



**Harris County, Texas**

1001 Preston St., 1st Floor  
Houston, Texas 77002

**Commissioners Court**

Request for Court Action

**File #:** 24-6204

**Agenda Date:** 10/8/2024

**Agenda #:** 398.

**Department:** Flood Control District

**Department Head/Elected Official:** Tina Petersen, Ph.D., P.E., Executive Director

**Regular or Supplemental RCA:** Regular RCA

**Type of Request:** Transmittal

Presented to Commissioners Court

October 8, 2024

**Project ID** (if applicable): N/A

**Vendor/Entity Legal Name** (if applicable): N/A

Accepted

**MWDBE Contracted Goal** (if applicable): N/A

**MWDBE Current Participation** (if applicable): N/A

**Justification for 0% MWDBE Participation Goal:** N/A - Goal not applicable to request

**Request Summary (Agenda Caption):**

Transmittal by the Flood Control District on programmatic and financial updates regarding the CDBG-DR and CDBG-MIT programs.

**Background and Discussion:**

This transmittal provides a programmatic and financial update from the Flood Control District on their CDBG-DR and CDBG-MIT programs. The previous update was transmitted in the April 23, 2024, court session.

**Expected Impact:**

Receipt of this item will allow the opportunity to regularly update commissioners on the project status within their precincts and allow for the opportunity to discuss any concerns and answer questions.

**Alternative Options:**

N/A

**Alignment with Goal(s):**

- Justice and Safety
- Economic Opportunity
- Housing
- Public Health
- Transportation
- Flooding
- Environment
- Governance and Customer Service

**Prior Court Action (if any):**

Date	Agenda Item #	Action Taken
04/23/2024	418.	Transmittal

**Location: N/A**

Address (if applicable):

Precinct(s): Countywide

<b>Fiscal and Personnel Summary</b>				
Service Name	N/A			
	Current Fiscal Year Cost			Annual Fiscal Cost
	Labor	Non-Labor	Total	Recurring Expe
<b>Funding Sources</b>				
<b>Existing Budget</b>				
Choose an item.	\$	\$	\$	\$
Choose an item.	\$	\$	\$	\$
Choose an item.	\$	\$	\$	\$
<b>Total Current Budget</b>	\$	\$	\$	\$
<b>Additional Budget Request</b> <i>(Requires Fiscal Review Request Form)</i>				
Choose an item.	\$	\$	\$	\$
Choose an item.	\$	\$	\$	\$
Choose an item.	\$	\$	\$	\$
<b>Total Additional Budget Request</b>	\$	\$	\$	\$
<b>Total Funding Request</b>	\$	\$	\$	\$
<b>Personnel</b> (Fill out section only if requesting new PCNs)				
Current Position Count for Servic	-	-	-	-
Additional Positions Request	-	-	-	-
<b>Total Personnel</b>	-	-	-	-

**Anticipated Court Date: October 8, 2024**

**Anticipated Implementation Date (if different from Court date):**

**Emergency/Disaster Recovery Note:** Not an emergency, disaster, or COVID-19 related item

**Contact(s) name, title, department:** Yesenia Martinez, Commissioners Court Coordinator, Flood Control District

**Attachments (if applicable):** Report



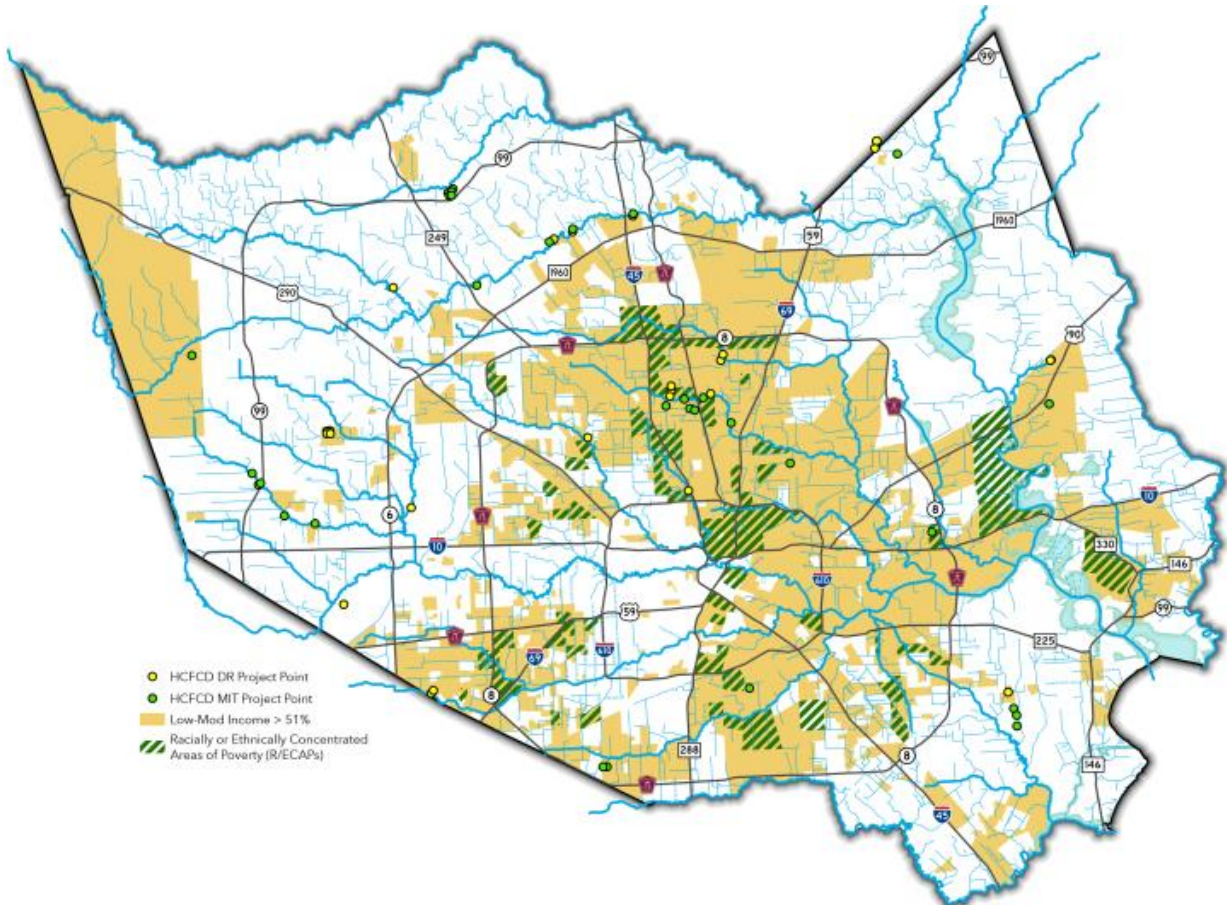
# CDBG Program Financial Planning & Performance Management

## Overview of CDBG-DR & CDBG-MIT Programs

The Harris County Flood Control District has received more than \$863 million through the U.S. Department of Housing & Urban Development (HUD) Community Development Block Grant (CDBG) program. The funds are being administered at the state level by the Texas General Land Office (GLO). Of the total awarded, \$322 million is from the CDBG Disaster Recovery (DR) program, and \$541 million is from the CDBG Mitigation (MIT) program.

CDBG-DR dollars are focused on funding projects with a direct tie to areas impacted by Hurricane Harvey, as part of disaster recovery efforts. CDBG-MIT dollars are focused on funding projects that mitigate future disasters and flooding. The Flood Control District has submitted 13 project applications under the CDBG-DR program and 19 applications are being prepared under the CDBG-MIT program.

For information on the CDBG-DR and CDBG-MIT programs, including program requirements and project one pagers, please visit the Flood Control District's website at [www.hcfd.org/cdbg](http://www.hcfd.org/cdbg).



## Program Criteria

CDBG-DR	CDBG-MIT
<ul style="list-style-type: none"> <li>• <b>Available for Projects:</b> \$322 million</li> <li>• <b>Focus:</b> Projects with a direct tie to areas impacted by Hurricane Harvey</li> <li>• <b>LMI Expenditures:</b> <ul style="list-style-type: none"> <li>○ Program Criteria: 50%</li> <li>○ Program Goal: 70%</li> <li>○ Actual: 69%</li> <li>○ Additional “Urgent Need” projects considered after LMI requirement is met.</li> </ul> </li> <li>• <b>Program Deadline:</b> May 31, 2026</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Available for Projects:</b> \$541.8 million</li> <li>• <b>Focus:</b> Projects that mitigate and build resiliency against flood risks and future disasters</li> <li>• <b>LMI Expenditures:</b> <ul style="list-style-type: none"> <li>○ Program Criteria: 50%</li> <li>○ Program Goal: 70%</li> <li>○ Actual: 67%</li> <li>○ Additional “Urgent Need” projects considered after LMI requirement is met.</li> </ul> </li> <li>• <b>Program Deadline:</b> March 31, 2028</li> </ul>

## Notable Milestones and Metrics

- **November 2023:** CDBG-DR and CDBG-MIT contracts were executed by Commissioner’s Court
- **December 2023:** CDBG-DR Public Comment period ended, and comments resolved.
- **January 2024:** 13 CDBG-DR projects were officially submitted to GLO for approval.
- **June 2024:** Seven CDBG-DR projects were approved and amended into the contract, allowing reimbursement of funds toward professional services (grant administration, environmental, engineering).
- **July 2024:** Authorization to Use Grant Funds (AUGF) was received for Brookglen Stormwater Detention Basin (CDBG-DR program); the Request for Release of Funds (RROF) package was submitted for HUD review to receive AUGF for Arbor Oaks Stormwater Detention Basin.
- **August 2024:** All CDBG-DR applications are expected to finish final GLO review and be amended into the contract; all CDBG-MIT applications are expected to start preliminary review and begin final QA/QC for approval recommendation. Extension request for the CDBG-DR submitted to GLO for review. AUGF was received for Arbor Oaks Stormwater Detention Basin (CDBG-DR program)
- **Expected in Q4 2024:** Five CDBG-DR projects are expected to be approved and amended into the contract, allowing reimbursement of funds toward professional services (grant administration, environmental, engineering). CDBG-MIT Public Comment period expected to begin.

CDBG Program	Next Spending Benchmark	CDBG \$ Required	CDBG \$ Expended	Applications Approved	Applications Recommended to Approve	Applications in Final Review	Projects Completed
CDBG-DR	March 31, 2026	\$48.305 million	\$467,668.94	7	5	0	0
CDBG-MIT	December 31, 2025	\$81.277 million	\$0	0	0	11	5

## Current Initiatives and Priorities

- The District is finalizing the extension request letter to GLO, which will begin negotiations for extended spending milestones.
- Since receiving approval for 7 CDBG-DR projects and AUGF for Brookglen, the District is preparing reimbursement packages to drawdown on CDBG funds in efforts to meet the spending milestone.
- The District is working with staff augmentation to create a District and County-wide document tracker, which will highlight milestone triggers, naming conventions, and responsible reviewing partners for every document that will be created through the CDBG program. This effort will help standardize our documentation and is an important step in becoming audit-ready.
- The District is working with staff augmentation to create a compliance plan for all involved CDBG divisions and partners. The goal is to create standardized SOPs that codify 2 CFR 200, maintaining the District's compliance in the event of a GLO monitoring visit or HUD audit.
- The District is also finalizing negotiations with the five Commissioner Court approved firms for project and program management staff augmentation. These firms are Jacobs Engineering, WSP, Ardurra, Quiddity and BGE.

## Outside Agency Regulatory Developments

Regulatory agencies involved in the NEPA process and the subsequent issuance of the Authorization to Use Grant Funds have been issuing new requirements and experiencing staffing issues. These changes include fundamental considerations and guidance around endangered species and wetlands delineations, among other items listed below. These delays have impacted the timeline for receiving Authority to Use Grant Funds (AUGF) with the potential to significantly impact our project schedules. When AUGF is delayed, there is a cascading effect on activities that rely on AUGF issuance, such as acquisition, utility relocation, ground disturbance, and ultimately construction. These delays are seen in the estimated bid date, schedule confidence mapped below in tables. The schedule confidence does not take into account potential extension approvals.

**Supreme Court's Sackett v. EPA Ruling:** This ruling has delayed the processing of jurisdictional determinations (JDs) by the EPA and US Army Corps of Engineers (USACE), extending the timeline from 2-3 months to over 9 months on priority projects, due to the changes associated with the new definition of Waters of the U.S. (WOTUS) and the lack of guidance on how to implement those changes.

**US Fish and Wildlife Service Requirements (USFWS):** New requirements necessitate Section 7 consultations for proposed threatened and endangered species, impacting most Flood Control District projects where biological assessments for these species may be required. This has further complicated and delayed project timelines since avoidance and

mitigation measures for protecting these species have not been standardized, resulting in extended consultation timelines, that reach beyond the 135-day formal consultation period.

***Housing and Urban Development (HUD) Environmental Review Process:*** Recent changes require additional environmental assessments and public posting for projects previously reviewed under the Stafford Act, potentially adding at least 2-3 months to our schedules.

***Publication of HUD's Federal Flood Risk Management Standard (FFRMS):*** Changes from FFRMS in this final rule will affect our project design and environmental assessment processes. The public posting procedures/timelines, the requirement to utilize a Climate Informed Science Approach to determine flood hazard areas, the requirement to review offsite wetland impacts and mitigate for impacts beyond 1 acre, and the necessitation to run the 8-step process for all projects in the 500-year floodplain are all expected to extend our schedules by multiple months. Guidance on how to implement these changes is still pending, resulting in additional delays to the National Environmental Policy Act (NEPA) process.

***Weather Impacts:*** Harris County has experienced direct impacts from three extreme weather events in 2024, resulting in two federal disaster declarations:

- DR-4781-TX - Severe storms from April 26, 2024 to May 4, 2024 caused severe flooding along the San Jacinto River; Straight-Line Winds, Tornadoes from a "Derecho" impacted a large portion of Harris County on May 17, 2024 with ongoing impacts through June 5, 2024.
- DR-4798-TX - Hurricane Beryl, a Category 1 Hurricane that made landfall along the Texas Gulf Coast, made its way to Houston with hurricane force winds affecting the majority of Harris County on July 8, 2024.

The storms from April to May impacted over 1,800 residences and resulted in over \$1 million in aid to residents of Harris County and surrounding areas. Hurricane Beryl is estimated to cause \$28 billion in damages nationwide and resulted in more than 3 million Houston residents without power, significant debris impacts and impacted project delivery countywide. For the Flood Control District, these weather events have damaged and disrupted use of our facilities and that of our consultants and contractors, damaged our infrastructure, caused significant debris loads in and around our infrastructure that requires removal and management, resulted in multi-day power outages, interrupted cellular and network services, and the supply chain. These delays are expected to extend the timeline for receiving Authority to Use Grant Funds (AUGF) by at least an additional 7-8 months, significantly impacting our project schedules for acquisition, utility relocation, ground disturbance, and ultimately construction. As these activities are the source of the largest expenses for each of the projects, this delay in AUGF compromises our ability to meet project delivery milestones.

***Previously Unforeseen Delays:***

- External Staffing Issues-Lack of staff is increasing review time at both USFWS and HUD.

- Utility relocations, street abandonments, and letters of no objections are all dictated by availability of staff not employed by the Flood Control District.
- Recent extreme weather events such as Beryl and the Derecho has raised concerns about the ability of utility companies to timely respond to requests for utility relocations in the short and medium term.
- The frequency of extreme weather events that now require construction schedules to account for heat and freeze days, not just rain days, is increasing.

## CDBG Project List Concerns

As projects evolve through the project lifecycle and are subject to review by regulatory agencies, concerns have developed on some projects. The District is actively working to mitigate these concerns within the CDBG timeframes. The concerns are not necessarily deal killers for the projects to be completed, but they do raise concerns on completion within the CDBG timeframe. These projects are listed below.

***Stormwater Detention for Cypress Creek Channel Rehabilitation, Main Stem, Batch 5 (K500-31-00-E001) and Cypress Creek Channel Rehabilitation, Main Stem, Batch 5 (K100-00-00-X114):*** Cypress Creek Channel Rehabilitation, Main Stem, Batch 5 (K100-00-00-X114) and Stormwater Detention for Cypress Creek Channel Rehabilitation, Main Stem, Batch 5 (K500-31-00-E001) together mitigate flooding through two channel segments and two basins. The basins provide the necessary mitigation for the channel rehabilitation, to offset any negative downstream impact. Originally, the channel rehabilitation segments were in the CDBG-DR program and the stormwater detention basins were in the CDBG-MIT program. However, as the channel work and stormwater basins are not functionally independent, the stormwater detention basins need to be constructed prior to the channel rehabilitation. The project team is analyzing the best action, while considering program criteria and county priorities. **(Bond ID: CI-012; Precinct 3)**

***Channel Conveyance Improvements and Stormwater Detention Basin on P118-27-00 (P518-27-01-E001):*** This project was originally a CDBG-MIT project above the funding line. The property acquisition for this project will also require relocation of 34 homes in a mobile home park. Residential relocation requires significant, unanticipated documentation and community engagement, which would cause delays in the project schedule. The mobile home park cannot be avoided after scope analysis. The project team is evaluating the best path forward for this project. If the project were no longer part of the CDBG program, it would still be completed using other funding sources. **(Bond ID: C-30; Precinct 2)**

***Kickerillo-Mischer Preserve Channel Rehabilitation (K100-00-00-X115):*** This project was originally a CDBG-MIT project above the funding line. This project originally was going to receive HMGP funds from FEMA to cover a portion of construction. However, further conversations concluded with FEMA covering almost the entire project cost. The remaining amount needed from the CDBG program would be around \$700,000. The project team is evaluating the best path forward for this project depending upon the amount of additional funds confirmed from FEMA. **(Bond ID: Z-storm; Precinct 3)**

***Taylor Gully Channel Conveyance Improvements (G103-80-03.1-E002), Woodridge Stormwater Detention Basin, Compartment 1 (G503-06-00-E003), and Woodridge Stormwater Detention Basin, Compartment 2 (G503-06-00-E004):*** Woodridge Stormwater Detention Basin, Compartment 1 (G503-06-00-E003) and Woodridge Stormwater Detention Basin, Compartment 2 (G503-06-00-E004) were originally below the funding line for CDBG-DR. The original engineering analysis indicated that only Woodbridge Basin Compartment 1 was needed for the Taylor Gully mitigation. As the analysis has progressed it indicates that Compartment 2 (or a portion of it) may also be needed. . Due to other projects potentially reducing in budget from the initial estimates, there may be funding available to include the Woodbridge basin in the Taylor Gully project. **(Bond ID: F-14; Precinct 3)**

***South Mayde Creek Channel Conveyance Improvements (U101-00-00-E002) and South Mayde Creek Stormwater Detention Basin (U501-06-00-E002):*** South Mayde Creek Stormwater Detention Basin (CDBG-MIT) provides the necessary flood mitigation volume for South Mayde Creek Channel Conveyance Improvements (CDBG-MIT). The PER analyzed two basins that can provide the mitigation. The current goal is to add both basins in the application, so there is sufficient detention volume. The project team is currently analyzing the best action, while considering program criteria and county priorities. **(Bond ID: C-36 and C-46; Precinct 4)**

As project applications continue to be refined with GLO's guidance, project scope, schedule, and budgets will continue to evolve. Updated data points are seen in tables below.

### CDBG-DR Project and Funding List

Bond ID	New Project ID	Project Name	Pct	LMI (%)	Est. Project Cost (\$M)	FCD/Other Funds (\$M)	Est. CDBG Funded (\$M)	CDBG Reimbursement Submitted (\$M)
C-15	E500-25-00-E002	Arbor Oaks Stormwater Detention Basin	1	60.55	42.514	8.325	34.189	0
C-06	B512-02-00-E002	Brookglen Stormwater Detention Basin - Phase 2	2	52.54	9.224	0.531	8.693	0
C-34	P500-06-00-E007	Lauder Stormwater Detention Basin - Compartment 2	2	78.10	24.962	4.715	20.248	0
C-41	P518-11-00-E002	Isom Stormwater Detention Basin	2	74.22	20.961	0.600	20.361	0
CI-012	K100-00-00-X114	Cypress Creek Channel Rehabilitation, Main Stem, Batch 5	3	49.18	19.128	0.250	18.878	0
F-28	L500-02-00-E003	Kluge Stormwater Detention Basin - Phase 3	3	14.25	26.950	1.560	25.390	0
F-107	R500-01-00-E001	Stormwater Detention Basin along Jackson Bayou	3	60.78	10.195	1.131	9.064	0
Z-02	K500-23-00-E004	East TC Jester Stormwater Detention Basin - Compartment 1B	3	36.14	36.344	12.500	23.844	0
F-07	D518-03-00-E002	Keegans Bayou Stormwater Detention Basin near Old Richmond Road - Phase 1	4	56.71	14.518	2.181	12.337	0
F-52	T100-00-00-X003	Barker Reservoir Channel Rehabilitation, Repair Package 2	4	21.64	7.967	0.425	7.542	0
F-53	U100-00-00-X070	Addicks Reservoir Channel Rehabilitation & Restoration, Repair Package 3	4	37.11	21.895	0.391	21.504	0
C-38	U520-01-00-E004	Dinner Creek Stormwater Detention Basin - Phase 1	4	52.35	37.902	1.192	36.710	0
C-20	P100-00-00-E014	Greens Bayou Mid-Reach Channel Conveyance Improvements	1, 2	78.61	90.677	12.778	77.899	0
<b>Total</b>					<b>363.237</b>	<b>46.579</b>	<b>316.659</b>	<b>0.000</b>
<b>Below the Funding Line</b>								
C-01	P118-26-00-E001	Helms Stormwater Detention Basin and Conveyance Improvements	2	33.52	33.524	0.000	33.524	0
F-14	G503-06-00-E004	Woodridge Stormwater Detention Basin, Compartment 2	3	tbd	16.516	3.416	13.100	0
F-14	G503-06-00-E003	Woodridge Stormwater Detention Basin, Compartment 1	3	tbd	14.327	3.427	10.900	0
F-07	D518-03-00-E003	Keegans Bayou Stormwater Detention Basin near Old Richmond Road - Phase 2	4	58.87	22.405	9.704	12.701	0
<b>Total</b>					<b>86.772</b>	<b>16.547</b>	<b>70.225</b>	<b>0</b>

### CDBG-MIT Project and Funding List

Bond ID	New Project ID	Project Name	Pct	LMI (%)	Est. Project Cost (\$M)	FCD/Other Funds (\$M)	Est. CDBG Funded (\$M)	CDBG Reimbursement Submitted (\$M)	
C-09	C147-00-00-E002	Channel Conveyance Improvements along C147-00-00	1	53.18	62.144	27.954	34.189	0	
C-08	C118-00-00-E001	Channel Conveyance Improvements along Saltwater Ditch	1	76.88	69.194	10.927	58.267	0	
C-23	P518-08-02-E001	Channel Conveyance Improvements and Stormwater Detention Basin on P118-08-00	1	67.66	34.311	4.805	29.506	0	
C-26	P118-23-00-E002	Channel Conveyance Improvements and Stormwater Detention Basin on P118-23-00	2	66.38	60.523	4.533	55.990	0	
C-30	P518-27-01-E001	Channel Conveyance Improvements and Stormwater Detention Basin on P118-27-00	2	61.78	32.462	1.272	31.190	0	
C-41	P518-14-00-E001	Hahl North Stormwater Detention Basin	2	71.10	29.017	18.000	11.017	0	
C-41	P118-00-00-E008	Halls Bayou Channel Conveyance Improvements Downstream of Hopper	2	68.01	3.716	0.248	3.468	0	
C-41	P518-15-00-E001	Stormwater Detention Basin on Halls Bayou near Hardy West	2	74.62	74.690	1.725	72.965	0	
F-111	G103-00-00-E003	Barrett Station Drainage Improvements	3	65.35	12.839	0.000	12.839	0	
F-106	M500-10-00-E002	Boudreaux Stormwater Detention Basin - Phase 1	3	35.20	51.355	12.684	38.671	0	
Z-storm	K100-00-00-X115	Kickerillo-Mischer Preserve Channel Rehabilitation	3	42.87	20.255	7.000	13.255	0	
CI-012	K500-31-00-E001	Stormwater Detention for Cypress Creek Channel Rehabilitation, Main Stem, Batch 5	3	47.24	39.939	0.999	38.940	0	
F-14	G103-80-03.1-E002	Taylor Gully Channel Conveyance Improvements	3	20.93	25.544	2.322	23.222	0	
Z-02	K500-23-00-E005	West TC Jester Stormwater Detention Basin	3	36.14	17.246	0.000	17.246	0	
C-38	U520-01-00-E005	Dinner Creek Stormwater Detention Basin - Phase 2	4	52.00	32.376	0.284	32.091	0	
C-36	U101-00-00-E002	South Mayde Creek Channel Conveyance Improvements	4	38.64	9.332	0.989	8.342	0	
C-46	U501-06-00-E002	South Mayde Creek Stormwater Detention Basin	4	39.37	26.439	0.795	25.643	0	
C-48	U501-07-00-E002	Stormwater Detention Basin on South Mayde Creek near the Grand Parkway - Phase 1	4	30.48	17.938	6.469	11.469	0	
F-20	K100-00-00-R007	Upper Cypress Creek Floodplain Preservation	4	54.81	17.285	0.000	17.285	0	
					<b>Total</b>	<b>636.605</b>	<b>101.006</b>	<b>535.595</b>	<b>0.000</b>
<b>Below The Funding Line</b>									
Z-02	N100-00-00-E004	Cloverleaf Area Drainage Improvements - Phase 2	2	75.53	43.203	0.000	43.203	0	
C-07	B509-04-00-E002	Red Bluff Regional Stormwater Detention Basin	2	29.02	98.997	0.000	98.997	0	
F-106	M500-10-00-E003	Boudreaux Stormwater Detention Basin - Phase 2	3	35.20	68.145	1.449	66.696	0	
					<b>Total</b>	<b>210.35</b>	<b>1.45</b>	<b>208.90</b>	<b>0.00</b>