

26.05.14 Commissioners Court – Item 390 on Agenda

[00:00:08] **Petersen:** So, this is a transmittal to provide a report on the CBDG program. But I did want to provide some facts because there have been quite a few questions about this particular program over the last several weeks. So if we'll go to the next slide, I think it's important to remember that, most importantly, **the work that is completing under this program is ultimately driven by the challenges that this region faced during Hurricane Harvey.** On the next slide, we see that this is why Congress allocated \$5.67 billion to the state of Texas. And on the next slide, we see that those dollars were allocated to the G, L, O, and those dollars were allocated to local agencies. On the next slide, we have the. **The fact that in In 2023, there was funding that was made available thanks to the vision of Commissioner Dawn Buckingham to bring flood mitigation projects to this region, thanks to this funding. It is important to note that while these dollars were being repurposed and repackaged, there were no new deadlines that were assigned to these dollars for the GLO or for the flood control district. And so that is why on the next slide, there was very important to recognize that there needed to be extensions. We advocated prior to the contract being in place for GLO to get a three year extension.** We worked closely with Commissioners Court. We worked closely with Harris County, IGA, and I would also note that we were given a motion to make sure that we had adequate time to deliver this program, and that is what happened immediately after court passed that agreement in October 2023. So on the next slide. It's also important to we can actually go one more.

[00:02:13] **Ellis:** Um, can you go back to that one for a second? Yes. Just one on the extensions. One more. Okay. So so they gave uh, G. Oh, okay. **We advocated for three years.**

[00:02:29] **Petersen:** Yes.

[00:02:30] **Ellis:** But HUD gave two years.

[00:02:31] **Ellis:** Yes.

[00:02:32] **Ellis:** **And they gave us a little less than half of their time.**

[00:02:35] **Petersen:** Yes. More than. Less than half? Yes.

[00:02:38] **Ellis:** Nine months. When we when we made the request for the full two years. Uh, did we send that in writing? Was it informative? Okay. Yes. So it is on record. It is on record.

[00:02:50] **Petersen:** Yes. Yes. We have been on record multiple times requesting that extension. And if we go two sides ahead, we also understand that **these programs really have a lot of unique requirements and a lot of challenges**, just due to the fact of the way that the dollars are, are, are funded. Right. This is originally a housing program. And so we know that there are certain requirements like the federal flood risk management standard, which may apply and be very appropriate for a home, but not for a flood mitigation project that is located in the floodplain. And so really, **the way that the program was initially set up was very focused on all of those things to the left, making sure that we had minimized as much as possible the need to have environmental clearance, minimize property acquisition and utility relocation**. And we also completely understand that there are administrative processes that come with federal dollars. But one of the things that we really couldn't have anticipated was the **changing regulations** that we were dealing with at the time. **That led to a lot of uncertainty and frankly, led to a lot of project delivery challenges across the nation**. So if we go to the next slide, I do want to just spend a moment. We know that there has been a lot of progress made. Our focus has been on making sure that we get these projects into construction. That is critical.

There is a break in the meeting at this point. During the break, I stopped recording and the timer reset to zero.

[00:00:00] **Petersen:** We had just started presentation, Judge. Just to bring us up to where we were, we had really just talked about the fact that **these dollars came roughly 5 to 6 years after they were originally allocated, with no change in schedule for either the glow or the flood control district, which is why we knew it was important back in 23, when we accepted the agreement by court that there needed to be an extension**, and that was a motion made by court to make sure that we we followed through with that, which we did. So we were now just talking about the challenges that exist as a result of the various federal and process oriented procedures that we have with these dollars. And we are now going to be **talking about really the, the, the work that is happening right now**. And so if we go to the next slide, we'll just work through these very quickly.

But we have a number of projects already under construction Arbor Oaks in the White Oak Bayou watershed. We can go to the next slide. We have Brooklyn Stormwater Detention Basin also under construction in the ARM and Bayou Watershed. The next slide shows the water basin in Greens Bayou.

[00:01:20] **Petersen:** The next slide shows Keegan's Bayou, which is a channel improvement project. So these are all projects that are actively under construction right now. The next slide will show that there is a number. We got one more. T.c. jester is also under construction and the Cypress Creek watershed. So all of this work is underway. We have four projects that are in the process of either about to be awarded, which is Isom and Dinner Creek. We've used competitive sealed proposal to look for ways to expedite construction schedule. And we also have Greens Bayou and Jackson Bayou, which are two projects that have been awarded and are moving towards the contractors are moving towards mobilization. And then on the final slide we have here, there are two projects we are still waiting for environmental clearance. And those are also moving forward as expected. And we continue to coordinate with the GLO to make sure that they continue to stay on track. And so, if we go to the the next slide, really where we are at now is we do want to acknowledge the importance of the conversation that we have had and walk you through the information that has been provided by court. And so I'm going to ask Emily Woodell, our external affairs officer, to provide that update.

[00:02:42] : **Woodell:** Thanks so much, Doctor Peterson. Hi, Commissioners Court. So as Doctor Peterson mentioned, we know that this is obviously a priority. We've heard that loud and clear from this court. So in addition to the numerous meetings we've had with your teams and your staff, we want to make sure that we're being consistent and sort of how we share that information moving forward. Thanks to Commissioner Ramsay's motion last court, and then also really looking at how best to translate this to the public. So if we go to the next slide, we wanted to just kind of center around the motion from last court. It was incredibly specific. So thank you, Commissioner Ramsay for that. Um, and really, um, you know, we've moved into on the next slide, the production of this report. The first one was delivered to court offices as requested on May 1st. Um, so about a week and a half ago. Um, and moving forward, we plan to, of course, meet the deadlines that have been set by this commissioner's court and continuing to transmit this information. The next one's due on Monday, and we're

already well underway and near-final on that. We also have taken the step to make sure that this report is available on our website, and that will continue moving forward. So hdfc.org/cdbg, because we love an acronym at the Flood Control District.

[00:03:50] **Woodell:** Um, but we also know that this this report is really not public friendly. And that's something that we take very seriously. So on the next slide, you can see we took an extra step and really worked with your court offices. Got feedback from each office. Thank you all so much. And thanks to your staff for their participation. But to kind of provide a snapshot. So these project summary sheets provide information about the location, scope and benefits of each project, as well as key milestones to really give a transparent look at where we are and where we project to be. So there are projected dates and then completed dates on this document. We also have the project budget, including what we've expended and the anticipated construction cost, along with a real look at risk. And Judge Hidalgo, that was something that we heard directly from you and your team. Um, so we not only looked at the project level risk for each effort, but also at the programmatic risks. We are highly aware of both and tracking both. And so this is a way for us to be transparent about that. And then one thing that was really important to Administrator Carter was making sure that we had a way for the community to stay informed and engaged.

[00:04:57] **Woodell:** So, we have emails, phone numbers and a website for folks to be able to visit for each project. Again, all of these summary sheets are available on our website, and those will continue to be updated on the same cycle that that larger spreadsheet is updated. So, on the next slide, we also know that it can't just stop at reporting. We have a variety of avenues that we use to really keep the public updated. We do regular community meetings on our projects. We of course do social media just like all of you and also do email and mailed updates. Um, we will continue that work on all of our projects, but we also know that we're looking to go a step further. So really integrating with each of your offices to make sure that there's a presence from us at community events, hosting our own spaces for people to be able to participate and ask questions and having ad hoc conversations as well. I know we've had quite a few Do conversations, for example, with folks in northeast and then also in Cypress Creek to really answer questions about the projects that are in those neighborhoods and in those communities. And I think on the next slide, I will turn it back over to Doctor Peterson.

[00:06:03] **Petersen:** So, looking ahead, really, we understand the focus of this court. We understand the importance of seeing all projects completed, the need for an extension from day one, the criticality to make sure that we have enough time to do these projects. We also really understand and appreciate the focus on helping to cut red tape, find ways to expedite this. Court has been very supportive of that. And we also know that we are at a tipping point. We know that where we are is these projects are moving into construction, and we are working on contingency planning with the General Land Office. Our focus continues to be on the work, and we are focused on working with each of you to make sure that we see these projects through to completion. And so I'd be happy to answer questions. Judge and commissioners.

[00:06:54] **Hidalgo:** Commissioner Garcia and then Commissioner Ellis and then Commissioner Ramsey.

[00:06:58] **Garcia:** Thank you. Um, so, Doctor Pearson, just to be clear, we are asking for an extension.

[00:07:04] **Petersen** We will be. Yes. Yes we will be. We we will be based on our analysis. Initially we asked for a two. Well, we started with a three year um and that was based on, you know, just understanding all the work that we had in front of us right now, looking at the schedules. We believe that our recommendation is to start asking for a nine month extension. We know that that is less than what we asked for before looking at the schedules. We believe that that puts us in a very good place. And there may be one, possibly two projects that go beyond. And I believe and in conversations with the glow. It is clear to me that we should be focused on only the areas where we need extensions, and so we're really trying to segment out the projects where we need additional time beyond and those that we don't, and we want to work as hard as we can to see how far we can get before we go ask. And that's why we really want to see these projects in construction. We want to know the actual days. We want to see the progress. We have two projects where we are hoping to pull down that schedule even tighter than it already is. And so that's why that is so important. So nine months is what we will be talking to the GLO about, and we will continue to talk about also contingency planning with them.

[00:08:27] **Garcia:** Good deal. And like with any other infrastructure project, we're always hoping for blue skies throughout the deal. But we know that that's not always going to be the case. So thank you for that. And then, um, the, the, uh, there's always been the concern that, uh, because of the time that GLO took away from us under the previous commissioner, uh, that we were facing some time crunches. Then you got to work, and you found, uh, some cost escalations that were really because the cost estimates were not done well or not done at all. And then there was, uh, now we've had most recently tariffs. And then in between all that, there's been inflation. Um, and so some projects may be coming in under, uh, what we have available. What's the plan to close the gap?

[00:09:23] **Petersen:** Well, you know, this is actually a good problem to have, right? In Covid, in the years leading up to this moment, we have seen a lot of cost escalation. And we also were seeing right now that the construction industry is, is, you know, it's not as tight. The competition is there's more competition, I should say, as a result of other things going on in the industry. So that's working to our benefit. And so we have already been in conversation with the General Land Office on ways that we can look to mitigate that. So, for example, we've talked about the fact that there could be an opportunity to work between the two contracts that we have. We understand that that is something.

[00:10:09] **Hidalgo:** Is there a motion to continue until we're done?

[00:10:12] **Garcia:** So moved.

[00:10:13] **Hidalgo:** Motion by Commissioner Garcia, second by Commissioner Ellis. All in favor? Aye. Any opposed? Motion carries unanimously.

[00:10:19] **Peteren:** And so and so. Commissioner Garcia, there is there is already a conversation happening. And here's the good news. Here is the good news. If there is work already underway under Mitt, we. That is work happening. So we don't have to worry. Right now. We are staying focused on doctor and we can continue to to explore and investigate and find the best solution for both the flood control district as well as the General Land Office.

[00:10:47] **Garcia:** Good deal. And um, so there are plans for this that are on the table. Yes. And then, um, with the challenges that we've been facing, whether the cost

estimates, uh, are accurate because of inflation or tariffs, um, or any other timeline schedules, uh, you know, the, the schedule that glow has placed on everyone. Are we unique to these problems? Uh, or is this something that any other county or city is facing?

[00:11:24] **Petersen:** That's a good question. Um, thinking about this in a couple different ways, Commissioner. So we certainly have faced the same challenges that really Counties, cities and other agencies across the nation have been facing. As we work through some changing environmental criteria and processes. So that is something that has affected project delivery nationwide. We also know that there are other extensions that have been granted in other jurisdictions from HUD to provide additional time to complete work. So extensions are not something that are necessarily unusual, but the way that we have thought about this is that we believe that we need to be able to demonstrate that our projects, we are committed to them. We will invest our money to accelerate these projects, to make sure that they are ready to go, and then we can spend the money. And so there have been extensions, other places, Commissioner, and we also are focused on making sure that we demonstrate our commitment as well.

[00:12:35] **Garcia:** Good deal. And then in terms of, uh, the, uh, you've, you've referenced a few times and look. Some folks will be straight, some folks will go sideways and we just never know which one is which until things are done. And your estimation in the conversations with the glow. What do you how do you take their tone and you're not an elected. Uh, so you may hear things differently than I may hear, but just in the many conversations you've had with the high level folks at Glow don't know how many times you may have met with the commissioner. Probably not many. I would assume you're dealing with, uh, chief or, uh, high level directors involved. Um, we, we invited the glow to come and, uh, embed themselves with us. Um, that was going fairly well from what I understand. Like they were there on a weekly basis and then they themselves pulled back, I think to nearly monthly, if that. So how do you take the tone of the conversations you've been having?

[00:14:04] **Petersen:** So, Commissioner, I know that we have conversations happening with the glow across our organization. I have conversations with the Glow. Melissa Meyer, who is here today, our CDBG director, works closely with the Glow. Our

environmental teams work with the glow. Our financial teams work with the glow. So we work closely, collaboratively. We have had a very strong problem-solving relationship. When there are challenges, when there are issues, we can put them on the table and talk through them and find a solution. We know that putting all of our brains together will be able to solve a problem better than if we work in a silo. And so I believe, you know, we each have a role in this relationship. The General Land Office is responsible for managing the grant. We're responsible for delivering the projects. And I believe we both work very well together in a very productive relationship in that in that context, we do.

[00:15:15] **Garcia:** And so you your conversations have been going well. Uh, you've not gotten any read to believe that there's, uh, something of concern.

[00:15:30] **Petersen:** Commissioner. I know that, you know, I can't speculate as to, you know, anything beyond my own experience. But what I know, again, is what I'll say, that we have a very collaborative relationship, a very open relationship. There's conversations, information sharing happening. And, you know, I will just stress how much I appreciate the glow because the progress, the progress that we are making would not be possible without that close relationship.

[00:15:59] **Garcia:** Good deal. And then, uh, in terms of the, the, um. The, the schedule of the projects, um, you know, I, I for one was, um, you know, when, when, when I worked with the commissioner to get this funding, um, we had a very, very robust conversation about the term I was using shovel ready, and I referenced that we had a finite amount of time to get these projects done. And I have always been a critic of how this bond project was put together. Environmental. Requirements. We heard nothing about when I first came into this office. Right away, acquisition was not talked about when I came into this office and was getting my briefing from the previous director. Um, the cost estimates weren't talked about. In fact, the previous administration was telling us that there was a deal already made that we would be getting the money, no problems, and we just needed to keep stay on track. And so, With the schedule of things, are there issues that, prior to your time, have made some of your work a little more difficult than not.

[00:17:40] **Petersen:** That is. That is a fair question. Um, I would say there are still things we find. There are still things we find. Yes. Um, and I would also say that one of

the biggest challenges is really the fact that the thing that I think specifically with Docker, that really set us back in a way that, um, made it difficult, you know, we had some projects that were at the tail end of design, but because of some changes in regulations, we had to go back and redesign a project. And then we had to go back and change the footprint. And so there was redesign happening. Unfortunately, due to these regulations that we absolutely want to follow. And so it's important that we get that right. But unfortunately, there was some challenges there that we really struggled with in terms of with some of the environmental regulatory agencies, that this is not something unique to the flood control district. This is something that was happening across the nation.

[00:18:52] **Garcia:** I appreciate and I and I appreciate how you just work to pick the ball up and try to move it forward, uh, since you got here. So thank you so much for that. And, and, um, you know, uh, judge, I think you had made a comment about an extension that we didn't need an extension. I think someone told me, you may have said that in your press conference earlier. Uh, can we just roll this video real quick?

[00:19:22] **Hidalgo:** I'm not sure that I said that, Commissioner. For what it's worth.

[00:19:27] **Video:** I move approval of the CDBG-DR contract and the CDBG-MIT contract between Harris County Flood Control District and the Texas General Land Office. Concurrently, I will also move approval of the CDBG contract between Community Services Division and the GLO. And **I further direct the Flood Control District to request an extension of contract time for both contracts from the GLO to ensure that funds can be spent in the local community, and that extension will allow us the time necessary to complete this so we don't have to give any of our money back.** We would like to second that. Yeah. Well that's it.

[00:20:08] **Video:** All right. So motion on all those. Did you guys catch it. Yes.

[00:20:12] : **Video:** And that's the motion is going to be for all three items correct. Correct.

[00:20:16] : **Video:** So the motion by Commissioner Garcia. Second by Commissioner Ramsey. All in favor?

[00:20:20] **Video:** Aye.

[00:20:20] **Video:** Aye. And I can. Yeah. I can. If I could. I echo wholeheartedly your sentiments. Thank you. Commissioner Buckingham thank you, Doctor Peterson, director Costas, director Amon and the glow. They've even come to every town hall we've had. Yeah, exactly. They are just embedding themselves. And I'm so grateful for this restart and opportunity. And I'm so energized and grateful. Wonderful. Um, all in favor? Any opposed? Motion carries 4 to 0. Thank you all.

[00:20:47] **Video:** So that's an example of how local government can work with Austin.

[00:20:51] **Video:** That's right.

[00:20:52] **Video:** I agree. I hear a lot of people griping about Austin. They just don't spend any time. Yeah.

[00:20:57] **Video:** Good deal.

[00:20:58] **Video:** Thank you. Thank you.

[00:21:00] **Garcia (Back Live):** And I just wanted to play that because from the very beginning, we knew time was not our friend because of the previous administration. And so, I've said that many times on different conversations related to this, item. And so, I just want to point out again that this time constraint that we're facing is not of our own doing, and we are doing everything we can to ask for the time. But I am trying to remember where I got the conversation from. But at some point, I remember being told that we shouldn't have to ask. We shouldn't be asking for a conversation until we showed some progress. And I believe I heard that from either staff or when I was in DC. So, uh, again, thank you for your work, uh, Doctor Peterson.

[00:22:01] **Hidalgo:** Thank you. Thank you, Commissioner Ramsey.

[00:22:04] **Ramsey:** Yes. Thank you. Uh, director. Appreciate appreciate the update. I know we've got, uh, we've got the table now that's information that we're requested at the last meeting. That was information that the GLO needed. I shouldn't have had to come to Commissioner's Court to get support from this court to ask you to provide

information to the GLO that should have been something that would be fairly appropriate. Fairly obvious. So, uh, going forward, uh, we can't be managing this from here. You really need to manage this process. And part of that is staying, uh, up with the GLO. So every, every bit of information, every bit of data that we requested at the last meeting or that was specifically needed by the GLO and they were not getting. So that concerns me going forward. I think you also are addressing another concern related to the public keeping them posted. There is much confusion out in the community. There is a lot of conversation there related to when things are going to happen, and part of that is they just don't know. They just don't know. Uh, they don't know the details. So, uh, again, uh, we have worked through a lot of issues. We know we started with, uh, a not perfect, uh, schedule in terms of what, uh, was put upon the GLO what was ultimately put upon us. So, when we put together a plan that requires that we, man, we hit it on all cylinders all the time.

[00:24:00] **Ramsey:** I think there's been some delays internally in terms of when we get projects, uh, out, when we get projects bid. And, uh, that's very clear and we can go through a lot of detail related to that. I'll not waste the court's time in terms of how much detail, how many projects were delayed and for what reason, but they were delayed. And that's on us. That's not on the GLO. I think the GLO has a very clear understanding of what their job is and what our job is. I think their concerns is we're not doing our job. So that concerns me. I get concerned when they tell me that they're having trouble getting data. That's why we had that on Commissioners Court the last meeting. That's why we asked for it. You gave us the information that we asked for, but we had to ask for it first. It shouldn't be. That shouldn't be operating that way. The other thing is we're going into construction. You think design is complicated? Wait till you try to manage this much construction in this period of time. This is the real challenge. It has been, uh, it's been easy up to this point, I would say. Now the, now the true, uh, understanding of what we know. And if we know how to do what we say we know how to do, that's where it's going to come.

[00:25:26] **Ramsey:** I'm concerned about how we got where we are not because of the glow, not because of other schedules. I'm concerned about what's in our own control and what we do. Those concerns remain. I know that we've still got, uh, we've still got, uh, uh, the construction projects to get fully, uh, in place. Some of those still have to be vetted. You got to get the contracts together. You got to get them, uh, notices to

proceed. You got to work through our programs. But I can tell you, having talked to, uh, Administrator Carter, that she's going to be sure that all systems are go within, within our control to be sure they're out there. I think it's appropriate that Administrator Carter worked closely with you in the coming days to be sure that we know, uh, uh, what our our schedules are. **I'm not going to take for granted what you're telling me. Uh, it'll be verified by Administrator Carter in great detail in the coming days, and she'll be working with you as we assess where we are,** as we assess what, uh, else we can do to work with, uh, the GLO so there'll be more conversations with the GLO. But, but clearly, uh, clearly this is urgent. And, uh, I'm glad we were able to do a report that we asked for, but I remain extremely concerned.

[00:27:08] **Hidalgo:** Thank you, Commissioner. Thank you. And I know we already chatted for my part. Obviously, I appreciate the the report as well. I think this is a little bit of one version behind what's on the website. But I think this is it's really good. It's very, um, easy to understand and, you know, helps everyone keep track of specific project. Um, but of course, as I shared with you, uh, I have concerns, can't predict the future, but, but I'm, I've come to my own conclusion as to what's more likely to succeed. Um, that's that's what I got in. Commissioner Ellis had to run. Um, so anything to add? Well, I would just I.

[00:27:49] **Petersen:** Would just like to say a couple things in response to Commissioner Ramsey. So, I hear your concerns, Commissioner. I will tell you that we we stay in close communication with Glo. And if we were aware that they needed information, I fully expect the team would have provided that. So, we have already been implementing communication policies, procedures, um, several, several months ago. And so I do believe that those whatever issues did exist, we need to make sure that the lines of communication continue to stay open with GLO do not think that they should have to, nor do I think that the team has heard this feedback. And so, I think it's important to be clear about that so that we can be able to be responsive. I know we provide weekly updates to the GLO about our work, and I desperately want to make sure that they get the right information that they are looking for. And so we will continue to strive on that front in terms of, you know, the other concerns related to, you know, construction. Absolutely. It's not an easy street by any stretch of the imagination. Um, and, you know, that's why we have a team of people who are engaged and work with us on that front. But I hear you, I understand the concern. We're going into what could be a

rainy season and absolutely need to be on point tracking. And we have brought on additional staff to make sure we can do that. Okay.

[00:29:33] **Hidalgo:** Thank you. Anything else to add, folks? Thank you, director, and thank you to the team colleagues. It's my understanding this is the last item on deck. Uh anything else? County attorney clerk that we need to do. All right. All right. Great. Well, thank you, thank you, colleagues, uh, and everyone here, it's 428 and this meeting of Commissioners Court is now adjourned.