



INTEROFFICE MEMORANDUM
Minutes
Roadway Agreement Committee
Public Works Main Conference Room
January 19, 2022

Members Present: Jon Weiss – Planning, Environmental & Development Services Department (Chair)
 Diana Almodovar – Development Engineering Division (Vice-Chair)
 Brian Sanders / Renzo Nastasi – Transportation Planning Division
 Raymond Williams – Public Works Engineering Division
 Humberto Castellero – Traffic Engineering Division
 Tamara Pelc – Real Estate Management Division
 Nicolas Thalmueller – Planning Division

County Staff Present: Roberta Alfonso – County Attorney’s Office
 Joy Carmichael – County Attorney’s Office
 Susan Martin – Risk Management Division
 Jennifer Cummings – Public Works Engineering Division
 Yahaira Gines – Public Works Engineering Division
 Ghulam Qadir – Public Works Engineering Division
 Heather Brownlie – Transportation Planning Division
 Tammilea Chami – Transportation Planning Division
 Nannette Chiesa – Transportation Planning Division

Mr. Weiss called the meeting to order at 9:04 a.m.

Public Comment

Mr. Weiss inquired as to Public Comment – no members of the public wished to speak.

Approval of Minutes

The Committee reviewed the minutes from the January 5, 2022 Roadway Agreement Committee (RAC) Meeting.

Page 2

- Line 91 add “’s” after “County”
- Line 96 add the word “the” after the word “undertake”
- Line 101 change “surround” to “surrounding”

Page 3

- Line 126 add “(MMI)” after “Fieldstream”
- Line 130 change “larger” to “wider”
- Line 137 add “proposed” after “roundabout”

Ms. Almodovar made a motion, with a second by Mr. Castellero, to approve the January 5, 2022 Roadway Agreement Committee Meeting Minutes with changes discussed. Motion carried unanimously.

Activity Summary

Mr. Weiss reviewed the upcoming BCC agenda items scheduled.

Mr. Weiss inquired as to the status of the Second Supplemental Agreement to Hartzog Road Right of Way Agreement

Mr. Weiss provided an update that Mickey Grindstaff has been hired as the Fieldstream attorney.

RAC CONSENT AGENDA ITEM:

- None

RAC NON-CONSENT AGENDA ITEM:

- None

RAC AGENDA ITEM:

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Second Supplement (fka First Amendment) to Hamlin West Amended & Restated Road Agreement

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Road Affected: New Independence Parkway and Avalon Road/C.R. 545

Present: Jim Willard

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Previous RAC: None

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Mr. Willard explained the land exchange which took place and informed the Committee of four parcels in the Hamlin West area totaling nineteen acres that are being added into the Hamlin West Planned Development (PD). There will be no additional entitlements required for the 19-acres and the vested trips will be spread across this area. This agreement brings those parcels into the Hamlin West PD property.

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Discussion of the Re-zoning running concurrently with this document to BCC.

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Ms. Alfonso asked if there were additional owners and questioned whether this should be a Supplement instead of a First Amendment. Ms. Alfonso explained that a First Amendment is required when the terms of the original agreement are changed and a Supplement is when new terms are being proposed to the original agreement. Mr. Willard will change the title of the agreement from “First Amendment” to “Second Supplement” throughout the agreement.

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The Committee commenced their review of the Second Supplement (fka First Amendment) to Hamlin West Amended & Restated Road Agreement Page-by-Page:

76

Page 1

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Ms. Almodovar pointed out that the original agreement reflects “Hamlin Retail Partners West, LLC” which was abbreviated as “Hamlin Retail Partners” and not “HRPW”. If “HRPW” is to be used then it needs to be a defined term. Mr. Willard has no objection to restoring the owner name to be consistent with the previous agreements and will make this change throughout.

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Page 2

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- First whereas remove one of the “1” as the document number is incorrect

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- Second whereas change “further amend” to “further supplement”

86

- Second whereas spell out Hamlin Retail Partners

Page 3

88

- Multiple changes from “First Amendment” to “Second Supplement” and throughout

88

- Change “HRPW” to “Hamlin Retail Partners” and throughout

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- Restore deleted language in the first paragraph

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Ms. Alfonso asked the Committee to confirm if the language in paragraph three is a true statement. Timing of rezoning was discussed and this supplement can be tracked separately. Mr. Willard to add a whereas clause citing the rezoning changes that will be tracked separately so it is identified in the agreement.

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The Committee requested to restore the notices provisions, the covenants provisions, and all deleted sections except for the Utilities reference. Mr. Willard requested not to include these items since incorporated by reference as currently drafted. Ms. Alfonso did not agree and Mr. Nastasi asked to restore the language as discussed.

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Review of Exhibits commenced.

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Mr. Weiss reviewed the changes as discussed.

104

Mr. Nastasi made a motion, with a second by Mr. Castellero, to approve the Second Supplement (fka First Amendment) to Hamlin West Amended & Restated Road Agreement with changes discussed, subject to final review of exhibits by County Survey, subject to final review by the Committee. Motion carried unanimously.

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[BREAK 9:44 a.m. – 10:00 a.m.]

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[Mr. Williams left the meeting at 9:44 a.m.]

112 **COMMITTEE DISCUSSION: RAC Templates**

114 Mr. Weiss stated that this discussion item has been discussed previously at two RAC meetings and a Webex meeting was held last Friday.

116 Ms. Alfonso confirmed that staff reviewed up to page 5 of the Transportation Network and Construction Agreement at the webex meeting and she summarized the changes thus far and that she received comments by Ms. Kennedy prior to today's meeting on the Construction Agreement template.

120 Staff requested deleting references to E-Project due to issues with not having all right of way in place in most cases.

- 122 ○ Discussion of invoicing and status reports commenced.
- 124 ○ Staff requested that the negotiated Scope be included as an exhibit.

126 Roadway construction standards do change over time so Staff requested a disclaimer to state the County's standards may change over time.

- 128 ○ Include Construction Special/Technical Provisions
- 128 ○ Change the reference of "Scope of Services" to "Construction Guidelines" instead in lines 146-147 on page 5.

130 Discussion of invoicing at intervals of Design or monthly (even if not reimbursed until certain intervals: credits or cash).

- 132 ○ Studies are invoiced monthly and reimbursed at 100%
- 132 ○ Design are invoiced monthly and reimbursed at 100% (or 30/60/90/100)
- 134 ○ Surety needed for all projects not bid by Orange County.
- 134 ○ Bond Standards need to be included to make sure obtaining correctly.

136 Mr. Castellero pointed out the increase in price of materials over the course of construction has been a challenge. Change orders more than 10% requires BCC approval.

138 Ms. Martin requested that the Schedule of Segments show pricing to be included. Ms. Martin stated the pollution language needs to be separated out since it is no longer included in general liability. Ms. Martin asked to change the Workers Compensation amount to one-million dollars.

142 Page 6

- 144 ■ Line 162 strike "temporary construction" and add "(temporary or permanent)" after "easements"
- 146 ■ Section C lines 177-181 strike request for 120%.

146 Page 8

- 148 ■ Line 234 possibly change to "once every 30-days" in lieu of once per month
- 148 ■ Line 237 add "accompanied by cancelled check/proof of payment to contractor and report of work performed"

150 Page 9

- 152 ■ Line 241 total reimbursement may not exceed language is needed, but perhaps take out the "never" language
- 152 ■ Restructure Section C depending on reimbursement

154 Discussion of timing and whether to limit to a specific timeframe and then sunset or amend with new pricing.

156 Committee discussion will be continued at the next RAC meeting, and will start with the Right of Way Section on the top of page 10.

158 Mr. Weiss adjourned the meeting at 11:05 a.m.

160 **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.**

166 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.