

MINUTES
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
BOARD MEETING
August 14, 2014

Board Members Present:

Commissioner S. Scott Boyd, Orange County
Commissioner Welton G. Cadwell, Lake County
Commissioner Brenda Carey, Seminole County
Mayor Buddy Dyer, City of Orlando
Mayor Teresa Jacobs, Orange County
Walter A. Ketcham, Jr.

Board Member Participating by Phone:

Commissioner Fred Hawkins, Jr., Osceola County

Non-Voting Advisor Absent:

Diane Gutierrez-Scaccetti, Florida's Turnpike Enterprise

Staff Present:

Joseph A. Berenis, Deputy Executive Director
Joseph L. Passiatore, General Counsel
Darleen Mazzillo, Recording Secretary/Executive Assistant

CALL TO ORDER

The meeting was called to order at 10:55 a.m. by Chairman Welton Cadwell.

PUBLIC COMMENT

There were no comments from the public.

APPROVAL OF MINUTES

A motion was made by Mayor Dyer and seconded by Commissioner Boyd to approve the minutes of the July 10, 2014 Board Meeting. The motion carried unanimously with six members of the Board present and voting AYE by voice vote and Commissioner Hawkins voting AYE via phone.

APPROVAL OF CONSENT AGENDA

The Consent Agenda was presented for approval (Exhibit A):

LEGAL

1. Approval of Stipulated Final Judgment with Robert and Adis Strier for acquisition of Parcel 216, Wekiva Parkway Project 429-203 (Settlement Amount \$144,600)
2. Approval of Stipulated Final Judgment with Milford Kirkland for acquisition of Parcel 201, Wekiva Parkway Project 429-203 (Settlement Amount \$170,500)
3. Approval of settlement with Marvin E. and Carol G. Faircloth for acquisition of Parcel 109, Wekiva Parkway Project 429-202 (Settlement amount: \$86,119.50)
4. Approval of Real Estate Purchase Agreement with David J. Martin for acquisition of Parcel 125, Wekiva Parkway Project 429-202 (Purchase amount: \$4,400)
5. Approval of Settlement with George Arendt for acquisition of Parcel 157 (Parts A & B), Wekiva Parkway Project 429-202 (Settlement amount: \$177,000)
6. Approval of Settlement with Stephen H. and Susan Griffith for acquisition of Parcel 110, Wekiva Parkway Project 429-202 (Settlement amount: \$194,370)
7. Approval of Settlement with Jeffrey Monson for acquisition of Parcel 131 (Parts A & B), Wekiva Parkway Project 429-202 (Settlement amount: \$388,774)
8. Approval of Settlement with Mary L. Harvey and Donald Churaman for acquisition of Parcel 134 (Parts A, B & C), Wekiva Parkway Project 429-202 (Settlement amount: \$238,846)
9. Approval of Settlement with Thomas Ward Klinker for acquisition of Parcel 132 (Parts A, B & C), Wekiva Parkway Project 429-202 (Settlement amount: \$207,500)
10. Approval to execute and record Quit-Claim Deed and Easements between CFX, Orange County and FDOT related to joint use pond at Lake Underhill and Goldenrod Roads (No cost to CFX other than nominal recording fees not to exceed \$300)
11. Approval of Agreement for Appraisal Services with Urban Economics Incorporated for consulting services related to railroad property valuation for the Wekiva Parkway Projects 429-204, 429-205 and 429-206 (Agreement amount: Not-to-exceed \$100,000)
12. Approval of Addendum to Agreement for Appraisal Services with Bullard, Hall & Adams for the Wekiva Parkway Projects 429-202, 429-203, 429-204, 429-205 and 429-206 (Addendum amount: \$150,000)

13. Approval of Addendum to Agreement for Appraisal Services with Durrance & Associates, P.A. for Wekiva Parkway Projects 429-202, 429-203, 429-204, 429-205 and 429-206 (Addendum amount: \$150,000)
14. Approval of Increase in Contract Amount with Lowndes, Drosdick, Kantor & Reed, P.A. for acquisition of Parcel Nos. 197, 230, 257 & 267, Wekiva Parkway, Project 429-203 (Contract Increase of \$100,000)
15. Approval of Second Amendment to Contract for Sale and Purchase of Rail Line Easements between All Aboard Florida and Central Florida Expressway Authority
16. Approval of Second Amendment to Contract of Sale and Purchase between Suburban Land Reserve, Inc., Farmland Reserve, Inc. and Central Florida Expressway Authority
17. Approval of Drainage Easement Agreement between Greeneway Park DRI, LLC and Central Florida Expressway Authority

ENGINEERING

18. Approval of contract renewal with The Balmoral Group, LLC for Misc. Design Consultant Services - Contract No. 000819 (Contract amount: Not-to-exceed \$750,000)
19. Approval of contract renewal with WBQ Design and Engineering, Inc. for Misc. Design Consultant Services - Contract No. 000817 (Contract amount: Not-to-exceed \$750,000)
20. Approval of Supplemental Agreement No. 3A with Reynolds, Smith & Hills, Inc. for post design services - Project 417-304 (Agreement amount: \$96,882.01)
21. Approval of Supplemental Agreement No. 9 with Dewberry/Bowyer Singleton for post design services on S.R. 528 Airport Mainline Plaza Demolition and Ramp Plaza Construction - Project 528-405 (Agreement amount: Not-to-exceed \$405,453)

CONSTRUCTION/MAINTENANCE

22. Authorization to award contract to Whiteleaf, LLC d/b/a Traffic Solutions for Systemwide Pavement Striping Improvements and Upgrades - Project 599-620 (Contract amount: \$502,197.40)
 23. Approval of contract renewal with Kisinger Campo & Associate Corp. for bridge inspection services - Contract No. 000848 (Agreement amount: 150,000)
 24. Approval of contract renewal with Southern Aquatic Management, Inc. for aquatic vegetation control - Contract No. 001003 (Contract amount: \$148,520)
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25. Authorization to advertise for Landscape Maintenance Services on S.R. 528, S.R. 429, S.R. 414 and CFX Headquarters - Contract No. 001050
26. Authorization to advertise for Misc. Construction Engineering and Inspection Services - Contract No. 001054
27. Authorization to advertise for Construction Coordination and Independent Assurance Services for the I-4/S.R. 408 Ultimate Interchange - Contract No. 001055
28. Approval of Construction Contract Modifications on the following contracts:
 - a) Contract No. 599-728 McShea Contracting, LLC (\$11,007.00)
 - b) Contract No. 417-304 Southland Construction, Inc. (\$69,322.21)
 - c) Contract No. 417-110 Masci General Contractor, Inc. \$106,842.21
 - d) Contract No. 429-518 Traffic Control Devices, Inc. (\$114,343.23)
29. Approval to advertise for John Young Parkway Administration Building Roof Replacement - Contract No. 001056

TOLL OPERATIONS

30. Approval to purchase 100,000 sticker type transponders from TransCore, LP (Purchase price: \$795,000)
31. Approval of Supplemental Agreement No. 14-01 with TransCore, LP for System Hardware Maintenance - Contract No. 000178 (Agreement amount: \$635,706)

BUSINESS DEVELOPMENT

32. Approval of increase in contract amount with The W Group Consulting Firm, LLC for business development management services on Contract No. 001009 (Agreement amount: \$47,650)

FINANCE/ACCOUNTING

33. Authorization for disposal of inventory items

Commissioner Carey had questions regarding Consent Agenda items #6, #8, #12, #13 & #15. Robert Simon of Winderweede, Haines, Ward & Woodman addressed #6 and #8. David Shontz of Shutts & Bowen answered the questions for #12 and #13.

Regarding #15, Commissioner Carey expressed her concern regarding an inconsistency in the closing date from the original contract that was not addressed in the First Amendment. She also asked if they expect to make the August 15 date for title commitment and survey. Steve Zucker of Shutts and Bowen explained that the First Amendment did not address the 6/30/14 closing date because it was done on April 24. The

Second Amendment extends the closing date to 12/31/14. They anticipate a Third Amendment to extend the August 15 title commitment and survey dates.

Board members requested that more comprehensive information be provided for Consent Agenda items in the future.

A motion was made by Mayor Jacobs and seconded by Commissioner Boyd to approve the Consent Agenda as presented. The motion carried unanimously with six members present and voting AYE by voice vote and Commissioner Hawkins voting AYE by phone.

DISCUSSION OF RULES OF PROCEDURE FOR BOARD MEETINGS

Over the past month General Counsel Joseph Passiatore has worked with attorneys from the City and Counties to prepare draft Rules of Procedure for Board Meetings.

Attorney Jo Thacker of Broad and Cassel went over the proposed Rules of Procedure for Board Meetings.

There was discussion regarding the circumstances when a Board member should be allowed to participate in the Board meetings by telephone. The Board members made the following recommendations for amendments:

- Allow participation by telephone when the absence is due to scheduling conflicts or illness.
- A Board member may only participate by telephone and vote on Authority matters where a quorum is physically present.
- Allow telephone participation to 2 or 3 times a year.

It was also suggested to amend the Rules for the Board meetings to begin at 9:00 a.m. instead of 9:30 a.m.

A motion was made by Mayor Dyer and seconded by Mr. Ketcham to approve the Rules of Procedure for Board Meetings as amended above. The motion carried unanimously with six members present and voting AYE by voice vote and Commissioner Hawkins voting AYE by phone.

APPROVAL OF REAL ESTATE AND PURCHASE AGREEMENT FOR THE SALE OF SURPLUS PARCEL NOS. 148, 149 & 150 (PARTIAL) TO ASBURY THEOLOGICAL SEMINARY

Attorney Jere Daniels of Winderweedle, Haines, Ward & Woodman presented the Real Estate and Purchase Agreement for the sale of surplus property to Asbury Theological Seminary for the Board's approval. The Right of Way Committee reviewed and recommended this transaction for approval on July 15, 2014. The property became surplus following the realignment of the SR 408/SR 417 Interchange. The surplus property is adjacent to the Asbury Theological Seminary. The purchase price is \$1,985,000.

Commissioner Carey expressed her concern that all non-profit organizations were not given the opportunity to bid on this property. (See "Other Business/Board Member Comments (3)" for additional comments by Commissioner Carey.) Mayor Jacobs voiced her concern that the surplus property policy has no

requirement that the purchaser retain ownership of the property for a period of time. Chairman Cadwell, Commissioner Carey and Mayor Jacobs agreed that the surplus property policy should be amended regarding surplus property purchases by non-profit organizations.

Counsel for Ashbury, Kevin Kelly stated that the Seminary intends to use the property to expand their campus. He asked for a vote today, since the discussions were initiated under the current procedures. When asked if his client would be amenable to a restrictive covenant, he stated that he believes that his client would be agreeable.

A motion was made by Commissioner Carey and seconded by Commissioner Boyd to continue this item to the next board meeting and to come back with an amendment that reflects the discussion today. The motion carried unanimously with six members present and voting AYE by voice vote and Commissioner Hawkins voting AYE by phone.

CONSIDERATION OF ADOPTION OF RECOMMENDED ORDER IN LANE CONSTRUCTION BID PROTEST

General Counsel Joseph Passiatore explained the issues and procedures followed in the bid protest by Lane Construction for the S.R. 528 Airport Mainline Plaza Demolition and Ramp Plaza Construction (Project 528-405).

Attorney Denise Hammond of Wright, Fulford, Moorhead & Brown reported that the Hearing Officer recommended that Lane's protest be dismissed.

A motion was made by Mayor Jacobs and seconded by Commissioner Carey to accept the Hearing Officer's Recommended Final Order. The motion carried unanimously with six members present and voting AYE by voice vote and Commissioner Hawkins voting AYE by phone.

APPROVAL OF CONTRACT WITH SOUTHLAND CONSTRUCTION CORP. FOR S.R. 528 AIRPORT MAINLINE PLAZA DEMOLITION AND RAMP PLAZA CONSTRUCTION PROJECT NO. 528-405

A motion was made by Mayor Jacobs and seconded by Mayor Dyer to award the contract to Southland Construction for Project No. 528-405. The motion carried unanimously with six members present and voting AYE by voice vote and Commissioner Hawkins voting AYE by phone.

OTHER BUSINESS/BOARD MEMBER COMMENT

- 1) Mayor Jacobs will not be able to attend the September 11 Board meeting due to a scheduling conflict and will most likely not be able to participate by phone.

A motion was made by Mayor Jacobs and seconded by Commissioner Boyd to authorize staff to determine whether we can move the next Board meeting to accommodate Mayor Jacob's calendar while still accommodating the rest of the Board members' calendars. The

motion carried unanimously with six members present and voting AYE by voice vote and Commissioner Hawkins voting AYE by phone.

- 2) There was discussion regarding changing the date of the Board meetings because the monthly financial data will not be available by the second Thursday of the month. **By consensus, staff was directed to evaluate moving the Board meetings to the third Thursday of the month.**
- 3) Commissioner Carey requested that staff look into the Policy Regarding Disposition of Excess Lands, in particular the section relating to the sale of surplus property to non-profit organizations, and come back to the Board with amendments as soon as possible.
- 4) Commissioner Boyd mentioned that Lake County is working on a sector plan that butts up against Southwest Orange County. He asked Commissioner Cadwell to talk to the Lake County Commission about a potential road project that would connect to Highway 27 which could benefit both counties.

ADJOURNMENT

There being no further business to come before the Board, the Chairman adjourned the meeting at 11:55 a.m.

Commissioner Welton G. Cadwell
Chairman
Central Florida Expressway Authority

Darleen Mazzillo
Recording Secretary/Executive Assistant
Central Florida Expressway Authority

Pursuant to the Florida Public Records Law and CFX Records Management Policy, audio tapes of all Board and applicable Committee meetings are maintained and available upon request to the Records Management Liaison Officer at publicrecords@CFXWay.com or 4974 ORL Tower Road, Orlando, FL 32807. Additionally, video tapes of Board meetings commencing July 25, 2012 are available at the CFX website, www.expresswayauthority.com