



INTEROFFICE MEMORANDUM
Minutes
Roadway Agreement Committee
Public Works Main Conference Room
December 8, 2021

Members Present: Jon Weiss – Planning, Environmental & Development Services Department (Chair)
Diana Almodovar – Development Engineering Division (Vice-Chair)
Renzo Nastasi – Transportation Planning Division
Raymond Williams – Public Work Engineering Division
Humberto Castellero – Traffic Engineering Division
Tamara Pelc – Real Estate Management Division
Eric Raasch – 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
Matthew Kalus – Development 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 1:32 p.m.

Mr. Weiss announced that Mr. Raasch would be leaving the County and that this would be his last RAC Meeting.

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 November 10, 2021 Roadway Agreement Committee (RAC) Meeting.

Ms. Almodovar made a motion, with a second by Mr. Williams, to approve the November 10, 2021 Roadway Agreement Committee Meeting Minutes as presented. Motion carried unanimously.

Activity Summary

Mr. Weiss reviewed the upcoming BCC agenda items scheduled for December 14, 2021.

Ms. Brownlie reviewed the additional trip assignment for Village I and noted a credit memo is in process.

[BREAK 1:37 p.m. – 1:45 p.m.]

RAC CONSENT AGENDA ITEM:

- None

RAC NON-CONSENT AGENDA ITEM:

Hamlin Urban Air Proportionate Share Agreement

Road Affected: Avalon Park/CR 545

Present: Jim Willard

Previous RAC: None

County Staff Present: None

Mr. Nastasi made a motion, with a second by Mr. Castellero, to approve the Proportionate Share Agreement for Hamlin Urban Air as presented. Motion carried unanimously.

Second Supplemental Road Agreement to Hartzog Road Right of Way Agreement

Road Affected: Hartzog Road

Present: Greg Lee, Paul Sladek

Previous RAC: 11/10/21, 8/18/21

County Staff Present: None

Mr. Lee has reviewed the Second Supplemental Agreement to Hartzog road in accordance with the comments provided at the November 10th RAC Meeting.

The Committee commenced their review of the Second Supplemental Road Agreement to Hartzog Road Right of Way Agreement Page-by-Page:

Page 1

- Line 34 re-characterize the 2015 agreement since the County is not a party to the agreement

Page 2

- Line 42 re-define the defined term

Page 3

- Lines 61-62 remove parenthetical related to “Exhibit U”
- Line 69 include the parcel ID number for the small 0.48 acre parcel
- Line 68 remove “in favor of” per Ms. Alfonso

Page 6

- Line 126 add heading and underline “Delegation of Authority”
- Ms. Alfonso added language to Lines 140-144
- Line 144 add “not” after “will”

Page 7

- Line 146 “parties” (not “County”) will enter into a Shared Use Stormwater Pond Easement
- Line 147 change “Stormwater Ponds” to “Pond 4”

Discussion commenced regarding the need of Temporary Grade and Construction Easements. Field Verification of the plans and conditions will be needed.

Page 9

- Section 12 change 3 counterparts to 2 counterparts

Page 11

- Update signature block
- Update title from President to CEO

Page 12

- Separate into 2 pages

Page 13

- Change year from “2020” to “2021”

Page 14

- Update signature block
- Update title from President to CEO

Page 16

- Line 415 delete “Tax”
- Reduce parcel ID numbers included to benefitted and burdened parcels only
- Lines 437-440 delete
- Add line for approval date not just recordation
- Lines 445-448 re-characterize Exhibit References

[Ms. Gines departed the meeting at 2:42 p.m.]

[Mr. Sanders joined the meeting at 2:42 p.m.]

Page 17

- Delete second whereas clause
- Line 486 include permit number

Page 18

- Correct the lettering in the subsections

Page 19

- Delete Section 17 (Effective Date)

Page 21

- Update signature block
- Update title from President to CEO

Page 22

- Heading to reference Stormwater Pond 4 only

[Mr. Ng joined the meeting at 2:45 p.m.]

Mr. Weiss reviewed the changes made today.

Additional change per Mr. Sladek to change page 7 line 145 “contemporaneously” to “following” so that the easements can be recorded prior to the Shared Use Pond Agreement which requires BCC approval.

Ms. Almodovar made a motion, with a second by Ms. Pelc, to approve the Second Supplemental Road Agreement to Hartzog Road Right of Way Agreement with changes discussed, subject to final review of exhibits by County Survey, subject to final review by the Committee. Motion carried unanimously.

First Amendment Prime Logistics Proportionate Share Agreement – Discussion Only

Road Affected: Taft Vineland

Present: Greg Lee

Previous RAC: None

County Staff Present: Brian Sanders, Blanche Hardy, Roberto Ng

Others Present: Janet Hatch

Mr. Lee discussed the Proportionate Share Agreement which was approved by the BCC in June 2020, and the associated Proportionate Share payment which was made.

Mr. Lee explained that the development program under the existing agreement has increased in size causing additional proportionate share contribution. The related right of way agreement requests a partial payment in cash rather than all credits. Mr. Lee has been coordinating with Ms. Alfonso on a potential combination agreement but ultimately decided to keep the existing proportionate share agreement and right of way agreement separate.

Mr. Lee has coordinated with the traffic engineer (Mohammed Abdullah) and is aware that the Capacity Encumbrance Letter needs to be amended and finalized.

Outstanding ROW/Signal Issue – Need to determine how much additional ROW is needed.

Square footage approved vs. new square footage being added is approximately additional 40,000 Sq. Ft. Paying roughly 1.2 million in impact fees and due to receive approximately 3.5 million in credits for proportionate share and right of way. Owner is seeking to reduce the amount of credits obtained if possible.

Mr. Weiss asked Ms. Alfonso if land value can be used to offset proportionate share payment and refund the original proportionate share payment made which still leaves them with additional credits, but not as many. Ms. Alfonso suggested perhaps an Amended and Restated Agreement could serve to undo what was done and correct the issue.

Mr. Williams stated \$856,000 is not available in that specific accounting line for a refund. The best scenario is if funding becomes available in the next fiscal year (October 1, 2022). Mr. Lee is willing to wait until next fiscal year for a refund.

Mr. Ng stated right of way is still an issue and that the traffic signal CADD files were only received yesterday.

Ms. J. Cummings noted that around 0.5 acres are being dedicated to Orange County which is not required, but was a leftover unusable area.

A revision to the Capacity Encumbrance Letter will be required before returning to RAC. Mr. Lee to work with Ms. Alfonso further on the format and draft of a revised agreement to bring back to a future RAC meeting.

[BREAK 3:32 p.m. – 3:37 p.m.]

COMMITTEE DISCUSSION: RAC Templates:

Ms. Alfonso stated that redline versions of RAC agreements were distributed to show changes. The proportionate share agreement template has several variations that break out different items such as single deficiency, multiple deficiencies and constrained roadway that are not included in the materials.

The main RAC Agreement Template (ROW & Transportation Impact Fee) and the RAC First Amendment Template were reviewed at the last RAC meeting.

The Committee commenced their review of the RAC Construction Agreement Template (Template #3) Page-by-Page:

Page 2

- Add an additional section specifying that DEP cannot commence until PDS or RCA is completed when right of way acquisition is required
- SCALE Requirements need to be included for all projects whether right of way is controlled or not.

Mr. Castellero stated that Signalization needs to be incorporated as a requirement along a road section or for access, and cannot be “when warranted” since signals are needed in advance of development opening. Traffic Control Devices such as roundabouts should also be considered.

[Ms. Chiesa departed the meeting at 4:00 p.m.]

Ms. J. Cummings stated there are rule changes coming from Water Management District whereby ponds may need to double in size and the County will be on the hook for right of way acquisition for ponds not yet constructed. The timeframe for Developers to complete a roadway needs to be limited to a set number of years and not open-ended.

Page 3

- Line 81 add traffic controls and drainage provisions
- Include Permitting considerations

Discussion of Utility Conflicts with Traffic Signals where overhead utilities can conflict with mast arms and poles.

Cost of electricity for Traffic Signals was discussed and who would be responsible and when.

Committee Members to send comments to Ms. Alfonso and comments can be circulated among the Committee members since this is not a Sunshine discussion.

Possibility of webex meetings for templates and process discussions since no sunshine meeting is required therefore not a posted meeting. This kind of meeting can be included as part of a scheduled RAC meeting or as a separate meeting.

Mr. Weiss asked for a separate discussion on templates to be scheduled possibly via webex or hybrid or in-person.

Mr. Weiss adjourned the meeting at 4:24 p.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.