



INTEROFFICE MEMORANDUM

Minutes
Roadway Agreement Committee
Public Works Main Conference Room
January 15, 2020

Members Present: Jon Weiss – Planning, Environmental & Development Services Department (Chair)
Diana Almodovar – Development Engineering Division (Vice-Chair)
Renzo Nastasi – Transportation Planning Division
Raymond Williams – Engineering Division
Humberto Castillero – Traffic Engineering Division
Jeffrey Sponenburg – Real Estate Management Division
Eric Raasch – Planning Division

County Staff Present: Roberta Alfonso – County Attorney’s Office
Julie Naditz – Highway Construction Division
Ken Leeming – Highway Construction Division
Shawn Kennedy – Highway Construction Division
Jennifer Cummings – Public Works Engineering Division
Yahaira Gines-Rios – Public Works Engineering Division
Jeff Dunn – Development Services Department
Heather Brownlie – Transportation Planning Division
Tammilea Chami – Transportation Planning Division
Nannette Chiesa – Transportation Planning Division

Mr. Weiss called the meeting to order at 9:03a.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 December 11, 2019 Roadway Agreement Committee (RAC) Meeting.

Page 2

- Line 91 replace “Mr. Willard” with “Mr. Sladek”

Page 4

- Line 190 add “available” after “next”

Page 6

- Line 281 add “to discuss technical provisions” after “meeting”
- Line 286 add “available” after “next”

Mr. Raasch made a motion, with a second by Ms. Almodovar, to approve the December 11, 2019 Roadway Agreement Committee Meeting Minutes with changes discussed. Motion carried unanimously.

The Committee reviewed the minutes for Tavistock from the January 6, 2020 Special Roadway Agreement Committee (RAC) Meeting.

- Page 1 replace “reminder” with “remainder”

Ms. Almodovar made a motion, with a second by Mr. Sponenburg to approve the January 6, 2020 Special Roadway Agreement Committee Meeting minutes as presented. Motion carried unanimously.

Activity Summary

- Mr. Weiss reviewed items pending on the Activity Summary.

RAC CONSENT AGENDA ITEMS:

- Caliber Car Wash Proportionate Share Agreement
 - Committee Comments: None
- Waverly Walk Proportionate Share Agreement
 - Committee Comments: Exhibit A must be updated to conform with template guidelines
- Fifth Third Bank Proportionate Share Agreement
 - Committee Comments: Exhibit A must be updated to conform with template guidelines
 - Exhibit C must be updated to make legible

Mr. Weiss asked whether the Waverly Walk Proportionate Share Agreement needs to specify language for using funds on an alternate roadway.

- Committee decided to move Waverly Walk forward to use funds on University Boulevard as specified.

Mr. Williams made a motion, with a second by Ms. Almodovar to approve Caliber Car Wash Proportionate Share Agreement, Waverly Walk Proportionate Share Agreement, and Fifth Third Bank Proportionate Share Agreement with changes discussed. Motion carried unanimously.

COMMITTEE DISCUSSION: Fifth Amendment to Vineland Pointe PD

- Mr. Nastasi provided an overview of the status of the project including status of PDS and Design.
- FDOT Interchange at Daryl Carter Parkway requires right-of-way from Vineland Pointe PD, and was original source of retention for Vineland Pointe PD that did not work out and I-4 was the original destination for retention for Vineland Avenue
- \$4 million escrowed funds is proposed to increase to \$5 million
- County would release all holds on Certificates of Occupancy for Vineland Pointe
- Payments made under Protest may be refunded as credits are earned
- Mr. Weiss summarized that FDOT right-of-way is critical. The tradeoff is that the County will take on Vineland's responsibilities, and allow Vineland Pointe PD to build out.
- Mr. Lee stated the applicant is still willing to participate in working with property owners in the area to help obtain right-of-way as needed
- Mr. Williams has a concern with shifting responsibility to County to acquire right-of-way
- RAC Committee was generally supportive of the concepts as outlined
- Mr. Lee was instructed to add several Whereas Clauses to outline the history and context of agreement
- FDOT will advance project if right-of-way is in place by Spring 2020 for a construction start date of October 2021 for interchange. County would need to get a final Fifth Amendment to BCC by early March
- Mr. Lee to submit by January 27th for review at the February 5th RAC Meeting

Gem Groves PD APF Agreement

Road Affected: Avalon Road

Present: Carolyn Haslam, Chris Roper, Dell Avery, Paul Rosenthal, Lance Bennett, and Teri Bowley

Previous RAC: December 11, 2019

Others Present: Steven Thorp (OCPS)

Ms. Haslam provided an overview of the outstanding issues:

First Issue – School Access. Original SAP identified road to the school site. County does not want to maintain a school access road, and OCPS does not want to maintain the access road. Every school must have public access. Private roads are not permitted.

- Ms. Almodovar explained that Flemings Road is the access to the park, and any path from Flemings Road to the school parcel would be private.
- Mr. Raasch stated the SAP shows this access as an APF Road.

Second Issue – Mr. Bennett raised the issue of the Flemings Road intersection which is somewhat offset and needs to be re-aligned as part of Village I Road Network Agreement since slightly shifted to the North.

- PDS review should look at the ultimate intersection.

Third Issue – Lake Star Road. Lake Star Road also connects to Flemings Road at the County Line.

- Realignment to be accomplished through PTV process.
- 4.11 acres for APF right-of-way, and the remainder to be swapped in new alignment.
- Ms. Almodovar stated a realignment is needed for Lake Star Road within the Cantero Property.
- Mr. Bennett stated APF acreages are still being adjusted.

The Committee commenced their review of the redline version of the Adequate Public Facilities Agreement for Horizon West Village I Gem Groves PD Page-by Page:

Page 1

- OCPS joining into the agreement through a Joinder & Consent

Page 2

- Change header to 2020

Page 3

- Recital L change “119.16” to “123.2”
- Recital M change “16.44” to “17.02”
- Recital N change “30.33” to “28.69” and “13.89” to “11.67”
- Add Whereas Clause per Mr. Weiss to address Flemings Intersection

Page 4

- Add the word “Public” before “APF Road”

Page 5

- Line 25 no credits for easement; must have fee conveyance in order to get APF credits
- Line 38 Ms. Alfonso to add language to second paragraph in Section 5
 - Option for OCPS to receive conveyance directly from Owner
 - Additional language added due to no CEA

Page 7

- Discussion of School Entrance – Cannot have students dropped-off on Flemings Road or C.R. 545 to walk into interior school site since it creates a dangerous condition.

Page 9

- Line 18 restore “13” after “ASTM E-1527”
- Discussion of Impact Fee Credit eligibility: Flemings Road and Avalon Road are the only roads eligible for impact fee credits. Lake Star Road and School Access Road are not eligible for impact fee credits. Must be clarified in the agreement.
- Add Recital stating County Engineer has declared Flemings Road road impact fee credit eligible.

Page 10

- Line 32 after “such” add “impact fee eligible”

Page 11

- Line 1 add “(b)” after “Section 5”
- Line 25 remove “General or” in reference to type of deed

Page 13

- Specify “school” impact fee where it’s appropriate

Page 14

- Line 22 add the word “Management” after “Estate”
- The 5% threshold being requested to be waived in PD. Discussion arose of who will be tracking the 5% and/or 42nd unit. No consensus. Will be discussed at a later time.

Page 15

- Last sentence (top of page) is in direct conflict with mutual determination previously noted. Potential solution is to cite back to Section 5(b).

Page 18

- Subsection (ix.) OCPS remedies are different from OC. Mr. Roper to cross reference previous Village I agreements to remain consistent, and not to conflict.

Page 19

- Ms. Alfonso and Mr. Roper to confer on changes to subsection (xii)

Page 21

- Section 12(s) remove “such conveying” or “conveying”
- Line 20 restore “the Project and/or the”

Page 24

- Strike “along with the Road Network Agreement”

Page 27

- Signature Block – replace “joint venture” with “general”
- Notary Block – replace “venture” with “Partner”

Page 33

- Remove dash in entity name

Page 35

- Mr. Thorp questioned names included in the OCPS signature page. Ms. Haslam to double check with Ms. Kelly from OCPS.

Mr. Sponenburg made a motion, with a second by Mr. Raasch, to approve the Gem Groves PD Adequate Public Facilities Agreement with the changes discussed, subject to Ms. Alfonso resolving the remedies language with the applicant, subject to final review of exhibits by County Survey, and subject to final review by the committee. Motion carried unanimously.

Mr. Weiss adjourned the meeting at 11:28 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.

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