

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

**MINUTES
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
BOARD MEETING
October 13, 2016**

**Location: Central Florida Expressway Authority
4974 ORL Tower Road
Orlando, FL 32807
Board Room**

Board Members Present:

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

A. CALL TO ORDER

The meeting was called to order at 9:12 a.m. by Chairman Welton Cadwell.

B. PUBLIC COMMENT

Bob Hartnett, President/CEO of TEAMFL, invited everyone to the TEAMFL meeting on October 24 and 25 in Bonita Springs, FL.

C. APPROVAL OF MINUTES

A motion was made by Commissioner Boyd and seconded by Commissioner Hawkins to approve the September 8, 2016 Board Meeting Minutes as presented. The motion carried unanimously with all nine (9) members present and voting AYE by voice vote.

D. APPROVAL OF CONSENT AGENDA

The Consent Agenda was presented for approval.

ACCOUNTING/FINANCE

1. Authorization to advertise for Request for Proposals for Investment Advisor Services – Contract No. 001244
2. Authorization to advertise for Request for Proposals for External Auditing Services – Contract No. 001241
3. Approval of contract award to Broad and Cassel for Bond Counsel Services – Contract No. 001195 (Agreement value: Not-to-exceed \$375,000)

CONSTRUCTION

4. Approval of Construction Contract Modifications on the following contracts:

a. Contract No. 599-736	Traffic Solutions	(\$2,563.70)
b. Contract No. 528-313	Lane Construction Corp.	(\$1,140,672.91)
c. Contract No. 599-913	S.A. Casey Construction Co.	\$69,683.37
d. Contract No. 429-206	GLF Construction Corp.	(\$251,575.38)
e. Contract No. 599-525	Traffic Control Devices, Inc.	\$43,363.95
f. Contract No. 417-733	Ranger Construction Ind.	\$403,925.65
 5. Approval of contract award to The Lane Construction for S.R. 429 Milling and Resurfacing from Seidel Road to CR 535 – Contract No. 001188/Project No. 429-739 (Agreement value: \$9,775,561.91)
 6. Approval of contract award to Gregori Construction, Inc. for S.R. 417/Curry Ford Southbound On-Ramp Improvements – Contract No. 001187/Project No. 417-133 (Agreement value: \$1,923,666.93)
 7. Authorization to advertise for construction bids for S.R. 408 Toll Plaza Air Conditioner Replacements – Contract No. 001247/Project No. 599-732A
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8. Authorization to advertise for construction bids for S.R. 408 Widening from S.R. 417 to Alafaya Trail – Contract No. 001246/Project No. 408-128
9. Approval of renewal of Lease Agreement with Stantec Consulting Services, Inc. for Construction Management Consultant Services – Contract No. 001067 (Agreement value: \$0)
10. Approval of contract award to Generex Generators, Inc. for Toll Plaza Generator Replacement – Contract No. 001202/Project No. 599-735 (Agreement value: \$1,226,452.53)
11. Authorization to advertise for Request for Proposals for Painting and Coatings Consultant for CFX's Design, Construction, Renewal & Replacement and Maintenance Projects – Contract No. 001254

ENGINEERING

12. Approval of KNK Engineering Consulting Corp. as Subconsultant for the Miscellaneous Design Services Contract with Pegasus Engineering, LLC – Contract No. 001161
13. Approval of final ranking and authorization for contract award to Protean Design Group and WBQ Design & Engineering, Inc. for Miscellaneous Design Services (SSBE) – Contract No. 001207 (Agreement Value: \$2.5 million each for a total of \$5 million)
14. Authorization to advertise for Letters of Interest for Concept, Feasibility & Mobility Studies of the Osceola County Expressway Authority (OCX) Master Plan Projects – Contract No. 001248

EXECUTIVE

15. Approval of contract renewal with Southern Strategy Group, Inc. for Legislative Advocacy and Consultant Services – Contract No. 000894 (Agreement value: \$125,000)

INFORMATION TECHNOLOGY (IT)

16. Approval of Purchase Order for Computer Systems Support, Inc. for replacement of computer systems (Purchase Order amount: \$178,800)
17. Approval of Maintenance Agreement with AT&T for Voice and Data Ethernet Service - Contract No. 001253 (Agreement Value: \$109,232)

LEGAL

18. Approval of Special Warranty Deed for CFX Parcel 330/FDOT Parcel 110 – Wekiva Parkway

19. Acceptance of County Deed from Orange County conveying title over or under County roads for CFX's SR 429 bridges and crossings from the Turnpike to Seidel Road, with the exception of the crossings of SR 429 at the Malcom Road Bridge and Schofield Road
20. Approval to accept Mediated Settlement Agreement for Parcel 173 in the amount of \$429,400, resolving all claims for compensation
21. Approval to accept Joint Motion for Stipulated Final Judgment for Parcels 331/332 in the amount of \$64,000, resolving all claims for compensation
22. Approval to accept Settlement Agreement for Parcels 322/822 in the amount of \$279,000, resolving all claims for compensation
23. Approval to accept Settlement Agreement for Parcels 320/820 in the amount of \$478,000, resolving all claims for compensation
24. Approval to serve an Offer of Judgment for Parcel 301 in the amount of \$1,200,000, resolving all claims for compensation
25. Approval to serve an Offer of Judgment for Parcel 168, Project 429-203 in the amount of \$330,000 plus statutory attorney's fees and experts costs in full settlement of all claims for compensation
26. Approval to serve an Offer of Judgment for Parcel 179, Project 429-203 in the amount of \$302,400 plus statutory attorney's fees and experts costs in full settlement of all claims for compensation
27. Approval to serve an Offer of Judgment for Parcel 242, Project 429-204 in the amount of \$597,840, plus statutory attorney's fees and experts costs in full settlement of all claims for compensation
28. Approval to serve an Offer of Judgment for Parcel 251, Project 429-204 in the amount of \$205,200, plus statutory attorney's fees and experts costs in full settlement of all claims for compensation
29. Approval to serve an Offer of Judgment for Parcel 258, Project 429-204 in the amount of \$386,400, plus statutory attorney's fees and experts costs in full settlement of all claims for compensation
30. Approval to serve an Offer of Judgment for Parcel 318, Project 429-206 in the amount of \$148,800, plus statutory attorney's fees and experts costs in full settlement of all claims for compensation
31. Approval to serve an Offer of Judgment for Parcel 319, Project 429-206 in the amount of \$207,600, plus statutory attorney's fees and experts costs in full settlement of all claims for compensation
32. Approval for assignment of Parcels 197/897, 230, 257 and 267 to Mateer Harbert, P.A. and issuance of a task authorization for \$325,000 with a not-to-exceed cap of \$500,000 and approval of Supplemental Agreement to Contract No. 000929 in the amount of \$50,000 for Lowndes, Drosdick,

Doster, Kantor & Reed, P.A. to provide transition legal services through the end of the 2016 calendar year

33. Approval of Construction Agreement between State of Florida Department of Transportation (FDOT) and CFX for the CFX S.R. 417 Interchange with Florida's Turnpike, Phase III

MAINTENANCE

34. Approval of contract award to Atlantic Civil Constructors Corp. for CFX Headquarters Parking Lot Lighting and Resurfacing – Contract No. 001197/Project No. 599-411 (Agreement value: \$412,105.68)

PUBLIC AFFAIRS

35. Approval of contract renewal to Quest Corporation of America, Inc. for Public Information Services – Contract No. 000875 (Agreement value: \$0)
36. Approval of contract renewal with Day Communications, Inc. for Communications and Marketing Consultant Services and approval of Day Communications to use Doverwood Communications, Inc. as Subconsultant – Contract No. 001002 (Agreement value: \$0)

TRAFFIC OPERATIONS

37. Approval of Assignment and Assumption of Contractual Obligations between Schneider Electric Mobility N.A. and Kapsch TrafficCom Transportation NA, Inc. and CFX

Ms. Herr requested that Item #3 be pulled for separate consideration.

A motion was made by Commissioner Boyd and seconded by Commissioner Carey to approve the Consent Agenda with the exception of Item #3. The motion carried unanimously with all nine (9) members present and voting AYE by voice vote.

Ms. Herr stated that she will abstain from voting on Item #3, due to a conflict of interest with Broad and Cassel (Form 8B, Memorandum of Voting Conflict Form, attached as Exhibit "A").

A motion was made by Mayor Dyer and seconded by Commissioner Carey to approve Consent Agenda Item #3. The motion carried unanimously with eight (8) members voting AYE by voice vote; Ms. Herr abstained from voting.

E. REPORTS

1. CHAIRMAN'S REPORT

Chairman Cadwell reminded everyone that there will not be a December Board meeting. November 10 will be the last meeting in 2016.

Chairman Cadwell reported that the Engineering News Record magazine published a second article about the Wekiva Parkway.

2. TREASURER'S REPORT

Commissioner Carey reported that toll revenues for August were \$33,038,596 which is 9% above projections and 12% above prior year. CFX's total revenues were \$35.6 million for the month.

Total OM&A expenses were \$4.8 million for the month and \$7 million year-to-date, which is 2% under budget.

After debt service the total net revenue available for projects was \$16.4 million for August and \$35 million year-to-date.

Commissioner Carey requested a report to the Board on the impact of the toll suspensions due to Hurricane Mathew.

3. EXECUTIVE DIRECTOR'S REPORT

Executive Director Laura Kelley provided the Executive Director's Report in written form. She elaborated briefly on some of the items in the report.

In addition, Ms. Kelley reported on the following:

- Ms. Kelley will commission an independent review of best practices for transparency and governance among all toll agencies in Florida. The review will be conducted by our external auditor, Moore Stephens Lovelace. The purpose of the review is to make recommendations to CFX for improvement. We believe we are doing a good job in this area, however, we are always looking for ways to improve.
- CFX has wired over \$150 million to FDOT to satisfy the entire balance of the long term Lease Purchase Agreement debt.
- The Wekiva Parkway is more than halfway completed and there is a lot of construction activity going on. Ms. Kelley offered the Board members individual tours of the construction site.

F. REGULAR AGENDA ITEMS

1. S.R. 408 EASTERN EXTENSION

Executive Director Laura Kelley recommended that, although CFX has been working on the S.R. 408 Eastern Extension for about 10 years, if the Department wants to take this project over, perhaps we should start the process of assigning CFX's current contract with Metric Engineering to the Department. That way, the Department can hit the ground running and not lose any time because we know that the east side of Orange County needs this traffic relief.

Mayor Jacobs shared her conversations with Secretary Boxold regarding the S.R. 408 Extension. The Secretary will be in the region and would like the opportunity to meet with Ms. Kelley and Orange County staff to discuss the project.

Discussion took place among the Board members. Commissioner Carey asked about advance funding of improvements to SR 419. Mayor Jacobs called on Renzo Nastasi of Orange County Transportation Planning to talk about SR 419 improvements.

Commissioner Boyd talked about conversations he has had with residents in Lake Pickett North and South and his meeting with Secretary Boxold.

Mr. Scheeringa suggested that a map showing the jurisdictions be provided at the next meeting so we can see the whole picture. Mr. Scheeringa also posed the following questions for our decision making process:

- 1) Are we handing everything over?
- 2) What is the calendar associated with the due diligence?
- 3) How does it affect our Master Plan?

Commissioner Boyd suggested a meeting with Commissioner Carey and himself that is publicly noticed to talk about advance funding of SR 419.

A motion was made by Mayor Jacobs and seconded by Commissioner Boyd to authorize Ms. Kelley to meet directly with the Secretary or his designee to discuss the assignment of the contract for the PD&E Study done for the extension of SR 408 and to negotiate anything else that Ms. Kelley needs with regard to that and report back to this Board at the next meeting. The motion carried unanimously with all nine (9) members present and voting AYE by voice vote.

2. IBTTA TOLL EXCELLENCE AWARD FOR WRONG-WAY DRIVING PILOT PROGRAM

Ms. Kelley reported that the Central Florida Expressway Authority received an IBTTA Toll Excellence Award for its wrong-way driving pilot program at the IBTTA annual meeting in Denver

last month. She congratulated Corey Quinn, CFX Chief of Technology/Operations, and Dr. Al-Deek of the University of Central Florida for their work on this program.

The Penrose family, who suffered the loss of a family member in a wrong-way driving incident, was also recognized for their support of a wrong-way driving program.

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

3. APPROVAL OF RESOLUTION IN SUPPORT OF HONORARY DESIGNATION OF WEST S.R. 408

Jay Madara requested approval of a Resolution in support of naming the section of S.R. 408 from Kirkman Road to Clark Road in honor of Arnold Palmer for his tremendous contribution to Central Florida.

A motion was made by Mr. Madara and seconded by Ms. Herr to approve the Resolution in support of the honorary designation of the section of S.R. 408 west from Kirkman Road to Clark Road in honor of Arnold Palmer. The motion carried unanimously with all nine (9) members present and voting AYE by voice vote.


Commissioner Carey suggested that we send a letter to the Arnold Palmer Foundation to make them aware of our action today.

G. BOARD MEMBER COMMENT

There were no comments from the Board Members.

H. ADJOURNMENT

Chairman Cadwell adjourned the meeting at 10:07 a.m.



Commissioner Welton G. Cadwell
Chairman
Central Florida Expressway Authority



Darleen Mazzillo
Recording Secretary/Executive Assistant
Central Florida Expressway Authority

Minutes approved on Nov. 10, 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 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

EXHIBIT "A"

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME HERR ANDRIA RITA	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CENTRAL FLORIDA EXPRESSWAY AUTHORITY
MAILING ADDRESS PO Box 954203	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY LAKE MARY SEMINOLE	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 10.13.2016	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, ANDRIA RITA HEER, hereby disclose that on 10-13, 20 16

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, Broad and Cassel;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____ by whom I am retained, or
- inured to the special gain or loss of _____ which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Award of Contract to law firm who has provided periodic representation for me and my family.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

10-13-2016
Date Filed

Andria R. Heer
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.