



## Cover Memorandum/Staff Report

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**File #:** 18-851

**Agenda Date:** 1/15/2019

**Item #:** 6.J.

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**TO:** Mayor and Commissioners  
**FROM:** Susan Goebel-Canning, Director Public Works  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** January 15, 2019

APPROVE RESOLUTION NO. 19-19: LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE NE 2ND AVENUE / SEACREST BEAUTIFICATION PHASE 3 PROJECT (NE 22ND STREET TO GULFSTREAM BOULEVARD).

**Recommended Action:**

Motion to adopt Resolution No. 19-19; and consider approval to execute the Local Agency Program (LAP) Agreement with the Florida Department of Transportation (FDOT) for the funding of the NE 2<sup>nd</sup> Avenue Beautification Phase 3 (Project No. 17-010).

**Background:**

The Seacrest Beautification projects are federally funded through the FDOT Local Agency Program. Furthermore, the project evolved into four phases. Phase 0 limits are from NE 4th Street/Lake Ida to NE 8<sup>th</sup> Street / George Bush Boulevard; and construction was completed in December 2016. Phase 1 limits are from NE 8th Street/George Bush Boulevard to NE 13th Street; and construction was completed in October 2018. Phase 2 limits are from NE 13th Street to NE 22nd Street; and construction is anticipated to be completed in January 2019. Phase 3 limits are from NE 22nd Street to Gulf Stream Boulevard with the Construction Contract tentatively scheduled to be let by 3/7/19 and Construction tentatively scheduled to be completed by 6/30/2021.

In March 2015, the Mayor executed Resolution No. 07-15 thereby entering into a LAP agreement with FDOT for the construction of Phase 0 (NE 4th Street to NE 8th Street). In January 2017, the Mayor executed Resolution No. 01-17 for Phase 1 (NE 8th to NE 13th Street). In October 2017, the Mayor executed Resolution No. 70-17 for Phase 2 (NE 13th Street to NE 22nd Street). In February 2017, the City of Delray Beach (CITY) City Commission gave approval to move forward with the design of Phase 3 (NE 22<sup>nd</sup> Street to Gulfstream Boulevard) and includes the following improvements:

- Reduction in travel lanes from 12' to 10'
- Dedicated 4' bike lanes on both sides of the road
- Concrete 5' sidewalks on both sides of the road
- Brick paver crosswalks

The Phase 3 LAP agreement explains FDOT's project participation (refer to Exhibit "A" for project description); it states the terms and conditions of FDOT's financial assistance to the City; how funds will be provided; and the manner in which the project will be undertaken and completed. The City agrees to complete the project on or before June 30, 2021. The total estimated engineering cost of

construction (provided by design engineer) is \$1,978,873 with a maximum contribution from FDOT in the amount of \$697,765 and City's responsibility at \$1,305,183 (refer to Exhibit "B" for schedule of funding). Additionally, it is the City's responsibility to hire a full-time independent consultant (CEI) to perform construction administration & supervision over the project. It is estimated that the CEI consultant will cost \$200,000.

FDOT requires a resolution (Resolution 19-19) authorizing the Mayor to execute the Phase 3 LAP Agreement on behalf of the City. FDOT's funding commitment was awarded to the City in January 2016 and programmed in FDOT's District 4 work program for fiscal year 2018-2019. The City has previously agreed to meet FDOT's schedule and financial responsibilities. FDOT encumbrance date (LAP commitment) is scheduled for February 1, 2019 and is contingent upon this motion to adopt Resolution No. 19-19 and execute the Phase 3 LAP agreement. This will also facilitate construction activities to commence on 8/28/2019.

**City Attorney Review:**

Approved as to legal form and sufficiency.

**Funding Source/Financial Impact:**

Funding is available from account number 377-41-340-541.68-18 (Infrastructure Surtax Fund).

**Timing of Request:**

This agreement is time sensitive in order to secure funding and keep the project on schedule.