



INTEROFFICE MEMORANDUM

Minutes
Roadway Agreement Committee
Public Main Conference Room
April 17, 2019

Members Present: Diana Almodovar – Development Engineering Division (Vice-Chair)
Raymond Williams – Engineering Division
Renzo Nastasi – Transportation Planning Division
Christine Lofye – Traffic Engineering Division
Paul Sladek – Real Estate Management Division
Eric Raasch – Planning Division

County Staff Present: Jon Weiss – Planning, Environmental & Development Services Dept.
Roberta Alfonso – County Attorney’s Office
Susan Martin – Risk Management Division
Jennifer Cummings – Public Works Engineering Division
Yahaira Gines-Rios – Public Works Engineering Division
Brandy Driggers – Planning, Environmental & Development Services Dept.
Heather Brownlie – Transportation Planning Division
Nannette Chiesa – Transportation Planning Division

Ms. Almodovar called the meeting to order at 9:07 a.m.

Public Comment

Ms. Almodovar inquired as to Public Comment - no members of the public present wished to speak.

Approval of Minutes

The Committee reviewed the minutes from the April 3, 2019 Roadway Agreement Committee (RAC) Meeting.

- Line 162 after “vote” add “requesting that a meeting to determine drainage issues be scheduled before returning to RAC.”

Mr. Nastasi made a motion, with a second by Mr. Sladek, to approve the April 3, 2019 Roadway Agreement Committee Meeting Minutes with changes discussed. Motion carried unanimously.

The Committee reviewed the minutes for Village I (Flemings Road) from the April 1, 2019 Special Roadway Agreement Committee (RAC) Meeting.

Mr. Williams made a motion, with a second by Mr. Sladek to approve the April 1, 2019 Special Roadway Agreement Committee Meeting minutes as presented. Motion carried unanimously.

Activity Summary

Mr. Nastasi provided an update on the Camino Reale Segment 5 issue with the City of Orlando. An Interlocal agreement is being drafted to provide that County will complete design and construction and City of Orlando will reimburse County for the cost of the work. The City of Orlando will own and maintain the road.

- Mr. Williams requested a meeting to further discuss.
- Ms. Cummings requested that specific permitting language be included in the agreement.

RAC CONSENT AGENDA ITEMS:

None

RAC NON-CONSENT AGENDA ITEMS:

- 1) Hamlin Reserve Daycare – Proportionate Share Agreement
- 2) Hamlin Reserve Medical Office – Proportionate Share Agreement
- 3) Hamlin Active Adult Living Apartments – Proportionate Share Agreement

Mr. Willard was present for the non-consent items and informed the Committee that all three agreements are based on previously-approved non-standard language. The only item missing for each is the executed Joinder & Consent.

Mr. Weiss explained the concept of these non-standard Hamlin West Proportionate Share Agreements which pipelines the prop share payments as well as impact fees.

- Ms. Barq who was present for the non-consent agenda items confirmed the figures reflected on Exhibit C of each agreement are correct.

Mr. Willard suggested a change to the RAC policy to no longer require title work or Joinder & Consent forms for proportionate share agreements. He also requested that these types of agreements not be recorded.

- The Committee will review his request and discuss at a later date.

The Committee reviewed the (3) three Hamlin Proportionate Share Agreements Page-by Page:

- The Committee requested a revised Exhibit A with legible maps for all three agreements

Mr. Sladek made a motion, with a second by Mr. Raasch, to approve the Proportionate Share Agreement for Hamlin Reserve Daycare, subject to the executed Joinder & Consent submittal, and subject to providing a legible map for Exhibit A. Motion carried unanimously.

Mr. Sladek made a motion, with a second by Mr. Williams, to approve the Proportionate Share Agreement for Hamlin Reserve Medical Office, subject to the executed Joinder & Consent submittal, and subject to providing a legible map for Exhibit A. Motion carried unanimously.

Mr. Sladek made a motion, with a second by Mr. Raasch, to approve the Proportionate Share Agreements for Hamlin Active Adult Living Apartments, subject to the executed Joinder & Consent submittal, and subject to providing a legible map for Exhibit A. Motion carried unanimously.

RAC AGENDA ITEMS:

Vineland Pointe PD – Third Amendment to Amended & Restated Road Impact Fee Agreement

Road Affected: Vineland Avenue

Present: Natalie Prager, and Mohammed Abdallah

Previous RAC: 2/6/2019, 2/20/2019, 4/3/2019

County Staff Present: Ken Leeming (Highway Construction)

Ms. Prager stated she received an email with agreement changes from Mr. Sladek the day prior to the meeting (April 16th), and she has no objections to the changes requested.

The Committee commenced their review of the blackline version of the Third Amendment to the Amended and Restated Road Impact Fee Agreement for Vineland Pointe PD Page-by Page:

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- Ms. Prager to include two new Whereas clauses to further define ownership of the parcels
- Mr. Raasch requested another Whereas clause to reference the CDR approved last year
- Lines 50-60 update the language to reference both development plans
- Mr. Raasch will provide the figures of both Development Plans to Ms. Prager so she can update the language and figures accordingly and create the additional exhibit requested
- Line 51 strike “/ Vineland Pointe DP (DP-16-09-336)”
- Line 54 replace “39.33” with “37.42”
- Line 58 replace “444,100” with “459,600”
- Line 59 replace “216,800” with “214,800” and replace “111,300” with “124,300”
- Line 60 replace “116,000” with “120,500”

[Mr. Williams departed the meeting at 9:40a.m.]

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- A Whereas clause to be added stating that costs anticipated to exceed original estimate
- Line 75 adjust the exhibit reference
- Line 73 current whereas is confusing – rewrite to reference the “Modified PDS Scope”
- Change all references of “RCA” in the Scope Exhibit to “PDS”
- Lines 70 and 71 change “been delayed” to “encountered unforeseen delays”
- Line 71 after “to” add “its”
- Line 71 replace “implementing” to “implementation” then add “of”
- Line 72 strike “delays in”
- Line 73 strike “its proposed modifications to”
- Line 79 after “costs” add “incurred by VPO in connection to the Scope”

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- Line 84 after “fifty” add “-five”
- Line 85 replace “50,000” with “55,000”
- Line 85 replace “rentable square footage” with “gross leasable area (GLA)”
- Committee requested to delete Section 2 entirely
- Discussion of Section 9 discussed in Sections 4 and 5-Need to combined Sections 4 and 5
- Replace all references of “Revised Scope” to “Scope”
- Section 3 Reference to 10.3 should be changed to 10.1 or 10.2, or make a general reference to Section 10

- Line 101 after “provide” strike “: (i)”
- Engineering objects to providing credits for the PDS
- Ms. Lofye stated that at the last meeting a request was made for the project engineer to be present, and he is not present today to address the outstanding drainage issues.
- Discussion of First Amendment language on page 6 which addresses at what point the County can access escrowed funds.

[BREAK 10:58a.m. to 11:08a.m.]

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- Line 120-121 The Committee may have objections to costs and contingencies. At the February RAC meeting the Randall language was requested to be included in this agreement.
- Discussion of what language from the First Amendment needs to be revised. The 12th sentence starting with “In the event that the preliminary cost estimate” needs to be revised.
- True-up provision will be needed at completion of PDS once an updated cost can be generated from design. Language to be added to request an acknowledgement of the true-up.
- Ms. Prager explained that the true-up provision is a separate issue. In order for her client’s development to move forward the transfer request between Phase 2 and 3 is needed now.
- A suggestion was made to split the Phase Swap as a stand-alone Third Amendment and work towards a Fourth Amendment to address the true-up revision, if certificates of occupancy could be held for completion of Phase 3. The Applicant was not receptive to the concept.
- The need for additional discussions and a special meeting to further review was discussed.

Motion by Mr. Nastasi to schedule a Special Posted RAC Meeting with the Vineland applicants with Ms. Almodovar, Mr. Williams and Mr. Sladek and whomever else from the Committee wishes to attend to try to expedite the project moving forward, second by Mr. Raasch. Motion carried unanimously.

Ms. Almodovar adjourned the meeting at 11:42 a.m.

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-5631.

Para mayor información en español, por favor llame al (407) 836-3111.