

Agenda Item #:

4-C-1

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: November 1, 2011 [] Consent [X] Regular [] Workshop [] Public Hearing

Department:

Submitted By: Engineering & Public Works Submitted For: Roadway Production Division

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and advertise for public hearing on Tuesday, November 15, 2011 at 9:30 a.m.:

An Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five Year Road Program; providing for title; purpose; adoption of revised Five Year Road Plan and revised list of projects contained in Exhibit "A"; implementation of the Plan; modification of Plan; funding of other roadway improvements, interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date.

SUMMARY: This is the Annual Update of Palm Beach County's Five Year Road Plan which is required to be considered each year by the Five Year Road Program Ordinance. Exhibit "A" to the Ordinance is a list of proposed projects for the next five years and contains certain changes and modifications. This list is submitted for the Board of County Commissioners' consideration on preliminary reading today with the final list to be approved with the Ordinance at public hearing on Tuesday, November 15, 2011.

Countywide (MRE)

Background and Policy Issues: This approach is consistent with the Board of County Commissioners' general direction.

Attachments:

- 1. Ordinance with Exhibit "A" (2 Originals)

Recommended By: [Signature] 10/5/11 [Signature] Date

Approved By: [Signature] 10/12/11 Date

ORDINANCE NO. 2012-

**ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 85-40,
AS AMENDED, ESTABLISHING AN AMENDED FIVE YEAR ROAD PROGRAM;
PROVIDING FOR TITLE; PURPOSE; ADOPTION OF REVISED FIVE YEAR
ROAD PLAN AND REVISED LIST OF PROJECTS CONTAINED IN EXHIBIT "A";
IMPLEMENTATION OF PLAN; MODIFICATION OF PLAN; FUNDING OF
OTHER ROADWAY IMPROVEMENTS, INTERPRETATION OF EXHIBIT;
REPEAL OF LAWS IN CONFLICT; SEVERABILITY; INCLUSION IN THE CODE
OF LAWS AND ORDINANCES; EFFECTIVE DATE.**

WHEREAS, by Ordinance 85-40, the County established a Five Year Road Program setting forth the road projects to be funded, designed and constructed by the County within the next five years; and

WHEREAS, Ordinance 85-40 required annual updates of the road projects by December of each year and permits modifications of the plan no more than twice in a one year period; and

WHEREAS, the Board of County Commissioners annually updated Ordinance 85-40 by enacting Ordinances in each fiscal year. by amending the attachment identified as Exhibit "A" to each of the Ordinances; and

WHEREAS, the last adopted Ordinance was 2011-012; and

WHEREAS, the Board has considered the funding and timing of road projects for the next five years as set forth in Exhibit "A" to Ordinance 2011-012 and desires to revise Exhibit "A" of Ordinance 2011-012 to reflect such changes; and

WHEREAS, the Board wishes to amend the Five Year Road Program Ordinance by amending Exhibit "A" and enacting a new Exhibit "A" to this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,**

THAT:

SECTION I

Ordinance 85-40, as amended by the last adopted Ordinance 2011-012; and is hereby amended.

TITLE

This Ordinance shall be known as the "Palm Beach County Five Year Road Program Ordinance."

PURPOSE

The Palm Beach County Comprehensive Plan, Transportation Element, is designed to be used as a guide to meet existing and future ground transportation needs of the County including major roadways within incorporated municipalities. The element analyzes the primary transportation network within the County to determine system deficiencies and identify improvements.

The Board of County Commissioners now desires to codify in this Ordinance a reasonably attainable program of roadway construction for the next five years and match the construction of the projects with available funding.

The further purpose of this Ordinance is to encourage the prioritization of projects, provide for better timing of right-of-way acquisition and provide improved planning for financial funding mechanisms.

ADOPTION OF REVISED FIVE YEAR ROAD PLAN

The list of projects for the Five Year Road Program set forth in Exhibit "A," of Ordinance 85-40, as amended, is hereby modified as set forth in a new Exhibit "A", attached hereto and incorporated herein, and is hereby adopted as the Five Year Road Plan. Exhibit "A" of Ordinance 2011-012 is hereby deleted and replaced with the new Exhibit "A", attached hereto.

IMPLEMENTATION OF PROGRAM

The County Administrator and the County Engineer are directed to implement the Five Year Road Program by taking such actions as are necessary to cause the construction of the roadway segments indicated on the Program, make periodic reports to the Board of County Commissioners with regard to the progress of the projects and to bring all necessary agreements and budget amendments to accomplish the project to the Board of County Commissioners for consideration.

MODIFICATION OF PROGRAM

Each year prior to December, the Board of County Commissioners shall consider an amendment to this Ordinance modifying the list of projects contained on Exhibit "A" to create a viable list of funded projects for the succeeding five years.

From time to time during each year, the Board of County Commissioners, by resolution, may shift funding within the program to promote the more efficient construction of the projects. Deletions, substitutions and additions of entire construction projects from Exhibit "A" may only be accomplished by Ordinance of the Board of County Commissioners. Deletions of projects may be accomplished no more frequently than twice a year.

FUNDING OF OTHER ROADWAY IMPROVEMENTS, INTERPRETATION OF EXHIBIT

This Ordinance shall not be construed to prevent the Board of County Commissioners from constructing other roadway improvements which are not listed on Exhibit "A," provided the projects are funded from sources which will not delete or delay projects included on Exhibit "A."

It is recognized that Exhibit "A" depicting limits of the various projects, length of projects, type of work, timetables and costs are approximations that will require modification and updating by the County Administrator based upon more detailed information and bidding results; provided that the following changes may only be made by the County Commission:

- (a) Changes that increase or decrease the total approved appropriations of the program.
- (b) Changes requiring funding from a reserve account.
- (c) Changes increasing a Board approved project budget by more than five percent.
- (d) Changes which significantly affect the scope, nature, or phasing of a capital project.

REPEAL OF LAWS IN CONFLICT

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provisions of this Ordinance are hereby repealed.

SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

EFFECTIVE DATE

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, this _____ day of _____, 2011.

Sharon R. Bock, Clerk & Comptroller
Circuit Courts

Palm Beach County Florida, by its
Board of County Commissioners

By: _____
Deputy Clerk

By: _____
Karen T. Marcus, Chair

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
Assistant County Attorney

EFFECTIVE DATE: Filed with the Department of State on the ____ day of _____, 2011.

PALM BEACH COUNTY FIVE YEAR ROAD PROGRAM - EXHIBIT A

Annual Update - Preliminary Reading - November 1, 2011

	FY 2012 PROJECTED	FY 2013 PROJECTED	FY 2014 PROJECTED	FY 2015 PROJECTED	FY 2016 PROJECTED	TOTAL PROJECTED
GASOLINE/DIESEL TAX - TOTAL (PALM BEACH COUNTY)	44,513,000	44,813,000	45,116,000	45,421,000	45,731,000	225,594,000
GASOLINE/DIESEL TAX - MASS TRANSIT (PALM TRAN SHARE)	31,619,000	31,737,000	31,856,000	31,976,000	32,098,000	159,286,000
GASOLINE/DIESEL TAX - ROADS (REMAINING ENGINEERING SHARE)	12,894,000	13,076,000	13,260,000	13,445,000	13,633,000	66,308,000
INTEREST EARNINGS	1,160,460	1,176,840	1,193,400	1,210,050	1,226,970	5,967,720
LESS 5% STATUTORY RESERVES	702,723	712,642	722,670	732,753	742,999	3,613,786
BEAUTIFICATION O.T.I.S. PROGRAM	0	0	0	0	0	0
GLADES AREA ROADS	700,000	700,000	700,000	700,000	700,000	3,500,000
STREET LIGHTING	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000	8,000,000
STREETSCAPE OPERATION/MAINTENANCE	2,360,000	2,454,400	2,552,576	2,654,679	2,760,866	12,782,521
TRANSFER TO ROAD MAINTENANCE	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	10,000,000
OCEAN AVENUE LOAN REPAYMENT	4,528,000	4,028,000	3,528,000	3,028,000	2,140,000	17,252,000
GAS TAX AVAILABLE FOR NEW ALLOCATIONS	2,163,737	2,757,798	3,350,154	3,939,618	4,916,105	17,127,413
BOND PROCEEDS	0	0	0	0	50,000,000	50,000,000
MISCELLANEOUS	9,452,000 A	0 B	50,000 C	3,111,000 D	250,000 E	12,863,000
IMPACT FEES USED FOR PROJECTS	16,561,000	23,330,000	4,220,000	3,920,000	4,769,000	52,800,000
TOTAL CURRENT REVENUES	28,176,737	26,087,798	7,620,154	10,970,618	59,935,105	132,790,413
BALANCES FORWARD	372,524	545,261	388,059	643,213	72,831	372,524
CARRY FORWARD	17,000,000	6,000,000	9,000,000	0	0	32,000,000
TOTAL REVENUES	45,549,261	32,633,059	17,008,213	11,613,831	60,007,937	165,162,937
PROJECT COSTS AS PROPOSED	45,004,000	32,245,000	16,365,000	11,541,000	59,225,000	164,380,000
REVENUES LESS PROJECT COSTS	545,261	388,059	643,213	72,831	782,937	782,937

General note on interest projections:

Projections for interest earnings assume that average cash balances will approximate 3.0 times the current year revenue projections at an interest rate of 3% in FY 2012 thru FY 2016.

Interest earnings on gas taxes are shown on this sheet.

Interest earnings on impact fees remain within each impact fee area and are not shown above.

See Footnotes A, C, D & E on Page 2 of 5

Footnotes:

A FDOT (Florida Turnpike JPA) **\$147,325** for Jog Road, N. of S.R. 710 to N. of Florida's Turnpike Entrance.

FDOT (anticipates JPA) (LAP funds) **\$2,678,794** for right of way in FY 2012 and \$1,236,000 for construction in FY 2015 for Community Dr. & Military Tr. Intersection.

FDOT (TRIP funds) **\$1,826,000** for the construction of S.R. 7 & Southern Blvd.

FDOT (CIGP funds) up to \$9,600,000 for the construction of Palmetto Park Rd., 0.7 mi. W. of Powerline Rd. to 0.5 mi., W. of Military Tr. Reimbursement expected to be **\$4,800,000** or 50% of \$9,600,000.

C FDOT (anticipates CIGP funds) up to **\$50,000** for design of Northlake Blvd. and Military Tr. Intersection in FY 2014.

D FDOT (CIGP funds) up to \$1,999,125 for the construction of Donald Ross Rd. and I-95 Interchange Modifications. Reimbursement expected to be **\$1,750,000** or 50% of \$3,500,000.

FDOT (anticipates CIGP funds) up to **\$125,000** for right-of-way acquisition of Northlake Blvd. and Military Tr. Intersection in FY 2015.

FDOT (anticipates JPA) (LAP funds) \$2,678,794 for right of way in FY 2012 and **\$1,236,000** for construction in FY 2015 for Community Dr. & Military Tr. Intersection.

E FDOT (anticipates CIGP funds) up to **\$250,000** for the construction of Northlake Blvd. and Military Tr. Intersection in FY 2016.

PALM BEACH COUNTY FIVE YEAR ROAD PROGRAM - EXHIBIT A (\$'s IN 1,000'S)

Annual Update - Preliminary Reading - November 1, 2011

PROJECT	LIMITS	DESCRIPTION	FY 2012		FY 2013		FY 2014		FY 2015		FY 2016	
			Cost	Phase	Cost	Phase	Cost	Phase	Cost	Phase	Cost	Phase
10th Ave. N.	Military Tr.	Intersection Improvements	150	S/D			600	R	200	R	400	C
10th Ave. N.	Boutwell Rd.	Intersection Improvements	100	S/D								
10th Ave. North	Bridge over Keller Canal	Bridge Improvements	930	C								
45th St.	I-95 to Congress Ave.	Intersection Improvements	130	S								
60th Street	W. of Royal Palm Beach Blvd. to S.R. 7 Extension	1.0 mi, 3 L	5,300	C								
Admin. Support/Equipment	Countywide	Staff support and Computer Equip. for Program	370	P	370	P	370	P	370	P	370	P
Annual Contract Advertising	Countywide	Advertising	10	P	10	P	10	P	10	P	10	P
Atlantic Ave.	Florida's Turnpike	Intersection Improvements			50	D			280	C		
Australlan Ave.	Palm Beach Lakes Blvd.	Intersection Improvements	300	R	700	C						
Belvedere Rd.	Haverhill Rd.	Intersection Improvements	250	C								
Belvedere Rd.	Military Tr.	Intersection Improvements	100	R					800	C		
Camino Real Rd./Boca Club	over Intracoastal Waterway	Approach Bridge Span Rehabilitation	1,300	D/M	5,000	D/M/C						
Caroline Ave.	Crossing over L.W.D.D. L-3 Canal	Bridge Replacement	320	C								
Central Blvd.	Indiantown Rd.	Intersection Improvements					2,800	R/C				
Central Blvd.	C-18 Canal to Church St.	0.3 mi, 2 L	900	C								
Clint Moore Rd.	Jog Rd. to Military Tr.	1.5 mi, 6 L										100 D/R
Community Dr.	Military Tr.	Intersection Improvements	2,679	R					1,236	C		
Congress Ave.	Hypoluxo Rd.	Intersection Improvements					1,500	C				
Congress Ave.	S. of Lantana Rd. to Lantana Rd.	0.3 mi, 6 L	800	C								
Congress Ave.	N. of Northlake Blvd. to Alt. A-1-A	0.6 mi, 2 L & 3 L	1,500	D/R/M	800	R/M			2,890	P		
Congress Ave.	Palm Beach Lakes Blvd.	Intersection Improvements					100	S				
Donald Ross Road	and I-95	Interchange Modifications					6,000	P/C				

*See Footnotes, Phase(s): B=Beautification; C=Construction; D=Design; L=Street Lights; M=Mitigation; P=Payment; R=R/W Acq.; S=Study

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PROJECT	LIMITS	DESCRIPTION	FY 2012		FY 2013		FY 2014		FY 2015		FY 2016	
			Cost	Phase	Cost	Phase	Cost	Phase	Cost	Phase	Cost	Phase
Glades Rd.	Florida's Turnpike	Intersection Improvements			100	D			220	C		
Glades Rd.	Butts Rd.	Intersection Improvements			50	D	100	R			200	C
Haverhill Rd.	Lantana Rd. to S. of L.W.D.D. L-14 Canal	0.9 mi, 4 L	100	D/R			2,600	C				
Haverhill Rd.	S. of L.W.D.D. L-14 Canal to Lake Worth Rd.	1.3 mi, 4 L & 5 L					7,600	R/M/C				
Intersection Program	Countywide	Design, R/W & Construction	200	D/R/M/C	500	D/R/M/C	500	D/R/M/C	500	D/R/M/C	500	D/R/M/C
Jog Rd.	N. of S.R. 710 to N. of Florida's Turnpike Entr.	0.7 mi, 4 L	6,540	M/C								
Lake Worth Rd.	Jog Rd.	Intersection Improvements	90	D			250	R			630	C
Linton Blvd.	Military Tr.	Intersection Improvements			210	D/S	200	R	300	R	280	C
Lyons Rd.	Kimberly Blvd	Intersection Improvements	50	S/D	100	C						
Lyons Rd.	S. of L.W.D.D. L-11 Canal to S. of L.W.D.D. L-10 Canal	1.0 mi, 2 L			2,800	P						
Lyons Rd.	Lantana Rd. to Lake Worth Rd.	2.0 mi, 4 L			1,300	R/M			1,300	R/M/P	1,000	R/M/P
Military Tr.	Forest Hill Blvd.	Intersection Improvements	160	S								
Northlake Blvd.	Seminole Pratt Whitney Rd. to Coconut Blvd.	3.4 mi, 4 L									2,000	R/M
Northlake Blvd.	Military Tr.	Intersection Improvements					100	D	250	R	500	C
Okeechobee Blvd.	Church St.	Intersection Improvements				10	D	200	S/D			
Old Dixie Hwy.	Park Ave. to Northlake Blvd.	0.9 mi, 3 L	500	D/R	3,000	R/C						
Palmetto Park Rd.	Lyons Rd. to 0.7 mi. W. of Powerline Rd.	1.9 mi, 8 L				10	D	800	S/D/R			
Palmetto Park Rd.	0.7 mi. W. of Powerline Rd. to 0.5 mi. W. of Military Tr.	1.7 mi, 8 L	9,600	C								
Pathway Program	Countywide	Pathways	1,500	D/R/C	1,500	D/R/C	1,500	D/R/C	1,500	D/R/C	1,500	D/R/C

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			Cost	Phase	Cost	Phase	Cost	Phase	Cost	Phase	Cost	Phase
PGA Blvd.	Military Tr.	Intersection Improvements	120	S/D	600	R			150	C		
Recording Fees	Countywide	Right-of-Way	20	R	20	R	20	R	20	R	20	R
Reserve-Bridges	Countywide	Rehab./Replacement			500	S/D/R/M/C	500	S/D/R/M/C	500	S/D/R/M/C	500	S/D/R/M/C
Reserve-Plans/Align.	Countywide	Study, Design & Mitigation	100	S/D/M	200	S/D/M	200	S/D/M	200	S/D/M	200	S/D/M
* Reserve-Roads	Countywide	Roadway Improvements	500	P/C								
Reserve-R/W	Countywide	Land Acquisition	100	R	200	R	200	R	200	R	200	R
Reserve-Traffic Calming	Countywide	Minor Improvements	15	D/C	15	D/C	15	D/C	15	D/C	15	D/C
Reserve-Traffic Signals	Countywide	Mast Arms	200	D/C	600	D/C	600	D/C	600	D/C	600	D/C
Roebuck Rd.	S.R. 7 to Jog Rd.	3.0 mi, 4 L										50,000 M/C
Roebuck Rd.	Haverhill Rd.	Intersection Improvements	70	D	100	C						
S.R. 7 Extension	Persimmon Blvd. to 60th St.	1.0 mi, 2/4 L	4,700	C								
Seminole Pratt Whitney Rd.	S. of M Canal to S. of Orange Blvd.	1.3 mi, 4/6 L	5,300	R/M/C								
Seminole Pratt Whitney Rd.	Orange Blvd. to S. of Northlake Blvd.	1.8 mi, 4/6 L										100 R/M
Seminole Pratt Whitney Rd.	Northlake Blvd.	Intersection Improvements										100 R/M
Silver Beach Rd.	E. of Congress Ave. to Old Dixie Hwy.	0.9 mi, 2 L & 3 L					3,100	C				
Project Totals			45,004		32,245		16,365		11,541		59,225	

* Funds available from elimination of Palm Beach County participation in Okeechobee Boulevard Landscaping.

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