

ADD-on
5D-1

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: October 20, 2009 [] Consent [X] Regular
[] Ordinance [] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: a status report on the West Palm Beach Transit Oriented Development (TOD) and the development of the Request for Proposal (RFP) for the disposition of the County's Wedge Property.

Summary: On March 17, 2009 the Board directed Staff to expedite the development of an RFP for the disposition of the Wedge Property with the West Palm Beach TOD. At the same meeting, the Board requested that Staff ensure that the development of the Wedge, prior to development of the large TOD, would not unduly compromise the development potential of the remainder of the TOD. Since that time, the Florida Department of Transportation with input from the County, City of West Palm Beach and West Palm Beach Community Redevelopment Agency developed a computerized traffic model which would provide the flexibility to analyze various scenarios for development of the TOD, and allow for adjustment based upon different potential development and intensity patterns. The model is in the final re-validating stage and should be completed on October 23, 2009. Assuming that the results of a run of the final model indicates that there is sufficient capacity to support the assumed intensity of the development at full build-out, the RFP should be advertised on December 6, 2009 and December 13, 2009. (FDO Admin) Countywide (HJF)

Background & Policy Issues: See attached status report

Attachments:

Status Report on WPB TOD dated 10/16/09

Recommended by:


Department Director 10/16/09
Date

Approved by:


County Administrator 10/19/09
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

ADDITIONAL FTE
POSITIONS (Cumulative)

Is Item Included in Current Budget? Yes No
 Budget Account No: Fund _____ Department _____ Unit _____ Object _____
 Reporting Category _____

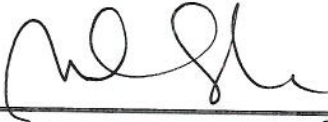
B. Recommended Sources of Funds/Summary of Fiscal Impact:

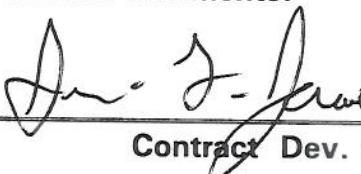
In early 2006, it was represented to the Board that participation in the TOD would likely result in revenues to the County including covering the then \$8M investment in the new DOH Admin Building (which was subsequently approved as a 12M contribution). In December 2006, the projected costs to the County for participation in the TOD were estimated at an additional outlay of between \$2M and \$13M depending on the outcome of a number of assumptions listed identified and considered by the BCC. In addition, the item identified a potential accelerated funding requirement of \$46M again depending on the outcome of assumptions previously delineated.

C. Departmental Fiscal Review:

III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Development & Control Comments:


 _____ 10/16/09
 OFMB 10/16/09 CN 10/16/09


 _____ 10/16/09
 Contract Dev. and Control

B. Legal Sufficiency:


 _____ 10/16/09
 Assistant County Attorney

C. Other Department Review:



**Facilities Development &
Operations Department**

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**Palm Beach County
Board of County
Commissioners**

Jeff Koons, Chairman

Burt Aaronson, Vice Chairman

Karen T. Marcus

Shelley Vana

Steven L. Abrams

Jess R. Santamaria

Priscilla A. Taylor

County Administrator


Robert Weisman



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Affirmative Action Employer"

MEMORANDUM

TO: Jeff Koons, Chairman and Members of the Board of County Commissioners

FROM: Audrey Wolf, Director Facilities Development & Operations 

DATE: October 16, 2009

RE: West Palm Beach Transit Oriented Development (WPB TOD) – Status Report

At the October 6, Board meeting, Commissioner Koons requested a status update on Staff's progress on issuing an RFP for the disposition and development of the County's holdings in the TOD. For the last six months Staff has provided the Board via e-mail updates on our progress towards issuing an RFP. Copies of the updates are attached.

On March 17, the Board directed Staff to expedite the process by issuing an RFP for just the Wedge property (Banyan & Clearwater). However, the Board also requested that Staff ensure development of the Wedge, prior to development of the larger TOD, would not unduly compromise the development potential of the remainder of the TOD. Of specific concern was traffic capacity and allocation to the various properties within the TOD at full projected buildout. While Staff has repeatedly asked the CRA to perform an overall traffic study which would address these concerns, the CRA has taken the position that the cost does not justify doing such a study now and that it should be done by the developer of the TOD as part of their response to the RFP.

In an attempt to overcome the cost and timing issues, Staff met with the City, CRA, TCRPC, County Traffic Engineering, and FDOT and developed an approach to the traffic study whereby FDOT, with input from the City, CRA, and County Staff, would develop a computerized traffic model which would provide the flexibility to analyze various scenarios for development of the TOD, and allow for adjustment based upon different potential development patterns and intensities. FDOT agreed to develop the model at its cost. After several meetings with the City, CRA, and the County, FDOT delivered the model in August for the local public partners to review. Following that review, the local public partners needed to follow-up with validation of the traffic data to be inputted into the model, and to agree on certain assumptions to be used. That was completed on October 2.

FDOT is re-validating the model and has scheduled a meeting on October 23 to present the final model to the local public partners. Upon receipt of the final model, Staff will proceed with the remaining steps towards issuance of the RFP:

1. Packaging (addition of user input features and security features) of the model for distribution to and use by Respondents to the RFP (**October 23-November 24**)
2. Preparation of the traffic study requirements for inclusion in the RFP (**October 23-November 7**)
3. Preparation of the RFP (**October 23- December 4**)
4. Advertisement of the RFP (**December 6 and 13**)

Of course, if the final model indicates that there is not sufficient traffic capacity to support the assumed intensity of development at full build out, adjustments to the schedule will be necessary.

Representations have been made that Staff has been delaying or otherwise not diligently following Board direction. This direction to issue an RFP for the Wedge was first given in May of this year. Since that time and during a difficult summer supporting the budget effort, re-organization operations and the capital development plans, Staff was able to work with the local public partners to address the Board's concerns with respect to traffic by developing an entirely new area-wide traffic model that can be used as a planning tool for the TOD and other similar area-wide studies, with no out of pocket costs to the County, no shifting of costs from government to developer, and only minimal impact on project schedule.

Staff's recommendation is to continue on the current course as presented here and in the preceding Board updates. The Board has been advised of the approach, progress and status of this project and we will continue to do so.

attachments

c: Robert Weisman, County Administrator
Ross Hering, Director PREM
Eric McClellan, PREM
Randy Whitfield, MPO
George Webb, County Engineer
Dan Weisberg, Director PBC Traffic Engineering
Nick Uhren, PBC Traffic Engineering
Kim Briesemeister, WPB CRA
Kim Delaney, TCRPC

Audrey Wolf

From: Audrey Wolf
Sent: Wednesday, September 16, 2009 6:50 AM
To: Karen Marcus; Jeff Koons; Shelley Vana; Steven Abrams; Burt Aaronson; Jess Santamaria; Priscilla Taylor A.
Cc: Robert Weisman; Ross Hering; Eric McClellan; KBriesemeister@wpb.org; Randy Whitfield; Kim DeLaney Ph.D. (kdelaney@tcrpc.org); Dan Weisberg; George Webb; Tanya McConnell N.
Subject: Status of WPB Transit Oriented Development (TOD) RFP

Commissioners-

On June 14, I provided the last status report on this project. Since that time a major milestone was achieved: FDOT's development and presentation of the preliminary traffic model to be used by the County and City in the planning of the TOD. FDOT staff completed development of the preliminary model and presented same to representatives of PBC Traffic Engineering, FDO, City Traffic Engineering, City Planning, and WPB CRA on August 21. The model was positively received by all and the next task initiated.

This next task involves; 1) "calibrating" the model, running tests and loading the base data that will be used by the developers in responding to RFP, 2) agreeing on the modal split which will be used in the model and 3) preparing a scope of work for the traffic study that will become a part of the RFP. Data required for Item #1 is being prepared by City Staff and the first deliverable has been transmitted. Item #2 requires the traffic engineers and planners from the County and City to review areas with similar development patterns and transit infrastructure to determine a modal split which recognizes the existence of a full blown TOD, but is reasonably achievable in West Palm Beach. Those discussions should be concluded in the next two-three weeks and then Item #3 should take about one to two weeks thereafter to finalize. We originally anticipated completing this task by September 17, but it appears that it will not be completed until mid-October given the time required to bring Items 1-3 to completion.

The deliverables of this task will be; 1) scope of work and traffic assumptions to be used by proposers responding to the RFP, and 2) the model to be used by proposers in preparing their proposal. As indicated before, both of these are key attachments/exhibits to the RFP for purposes of creating a competitive marketplace and an ability to conduct a critical evaluation of the responses. Assuming a mid October completion of the key RFP attachments, the RFP would be ready to be advertised at the end of November. If Staffs are unable to reach agreement on any of the technical issues that are inherent in the upcoming tasks or policy direction becomes required by the Board or City, the time frame will obviously be longer to accommodate presentation and consideration by the appropriate policy makers.

Staff is continuing to proceed as described targeting a RFP issuance by the end of November unless we hear otherwise. If you have any questions, please do not hesitate to call.

Audrey

Audrey Wolf

From: Audrey Wolf
Sent: Sunday, June 14, 2009 10:49 AM
To: Karen Marcus; Jeff Koons; Shelley Vana; Steven Abrams; Burt Aaronson; Jess Santamaria
Cc: Robert Weisman; Ross Hering; Eric McClellan; KBriesemeister@wpb.org; Kim DeLaney; Dan Weisberg; Tanya McConnell N.; George Webb
Subject: Status of WPB Transit Oriented Development (TOD) RFP
Attachments: meeting summary 052709 final.docx

Commissioners -

On May 13, I provided the last status report on this project. The two biggest challenges identified were; 1) updating the minimum planning assumptions for the TOD, and 2) identifying a way to accomplish the traffic study for the entire TOD at minimal or no cost to the County which would be used as the basis for the RFP responses. The first item was completed by the City and submitted on 5/13 and has been reviewed by County Staff. We have some questions, clarifications and comments but nothing substantial that would delay finalizing that document. With regard to the second item, the City, County (FDO and Traffic), TCPRC, and FDOT all met on May 27. A summary of the meeting is attached to this e-mail.

The meeting was productive and ultimately FDOT agreed to develop a model specifically for this application at no Cost to the County. The model is estimated be FDOT to be complete September 17th. This would cause the RFP to be advertised by late October. This is 1-2 months later than previously estimated; however, the time (now until September 17) allocated to this part of the traffic analysis is actually shorter than if developers' consultants had to accomplish these same tasks. So the advertisement of the RFP will be later, but the time that the developers have to respond will be shortened accordingly; resulting in no net delay to the overall RFP process. In addition, proceeding in this manner will be create a more competitive and even playing field for evaluation of the responses. In addition, the County and City Staff conceptually agreed on how the proposed Federal, State and County uses would be incorporated into the model and the timing of development of the TOD would be entered; which are the key TOD land planning assumptions. The City and County will work together between June 19 and August 24 to finalize the specific information/data which will be used to populate the model.

While there are a lot of benefits even beyond those identified above, there is some risk associated with proceeding in this manner as it does require the development of a new model which will need to be tested and calibrated before it can be utilized. FDOT has already delivered a draft scope of the modeling process, data requirements and schedule. This is currently being reviewed in detail by Staff. However, at this point Staff believes that it is appropriate to proceed with the development of the RFP requiring developers to utilize the model developed by FDOT for their site specific proposal. The traffic analysis that would be required to respond to the RFP is only marginally greater than what would be required from a developer responding to a typical site specific development proposal.

Unless the Board has any objections, the Staff will proceed as outlined with the development of the RFP targeting a RFP issuance at the end of October. If at any point during the summer the development of the model is delayed or hits a fatal flaw, we will advise the Board immediately. In addition, if the County and City Staffs are at an impasse on assumptions or data to be used, the Board will be notified.

If you have any questions, please do not hesitate to call either myself, Ross or Bob.

Audrey

**West Palm Beach Transit Oriented Development
Request for Proposals - Traffic Analysis Discussion
City of WPB, PBC, FDOT, TRRPC
May 27, 2009**

Meeting was convened at 9:30 am. There was much discussion regarding the requirement for the analysis, what model could be used, and the planning assumptions for the TOD.

Ultimately, FDOT (Shi-Chang Li, Systems Planning Manager) offered to develop a model that could be used for this limited purpose. Very generally, FDOT will create a "what-if" analysis tool that simulates existing and future impacts to the roadway network as it relates to current and proposed land uses and intensities. This will be done by using a defined sub area from the regional model that includes both freeway and local roadway network within the area of the TOD. The model will be used to project traffic volumes based on various development scenarios for the TOD. The draft Modeling Methodology will be provided under separate cover. The model outputs will frame the requirements for future peak hour operational analysis at the key intersections to be defined for the RFP. While it does not reduce the developer's responsibility to only that analysis typically required for a site specific RFP response, it should eliminate the developer having to resolve; 1) traffic demand methodology issues, which has been typically a length review and negotiation process. 2) policy issues, particularly timing, relating to the development of the TOD as a whole, and 3) the model development and verification for an area larger than the proposal site.

The developer would be provided the model and use the Federal, State and County build-out information/data as background traffic and existing. The developer would then prepare his/her proposal utilizing the site specific build-out timelines and project characteristics. The work to be done by the developer in this scenario is only marginally greater than what would typically be required from a developer responding to a site specific development proposal.

The development of the model would be accomplished in the following time frame:

1. By June 10, FDOT would provide an outline of how the model will be developed. In addition, FDOT will identify all local information that will be required (data and policy calls) in order to populate the model, specifically identifying when that information will be required. After the identification of required local information is received, and before August 10, the County and City shall meet to jointly agree to the information/data ("local information") to be input into the model.
2. By August 24, FDOT will develop the model and input existing data to calibrate and test the model to create the prototype. Shortly after this date, a meeting between FDOT, County and City will take place to discuss the input of the local information.
3. By September 17, the analysis with the Fed, State and County future test cases would be implemented and ready to attach to the RFP.

While the overall duration of this approach to the traffic study seems long, it is actually shorter than if a developer(s) had to accomplish these same tasks. Further, it will create more competitive and even playing field for developers. The practical impact of the approach is that the time at which the RFP hits the street will be later than if the developer were to perform this study; but the impact to the overall duration of the RFP would be unchanged or arguably shorter.

This summary will be considered accurate if comments are not received by June 11, 2009.

FINAL

Audrey Wolf

From: Audrey Wolf
Sent: Wednesday, May 13, 2009 7:45 AM
To: Karen Marcus; Jeff Koons; Shelley Vana; Steven Abrams; Burt Aaronson; Jess Santamaria
Cc: Robert Weisman; Ross Hering; KBriesemeister@wpb.org; Kim DeLaney; Dan Weisberg; George Webb; Tanya McConnell N.
Subject: Status of WPB TOD RFP

Commissioners -

On March 17, 2009 Staff was directed to; 1) commence negotiations on the exchange of property east of Tamarind with TOD Advisors (Mike Masanoff), and 2) develop an approach to the issuance of an RFP for the Wedge Property located west of Tamarind and the railroad tracks. Staff was to advise the BCC in May as to the approach to the RFP which would maximize flexibility for the respondents, but at the same time ensure that traffic issues were adequately addressed not only for the Wedge property but that adequate capacity was left after the development of the Wedge to allocate to the remainder of the TOD.

The two biggest challenges to formatting and preparing the RFP would be to; 1) update the minimum planning assumptions for the TOD, and 2) identify a way to accomplish a traffic study for the entire TOD at minimal or no cost to the County which would be used as the basis for the responses and the subsequent evaluation of the responses. Admin, FDO and Engineering Staff met and developed an approach which was presented to the City CRA, Engineering and Planning Staffs as well as TCRPC in mid April. City Staff was in agreement with the approach and began work on the first of what will be two attachments to the RFP, the planning assumptions. A draft was delivered today and County Staff will immediately begin to review.

The second attachment to the RFP will be a document relating to the traffic study identifying; 1) the minimum analysis requirements, 2) setting parameters for key assumptions, and 3) identifying the study area. PBC Traffic be ultimately preparing that document for attachment to the RFP once a consensus has been reached between the County, City, TCRPC and FDOT Staffs on its content. The first meeting is being set up within the next two weeks.

The RFP should be ready for advertisement approximately 30 days after the completion of both attachments. The biggest unknown is the speed at which we will reach consensus among Staff as to the scope, assumptions and parameters for the traffic analysis attachment. However, at this point we hope to have both attachments completed and reconciled in late June/early July and be ready to advertise the RFP in early August.

Staff had not yet initiated discussions on the exchange with TOD Advisors as we had gotten the impression subsequent to the BCC meeting that Mr. Masanoff wanted to consider including the exchange as part of his response to the RFP. We will initiate the discussions with Mr. Masanoff promptly.

Unless we receive other comments from the Board, we will plan to provide another update in mid June. Please do not hesitate to call either myself or Bob with any questions you may have.

Audrey