City of Bryan, Texas

Substantial Amendment to the 2005-2009 Consolidated Plan 2008 Action Plan for the Community Development Block Grant Recovery Program (CDBG-R)

CITY OF BRYAN
The Good Life, Texas Style.

Alsie Bond, Manager
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This document is available on the City of Bryan's official Website:

http://www.bryantx.gov/departments/?name=community

For additional information regarding the CDBG-R program, visit the HUD Recovery Act Website (http://www.hud.gov/recovery/) This site will be regularly updated to include CDBG-R resources developed by HUD and its technical assistance providers.

This document is in the final format promulgated by HUD and incorporates all information from the draft document.

CITY OF BRYAN
The Good Life, Texas Style.™

May 29, 2009

U.S. Department of Housing and
Urban Development
Office of Community Planning and Development
Attention: Mr. Robert Beck, CPD Representative
1301 Fannin St
Suite 2200
Houston, TX 77002

Re: Request for Substantial Amendment to the 2005-2009 Consolidated Plan 2008 Consolidated Action Plan (CAP) for the Community Development Block Grant Recovery Program (CDBG-R).

Dear Mr. Beck,

The City of Bryan is pleased to submit the enclosed Substantial Amendment to the 2005-2009 Consolidated Plan 2008 Consolidated Action Plan (CAP) for the Community Block Grant Recovery Program (CDBG-R). This Substantial Amendment allocates $250,205 toward a much-needed, shovel-ready, hard infrastructure project, the MLK Street Sidewalk Installation, and leverages $974,000 in local funding.

To date these are the steps the City has taken to amend the 2008 Consolidated Action Plan regarding the allocation of available CDBG-R funds made available under the American Recovery and Reinvestment Act of February 17, 2009. This letter serves as the City's official request for a substantial amendment for the 2008 CAP regarding the MLK Street Sidewalk Installation public facility activity and the associated planning and administration activity for the project. These steps are:

1. On February 25, 2009 the City received notice of the availability of the CDBG-R formula grant allocation of $250,205. On May 4, 2009 the City received the Notice of Program Requirements for Community Development Block Grant Program Funding Under the American Recovery and Reinvestment Act of 2009.

2. Consideration was given by City staff as to how the funds would best be allocated so as to meet the CDBG-R timeliness requirements and maximize the economic and aesthetic impact upon the community. Alternative projects were considered, but the MLK Street Sidewalks installation was selected for recommendation because of the location in a residential low-moderate income area in a major corridor through the City's downtown, and the increased access the project would provide to businesses, schools, homes, and public amenities along the route. Also, a majority of the design work for the project had been completed. Additionally, although partial local funding was available, without the addition of the CDBG-R allocation, the budgeted funds were insufficient to undertake the project, according to engineers' estimates.

3. The public was notified of the CDBG-R Substantial Amendment via a Public Service Announcement on May 12th, 2009, which advertised a public meeting of the Community Development Advisory Committee (CDAC) to discuss the amendment and solicit public comment. The project was discussed and the amendment was approved at that public

meeting, and the amendment was forwarded by the CDAC committee for consideration by the City Council. The public comment period ran from May 14th, 2009 – May 22nd, 2009. The amendment was published on the city's official website on May 15th, 2009 and posted at these three, handicapped accessible locations: The Municipal Office Building, The Community Development Services Department, and the Bryan Public Library. Special assistance for the blind and hearing impaired was offered upon request, as was translation of the amendment. The amendment was placed on the City Council Statutory Agenda for consideration on May 26, 2009 and was passed unanimously. No public comments were received.

4. In addition to the Substantial Amendment in the HUD-published format, the following supporting documents are attached and enclosed:

   a. Spreadsheet for Reporting Proposed CDBG-R Activities to HUD
   b. Required signed Certifications
   c. The affected revised pages from the 2008 CAP "City of Bryan 2008 Proposed Projects /Activities Priority Summary & Leveraging Information"
   d. Tables 3C for the proposed project and associated planning and administration activity.
   e. The CDBG-R Substantial Amendment Grantee Checklist
   f. A copy of the agenda from the May 14, 2009 public meeting of the Community Development Advisory Committee.
   g. A copy of the agenda from the May 26, 2009 Bryan City Council meeting.

Please let us know if you have any questions or require additional action by the City regarding the City's request for this substantial amendment to the 2008 CAP.

Sincerely,

Alsie Bond

Alsie Bond, Manager
City of Bryan Community Development Services

cc: David F. Watkins, City Manager
Joey Dunn, Deputy City Manager

Attachments:

Substantial Amendment
SF – 424
CDBG-R Spreadsheet
Certifications
Revised pages from the 2008 CAP
Tables 3C
CDBG-R Substantial Amendment Grantee Checklist
Agenda from the May 14, 2009 public meeting of the Community Development Advisory Committee
Agenda from the May 26, 2009 Bryan City Council meeting.

THE CDBG-R SUBSTANTIAL AMENDMENT

Jurisdiction(s): City of Bryan, Texas Jurisdiction Web Address: • http://www.bryantx.gov/departments/?name=community	CDBG-R Contact Person: Alsie Bond Address: 405 W 28th St. Bryan, TX 77803 Telephone: 979-209-5175 Fax: 979-209-5184 Email: abond@bryantx.gov

ENSURING RESPONSIBLE SPENDING OF RECOVERY ACT FUNDS

Funding available under the Recovery Act has clear purposes – to stimulate the economy through measures that modernize the Nation's infrastructure, improve energy efficiency, and expand educational opportunities and access to health care. HUD strongly urges grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings. While the full range of CDBG activities is available to grantees, the Department strongly suggests that grantees incorporate consideration of the public perception of the intent of the Recovery Act in identifying and selecting projects for CDBG-R funding.

A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES

Grantees must provide information concerning CDBG-R assisted activities in an electronic spreadsheet provided by HUD. The information that must be reported in the spreadsheet includes activity name, activity description, CDBG-R dollar amount budgeted, eligibility category, national objective citation, additional Recovery Act funds for the activity received from other programs, and total activity budget. An electronic copy of the spreadsheet and the format is available on HUD's recovery website at http://www.hud.gov/recovery.

B. CDBG-R INFORMATION BY ACTIVITY (COMPLETE FOR EACH ACTIVITY)

(1) Activity Name: MLK Street Sidewalk Installation

(2) Activity Narrative: Public Facility (03L) ($225,205) – This shovel-ready, hard infrastructure activity is eligible under 24 CFR 570.201(c) (Public Facility) and meets the CDBG National Objective of Low-Moderate Income Area Benefit (LMA) under 24 CFR 570.208(a)(1). The Objective Category is Suitable Living Environment, and the Outcome Category is Availability/Accessibility. This activity addresses Priority 1, Strategy 4 of the Non-Housing Community Development Plan of the City of Bryan 2005-2009 Consolidated Plan.

The use of CDBG-R grant funds for public facility sidewalk improvements in a low-moderate-income area is consistent with the City of Bryan 2005-2009 Consolidated Plan. Priority one of the Consolidated Plan is: "Expand, improve, and or add public facilities..." (pg. 112). Strategy 4 of Priority one is: "Promote and facilitate the development of facilities and infrastructure improvements, including, but not limited to, water/sewer, streets, sidewalks..." Priority Community Development Needs Table 2B lists sidewalks as a medium need (pg. 145). Summary of Specific Housing/Community Development Objectives Table 2C Objective 1d also provides for sidewalk development in low to moderate income neighborhoods (pg. 151). Accessibility needs were listed as very important (pg. 108). Economic Development by providing commercial/industrial infrastructure improvements was also listed as very important (pg. 109)

CDBG-R funding will be used for hard infrastructure to facilitate the installation of sidewalks within existing Right-of-Way along both sides of MLK Street from the 1600 Block of West MLK Street at Kemp Elementary School, approximately 2.7 miles (35 city blocks) east to the 2200 Block of East MLK Street at the southbound access road of Earl Rudder Freeway, State Highway 6. This activity is in a predominantly low to moderate-income area (56%) consisting of the following census tracts and block groups: census tract and block groups: census tract 5, block groups 1, 2, 4,5 and 7; census tract 4.00 block groups 1 and 4. The purpose of this activity is to provide much-needed safe routes to three schools, Carver Early Childhood Center (Pre-K), Kemp Elementary (K-5), and Neal Elementary (K-5) as well as safe pedestrian access to local homes and businesses for citizens, especially the physically challenged. This project will improve pedestrian access to 16 active businesses, several underutilized commercial properties, 8 neighborhood churches, Sadie Thomas Park, and the African American Museum. CDBG-R funding in the amount of $250,205 (including $25,000 for program administration) will be utilized to leverage an estimated $974,000 in local Capital Improvement Projects funding. CDBG-R funding represents approximately 20% of the funding for this activity.

The use of the CDBG-R funds will meet the requirements of Title XII of Division A and Section 1602 of ARRA, which states that in selecting CDBG-R projects to be funded, "recipients shall give priority to projects that can award contracts based on bids within 120 calendar days from the date the funds are made available..." Section 1602 of ARRA requires that grantees shall use grant funds in a manner that maximizes job creation and economic benefit. Section 1602 also states that, when CDBG-R funds are being used for infrastructure investments, "grantees must give preference to activities that can be started and completed expeditiously, including a goal to obligate at least 50 percent of the funds for activities that can be initiated within 120 days..."

The grantee will utilize existing CDBG Public Facility policies, procedures, and experienced staff to implement this hard infrastructure improvement project, for which the design is substantially complete. Sidewalk installation is proposed to be within existing Rights of Way which will allow

the project to meet expenditure timeliness requirements. The grantee will ensure that necessary environmental clearance is received prior to commitment of funds that the bid and contract documents contain all necessary provisions for federal, state, local, and CDBG-R additional requirements including job creation and retention estimates by bidders to maximize creation of jobs. Grantee will participate in pre-bid and pre-construction meetings with contractors to brief contractors and ensure understanding of all requirements, will qualify the successful bidder, will clear the bidder via the Excluded Parties List Systems, and will provide Davis-Bacon labor relations monitoring of the worksite during construction. Retainage will not be released until all requirements have been met. The City of Bryan has received CDBG allocations since the inception of the program. The staff is highly trained, skilled, and experienced in all project requirements, including construction oversight, reporting, and administration.

The project is proposed to be bid during July 2009 and will commence by mid-October 2009, with completion estimated by July 2010.

The MLK Street Sidewalk Installation Public Facility Activity will further meet the requirements of Title XII of Division A and Section 1602 of ARRA through the following:

- **Preserving and creating jobs and promoting economic recovery** – This shovel-ready, hard infrastructure project utilizes CDBG-R funds in a manner that maximizes job creation and economic benefit by leveraging $974,000 in local funding, which will help to retain and create jobs not only through the successful bidding contractor, the subcontractors and administrative staff funding, implementing, and overseeing the project, but will also provide additional stimulus to the local economy through the infusion of approximately $1.2 million which will be multiplied as those funds are re-expended by the recipients. This activity will also result in the creation of a long-term asset for the community which will result in more efficient pedestrian access to neighborhood businesses, homes, institutions and amenities for many years to come.

- **Assisting those most impacted by the recession** – The MLK Street sidewalk installation activity will provide needed investment in a primarily low-moderate income area (56%), will improve neighborhood integrity by allowing safe pedestrian transportation among neighborhoods, and will improve accessibility for the physically challenged. In addition, Historically Underutilized Businesses (HUB's) will be encouraged to bid on this project.

- **Providing investment needed to increase economic efficiency** – Installation of sidewalks will facilitate pedestrian access to support business activity in these low and moderate-income areas and will help to stimulate economic development along a primary city corridor.

- **Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits** – The MLK Sidewalk Installation is a hard infrastructure pedestrian transportation project which will have a long economic life and economic benefits by providing students with safe pedestrian access to three elementary schools and allow citizens, especially the physically challenged, to more easily access 16 active and several currently-underutilized businesses along the route.

- **Minimizing or avoiding reductions in essential services; or fostering energy independence** – Based upon the construction cost estimates and the amount of local funding available, this project could not proceed without the addition of CDBG-R funding.

(3) Jobs Created: The MLK Street Sidewalk Installation is estimated to retain or generate approximately 17 direct and indirect full-time-equivalent jobs by leveraging $974,000 in local funding. This estimate is preliminary, and not based upon econometric modeling, but is based upon the scope of the project and considers the infusion of more than $1.2 million into the local economy. Job creation and retention data will be required of contractors responding to the bid request.

(4) Additional Activity Information: (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.) This activity will facilitate more efficient pedestrian access to homes, businesses, a park and a museum along the route, which will decrease the need for vehicular travel, thereby somewhat decreasing reliance upon imported oil and pollution emissions. This activity will also provide students with safe pedestrian access to 3 elementary schools.

(5) Responsible Organization: (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

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(6) Activity 2 Name: Planning and Administration

(7) Activity Narrative: Planning and Administration (21A) ($25,000) – This activity is eligible under 24 CFR 570.206 and is less than the maximum 10% of the total CDBG-R planning and administrative costs maximum allowed for this activity under Section 5E of the Notice of Program Requirements (pg 30). This activity provides staff and related costs to carry out the CDBG program activities. This activity includes the preparation of the environmental assessment, planning, administration, fiscal management, and monitoring of project regulatory compliance.

- **Preserving and creating jobs and promoting economic recovery** – The planning and administration activity facilitates this shovel-ready, hard infrastructure project which will utilize CDBG-R funds in a manner that maximizes job creation and economic benefit by leveraging $974,000 in local funding (390% leverage), which will help to retain and create jobs not only through the successful bidding contractor, the subcontractors and administrative staff funding, implementing, and overseeing the project, but will also provide additional stimulus to the local economy through the infusion of approximately $1.2 million which will be multiplied as those funds are re-expended by the recipients. This activity will also result in the creation of a long-term asset for the community which will result in more efficient pedestrian access to neighborhood businesses, homes, institutions and amenities for many years to come.

- **Assisting those most impacted by the recession** - This planning and administration activity will facilitate the project to provide needed investment in a low-moderate income area (56%), will improve neighborhood integrity by allowing safe pedestrian transportation among

neighborhoods, and will improve accessibility for the physically challenged. Historically Underutilized Businesses (HUB's) will be encouraged to bid on this project.

- **Providing investment needed to increase economic efficiency** – The planning and administration of the sidewalk installation will facilitate the project to pedestrian access to support business activity in these low and moderate-income areas and will help to stimulate economic development along a primary city corridor.

- **Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits** – The planning and administration activity for the MLK Sidewalk Installation will facilitate a hard infrastructure pedestrian transportation project which will have a long economic life and economic benefits by providing students with safe pedestrian access to three elementary schools and allow citizens, especially the physically challenged, to more easily access 16 active and several currently-underutilized businesses along the route.

- **Minimizing or avoiding reductions in essential services; or Fostering energy independence** – The planning and administration activity will facilitate the project. Based upon the construction cost estimates and the amount of local funding available, this project could not proceed without the addition of CDBG-R funding, and the planning and administration activity will provide the resources necessary for project compliance and oversight.

(8) Jobs Created: Administration of the MLK Street Sidewalk Installation is estimated to retain approximately one, direct full-time-equivalent job within the City of Bryan Community Development Services Department. This estimate is based upon the amount of planning and administration funding available, which will all retention of one staff member.

(9) Additional Activity Information: (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.) Facilitating more efficient pedestrian access to homes, businesses, schools, churches, parks and a museum along the route will decrease the need for vehicular travel, thereby somewhat reducing pollution emissions and the use of oil.

(10) Responsible Organization: (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

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Project Eligibility - This activity is in a predominantly low to moderate-income area (56%) consisting of the following census tracts and block groups: Census tract 5, block groups 1, 2, 4,5 and 7; census tract 4.00 block groups 1 and 4. Because the full CDBG-R allocation is utilized for this single project which serves a predominantly low-moderate income area, the requirement that, in the aggregate, at least 70% of the grant amount will principally benefit persons of low and moderate income has been met.

C. PUBLIC COMMENT

Provide a summary of public comments received to the proposed CDBG-R Substantial Amendment.

Note: A Proposed CDBG-R Substantial Amendment must be published via the usual methods and posted on the jurisdiction's website for no less than 7 calendar days for public comment.

Response: The public was notified of the CDBG-R Substantial Amendment via a Public Service Announcement on May 12th, 2009, which advertised a public meeting of the Community Development Advisory Committee (CDAC) to discuss the amendment and solicit public comment at 6 p.m. on May 14, 2009 at the Municipal Office Building (City Hall), 300 South Texas Avenue, Bryan, Texas 77803. The CDAC approved the amendment at the meeting. The public comment period ran from May 14th, 2009 – May 22nd, 2009. The amendment was published on the city's official website on May 15th, 2009 and posted at the following locations: The Community Development Services Department, 405 W. 28th, Street, The Bryan Public Library, 201 E. 26th St., and the Municipal Office Building (City Hall), 300 South Texas Avenue, Bryan, Texas 77803. All buildings are accessible to the handicapped. Special assistance for the blind or hearing impaired is available by calling (979) 209-5175. This document is available to be translated into Spanish upon request by contacting Mary Lou Lavador, (979) 209-5183. *Este documento se puede ser traducido a español sobre la petición. lláme a Mary Lou Lavador, (979) 209-5183.* No public comments have been received.

Substantial Amendment to the 2005-2009 Consolidated Plan 2008 Action Plan for the Community Development Block Grant Program (CDBG-R)

Jurisdiction/Grantee Name: City of Bryan		CDBG-R Formula Grant Amount: $250,205				Date: 06/04/2009	
Activity Name	***Activity Description***	***Eligibility (Regulatory or HCDA Citation)***	***National Objective Citation***	***CDBG-R Project Budget ($)***	***Additional Recovery Funds ($)***	***Other Leveraged Funding ($)***	***Total Activity Budget***
Public Facility (O3L)	MLK Street Sidewalks Installation and Activity Delivery	24CFR 570.201(c)	24CFR570.208(a) (1) (LMA)	$225,205		$974,000	$1,199,205
Planning and Administration (21A)	CDBG-R Administration	24 CFR 570.206		$25,000			$25,000
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Substantial Amendment to the 2005-2009 Consolidated Plan 2008 Action Plan for the Community Development Block Grant Program (CDBG-R)

ATTACHMENTS

CERTIFICATIONS

(1) **Affirmatively furthering fair housing**. The jurisdiction will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard.

(2) **Anti-displacement and relocation plan.** The jurisdiction will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under CDBG-R.

(3) **Drug Free Workplace.** The jurisdiction will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2. Establishing an ongoing drug-free awareness program to inform employees about –
   (a) The dangers of drug abuse in the workplace;
   (b) The grantee's policy of maintaining a drug-free workplace;
   (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
   (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
   (a) Abide by the terms of the statement; and
   (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:

   (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

(4) **Anti-lobbying**. To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

(5) **Authority of Jurisdiction**. The jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and other program requirements.

(6) **Consistency with Plan**. The housing activities to be undertaken with CDBG-R funds are consistent with its consolidated plan.

(7) **Section 3**. The jurisdiction 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.

(8) **Community development plan.** The jurisdiction certifies that the consolidated housing and community development plan identifies housing and community development needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the statute authorizing the CDBG program.

(9) **Following a plan**. The jurisdiction is following a current consolidated plan that has been approved by HUD.

(10) **Use of funds**. The jurisdiction has developed activities so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families or aid in the prevention of slums or blight. Additional activities may be included that are designed to meet other community development needs having 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
It has complied with the following criteria:

1. **Maximum Feasible Priority**. With respect to activities expected to be assisted with CDBG-R funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee 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, and other financial resources are not available);

2. **Special Assessments.** The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R 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. However, if CDBG-R funds are used to pay the proportion of a fee or assessment attributable to the capital costs of public improvements (assisted in part with CDBG-R funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds, unless CDBG-R funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. In addition, with respect to properties owned and occupied by moderate-income (but not low-income) families, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds if the jurisdiction certifies that it lacks CDBG-R or CDBG funds to cover the assessment.

(11) **Excessive Force**. The jurisdiction certifies that it has adopted and is enforcing: (1) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and (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 non-violent civil rights demonstrations within its jurisdiction.

(12) **Compliance with anti-discrimination laws**. The CDBG-R 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.

(13) **Compliance with lead-based paint procedures.** The activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R of this title.

(14) **Compliance with laws**. The jurisdiction will comply with applicable laws.

(15) **Compliance with ARRA.** The jurisdiction will comply with Title XII of Division A of the American Recovery and Reinvestment Act of 2009.

(16) **Project selection.** The jurisdiction will select projects to be funded, by giving priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipient, and that will ensure maximum job creation and economic benefit.

(17) **Timeliness of infrastructure investments.** When the jurisdiction uses CDBG-R funds for infrastructure investments, the grantee will give preference to quick-start and finish activities, including a goal to use at least 50 percent of the funds for activities within 120 days of enactment of the Recovery Act.

(18) **Buy American provision.** The jurisdiction will ensure that all iron, steel and manufactured goods used in construction, alteration, repair, or maintenance of a public building or public work project assisted with CDBG-R funds under the Recovery Act must be produced in the United States unless the Secretary finds that: (1) the requirement is inconsistent with public interest; (2) those goods are not reasonably available or produced in sufficient quantity in the U.S.; (3) or the use of the goods will increase the project cost by more than 25 percent.

(19) **Appropriate use of funds for infrastructure investments.** The Governor, mayor, or other chief executive, as appropriate certifies, that any infrastructure investments have received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Alternatively, a grantee's chief elected official certifies that infrastructure investments will receive the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.

(20) **70% of CDBG-R for LMI.** The aggregate use of CDBG-R funds shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the grant is expended for activities that benefit such persons over the life of the CDBG-R grant.

Signature/Authorized Official
David F. Watkins

City Manager
Title

6/02/09
Date

VIII. City of Bryan 2008 Action Plan Proposed Projects/Activities
Priority Summary & Leveraging Information

CDBG Projects: Relation to 2005-09 Consolidated Plan and funds leveraged:

The 2007 Consolidated Action Plan proposes the following projects be undertaken to benefit low and moderate-income persons and to eliminate blighting influences. These funds will become available October 1, 2008. Because Bryan is a HOME entitlement city, the proposed uses of these funds are listed separately.

Proposed CDBG Projects **Total CDBG Allocation: $921,273.00**
Total CDBG-R Allocation: $250,205.00

1) **Homeowner Housing Assistance, $289,732.15**-This project addresses Priority 3 of the Affordable Housing Plan of Bryan's 2005-09 Consolidated Plan. CDBG Funds are the primary source of funding. Recipients are asked to contribute and/or obtain private funding as appropriate. CDBG represents 99% of activity funds. Funds will provide a minimum of 15 families housing assistance in the form of infrastructure, new development, replacement, handicap accessibility, minor repair, program delivery and other related costs necessary to carry out CDBG Program activities. General outcomes from housing activities will include affordability and sustainability.
2) **Administration, $209,254.60** - Administrative expenses related to administration of CDBG, CDBG-R and HOME programs and project management/oversight of Section 108 loans. These programs include, but are not limited to, housing programs, public service agency funding project management, public facility project management, neighborhood preservation program, and economic development program. Total CDBG and CDBG-R funds administered by Department during 2008-09 are estimated to be $1,746,544.00.*
3) **Code Enforcement, $55,000.00** - Administrative and contractual services for Code Enforcement Officer in target area. Proposed accomplishments include weed control, lot clean-ups, demolitions, etc. to enforce code compliance in targeted areas (10 units). This project addresses Priority 3 of the Affordable Housing Plan of Bryan's 2005-09 Consolidated Plan. CDBG represents approximately 90% of the activity funds. General outcomes from code enforcement will be suitable living environments, general objective categories.
4) **Bryan College Station Community Health Center, $174,355.50** - Repayment of debt service on Section 108 Loan for partial funding of the new construction of a health facility for low to moderate-income citizens. Several non-profit providers have co-located to reduce duplication of services and provide more accessibility to services. This project addresses Priority 1 of the Non-Housing Community Development Plan of Bryan's 2005-09 Consolidated Plan. These CDBG funds represent 55% of the project's total original cost. One public facility was built, targeting 15,000 unduplicated clients annually.
5) **Economic Development, La Salle Hotel Section 108 Loan Repayment, $79,740.75** - Repayment of debt service on Section 108 economic development loan for completed project which will assist in eliminating slum and blight in a designated area. In addition to the jobs estimated to be created by the Section 108, this project will create and/or provide opportunities to improve the revitalization of downtown Bryan, a designated slum/blighted area. This project addresses Priority 3 of the 2005-09 Consolidated Plan. CDBG Funds represent 27% of the debt repayment for 2008-09.
6) **Public Service Agency Funding ($138,190.00** Suitable living environments, general objective categories**):**

A. Bryan Parks and Recreation Neal Recreation Program (interdepartmental funding), $4,000.00 - to provide for eligible operating expenses, including partial salaries for sports instructors (gymnastic, basketball, and swimming) and partial expenditures of a bus driver for a summer dribbler's program, gymnastics program, learn to swim and other appropriate year round activities for 200 unduplicated clients through the Bryan Parks and Recreation Division. This program has increased its level of services by adding additional programs such as softball, flag football and summer trips. This project addresses Priority 2 of the Non-Housing Community Development Plan of Bryan's 2005-09 Consolidated Plan. CDBG represents approximately 20% of this activity's funding for the requested program.

B. Bryan Parks and Recreation Summer Camp Program (interdepartmental funding), $40,000.00 - for eligible operating expenses for a summer recreational camp including partial salaries and benefits, supplies/training, equipment, transportation and field trips for low to moderate-income children. This program, offered in five Bryan parks located in low to moderate-income neighborhoods, provides educational, social, and recreational activities to approximately 800 unduplicated clients. This project addresses Priority 2 of the Non-Housing Community Development Plan of Bryan's 2005-09 Consolidated Plan. CDBG represents approximately 40% of this activity's funding for the requested program.

C. Twin City Mission, the Bridge Shelter Case Manager/Client Assistance Program, $11,131.00` (City of College Station $16,169.00) – to provide for eligible operating expenses of the Mission's the Bridge Shelter Case Manager/ Client Assistance Program including the housing service component, a 2- year self sufficiency program for the homeless. These funds will provide partial direct salary for the Case Manager of the stated program. Other components of the program (as provided by the agency) include tuition fees for vocational or educational training, house set ups, limited child care, uniforms, transportation, and other essential services in establishing independency. The program will serve an estimated 550 unduplicated clients during the program year. This project addresses Priority 2 of the Non-Housing Community Development Plan of Bryan's 2005-09 Consolidated Plan. CDBG represents less than 1% of this activity's funding for the requested program.

D. Brazos Maternal and Child Health Clinic, Inc. (The Prenatal Clinic) $25,000.00- to provide for eligible operation expensed of the program including obstetrical ultrasounds and prenatal vitamins. The Clinic provides prenatal care and education to medically indigent, low income women and to promote positive pregnancy outcomes. The agency is estimated to serve 1,300 unduplicated clients during the contract year. This project addresses Priority 2 of the Non-Housing Community Development Plan of Bryan's 2005-09 Consolidated Plan. CDBG represents less than 1% of this activity's funding for the requested program.

E. Scotty's House Brazos Valley Child Advocacy Center, Counseling Program, $23,223.00- to provide for the part time salary only of a counselor. The agency offers prevention, intervention, investigation, prosecution and treatment for abused children. The program provides counseling services to the victim and non-offending family members to help restore the health and integrity of both including the ability to function in the home, school and community. Expansion of the program includes adding a component of intern counseling, under the supervision of the Counselor. The program will serve an estimated 150 unduplicated clients. This project addresses Priority 2 of the Non-Housing Community Development Plan of Bryan's 2005-09 Consolidated Plan. CDBG represents approximately 50% of this activity's funding for the requested program.

F. Sexual Assault Resource Center (SARC), Individual Counseling & Accompaniment-Direct Aid Program, $14,400.00 - to provide eligible operating expenses, including Assistantships from Texas A&M University Psychology Department (contracted services) for direct aid counseling services, for a crisis center that provides counseling, legal and medical information and preventive education classes on sexual abuse for citizens of the community. The program will serve an estimated 135 unduplicated clients. This project addresses Priority 2 of the

Non-Housing Community Development Plan of Bryan's 2005-09 Consolidated Plan. CDBG represents approximately 39% of this activity's funding for the requested program.

G. **Unity Partners dba Project Unity, Safe Harbour Supervised Visitation Program, $20,436.00** - to provide for eligible operating expenses for the Safe Harbour program including personnel, security, rent and cell phones. This program provides supervised visitation between non-custodial parent and children in a safe, child-friendly environment. Visitations are court ordered supervised visits under the supervision of trained staff and volunteers. Safe Harbour also provides parenting education, assists in the development of shared parenting plans, fathering support groups and case management services for fragile families. The program will serve an estimated 500 unduplicated clients. This project addresses Priority 2 of the Non-Housing Community Development Plan of Bryan's 2005-09 Consolidated Plan. CDBG represents approximately 17% of this activity's funding for the requested program.

7) **Public Facility, MLK St Sidewalks Installation (CDBG-R), $225,205** - This activity addresses Priority 1, Strategy 4 of the Non-Housing Community Development Plan of the City of Bryan 2005-2009 Consolidated Plan. CDBG-R funding will be used for hard infrastructure to facilitate the installation of sidewalks within existing Right-of-Way along both sides of MLK Street from the 1600 Block of West MLK Street at Kemp Elementary School, approximately 2.7 miles (35 city blocks) east to the 2200 Block of East MLK Street at the southbound access road of Earl Rudder Freeway, State Highway 6. This activity is in a predominantly low to moderate-income area (56%) consisting of the following census tracts and block groups: census tract and block groups: census tract 5, block groups 1, 2, 4,5 and 7; census tract 4.00 block groups 1 and 4. The purpose of this activity is to provide much-needed safe routes to three schools, Carver Early Childhood Center (Pre-K), Kemp Elementary (K-5), and Neal Elementary (K-5) as well as safe pedestrian access to local homes and businesses for citizens, especially the physically challenged. CDBG-R funding in the amount of $250,205 (including $25,000 for program administration) will be utilized to leverage an estimated $974,000 in local Capital Improvement Projects funding. CDBG-R funding represents approximately 20% of the funding for this activity.**

HOME

Bryan's 2008 HOME allocation is $427,066.00. It is anticipated that $45,000.00 in program income will also be available during the 2008 program year. All funds are used for eligible housing programs and meet all required federal regulations. Projects for the 2008 year include:

HOME Projects: Relation to 2005-09 Consolidated Plan and funds leveraged:

Proposed HOME Projects **Total HOME Allocation - $427,066.00**

1. **Home Owner Assistance, $160,299.50** - This project addresses Priority 2 and Priority 3 of the Affordable Housing Plan of Bryan's 2005-09 Consolidated Plan with 5 families targeted citywide. The City anticipates $45,000 in program income for the HOME program. General outcomes from housing activities will include affordability and sustainability.
2. **Down Payment Assistance, $160,000.00** - This project addresses Priority 4 of the Affordable Assistance Housing Plan of Bryan's 2005-09 Consolidated Plan with 15 families targeted citywide. General outcomes from housing activities will include affordability and sustainability.
3. **Community Housing Development Organizations (CHDO), $64,059.90** - This project potentially addresses items 1-5 of the Affordable Housing Plan of Bryan's Consolidated Plan with one CHDO targeted. . General outcomes from housing activities will include affordability and sustainability.
4. **Administration, $ 42,706.60** – No priority assigned.
   Potential funding matches:

- **Down Payment Assistance** - Down payment, closing cost and /or principal buy-down assistance using municipal funds in an effort to assist low-income homebuyers.
- **Property Donations** - Donation of City-owned property to facilitate affordable housing projects. Value not yet established.
- **Non-profit Resources** - Volunteer help (sweat equity), and other documented non-profit contributions will be leveraged to accommodate affordable housing options. Value not yet established.
- **General Fund Match** - for administrative costs for Housing and Real Estate Services Administrator position.

The City's match requirement has been waived. Estimated HOME leveraging is anticipated to be $2.1 million.

* = Edited
** = Added

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name

City of Bryan

Priority Need

Planning and Administration

Project Title

CDBG-R Program Administration

Description

This activity provides staff and related costs to carry out CDBG-R program activities. These activities includes project planning, monitoring of project progress, labor standards, compliance activities, fiscal management, preparation of environmental assessments, and any other program administration necessary to achieve the successful installation of the MLK Sidewalk Installation Public Facility. Total CDBG-R funds administered by Department during 2008-09 are estimated to be $250,205.00.

Objective category: ☐ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity

Outcome category: ☐ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area
Community Wide

Objective Number 00-2	Project ID 001
HUD Matrix Code 21A	CDBG Citation 570.206
Type of Recipient Local Government	CDBG National Objective N/A
Start Date (mm/dd/yyyy) 06/05/2009	Completion Date (mm/dd/yyyy) 09/30/2010
Performance Indicator N/A	Annual Units N/A
Local ID ME 4000	Units Upon Completion N/A

Funding Sources:	
CDBG	
CDBG-R	25,000.00
ESG	
HOME	
HOPWA	
Total Formula	25,000.00
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	25,000.00

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name

City of Bryan

Priority Need

Public Facilities

Project Title

MLK Sidewalks Installation

Description

This activity addresses Priority 1, Strategy 4 of the Non-Housing Community Development Plan of the City of Bryan 2005-2009 Consolidated Plan. CDBG-R funding will be used for the installation of sidewalks along both sides of MLK Street from the 1600 Block of West MLK Street to the 2200 Block of East MLK Street. This activity is in a predominantly low to moderate-income area (56%) consisting of the following census tracts and block groups: census tract and block groups: census tract 5, block groups 1, 2, 4,5 and 7; census tract 4.00 block groups 1 and 4. The purpose of this activity is to provide much-needed safe routes to three schools, Carver Early Childhood Center (Pre-K), Kemp Elementary (K-5), and Neal Elementary (K-5) as well as safe pedestrian access to local homes and businesses for citizens, especially the physically challenged. CDBG-R funding represents approximately 20% of the funding for this activity.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area
Community Wide

Objective Number PFO-1	Project ID 007
HUD Matrix Code 03L	CDBG Citation 570.201(c)
Type of Recipient Local Government	CDBG National Objective 570.208(a)(2)
Start Date (mm/dd/yyyy) 10/01/2009	Completion Date (mm/dd/yyyy) 07/31/2010
Performance Indicator People	Annual Units 5,491
Local ID	Units Upon Completion N/A

Funding Sources:	
CDBG	
CDBG-R	225,205
ESG	
HOME	
HOPWA	
Total Formula	225,205
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	974,000.00
Total	1,199,205

CDBG-R Substantial Amendment Grantee Checklist

For the purposes of expediting review, HUD asks that applicants submit the following checklist along with the CDBG-R Substantial Amendment, Spreadsheet for Reporting Proposed CDBG-R Activities, and SF-424.

Contents of a CDBG-R Action Plan Substantial Amendment

Jurisdiction(s): City of Bryan, Texas Jurisdiction Web Address: http://www.bryantx.gov/departments/?name=community	CDBG-R Contact Person: Alsie Bond Address: 405 W 28th St. Bryan, TX 77803 Telephone: 979-209-5175 Fax: 979-209-5184 Email: abond@bryantx.gov

The elements in the substantial amendment required for the CDBG recovery funds are:

A. Spreadsheet for Reporting Proposed CDBG-R Activities

Does the submission contain a paper copy of the Spreadsheet for Reporting Proposed CDBG-R Activities?

Yes☒ No☐ Verification found on page 7

Does the submission include an electronic version of the Spreadsheet for Reporting Proposed CDBG-R Activities sent to the email box CDBG-R@hud.gov?

Yes☒ No☐ Date Spreadsheet was emailed: **05/27/2009**

Does the Spreadsheet for Reporting Proposed CDBG-R Activities include, for each activity:

- amount of funds budgeted for each activity, including CDBG-R funds, any additional Recovery Funds used and total activity budget,
  Yes☒ No☐ Verification found on page(s) 7
- the Eligibility citation (eligibility regulatory cite or HCDA cite),
  Yes☒ No☐ Verification found on page(s) 7
- the CDBG national objective citation,
  Yes☒ No☐ Verification found on page(s) 7

B. CDBG-R INFORMATION BY ACTIVITY

Does the submission contain information by activity describing how the grantee will use the funds, including:

- a narrative for each activity describing how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit,
  Yes☒ No☐ Verification found on page(s) **2-3, 4-5**

- projected number of jobs created for each activity,
  Yes☒ No☐ Verification found on page(s) **4, 5**

- whether an activity will promote energy efficiency and conservation,
  Yes☒ No☐ Verification found on page(s) **3, 5**

- the name, location, and contact information for the entity that will carry out the activity,
  Yes☒ No☐ Verification found on page(s) **4, 5**

- evidence that no more than 10% of the grant amount will be spent on administration and planning,
  Yes☒ No☐ Verification found on page (s) **4, 7**

- evidence that no more than 15% of the grant amount will be spent on public services,
  Yes☒ No☐ Verification found on page (s) **7**

- evidence that at least 70% of the grant amount will benefit persons of low and moderate income,
  Yes☒ No☐ Verification found on page (s) **6**

C. PUBLIC COMMENT PERIOD

Was the proposed action plan amendment published via the jurisdiction's usual methods and on the Internet for no less than 7 calendar days of public comment?

Yes☒ No☐. Verification found on page(s) **6**

Is there a summary of citizen comments included in the final amendment?

Yes☒ No☐ Verification found on page(s) **6**

D. CERTIFICATIONS

The following certifications are complete and accurate:

(1)	Affirmatively furthering fair housing	Yes☒	No☐
(2)	Anti-displacement and relocation plan	Yes☒	No☐
(3)	Drug-free Workplace	Yes☒	No☐
(4)	Anti-lobbying	Yes☒	No☐
(5)	Authority of jurisdiction	Yes☒	No☐
(6)	Consistency with plan	Yes☒	No☐
(7)	Section 3	Yes☒	No☐

(8) Community development plan	Yes☒	No☐
(9) Following a plan	Yes☒	No☐
(10) Use of Funds	Yes☒	No☐
(11) Excessive Force	Yes☒	No☐
(12) Compliance with anti-discrimination laws	Yes☒	No☐
(13) Lead-based paint procedures	Yes☒	No☐
(14) Compliance with laws	Yes☒	No☐
(15) Compliance with ARRA	Yes☒	No☐
(16) Project selection	Yes☒	No☐
(17) Timeliness of infrastructure investments	Yes☒	No☐
(18) Buy American provision	Yes☒	No☐
(19) Appropriate use of funds for infrastructure investments	Yes☒	No☐
(20) 70% of CDBG-R for LMI	Yes☒	No☐

Optional Certification **(N/A)**

(21) Urgent Need	Yes☐	No☒

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424

Version 02

*1. Type of Submission:

- ☐ Preapplication
- ☒ Application
- ☐ Changed/Corrected Application

*2. Type of Application

- ☒ New
- ☐ Continuation
- ☐ Revision

* If Revision, select appropriate letter(s)

*Other (Specify)

3. Date Received:

4. Applicant Identifier:

5a. Federal Entity Identifier:

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: City of Bryan, Texas

*b. Employer/Taxpayer Identification Number (EIN/TIN): 74-6000441

*c. Organizational DUNS: 138253294

d. Address:

*Street 1: 405 W 28th St

Street 2: PO Box 1000

*City: Bryan

County: Brazos

*State: TX

Province:

*Country: USA

*Zip / Postal Code 77805

e. Organizational Unit:

Department Name: Community Development Services

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Mrs.

*First Name: Alsie

Middle Name:

*Last Name: Bond

Suffix:

Title: Manager of Community Development Services

Organizational Affiliation:

*Telephone Number: 979-209-5181

Fax Number: 979-209-5184

*Email: abond@bryantx.gov

Application for Federal Assistance SF-424 Version 02

***9. Type of Applicant 1: Select Applicant Type:**

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

US Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.253

CFDA Title:

Community Development Block Grant (CDBG) Entitlement / Recovery Act Funded (CDBG-R)

***12 Funding Opportunity Number:**

N/A

*Title:

N/A

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

City of Bryan, Brazos County, Texas; Census tract and block groups: Census tract 5, block groups 1, 2, 4,5 and 7; Census tract 4.00 block groups 1 and 4

***15. Descriptive Title of Applicant's Project:**

MLK ST Sidewalks Installation

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

16. Congressional Districts Of:

*a. Applicant: 17th *b. Program/Project: 17th

17. Proposed Project:

*a. Start Date: 10/16/2009 *b. End Date: 07/31/2010

18. Estimated Funding ($):

*a. Federal	$250,205
*b. Applicant	$974,000
*c. State	
*d. Local	
*e. Other	
*f. Program Income	
*g. TOTAL	$1,224,205

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on _____

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

☐ Yes ☒ No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: Mr. *First Name: David

Middle Name: F.

*Last Name: Watkins

Suffix:

*Title: City Manager

*Telephone Number: 979-209-5100 Fax Number: 979-209-5106

* Email: dwatkins@bryantx.gov

*Signature of Authorized Representative: [signature] *Date Signed: 6/02/09

Application for Federal Assistance SF-424 Version 02

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

CITY OF BRYAN **COMMUNITY DEVELOPMENT**

RECORD OF CONCURRENCE AND APPROVAL

SUBJECT	SUSPENSE DATE	
Substantial Amendment 2008 Action Plan	05/30/2009	

EXPLANATION

The U.S. Department of Housing and Urban Development (HUD) requires participating jurisdictions (PJs) that receive CDBG-R funds to prepare a substantial amendment to the 2008 Action Plan. This amendment utilizes $250,205 of CDBG-R funds to leverage $974,000 in series 2009 Certificates of Obligation to install new sidewalks and handicap ramps along both sides of MLK for approximately 2.7 miles, from Kemp school at Muckleroy to the East Bypass. This activity will improve pedestrian access to 16 active businesses, several underutilized commercial properties, 8 churches, Sadie Thomas Park, and the African American Museum. This substantial amendment was reviewed and approved by the legal department as part of the submission process for consideration of approval by the City Council. This item was approved by the City Council at the May 26, 2009 city council meeting.

ORIGINATOR	DATE ORIGINATED	PERSON TO CONTACT FOR DETAILS	TELEPHONE NUMBER
Art Roach	05/27/2009	Art Roach Alsie Bond	209-5173 209-5181

ROUTING SEQUENCE	APPROVING AUTHORITY	SIGNATURE	DATE	COMMENTS
1.	Alsie Bond, CD Manager	Alsie Bond	5/27/09	
2.	Janis Hampton, City Attorney	Jan H	6/1/09	
3.	Joey Dunn, Deputy City Manager	Joey Dunn		
4.	David F. Watkins, City Manager	[illegible]	6/02/09	

ACTION FORM
BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING:	5/26/2009	**DATE SUBMITTED:**	5/13/2009
DEPARTMENT OF ORIGIN:	Community Development Services	**SUBMITTED BY:**	Alsie Bond

MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
☐ BCD	☐ PUBLIC HEARING	☐ 1ST READING	☐ DIVERSITY
☐ SPECIAL	☐ CONSENT	☐ 2ND READING	☐ EDUCATION
☒ REGULAR	☒ STATUTORY		☐ GROWTH
☐ WORKSHOP	☐ REGULAR		☐ IMAGE
			☒ INFRASTRUCTURE
			☐ PUBLIC SAFETY

AGENDA ITEM DESCRIPTION: Approval of the substantial amendment to the City's 2008 Consolidated Action Plan, as required by the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant Recovery Program (CDBG-R) of $250,205.00.

SUMMARY STATEMENT: The Community Development (CD) Services Department has identified an infrastructure project that meets the eligibility criteria of the CDBG-R guidelines and is required to submit an amendment to the 2008 action plan for the project and activity.

The City's MLK Sidewalk project, identified in the City's Capital Improvement Program (CIP), will provide for infrastructure to install sidewalks along both sides of the street from the 1600 block of West MLK Street at Kemp Elementary School, approximately 2.7 miles (35 city blocks) east to the 2200 block of East MLK Street, at the southbound access road of Earl Rudder Freeway, State Highway 6. This area meets the HUD qualification of being defined as 51% or more low and moderate income service area. The project will meet the City Council's strategy initiative of infrastructure, growth, image and diversity and HUD's CDBG-R guidelines by:

1. providing a public facility infrastructure project that can be awarded within 120 days;
2. providing an opportunity to create an environment that will be conducive to future housing developments (either single rehabilitation/reconstruction or partnering with local developers for housing developments);
3. providing a safe route for school children; and,
4. providing safe pedestrian access to neighborhood homes and businesses in the service area.

The CDBG-R funding will be utilized to leverage an estimated $974,000 of the City's Capital Improvement Project funding. The CDBG-R guidelines allow for 10% to be used for regular eligible administrative cost to the Community Development Department and 25% to be utilized for program delivery cost to the project (salary and benefits of Community Development staff for pre-construction and oversight of the project). Staff is recommending that $25,000.00 be utilized as recommended by HUD for direct administrative costs and $5,205.00 be utilized for program delivery cost (2% of the total construction funded with CDBG-R).

The American Recovery and Reinvestment Act were signed into law by President Obama on February 17, 2009. The Recovery Act includes $1 billion for CDBG-R projects administered by HUD and awarded to cities who are currently receiving CDBG funds through a formula process (27% of the City's current CDBG grant). The guidelines to apply for the additional funding were announced on May 8, 2009. This 42-page Notice outlines statutory and regulatory waivers granted to entitlement cities, as well as statutory and regulatory provisions governing the CDBG-R program that are not waived. Specific to the Notice is the requirement of a substantial amendment to the City's

current action plan.

The Consolidated Action Plan serves as the City's official annual application for Community Development Block Grant funds and Home Investment Partnership Grant funds. The Consolidated Action Plan describes how the City intends to use the funds to address local needs through eligible activities as identified in the required 2005-09 5-Year Consolidated Plan. The substantial amendment to the 2008 Action Plan guidelines require:

1) identifying how the city will make the public aware of the substantial amendment, including persons with disabilities and non-English speaking persons, through a shortened seven (7) day comment period;
2) providing a summary of how the substantial amendment will assist the community in economic recovery and meet the requirements to address 24 CFR 91.320 (c), which identifies priority needs and objectives and outcome measures;
3) providing total activity budget from all funding sources;
4) completing a HUD formatted electronic spreadsheet and a paper copy of said spreadsheet; provide a signed standard federal form SF-424 and signed certifications as specified in section II.H of the Notice.
5) providing capacity information on the monitoring requirements of the grant including completion of environmentals, timely and accurate reporting in HUD's Information Disbursement Integrated System, quarterly reporting and public notification of use of funds.

A draft copy of the 2008 Consolidated Action Plan Substantial Amendment is attached to this council action form. In addition, the draft amendment has been made available in the City Secretary's Office 300 S. Texas Avenue Bryan Texas, the Community Development Services Department, 405 w. 28th Street, Bryan Texas, the Bryan Library located at 201 E. 26th Street and on the City's official website:

(http://bryantx.gov/departments?name=community)

The 7-day public comment period for this amendment began with a Community Development Advisory Committee public meeting on May 14, 2009, and ran through May 22, 2009.

STAFF ANALYSIS:

A. PROS: The approval of the 2008 substantial amendment will allow the Community Development Services Department to meet the CDBG-R requirements and guidelines and by collaborating with other departments, provide a project that has leveraged federal dollars.

B. CONS: The substantial amendment approval will require additional staff time to adhere to all requirements and monitoring reports.

STAFF'S RECOMMENDATION (Including Rationale and Justification): Staff recommends approving the substantial amendment to the 2008 Consolidated Action Plan for the CDBG-R funds, which will allow staff to leverage federal funds with local funds to increase visibility in the City's low and moderate income neighborhoods. The project meets the recommendations by HUD to incorporate an infrastructure and/or housing project that will meet the guidelines of the HUD Notice by providing opportunities to sustain or create jobs in our area, provide an avenue for the Community Development Services Department to provide additional assistance in the area through their housing programs, is environmentally efficient, provides opportunities for expansions of businesses, accessibility to homes, and creates safe passage ways for children, families, and the physically handicapped.

OPTIONS (In Suggested Order of Staff Preference):

1. Approve the substantial amendment to the 2008 Consolidated Action Plan, which will allow the Community Services Department to provide for infrastructure in low and moderate income areas, as identified in their 2005-2009 5 Year Consolidated Plan;
2. Approve the substantial amendment to the 2008 Action Plan with revisions and providing for the necessary requirements and guidelines. CDBG-R projects must be under award within 120 days after approval by HUD, follow all environmental requirements of the CDBG program, follow additional requirements as outlined in the HUD Notice and provide for the seven (7) day comment period, be approved by City Council and submitted to HUD by June 5, 2009;
3. Do not approve the substantial amendment to the 2008 Consolidated Action Plan. If the HUD Notice

guidelines are not met and the substantial amendment submitted by June 5, 2009, the City will lose the opportunity to provide additional neighborhood improvements through the MKL Sidewalk project and the funds will return to HUD.
ATTACHMENTS: Draft Substantial Amendment to the 2008 Consolidated Action Plan (separate PDF file).
FUNDING SOURCE: $250,205.00 ($25,000.00 for eligible administrative activity and $225,205.00 for the MLK Sidewalk project including construction and program delivery) Community Development Block Grant American Recovery and Reinvestment Act of 2008; $974,000 – Fund 367, Certificates of Obligation (combination tax and revenue Certificates of Obligations, Series 2009, as approved by City Council July 8, 2008).
APPROVALS: Joey Dunn, 5-15-09
APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis Hampton 5-17-09
APPROVED FOR SUBMITTAL: CITY MANAGER Hugh R. Walker for David F. Watkins, 05/17/2009

Revised 11/08

Mayor Mark Conlee
Mayor Pro Tem Jason Bienski

Councilmembers
Ann Horton
Art Hughes
Paul Madison
Al Saenz
Mike Southerland

AGENDA

BRYAN CITY COUNCIL
REGULAR MEETING
TUESDAY, MAY 26, 2009 – 3:30 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS

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1. **CALL TO ORDER (Room 305)**

2. **EXECUTIVE SESSION** - The City Council has determined a necessity to go into a closed to the public session under the provisions of Section 551, Texas Government Code, and the following topics may be discussed:

   - under the authority of Section 551.071, consultation with attorney - seek legal advice concerning the Brazos Valley Solid Waste Management Agency gas-to-energy project contracts and the Bryan Texas Utilities common pole use agreement and franchise agreement, seek legal advice concerning the Brazos Valley Solid Waste Management Agency agreement, seek legal advice regarding Cause Number 08-001626CV272, *City of Bryan v. City of College Station,* in the 272nd District Court, Brazos County, Texas, seek legal advice concerning Grimes County condemnation proceedings for Twin Oaks Landfill, seek legal advice regarding acquisition of real property for Twin Oaks Landfill and related contracts relative to Twin Oaks Landfill, seek advice of legal counsel regarding *Texas Municipal Power Agency, et al v. The Public Utility Commission of Texas, et al,* Cause No. 04-0751, and related litigation pending in the Third Court of Appeals, the Travis County District Courts, the Grimes County District Court, and the Public Utility Commission of Texas, including litigation relating to Docket 35011 and the Ex Parte Texas Municipal Power Agency–TMPA II Cause No. D-1-GN-08-003693 pending in Travis County and related litigation in Brazos County, seek legal advice regarding justice center construction contract, seek legal advice regarding solicitation ordinance, seek legal advice regarding Skiles contested case before the Brazos Valley Groundwater District, Bryan, Texas, seek legal advice regarding *Thomas Chavers vs. City of Bryan, et al,* Case No. 08-CV-3286 in the United States District Court in the Southern District of Texas, seek legal advice regarding *City of Bryan, Texas vs. Black Cliffs Investments, LLC,* Cause No. 499-CC in the County Court at Law No. 1, of Brazos County, Texas, seek legal advice regarding the Traditions partnership and development agreements and reclaimed water agreement, receive legal advice regarding employment status of Police Chief, receive legal advice regarding acquisition of property north of Bryan for economic development purposes and associated partnership proposal, receive legal advice regarding the Brazos Valley Wide Area Communications System interlocal agreement and contracts for the acquisition and installation of Brazos Valley Wide Area Communications System equipment, seek legal advice regarding annexation and annexation development agreement, seek legal advice regarding *Alexander Constancio, Jr., v. Sanderson Farms, Inc., et al;* Cause No. 08-001717-CV-272; in the 272nd District Court of Brazos County, Texas, seek legal advice regarding code

right-of-way for an alley in Block 25, extending generally east-to-west and bisecting most of Block 25, except for the eastern 100 feet of said alley right-of-way in the Bryan Original Townsite in Bryan, Brazos County, Texas; authorizing the conveyance thereof to the abutting property owners; and providing for the terms and conditions of abandonment and conveyance.

i. Second and Final Reading of an Ordinance – Street Closing (SC 09-03)

Second and final reading of an ordinance of the City of Bryan, Texas, providing for the abandonment and closing of a 100-foot wide and approximately 250-foot long segment of public right-of-way for South Washington Avenue extending generally north-to-south between East 26th and 27th Streets and between Blocks 25 and 7 in the Bryan Original Townsite in Bryan, Brazos County, Texas; authorizing the conveyance thereof to the abutting property owners; and providing for the terms and conditions of abandonment and conveyance.

j. Second and Final Reading of an Ordinance – Street Closing (SC 09-04)

Second and final reading of an ordinance of the City of Bryan, Texas, providing for the abandonment and closing of a 5-foot wide and approximately 400-foot long segment of public right-of-way for East 27th Street extending generally east-to-west between North Texas and Regent Avenues and between Block 25, 7 and 24 in the Bryan Original Townsite in Bryan, Brazos County, Texas; authorizing the conveyance thereof to the abutting property owners; and providing for the terms and conditions of abandonment and conveyance.

9. STATUTORY AGENDA

This agenda consists of items previously approved by Council action, such as adoption of items that are part of an approved budget or capital improvement projects, first readings of ordinances, or action which is required by law or delegated to the City Manager. Items may be removed from the statutory agenda at the request of two Councilmembers.

a. Consideration – Amendment to the 2008 Consolidated Action Plan

Consider approving the substantial amendment to the City's 2008 Consolidated Action Plan, as required by the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant Recovery Program (CDBG-R) of $250,205 to be used for an infrastructure project that meets the eligibility criteria of the CDBG-R guidelines. Source of Funds: $250,205 ($25,000 for eligible administrative activity and $225,205 for the MLK Sidewalk project including construction and program delivery) Community Development Block Grant American Recovery and Reinvestment Act of 2008; $974,000 – Certificates of Obligation (combination tax and revenue Certificates of Obligation, Series 2009 as approved by City Council July 8, 2008). (CDBGR Draft Substantial Amendment)

b. First Reading of an Ordinance – Aggressive Solicitation Ordinance

First reading of an ordinance of the City of Bryan, Texas, amending Chapter 82, "Offenses and Miscellaneous Provisions" of the Bryan City Code of Ordinances by adding Section 82-11 "Aggressive Solicitation Prohibited"; declaring a penalty; and providing for publication.

AGENDA
COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

PUBLIC MEETING
Thursday, May 14, 2009
6:00 P.M.
City of Bryan City Council Chambers
300 S. Texas Avenue
Bryan, Texas 77802

I. Call to order Public Meeting

II. Recognition of Affidavits filed in response to State law on Disclosure of Local Citizens Conflict of Interest

III. Approval of the Minutes from March 26, 2009 Public Hearings and Public Meeting

IV. Recognition of Affidavits filed in response to State law on Disclosure of Local Citizens Conflict of Interest

V. Recognition of Visitors/Citizens to be heard

VI. Presentation, Discussion and Possible Action on 2009-2010 Staff Recommendations for Allocations of CDBG and HOME funds

VII. Presentation, Discussion and Possible Action on Community Development Services Department's Programs including Minor Repair, Major Rehabilitation/Reconstruction, Housing Developments, and Homebuyer's Assistance, Code Enforcement, LaSalle Economic Development, Public Services and Public Facilities/Infrastructure

VIII. Presentation, Discussion and Possible Action on Neighborhood Stabilization Program

IX. Presentation, Discussion and Possible Action on the Community Development Block Grant-Recovery Funds to begin 7 Day Comment Period

X. Adjournment

FOR INFORMATION ON TDD SIGNLANGUAGE INTERPRETATION, OR OTHER TRANSLATION OF ACCESSIBILITY INFORMATION, PLEASE CONTACT APRIL SAGINOR AT 979-209-5120. PLEASE TRY TO CONTACT THE ABOVE PERSON AT LEAST 48 HOURS BEFORE THE SCHEDULED TIME OF THE MEETING SO THAT YOUR REQUEST MAY BECOMPLETELY FULFILLED.