

CITY OF DELRAY BEACH

OFFICE OF THE CITY MANAGER

100 N.W. 1ST AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7015



City Commission Information Letter

January 6, 2023

Happy New Year!

Stormwater Rate Structure and Project Implementation Capability Considerations

The City of Delray Beach continues to work to advance stormwater related capital improvement projects. A fiscal impact analysis was performed recently to determine long-term financial capabilities based on needs throughout the community.

This exercise revealed that the current stormwater assessment has not changed in nearly 17 years. The resulting annual revenues cannot support either current or future operational and maintenance expenses, nor projects that are necessary to help combat climate change, increasing tides, and rain events.

An integral function of the Fiscal Year 2023-2024 Proposed Budget process will involve proposed rate modifications, including the establishment of a more equitable assessment determination for properties throughout Delray Beach. With annual rate adjustments anticipated over the following five years to bring the City's stormwater utility revenue in line with the community's needs, most residential properties would be charged a lower rate.

A workshop meeting to formally engage considerations will therefore take place in the next few months. Meanwhile, leadership in both the Department of Public Works and the Department of Finance was able to compile for the Office of the City Manager the attached summary to help support the analysis being offered.

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<u>Utility Cross Connection Control Device Requirements and Administration</u>

Both the Office of the City Manager and that of Director of Utilities Hassan Hadjimiry are pleased to report that numerous milestones have been met to ensure the City meets utility cross connection control device compliance.

As referenced in the attached progress report, specific outcomes include backflow preventer device installations at both residential and commercial properties, yielding a total of 676 additional installations in 2022. Progress to this effect yields a compliance rate of over 70%, compared to only 15% two years prior.

City administration continues to work closely with the Florida Department of Health (FDOH) officials, including our organization's commitment to assertively achieve full compliance well in advance of prescribed timeframes.

Workforce Housing/Housing Trust Fund Update and Summary

As committed during a recent regular City Commission meeting, leadership of both the Department of Neighborhood and Community Services and the Department of Finance convened to review and clarify the fiscal status and standing of the City of Delray Beach's Workforce Housing and Housing Trust Fund.

As referenced in the attached memorandum from Director of Neighborhood and Community Services Sammie Walthour, this resource was initially established to help support the City's participation in the State Housing Initiatives Partnership (SHIP) program. Specific commitments to this effect involve financial contributions from area developers in lieu of mandating requirements to build workforce housing.

With a current balance of \$793,450, various opportunities that would otherwise not become available in our community are being administered. These include housing rehabilitation projects, a homebuyer assistance program, as well as rental assistance for eligible low-to-moderate income families. Additionally, with 11 workforce housing developments consisting of approximately 600 units

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currently active in Delray Beach, staff resources in Neighborhood and Community Services are allocated to monitor compliance to ensure affordability based on the City's workforce housing guidelines.

Given the level of focus regarding collaborative interests ancillary strategies will continue to be considered.

Status of Florida Department of Transportation Atlantic Avenue Bridge Enhancement Program

Staff recently received confirmation from representatives of the Florida Department of Transportation (FDOT) District 4 that safety upgrades to the Atlantic Avenue Bridge have been included in its most recent Bridge Improvement Report. Likewise, we are being advised that FDOT will assess the status of various crossings throughout the region.

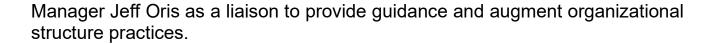
Once this assessment process has been completed, follow-up studies and design activities will commence. Meanwhile, the Department of Public Works will remain engaged in the process, to include coordination and dissemination of information and/or other guidance deemed necessary.

Calendar of Meetings, Activities, and Functions

In addition to efforts on the part of staff at all echelons of the organization to execute projects, programs, tasks, and priorities (as a function of a productive focus for the new year), city administration has recently received interests from external organizations relative to special events, sports tournaments, and other engagements.

Direction is likewise being offered to the City's Special Event Technical Advisory Committee (SETAC) to review proposals more thoroughly and to evaluate the existing policies to offer recommendations for updates and/or revisions that might become necessary. This includes the involvement of Assistant City

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Enclosures:

Report Summary - Stormwater Rate Study (2022) Background and Study Findings Delray Beach Utilities Cross-Connection Compliance 2022 Progress Report Memorandum from Sammie Walthour – History of Workforce Housing/Housing Trust Fund Calendar for Business Week of January 2, 2023

CM/Documents/City Commission Information Letter 55

Stormwater Rate Study (2022) Background and Study Findings

Background

The City's stormwater assessment rate, of \$5.33 per Equivalent Residential Unit (ERU) per month (\$63.96 per ERU per year), has not been increased since 2006. Currently, the stormwater assessment generates roughly \$2 million per year. This level of revenue is barely sufficient to cover Operation and Maintenance (O&M) expenses, which were curtailed during the pandemic.

The City is also facing a significant increase its stormwater capital improvement program needs. The improvements are intended to address flooding and water quality concerns across the City, which include capital program initiatives to prepare for rising sea levels, the influence of climate change and replacement of aging infrastructure.

O&M functions need to be restored to pre-pandemic levels and over time expanded to maintain both existing level of services needs and add the additional resources necessary to effectively maintain investments in the City's stormwater related infrastructure.

The following table presents the projected O&M costs for FY 2023 to FY 2028:

	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
0&M	\$2,144,023	\$2,821,900	\$3,177,900	\$3,336,700	\$3,469,400	\$3,609,300

The City's projected CIP needs for FY 2023 to FY 2028: are presented in the following table:

	2023	2024	2025	2026	2027	2028
CIP Projects	\$5,444,300	\$7,478,600	\$8,250,000	\$10,050,000	\$9,959,400	\$10,289,400

While City staff have been successful in obtaining grant funding for a number of CIP projects, this type of funding cannot be solely relied upon in order to finance the improvements. Rather, the City will need to obtain financing in the form of revenue bonds or state revolving fund loans to support overall CIP needs.

To support, both anticipated O&M and Capital financing needs as presented above, under the City's existing stormwater assessment rate structure, the ERU rate would need to increase as presented below.

	Existing	Proposed					
		1-Oct-23	1-Oct-24	1-Oct-25	1-Oct-26	1-Oct-27	1-Oct-28
\$/ERU/Month	5.33	11.03	13.79	16.69	20.19	23.22	25.78

However, the City's existing stormwater assessment rate is based upon parcel data and impervious area information that were available at the time of the initial implementation of the City's stormwater utility, which occurred decades ago and does not necessarily reflect current land use and land cover conditions.

The City's existing rate structure utilizes the ERU, defined as the average of amount of impervious area associated with single family residential properties as the base billing unit. The

ERU was previously estimated at 2,502 square feet of impervious area. Currently, all residential properties are assessed a uniform flat fee based on 1 ERU. Non-Residential properties are charged based upon their impervious area.

The current approach of having a uniform flat fee for all residential properties, does not recognize the significant diversity in impervious area that exists among the residential properties. Also, religious properties are currently exempt from the stormwater assessment, while surrounding communities do not offer such an exemption. In addition:

- The City currently offers the following discounts:
 - A 25% discount for properties located within the Lake Worth Drainage District (LWDD). However, the City has stormwater infrastructure within the LWDD and provides services throughout this area.
 - A 25% discount to properties with private drainage properties. While these
 improvements were required to meet stormwater management requirements at the
 time of development, they do not necessarily reduce the City's stormwater service
 needs.
 - Neighboring communities do not offer these types of discounts.
- Billing system limitations do not currently capture all parcels.
 - During redevelopment, Parcel IDs are updated. Changes in lot size and impervious area are also likely to occur. However, the current software application does not reflect these changes that have occurred over the last several years.
 - Some active parcels may not have been included in the assessment list. For example, in 2022, around 50 parcel IDs were revised and are not currently captured in the assessment data.
 - In addition, the existing system does not include recent development activity and does not reflect more current impervious area and land use conditions across the community.

Study Findings

Given the stormwater utility's overall revenue needs and the limitations of the current assessment approach, a multi-year stormwater utility financial forecast was developed; an updated impervious area data was developed for all properties; and an alternative rate structure has been developed to recover costs more accurately and equitably.

The proposed alternative would:

- Establish a base Stormwater Billing Unit (SWU) equal to 500 square feet of impervious area.
- Eliminate existing exemptions for religious institutions and discounts for properties in the LWDD, and private drainage properties.
- Create a tiered residential rate structure to reflect the diversity of residential properties.

The estimated SWU rate for FY 2024 is \$1.14/month or \$13.69/year. Residential properties would be assigned to one of four tiers based upon their impervious area and assessed as follows:

Tier No.	Impervious Area Threshold	Assigned SWUs	Monthly	Charge (\$)	Annual	Charge (\$)
1	0 to 2,000 square feet	2.70	\$	3.08	\$	36.96
2	2,000 to 5,000 square feet	6.40	\$	7.30	\$	87.61
3	5,000 to 7,000 square feet	11.90	\$	13.57	\$	162.90
4	7,000 to 10,000 square feet	16.10	\$	18.37	\$	220.39

Residential properties with more than 10,000 sf of impervious area would be charged based upon their actual impervious area. Non-residential properties would continue to be billed based upon their actual impervious area utilizing the SWU.

The majority of residential properties fall within Tier 2 and would be charged \$87.61 per year. By contrast, under the existing rate structure, all residential properties would be charged \$132.48 per ERU annually. Therefore, the tiered residential rate structure offers a lower annual bill for residential properties that have a median impervious area of 3,273¹ square feet. This approach also offers a more equitable assessment of stormwater charges for residential properties while balancing administrative needs.

¹ Based upon the updated impervious area capture, the median amount of impervious area associated with residential properties is 3,273 square feet.



Delray Beach Utilities Cross-Connection Compliance 2022 Progress Report

December 2022

Consent Order WP-038-20

<u>Backflow Installations</u>
New Backflow Installs 676

Customer Notifications SentTest Notifications6215Notices to Install1127Plumbing Deficiency3

Inspections and Testing
Cross-Connection Insp. 114
Backflow test received 4065

Device Installations NeededNon-Residential85Residential382Municipal15DuCs265

Team
Rupert McCormack
Brad Hasseler
Demetrius Smith
Savannah Santiago

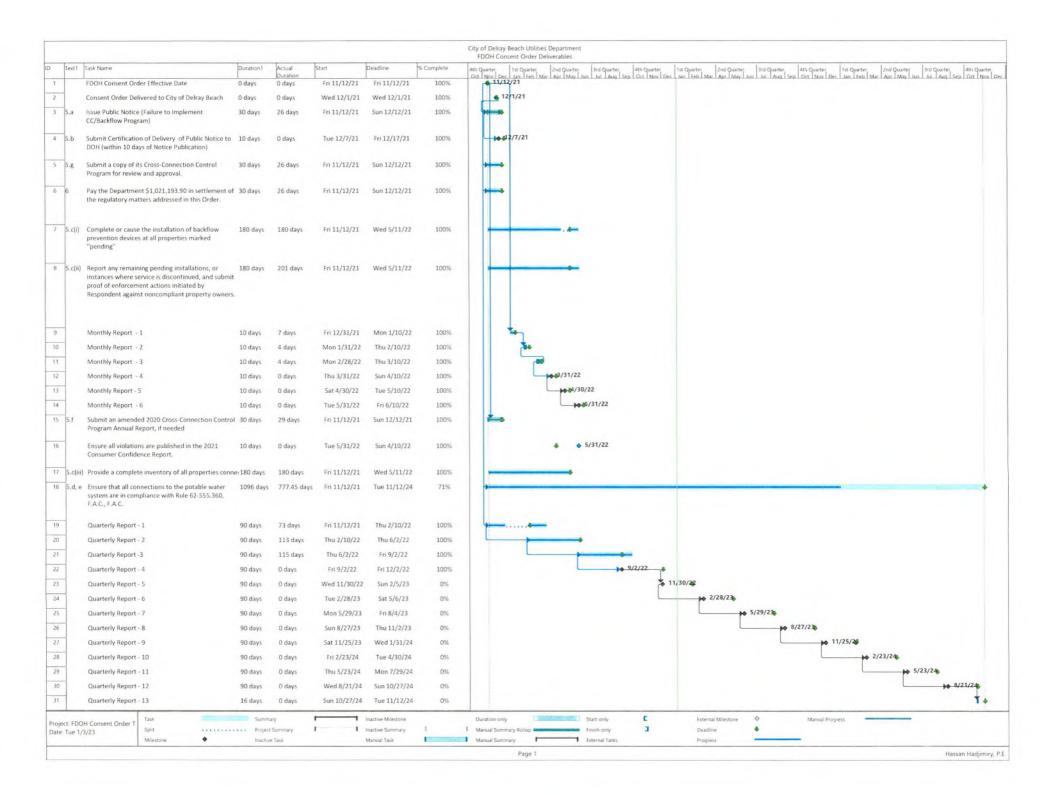
PWS ID#4500351

Consent Order Completion

- Issued Public Notice on 12/7/2021 per consent order item 5.a.
- Submitted Certification of Public Notice to FDOH on 12/7/2021 per consent order item 5.b.
- Submitted an amended 2020 Cross-Connection Control Program Annual Report Form on 12/10/2021 per consent order item 5.f.
- Submitted a copy of the City of Delray Beach Utilities Cross-Connection Control Plan for FDOH review on 12/7/2021 per consent order item 5.g.
- Submitted the settlement of \$1,021,193.90 to the FDOH on 12/7/2021 per consent order item 6.
- Submitted All Monthly Progress Report per consent order item 5.c.
- Submitted Quarterly Report #1 on 3/18/2022 consent order item 5.e.
- Submitted Complete Inventory on 05/04/2022 consent order item 5.c.
- Submitted Quarterly Report #2 on 6/02/2022 consent order item 5.e.
- Submitted Quarterly Report #3 on 9/02/2022 consent order item 5.e.
- Submitted Quarterly Report #4 on 12/07/2022 consent order item 5.e.

Activities

- City wide cross connection control program:
 - o 676 new backflow prevention assemblies have been installed.
 - 172 customer accounts were sent to Code Enforcement for failure to comply with Utilities' notice to install.
 - City's Special Magistrate Judge orders fines for 35 accounts for failure to comply with backflow compliance. Severance of water services authorized.





CITY OF DELRAY BEACH

NEIGHBORHOOD & COMMUNITY SERVICES

100 N.W. 1ST AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7364



MEMORANDUM

TO: Terrence R. Moore, ICMA-CM, City Manager

FROM: Sammie L. Walthour, Director, Neighborhood and Community Services & LW

DATE: December 29, 2022

SUBJECT: History of Workforce Housing /Housing Trust Fund

The purpose of this memorandum is to provide an overview of the Housing Trust Fund and the housing programs it supports. Per Chapter 4 – Zoning Regulations, Article 4.7 Family /Workforce Housing Ordinance; the Housing Trust Fund is comprised of the City's State Housing Initiatives Partnership (SHIP) allocation and is administered by the Neighborhood Services Division of the Neighborhood and Community Services Department. All monetary contributions in lieu of workforce housing units are deposited into the trust for the purpose of supplementing annual SHIP allocations. The interest received on any such investment is credited to the fund. The City administers the fund exclusively for the purpose of implementing programs described in the City's Local Housing Assistance Plan. The fund currently has a balance of \$696,566.62, and the SHIP allocation for FY2022-2023 is SHIP \$642,003. Program strategies eligible under these programs are purchase assistance, owner-occupied rehabilitation, and rental assistance.

In March 2015, request was made to the Finance department for identification and balance on the Delray Beach Housing Trust Fund in order to receive an impending payment. Staff identified the account created in 2008 for the Delray Housing Group (for-profit arm of Delray Beach Housing Authority) set up for the management fees under the agreement for the 2nd Avenue Apartments. Pursuant to Workforce Housing Ordinance 4.7.9 which states all monetary contributions in lieu of workforce housing units shall be deposited into the trust for the purpose of supplementing annual SHIP allocations and since no account was found for the purpose of production and availability of workforce housing staff set up a revenue account. The account was then revised to a more appropriate financing code for separation and tracking of funds. All monies henceforth were deposited into the Workforce Housing /Housing Trust Fund set up for the collection of monetary contributions under this initiative.

The first payment under this initiative was under the New Urban (CODA) project in which \$120,000 was paid directly to the Delray Beach Community Land Trust per Section 4.7.4 (e) of the Workforce Housing Ordinance in May 2007. The City in the Housing Trust Fund received its first allocation in the amount of \$1,440,000 on April 16, 2015, from Joseph E. White III as part of the SOFA District Lofts in lieu of producing the nine (9) workforce unit requirement for said project. In June of 2016, a covenant agreement was approved between Metropolitan at Delray and the Delray Beach Community Land Trust (DBCLT) to construct five (5) workforce housing units (for the value of \$800,000). This was not achieved as the deal was cancelled. Subsequently, the City received a settlement payment in the amount of \$13,325 from Monogram Residential (Behringer Harvard Delray LLC) (Franklin) for excess rental payments based on lowest non-compliant rent units not provided to eligible households. Currently, there are eleven (11) workforce housing developments consisting of approximately 600 units that are under the monitoring purview of the Neighborhood Services Division. City is pending commencement/completion of three additional projects.

In 2016, at the request of the City Commission, a Workforce Housing task force inclusive of City/CRA staff, nonprofit housing providers and stakeholders was created to develop a policy for the expenditure of funds

Service · Performance · Integrity · Responsible · Innovative · Teamwork

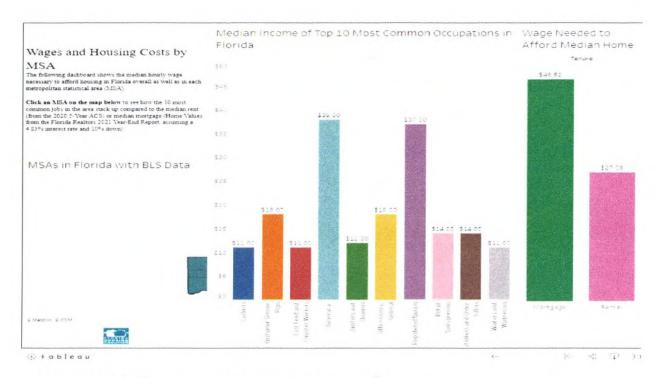
collected for Workforce Housing under LDR Section 4.7. In addition, the Task Force was charged to create a scope of services for a Housing Study. The Housing study data was used to formulate housing policies for the Comprehensive Plan Amendment and identify gaps in the housing stock that will support necessary strategies to be included in the "Workforce Housing Delivery Plan."

Recommendations were made to use the first allocation of \$1,440,000 in the following manner also identifying a transfer and reflecting current balance.

Strategy	Allocation	Increase of	Balance
Program Administration	\$ 144,000	N/A	0.00
Housing Rehabilitation	\$ 300,000	257,719	233,968.22
Purchase Assistance	\$ 500,000	51,543.80	280,032.60
Rental Assistance	\$ 150,000	51,543.80	76,565.80
Land Acquisition	\$ 300,000	-200,000	100,000.00
Development Costs	\$ 46,000	-40,000	6,000.00
Non-Compliance	\$ 13,125	-13,125	0.00

The workforce program has been successful in helping to assist the current needs of the community. To date, staff is working with two (2) purchase assistance files with fourteen (14) in the eligibility phase. There are four (4) under housing rehabilitation with eight (8) in eligibility. The rental assistance strategy has fifteen (15) files currently approved to search for housing or undergoing eligibility. Funds deposited into the Housing Trust Fund in lieu of workforce housing units are used to supplement the City's State Housing Initiatives Partnership (SHIP) program allocations. The strategies included comply with current regulations and approved strategies the City currently administers.

As of December 23, 2022, 74.1% of Palm Beach County's homeowners are severely cost-burdened and making less than 30% AMI which for a family of four is \$27,750. For renters this is increased by 7.6% to 81.7% at the same level. The chart below shows the median made by most common occupations but further depicts the wage needed to afford median housing. This further explains why programs such as these are important for the city residents.



Should you need additional information, please let me know.



January 2, 2023 -January 8, 2023

January 2023

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February 2023

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Monday, January 2 Tuesday, January 3 ☐ ← 12:00am Chief Tomey ooo ← Chief Tomey ooo 8:00am - 5:00pm New Year's Day Observed Gina ooo 3:00pm - 4:30pm Canceled: Cancelled - Comm. Johnson mtg w/CM 7:30am - 8:30am Begin CIL (CM Office) Moore Re: Agenda and Updates (Commission Conference Room) -8:30am - 8:40am New employee orientation (First Floor Conference Rangel, Delores € Room) - Bast, Dot € 9:00am - 10:00am Compile Information Letter Report - Cross Connection Control Devices (CM Office) - Terrence R. Moore 10:00am - 11:30am Mayor mtg w/CM Moore Re: Agenda & Updates (City Manager's Office) - Rangel, Delores ↔ 10:30am - 11:00am Mayor Petrolia mtg w/CM Moore, Hugh Dunkley & Missie Barletto Re: Follow-Up Analysis Regarding Lease 11:00am - 12:00pm DBFR Vacancy Considerations (CM Office) -2:00pm - 3:00pm Final Direction Regarding the 3rd Annual Delray 3:30pm - 4:30pm Compile Information Letter Report - Workforce 5:00pm - 6:00pm Compile and Deliver (CM Office) Wednesday, January 4 Thursday, January 5 8:30am - 9:30am Compile Information Letter Report - Stormwater 8:30am - 9:00am Sam Metott Bi-Weekly Meeting (Office of the City Manager) - Terrence R. Moore € Rate Structure and Project Implementation Capability Considerations (CM Office) - Terrence R. Moore 9:00am - 10:00am Agenda Review Meeting (January 17 CC Meeting) (City Hall 1st Floor Conference Room) - Conference Room -10:00am - 10:30am Sammie Walthour - Bi-weekly Meeting with ACM Jeff Oris (City Manager's Offce) - Walthour, Sammie ↔ City Hall 1st Floor 10:30am - 11:30am Compile Information Letter Report - FDOT 2:00pm - 2:30pm Katerri Johnson Bi-Weekly Meeting (Office of the Atlantic Avenue Bridge Rehabilitation Program (CM Office) -City Manager) - Vega, Brenda & Terrence R. Moore 3:00pm - 4:30pm Various (Various) ↔ 2:00pm - 2:30pm Jay Stacy Bi-Weekly Meeting (City Manager 5:30pm - 6:45pm Kiwanis Club of Delray Beach (Tim Finnegans Irish Office) - Vilain, Amanda O Pub (2885 South Federal Highway, Delray Beach, FL 33483)) - Ezra 3:00pm - 3:30pm VM Frankel mtg w/CM Moore & Hugh Dunkley RE: Follow-Up Analysis Regarding Lease Purchase Transaction Considerations (City Manager's Office) - Rangel, Delores 4:00pm - 5:00pm Follow-Up Concerning Emergency PO Transaction for Knox eLock System (Conference Room - City Hall 1st Floor) - Vega, Brenda ↔ Friday, January 6 Saturday, January 7 7:30am - 9:00am Finalize CIL (CM Office) ↔ 10:00am - 11:00am Delray Beach Tennis Center (Hard Court #1) ↔ 9:00am - 10:00am Comm. Boylston mtg w/CM Moore Re: 11:00am - 1:00pm Various, CIL Notes, etc. (CM Office) ↔ Bi-Weekly Updates (City Manager's Office) - Rangel, Delores ↔ 9:00am - 9:30am Comm. Boylston mtg w/CM Moore & Hugh **Dunkley Re: Follow-Up Analysis Regarding Lease Purchase** Transaction Considerations (Microsoft Teams Meeting) - Rangel, 10:00am - 11:00am Direction for Ancillary Cyber Security Orientation (Conference Room - City Manager) - Vega, Brenda Sunday, January 8 11:30am - 1:00pm Various (Various) 2:00pm - 2:30pm Process FPL (CM Office) 3:00pm - 4:00pm Next Steps Involving Water Treatment Plant Revenue Bond Issuance Process (Conference Room - City Manager) -Vega, Brenda 5:00pm - 5:30pm ICMA CoachConnect Session with Julian Magdaleno