

CITY of MELBOURNE
SUBSTANTIAL AMENDMENT

to

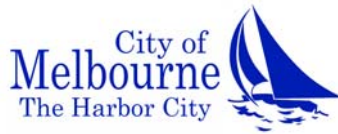
**Community Development Block Grant (CDBG)
2008-2009 Annual Action Plan**

for

**CDBG American Recovery and Reinvestment Act
Funds (CDBG-R)**

**Approved by City Council on
May 26, 2009**

*Prepared by the
City of Melbourne
Housing & Community Development Department
695 E. University Blvd.
Melbourne, FL 32901
(321) 674-5734*




**SUBSTANTIAL AMENDMENT to
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
2008-2009 ACTION PLAN
For CDBG American Recovery and Reinvestment Act Funds (CDBG-R)**

TABLE OF CONTENTS

I.	STANDARD FORM SF-424 GRANT APPLICATION	
II.	NARRATIVE	
	Background	1
	Purpose of the Amendment	1
	Project Selection	1
	Description of Activities to be Funded	2
	Budget for CDBG-R Funds	3
	Consistency with Consolidated Plan Priorities	3
	Consistency with Recovery Act Objectives	3
	Summary of Citizens' Comments	3
	Contact Person for CDBG-R Program	3
III.	CDBG-R ASSISTED ACTIVITIES SPREADSHEET	
	CDBG-R Activity Data Spreadsheet	4
IV.	CERTIFICATIONS	5

Application for Federal Assistance SF-424		Version 02
*1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		
*2. Type of Application * If Revision, select appropriate letter(s) <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation *Other (Specify) _____ <input type="checkbox"/> Revision		
3. Date Received :		4. Applicant Identifier:
5a. Federal Entity Identifier:		*5b. Federal Award Identifier: B-08-MC-12-0012
State Use Only:		
6. Date Received by State:		7. State Application Identifier:
8. APPLICANT INFORMATION:		
*a. Legal Name: City of Melbourne		
*b. Employer/Taxpayer Identification Number (EIN/TIN): 59-6000371		*c. Organizational DUNS: 072552169
d. Address:		
*Street 1: <u>900 Strawbridge Ave.</u>		
Street 2: _____		
*City: <u>Melbourne</u>		
County: <u>FL</u>		
*State: <u>Brevard</u>		
Province: _____		
*Country: <u>USA</u>		
*Zip / Postal Code <u>32901</u>		
e. Organizational Unit:		
Department Name: Housing & Community Development		Division Name: N/A
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: <u>Ms.</u> *First Name: <u>Melinda</u>		
Middle Name: _____		
*Last Name: <u>Thomas</u>		
Suffix: _____		
Title: <u>Housing & Community Development Director</u>		
Organizational Affiliation: City of Melbourne		
*Telephone Number: (321) 674-5734		Fax Number: (321) 674-5738
*Email: <u>mthomas@melbourneflorida.org</u>		

Application for Federal Assistance SF-424		Version 02
16. Congressional Districts Of:		
*a. Applicant: 15th	*b. Program/Project: CDBG-R Spain Outfall Drainage Improvements, Phase I	
17. Proposed Project:		
*a. Start Date: 8/15/2009	*b. End Date: 4/2/2010	
18. Estimated Funding (\$):		
*a. Federal	\$150,772	
*b. Applicant	_____	
*c. State	_____	
*d. Local	_____	
*e. Other	_____	
*f. Program Income	_____	
*g. TOTAL	\$150,772	
*19. Is Application Subject to Review By State Under Executive Order 12372 Process?		
<input checked="" type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <u>5/28/09</u>		
<input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.		
<input type="checkbox"/> c. Program is not covered by E. O. 12372		
*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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)		
<input checked="" type="checkbox"/> ** 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: <u>Howard</u>	
Middle Name: _____		
*Last Name: <u>Ralls</u>		
Suffix: _____		
*Title: Acting City Manager		
*Telephone Number: (321) 608-7212	Fax Number: (321) 608-7219	
* Email: hralls@melbourneflorida.org		
*Signature of Authorized Representative: 	*Date Signed: 6/11/09	

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Standard Form 424 (Revised 10/2005)
 Prescribed by OMB Circular A-102

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.

N/A

**Substantial Amendment
to
Community Development Block Grant (CDBG)
Annual Action Plan for Fiscal Year 2008-2009**

NARRATIVE

Background

The U. S. Department of Housing and Urban Development (HUD) allocated \$1 billion dollars in funding to state and local governments nationwide under the *American Recovery and Reinvestment Act of 2009* (Recovery Act). 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.

Under the Recovery Act, a supplemental allocation of \$150,772 in CDBG funding is available to the City of Melbourne. This is a one-time allocation to the City and requires that the City prepare and submit to HUD a Substantial Amendment to its *FY 2008-2009 Action Plan*, outlining how the City will utilize and administer the funds. *CDBG Recovery Act* funds are referred to as CDBG-R funds.

CDBG funds enable local governments to undertake a wide range of activities in order to create suitable living environments; provide decent affordable housing; and create economic opportunities, primarily for persons of low and moderate income. In addition to satisfying the normal requirements of the CDBG Program, projects funded with CDBG-R funds must address the specific objectives of the Recovery Act by:

- Preserving and creating jobs and promoting economic recovery;
- Assisting those most impacted by the recession;
- Providing investment needed to increase economic efficiency;
- Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits;
- Minimizing or avoiding reductions in essential services; or
- Fostering energy independence.

As specified in the Recovery Act, the City must give priority to projects that can be under contract within 120 days of signing a grant agreement with HUD for CDBG-R funds.

Purpose of the Amendment

While general infrastructure improvements, including drainage improvements, are listed under Priority Need #5 in the City's *2005-2010 Consolidated Plan*, the project selected for CDBG-R funding, *Spain Outfall Drainage Improvements, Phase I*, was not included in the *FY 2008-2009 CDBG Action Plan*. Addition of a project to the Action Plan constitutes a substantial change requiring a formal amendment. By amending the Plan, the *Spain Outfall Drainage Improvements, Phase I* project can be included in the City's *2008-2009 CDBG Action Plan*.

Project Selection

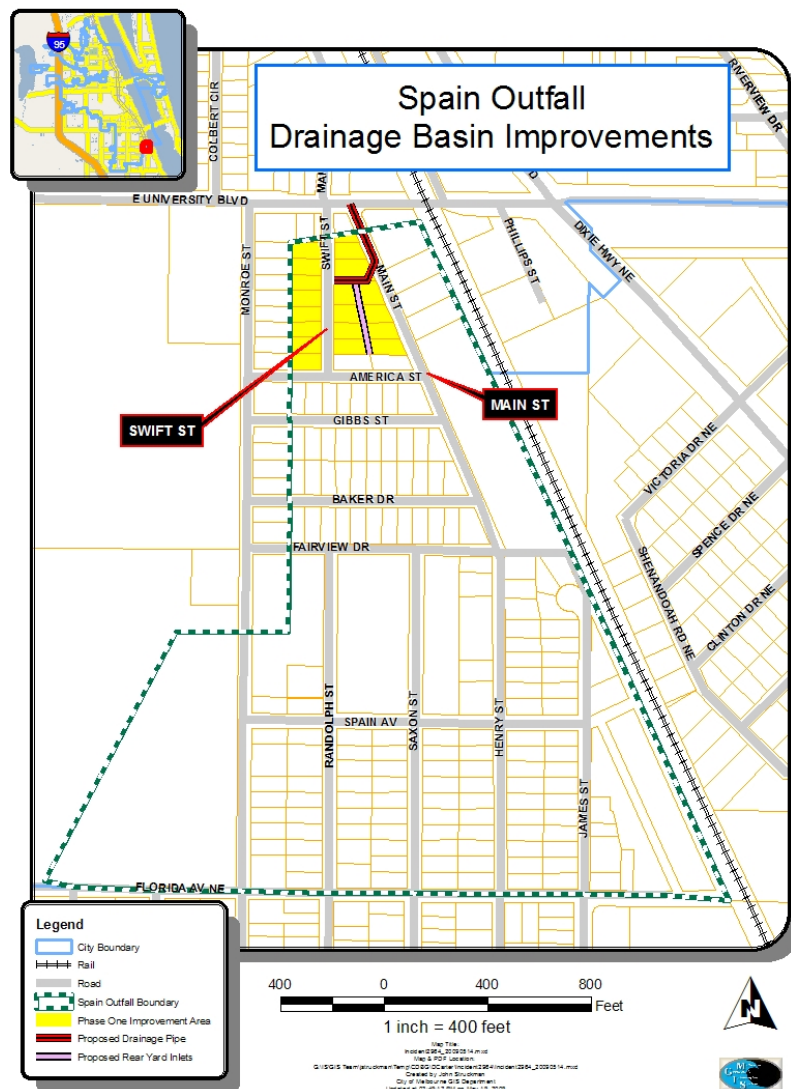
The *Spain Outfall Drainage Improvements, Phase I* project is in response to severe flooding caused by Tropical Storm Fay in 2008 in the South Melbourne CDBG Target Area. Tropical Storm Fay never reached the level of a hurricane but it certainly brought widespread damage and destruction to homes and neighborhoods throughout the City. Tropical Storm Fay lingered over the city of Melbourne and dropped 26 inches of rain in a

21-hour period. This caused ditches to rise, street flooding and flooding of many homes. After the storm subsided, residents in the South Melbourne area held two (2) community meetings with government officials and City staff to discuss improving drainage in the Shenandoah and Spain Outfall Drainage Basins. Due to the high estimated cost of improving drainage in both basins and because funds are limited under CDBG-R, the City is proposing to fund only a portion of the improvements needed for the Spain Outfall Drainage Basin. City staff is researching other funding sources to address the remaining drainage improvement needs.

Description of Activities to be Funded

Spain Outfall Drainage Improvements, Phase I

The Spain Outfall Drainage Basin is bordered by University Blvd. to the north, Florida Avenue to the south, the Florida East Coast Railroad to the east, and Monroe Street to the west. Due to the limited CDBG-R funding, the scope of Phase I is to make drainage improvements only on Main and Swift Streets.



The proposed work includes replacing existing old drainage pipes, upsizing several pipes that engineers have identified as undersized, and installation of rear yard drainage inlets. Pipe replacement and upsizing will improve the storm water runoff flow capacity and reduce local flooding problems. The proposed budget includes engineering and incidental restoration of sidewalks, pavement, and sod.

Program Administration

This involves all costs related to the overall planning and execution of the CDBG-R grant, including general management, oversight and coordination of the grant. This includes planning and citizen participation; financial tracking and record keeping; preparing reports and other HUD-required documents; and monitoring program activities, including job creation/retention. All mandatory Davis-Bacon wage and transparency requirements will be addressed in the bid documents and the contracts. City staff will monitor the Contractor and any subcontractors during the course of the project; verifying weekly payrolls, conducting on-site inspections and interviews of workers, in accordance with standard Davis-Bacon oversight.

Budget for CDBG-R Funds

The City proposes the following spending plan:

- 90% of the funding will be spent on public facility improvements, specifically the *Spain Outfall Drainage Improvement, Phase I*
- 10% of the funding (the maximum allowable amount under the grant) will be used for program administration.

Grant Budget

Spain Outfall Drainage Improvements, Phase I	\$135,695
Program Administration	<u>15,077</u>
Total	\$150,772

Consistency with Consolidated Plan Priorities

Spain Outfall Drainage Basin Improvements, Phase I is consistent with the 2005-2010 Consolidated Plan *Priority Need #5 (to improve infrastructure in Melbourne's low/moderate income neighborhoods, especially street paving, sidewalks, drainage improvements, recreational facility and park improvements, and crime prevention efforts through environmental means)*.

Consistency with Recovery Act Objectives

Implementation of *Spain Outfall Drainage Improvements, Phase I* meets the following objectives of the Recovery Act:

- It is estimated that the project will generate or sustain ten (10) temporary jobs through the construction contractor selected under the City's competitive bid process.
- Funds expended for the project will be an investment in much-needed infrastructure improvement. The project will also have the long-term result of reducing the financial impact of repetitive flooding both for the City and individual property owners.
- The nature and scope of the proposed project makes it the best candidate with the highest likelihood of meeting the deadline for getting CDBG-R funds under contract within the 120 day time-frame.

Summary of Citizens' Comments

There were no verbal or written comments received during the public comment period from 5/18/09 to 5/26/09 on this Substantial Amendment.

Contact Person for CDBG-R Program

Melinda Thomas, Housing & Community Development Director
Housing & Community Development Department
695 E. University Blvd. Melbourne, FL 32901-7121
(321) 674-5734 – phone (321) 674-5738 – facsimile
mthomas@melbourneflorida.org – e-mail address

CDBG-R ASSISTED ACTIVITIES

**CDBG-R
Activity Data Spreadsheet**

Jurisdiction/Grantee Name: City of Melbourne		CDBG-R Formula Grant Amount: \$150,772				Date: 5/13/09	
Activity Name	Activity Description	Eligibility (Regulatory or HDCA Citation)	National Objective Citation	CDBG-R Project Budget (\$)	Additional Recovery Funds (\$)	Other Leveraged Funding (\$)	Total Activity Budget
Spain Outfall Drainage Improvements, Phase I	The proposed work includes replacing existing old drainage pipes, upsizing several pipes that engineers have identified as undersized, and installation of rear yard drainage inlets. With this limited funding, the scope of this project is to make drainage improvements only on Main and Swift Streets. Pipe replacements and upsizing will improve the storm water runoff flow capacity and reduce local flooding problems. (See Narrative Section for additional information.)	570.201(c)	Low/Mod Area Benefit	\$135,695	\$0	\$0	\$135,695
Program Administration	General management, oversight, and coordination of the Community Development Block Grant-Recovery Program. (See Narrative Section for additional information.)	570.206	Not Applicable	\$15,077	\$0	\$0	\$15,077
						Total	\$150,772

OBGA Report

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

June 1, 2009
Date

City Manager
Title