



Legislation Text

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TO: Mayor and Commissioners
FROM: Susan Goebel-Canning, Public Works Director
THROUGH: Mark R. Lauzier, City Manager
DATE: June 12, 2018

UPDATE ON INFRASTRUCTURE SURTAX AND CONGRESS AVENUE

Recommended Action:

Presentation and discussion

Background:

INFRASTRUCTURE SURTAX

In May 2016, the City of Delray Beach (City) Commission approved entering into an Interlocal Agreement with Palm Beach County, the School Board of Palm Beach County and other municipalities within Palm Beach County pertaining to the shared distribution and use of a one-cent local government infrastructure surtax. Imposition of the surtax was approved by referendum by Palm Beach County voters in November 2016, and County Ordinance No. 2016-032 was subsequently adopted. Collection of the surtax began on January 1, 2017.

Projects that are eligible must meet the conditions outlined by Florida Statutes (see attachment titled Local Government Infrastructure Surtax) and by the language approved in the ballot.

Florida Statutes, Section 212.055(2), explains that the local government infrastructure surtax may be used for a number of activities, including to finance, plan and construct infrastructure. For the purposes of the statute, "infrastructure" is considered any of the following:

1. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years, any related land acquisition, land improvement, design, and engineering costs, and all other professional and related costs required to bring the public facilities into service. For this purpose, the term "public facilities" means facilities as defined in ss. 163.3164(38), 1 163.3221 (13), 2 or 189.012(5), 3 F.S., regardless of whether the facilities are owned by the local taxing authority or another governmental entity.
2. A fire department vehicle, emergency medical services vehicle, sheriffs office vehicle, police department vehicle, or any other vehicle, and the equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

3. Any expenditure for the construction, lease, maintenance, or provision of utilities or security for those court facilities as defined in s. 29.008, F.S.

The one-cent local government surtax was approved by Palm Beach County voters on the November 8, 2016 ballot. In regard to city government, the ballot outlined the following conditions:

- Equip, construct and repair roads, bridges, signals, streetlights, sidewalks, parks, drainage, shoreline and wastewater infrastructure, recreational and governmental facilities.
- Valid January 1, 2017 through December 31, 2026.

In 2017 the City Commission approved a list of projects. Progress has been made as expected for several projects. However, some projects have been suspended or altered due to findings along the way that require a more sensible approach to be taken. An example is the establishment of a temporary Emergency Operations Center in the Delray Beach Golf Course Clubhouse. The findings in the study showed that investing \$1 million in hardening the golf course clubhouse was not the best course of action due to the removal/diminishing of amenities that make the Delray Beach Golf Course Clubhouse a highly-desired venue for weddings.

The list of infrastructure surtax eligible projects has therefore been expanded. Included in the revised list are projects to improve roadways, parks, and ADA compliance throughout the City (see attachment titled Fund 377 Infrastructure Surtax for complete list of projects and schedules).

CONGRESS AVENUE

The Congress Avenue project is currently funded for construction in FY 21 and seeks to convert the existing 6-lane roadway to a 4-lane roadway with protected bike lanes. The City is expected to design this project in FY 19 and construct it by permit on a county roadway with reimbursement funding from the TPA, provided through an agreement yet to be executed between the City and FDOT.

Timeline

- 2015 - City Commission establishes Task Force for Congress Avenue revitalization (includes city, development community, county, TPA, and Tri-Rail)
- 2/29/2016 - Congress Avenue Final Report and Executive Summary completed
- 3/8/2016 - City Commission workshop to discuss the report
- 3/31/2016 - TPA Local Initiatives application for Congress Avenue project submitted
- 5/17/2016 - City Commission resolution to support Congress Avenue TPA Local Initiatives project. Meeting details [here](#).
- 8/23/2016 - City Commission accepts and files Congress Avenue Final Report
- 9/15/2016 - TPA Board adopts FY 18-22 List of Priority Projects and includes Congress Ave as #1 Local Initiatives project for the 2016 application cycle

Next Steps

In March, the Palm Beach County Transportation Planning Agency (TPA) requested a County Commission resolution authorizing the City to proceed with design and construction of the project. The TPA has received memo from County staff (attached) noting that they cannot support a permanent lane reduction of this facility until an initial trial phase shows the reduced facility can handle traffic demand at the adopted LOS "D."

The TPA is asking the City Commission to take action by June 30, 2018 to either:

1. Affirm interest in the project and commit City funds to implement an initial trial phase pursuant to the attached memo, and send me a letter asking the TPA Board to defer the TPA construction funding to a later year, or
2. Send me a letter formally withdrawing the request for TPA funds for the project.

City Attorney Review:

Not applicable

Funding Source/Financial Impact:

Not applicable at this time.

Timing of Request:

This is not a time sensitive matter at this time.