

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
BOARD MEETING
November 12, 2015
Location: CFX Boardroom

Board Members Present:

Commissioner Welton G. Cadwell, Lake County (Chairman)
Commissioner Brenda Carey, Seminole County (Secretary-Treasurer)
Commissioner S. Scott Boyd, Orange County (Vice Chairman)
Mayor Buddy Dyer, City of Orlando
Commissioner Fred Hawkins, Jr., Osceola County
Andria Herr, Gubernatorial Appointment
Jay Madara, Gubernatorial Appointment
S. Michael Scheeringa, Gubernatorial Appointment

Board Members Not Present:

Mayor Teresa Jacobs, Orange County

Non-Voting Advisor Not Present:

Diane Gutierrez-Scaccetti, Florida's Turnpike Enterprise

Staff Present at Dais:

Laura Kelley, Executive Director
Joseph L. Passiatore, General Counsel
Darleen Mazzillo, Recording Secretary/Executive Assistant

A. CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Chairman Welton Cadwell.

B. PUBLIC COMMENT

- 1) Sally Baptiste commented on the need for a State Constitutional Amendment to put an end to tolls in Florida.

C. RECOGNITION OF COMMITTEE MEMBERS' SERVICE

Chairman Cadwell recognized Barbara Lehman for her service on the Audit Committee and John Terwilliger and David May for their service on the Right of Way Committee.

D. APPROVAL OF MINUTES

A motion was made by Commissioner Boyd and seconded by Commissioner Hawkins to approve the October 8, 2015 Board Meeting as presented. The motion carried with eight (8) members voting AYE by voice vote; Mayor Jacobs was not present.

E. APPROVAL OF CONSENT AGENDA

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

CONSTRUCTION & MAINTENANCE

1. Approval of Geotech Consultants International, Inc. as Subconsultant for the Miscellaneous Construction Engineering and Inspection Services Contract with Target Engineering Group, Inc. – Contract No. 001054
2. Approval for award of contract to Gomez Construction Company for Design-Build Services for Backup Data Center – Contract No. 001122 (Contract Amount: \$1,947,162)
3. Authorization to advertise for construction bids for Systemwide Replacement of Retroreflective Pavement Markers – Project No. 599-736/Contract No. 001164
4. Approval of final ranking and authorization for fee negotiations with AECOM Technical Services, Inc. for Construction Engineering and Inspection Services for Wekiva Parkway Project No. 429-206/Contract No. 001089
5. Approval for award of contract to Ranger Construction Industries for SR 417 Milling and Resurfacing, Project No. 417-733/Contract No. 001119 (Contract Amount: \$18,513,580.17)
6. Approval of Construction Contract Modifications on the following contracts:

a) Contract No. 599-729	United Signs & Signals, Inc.	\$12,238.40
b) Contract No. 417-731A	Preferred Materials, Inc.	\$81,537.12
c) Contract No. 599-620	Traffic Solutions	(\$165,033.60)

FINANCE & ACCOUNTING

7. Approval of contract renewal with Public Financial Management, Inc. for Financial Advisor Services – Contract No. 000833 (Renewal Amount: \$350,000)
8. Approval of contract renewal with Moore Stephens Lovelace, P.A. for External Auditing Services – Contract No. 000841 (Renewal Amount: \$79,500)
9. Adoption of Revised Budget Policy and Resolution

INFORMATION TECHNOLOGY

10. Approval of contract renewal with Computer Aid, Inc. for Information Technology Services – Contract No. 000939 (Renewal Amount: \$125,000)
11. Approval of time extension and increase in purchase order amount with Converjint Technologies LLC for Maintenance of Security Access Control System (Purchase Order Increase Amount: \$26,953)

LEGAL

12. Approval of Settlement Agreement for the acquisition of Parcels 316A, 316B and 816 for construction of the Wekiva Parkway Project 429-206 (Total settlement amount: \$1,205,000)
 13. Approval of Partial Settlement for residential portion of Parcel 275, Wekiva Parkway Project 429-204 (Settlement Amount: \$249,964)
 14. Approval of Offer of Judgment for Parcel 130 Part A and B, Wekiva Parkway Project 429-202 (Offer of Judgment Amount: \$49,032)
 15. Approval of Negotiated Settlement of experts' fees and attorney's costs for Parcel 177, Wekiva Parkway Project 429-203 (Settlement Amount: \$44,639.22)
 16. Approval for increase in contract amount and extension of contract term with Lowndes, Drosdick, Doster, Kantor & Reed, P.A. for acquisition of Parcels 197, 230, 257 and 267, Wekiva Parkway Project No. 429-203/Contract No. 000929 (Contract Increase: \$333,000)
 17. Approval of extension of contract with Winderweeple, Haines, Ward & Woodman, P.A. through February 27, 2016 for right of way counsel services pursuant to Contract No. 000427 (No additional funding)
 18. Approval of settlement of attorney's fees in the amount of \$33,660 and expert fees and costs in the amount of \$10,046.11 for Parcel 217, Wekiva Parkway Project No. 429-203
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PUBLIC AFFAIRS

19. Approval for award of contract to Alcalde & Fay for Federal Advocacy Services – Contract No. 001121 (Contract Amount: \$210,000)

SPECIAL PROJECTS

20. Approval of waiver of Procurement Policy requirement for prior approval of purchase orders for Toll System Replacement Project

TOLL OPERATIONS

21. Approval of Memorandum of Understanding with the Florida Department of Highway Safety and Motor Vehicles for Driver License and/or Motor Vehicle Data Exchange

TRAFFIC OPERATIONS

22. Approval for award of contract to SICE, Inc. for Wrong-Way Driving Vehicle Detection and Countermeasures Equipment Installation – Contract No. 001126 (Contract Amount: \$1,961,471.48)
23. Authorization to execute Cooperative Purchase Agreement with Traffic Control Devices, Inc. for installation of SunPass signs – Contract No. 001162 (Contract Amount: \$192,025)

Consent Agenda item #8 was pulled for a separate vote and #9 was pulled for further discussion.

A motion was made by Commissioner Carey and seconded by Commissioner Hawkins to approve the Consent Agenda with the exception of #8 and #9. The motion carried with eight (8) members voting AYE by voice vote; Mayor Jacobs was not present.

A motion was made by Commissioner Hawkins and seconded by Commissioner Carey to approve Consent Agenda #8 as presented. The motion carried with seven (7) members voting AYE by voice vote; Mayor Jacobs was not present and Ms. Herr abstained from voting because Moore Stephens Lovelace is a client (Memorandum of Voting Conflict Form 8B attached as Exhibit "B").

A motion was made by Commissioner Carey and seconded by Commissioner Hawkins to approve Consent Agenda #9 with the caveat that any internal budget transfers will be provided as an informational item to the Board. The motion carried with eight (8) members voting AYE by voice vote; Mayor Jacobs was not present.

F. REPORTS

1. CHAIRMAN'S REPORT

- Chairman Cadwell reported that the Request for Proposals for the General Engineering Consultant has been published.
- Chairman Cadwell, Laura Kelley and Michelle Maikisch went to Tallahassee to meet with the House Speaker, Senate President and other members of the legislature regarding the CFX Glitch Bill and other activities relating to CFX.
- Chairman Cadwell asked the gubernatorial appointees to submit names for citizen representatives to serve on the four CFX Committees in time for the December 10 Board meeting. Mr. Scheeringa asked about the disclosure requirements for the citizen representatives. General Counsel Joseph Passiatore explained that he has requested and received an opinion from the Florida Commission on Ethics regarding the requirement of committee members to file Form 1. The Commission opined that pursuant to State Law it is not required, however the local governmental entity has the latitude to require it. Mr. Passiatore is planning to bring a revision to the Ethics Code at the December Board meeting which would require all the committee members to file Form 1.
- Chairman Cadwell mentioned that a compilation of the General Counsel evaluations has been placed on the dais, for the Board's information.

2. TREASURER'S REPORT

Commissioner Carey reported that toll revenues for September were \$28,866,429 which is 13% above projections and 12% above prior year. CFX's total revenues were \$31.1 million for the month.

Total OM&A expenses were \$4.6 million for the month and \$10.5 million year-to-date, which is 16% under budget.

After debt service the total net revenue available for projects was \$14.6 million for September and \$48 million year-to-date.

3. EXECUTIVE DIRECTOR'S REPORT

Laura Kelley provided the Executive Director's Report in written form (Exhibit "C").

In addition, she reported on the following:

- The performance dashboard will continue to evolve with Board member input. She pointed out some of the statistics in the dashboard.
- She thanked Noranne Downs for her help in expediting the Declaration of Surplus Property for All Aboard Florida so we can close before the end of the year.

- Commissioner Carey gave an update on the conversation with Secretary Boxold to discuss the purchase and/or swap of SR 417 and SR 429 in Seminole and Osceola Counties. The Secretary has agreed to continue discussions. Ben Watkins, Director of the Florida Division of Bond Finance, has agreed to meet in the near future.
- Director of Engineering Glenn Pressimone gave an update on the request by Commissioner Hawkins to take a look at the traffic conditions at the southbound exit ramp at SR 417/Narcoossee Road. Our data and observations confirm that there is a need to add an additional left turn lane. We have issued a work authorization through our miscellaneous design consultant contract to generate a concept and cost estimate.

G. REGULAR AGENDA ITEMS

1. APPROVAL FOR AWARD OF CONTRACT AND LEASE AGREEMENT WITH URS ENERGY & CONSTRUCTION, INC. FOR TOLL FACILITIES OPERATIONS AND MANAGEMENT SERVICES

Director of Procurement Claude Miller reported on the hearing officer's recommended order to dismiss Faneuil's protest of the URS proposal. He also explained subsequent negotiations with URS for cost saving opportunities.

Board approval is requested to award the Toll Facilities Operations and Management Services to URS Energy & Construction, Inc. in the amount of \$67,274,165.81. This amount is \$2 million less than the original price proposal amount submitted by URS. The majority of the difference is due to a reduction in management fees and general and administrative costs negotiated between staff and URS. Board approval is also requested to enter into a Lease Agreement with URS Energy & Construction for space in the CFX Operations and Administration Building.

A motion was made by Commissioner Carey and seconded by Commissioner Boyd to approve award of the Toll Facilities Operations and Management Services Contract to URS Energy & Construction, Inc. in the amount of \$67,274,165.81 and approval of the Lease Agreement with URS Energy & Construction, Inc. for space in the CFX Operations and Administration Building. The motion carried with eight (8) members voting AYE by voice vote; Mayor Jacobs was not present.

2. APPROVAL FOR AWARD OF CONTRACT TO SOUTHLAND CONSTRUCTION, INC. FOR WEKIVA PARKWAY PROJECT NO. 429-204

Resident Engineer/Sr. Project Manager Don Budnovich presented information regarding Wekiva Parkway Project No. 429-204 (Systems Interchange at SR 429 and SR 453) and the procurement process which resulted in Southland Construction, Inc. as the lowest responsible and responsive bidder.

Board approval is requested for approval to award Wekiva Parkway Project No. 429-204 to Southland Construction, Inc. in the amount of \$79,625,302.60.

A motion was made by Commissioner Boyd and seconded by Mr. Madara to approve award of Wekiva Parkway Project No. 429-204 to Southland Construction, Inc. in the amount of \$79,625,302.60. The motion carried with eight (8) members voting AYE by voice vote; Mayor Jacobs was not present.

3. FURTHER ANALYSIS OF PROPOSAL TO ADD IN-HOUSE LEGAL SERVICES

As directed by the Board last month, General Counsel Joseph Passiatore presented estimated cost comparisons for CFX in-house legal services vs. outside legal counsel expenses.

Questions/discussion took place regarding appraisers and expert witness costs, future work load, method for transition/reassignment of cases, variability/differential of settlements, mechanism to monitor success, analysis of Five-Year Work Plan to determine future work and cost of litigation.

The consensus was to explore the possibility of contracting with one attorney and associated support staff from Shutts and Bowen or Winterweede, Haines, Ward & Woodman assigned expressly to do condemnation work for CFX and to be located at CFX. The information will be brought back for the Board's consideration.

4. APPROVAL OF RESOLUTION DECLARING EXISTING CFX PROPERTY SURPLUS FOR CONVEYANCE OF EASEMENT TO ALL ABOARD FLORIDA

General Counsel Joseph Passiatore requested Board approval of the following Resolutions relating to Project 528-1240 – SR 528 Multimodal Corridor:

- 1) Resolution Authorizing sale of Easements to All Aboard Florida – Operations, LLC (Exhibit "D")
- 2) Resolution Authorizing Sale of Fee Parcel to the Greater Orlando Aviation Authority (Exhibit "E")

A motion was made by Commissioner Carey and seconded by Commissioner Hawkins to approve adoption of the above two Resolutions regarding the SR 528 Multimodal Corridor, Project 528-1240 as presented. The motion carried with eight (8) members voting AYE by voice vote; Mayor Jacobs was not present.

5. UPDATE ON WRONG-WAY DRIVING DETECTION SYSTEM

Chief of Technology/Operations Corey Quinn gave an update on the Wrong-Way Driving Detection System.

Ongoing Activity:

- Construction of next 19 sites
 - Awarded to SICE, Inc. (\$1.9M)
 - Work to begin early 2016
- Seven sites under design using new technology
- CEI under procurement

(This item was presented for information only. No Board action was taken.)

H. BOARD MEMBER COMMENT

- 1) Commissioner Carey invited CFX Board members to attend ethics training for elected officials presented by Seminole County Attorney Brian Applegate on December 15 (subsequently changed to December 17) from 9:00 a.m. to 1:00 p.m. at the Seminole County Board Chambers.
- 2) Ms. Herr thanked CFX staff for their time to provide ride-alongs and educational sessions.
- 3) Commissioner Hawkins thanked CFX staff for looking into his request last month regarding the SR 417/Narcoossee Road Interchange.
- 4) Mr. Madara thanked CFX staff for their work on the performance dashboard. He also requested that staff provide the Board with an updated fiscal year forecast ahead of the Work Plan and long range planning. Ms. Kelley reported that our Traffic and Revenue Consultant will be prepared to give the Board an update at the beginning of the year.
- 5) Mr. Scheeringa made some suggestions for the performance dashboard.

ADJOURNMENT

The Chairman adjourned the meeting at 10:04 a.m.

Commissioner Welton G. Cadwell
Chairman
Central Florida Expressway Authority

Darleen Mazzillo
Recording Secretary/Executive Assistant
Central Florida Expressway Authority

Minutes approved on _____, 2015.

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