

# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

## MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY BOARD MEETING May 12, 2016

Location: Central Florida Expressway Authority  
Boardroom

### Board Members Present:

Commissioner Welton G. Cadwell, Lake County (Chairman)  
Commissioner S. Scott Boyd, Orange County (Vice Chairman)  
Commissioner Brenda Carey, Seminole County (Treasurer)  
Commissioner Fred Hawkins, Jr., Osceola County  
Andria Herr, Gubernatorial Appointment  
Mayor Teresa Jacobs, Orange County  
S. Michael Scheeringa, Gubernatorial Appointment

### Board Member Not Present:

Mayor Buddy Dyer, City of Orlando  
Jay Madara, Gubernatorial Appointment

### 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, Assistant 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. Dr. Murthy Bondada, P.E. commented on the 2040 Master Plan.
2. Mr. Tom Narut with Save Orange County commented on the SR 408 Extension Project.
3. Ms. Kelly Semrad with the East of Econ group commented on the SR 408 Extension Project.

Mayor Jacobs, Commissioner Boyd and Commissioner Carey made comments regarding the SR 408 Extension Project.

**C. APPROVAL OF MINUTES**

**A motion was made by Commissioner Boyd and seconded by Commissioner Hawkins to approve the minutes of the April 14, 2016 Board Meeting as presented. The motion carried with seven (7) members present and voting AYE by voice vote; Mayor Dyer and Mr. Madara were not present.**

**D. APPROVAL OF CONSENT AGENDA**

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

ACCOUNTING/FINANCE

1. Approval of First Renewal with Arthur J. Gallagher Risk Management Services, Inc. for Insurance Broker Services (Agreement Amount: \$50,000)
2. Approval of Roadway Insurance Proposal with Zurich American Insurance Company (Policy Amount: Not-to-Exceed \$650,000)

CONSTRUCTION

3. Authorization to Advertise for Bids for CFX Generator Replacement – Project 599-1032/Contract No. 001202
4. Approval for Award of Contract to KCCS, Inc. for Construction Engineering and Inspection Services for SR 429/Wekiva Parkway from the Systems Interchange to East of Mount Plymouth Road – Project No. 429-205/Contract No. 001088 (Contract Amount: Not-to-Exceed \$3,100,000)
5. Approval of Construction Contract Modifications on the following contracts:
  - a. Contract No. 417-129 Traffic Control Devices, Inc. (\$34,649.86)
  - b. Contract No. 599-132 Gomez Construction Co. \$22,215.13
  - c. Contract No. 528-405 Southland Construction, Inc. \$52,686.46

ENGINEERING

6. Authorization for Approval of Supplemental Agreement #1 with WSP/Parsons Brinkerhoff for S.R. 528 Econlockhatchee River Bridge Replacement - Project 528-131/Contract No. 001098 (Agreement Amount: Not-to-Exceed \$165,355.60)
7. Authorization to Advertise for Construction Bids for Systemwide E-Pass Signage Improvements - Project 599-624/Contract No. 001203
8. Authorization to Award of Contract to TY Lin International for SR 528/SR 436 Bridge Deck Replacement - Project 528-130/Contract No. 001135 (Agreement Amount: \$ 1,260,000)

9. Approval of Option and Sales Agreement with TM Econ Mitigation Bank for Southbound SR 417 to Westbound SR 528 Ramp Realignment - Project 599-126/Contract No. 001206 (Agreement Amount: \$207,900)
10. Approval of Mitigation Credit Purchase and Sale Agreement with Blackwater Creek Mitigation Bank for SR 408 Widening from Good Homes Road to Hiawassee Road - Project 408-127/Contract No. 001205 (Agreement Amount: \$55,000)
11. Authorization to Advertise for Letters of Interest for Design Consultant Services S.R. 528 / Northeast Connector Expressway Extension Study - Contract No. 001209
12. Authorization to Advertise for Letters of Interest for Miscellaneous Design Consultant Services (SSBE) - Contract Nos. 001207 and 001208

#### INTERNAL AUDIT

13. Acceptance of the following Audits:
  - a. Prior Audit Recommendations
  - b. Toll Revenue Audit
  - c. Right of Way Audit
14. Acceptance of FY 2017 Internal Audit Plan
15. Approval of Contract Renewal with Protiviti, Inc. for Internal Auditor Services – Contract No. 00931 (Agreement Amount: \$499,000)
16. Approval of Contract Renewal with Protiviti, Inc. for Payment Card Industry (PCI) Compliance Audit Services – Contract No. 000960 (Agreement Amount: \$65,000)

#### LEGAL

17. Approval of negotiated settlement for Parcel 207, Wekiva Parkway Project No. 429-203 with Ernest L. Horne and Karen H. Morris (Settlement Amount: \$270,189, plus attorney's fees and costs and experts' fees and costs totaling \$31,574.87)
  18. Approval of negotiated settlement for Parcel 175, Wekiva Parkway Project No. 429-203 with Ernest L. Horne and Karen H. Morris (Settlement Amount: \$130,456 in full settlement of all claims)
  19. Approval of mediated settlement for Parcel 240, Wekiva Parkway Project No. 429-204 with Stephen Lee Rigsby and Mark Lane Rigsby (Settlement Amount: \$291,122 including statutory attorney's fees and costs and all experts' fees and costs)
  20. Approval to serve Offer of Judgment for Parcel 140, Wekiva Parkway Project No. 429-202 with GGH 10, LLC (Offer of Judgment Amount: \$50,000 exclusive of attorneys' fees and costs)
-

21. Approval of settlement for Parcel 141, Wekiva Parkway Project No. 429-202 with Plymouth Harbor, LLC (Settlement Amount: \$931,100 inclusive of attorney's fees and costs)
22. Approval of Utility Relocation Agreement with Duke Energy Florida, LLC for relocation of Duke Energy's Transmission and Distribution Facilities for the Wekiva Parkway Project No. 429-205, Parcel 291 (Agreement Amount: \$1,977,550.63)
23. Approval of negotiated settlement for Parcel 232, Wekiva Parkway Project No. 429-203 with Mega GNG, LLP (Settlement Amount: \$59,000 inclusive of attorney's fees and costs)
24. Approval of Mediated Settlement Agreement of Attorney's Fees and Experts Costs in Joseph B. Doerr Trust v. Central Florida Expressway Authority, Parcel 406, Maitland Boulevard Extension Project (Settlement Amount: \$1,500,000 in full settlement of all claims)

#### RECORDS MANAGEMENT

25. Approval of Supplemental Agreement No. 3 with DRS Group of Florida, Inc. for Document Conversion Services (Agreement Amount: Not-to-exceed \$105,000)

#### OPERATIONS

26. Approval of Supplemental Agreement No. 4 with TransCore, LP for Toll Equipment Maintenance Services for the Poinciana Parkway Project owned by the Osceola County Expressway Authority (OCX) (Agreement Amount: \$1,102,791.68, to be reimbursed by OCX from toll revenues)
27. Approval of Purchase Order to Traffic & Parking Control Co., Inc. (TAPCO) for Wrong-Way Driving Vehicle Detection and Countermeasures Equipment – Project No. 599-526B (Purchase Order Amount: \$349,900)

Mr. Scheeringa requested that items #13.c. and #24 be pulled for discussion. Those two items were addressed under the Regular Agenda (page 7).

**A motion was made by Mayor Jacobs and seconded by Commissioner Boyd to approve the Consent Agenda with the exception of items #13.c and #24. The motion carried with seven (7) members present and voting AYE by voice vote; Mayor Dyer and Mr. Madara were not present.**

#### E. REPORTS

**1. CHAIRMAN'S REPORT**

- Chairman Cadwell thanked Mr. Scheeringa for attending the TEAMFL meeting on his behalf last month.
- The Chairman attended and moderated the Supplier Diversity panel last month.
- Chairman Cadwell talked about the Reload service lane on SR 408. This is a pilot program and, if successful, we will look at opening the same service on our other expressways.
- Congratulations to Osceola County and Osceola County Expressway Authority on the opening of Poinciana Parkway.

**2. TREASURER'S REPORT**

Commissioner Carey reported that toll revenues for March were \$34,872,969 which is 12% above projections and 10% above prior year. CFX's total revenues were \$38 million for the month.

Total OM&A expenses were \$5.3 million for the month and \$42.7 million year-to-date, which is 12% under budget.

After debt service the total net revenue available for projects was \$21 million for March and \$147.3 million year-to-date.

**3. EXECUTIVE DIRECTOR'S REPORT**

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

Commissioner Carey commented on the fact that FDOT has ceased work on the valuation methodology to facilitate the buy/swap of the SR 417 and SR 429 in Seminole and Osceola Counties. She proposed that CFX prepare a purchase offer for submittal to FDOT.

**F. REGULAR AGENDA ITEMS**

**1. APPROVAL OF CONSTRUCTION AND MAINTENANCE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS ASSOCIATED WITH FLORIDA'S TURNPIKE ENTERPRISE'S EXPRESS LANE PROJECT ON SR 528 EAST OF MCCOY ROAD**

Executive Director Laura Kelley reported that CFX engineers have been working with the Florida Turnpike Authority's (FTE) engineers to develop a signage program on CFX right-of-way on SR 528 leading up to FTE's express lanes. Ms. Kelley requested approval of an agreement with FDOT for the signage program.

**A motion was made by Commissioner Boyd and seconded by Mayor Jacobs to approve a Construction and Maintenance Agreement with Florida Department of Transportation for**

**improvements associated with Florida's Turnpike Enterprise's Express Lane Project on SR 528 east of McCoy Road. The motion carried with seven (7) members present and voting AYE by voice vote; Mayor Dyer and Mr. Madara were not present.**

Mr. Scheeringa, Commissioner Carey, Commissioner Cadwell and Commissioner Boyd expressed comments.

## **2. SUNRAIL TASK FORCE**

A letter has been received from Mayor Dyer, as Chairman of the Central Florida Commuter Rail Commission (CFCRC), requesting that a representative be nominated to represent CFX on the CFCRC Task Force. Chairman Cadwell proposed that Laura Kelley be appointed to serve on the Task Force to represent CFX.

Mayor Jacobs and Commissioner Carey made comments about CFX's role regarding SunRail.

**By consensus, Executive Director Laura Kelley was appointed to represent CFX on the Central Florida Commuter Rail Commission Task Force.**

## **3. ADOPTION OF FINAL 2040 MASTER PLAN**

Director of Engineering Glenn Pressimone presented highlights of the proposed 2040 Master Plan. For the past 12 months, the master plan team has been working to produce the document that accomplishes these goals:

1. Provide a guide for future decisions and actions by the agency through development of a Vision Statement, Mission Statement and a set of Policy Profiles.
2. Identify specific project needs within the existing CFX system as well as potential expansion projects within the Central Florida region.

Financial Summary of 2040 Master Plan:

	<u>Estimated Costs (2015 dollars)</u>
FY 2016 – 2020 Work Plan	\$1.4 B
Existing System	\$2.0 B
Expansion Projects	\$6.5 - \$9 B
Total Cost Range (does not include multimodal/intermodal project costs)	\$9.9 B - \$12.4 B
CFX Project Capacity	\$6.6 B

**A motion was made by Commissioner Hawkins and seconded by Mayor Jacobs to adopt the 2040 Master Plan as presented. The motion carried with seven (7) members present and voting AYE by voice vote; Mayor Dyer and Mr. Madara were not present.**

Mayor Jacobs requested that CFX staff or CUTR representative give her an update on the CUTR Study prior to the July Board meeting.

**CONSENT AGENDA ITEMS #13.C AND #24** (Pulled from Consent Agenda for discussion.)

Mr. Scheeringa commented on the subject of escalating legal fees and acquisition costs that merits a broader conversation.

He would like an in-depth conversation about whether there is something we can do to change our policy or through legislation. He suggested that we conduct a study to track the history and come up with recommendations with and without legislative changes.

Mayor Jacobs also expressed comments. She suggested a cost/benefit analysis from cases in the last four or five years.

It was decided to conduct a workshop session in the near future to talk about right of way fees and costs.

**A motion was made by Mayor Jacobs and seconded by Ms. Herr to approve Consent Agenda items #13.c and #24. The motion carried with seven (7) members present and voting AYE by voice vote; Mayor Dyer and Mr. Madara were not present.**

**4. ADOPTION OF FINAL FY 2017 OPERATIONS, MAINTENANCE & ADMINISTRATION BUDGET AND FINAL FY 2017 – FY 2021 WORK PLAN**

Director of Engineering Glenn Pressimone presented the Draft FY 2017 – FY 2021 Work Plan, which totals 1.3 Billion. He explained the minor revisions from the draft plan that was presented last month.

CFO Lisa Lumbard presented the FY 2017 Operations, Maintenance & Administration Budget, which totals \$79,791,971. She also presented the FY 2016 year-end projections as compared to the FY 2017 budget. We are expecting to end FY 2016 at 8% under budget. She explained that the proposed FY 2016 budget has decreased \$1,037,407 from the draft budget that was presented last month.

Ms. Lumbard confirmed that the Work Plan is fully fundable. It will require additional debt of approximately \$627 million. The debt coverage ratios meet our 1.60 planning target.

(Mayor Jacobs left the meeting during this presentation.)

**A motion was made by Commissioner Boyd and seconded by Ms. Herr to approve the FY 2017 Operations, Maintenance & Administration Budget as presented and FY 2017-FY 2021 Work Plan as presented. The motion carried with six (6) members present and voting AYE by voice vote; Mayor Dyer, Mr. Madara and Mayor Jacobs were not present.**

## **5. APPROVAL OF PURCHASE OF 3D LASER SCANNING EQUIPMENT FOR PILOT PROGRAM**

Manager of Traffic Operations, Bryan Homayouni talked about a pilot program to research the effectiveness of products to improve the safety on our system when a traffic accident occurs, reduce the likeliness of secondary crashes, reduce congestion and save time and money for our customers.

Last year CFX, Metroplan Orlando, FDOT District Five, Florida Highway Patrol and Orlando Police Department embarked on a collaborative effort to research advance technologies and methods for investigating crash scenes. The intent of the pilot program is to investigate the effectiveness of products and help us select the best tool for future widespread deployment.

Mr. Homayouni explained the project research, which resulted in 3D Laser scanning as the technology of choice. The estimated equipment cost for two units is \$268,486. Financial commitments of \$100,000 have been received from both FDOT District Five and Metroplan Orlando. The requested contribution from CFX is \$68,486.

The Board members asked questions, which were answered by Mr. Homayouni.

**A motion was made by Commissioner Hawkins and seconded by Ms. Herr to approve the purchase of two laser scanning systems for the 3D Laser Scanning Pilot Program on behalf of regional partners, execute a Joint Participation Agreement with FDOT and contribute \$68,486 to the purchase. The motion carried with six (6) members present and voting AYE by voice vote; Mayor Dyer, Mr. Madara and Mayor Jacobs were not present.**

## **G. BOARD MEMBER COMMENT**

1. Mr. Scheeringa wants to ensure that we have cross jurisdictional understanding, respect and interoperability with FDOT in order to move us forward on a uniform basis across the state as well as the region.
2. Commissioner Hawkins thanked CFX staff for assistance at a community meeting in Osceola County.
3. Chairman Cadwell reminded everyone that the June Board meeting has been changed from June 9 to June 16 at 2:30 p.m.

## **H. ADJOURNMENT**

Chairman Cadwell adjourned the meeting at 10:35 a.m.



---

Commissioner Welton G. Cadwell  
Chairman  
Central Florida Expressway Authority

  
Darleen Mazzillo  
Recording Secretary/Executive Assistant  
Central Florida Expressway Authority

Minutes approved on \_\_\_\_\_, 2016.

*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](mailto: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](http://www.expresswayauthority.com)*