RESOLUTION NO. 1395-14-03-11-0195

RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS APPROVING A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CITIZEN PARTICIPATION PLAN.

WHEREAS, the City of Pflugerville has become a Community Development Block Grant (CDBG) entitlement community as provided by the U.S. Department of Housing and Urban Development; and

WHEREAS, as an entitlement community the City of Pflugerville must develop and follow a detailed plan which provides for, and encourages, citizen participation and which emphasizes participation by persons of low- or moderate-income, particularly residents of predominantly low- and moderate-income neighborhoods, slum or blighted areas, and areas in which the grantee proposes to use CDBG funds; and

WHEREAS, the plan provides citizens with reasonable and timely access to local meetings, information, and records related to the grantee's proposed and actual use of funds; and

WHEREAS, the plan provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance; and

WHEREAS, the plan provides for timely written answers to written complaints and grievances; and

WHEREAS, the plan identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate; and

WHEREAS, the proposed Citizens Participation Plan was made available for comment prior online and at the Pflugerville Public Library from February 24, 2014 to March 11, 2014 ; and

WHEREAS, a public hearing was held on the proposed Citizen's Participation Plan on March 11, 2014.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

That this Citizen Participation Plan, attached as Exhibit A, is approved this 11th day of March 2014.

Jeff Coleman, Mayor

ATTEST:

Karen Thompson

Karen Thompson, City Secretary

EXHIBIT A

City of Pflugerville
Citizen Participation Plan
Community Development Block Grant (CDBG) Program

Draft Release: February 24, 2014
Comment Period: 16 days (2/24/2014 to 3/11/2014)
Public Hearing: March 11, 2014
Adopted: March 11, 2014

The CDBG program provides annual grants on a formula basis to entitled cities, such as Pflugerville, and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. The City of Pflugerville is determined to be an eligible grantee because it sustains a population of at least 50,000. The July 2012 estimate provided by the US Census Bureau was 51,894.

The purpose of this document is to detail Pflugerville's approach to encourage effective citizen participation throughout the development, administration and evaluation of the city's CDBG program. The plan is organized to summarize the nature of the program, affording citizens the opportunity to understand the program so as to ensure aligned goals, then to how to participate by detailing the various processes. Background information describing the CDBG program is taken from the HUD website[1] and included herein for reference.

Nature of Program

HUD awards grants to entitlement community grantees, such as Pflugerville, to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services.

Entitlement communities develop their own programs and funding priorities. However, grantees must give maximum feasible priority to activities which benefit low- and moderate-income persons. A grantee may also carry out activities which aid in the prevention or elimination of slums or blight. Additionally, grantees may fund activities when the grantee certifies that the activities meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. CDBG funds may not be used for activities which do not meet these broad national objectives.

[1]http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs/entitlement#eligibleactivities

Abbreviations Used in this Plan

CAPER – Comprehensive Annual Performance and Evaluation Report

CDBG – Community Development Block Grant

CPP – Citizens Participation Plan

CFR – Code of Federal Regulations

HUD – (United States Department of) Housing and Urban Development

PHA – Public Housing Agency

Defined Terms (underlined in this Plan)

Continuum of Care – The group composed of representatives of relevant organizations, which generally includes nonprofit homeless providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts (Pflugerville Independent School District), social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, organizations that serve homeless and formerly homeless veterans, and homeless and formerly homeless persons that are organized to plan for and provide, as necessary, a system of outreach, engagement and assessment; emergency shelter; rapid re-housing,; transitional housing; permanent housing; and prevention strategies to address the various needs of homeless persons and persons at risk of homelessness for a specific geographic area.

HUD determines the amount of each entitlement grant by a statutory dual formula which uses several objective measures of community needs, including the extent of poverty, population, housing overcrowding, age of housing and population growth lag in relationship to other metropolitan areas. For Program Year (PY) 2014, Pflugerville anticipates receiving approximately $230,000.

Eligible Activities

- acquisition of real property;
- relocation and demolition;
- rehabilitation of residential and non-residential structures;
- construction of public facilities and improvements, such as water and sewer facilities, streets, neighborhood centers, and the conversion of school buildings for eligible purposes;
- public services, within certain limits;
- provision activities relating to energy conservation and renewable energy resources; and of assistance to profit-motivated businesses to carry out economic development and job creation/retention activities

Ineligible Activities

- acquisition, construction, or reconstruction of buildings for the general conduct of government;
- political activities;
- certain income payments; and
- construction of new housing by units of general local government

No single Census Tract or Block Group in Pflugerville has at least 50 percent of the population is of low- to moderate-income. As a result, qualifying projects must be within areas with at least 24.7 percent of the population is of low- to moderate-income based on the exception received by Pflugerville for Program Year 2014.

Requirements

To receive its annual CDBG entitlement grant, Pflugerville must develop and submit to HUD its Consolidated Plan, which will be our comprehensive planning document and application for funding under the CDBG program. In the Consolidated Plan, Pflugerville must identify its goals for

this program. The goals will serve as the criteria against which HUD will evaluate a Pflugerville's Plan and performance under the Plan. Also, the Consolidated Plan must include several required certifications, including that not less than 70% of the CDBG funds received, over a one, two or three year period specified by the grantee, will be used for activities that benefit low- and moderate-income persons, and that the grantee will affirmatively further fair housing. HUD will approve a Consolidated Plan submission unless the Plan (or a portion of it) is inconsistent with the purposes of the National Affordable Housing Act or is substantially incomplete.

Following approval, the Department will make a full grant award unless the Secretary has made a determination that the grantee:

- has failed to carry out its CDBG-assisted activities in a timely manner;
- has failed to carry out those activities and its certifications in accordance with the requirements and the primary objectives of Title I of the Housing and Community Development Act of 1974, as amended, and with other applicable laws; or
- lacks a continuing capacity to carry out its CDBG-assisted activities in a timely manner.

Citizen Participation

As a grantee, Pflugerville must develop and follow a detailed plan, and is established herein. This plan is required to provide for and encourage citizen participation which emphasizes participation by persons of low- or moderate-income, particularly residents of predominantly low- and moderate-income neighborhoods, slum or blighted areas, and areas in which the grantee proposes to use CDBG funds. The plan must:

- provide citizens with reasonable and timely access to local meetings, information, and records related to the grantee's proposed and actual use of funds;
- provide for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance;
- provide for timely written answers to written complaints and grievances;
- and identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

Encouragement of Citizen Participation

Participation by all Pflugerville residents is encouraged in all aspects of the city's CDBG program, specifically in the development of any:

- Consolidated Plan,
- Substantial Amendment to the Consolidated Plan, and
- Performance Report or CAPER

Certain population segments in Pflugerville are particularly encouraged to participate as provided in this Plan, including:

- Persons having economic low- to moderate-incomes
- Persons living within low- to moderate-income neighborhoods
- Areas that satisfy the exception criteria for Pflugerville
- Residents of public and assisted housing developments
- Minorities and non-English speaking persons
  Translation services, if needed, may be requested at least five (5) days before advertised public hearing or otherwise posted public meeting pursuant to the CDBG program. Newspaper advertisements for public hearings will be posted in English and Spanish.
- Persons with disabilities
  All meeting locations utilized for CDBG meetings are ADA accessible. Public meeting agendas in Pflugerville indicate our commitment to compliance with the Americans with Disabilities Act, providing resources for hearing-impaired or speech-disabled persons.

In addition to the population segments, organizations in and within the vicinity of Pflugerville whose purpose is to aid the Continuum of Care benefitting populations of low- to moderate-income are encouraged to participate, including:

- Businesses
- Developers
- Nonprofit organizations
- Philanthropic organizations
- Community- and faith-based organizations
- Public housing agencies

Participation by these groups is critical to the effectiveness of implementing projects with CDBG funds, which are to improve the community, maintaining a stable property values and decent housing, suitable living environment and growing economic opportunities.

In order to reach these segments equitably and effectively, various methods of public involvement will be utilized. This Plan, and related CDBG documents, will be posted on the city's website, www.pflugervilletx.gov/communitydevelopment. Meeting notifications will also be distributed using electronic communications and forums, such as the city's weekly e-newsletter, Key to the City, and social media such as Facebook and Twitter.

Citizen Comment of the Citizen Participation Plan

As required by law, the City must provide citizens with a reasonable opportunity to comment on the original (this Plan) Citizen Participation Plan and subsequent substantial amendments to the Plan. Upon the completion of a draft of this Plan it will be released to the public, and a comment period of at least 16 days will be established prior to a public hearing inviting interested parties and the public to provide input. The Plan may be considered for adoption by the City Council

immediately following the public hearing or later meeting. Subsequent substantial amendments shall have a comment period of 30 days.

Application of citizen participation efforts to required plans

Reasonable and timely access to local meetings is a priority of this plan. The following sections describe how citizens may participate in the development, adoption of various plans identified as well as monitor the implementation of each.

A. Consolidated Plan

Before Pflugerville adopts a consolidated plan we will make available to the citizens, public agencies and other interested parties information, including:

- The amount of assistance Pflugerville expects to receive including grant funds and program income
- The range of activities that may be undertaken

Should displacement of residents be necessary as a result of these federal funds, plans by the City of Pflugerville to minimize the extent to which low and moderate-income people will have to leave their homes are also available at this time. While Pflugerville expects no displacement to occur and will consider all alternatives prior to displacement of people, Pflugerville will compensate people who are actually displaced people who are actually displaced in accordance with HUD Handbook No. 1378, *Tenant Assistance, Relocation and Real Property Acquisition*.

The following activities will be undertaken:

- Appoint a citizen advisory committee
- The proposed consolidated plan will be published for public review and comment on the City of Pflugerville website (www.pflugervilletx.gov) and various city and community facilities, including the Pflugerville Public Library and the Travis County Community Center at Foothill Farms Road
- Over time Pflugerville will accrue a database of interested parties who may utilize the Notify Me tool within the city's website to receive notification of comment periods and other correspondence associated with the CDBG program. In addition, a summary of the proposed plan will be published in one or more newspapers of general circulation, consistent with the template provided. A reasonable number of free copies of the proposed plan will be available to citizens and groups that request it.
- Upon the development of the Consolidated Plan it will be presented to the Pflugerville City Council during a regular meeting after which the Plan will be posted for written comment for thirty (30) days prior to approval by the Pflugerville City Council. Comments on the Consolidated Plan may be received in writing via email or regular mail to the City. The Plan will be posted on the Pflugerville website and copies will be available for review at the Pflugerville Public Library or the Travis

County Community Center. This process may run concurrent with the Annual Action Plan, if applicable.

- Pflugerville will consider any comments or views of citizens received in writing, or orally at the public hearings, in preparing the final consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefor, shall be attached to the final consolidated plan.

B. Annual Action Plan

Upon the development of the Annual Action Plan it will be presented to the Pflugerville City Council during a regular meeting after which the Plan will be posted for written comment for thirty (30) days prior to approval by the Pflugerville City Council. Comments on the Action Plan may be received in writing via email or regular mail to the City. The Plan will be posted on the Pflugerville website and copies will be available for review at the Pflugerville Public Library or the Travis County Community Center. This process may run concurrent with the Consolidated Plan, if applicable.

C. Amendments to Consolidated Plan and/or Action Plan

The final Annual Action Plan and Consolidated Plan are amended if a substantial change is evident. The public is notified whenever there is an amendment.

Specifically, the following are considered substantial amendments to the Annual Action Plan: A substantial amendment to the Consolidated Plan will be made when the City decides to:

1. Make changes to its activity priorities or the method of distribution of funds,
2. To change the activity, purpose, scope, location or beneficiaries of an activity. The City will provide citizens with reasonable notice (no less than 30 days) and the opportunity to comment on such proposed changes in the use of funds by publishing a description of the proposed change consistent with the procedures used to adopt the Consolidated Plan.

D. Comprehensive Annual Performance Evaluation Report (CAPER)

By December 31st each (within 90 days of the end of the program year), Pflugerville is required to submit a report of the city's progress toward meeting the goals of the adopted Consolidated Plan. This report is referred to as the CAPER.

- After the development of the CAPER for public comment, a public hearing will be held to receive oral comment regarding Pflugerville's performance. During the fifteen (15) day review period, one (1) public hearing will be held by the Pflugerville City Council during the course of a regular meeting. The public hearing will be held in the traditional public hearing format with oral testimony and/or written comments on a form provided at the meeting.
- Pflugerville will consider any comments or views of citizens received in writing, or orally at the public hearings, in preparing the final consolidated plan. A summary of

these comments or views, and a summary of any comments or views not accepted and the reasons therefor, shall be attached to the final consolidated plan.

Citizen's CDBG Advisory Committee

In order to ensure citizen participation in all of the CDBG funded program areas, a citizen advisory committee will be considered. The city's Planning and Zoning Commission is recommended to serve in this capacity. In this role, the advisory committee would contribute to public participation by help to:

- Identify housing and community development needs;
- Establish priorities relating to those needs;
- Propose activities and projects to address high=priority needs; and
- Make recommendations to the City Council regarding the amount of federal, state, and local monies to be allocated to those activities.

Overall, the purpose is to aid and encourage active participation by the community, particularly by low and moderate income people.

All meetings will be held at times convenient for target population segments so that as many people can participate as possible.

The committee will receive periodic updates regarding the performance of the program, which shall also be available to the public. Performance updates will be provided to the Committee at least 72 hours before the meeting in which the update is being discussed.

The advisory committee will recommend to the City Council how to allocate all CDBG funds, including program income (if any) associated with these, monies left unspent and unobligated from the previous program year and any additional (not previously anticipated) federal fund allotments,. In no event shall CDBG funds be allocation without review by the advisory committee.

Use of Alternate Projects

Pflugerville will include a list of alternate projects for public review each year in the Annual Action Plan. If a funded project has cost savings, slows down or discovers a barrier to completing, an alternate project from the current Annual Action Plan may be selected to continue the timely flow of grant funds.

Each alternate project will contain the same level of information that funded projects contain in the Annual Action Plan to ensure appropriate review by the public. Approval by the Pflugerville City Council will be necessary to replace a funded project with an alternate or to fund an alternate with cost savings from a completed project regardless of whether or not the increase or decrease exceeds 25%. These actions will not require a substantial amendment since the alternate projects will have gone through a public review process.

Notice of Public Hearings and Comment Periods

Part of giving citizens an effective opportunity to comment is to tell them about the public hearing using various means. When a public hearing is required by law or stipulated by this Plan, the City of Pflugerville will post notices of the public hearing in a form in the Appendix at least fifteen (15) days prior to the date of the hearing. Notices may be posted in any of the following ways:

- Newspaper of general circulation
- Timely media release
- Social Media (i.e. Facebook)
- Travis County Community Center at Foothill Farms Road
- Pflugerville Public Library
- City of Pflugerville website / Notify Me (Community Development subscription)
- Public access TV station (Cable Channel 10 – PfTV)

Availability to the Public

All adopted documents related to the City's CDBG program will be readily available via the city's website: www.pflugervilletx.gov/communitydevelopment and within the City Secretary's Office located at 100 East Main Street, Suite 300, Pflugerville, TX 78660.

Public Access to Information and CDBG Program Resources [91 CFR 105(f-h)]

As required by law, the City of Pflugerville will provide the public with reasonable and timely access to information, meetings, documents and records relating to the data or content of this Plan, the Consolidated Plan including the projected, actual and historical use of funds during the preceding five (5) years.

The City Secretary is designated by the City's Home Rule Charter as an agent of the Officer of Public Records (City Manager) and serves as the City's authority for releasing records in accordance with the procedures set for in the Public Information Act. City Department Heads are also designated as agents of the Officer of Public Records and are authorized to release their Department's records in accordance with the Public Information Act.

Please submit written requests for City documents:

Online: Open Records Request Center: www.pflugervilletx.gov/openrecords

By mail: Karen Thompson, City Secretary
Open Records Request
P.O. Box 589
Pflugerville, TX 78691-0589

In person: City Secretary's Office
100 East Main Street, Suite 300
Pflugerville, TX 78660

By fax: 512-990-4364

By email: citysecretary@pflugervilletx.gov

Requests for Technical Assistance

Technical assistance is available from the City of Pflugerville with regard to this Plan, the Consolidated Plan and the Annual Action Plan to assist low- and moderate-income representative groups or agencies that request such assistance in developing proposals for funding assistance. The level and types of assistance to be provided at any time based on a number of considerations including, but not limited to, space, expense, and staff workloads will be determined by the City Manager or his/her designee. The assistance provided does not necessarily include the provision of funds to the groups.

Response to Complaints

During the CDBG planning and implementation process, complain and feedback are encouraged and expected. All complaints must be in writing. If a person is unable to provide the complaint in writing for any reason, assistance may be provided. Complaints need to include the resident's name, physical and/or postal address, email address and daytime telephone number, if applicable, in case staff need to clarify the nature of the complaint.

Complaints or Grievances may be mailed to:

City of Pflugerville
Development Services Center – Planning Department
CDBG Program
P.O. Box 589
Pflugerville, TX 78691-0589

Complaints or Grievances may be delivered to:

City of Pflugerville
Development Services Center – Planning Department
CDBG Program
201-B East Pecan Street, First Floor
Pflugerville, TX 78660

Complaints or Grievances may be emailed to: CommunityDevelopment@pflugervilletx.gov

All written complaints will receive a timely written response provided within fifteen (15) days of receipt. The written response will provide appropriate, substantive feedback to the resident. If CDBG Staff is unable to be compliant with the fifteen (15) day period, the complainant will be notified of an approximate date a response will be provided.

It is up to the discretion of the City Manager to determine if a public hearing regarding an issue is needed. If a public hearing is needed, appropriate notice and location(s) of the hearing will be made, depending upon the implications of the issue.