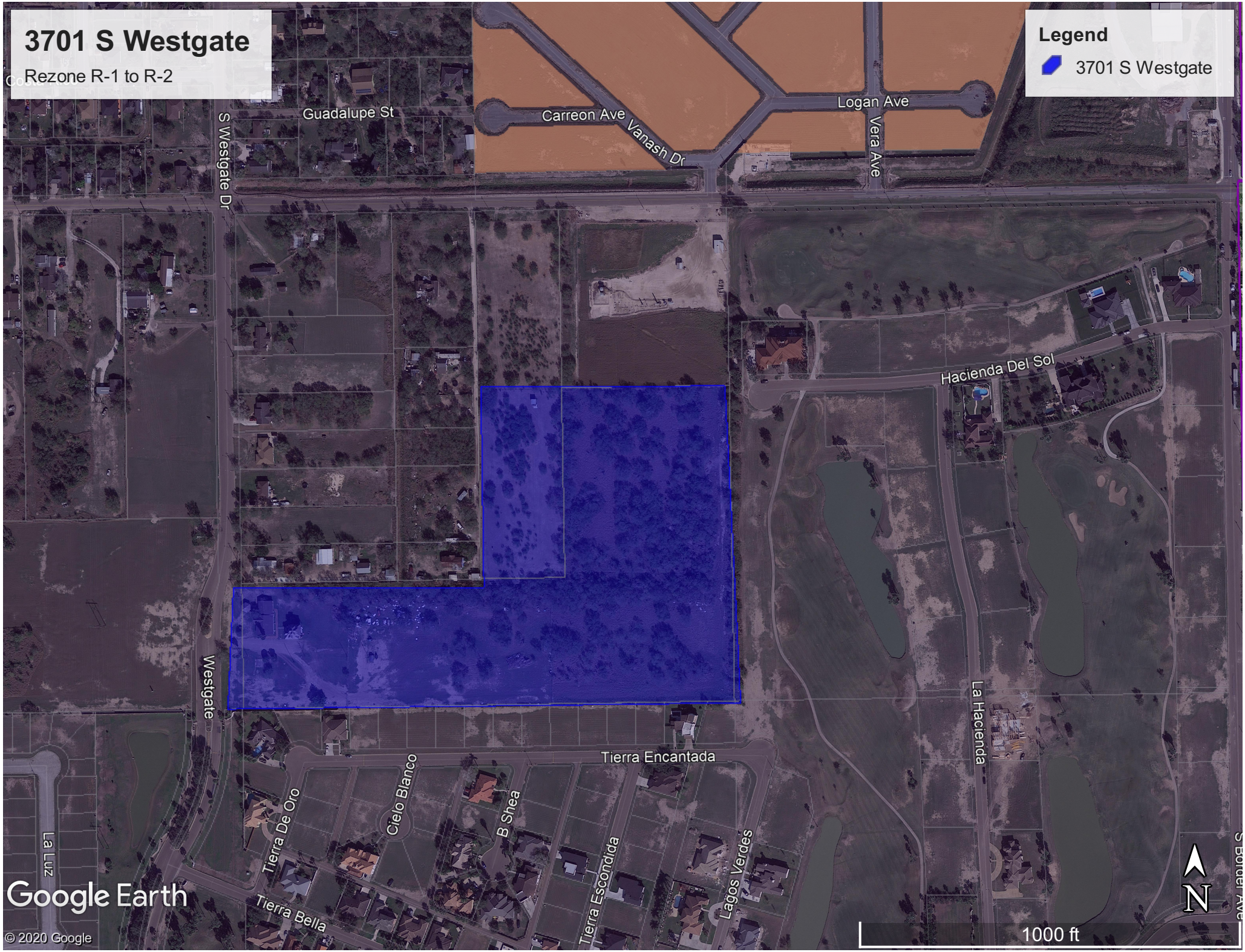
DK III CONSTRUCTION INC 704 W EXPRESSWAY 83 STE 100 WESLACO TX 78599	T5438-01-003-0035-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 35 BK 3 1522 TIERRA ENCANTADA	L: B:	16748 163085
REYNA EZEQUIEL JR & LIVIA 702 W EXPRESSWAY 83 STE 100 WESLACO TX 78599-4379	T5438-01-003-0036-00 TIERRA SANTA GOLF CLB & COMMUNTI Y PH 1 LOT 36 BLK 3 1602 TIERRA ENCANTADA	L: B:	19411 0
HANDY MODESTO & PRISCILLA K 3802 TIERRA DE ORO WESLACO TX 78596-8551	T5438-01-003-0037-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 37 BLK 3 3802 TIERRA DE ORO	L: B:	37206 231924
REYNA EZEQUIEL JR 702 W EXPRESSWAY 83 STE 100 WESLACO TX 78599-4379	T5438-01-003-0038-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 38 BLK 3 3806 TIERRA DE ORO	L: B:	17665 0
SOLIS PEDRO OSCAR JR & MARTHA A 3810 TIERRA DE ORO WESLACO TX 78596-8551	T5438-01-003-0039-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 39 BLK 3 3810 TIERRA DE ORO	L: B:	31552 213376
CASTILLO, ISMAEL PO BOX 861 PROGRESO TX 78579-0861	T5438-01-003-0065-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 65 BLK 3 3836 CIELO BLANCO	L: B:	27718 0
PERALES JULIO 808 E 27TH ST WESLACO TX 78596-8105	T5438-01-003-0071-00 TIERRA SANTA GOLF CLB & COMMUNTI Y PH 1 LOT 71 BLK 3 3802 CIELO BLANCO	L: B:	28246 0
MILAN WHERTER CRUZ & MARIA N 501 N BRIDGE ST PMB 402 HIDALGO TX 78557-2530	T5438-01-003-0072-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 72 BLK 3 3805 TIERRA DE ORO	L: B:	25978 0
PHARR LEASING GROUP LLC 1543 DUSTY CANYON HENDERSON NV 89052-3161	T5438-01-005-0001-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 1 BLK 5 3802 LAGOS VERDES	L: B:	59366 0
DAY LAWRENCE 1543 DUSTY CANYON ST HENDERSON NV 89052-3161	T5438-01-005-0009-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 9 BLK 5 3834 LAGOS VERDES	L: B:	70079 0
NEW YORK LIFE INSURANCE & 1661 WORTHINGTON RD SUITE 100 WEST PALM BEACH FL 33409-6493	T5438-01-005-0010-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 1 LOT 10 BLK 5 1210 HACIENDA DEL SOL	L: B:	71230 502518
MCCANN DAVID R & HANNAH B 3809 TIERRA ESCONDIDA WESLACO TX 78596-3789	T5438-02-003-0022-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 2 LOT 22 BLK 3 3809 TIERRA ESCONDIDO	L: B:	25471 190219

WESLACO ISD PO BOX 2916 MCALLEN TX 78502-2916	T5438-02-003-0055-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 2 LOT 55 BLK 3 3810 TIERRA ESCONDIDO	L: B:	23742 0
NEGRETE MIGUEL A 1601 W BUSINESS 83 STE B WESLACO TX 78596-5503	T5438-02-003-0056-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 2 LOT 56 BLK 3 3830 B SHEA	L: B:	31923 0
JONES JEFFERY A & DIANA 3800 B SHEA WESLACO TX 78596-9519	T5438-02-003-0064-00 TIERRA SANTA GOLF CLB & COMMUNIT Y PH 2 LOT 64 BLK 3 3800 B SHEA	L: B:	32381 198848
GARCIA JULIO & MARYSOL 3402 S WESTGATE DR WESLACO TX 78596-4480	W3800-00-790-0000-03 WEST TRACT E266'-N818.03' FT 790 5.01AC GR 4.52AC NET 3402 S WESTGATE DR	L: B:	60907 99754
COTTONFIELDS, LTD 702 W EXPRESSWAY 83 STE 100 WESLACO TX 78596-4379	W3800-00-790-0000-05 WEST TRACT E1065'-S501.97' FT 79 0 12.27 AC GR 11.92 AC NET 3700 S WESTGATE DR	L: B:	0 0
REYNA, EZEQUIEL JR & LIVIA 702 W EXPRESSWAY 83 STE 100 WESLACO TX 78596-4379	W3800-00-791-0000-00 WEST TRACT 15.67AC BNG 2 IRR TRS FT 791 GOLF COURSE	L: B:	124106 569416
REYNA, EZEQUIEL JR & LIVIA 702 W EXPRESSWAY 83 STE 100 WESLACO TX 78596-4379	W3800-00-794-0000-00 WEST TRACT 11.89AC-FT 794 GOLF C OURSE 0 TIERRA SANTA BLVD	L: B:	56501 33000
GARZA, JOSE 4920 SHERMAN ST HOUSTON TX 77011-3138	W3800-00-795-0000-08 WEST TRACT W440'-S99'-N891' FT 7 95 1AC GR 0.93AC NET 0 MILE 5 NORTH	L: B:	27555 0
LOPEZ MELECIO 1005 MARITZA ST WESLACO TX 78596-2078	W3800-00-795-0000-24 WEST TRACT W440'-S99'-N792' FT 7 95 1AC GR 0.93AC NET 3609 S WESTGATE DR	L: B:	27555 0
GARZA AMERICO & ARISTEO 3621 S WESTGATE DR WESLACO TX 78596-9479	W3800-00-795-0000-56 WEST TRACT W440'-S99'-N990' FT 7 95 1AC GR 0.93AC NET 3621	L: B:	27555 8388
VASQUEZ ARTURO & FRANCES RR 2 BOX 523A WESLACO TX 78596	W3800-00-795-0000-72 WEST TRACT W220'-E660'-N990' FT 795 5.0AC GR 4.85AC NET 0	L: B:	0 108
SANCHEZ OLGA RR 7 BOX 152F WESLACO TX 78596	W3800-00-795-0000-75 WEST TRACT E220'-W660'-S210.50'- N594' FT 795 1.06AC 0	L: B:	10070 19793

COTTONFIELDS, LTD 702 W EXPRESSWAY 83 STE 100 WESLACO TX 78596-4379	W3800-00-795-0000-80 WEST TRACT S330' & E440'-S495'-N 990' FT 795 15 AC GR 14.77 AC NE 0 S WESTGATE DR	L: B:	23750 72106
MW PETROLEUM CORP 2000 POST OAK BLVD STE 100 HOUSTON TX 77056-4497	W3800-00-795-0000-96 WEST TRACT E440'-N495' FT 795 5. 0AC GR 4.70AC NET 1301 W MI 5 N RD	L: B:	104420 3300
RODRIGUEZ ADRIAN & LIDIA 1421 W MILE 5 N WESLACO TX 78596-4697	W3800-00-795-0000-97 WEST TRACT E200'-W660'-S96'-N990 ' FT 795 0.44AC NET 1421 W 34TH ST	L: B:	20145 12711
REYNA, EZEQUIEL JR & LIVIA 702 W EXPRESSWAY 83 STE 100 WESLACO TX 78596-4379	W3800-00-796-0000-00 WEST TRACT 22.87AC GOLF COURSE F T 796 22.87AC GR 22.78AC NET 0 MILE 5 NORTH RD	L: B:	151487 33000
REYNA, EZEQUIEL JR & LIVIA 702 W EXPRESSWAY 83 STE 100 WESLACO TX 78596-4379	W3800-00-797-0000-05 WEST TRACT 18.20AC-FT 797 GOLF C OURSE 0 BORDER AVE	L: B:	78624 35000

3701 S Westgate

Rezone R-1 to R-2



ORDINANCE NO. 2020-22

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF REZONE 3701 S. WESTGATE. ALSO BEING WEST TRACT S330' & E440'-S495'-N990'FT 795 15 AC GR 14.77 AC NET, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-1 ONE-FAMILY DWELLING DISTRICT TO R-2 DUPLEX AND APARTMENT DISTRICT.BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

SECTION I: R-1 One-family dwelling district to R-2 Duplex and apartment district.being 3701 S. Westgate. Also being West Tract S330' & E440'-S495'-N990'FT 795 15 AC GR 14.77 AC NET, Weslaco, Hidalgo County, Texas.

SECTION II: That this ordinance shall become effective upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 4th day of August 2020.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this _____ day of _____, 2020.

CITY OF WESLACO

_____
David Suarez, **MAYOR**

ATTEST:

_____
Norma Cantu, **CITY SECRETARY**

APPROVED AS TO FORM:

_____
Juan E. Gonzalez, **CITY ATTORNEY**

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3493

From:
Rebekah De La Fuente

Subject:
Discussion and consideration after public hearing on behalf of Melden & Hunt, Inc. to approve Ordinance 2020-23 to rezone 321 S Airport, Also being 27.080 acre Tract of land of Farm Tract 21 & 22, Block 135, West and Adams Tract Subdivision, Hidalgo County,Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district and authorize the Mayor to execute any related documents. First reading of Ordinance 2020-23. Possible action. (Staffed by Planning and Code Enforcement Department.)

Background:
The applicant is requesting to rezone property from R-1 One-family dwelling district to R-2 Duplex and apartment district.. Eighty-two (82) property owners within 200 feet of the applicant's property were notified by letter on July 10, 2020.

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:
Mayor's Signature
Ordinance - First Reading

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:
Notice of the application and the Public Hearing for the Planning and Zoning Commission appeared in The Monitor on July 3, 2020.

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**
The Planning & Zoning Commission recommended approval of the rezone request at their special meeting of July 20, 2020

Kayla Arevalo	Created/Initiated
Rebekah De La Fuente	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve.

Staff Recommendation:
Staff recommends denial based on 2040 Land use map.

Attachments, if any:
321 S Airport- attachments, 321 S Airport- aerial, O2020-23 321 S Airport- Ordinance

Responsibilities upon Approval:

Staff will advise applicant

Planning & Zoning Commission Standardized Agenda Request Form

Date of Meeting: July 20, 2020	**Agenda Item No.** (to be assigned by PCE)**:** IV. D.
From: Rebekah de la Fuente, Planning Director, on behalf of Melden & Hunt, Inc	
Subject/Agenda Item: Discussion and consideration to approve rezone 321 S Airport, Also being 27.080 acre Tract of land of Farm Tract 21 & 22, Block 135, West and Adams Tract Subdivision, Hidalgo County, and Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district.	
Discussion/Overview: The applicant is requesting to rezone property from R-1 One-family dwelling district to R-2 Duplex and apartment district.. Notice of the application and the Public Hearing for the Planning and Zoning Commission appeared in The Monitor on July 3, 2020. Eighty-two (82) property owners within 200 feet of the applicant's property were notified by letter on July 10, 2020.	
Staff recommendation for Commission's Action: Staff recommends denial based on 2040 Land use map.	
Additional Action Prompted: [**X**] Mayor's Signature [**X**] Public Hearing [ ] Budget Amendment [ ] Resolution [x] Ordinance – First Reading [x] Ordinance – Final Reading	
Advisory Review, (if any): (name of board/committee, date of action, recommendation)**:** N/A	
If item previously considered, provide date and action by Commission: N/A	
Attachments,(if any): Application for Conditional Use Permit with attachments.	
Responsibilities upon Commission's Action: Planning staff will advise applicant.	

APPLICATION FOR REZONING

The Planning & Zoning Commission meets every 1st Wednesday of each month at 5:30 pm.

The City Commission meets every 1st and 3rd Tuesday of each month at 5:30 pm

FILE NO. 20-00007

PROPOSED PROJECT

Legal Description of Property to be rezoned:

Lot Farm Tracts 21 & 22 Block 135

Subdivision Name AIRPORT HEIGHTS SUBDIVISION

Street Address South Airport Drive

Existing Zoning R-1 One Family Dwelling Existing Land Use Open Space/Agriculture

Proposed Zoning R-2 Duplex & Apartments Proposed Land Use 4-Plex Units

X $305.00 non-refundable filing fee.
X Detailed dimensioned site plan/map must be submitted with this request.
X Survey and metes and bounds if the legal description is a portion of a lot.
X City and school tax receipts attached.
X I have received a copy of "The Intent of Zoning Application Instructions".

APPLICANT

Name Fred Kurth with Melden and Hunt, Inc. Phone 956.381.0981

Address 115 W. McIntyre Street Fax: 956.381.1839

City Edinburg State Texas Zip Code 78541 E-Mail: fkurth@meldenandhunt.com

OWNER

Name Lynn Jones Farms, Inc. Phone 956.571-0484 Blake J. Box

Address 1600 Bellewood Lane Fax:

City Canyon Lake State Texas Zip Code 78133 E-Mail: blakejbox@aztecre.com

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable); or I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature Lynn Jones Farms, Inc Date 6/5/2020
Owner

Signature Date 6/5/2020
Applicant

Signature Date 6-9-20
Authorized Agent

255 S. KANSAS AVE ■ WESLACO, TEXAS 78596-6285 ■ 956-447-3401 ■ (Fax) 956-973-3128 ■ WWW.WESLACOTX.GOV

STAFF USE ONLY

Accepted By _____ Payment Received By _____ Date Paid_____

Notice of Public Hearing Sent to Property Owners within 200' of Proposed Site — Date _____

P & Z Notice of Public Hearing Published in Newspaper — Date _____

City Commission Notice of Public Hearing Published — Date _____

Presented to P & Z Commission — Date _____
Approved _____ Disapproved _____ Tabled _____

Presented to City Commission — Date _____
Approved _____ Disapproved _____ Tabled _____

Ordinance No._____

255 S. KANSAS AVE ■ WESLACO, TEXAS 78596-6285 ■ 956-447-3401 ■ (Fax) 956-973-3128 ■ WWW.WESLACOTX.GOV

City of Weslaco

"The City on the Grow"

David Suarez, Mayor
Letty Lopez, Mayor Pro-Tem, District 5
Leo Muñoz, Commissioner, District 1
Greg Kerr, Commissioner, District 2
Jose "J.P." Rodriguez, Commissioner, District 3
Adrian Farias, Commissioner, District 4
Josh Pedraza, Commissioner, District 6

Mike R. Perez, City Manager

PLANNING DEPARTMENT

July 10, 2020

Legal Notice

Dear Occupant:

The Weslaco Planning and Zoning Commission will hold a public hearing on Monday, July 20, 2020, at 10am for the Planning and Zoning Commission and on or before July 21, 2020 at 5:30 p.m. VIA ZOOM MEETING to consider the following request:

Telephonic conferencing capabilities will be utilized to allow member of the public to participate remotely via Toll Free Dial In Number: 1-877-853-5247; Meeting ID: 878 6097 5351.

Members of the public who wish to participate in Public Hearing on an agenda item must send their name, address and phone number via email to karevalo@weslacotx.gov by 12:00 pm on July 17, 2020. A staff member will contact you with instructions via phone call to address your public comment.

CONDITIONAL USE PERMIT REQUEST:

Melden & Hunt, Inc. is requesting to rezone 321 S Airport, Also being 27.080 acre Tract of land of Farm Tract 21 & 22, Block 135, West and Adams Tract Subdivision, Hidalgo County, and Texas from R-1 One-family dwelling district to R-2 Duplex and apartment district.

The public is hereby invited to attend and express their support or opposition to the request. You may also file a written notice supporting or protesting this action. For more information please call the Planning Department at (956) 447-3403.

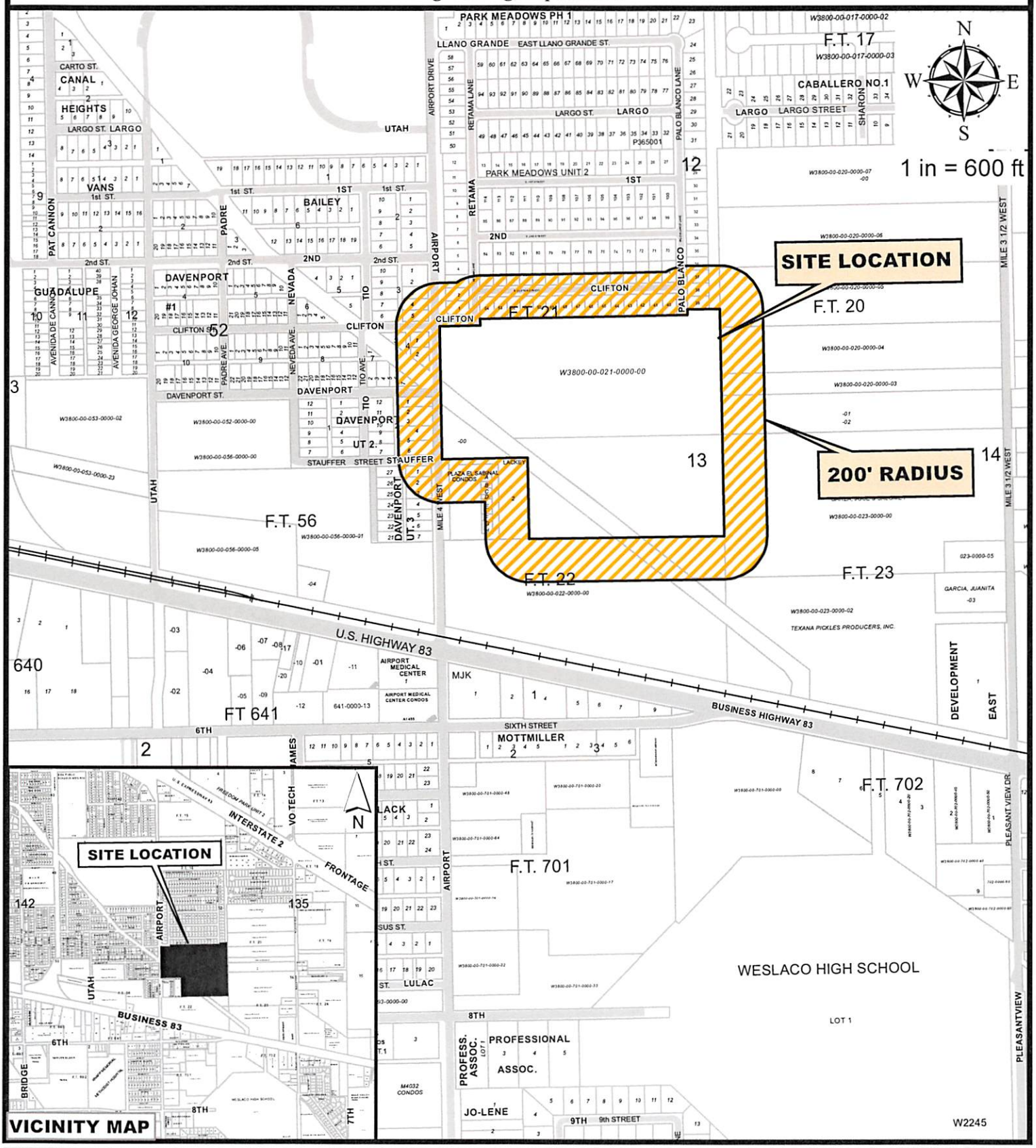
Si desea información en español, por favor llame al departamento de Planeación de la ciudad de Weslaco, (956) 447-3403.

Sincerely,

Rebekah de la Fuente, CFM
Planning Director

CITY OF WESLACO

Engineering Department



Lynn Jones Farms, Inc.

Airport Heights Subdivision
WEST TRACT S24.20AC FT 21 EXC 0.68AC
CANAL R/O/W A/K/A OUT LOT 12
BLK 135 24.20GR 24.03AC NET
FARM TRACTS 21 & 22

Purpose for the Rezoning request

Existing zoning: R-1
Existing land use: Cultivated Land
Proposed zoning: R-2
Proposed land use: 4-Plex Family Dwelling-Private

CITY ON THE GROW
CITY OF WESLACO

City of Weslaco Code Enforcement Dept.

JUL 8, 2020

CANTU JESUSA G 204 S AIRPORT DR WESLACO TX 78596-6522	B0150-00-003-0001-00 BAILEY BLK 3 LOT 1 & N48' OF 2 200 S AIRPORT DR	L: B:	36000 34794
CANTU MARIANELA 204 S AIRPORT DR WESLACO TX 78596-6522	B0150-00-003-0002-00 BAILEY BLK 3 S 4' OF 2 ALL OF 3 204 S AIRPORT DR	L: B:	20160 39227
CASTILLO JOSE LUIS 2405 LIBERTY ST MERCEDES TX 78570-7549	B0150-00-003-0004-00 BAILEY BLK 3 LOT 4 206 S AIRPORT DR	L: B:	18720 15660
MARTINEZ JOSE DEMECIA & DIANA 208 S AIRPORT DR WESLACO TX 78596-6522	B0150-00-003-0005-00 BAILEY BLK 3 LOT 5 208 S AIRPORT DR	L: B:	18720 17890
RODRIGUEZ, RAUL & IRENE 1511 DAVENPORT ST WESLACO TX 78596-6541	B0150-00-003-0006-00 BAILEY BLK 3 LOT 6 209 TIO ST	L: B:	18720 22114
ALEJANDRO, OFELIA 1516 E 1ST ST WESLACO TX 78596-6508	B0150-00-003-0007-00 BAILEY BLK 3 LOT 7 207 TIO ST	L: B:	18720 10631
RODRIGUEZ, ERNESTINA S 300 S AIRPORT DR WESLACO TX 78596-6524	B0150-00-004-0001-00 BAILEY BLK 4 LOT 1 300 S AIRPORT DR	L: B:	18060 13310
MANGUAL ANGEL & GABRIELA 302 S AIRPORT DR WESLACO TX 78596-6524	B0150-00-004-0002-00 BAILEY BLK 4 LOT 2 302 S AIRPORT DR	L: B:	12371 12729
CABALLERO, JESUS & JULIA R 1515 E 2ND ST WESLACO TX 78596-6515	D1000-01-007-0001-00 C DAVENPORT BLK 7 LOT 1 221 N TIO AVE	L: B:	6385 9945
GONZALEZ JOSE 111 W PAISANO LN WESLACO TX 78599-4103	D1000-01-007-0002-00 C DAVENPORT BLK 7 ALL LOT 2 & W1 /2 LOT 3 1601 DAVENPORT ST	L: B:	18090 65669
RAMOS ARTURO JR 808 DOVER DR WESLACO TX 78599-3069	D1000-01-007-0003-00 C DAVENPORT BLK 7 E1/2 LOT 3, AL L LOT 4 & W1/2 LOT 5 1609 DAVENPORT ST	L: B:	21114 96874
RAMOS FAMILY LIVING TRUST 6400 N FM 88 WESLACO TX 78599-3240	D1000-01-007-0005-00 C DAVENPORT BLK 7 E1/2 LOT 5 & A LL LOTS 6 & 7 1611 DAVENPORT ST	L: B:	22389 75461

MARIN, DELIA LEYVA PO BOX 855 WESLACO TX 78599-0855	D1000-02-002-0001-00 C DAVENPORT NO. 2 BLK 2 LOT 1 400 DAVENPORT ST	L: B:	28640 26914
SANCHEZ, ANGELITA 402 S AIRPORT DR WESLACO TX 78596-6526	D1000-02-002-0002-00 C DAVENPORT NO. 2 BLK 2 LOTS 2 & 3 402 S AIRPORT DR	L: B:	42960 11518
LOPEZ CANDELARIO HERNANDEZ 406 S AIRPORT DR WESLACO TX 78596-6526	D1000-02-002-0004-00 C DAVENPORT NO. 2 BLK 2 LOTS 4 & N1/2 LOT 5 406 S AIRPORT DR	L: B:	32218 81501
GONZALEZ MAURICIO & DALIA 1514 WAYNE DR EDINBURG TX 78542-5560	D1000-02-002-0005-00 C DAVENPORT NO. 2 BLK 2 S1/2 LOT 5 & ALL LOT 6 410 S AIRPORT DR	L: B:	32218 47727
CORONADO, JOEL & LUZ 500 S AIRPORT DR WESLACO TX 78596-6528	D1000-03-001-0001-00 C DAVENPORT NO. 3 BLK 1 LOT 1 500 S AIRPORT DR	L: B:	18425 8663
CANTU ELVA R 504 S AIRPORT DR WESLACO TX 78596-6528	D1000-03-001-0002-00 C DAVENPORT NO. 3 BLK 1 LOTS 2 & 3 502 S AIRPORT DR	L: B:	34500 28986
CANTU GERARDO 504 S AIRPORT DR WESLACO TX 78596-6528	D1000-03-001-0003-00 DAVENPORT #3 BLK 1 LT 3 504 S AIRPORT DR	L: B:	16500 33624
DOMINGUEZ ROSITA 506 S AIRPORT DR WESLACO TX 78596-6528	D1000-03-001-0004-00 C DAVENPORT NO. 3 BLK 1 LOT 4 506 S AIRPORT DR	L: B:	18425 22861
GUZMAN, ERLINDA RODRIGUEZ 508 S AIRPORT DR WESLACO TX 78596-6528	D1000-03-001-0005-00 C DAVENPORT NO. 3 BLK 1 LOT 5 508 S AIRPORT DR	L: B:	18425 31852
CERDA JESUS 1119 HONEY TREE ST WESLACO TX 78596-7247	D1000-03-001-0006-00 C DAVENPORT NO. 3 BLK 1 LOT 6 510 S AIRPORT DR	L: B:	18425 5608
DIAZ, CARLOS 512 S AIRPORT DR WESLACO TX 78596-6528	D1000-03-001-0007-00 C DAVENPORT NO. 3 BLK 1 LOT 7 512 S AIRPORT DR	L: B:	18000 20661
FISCAL, RICARDO & VIRGINIA 403 S TIO AVE WESLACO TX 78596-6566	D1000-03-001-0026-00 C DAVENPORT NO. 3 BLK 1 LOT 26 403 TIO ST	L: B:	18000 16025

GONZALEZ PABLO 1515 EUCALYPTUS ST WESLACO TX 78599-2697	D1000-03-001-0027-00 C DAVENPORT NO. 3 BLK 1 LOT 27 401 TIO ST	L: 18000 B: 18803
CROUGH GEROLDO V 214 S RETAMA LN WESLACO TX 78596-5387	P3650-02-000-0001-00 PARK MEADOWS UT 2 LOT 1 214 RETAMA LN	L: 24985 B: 121418
MARTINEZ ROMEO 403 TAYLOR ST SAN JUAN TX 78589-2048	P3650-02-000-0002-00 PARK MEADOWS UT 2 LOT 2 210 RETAMA LN	L: 23430 B: 90814
PUGA PABLO ADAN & NOELIA R 206 S RETAMA LN WESLACO TX 78596-5387	P3650-02-000-0003-00 PARK MEADOWS UT 2 LOT 3 206 RETAMA LN	L: 23430 B: 99646
NAVARRO HERIBERTO C & MARITZA 203 S PALO BLANCO LN WESLACO TX 78596-5570	P3650-02-000-0036-00 PARK MEADOWS UT 2 LOT 36 0	L: 21300 B: 131257
ZAPATA MARCIAL R PO BOX 1412 WESLACO TX 78599-1412	P3650-02-000-0037-00 PARK MEADOWS UT 2 LOT 37 207 S PALO BLANCO LN	L: 21300 B: 119436
RANGEL PEDRO MANUEL 211 POLANCO AVE WESLACO TX 78599	P3650-02-000-0038-00 PARK MEADOWS UT 2 LOT 38 0	L: 21300 B: 116302
OZUNA NORMA 215 S PALO BLANCO LN WESLACO TX 78596	P3650-02-000-0039-00 PARK MEADOWS UT 2 LOT 39 0	L: 21300 B: 102946
SALDANA JUAN A JR 2006 CLIFFTON ST WESLACO TX 78596	P3650-02-000-0040-00 PARK MEADOWS UT 2 LOT 40 0 CLIFTON ST	L: 23075 B: 129548
FOX CYNTHIA R & DANIEL E 2002 CLIFTON ST WESLACO TX 78596-5197	P3650-02-000-0041-00 PARK MEADOWS UT 2 LOT 41 2002	L: 21300 B: 120056
CONTRERAS RICARDO 1922 CLIFTON ST WESLACO TX 78596-5193	P3650-02-000-0042-00 PARK MEADOWS UT 2 LOT 42 1922	L: 21300 B: 128388
TREVINO YURIANA & ROCKY I 1918 CLIFTON ST WESLACO TX 78596-5193	P3650-02-000-0043-00 PARK MEADOWS UT 2 LOT 43 1918	L: 21300 B: 119915

MORALES MARTHA D 1914 CLIFTON ST WESLACO TX 78596-5193	P3650-02-000-0044-00 PARK MEADOWS UT 2 LOT 44 1914	L: 21300 B: 115797
ESPARZA LOUIS RAY JR 1908 CLIFTON WESLACO TX 78596-5193	P3650-02-000-0045-00 PARK MEADOWS UT 2 LOT 45 1908	L: 21300 B: 121010
DIAZ MELISSA 1904 CLIFTON ST WESLACO TX 78596-5193	P3650-02-000-0046-00 PARK MEADOWS UT 2 LOT 46 1904	L: 21300 B: 123019
PEREZ ESTEBAN & ELVIA L PEREZ 1824 CLIFTON ST WESLACO TX 78596-5187	P3650-02-000-0047-00 PARK MEADOWS UT 2 LOT 47 1800 LARGO ST	L: 21300 B: 128451
ESTAVE IRVING C & INGRID C 1820 CLIFTON ST WESLACO TX 78596-5187	P3650-02-000-0048-00 PARK MEADOWS UT 2 LOT 48 1820 CLIFTON ST	L: 21300 B: 103908
MALDONADO JAVIER JR & LIZETTE 1816 CLIFTON ST WESLACO TX 78596-5187	P3650-02-000-0049-00 PARK MEADOWS UT 2 LOT 49 1816	L: 21300 B: 119946
GARCIA EDUARDO 1810 CLIFTON ST WESLACO TX 78596-5187	P3650-02-000-0050-00 PARK MEADOWS UT 2 LOT 50 1810	L: 21300 B: 120505
GARCIA FERNANDO 1806 CLIFTON ST WESLACO TX 78596-5187	P3650-02-000-0051-00 PARK MEADOWS UT 2 LOT 51 0	L: 21300 B: 125700
LOERA - GARZA FELIX 1802 CLIFTON ST WESLACO TX 78596-5187	P3650-02-000-0052-00 PARK MEADOWS UT 2 LOT 52 1802 E CLIFTON	L: 21300 B: 91905
GUERRA JAIME 110 N UTAH AVE WESLACO TX 78596-5458	P3650-02-000-0053-00 PARK MEADOWS UT 2 LOT 53 1720 CLIFTON ST	L: 21300 B: 121202
SALA ANTONIA LEA 1716 CLIFTON ST WESLACO TX 78596-5088	P3650-02-000-0054-00 PARK MEADOWS UT 2 LOT 54 1716	L: 23075 B: 120373
LOZANO RAUL A 1717 CLIFTON ST WESLACO TX 78596-5180	P3650-02-000-0055-00 PARK MEADOWS UT 2 LOT 55 1717 CLIFTON ST	L: 23075 B: 96284

RAMIREZ JAIME & GRISELDA 1721 CLIFTON ST WESLACO TX 78596-5180	P3650-02-000-0056-00 PARK MEADOWS UT 2 LOT 56 1721	L: 21300 B: 103307
HESS JASON 1210 S MILE 2 W MERCEDES TX 78570-7410	P3650-02-000-0057-00 PARK MEADOWS UT 2 LOT 57 0 E CLIFTON	L: 21300 B: 76275
ROJO GUSTAVO L & ADRIANA 2126 PARADISE RIDGE DR ROUND ROCK TX 78665-7908	P3650-02-000-0058-00 PARK MEADOWS UT 2 LOT 58 1809 E CLIFTON	L: 21300 B: 106141
GALNAREZ JULIA & TOMAS 1811 CLIFTON ST WESLACO TX 78596-5169	P3650-02-000-0059-00 PARK MEADOWS UT 2 LOT 59 1811 CLIFTON ST	L: 21300 B: 91616
ALVARADO NALLELI L & MIGUEL A 1817 CLIFTON ST WESLACO TX 78596-5169	P3650-02-000-0060-00 PARK MEADOWS UT 2 LOT 60 1817	L: 21300 B: 113369
GUZMAN ELISEO & OLGA 1821 CLIFTON ST WESLACO TX 78596-5169	P3650-02-000-0061-00 PARK MEADOWS UT 2 LOT 61 1821 CLIFTON ST	L: 21300 B: 110733
SANCHEZ ALMA & ROCKY MONTES 1825 CLIFTON ST WESLACO TX 78596-5169	P3650-02-000-0062-00 PARK MEADOWS UT 2 LOT 62 1825 CLIFTON ST	L: 21300 B: 106710
CORKER ALBERT D 1905 CLIFTON ST WESLACO TX 78596-5044	P3650-02-000-0063-00 PARK MEADOWS UT 2 LOT 63 1905 CLIFTON ST	L: 21300 B: 118349
ESPARZA KRANTHZ M & ALMA G PO BOX 8050 WESLACO TX 78599-8050	P3650-02-000-0064-00 PARK MEADOWS UT 2 LOT 64 1909 E CLIFTON	L: 21300 B: 125688
BANDA HUMBERTO & IVETT 1915 CLIFTON ST WESLACO TX 78596-5044	P3650-02-000-0065-00 PARK MEADOWS UT 2 LOT 65 1915 CLIFTON ST	L: 21300 B: 109822
GONZALEZ FRANCISCA Y 1919 CLIFTON ST WESLACO TX 78596-5044	P3650-02-000-0066-00 PARK MEADOWS UT 2 LOT 66 1919 E CLIFTON	L: 21300 B: 123512
HERNANDEZ ADONAI B 1923 CLIFTON ST WESLACO TX 78596-5044	P3650-02-000-0067-00 PARK MEADOWS UT 2 LOT 67 1923 CLIFTON ST	L: 21300 B: 96665

FLORES RAMONA 2003 CLIFTON ST WESLACO TX 78596-5089	P3650-02-000-0068-00 PARK MEADOWS UT 2 LOT 68 2003	L: B:	21300 123019
RAMOS ROSA MARIA 1705 S TALBOT ST INDIANAPOLIS IN 46225-1703	P3650-02-000-0069-00 PARK MEADOWS UT 2 LOT 69 2007 E CLIFTON	L: B:	23075 68597
RGV RIVER FARM LTD 415 S AIRPORT DR STE A WESLACO TX 78596-5396	P7455-00-000-000A-00 PLAZA EL SABINAL CONDOMINIUMS UN IT A 415	L: B:	122881 167740
RGV RIVER FARM LTD 415 S AIRPORT DR STE A WESLACO TX 78596-5396	P7455-00-000-000B-00 PLAZA EL SABINAL CONDOMINIUMS UN IT B 415	L: B:	95284 119990
RGV RIVER FARM LTD 415 S AIRPORT DR STE A WESLACO TX 78596-5396	P7455-00-000-000C-00 PLAZA EL SABINAL CONDOMINIUMS UN IT C 415	L: B:	92098 108216
RGV RIVER FARM LTD 415 S AIRPORT DR STE A WESLACO TX 78596-5396	P7455-00-000-000D-00 PLAZA EL SABINAL CONDOMINIUMS UN IT D 415	L: B:	58039 75530
JAIME MEDRANO PROPERTIES LLC 2804 SANTA OLIVIA MISSION TX 78572-7615	P7455-00-000-000E-00 PLAZA EL SABINAL CONDOMINIUMS UN IT E 415	L: B:	233138 287761
RGV RIVER FARM LTD 415 S AIRPORT DR STE A WESLACO TX 78596-5396	P7455-00-000-000F-00 PLAZA EL SABINAL CONDOMINIUMS UN IT F 415	L: B:	77643 107357
RGV VISION CARE PPLC 603 W 18TH ST WESLACO TX 78596-7808	P7455-00-000-000G-00 PLAZA EL SABINAL CONDOMINIUMS UN IT G 415	L: B:	99894 104955
RGV VISION CARE PPLC 603 W 18TH ST WESLACO TX 78596-7808	P7455-00-000-000H-00 PLAZA EL SABINAL CONDOMINIUMS UN IT H 415	L: B:	99894 117378
LYNN JONES FARM 1907 MILLER AVE MISSION TX 78572-2957	W2500-00-135-0012-00 WEST & ADAMS 0.68 CANAL R/O/W LO T 12; 2.13 AC CANAL R/O/W LOT B; 0	L: B:	0 0
GARZA JOSE & SALOME 302 S PLEASANTVIEW DR WESLACO TX 78596-9119	W3800-00-020-0000-01 WEST TRACT 4.45AC-S5.45AC FT 20 302 S PLEASANTVIEW DR	L: B:	0 0

GARZA JOSE & SALOME 302 S PLEASANTVIEW DR WESLACO TX 78596-9119	W3800-00-020-0000-02 WEST TRACT 1.0AC-S5.45AC FT 20 0	L: B:	35000 27488
GARZA SALOME 302 S PLEASANTVIEW DR WESLACO TX 78596-9119	W3800-00-020-0000-03 WEST TRACT N3.03AC-S8.49AC FT 20 302 PLEASANT VIEW DR	L: B:	0 0
PLEASANTVIEW HOLDING LLC 27838 BIXBY RD LA FERIA TX 78559-4514	W3800-00-020-0000-04 WEST TRACT N215'-S494.80' FT 20 6.52 AC GR 6.38 216 S PLEASANTVIEW DR	L: B:	31150 3699
BATAQUES LTD 5804 LA QUINTA LN WESLACO TX 78599-3758	W3800-00-020-0000-05 WEST TRACT-S275'-N825 FT 20 8.33 AC GR 8.15AC NET 0 S PLEASANTVIEW DR	L: B:	42000 60137
GARCIA, TOMAS 103 LAUREL DR WESLACO TX 78596	W3800-00-020-0000-06 WEST TRACT-S275'-N550' FT 20 8.3 3AC GR 8.15AC NET 0 S PLEASANTVIEW DR	L: B:	0 0
LYNN JONES FARMS 1907 MILLER AVE MISSION TX 78572-2957	W3800-00-021-0000-00 WEST TRACT S24.20AC FT 21 EXC 0. 68AC CANAL R/O/W A/K/A OUT LOT 1 301 S AIRPORT DR	L: B:	0 0
LYNN JONES FARMS INC 1907 MILLER AVE MISSION TX 78572-2957	W3800-00-022-0000-00 WEST TRACT 20.91AC EXC 3.57AC FT 22 17.34AC GR 17.01AC NET 501 S AIRPORT DR	L: B:	0 0
GARZA JOSE & SALOME P GARZA 302 S PLEASANTVIEW DR WESLACO TX 78596-9119	W3800-00-023-0000-00 WEST TRACT E302.5'-N516' & W1017 .50'-N660' FT 23 19AC GR 18.34AC 302 S PLEASANTVIEW DR	L: B:	0 0
ONION HOUSE LLC PO BOX 170 WESLACO TX 78599-0170	W3800-00-023-0000-02 WEST TRACT SW11.25AC BEING AN IR R TR FT 23 11.25AC GR 11.23AC NE 502 PLEASANT VIEW DR	L: B:	471660 1097332
RGV RIVER FARM LTD 415 S AIRPORT DR STE A WESLACO TX 78596-5396	L2170-00-000-0002-00 LACKEY LOT 2 415 S AIRPORT DR	L: B:	208552 268158

MEMORANDUM

Date: **June 9, 2020**

To: **Heriberto Martinez, Subdivision Coordinator**
Pharr Planning

CC:

From: **Fred Kurth, P.E., R.P.L.S.**
Melden and Hunt, Inc.

Subject: **AIRPORT HEIGHTS SUBDIVISION**
Pharr, Texas

This Memorandum will serve as notice that the proposed AIRPORT HEIGHTS SUBDIVISION has been submitted to the City of Weslaco for preliminary subdivision plat review. It is a proposed 72 lot 4-plex residential development. The property is currently zoned R-1 One Family Dwelling and the proposed use is R-2 Duplex & Apartments residential community. We are requesting a *Change of Zone* for this 27.080-acre tract of land, which is currently owned by Lynn Jones Farms, Inc.

If you have any questions, please feel free to contact me.

Thanks,

Fred Kurth, P.E., R.P.L.S.
President
Melden and Hunt, Inc.

SS:ss

MELDEN & HUNT, INC.
115 WEST MCINTYRE
EDINBURG, TEXAS 78539

2019 TAX STATEMENT

PABLO (PAUL) VILLARREAL JR., PCC
HIDALGO COUNTY TAX ASSESSOR - COLLECTOR
PO BOX 178
EDINBURG, TEXAS 78540

Certified Owner:
LYNN JONES FARMS
1600 BELLEWOOD LN
CANYON LAKE, TX 78133-3028

Legal Description:
WEST TRACT S24.20AC FT 21 EXC 0.68AC
CANAL R/O/W A/K/A OUT LOT 12 BLK 135
24.20GR 24.03AC NET

Legal Acres: 24.0300
Parcel Address: S AIRPORT DR
Print Date: 06/03/2020

Account No: W3800-00-021-0000-00 Appr. Dist. No.:324125
As of Date: 06/03/2020

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
$841,050	$0	$841,050	$841,050	$0	$0	$841,050	$0

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
HIDALGO COUNTY	$841,050	OSP	$830,813.00	$10,237	0.5750000	$58.86
DRAINAGE DIST #1	$841,050	OSP	$830,813.00	$10,237	0.1051000	$10.76
CITY OF WESLACO	$841,050	OSP	$830,813.00	$10,237	0.6967000	$71.32
Amount saved by additional sales tax revenue $2.50						
WESLACO ISD	$841,050	OSP	$830,813.00	$10,237	1.0687000	$109.40
SOUTH TEXAS ISD	$841,050	OSP	$830,813.00	$10,237	0.0492000	$5.04
SOUTH TEXAS COLLEGE	$841,050	OSP	$830,813.00	$10,237	0.1733000	$17.74

Total Tax: $273.12
Total Tax Paid to date: $273.12
Total Tax Remaining: $0.00

Exemptions:
OSP OPEN SPACE 1-D-1

AMOUNT DUE IF PAID BY:

06/30/2020 15%	07/31/2020 18 + up to 15%	08/31/2020 19 + up to 15%	09/30/2020 20 + up to 15%	11/02/2020 21 + up to 15%	11/30/2020 22 + up to 15%
$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
12/31/2020 23 + up to 15%	**02/01/2021 24 + up to 15%**	**03/01/2021 25 + up to 15%**	**03/31/2021 26 + up to 15%**	**04/30/2021 27 + up to 15%**	**05/31/2021 28 + up to 15%**
$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

School Information:
WESLACO ISD 2019 M&O 1.0487000 I&S .02000000 Total 1.0687000 2018 M&O 1.1397000 I&S .02000000 Total 1.1597000

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT. 4.1.69

Print Date: 06/03/2020

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:
PABLO (PAUL) VILLARREAL JR., PCC
HIDALGO COUNTY TAX ASSESSOR - COLLECTOR
PO BOX 178
EDINBURG, TEXAS 78540
(956) 318-2157

W3800000021000000

W3800-00-021-0000-00

LYNN JONES FARMS
1600 BELLEWOOD LN
CANYON LAKE, TX 78133-3028

AMOUNT PAID:
$_____.____

0000324125000000000

2019 TAX STATEMENT

PABLO (PAUL) VILLARREAL JR., PCC
HIDALGO COUNTY TAX ASSESSOR - COLLECTOR
PO BOX 178
EDINBURG, TEXAS 78540

Certified Owner:
LYNN JONES FARMS
1600 BELLEWOOD LN
CANYON LAKE, TX 78133-3028

Legal Description:
WEST TRACT 20.91AC EXC 3.57AC FT 22
17.34AC GR 17.01AC NET

Legal Acres: 17.0100
Parcel Address: S AIRPORT DR
Print Date: 06/03/2020

Account No: W3800-00-022-0000-00 **Appr. Dist. No.:** 324128
As of Date: 06/03/2020

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
$595,350	$0	$595,350	$595,350	$0	$0	$521,850	$73,500

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
HIDALGO COUNTY	$595,350	OSP	$515,498.00	$79,852	0.5750000	$459.15
DRAINAGE DIST #1	$595,350	OSP	$515,498.00	$79,852	0.1051000	$83.92
CITY OF WESLACO	$595,350	OSP	$515,498.00	$79,852	0.6967000	$556.33
Amount saved by additional sales tax revenue $19.48						
WESLACO ISD	$595,350	OSP	$515,498.00	$79,852	1.0687000	$853.38
SOUTH TEXAS ISD	$595,350	OSP	$515,498.00	$79,852	0.0492000	$39.29
SOUTH TEXAS COLLEGE	$595,350	OSP	$515,498.00	$79,852	0.1733000	$138.38

Total Tax: $2,130.45
Total Tax Paid to date: $2,130.45
Total Tax Remaining: $0.00

Exemptions:
OSP OPEN SPACE 1-D-1

AMOUNT DUE IF PAID BY:

06/30/2020 15%	07/31/2020 18 + up to 15%	08/31/2020 19 + up to 15%	09/30/2020 20 + up to 15%	11/02/2020 21 + up to 15%	11/30/2020 22 + up to 15%
$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
12/31/2020 23 + up to 15%	**02/01/2021 24 + up to 15%**	**03/01/2021 25 + up to 15%**	**03/31/2021 26 + up to 15%**	**04/30/2021 27 + up to 15%**	**05/31/2021 28 + up to 15%**
$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

School Information:
WESLACO ISD 2019 M&O 1.0487000 I&S .02000000 Total 1.0687000 2018 M&O 1.1397000 I&S .02000000 Total 1.1597000

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT. 4.1.69

Print Date: 06/03/2020

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:
PABLO (PAUL) VILLARREAL JR., PCC
HIDALGO COUNTY TAX ASSESSOR - COLLECTOR
PO BOX 178
EDINBURG, TEXAS 78540
(956) 318-2157

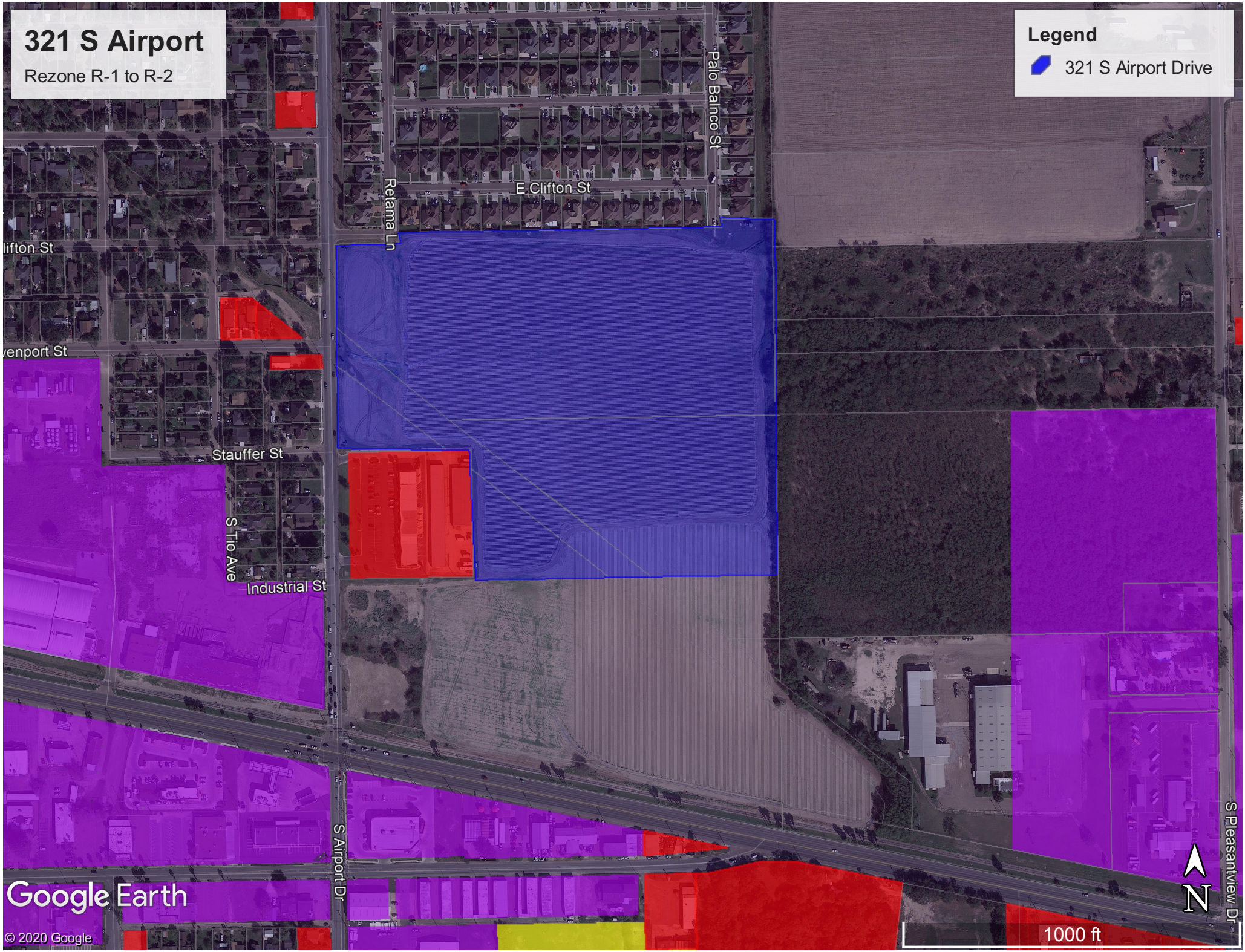
W380000022000000

W3800-00-022-0000-00

LYNN JONES FARMS
1600 BELLEWOOD LN
CANYON LAKE, TX 78133-3028

AMOUNT PAID:
$_____.____

00003241280000000000


321 S Airport
Rezone R-1 to R-2
Legend
321 S Airport Drive
Palo Balnco St
E Clifton St
Retama Ln
lifton St
venport St
Stauffer St
S Tio Ave
Industrial St
S Airport Dr
S Pleasantview Dr
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ORDINANCE NO. 2020-23

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF REZONE 321 S AIRPORT, ALSO BEING 27.080 ACRE TRACT OF LAND OF FARM TRACT 21 & 22, BLOCK 135, WEST AND ADAMS TRACT SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-1 ONE-FAMILY DWELLING DISTRICT TO R-2 DUPLEX AND APARTMENT DISTRICT.BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

SECTION I: R-1 One-family dwelling district to R-2 Duplex and apartment district. being 321 S Airport, Also being 27.080 acre Tract of land of Farm Tract 21 & 22, Block 135, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas.

SECTION II: That this ordinance shall become effective upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 4th day of August 2020.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this _____ day of _____, 2020.

CITY OF WESLACO

_____
David Suarez, **MAYOR**

ATTEST:

_____
Norma Cantu, **CITY SECRETARY**

APPROVED AS TO FORM:

_____
Juan E. Gonzalez, **CITY ATTORNEY**

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3494

From:
Rebekah De La Fuente

Subject:
Discussion and consideration for Final Plat for Mira Vista Phase II Subdivision– being a 13.49 acres out of Farm Tract 1020 and out of Lot 11 and 12, BLK 113, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately 1150ft. East of F.M. 1015 Road. Possible Action and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Background:
The proposed thirty-five (35) lot subdivision part is located outside the City of Weslaco city limits. This subdivision is being serviced with water by the City of Weslaco through an 8" waterline and sewer by the City of Weslaco services through a 10" sewer line. The property is within a Flood Zone "B". The developer is has requested a Variance to permit a 10' rear setback and off-site drainage detention. The proposed subdivision will have to enter into a development agreement with the City for the inspection and issuance of required permits for the construction of the water and sanitary sewer line.

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:
Mayor's Signature

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**
The Planning & Zoning Commission recommended approval of the final plat and the variance request at the special meeting of July 20, 2020.

Kayla Arevalo	Created/Initiated
Rebekah De La Fuente	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve.

Staff Recommendation:
Staff recommends approval of the Final Plat with compliance of the ordinance on the variance.

Attachments, if any:
MIRA VISTA NO 2 -ATTACHMENTS, Mira Vista Phase II- Aerial, MIRA VISTA No 2 PLAT 6-4-2020

Responsibilities upon Approval:
Staff will advise applicant

SUBDIVISION PLATTING APPLICATION

The Planning & Zoning Commission meets every 1st Wednesday of each month at 5:30 pm.

The City Commission meets every 1st and 3rd Tuesday of each month at 5:30 pm

FILE NO._____

This form shall be completed by the Property Owner or Applicant and submitted to the Planning Department along with the required number of copies of the respective plat, review fee and all other required information listed below and in the Subdivision Ordinance. The submittal of an application does not constitute acceptance for processing until the staff reviews and determines the application is complete.

STAFF USE ONLY

☐Single Lot Variance ☐Minor Plat ☐Planned Unit Development ☑Standard Subdivision

GENERAL INFORMATION

Name of Subdivision: Mira Vista Subdivision No.2

Location: South side of Camino Real Viejo Road, east of FM 1015

Legal Description: A 13.49 acre tract of land being all of Farm Tract 1020 and out of Lots 11 and 12, Block 113, West and Adams Tracts Subdivision, Hidalgo County, Texas.

Is subdivision inside city limits? ☑ YES ☐ NO

If subdivision is in the ETJ, indicate? ☑ 3.5 Mile ☐ 5 Mile

If no submit letter of Annexation (Contiguous or Consensual)

Existing Zoning: Residential

Existing Land Use: Agricultural Proposed Land Use: R-2

Number of Lots Proposed: 35 Gross Acreage: 13.49

Title Report Submitted: ☐ YES ☐ NO

OWNER INFORMATION

Owner's Name: Red Rock Real Estates Development Group, Ltd. Telephone: (956) 800-1333

Address: 2912 S. Jackson Road Fax: _____

City: McAllen State: TX Zip: 78503 E-mail: riocantu@yahoo.com

ENGINEER INFORMATION

Name: Quintanilla, Headley & Associates, Inc. Telephone: (956) 381-6480

Address: 124 E. Stubbs St. Fax: _____

City: Edinburg State: TX Zip: 78539 E-mail: alfonsoq@qha-eng.com

UTILITY PROVISIONS

Will proposed subdivision connect to:

☑ YES ☐ NO Water Provision: City of Weslaco

☑ YES ☐ NO Wastewater Provision: City of Weslaco

☑ YES ☐ NO Electric Company: AEP

☑ YES ☐ NO Phone Utility AT&T	☑ YES ☐ NO Gas Utility	☑ YES ☐ NO Cable Utility

Proposed subdivision is in the following districts:

☑ YES ☐ NO Drainage District No. 1	☑ YES ☐ NO Irrigation District No. 9

Has the property been assessed as flat rate irrigable property: ☐ YES ☐ NO

Have Water Rights been conveyed to City/Water Supplier? ☐ YES ☐ NO

(Attach written proof of such assessment or that it has never been assessed as such a property) If **YES,** attach an estimate from the irrigation district of the proportional water rights for the subdivision as calculated under Texas Water Code § 49.505.

SUBMITTALS REQUIRED FOR MINOR PLAT REVIEW

_____**Two (2)** sets of plats **folded and stapled** (24 x 36) and forward a copy in PDF format to **mhinojosa@weslacotx.gov** & **rdelafuente@weslacotx.gov**

_____**$350.00** Planning Review fee

_____One 11" X 17" reduced copy of plat

_____Plat Layout

- _____Existing & Proposed Easements
- _____Existing & Proposed ROW
- _____Existing & Proposed Drainage Easements
- _____Contours
- _____Flood Zones
- _____Adjoiners
- _____Existing street names

_____Drainage plans and calculations with engineer's seal

- _____Elevations
- _____Flood directional arrows
- _____Detention areas
- _____Street names

_____Proof of ownership of the property

_____If septic tank system required, submit soil evaluation report

_____Water Rights associated with the property

_____Tax Receipt for all taxing entities showing that taxes are paid in full

SUBMITTALS REQUIRED FOR PRELIMINARY (P & Z)

_____**Twelve (12)** sets of preliminary plat **folded and stapled** (24 x 36) and forward a copy in PDF format to **mhinojosa@weslacotx.gov** & **rdelafuente@weslacotx.gov**

_____**$350.00** (one time fee for preliminary and final plat)

_____One 11" X 17" reduced copy of plat

_____Plat Layout

- _____Existing & Proposed Easements
- _____Existing & Proposed ROW
- _____Existing & Proposed Drainage Easements

_____Contours
_____Flood Zones
_____Adjoiners
_____Existing & Proposed street names
_____Utility Layout
_____Existing & Proposed Utilities
_____Proposed Fire Hydrants
_____Adjoiners
_____Street names
_____Drainage plans and calculations with engineer's seal
_____Elevations
_____Flood directional arrows
_____Detention areas
_____Street names
_____Proof of ownership of the property
_____If septic tank system required, submit soil evaluation report
_____Water Rights associated with the property
_____Tax Receipt for all taxing entities showing that taxes are paid in full
_____Number of fire hydrants proposed for subdivision
_____Trip Generation Worksheet

SUBMITTALS REQUIRED FOR FINAL (P & Z) **Will not apply to Single Lot Variance**

_____**Twelve (12)** sets of plans **FOLDED & STAPLED** (24 x 36) & **PDF** copy **with all corrections**
_____Plats to be sealed by Professional Engineer
_____Approved Drainage Report
_____Traffic Impact Analysis (If required)

SUBMITTALS REQUIRED FOR FINAL (City Commission)

_____One set of 8 ½ x 11 of plat and utilities with all corrections done

SUBMITTALS REQUIRED FOR PRE-CONSTRUCTION MEETING

_____Seven (7) full sets of construction plans 24 x 36 and one (1) 11 x 17 with plan & profile.
_____Engineering cost estimates for 3% geotechnical testing fees and 2% inspection fees
_____Notice of Intent
_____SW3P

SUBMITTALS REQUIRED FOR RECORDING OR HIDALGO COUNTY PLANNING

_____Electronic file of final plat and as-builds
_____Reproducible plat to be recorded with all required signatures
_____3% geotechnical testing fees or negotiated Material Testing fee by City, whichever is higher
_____2% inspection fee
_____Park Fees
_____Checks or Receipts: HCCID #9; HCDD #1; County Clerk
_____Tax certificates
_____Memo from engineering inspector releasing subdivision
_____Water Rights associated with the property dedicated and assigned to City of Weslaco or payment of fees sufficient to meet the needs necessitated and attributable to development
_____30 Year Water and 30 Year Sewer Service Agreements
_____Park dedication/Fees in lieu of

SUBMITTALS REQUIRED FOR RECORDING BY SECURITY

_____ Sealed engineering cost estimates
_____ Letter of Credit/Performance Bond/Escrow

** Any revisions requested would require resubmission of plats and reduced copy reflecting changes.

AUTHORIZATION AND ACKNOWLEDGEMENTS

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable); and the following person listed below is my authorized agent to act on my behalf.

I certify that the above information is correct and complete to the best of my knowledge. I understand that I must comply with all applicable local, state, and federal regulations.

Owner Printed Name: Manuel N. Cantu Jr (Manager)

Owner Signature: _____ Date: May 26, 2020

_____ is the authorized agent

Authorized Agent Signature: _____ Date: _____

Authorized Agent Printed Name: _____

****

THIS PAGE FOR STAFF USE ONLY

Date Received: _____ Received By: _____ Date Paid _____

P & Z Commission Approval on Preliminary Plat: _____

P & Z Commission Approval on Final Plat: _____

City Commission Approval on Final Plat: _____

Preconstruction Meeting Date: _____

Date Recorded: _____ Instrument No. _____

General Comments: _____

_____

Quintanilla, Headley & Associates, Inc.

Hidalgo County Drainage District No. 1
Drainage Report
Mira Vista No. 2
Hidalgo County, Texas

Prepared By:

QUINTANILLA, HEADLEY AND ASSOCIATES, INC.

Consulting Engineers ★ Land Surveyors
Alfonso Quintanilla, P.E. # 95534 - R.P.L.S. # 4856
Eulalio Ramirez, P.E. # 77062
Engineering Firm Registration No. F-1513
Surveying Firm Registration No. 100411-00
124 E. Stubbs St. Edinburg, Texas 78539
Phone: (956) 381-6480 Fax: (956) 381-0527
Email: alfonsoq@qha-eng.com

April 28, 2020

STATE OF TEXAS
MARCO A. GONZALEZ
120016
LICENSED
PROFESSIONAL ENGINEER

4-28-20

Cover Sheet 1
Index 2
Drainage Report 3
Hydraulic Calculations 4
"C" Values for Rational Method 5
Rainfall Intensity for Hidalgo County 6
Location Map 7
Flood Plain Attachments 8-10
Soil Condition Attachment 11-19
Quad Map 20
HCDD1 Map 21
Drainage Calculations 22-23

QUINTANILLA, HEADLEY AND ASSOCIATES, INC.

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Municipal & County Projects ★ Subdivisions ★ Surveys

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Surveying Firm Registration No. 100411-00
Municipal & County Projects ★ Subdivisions ★ Surveys

DRAINAGE REPORT FOR MIRA VISTA No. 2

A 13.49 acre tract of land out of Farm Tract 1020, and out of Lots 11 and 12, Block 113, West and Adams Tracts Subdivision, Hidalgo County, Texas, according to the plat or map thereof recorded in volume 2, pages 34-37, map records Hidalgo County, Texas, and according to warranty deed recorded under county clerk's document number 1631125 and corrected warranty deed recorded under county clerk's document number 1817664, official records, Hidalgo County, Texas. This subdivision is located on the south side of Camino Real Viejo Road, approximately 1,150.00 feet east of F.M. 1015 Road. The site is currently open land. This subdivision is located in the City of Weslaco city limit and City of Mercedes ETJ. The proposed subdivision will consist 35 multi-family lots.

The tract is Zone "B", areas between limits of the 100-year flood and 500-year flood: or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile: or areas protected by levees from the base flood.(Medium Shading), as per FEMA Flood Insurance Rate Map Community Panel No. 480334 0525 B dated January 2, 1981.

The majority of the soil is Hidalgo (25 & 28), and Racombes (48), & Rio (60) and is in soil group "B" and "D". It is Fine Sandy Loam (SM-SC), Sandy Clay Loam (SC), and Clay Loam(CL). This soil is well drained. Permeability is moderate. Plasticity Index has a range of 4-32. See attached Soil Survey of Hidalgo County, Texas tables.

Presently, the site has very minimal runoff in a southerly direction with an approximate 1% slope. The existing runoff for the proposed subdivision is Q=5.28 cubic feet per second based on a 10-year storm and flows into the existing Hidalgo & Cameron Counties Irrigation District No. 9 Drain Ditch located on the south side of the property.

After development the runoff will be Q=36.50 cubic feet per second for an increase of Q=31.22 cubic feet per second (50 year storm). Detention will be 100,696.47 cubic feet (2.31 acre feet) and will be accomplished by excavating the existing City of Weslaco Drain Ditch located on the south side of the subdivision. In addition, the developer is proposing to install a storm sewer system consisting of 24", 30", and 36" storm pipes and Type "A" inlets that will collect the runoff from the roads and will outfall in the existing drain ditch. 77.00 to 79.00 feet of Drain Ditch Right of Way to Hidalgo & Cameron Counties Irrigation District No. 9 and Hidalgo County Drainage District No. 1 is being dedicated by this plat.

Drainage calculations are attached.

Marco A. Gonzalez, P.E.
April 28, 2020

☐ REJECTED
☒ APPROVED FOR SUBMITTAL
☒ TO H.C. PLANNING DEPT.
☒ TO CITY
☒ DISCHARGE PERMIT REQUIRED
☒ DISTRICT FACILITY
☒ CITY FACILITY
☐ OTHER_____

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

H.C.D.D. NO. 1 — 4/29/20 DATE

124 E. Stubbs, Edinburg, TX 78539 ★ Phone 956/381-6480 ★ Fax 956/381-0527

124 E. Stubbs, Edinburg, TX 78539 ★ Phone 956/381-6480 ★ Fax 956/381-0527

EXISTING:

50-YEAR STORM

Area = 13.49 acres
V = 0.15
D = 1100.00 Ft
c = 0.20

t = D / V(3600)
t = 2.04 Hrs = 122.22 min

From Rainfall Intensity Curve: i = 1.96

Q = ciA
Q = 5.28 cfs

FUTURE:

Area = 13.49 Acres
V = 0.40
D = 1100.00 Ft
c = 0.55

t = D / V(3600)
t = 0.76 Hrs = 45.83 min

From Rainfall Intensity Curve: i = 4.92

Q = ciA
Q = 36.50 cfs

STATE OF TEXAS
MARCO A. GONZALEZ
120013
LICENSED
PROFESSIONAL ENGINEER

t (hr)	i (in/hr)	Qfut (cfs)	Vfut (cf)	Qext (cfs)	Vext (cf)	Vfut - Vext (cf)
0.25	9.10	67.54	60781.95	5.28	4747.66	56034.29
0.50	6.34	47.06	84705.40	5.28	9495.31	75210.08
0.75	4.98	36.92	99680.02	5.28	14242.97	85437.05
1.00	4.14	30.74	110680.95	5.28	18990.63	91690.32
1.25	3.58	26.54	119443.79	5.28	23738.29	95705.51
1.50	3.16	23.48	126769.96	5.28	28485.94	98284.01
2.00	2.60	19.26	138677.72	5.28	37981.26	100696.47 Peak
3.00	1.95	14.47	156321.84	5.28	56971.89	99349.95
4.00	1.59	11.78	169573.45	5.28	75962.52	93610.93
5.00	1.35	10.02	180340.37	5.28	94953.15	85387.22
6.00	1.18	8.77	189489.25	5.28	113943.78	75545.47

PEAK VOLUME = 100696.47 cf
Peak Volume = 2.31 Ac-ft

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

" C " - VALUES FOR RATIONAL METHOD

Type of Drainage Area	Runoff Coefficient
Residential Districts:	
Single Family (Lots less than 1/4 acre)	0.35
Single Family (Lots 1/4 to 1/2 acre)	0.30
Single Family (Lots greater than 1/2 acre)	0.25
Multi - Family (Less than 20 DU / AC)	0.45
Multi - Family (Greater than 20 DU / AC)	0.55
Business District:	0.70
Industrial Districts:	
Light Areas	0.50
Heavy Areas	0.60
Railroad Yard Areas:	0.20
Parks:	0.10
Unimproved Areas:	
Bare Surface	0.30
Grassland	0.25
Cultivated	0.20
Woodlands	0.15
Streets:	
Asphalt	0.70
Concrete	0.75
Caliche	0.70
Drives & Walks:	
Concrete	0.75
Rooftop	0.75

35 lots 4 DU/lot
13.49 AC
10.38 DU/AC

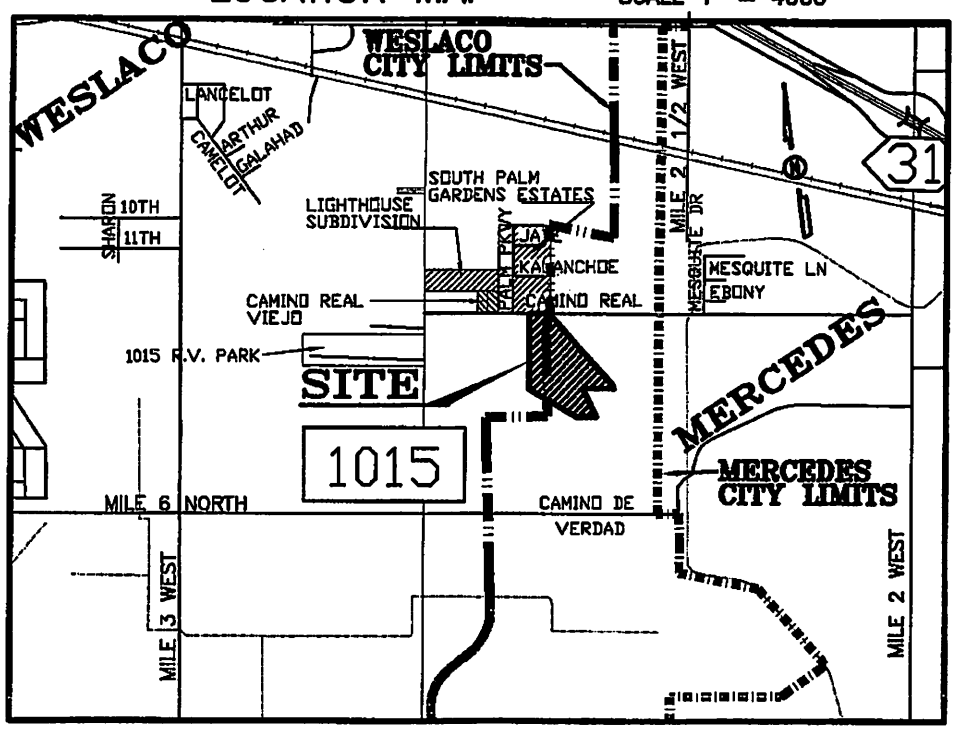
MIRA VISTA No. 2

RAINFALL INTENSITY FOR HIDALGO COUNTY								
TIME	10 YEAR	50 YEAR	TIME	10 YEAR	50 YEAR	TIME	10 YEAR	50 YEAR
(Min)	(In / Hr)	(In / Hr)	(Min)	(In / Hr)	(In / Hr)	(Min)	(In / Hr)	(In / Hr)
1	14.283	17.386	31	4.913	6.224	61	3.184	4.099
2	13.28	16.210	32	4.820	6.111	62	3.149	4.056
3	12.425	15.204	33	4.731	6.002	63	3.115	4.014
4	11.687	14.333	34	4.646	5.897	64	3.082	3.973
5	11.041	13.570	35	4.584	5.797	65	3.050	3.933
6	10.472	12.895	36	4.485	5.701	66	3.018	3.894
7	9.965	12.294	37	4.409	5.608	67	2.987	3.855
8	9.512	11.755	38	4.337	5.519	68	2.957	3.818
9	9.102	11.268	39	4.266	5.433	69	2.928	3.781
10	8.731	10.825	40	4.199	5.350	70	2.890	3.745
11	8.393	10.421	41	4.134	5.270	71	2.871	3.710
12	8.084	10.051	42	4.071	5.193	72	2.843	3.676
13	7.799	9.710	43	4.010	5.118	73	2.818	3.642
14	7.536	9.395	44	3.951	5.046	74	2.700	3.610
15	7.293	9.102	45	3.894	4.976	75	2.784	3.577
16	7.068	8.831	46	3.839	4.908	76	2.730	3.546
17	6.856	8.577	47	3.786	4.843	77	2.714	3.515
18	6.659	8.340	48	3.734	4.779	78	2.890	3.485
19	6.474	8.117	49	7.684	4.717	79	2.666	3.455
20	8.301	7.908	50	3.636	4.658	80	2.643	3.426
21	8.138	7.711	51	3.589	4.600	81	2.620	3.398
22	5.985	7.525	52	3.543	4.543	82	2.598	3.370
23	5.839	7.349	53	3.499	4.488	83	2.576	3.342
24	5.702	7.183	54	3.455	4.435	84	2.554	3.315
25	5.572	7.025	55	3.413	4.383	85	2.533	3.289
26	5.448	6.875	56	3.373	4.333	90	2.434	3.164
27	5.331	6.732	57	3.333	4.284	100	2.258	2.944
28	5.219	6.596	58	3.294	4.236	120	1.981	2.596
29	5.112	6.467	59	3.257	4.189	180	1.473	1.951
30	5.011	6.343	60	3.220	4.144	210	1.313	1.747

MIRA VISTA No. 2

LOCATION MAP

SCALE 1" = 4000'



QUINTANILLA, HEADLEY AND ASSOCIATES, INC.

CONSULTING ENGINEERS
124 E. STUBBS ST.
EDINBURG, TEXAS 78539
REGISTRATION NUMBER F-1513
SURVEYING REGISTRATION NUMBER 100411-00

LAND SURVEYORS
PHONE 956-381-6480
FAX 956-381-0527
ALFONSOQ@QHA-ENG.COM

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

HIDALGO COUNTY, TEXAS
(UNINCORPORATED AREAS)

ZONE "B"

PANEL 525 OF 525

COMMUNITY-PANEL NUMBER
480334 0525 B

EFFECTIVE DATE:
JANUARY 2, 1981

federal emergency management agency
federal insurance administration

KEY TO MAP

500-Year Flood Boundary	
100-Year Flood Boundary	ZONE B
Zone Designations* With Date of Identification e.g., 12/2/74	ZONE A2 DATE / ZONE A1 DATE
100-Year Flood Boundary	
500-Year Flood Boundary	ZONE B
Base Flood Elevation Line With Elevation In Feet**	513
Base Flood Elevation in Feet Where Uniform Within Zone**	(EL 987)
Elevation Reference Mark	RM7 ×
River Mile	• M1.5

**Referenced to the National Geodetic Vertical Datum of 1929

*EXPLANATION OF ZONE DESIGNATIONS

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
AO	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible, flood hazards.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V1-V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

NOTES TO USER

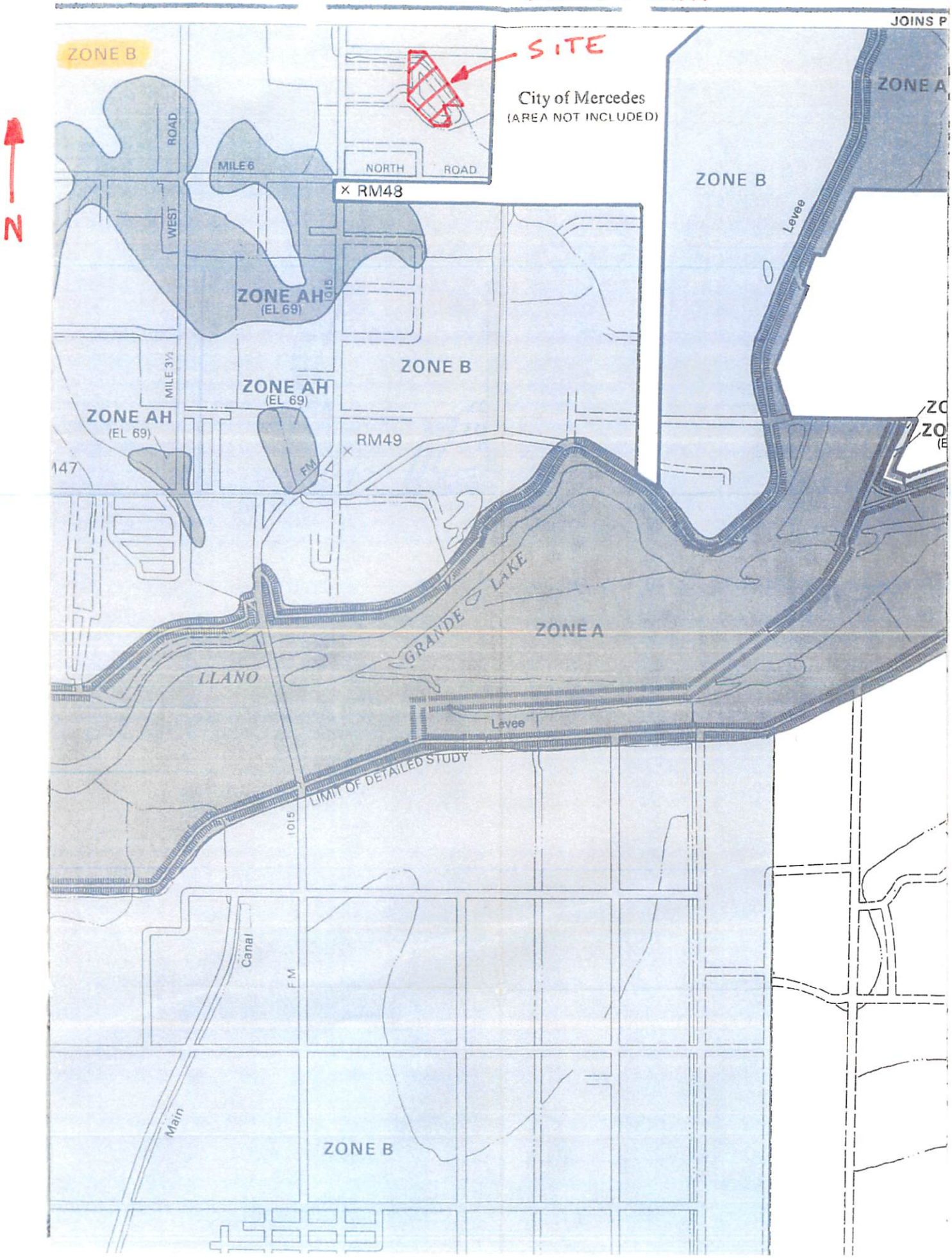
Certain areas not in the special flood hazard areas (zones A and V) may be protected by flood control structures.

This map is for flood insurance purposes only; it does not necessarily show all areas subject to flooding in the community or all planimetric features outside special flood hazard areas.

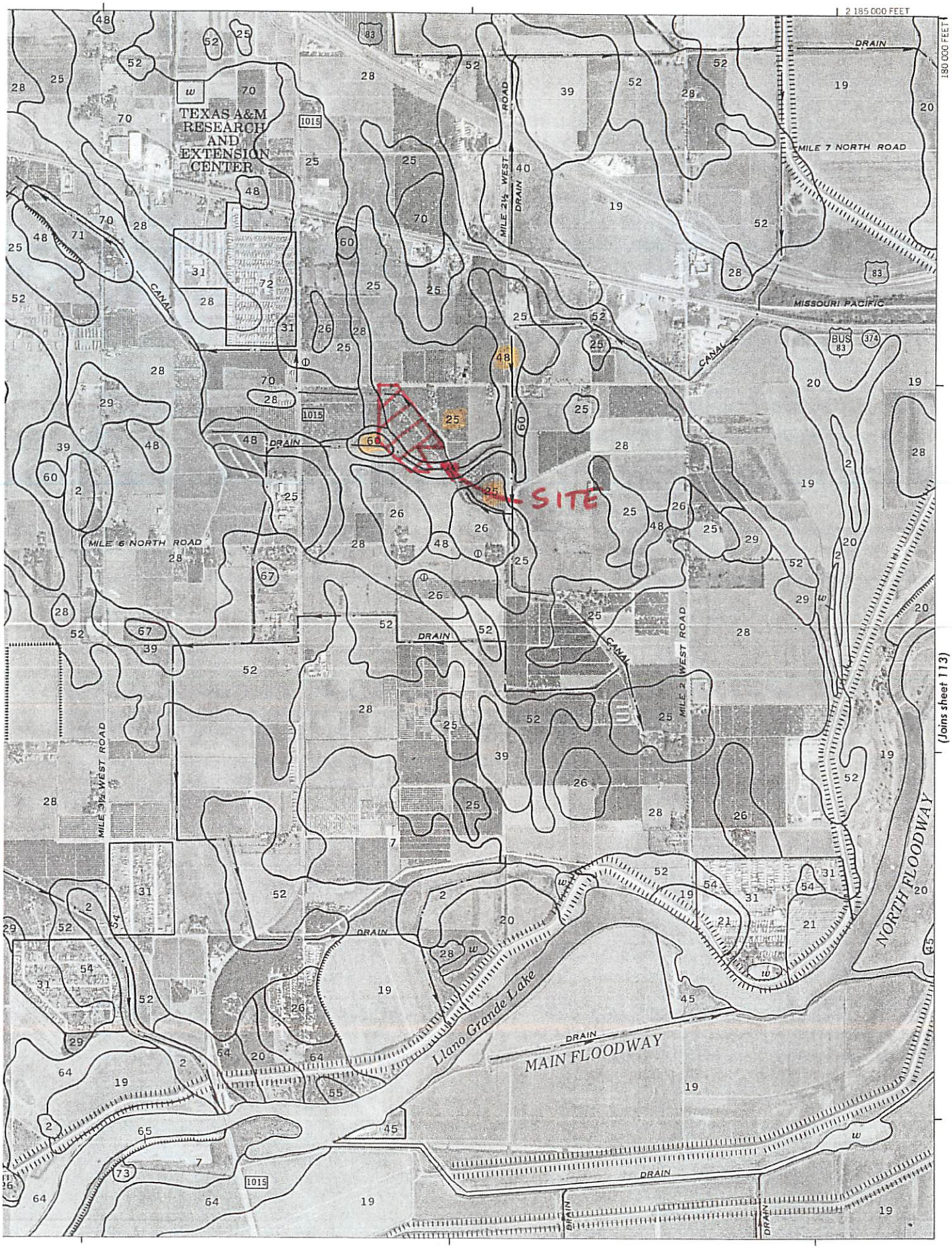
For adjoining map panels, see separately printed Index To Map Panels.

INITIAL IDENTIFICATION:
MAY 23, 1978

FEM. MAP


JOINS P
ZONE B
SITE
City of Mercedes
(AREA NOT INCLUDED)
ZONE A
ZONE B
Levee
N
ROAD
WEST
MILE 6
NORTH
ROAD
× RM48
ZONE AH
(EL 69)
1015
ZONE B
MILE 3½
ZONE AH
(EL 69)
ZONE AH
(EL 69)
RM49
FM
147
GRANDE LAKE
ZONE A
LLANO
Levee
LIMIT OF DETAILED STUDY
1015
Canal
FM
Main
ZONE B

Soil map



This map is compiled on 1975 aerial photography by the U. S. Department of Agriculture, Soil Conservation Service and cooperating agencies.

TABLE 16.--ENGINEERING INDEX PROPERTIES--Continued

Map symbol and soil name	Depth	USDA texture	Classification: Unified	Classification: AASHTO	Percentage passing sieve number--: 4	10	40	200	Liquid limit	Plasticity index
	In								Pct	
13:*										
Randado---------	0-9	Fine sandy loam	SM, SM-SC	A-2-4	75-100	70-100	70-100	20-35	<25	NP-7
	9-16	Fine sandy loam, sandy clay loam.	SC, SM-SC, GC	A-2-4, A-2-6, A-4, A-6	65-100	60-100	60-100	25-50	25-34	7-14
	16-60	Cemented---------	---	---	---	---	---	---	---	---
14---------- Falfurrias	0-80	Fine sand--------	SP-SM, SM	A-2-4, A-3	100	100	75-100	5-25	<25	NP-3
15---------- Grulla	0-7	Clay----------	CL, CH	A-7-6	100	100	100	90-100	41-55	20-30
	7-65	Silty clay, clay	CH	A-7-6	100	100	100	90-100	52-66	28-39
16, 17, 18------- Hargill	0-18	Fine sandy loam	SC, SM-SC, SM	A-2-4	100	95-100	95-100	17-35	<30	NP-8
	18-63	Sandy clay loam	SC, CL	A-6	100	95-100	95-100	40-55	30-40	11-20
	63-80	Sandy clay loam	SC	A-2-4, A-2-6, A-4, A-6	85-100	80-100	75-100	34-50	28-39	9-18
19, 20---------- Harlingen	0-8	Clay----------	CH	A-7-6	100	100	100	90-100	51-85	32-60
	8-35	Clay----------	CH	A-7-6	100	100	100	95-100	65-85	50-65
	35-72	Clay----------	CH	A-7-6	100	100	100	95-100	65-85	50-65
21:*										
Harlingen-------	0-8	Clay----------	CH	A-7-6	100	100	100	90-100	51-85	32-60
	8-35	Clay----------	CH	A-7-6	100	100	100	95-100	65-85	50-65
	35-72	Clay----------	CH	A-7-6	100	100	100	95-100	65-85	50-65
Urban land.										
22, 23, 24------- Hebbronville	0-17	Sandy loam-------	SM	A-2-4	100	100	75-100	13-24	<25	NP-4
	17-58	Fine sandy loam, loam.	SM, SM-SC	A-2-4	100	100	90-100	20-30	<30	NP-7
	58-65	Fine sandy loam, loam.	SM-SC, SC	A-2-4, A-4, A-2-6, A-6	95-100	90-100	90-100	20-40	20-30	4-13
25, 26, 27------- Hidalgo	0-17	Fine sandy loam	SC, SM-SC	A-4, A-6	100	95-100	90-100	36-50	20-30	4-11
	17-28	Sandy clay loam, clay loam.	SC, CL	A-6	100	95-100	90-100	36-80	30-40	11-20
	28-80	Clay loam, sandy clay loam.	CL, SC	A-6, A-7-6	90-100	80-100	75-99	44-80	30-44	11-23
28, 29, 30------- Hidalgo	0-17	Sandy clay loam	SC, CL	A-6	100	95-100	90-100	36-55	29-40	11-20
	17-28	Sandy clay loam, clay loam.	SC, CL	A-6	100	95-100	90-100	36-80	30-40	11-20
	28-80	Clay loam, sandy clay loam.	CL, SC	A-6, A-7-6	90-100	80-100	75-99	44-80	30-44	11-23
31:*										
Hidalgo---------	0-17	Sandy clay loam	SC, CL	A-6	100	95-100	90-100	36-50	29-40	11-20
	17-28	Sandy clay loam, clay loam.	SC, CL	A-6	100	95-100	90-100	36-80	30-40	11-20
	28-80	Clay loam, sandy clay loam.	CL, SC	A-6, A-7-6	90-100	80-100	75-99	44-80	30-44	11-23
Urban land.										

See footnote at end of table.

TABLE 16.--ENGINEERING INDEX PROPERTIES--Continued

Map symbol and soil name	Depth	USDA texture	Classification: Unified	Classification: AASHTO	Percentage passing sieve number--: 4	10	40	200	Liquid limit	Plasticity index
	In								Pct	
45,* 46,* 47.* Pits										
48, 49---------- Racombes	0-13	Sandy clay loam	CL, SC	A-4, A-6	100	100	95-100	45-65	27-35	8-15
	13-49	Sandy clay loam, clay loam.	CL, SC	A-6, A-7	100	95-100	90-100	45-65	34-43	15-22
	49-72	Sandy clay loam, clay loam.	CL, SC	A-6	90-100	80-100	80-95	40-65	30-40	11-20
50---------- Ramadero	0-21	Sandy clay loam	CL, SC	A-6, A-4	100	100	95-100	45-65	27-39	9-18
	21-65	Sandy clay loam, clay loam.	CL, SC	A-6, A-7	100	95-100	90-100	45-65	32-42	13-21
51:*										
Randado---------	0-9	Fine sandy loam	SM, SM-SC	A-2-4	75-100	70-100	70-100	20-35	<25	NP-7
	9-16	Fine sandy loam, sandy clay loam.	SC, SM-SC, GC	A-2-4, A-2-6, A-4, A-6	65-100	60-100	60-100	25-50	25-34	7-14
	16-60	Cemented---------	---	---	---	---	---	---	---	---
Cuevitas--------	0-8	Fine sandy loam	SM, SM-SC, SC	A-2-4	80-100	80-100	80-100	20-35	<28	NP-9
	8-60	Cemented---------	---	---	---	---	---	---	---	---
52, 53---------- Raymondville	0-15	Clay loam--------	CL	A-6, A-7-6	100	100	95-100	51-85	37-50	18-30
	15-43	Clay, clay loam	CL, CH	A-6, A-7-6	100	95-100	95-100	75-95	38-55	19-35
	43-65	Clay, clay loam	CL, CH	A-7-6	100	85-100	80-100	75-95	40-53	20-30
54:*										
Raymondville----	0-15	Clay loam--------	CL	A-6, A-7-6	100	100	95-100	51-85	37-50	18-30
	15-43	Clay, clay loam	CL, CH	A-6, A-7-6	100	95-100	95-100	75-95	38-55	19-35
	43-65	Clay, clay loam	CL, CH	A-7-6	100	85-100	80-100	75-95	40-53	20-30
Urban land.										
55, 56---------- Reynosa	0-15	Silty clay loam	CL, CL-ML	A-6, A-4, A-7-6	100	100	95-100	80-100	25-45	7-25
	15-48	Silty clay loam, silt loam.	CL	A-6, A-4, A-7-6	100	100	95-100	80-100	28-44	9-23
	48-65	Stratified silty clay loam to silt loam.	CL, CL-ML	A-6, A-4, A-7-6	100	100	90-100	70-100	20-49	4-29
57:*										
Reynosa---------	0-15	Silty clay loam	CL, CL-ML	A-6, A-4, A-7-6	100	100	95-100	80-100	25-45	7-25
	15-48	Silty clay loam, silt loam.	CL	A-6, A-4, A-7-6	100	100	95-100	80-100	28-44	9-23
	48-65	Stratified silty clay loam to silt loam.	CL, CL-ML	A-6, A-4, A-7-6	100	100	90-100	70-100	20-49	4-29
Urban land.										
58, 59---------- Rio	0-12	Fine sandy loam	SC, SM-SC	A-2-4, A-4	95-100	95-100	95-100	30-48	<30	5-10
	12-38	Clay loam, clay	CL, CH	A-7-6	95-100	95-100	95-100	75-95	43-57	21-32
	38-63	Clay loam, sandy clay, sandy clay loam.	CL	A-7-6	95-100	95-100	85-95	55-80	41-50	20-27

See footnote at end of table.

TABLE 16.--ENGINEERING INDEX PROPERTIES--Continued

Map symbol and soil name	Depth	USDA texture	Classification: Unified	Classification: AASHTO	Percentage passing sieve number--: 4	10	40	200	Liquid limit	Plasticity index
	In								Pct	
60, 61---------- Rio	0-12	Clay loam--------	CL	A-6, A-7	95-100	95-100	95-100	70-80	35-45	15-22
	12-38	Clay loam, clay	CL, CH	A-7-6	95-100	95-100	95-100	75-95	43-57	21-32
	38-63	Clay loam, sandy clay, sandy clay loam.	CL	A-7-6	95-100	95-100	85-95	55-80	41-50	20-27
62---------- Rio Grande	0-8	Silt loam--------	CL, CL-ML	A-4, A-6	100	100	95-100	70-95	20-30	4-12
	8-65	Stratified silt loam to loamy very fine sand.	CL, CL-ML	A-4, A-6	100	100	95-100	70-100	20-33	4-12
63---------- Rio Grande	0-8	Silty clay loam	CL	A-6, A-7	100	100	95-100	80-100	30-43	11-18
	8-65	Stratified silt loam to loamy very fine sand.	CL, CL-ML	A-4, A-6	100	100	95-100	70-100	20-33	4-12
64, 65---------- Runn	0-55	Silty clay--------	CH, CL	A-7-6	100	100	95-100	85-98	43-62	21-36
	55-65	Silty clay, silty clay loam, silt loam.	CH, CL, CL-ML	A-6, A-7-6, A-4	100	95-100	90-100	70-98	21-62	4-36
66---------- Sarita	0-48	Fine sand--------	SM-SC, SP-SM, SM	A-2-4, A-3	100	100	65-100	9-35	<25	NP-7
	48-80	Sandy clay loam, fine sandy loam.	SC	A-2-6, A-6	100	100	80-100	30-50	28-40	11-22
67---------- Tiocano	0-65	Clay----------	CH	A-7-6	100	100	95-100	85-100	56-76	33-49
68.* Urban land										
69.* Ustorthents										
70, 71---------- Willacy	0-14	Fine sandy loam	SC, SM-SC	A-2-4, A-4	100	100	95-100	30-45	20-30	5-10
	14-80	Sandy clay loam, fine sandy loam.	SC, CL	A-4, A-6	95-100	90-100	90-100	36-65	28-40	9-20
72:* Willacy---------	0-14	Fine sandy loam	SC, SM-SC	A-2-4, A-4	100	100	95-100	30-45	20-30	5-10
	14-80	Sandy clay loam, fine sandy loam.	SC, CL	A-4, A-6	95-100	90-100	90-100	36-65	28-40	9-20
Urban land.										
73---------- Zalla	0-9	Loamy fine sand	SP-SM, SM, SM-SC	A-2-4	95-100	95-100	70-85	10-25	<25	NP-7
	9-65	Loamy fine sand, fine sand, sand.	SP-SM, SM, SM-SC	A-2-4	95-100	95-100	70-85	10-25	<25	NP-7
74---------- Zalla	0-9	Silt loam--------	CL, CL-ML, ML	A-4, A-6	100	100	90-100	70-80	<30	NP-11
	9-65	Loamy fine sand, fine sand, sand.	SP-SM, SM, SM-SC	A-2-4	95-100	95-100	70-85	10-25	<25	NP-7

* See description of the map unit for composition and behavior characteristics of the map unit.

TABLE 17.--PHYSICAL AND CHEMICAL PROPERTIES OF THE SOILS--Continued

Map symbol and soil name	Depth	Clay	Permeability	Available water capacity	Soil reaction	Salinity	Shrink-swell potential	Erosion factors K	Erosion factors T	Organic matter
	In	Pct	In/hr	In/in	pH	Mmhos/cm				Pct
22, 23, 24-------- Hebbronville	0-17	8-15	2.0-6.0	0.07-0.14	6.6-7.8	<2	Low----------	0.20	5	<1
	17-58	12-18	2.0-6.0	0.11-0.17	6.6-8.4	<2	Low----------	0.24		
	58-65	10-17	2.0-6.0	0.11-0.17	7.9-8.4	<2	Low----------	0.24		
25, 26, 27-------- Hidalgo	0-17	15-20	0.6-2.0	0.08-0.15	7.9-8.4	<4	Low----------	0.24	5	1-3
	17-28	23-35	0.6-2.0	0.08-0.17	7.9-8.4	<4	Moderate-----	0.32		
	28-80	23-35	0.6-2.0	0.08-0.20	7.9-8.4	<4	Moderate-----	0.32		
28, 29---------- Hidalgo	0-17	20-30	0.6-2.0	0.08-0.17	7.9-8.4	<4	Moderate-----	0.32	5	1-3
	17-28	23-35	0.6-2.0	0.08-0.17	7.9-8.4	<4	Moderate-----	0.32		
	28-80	23-35	0.6-2.0	0.08-0.20	7.9-8.4	<4	Moderate-----	0.32		
30---------- Hidalgo	0-17	20-30	0.6-2.0	0.01-0.13	7.9-8.4	4-16	Moderate-----	0.32	5	1-3
	17-28	23-35	0.6-2.0	0.01-0.13	7.9-8.4	4-16	Moderate-----	0.32		
	28-80	23-35	0.6-2.0	0.01-0.15	7.9-9.0	4-16	Moderate-----	0.32		
31:*										
Hidalgo---------	0-17	20-30	0.6-2.0	0.08-0.17	7.9-8.4	<4	Moderate-----	0.32	5	1-3
	17-28	23-35	0.6-2.0	0.08-0.17	7.9-8.4	<4	Moderate-----	0.32		
	28-80	23-35	0.6-2.0	0.08-0.20	7.9-8.4	<4	Moderate-----	0.32		
Urban land.										
32:*										
Jimenez---------	0-8	12-24	0.6-2.0	0.05-0.10	7.9-8.4	<2	Low----------	0.10	1	1-3
	8-10	---	---	---	---	---	----------	----		
	10-60	---	---	---	---	---	----------	----		
Quemado---------	0-6	10-18	0.6-2.0	0.09-0.13	6.1-7.8	<2	Low----------	0.10	1	<1
	6-12	18-27	0.6-2.0	0.05-0.10	6.6-7.8	<2	Low----------	0.10		
	12-18	---	---	---	---	---	----------	----		
	18-60	---	---	---	---	---	----------	----		
33---------- Laredo	0-14	12-35	0.6-2.0	0.15-0.22	7.9-8.4	<2	Moderate-----	0.37	5	1-3
	14-65	18-35	0.6-2.0	0.13-0.20	7.9-8.4	<4	Moderate-----	0.43		
34---------- Matamoros	0-65	35-55	0.06-0.2	0.14-0.19	7.9-8.4	<4	Very high----	0.32	5	0.5-1
35, 36, 37, 38--- McAllen	0-14	14-25	0.6-2.0	0.11-0.16	7.9-8.4	<2	Low----------	0.24	5	0.5-1
	14-72	20-31	0.6-2.0	0.09-0.18	7.9-8.4	<4	Low----------	0.28		
39---------- Mercedes	0-19	40-60	<0.06	0.12-0.18	7.9-8.4	<4	Very high----	0.32	5	1-3
	19-57	45-60	<0.06	0.09-0.15	7.9-9.0	<8	Very high----	0.32		
	57-65	45-60	<0.06	0.06-0.20	7.9-9.0	>4	Very high----	0.32		
40---------- Mercedes	0-19	40-60	<0.06	0.02-0.12	7.9-9.0	>4	Very high----	0.32	5	1-3
	19-57	45-60	<0.06	0.02-0.09	7.9-9.0	>8	Very high----	0.32		
	57-65	45-60	<0.06	0.02-0.07	7.9-9.0	>8	Very high----	0.32		
41---------- Mercedes	0-19	40-60	<0.06	0.12-0.18	7.9-8.4	<4	Very high----	0.32	5	1-3
	19-57	45-60	<0.06	0.09-0.15	7.9-9.0	<8	Very high----	0.32		
	57-65	45-60	<0.06	0.06-0.20	7.9-9.0	>4	Very high----	0.32		
42---------- Nueces	0-29	2-12	2.0-6.0	0.05-0.10	6.1-7.3	<2	Low----------	0.17	5	<1
	29-72	18-34	0.2-0.6	0.12-0.17	6.6-8.4	<2	Moderate-----	0.24		
43:*										
Nueces----------	0-29	2-12	2.0-6.0	0.05-0.10	6.1-7.3	<2	Low----------	0.17	5	<1
	29-72	18-34	0.2-0.6	0.12-0.17	6.6-8.4	<2	Moderate-----	0.24		
Sarita----------	0-48	1-10	6.0-20	0.05-0.10	6.1-7.3	<2	Low----------	0.17	5	0.5-1
	48-80	18-35	2.0-6.0	0.13-0.19	5.6-8.4	<2	Moderate-----	0.24		
44---------- Olmito	0-47	35-55	0.2-0.6	0.13-0.18	7.9-8.4	<4	Very high----	0.32	5	1-3
	47-65	35-55	0.06-0.2	0.06-0.18	7.9-8.4	>4	Very high----	0.32		
45,* 46,* 47.* Pits										

See footnote at end of table.

TABLE 17.--PHYSICAL AND CHEMICAL PROPERTIES OF THE SOILS--Continued

Map symbol and soil name	Depth	Clay	Permeability	Available water capacity	Soil reaction	Salinity	Shrink-swell potential	Erosion factors K	Erosion factors T	Organic matter
	In	Pct	In/hr	In/in	pH	Mmhos/cm				Pct
48---------- Racombes	0-13	16-28	0.6-2.0	0.14-0.19	6.6-7.8	<2	Low----------	0.28	5	1-3
	13-49	25-34	0.6-2.0	0.15-0.20	6.6-8.4	<4	Moderate-----	0.32		
	49-72	26-34	0.6-2.0	0.15-0.20	7.9-8.4	<4	Low----------	0.32		
49---------- Racombes	0-13	16-28	0.6-2.0	0.04-0.12	6.6-7.8	4-16	Low----------	0.28	5	1-3
	13-49	26-34	0.6-2.0	0.04-0.13	6.6-8.4	4-16	Moderate-----	0.32		
	49-72	25-34	0.6-2.0	0.04-0.13	7.9-8.4	>4	Moderate-----	0.32		
50---------- Ramadero	0-21	16-34	0.6-2.0	0.14-0.19	6.6-8.4	<2	Moderate-----	0.28	5	1-3
	21-65	25-34	0.6-2.0	0.15-0.20	6.6-8.4	<4	Moderate-----	0.32		
51:*										
Randado---------	0-9	8-18	0.6-2.0	0.10-0.14	6.6-7.8	<2	Low----------	0.24	1	<1
	9-16	15-25	0.6-2.0	0.12-0.16	6.6-7.8	<2	Low----------	0.28		
	16-60	---	---	---	---	---	----------	----		
Cuevitas--------	0-8	7-18	0.6-2.0	0.10-0.14	6.6-7.8	<2	Low----------	0.20	1	0.5-1
	8-60	---	---	---	---	---	----------	----		
52---------- Raymondville	0-15	32-42	0.2-0.6	0.12-0.18	7.9-8.4	<4	High---------	0.32	5	1-3
	15-43	35-50	0.06-0.2	0.10-0.18	7.9-8.4	<4	High---------	0.32		
	43-65	35-45	0.06-0.2	0.10-0.18	7.9-8.4	<4	High---------	0.32		
53---------- Raymondville	0-15	32-42	0.2-0.6	0.04-0.11	7.9-8.4	4-16	High---------	0.28	5	1-3
	15-43	35-50	0.06-0.2	0.04-0.11	7.9-8.4	4-16	High---------	0.28		
	43-65	35-45	0.06-0.2	0.04-0.11	7.9-8.4	>4	High---------	0.32		
54:*										
Raymondville----	0-15	32-42	0.2-0.6	0.12-0.18	7.9-8.4	<4	High---------	0.32	5	1-3
	15-43	35-50	0.06-0.2	0.10-0.18	7.9-8.4	<4	High---------	0.32		
	43-65	35-45	0.06-0.2	0.10-0.18	7.9-8.4	<4	High---------	0.32		
Urban land.										
55---------- Reynosa	0-15	15-30	0.6-2.0	0.18-0.24	7.9-8.4	<2	Moderate-----	0.37	5	0.5-1
	15-48	18-35	0.6-2.0	0.15-0.24	7.9-8.4	<4	Moderate-----	0.43		
	48-65	18-35	0.6-2.0	0.12-0.22	7.9-8.4	<4	Low----------	0.43		
56---------- Reynosa	0-15	15-30	0.6-2.0	0.05-0.15	7.9-8.4	4-16	Moderate-----	0.37	5	0.5-1
	15-48	18-35	0.6-2.0	0.04-0.14	7.9-8.4	4-16	Moderate-----	0.43		
	48-65	18-35	0.6-2.0	0.04-0.14	7.9-8.4	4-16	Low----------	0.43		
57:*										
Reynosa---------	0-15	15-30	0.6-2.0	0.18-0.24	7.9-8.4	<2	Moderate-----	0.37	5	0.5-1
	15-48	18-35	0.6-2.0	0.15-0.24	7.9-8.4	<4	Moderate-----	0.43		
	48-65	18-35	0.6-2.0	0.12-0.22	7.9-8.4	<4	Low----------	0.43		
Urban land.										
58---------- Rio	0-12	12-20	2.0-6.0	0.14-0.18	6.6-7.8	<4	Low----------	0.24	5	1-3
	12-38	35-50	0.06-0.2	0.13-0.18	7.4-8.4	<4	Moderate-----	0.32		
	38-63	30-40	0.2-0.6	0.12-0.17	7.9-8.4	<4	Moderate-----	0.32		
59---------- Rio	0-12	12-20	2.0-6.0	0.04-0.12	6.6-7.8	4-16	Low----------	0.24	5	1-3
	12-38	35-50	0.06-0.2	0.04-0.11	7.4-8.4	4-16	Moderate-----	0.32		
	38-63	30-40	0.2-0.6	0.04-0.10	7.9-8.4	>4	Moderate-----	0.32		
60---------- Rio	0-12	20-35	0.6-2.0	0.15-0.20	6.6-7.8	<4	Moderate-----	0.32	5	1-3
	12-38	35-50	0.06-0.2	0.13-0.18	7.4-8.4	<4	Moderate-----	0.32		
	38-63	30-40	0.2-0.6	0.12-0.17	7.9-8.4	<4	Moderate-----	0.32		
61---------- Rio	0-12	20-35	0.6-2.0	0.04-0.12	6.6-7.8	4-16	Moderate-----	0.32	5	1-3
	12-38	35-50	0.06-0.2	0.04-0.11	7.4-8.4	4-16	Moderate-----	0.32		
	38-63	30-40	0.2-0.6	0.04-0.10	7.9-8.4	>4	Moderate-----	0.32		
62---------- Rio Grande	0-8	9-18	2.0-6.0	0.13-0.24	7.9-8.4	<4	Low----------	0.49	5	0.5-1
	8-65	9-18	2.0-6.0	0.13-0.24	7.9-8.4	<4	Low----------	0.49		

See footnote at end of table.

TABLE 18.--SOIL AND WATER FEATURES

["Flooding" and "water table" and terms such as "rare," "brief," "apparent," and "perched" are explained in the text. The symbol > means more than. Absence of an entry indicates that the feature is not a concern]

Map symbol and soil name	Hydrologic group	Flooding			High water table			Cemented pan		Risk of corrosion	
		Frequency	Duration	Months	Depth	Kind	Months	Depth	Hardness	Uncoated steel	Concrete
					Ft			In			
1.* Arents											
2 Benito	D	Occasional	Long	Sep-May	4.0-6.0	Apparent	Sep-May	---	---	High	Low.
3, 4 Brennan	B	None	---	---	>6.0	---	---	---	---	Moderate	Low.
5, 6 Camargo	B	Rare	Brief	Sep-May	>6.0	---	---	---	---	Moderate	Low.
7 Cameron	D	None	---	---	5.0-6.0	Apparent	Sep-May	---	---	High	Low.
8 Comitas	A	None	---	---	>6.0	---	---	---	---	Low	Low.
9, 10, 11 Delfina	B	None	---	---	2.5-5.0	Apparent	Sep-May	---	---	High	Low.
12 Delmita	C	None	---	---	>6.0	---	---	20-40	Thin	Moderate	Low.
13:*											
Delmita	C	None	---	---	>6.0	---	---	20-40	Thin	Moderate	Low.
Randado	C	None	---	---	>6.0	---	---	8-20	Thin	Moderate	Low.
14 Falfurrias	A	None	---	---	>6.0	---	---	---	---	Low	Low.
15** Grulla	D	Frequent	Very long	Sep-May	+2-6.0	Apparent	Sep-May	---	---	High	Low.
16, 17, 18 Hargill	B	None	---	---	>6.0	---	---	---	---	High	Low.
19 Harlingen	D	None	---	---	>6.0	---	---	---	---	High	Low.
20 Harlingen	D	None	---	---	5.0-6.0	---	---	---	---	High	Moderate.
21:*											
Harlingen	D	None to rare	---	---	>6.0	---	---	---	---	High	Low.
Urban land.											
22, 23, 24 Hebbronville	B	None	---	---	>6.0	---	---	---	---	Low	Low.
25, 26, 27, 28, 29 Hidalgo	B	None	---	---	>6.0	---	---	---	---	High	Low.
30 Hidalgo	B	None	---	---	2.5-5.0	Apparent	Sep-May	---	---	High	Low.
31:*											
Hidalgo	B	None	---	---	>6.0	---	---	---	---	High	Low.
Urban land.											
32:*											
Jimenez	C	None	---	---	>6.0	---	---	7-20	Thin	High	Low.

See footnotes at end of table.

TABLE 18.--SOIL AND WATER FEATURES--Continued

Map symbol and soil name	Hydrologic group	Flooding			High water table			Cemented pan		Risk of corrosion	
		Frequency	Duration	Months	Depth	Kind	Months	Depth	Hardness	Uncoated steel	Concrete
					Ft			In			
32:*											
Quemado	C	None	---	---	>6.0	---	---	10-20	Thin	Moderate	Low.
33 Laredo	B	None	---	---	>6.0	---	---	---	---	High	Low.
34 Matamoros	C	Occasional	Long	Sep-May	>6.0	---	---	---	---	High	Low.
35, 36, 37, 38 McAllen	C	None	---	---	>6.0	---	---	---	---	High	Low.
39, 40, 41 Mercedes	D	None	---	---	>6.0	---	---	---	---	High	Low.
42 Nueces	C	None	---	---	>6.0	---	---	---	---	Moderate	Low.
43:*											
Nueces	C	None	---	---	>6.0	---	---	---	---	Moderate	Low.
Sarita	A	None	---	---	>6.0	---	---	---	---	Low	Low.
44, 44 Olmito	D	None	---	---	>6.0	---	---	---	---	High	Low.
45,* 46,* 47.* Pits											
48 Racombes	B	Rare	---	---	>6.0	---	---	---	---	High	Low.
49 Racombes	B	Rare	---	---	1.5-4.5	Apparent	Sep-May	---	---	High	Low.
50 Ramadero	B	Common	Brief	Sep-May	>6.0	---	---	---	---	High	Low.
51:*											
Randado	C	None	---	---	>6.0	---	---	8-20	Thin	Moderate	Low.
Cuevitas	D	None	---	---	>6.0	---	---	8-14	Thin	Moderate	Low.
52 Raymondville	D	None	---	---	>6.0	---	---	---	---	High	Low.
53 Raymondville	D	None	---	---	2.5-4.5	Apparent	Sep-May	---	---	High	Low.
54:*											
Raymondville	D	None	---	---	>6.0	---	---	---	---	High	Low.
Urban land.											
55 Reynosa	B	None	---	---	>6.0	---	---	---	---	High	Low.
56 Reynosa	B	None	---	---	1.5-4.5	Apparent	Sep-May	---	---	High	Low.
57:*											
Reynosa	B	None	---	---	>6.0	---	---	---	---	High	Low.
Urban land.											
58** Rio	D	Frequent	Long	Sep-May	+2-6.0	Apparent	Sep-May	---	---	High	Low.
59** Rio	D	Frequent	Long	Sep-May	+2-4.5	Apparent	Sep-May	---	---	High	Low.

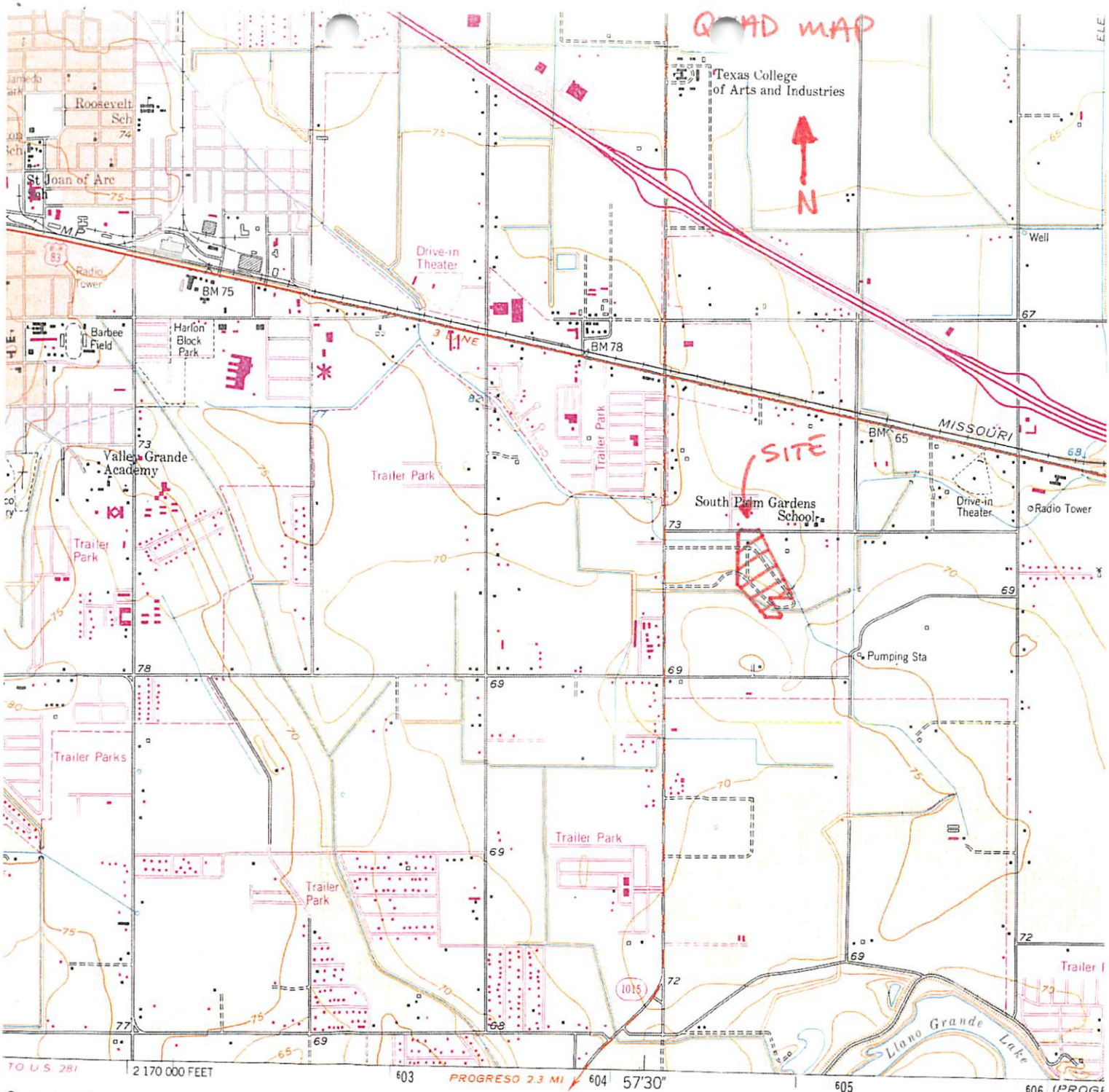
See footnotes at end of table.

TABLE 18.--SOIL AND WATER FEATURES--Continued

Map symbol and soil name	Hydrologic group	Flooding			High water table			Cemented pan		Risk of corrosion	
		Frequency	Duration	Months	Depth	Kind	Months	Depth	Hardness	Uncoated steel	Concrete
					Ft			In			
60**---------- Rio	D	Frequent----	Long------	Sep-May	+2-6.0	Apparent	Sep-May	---	---	High-----	Low.
61**---------- Rio	D	Frequent----	Long------	Sep-May	+2-4.5	Apparent	Sep-May	---	---	High-----	Low.
62, 63---------- Rio Grande	B	Rare--------	Brief-----	Sep-May	>6.0	---	---	---	---	High-----	Low.
64---------- Runn	D	None--------	---	---	>6.0	---	---	---	---	High-----	Low.
65---------- Runn	D	None--------	---	---	2.5-5.0	Apparent	Sep-May	---	---	High-----	Low.
66---------- Sarita	A	None--------	---	---	>6.0	---	---	---	---	Low------	Low.
67**---------- Tiocano	D	Frequent----	Long------	Sep-May	+3-6.0	Perched	Sep-May	---	---	High-----	Low.
68.* Urban land											
69.* Ustorthents											
70, 71---------- Willacy	B	None--------	---	---	>6.0	---	---	---	---	Moderate	Low.
72:* Willacy----------	B	None--------	---	---	>6.0	---	---	---	---	Moderate	Low.
Urban land.											
73---------- Zalla	A	Occasional	Brief-----	Sep-May	>6.0	---	---	---	---	High-----	Low.
74---------- Zalla	A	Rare--------	Brief-----	Sep-May	>6.0	---	---	---	---	High-----	Low.

* See description of the map unit for composition and behavior characteristics of the map unit.

** In the "High water table--Depth" column, a plus sign preceding the range in depth indicates that the water table is above the surface of the soil. The first numeral in the range indicates how high the water rises above the surface. The second numeral indicates the depth below the surface.



Geological Survey

S. Bureau of Reclamation

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Datum 1983
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ticks

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MN
GN
0°28'
8 MILS
7½°
133 MILS

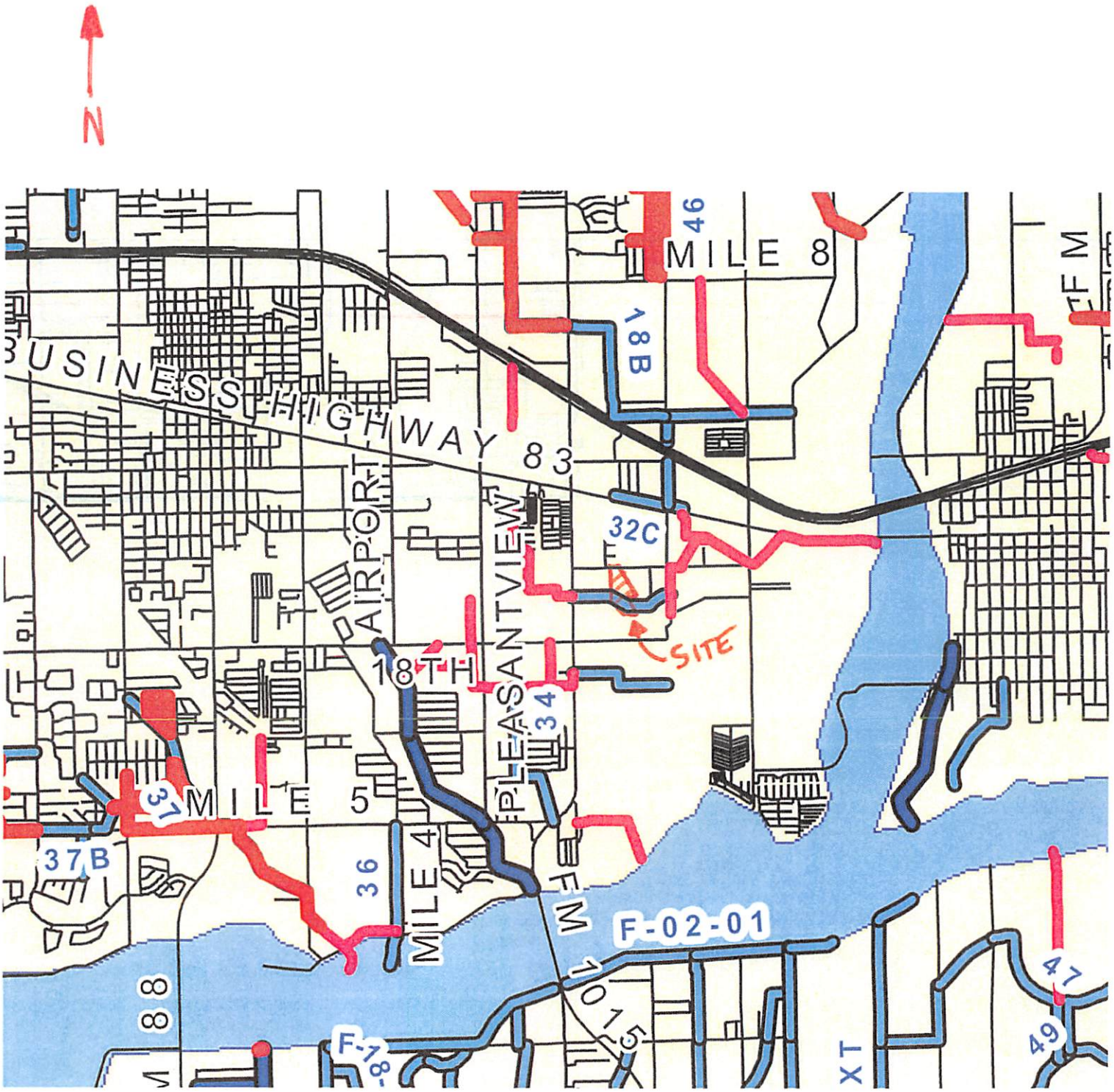
UTM GRID AND 1983 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

Revisions shown in purple and woodland compiled from aerial photographs taken 1980 and other source data
This information not field checked. Map edited 1983

SCALE 1

CONTOUR INTE
NATIONAL GEODETIC VER

THIS MAP COMPLIES WITH NATION
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER,
A FOLDER DESCRIBING TOPOGRAPHIC MAPS


N
BUSINESS HIGHWAY 83
MILE 8
MILE 5
MILE 4
18TH
AIRPORT
PLEASANTVIEW
SITE
F-02-01
46
18B
32C
34
37
37B
36
47
49
F-17-88

H.C.D.D. No. 1

TABLE IA
FLOWRATE DETERMINANTION
MIRA VISTA No. 2

COMPUTATION POINT	TOTAL DRAINAGE AREA CONTRIBUTING TO POINT (acres)	C	TIME (SEE TABLE 1) (minutes)	RETURN FREQUENCY (years)	INTENSITY (in./hr.)	FLOWRATE (c.f.s.)	PIPE DIMENSION (Slope & Dia.)	Pipe Flowrate (c.f.s.)
D.A. No. 1	1.600	0.5	38.89	10	4.275	3.42	0.50%	
D.A. No. 2 - D.A. No. 2	1.600	0.5	39.17	10	4.255	3.42	2	17.37
D.A. No. 2	2.530	0.5	38.89	10	4.275	5.41	0.38%	
D.A. No. 2 - D.A. No. 4	4.130	0.5	40.28	10	4.181	8.83	2	15.14
D.A. No. 3	2.230	0.5	38.89	10	4.275	4.77	0.50%	
D.A. No. 3 - D.A. No. 4	2.230	0.5	39.17	10	4.255	4.77	2	17.37
D.A. No. 4	1.250	0.5	38.89	10	4.275	2.67	1.00%	
D.A. No. 4 - D.A. No. 5	7.610	0.5	40.00	10	4.199	16.26	2	24.56
D.A. No. 5	1.800	0.5	38.89	10	4.275	3.85	0.56%	
D.A. No. 5 - D.A. No. 6	9.410	0.5	39.09	10	4.261	20.11	2.5	33.32
D.A. No. 6	2.620	0.5	38.89	10	4.275	5.60	0.25%	
D.A. No. 6 - OUTFALL	12.030	0.5	40.00	10	4.199	25.71	3	36.21

FORMULA FOR INTENSITY
USING THE RATIONAL METHOD, AS PER
"TXDOT BRIDGE HYDRAULIC MANUAL"

$$I = \frac{b}{(Tc + d)^e}$$

STATE OF TEXAS
MARCO A. GONZALEZ
120016
LICENSED
PROFESSIONAL ENGINEER

4-3-20

TABLE I
TIME OF CONCETRATION DETERMINANTION
MIRA VISTA No. 2

COMPUTATION POINT	DESCRIPTION OF RUNOFF MEDIUM	OVERLAND FLOW				CHANNEL, PIPE, STREET, ETC. FLOW					
		C	LENGTH (FT.)	GRADE (%)	TIME (MIN)	WIDTH/DIA. (FT)	GRADE (%)	LENGTH (FT)	VELOCITY (FPS)	TIME (MIN)	TOTAL TIME (MIN)
D.A. No. 1	Overland & Gutter	0.5	150		16.67			400.00	0.30	22.22	38.89
D.A. No. 2 - D.A. No. 2	Pipe Flow	0.5						50.00	3.00	0.28	39.17
D.A. No. 2	Overland & Gutter	0.5	150		16.67			400.00	0.30	22.22	38.89
D.A. No. 2 - D.A. No. 4	Pipe Flow	0.5						250.00	3.00	1.39	40.28
D.A. No. 3	Overland & Gutter	0.5	150		16.67			400.00	0.30	22.22	38.89
D.A. No. 3 - D.A. No. 4	Pipe Flow	0.5						50.00	3.00	0.28	39.17
D.A. No. 4	Overland & Gutter	0.5	150		16.67			400.00	0.30	22.22	38.89
D.A. No. 4 - D.A. No. 5	Pipe Flow	0.5						200.00	3.00	1.11	40.00
D.A. No. 5	Overland & Gutter	0.5	150		16.67			400.00	0.30	22.22	38.89
D.A. No. 5 - D.A. No. 6	Pipe Flow	0.5						36.00	3.00	0.20	39.09
D.A. No. 6	Overland & Gutter	0.5	150		16.67			400.00	0.30	22.22	38.89
D.A. No. 6 - OUTFALL	Pipe Flow	0.5						200.00	3.00	1.11	40.00

FORMULA FOR TIME OF CONCENTRATION
USING THE RATIONAL METHOD, AS PER
"TXDOT BRIDGE HYDRAULIC MANUAL"

$$Tc = \frac{L}{(V \times 60)}$$

HIDALGO COUNTY DRAINAGE DISTRICT No. 1
RAUL E. SESIN, PE, CFM
District General Manager
Hidalgo County Floodplain Administrator

BOARD OF DIRECTORS

DAVID L. FUENTES	EDUARDO "EDDIE" CANTU	RICHARD F. CORTEZ	JOE M. FLORES	ELLIE TORRES
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April 29, 2020

Mike R. Perez
City Manager
255 S. Kansas Ave.
Weslaco, Texas 78596

RE: MIRA VISTA No. 2

Dear Mr. Perez,

This letter is in response to a request from the Engineer of record for Mira Vista No. 2, Alfonso Quintanilla, P.E. Our office is in the process of reviewing the proposed drainage statement for the above-mentioned development and sees no objections to his plan, to discharge into the existing HCCID No. 9 ditch and allow for the development to account for their runoff volume by excavating along the ditch. We understand that even though the above-mentioned subdivision is partly within the city limits of Weslaco and Mercedes ETJ, it will be processed through the City of Weslaco. With that stated, our office accepts that some municipalities have higher standards and require the detention to be on-site, but wanted to respond to the engineer's request with this letter, stating that our office has no objection with the widening of the ditch to account for runoff volume.

If you have any questions or need additional information, please feel free to give our office a call at (956) 292-7080.

Sincerely,
Hidalgo County Drainage District No. 1

Jorge A. Gonzalez, PE, SIT, CFM
District Engineer III

CC: Mr. Raul E. Sesin, PE CFM – Hidalgo County Drainage District General Manager

902 N. Doolittle Road • Edinburg, Texas 78542 | Office 956 292.7080 • Fax 956 292.7089
www.hcdd1.org

General Office

(956) 565-2411
(956) 565-0521 Fax

E-Mail
hccid9general@hccid9.org

RANDALL WINSTON P.E.
General Manager

JUDY BEALL
Tax Assessor-Collector

P O Box 237 Mercedes, Texas 78570

May 13th, 2020

Mr. Eulalio Ramirez, P.E.
Quintanilla, Headley & Associates
124 E. Stubbs
Edinburg, Texas 78539

RE: **Mira Vista Phase II** Subd. Drainage and Detention

Good morning Mr. Ramirez:

I have received your revised cross sections and calculations dated 4/29/2020 for the Mira Vista PHASE II Subdivision modified to include the 50 year detention volume in the lower portion of the drain ditch as shown on your provided cross sections.

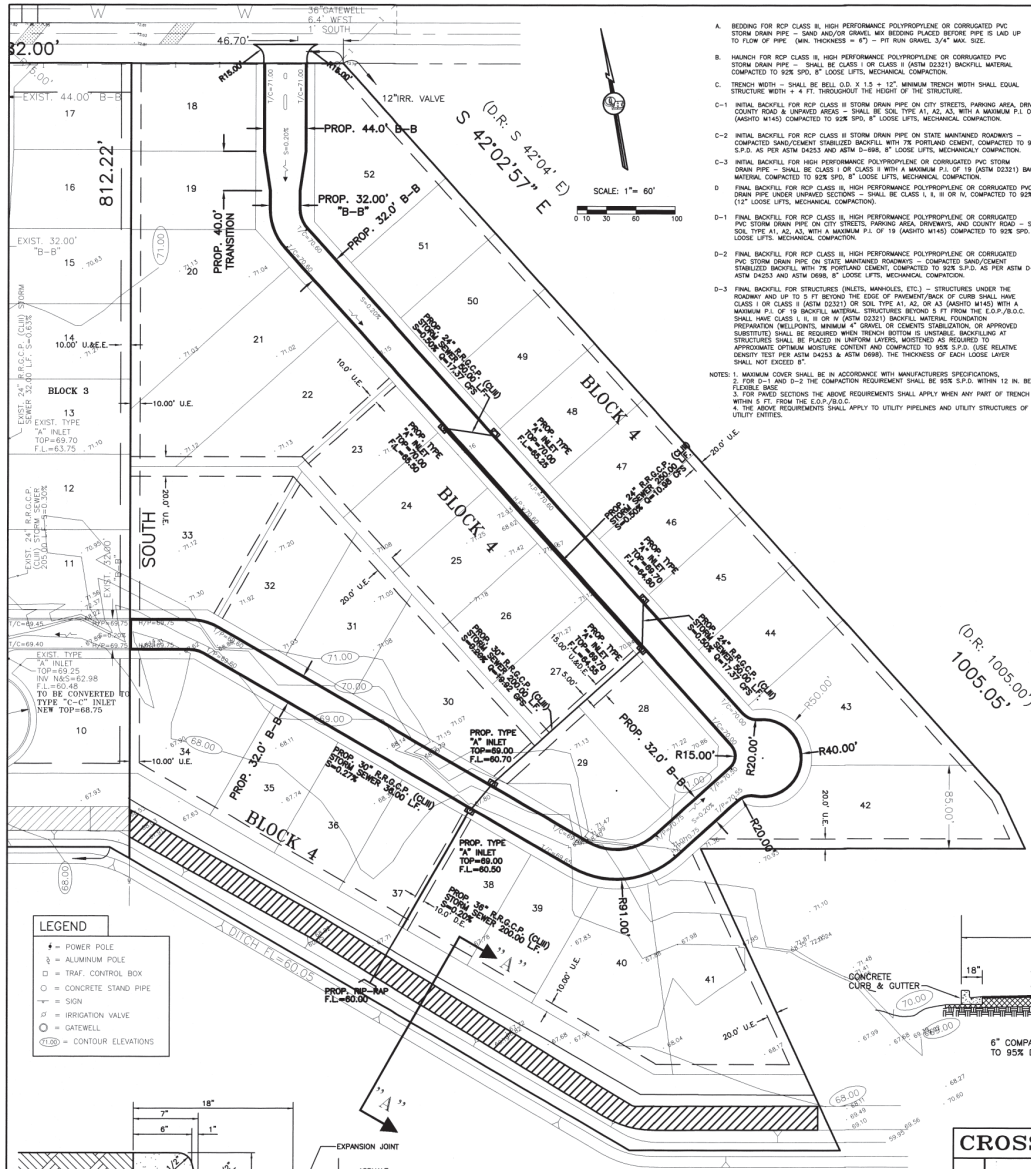
HCCID #9 does not object to storing the mandated 50 year detention within the ditch on the proposed excavated lower level as shown on the cross sections. The maintenance of this section is within the City Limits of Weslaco and will be by their personnel. Please verify final design of with Mr. Albert Adana, P.E., City Engineer with the City of Weslaco.

If you have any questions, please feel free to call.

Sincerely,

Randall Winston
General Manager

HCCID #9
Mercedes, Texas
956-565-2411



A. BEDDING FOR RCP CLASS III, HIGH PERFORMANCE POLYPROPYLENE OR CORRUGATED PVC STORM DRAIN PIPE – SAND AND/OR GRAVEL MIX BEDDING PLACED BEFORE PIPE IS LAID UP TO FLOW OF PIPE (MIN. THICKNESS = 8") – PIT RUN GRAVEL 3/4" MAX. SIZE.

B. HAUNCH FOR RCP CLASS III, HIGH PERFORMANCE POLYPROPYLENE OR CORRUGATED PVC STORM DRAIN PIPE – SHALL BE CLASS I OR CLASS II (ASTM D2321) BACKFILL MATERIAL COMPACTED TO 92% SPD, 8" LOOSE LIFTS, MECHANICAL COMPACTION.

C. TRENCH WIDTH – SHALL BE BELL O.D. X 1.5 + 12" MINIMUM TRENCH WIDTH SHALL EQUAL STRUCTURE WIDTH + 4 FT. THROUGHOUT THE HEIGHT OF THE STRUCTURE.

C-1 INITIAL BACKFILL FOR RCP CLASS III STORM DRAIN PIPE ON CITY STREETS, PARKING AREA, DRIVEWAYS, COUNTY ROAD & UNPAVED AREAS – SHALL BE SOIL TYPE A1, A2, A3, WITH A MAXIMUM P.I. OF 19 (AASHTO M145) COMPACTED TO 92% SPD, 8" LOOSE LIFTS, MECHANICAL COMPACTION.

C-2 INITIAL BACKFILL FOR RCP CLASS III STORM DRAIN PIPE ON STATE MAINTAINED ROADWAYS – COMPACTED SAND/CEMENT STABILIZED BACKFILL WITH 7% PORTLAND CEMENT, COMPACTED TO 92% S.P.D. AS PER ASTM D4253 AND ASTM D-698, 8" LOOSE LIFTS, MECHANICALY COMPACTION.

C-3 INITIAL BACKFILL FOR HIGH PERFORMANCE POLYPROPYLENE OR CORRUGATED PVC STORM DRAIN PIPE – SHALL BE CLASS I OR CLASS II WITH A MAXIMUM P.I. OF 19 (ASTM D2321) BACKFILL MATERIAL COMPACTED TO 92% SPD, 8" LOOSE LIFTS, MECHANICAL COMPACTION.

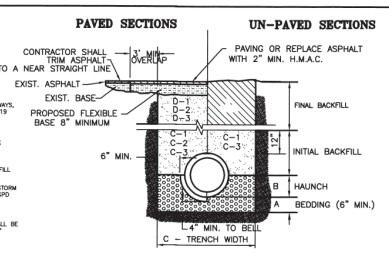
D FINAL BACKFILL FOR RCP CLASS III, HIGH PERFORMANCE POLYPROPYLENE OR CORRUGATED PVC STORM DRAIN PIPE UNDER UNPAVED SECTIONS – SHALL BE CLASS I, II, III OR IV, COMPACTED TO 92% SPD (12" LOOSE LIFTS, MECHANICAL COMPACTION).

D-1 FINAL BACKFILL FOR RCP CLASS III, HIGH PERFORMANCE POLYPROPYLENE OR CORRUGATED PVC STORM DRAIN PIPE ON CITY STREETS, PARKING AREA, DRIVEWAYS, AND COUNTY ROAD – SHALL BE SOIL TYPE A1, A2, A3, WITH A MAXIMUM P.I. OF 19 (AASHTO M145) COMPACTED TO 92% SPD. 8" LOOSE LIFTS. MECHANICAL COMPACTION.

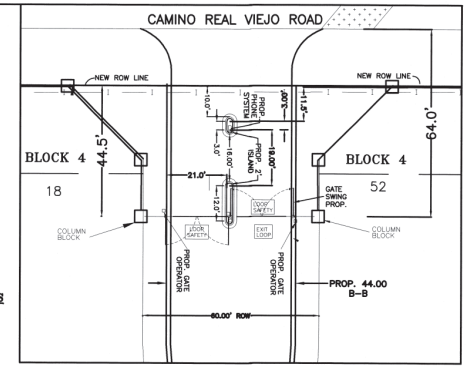
D-2 FINAL BACKFILL FOR RCP CLASS III, HIGH PERFORMANCE POLYPROPYLENE OR CORRUGATED PVC STORM DRAIN PIPE ON STATE MAINTAINED ROADWAYS – COMPACTED SAND/CEMENT STABILIZED BACKFILL WITH 7% PORTLAND CEMENT, COMPACTED TO 92% S.P.D. AS PER ASTM D-4253 AND ASTM D4253 AND ASTM D698, 8" LOOSE LIFTS, MECHANICAL COMPACTION.

D-3 FINAL BACKFILL FOR STRUCTURES (INLETS, MANHOLES, ETC.) – STRUCTURES UNDER THE ROADWAY AND UP TO 5 FT BEYOND THE EDGE OF PAVEMENT/BACK OF CURB SHALL HAVE CLASS I OR CLASS II (ASTM D2321) OR SOIL TYPE A1, A2, OR A3 (AASHTO M145) WITH A MAXIMUM P.I. OF 19 BACKFILL MATERIAL. STRUCTURES BEYOND 5 FT FROM THE E.O.P./B.O.C. SHALL HAVE CLASS I, II, III OR IV (ASTM D2321) BACKFILL MATERIAL FOUNDATION PREPARATION (WELLPOINTS, MINIMUM 4" GRAVEL OR CEMENTS STABILIZATION, OR APPROVED SUBSTITUTE) SHALL BE REQUIRED WHEN TRENCH BOTTOM IS UNSTABLE. BACKFILLING AT STRUCTURES SHALL BE PLACED IN UNIFORM LAYERS, MOISTENED AS REQUIRED TO APPROXIMATE OPTIMUM MOISTURE CONTENT AND COMPACTED TO 95% S.P.D. (USE RELATIVE DENSITY TEST PER ASTM D4253 & ASTM D698). THE THICKNESS OF EACH LOOSE LAYER SHALL NOT EXCEED 8".

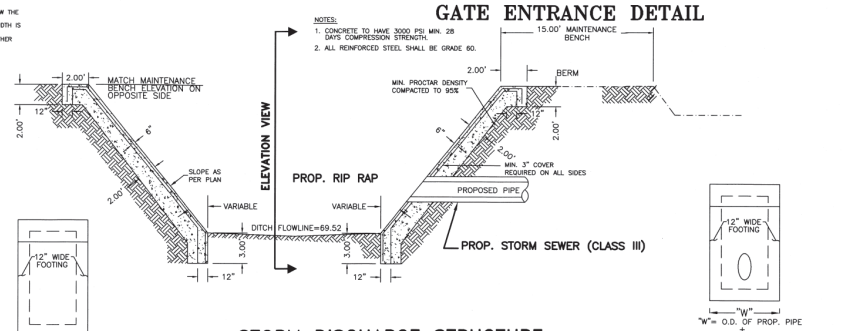
NOTES: 1. MAXIMUM COVER SHALL BE IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS.
2. FOR D-1 AND D-2 THE COMPACTION REQUIREMENT SHALL BE 95% S.P.D. WITHIN 12 IN. BELOW THE FLEXIBLE BASE
3. FOR PAVED SECTIONS THE ABOVE REQUIREMENTS SHALL APPLY WHEN ANY PART OF TRENCH WIDTH IS WITHIN 5 FT. FROM THE E.O.P./B.O.C.
4. THE ABOVE REQUIREMENTS SHALL APPLY TO UTILITY PIPELINES AND UTILITY STRUCTURES OF OTHER UTILITY ENTITIES.



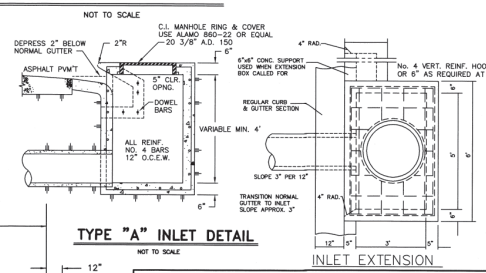
STORM TRENCH BEDDING AND BACKFILL DETAILS
N.T.S.



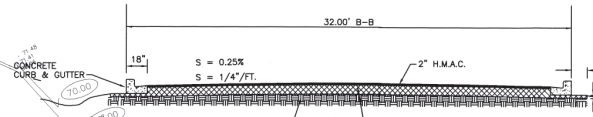
GATE ENTRANCE DETAIL



STORM DISCHARGE STRUCTURE



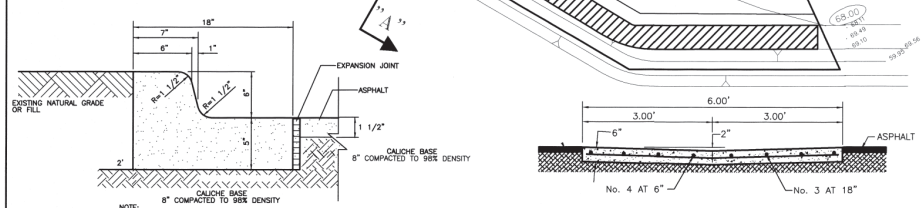
TYPE "A" INLET DETAIL
NOT TO SCALE



STREET SECTION
NOT TO SCALE

NOTE:
98% COMPACTION ON ALL PAVEMENT, SANITARY SEWERLINE AND WATERLINE ITEMS

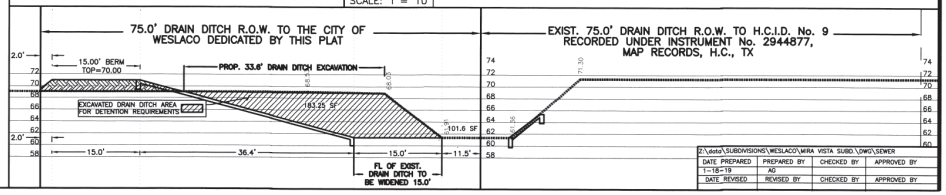
NOTES:
1.– DIRT EXCAVATED FROM DRAIN DITCH SHALL BE SPREAD AT LOCATION DETERMINED BY ENGINEER.
2.– ALL UTILITIES MUST HAVE 98% COMPACTION.



INTEGRAL CURB & GUTTER
N.T.S.

CONC. VALLEY GUTTER
NOT TO SCALE

CROSS SECTION "A-A"
SCALE: 1"= 10'



2:\data\SUBDIVISIONS\WESLACO\MIRA VISTA SUBD.\DWG\SEWER			
DATE PREPARED	PREPARED BY	CHECKED BY	APPROVED BY
1-18-19	AG		
DATE REVISED	REVISED BY	CHECKED BY	APPROVED BY

JOB NO.	
DATE	1-18-19
REVISION	
SCALE	1"=60'
DRAWN BY	AG
SHEET	

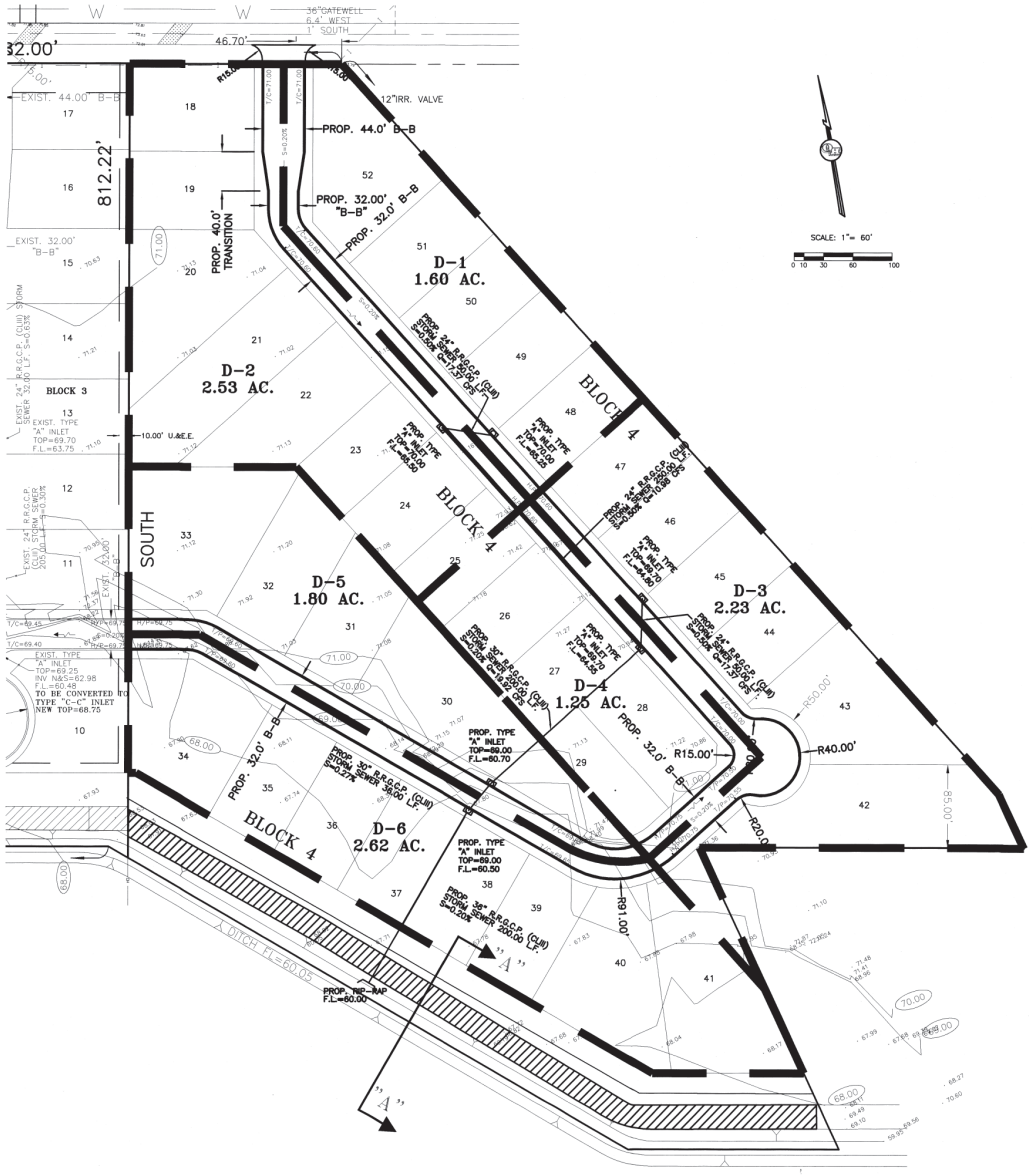
MIRA VISTA No. 2

PAVING & DRAINAGE LAYOUT

2-25-20

MARCO A. GONZALEZ 120016 LICENSED PROFESSIONAL ENGINEER STATE OF TEXAS

QUINTANILLA, HEADLEY AND ASSOCIATES, INC.
CONSULTING ENGINEERS
2021 S. 17TH ST.
EDINBURG, TEXAS 78539
ENGINEERING REGISTRATION NUMBER F-1513
SURVEYING REGISTRATION NUMBER 100411-00
LAND SURVEYORS
PHONE 956-381-0587
FAX 956-381-0527
ALFONSO@QHA-ENG.COM



SCALE: 1"= 60'

0 10 30 60 100

LEGEND

- = POWER POLE
- = ALUMINUM POLE
- = TRAF. CONTROL BOX
- = CONCRETE STAND PIPE
- = SIGN
- = IRRIGATION VALVE
- = GATEWELL
- (71.00) = CONTOUR ELEVATIONS

LEGEND

TOTAL DETENTION REQUIRED – 98,156.37 C.F.

TOTAL DETENTION PROVIDED – 116,460.00 C.F.

(121.6 S.F. * 540.0 L.F) + (99.6 S.F. X 510.0 L.F.)

TOTAL DETENTION EXCAVATED– 127,422.00 C.F.

(141.9 S.F. * 540.0 L.F) + (99.6 S.F. X 510.0 L.F.)

NOTE:
DIRT EXCAVATED FROM DRAIN DITCH SHALL BE SPREAD AT LOCATION DETERMINED BY ENGINEER

JOB NO.	
DATE	12-12-2019
REVISION	
SCALE	1"=60'
DRAWN BY	ALEX G
SHEET	

MIRA VISTA No. 2
DRAINAGE AREAS

12-23-19

MARCO A. GONZALEZ
LICENSED
130016
PROFESSIONAL ENGINEER
STATE OF TEXAS

QUINTANILLA, HEADLEY AND ASSOCIATES, INC.
CONSULTING ENGINEERS
124 E. STUBBS ST.
EDINBURG, TEXAS 78539
ENGINEERING REGISTRATION NUMBER F-1513
SURVEYING REGISTRATION NUMBER 100411-00
LAND SURVEYORS
PHONE 956-381-6480
FAX 956-381-0527
ALFONSO@QHA-ENG.COM

Z:\data\SUBDIVISIONS\WESLACO\MIRA VISTA NO. 2\DWG\PAVING

DATE PREPARED	PREPARED BY	CHECKED BY	APPROVED BY
12-12-2019	ALEX G		
DATE REVISED	REVISED BY	CHECKED BY	APPROVED BY

Rebekah M. De La Fuente

From: Alfonso Quintanilla <alfonsoq@qha-eng.com>
Sent: Monday, June 22, 2020 1:31 PM
To: Rebekah M. De La Fuente
Cc: 'Eulalio Ramirez'; Manuel Cantu
Subject: FW: Mira Vista No. 2

Good afternoon Rebekah,

Please read email below form Mr. Sergio Zavala City of Mercedes City Manager.

Also, place this subdivision on the Planning and Zoning Commission Agenda for final approval on July 2020.

Best Regards,

Alfonso Quintanilla, P.E.,R.P.L.S.
President

Quintanilla, Headley & Associates, Inc.
Consulting Engineers and Land Surveyors
Engineering Firm Registration No. F-1513
Surveying Firm Registration No. 100411-00
124 E. Stubbs
Edinburg, Texas 78539
Ph: (956) 381-6480
Cell: (956) 624-6699
Fax: (956) 381-0527

From: Sergio Zavala [mailto:szavala@cityofmercedes.com]
Sent: Monday, June 22, 2020 1:26 PM
To: Eulalio Ramirez <lalor@qha-eng.com>
Cc: Clarissa Quintanilla <clarissa@qha-eng.com>; Alfonso Quintanilla <alfonsoq@qha-eng.com>
Subject: Re: Mira Vista No. 2

I apologize for the late reply.

I recall being approached some time back to allow Weslaco only to review the plat; Mercedes' City Commission voted to allow this.

I won't go too much into your letters' spur on annexation; won't consider that at this time.

However, on 911 addressing, y'all may use the Weslaco address grid on the Mercedes' ETJ lots at this time.

Have a great day!

On Fri, Jun 19, 2020 at 11:08 AM Eulalio Ramirez <lalor@qha-eng.com> wrote:

Good morning Mr. Zavala,

Attached is the letter and plat that was sent to your office. As per our discussions could you respond to the letter to Mr. Quintanilla. I have copied Mr. Quintanilla so you can have is email for the response. If you have any questions or need additional information, let me know.

Thank you,

Eulalio Ramirez, P.E.

Quintanilla, Headley & Associates, Inc.

Consulting Engineers and Land Surveyors

124 E. Stubbs Edinburg, Texas 78539

Ph: (956) 381-6480

Fax: (956) 381-0527

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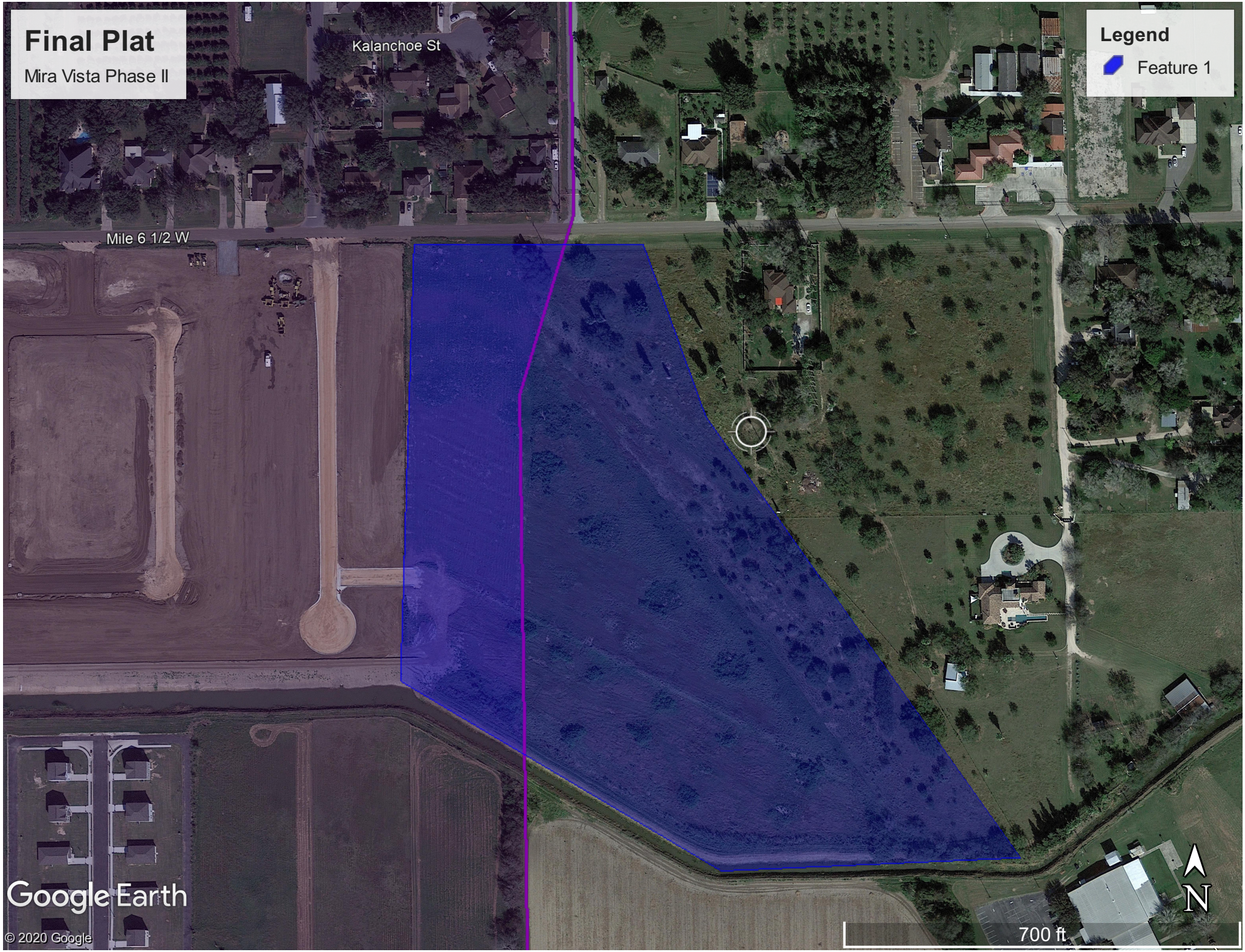
Sergio Zavala
City Manager
CITY OF MERCEDES, TEXAS
400 S. Ohio Ave.
Mercedes, TX. 78570
(956) 565-3114, Ext. 127
szavala@cityofmercedes.com


Final Plat
Mira Vista Phase II
Kalanchoe St
Mile 6 1/2 W
Legend
Feature 1
Google Earth
© 2020 Google
700 ft
N

MIRA VISTA No. 2

A 13.49 ACRE TRACT OF LAND OUT OF FARM TRACT 1020, AND OUT OF LOTS 11 AND 12, BLOCK 113, WEST AND ADAMS TRACTS SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE PLAT OR MAP THEREOF RECORDED IN VOLUME 2, PAGES 34–37, MAP RECORDS HIDALGO COUNTY, TEXAS, AND ACCORDING TO WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 1631125 AND CORRECTED WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 1817664, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

METES AND BOUNDS

A 13.49 ACRE TRACT OF LAND OUT OF FARM TRACT 1020, AND OUT OF LOTS 11 AND 12, BLOCK 113, WEST AND ADAMS TRACTS SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE PLAT OR MAP THEREOF RECORDED IN VOLUME 2, PAGES 34–37, MAP RECORDS HIDALGO COUNTY, TEXAS, AND ACCORDING TO WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 1631125 AND CORRECTED WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 1817664, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

BEGINNING AT A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 FOUND ON THE SOUTH RIGHT OF WAY LINE OF CAMINO REAL VIEJO ROAD FOR THE NORTHEAST CORNER OF MIRA VISTA SUBDIVISION (RECORDED IN INSTRUMENT NUMBER 0000000, MAP RECORDS, HIDALGO COUNTY, TEXAS) AND THE NORTHWEST CORNER THIS TRACT, SAID ROD BEARS SOUTH, 519.00 FEET AND S 89°58'50" E, 1,150.00 FEET FROM THE NORTHWEST CORNER OF LOT 12.

THENCE, S 89°58'50" E, ALONG THE SOUTH RIGHT OF WAY LINE OF CAMINO REAL VIEJO ROAD, A DISTANCE OF 216.70 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF FARM TRACT 1024.

THENCE; S 42°02'57" E (DEED RECORD: S 42°04' E), ALONG THE WEST LINE OF FARM TRACT 1024, A DISTANCE OF 1,005.05 FEET (DEED RECORD: 1,005.00 FEET) TO A 1/2" IRON ROD FOUND FOR AN EXTERIOR CORNER OF THIS TRACT.

THENCE; S 25°08'57" E (DEED RECORD: S 25°06' E), ALONG THE WEST LINE OF FARM TRACT 1024, A DISTANCE OF 60.57 FEET (DEED RECORD: 60.60 FEET) TO A 1/2" IRON ROD WITH CAP STAMPED MELDEN & HUNT, INC. FOUND ON THE SOUTH LINE OF LOT 11 AND THE NORTH LINE OF LOT 14 FOR AN EXTERIOR CORNER OF THIS TRACT.

THENCE; WEST, ALONG THE SOUTH LINE OF LOT 11 AND THE NORTH LINE OF LOT 14, A DISTANCE OF 331.55 FEET (DEED RECORD: 331.30 FEET) TO A 1/2" IRON ROD WITH CAP STAMPED MELDEN & HUNT, INC. FOUND ON THE EAST LINE OF FARM TRACT 1020 FOR AN INTERIOR CORNER OF THIS TRACT.

THENCE; S 25°04'21" E, ALONG THE EAST LINE OF FARM TRACT 1020, A DISTANCE OF 337.59 FEET TO A POINT FOR THE SOUTHEAST CORNER OF FARM TRACT 1020 FOR THE SOUTHEAST CORNER OF THIS TRACT.

THENCE; WEST, ALONG THE SOUTH LINE OF FARM TRACT 1020, A DISTANCE OF 215.34 FEET (DEED RECORD: 216.97 FEET) TO A POINT FOR AN EXTERIOR CORNER OF THIS TRACT.

THENCE; N 60°03'00" W, ALONG THE SOUTH LINE OF FARM TRACT 1020, A DISTANCE OF 613.71 FEET (DEED RECORD: 612.50 FEET) TO A POINT FOR THE SOUTHEAST CORNER OF MIRA VISTA SUBDIVISION AND THE SOUTHWEST CORNER OF THIS TRACT.

THENCE; NORTH, ALONG THE EAST LINE OF MIRA VISTA SUBDIVISION, A DISTANCE OF 812.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 13.49 ACRES OF LAND MORE OR LESS.

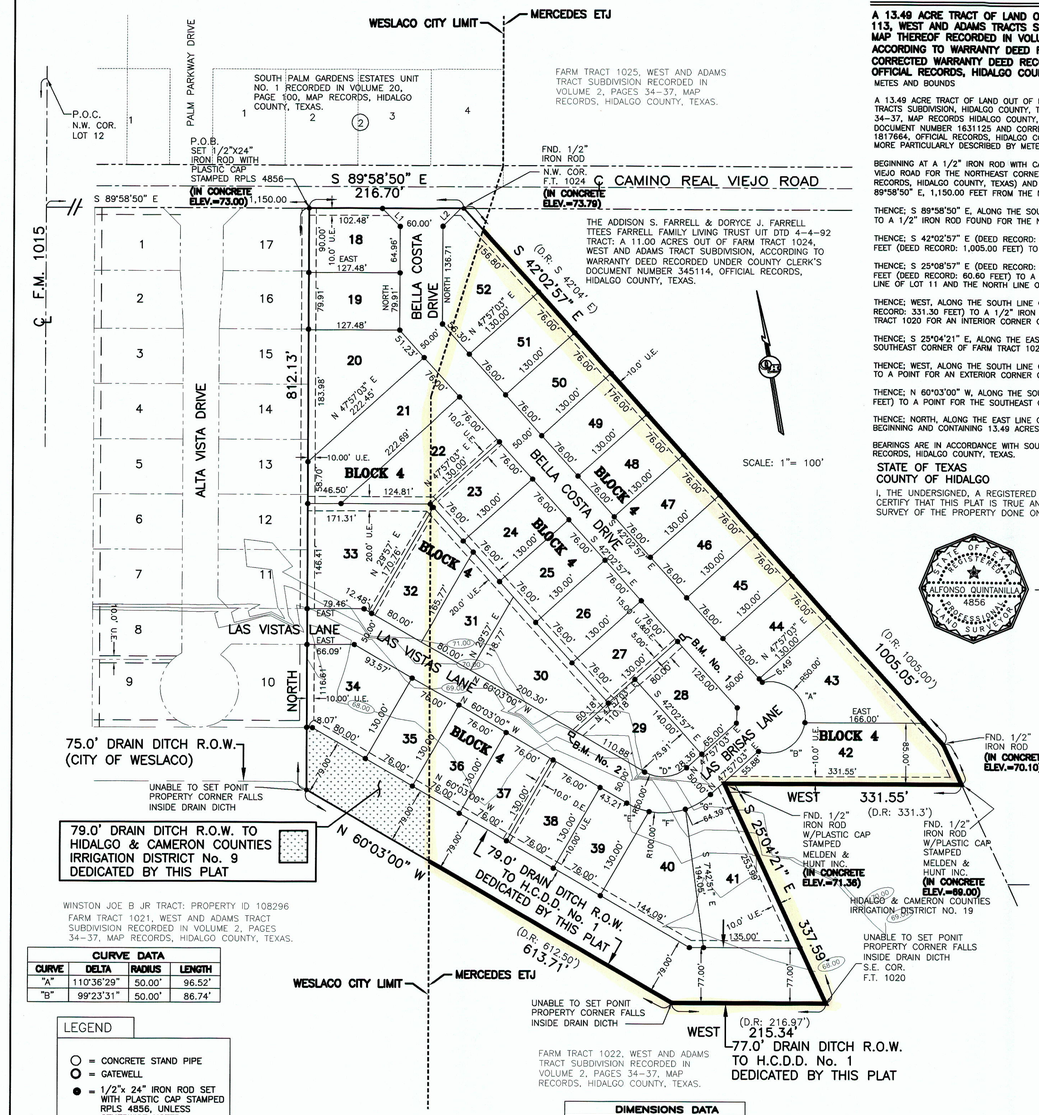
BEARINGS ARE IN ACCORDANCE WITH SOUTH PALM GARDENS ESTATES UNIT No.1, RECORDED IN VOLUME 20, PAGE 100, MAP RECORDS, HIDALGO COUNTY, TEXAS.

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, AND WAS MADE AND PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY DONE ON THE GROUND UNDER MY SUPERVISION.

STATE OF TEXAS · REGISTERED · ALFONSO QUINTANILLA · 4856 · PROFESSIONAL LAND SURVEYOR

ALFONSO QUINTANILLA — 11–12–19
R.P.L.S. No. 4856 — DATE



SUBDIVISION AREA
PORTION INSIDE OF WESLACO CITY LIMITS 3.63 AC.
PORTION INSIDE CITY OF MERCEDES E.T.J. 9.86 AC.
..... WESLACO CITY LIMITS LINE AND MERCEDES E.T.J LINE

CURVE DATA			
CURVE	DELTA	RADIUS	LENGTH
"A"	110°36'29"	50.00'	96.52'
"B"	99°23'31"	50.00'	86.74'

LEGEND

- ○ = CONCRETE STAND PIPE
- O = GATEWELL
- ● = 1/2"x 24" IRON ROD SET WITH PLASTIC CAP STAMPED RPLS 4856, UNLESS OTHERWISE NOTED

DIMENSIONS DATA		
DATA	BEARING	LENGTH
L1	N 45d00'00" W	35.36'
L2	S 45d00'00" W	35.36'

REVISION NOTES

No.	Sheet	REVISION	Date	Approved

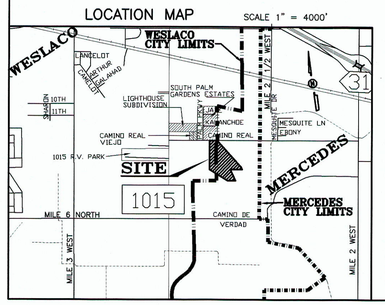
STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATIONS HAVE BEEN GIVEN TO THIS PLAT.

STATE OF TEXAS · MARCO A. GONZALEZ · 120016 · LICENSED · PROFESSIONAL ENGINEER

MARCO A. GONZALEZ — 6-4-20
P.E. 120016 — DATE

LOCATION MAP — SCALE 1" = 4000'



LOCATION OF SUBDIVISION WITH RESPECT TO THE EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY:

MIRA VISTA No. 2 IS LOCATED SOUTHEAST HIDALGO COUNTY ON THE SOUTHSIDE OF CAMINO REAL VIEJO ROAD, APPROXIMATELY 1,150 FEET EAST OF F.M. 1015. THE NEARBY MUNICIPALITY IS THE CITY OF WESLACO ACCORDING TO THE OFFICIAL MAP IN THE OFFICE OF THE SECRETARY OF THE CITY OF WESLACO (POPULATION 37,797). SAN JACINTO ESTATES No. 10 PHASE I, LIES PARTLY INSIDE WESLACO CITY LIMITS AND IT IS WITHIN THE CITY OF MERCEDES THREE–MILE EXTRA–TERRITORIAL JURISDICTION (ETJ) UNDER LOCAL GOVERNMENT CODE § 42.021. IT LIES IN PCT. 1

PRINCIPAL CONTACTS:

	Name	Address	City & Zip	Phone	Fax
OWNER:	MANUEL N. CANTU, JR., MANAGER	2912 S. JACKSON ROAD	MCALLEN, TX 78503	(956)821–8180	
ENGINEER:	MARCO A. GONZALEZ	124 E. STUBBS	EDINBURG, TX 78539	(956)381–6480	381–0527
SURVEYOR:	ALFONSO QUINTANILLA	124 E. STUBBS	EDINBURG, TX 78539	(956)381–6480	381–0527

PLAT NOTES AND RESTRICTIONS:

1.– FLOOD ZONE DESIGNATION: ZONE "B"
AREAS BETWEEN LIMITS OF THE 100–YEAR AND 500–YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100–YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE (1) SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD.

COMMUNITY–PANEL NUMBER 480334 0525 B
MAP REVISED: JANUARY 2, 1981

2.– LEGEND ● – DENOTES 1/2"x 24" IRON ROD SET WITH PLASTIC CAP STAMPED RPLS 4856, UNLESS OTHERWISE NOTED.

3.– SETBACKS:

FRONT	20.00 FEET
FRONT–CUL–DE–SAC	20.00 FEET
REAR	15.00 FEET
SIDE	5.00 FEET
SIDE CORNER	10.00 FEET

OR EASEMENT WHICHEVER IS GREATER IN ALL CASES

4.– MINIMUM FINISH FLOOR NOTE:
MINIMUM FINISH FLOOR ELEVATION SHALL BE 18" ABOVE CENTER LINE OF STREET, TOP OF CURB, WHICHEVER IS GREATER.
ELEVATION CERTIFICATE MAY BE REQUIRED FOR LOTS LOCATED OUTSIDE A DESIGNATED FLOOD ZONE AT THE TIME FOR APPLICATION FOR CONSTRUCTION TO VERIFY PRE AND POST CONSTRUCTION FINISH FLOOR ELEVATIONS. AN ELEVATION CERTIFICATE SHALL BE REQUIRED FOR ALL LOTS WITHIN A DESIGNATED FLOOD ZONE AT THE TIME FOR A DEVELOPMENT PERMIT APPLICATION.

5.– BENCHMARK NOTE:
B.M. No. 1 ELEV.=69.70 TOP OF TYPE "A" INLET LOCATED ON THE NORTH CORNER OF LOT 28. N.A.V.D. 88 DATUM.
B.M. No. 2 ELEV.=69.00 TOP OF TYPE "A" INLET LOCATED ON THE SOUTH CORNER OF LOT 30. N.A.V.D. 88 DATUM.

6.– DRAINAGE:
IN ACCORDANCE WITH THE HIDALGO COUNTY DRAINAGE DISTRICT No. 1 AND HIDALGO (COUNTY REQUIREMENTS, THIS DEVELOPMENT WILL BE REQUIRED TO DETAIN A TOTAL OF 100,696.47 CUBIC –FEET 2.31 ACRE FEET) OF STORM WATER RUNOFF. DRAINAGE RETENTION IN ACCORDANCE WITH THE LOCAL REQUIREMENTS WILL BE ACCOMPLISHED AS FOLLOWS:
SEE DRAINAGE REPORT ON SHEET No.3.

7.– NO ACCESS SHALL BE PERMITED ONTO CAMINO REAL VIEJO ROAD FOR LOTS 18 & 52. DEVELOPER SHALL PROVIDE LOTS WITH BUFFER FENCE ABUTTING CAMINO REAL VIEJO TO DENY ACCESS ONTO THE LOTS.

8.– NO STRUCTURE SHALL BE PERMITTED OVER ANY EASEMENT.
EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, SHEDS, SHRUBS TREES, AND OTHER PLANTINGS (EXCEPT LOW, LESS THAN 18 INCHES MATURE HEIGHT, GROUND COVER, GRASS, OR FLOWERS) AND OTHER OBSTRUCTIONS THAT WOULD INTERFERE WITH THE OPERATIONS AND MAINTENANCE OF THE EASEMENT.

9.– EACH PURCHASE CONTRACT MADE BETWEEN A SUBDIVIDER AND PURCHASER OF A LOT IN THIS SUBDIVISION SHALL CONTAIN A STATEMENT DESCRIBING HOW AND WHEN WATER, SEWER, ELECTRICITY AND GAS SERVICES WILL BE MADE AVAILABLE TO THE SUBDIVISION.

10.– ALL PUBLIC UTILITIES EASEMENTS DEDICATED BY THIS PLAT SHALL BE A MINIMUM WIDTH OF 15.00 FEET AS PER THE HIDALGO COUNTY MODEL SUBDIVISION RULES BY SIGNING THIS PLAT DEVELOPER AND ENGINEER CERTIFY THAT ALL OTHER EASEMENTS SHOWN COMPLY WITH THE SIZE REQUIRED BY EACH UTILITY PROVIDER OCCUPYING AN EASEMENT.

11.– ALL LOTS SHALL HAVE A POST DEVELOPMENT FINISHED GRADE FROM THE REAR OF THE LOT TO THE CURB AT A 0.25% SLOPE TO ACCOMPLISH POSITIVE DRAINAGE. THIS IS IN ACCORDANCE WITH HIDALGO COUNTY APPENDIX 5: COUNTY CONSTRUCTION SPECIFICATIONS 3.1.4.

12.– A 6.00 FOOT BUFFER FENCE ABIDING TO CITY ORDINANCES, ON DRAIN DITCH SIDE SHALL BE CONSTRUCTED AT TIME OF SUBDIVISION CONSTRUCTION.

13.– A 4.00 FOOT SIDEWALK ABIDING TO CITY ORDINANCES, IS REQUIRED ON BOTH SIDES OF INTERIOR STREETS AT BUILDING PERMIT STAGE, AS PER CITY OF WESLACO. A 5.00 FOOT SIDEWALK ALONG CAMINO REAL VIEJO ROAD SHALL BE CONSTRUCTED AT SUBDIVISION STAGE.

14.– U.&D.E. DENOTES UTILITY & DRAINAGE EASEMENT
D.E. DENOTES DRAINAGE EASEMENT

15.–FOR LOTS LOCATED INSIDE THE CITY LIMITS OF WESLACO, CORNER LOTS DRIVEWAYS SHOULD BE CONSTRUCTED AT FURTHEST POSSIBLE POINT FROM INTERSECTIONS AND IN COMPLIANCE WITH ACCESS MANAGEMENT ORDINANCE.

16.– FOR LOTS LOCATED INSIDE THE CITY LIMITS OF WESLACO, LANDSCAPING IS REQUIRED PER CITY ORDINANCE

17.– FOR LOTS LOCATED INSIDE THE CITY LIMITS OF WESLACO, SITE PLAN AND DETENTION PLAN MUST BE REVIEWED AND APPROVED BY THE CITY OF WESLACO PRIOR TO ISSUANCE OF BUILDING PERMITS.

18.– THE DEVELOPER WILL BE RESPONSIBLE FOR THE STREET LIGHT INSTALLATION. STREETLIGHT MUST BE EVERY 300 FEET.

19.– GENERAL NOTE FOR MULTIFAMILY
ALL LOTS SHALL BE FOR MULTIFAMILY USE ONLY. THERE SHALL BE NO OTHER USE OTHER THAN MULTIFAMILY. THIS MUST BE STIPULATED ON ALL DEEDS AND CONTRACT FOR DEEDS. A BUFFER FENCE IS REQRUIED TO BE INSTALLED BY DEVELOPER ALONG ALL ABUTTING RESIDENTIAL LOTS AND ALONG ALONG CAMINO REAL ROAD TO DENY ACCESS ONTO LOT. FOR LOTS LOCATED IN THE ETJ, APPLICATIONS FOR CONSTRUCTION APPROVED BY THE HIDALGO COUNTY PLANNING DEPARTMENT, HIDALGO COUNTY HEALTH DEPARTMENT AND FIRE MARSHALL ARE REQUIRED PRIOR TO OCCUPYING THE LOT

20.– FOR LOTS LOCATED INSIDE THE ETJ, AN OFF–STREET PARKING LOT SITE PLAN & DRAINAGE PLAN APPROVED BY THE HIDALGO COUNTY PLANNING DEPARTMENT AND THE OFFICE OF ENVIRONMENTAL COMPLIANCE SHALL BE REQUIRED FOR MULTIFAMILY USE AT THE TIME OF APPLICATION FOR CONSTRUCTION PRIOR TO THE ISSUANCE OF A BUILDING AND/OR DEVELOPMENT PERMIT. NO WATER OR LIGHT CLEARANCES SHALL BE ISSUED UNTIL THE SITE PLAN, AND DRAINAGE PLAN ARE APPROVED AND PROPOSED IMPROVEMENTS ARE CONSTRUCTED IN ACCORDANCE WITH COUNTY AND STATE STANDARDS.

21.– ALL PRIVATE STREETS, INCLUSIVE OF MEDIAN ISLANDS AND ANY SENTRY SHELTERS, PLUS ANY ACCOMPANYING STORM DRAINAGE, STREET LIGHTING AND/OR SIDEWALKS, SHALL BE PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. ALSO, ALL PERIMITER WALLS AND FENCES SHALL BE UNDER THE OWNSERSHIP AND THE EXCLUSIVE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION FOR THE PURPOSES OF ENCLOSED PRIVACY, SECURITY AND REPAIR.

22.– AFTER THE RECORDING OF THE PLAT'S CONDITIONS, COVENANTS AND RESTRICTIONS (CCR's) TO THUS ASSURE MAINTENANCE OF COMMON AREAS AND MEDIAN ISLANDS, ETC. A BUILDING PERMIT APPLICATION MAY BE FILED WITH THE CITY OF WESLACO FOR ANY PROPOSED GATED ENTRY MECHANISMS WHEREAFTER IT SHALL BE REVIEWED FOR APPROVAL OR DISAPPROVAL BY THE CITY INCLUDING THE FIRE MARSHALL'S OFFICE. IN NO CASE SHALL GATE(S) BE INSTALLED WHERE A BUILDING PERMIT HAS NOT BEEN ISSUED.

23.– THE HOMEOWNER'S ASSOCIATION AND/OR EVERY LOT OWNER SHALL HOLD THE CITY OF WESLACO , TEXAS, HARMLESS AND INDEMNIFY SAID CITY FROM ANY AND ALL LIABILITY AND ALLEGED CLAIMS RELATING TO SAID PRIVATE STREETS. THE LOT OWNERS SHALL BE RESPONSIBLE FOR THE COSTS TO MAINTAIN THE PRIVATE STREETS, ACCOMPANYING STORM DRAINAGE, PRIVATE SIDEWALKS, PRIVATE STREET LIGHTING AND ANY OTHER PRIVATE IMPROVEMENT IN THE PRIVATE STREET AREA.

24.– THE OWNER(S)/DEVELOPER(S) SHALL SIGN AND RECORD AN INDEMNIFICATION AGREEMENT HOLDING HARMLESS THE CITYOF WESLACO AND INDEMNIFYING IT FROM ALL OBLIGATIONS TO MAINTAIN SAID STREETS AND FROM ANY LIABILITY ARISING OUT OF OR INCIDENT TO SUCH STREETS.

25.– THE DEVELOPER SHALL SIGN AND RECORD A PRIVATE STREET AGREEMENT ON A FORM ESTABLISHED BY THE CITY OF WESLACO AFTER CONSULTATION WITH THE CITY ATTORNEY.

HIDALGO COUNTY
CERTIFICATE OF PLAT APPROVAL
UNDER LOCAL GOVERNMENT CODE § 232.028(a)

WE THE UNDERSIGNED CERTIFY that this plat of the MIRA VISTA No. 2, was reviewed and approved by the Hidalgo County Commissioners Court on _____, _____.

Hidalgo County Judge — Date

ATTEST:
Hidalgo County Clerk — Date

STATE OF TEXAS
COUNTY OF HIDALGO
OWNER'S DEDICATION, CERTIFICATION, AND ATTESTATION

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE **MIRA VISTA No. 2**

,DO HEREBY GRANT AN EASEMENT TO THE CITY OF WESLACO AND THOSE WHO MAY NOW OR HEREAFTER HOLD FRANCHISE UNDER SAID CITY, THE USE OF THE STREETS, ALLEYS AND EASEMENTS THEREON SHOWN, SURFACE USE OF THE STREETS AND ALLEYS IS RESTRICTED TO THE EMPLOYEES OR AGENTS OF THE CITY OF WESLACO, EMPLOYEES OF UTILITIES OPERATING UNDER FRANCHISE TO THE CITY OF WESLACO, RESIDENTS OF THE SUBDIVISION, AND THEIR GUESTS.

RED ROCK REAL ESTATE DEVELOPMENT GROUP, LTD., A TEXAS LIMITED PARTNERSHIP
BY: RED ROCK, L.L.C., A TEXAS LIMITED LIABILY COMPANY
ITS: GENERAL PARTNER
BY: MANUEL N. CANTU, JR., MANAGER
2912 S. JACKSON ROAD
MCALLEN, TEXAS 78503
PH. (956) 821–8180 — DATE

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, the undersigned authority, on this day personally appeared
MANUEL N. CANTU, JR., MANAGER
known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for purposes and considerations therein stated.
Given under my hand and seal of office this _____ day of _____, 20____.

CLARISSA ANNETTE QUINTANILLA · Notary Public, State of Texas · My Commission Expires November 04, 2021 · NOTARY ID 129615255

CLARISSA ANNETTE QUINTANILLA – NOTARY PUBLIC

STATE OF TEXAS
CITY OF WESLACO

I, THE UNDERSIGNED, MAYOR OF THE CITY OF WESLACO, TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

CITY MAYOR — DATE

ATTEST: CITY SECRETARY — DATE

STATE OF TEXAS
CITY OF WESLACO

I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF WESLACO ,TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

CHAIRMAN PLANNING COMMISSION

THIS PLAT IS APPROVED BY THE HIDALGO AND CAMERON COUNTIES IRRIGATION DISTRICT No. 9, DATED THIS_____ DAY OF _____ 20____.

1. NO IMPROVEMENTS OF ANY KIND SHALL BE PLACED UPON HIDALGO AND CAMERON COUNTIES IRRIGATION DISTRICT No. 9 RIGHT–OF–WAYS AND/OR EASEMENTS WITHOUT THE EXPRESSED WRITTEN PERMISSION OF HCCID #9.
2. IT IS UNDERSTOOD THAT THE RATE OF FLOW OF STORM WATER FOR THE DEVELOPMENT WILL BE NO GREATER THAN THE RATE OF FLOW OF STORM WATER WHEN THE LAND WAS IN AGRICULTURAL USE.
3. HCCID #9 WILL NOT BE RESPONSIBLE FOR THE STORM/DRAINAGE WATER SYSTEM TO ANY LOT WITH IN THIS SUBDIVISION. AS WELL, HCCID #9 WILL NOT BE RESPONSIBLE FOR THE DELIVERY OF WATER TO ANY LOT WITH IN THIS SUBDIVISION. IF DESIRED, THIS WILL NOT BE AT THE DISTRICTS EXPENSE.
4. HCCID #9 HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE STORM SEWER OR UTILITIES SYSTEMS DESCRIBED ARE APPROPRIATE FOR THE PARTICULAR SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. THE DEVELOPER AND HIS ENGINEER ARE RESPONSIBLE FOR THEIR DETERMINATIONS.

GENERAL MANAGER — DATE
HIDALGO AND CAMERON COUNTIES IRRIGATION DISTRICT No. 9

APPROVED BY DRAINAGE DISTRICT:

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER THE TEXAS WATER CODE 49.211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER AND HIS ENGINEER TO MAKE THEIR DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

RAUL SESIN, P.E., C.F.M. — DATE
GENERAL MANAGER

COUNTY CLERK · COUNTY OF HIDALGO · TEXAS

FILED FOR RECORD IN
HIDALGO COUNTY
ARTURO GUAJARDO, JR.
HIDALGO COUNTY CLERK

ON: _____AT_____ AM/PM
INSTRUMENT NUMBER_____
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY:_____ DEPUTY

QUINTANILLA, HEADLEY AND ASSOCIATES, INC.
CONSULTING ENGINEERS
124 E. STUBBS ST.
EDINBURG, TEXAS 78539
REGISTRATION NUMBER F–1513
SURVEYING REGISTRATION NUMBER 100411–00
LAND SURVEYORS
PHONE 956–381–6480
FAX 956–381–0527
ALFONSOQ@QHA–ENG.COM

DATE OF PREPARATION: Nov. 12th 2019

SHEET NO. 1 OF 3 SHEETS	FILENAME : F:\DATA\SUBDIVIS\WESLACO\MIRA VISTA\PLAT			
	DATE PREPARED	PREPARED BY	CHECKED BY	APPROVED BY
	11–12–19	M.G.		
	DATE REVISED	REVISED BY	CHECKED BY	APPROVED BY

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3505

From:
Robert Lopez

Subject:
Discussion and consideration to purchase a 2020 Ford Transit F250 configured as a three compartment jail transport van with emergency lighting and necessary equipment in an amount not to exceed $62,085.98 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.)

Background:
Current transport van, a 2014 GM express has exceeded mileage requirements. Additionally, the current purchase request provides a third compartment within the transport van designated for isolation of persons who have transmittable diseases.

Funding Source (budget code, if applicable)**:**
Capital Outlay

Amount: $62,085.98	Term of Impact: 12	Identified in Current Budget: No

Additional Action Prompted:
Budget Amendment

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**

Robert Lopez	Created/Initiated
Robert Lopez	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve.

Staff Recommendation:
Recommend Approval

Attachments, if any:
COVID-19 Jail Transport Van $62,085.98 (68,980)

Responsibilities upon Approval:

goodbuy

Purchasing Program of the Education Service Center, Region 2

PRODUCT PRICING SUMMARY

GOODBUY 20-8F000 VEHICLES

VENDOR--SILSBEE FORD

End User: CITY OF WESLACO
Contact:
Email:
Product Description: FORD TRANSIT 250

Prepared by: MICHAEL WILEY
Phone: 254-541-9061
Email: mwiley.silsbeefleet@gmail.com
Date: July 7, 2020

A. **Bid Item:** 7.8 ALT

A. Base Price: $ 26,120.00

B. **Factory Options**

Code	Options	Bid Price	Code	Options	Bid Price
		$ -	43B	BACK UP ALARM	$ 125.00
R1C	2020 MID ROOF CARGO VAN	$ 4,082.00	43R	REVERSE SENSORS	$ 295.00
	3.5L V6; 10-SPD AUTOMATIC	INCL	53K	MODIFER WIRING SYSTEM	$ 75.00
	VINYL BUCKET SEATS	INCL	57G	REAR A/C AND HEATER	$ 860.00
	POWER WINDOWS AND LOCKS	INCL	60C	CRUISE CONTROL	$ 325.00
	FRONT A/C; AM/FM RADIO	INCL	63E	DUAL BATTERIES	$ 295.00
	NO REAR WINDOWS	INCL	86F	TWO EXTRA REMOTE KEYS	$ 75.00
	148" WHEELBASE	INCL			
	SLIDING SIDE PASSENGER DOOR	INCL			
17A	FIXED REAR CARGO DOOR GLASS	$ 75.00			

Total of B. Published Options: $ 6,207.00

Published Option Discount (5%) $ (310.35)

C. **Additional Options [not to exceed 25%]** $= 0.0 %

Options	Bid Price	Options	Bid Price
WHITE	COLOR		
120-150 DAYS ESTIMATIED TO DANA SAFETY	DELIVERY		
IN LA FERIA			

Total of C. Unpublished Options: $ -

D. **Floor Plan Interest (for in-stock and/or equipped vehicles):** $ -

E. **Lot Insurance (for in-stock and/or equipped vehicles):** $ -

F. **Subcontractor Equipment Price:** DANA SAFETY Q#346546-A PKG $ 29,006.33

G. **Additional Delivery Charge:** 436 **miles** $ 763.00

H. **Subtotal:** $ 61,785.98

I. **Quantity Ordered** 1 **x K =** $ 61,785.98

J. **Trade in:** $ -

K. **GOODBUY Administrative Fee ($300 per purchase order)** $ 300.00

L. **TOTAL PURCHASE PRICE INCLUDING GOODBUY FEE** $ 62,085.98

Sales Quote

DANA SAFETY SUPPLY, INC
4809 KOGER BLVD
GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	346546-A
Customer No.	SILSBEE

Bill To

LAKE COUNTY CHEVROLET
2152 N WHEELER ST
JASPER, TX 785951

Contact:
Telephone:
E-mail:

Ship To

SILSBEE FORD FLEET GROUP
1211US HWY 96N
SILSBEE, TX 77656
UNITED STATES OF AMERICA

Contact:
Telephone:
E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method
07/06/20	Ground	FOB DESTINATION		CASH

Entered By	Salesperson	Ordered By	Resale Number
Maria Rivera	Maria Rivera-Laferia		17605331440

Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
1	1	N	INFO WESLACO Prisoner Transport Insert For 2015-2020 Ford T Warehouse: LAFE Vin #:	0.0000	0.00
1	1	Y	EVP EMERGENCY VEHICLE PACKAGE Warehouse: LAFE Vin #:	28,006.3300	28,006.33
1	1	Y	C-2410 HAV 24 CONSOLIDATOR CONSOLE --- SEE BELOW Warehouse: LAFE Vin #: VEHICLE: MAKE - MODEL - YEAR - PLEASE INCLUDE THE FOLLOWING EQUIPMENT BRACKETS (A TOTAL OF 4 BRACKETS & 4 FILLER PLATES ARE INCLUDED) 1) C-EB40-SSP-1P 1) C-EB30-CH7-1P 1) 1) AND WHATEVER FILLER PLATES NECESSARY TO COMPLETE THE INSTALLATION ********** **********	0.0000	0.00

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Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method
07/06/20	Ground	FOB DESTINATION		CASH

Entered By	Salesperson	Ordered By	Resale Number
Maria Rivera	Maria Rivera-Laferia		17605331440

Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
1	1	Y	C-B68 HAV FORD TRANSIT HUMP MOUNT BRACKETS FOR CONS Warehouse: LAFE Vin #:	0.0000	0.00
1	1	Y	CUP2-1001 HAV Self-Adjusting Double Cup Holder Warehouse: LAFE Vin #:	0.0000	0.00
1	1	Y	C-ARM-108 HAV SIDE MOUNTED FLIP UP ARM REST Warehouse: LAFE Vin #:	0.0000	0.00
1	1	Y	C-LP2-PS1-USB HAV 2-12V PLUGS AND 2 USB PORTS Warehouse: LAFE Vin #:	0.0000	0.00
1	1	Y	C-AP-0695-L HAV LOCKABLE ACCESSORY BOX FOR CONSOLE Warehouse: LAFE Vin #:	0.0000	0.00
1	1	Y	PT-F06-120-3 HAV PRISONERTRANSPORT INSERT 2006+ FORD TRANSIT Warehouse: LAFE Vin #:	0.0000	0.00
			VEHICLE - SEE ATTACHED BUILD SHEET--- INSERT INCLUDES SEAT BELTS & SEAT DIVIDERS **********		

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GREENSBORO, NC 27407

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Sales Quote No.	346546-A
Customer No.	SILSBEE

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2152 N WHEELER ST
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UNITED STATES OF AMERICA

Contact:
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E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method
07/06/20	Ground	FOB DESTINATION		CASH

Entered By	Salesperson	Ordered By	Resale Number
Maria Rivera	Maria Rivera-Laferia		17605331440

Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
1	1	Y	PT-A-503 HAV OPTIONAL REAR AC/HEAT VENT ADAPTOR KIT Warehouse: LAFE Vin #: VEHICLE - REPLACES OLD # KK-*-VAK **********	0.0000	0.00
3	3	Y	PT-A-903 HAV 100-CFM POWER VENTILATION UNIT FOR PT UNIT Warehouse: LAFE Vin #: REPLACES OLD NUMBER - KK-PVENT VEHICLE - **********	0.0000	0.00
1	1	Y	PT-A-902 HAV 48" FLIP DOWN REAR STEP FOR PT 100 STEP SERIES Warehouse: LAFE Vin #: MOUNTS TO PT 100 SERIES PERMANENT STEP REPLACES OLD NUMBER - KK-ST-FLIP HAVIS REAR P/T INSERT STEP IS REQUIRED-- **********	0.0000	0.00
1	1	Y	PT-A-916 HAVIS REAR LIGHT Warehouse: LAFE Vin #:	0.0000	0.00
1	1	Y	PT-A-603 HAVIS PRISONER TRANSPORT 3-CAMERA SYSTEM Warehouse: LAFE Vin #:	0.0000	0.00

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UNITED STATES OF AMERICA

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E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method
07/06/20	Ground	FOB DESTINATION		CASH

Entered By	Salesperson	Ordered By	Resale Number
Maria Rivera	Maria Rivera-Laferia		17605331440

Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
1	1	Y	PT-A-608 HAV, Prisoner Transport Digital Recorder Kit Warehouse: LAFE Vin #:	0.0000	0.00
1	1	Y	PT-A-918 HAV Prisoner Transport Intercom System Option Warehouse: LAFE Vin #: Prisoner Transport Intercom System Option for One, Two or Three Compartment Prisoner Transport Inserts Prisoner transport option 12 volt intercom system (listen to rear compartments with push to talk feature) Includes front master station intercom and three (3) rear speaker microphones for 1, 2 or 3 compartment transports Estimated install time: 2.5 hours Includes shielded cable for between master and sub-stations to minimize audio interference	0.0000	0.00
1	1	Y	PT-A-911 Havis Comparment Door Activated buzzer Option Warehouse: LAFE Vin #:	0.0000	0.00
1	1	Y	PT-A-910 HAV PTI AMBIENT TEMPERATURE MONITOR Warehouse: LAFE Vin #:	0.0000	0.00

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E-mail:

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SILSBEE FORD FLEET GROUP
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SILSBEE, TX 77656
UNITED STATES OF AMERICA

Contact:
Telephone:
E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method
07/06/20	Ground	FOB DESTINATION		CASH

Entered By	Salesperson	Ordered By	Resale Number
Maria Rivera	Maria Rivera-Laferia		17605331440

Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
1	1	Y	PT-A-906 HAV OPTIONAL LOCKINNG UNDER BENCH P/T INSERT STORAGE Warehouse: LAFE Vin #: REPLACES OLD NUMBER - KK-STORAGE DIMENTIONS - 10 h X 39.5 w X 11.5 d **********	0.0000	0.00
2	2	Y	PT-A-913 HAV, Transport Door Window Cover Warehouse: LAFE Vin #:	0.0000	0.00
1	1	Y	MISC HAVIS GASET Warehouse: LAFE Vin #:	0.0000	0.00
4	4	Y	XSM2-BRW FED Blue/Red/White DUAL HEAD MOUNT Warehouse: LAFE Vin #: 2- front driver,passanger side 2- rear window	0.0000	0.00

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Sales Quote

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Contact:
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E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method
07/06/20	Ground	FOB DESTINATION		CASH

Entered By	Salesperson	Ordered By	Resale Number
Maria Rivera	Maria Rivera-Laferia		17605331440

Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
4	4	Y	MPS620U-BR FED Micro Pulse Ultra 6 Dual Color Surface Mount Warehouse: LAFE Vin #: 12-24 VDC 12 LED Lighthead Blue/Red 4- inside the grill	0.0000	0.00
4	4	Y	MPS1220U-BR FEDERAL SIGNAL ULTRA DUAL COLOR RED/BLUE Warehouse: LAFE Vin #: 2 each side fornt and back	0.0000	0.00
1	1	Y	416900BW FEDERAL SIGNAL CORNER LED B/W- 12 LED Warehouse: LAFE Vin #:	0.0000	0.00
1	1	Y	416900RW FEDERAL SIGNAL CORNER LED R/W- 12 LED Warehouse: LAFE Vin #:	0.0000	0.00
1	1	Y	INSTALL KIT MISC INSTALLATION SUPPLIES I.E. Warehouse: LAFE Vin #: LOOM, WIRE, HARDWARE, CONNECTORS, ETC **********	0.0000	0.00

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Sales Quote

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GREENSBORO, NC 27407

Telephone: 800-845-0405

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Customer No.	SILSBEE

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1211 US HWY 96N
SILSBEE, TX 77656
UNITED STATES OF AMERICA

Contact:
Telephone:
E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method
07/06/20	Ground	FOB DESTINATION		CASH

Entered By	Salesperson	Ordered By	Resale Number
Maria Rivera	Maria Rivera-Laferia		17605331440

Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
1	1	N	INSTALL DSS INSTALLATION OF EQUIPMENT Warehouse: LAFE Vin #: **Approved By:** _____ ☐ **Approve All Items & Quantities** **Quote Good for 30 Days**	0.0000	0.00

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Subtotal	28,006.33
Freight	1,000.00
Order Total	29,006.33

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3508

From:

Subject:
Discussion and consideration to approve and award the Depository Services Contract with the most advantageous respondent from RFP 2019-20-23 for three year contract beginning October 1, 2020 and ending September 30, 2023 with an option to renew the contract for two (2) years and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)

Background:
The City received five proposals. Linda Patterson, of Patterson and Associates was retained to perform a thorough evaluation of the proposals. Attached is her evaluation and recommendation which shows BBVA being the most advantageous proposal.
The RFP has included the clause that any changes to the City's proposed Master Depository Agreement must be agreed to before the award of the contract. Previously, BBVA sent the contract for their counsel to review. If we cannot successfully negotiate an agreement, then we should negotiated with the next advantageous proposal.

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:
Mayor's Signature

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:
Publication was in the Monitor on June 24 and July 1st, 2020. It was also published on the City's website throughout the period.

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**

Aida Vega	Created/Initiated
Vidal Roman	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve BBVA as the most responsive and advantageous bidder.

Staff Recommendation:
Staff recommends BBVA Compass Bank, contigent upon successful negotiation on the final Master Depository Agreement within a month. It we cannot come to an acceptable agreement, then we recommend to go with the next bank- Plains Capital.

Attachments, if any:
Evaluation 2020-07 Bank Weslaco, Combo Weslaco 2020, City Manager Memo re Bank Bids

Responsibilities upon Approval:
Execute depository agreement

CITY OF WESLACO
Analysis of Bank Depository Service Proposals
July 2020

The City of Weslaco solicited proposals for banking services to serve the City with efficient and cost effective banking services in June 2020. The City intended for its banking partner to provide state-of-the-art technology to assure that its current banking needs would be met for all departments and allow the City to continue to incorporate technological changes and improvements into its operations over the period of the contract. The contract, to begin October 2020, is to be for a three-year period with the option to renew for one additional two-year period.

The City received five proposals for banking services in response to its Request for Proposal (RFP). The proposals were made by the incumbent BBVA, Lone Star Bank, Plains Bank, Texas National, and Vantage Bank. All these banks can fulfill the basic needs of the City for banking services but there are some differences in the level and availability of services with some additional services and technologies available at various banks identified.

The current banking situation is controlled by three main elements (a) increased banking regulations which have changed collateral alternatives, (b) regulatory balance based fees and (c) the low interest rate environment.

Banking regulators are globally attempting to assure that liquidity remains available in the markets and ensure that bank leverage is reduced both of which contributed to the *great recession of 2008-09.* The collateral which must be pledged to public accounts is from the banks own portfolios so providing that collateral lowers the banks' liquidity ratios and raises the banks' leverage ratios in contradiction of the regulatory guidelines. This has moved some banks to utilize letters of credit (which is a simple expense to the bank) as collateral instead of pledged securities. BBVA, Lone Star and Vantage are proposing use an LOC as collateral.

A second change generated from the regulations is the application of a *balance based fee.* Only Lone Star has waived this fee. Texas National is not proposing any fees, therefore its use of the fee is unable to be determined. Use of a sweep into a money market fund is highly recommended to eliminate the fee but since the banks are waiving the fee any account structure, even one which leaves funds in the bank, can be used.

The RFP was structured to allow for the use of sweeps as rates change which would then allow the City to reduce balances and move all collected funds to a money market mutual fund for higher rates. The rates are low currently but will during the contract period rise and this option will give the City flexibility over the contract period to adjust to rate alternatives.

Finally from the national banking regulations, the low interest rate environment has reduced all earnings capabilities in the banks which make the investment decisions and account structure decisions extremely and materially important to the evaluation. The confluence of these factors and their impacts play a

major role in choosing the best banking solution and has been addressed. Structural account decisions must be based on interest rates offered with consideration for the potential that these structures allow as market rates change. The City should be able to get and maintain maximum services while earning all possible potential interest.

Key issues in evaluating bank services include (a) the services themselves and the automation capabilities which support those services as technology has developed and will undoubtedly continue to develop over the contract period. Consideration is also based on (b) the fees charged for those services. Finally, (c) the earnings potential in and through the banks is considered because the City must maintain balances of working capital in the banking system. Each of these elements is discussed separately below. Detailed backup has been prepared on matrices which accompany this report upon which the analysis was based. Only the key factors defining and differentiating the proposals are discussed in this report.

BANKING SERVICES

The services provided by these banks are similar in most cases although the technology and online services flexibility range significantly between banks. Each question presented in the RFP was weighted as to its importance in providing a particular service and then each response was rated. The resulting score for each bank indicates the differences between the banks and gives an indication of overall service and technology expectations.

The City also asked for information on "Optional Services" which were not *required* but could be used in the contract period. The check writing service could be of interest to the City in the future. All the questions allowed for an analysis of what the banks had available as well as how each approached the services. The banks scores for required services were:

	Required Services	Optional Services
BBVA	529	16
Lone Star	362	0
Plains	489	0
Texas National	401	14
Vantage	409	0

Looking at each required and optional service sectors the highest scores went to BBVA.

Although the banks do provide the basic required services there are differences which impact service capabilities by extended flexibility in reporting and e-payables and e-receivables services. Only the major differences are cited below in various sectors. Full details are provided on the matrices attached to this report.

CREDITWORTHINESS
All the banks were queried on their senior and subordinate debt (or other credit rating) as well as their community involvement, as measured by their regulators. All are stable ad solid financial institutions although the ratings of Lone Star are somewhat lower. Community Reinvestment ratings are highest at BBVA, Lone Star and Plains.

CUSTOMER SERVICE
All the banks organize their customer service through a *team* approach headed by one or two dedicated representatives which are assigned to the City. Lone Star, Texas National and Vantage are state chartered, local banks. Ongoing customer service is difficult to ascertain on written proposals but the three highest scored banks are BBVA, Texas National and Vantage.

All the banks are naturally focusing on providing technology in treasury services to provide these services.

ACCOUNT STRUCTURE

The RFP required that all banks have the ability to structure accounts as ZBAs (zero balance accounts) to facilitate a sweep into a AAA-rated money market mutual fund which strives to maintain a $1 NAV and all banks have this ability. BBVA has a sweep capability but has proposed a 'hybrid' account as an option. The hybrid acts to delineate a required compensating balance which then earns at the bank's ECR and pays for the services provided. If there are additional funds in the accounts these then automatically earn at the rate for interest bearing accounts. BBVA is waiving the balance based fee so this structure would not create that monthly fee. If the rates change to allow a more beneficial structure a sweep to the Goldman funds is available. The sweep is not available at Lone Star or Texas National. Plains and Vantage use the ICS (Insured Cash Sweep) as its sweep. Plains also has a secondary option to a sweep to Invesco. Texas National internally 'sweeps' to its own money market account with a cap of $5 million.

The RFP required that the City also have the option to change from a compensating balance basis or fees and as rates change this will be available to the City everywhere but Texas National. The best idea is to have the option of changing from a compensating balance to a fee basis and vice versa at any time as dictated by rates. This would not be possible at Texas First. If, during the contract period, market rates rise materially the sweep to a money market mutual fund will probably represent the best option.

INFORMATION SERVICES

A key to today's banking services for the City's departments is the online services available. All the banks offer a single portal, web-based information system giving the City the administrative ability to control access and transactions. All have the City as administrator on the online access and controls although it appears that the City shares control with Texas National. Prior day activity is made available first thing next day at all the banks and current day information is real time with some limitations of transaction availability at Vantage. All the banks also now have mobile access although it is limited to balances at Texas National and balances and transfers at Lone Star.

COLLECTION AND DEPOSIT SERVICES

Perhaps some of the most pivotal differences between the banks occur in the collection and disbursement service sectors. All the banks have remote deposit services to streamline and accelerate collections on paper checks (a service which is strongly recommended). All the bank have local depositing at branches and do not require couriers to bank vaults. Deposit tracking is available at all but Texas National. RCK (representment of checks by ACH debit) is not available at Lone Star or Texas National.

Remote deposit services are offered at all the banks with a 9:00pm cutoff at BBVA and Lone Star. Texas National's cutoff is 4pm, Plains6pm and Vantage 7pm. BBVA, Plains and Texas National are all offering to provide scanner.

DISBURSEMENT SERVICES

In the area of disbursements the banks differ considerably. All the banks of course image checks, deposit slips and deposit items and have these available online. However, in the area of consolidated payables which is a technology developed to streamline payables and save City staff time only BBVA and Plains have this capability. Most banks are moving swiftly to consolidated payables which allow entities to send all payables in one file to the bank for handling and utilize the technology available.

In addition BBVA and Plains have commercial/procurement cards available to aide in disbursements. Texas National states they have commercial *business* cards but no information was given to determine the exact nature of the cards. Rebates on the cards are available at BBVA and Plains. (Rebates are based on velocity, spending and volume.) Lone Star has stated that a procurement card will be available in the future, also with a rebate.

POSITIVE PAY AND RECONCILIATION

All the banks have positive pay and all but Lone Star have payee positive pay to best control fraud. Both partial and full reconciliation is available at all the banks except Texas National and Vantage.

Alerts for positive pay as well as other transactions are available at all the banks. The banks differ in the times given for City review of exceptions. BBVA reports exceptions in real time but does not require a decision until 6pm. Texas National gives only 3 hours, Lone Star 4 hours, Vantage 4.5 hours and Plains 5 hours.

WIRES AND TRANSFERS

The initiation of wires is available online at all the banks as is future dating except at Plains and Vantage. Interbank transfers are free only at Texas National. All require positive collected balances for any wires or transfers although BBVA and Texas National officers will review/approve the request on a case-by-case basis after an approval of credit.

ACH SERVICES

ACH services are controlled primarily through NACHA so little difference is found between any banks on the actual processing of transactions. BBVA and Plains also offer ACH positive pay. The ACH addenda are reported by all the banks but not on reports at Vantage.

For ACH processing and acceptance utilization of filters and blocks is critical to limit fraudulent direct debits. All but Plains have filter (at least on originators) and block combinations.

Another key in the ACH service is whether the bank debits the City account on initiation of the ACH credits or on the settlement date. Only Plains and Vantage debit the account on settlement date which extends the use of the funds by the City. Lone Star does state that they require a collected balance on initiation but will only make the actual debit on settlement.

SAFEKEEPING

Safekeeping services for securities owned by the City are available only through BBVA and Plains although Lone Star has stated that they will assist the City in establishing a safekeeping account at Frost or FHLB. BBVA acts as the safekeeping agent while Plains states that it is handled through their Wealth Management Division (brokerage) which would have to be investigated further. Otherwise the main difference is that BBVA allows instructions to be entered until 4pm while the deadline at Plains is 10am.

COLLATERALIZATION

When the City is using a sweep to remove balances from the bank on a daily basis, collateral will not be a factor, but, when funds are left in the bank collateral is crucial. BBVA and Vantage are offering a FHLB letter of credit as collateral. The letter will be issued by the FHLB. A major difference is that Vantage will require the City to pay for the LOC at a rate of 0.065% which is also subject to change by the FHLB. The remaining banks are offering securities as pledges but with one restriction. Lone Star has a $20 million limit on collateral. Of those offering securities as collateral none have online inquiry for review.

For Plains securities are to be held at the Federal Reserve which produces only monthly reports no monitoring or online review. Pricing therefore is done only monthly.

STOP PAYS

Stop pays now can be handled through a void on the positive pay file, but when they are needed there are specific differences between the banks in their initiation and use. All the banks allow for online or batch entry of stop pays. Plains, Lone Star, Texas National and Vantage all have initial six months periods for the stop pays and none provide for renewals. A new stop pay must be established. BBVA has the initial period of two years and renewal is online. All the banks have the capability to show current stop pays online.

ACCOUNT ANALYSIS
All the banks provide account analyses on a separate account and relationship basis and all have the analysis available within ten days of the following month. (BBVA 7 days, Plains 9 days, Texas National 7 days and Vantage 8 days.) Lone Star nor Texas National have the analysis online.

STATEMENTS
The statements are also being provided online at all the banks and vary only on online retention periods which are 2 years at BBVA, 18 months for Lone Star, 7 years at Plains, 18 months for Texas National and Vantage. All the statements are downloadable. [Note: Banks must have these statements maintained for 7 years but they may not be available immediately on line to customers.]

ALTERNATIVE SERVICES
The banks were given the opportunity to suggest any other services available through the bank which might be of interest and benefit to the City. BBVA presented a further discussion on consolidated payables and presented their company banking plan. Plains also presented a company banking plan and a lockbox. Texas National stated that they have merchant services, credit cards (which they had noted but not defined in the required services section) as well as armored car.

OPTIONAL SERVICES
One service was presented in the RFP as optional was check writing. This was not required to be offered by the banks but were designed to investigate new services and to compare prices with internal processing costs. The check writing service allows the City to send its check register to the bank processing center which produces the written check and check stub on designated City check stock, inserts them (with or without additional information) and mails them.

Only BBVA and Plains provide the check writing service.

BANK COSTS
The five banks ere required to provide all the fees which would be charged in providing the required services in the RFP. As noted above all of the banks are waiving the balance based fee which would be minimal on a sweep basis but could be material if a compensating balance were implemented.

The gross costs were calculated on the historical volumes from the City. These gross levels were then adjusted by the financial impact of the incentives offered by each bank.

The banks were asked if they were offering any transition or retention incentives.

- BBVA has offered a $10,000 credit for bank supplies, offered one free scanner and is waiving the bank reserve requirement,
- Lone Star has not offered any transition incentive but is setting the interest bearing rate of 40% of the 13 week T-Bill average (which is below other bank's offers at this time). The bank is also assuming that the City will maintain $17 million in the bank at all times.
- Plains has offered to waive the first six months of analysis fees, $1,000 in supply credit and two remote scanners. The bank also has set the floor on interest bearing accounts at 0.25%
- Texas National a $2,000 credit for supplies and one free scanner
- Vantage has offered $2,500 for supply credit

These financial incentives have been calculated into the gross fees and result in a more complete picture of the total fees.

	Gross Mo Fees	Net Mo Fees
BBVA	$ 1,671	$ 1,491
Lone Star	$ 2,858	$ 2,858
Plains	$ 2,812	$ 2,535
Texas National	not applicable	
Vantage	$ 2,838	$ 2,796

Texas National is offering a "no fees" solution but obviously nothing is free. The bank is assuming that the City will retain a balance in the bank (its historical $17 million most probably) which will then earn interest retained by the bank to pay the fees. This appears to be a worthwhile relationship but the lower level of services and the approximate same compensating balance required by Lone Star (and less when rates rise) shows that there are better options for the City.

At any bank if the Compensating Balance basis for payment is used it translates to the City leaving a target balance at that bank which then earns at the ECR (earnings credit rate) which in turn pays for the services rendered. The ECR rates offered by these banks differ markedly.

- BBVA is offering the "hybrid" solution which maintains the balance at an ECR currently at 0.50% and remaining balances not needed for the balance (which will be reduced as rates rise) are maintained at the money market account rate of 0.40%. Computed on the ECR this equates to a low required balance of $3.5 million.
- Lone Star has not stated its ECR historically or currently but has offered a floor of 0.05% and a cap of 2%. Their ECR is managed but basically 40% of the 13 week T-Bill. The bank has set the required balance at $17million
- Plains Bank has a 0.40% ECR currently and set their balance requirement at $4million
- Texas National give no information on their "no fee" proposal although the assumed required balance is $17 million
- Vantage has a 0.55% ECR but interest bearing accounts are 0.10% and money market accounts at 0.30%, its calculated target balance is $6.1 million

The highest rates and the ability to switch to fee or compensating balance will serve the City best over the contract period.

On a fee basis the lowest fees are at BBVA the interest rates offered by BBVA are the best of the banks' proposals.

SUMMARY AND RECOMMENDATION

The service scores reflect a slightly higher level of service at BBVA. The best fee proposal is also from BBVA as are the interest rates and structure (and structure optionality) also belongs to BBVA. The one element of BBVA's proposal which countermands the RFP is that BBVA is refusing to use the Master Agreement proposed by the City. The Agreement provided instead by the bank does not have any restricting or contentious clauses but the indemnification/liability issues that occur with every bank is apparent. The City attorney should review the agreement but this evaluation has not identified any major issue with it.

On any combination of these factors the City appears to be best served by BBVA. Therefore, this analysis recommends that the City award the banking contract to BBVA.

Patterson & Associates

ATTACHMENT A ANALYSIS

CITY OF WESLACO

2020

PROPOSED FEES

	Average Relationship Balance
	Balance Based Fee
	FHLB Letter of Credit
General Account Services	
	Account Maintenance
	Sweep Maintenance (possible)
	ZBA Accounts - Master (possible 1)
	ZBA Accounts - Subsidiary (possible 2)
	Checks Paid-Debits
	Deposited Credits
	Research Fees
	ACH Debits
	ACH Credits
	E-Statements Via E-Access
	Check Cashing - Non-Account Holder
	Overdraft
Gen Account Serv- E-Banking	
	DDA Statement
	Compass E-Access Alerts
Info Services- E-Banking	
	Info Reporting Maintenance
	Info RPTG Maint - Addl Acct
	Per report
	NETCASH PRIM ACCT MAINT
Depository Services	
	Returned Deposited Items
	CRD Thin Client Maintenance
	ONUS Branch
	ONUS Peak Branch
	Transit Branch
	Transit Peak Branch
	Card Item
	Post verify deposit
	Deposit correction night drop
	Deposit location reporting - item
	Return item chargeback
	Return item online retreival of image
	Return item online mo. maintenance/acct
	Return item redeposited
	Return item duplicate advice
	RCK
Depository Services- E-Access	
	Remote Deposit Maintenance
	Return Dep Item Imaging Rept
	Remote Items Deposited
	RDI Items/Images Reported

	Average Relationship Balance
	STMT Item Online Image Maint
	Online Images Stored
	STMT item Images Retrieved
	Remote CR/DR
	Scanner Maintenance
Cash Processing Services	
	Branch Cash Dep Immed Ver
	ND Branch Cash Dep Immed Ver
	ND Branch Cash Dep NonCnfrm
	Change Order
	Loose Currency
	Full Strapped Currency
	Partil Strapped Currency
	Rolled Coins
Disbursement Services	
	Positive Pay monthly base
	Positive Pay exception - online image
	Positive Pay exception check returned
	Positive Pay checks with no issue record
	Payee Positive Pay
	Payee validation - standard item
	Positive Pay verification call
	Postivie Pay exception per item
	ARP partial - monthly maintenance
	ARP partial recon per Item
	ARP output transmission
	recon download
	Outgoing transmission per item
	Online Pos Pay IMG Retrieved
	Online POS Pay Exceptions
	Online POS Pay Per Item
	Image POS Pay W/O Recon
	ALERT- Final PP Exc Email
	ALERT- Final PP Exc Phone
Disburement Services - Ebanking	
	Ebanking Stop Payment
General ACH Services	
	ACH Return Item-Debit
	ACH Autorization Services
	Enhanced Ach Auth Service
	ACH Auth Services -Per Item
	ORIG Item NOC Repair
	UnAuth Return Surchg Item
ACH Services- E-Banking	
	ACH Maintenance
	ACH Direct File Upload Module
	ACH Debit - Per Item
	ACH one day item
	ACH Two Day Item
	ACH received item
	ACH Prenotes
	ACH Input Fee

	Average Relationship Balance
	ACH Input Fee
	ACH Notification of Change
	ACH Credits - Per Item
	ACH Return Item - Credit
	Addenda Record
	ACH Returns Report
	ACH online subscription per account
	ACH online subscription per item
	ACH fraud filter review mo maint.
	ACH Fraud Filter Review per Item
	ACH Fraud Filter Return per item
	ACH NOC transmission advice - on-us
	ACH NOC transmission advice - off-us

	Average Relationship Balance
EDI Services	
	EDI On-Line RPTG Per Day
	EDI Items On-Line
Wire & Other Funds Trans Srvs	
	Incoming Wire
	Outgoing Wire
	Wire Notification - Fax/Online
	Email wire notification
	Book Transfers
Wire Services- E-Banking	
	Outgoing Customer Repetitive
	Outgong Domestic Wire
	Wire Transfer Maintenance
	Ebanking Account Transfer
	E-Access Wire OnlyAddl
OPTIONAL SERVICES	
Check Printin	Mo Maintenance
	Per check
	Per attachment
PayCards	Mo Maintenance
	Per card issuance
Remote	Digital Check CX 30

BANK SERVICES EVALUATION MATRIX
CITY OF WESLACO
Service Analysis

incumbent

				BBVA			LONE STAR		
				Bank Services		**527**	**Bank Services**		**362**
	Question	**Wgt**		**Score**	**Total**	**Notes**	**Score**	**Total**	**Notes**
1	**Creditworthiness**								
a.	audited financials provided and confirmation	1		2	2	provided	2	2	link
b.	CRA rating and confirmation on changes	2		2	4	outstanding	1	2	hi satisfactory investment but low satisfactory service and lending
c.	Independent rating	3		2	6	Baa2/BBB+ - A2/P2	1	3	C+ by Rate Watch
2	**Customer Service**								
a.	Customer Services	1		2	2	highest level svc	1	1	assigned rep
b	Local support	2		2	4	local team, experience	2	4	local bank
c	What at holding company	2		2	4	team	2	4	local in McAllen
d	Monitoring	1		2	2	svc level agreements	1	1	come and meet
e	Automation needs	1		2	2	high honors	1	1	come talk
f	Incentives?	2		2	4	$10,000 , waived balance fee, waive reserve req, one scanner	0	0	none
g	Auditor	2		2	4	ok	2	4	agreed
h	Local support?	1		2	2	various org	2	2	invest in local and schloarships
3	**References - three**	1		2	2	Palmhurst, S TX College, La Joya ISD, Mission ISD, McAlen ISD,	2	2	Pharr, Hidlago, San Jaun
4	**Agreements and Service Agreements**								
a	Sservice Agreements provided	2		2	4	provided	1	2	provided onwn
b	Exceptions to Master	1		0	0	want standard- willnot sign or agree to terms - will only do if on their forms	0	0	we'll negotiate after award
5	**Implementation Timetable**								
a	Proposed timeline.	1		2	2	incumbent	1	1	timeline - will work with you
						willtalk more on new services			
	TOTALS FOR SECTION					44			29
VI	**REQUIRED SERVICES**								
1	**Account structure**								
a	Describe proposed account structure	3		2	6	using hybrid now - ECR 0.50, IB 0.40% - valid to $25 mm - does have sweep tho	0	0	no sweep
b	Ability to provide sweep., master/ individual acct	3		2	6	can	0	0	no

				Bank Services		527	Bank Services		362
	Question	Wgt		Score	Total	Notes	Score	Total	Notes
c	Sweep reporting	2		2	4	separate report from MMMF	0	0	no
d	Fund prospectus	1		2	2	Goldman	0	0	n/a
e	Index used? What	2		2	4	managed	1	2	40% or 13 week - with floor 0.05 and cap 2%
f	Rates	2		3	6		1	2	40% or 13 week - with floor 0.05 and cap 2%
	ECR					0.5			
	Interest Bearing					0.4			
	Money Market Account								
	Sweep								
	TOTAL FOR SECTION	13				28			4
2	**On-line services**								
a	Describe online service - list services	3		2	6	full range, alerts, ARP real time, PayeePP, lockbox	1	3	basic, stops, transfers, PP, wires
b	Web link	3		2	6	incumbent	2	6	online 24/7 - credentials issued"
c	Mobile banking - what	2		3	6	balances, images. Wires. ACH, transfers, stops, PP, admin	1	2	bal and transfers
d	Aces times	1		2	2	real time, ACH w/in 15	2	2	24/7
e	Security controls	2		2	4	City	2	4	city admin -dual
f	All imaged?	2		3	6	yes - stops 2yr, wires,ACH 120, ARP 2 yrs	1	2	yes "all dr/cr"
g	Alerts and messages	3		3	9	34 types, -set by City	1	3	email or logged on options
h	Auto alerts?	2		3	6	34	2	4	customizable
i	All reports and statement downloadable?	2		2	4	yes, same or prior	2	4	yes
	TOTAL FOR SECTION					49			30
3	**Deposit and Collection Services**								
a	Imaged items - when and how?	2		2	4	120 days baal/trans,stops 2 yrs, ARP 2 yrs	2	4	yes all cd/cr - 6 months - copies afterwards
b	Cut-off time for same day credit - require vault?	2		2	4	vault 3, night 8am,smart 5pm	1	2	4pm - big ones before 2 please
c	Cr/Dr advice disposition	2		3	6	prior day ,bag #, date, amt	2	4	online
d	Type of deposit bags?	2		2	4	poly seal,	2	4	polyseal
f	Bank deposit locations and alternatives, vault?	2		2	4	branch Blue Streak	2	4	ok
g	Deposit tracking	3		2	6	yes	2	6	bank deposit location

				Bank Services		527	Bank Services		362
	Question	Wgt		Score	Total	Notes	Score	Total	Notes
h	straps and rolls	2		2	4	standar straps preferred	2	4	not required
i	limit to deposits in bag	2		2	4	one per	2	4	okay just keep separate
j	Cr/Dr advices	2		2	4	prior day report, more options	1	2	take it or picjk up later
k	ACH assistance	2		2	4	EBPP(BillPay)	0	0	no
l	Online City portal collections	2		2	4	yes EBPP for ACH, dr/cr cards	0	0	no
m	verification of deposit	3		2	6	72 hours	2	6	48 hours
n	Change orders advance time	2		1	2	delay	1	2	prior day - can email
o	Deposit locations	2		2	4	yes	2	4	TX Blvd., Expessway
p	RCK?	2		2	4	yes	0	0	no
q	Fees total on sample?	3		2	6	$61.08 at both	1	3	$72.45, $80.45
	TOTAL FOR SECTION					70			49
4	**Remote Deposit**								
a	Capabilities. Describe equipment.	3		2	6	yes full	2	6	yes
b	Cut off time for remote deposits	2		2	4	9pm	2	4	9pm
c	Reports	2		2	4	Deposit Summary	0	0	variety reflected on stateent - no detail
d	What scanners required?	1		3	3	City has 1 now from BBVA, will provide 1 More	1	1	$450/scanner plus $35/mo plus $10 per item
	TOTAL FOR SECTION					17			11
	NSF Checks Received by District								
a	Current NSF process. Re-deposited?	2		2	4	net cash same day, mai lon conditionsonline same day	2	4	redeposit and no fee if >$100,000 then fee
b	Notifications for return items	2		2	4	yes	2	4	mailed and online (apparently later)
c	Second presentment processing as ACH	2		1	2	can send to collection,	0	0	no
d	RCK reconciliation process	1		1	1	outside vendor	0	0	no
e	Images online? How long?	1		2	2	120 days online	2	2	online - could email if requested
	TOTAL FOR SECTION					13			10
6	**Disbursements**								
a	All images onlline - when and how long?	3		2	6	yes, can search - 2 years	2	6	dr/cr imaged - 6 mos - call for copies after 6 mos
b	Transactions on line when? How long?	3		2	6	2 years	2	6	real-time- transit checks next day

				Bank Services		527	Bank Services		362
	Question	Wgt		Score	Total	Notes	Score	Total	Notes
c	Image all?	2		2	4	yes	2	4	dr/cr
d	Employee checks free	1		1	1	reserve right to $10 - says use pay card	3	3	yes
e	Payment consolidation	3		2	6	integrated payables	0	0	ACH answer
f	Payee info	3		0	0	will tell on implementation	0	0	no answer given
g	commecial or procurement card?	3		3	9	distributed and virtual thru Spend Net	0	0	procurement card in future
h	Rebate available with commercial card?	3		3	9	yes tiered	0	0	rebate once in place but no detail on cards themselves
	TOTAL FOR SECTION					41			19
5	**Positive Pay and Recon**								
a	Payee match ?	2		2	4	yes	0	0	no
b	Manual check online input	3		2	6	yes	2	6	yes, #, amt and date
c	transmission info	1		2	2	4 ways	2	2	upload CVS or fixed format
d	Online entry process	2		2	4	templates	2	4	ok
e	Exception reporting online	3		2	6	Net Cash	1	3	yes except if change required City emails bank
f	Alerts for PP	3		2	6	online notification and alerts	2	6	online in morning - can ask for email alert
g	What time is it reported	2		2	4	real time	2	4	first thing in am
h	Response time for exceptions	2		3	6	6pm	1	2	11am
i	Review for encoding errors	2		2	4	yes and repair	1	2	no
j	All check verified for PP	3		2	6	yes	2	6	yes
k	Partial and Full recon processes	3		2	6	both - standard	2	6	has both no decription
l	Recon file requirements	2		2	4	layouts given	2	4	fixed, CVS or manual entry
m	Posting to InCode?	2		0	0	will talk - dn't know	0	0	no
n	Recon reports - when?	3		2	6	2 days and 3 days	2	6	end of month"
o	Sample of recon reports	3		2	6	ok	2	6	ok
	TOTAL FOR SECTION					70			57
6	**Wires and Transfers**								

				Bank Services		527	Bank Services		362
	Question	Wgt		Score	Total	Notes	Score	Total	Notes
a	Oline wire initiation available?	2		3	6	input and view	3	6	all online and mnitor online
b	Alerts on incoming?	1		2	2	yes, schedule or ad hoc, text phone, email	2	2	can set up alert email
c	Repeat templates	2		2	4	yes and paper	1	2	template with fee
d	Security provisions	1		2	2	zero, 1 or 2	1	1	choice on dual
e	Future dating	1		2	2	30 days	1	1	3 days if call in - no future on online
f	Times	2		2	4	basically 4	2	4	phone 2, online 3:30
g	Use of ledger balances	2		2	4	collected pending offier review	2	4	collected
h	Internal transfers all online? Fee?	3		2	6	yes, fee	3	9	no fee
	TOTAL FOR SECTION					30			29
7	**ACH Services**								
a	File and individual? Online?	1		2	2	several ways will design	2	2	by 4pm two days prior
b	Online input?	2		2	4	yes multiple	1	2	online if authorized, can chose to dual control
c	Initiation or settlement?	3		2	6	settlement	1	3	collected at initiation but debit on settlement
d	Return ACH items process	3		2	6	intra-day then informs	2	6	email when done
e	ACH future dating	3		2	6	7 days	2	6	yes'
f	Filters and blocks	2		2	4	originators, blocks, ACH PP	2	4	block for nonACh acct - filters originator, ID or $$ range
g	Addenda	3		2	6	yes Elect Rports Delivery SVc	1	3	on reports if requested
h	Pre-note fee?	2		2	4	yes	2	4	fee $0.05 item and $5 file
	TOTAL FOR SECTION					38			30
8	**Safekeeping**								
a	Safekeeping services available?	3		3	9	yes	2	6	will assist with Frost or FHLB
b	Online availability for trade input? Describe.	2		1	2	no answer throught it was asking re trading	0	0	
c	Describe correspondent	2		2	4	DTC, FRB	0	0	
d	Hard fee or AA	2		3	6	either	0	0	
e	Notifications	2		3	6	yes - full	0	0	
f	Cutoff on instructios	2		2	4	4pm	0	0	
	TOTAL FOR SECTION	13							

				Bank Services		527	Bank Services		362
	Question	Wgt		Score	Total	Notes	Score	Total	Notes
9	**Collateralization**								
a	Acceptance of conditions?	3		2	6	LOC	2	6	up to $20mm,
b	Propose any collateral charges?	2		2	4	says in accord with PFIA - but will do 102	2	4	no
c	Which custodian?	1		2	2	FHLB	2	2	FHLB
d	Online inquiry of collateral	3		2	6	LOC	0	0	no
f	Monthly reports required	3		2	6	LOC	2	6	ok
	TOTAL FOR SECTION					24			18
10	**Account Analysis**								
a	Sample provided?	2		2	4		2	4	ok
b	Availability? Online?	2		2	4	online 7 days	1	2	mailed - not online
c	How longonline?	2		2	4	120 days	1	2	not online
	TOTAL FOR SECTION					12			8
11	**Monthly Statement**								
a	Sample provided?	1		2	2		2	2	
b	Availability when? Online	3		2	6	next day	2	6	next day
c	How long are statements on line?	3		2	6	2 years	2	6	18 months
d	Fee for paper?	1		1	1	yes	2	2	no
	TOTAL FOR SECTION					15			16
12	**Account Executive**								
a	Client support - local?	1		2	2		2	2	
b	Names and titles	1		2	2		2	2	
c	Daily operations	1		2	2		2	2	
d	Tech support	1		2	2		2	2	
	TOTAL FOR SECTION					8			8
13	**Overdrafts**								
a	Aggregation for charges?	3		2	6	stand alone	3	9	covered if aggregate is sufficient
b	Fee for overcharged occurrence	1		1	1	prime + 4% <18%	2	2	if over $500,000
	TOTAL FOR SECTION					7			11
14	**Stop Payments**								
b	How are stop pays initiated?	3		2	6	online or call	2	6	online or bank or call

				Bank Services		527	Bank Services		362
	Question	Wgt		Score	Total	Notes	Score	Total	Notes
c	How long are peridos? Extended?	3		2	6	2 years	2	6	180 days
d	Options for renewal?	3		2	6	online	1	3	new one
e	Deadline for same day>	3		2	6	9pm same day	2	6	9pm
f	Authorizations	2		2	4	dual	2	4	none for online
g	Info on line	1		2	2	online	2	2	current can be viewed
	TOTAL FOR SECTION					30			27
	TOTAL FOR REQUIRED SERVICES				**527**			**362**	
	ALTERNATIVE SERVICES OFFERED								
	TOTAL FOR REQUIRED BANK SERVICES				**527**			**362**	
	Alternatives					consolidated payables, co plan			
	OPTIONAL SERVICES								
	Check Printing								
a	Check printing services? Describe.	3		2	6	thru Spend Net with TSYS	0	0	not provided
b	turn-around	2		2	4	next day	0	0	
c	Detail required	2		2	4	inovice lines 45 lines	0	0	
d	Location for printing?	1		2	2	Columbus GA or Columbus OH	0	0	
	TOTAL FOR SECTION					**16**			**0**

COMBINED FINANCIAL ANALYSIS
CITY OF WESLACO
2020

	BBVA	LONE STAR	PLAINS
Proposed Bank Fees/Mo	1,671	2,858	2,812
Service Scores	527	362	489
Incentive Impact			
Direct Credit	10,000		1,000
Scanner	800		1,600
Waiving of Analysis Fees			14,061
Total Incentive Value	10,800	0	16,661
Per year cost 1st year	9,253	34,301	17,085
2nd year	20,053	34,301	33,746
3rd year	20,053	34,301	33,746
4th year	20,053	34,301	33,746
5th year	20,053	34,301	33,746
Avg mo. cost (over 5 years)	1,491	2,858	2,535

Rates		floor 0.05% cap 2%	
ECR	**0.50%**		0.40%
Interest Bearing	0.40%		
Money Market Account			
Sweeps			0.30%
Avg Balance Interest Bearing	17,417,987	17,417,987	17,417,987

Compensating Balance Basis			
Mo. Comp Balance Req.	3,578,574	17,000,000 set	4,000,000 set
Balance Avail for Invest	13,839,413	417,987	13,417,987
Earnings if in Sweep Accounts	0	0	3,354
Earnings if in IMMA	0	0	0

Fee Basis			
Fee per Month	1,491	2,858	2,535
Earnings in Sweep/Mo	0	0	4,354
Earnings in MMA/Mo	4,613	0	0

Incentives Offered	*$10,000 credit for use anytime* *one scanner* *waiving balance base fee* *waiving reserve req*	*IB rates are 40% of 13 week!* ***assuming target of $17mm***	*presenting non-IB with ICS - current* *ECR 0.40% floor of 0.25%* *floor on IB 0.30%* *waiving first 6 months fees* *2 scanners* *$1,000 for supplies*

TX NAT'L
0
0
2,000
800
2,800
-2,800
0
0
0
0
-47
0.25%
17,417,987
assumed
17,000,000
417,987
0
87
-47
0
3,629
$2,000 for supplies
one scanner

City of Weslaco

"The City on the Grow"

David Suarez, Mayor
Letty Lopez, Mayor Pro-Tem, District 5
Leo Muñoz, Commissioner, District 1
Greg Kerr, Commissioner, District 2
Jose "J.P." Rodriguez, Commissioner, District 3
Adrian Farias, Commissioner, District 4
Josh Pedraza, Commissioner, District 6

Mike R. Perez, City Manager

TO: **Mayor and City Commission**

FROM: **Mike R. Perez, City Manager**

SUBJECT: **Bank Bids**

DATE: **July 28, 2019**

We received five (5) bids for the City of Weslaco's Bank Depository Services. Attach is a spreadsheet showing the analysis of the bids from the banking institutes. In addition, we are attaching a report from Patterson & Associates who help us through the bidding process. We used them before when we bid this services out several years ago.

Her recommendation along with staff is to award the bid to the most advantageous and responsive bidder, BBVA.

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3497

From:

Subject:
Discussion and consideration to approve Fiscal Year 2020 Interlocal Agreement with County of Hidalgo under the Urban County Program setting the amount for the city at $301,060 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)

Background:
The City has participated with the county of Hidalgo on the Urban County Program for numerous years and will continue by executing all necessary documents in Fiscal year 2020. The activities to be undertaken are listed on Exhibit A and will need for each commission member to sign a "Code of Conduct" form.

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:
Mayor's Signature

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**

Norma Cantu	Created/Initiated
Vidal Roman	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve.

Staff Recommendation:
Staff recommends approval and have Mayor execute the agreement as well each commission member sign the Code of conduct.

Attachments, if any:
Signed letter for Cities.7-22-2020., 2020 Interlocal Agreement Weslaco

Responsibilities upon Approval:

URBAN COUNTY PROGRAM

1916 Tesoro Street, Pharr, Texas 78577 (956) 787-8127 FAX (956) 318-2988
E-mail: ucp@ucp.co.hidalgo.tx.us

July 22, 2020

All City Managers
Hidalgo County

RE: 2020-2021 Fiscal Year Interlocal Agreement

To All City Managers:

Attached is the Interlocal Agreement for the 2020-2021 Urban County Program fiscal year that must be approved by your city council. Please return the Interlocal to the UCP office no later than Friday, August 28, 2020. In addition, minutes reflecting city council's approval of the Interlocal Agreement are also required. The UCP will accept signed and stamped excerpts of minutes in lieu of official certified minutes not being ready before the due date. Please see guidelines below:

Codes of Conduct – In addition to various Exhibits in the Agreement, the Agreement contains Exhibit A-1, the Code of Conduct Certification. The Code of Conduct must be signed by each city council member, city secretary, and city manager. Note that there are only five (5) copies of the Code of Conduct included in your Agreement; make additional copies for signatures as needed.

Signing the Code of Conduct – **BLUE** INK is required for all original signatures.

Failure to submit the Interlocal Agreement – The Interlocal is due every fiscal year for cities participating in the Urban County Program. *Failure to submit approved Interlocal Agreement by **August 28, 2020** will result in forfeiture of funds.*

Please note that once the Agreement has been returned to the UCP with approval certification and signatures, the agreement will be submitted to Hidalgo County Commissioner's Court to complete the required approval process. A completely signed copy will be forward to each city for administration files. Should you have any questions, please do not hesitate to contact Lupita V. Garcia, UCP Coordinator III or myself at 956-787-8127.

Respectfully,

Patricio R. Avila, Director
Urban County Program.

PAR/gvg

Enclosure: Interlocal Agreement with Exhibits.

INTERLOCAL AGREEMENT

STATE OF TEXAS §
§
COUNTY OF HIDALGO §

This Interlocal Agreement, made and entered into by and between the County of Hidalgo, a political subdivision of the State of Texas, hereafter referred to as the "County" and the **City of Weslaco**, a municipal corporation under the laws of the State of Texas, hereafter referred to as "City".

WITNESSETH

WHEREAS, the Department of Housing and Urban Development made a Determination of Essential Powers on November 16, 1987 which depicts Hidalgo County as having the "essential powers" to carry out community renewal and lower income housing assistance in the County, and

WHEREAS, the Department of Housing and Urban Development formally allocated **$7,750,673.00** of Fiscal Year **2020** Community Development Block Grant (CDBG) Funds under Grant No. **B-20-UC-48-0501** to County, and

WHEREAS, the City and County have entered into a Cooperation Agreement which allows the County to use the City's population as the basis for qualification as an Urban County, and

WHEREAS, both the County and the City need to set out basic administrative understandings for the proper expenditure of CDBG funds as set out in 24 CFR.570 and other related federal rules and regulations as they apply to Subrecipients.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That the County and the City do mutually agree as follows:

SECTION I
Rules and Regulations

The City agrees to cooperate with the County in respect to the implementation of CDBG activities to be carried out in the City's jurisdiction as per 24 CFR 570 and other rules, regulations and decisions as may be made by the Department of Housing and Urban Development or any other federal or state agency that may legally exercise its jurisdiction over expenditures of CDBG funds. Both City and County agree and understand that the County is the grantee for the CDBG funds and the City is subject to all rules and regulations governing Subrecipients under 24 CFR 570.

SECTION II
Applicability of Uniform Administrative Requirements

The County understands that it is responsible for the maintenance, retention, accessibility and public disclosure of all records, expenditures and files as may be promulgated for the administration of CDBG funds and as may be required by 24 CFR 570 and the "Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally Recognized Indian Tribal Governments." (24 CFR Part 85) or any variation as may be approved by HUD The City agrees to work with the County to make available all data, information and records as may be necessary for the proper accounting of all CDBG expenditures and activities. A description of City and County responsibilities can be found in Exhibit B Matrix. City agrees to make all records available to the County and shall not be the custodian of any official records or information.

City agrees to comply with 2 CFR Part 200 and with the following sections of 24 CFR Part 85 "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Government":

(1) Section 85.3, "Definitions";
(2) Section 85.6, "Exceptions";
(3) Section 85.12, Special grant or subgrant conditions for "high-risk "grantees";
(4) Section 85.20, "Standards for financial management systems," except paragraph (a);
(5) Section 85.21, "Payment," except as modified by SS570.513;
(6) Section 85.22, "Allowable costs";
(7) Section 85.26, "Non-federal audits"
(8) Section 85.32, "Equipment," except in all cases in which the equipment is sold, the proceeds shall be program income;
(9) Section 85.33, "Supplies";
(10) Section 85.34, "Copyrights";
(11) Section 85.35, "Sub-awards to debarred and suspended parties";
(12) Section 85.36, "Procurement," except paragraph (a);
(13) Section 85.37, "Subgrants";
(14) Section 85.40, "Monitoring and reporting program performance," except paragraphs (b)-(d) and (f);
(15) Section 85.41, "Financial Reporting." except paragraphs (a), (b), and (e);
(16) Section 85.42, "Retention and access requirements for records";
(17) Section 85.43, "Enforcement";
(18) Section 85.44, "Termination for convenience";
(19) Section 85.51, "Later disallowances and adjustments"; and
(20) Section 85.52, "Collection of amounts due."

the City agrees to submit a yearly Certified City Financial Audit regardless of the dollar amount expended in that fiscal year in the time and manner prescribed by the County.

SECTION III
Other Program Requirements

The City agrees to comply with "Other Program Requirements" as listed in Exhibit D (24 CFR 570.600-611) except for the environmental responsibilities outlined at 24 CFR 570.604 and the review process under Executive Order 12372.

SECTION IV
Allocation

The City understands that the Urban County allocation has been set at **$7,750,673.00** for **Fiscal Year 2020** and that City's allotment has been set at **$301,060.00.** The City agrees to cooperate with the county in the expenditure of these funds for the activities so described in Exhibit A of this Agreement ant that Exhibit A is an integral part of this Agreement.

The City further agrees to inform the County on any changes in scope, funding or location of the activities listed on Exhibit A prior to executing any change. Any changes proposed by City must be approved by the County in reference to eligibility, program compliance and citizen participation requirements.

City and County mutually agree that the City shall have four (4) fiscal years to properly expend or cause to be expended, according to all applicable rules and regulations, all funds allocated to it in **Fiscal Year 2020**. In consideration for the same, the City agrees not to have more than 1.5 times its annual allocation in its line of credit by **April 30, 2021** Funds in excess of the 1.5 standards shall be subject to the Recapture Policy of the Urban County Program. The County shall recapture any and all unobligated funds that a City fails to expend or obligate by **June 30, 2021** and shall expend such unobligated funds as it may deem appropriate.

SECTION V
Access

The City and County both agree to give the Department of Housing and Urban Development, the Inspector General, the Comptroller General of the United States, or any of its authorized representatives, access to and the right to examine, excerpt and transcribe all books, accounts, records, reports, files and other papers, things, or property belonging to or in use by the City or County for a period as such records are legally required to be maintained by the City or County.

SECTION VI
Monitoring

The County reserves the right to carry out regular and periodic field inspections to ensure compliance with the requirements of this Agreement. City shall attend a compliance seminar after the award of funds and prior to the first draw. After each monitoring visit, County shall provide City with a written report of the monitor's inspection. If the monitoring report finds deficiencies in City's performance under the terms of this Agreement, the monitoring report shall include requirements for the timely correction of such deficiencies by City. Failure by City to take action as specified in the monitoring report may be cause for suspension or termination of this Agreement, as provided in Section XIV of this Agreement.

SECTION VII
Conflict of Interest

In compliance with 24 CFR 611, the City and County both covenant that no member of their respective governing bodies nor any staff member who exercises influence on the decision making process, presently has or will have any interest, direct or indirect, with any person, corporation**,** company or association that is hired to carry out any of the activities so listed on Exhibit A or will receive federal assistance from any activity.

The City and County both agree that no person who is an elected official, employee, consultant, or agent of the City or County shall gain any interest in any corporation, company, or association that is hired to carry out any of the activities so listed in Exhibit A during their tenure or for a period of one year thereafter.

No City or County employee, elected official, consultant and/or agent shall solicit nor accept gratuities, favors, or anything of monetary value from any person, corporation, company, or association that has been hired or expects to be hired to perform any of the activities so described on Exhibit A.

Code of Conduct Certification attached to this agreement must be signed by elected officials, employees, consultants, or agents to the City. (See attachment A-1)

SECTION VIII
Religious Activities

The City and County both agree that none of the funds expended or activities undertaken shall be used in support of any sectarian or religious activity, nor shall any building or structure funded under this program be used for sectarian or religious activities.

SECTION IX
Real and Property Assets

The City and County agree that any property, real or personal, duly acquired with CDBG funds allocated to City shall become property of the City and shall be afforded the same maintenance and protection as other City property. City and County further agree that any real or personal property acquired shall be done in accordance with 24 CFR 570.606, 24 CFR 85 and/or any other federal rules or regulations as may apply.

City agrees not to purchase any real or personal assets unless so permitted by the County and such procurement shall be done in accordance with 24 CFR 570.606, 24 CFR 85 and/or any other federal rules or regulations as may apply.

The City agrees to maintain any real or personal asset in a prudent manner so as to ensure its useful life and to protect the federal government's interest in such real or personal asset from the perils of fire, storm, flood or theft through insurance coverage in the amount as may be deemed prudent by County. Failure to secure such protection shall be cause for termination of this agreement.

Any asset acquired or improved in part or in whole with CDBG funds must be used in an activity that is eligible and meets one of the national objectives listed in 24 CFR 570.208. Any asset acquired or improved in part or in whole with CDBG funds in excess of $ 25,000 must be used for the CDBG activity so planned including the beneficiaries of such use. Any change in use or

beneficiaries must be subject to the citizen participation requirements and approved by the County.

Should any use of an asset not qualify as meeting one of the national objectives or is not an eligible use under 24 CFR 570.200, the City shall reimburse the County the amount of the current fair market value of the asset less any portion thereof attributable to expenditures of non-CDBG funds in the acquisition or improvement of the asset.

The above requirements attributed to assets over $25,000 shall remain in force for a period of five years after the final closeout of the County's participation in the Urban County Program. The disposition of any asset improved or acquired in part or in whole with CDBG funds by the City must be done with prior approval of the County and the County shall be reimbursed for the asset, if sold, in the full amount of the disposed value of the asset. The County may, at its option, request that such asset be transferred to the County if the asset is no longer being used to meet one of the national objectives or in any case where the City no longer uses the asset for its intended use.

SECTION X
Jurisdiction

The City and County agree to accept the jurisdiction of the Department of Housing and Urban Development in matters relating to the proper administration of programs and the proper expenditure of CDBG funds.

The City and County agree that the County is responsible for the proper administration of programs and the proper expenditure of CDBG funds and recognize that the County will be responsible for audit or programmatic findings or exceptions made by the HUD or any other agency that may exercise jurisdiction over HUD or any other agency that may exercise jurisdiction over HUD funds or programs.

In cases of an audit finding or exception based on action or inaction, representation or misrepresentation of the City, the City agrees to resolve such audit finding or exception for and on behalf of the County. Remedial actions that may be taken for the resolution of an audit finding or exception are defined in 24 CFR 570.910 and include the withholding of funds to the City for any outstanding finding(s) or exception(s). (See Exhibit-E)

The City understands and agrees this Interlocal Agreement shall remain in full force and effect until the Department of Housing and Urban Development has closed this Program Year **(B-20-UC-48-0501)** and accepted any resolutions to any and all audit or programmatic finding(s) or concern(s).

SECTION XI
Payment Requests and Program Income

The City agrees to follow administrative directions from the County in the areas of documenting and processing payment requests. The City further agrees to allow the County to make all payments and to account for all program income from any of its CDBG activities that may generate program income as outlined in this Section.

The City and County agree that program income generated from any approved CDBG project shall be retained by the City as long as such City provides the County by the 15th of each month, an accounting as may be required by the County of program income earned, retained, and

expended by the City. The City shall be allowed to use the program income for the same or similar activities as generated the program income. Failure of the City to report program income as required shall cause the County to require all program income to be recovered by the County.

SECTION XII
Section 108 Loan Guarantee

County and City both agree that they may implement certain eligible activities as outlined in 24 CFR 570.703 with loan funds from the Section 108 Loan Guarantee Program as described in 24 CFR 570.700-709 approved and adopted November 6, 1991 (Vol. 56, No. 215 Federal Register).

The County and City will be allowed to submit an application for such funds per funding year in an amount less than three times its current allocation. Should the City or County submit more than one application during any combination of years, the cumulative amount of loan funds requested shall not exceed the total amount of five years of the current allocation. The City agrees that it will bear the full expense of obtaining Section 108 financing for the period of the repayment of Section 108 funds.

The County and City agree that they will maintain a legal binding relationship with each other under the terms of this Agreement and all previously signed Cooperation Agreement if the City wishes to participate in the Section 108 Loan Guarantee Program for the full term of the Section 108 Loan Agreement. The City agrees to pledge its current and future CDBG allocation and other security consideration as may be required, depending on the project risk, as security for the Section 108 Loan and such security pledge shall not bind or affect other cities' allocation in the Urban County Program.

Such legal binding relationship and security pledge shall remain in full force and effect for the full term of the Section 108 Loan Guarantee agreement and this agreement shall survive for the term of the Section 108 Loan. Details of any current Section 108 loan are included herein as Exhibit C, if applicable.

SECTION XIII
Legal Action

The City agrees to notify the County when a problem arises that may lead to any legal action or claim against the City and/or County. The City agrees to furnish to the County any information with respect to such action or claim. The City agrees not to take any action with respect to any legal matter or claim sought against the City and/or County without advice and consent of the County.

SECTION XIV
Suspension and Termination

City understands that this agreement may be suspended or terminated in accordance with 24 CFR 85.43 if the City materially fails to comply with the provisions of this agreement or the provisions so listed on Exhibits A through E. Termination for convenience may be implemented in accordance to the provisions listed in 24 CFR 85.44.

SECTION XV
Changes or Amendments

The City agrees to notify the County on any changes or amendments that it may desire or need to carry out the CDBG program in its area. All changes or amendments must first obtain approval from the County prior to implementation. All changes or amendments must conform to all federal rules and regulations applicable to the CDBG program.

SECTION XVI
Essential Powers

The City agrees that the County has the essential powers to implement any aspect of those activities identified in the 2018 – 2022 Five-Year Consolidated Plan & Strategy inclusive of specific projects identified in the annual One-Year Action Plan and subsequent amendments. The City further agrees to allow the County the authority to initiate, undertake and implement said projects within its jurisdictional boundaries without further notice to City by County for all projects identified in the 2018 – 2022 Five-Year Consolidated Plan & Strategy, Annual Action Plan and subsequent amendments to the Plans herein incorporated by reference.

Approved and signed this _____ Day of _____, 2020.

ATTEST:

_____	_____
Arturo Guajardo, Jr. **County Clerk**	**Richard F. Cortez,** **Hidalgo County Judge**

ATTEST:

_____	_____
City Secretary	**Mayor**

APPROVED AS TO FORM
Hidalgo County Criminal District Attorney's Office
Ricardo Rodriguez, Jr.

By: _____
Victor M. Garza, Asst. District Attorney

Date:_____

The following Exhibits are incorporated into the 2020 Interlocal Agreement:

Exhibit A	2020 Proposed Activities
Exhibit A-1	Code of Conduct Enforcement
Exhibit B	Urban County Program Matrix
Exhibit C	Section 108 Loan Guarantee Program
Exhibit D	CDBG Regulations and other Program Requirements
Exhibit E	Audit Finding or Exceptions

Exhibit A
2020 Proposed Activities

2020	WESLACO	$301,060.00
21A **Exempt** **58.34(a)(3)**	**GENERAL PROGRAM ADMINISTRATION** Funds shall be used for expenses related to compliance with CDBG requirements including but not limited to advertisements, postings and coordinating project activities and related eligible activities. Location: City Hall 255 S. Kansas Street, Weslaco, TX 78596	**$3,000.00**
03J **Environmental Assessment**	**WATER/SEWER IMPROVEMENTS** Project consists of the upgrading of water lines specifically for fire hydrants and related to include but not limited to adjacent/abutting alleys/streets within the same general vicinity, and related appurtenances. Other expenditures will include professional engineering . services, geotechnical and material testing fees, etc **Location: 1.** Lee Garza Street and Cantu Street Weslaco, Texas 78596. Census Data: 226.00 (02) National Objective: 51.94% LMA Goal Outcome Indicator: 735 Beneficiary Type: People	**$293,060.00**
05A **Exempt** **58.34(a)(4)**	**SENIOR SERVICES – Amigos Del Valle** Project expenditures include but are not limited to the reimbursement of expenses related to the delivery of meals to the elderly (62 years older) within the City of Weslaco. Location: Casa de Amigos V: 1201 W. 6th St., Weslaco, TX 78596 National Objective: LMC Goal Outcome Indicator: 8 Beneficiary Type: People	**$5,000.00**

Exhibit A-1
Code of Conduct Certifications

CODE OF CONDUCT

No employee, officer or agent of the ***County of Hidalgo-Urban County Program, sub-grantee or subrecipient*** shall participate in selection or in the award or administration of a contract or conduct business with a vendor if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

A. ***the employee, officer or any agent***
B. ***any member of his immediate family***
C. ***his or her partner***
D. ***an organization which employs or is about to employ, any of the above, has a financial or other interest in the firm selected for award.***

The *Urban County Program's* ***, sub-grantee or subrecipient,*** *officers, employees or agents* shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements, or vendors or potential vendors. Depending on gravity, violation of this Code of Conduct could result in dismissal, probation or suspension of officers, employees or agents involved or termination of contractual agreements with subrecipients.

Non-disclosure Policy No disclosure of verbal or written price quotations shall be made by any *Urban County Program* employee, sub-grantee or subrecipient. Violation of the nondisclosure policy shall be subject to disciplinary action as provided by the *County of Hidalgo* or termination of contractual agreements when a subrecipient/sub-grantee employee is involved.

Personal Interest No member of the *Hidalgo County Commissioners or any officer or employee of the Urban County Program****, sub-grantee or subrecipient*** shall have a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract or in the sale to the *Urban County Program****, sub-grantee or subrecipient*** or to a contractor supplying the *Urban County Program****, sub-grantee or subrecipient*** of any land or rights or interest in any land, material, supplies, or services, or in any matter in which he acts for the *Urban County Program*. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the *Urban County Program****, sub-grantee or subrecipient*** found guilty shall thereby forfeit his or her office. Any violation of this section with the knowledge, express or implied, of the person or corporation contracting with the *Urban County Program****, sub-grantee or subrecipient*** shall render the contract voidable by the *Urban County Director or the board of Commissioners.*

Employee, Officer, or Agent Acknowledgment	***Print or Type Name and Position/Title***
Entity/Organization Name	***Date***

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C. ***his or her partner***
D. ***an organization which employs or is about to employ, any of the above, has a financial or other interest in the firm selected for award.***

The *Urban County Program's* ***, sub-grantee or subrecipient,*** *officers, employees or agents* shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements, or vendors or potential vendors. Depending on gravity, violation of this Code of Conduct could result in dismissal, probation or suspension of officers, employees or agents involved or termination of contractual agreements with subrecipients.

Non-disclosure Policy

No disclosure of verbal or written price quotations shall be made by any *Urban County Program* employee, sub-grantee or subrecipient. Violation of the nondisclosure policy shall be subject to disciplinary action as provided by the *County of Hidalgo* or termination of contractual agreements when a subrecipient/sub-grantee employee is involved.

Personal Interest

No member of the *Hidalgo County Commissioners or any officer or employee of the Urban County Program****, sub-grantee or subrecipient*** shall have a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract or in the sale to the *Urban County Program****, sub-grantee or subrecipient*** or to a contractor supplying the *Urban County Program****, sub-grantee or subrecipient*** of any land or rights or interest in any land, material, supplies, or services, or in any matter in which he acts for the *Urban County Program*. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the *Urban County Program****, sub-grantee or subrecipient*** found guilty shall thereby forfeit his or her office. Any violation of this section with the knowledge, express or implied, of the person or corporation contracting with the *Urban County Program****, sub-grantee or subrecipient*** shall render the contract voidable by the *Urban County Director or the board of Commissioners.*

Employee, Officer, or Agent Acknowledgment	***Print or Type Name and Position/Title***
Entity/Organization Name	***Date***

CODE OF CONDUCT

No employee, officer or agent of the ***County of Hidalgo-Urban County Program, sub-grantee or subrecipient*** shall participate in selection or in the award or administration of a contract or conduct business with a vendor if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

A. ***the employee, officer or any agent***
B. ***any member of his immediate family***
C. ***his or her partner***
D. ***an organization which employs or is about to employ, any of the above, has a financial or other interest in the firm selected for award.***

The *Urban County Program's* ***, sub-grantee or subrecipient,*** *officers, employees or agents* shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements, or vendors or potential vendors. Depending on gravity, violation of this Code of Conduct could result in dismissal, probation or suspension of officers, employees or agents involved or termination of contractual agreements with subrecipients.

Non-disclosure Policy

No disclosure of verbal or written price quotations shall be made by any *Urban County Program* employee, sub-grantee or subrecipient. Violation of the nondisclosure policy shall be subject to disciplinary action as provided by the *County of Hidalgo* or termination of contractual agreements when a subrecipient/sub-grantee employee is involved.

Personal Interest

No member of the *Hidalgo County Commissioners or any officer or employee of the Urban County Program****, sub-grantee or subrecipient*** shall have a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract or in the sale to the *Urban County Program****, sub-grantee or subrecipient*** or to a contractor supplying the *Urban County Program****, sub-grantee or subrecipient*** of any land or rights or interest in any land, material, supplies, or services, or in any matter in which he acts for the *Urban County Program*. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the *Urban County Program****, sub-grantee or subrecipient*** found guilty shall thereby forfeit his or her office. Any violation of this section with the knowledge, express or implied, of the person or corporation contracting with the *Urban County Program****, sub-grantee or subrecipient*** shall render the contract voidable by the *Urban County Director or the board of Commissioners.*

Employee, Officer, or Agent Acknowledgment	***Print or Type Name and Position/Title***
Entity/Organization Name	***Date***

Exhibit B
Urban County Matrix

Pre-Bid Activities

Development of Annual Workplan

This activity is a city responsibility with the county involvement only as is necessary to assure that the individual activities meet one of the three national objectives.

Revisions or Amendments to Annual Workplan

Same as above (only two amendments allowed per fiscal year)

Eligibility Test on Activities

This is a county responsibility working with the cities to assure all activities meet one of the three national objectives. The County will assure that the 51 percent benefit to low and moderate income persons can be verified and that the activities are eligible for funding. The county may request an eligibility determination from HUD should a difference of opinion arise between the City and the County.

Public Hearings

This responsibility will be a shared responsibility between the Cities and the County. In accordance with the adopted Citizen Participation Plan, the Cities will conduct a public hearing in their respective Cities after public notice. The County will then have a second public hearing at the County level on the county-wide workplan, after public notice.

Environmental Assessment

This is a County responsibility with concurrence and assistance by the Cities. The County will determine what level of clearance is needed and will do noise, hazard, historical, floodplain, etc. assessments as may be needed with as much city input as possible. The County Judge will consider the "do nothing" alternative after consultation with the respective Mayors. The County Judge and or UCP Staff will direct all mitigation efforts if necessary. The County Judge will sign all environmental assessment reviews and findings. (A County Signatory may be appointed: UCP Director)

Advertise for Professional Services

This is a County responsibility whereby the County will advertise once a year for all professional services through a statement of qualifications process. The County will provide all data concerning proposed activities and type of services needed. This list will be sent to all Cities so that the Cities may decide on the professional services as they see the need for the services. Should a city need services not available from the list (UC-1 List) of Professional Services, the City shall advertise for the service after consulting with the Urban County Program staff.

Selection of Professional Services Provider

This is a City and County shared responsibility, based on the Texas Local Government code and other applicable laws and regulations. County will make sure that the provider is not a contractor's debarred list by consulting with the System for Award Management (SAM) website (www.sam.gov), prior to recommendation for awarding a contractor to Hidalgo County Commissioner's Court.

Execute Professional Contracts

The City will negotiate the Professional Service Contract, and submit a Best and Final Offer (BAFO) along with Scope of Services, Project Cost Estimate, Certificate of Debarment, CIQ Form and IRS W-9 Form. The County will prepare the Professional Contract Agreement documents and submit to Hidalgo County Commissioner's Court for approval of contract. Any modifications to the County contracts require prior approval of the County Legal Department. Once approved, the County will forward the contracts to the Professional Service Provider for proper signatures, they will return to the County for the County's execution and County will issue Notice to Proceed.

Review of Preliminary Drawings

This is a city responsibility.

Solicit Davis-Bacon Wage Rates

This is a County responsibility. The County will obtain wage rates from HUD for specific projects and will forward wage rates to the respective Cities and the Professional Service Provider to include in the bid specification packages.

Review and Approval of Final Plans and Specifications

This is a City responsibility where by the Mayor's signature will be required on all plans and specifications prior to bidding. Final plans should be forwarded to Urban County Program office prior to bid advertisement for compliance check.

Advertise for Construction Bid

This is a County responsibility. The County will advertise for all construction projects and will instruct bidders as to the availability of plans and specs, (to be picked up at Professional Service Provider's choice of location), and will advise bidders as to who will accept bids. (Hidalgo County Purchasing Department – any given Wednesday at 9:30am)

Pre-Bid Conference

This is a County responsibility. County will conduct a pre-bid conference if necessary at the Urban County program Conference Room, accompanied by the Professional Service Provider and the project's respective City.

Bid Activities

Ten Day Wage Rate Check

This is a County responsibility. Ten days prior to any bid opening, the County will ascertain as to the applicability of the wage rate in the bid documents. Should the wage rate change all appropriate engineers will be notified and instructed to change wage rates.

Accept Construction Bids

This is a County Purchasing Department responsibility. The Hidalgo County Purchasing Department will accept bids as per the conditions set forth in the specification handbook.

Accept and Tabulate Bids

This is a County Purchasing Department responsibility with an Urban County, City, and Professional Service Provider representative at bid opening. The respective Professional Service Provider will review the bids received and make their recommendation to the Urban County Program.

Research Apparent Low Bidder

This is a shared responsibility. The respective Professional Service Provider will research and review apparent low bidder's past performances and their bids. The Urban County program will research the list of Debarred Contractor's and make a finding in the regard.

Bid Recommendation

This is a County responsibility. The respective Professional Service Provider will recommend the lowest and most responsible bid to the County. The city will send a recommendation to the County. County will request approval by Hidalgo County Commissioner's Court for approval of contract.

Contract Award

The County upon approval by Hidalgo County Commissioner's Court will prepare the contract documents and forward them to the approved Contractor for execution.

Pre-Construction Activities

Construction Contract and Bonds

This is a shared responsibility. The Professional Service Provider will coordinate the execution of construction contracts to include Insurance, Payment and Performance Bonds. Once they receive four (4) original set of construction contracts they will submit to the County for execution. Any modifications to the construction contracts require prior review by Legal Department and approval by Hidalgo County Commissioner's Court.

Pre-Construction Conference

The Urban County Program will conduct a Pre-construction conference to inform the contractor of the various federal regulations such as Affirmative Action, Section 3 Compliance, and Davis-

Bacon Wage Compliance. The Pre-construction conference will be held at the Urban County Program Conference Room, with the city and professional service provider representatives present. Once contracts are signed, County will prepare and issue a Notice to Proceed.

Document Posting and Construction Signs

This is a shared responsibility. The city and Professional Service Provider will ensure itself that the appropriate documents are posted at the site and that the construction sign is erected.

Construction Activities

Davis-Bacon Compliance
This is a shared responsibility. The City may be asked to conduct wage rate employee interviews. The County will conduct wage rate interviews and review wage rates on payroll reports submitted with request for payments.

Periodic Project Inspections

This is a shared responsibility. The City, County, and Professional Service Providers will conduct periodic site inspections of the project site.

Payment Request Approval

This is a shared responsibility. The Professional Service Provider will review and sign off on request for payments and forward RFP to the City for signature and approval, and forward the final RFP to the County for review and approval of payment.

Change Orders

This is a shared responsibility. Professional Service Provider will recommend any change orders after negotiating said change order with the contractor. All change orders must have City's approval prior to submission to County for review and approval.

Contract Amendment

This is a shared responsibility. The Professional Service Provider will recommend any contract amendments to the County. County will consider and take appropriate action to approve or deny the contract amendment if necessary.

Final Payment Approval

This is a shared responsibility. The County and Professional Service Provider will conduct final project site inspections to ensure that construction has been completed as per plans and specifications prior to submitting final request for payment recommendation to the County. County will ensure that all applicable laws and regulations have been complied with. County will review wage rate compliance, release of liens, certification of construction completion, warranty certification and other pertinent documents.

Exhibit C
Section 108 Loan Guarantee Program

Introduction

Section 108 is the loan guarantee provision of the Community Development Block Grant (CDBG) program. Section 108 provides communities with a source of financing for economic development, housing rehabilitation, public facilities, and large-scale physical development projects. This makes it one of the most potent and important public investment tools that HUD offers to local governments. It allows them to transform a small portion of their CDBG funds into federally guaranteed loans large enough to pursue physical and economic revitalization projects that can renew entire neighborhoods. Such public investment is often needed to inspire private economic activity, providing the initial resources or simply the confidence that private firms and individuals may need to invest in distressed areas. Section 108 loans are not risk-free, however; local governments borrowing funds guaranteed by Section 108 must pledge their current and future CDBG allocations to cover the loan amount as security for the loan.

Regulations governing the Section 108 program may be found at 24 CFR 570, Subpart M, Loan Guarantees.

Eligible Applicants

Eligible applicants include the following public entities:

- metropolitan cities and urban counties (i.e. CDBG entitlement recipients);
- nonentitlement communities that are assisted in the submission of applications by States that administer the CDBG program; and
- nonentitlement communities eligible to receive CDBG funds under the HUD-Administered Small Cities CDBG program (Hawaii). The public entity may be the borrower or it may designate a public agency as the borrower.

Eligible Activities

Activities eligible for Section 108 financing include:

- economic development activities eligible under CDBG;
- acquisition of real property;
- rehabilitation of publicly owned real property;
- housing rehabilitation eligible under CDBG;
- construction, reconstruction, or installation of public facilities (including street, sidewalk, and other site improvements);
- related relocation, clearance, and site improvements;
- payment of interest on the guaranteed loan and issuance costs of public offerings;
- debt service reserves;
- public works and site improvements in colonias; and
- in limited circumstances, housing construction as part of community economic development, Housing Development Grant, or Nehemiah Housing Opportunity Grant programs.

For purposes of determining eligibility, the CDBG rules and requirements apply. As with the CDBG program, all projects and activities must either principally benefit low- and moderate-income persons, aid in the elimination or prevention of slums and blight, or meet urgent needs of the community.

Maximum Commitment Amount

Commitments are limited as follows:

1. Entitlement public entities. An entitlement public entity may apply for up to five times the public entity's latest approved CDBG entitlement amount, minus any outstanding Section 108 commitments and/or principal balances of Section 108 loans.

2. State assisted public entities. A nonentitlement public entity may apply for up to five times the latest approved CDBG amount received by its State, minus any outstanding Section 108 commitments and/or principal balances on Section 108 loans for which the State has pledged its CDBG funds as security.

3. Nonentitlement public entities eligible under the HUD administered Small Cities Program. For a public entity in Hawaii, the maximum commitment amount is five times the public entity's latest grant under 24 CFR 570, Subpart F, minus any outstanding Section 108 commitments and/or principal balances on Section 108 loans.

Loan Details

Security: The principal security for the loan guarantee is a pledge by the applicant public entity or the State (in the case of a nonentitlement public entity) of its current and future CDBG funds. Additional security will also be required to assure repayment of guaranteed obligations. The additional security requirements will be determined on a case-by-case basis, but could include assets financed by the guaranteed loan.

Repayment: The maximum repayment period for a Section 108 loan is twenty years. HUD has the ability to structure the principal amortization to match the needs of the project and borrower. Each annual principal amount will have a separate interest rate associated with it.

Financing Source: Section 108 obligations are financed through underwritten public offerings. Financing between public offerings is provided through an interim lending facility established by HUD.

Interest Rates: Interest rates on interim borrowing are priced at the 3 month London Interbank Offered (LIBO) rate plus 20 basis points (0.2%). Permanent financing is pegged to yields on U.S. Treasury obligations of similar maturity to the principal amount. A small additional basis point spread, depending on maturity, will be added to the Treasury yield to determine the actual rate.

Default: To date, there has been no default under Section 108 resulting in a repayment by HUD. In the event of default requiring a payment, HUD would continue to make payments on the loan in accordance with its terms. The source of payments by HUD pursuant to its guarantee would almost always be pledged CDBG funds. However, HUD does have borrowing authority with the U.S. Treasury if the pledged funds are insufficient.

For More Information visit www.hud.gov

Source: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs/108

Exhibit D
CDBG Regulations and Other Program Requirements

Subpart A—General Provisions

SOURCE: 53 FR 34437, Sept. 6, 1988, unless otherwise noted.

§ 570.1 Purpose and primary objective.

(a) This part describes policies and procedures applicable to the following programs authorized under title I of the Housing and Community Development Act of 1974, as amended:

(1) Entitlement grants program (subpart D);

(2) Nonentitlement Funds: HUD-administered Small Cities and Insular Area programs (subpart F);

(3) State program: State-administered CDBG nonentitlement funds (subpart I);

(4) Special Purpose Grants (subpart E);

(5) Urban Development Action Grant program (subpart G); and

(6) Loan Guarantees (subpart M).

(b) Subparts A, C, J, K, and O apply to all programs in paragraph (a) except as modified or limited under the provisions of these subparts or the applicable program regulations. In the application of the subparts to Special Purpose Grants or the Urban Development Action Grant program, the reference to funds in the form of grants in the term *"CDBG funds",* as defined in § 570.3, shall mean the grant funds under those programs. The subparts do not apply to the State program (subpart I) except to the extent expressly referred to.

(c) The primary objective of the programs authorized under title I of the Housing and Community Development Act of 1974, as amended, is described in section 101(c) of the Act (42 U.S.C. 5301(c)).

[53 FR 34437, Sept. 6, 1988, as amended at 56 FR 56126, Oct. 31, 1991; 61 FR 11475, Mar. 20, 1996; 69 FR 32778, June 10, 2004]

§ 570.3 Definitions.

The terms *HUD* and *Secretary* are defined in 24 CFR part 5. All of the following definitions in this section that rely on data from the United States Bureau of the Census shall rely upon the data available from the latest decennial census.

Act means title I of the Housing and Community Development Act of 1974 as amended (42 U.S.C. 5301 *et seq.*).

Age of housing means the number of year-round housing units, as further defined in section 102(a)(11) of the Act.

Applicant means a State or unit of general local government that makes application pursuant to the provisions of subpart E, F, G or M.

Buildings for the general conduct of government shall have the meaning provided in section 102(a)(21) of the Act.

CDBG funds means Community Development Block Grant funds, including funds received in the form of grants under subpart D, F, or § 570.405 of this part, funds awarded under section 108(q) of the Housing and Community Development Act of 1974, loans guaranteed under subpart M of this part, urban renewal surplus grant funds, and program income as defined in § 570.500(a).

Chief executive officer of a State or unit of general local government means the elected official or the legally designated official, who has the primary responsibility for the conduct of that entity's governmental affairs. Examples of the "chief executive officer" of a unit of general local government are: the elected mayor of a municipality; the elected county executive of a county; the chairperson of a county commission or board in a county that has no elected county executive; and the official designated pursuant to law by the governing body of a unit of general local government.

City means the following:

(1) For purposes of Entitlement Community Development Block Grant and Urban Development Action Grant eligibility:

(i) Any unit of general local government that is classified as a municipality by the United States Bureau of the Census, or

(ii) Any other unit of general local government that is a town or township and that, in the determination of the Secretary:

(A) Possesses powers and performs functions comparable to those associated with municipalities;

(B) Is closely settled (except that the Secretary may reduce or waive this requirement on a case by case basis for the purposes of the Action Grant program); and

(C) Contains within its boundaries no incorporated places as defined by the United States Bureau of the Census that have not entered into cooperation agreements with the town or township for a period covering at least 3 years to undertake or assist in the undertaking of essential community development and housing assistance activities. The determination of eligibility of a town or township to qualify as a city will be based on information available from the United States Bureau of the Census and information provided by the town or township and its included units of general local government.

(2) For purposes of Urban Development Action Grant eligibility only, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the counties of Kauai, Maui, and Hawaii in the State of Hawaii, and Indian tribes that are eligible recipients under the State and Local Government Fiscal Assistance Act of 1972 and located on reservations in Oklahoma as determined by the Secretary of the Interior or in Alaskan Native Villages.

Community Development Financial Institution has the same meaning as used in the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4701 note).

Consolidated plan. The plan prepared in accordance with 24 CFR part 91, which describes needs, resources, priorities and proposed activities to be undertaken with respect to HUD programs, including the CDBG program. An approved consolidated plan means a consolidated plan that has been approved by HUD in accordance with 24 CFR part 91.

Discretionary grant means a grant made from the various Special Purpose Grants in accordance with subpart E of this part.

Entitlement amount means the amount of funds which a metropolitan city is entitled to receive under the Entitlement grant program, as determined by formula set forth in section 106 of the Act.

Extent of growth lag shall have the meaning provided in section 102(a)(12) of the Act.

Extent of housing overcrowding shall have the meaning provided in section 102(a)(10) of the Act.

Extent of poverty means the number of persons whose incomes are below the poverty level based on data compiled and published by the United States Bureau of the Census available from the latest census referable to the same point or period in time and the latest reports from the Office of Management and Budget. For purposes of this part, the Secretary has determined that it is neither feasible nor appropriate to make adjustments at this time in the computations of "extent of poverty" for regional or area variations in income and cost of living.

Family refers to the definition of "family" in 24 CFR 5.403.

Household means all persons occupying a housing unit. The occupants may be a family, as defined in 24 CFR 5.403; two or more families living together; or any other group of related or unrelated persons who share living arrangements, regardless of actual or perceived, sexual orientation, gender identity, or marital status.

Income. For the purpose of determining whether a family or household is low- and moderate-income under subpart C of this part, grantees may select any of the three definitions listed below for each activity, except that integrally related activities of the same type and qualifying under the same paragraph of § 570.208(a) shall use the same definition of income. The option to choose a definition does not apply to activities that qualify under § 570.208(a)(1) (Area benefit activities), except when the recipient carries out a survey under § 570.208(a)(1)(vi). Activities qualifying under § 570.208(a)(1) generally must use the area income data supplied to recipients by HUD. The three definitions are as follows:

(1)(i) "Annual income" as defined under the Section 8 Housing Assistance Payments program at 24 CFR 813.106 (except that if the CDBG assistance being provided is homeowner rehabilitation under § 570.202, the value of the homeowner's primary residence may be excluded from any calculation of Net Family Assets); or

(ii) Annual income as reported under the Census long-form for the most recent available decennial Census. This definition includes:

(A) Wages, salaries, tips, commissions, etc.;

(B) Self-employment income from own nonfarm business, including proprietorships and partnerships;

(C) Farm self-employment income;

(D) Interest, dividends, net rental income, or income from estates or trusts;

(E) Social Security or railroad retirement;

(F) Supplemental Security Income, Aid to Families with Dependent Children, or other public assistance or public welfare programs;

(G) Retirement, survivor, or disability pensions; and

(H) Any other sources of income received regularly, including Veterans' (VA) payments, unemployment compensation, and alimony; or

(iii) Adjusted gross income as defined for purposes of reporting under Internal Revenue Service (IRS) Form 1040 for individual Federal annual income tax purposes.

(2) Estimate the annual income of a family or household by projecting the prevailing rate of income of each person at the time assistance is provided for the individual, family, or household (as applicable). Estimated annual income shall include income from all family or household members, as applicable. Income or asset enhancement derived from the CDBG-assisted activity shall not be considered in calculating estimated annual income.

Insular area shall have the meaning provided in section 102(a)(24) of the Act.

Low- and moderate-income household means a household having an income equal to or less than the Section 8 low-income limit established by HUD.

Low- and moderate-income person means a member of a family having an income equal to or less than the Section 8 low-income limit established by HUD. Unrelated individuals will be considered as one-person families for this purpose.

Low-income household means a household having an income equal to or less than the Section 8 very low-income limit established by HUD.

Low-income person means a member of a family that has an income equal to or less than the Section 8 very low-income limit established by HUD. Unrelated individuals shall be considered as one-person families for this purpose.

Metropolitan area shall have the meaning provided in section 102(a)(3) of the Act.

Metropolitan city shall have the meaning provided in section 102(a)(4) of the Act except that the term "central city" is replaced by "principal city."

Microenterprise shall have the meaning provided in section 102(a)(22) of the Act.

Moderate-income household means a household having an income equal to or less than the Section 8 low-income limit and greater than the Section 8 very low-income limit, established by HUD.

Moderate-income person means a member of a family that has an income equal to or less than the Section 8 low-income limit and greater than the Section 8 very low-income limit, established by HUD. Unrelated individuals shall be considered as one-person families for this purpose.

Nonentitlement amount means the amount of funds which is allocated for use in a State's nonentitlement areas as determined by formula set forth in section 106 of the Act.

Nonentitlement area shall have the meaning provided in section 102(a)(7) of the Act.

Population means the total resident population based on data compiled and published by the United States Bureau of the Census available from the latest census or which has been upgraded by the Bureau to reflect the changes resulting from the Boundary and Annexation Survey, new incorporations and consolidations of governments pursuant to § 570.4, and which reflects, where applicable, changes resulting from the Bureau's latest population determination through its estimating technique using natural changes (birth and death) and net migration, and is referable to the same point or period in time.

Small business means a business that meets the criteria set forth in section 3(a) of the Small Business Act (15 U.S.C. 631, 636, 637).

State shall have the meaning provided in section 102(a)(2) of the Act.

Unit of general local government shall have the meaning provided in section 102(a)(1) of the Act.

Urban county shall have the meaning provided in section 102(a)(6) of the Act. For the purposes of this definition, HUD will determine whether the county's combined population contains the required percentage of low- and moderate-income persons by identifying the number of persons that resided in applicable areas and units of general local government based on data from the most recent decennial census, and using income limits that would have applied for the year in which that census was taken.

Urban Development Action Grant (UDAG) means a grant made by the Secretary pursuant to section 119 of the Act and subpart G of this part.

[53 FR 34437, Sept. 6, 1988; 53 FR 41330, Oct. 21, 1988, as amended at 56 FR 56126, Oct. 31, 1991; 60 FR 1915, 1943, Jan. 5, 1995; 60 FR 56909, Nov. 9, 1995; 61 FR 5209, Feb. 9, 1996; 61 FR 11475, Mar. 20, 1996; 61 FR 18674, Apr. 29, 1996; 68 FR 69582, Dec. 12, 2003; 69 FR 32778, June 10, 2004; 77 FR 5675, Feb. 3, 2012]

§ 570.4 Allocation of funds.

(a) The determination of eligibility of units of general local government to receive entitlement grants, the entitlement amounts, the allocation of appropriated funds to States for use in nonentitlement areas, the reallocation of funds, the allocation of appropriated funds to insular areas, and the allocation of appropriated funds for discretionary grants under the Secretary's Fund shall be governed by the policies and procedures described in sections 106 and 107 of the Act, as appropriate.

(b) The definitions in § 570.3 shall govern in applying the policies and procedures described in sections 106 and 107 of the Act.

(c) In determining eligibility for entitlement and in allocating funds under section 106 of the Act for any federal fiscal year, HUD will recognize corporate status and geographical boundaries and the status of metropolitan areas and principal cities effective as of July 1 preceding such federal fiscal year, subject to the following limitations:

(1) With respect to corporate status as certified by the applicable State and available for processing by the Census Bureau as of such date;

(2) With respect to boundary changes or annexations, as are used by the Census Bureau in preparing population estimates for all general purpose governmental units and are available for processing by the Census Bureau as of such date, except that any such boundary changes or annexations which result in the population of a unit of general local government reaching or exceeding 50,000 shall be recognized for this purpose whether or not such changes are used by the Census Bureau in preparing such population estimates; and

(3) With respect to the status of Metropolitan Statistical Areas and principal cities, as officially designated by the Office of Management and Budget as of such date.

(d) In determining whether a county qualifies as an urban county, and in computing entitlement amounts for urban counties, the demographic values of population, poverty, housing overcrowding, and age of housing of any Indian tribes located within the county shall be excluded. In allocating amounts to States for use in nonentitlement areas, the demographic values of population, poverty, housing overcrowding and age of housing of all Indian tribes located in all non-entitled areas shall be excluded. It is recognized that all

such data on Indian tribes are not generally available from the United States Bureau of the Census and that missing portions of data will have to be estimated. In accomplishing any such estimates the Secretary may use such other related information available from reputable sources as may seem appropriate, regardless of the data's point or period of time and shall use the best judgement possible in adjusting such data to reflect the same point or period of time as the overall data from which the Indian tribes are being deducted, so that such deduction shall not create an imbalance with those overall data.

(e) Amounts remaining after closeout of a grant which are required to be returned to HUD under the provisions of § 570.509, Grant closeout procedures, shall be considered as funds available for reallocation unless the appropriation under which the funds were provided to the Department has lapsed.

[53 FR 34437, Sept. 6, 1988, as amended at 68 FR 69582, Dec. 12, 2003; 69 FR 32778, June 10, 2004]

§ 570.5 Waivers.

HUD's authority for the waiver of regulations and for the suspension of requirements to address damage in a Presidentially declared disaster area is described in 24 CFR part 5 and in section 122 of the Act, respectively.

[61 FR 11476, Mar. 20, 1996]

Subpart B [Reserved]

Subpart C—Eligible Activities

SOURCE: 53 FR 34439, Sept. 6, 1988, unless otherwise noted.

§ 570.200 General policies.

(a) *Determination of eligibility.* An activity may be assisted in whole or in part with CDBG funds only if all of the following requirements are met:

(1) *Compliance with section 105 of the Act.* Each activity must meet the eligibility requirements of section 105 of the Act as further defined in this subpart.

(2) *Compliance with national objectives.* Grant recipients under the Entitlement and HUD-administered Small Cities programs and recipients of insular area funds under section 106 of the Act must certify that their projected use of funds has been developed so as to give maximum feasible priority to activities which will carry out one of the national objectives of benefit to low- and moderate-income families or aid in the prevention or elimination of slums or blight. The projected use of funds may also include activities that the recipient certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. Consistent with the foregoing, each recipient under the Entitlement or HUD-administered Small Cities programs, and each recipient of insular area funds under section 106 of the Act must ensure and maintain evidence that each of its activities assisted with CDBG funds meets one of the three national objectives as contained in its certification. Criteria for determining whether an activity addresses one or more of these objectives are found in § 570.208.

(3) *Compliance with the primary objective.* The primary objective of the Act is described in section 101(c) of the Act. Consistent with this objective, entitlement recipients, non-entitlement CDBG grantees in Hawaii, and recipients of insular area funds under section 106 of the Act must ensure that, over a period of time specified in their certification not to exceed three years, not less than 70 percent of the aggregate of CDBG fund expenditures shall be for activities meeting the criteria under § 570.208(a) or under

§ 570.208(d)(5) or (6) for benefiting low- and moderate-income persons. For grants under section 107 of the Act, insular area recipients must meet this requirement for each separate grant. See § 570.420(d)(3) for additional discussion of the primary objective requirement for insular areas funded under section 106 of the Act. The requirements for the HUD-administered Small Cities program in New York are at § 570.420(d)(2). In determining the percentage of funds expended for such activities:

(i) Cost of administration and planning eligible under § 570.205 and § 570.206 will be assumed to benefit low and moderate income persons in the same proportion as the remainder of the CDBG funds and, accordingly shall be excluded from the calculation;

(ii) Funds deducted by HUD for repayment of urban renewal temporary loans pursuant to § 570.802(b) shall be excluded;

(iii) Funds expended for the repayment of loans guaranteed under the provisions of subpart M shall also be excluded;

(iv) Funds expended for the acquisition, new construction or rehabilitation of property for housing that qualifies under § 570.208(a)(3) shall be counted for this purpose but shall be limited to an amount determined by multiplying the total cost (including CDBG and non-CDBG costs) of the acquisition, construction or rehabilitation by the percent of units in such housing to be occupied by low and moderate income persons.

(v) Funds expended for any other activities qualifying under § 570.208(a) shall be counted for this purpose in their entirety.

(4) *Compliance with environmental review procedures.* The environmental review procedures set forth at 24 CFR part 58 must be completed for each activity (or project as defined in 24 CFR part 58), as applicable.

(5) *Cost principles.* Costs incurred, whether charged on a direct or an indirect basis, must be in conformance with 2 CFR PART 200 [1] All items of cost listed in Attachment B of these Circulars that require prior Federal agency approval are allowable without prior approval of HUD to the extent they comply with the general policies and principles stated in Attachment A of such circulars and are otherwise eligible under this subpart C, except for the following:

[1] These circulars are available from the American Communities Center by calling the following toll-free numbers: (800) 998-9999 or (800) 483-2209 (TDD).

(i) Depreciation methods for fixed assets shall not be changed without HUD's specific approval or, if charged through a cost allocation plan, the Federal cognizant agency.

(ii) Fines and penalties (including punitive damages) are unallowable costs to the CDBG program.

(iii) Pre-award costs are limited to those authorized under paragraph (h) of this section.

(b) *Special policies governing facilities.* The following special policies apply to:

(1) *Facilities containing both eligible and ineligible uses.* A public facility otherwise eligible for assistance under the CDBG program may be provided with CDBG funds even if it is part of a multiple use building containing ineligible uses, if:

(i) The facility which is otherwise eligible and proposed for assistance will occupy a designated and discrete area within the larger facility; and

(ii) The recipient can determine the costs attributable to the facility proposed for assistance as separate and distinct from the overall costs of the multiple-use building and/or facility.

Allowable costs are limited to those attributable to the eligible portion of the building or facility.

(2) *Fees for use of facilities.* Reasonable fees may be charged for the use of the facilities assisted with CDBG funds, but charges such as excessive membership fees, which will have the effect of precluding low and moderate income persons from using the facilities, are not permitted.

(c) *Special assessments under the CDBG program.* The following policies relate to special assessments under the CDBG program:

(1) *Definition of special assessment.* The term "special assessment" means the recovery of the capital costs of a public improvement, such as streets, water or sewer lines, curbs, and gutters, through a fee or charge levied or filed as a lien against a parcel of real estate as a direct result of benefit derived from the installation of a public improvement, or a one-time charge made as a condition of access to a public improvement. This term does not relate to taxes, or the establishment of the value of real estate for the purpose of levying real estate, property, or ad valorem taxes, and does not include periodic charges based on the use of a public improvement, such as water or sewer user charges, even if such charges include the recovery of all or some portion of the capital costs of the public improvement.

(2) *Special assessments to recover capital costs.* Where CDBG funds are used to pay all or part of the cost of a public improvement, special assessments may be imposed as follows:

(i) Special assessments to recover the CDBG funds may be made only against properties owned and occupied by persons not of low and moderate income. Such assessments constitute program income.

(ii) Special assessments to recover the non-CDBG portion may be made provided that CDBG funds are used to pay the special assessment in behalf of all properties owned and occupied by low and moderate income persons; except that CDBG funds need not be used to pay the special assessments in behalf of properties owned and occupied by moderate income persons if the grant recipient certifies that it does not have sufficient CDBG funds to pay the assessments in behalf of all of the low and moderate income owner-occupant persons. Funds collected through such special assessments are not program income.

(3) *Public improvements not initially assisted with CDBG funds.* The payment of special assessments with CDBG funds constitutes CDBG assistance to the public improvement. Therefore, CDBG funds may be used to pay special assessments provided:

(i) The installation of the public improvements was carried out in compliance with requirements applicable to activities assisted under this part including environmental, citizen participation and Davis-Bacon requirements;

(ii) The installation of the public improvement meets a criterion for national objectives in § 570.208(a)(1), (b), or (c); and

(iii) The requirements of § 570.200(c)(2)(ii) are met.

(d) *Consultant activities.* Consulting services are eligible for assistance under this part for professional assistance in program planning, development of community development objectives, and other general professional guidance relating to program execution. The use of consultants is governed by the following:

(1) *Employer-employee type of relationship.* No person providing consultant services in an employer-employee type of relationship shall receive more than a reasonable rate of compensation for personal services paid with CDBG funds. In no event, however, shall such compensation exceed the equivalent of the daily rate paid for Level IV of the Executive Schedule. Such services shall be evidenced by written

agreements between the parties which detail the responsibilities, standards, and compensation.

(2) *Independent contractor relationship.* Consultant services provided under an independent contractor relationship are governed by the procurement requirements in 24 CFR 85.36, and are not subject to the compensation limitation of Level IV of the Executive Schedule.

(e) *Recipient determinations required as a condition of eligibility.* In several instances under this subpart, the eligibility of an activity depends on a special local determination. Recipients shall maintain documentation of all such determinations. A written determination is required for any activity carried out under the authority of §§ 570.201(f), 570.201(i)(2), 570.201(p), 570.201(q), 570.202(b)(3), 570.206(f), 570.209, 570.210, and 570.309.

(f) *Means of carrying out eligible activities.* (1) Activities eligible under this subpart, other than those authorized under § 570.204(a), may be undertaken, subject to local law:

(i) By the recipient through:

(A) Its employees, or

(B) Procurement contracts governed by the requirements of 24 CFR 85.36; or

(ii) Through loans or grants under agreements with subrecipients, as defined at § 570.500(c); or

(iii) By one or more public agencies, including existing local public agencies, that are designated by the chief executive officer of the recipient.

(2) Activities made eligible under § 570.204(a) may only be undertaken by entities specified in that section.

(g) *Limitation on planning and administrative costs.* No more than 20 percent of the sum of any grant, plus program income, shall be expended for planning and program administrative costs, as defined in §§ 570.205 and 507.206, respectively. Recipients of entitlement grants under subpart D of this part shall conform with this requirement by limiting the amount of CDBG funds obligated for planning plus administration during each program year to an amount no greater than 20 percent of the sum of its entitlement grant made for that program year (if any) plus the program income received by the recipient and its subrecipients (if any) during that program year.

(h) *Reimbursement for pre-award costs.* The effective date of the grant agreement is the program year start date or the date that the consolidated plan is received by HUD, whichever is later. For a Section 108 loan guarantee, the effective date of the grant agreement is the date of HUD execution of the grant agreement amendment for the particular loan guarantee commitment.

(1) Prior to the effective date of the grant agreement, a recipient may incur costs or may authorize a subrecipient to incur costs, and then after the effective date of the grant agreement pay for those costs using its CDBG funds, provided that:

(i) The activity for which the costs are being incurred is included, prior to the costs being incurred, in a consolidated plan action plan, an amended consolidated plan action plan, or an application under subpart M of this part, except that a new entitlement grantee preparing to receive its first allocation of CDBG funds may incur costs necessary to develop its consolidated plan and undertake other administrative actions necessary to receive its first grant, prior to the costs being included in its consolidated plan;

(ii) Citizens are advised of the extent to which these pre-award costs will affect future grants;

(iii) The costs and activities funded are in compliance with the requirements of this part and with the Environmental Review Procedures stated in 24 CFR part 58;

(iv) The activity for which payment is being made complies with the statutory and regulatory provisions in effect at the time the costs are paid for with CDBG funds;

(v) CDBG payment will be made during a time no longer than the next two program years following the effective date of the grant agreement or amendment in which the activity is first included; and

(vi) The total amount of pre-award costs to be paid during any program year pursuant to this provision is no more than the greater of 25 percent of the amount of the grant made for that year or $300,000.

(2) Upon the written request of the recipient, HUD may authorize payment of pre-award costs for activities that do not meet the criteria at paragraph (h)(1)(v) or (h)(1)(vi) of this section, if HUD determines, in writing, that there is good cause for granting an exception upon consideration of the following factors, as applicable:

(i) Whether granting the authority would result in a significant contribution to the goals and purposes of the CDBG program;

(ii) Whether failure to grant the authority would result in undue hardship to the recipient or beneficiaries of the activity;

(iii) Whether granting the authority would not result in a violation of a statutory provision or any other regulatory provision;

(iv) Whether circumstances are clearly beyond the recipient's control; or

(v) Any other relevant considerations.

(i) *Urban Development Action Grant.* Grant assistance may be provided with Urban Development Action Grant funds, subject to the provisions of subpart G, for:

(1) Activities eligible for assistance under this subpart; and

(2) Notwithstanding the provisions of § 570.207, such other activities as the Secretary may determine to be consistent with the purposes of the Urban Development Action Grant program.

(j) *Faith-based activities.* (1) Organizations that are religious or faith-based are eligible, on the same basis as any other organization, to participate in the CDBG program. Neither the Federal government nor a State or local government receiving funds under CDBG programs shall discriminate against an organization on the basis of the organization's religious character or affiliation.

(2) Organizations that are directly funded under the CDBG program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded under this part. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded under this part, and participation must be voluntary for the beneficiaries of the HUD-funded programs or services.

(3) A religious organization that participates in the CDBG program will retain its independence from Federal, State, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that it does not use direct CDBG funds to support any inherently religious activities, such as worship, religious instruction, or proselytization. Among other things, faith-based organizations may use space in their facilities to provide CDBG-funded services, without removing religious art, icons, scriptures, or other religious symbols. In addition, a CDBG-funded

religious organization retains its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents.

(4) An organization that participates in the CDBG program shall not, in providing program assistance, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.

(5) CDBG funds may not be used for the acquisition, construction, or rehabilitation of structures to the extent that those structures are used for inherently religious activities. CDBG funds may be used for the acquisition, construction, or rehabilitation of structures only to the extent that those structures are used for conducting eligible activities under this part. Where a structure is used for both eligible and inherently religious activities, CDBG funds may not exceed the cost of those portions of the acquisition, construction, or rehabilitation that are attributable to eligible activities in accordance with the cost accounting requirements applicable to CDBG funds in this part. Sanctuaries, chapels, or other rooms that a CDBG-funded religious congregation uses as its principal place of worship, however, are ineligible for CDBG-funded improvements. Disposition of real property after the term of the grant, or any change in use of the property during the term of the grant, is subject to government-wide regulations governing real property disposition (*see* 24 CFR parts 84 and 85).

(6) If a State or local government voluntarily contributes its own funds to supplement federally funded activities, the State or local government has the option to segregate the Federal funds or commingle them. However, if the funds are commingled, this section applies to all of the commingled funds.

[53 FR 34439, Sept. 6, 1988, as amended at 54 FR 47031, Nov. 8, 1989; 57 FR 27119, June 17, 1992; 60 FR 1943, Jan. 5, 1995; 60 FR 17445, Apr. 6, 1995; 60 FR 56910, Nov. 9, 1995; 61 FR 11476, Mar. 20, 1996; 61 FR 18674, Apr. 29, 1996; 65 FR 70215, Nov. 21, 2000; 68 FR 56404, Sept. 30, 2003; 69 FR 32778, June 10, 2004; 70 FR 76369, Dec. 23, 2005; 72 FR 46370, Aug. 17, 2007]

§ 570.201 Basic eligible activities.

CDBG funds may be used for the following activities:

(a) *Acquisition.* Acquisition in whole or in part by the recipient, or other public or private nonprofit entity, by purchase, long-term lease, donation, or otherwise, of real property (including air rights, water rights, rights-of-way, easements, and other interests therein) for any public purpose, subject to the limitations of § 570.207.

(b) *Disposition.* Disposition, through sale, lease, donation, or otherwise, of any real property acquired with CDBG funds or its retention for public purposes, including reasonable costs of temporarily managing such property or property acquired under urban renewal, provided that the proceeds from any such disposition shall be program income subject to the requirements set forth in § 570.504.

(c) *Public facilities and improvements.* Acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements, except as provided in § 570.207(a), carried out by the recipient or other public or private nonprofit entities. (However, activities under this paragraph may be directed to the removal of material and architectural barriers that restrict the mobility and accessibility of elderly or severely disabled persons to public facilities and improvements, including those provided for in § 570.207(a)(1).) In undertaking such activities, design features and improvements which promote energy efficiency may be included. Such activities may also include the execution of architectural design features, and similar treatments intended to enhance the aesthetic quality of facilities and improvements receiving CDBG assistance, such as decorative pavements, railings, sculptures, pools of water and fountains, and other works of art. Facilities designed for use in providing shelter for persons having special needs are considered public facilities and not subject to the prohibition of new housing construction described in § 570.207(b)(3). Such facilities include shelters for the homeless; convalescent homes; hospitals, nursing homes; battered spouse shelters; halfway houses for run-away children, drug offenders or parolees; group

homes for mentally retarded persons and temporary housing for disaster victims. In certain cases, nonprofit entities and subrecipients including those specified in § 570.204 may acquire title to public facilities. When such facilities are owned by nonprofit entities or subrecipients, they shall be operated so as to be open for use by the general public during all normal hours of operation. Public facilities and improvements eligible for assistance under this paragraph are subject to the policies in § 570.200(b).

(d) *Clearance and remediation activities.* Clearance, demolition, and removal of buildings and improvements, including movement of structures to other sites and remediation of known or suspected environmental contamination. Demolition of HUD-assisted or HUD-owned housing units may be undertaken only with the prior approval of HUD. Remediation may include project-specific environmental assessment costs not otherwise eligible under § 570.205.

(e) *Public services.* Provision of public services (including labor, supplies, and materials) including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, welfare (but excluding the provision of income payments identified under § 570.207(b)(4)), homebuyer down payment assistance, or recreational needs. To be eligible for CDBG assistance, a public service must be either a new service or a quantifiable increase in the level of an existing service above that which has been provided by or on behalf of the unit of general local government (through funds raised by the unit or received by the unit from the State in which it is located) in the 12 calendar months before the submission of the action plan. (An exception to this requirement may be made if HUD determines that any decrease in the level of a service was the result of events not within the control of the unit of general local government.) The amount of CDBG funds used for public services shall not exceed paragraphs (e) (1) or (2) of this section, as applicable:

(1) The amount of CDBG funds used for public services shall not exceed 15 percent of each grant, except that for entitlement grants made under subpart D of this part, the amount shall not exceed 15 percent of the grant plus 15 percent of program income, as defined in § 570.500(a). For entitlement grants under subpart D of this part, compliance is based on limiting the amount of CDBG funds obligated for public service activities in each program year to an amount no greater than 15 percent of the entitlement grant made for that program year plus 15 percent of the program income received during the grantee's immediately preceding program year.

(2) A recipient which obligated more CDBG funds for public services than 15 percent of its grant funded from Federal fiscal year 1982 or 1983 appropriations (excluding program income and any assistance received under Public Law 98-8), may obligate more CDBG funds than allowable under paragraph (e)(1) of this section, so long as the total amount obligated in any program year does not exceed:

(i) For an entitlement grantee, 15% of the program income it received during the preceding program year; plus

(ii) A portion of the grant received for the program year which is the highest of the following amounts:

(A) The amount determined by applying the percentage of the grant it obligated for public services in the 1982 program year against the grant for its current program year;

(B) The amount determined by applying the percentage of the grant it obligated for public services in the 1983 program year against the grant for its current program year;

(C) The amount of funds it obligated for public services in the 1982 program year; or,

(D) The amount of funds it obligated for public services in the 1983 program year.

(f) *Interim assistance.* (1) The following activities may be undertaken on an interim basis in areas exhibiting objectively determinable signs of physical deterioration where the recipient has determined that immediate action is necessary to arrest the deterioration and that permanent improvements will be carried out as soon as practicable:

(i) The repairing of streets, sidewalks, parks, playgrounds, publicly owned utilities, and public buildings; and

(ii) The execution of special garbage, trash, and debris removal, including neighborhood cleanup campaigns, but not the regular curbside collection of garbage or trash in an area.

(2) In order to alleviate emergency conditions threatening the public health and safety in areas where the chief executive officer of the recipient determines that such an emergency condition exists and requires immediate resolution, CDBG funds may be used for:

(i) The activities specified in paragraph (f)(1) of this section, except for the repair of parks and playgrounds;

(ii) The clearance of streets, including snow removal and similar activities, and

(iii) The improvement of private properties.

(3) All activities authorized under paragraph (f)(2) of this section are limited to the extent necessary to alleviate emergency conditions.

(g) *Payment of non-Federal share.* Payment of the non-Federal share required in connection with a Federal grant-in-aid program undertaken as part of CDBG activities, provided, that such payment shall be limited to activities otherwise eligible and in compliance with applicable requirements under this subpart.

(h) *Urban renewal completion.* Payment of the cost of completing an urban renewal project funded under title I of the Housing Act of 1949 as amended. Further information regarding the eligibility of such costs is set forth in § 570.801.

(i) *Relocation.* Relocation payments and other assistance for permanently and temporarily relocated individuals families, businesses, nonprofit organizations, and farm operations where the assistance is (1) required under the provisions of § 570.606 (b) or (c); or (2) determined by the grantee to be appropriate under the provisions of § 570.606(d).

(j) *Loss of rental income.* Payments to housing owners for losses of rental income incurred in holding, for temporary periods, housing units to be used for the relocation of individuals and families displaced by program activities assisted under this part.

(k) *Housing services.* Housing services, as provided in section 105(a)(21) of the Act (42 U.S.C. 5305(a)(21)).

(l) *Privately owned utilities.* CDBG funds may be used to acquire, construct, reconstruct, rehabilitate, or install the distribution lines and facilities of privately owned utilities, including the placing underground of new or existing distribution facilities and lines.

(m) *Construction of housing.* CDBG funds may be used for the construction of housing assisted under section 17 of the United States Housing Act of 1937.

(n) *Homeownership assistance.* CDBG funds may be used to provide direct homeownership assistance to low- or moderate-income households in accordance with section 105(a) of the Act.

(o)(1) The provision of assistance either through the recipient directly or through public and private organizations, agencies, and other subrecipients (including nonprofit and for-profit subrecipients) to facilitate economic development by:

(i) Providing credit, including, but not limited to, grants, loans, loan guarantees, and other forms of financial support, for the establishment, stabilization, and expansion of microenterprises;

(ii) Providing technical assistance, advice, and business support services to owners of microenterprises and persons developing microenterprises; and

(iii) Providing general support, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services, to owners of microenterprises and persons developing microenterprises.

(2) Services provided this paragraph (o) shall not be subject to the restrictions on public services contained in paragraph (e) of this section.

(3) For purposes of this paragraph (o), "persons developing microenterprises" means such persons who have expressed interest and who are, or after an initial screening process are expected to be, actively working toward developing businesses, each of which is expected to be a microenterprise at the time it is formed.

(4) Assistance under this paragraph (o) may also include training, technical assistance, or other support services to increase the capacity of the recipient or subrecipient to carry out the activities under this paragraph (o).

(p) *Technical assistance.* Provision of technical assistance to public or nonprofit entities to increase the capacity of such entities to carry out eligible neighborhood revitalization or economic development activities. (The recipient must determine, prior to the provision of the assistance, that the activity for which it is attempting to build capacity would be eligible for assistance under this subpart C, and that the national objective claimed by the grantee for this assistance can reasonably be expected to be met once the entity has received the technical assistance and undertakes the activity.) Capacity building for private or public entities (including grantees) for other purposes may be eligible under § 570.205.

(q) *Assistance to institutions of higher education.* Provision of assistance by the recipient to institutions of higher education when the grantee determines that such an institution has demonstrated a capacity to carry out eligible activities under this subpart C.

[53 FR 34439, Sept. 6, 1988, as amended at 53 FR 31239, Aug. 17, 1988; 55 FR 29308, July 18, 1990; 57 FR 27119, June 17, 1992; 60 FR 1943, Jan. 5, 1995; 60 FR 56911, Nov. 9, 1995; 61 FR 18674, Apr. 29, 1996; 65 FR 70215, Nov. 21, 2000; 67 FR 47213, July 17, 2002; 71 FR 30034, May 24, 2006]

§ 570.202 Eligible rehabilitation and preservation activities.

(a) *Types of buildings and improvements eligible for rehabilitation assistance.* CDBG funds may be used to finance the rehabilitation of:

(1) Privately owned buildings and improvements for residential purposes; improvements to a single-family residential property which is also used as a place of business, which are required in order to operate the business, need not be considered to be rehabilitation of a commercial or industrial building, if the improvements also provide general benefit to the residential occupants of the building;

(2) Low-income public housing and other publicly owned residential buildings and improvements;

(3) Publicly or privately owned commercial or industrial buildings, except that the rehabilitation of such buildings owned by a private for-profit business is limited to improvement to the exterior of the building, abatement of asbestos hazards, lead-based paint hazard evaluation and reduction, and the correction of code violations;

(4) Nonprofit-owned nonresidential buildings and improvements not eligible under § 570.201(c); and

(5) Manufactured housing when such housing constitutes part of the community's permanent housing stock.

(b) *Types of assistance.* CDBG funds may be used to finance the following types of rehabilitation activities, and related costs, either singly, or in combination, through the use of grants, loans, loan guarantees, interest supplements, or other means for buildings and improvements described in paragraph (a) of this section, except that rehabilitation of commercial or industrial buildings is limited as described in paragraph (a)(3) of this section.

(1) Assistance to private individuals and entities, including profit making and nonprofit organizations, to acquire for the purpose of rehabilitation, and to rehabilitate properties, for use or resale for residential purposes;

(2) Labor, materials, and other costs of rehabilitation of properties, including repair directed toward an accumulation of deferred maintenance, replacement of principal fixtures and components of existing structures, installation of security devices, including smoke detectors and dead bolt locks, and renovation through alterations, additions to, or enhancement of existing structures and improvements, abatement of asbestos hazards (and other contaminants) in buildings and improvements that may be undertaken singly, or in combination;

(3) Loans for refinancing existing indebtedness secured by a property being rehabilitated with CDBG funds if such financing is determined by the recipient to be necessary or appropriate to achieve the locality's community development objectives;

(4) Improvements to increase the efficient use of energy in structures through such means as installation of storm windows and doors, siding, wall and attic insulation, and conversion, modification, or replacement of heating and cooling equipment, including the use of solar energy equipment;

(5) Improvements to increase the efficient use of water through such means as water savings faucets and shower heads and repair of water leaks;

(6) Connection of residential structures to water distribution lines or local sewer collection lines;

(7) For rehabilitation carried out with CDBG funds, costs of:

(i) Initial homeowner warranty premiums;

(ii) Hazard insurance premiums, except where assistance is provided in the form of a grant; and

(iii) Flood insurance premiums for properties covered by the Flood Disaster Protection Act of 1973, pursuant to § 570.605.

(8) Costs of acquiring tools to be lent to owners, tenants, and others who will use such tools to carry out rehabilitation;

(9) Rehabilitation services, such as rehabilitation counseling, energy auditing, preparation of work specifications, loan processing, inspections, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in rehabilitation activities authorized under this section, under section 312 of the Housing Act of 1964, as amended, under section 810 of the Act, or under section 17 of the United States Housing Act of 1937;

(10) Assistance for the rehabilitation of housing under section 17 of the United States Housing Act of 1937; and

(11) Improvements designed to remove material and architectural barriers that restrict the mobility and accessibility of elderly or severely disabled persons to buildings and improvements eligible for assistance under paragraph (a) of this section.

(c) *Code enforcement.* Costs incurred for inspection for code violations and enforcement of codes (e.g., salaries and related expenses of code enforcement inspectors and legal proceedings, but not including the cost of correcting the violations) in deteriorating or deteriorated areas when such enforcement together with public or private improvements, rehabilitation, or services to be provided may be expected to arrest the decline of the area.

(d) *Historic preservation.* CDBG funds may be used for the rehabilitation, preservation or restoration of historic properties, whether publicly or privately owned. Historic properties are those sites or structures that are either listed in or eligible to be listed in the National Register of Historic Places, listed in a State or local inventory of historic places, or designated as a State or local landmark or historic district by appropriate law or ordinance. Historic preservation, however, is not authorized for buildings for the general conduct of government.

(e) *Renovation of closed buildings.* CDBG funds may be used to renovate closed buildings, such as closed school buildings, for use as an eligible public facility or to rehabilitate such buildings for housing.

(f) *Lead-based paint activities.* Lead-based paint activities pursuant to § 570.608.

[53 FR 34439, Sept. 6, 1988; 53 FR 41330, Oct. 21, 1988, as amended at 60 FR 1944, Jan. 5, 1995; 60 FR 56911, Nov. 9, 1995; 64 FR 50225, Sept. 15, 1999; 71 FR 30035, May 24, 2006]

§ 570.203 Special economic development activities.

A recipient may use CDBG funds for special economic development activities in addition to other activities authorized in this subpart that may be carried out as part of an economic development project. Guidelines for selecting activities to assist under this paragraph are provided at § 570.209. The recipient must ensure that the appropriate level of public benefit will be derived pursuant to those guidelines before obligating funds under this authority. Special activities authorized under this section do not include assistance for the construction of new housing. Activities eligible under this section may include costs associated with project-specific assessment or remediation of known or suspected environmental contamination. Special economic development activities include:

(a) The acquisition, construction, reconstruction, rehabilitation or installation of commercial or industrial buildings, structures, and other real property equipment and improvements, including railroad spurs or similar extensions. Such activities may be carried out by the recipient or public or private nonprofit subrecipients.

(b) The provision of assistance to a private for-profit business, including, but not limited to, grants, loans, loan guarantees, interest supplements, technical assistance, and other forms of support, for any activity where the assistance is appropriate to carry out an economic development project, excluding those described as ineligible in § 570.207(a). In selecting businesses to assist under this authority, the recipient shall minimize, to the extent practicable, displacement of existing businesses and jobs in neighborhoods.

(c) Economic development services in connection with activities eligible under this section, including, but not limited to, outreach efforts to market available forms of assistance; screening of applicants; reviewing and underwriting applications for assistance; preparation of all necessary agreements; management of assisted activities; and the screening, referral, and placement of applicants for employment opportunities generated by CDBG-eligible economic development activities, including the costs of providing necessary training for persons filling those positions.

[53 FR 34439, Sept. 6, 1988, as amended at 60 FR 1944, Jan. 5, 1995; 71 FR 30035, May 24, 2006]

§ 570.204 Special activities by Community-Based Development Organizations (CBDOs).

(a) *Eligible activities.* The recipient may provide CDBG funds as grants or loans to any CBDO qualified under this section to carry out a neighborhood revitalization, community economic development, or energy conservation project. The funded project activities may include those listed as eligible under this subpart, and, except as described in paragraph (b) of this section, activities not otherwise listed as eligible under this subpart. For purposes of qualifying as a project under paragraphs (a)(1), (a)(2), and (a)(3) of this section, the funded activity or activities may be considered either alone or in concert with other project activities either being carried out or for which funding has been committed. For purposes of this section:

(1) Neighborhood revitalization project includes activities of sufficient size and scope to have an impact on the decline of a geographic location within the jurisdiction of a unit of general local government (but not the entire jurisdiction) designated in comprehensive plans, ordinances, or other local documents as a neighborhood, village, or similar geographical designation; or the entire jurisdiction of a unit of general local government which is under 25,000 population;

(2) Community economic development project includes activities that increase economic opportunity, principally for persons of low- and moderate-income, or that stimulate or retain businesses or permanent jobs, including projects that include one or more such activities that are clearly needed to address a lack of affordable housing accessible to existing or planned jobs and those activities specified at 24 CFR 91.1(a)(1)(iii); activities under this paragraph may include costs associated with project-specific assessment or remediation of known or suspected environmental contamination;

(3) Energy conservation project includes activities that address energy conservation, principally for the benefit of the residents of the recipient's jurisdiction; and

(4) To carry out a project means that the CBDO undertakes the funded activities directly or through contract with an entity other than the grantee, or through the provision of financial assistance for activities in which it retains a direct and controlling involvement and responsibilities.

(b) *Ineligible activities.* Notwithstanding that CBDOs may carry out activities that are not otherwise eligible under this subpart, this section does not authorize:

(1) Carrying out an activity described as ineligible in § 570.207(a);

(2) Carrying out public services that do not meet the requirements of § 570.201(e), except that:

(i) Services carried out under this section that are specifically designed to increase economic opportunities through job training and placement and other employment support services, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services; and

(ii) Services of any type carried out under this section pursuant to a strategy approved by HUD under the provisions of 24 CFR 91.215(e) shall not be subject to the limitations in § 570.201(e)(1) or (2), as applicable;

(3) Providing assistance to activities that would otherwise be eligible under § 570.203 that do not meet the requirements of § 570.209; or

(4) Carrying out an activity that would otherwise be eligible under § 570.205 or § 570.206, but that would result in the recipient's exceeding the spending limitation in § 570.200(g).

(c) *Eligible CBDOs.* (1) A CBDO qualifying under this section is an organization which has the following characteristics:

(i) Is an association or corporation organized under State or local law to engage in community development activities (which may include housing and economic development activities) primarily within an identified geographic area of operation within the jurisdiction of the recipient, or in the case of an urban county, the jurisdiction of the county; and

(ii) Has as its primary purpose the improvement of the physical, economic or social environment of its geographic area of operation by addressing one or more critical problems of the area, with particular attention to the needs of persons of low and moderate income; and

(iii) May be either non-profit or for-profit, provided any monetary profits to its shareholders or members must be only incidental to its operations; and

(iv) Maintains at least 51 percent of its governing body's membership for low- and moderate-income residents of its geographic area of operation, owners or senior officers of private establishments and other institutions located in and serving its geographic area of operation, or representatives of low- and moderate-income neighborhood organizations located in its geographic area of operation; and

(v) Is not an agency or instrumentality of the recipient and does not permit more than one-third of the membership of its governing body to be appointed by, or to consist of, elected or other public officials or employees or officials of an ineligible entity (even though such persons may be otherwise qualified under paragraph (c)(1)(iv) of this section); and

(vi) Except as otherwise authorized in paragraph (c)(1)(v) of this section, requires the members of its governing body to be nominated and approved by the general membership of the organization, or by its permanent governing body; and

(vii) Is not subject to requirements under which its assets revert to the recipient upon dissolution; and

(viii) Is free to contract for goods and services from vendors of its own choosing.

(2) A CBDO that does not meet the criteria in paragraph (c)(1) of this section may also qualify as an eligible entity under this section if it meets one of the following requirements:

(i) Is an entity organized pursuant to section 301(d) of the Small Business Investment Act of 1958 (15 U.S.C. 681(d)), including those which are profit making; or

(ii) Is an SBA approved Section 501 State Development Company or Section 502 Local Development Company, or an SBA Certified Section 503 Company under the Small Business Investment Act of 1958, as amended; or

(iii) Is a Community Housing Development Organization (CHDO) under 24 CFR 92.2, designated as a CHDO by the HOME Investment Partnerships program participating jurisdiction, with a geographic area of operation of no more than one neighborhood, and has received HOME funds under 24 CFR 92.300 or is expected to receive HOME funds as described in and documented in accordance with 24 CFR 92.300(e).

(3) A CBDO that does not qualify under paragraph (c)(1) or (2) of this section may also be determined to qualify as an eligible entity under this section if the recipient demonstrates to the satisfaction of HUD, through the provision of information regarding the organization's charter and by-laws, that the organization is sufficiently similar in purpose, function, and scope to those entities qualifying under paragraph (c)(1) or (2) of this section.

[60 FR 1944, Jan. 5, 1995, as amended at 71 FR 30035, May 24, 2006]

§ 570.205 Eligible planning, urban environmental design and policy-planning-management-capacity building activities.

(a) Planning activities which consist of all costs of data gathering, studies, analysis, and preparation of plans and the identification of actions that will implement such plans, including, but not limited to:

(1) Comprehensive plans;

(2) Community development plans;

(3) Functional plans, in areas such as:

(i) Housing, including the development of a consolidated plan;

(ii) Land use and urban environmental design;

(iii) Economic development;

(iv) Open space and recreation;

(v) Energy use and conservation;

(vi) Floodplain and wetlands management in accordance with the requirements of Executive Orders 11988 and 11990;

(vii) Transportation;

(viii) Utilities; and

(ix) Historic preservation.

(4) Other plans and studies such as:

(i) Small area and neighborhood plans;

(ii) Capital improvements programs;

(iii) Individual project plans (but excluding engineering and design costs related to a specific activity which are eligible as part of the cost of such activity under §§ 570.201-570.204);

(iv) The reasonable costs of general environmental, urban environmental design and historic preservation studies; and general environmental assessment- and remediation-oriented planning related to properties with known or suspected environmental contamination. However, costs necessary to comply with 24 CFR part 58, including project specific environmental assessments and clearances for activities eligible for assistance under this part, are eligible as part of the cost of such activities under §§ 570.201-570.204. Costs for such specific assessments and clearances may also be incurred under this paragraph but would then be considered planning costs for the purposes of § 570.200(g);

(v) Strategies and action programs to implement plans, including the development of codes, ordinances and regulations;

(vi) Support of clearinghouse functions, such as those specified in Executive Order 12372; and

(vii) Analysis of impediments to fair housing choice.

(viii) Developing an inventory of properties with known or suspected environmental contamination.

(5) [Reserved]

(6) Policy—planning—management—capacity building activities which will enable the recipient to:

(1) Determine its needs;

(2) Set long-term goals and short-term objectives, including those related to urban environmental design;

(3) Devise programs and activities to meet these goals and objectives;

(4) Evaluate the progress of such programs and activities in accomplishing these goals and objectives; and

(5) Carry out management, coordination and monitoring of activities necessary for effective planning implementation, but excluding the costs necessary to implement such plans.

[53 FR 34439, Sept. 6, 1988, as amended at 56 FR 56127, Oct. 31, 1991; 60 FR 1915, Jan. 5, 1995; 71 FR 30035, May 24, 2006]

§ 570.206 Program administrative costs.

Payment of reasonable administrative costs and carrying charges related to the planning and execution of community development activities assisted in whole or in part with funds provided under this part and, where applicable, housing activities (described in paragraph (g) of this section) covered in the recipient's housing assistance plan. This does not include staff and overhead costs directly related to carrying out activities eligible under § 570.201 through § 570.204, since those costs are eligible as part of such activities.

(a) *General management, oversight and coordination.* Reasonable costs of overall program management, coordination, monitoring, and evaluation. Such costs include, but are not necessarily limited to, necessary expenditures for the following:

(1) Salaries, wages, and related costs of the recipient's staff, the staff of local public agencies, or other staff engaged in program administration. In charging costs to this category the recipient may either include the entire salary, wages, and related costs allocable to the program of each person whose *primary* responsibilities with regard to the program involve program administration assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes *any* program administration assignments. The recipient may use only one of these methods during the program year (or the grant period for grants under subpart F). Program administration includes the following types of assignments:

(i) Providing local officials and citizens with information about the program;

(ii) Preparing program budgets and schedules, and amendments thereto;

(iii) Developing systems for assuring compliance with program requirements;

(iv) Developing interagency agreements and agreements with subrecipients and contractors to carry out program activities;

(v) Monitoring program activities for progress and compliance with program requirements;

(vi) Preparing reports and other documents related to the program for submission to HUD;

(vii) Coordinating the resolution of audit and monitoring findings;

(viii) Evaluating program results against stated objectives; and

(ix) Managing or supervising persons whose primary responsibilities with regard to the program include such assignments as those described in paragraph (a)(1)(i) through (viii) of this section.

(2) Travel costs incurred for official business in carrying out the program;

(3) Administrative services performed under third party contracts or agreements, including such services as general legal services, accounting services, and audit services; and

(4) Other costs for goods and services required for administration of the program, including such goods and services as rental or purchase of equipment, insurance, utilities, office supplies, and rental and maintenance (but not purchase) of office space.

(b) *Public information.* The provisions of information and other resources to residents and citizen organizations participating in the planning, implementation, or assessment of activities being assisted with CDBG funds.

(c) *Fair housing activities.* Provision of fair housing services designed to further the fair housing objectives of the Fair Housing Act (42 U.S.C. 3601-20) by making all persons, without regard to race, color, religion, sex, national origin, familial status or handicap, aware of the range of housing opportunities available to them; other fair housing enforcement, education, and outreach activities; and other activities designed to further the housing objective of avoiding undue concentrations of assisted persons in areas containing a high proportion of low and moderate income persons.

(d) [Reserved]

(e) *Indirect costs.* Indirect costs may be charged to the CDBG program under a cost allocation plan prepared in accordance with 2 CFR PART 200 as applicable.

(f) *Submission of applications for federal programs.* Preparation of documents required for submission to HUD to receive funds under the CDBG and UDAG programs. In addition, CDBG funds may be used to prepare applications for other Federal programs where the recipient determines that such activities are necessary or appropriate to achieve its community development objectives.

(g) *Administrative expenses to facilitate housing.* CDBG funds may be used for necessary administrative expenses in planning or obtaining financing for housing as follows: for entitlement recipients, assistance authorized by this paragraph is limited to units which are identified in the recipient's HUD approved housing assistance plan; for HUD-administered small cities recipients, assistance authorized by the paragraph is limited to facilitating the purchase or occupancy of existing units which are to be occupied by low and moderate income households, or the construction of rental or owner units where at least 20 percent of the units in each project will be occupied at affordable rents/costs by low and moderate income persons. Examples of eligible actions are as follows:

(1) The cost of conducting preliminary surveys and analysis of market needs;

(2) Site and utility plans, narrative descriptions of the proposed construction, preliminary cost estimates, urban design documentation, and “sketch drawings,” but excluding architectural, engineering, and other

details ordinarily required for construction purposes, such as structural, electrical, plumbing, and mechanical details;

(3) Reasonable costs associated with development of applications for mortgage and insured loan commitments, including commitment fees, and of applications and proposals under the Section 8 Housing Assistance Payments Program pursuant to 24 CFR parts 880-883;

(4) Fees associated with processing of applications for mortgage or insured loan commitments under programs including those administered by HUD, Farmers Home Administration (FmHA), Federal National Mortgage Association (FNMA), and the Government National Mortgage Association (GNMA);

(5) The cost of issuance and administration of mortgage revenue bonds used to finance the acquisition, rehabilitation or construction of housing, but excluding costs associated with the payment or guarantee of the principal or interest on such bonds; and

(6) Special outreach activities which result in greater landlord participation in Section 8 Housing Assistance Payments Program-Existing Housing or similar programs for low and moderate income persons.

(h) *Section 17 of the United States Housing Act of 1937.* Reasonable costs equivalent to those described in paragraphs (a), (b), (e) and (f) of this section for overall program management of the Rental Rehabilitation and Housing Development programs authorized under section 17 of the United States Housing Act of 1937, whether or not such activities are otherwise assisted with funds provided under this part.

(i) Whether or not such activities are otherwise assisted by funds provided under this part, reasonable costs equivalent to those described in paragraphs (a), (b), (e), and (f) of this section for overall program management of:

(1) A Federally designated Empowerment Zone or Enterprise Community; and

(2) The HOME program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 note).

[53 FR 34439, Sept. 6, 1988; 53 FR 41330, Oct. 21, 1988, as amended at 54 FR 37411, Sept. 8, 1989; 60 FR 56912, Nov. 9, 1995; 69 FR 32778, June 10, 2004]

§ 570.207 Ineligible activities.

The general rule is that any activity that is not authorized under the provisions of §§ 570.201-570.206 is ineligible to be assisted with CDBG funds. This section identifies specific activities that are ineligible and provides guidance in determining the eligibility of other activities frequently associated with housing and community development.

(a) The following activities may not be assisted with CDBG funds:

(1) *Buildings or portions thereof, used for the general conduct of government* as defined at § 570.3(d) cannot be assisted with CDBG funds. This does not include, however, the removal of architectural barriers under § 570.201(c) involving any such building. Also, where acquisition of real property includes an existing improvement which is to be used in the provision of a building for the general conduct of government, the portion of the acquisition cost attributable to the land is eligible, provided such acquisition meets a national objective described in § 570.208.

(2) *General government expenses.* Except as otherwise specifically authorized in this subpart or under 2 CFR PART 200–expenses required to carry out the regular responsibilities of the unit of general local government are not eligible for assistance under this part.

(3) *Political activities.* CDBG funds shall not be used to finance the use of facilities or equipment for political purposes or to engage in other partisan political activities, such as candidate forums, voter transportation, or voter registration. However, a facility originally assisted with CDBG funds may be used on an incidental basis to hold political meetings, candidate forums, or voter registration campaigns, provided that all parties and organizations have access to the facility on an equal basis, and are assessed equal rent or use charges, if any.

(b) The following activities may not be assisted with CDBG funds unless authorized under provisions of § 570.203 or as otherwise specifically noted herein or when carried out by an entity under the provisions of § 570.204.

(1) *Purchase of equipment.* The purchase of equipment with CDBG funds is generally ineligible.

(i) *Construction equipment.* The purchase of construction equipment is ineligible, but compensation for the use of such equipment through leasing, depreciation, or use allowances pursuant to 2 CFR PART 200 as applicable for an otherwise eligible activity is an eligible use of CDBG funds. However, the purchase of construction equipment for use as part of a solid waste disposal facility is eligible under § 570.201(c).

(ii) *Fire protection equipment.* Fire protection equipment is considered for this purpose to be an integral part of a public facility and thus, purchase of such equipment would be eligible under § 570.201(c).

(iii) *Furnishings and personal property.* The purchase of equipment, fixtures, motor vehicles, furnishings, or other personal property not an integral structural fixture is generally ineligible. CDBG funds may be used, however, to purchase or to pay depreciation or use allowances (in accordance with 2 CFR PART 200 as applicable) for such items when necessary for use by a recipient or its subrecipients in the administration of activities assisted with CDBG funds, or when eligible as firefighting equipment, or when such items constitute all or part of a public service pursuant to § 570.201(e).

(2) *Operating and maintenance expenses.* The general rule is that any expense associated with repairing, operating or maintaining public facilities, improvements and services is ineligible. Specific exceptions to this general rule are operating and maintenance expenses associated with public service activities, interim assistance, and office space for program staff employed in carrying out the CDBG program. For example, the use of CDBG funds to pay the allocable costs of operating and maintaining a facility used in providing a public service would be eligible under § 570.201(e), even if no other costs of providing such a service are assisted with such funds. Examples of ineligible operating and maintenance expenses are:

(i) Maintenance and repair of publicly owned streets, parks, playgrounds, water and sewer facilities, neighborhood facilities, senior centers, centers for persons with a disabilities, parking and other public facilities and improvements. Examples of maintenance and repair activities for which CDBG funds may not be used include the filling of pot holes in streets, repairing of cracks in sidewalks, the mowing of recreational areas, and the replacement of expended street light bulbs; and

(ii) Payment of salaries for staff, utility costs and similar expenses necessary for the operation of public works and facilities.

(3) *New housing construction.* For the purpose of this paragraph, activities in support of the development of low or moderate income housing including clearance, site assemblage, provision of site improvements and provision of public improvements and certain housing pre-construction costs set forth in § 570.206(g), are not considered as activities to subsidize or assist new residential construction. CDBG funds may not be used for the construction of new permanent residential structures or for any program to subsidize or assist such new construction, except:

(i) As provided under the last resort housing provisions set forth in 24 CFR part 42;

(ii) As authorized under § 570.201(m) or (n);

(iii) When carried out by an entity pursuant to § 570.204(a);

(4) *Income payments.* The general rule is that CDBG funds may not be used for income payments. For purposes of the CDBG program, "income payments" means a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage), or utilities, but excludes emergency grant payments made over a period of up to three consecutive months to the provider of such items or services on behalf of an individual or family.

[53 FR 34439, Sept. 6, 1988; 53 FR 41330, Oct. 21, 1988, as amended at 60 FR 1945, Jan. 5, 1995; 60 FR 56912, Nov. 9, 1995; 65 FR 70215, Nov. 21, 2000]

§ 570.208 Criteria for national objectives.

The following criteria shall be used to determine whether a CDBG-assisted activity complies with one or more of the national objectives as required under § 570.200(a)(2):

(a) *Activities benefiting low- and moderate-income persons.* Activities meeting the criteria in paragraph (a)(1), (2), (3), or (4) of this section as applicable, will be considered to benefit low and moderate income persons unless there is substantial evidence to the contrary. In assessing any such evidence, the full range of direct effects of the assisted activity will be considered. (The recipient shall appropriately ensure that activities that meet these criteria do not benefit moderate income persons to the exclusion of low income persons.)

(1) *Area benefit activities.* (i) An activity, the benefits of which are available to all the residents in a particular area, where at least 51 percent of the residents are low and moderate income persons. Such an area need not be coterminous with census tracts or other officially recognized boundaries but must be the entire area served by the activity. An activity that serves an area that is not primarily residential in character shall not qualify under this criterion.

(ii) For metropolitan cities and urban counties, an activity that would otherwise qualify under § 570.208(a)(1)(i), except that the area served contains less than 51 percent low- and moderate-income residents, will also be considered to meet the objective of benefiting low- and moderate-income persons where the proportion of such persons in the area is within the highest quartile of all areas in the recipient's jurisdiction in terms of the degree of concentration of such persons. This exception is inapplicable to non-entitlement CDBG grants in Hawaii. In applying this exception, HUD will determine the lowest proportion a recipient may use to qualify an area for this purpose, as follows:

(A) All census block groups in the recipient's jurisdiction shall be rank ordered from the block group of highest proportion of low and moderate income persons to the block group with the lowest. For urban counties, the rank ordering shall cover the entire area constituting the urban county and shall not be done separately for each participating unit of general local government.

(B) In any case where the total number of a recipient's block groups does not divide evenly by four, the block group which would be fractionally divided between the highest and second quartiles shall be considered to be part of the highest quartile.

(C) The proportion of low and moderate income persons in the last census block group in the highest quartile shall be identified. Any service area located within the recipient's jurisdiction and having a proportion of low and moderate income persons at or above this level shall be considered to be within the highest quartile.

(D) If block group data are not available for the entire jurisdiction, other data acceptable to the Secretary may be used in the above calculations.

(iii) An activity to develop, establish, and operate for up to two years after the establishment of, a uniform emergency telephone number system serving an area having less than the percentage of low- and moderate-income residents required under paragraph (a)(1)(i) of this section or (as applicable) paragraph (a)(1)(ii) of this section, provided the recipient obtains prior HUD approval. To obtain such approval, the recipient must:

(A) Demonstrate that the system will contribute significantly to the safety of the residents of the area. The request for approval must include a list of the emergency services that will participate in the emergency telephone number system;

(B) Submit information that serves as a basis for HUD to determine whether at least 51 percent of the use of the system will be by low- and moderate-income persons. As available, the recipient must provide information that identifies the total number of calls actually received over the preceding 12-month period for each of the emergency services to be covered by the emergency telephone number system and relates those calls to the geographic segment (expressed as nearly as possible in terms of census tracts, block numbering areas, block groups, or combinations thereof that are contained within the segment) of the service area from which the calls were generated. In analyzing this data to meet the requirements of this section, HUD will assume that the distribution of income among the callers generally reflects the income characteristics of the general population residing in the same geographic area where the callers reside. If HUD can conclude that the users have primarily consisted of low- and moderate-income persons, no further submission is needed by the recipient. If a recipient plans to make other submissions for this purpose, it may request that HUD review its planned methodology before expending the effort to acquire the information it expects to use to make its case;

(C) Demonstrate that other Federal funds received by the recipient are insufficient or unavailable for a uniform emergency telephone number system. For this purpose, the recipient must submit a statement explaining whether the lack of funds is due to the insufficiency of the amount of the available funds, restrictions on the use of such funds, or the prior commitment of funds by the recipient for other purposes; and

(D) Demonstrate that the percentage of the total costs of the system paid for by CDBG funds does not exceed the percentage of low- and moderate-income persons in the service area of the system. For this purpose, the recipient must include a description of the boundaries of the service area of the emergency telephone number system, the census divisions that fall within the boundaries of the service area (census tracts or block numbering areas), the total number of persons and the total number of low- and moderate-income persons within each census division, the percentage of low- and moderate-income persons within the service area, and the total cost of the system.

(iv) An activity for which the assistance to a public improvement that provides benefits to all the residents of an area is limited to paying special assessments (as defined in § 570.200(c)) levied against residential properties owned and occupied by persons of low and moderate income.

(v) For purposes of determining qualification under this criterion, activities of the same type that serve different areas will be considered separately on the basis of their individual service area.

(vi) In determining whether there is a sufficiently large percentage of low- and moderate-income persons residing in the area served by an activity to qualify under paragraph (a)(1) (i), (ii), or (vii) of this section, the most recently available decennial census information must be used to the fullest extent feasible, together with the section 8 income limits that would have applied at the time the income information was collected by the Census Bureau. Recipients that believe that the census data does not reflect current relative income levels in an area, or where census boundaries do not coincide sufficiently well with the service area of an activity, may conduct (or have conducted) a current survey of the residents of the area to determine the percent of such persons that are low and moderate income. HUD will accept information obtained through such surveys, to be used in lieu of the decennial census data, where it determines that the survey was conducted in such a manner that the results meet standards of statistical reliability that are comparable to that of the decennial census data for areas of similar size. Where there is substantial evidence that provides a clear basis to believe that the use of the decennial census data would substantially overstate the

proportion of persons residing there that are low and moderate income, HUD may require that the recipient rebut such evidence in order to demonstrate compliance with section 105(c)(2) of the Act.

(vii) Activities meeting the requirements of paragraph (d)(5)(i) of this section may be considered to qualify under this paragraph, provided that the area covered by the strategy is either a Federally-designated Empowerment Zone or Enterprise Community or primarily residential and contains a percentage of low- and moderate-income residents that is no less than the percentage computed by HUD pursuant to paragraph (a)(1)(ii) of this section or 70 percent, whichever is less, but in no event less than 51 percent. Activities meeting the requirements of paragraph (d)(6)(i) of this section may also be considered to qualify under paragraph (a)(1) of this section.

(2) *Limited clientele activities.* (i) An activity which benefits a limited clientele, at least 51 percent of whom are low- or moderate-income persons. (The following kinds of activities may not qualify under paragraph (a)(2) of this section: activities, the benefits of which are available to all the residents of an area; activities involving the acquisition, construction or rehabilitation of property for housing; or activities where the benefit to low- and moderate-income persons to be considered is the creation or retention of jobs, except as provided in paragraph (a)(2)(iv) of this section.) To qualify under paragraph (a)(2) of this section, the activity must meet one of the following tests:

(A) Benefit a clientele who are generally presumed to be principally low and moderate income persons. Activities that exclusively serve a group of persons in any one or a combination of the following categories may be presumed to benefit persons, 51 percent of whom are low- and moderate-income: abused children, battered spouses, elderly persons, adults meeting the Bureau of the Census' Current Population Reports definition of “severely disabled,” homeless persons, illiterate adults, persons living with AIDS, and migrant farm workers; or

(B) Require information on family size and income so that it is evident that at least 51 percent of the clientele are persons whose family income does not exceed the low and moderate income limit; or

(C) Have income eligibility requirements which limit the activity exclusively to low and moderate income persons; or

(D) Be of such nature and be in such location that it may be concluded that the activity's clientele will primarily be low and moderate income persons.

(ii) An activity that serves to remove material or architectural barriers to the mobility or accessibility of elderly persons or of adults meeting the Bureau of the Census' Current Population Reports definition of “severely disabled” will be presumed to qualify under this criterion if it is restricted, to the extent practicable, to the removal of such barriers by assisting:

(A) The reconstruction of a public facility or improvement, or portion thereof, that does not qualify under paragraph (a)(1) of this section;

(B) The rehabilitation of a privately owned nonresidential building or improvement that does not qualify under paragraph (a)(1) or (4) of this section; or

(C) The rehabilitation of the common areas of a residential structure that contains more than one dwelling unit and that does not qualify under paragraph (a)(3) of this section.

(iii) A microenterprise assistance activity carried out in accordance with the provisions of § 570.201(o) with respect to those owners of microenterprises and persons developing microenterprises assisted under the activity during each program year who are low- and moderate-income persons. For purposes of this paragraph, persons determined to be low and moderate income may be presumed to continue to qualify as such for up to a three-year period.

(iv) An activity designed to provide job training and placement and/or other employment support services, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services, in which the percentage of low- and moderate-income persons assisted is less than 51 percent may qualify under this paragraph in the following limited circumstance:

(A) In such cases where such training or provision of supportive services assists business(es), the only use of CDBG assistance for the project is to provide the job training and/or supportive services; and

(B) The proportion of the total cost of the project borne by CDBG funds is no greater than the proportion of the total number of persons assisted who are low or moderate income.

(3) *Housing activities.* An eligible activity carried out for the purpose of providing or improving permanent residential structures which, upon completion, will be occupied by low- and moderate-income households. This would include, but not necessarily be limited to, the acquisition or rehabilitation of property by the recipient, a subrecipient, a developer, an individual homebuyer, or an individual homeowner; conversion of nonresidential structures; and new housing construction. If the structure contains two dwelling units, at least one must be so occupied, and if the structure contains more than two dwelling units, at least 51 percent of the units must be so occupied. Where two or more rental buildings being assisted are or will be located on the same or contiguous properties, and the buildings will be under common ownership and management, the grouped buildings may be considered for this purpose as a single structure. Where housing activities being assisted meet the requirements of paragraph § 570.208 (d)(5)(ii) or (d)(6)(ii) of this section, all such housing may also be considered for this purpose as a single structure. For rental housing, occupancy by low and moderate income households must be at affordable rents to qualify under this criterion. The recipient shall adopt and make public its standards for determining "affordable rents" for this purpose. The following shall also qualify under this criterion:

(i) When less than 51 percent of the units in a structure will be occupied by low and moderate income households, CDBG assistance may be provided in the following limited circumstances:

(A) The assistance is for an eligible activity to reduce the development cost of the new construction of a multifamily, non-elderly rental housing project;

(B) Not less than 20 percent of the units will be occupied by low and moderate income households at affordable rents; and

(C) The proportion of the total cost of developing the project to be borne by CDBG funds is no greater than the proportion of units in the project that will be occupied by low and moderate income households.

(ii) When CDBG funds are used to assist rehabilitation eligible under § 570.202(b)(9) or (10) in direct support of the recipient's Rental Rehabilitation program authorized under 24 CFR part 511, such funds shall be considered to benefit low and moderate income persons where not less than 51 percent of the units assisted, or to be assisted, by the recipient's Rental Rehabilitation program overall are for low and moderate income persons.

(iii) When CDBG funds are used for housing services eligible under § 570.201(k), such funds shall be considered to benefit low- and moderate-income persons if the housing units for which the services are provided are HOME-assisted and the requirements at 24 CFR 92.252 or 92.254 are met.

(4) *Job creation or retention activities.* An activity designed to create or retain permanent jobs where at least 51 percent of the jobs, computed on a full time equivalent basis, involve the employment of low- and moderate-income persons. To qualify under this paragraph, the activity must meet the following criteria:

(i) For an activity that creates jobs, the recipient must document that at least 51 percent of the jobs will be held by, or will be available to, low- and moderate-income persons.

(ii) For an activity that retains jobs, the recipient must document that the jobs would actually be lost without the CDBG assistance and that either or both of the following conditions apply with respect to at least 51 percent of the jobs at the time the CDBG assistance is provided:

(A) The job is known to be held by a low- or moderate-income person; or

(B) The job can reasonably be expected to turn over within the following two years and that steps will be taken to ensure that it will be filled by, or made available to, a low- or moderate-income person upon turnover.

(iii) Jobs that are not held or filled by a low- or moderate-income person may be considered to be available to low- and moderate-income persons for these purposes only if:

(A) Special skills that can only be acquired with substantial training or work experience or education beyond high school are not a prerequisite to fill such jobs, or the business agrees to hire unqualified persons and provide training; and

(B) The recipient and the assisted business take actions to ensure that low- and moderate-income persons receive first consideration for filling such jobs.

(iv) For purposes of determining whether a job is held by or made available to a low- or moderate-income person, the person may be presumed to be a low- or moderate-income person if:

(A) He/she resides within a census tract (or block numbering area) that either:

(*1*) Meets the requirements of paragraph (a)(4)(v) of this section; or

(*2*) Has at least 70 percent of its residents who are low- and moderate-income persons; or

(B) The assisted business is located within a census tract (or block numbering area) that meets the requirements of paragraph (a)(4)(v) of this section and the job under consideration is to be located within that census tract.

(v) A census tract (or block numbering area) qualifies for the presumptions permitted under paragraphs (a)(4)(iv)(A)(*1*) and (B) of this section if it is either part of a Federally-designated Empowerment Zone or Enterprise Community or meets the following criteria:

(A) It has a poverty rate of at least 20 percent as determined by the most recently available decennial census information;

(B) It does not include any portion of a central business district, as this term is used in the most recent Census of Retail Trade, unless the tract has a poverty rate of at least 30 percent as determined by the most recently available decennial census information; and

(C) It evidences pervasive poverty and general distress by meeting at least one of the following standards:

(*1*) All block groups in the census tract have poverty rates of at least 20 percent;

(*2*) The specific activity being undertaken is located in a block group that has a poverty rate of at least 20 percent; or

(*3*) Upon the written request of the recipient, HUD determines that the census tract exhibits other objectively determinable signs of general distress such as high incidence of crime, narcotics use, homelessness, abandoned housing, and deteriorated infrastructure or substantial population decline.

(vi) As a general rule, each assisted business shall be considered to be a separate activity for purposes of determining whether the activity qualifies under this paragraph, except:

(A) In certain cases such as where CDBG funds are used to acquire, develop or improve a real property (e.g., a business incubator or an industrial park) the requirement may be met by measuring jobs in the aggregate for all the businesses which locate on the property, provided such businesses are not otherwise assisted by CDBG funds.

(B) Where CDBG funds are used to pay for the staff and overhead costs of an entity making loans to businesses exclusively from non-CDBG funds, this requirement may be met by aggregating the jobs created by all of the businesses receiving loans during each program year.

(C) Where CDBG funds are used by a recipient or subrecipient to provide technical assistance to businesses, this requirement may be met by aggregating the jobs created or retained by all of the businesses receiving technical assistance during each program year.

(D) Where CDBG funds are used for activities meeting the criteria listed at § 570.209(b)(2)(v), this requirement may be met by aggregating the jobs created or retained by all businesses for which CDBG assistance is obligated for such activities during the program year, except as provided at paragraph (d)(7) of this section.

(E) Where CDBG funds are used by a Community Development Financial Institution to carry out activities for the purpose of creating or retaining jobs, this requirement may be met by aggregating the jobs created or retained by all businesses for which CDBG assistance is obligated for such activities during the program year, except as provided at paragraph (d)(7) of this section.

(F) Where CDBG funds are used for public facilities or improvements which will result in the creation or retention of jobs by more than one business, this requirement may be met by aggregating the jobs created or retained by all such businesses as a result of the public facility or improvement.

(*1*) Where the public facility or improvement is undertaken principally for the benefit of one or more particular businesses, but where other businesses might also benefit from the assisted activity, the requirement may be met by aggregating only the jobs created or retained by those businesses for which the facility/improvement is principally undertaken, provided that the cost (in CDBG funds) for the facility/improvement is less than $10,000 per permanent full-time equivalent job to be created or retained by those businesses.

(*2*) In any case where the cost per job to be created or retained (as determined under paragraph (a)(4)(vi)(F)(*1*) of this section) is $10,000 or more, the requirement must be met by aggregating the jobs created or retained as a result of the public facility or improvement by all businesses in the service area of the facility/improvement. This aggregation must include businesses which, as a result of the public facility/improvement, locate or expand in the service area of the facility/improvement between the date the recipient identifies the activity in its action plan under part 91 of this title and the date one year after the physical completion of the facility/improvement. In addition, the assisted activity must comply with the public benefit standards at § 570.209(b).

(b) *Activities which aid in the prevention or elimination of slums or blight.* Activities meeting one or more of the following criteria, in the absence of substantial evidence to the contrary, will be considered to aid in the prevention or elimination of slums or blight:

(1) *Activities to address slums or blight on an area basis.* An activity will be considered to address prevention or elimination of slums or blight in an area if:

(i) The area, delineated by the recipient, meets a definition of a slum, blighted, deteriorated or deteriorating area under State or local law;

(ii) The area also meets the conditions in either paragraph (A) or (B):

(A) At least 25 percent of properties throughout the area experience one or more of the following conditions:

(*1*) Physical deterioration of buildings or improvements;

(*2*) Abandonment of properties;

(*3*) Chronic high occupancy turnover rates or chronic high vacancy rates in commercial or industrial buildings;

(*4*) Significant declines in property values or abnormally low property values relative to other areas in the community; or

(*5*) Known or suspected environmental contamination.

(B) The public improvements throughout the area are in a general state of deterioration.

(iii) Documentation is to be maintained by the recipient on the boundaries of the area and the conditions and standards used that qualified the area at the time of its designation. The recipient shall establish definitions of the conditions listed at § 570.208(b)(1)(ii)(A), and maintain records to substantiate how the area met the slums or blighted criteria. The designation of an area as slum or blighted under this section is required to be re-determined every 10 years for continued qualification. Documentation must be retained pursuant to the recordkeeping requirements contained at § 570.506 (b)(8)(ii).

(iv) The assisted activity addresses one or more of the conditions which contributed to the deterioration of the area. Rehabilitation of residential buildings carried out in an area meeting the above requirements will be considered to address the area's deterioration only where each such building rehabilitated is considered substandard under local definition before rehabilitation, and all deficiencies making a building substandard have been eliminated if less critical work on the building is undertaken. At a minimum, the local definition for this purpose must be such that buildings that it would render substandard would also fail to meet the housing quality standards for the Section 8 Housing Assistance Payments Program-Existing Housing (24 CFR 882.109).

(2) *Activities to address slums or blight on a spot basis.* The following activities may be undertaken on a spot basis to eliminate specific conditions of blight, physical decay, or environmental contamination that are not located in a slum or blighted area: acquisition; clearance; relocation; historic preservation; remediation of environmentally contaminated properties; or rehabilitation of buildings or improvements. However, rehabilitation must be limited to eliminating those conditions that are detrimental to public health and safety. If acquisition or relocation is undertaken, it must be a precursor to another eligible activity (funded with CDBG or other resources) that directly eliminates the specific conditions of blight or physical decay, or environmental contamination.

(3) *Activities to address slums or blight in an urban renewal area.* An activity will be considered to address prevention or elimination of slums or blight in an urban renewal area if the activity is:

(i) Located within an urban renewal project area or Neighborhood Development Program (NDP) action area; i.e., an area in which funded activities were authorized under an urban renewal Loan and Grant Agreement or an annual NDP Funding Agreement, pursuant to title I of the Housing Act of 1949; and

(ii) Necessary to complete the urban renewal plan, as then in effect, including *initial* land redevelopment permitted by the plan.

NOTE: Despite the restrictions in (b) (1) and (2) of this section, any rehabilitation activity which benefits low and moderate income persons pursuant to paragraph (a)(3) of this section can be undertaken without regard to the area in which it is located or the extent or nature of rehabilitation assisted.

(c) *Activities designed to meet community development needs having a particular urgency.* In the absence of substantial evidence to the contrary, an activity will be considered to address this objective if the recipient certifies that the activity is designed to alleviate existing conditions which pose a serious and immediate threat to the health or welfare of the community which are of recent origin or which recently became urgent, that the recipient is unable to finance the activity on its own, and that other sources of funding are not available. A condition will generally be considered to be of recent origin if it developed or became critical within 18 months preceding the certification by the recipient.

(d) *Additional criteria.* (1) Where the assisted activity is acquisition of real property, a preliminary determination of whether the activity addresses a national objective may be based on the planned use of the property after acquisition. A final determination shall be based on the actual use of the property, excluding any short-term, temporary use. Where the acquisition is for the purpose of clearance which will eliminate specific conditions of blight or physical decay, the clearance activity shall be considered the actual use of the property. However, any subsequent use or disposition of the cleared property shall be treated as a "change of use" under § 570.505.

(2) Where the assisted activity is relocation assistance that the recipient is required to provide, such relocation assistance shall be considered to address the same national objective as is addressed by the displacing activity. Where the relocation assistance is voluntary on the part of the grantee the recipient may qualify the assistance either on the basis of the national objective addressed by the displacing activity or on the basis that the recipients of the relocation assistance are low and moderate income persons.

(3) In any case where the activity undertaken for the purpose of creating or retaining jobs is a public improvement and the area served is primarily residential, the activity must meet the requirements of paragraph (a)(1) of this section as well as those of paragraph (a)(4) of this section in order to qualify as benefiting low and moderate income persons.

(4) CDBG funds expended for planning and administrative costs under § 570.205 and § 570.206 will be considered to address the national objectives.

(5) Where the grantee has elected to prepare an area revitalization strategy pursuant to the authority of § 91.215(e) of this title and HUD has approved the strategy, the grantee may also elect the following options:

(i) Activities undertaken pursuant to the strategy for the purpose of creating or retaining jobs may, at the option of the grantee, be considered to meet the requirements of this paragraph under the criteria at paragraph (a)(1)(vii) of this section in lieu of the criteria at paragraph (a)(4) of this section; and

(ii) All housing activities in the area for which, pursuant to the strategy, CDBG assistance is obligated during the program year may be considered to be a single structure for purposes of applying the criteria at paragraph (a)(3) of this section.

(6) Where CDBG-assisted activities are carried out by a Community Development Financial Institution whose charter limits its investment area to a primarily residential area consisting of at least 51 percent low- and moderate-income persons, the grantee may also elect the following options:

(i) Activities carried out by the Community Development Financial Institution for the purpose of creating or retaining jobs may, at the option of the grantee, be considered to meet the requirements of this paragraph under the criteria at paragraph (a)(1)(vii) of this section in lieu of the criteria at paragraph (a)(4) of this section; and

(ii) All housing activities for which the Community Development Financial Institution obligates CDBG assistance during the program year may be considered to be a single structure for purposes of applying the criteria at paragraph (a)(3) of this section.

(7) Where an activity meeting the criteria at § 570.209(b)(2)(v) may also meet the requirements of either paragraph (d)(5)(i) or (d)(6)(i) of this section, the grantee may elect to qualify the activity under either the area benefit criteria at paragraph (a)(1)(vii) of this section or the job aggregation criteria at paragraph (a)(4)(vi)(D) of this section, but not both. Where an activity may meet the job aggregation criteria at both paragraphs (a)(4)(vi)(D) and (E) of this section, the grantee may elect to qualify the activity under either criterion, but not both.

[53 FR 34439, Sept. 6, 1988; 53 FR 41330, Oct. 21, 1988, as amended at 60 FR 1945, Jan. 5, 1995; 60 FR 17445, Apr. 6, 1995; 60 FR 56912, Nov. 9, 1995; 61 FR 18674, Apr. 29, 1996; 71 FR 30035, May 24, 2006; 72 FR 46370, Aug. 17, 2007]

§ 570.209 Guidelines for evaluating and selecting economic development projects.

The following guidelines are provided to assist the recipient to evaluate and select activities to be carried out for economic development purposes. Specifically, these guidelines are applicable to activities that are eligible for CDBG assistance under § 570.203. These guidelines also apply to activities carried out under the authority of § 570.204 that would otherwise be eligible under § 570.203, were it not for the involvement of a Community-Based Development Organization (CBDO). (This would include activities where a CBDO makes loans to for-profit businesses.) These guidelines are composed of two components: guidelines for evaluating project costs and financial requirements; and standards for evaluating public benefit. The standards for evaluating public benefit are *mandatory,* but the guidelines for evaluating projects costs and financial requirements are not.

(a) *Guidelines and objectives for evaluating project costs and financial requirements.* HUD has developed guidelines that are designed to provide the recipient with a framework for financially underwriting and selecting CDBG-assisted economic development projects which are financially viable and will make the most effective use of the CDBG funds. These guidelines, also referred to as the underwriting guidelines, are published as appendix A to this part. The use of the underwriting guidelines published by HUD is not mandatory. However, grantees electing not to use these guidelines would be expected to conduct basic financial underwriting prior to the provision of CDBG financial assistance to a for-profit business. Where appropriate, HUD's underwriting guidelines recognize that different levels of review are appropriate to take into account differences in the size and scope of a proposed project, and in the case of a microenterprise or other small business to take into account the differences in the capacity and level of sophistication among businesses of differing sizes. Recipients are encouraged, when they develop their own programs and underwriting criteria, to also take these factors into account. The objectives of the underwriting guidelines are to ensure:

(1) That project costs are reasonable;

(2) That all sources of project financing are committed;

(3) That to the extent practicable, CDBG funds are not substituted for non-Federal financial support;

(4) That the project is financially feasible;

(5) That to the extent practicable, the return on the owner's equity investment will not be unreasonably high; and

(6) That to the extent practicable, CDBG funds are disbursed on a pro rata basis with other finances provided to the project.

(b) *Standards for evaluating public benefit.* The grantee is responsible for making sure that at least a minimum level of public benefit is obtained from the expenditure of CDBG funds under the categories of eligibility governed by these guidelines. The standards set forth below identify the types of public benefit that will be recognized for this purpose and the minimum level of each that must be obtained for the amount of CDBG funds used. Unlike the guidelines for project costs and financial requirements covered under paragraph (a) of this section, the use of the standards for public benefit is mandatory. Certain public facilities and improvements eligible under § 570.201(c) of the regulations, which are undertaken for economic development purposes, are also subject to these standards, as specified in § 570.208(a)(4)(vi)(F)(*2*).

(1) *Standards for activities in the aggregate.* Activities covered by these guidelines must, in the aggregate, either:

(i) Create or retain at least one full-time equivalent, permanent job per $35,000 of CDBG funds used; or

(ii) Provide goods or services to residents of an area, such that the number of low- and moderate-income persons residing in the areas served by the assisted businesses amounts to at least one low- and moderate-income person per $350 of CDBG funds used.

(2) *Applying the aggregate standards.* (i) A metropolitan city, an urban county, a non-entitlement CDBG grantee in Hawaii, or an Insular Area shall apply the aggregate standards under paragraph (b)(1) of this section to all applicable activities for which CDBG funds are first obligated within each single CDBG program year, without regard to the source year of the funds used for the activities. For Insular Areas, the preceding sentence applies to grants received in program years after Fiscal Year 2004. A grantee under the HUD-administered Small Cities Program, or Insular Areas CDBG grants prior to Fiscal Year 2005, shall apply the aggregate standards under paragraph (b)(1) of this section to all funds obligated for applicable activities from a given grant; program income obligated for applicable activities will, for these purposes, be aggregated with the most recent open grant. For any time period in which a community has no open HUD-administered or Insular Areas grants, the aggregate standards shall be applied to all applicable activities for which program income is obligated during that period.

(ii) The grantee shall apply the aggregate standards to the number of jobs to be created/retained, or to the number of persons residing in the area served (as applicable), as determined at the time funds are obligated to activities.

(iii) Where an activity is expected both to create or retain jobs and to provide goods or services to residents of an area, the grantee may elect to count the activity under either the jobs standard or the area residents standard, but not both.

(iv) Where CDBG assistance for an activity is limited to job training and placement and/or other employment support services, the jobs assisted with CDBG funds shall be considered to be created or retained jobs for the purposes of applying the aggregate standards.

(v) Any activity subject to these guidelines which meets one or more of the following criteria may, at the grantee's option, be excluded from the aggregate standards described in paragraph (b)(1) of this section:

(A) Provides jobs exclusively for unemployed persons or participants in one or more of the following programs:

(*1*) Jobs Training Partnership Act (JTPA);

(*2*) Jobs Opportunities for Basic Skills (JOBS); or

(*3*) Aid to Families with Dependent Children (AFDC);

(B) Provides jobs predominantly for residents of Public and Indian Housing units;

(C) Provides jobs predominantly for homeless persons;

(D) Provides jobs predominantly for low-skilled, low- and moderate-income persons, where the business agrees to provide clear opportunities for promotion and economic advancement, such as through the provision of training;

(E) Provides jobs predominantly for persons residing within a census tract (or block numbering area) that has at least 20 percent of its residents who are in poverty;

(F) Provides assistance to business(es) that operate(s) within a census tract (or block numbering area) that has at least 20 percent of its residents who are in poverty;

(G) Stabilizes or revitalizes a neighborhood that has at least 70 percent of its residents who are low- and moderate-income;

(H) Provides assistance to a Community Development Financial Institution that serve an area that is predominantly low- and moderate-income persons;

(I) Provides assistance to a Community-Based Development Organization serving a neighborhood that has at least 70 percent of its residents who are low- and moderate-income;

(J) Provides employment opportunities that are an integral component of a project designed to promote spatial deconcentration of low- and moderate-income and minority persons;

(K) With prior HUD approval, provides substantial benefit to low-income persons through other innovative approaches;

(L) Provides services to the residents of an area pursuant to a strategy approved by HUD under the provisions of § 91.215(e) of this title;

(M) Creates or retains jobs through businesses assisted in an area pursuant to a strategy approved by HUD under the provisions of § 91.215(e) of this title.

(N) Directly involves the economic development or redevelopment of environmentally contaminated properties.

(3) *Standards for individual activities.* Any activity subject to these guidelines which falls into one or more of the following categories will be considered by HUD to provide insufficient public benefit, and therefore may under no circumstances be assisted with CDBG funds:

(i) The amount of CDBG assistance exceeds either of the following, as applicable:

(A) $50,000 per full-time equivalent, permanent job created or retained; or

(B) $1,000 per low- and moderate-income person to which goods or services are provided by the activity.

(ii) The activity consists of or includes any of the following:

(A) General promotion of the community as a whole (as opposed to the promotion of specific areas and programs);

(B) Assistance to professional sports teams;

(C) Assistance to privately-owned recreational facilities that serve a predominantly higher-income clientele, where the recreational benefit to users or members clearly outweighs employment or other benefits to low- and moderate-income persons;

(D) Acquisition of land for which the specific proposed use has not yet been identified; and

(E) Assistance to a for-profit business while that business or any other business owned by the same person(s) or entity(ies) is the subject of unresolved findings of noncompliance relating to previous CDBG assistance provided by the recipient.

(4) *Applying the individual activity standards.* (i) Where an activity is expected both to create or retain jobs and to provide goods or services to residents of an area, it will be disqualified only if the amount of CDBG assistance exceeds both of the amounts in paragraph (b)(3)(i) of this section.

(ii) The individual activity standards in paragraph (b)(3)(i) of this section shall be applied to the number of jobs to be created or retained, or to the number of persons residing in the area served (as applicable), as determined at the time funds are obligated to activities.

(iii) Where CDBG assistance for an activity is limited to job training and placement and/or other employment support services, the jobs assisted with CDBG funds shall be considered to be created or retained jobs for the purposes of applying the individual activity standards in paragraph (b)(3)(i) of this section.

(c) *Amendments to economic development projects after review determinations.* If, after the grantee enters into a contract to provide assistance to a project, the scope or financial elements of the project change to the extent that a significant contract amendment is appropriate, the project should be reevaluated under these and the recipient's guidelines. (This would include, for example, situations where the business requests a change in the amount or terms of assistance being provided, or an extension to the loan payment period required in the contract.) If a reevaluation of the project indicates that the financial elements and public benefit to be derived have also substantially changed, then the recipient should make appropriate adjustments in the amount, type, terms or conditions of CDBG assistance which has been offered, to reflect the impact of the substantial change. (For example, if a change in the project elements results in a substantial reduction of the total project costs, it may be appropriate for the recipient to reduce the amount of total CDBG assistance.) If the amount of CDBG assistance provided to the project is increased, the amended project must still comply with the public benefit standards under paragraph (b) of this section.

(d) *Documentation.* The grantee must maintain sufficient records to demonstrate the level of public benefit, based on the above standards, that is actually achieved upon completion of the CDBG-assisted economic development activity(ies) and how that compares to the level of such benefit anticipated when the CDBG assistance was obligated. If the grantee's actual results show a pattern of substantial variation from anticipated results, the grantee is expected to take all actions reasonably within its control to improve the accuracy of its projections. If the actual results demonstrate that the recipient has failed the public benefit standards, HUD may require the recipient to meet more stringent standards in future years as appropriate.

[60 FR 1947, Jan. 5, 1995, as amended at 60 FR 17445, Apr. 6, 1995; 71 FR 30035, May 24, 2006; 72 FR 12535, Mar. 15, 2007; 72 FR 46370, Aug. 17, 2007]

§ 570.210 Prohibition on use of assistance for employment relocation activities.

(a) *Prohibition.* CDBG funds may not be used to directly assist a business, including a business expansion, in the relocation of a plant, facility, or operation from one LMA to another LMA if the relocation is likely to result in a significant loss of jobs in the LMA from which the relocation occurs.

(b) *Definitions.* The following definitions apply to this section:

(1) *Directly assist.* Directly assist means the provision of CDBG funds for activities pursuant to:

(i) § 570.203(b); or

(ii) §§ 570.201(a)-(d), 570.201(l), 570.203(a), or § 570.204 when the grantee, subrecipient, or, in the case of an activity carried out pursuant to § 570.204, a Community Based Development Organization (CDBO) enters into an agreement with a business to undertake one or more of these activities as a condition of the business relocating a facility, plant, or operation to the grantee's LMA. Provision of public facilities and indirect assistance that will provide benefit to multiple businesses does not fall under the definition of "directly assist," unless it includes the provision of infrastructure to aid a specific business that is the subject of an agreement with the specific assisted business.

(2) *Labor market area (LMA).* For metropolitan areas, an LMA is an area defined as such by the BLS. An LMA is an economically integrated geographic area within which individuals can live and find employment within a reasonable distance or can readily change employment without changing their place of residence. In addition, LMAs are non-overlapping and geographically exhaustive. For metropolitan areas, grantees must use employment data, as defined by the BLS, for the LMA in which the affected business is currently located and from which current jobs may be lost. For non-metropolitan areas, an LMA is either an area defined by the BLS as an LMA, or a state may choose to combine non-metropolitan LMAs. States are required to define or reaffirm prior definitions of their LMAs on an annual basis and retain records to substantiate such areas prior to any business relocation that would be impacted by this rule. Metropolitan LMAs cannot be combined, nor can a non-metropolitan LMA be combined with a metropolitan LMA. For the HUD-administered Small Cities Program, each of the three participating counties in Hawaii will be considered to be its own LMA. Recipients of Fiscal Year 1999 Small Cities Program funding in New York will follow the requirements for State CDBG recipients.

(3) *Operation.* A business operation includes, but is not limited to, any equipment, employment opportunity, production capacity or product line of the business.

(4) *Significant loss of jobs.* (i) A loss of jobs is significant if: The number of jobs to be lost in the LMA in which the affected business is currently located is equal to or greater than one-tenth of one percent of the total number of persons in the labor force of that LMA; or in all cases, a loss of 500 or more jobs. Notwithstanding the aforementioned, a loss of 25 jobs or fewer does not constitute a significant loss of jobs.

(ii) A job is considered to be lost due to the provision of CDBG assistance if the job is relocated within three years of the provision of assistance to the business; or the time period within which jobs are to be created as specified by the agreement between the business and the recipient if it is longer than three years.

(c) *Written agreement.* Before directly assisting a business with CDBG funds, the recipient, subrecipient, or a CDBO (in the case of an activity carried out pursuant to § 570.204) shall sign a written agreement with the assisted business. The written agreement shall include:

(1) *Statement.* A statement from the assisted business as to whether the assisted activity will result in the relocation of any industrial or commercial plant, facility, or operation from one LMA to another, and, if so, the number of jobs that will be relocated from each LMA;

(2) *Required information.* If the assistance will not result in a relocation covered by this section, a certification from the assisted business that neither it, nor any of its subsidiaries, has plans to relocate jobs at the time the agreement is signed that would result in a significant job loss as defined in this rule; and

(3) *Reimbursement of assistance.* The agreement shall provide for reimbursement of any assistance provided to, or expended on behalf of, the business in the event that assistance results in a relocation prohibited under this section.

(d) *Assistance not covered by this section.* This section does not apply to:

(1) *Relocation assistance.* Relocation assistance required by the Uniform Assistance and Real Property Acquisition Policies Act of 1970, (URA) (42 U.S.C. 4601-4655);

(2) *Microenterprises.* Assistance to microenterprises as defined by Section 102(a)(22) of the Housing and Community Development Act of 1974; and

(3) *Arms-length transactions.* Assistance to a business that purchases business equipment, inventory, or other physical assets in an arms-length transaction, including the assets of an existing business, provided that the purchase does not result in the relocation of the sellers' business operation (including customer base or list, goodwill, product lines, or trade names) from one LMA to another LMA and does not produce a significant loss of jobs in the LMA from which the relocation occurs.

[70 FR 76369, Dec. 23, 2005]

Subpart K—Other Program Requirements

SOURCE: 53 FR 34456, Sept. 6, 1988, unless otherwise noted.

§ 570.600 General.

(a) This subpart K enumerates laws that the Secretary will treat as applicable to grants made under section 106 of the Act, other than grants to states made pursuant to section 106(d) of the Act, for purposes of the Secretary's determinations under section 104(e)(1) of the Act, including statutes expressly made applicable by the Act and certain other statutes and Executive Orders for which the Secretary has enforcement responsibility. This subpart K applies to grants made under the Insular Areas Program in § 570.405 and § 570.440 with the exception of § 570.612. The absence of mention herein of any other statute for which the Secretary does not have direct enforcement responsibility is not intended to be taken as an indication that, in the Secretary's opinion, such statute or Executive Order is not applicable to activities assisted under the Act. For laws that the Secretary will treat as applicable to grants made to states under section 106(d) of the Act for purposes of the determination required to be made by the Secretary pursuant to section 104(e)(2) of the Act, see § 570.487.

(b) This subpart also sets forth certain additional program requirements which the Secretary has determined to be applicable to grants provided under the Act as a matter of administrative discretion.

(c) In addition to grants made pursuant to section 106(b) and 106(d)(2)(B) of the Act (subparts D and F, respectively), the requirements of this subpart K are applicable to grants made pursuant to sections 107 and 119 of the Act (subparts E and G, respectively), and to loans guaranteed pursuant to subpart M.

[53 FR 34456, Sept. 6, 1988, as amended at 61 FR 11477, Mar. 20, 1996; 72 FR 12536, Mar. 15, 2007]

§ 570.601 Public Law 88-352 and Public Law 90-284; affirmatively furthering fair housing; Executive Order 11063.

(a) The following requirements apply according to sections 104(b) and 107 of the Act:

(1) Public Law 88-352, which is title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), and implementing regulations in 24 CFR part 1.

(2) Public Law 90-284, which is the Fair Housing Act (42 U.S.C. 3601-3620). In accordance with the Fair Housing Act, the Secretary requires that grantees administer all programs and activities related to housing and community development in a manner to affirmatively further the policies of the Fair Housing Act. Furthermore, in accordance with section 104(b)(2) of the Act, for each community receiving a grant under subpart D of this part, the certification that the grantee will affirmatively further fair housing shall specifically require the grantee to assume the responsibility of fair housing planning by conducting an

analysis to identify impediments to fair housing choice within its jurisdiction, taking appropriate actions to overcome the effects of any impediments identified through that analysis, and maintaining records reflecting the analysis and actions in this regard.

(b) Executive Order 11063, as amended by Executive Order 12259 (3 CFR, 1959-1963 Comp., p. 652; 3 CFR, 1980 Comp., p. 307) (Equal Opportunity in Housing), and implementing regulations in 24 CFR part 107, also apply.

[61 FR 11477, Mar. 20, 1996]

§ 570.602 Section 109 of the Act.

Section 109 of the Act requires that no person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance made available pursuant to the Act. Section 109 also directs that the prohibitions against discrimination on the basis of age under the Age Discrimination Act and the prohibitions against discrimination on the basis of disability under Section 504 shall apply to programs or activities receiving Federal financial assistance under Title I programs. The policies and procedures necessary to ensure enforcement of section 109 are codified in 24 CFR part 6.

[64 FR 3802, Jan. 25, 1999]

§ 570.603 Labor standards.

(a) Section 110(a) of the Act contains labor standards that apply to non-volunteer labor financed in whole or in part with assistance received under the Act. In accordance with section 110(a) of the Act, the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 *et seq.*) also applies. However, these requirements apply to the rehabilitation of residential property only if such property contains not less than 8 units.

(b) The regulations in 24 CFR part 70 apply to the use of volunteers.

[61 FR 11477, Mar. 20, 1996]

§ 570.604 Environmental standards.

For purposes of section 104(g) of the Act, the regulations in 24 CFR part 58 specify the other provisions of law which further the purposes of the National Environmental Policy Act of 1969, and the procedures by which grantees must fulfill their environmental responsibilities. In certain cases, grantees assume these environmental review, decision making, and action responsibilities by execution of grant agreements with the Secretary.

[61 FR 11477, Mar. 20, 1996]

§ 570.605 National Flood Insurance Program.

Notwithstanding the date of HUD approval of the recipient's application (or, in the case of grants made under subpart D of this part or HUD-administered small cities recipients in Hawaii, the date of submission of the grantee's consolidated plan, in accordance with 24 CFR part 91), section 202(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106) and the regulations in 44 CFR parts 59 through 79 apply to funds provided under this part 570.

[61 FR 11477, Mar. 20, 1996]

§ 570.606 Displacement, relocation, acquisition, and replacement of housing.

(a) *General policy for minimizing displacement.* Consistent with the other goals and objectives of this part, grantees (or States or state recipients, as applicable) shall assure that they have taken all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) as a result of activities assisted under this part.

(b) *Relocation assistance for displaced persons at URA levels.* (1) A displaced person shall be provided with relocation assistance at the levels described in, and in accordance with the requirements of 49 CFR part 24, which contains the government-wide regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4601-4655).

(2) *Displaced person.* (i) For purposes of paragraph (b) of this section, the term " *displaced person* " means any person (family, individual, business, nonprofit organization, or farm) that moves from real property, or moves his or her personal property from real property, permanently and involuntarily, as a direct result of rehabilitation, demolition, or acquisition for an activity assisted under this part. A permanent, involuntary move for an assisted activity includes a permanent move from real property that is made:

(A) After notice by the grantee (or the state recipient, if applicable) to move permanently from the property, if the move occurs after the initial official submission to HUD (or the State, as applicable) for grant, loan, or loan guarantee funds under this part that are later provided or granted.

(B) After notice by the property owner to move permanently from the property, if the move occurs after the date of the submission of a request for financial assistance by the property owner (or person in control of the site) that is later approved for the requested activity.

(C) Before the date described in paragraph (b)(2)(i)(A) or (B) of this section, if either HUD or the grantee (or State, as applicable) determines that the displacement directly resulted from acquisition, rehabilitation, or demolition for the requested activity.

(D) After the "initiation of negotiations" if the person is the tenant-occupant of a dwelling unit and any one of the following three situations occurs:

(*1*) The tenant has not been provided with a reasonable opportunity to lease and occupy a suitable decent, safe, and sanitary dwelling in the same building/complex upon the completion of the project, including a monthly rent that does not exceed the greater of the tenant's monthly rent and estimated average utility costs before the initiation of negotiations or 30 percent of the household's average monthly gross income; or

(*2*) The tenant is required to relocate temporarily for the activity but the tenant is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporary location and any increased housing costs, or other conditions of the temporary relocation are not reasonable; and the tenant does not return to the building/complex; or

(*3*) The tenant is required to move to another unit in the building/complex, but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move.

(ii) Notwithstanding the provisions of paragraph (b)(2)(i) of this section, the term " *displaced person* -" does not include:

(A) A person who is evicted for cause based upon serious or repeated violations of material terms of the lease or occupancy agreement. To exclude a person on this basis, the grantee (or State or state recipient, as applicable) must determine that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance under this section;

(B) A person who moves into the property after the date of the notice described in paragraph (b)(2)(i)(A) or (B) of this section, but who received a written notice of the expected displacement before occupancy.

(C) A person who is not displaced as described in 49 CFR 24.2(g)(2).

(D) A person who the grantee (or State, as applicable) determines is not displaced as a direct result of the acquisition, rehabilitation, or demolition for an assisted activity. To exclude a person on this basis, HUD must concur in that determination.

(iii) A grantee (or State or state recipient, as applicable) may, at any time, request HUD to determine whether a person is a displaced person under this section.

(3) *Initiation of negotiations.* For purposes of determining the type of replacement housing assistance to be provided under paragraph (b) of this section, if the displacement is the direct result of privately undertaken rehabilitation, demolition, or acquisition of real property, the term " *initiation of negotiations* " means the execution of the grant or loan agreement between the grantee (or State or state recipient, as applicable) and the person owning or controlling the real property.

(c) *Residential anti-displacement and relocation assistance plan.* The grantee shall comply with the requirements of 24 CFR part 42, subpart B.

(d) *Optional relocation assistance.* Under section 105(a)(11) of the Act, the grantee may provide (or the State may permit the state recipient to provide, as applicable) relocation payments and other relocation assistance to persons displaced by activities that are not subject to paragraph (b) or (c) of this section. The grantee may also provide (or the State may also permit the state recipient to provide, as applicable) relocation assistance to persons receiving assistance under paragraphs (b) or (c) of this section at levels in excess of those required by these paragraphs. Unless such assistance is provided under State or local law, the grantee (or state recipient, as applicable) shall provide such assistance only upon the basis of a written determination that the assistance is appropriate (see, e.g., 24 CFR 570.201(i), as applicable). The grantee (or state recipient, as applicable) must adopt a written policy available to the public that describes the relocation assistance that the grantee (or state recipient, as applicable) has elected to provide and that provides for equal relocation assistance within each class of displaced persons.

(e) *Acquisition of real property.* The acquisition of real property for an assisted activity is subject to 49 CFR part 24, subpart B.

(f) *Appeals.* If a person disagrees with the determination of the grantee (or the state recipient, as applicable) concerning the person's eligibility for, or the amount of, a relocation payment under this section, the person may file a written appeal of that determination with the grantee (or state recipient, as applicable). The appeal procedures to be followed are described in 49 CFR 24.10. In addition, a low- or moderate-income household that has been displaced from a dwelling may file a written request for review of the grantee's decision to the HUD Field Office. For purposes of the State CDBG program, a low- or moderate-income household may file a written request for review of the state recipient's decision with the State.

(g) *Responsibility of grantee or State.* (1) The grantee (or State, if applicable) is responsible for ensuring compliance with the requirements of this section, notwithstanding any third party's contractual obligation to the grantee to comply with the provisions of this section. For purposes of the State CDBG program, the State shall require state recipients to certify that they will comply with the requirements of this section.

(2) The cost of assistance required under this section may be paid from local public funds, funds provided under this part, or funds available from other sources.

(3) The grantee (or State and state recipient, as applicable) must maintain records in sufficient detail to demonstrate compliance with the provisions of this section.

(Approved by the Office of Management and Budget under OMB control number 2506-0102)

[61 FR 11477, Mar. 20, 1996, as amended at 61 FR 51760, Oct. 3, 1996]

§ 570.607 Employment and contracting opportunities.

To the extent that they are otherwise applicable, grantees shall comply with:

(a) Executive Order 11246, as amended by Executive Orders 11375, 11478, *12086,* and 12107 (3 CFR 1964-1965 Comp. p. 339; 3 CFR, 1966-1970 Comp., p. 684; 3 CFR, 1966-1970., p. 803; 3 CFR, 1978 Comp., p. 230; 3 CFR, 1978 Comp., p. 264 (Equal Employment Opportunity), and Executive Order 13279 (Equal Protection of the Laws for Faith-Based and Community Organizations), 67 FR 77141, 3 CFR, 2002 Comp., p. 258; and the implementing regulations at 41 CFR chapter 60; and

(b) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135.

[68 FR 56405, Sept. 30, 2003]

§ 570.608 Lead-based paint.

The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at part 35, subparts A, B, J, K, and R of this part apply to activities under this program.

[64 FR 50226, Sept. 15, 1999]

§ 570.609 Use of debarred, suspended or ineligible contractors or subrecipients.

The requirements set forth in 24 CFR part 5 apply to this program.

[61 FR 5209, Feb. 9, 1996]

§ 570.610 Uniform administrative requirements and cost principles.

The recipient, its agencies or instrumentalities, and subrecipients shall comply with the policies, guidelines, and requirements of 24 CFR part 85 and 2 CFR PART 200 as applicable, as they relate to the acceptance and use of Federal funds under this part. The applicable sections of 24 CFR parts 84 and 85 are set forth at § 570.502.

[2] See footnote 1 at § 570.200(a)(5).

[60 FR 56916, Nov. 9, 1995]

§ 570.611 Conflict of interest.

(a) *Applicability.* (1) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, shall apply.

(2) In all cases not governed by 24 CFR 85.36 and 84.42, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to § 570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to § 570.203, 570.204, 570.455, or 570.703(i)).

(b) *Conflicts prohibited.* The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any such financial interest or benefit during, or at any time after, such person's tenure.

(c) *Persons covered.* The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.

(d) *Exceptions.* Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.

(1) *Threshold requirements.* HUD will consider an exception only after the recipient has provided the following documentation:

(i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and

(ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(2) *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effect of the following factors, as applicable:

(i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;

(ii) Whether an opportunity was provided for open competitive bidding or negotiation;

(iii) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

(iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question;

(v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;

(vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(vii) Any other relevant considerations.

[60 FR 56916, Nov. 9, 1995]

§ 570.612 Executive Order 12372.

(a) *General.* Executive Order 12372, Intergovernmental Review of Federal Programs, and the Department's implementing regulations at 24 CFR part 52, allow each State to establish its own process for review and comment on proposed Federal financial assistance programs.

(b) *Applicability.* Executive Order 12372 applies to the CDBG Entitlement program and the UDAG program. The Executive Order applies to all activities proposed to be assisted under UDAG, but it applies to the Entitlement program only where a grantee proposes to use funds for the planning or construction (reconstruction or installation) of water or sewer facilities. Such facilities include storm sewers as well as all sanitary sewers, but do not include water and sewer lines connecting a structure to the lines in the public right-of-way or easement. It is the responsibility of the grantee to initiate the Executive Order review process if it proposes to use its CDBG or UDAG funds for activities subject to review.

§ 570.613 Eligibility restrictions for certain resident aliens.

(a) *Restriction.* Certain newly legalized aliens, as described in 24 CFR part 49, are not eligible to apply for benefits under covered activities funded by the programs listed in paragraph (e) of this section. “Benefits” under this section means financial assistance, public services, jobs and access to new or rehabilitated housing and other facilities made available under covered activities funded by programs listed in paragraph (e) of this section. “Benefits” do not include relocation services and payments to which displacees are entitled by law.

(b) *Covered activities.* “Covered activities” under this section means activities meeting the requirements of § 570.208(a) that either:

(1) Have income eligibility requirements limiting the benefits exclusively to low and moderate income persons; or

(2) Are targeted geographically or otherwise to primarily benefit low and moderate income persons (excluding activities serving the public at large, such as sewers, roads, sidewalks, and parks), and that provide benefits to persons on the basis of an application.

(c) *Limitation on coverage.* The restrictions under this section apply only to applicants for new benefits not being received by covered resident aliens as of the effective date of this section.

(d) *Compliance.* Compliance can be accomplished by obtaining certification as provided in 24 CFR 49.20.

(e) *Programs affected.* (1) The Community Development Block Grant program for small cities, administered under subpart F of part 570 of this title until closeout of the recipient's grant.

(2) The Community Development Block Grant program for entitlement grants, administered under subpart D of part 570 of this title.

(3) The Community Development Block Grant program for States, administered under subpart I of part 570 of this title until closeout of the unit of general local government's grant by the State.

(4) The Urban Development Action Grants program, administered under subpart G of part 570 of this title until closeout of the recipient's grant.

[55 FR 18494, May 2, 1990]

§ 570.614 Architectural Barriers Act and the Americans with Disabilities Act.

(a) The Architectural Barriers Act of 1968 (42 U.S.C. 4151-4157) requires certain Federal and Federally funded buildings and other facilities to be designed, constructed, or altered in accordance with standards that insure accessibility to, and use by, physically handicapped people. A building or facility designed, constructed, or altered with funds allocated or reallocated under this part after December 11, 1995, and that meets the definition of "residential structure" as defined in 24 CFR 40.2 or the definition of "building" as defined in 41 CFR 101-19.602(a) is subject to the requirements of the Architectural Barriers Act of 1968 (42 U.S.C. 4151-4157) and shall comply with the Uniform Federal Accessibility Standards (appendix A to 24 CFR part 40 for residential structures, and appendix A to 41 CFR part 101-19, subpart 101-19.6, for general type buildings).

(b) The Americans with Disabilities Act (42 U.S.C. 12131; 47 U.S.C. 155, 201, 218 and 225) (ADA) provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, State and local government services, and telecommunications. It further provides that discrimination includes a failure to design and construct facilities for first occupancy no later than January 26, 1993, that are readily accessible to and usable by individuals with disabilities. Further, the ADA requires the removal of architectural barriers and communication barriers that are structural in nature in existing facilities, where such removal is readily achievable—that is, easily accomplishable and able to be carried out without much difficulty or expense.

[60 FR 56917, Nov. 9, 1995]

UPDATE: Effective March 2015

2 CFR Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Guidance supersedes, consolidates and streamlines requirements from 8 OMB Circulars referenced in Exhibit D - CDBG Regulations and Other Program Requirements:

A - 21	A - 110
A - 87	A - 122
A - 89	A - 133
A - 102	A – 50

To view Notice SD-2015-01 Issued by the U.S. Department of Housing and Urban Development, please visit the following link:

www.hudexchange.info/resources/documents/Notice-DC-2015-01-Transition-to-2-CFR-Part-200-Guidance.pdf

Exhibit E

Audit Findings or Exceptions

(N/A - No audit findings or exceptions)

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3515

From:

Subject:
Discussion and consideration on amendment to the Cooperation agreement between the City of Weslaco and Hidalgo County Urban County Program for fiscal years 2021-2023 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)

Background:
Original Cooperation Agreement for fiscal years 2021-2023 was approved by WCC on April 21, 2020. Verbiage from Section I of the Cooperation agreement has been changed. Added to the agreement is the following "**and it may not participate in a ESG consortium except through the County, regardless of whether the County receives an ESG formula allocation."**

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:
Mayor's Signature

If item previously considered, provide date and action by Commission:
Original Cooperation Agreement for fiscal years 2021-2023 was approved by WCC on April 21, 2020.

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**

Aida Vega	Created/Initiated
Vidal Roman	Approved
Mike Perez	Final Approval

City Manager Comments:
Approve amendment.

Staff Recommendation:
Approve.

Attachments, if any:
SIGNED LETTER TO CITIES ON AMENDMENT TO 2021-2023 COPPERATION AGREMENT, WESLACO COOP AMENDMENT 21 THRU 23_

Responsibilities upon Approval:

URBAN COUNTY PROGRAM

1916 Tesoro Street, Pharr, Texas 78577 (956) 787-8127 FAX (956) 318-2988
E-mail: ucp@ucp.co.hidalgo.tx.us

July 28, 2020

Mayors/City Managers:

The US Department of Housing and Urban Development has requested that an amendment be approved regarding the 2021-2023 Cooperation Agreement as previously approved by Hidalgo County on July 7, 2020. The request includes that additional language be included in Section I of the Agreement.

The Amendment **MUST** be acknowledged by your city mayor and city secretary immediately, **the deadline for submission is August 5, 2020 at 5:00 P.M.** Attached is the Amendment document, print and have the mayor and city secretary sign in blue ink and return to the UCP for final approval before Hidalgo County Commissioner's Court. If your city requires city council action for acknowledgement then please hold a Special Meetng no later tan August 4, 2020 in order to meet the submission deadline. Should no city council action be needed, please submit a cover letter from the city stating as such.

We look forward to hearing from your office as soon as the document has been signed. Any questions please contact Lupita V. Garcia, UCP Coordinator III at 956-787-8127 ext. 2237.

Respectfully,

Patricio R. Avila,
UCP Director

PRA/gvg

STATE OF TEXAS §
§
COUNTY OF HIDALGO §

FIRST AMENDMENT TO COOPERATION AGREEMENT
HIDALGO COUNTY URBAN COUNTY PROGRAM FISCAL YEARS 2021-2023

This **AMENDMENT** to the AGREEMENT is made by and between **HIDALGO COUNTY, TEXAS** (the "COUNTY") and **the City of Weslaco,** (the "CITY").

WHEREAS, County and City entered into a Cooperation Agreement approved on July 7, 2020 (the "Agreement");

WHEREAS, the agreement now requires an amendment in order to add additional provisions to Section I.:

WHEREAS, the parties desire to amend the Agreement as herein provided;

NOW THEREFORE, for and in consideration of the terms and provisions set forth herein, for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, County and City hereby agree to the following amendment to the Agreement:

SECTION I

The City agrees to allow the County to include the City's population for a formula share of entitlement program funds through the Department of Housing and Urban Development's Community Development Block Grant Program, the HOME Investment Partnership Program and Emergency Solutions Grants (ESG) Programs and other funding as may be authorized by HUD and included in the County's Consolidated Plan Strategy. The City and County agree to include the same in the Grant Application.

By executing this agreement the City understands that it may not apply for grants under the Small Cities or State CDBG Programs from appropriations for the same fiscal years during the period in which it is participating in the County's CDBG Program; it may not participate in a HOME consortium except through the County, regardless of whether the County receives a HOME formula allocation, **and it may not participate in a ESG consortium except through the County, regardless of whether the County receives an ESG formula allocation.**

Executed and effective as of the approved Original Cooperation Agreement, on July 7, 2020, before Hidalgo County Commissioner's Court.

COUNTY OF HIDALGO

ATTESTED BY:

Arturo Guajardo, Jr., County Clerk	Date	Richard F. Cortez, County Judge	Date

CITY OF WESLACO

ATTESTED BY:

City Secretary	Date	Mayor David Suarez	Date

CERTIFICATE OF COUNTY LEGAL COUNSEL

I have examined the foregoing Amendment to the Agreement, and as legal counsel to the County named therein, I certify that the terms and provisions of the Amended Agreement are fully authorized under the State and local laws and that the Amended Agreement provides full legal authority for the County to undertake or assist in the undertaking of essential community development and housing assistance activities as authorized by Texas State statutes.

APPROVED BY:
Hidalgo County District Attorney's Office

_____ BY: _____

Date Victor Garza, Assistant District Attorney

APPROVED BY:
COMMISSIONERS' COURT

ON: _____

Standardized Agenda Request Form

Date of Meeting: August 4, 2020	**Agenda Item No.** (to be assigned by CSO)**:** 2020-3521

From:

Subject:
Discussion and consideration to award Southern Trenchless Solutions (Buyboard No. 555-18) to conduct emergency repairs to three collapsed manholes as a result of Hurricane Hanna, in an amount not to exceed $183,838.50 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

Background:

Funding Source (budget code, if applicable)**:**

Amount:	Term of Impact:	Identified in Current Budget:

Additional Action Prompted:
Mayor's Signature

If item previously considered, provide date and action by Commission:

If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:

Advisory Review, if any (name of board/committee, date of action, recommendation)**:**

Norma Cantu	Created/Initiated
Pete Garcia	Approved
Mike Perez	Final Approval

City Manager Comments:

Staff Recommendation:
Staff recommends approval.

Attachments, if any:
City of Weslaco Q#9442 MH Collapse Walmart, City of Weslaco Q#9444 MH Collapse 205 Peña, City of Weslaco Q#9445 MH Collapse W. Sugarcane Dr.

Responsibilities upon Approval:

P O Box 8084; Weslaco, TX 78599
1200 W Exp 83, La Feria, TX 78559
Ph# 956-277-0354 Fax# 956-277-0355
Adminstx@southerntrenchless.com

Date Issued: 7/30/2020

Quote: 9442

Invoice Date: _____

Invoice: _____

Purchase Order # _____

Buyboard Quote

Project: City of Weslaco - MH Collapse - Walmart

Buyboard Code No: 555-18

Line No.	Item No.	Description	QTY	UNIT	Unit Price	Total
1	377	Mobilization	1	EA	$ 5,500.00	$ 5,500.00
2	56	Setup 8" Pump	2	EA	$ 2,200.00	$ 4,400.00
3	61	Setup 12" Piping	840	LF	$ 33.00	$ 27,720.00
4	67	Operate 8" Pumping System	7	DAY	$ 1,815.00	$ 12,705.00
5	130	Access Pit (8'-12' deep)	1	EA	$ 4,400.00	$ 4,400.00
6	139	Install New MH 0'-6' deep	1	EA	$ 5,500.00	$ 5,500.00
7	140	Extra Depth MH over 6' deep	10	VF	$ 495.00	$ 4,950.00
8	358	Premium MH Frame & Cover	1	EA	$ 1,650.00	$ 1,650.00
9	366	MH Bench Rebuild	1	EA	$ 825.00	$ 825.00
10	397	Void Filling Exterior of Pipe	435	CF	$ 32.00	$ 13,920.00
					Grand Total	$ 81,570.00

Exclusion:

1 Water to be provided by the City of Weslaco at no charge to Southern Trenchless, LLC.
2 Waste site to be provided by the City of Weslaco.
3 Does Not Include Asphalt Repairs

Instructions:

** Upon Receipt of Signed Proposal & Purchase Order we will begin to execute contract.

Signature: _____ Print Name: _____

Title:_____

*** **Please Make Checks Payable To:**

Southern Trenchless Solutions, LLC.
P.O. Box 8084
Weslaco, Texas 78599

We Appreciate Your Business!!!

P O Box 8084; Weslaco, TX 78599
1200 W Exp 83, La Feria, TX 78559
Ph# 956-277-0354 Fax# 956-277-0355
Adminstx@southerntrenchless.com

Date Issued: 7/30/2020

Quote: 9444

Invoice Date: _____

Invoice: _____

Purchase Order # _____

Buyboard Quote

Project: City of Weslaco - MH Collapse - 205 Pena

Buyboard Code No: 555-18

Line No.	Item No.	Description	QTY	UNIT	Unit Price	Total
1	377	Mobilization	1	EA	$ 5,500.00	$ 5,500.00
2	55	Setup 6" Pump	2	EA	$ 1,375.00	$ 2,750.00
3	59	Setup 6" Piping	650	LF	$ 16.50	$ 10,725.00
4	65	Operate 6" Pumping System	7	DAY	$ 1,045.00	$ 7,315.00
5	130	Access Pit (8'-12' deep)	1	EA	$ 4,400.00	$ 4,400.00
6	139	Install New MH 0'-6' deep	1	EA	$ 5,500.00	$ 5,500.00
7	140	Extra Depth MH over 6' deep	5	VF	$ 495.00	$ 2,475.00
8	358	Premium MH Frame & Cover	1	EA	$ 1,650.00	$ 1,650.00
9	366	MH Bench Rebuild	1	EA	$ 825.00	$ 825.00
10	397	Void Filling Exterior of Pipe	435	CF	$ 32.00	$ 13,920.00
					Grand Total	$ 55,060.00

Exclusion:

1 Water to be provided by the City of Weslaco at no charge to Southern Trenchless, LLC.
2 Waste site to be provided by the City of Weslaco.
3 Does Not Include Asphalt Repairs

Instructions:

** Upon Receipt of Signed Proposal & Purchase Order we will begin to execute contract.

Signature: _____ Print Name: _____

Title:_____

*** **Please Make Checks Payable To:**

Southern Trenchless Solutions, LLC.
P.O. Box 8084
Weslaco, Texas 78599

We Appreciate Your Business!!!

P O Box 8084; Weslaco, TX 78599
1200 W Exp 83, La Feria, TX 78559
Ph# 956-277-0354 Fax# 956-277-0355
Adminstx@southerntrenchless.com

Date Issued: 7/31/2020

Quote: 9445

Invoice Date: _____

Invoice: _____

Purchase Order # _____

Buyboard Quote

Project: City of Weslaco - MH Collapse - W. Sugar Cane Dr.

Buyboard Code No: 555-18

Line No.	Item No.	Description	QTY	UNIT	Unit Price	Total
1	377	Mobilization	1	EA	$ 5,500.00	$ 5,500.00
2	55	Setup 6" Pump	2	EA	$ 1,375.00	$ 2,750.00
3	59	Setup 6" Piping	1,200	LF	$ 16.50	$ 19,800.00
4	65	Operate 6" Pumping System	7	DAY	$ 1,045.00	$ 7,315.00
5	130	Access Pit (8'-12' deep)	1	EA	$ 4,400.00	$ 4,400.00
6	139	Install New MH 0'-6' deep	1	EA	$ 5,500.00	$ 5,500.00
7	140	Extra Depth MH over 6' deep	5	VF	$ 495.00	$ 2,475.00
8	358	Premium MH Frame & Cover	1	EA	$ 1,650.00	$ 1,650.00
9	366	MH Bench Rebuild	1	EA	$ 825.00	$ 825.00
10	397	Void Filling Exterior of Pipe	435	CF	$ 32.00	$ 13,920.00
11	165	Traffic Control	7	DAY	$ 500.00	$ 3,500.00
					Grand Total	$ 67,635.00

Exclusion:

1 Water to be provided by the City of Weslaco at no charge to Southern Trenchless, LLC.
2 Waste site to be provided by the City of Weslaco.
3 Does Not Include Asphalt Repairs

Instructions:

** Upon Receipt of Signed Proposal & Purchase Order we will begin to execute contract.

Signature: _____ Print Name: _____

Title:_____

*** **Please Make Checks Payable To:**

Southern Trenchless Solutions, LLC.
P.O. Box 8084
Weslaco, Texas 78599

We Appreciate Your Business!!!