INTERLOCAL AGREEMENT FOR JOINT PARTICIPATION TO APPLY FOR HUD CDBG-MIT FUNDS (IH 69 EVACUATION ROUTE PROJECT)

STATE OF TEXAS §

§

COUNTY OF FORT BEND §

This Interlocal Agreement for Joint Participation to Apply for U.S. Department of Housing and Urban Development Community Development Block Grant – Mitigation ("CDBG-MIT") Funds ("Agreement") is made and entered into pursuant to the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, as of the last date signed by the parties hereto, by and among Fort Bend County Drainage District, a political subdivision of the State of Texas (the "District") and the City of Sugar Land, Texas, a municipal corporation and home-rule city of the State of Texas, (the "City"). Each may be individually referred to as a "Party" and collectively referred to as the "Parties" herein.

RECITALS

WHERAS, accelerated and continued bank erosion on the Brazos River following significant flooding in recent years may lead to loss of human life while threatening residences, roads, levees and Hurricane Evacuation Routes on Farm to Market Roads, State Highways and Interstate Highway bridges; and

WHEREAS, addressing riverbank erosion along the US 59/IH 69 corridor is necessary to protect the evacuation route of hundreds and thousands of residents from Galveston and Brazoria Counties during times of high winds and storm surge from hurricanes and tropical storms; and

WHEREAS, under a preliminary allocation of CDBG-MIT funds based on the Houston-Galveston Area Council's Method of Distribution ("MOD"), the Texas General Land Office (the "GLO") allocated \$56,030,000.00 to the District and \$4,063,600.00 to the City for risk mitigation projects related to flooding, hurricanes, and other natural disasters; and

WHEREAS, the Parties desire to enter into this Agreement to coordinate efforts to complete the application process for CDBG-MIT funds and jointly participate in the Evacuation Route Protection Project as described by the Memorandum dated November 8, 2022, attached hereto as Exhibit A and incorporated herein for all purposes (the "Project"); and

WHEREAS, the Project contemplated in this Agreement will promote the health, safety and welfare of the area citizens, and such Project is desired by the District and the City; and

WHEREAS, the governing bodies of both Parties find that the Project

contemplated in this Agreement serves a public purpose, and agree to participate in this Project according to the terms of this Agreement; and

NOW, THEREFORE, for and in consideration of the mutual covenants, agreements and benefits to both Parties, it is agreed as follows:

AGREEMENT

Section 1. Purpose

The purpose of this Agreement is to outline the obligations related to the Parties' coordination of efforts to apply for CDBG-MIT funding and jointly participate in the Evacuation Route Protection Project.

Section 2. Incorporation of Recitals

The recitations and recitals set forth above are declared true and correct and are hereby incorporated as part of this Agreement.

Section 3. The Project

- A. Each Party shall continue efforts to complete and submit their respective applications to the GLO to finalize eligibility for the award of the allocated CDBG-MIT funds by January 9, 2023.
- B. Subject to final approval of, and the award of the CDBG-MIT funds from the GLO, the Parties hereby commit to contribute a portion of their funds received to the Project as follows:

Evacuation Route Project										
Activity	Total Cost	Drainage District	City of Sugar Land							
Construction	\$ 26,080,836.00	\$ 24,380,836.00	\$ 1,700,000.00							
Engineering	\$ 3,853,205.00	\$ 3,649,705.00	\$ 203,500.00							
Administration	\$ 1,375,000.00	\$ 1,246,700.00	\$ 128,300.00							
Total	\$ 31,309,041.00	\$ 29,277,241.00	\$ 2,031,800.00							

C. The Parties agree that the terms and conditions for bidding, awarding, entering into, and administering the contract for the construction of the Project shall be governed by a separate agreement to be entered into by the Parties. Upon receipt of approved plans and specifications from all regulatory agencies having jurisdiction over the Project and a final engineer's estimate of probable cost to construct the Project according to such approved plans and specifications, the Parties agree to cooperate with each other in good faith to enter an Interlocal agreement to memorialize their mutual understanding of responsibilities for managing the design and construction necessary to complete the Project in compliance with the applicable state and federal laws, as well as the Parties' respective financial contributions therefor consistent with this Agreement. Such Interlocal agreement shall also include the designation of a Party responsible for maintaining the Project upon completion.

- D. The Parties mutually understand and acknowledge that as a condition of receiving CDBG-MIT funds administered by the GLO, the Parties shall remain in compliance with all federal and or state terms as stated in Exhibit B attached hereto and incorporated herein for all purposes. The Parties also mutually agree to only use the funds as allowed in accordance with the rules and regulations promulgated under the CDBG-MIT Program, and any other applicable laws. The Parties acknowledge that all funds are subject to recapture and repayment for non-compliance. The terms and limitations stated in the aforementioned flow down to all third party contractors and their subcontracts at every tier that exceed the simplified acquisition threshold set at \$50,000.00, unless a particular award term or condition specifically indicates otherwise. The Parties shall require that theses clauses shall be included in each covered transaction at any tier.
- E. The funding obligations under this Agreement are contingent in nature and intended to become effective upon the GLO's award of the anticipated amount of CDBG-MIT funds sufficient to fulfill the funding obligations in accordance with Section 3. B. above.

Section 4. Liability

- A. Other than a waiver of immunity to suit under Local Government Code Chapter 271, the District and the City are entitled to the immunities and defenses of the Texas Tort Claims Act and nothing in the Agreement shall be construed to waive either party's sovereign immunity. Each Party warrants and represents that it is insured under a commercial insurance policy or is self-insured for all claims falling within the Texas Tort Claims Act.
- B. Each Party is solely responsible for the actions and omissions of its employees and officers. Other than a waiver of immunity to suit under Local Government Code Chapter 271, no party hereto waives or relinquishes any immunity or defense on behalf of itself, its trustees, its officers, employees, and agents as a result of the execution of this Agreement and the performance of the covenants contained herein.

Section 5. Period of Agreement and Termination

This Agreement becomes effective on the date signed by the last Party and shall remain in effect until either (i) the GLO fails to award either Party with sufficient anticipated CDBG-MIT funds to fulfill the funding obligations in accordance with Section 3. B. above, or (ii) full execution of the Interlocal agreement to be executed by the Parties pursuant to Section 3. C. above.

Section 6. Miscellaneous

A. In addition to specific obligations within this Agreement, each Party generally agrees that it will perform such other acts, and execute, acknowledge, and/or deliver such other instruments, documents, and other materials as the other may reasonably request in order to achieve the intentions and objectives of this Agreement.

- B. This Agreement shall not be assignable, in whole or in part, without first obtaining the written consent of the other Parties, which consent shall not be unreasonably withheld.
- C. This Agreement shall apply to all permitted successors and assigns of the Parties.
- D. All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, or delivered to the following addresses:

District: Fort Bend County Drainage District

Attention: Chief Engineer

301 Jackson Street

Richmond, Texas 77469

With a copy to: Fort Bend County

Attention: County Judge 401 Jackson Street, 1st Floor Richmond, Texas 77469

City: City of Sugar Land, Texas

Attention: City Engineer

2700 Town Center Boulevard, North

Sugar Land, Texas 77479

- E. This instrument contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. This Agreement may only be amended by a written instrument signed by both Parties.
- F. If any provision contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.
- G. This Agreement shall be for the sole and exclusive benefit of the Parties and their successors and assigns and shall not be construed to confer any benefit or right upon any other party, including, without limitation, any resident of any Party.
- H. Nothing in this Agreement shall be deemed or construed as creating the relationship of principal and agent, partnership, or joint venture between the Parties, or a joint enterprise between the Parties and/or any other parties.
- I. The failure of any Party to insist, in any one or more instances, upon performance of any terms, covenants, or conditions of this Agreement shall not be construed as a waiver or relinquishment of the future performance of any such term, covenant, or condition, but the obligation with respect to such future performance shall continue in full force and effect.

	e Parties have executed this Agreement, and if done nich shall be deemed to be an original.
	FORT BEND COUNTY DRAINAGE DISTRICT
	KP George, County Judge
	Date
ATTEST:	
Laura Richard, County Clerk	

J. The governing body of each Party has authorized its execution and the Agreement has been approved at a duly called and posted meeting, as applicable.

CITY OF SUGAR LAND, TEXAS

Joe Zimmerman, Mayor

December 20, 2022

Date

ATTEST

Thomas Harris, III, City Secretary

EXHIBIT A



HUIT-ZOLLARS, INC. + 10350 Richmond Ave. + Suite 300 + Houston, TX 77042-4248 + 281,496,0066 phone + 281,496,0220 (ax + hulti-zollars.com

Memorandum

DATE:

November 8, 2022

TO:

Mark Vogler

General Manager/Chief Engineer Fort Bend County Drainage District

FROM:

Gregory R. Wine, P.E., LEED AP

SUBJECT:

Erosion Repair of the Brazos River Protection of the US 59/IH 69 Bridges

Fort Bend County Application for CDBG-MIT Funding

Project Site & Description: Evacuation Route Protection

Due to the accelerated bank erosion on the Brazos River following significant flooding in 2015, 2016 and Hurricane Harvey in 2017, Huitt-Zollars, Inc. was retained by the Fort Bend County Drainage District to conduct geomorphologic studies of the meander migration and bank erosion at several locations along the Brazos River in Fort Bend County, Texas. These locations focused on government infrastructure to include roads, levees, bridges, buildings and parklands along the river. The results of these studies are most disturbing. In less than 30 years, continuing erosion of the riverbank may cause loss of human life while threatening residences, roads, levees and Hurricane Evacuation Routes on Farm to Market Roads, State Highways and Interstate Highway bridges.

Project Brazos, a multi-jurisdictional effort to address riverbank erosion, has identified bank erosion at thirteen (13) of the most critical sites along the Brazos River in Fort Bend County. However, the most critical component of this project is the protection of the US 59/IH 69 corridors. The erosion at this location is threatening the bridges over the Brazos River and the safe evacuation of hundreds of thousands of residents from Galveston and Brazoria Counties during times of high winds and storm surge from hurricanes and tropical storms. The Project is a regional approach with broad support from local, state and federal stakeholders to include TxDOT, the Brazos River Authority and the United States Army Corps of Engineers (USACE) - Galveston District and its Engineer Research and Development Center (ERDC) in Vicksburg, Mississippi. Currently, fourteen (14) Resolutions and a Letter of Support have been received supporting Project Brazos. Over the past four years, Fort Bend County Drainage District and the City of Sugar Land have invested time and money into understanding the problem and in developing feasible solutions to address it. This project employs an environmentally friendly repair using a longitudinal stone dike along the toe of the bank with stone tiebacks constructed at around 200 feet on center to protect the upstream and downstream portions of the repair from being flanked by the erosion. This repair method was coordinated with USACE ERDC's River and Estuarine Engineering Branch. In addition, this repair method promotes revegetation and habitat development and is in accordance with USACE's "Engineering with Nature and Implementation of Natural and Nature-Based Features" (EWN-NNBF).

These projects will provide significant benefits to the safe evacuation of residents of Galveston and Brazoria Counties during hurricane and tropical storm evacuations.

Fort Bend County Application CDBG-MIT Funding Project Memorandum to Mark Vogler November 8, 2022



Beneficiary:

The beneficiaries of this project will be the hundreds of thousands of residents in Galveston and Brazoria Counties that depend on open and safe evacuation routes prior to land fall of hurricanes and tropical storms that frequent the upper Texas Gulf Coast. Based on the available census data, 271,450 residents of both Galveston and Brazoria Counties, of which 51.17% are considered Low-to-Moderate Income (LMI) persons, will benefit from the project (see attached LMISD data).

The northern boundary of the benefit area is demarked by the northern most evacuation zone associated to hurricanes and tropical storms as determined by the Houston-Galveston Area Council of Governments (HGAC) in conjunction with the Texas Department of Public Safety (DPS). These zones are determined by zip code and can be referenced by the attached HGAC Hurricane Evacuation Zip Zones map. The evacuation zip zones stop at the Fort Bend County line; thus, the primary beneficiaries are the residents to the south of this area to include Brazoria and Galveston Counties.

The eastern boundary is demarked by the drive time proximity of residents to SH 6 route out of the City of Galveston and within both Galveston and Brazoria Counties. This is one of three (3) routes available to the residents of Galveston and the only one that does not go through a heavily populated region such as the City of Houston. It is believed that most residents will take the SH 6 route (see drive-time analysis exhibit for Highway 6) during periods of mandatory evacuation. SH 6 goes directly through the Cities of Hitchcock, Santa Fe, Alvin, Manvel, the southern portion of Pearland, and other smaller cities along the way. Additionally, communities located east of SH 6, including the City of La Marque, and the southeastern portion of Friendswood are expected to take the SH 6 evacuation route. Based on the drive time analysis we believe all of these locations would prefer to avoid the traffic they will certainly encounter along the major evacuation route of I-45 through the City of Houston. The SH 6 route proceeds northwest to the City of Sugar Land and the intersection of US 59/IH 69. From there the route goes south to SH 99 and ultimately north on SH 99 to IH 10 and points west away from the harmful impacts of the oncoming hurricane or rainfall of a tropical storm.

The western boundary is demarked by the Brazos River which meanders south splitting two other major thoroughfares - Highway 36 and SH 288. It is believed that the river will act as a physical deterrent of evacuation traffic during a major disaster event. This claim can be supported due to the recent disasters which have seen both hurricane landfall and tropical storm rainfall impacts (Hurricane Harvey, 2017). Communities along this western most boundary, including portions of Freeport, the Cities of Lake Jackson, Angleton, and other smaller communities, will most likely travel SH 288 northwest to the confluence of SH 6 where they will continue north east along this route eventually traveling along the US 59/IH 69 route and ultimately to SH 99.

Fort Bend County Application CDBG-MIT Funding Project Memorandum to Mark Vogler November 8, 2022



Mitigation:

Along this evacuation route are the bridges of US 59/IH 69 over the Brazos River. These bridges have already suffered some level of erosion damage from the Brazos River from past storms and natural disasters. Currently the southbound US 59/IH 69 turnaround at the Brazos River is permanently closed following the bank erosion caused by the flood disasters of 2016 and Hurricane Harvey. The Texas Department of Transportation (TxDOT) had attempted to shore up the area with a structural solution only to have that solution outflanked and wash partially away during Hurricane Harvey. The Brazos River is constantly eroding away around the erosion protection structures installed by the TxDOT. The Brazos River solution must be more pragmatic and address the area upstream and downstream to ensure the bridges are adequately protected. In an attempt to address this concern, TxDOT is designing new bridges but they are limited to their right-of-way and will only build longer bridges. However, the construction of longer bridges does not ensure protection of the evacuation route from future riverbank erosion.

By way of example, during Hurricane Harvey, the US 59/IH 69 bridge over the San Jacinto River was compromised when the river washed out material around the footings of the interior bridge supports. This significantly impacted the population seeking safety from the storm as well as the ability for emergency personnel to respond. In an effort to reduce the risk associated with this tragic situation, the proposed solution will provide erosion protection on the Brazos River, thus avoiding the issues experienced on US 59/IH 69 over the San Jacinto River.

Should any portion of either of the US 59/IH 69 bridges become compromised due to river bank erosion, in future incidents in which evacuations from the coast are called for, the evacuation route itself could become comprised, putting lives in danger.

Project Schedule:

Fort Bend County has properly procured the services of a Grant Administrator and Project Engineering Firm to properly execute the project. Upon the authorization to proceed, the Engineering will begin with the performance of Surveying and Geotechnical Investigations. There will be an in-depth hydrologic and hydraulic study performed to finalize the design and ensure all floodplain regulations of Fort Bend County are properly followed. Findings of these investigations and studies will be memorialized in a study document. The design phase is anticipated to take approximately 14 months. During this phase the project will be coordinated with local, state and federal partners to ensure all permits are properly obtained. Upon the permitting of the project, the bidding phase will take approximately 2 months and will follow all County, state and federal procurement requirements. Construction will take approximately 19 months to complete. The engineering firm will participate in the review of all construction related documentation.



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:	For	t Bend County							
Site/Activity Title:	Bra	zos River Erosic	n at Interstate	Highway 69					
Eligible Activity:									-
Materials/Facilities/Services		\$/Unit	Unit	Quantity	Construction		Acquisition		Total
Site Preparation	\$	1,000,000.00	LS	1	\$	1,000,000	\$	-	\$ 1,000,000
NPDES SWPPP	\$	25,000.00	LS	1	\$	25,000	\$		\$ 25,000
Clearing and Grubbing	\$	1.00	SY	75036	\$	75,036	\$	•	\$ 75,036
Excavation, Stockpile and Backfill	\$	10.00	CY	144739	\$	1,447,390	\$	-	\$ 1,447,390
Excavation and Offsite Disposal	\$	20.00	CY	4233	\$	84,660	\$	-	\$ 84,660
Stone, 18" - 21"	\$	250.00	CY	93525	\$	23,381,250	\$		\$ 23,381,250
Hydromulch Seeding	\$	1.00	SY	67500	\$	67,500	\$	-	\$ 67,500
Engineering	\$	3,668,205.00	LS	1	\$	3,668,205	\$	-	\$ 3,668,205
Surveying	\$	125,000.00	LS	1	\$	125,000	\$	-	\$ 125,000
Geotechnical Services	\$	60,000.00	LS	1	\$	60,000	\$		\$ 60,000
	\$			0	\$	-	\$	•	\$ -
	\$	•		0	\$	-	\$	-	\$ -
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<u></u>	\$	•		0	\$	•	\$	•	\$ 15
	\$	•		0	\$	-	\$	-	\$ 19
	\$	-		0	\$	-	\$	-	\$ 198
	\$	-		0	\$	-	\$	-	\$
	\$	•		0	\$	•	\$	•	\$ 54
	\$	-		0	\$	-	\$	-	\$ 74
TOTAL					\$	29,934,041	\$	-	\$ 29,934,041

1. Identify and explain the annual projected operation and maintenance costs associated with the proposed activities.

Annual maintenance of stone erosion protection and vegetation of slopes is estimated to be around \$25,000.

2. Identify and explain any special engineering activities.

None



Huitt-Zollars Inc. Firm Registration No. F-761

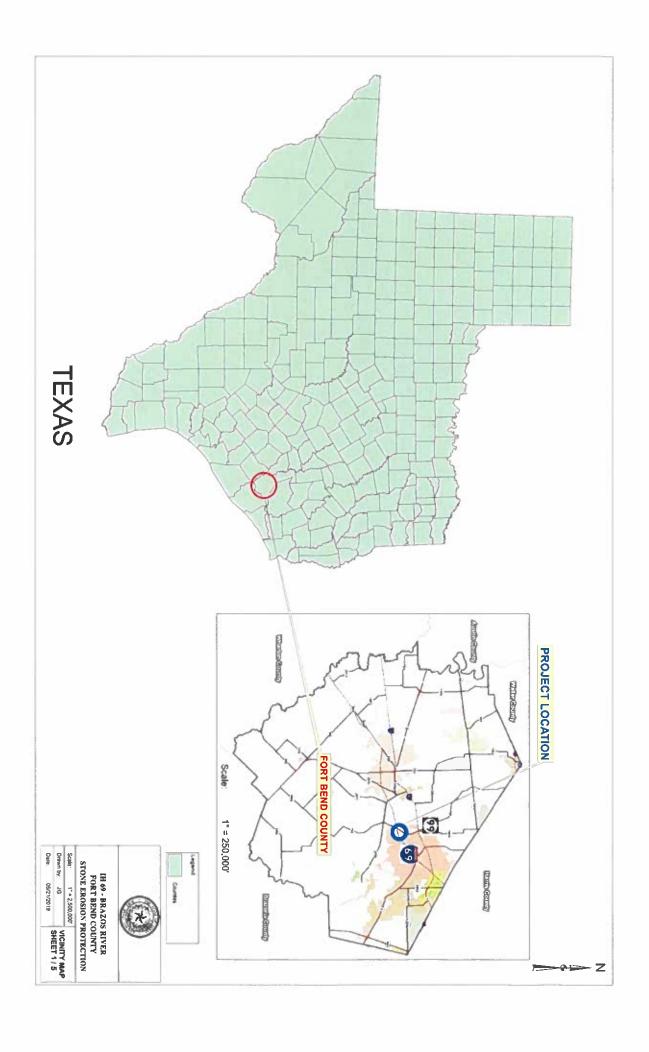
Seal

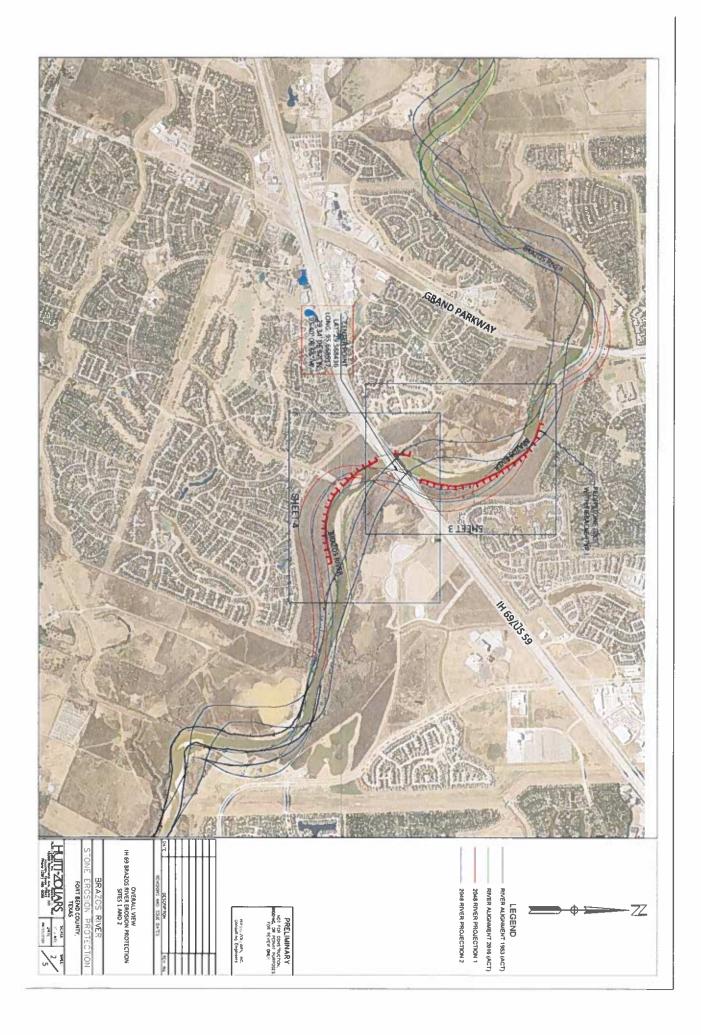
Date: 12/8/2022 Phone Number: 281-496-0066

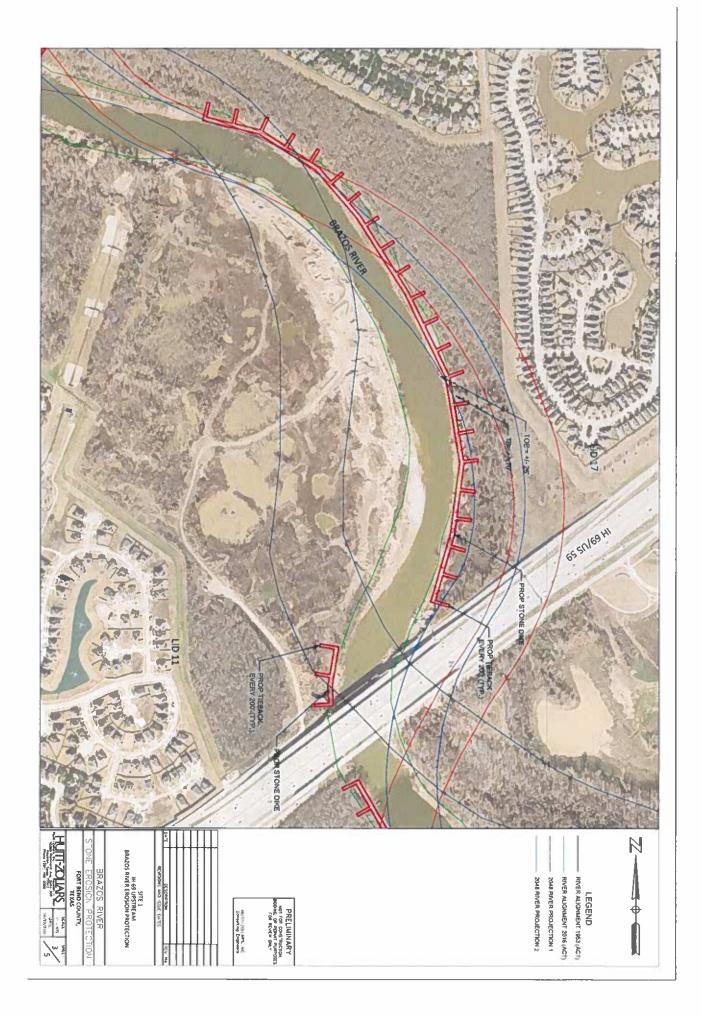
Signature of Registered Engineer/Architect
Responsible For Budget Justification:

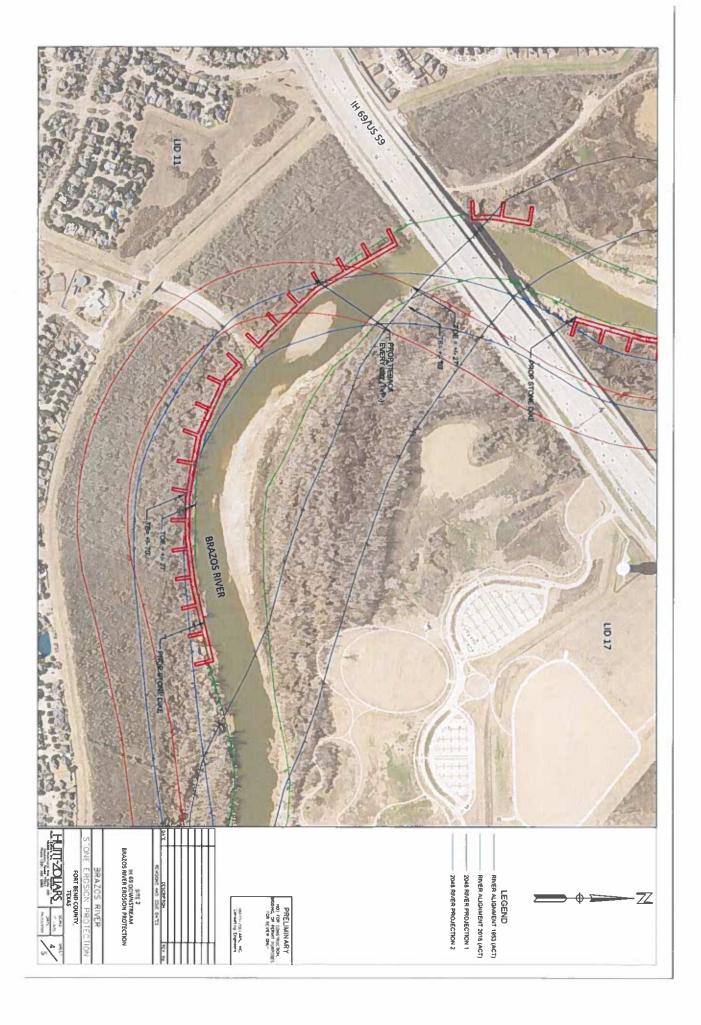
Evacuation Route

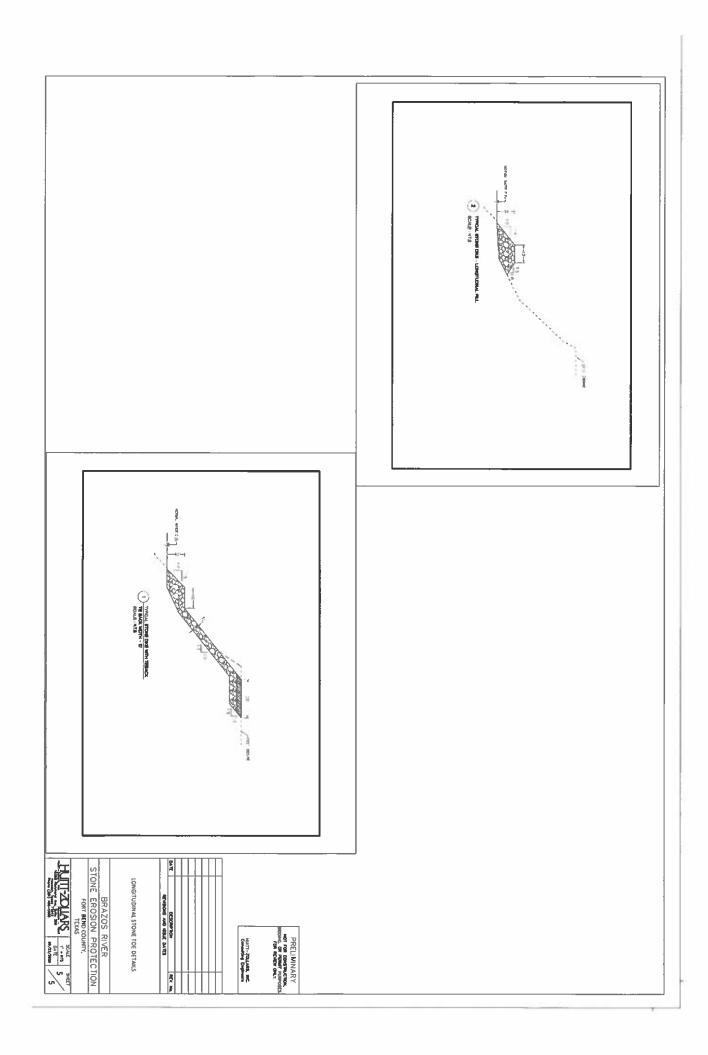
	Total Cost	Fo	rt E	Bend County	Cit	y of Sugar Land	To	otal Cost
Construction	\$ 26,080,836.00	\$		24,380,836.00	\$	1,700,000.00	\$	26,080,836.00
Engineering	\$ 3,853,205.00	\$		3,649,705.00	\$	203,500.00	\$	3,853,205.00
Administration	\$ 1,375,000.00	\$		1,246,700.00	\$	128,300.00	\$	1,375,000.00
Total	\$ 31,309,041.00	\$		29,277,241.00	\$	2,031,800.00	\$	31,309,041.00

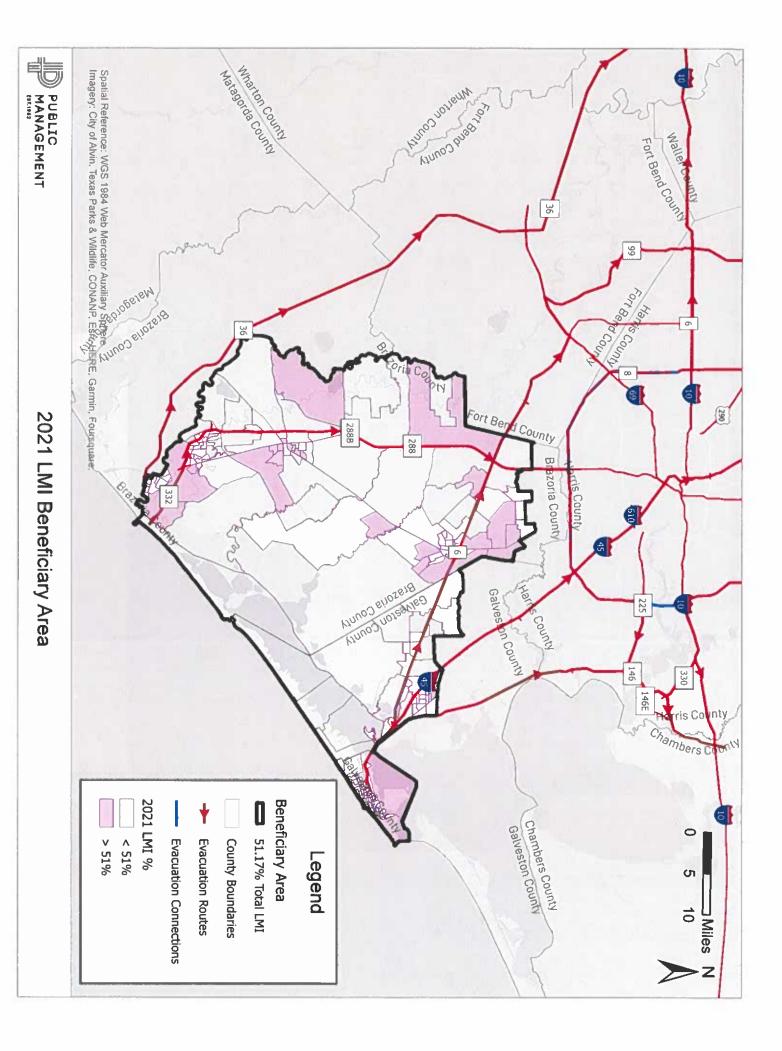


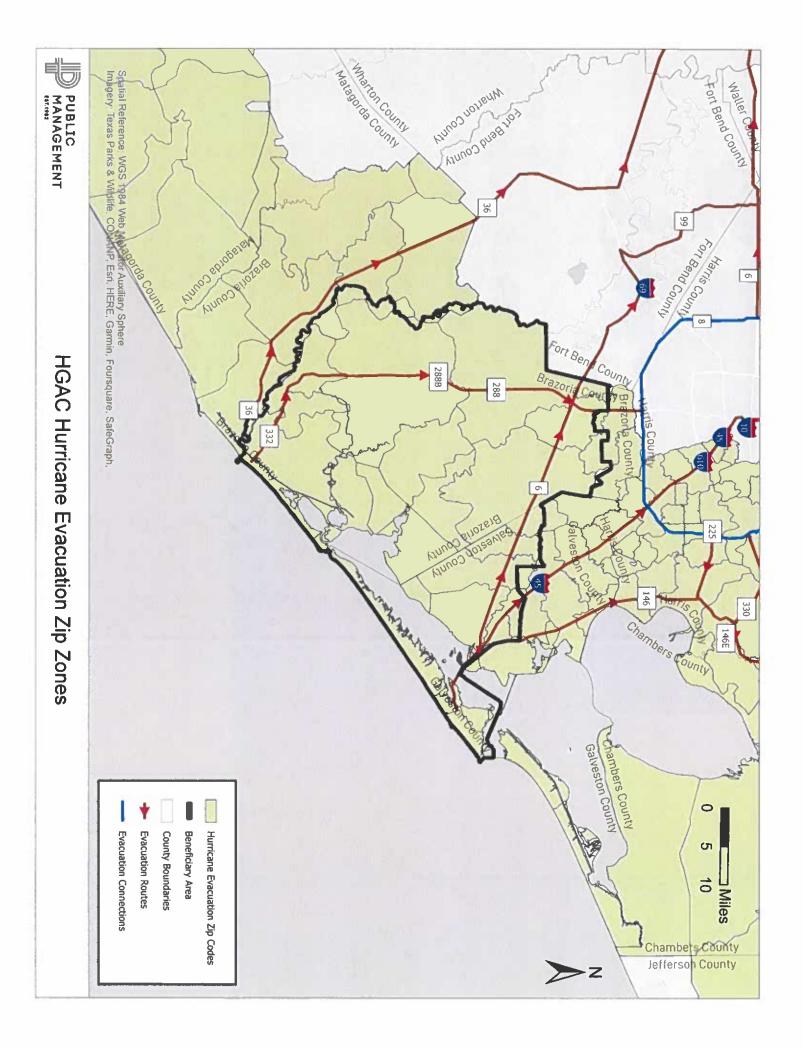


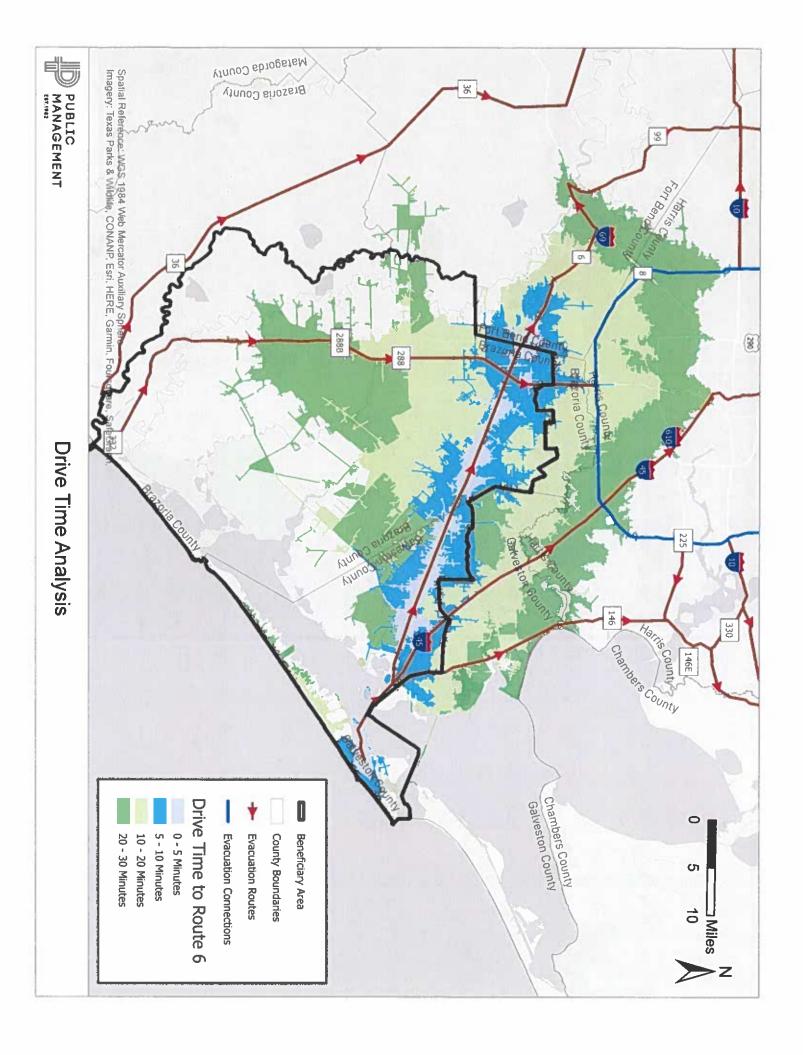


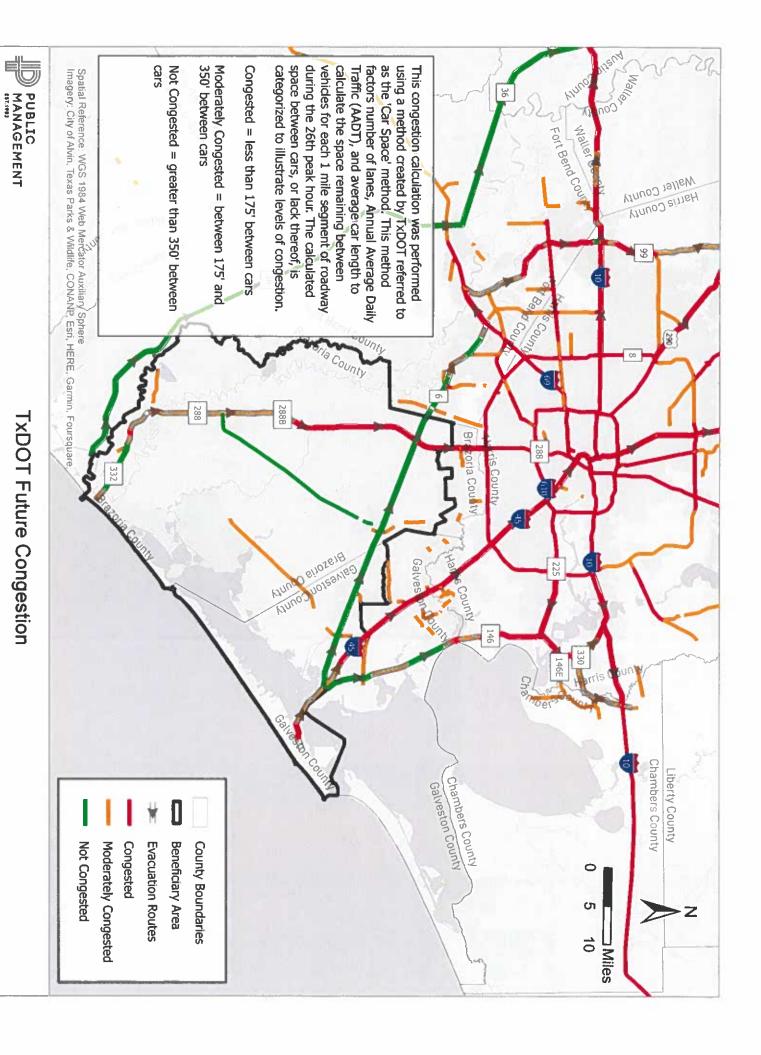












Fort Bend County Harvey Mitigation Project - 2021 UMI Data

GFOID groname		Fort Bend County Harvey M Sturab Countyname		t - 2021 UMI Data nty Tract Bickgrp	Low Low	med Im	mi Lowe	noduniy Lowm	od pct
The state of the s	mun Tract 6611, Brazoria County, Texas	TX Brazoria County	46	39 661100	1 690	970	1065	1290	75.19%
	must Tract 6636, Brazona County, Texas	TX Brazona County TX Brazona County	46	39 663600 39 661400	3 265	450	1000	2180	20.64%
	mun Tract 6614, Brazona County, Texas mun Tract 6616.01, Brazona County, Texas	TX Brazona County TX Brazona County	46	39 661400 39 661601	4 1165	1885	2270	1520 3130	43.75%
480396635001 Block Group 1, Ce	nsus Tract 6635, Brazoria County, Texas	TX Brazoria County	46	39 663500	1 460	735	1165	1750	42.00%
	mun Tract 6644, Brazona County, Texas mun Tract 6616.01, Brazoria County, Texas	TX Brazona County TX Brazona County	48	39 664400 39 661601	3 405	700	730	730 1585	95.89%
	nius Tract 6619, Brazona County, Texas	TX Brazoria County TX Brazoria County	48	39 661601 39 661900	1 1600	985 3470	1075 4140	5270	62.15%
480396621001 Block Group 1, Ce	nsus Tract 6621, Brazona County, Texas	TX Brazoria County	48	39 662100	1 985	1420	1855	2090	67.94%
	nsus Tract 6613, Brazona County, Texas	TX Brazoria County TX Brazoria County	48	39 661300 39 664100	1 225 2 525	485 785	600 785	700 785	69.29%
	msus Tract 6641, Brazonia County, Texas msus Tract 6639, Brazona County, Texas	TX Brazoria County TX Brazoria County	48	39 663900	2 525	750	885	1000	100,00% 75.00%
480396641001 Block Group 3, Ce	nsus Tract 6641, Brazonia County, Texas	TX Brazonia County	48	39 664100	1 835	975	1095	1335	73.03%
	nsus Tract 6615.02, Bratoria County, Texas	TX Brazoria County TX Brazoria County	48	39 661502	1 605	1060	1420	3000	35.33%
	nsus Tract 6641, Brazoria County, Texas Insus Tract 6631, Brazoria County, Texas	TX Brazoria County TX Brazoria County	48	39 664100 39 663100	4 445	790 390	905 1050	1305 2595	60.54% 15.03%
	nsus Tract 6640, Brazonia County, Texas	TX Brazoria County	48	39 664000	3 900	1130	1160	1165	97,00%
	nsus Tract 6624, Brazona County, Texas	TX Brazoria County	48	39 662400	4 175	285	490	1065	26.76%
	risus Tract 6607.02, Brazoria County, Texas risus Tract 6617, Brazoria County, Texas	TX Brazoria County TX Brazoria County	48	39 660702 39 661700	1 450 3 245	595 410	895 465	1340 620	44,40% 66,13%
	nsus Tract 6606.02, Brazonia County, Texas	TX Brazoria County	48	39 660602	1 1440	3755	6445	11585	32.41%
	nsus Tract #619, Brazona County, Texas	TX Brazoria County	48	39 661900	2 360	840	1105	2330	36.05%
	nsus Tract 6621, Brazoria County, Texas nsus Tract 6636, Brazoria County, Texas	TX Brazoria County TX Brazoria County	48	39 662100 39 663600	1 140	325	395 790	815 1935	39,88% 16.02%
	nsus Tract 6614, Brazonia County, Texas	TX Brazoria County	48	39 661400	6 135	200	285	660	30.30%
	nsus Tract 6644, Brazona County, Texas	TX Brazoria County	48	39 664400	6 180	545	895	1175	46.38%
	nsus Tract 66 15.02, Brazoria County, Texas Insus Tract 66 12, Brazona County, Texas	TX Brazoria County TX Brazoria County	48	39 661502 39 661200	3 1125	725 1685	1230 2180	1430 2300	50.70% 73.26%
	nsus Tract 6625, Brazonia County, Texas	TX Brazoria County	48	39 662500	1 145	365	725	1515	24.09%
480196642001 Block Group 1, Ce	nsus Tract 6642, Brazona County, Texas	TX Brazona County	48	39 664200	1 315	485	595	710	68.31%
	nsus Tract 6617, Brazoria County, Texas nsus Tract 6640, Brazona County, Texas	TX Brazoria County TX Brazoria County	48	39 661700 39 664000	2 185 1 755	280 945	395 1250	730 1450	38.36% 65.17%
	nsus Tract 6624, Brazonia County, Texas	TX Brazoria County	48	39 662400	3 415	605	1020	1895	31.93%
4803964 10003 Block Group 3, Ce	nsus Tract 66-10: Brazona County, Texas	1X Brazona County	48	39 661000	3 840	2155	2890	3615	59.61%
	nsus Tract 6602, Brazonia County, Texas nsus Tract 6611, Brazonia County, Texas	TX Brazoria County TX Brazoria County	48	39 660200 39 661100	1 145	505 1110	525 1405	540 1990	93.52% 55.78%
	nsus Tract 6609, Brazona County, Texas	TX Brazoria County	48	39 660900	3 1485	1725	2240	2475	69.70%
480396609004 Block Group 4, Ce	nsus Tract 6609, Brazona County, Texas	TX Brazoria County	48	39 660900	4 1100	1685	1730	1810	93,09%
	nsus Tract 6623, Brazoria County, Texas nsus Tract 6624, Brazona County, Texas	TX Brazoria County TX Brazoria County	48	39 662300 39 662400	4 540 2 185	75S 415	720	106S 1175	70.89% 35.32%
	nsus Tract 6637, Brazonia County, Texas	TX Brazoria County	48	39 663700	2 95	245	\$10	1045	23.44%
480396612002 Block Group 2, Ce	nsus Tract 6612, Brazona County, Texas	TX Brazoria County	48	39 661200	2 275	305	540	585	52.14%
	nsus Tract 6611, Brazona County, Texas Insus Tract 6618, Brazona County, Texas	TX Brazoria County TX Brazoria County	48	39 662100 39 661800	2 700	1365	2165	2800 3120	48.75% 48.88%
	nsus Tract 6607.02, Brazoria County, Texas	TX Brazoria County	48	39 660702	3 1305	1500	1955	2070	72.46%
480396614001 Block Group 1, Ce	nsus Tract 6614, Brazona County, Texas	TX Brazona County	48	39 661400	1 170	295	400	795	37.11%
	nsus Tract 6616.01, Brazoria County, Texas nsus Tract 6638, Brazoria County, Texas	TX Brazonia County TX Brazonia County	48	39 661601 39 663800	3 190	295 540	955	730 1470	40.41% 36.73%
	nsus Tract 6610, Brazoria County, Texas	TX Brazoria County	48	39 661000	2 360	535	960	1755	30,48%
480396631003 Block Group 3, Ce	nsus Tract 6631, Brazona County, Texas	TX Brazona County	48	39 663100	3 0	0	100	145	0.00%
	nsus Tract 6638, Brazoria County, Texas nsus Tract 6615.01, Brazoria County, Texas	TX Brazoria County TX Brazoria County	48	39 663800 39 661501	1 415	550 885	1230	715	76.92%
	nsus Tract 6641, Brazoria County, Texas	TX Brazoria County	48	39 664100	5 405	530	910	1220	43,44%
	nsus Tract 6642, Brazona County, Texas	1X Brazona County	48	39 664200	3 215	345	495	730	47.26%
	nsus Tract 6616.02, Brazoria County, Texas nsus Tract 6616.01, Brazoria County, Texas	TX Brazoria County TX Brazoria County	48	39 661602 39 661601	2 775	1115	1280 725	1900 840	58.68% 64.88%
	nsus Tract 6617, Brazonia County, Texas	TX Brazoria County	48	39 661700	1 250	435	820	1120	38.84%
	nsus Tract 6616.02, Brazoria County, Texas	TX Brazoria County TX Brazoria County	48	39 661602	1 115	130	545	985	13.20%
	nsus Tract 6622, Brazoria County, Texas nsus Tract 6623, Brazona County, Texas	TX Brazoria County TX Brazoria County	48	39 662200 39 662300	2 850	510 1045	650 1355	1180 1430	43.22% 73.08%
	nsus Tract 6634, Brazoria County, Texas	TX Brazoria County	48	39 663400	1 640	1090	1510	2855	38.18%
	nsus Tract 6631, Brazona County, Texas	TX Brazona County	48	39 663100	1 185	260	495	1160	22.41%
	nsus Tract 6609, Brazoria County, Texas Insus Tract 6633, Brazoria County, Texas	TX Brazoria County TX Brazoria County	48	39 660900 39 663300	2 185 3 485	705 680	920	1715	41.11%
	nsus Tract 6631, Brazoria County, Texas	TX Brazoria County	48	39 663100	2 125	520	635	1335	38.95%
	nsus Tract 6633, Brazona County, Texas	TX Brazona County	48	39 663300	1 110	210	305	395	53.16%
	nsus Tract 6622, Brazoria County, Texas nsus Tract 6618, Brazona County, Texas	TX Brazonia County TX Brazonia County	48	39 662200 39 661800	4 53S 1 570	830 1340	1345	1675 3065	49.55%
480396615013 Block Group 3, Ce	nsus Tract 6615.01, Brazoria County, Texas	TX Brazoria County	48	39 661501	3 400	715	1170	1800	39.72%
	nsus Tract 6635, Brazona County, Texas	TX Brazona County	48	39 663500	4 250	870	1055	1675	51.94%
	nsus Tract 6609, Brazonia County, Texas Insus Tract 6610, Brazonia County, Texas	TX Brazonia County TX Brazonia County	48	39 660900 39 661000	1 300	495	805	970 1145	51.03% 36.24%
480396640002 Block Group 2, Ce	nsus Tract 6640, Brazoria County, Texas	TX Brazoria County	48	39 664000	2 425	695	995	1475	47.12%
	nsus Tract 6615.01, Brazonia County, Texas	TX Brazoria County	48	39 661501	2 530	900	1020	1585	56.78%
	nsus Tract 6614, Brazoria County, Texas nsus Tract 6623, Brazona County, Texas	TX Brazoria County TX Brazoria County	48	39 661400 39 662300	5 1400 1 75	200	470	2405 1155	62.37% 17.32%
480396619004 Block Group 4, Ce	nsus Tract 6619, Brazoria County, Texas	TX Brazoria County	48	39 661900	4 0	0	80	80	0.00%
	nsus Tract 6636, Brazona County, Texas	TX Brazona County TX Brazonia County	48	39 663600	2 160	235	520	1120	20.98%
	insus Tract 6632, Brazoria County, Texas Insus Tract 6635, Brazona County, Texas	TX Brazoria County TX Brazoria County	48	39 663200 39 663500	2 350	795 1175	1180	146S 1975	54,27% 59,49%
480396632001 Block Group 1, Ce	nsus Tract 6632, Brazoria County, Texas	TX Brazoria County	48	39 663200	1 195	595	695	1330	44,74%
	nsus Tract 6643, Brazona County, Texas nsus Tract 6634, Brazonia County, Texas	TX Brazoria County TX Brazoria County	48	39 664300 39 663400	4 395	425 735	565 815	575 860	73.91% 85.47%
	nsus Tract 6634, Brazona County, Texas	TX Brazona County	48	39 661300	3 710	965	1145	1235	78.14%
480396625002 Block Group 2, Ce	nsus Tract 6625, Brazona County, Texas	TX Brazoria County	48	39 662500	2 300	685	810	910	75.27%
	nsus Tract 6644, Brazona County, Texas nsus Tract 6613, Brazonia County, Texas	TX Brazona County TX Brazona County	48	39 664400 39 661300	1 380	380 550	430 665	430 785	88.37% 70.06%
	nsus Tract 6643, Brazona County, Texas	TX Brazona County	48	39 664300	2 420	565	580	785	79.02%
480396637001 Block Group 1, Ce	nsus Tract 6637, Brazoria County, Texas	TX Brazoria County	48	39 663700	1 845	1310	2020	2485	52.72%
	risus Tract 6619, Brazona County, Texas risus Tract 6614, Brazona County, Texas	TX Brazoria County TX Brazoria County	48	39 661900 39 661400	3 405	165 515	235 545	330 565	50.00% 91.15%
480396612001 Block Group 1, Ce	nsus Tract 6612, Brazona County, Texas	TX Brazoria County	48	39 661200	1 355	860	1185	1310	65.65%
480396643001 Block Group 1, Ce	nsus Tract 6643, Brazoria County, Texas	TX Brazoria County	48	39 664300	1 1620	1780	1925	2025	87.90%
	nsus Tract 6643, Brazona County, Texas nsus Tract 6643, Brazona County, Texas	TX Brazona County TX Brazona County	48	39 664300 39 664300	5 445 3 720	540 1080	725 1225	1385	53.73% 77.98%
	nsus Tract 6642, Brazona County, Texas	TX Brazoria County	48	39 664200	2 290	385	455	580	66.38%
480396633002 Block Group 2, Ce	nsus Tract 6633, Brazoria County, Texas	TX Bratoria County	48	39 563300	2 260	335	410	570	58.77%
	nsus Tract 6623, Brazona County, Texas Insus Tract 6632, Brazona County, Texas	TX Brazona County TX Brazona County	48	39 662300 39 663200	3 105	380	1040 825	126S 2150	30.04% 10.47%
480396635003 Block Group 3, Ce	nsus Tract 6635, Brazona County, Texas	TX Brazona County	48	39 663500	3 170	305	485	690	44.20%
	msus Tract 6639, Brazonia County, Texas	TX Brazoria County	48	39 663900	1 410	590	825	960	61.46%
	risus Tract 6624, Brazona County, Texas muss Tract 6638, Brazonia County, Texas	TX Brazona County TX Brazona County	48	39 662400 39 663800	3 660	645 795	1140	1380	46.74% 58.03%
	The state of the s	2.22.79 494.11							

86614004 Block Group 4, Cens	us Tract 6634, Brazoni un Tract 6634, Brazonia		TX.	Brazona County Brazona County	48	39	663400 661400	3 825 4 400	1020	1355 915	1735 1035	58. 81.
96644004 Block Group 4, Cens			TX	Brazona County	48	39	664400	4 800	1380	1400	1615	85.
M634004 Block Group 4, Cens			TX	Brazoria County	48	19	663400	4 535	925	1180	2040	45.
96641003 Black Group 3, Cens			TX	Brazoria County	48	39	664100	3 290	605	955	1045	57.
96622003 Block Group 3, Cens 96622002 Block Group 2, Cens			TX TX	Brazoria County Brazoria County	48 48	39	662200 662200	3 520	825 260	875 585	1360	21.
M6.38001 Block Group 1, Cens			TX	Brazoria County	48	19	663800	1 785	1580	2110	2495	63.
HGG44005 Block Group 5, Cens			TX	Brazona County	48	39	664400	5 325	430	515	665	64.
77235021 Block Group 1, Cens			TX	Galveston County	48	167	723502	1 420	520	725	1790	29.
77260001 Block Group 1, Cens	as Tract 7260, Galvest	on County, Texas	TX	Galveston County	48	167	726000	1 100	245	350	930	26.
77235012 Block Group 2, Cens			TX	Galveston County	48	167	723501	2 60	90	325	640	14.
77234004 Block Group 4, Cens			TX	Galveston County	48	167	723400	4 275	585	895	1375	42.
77234001 Block Group 1, Cens			TX	Galveston County	48	167	723400	1 545	885	1155	2040	43.
77234002 Block Group 2, Cens 77231003 Block Group 3, Cens			TX TX	Galveston County	48	167	723400	2 235	505	695	1225	41.
77227002 Block Group 2, Cens			TX	Galveston County Galveston County	48	167	723100 722700	2 310	535 360	655 370	755 490	70.
77227003 Block Group 3, Cens			TX	Galveston County	48	167	722700	3 430	510	575	600	85.
77227001 Block Group 1, Cens			TX	Galveston County	48	167	722700	1 805	880	1115	1230	71.
77234003 Block Group 3, Cens	us Tract 7234, Galvest	on County, Texas	TX	Galveston County	48	167	723400	3 370	555	845	2150	25.
77227004 Block Group 4, Cens	as Tract 7227, Galvest	on County, Texas	TX	Galveston County	48	167	722700	4 345	695	1030	1835	37.
77260002 Block Group 2, Cens	us Tract 7260, Galvest	on County, Texas	TX	Galveston County	48	167	726000	2 40	145	245	495	29.
77261001 Block Group 1, Cens			TX	Galveston County	48	167	726100	1 215	425	595	1460	29.
77261002 Block Group 2, Cens			TX	Galveston County	48	167	726100	2 155	175	330	775	22.
77241012 Block Group 2, Cens			TX	Galveston County	48	167	724101	2 255	305	440	510	59.
77242003 Block Group 3, Cens			TX.	Galveston County	48	167	724200	3 510	810	1000	1420	57.
77244004 Block Group 4, Cens			TX	Galveston County	48	167	724400	4 440	515	585	700	73.
77244003 Block Group 3, Cens			TX:	Galveston County	48	167	724400 724800	3 315	350	365 570	425	82.
77248002 Block Group 2, Cens 77251001 Block Group 1, Cens			TX TX	Galveston County	48	167	725100	1 155	560 340	505	600 595	93.
77251001 Black Group 1, Cens	as Tract 7251, Galvest	on County, Texas	TX	Galveston County Galveston County	48	167	725100	3 205	255	375	540	57. 47.
77247001 Block Group 1, Gens			TX	Galveston County	48	167	724700	1 315	440	465	535	82
7245001 Block Group 1, Cens			TX.	Galveston County	48	167	724500	1 355	505	625	870	58
7243001 Block Group 1, Cens			TX	Galveston County	48	167	724300	1 240	300	325	390	76
7243005 Black Group 5, Cens			1X	Galveston County	48	167	724300	5 700	920	955	1295	71
7243002 Block Group 2, Cens			TX	Galveston County	48	167	724300	2 120	150	240	290	51
7243004 Block Group 4, Cens			TX	Galveston County	48	167	724300	4 145	235	365	465	50
7232001 Block Group 1, Cens			TX	Galveston County	48	167	723200	1 205	700	1220	1515	44
7230001 Block Group 1, Cens			TX	Galveston County	48	167	723000	1 575	660	750	1120	58
7249003 Block Group 3, Cens			TX	Galveston County	48	167	724900	3 160	255	320	27%	51
7249002 Block Group 2, Cens 7251002 Block Group 2, Cens			TX	Galveston County Galveston County	48	167	724900 725100	2 220	400	620 515	545	77
7250003 Block Group 3, Cens			TX	Galveston County	48	167	725000	3 210	310	480	575	53
7250002 Block Group 2, Cens			TX	Galveston County	48	167	725000	2 240	385	465	530	7;
7249001 Block Group 1. Cens			TX	Galveston County	48	167	724900	1 370	465	490	600	72
7255001 Block Group 1, Cens	us Tract 7255, Galvest-	on County, Texas	TX	Galveston County	48	167	725500	1 35	45	65	300	15
7255002 Block Group 2, Cens			TX	Galveston County	48	167	725500	2 50	105	420	815	12
7250001 Block Group 1, Cens	as Tract 7250, Galvest	on County, Texas	TX	Galveston County	48	167	725000	1 390	500	690	845	59
7252001 Block Group 1, Cens			TX	Galveston County	48	167	725200	1 100	285	375	475	60
7254004 Block Group 4, Cens			TX	Galveston County	48	167	725400	4 280	470	585	670	70
7254002 Block Group 2, Cens			TX	Galveston County	48	167	725400	2 380	435	525	550	72
7246001 Black Group 1, Cens			TX	Galveston County	48	167	72460D	1 175	220	220	220	100
7253001 Block Group 1, Cens			TX	Galveston County	48	167	725300	1 415	915	1265	1495	61
7233001 Block Group 1, Cens 7240002 Block Group 2, Cens			TX	Galveston County Galveston County	48	167	723300 724000	2 145	1065	1685	2575	55
7262002 Block Group 2, Cens			TX	Galveston County	48	167	726200	2 965	1495	1870	2105	71
7229001 Block Group 1, Cens			TX	Galveston County	48	167	722900	1 415	1010	1205	1365	7
7232002 Block Group 2, Cens			TX:	Galveston County	48	167	723200	2 1145	1540	1885	2845	54
7236003 Block Group 3, Cens			TX	Galveston County	48	167	723600	3 125	395	605	1670	21
7235024 Block Group 4, Cens	is Tract 7235.02, Galv	eston County, Yexas	TX.	Galveston County	48	167	723502	4 435	895	1415	2495	- 35
7235023 Block Group 3, Cens	as Tract 7235.02, Galv	eston County, Texas	TX	Galveston County	48	167	723502	3 235	480	1105	1555	30
7259001 Block Group 1, Cens	as Tract 7259, Galvest	on County, Texas	TX	Galveston County	48	167	725900	1 355	445	685	975	4
7241011 Block Group 1, Cens	as Tract 7241.01, Galv	eston County, Texas	TX	Galveston County	48	167	724101	1 275	360	380	555	6-
7256003 Block Group 3, Cens			1X	Galveston County	48	167	725600	3 320	625	1070	1375	41
7258001 Block Group 1, Cens			TX	Galveston County	48	167	725800	1 355	450	745	825	- 5-
7236002 Block Group 2, Cens			TX	Galveston County	48	167	723600	2 350	575	980	1200	40
7238001 Block Group 1, Cens			TX	Galveston County	48	167	723800	1 420	630	810	1295	41
7731002 Block Group 2, Cens 7231001 Block Group 1, Cens			TX	Galveston County	48	167	723100	2 500	720	1115	1915 740	37
7231001 Block Group 1, Cens 7238002 Block Group 2, Cens			TX	Galveston County Galveston County	48	167	723100 723800	2 70	330 115	560 175	740 875	1
7237002 Block Group 2, Cens			TX	Galveston County	48	167	723700	2 660	785	890	1130	65
7242001 Block Group 1, Cens			TX	Galveston County	48	167	724200	1 160	400	705	960	4
256004 Block Group 4, Cens	us Tract 7256, Galvest	on County, Texas	TX	Galveston County	48	167	725600	4 425	690	885	905	21
2\$6002 Block Group 2, Cens	us Tract 7256, Galvesti	on County, Texas	TX	Galveston County	48	167	725600	2 455	730	895	1125	6
256001 Block Group 1, Cens	us Tract 7256, Galveste	on County, Texas	TX	Galveston County	48	167	725600	1 190	275	285	355	2
259002 Block Group 2, Cens			TX	Galveston County	48	167	725900	2 570	865	1060	1330	6
226001 Block Group 1, Cens			TX	Galveston County	48	167	722600	1 970	1530	1730	2005	7
236001 Block Group 1, Cens			TX TX	Galveston County	48	167	723600	1 650	915	1210	1920	4
238003 Block Group 3, Cens			TX	Galveston County	48	167	723800	3 355	530	1010	1995	2
242002 Block Group 2, Cens 230003 Block Group 3, Cens			TX TX	Galveston County Galveston County	48	167	724200 723000	2 365 3 445	700	565 840	1020	6
230002 Block Group 2, Cens			TX	Galveston County	48	167	723000	2 490	695	750	1120	6.
228002 Block Group 2, Cens			TX	Galveston County	48	167	722800	2 660	950	1260	1430	6
257001 Block Group 1, Cens			TX	Galveston County	48	167	725700	1 225	390	770	1355	2
228001 Block Group 1, Cens			TX	Galveston County	48	167	722800	1 330	385	620	950	4
257002 Block Group 2, Cens			TX	Galvestors County	48	167	725700	2 180	385	525	1080	3
229002 Block Group 2, Cens			TX	Galveston County	48	167	722900	2 450	685	895	1205	51
235011 Block Group 1, Cens			TX	Galveston County	48	167	723501	1 50	55	110	400	13
252002 Block Group 2, Cens			TX	Galveston County	48	167	725200 725300	2 710	1020	1240	1330	70
253002 Block Group 2, Cens 255003 Block Group 3, Cens			TX	Galveston County Galveston County	48	167	725300 725800	3 525	865	1075	970	5
7258003 Block Group 3, Cens 7258002 Block Group 2, Cens			TX	Galveston County	48	167	725800	2 460	565	625	845	6
7246002 Block Group 2, Cens			TX	Galveston County	48	167	724600	2 1180	1290	1450	1540	8
7243003 Block Group 3, Cens			1X	Galveston County	48	167	724300	3 305	420	480	535	7:
7244002 Block Group 2, Cens			TX	Galveston County	48	167	724400	2 325	395	500	740	5
7244001 Block Group 1, Cens			10X	Galveston County	48	167	724400	1 500	825	1130	1285	6
7247002 Block Group 2, Cens			TX	Galveston County	48	167	724700	2 630	810	1020	1230	6
	us Tract 7254, Galvest	on County, Texas	ŤΧ	Galveston County	48	167	725400	1 85	350	595	710	4
			TX	Galveston County	48	167	724800	1 270	435	555	875	45
7248001 Block Group 1, Cens		no County Tower	TX	Galveston County	48	167	725400	3 315	400	735	1070	37
7248001 Block Group 1, Cens 7254003 Block Group 3, Cens			-							4 2 4 7	A	
248001 Block Group 1, Cens 254003 Block Group 3, Cens 235022 Block Group 2, Cens	us Tract 7235.02, Galv	reston County, Texas	TX	Galveston County	48	167	723502	2 380	955	1295	2940	3
248001 Block Group 1, Cens 254003 Block Group 3, Cens	us Tract 7235.02, Galvest us Tract 7237, Galvest	eston County, Texas	TX TX TX		48 48 48	167 167	723502 723700 724000	2 380 1 290 1 75	955 500 145	1295 710 190	2940 905 200	51

EXHIBIT B



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

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

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

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

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

- F. The Applicant/Subrecipient certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR §91.115 or §91.105 (except as provided for in notices providing waivers and alternative requirements for this grant). Also, each local government receiving assistance from a state grantee must follow a detailed citizen participation plan that satisfies the requirements of 24 CFR §570.486 (except as provided for in notices providing waivers and alternative requirements for this grant).
- G. The Applicant/Subrecipient certifies that it is complying with each of the following criteria:
- 1) Funds will be used solely for necessary expenses related to mitigation activities, as applicable, in the most impacted and distressed areas for which the President declared a major disaster in 2015, 2016, or 2017 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. §5121 et seq.).
- 2) With respect to activities expected to be assisted with CDBG-MIT funds, the relevant action plan has been developed to give priority to activities that will benefit low- and moderate-income families.
- 3) The aggregate use of CDBG-MIT funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 50 percent (or another percentage permitted by HUD in a waiver published in an applicable Federal Register notice) of the CDBG-MIT grant amount is expended for activities that benefit such persons.
- 4) The Applicant/Subrecipient will not attempt to recover any capital costs of public improvements assisted with CDBG-MIT funds by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
- i. CDBG-MIT funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or
- ii. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (a).
- H. The Applicant/Subrecipient certifies that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d), the Fair Housing Act (42 U.S.C. §3601-§3619), and implementing regulations, and that it will affirmatively further fair housing.
- I. The Applicant/Subrecipient certifies that it has adopted and is enforcing the following policies, and, in addition, must certify that they will require local governments that receive grant funds to certify that they have adopted and are enforcing:
- 1) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations;
- 2) A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

- J. The Applicant/Subrecipient certifies that it (and any administering entity) currently has or will develop and maintain the capacity to carry out mitigation activities, as applicable, in a timely manner and that the subrecipient has reviewed the respective requirements of this notice.
- K. The Applicant/Subrecipient certifies that it will not use CDBG-MIT funds for any activity in an area identified as flood prone for land use or hazard mitigation planning purposes by the state, local, or tribal government or delineated as a Special Flood Hazard Area (or 100-year floodplain) in FEMA's most current flood advisory maps, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 C.F.R. part 55. The relevant data source for this provision is the state, local, and tribal government land use regulations and hazard mitigation plans and the latest-issued FEMA data or guidance, which includes advisory data (such as Advisory Base Flood Elevations) or preliminary and final Flood Insurance Rate Maps.
- L. The Applicant/Subrecipient certifies that its activities concerning lead-based paint will comply with the requirements of 24 CFR part 35, subparts A, B, I, K, and R.
- M. The Applicant/Subrecipient certifies that it will comply with environmental requirements at 24 CFR part 58.
- N. The Applicant/Subrecipient certifies that it will comply with applicable laws.

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

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

Printed Name of Authorized Signatory	Date



City Council Agenda Request

DECEMBER 20, 2022

AGENDA REQUEST NO: VII.A.

AGENDA OF: City Council Meeting

INITIATED BY: Jorge L. Alba Senior Engineering Manager

PRESENTED BY:

Jorge Alba, Senior Engineering Manager

RESPONSIBLE DEPARTMENT: Engineering

AGENDA CAPTION:

Consideration of and action on authorization of Two (2) Interlocal Agreements with Fort Bend County Drainage District for Joint Participation to apply for U.S. Department of Housing and Urban Development Community Development Block Grant - Mitigation Funds for the 1) Protection of Memorial Park Project and 2) IH 69 Evacuation Route Protection Project.

RECOMMENDED ACTION:

Authorize the execution of two interlocal agreements between the City of Sugar Land and Fort Bend County to coordinate the efforts that each jurisdiction is undergoing as part of the CDBG-MIT Regional Method of Distribution (MOD) applications. The two (2) jurisdictions will use their combined funding for the US 59/IH 69 Evacuation corridors and the Memorial Park Projects.

EXECUTIVE SUMMARY:

After the accelerated bank erosion observed on the Brazos River following significant flooding events in 2015, 2016 and Hurricane Harvey in 2017, the City of Sugar Land (The City) and Fort Bend County commissioned two studies in 2018. These studies concluded that in less than 30 years, continuing erosion of the riverbank might cause loss of human life while threatening residences, City and county infrastructure, roads, levees, parks, and Hurricane Evacuation Routes on Farm to Market Roads, State Highways, and Interstate Highways bridges.

As a result of these studies, the City and the County created Project Brazos, a multi-jurisdictional effort to address the causes of riverbank erosion. Project Brazos has identified bank erosion at thirteen (13) of the most critical sites along the Brazos River in Fort Bend County. Two of these critical locations are in the City.

The US 59/IH 69 Evacuation corridors. The erosion at this location is threatening the bridges over the Brazos River and the safe evacuation of hundreds of thousands of residents from Galveston and Brazoria Counties during times of high winds and storm surges from hurricanes and tropical storms. The Project is a regional approach with broad support from local, state, and federal stakeholders, including TxDOT, the Brazos River Authority and the United States Army Corps of Engineers (USACE) - Galveston District and its Engineer Research and Development Center (ERDC) in Vicksburg, Mississippi.

Memorial Park in Sugar Land. The bank river erosion threatens the park, University Boulevard, Ditch "H," a municipal fire station, Fort Settlement Middle School, and the residents within the Fort Bend County Levee Improvement District (FBCLID) #14. The erosion at this location is threatening the levee, which protects around 5,000 residents, a municipal fire station, and a middle school. In addition, University Boulevard is a traffic relief route connecting Hurricane Evacuation Routes State Highway 6 and Interstate Highway 69/State Highway 59. In the event of the river levee breaching at Memorial Park.

Fourteen (14) Resolutions and a Letter of Support have been received supporting Project Brazos. Over the past four years, Fort Bend County Drainage District and the City have invested time and money into understanding the problem and developing feasible solutions. This Project employs an environmentally friendly repair using a longitudinal stone dike along the toe of the bank with stone tiebacks constructed at around 200 feet on center to protect the upstream and downstream portions of the repair from being flanked by erosion. This repair method was coordinated with USACE ERDC's River and Estuarine Engineering Branch. In addition, this repair method promotes revegetation and habitat development and is in accordance with USACE's "Engineering with Nature and Implementation of Natural and Nature-Based Features" (EWN-NNBF).

As part of the State of Texas Community Development Block Grant Mitigation (CDBG-MIT) Action Plan, the City is a potential recipient of funding in the amount of \$4,063,600.00. On September 6, 2022, the City Council approved resolutions 22-33 and 22-34 to commission Huitt-Zollars Inc. and Public Management Inc. to support city staff during the preparation and submittal of the application for the \$4,063,600 allocated to the City by the CDBG-MIT MOD program(s).

Since then, city staff has conducted a Public Comments session during the City Council Meeting on October 18, 2022. The public did not supply comments during that meeting. In addition, an Interlocal Agreement between the County and the City to coordinate the efforts that each jurisdiction is undergoing as part of the separate yet connected CDBG-MIT Regional Method of Distribution (MOD) applications will require the City Council's approval. As has been discussed, the County has been allocated \$56,030,000, and the City has been allocated \$4,063,600. The two (2) jurisdictions will use their combined funding for the two erosion projects located in the City based on the following breakdown:

US59/IH69 Eva	cuation Route Pr	oject			
Activity	Fort Bend	City of Sugar	Total Costs		
	County	Land			
Engineering	\$3,649,705	\$ 203,500	\$3,853,205		
Construction	\$ 24,380,836	\$ 1,700,000	\$ 26,080,836		
Administration	\$ 1,246,700	\$ 128,300	\$ 1,375,000		
Total	\$ 29,277,241	\$ 2,031,800	\$31,309,041		
Memorial Park	Project				
Activity	Fort Bend	City of Sugar	Total Costs		
	County	Land			
Engineering	\$ 1,208,075	\$ 203,500	\$ 1,411,575		
Construction	\$7,710,500	\$ 1,700,000	\$ 9,410,500		
Administration	\$ 296,700	\$ 128,300	\$ 425,000		
Total	\$ 9,215,275	\$ 2,031,800	\$ 11,247,075		

Additional details related to the Interlocal Agreements are as follows:

- Funding Type: Community Development Block Grant Mitigation (CDBG-MIT) Regional Method of Distribution (MOD)
- Application Deadline: January 9, 2023
- Anticipated Contract Award: June 1, 2023
- Contracting Agency: Texas General Land Office (GLO)
- Duration of Contract : TBD
- Roles and Responsibilities: Fort Bend County will take the lead on both projects, with additional support coming from the City. The projects do not anticipate the need for acquiring permanent easements or parcels for the project, although temporary construction easements will likely be needed. Both parties will need to establish property ownership and the responsibility of the long-term maintenance of the improvements. Each jurisdiction will have separate contracts with the GLO and will be subject to the various compliance regulations which govern such contracts.

Staff recommends authorization of two interlocal agreements between the City of Sugar Land and Fort Bend County to coordinate the efforts that each jurisdiction is undergoing as part of the CDBG-MIT Regional Method of Distribution (MOD) applications. The two (2) jurisdictions will use their combined funding for the US 59/IH 69 Evacuation corridors and the Memorial Park Projects.

BUDGET

EXPENDITURE REQUIRED: N/A

CURRENT BUDGET: N/A

ADDITIONAL FUNDING: N/A

FUNDING SOURCE:N/A

ATTACHMENTS:

Description

Type

D ILA - Protection of Memorial Park

Agreement

D ILA - IH 69 Evacuation Route Project

REVIEWERS:

Department Reviewer Engineering Ky, Hong Engineering Jahn, Tim Engineering Li. Jessie Engineering Ky, Hong Li, Jessie Engineering Oly Secretary Perez, Justin Oty Secretary Hamis III, Thomas Legal Riede, Meredith Agenda Perez, Justin Coordinator Assistant City Serrano, Natalie Manager Oty Manager Serrano, Natalie

Agreement