
CITY OF PORT LAVACA

COUNCIL MEETING: AUGUST 12, 2024

AGENDA ITEM:

DATE: 8.06.2024

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: CDBG-MIT Resilient Communities Program Grant Application

Background:

The Texas General Land Office (GLO) is offering a significant opportunity through its Resilient Communities Program (RCP). We are requesting Council authorization to submit a grant application for \$300,000 to develop a new comprehensive plan (integrating the one completed in 2016) as follows: The grant writing services will be provided by Langford Community Management Services, Inc. through the Clean Coast Texas Program.

Key details of the program include:

- \$100 Million in Community Development funds available (no deadline to apply, however, only available until funds are depleted)
- Up to \$300,000 per city application
- No match required from applicants

As discussed at a recent Workshop regarding a proposed drainage water quality ordinance, we are proposing to work with the Clean Coast Texas Program and apply for the full \$300,000 to develop a comprehensive, forward-looking resilience plan.

This new plan would:

1. **Integrate our existing 2016 Comprehensive Plan** and the hazard mitigation plan we recently worked with the County to develop, as well as the Downtown Waterfront Master Plan.
2. Identify local risks and impacts of changing climate conditions
3. Forecast future growth and land use

Using advanced tools, existing community data, and active public participation, the plan will outline strategies to mitigate identified risks and enhance overall resilience.

The plan must include these five key components:

1. **Population Study: (20-year projections)** Addressing current and projected future issues with a resilience focus
2. **Housing Study:** (10-year projections) Refreshing existing reports and forecasting future housing demand
3. **Land Use Study/Plan:** Analyzing current use and future projections to prepare for community needs and risks
4. **Infrastructure Study** / Capital Improvement Plan: Analyzing community assets and recommending projects to increase resilience
5. **Zoning Ordinance Review: Recommending revisions or new ordinances to address identified needs and risks**

Each component will benefit from GIS mapping to illustrate current conditions, project future scenarios, and identify areas of opportunity or concern.

Attached is a Resolution authorizing the submission of a CDBG-Mitigation-Resilient Communities Program Project Application to GLO and authorizing the Mayor as the Chief Executive Officer and Authorized Representative to act in all matters in connection with the application and participation in the program.

Recommendation:

Approve the Resolution and authorize Mayor to sign all forms required for the submission of the application.

Application for Federal Assistance SF-424

* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): _____ * Other (Specify): _____
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* 3. Date Received: _____	4. Applicant Identifier: _____
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5a. Federal Entity Identifier: _____	5b. Federal Award Identifier: _____
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State Use Only:

6. Date Received by State: _____	7. State Application Identifier: _____
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8. APPLICANT INFORMATION:

* a. Legal Name:

* b. Employer/Taxpayer Identification Number (EIN/TIN): _____	* c. UEI: <input type="text" value="CH61XFADMHV7"/>
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d. Address:

* Street1:
Street2: _____
* City:
County/Parish: _____
* State:
Province: _____
* Country:
* Zip / Postal Code:

e. Organizational Unit:

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

Prefix: _____ * First Name:
Middle Name: _____
* Last Name:
Suffix: _____

Title:

Organizational Affiliation:

* Telephone Number: Fax Number: _____

* Email:

Application for Federal Assistance SF-424

*** 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:

CFDA Title:

*** 12. Funding Opportunity Number:**

84 FR 45838

* Title:

Community Development Block Grant Disaster Recovery-Mitigation (CDBG-MIT), Resilient Communities Program

13. Competition Identification Number:

Title:

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

Add Attachment

Delete Attachment

View Attachment

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

Comprehensive Plan

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text" value="300,000.00"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text" value="300,000.00"/>

*** 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 in attachment.)**

- Yes No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

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: * First Name:
Middle Name:
* Last Name:
Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative:

* Date Signed:



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

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

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

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

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

A. The Applicant/Subrecipient certifies that it has in effect and if following a residential anti-displacement and relocation assistance plan in connection with any activity assisted with CDBG-MIT funds.

B. The Applicant/Subrecipient certifies its compliance with restrictions on lobbying as required by 24 C.F.R. part 87, together with disclosure forms, if required by part 87.

C. Any entity or entities designated by the subrecipient, and any contractor, subrecipient, or designated public agency carrying out an activity with CDBG-MIT funds, possess(es) the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations and the federal register notice. The subrecipient certifies that activities to be undertaken with CDBG-MIT funds are consistent with the Action Plan.

D. The Applicant/Subrecipient certifies that it will comply with the acquisition and relocation requirements of the Uniform Relocation Act ("URA"), as amended, and implementing regulations at 49 CFR part 24, except where waivers or alternative requirements are provided for CDBG-MIT funds.

E. The Applicant/Subrecipient certifies that it will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. §1701u) and implementing regulations at 24 C.F.R. part 135.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Printed Name of Authorized Signatory

Date

Signature of Authorized Signatory



CITY OF
PORT LAVACA



202 N. Virginia, Port Lavaca, Texas 77979 www.portlavaca.org
Main Number: (361)-552-9793 Ext. 222 Main Facsimile: (361)-552-6062

August 12, 2024

To Whom It May Concern at the
Resilient Communities Program of the
Texas General Land Office:

According to the State of Texas, the City of Port Lavaca's "General Powers of Municipalities," grants municipalities the authority to "adopt, publish, amend, or repeal an ordinance, rule or police regulation that:

1. Is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and
2. Is necessary or proper to carry out a power granted by law to the municipality or to an office or department of the municipality."

Chapter 211 of the Texas Local government code, "Municipal Zoning Authority" grants authority to municipalities such that

(a) The governing body of a municipality may regulate:

1. the height, number of stories, and size of buildings and other structures;
2. the percentage of a lot that may be occupied;
3. the size of yards, courts, and other open spaces;
4. population density;
5. the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes. And
6. the pumping, extraction, and use of groundwater by persons other than retail public utilities, as defined by Section 13.002, Water Code, for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to human health.

(b) In the case of designated places and areas of historical, cultural, or architectural importance and significance, the governing body of a municipality may regulate the construction, reconstruction, alteration, or razing of buildings and other structures.

(c) The governing body of a home-rule municipality may also regulate the bulk of buildings.

Thank you,

Jack Whitlow
Mayor of Port Lavaca



U.S. Department of Housing and Urban
Development
451 Seventh Street, SW
Washington, DC 20410
www.hud.gov
espanol.hud.gov

**Environmental Review
for Activity/Project that is Exempt or
Categorically Excluded Not Subject to Section 58.5
Pursuant to 24 CFR Part 58.34(a) and 58.35(b)**

Project Information

Project Name: City of Port Lavaca, TX Comprehensive Plan

Responsible Entity: City of Port Lavaca, 202 North Virginia, Port Lavaca, TX 77979

Grant Recipient (if different than Responsible Entity):

State/Local Identifier: UEI# CH61XFADMHV7 FIPS# 48-057

Preparer: Langford Community Management Services, Inc. (LCMS)
9017 W. Hwy. 29, Suite 206
Liberty Hill, TX 78642
(512)452-0432
Jerri@lcmsinc.com

Certifying Officer Name and Title: Jack Whitlow, Mayor

Grant Recipient (if different than Responsible Entity):

Consultant (if applicable): Langford Community Management Services, Inc. (LCMS)
9017 W. Hwy. 29, Suite 206
Liberty Hill, TX 78642
(512)452-0432
Jerri@lcmsinc.com

Project Location: City of Port Lavaca (City-Wide)

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:
The creation of a Comprehensive Plan for the City of Port Lavaca, TX

Level of Environmental Review Determination:

- Activity/Project is Exempt per 24 CFR §58.34(a): (3) and (8), Administrative and management activities, environmental and Engineering or design costs.

Project Name

Project Locality and State

HEROS Number

Activity/Project is Categorically Excluded Not Subject To §58.35 per 24 CFR 58.35 (b):

Funding Information

Grant Number	HUD Program	Funding Amount
B-18-PP-48-0002	CDGB – MIT	\$300,000.00

Estimated Total HUD Funded Amount: \$300,000.00

This project anticipates the use of funds or assistance from another Federal agency in addition to HUD in the form of (if applicable): N/A

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$300,000.00

Compliance with 24 CFR §50.4 and §58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4 and 58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.6		
Airport Runway Clear Zones and Accident Potential Zones 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Calhoun Co. Airport is located 3 miles NW of Port Lavaca. This is an application for a Comprehensive Plan. There are no military airfields within a 30- mile radius. There will be no adverse effects from airport hazards. Attachment 1: Airnav List
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The City of Port Lavaca, TX is approximately 20.4 miles from the closest CBR unit. There will be no adverse effect on the coastal barrier unit. Attachment 2: CBRS Mapper

Project Name

Project Locality and State

HEROS Number

Improvement Act of 1990 [16 USC 3501]		
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The City of Port Lacaca participates in the FEMA National Flood Program. The city currently is located within the Zone AE/X and is an area 0.2% flood hazard risk. Attachment 3: FEMA Flood Insurance Program list & NFHL Map.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
None	None

Preparer Signature: Jerri Conrado Date: _____

Name/Title/Organization: Jerri Conrado, Community Engagement Manager,
Langford Community Management Services


Responsible Entity Agency Official Signature:

_____ Date: _____

Name/Title: Jack Whitlow, Mayor

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

Attachment 1

GOING TO PORT LAVACA?	
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FAA INFORMATION EFFECTIVE 11 JULY 2024

Location

FAA Identifier: PKV
 Lat Long: 28-39-11.9000N 096-40-57.8000W
 28-39.198333N 096-40.963333W
 28.6533056,-96.6827222
 (estimated)
 Elevation: 32 ft. / 9.8 m (surveyed)
 Variation: 05E (2000)
 From city: 3 miles NW of PORT LAVACA, TX
 Time zone: UTC -5 (UTC -6 during Standard Time)
 Zip code: 77979

Airport Operations

Airport use: Open to the public
 Control tower: no
 ARTCC: HOUSTON CENTER
 FSS: MONTGOMERY COUNTY FLIGHT SERVICE STATION
 NOTAMs facility: PKV (NOTAM-D service available)
 Attendance: 0800-1700
 Wind indicator: lighted
 Segmented circle: yes
 Lights: ACTVT MRL RWY 14-32 - CTAF.
 Beacon: white-green (lighted land airport)
 Obstruction light: no

Attachment 2



Attachment 3

