

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

**MINUTES
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
BOARD MEETING
January 12, 2017**

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

Board Members Present:

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

A. CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Commissioner Brenda Carey.

Commissioner Carey welcomed the two new members to the CFX Board: Commissioner Jennifer Thompson, Orange County and Commissioner Sean Parks, Lake County.

B. PUBLIC COMMENT

- 1) Crissy Martin Foglesong, Executive Director of ETC, made comments regarding the SR 528 expansion project at International Drive and, in particular, the adverse impacts to the International

Drive/Orange County Convention Center area if the project proceeds as planned. Although the SR 528 expansion project is a Turnpike Enterprise project, she wants CFX to be aware.

- 2) Phil Caronia, general manager of the Rosen Center Hotel and member of ETC, also made comments on the SR 528 expansion project.
- 3) Chris Muller yielded his time to Crissy Martin Foglesong.
- 4) Bob Hartnett, Executive Director of TEAMFL, invited everyone to the TEAMFL & Florida Transportation Commission Joint Annual Meeting on January 26 and 27 at the Hyatt Regency, Orlando International Airport.

C. APPROVAL OF MINUTES

A motion was made by Mr. Madara and seconded by Commissioner Hawkins to approve the November 10, 2016 Board Meeting Minutes as presented. The motion carried unanimously with nine (9) members present and voting AYE by voice vote.

D. APPROVAL OF CONSENT AGENDA

The Consent Agenda was presented for approval.

CONSTRUCTION

1. Authorization to Advertise for CEI Services for S.R. 408/S.R. 417 Interchange Improvements Phase 2, Project No. 253G, Contract No. 001278
2. Approval of Final Ranking and Authorization to enter into Fee Negotiations with RK&K for CEI Services for Resurfacing of S.R. 408 Widening from S.R. 417 to Alafaya Trail, Project 408-128, Contract No. 001194
3. Award of Contract to Arazoza Brothers Corp. for S.R. 429/S.R. 415 Systems Interchange Landscape Improvements Phase II, Project No. 429-200G; Contract No. 001261 (Agreement Value: 1,191,744.50)
4. Approval of construction contract modifications on the following contracts:

a.	Project 599-624A	Traffic Control Devices, Inc.	\$18,235.37
b.	Project 253F	Lane Construction Corp.	\$157,582.19
c.	Project 528-313	Lane Construction Corp.	\$51,973.56
d.	Project 599-526B	SICE, Inc.	\$0
e.	Project 599-525	Traffic Control Devices, Inc.	\$0
f.	Project 528-405	Southland Construction, Inc.	\$238,703.24
g.	Project 429-202	Prince Contracting, LLC	\$112,148.11
h.	Project 429-204	Southland Construction, Inc.	\$610,000.53

- i. Project 599-912 The Integration Factory, Inc. (\$172.80)

ENGINEERING

5. Authorization to Advertise for Construction Bids S.R. 408 Aesthetic Coatings Renewal, Project 599-734, Contract No. 001279
6. Authorization to Advertise for Construction Bids Southbound S.R. 417 to Westbound S.R. 528 Ramp Realignment, Project 599-126, Contract No. 001206
7. Authorization to Advertise for Construction Bids South Access Dynamic Message Sign (DMS) Improvements, Project 599-530, Contract No. 001280
8. Approval of Subconsultant CAB Professional Consultant Services, Inc. for General Engineering Consultant Contract with Dewberry Engineers, Inc., Contract No. 001145 (Agreement Value: Anticipated-to-Exceed \$25,000.00)

FINANCE/ACCOUNTING

9. Approval of Contract Award for External Auditing Services to Moore Stephens Lovelace, P.A., Contract No. 001241 (Agreement Value: Not-to-Exceed \$238,500.00)

INFORMATION TECHNOLOGY

10. Authorization to Advertise for Construction Bids for CFX Headquarters Building Security System Upgrades Project 599-527, Contract No. 001275

INTERNAL AUDIT

11. Acceptance of the following Internal Audit Reports:
- a) Public Records Review
 - b) DHSMV Data Security Assessment

LEGAL

12. Approval of Contract Renewal with Shutts & Bowen LLP for Right of Way Counsel Services, Contract No. 000930 (Agreement Value: \$0)
13. Approval of Offer of Judgment in the amount of \$1,442,000 for Parcels 287/887 (CFX v. Kenneth W. Morris, et al)

14. Acceptance of proposed Mediated Settlement Agreement in the amount of \$1,845,000 to settle all pending claims for Parcel 301

15. Approval for acceptance of Special Warranty Deed from Emerson Point Phase II, LLC to CFX for Marden Road/SR 414 Interchange Project

TOLL OPERATIONS

16. Approval of Assignment and Assumption of Contractual Obligations between URS Energy & Construction, Inc. and AECOM Energy & Construction, Inc., Contract No. 001071 & 001169

TRAFFIC OPERATIONS

17. Approval of Contract Renewal with Precision Contracting Services, Inc. for Maintenance of Fiber Optic Network Infrastructure, Contract No. 000990 (Agreement Value: \$125,000.00)

18. Approval of Supplemental Agreement No. 1 and Resolution Approving Execution of Joint Participation Agreement with Florida Department of Transportation (FDOT) for LiDAR Accident Scanning Pilot Program Contract No. 001213 (Agreement Value: \$100,000.00)

SPECIAL PROJECTS

19. Approval of Supplemental Agreement with TransCore to Purchase Additional Toll Lane Equipment Not Included in the Original Toll System Upgrade Contract, Contract No. 001021 (Agreement Value: \$1,902,965.56)

Ms. Herr requested that Consent Agenda #9 be pulled for separate consideration.

A motion was made by Mayor Dyer and seconded by Mayor Jacobs to approve the Consent Agenda, with the exception of #9. The motion carried unanimously with nine (9) members present and voting AYE by voice vote.

Ms. Herr stated that she will abstain from voting on Item #9, due to a conflict with Moore Stephens Lovelace (Form 8B Memorandum of Voting Conflict attached as Exhibit "A").

A motion was made by Mayor Dyer and seconded by Mayor Jacobs to approve Consent Agenda #9. The motion carried with eight (8) members voting AYE by voice vote; Ms. Herr abstained from voting.

E. REPORTS

1. TREASURER'S REPORT

Commissioner Carey reported that toll revenues for November were \$32,768,857 which is 8% above projections and 11% above prior year. CFX's total revenues were \$35.3 million for the month.

Total OM&A expenses were \$5.2 million for the month and \$21.4 million year-to-date, which is 14% under budget.

After debt service the total net revenue available for projects was \$15.8 million for November and \$79.1 million year-to-date.

2. 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. A slide was shown of the turn lane improvements at SR 417/Narcossee Road.

In addition, Ms. Kelley reported that new audio/visual equipment has been installed in the boardroom. Today we will not be utilizing all the available functions until the Board members have an opportunity to be acquainted with the new technology. She stated that a few minutes will be set aside for a brief training on the new equipment.

F. REGULAR AGENDA ITEMS

1. ANNUAL ELECTION OF CHAIRMAN, VICE CHAIRMAN AND TREASURER

General Counsel Joseph Passiatore briefly explained the nomination/election process in accordance with the CFX policy.

A protocol for chairman rotation was discussed and will be taken up at the next meeting.

Election of Chairman

Commissioner Carey nominated Mayor Buddy Dyer as Chairman. **By a unanimous vote with all nine (9) members voting AYE by voice vote, Mayor Buddy Dyer was elected Chairman.**

Mayor Dyer chaired the remainder of the meeting.

Election of Vice Chairman

Mr. Scheeringa nominated Commissioner Fred Hawkins as Vice Chairman. **By a unanimous vote with all nine (9) members voting AYE by voice vote, Commissioner Fred Hawkins was elected Vice Chairman.**

Election of Treasurer

Commissioner Carey nominated Jay Madara as Treasurer. **By a unanimous vote with all nine (9) members voting AYE by voice vote, Jay Madara was elected Treasurer.**

2. ACCEPTANCE OF 2016 FINANCIAL STATEMENT

CFO Lisa Lombard asked for acceptance of the 2016 Financial Statements. The Board members have been provided a copy of the Comprehensive Annual Financial Report (CAFR) in their agenda packages.

Dan O'Keefe and Joel Knopp of Moore Stephens Lovelace, P.A. presented an overview of the financial statements. The Financial Statements have been accepted by the Audit Committee.

Mr. O'Keefe reported that no internal control findings or compliance findings were found related to financial reporting.

A motion was made by Mr. Madara and seconded by Commissioner Hawkins to accept the 2016 Financial Statements as presented. The motion carried with nine (9) members present and voting AYE by voice vote.

3. LEGISLATIVE UPDATES

State Lobbying Services

Chris Dudley, Managing Partner with Southern Strategy Group, gave an overview on the upcoming legislative session, as well as changes in the state legislative leadership.

Federal Lobbying Services

Jim Davenport, Managing Partner with Alcalde & Fay, gave an overview of their firm and services.

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

4. APPROVAL OF FINAL RANKING AND AUTHORIZATION FOR FEE NEGOTIATIONS FOR CONCEPT, FEASIBILITY & MOBILITY STUDIES OF THE OSCEOLA COUNTY EXPRESSWAY AUTHORITY MASTER PLAN PROJECTS

Director of Engineering, Glenn Pressimone presented an overview of the Osceola County Expressway Authority Master Plan Projects and Interlocal Agreement, which was approved by CFX on September 8, 2016.

Mr. Pressimone explained the evaluation/selection process for the Concept, Feasibility & Mobility Studies of the Osceola County Expressway Authority Master Plan Projects. The Evaluation Committee shortlisted six (6) firms on November 14, 2016. After Technical Proposals and Oral Presentations were taken into consideration, four (4) top-ranked firms were selected.

The Evaluation Committee recommends approval of four (4) top-ranked firms and authorization to enter into fee negotiations for Concept, Feasibility and Mobility Studies with each of the firms as follows:

Inwood Consulting Engineers: Northeast Connector Expressway

RS&H: Southport Connector Expressway

CH2M Hill: Osceola Parkway Extension

Kimley Horn: Poinciana Parkway Extension/I-4 Connector

A motion was made by Mayor Jacobs and seconded by Commissioner Hawkins to approve the four (4) top-ranked firms and authorize fee negotiations for Concept, Feasibility and Mobility Studies with each of the firms as recommended above. The motion carried unanimously with nine (9) members voting AYE by voice vote.

G. BOARD MEMBER COMMENT

- 1) Mayor Dyer introduced Billy Hattaway, the new Director of Transportation for the City of Orlando.
- 2) Mayor Jacobs and Mr. Scheeringa welcomed the two new Board members.
- 3) Mr. Scheeringa suggested that we begin discussions regarding the toll rate increase scheduled for later this year.
- 4) Mr. Scheeringa requested that CFX staff provide a list of legislative issues to the Board members, both on a state and federal level, with key supporting facts behind them.
- 5) Commissioner Parks is impressed with the leadership on the CFX Board and he is honored to be able to serve on this Board.

H. ADJOURNMENT

Chairman Dyer adjourned the meeting at 10:17 a.m.



Mayor Buddy Dyer
Chairman
Central Florida Expressway Authority



Darleen Mazzillo
Recording Secretary/Executive Assistant
Central Florida Expressway Authority

Minutes approved on Feb. 9, 2017.

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:
CITY Lake Mary	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY
COUNTY Seminole	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED January 12, 2017	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)

EXHIBIT "A"

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 Herr, hereby disclose that on January 12, 20 17 :

(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, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of Moore Stephens Lovelace, 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:

Renewal of a contract with MSL. MSL is a client of my firm.

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.

1.26.2017

Date Filed

Andria R. Herr
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.