

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY BOARD MEETING September 7, 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)
Jay Madara, Gubernatorial Appointment (Treasurer)
Mayor Teresa Jacobs, Orange County
Commissioner Sean Parks, Lake County
Commissioner Jennifer Thompson, Orange County
S. Michael Scheeringa, Gubernatorial Appointment

Board Members Appearing by Telephone:

Commissioner Brenda Carey, Seminole County
Commissioner Jim Barfield, Brevard County

Board Member Not Present:

Commissioner Fred Hawkins, Jr., Osceola County (Vice Chairman)
Andria Herr, 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
Mimi Lamaute, Recording Secretary

A. CALL TO ORDER

The meeting was called to order at 3:00 p.m. by Chairman Buddy Dyer.

B. PUBLIC COMMENT

There was no public comment.

C. APPROVAL OF MINUTES

A motion was made by Commissioner Thompson and seconded by Mr. Scheeringa to approve the August 13, 2017 Board Meeting Minutes as presented. The motion carried unanimously with six (6) members present and voting AYE by voice vote and two (2) members, Commissioner Carey and Commissioner Barfield, voting AYE via telephone.

D. APPROVAL OF CONSENT AGENDA

The Consent Agenda was presented for approval.

ACCOUNTING/FINANCE

1. Authorization to Advertise for Proposals for Cost to Collect Analysis, Contract No. 001352

CONSTRUCTION

2. Authorization to Advertise for Construction Bids S.R. 408 Milling & Resurfacing from S.R. 50 to Ortman Drive, Project No. 408-742A, Contract No. 001355
3. Authorization to Advertise for Construction Bids S.R. 408 Milling & Resurfacing from Ortman Drive to Westmoreland Drive, Project No. 408-742B, Contract No. 001356
4. Authorization to Advertise for Construction Bids S.R. 528 / Boggy Creek Road Interchange Improvements, Project 528-145, Contract No. 001357
5. Approval of Final Ranking and Authorization to enter into Fee Negotiations for Construction, Engineering and Inspection Services for S.R. 417 Widening from Econlockhatchee to Seminole County with Target Engineering Group, Project No. 417-134, Contract No. 001315
6. Approval of Construction Contract Modifications on the following projects:

a. Project 528-138	Southland Construction, Inc.	(\$52,301.67)
b. Project 417-133	Gregory Construction, Inc.	(\$121,627.93)
c. Project 429-202	Prince Contracting, LLC	\$70,887.46
d. Project 429-204	Southland Construction, Inc.	\$118,295.70
e. Project 528-131	SEMA Construction, Inc.	(\$37,378.85)
f. Project 528-313	The Lane Construction Corp.	\$301,471.80
g. Project 429-206	GLF Construction Corp.	\$169,734.54
7. Approval to Award Contract to CDM Smith, Inc. for Construction, Engineering and Inspection Services for S.R. 408/417 Interchange Improvements Phase 2, Project No. 408-253G, Contract No. 001278 (Agreement Value: Not-to-Exceed \$5,300,000.00)

ENGINEERING

8. Approval of Final Ranking and Authorization for Fee Negotiations for Concept, Feasibility & Mobility Studies of the Northeast Connector Expressway Extension with Volkert, Project No. 599-215, Contract No. 001209

INFORMATION TECHNOLOGY (IT)

9. Authorization to Execute Cooperative Purchase Agreement with 4 Corner Resources, LLC for Information Technology Staff Augmentation Services, Contract No. 001347 (Agreement Value: \$2,063,000.00)
10. Approval of Purchase Order to Oracle America, Inc. for Software Update Licenses and Support (Agreement Value: \$62,936.18)

LEGAL

11. Approval of Proposed Settlement Agreement of Expert Fees and Costs with Anthony Randall Carter in the amount of \$56,202.47 for Parcel 252, Project 492-204
12. Approval of Proposed Settlement Agreement in the amount of \$545,300.00 with William S. Bennett and Peggy H. Bennett for Parcel 260, Project 429-204
13. Approval of Proposed Settlement Agreement with Ramlee Holdings Limited Partnership in the amount of \$3,558,647.75 for Parcel 330 (Parts A, B and C), Parcel 730 and Parcel 731A and 731B, Project 429-206
14. Approval of Proposed Settlement Agreement with Hill's of Florida, LLC in the amount of \$14,800 for Parcel 336, Project 429-206
15. Approval of Subordination of Easements Agreement with Duke Energy Florida LLC d/b/a Duke Energy for Parcels 287/887, 288, 289 (Parts A and B), 889 (Parts A and B), 890, and 292, Project 429-205
16. Approval of Proposed Update to the Central Florida Expressway Authority's Property Acquisition & Disposition Procedures Manual to include Policies and Procedures to Address Requests for Utility Crossings and Requests for Temporary Access

MAINTENANCE

17. Approval of Contract Award to LaFleur Nurseries & Garden Center, LLC for S.R. 429 Wekiva Parkway Landscape, Project No. 429-824, Contract No. 001289 (Agreement Value: \$2,990,343.50)

OPERATIONS

18. Approval of Fortitude International, LLC as Subconsultant for the Toll System Upgrade Project Contract with TransCore, Contract No. 001021
19. Approval of Purchase Order to TAPCO for Camera equipment for Wrong Way Driving System (Agreement Value: \$106,240.00)
20. Authorization to Advertise for Rapid Incident Scene Clearance Services, Contract No. 001346
21. Award of Contract to Convergent Technologies for CFX Headquarters Building Security Systems Upgrades, Project 599-527, Contract No. 001275 (Agreement Value: \$381,200.00)

RECORDS MANAGEMENT

22. Approval of Contract Renewal with The DRS Group of Florida for Document Conversion Services, Contract No. 000978 (Agreement value: \$40,000.00)

LEGAL CONTINUED

23. Approval of Proposed Mediated Settlement Agreement with Harrell & Sutherland Development Company, a Florida Corporation in the amount of \$770,000.00 for Parcel 313, Project 429-206

A motion was made by Mr. Madara and seconded by Commissioner Thompson to approve the Consent Agenda as presented. The motion carried unanimously with six (6) members present and voting AYE by voice vote and two (2) members, Commissioner Carey and Commissioner Barfield, voting AYE via telephone.

E. REPORTS

1. CHAIRMAN'S REPORT

- Due to Hurricane Irma, the only item that will be heard today is Item F.1. Proposed Settlement. Item F.2. Connected/Autonomous Vehicles will be heard at the October meeting.

- Chairman Dyer stressed the importance of completing hurricane preparations. He advised that as of Tuesday afternoon Governor Scott and Ms. Kelley have suspended all tolls to facilitate the necessary evacuations. Ms. Kelley added that CFX has also extended Road Ranger hours and CFX is cooperating with FHP to keep roadways clear.

2. **TREASURER'S REPORT**

Mr. Madara reported that the financial results represent the first month of the new fiscal year. Toll revenues for July were \$36,008,837, which is 4% above projections and 6% above prior year.

Total OM&A expenses were \$2.3 million for the month, which is 9% under budget.

After debt service, the total net revenue available for projects was \$21 million. Our projected year-end senior lien debt service ratio is 2.23, which is in line with budget.

3. **EXECUTIVE DIRECTOR'S REPORT**

Laura Kelley provided the Executive Director's Report in written form.

She announced that meetings have begun with FHP to discuss the construction safety campaign. In addition, in anticipation of Hurricane Irma, Ms. Kelley reported that she and a core team will be working this weekend to make sure that CFX's roadways are safe and kept running smoothly.

F. **REGULAR AGENDA ITEMS**

1. **PROPOSED SETTLEMENT WITH PROJECT ORLANDO FOR PARCELS 197/897, 230, 257 AND 267, WEKIVA PARKWAY PROJECT (PROJECTS 429-203 AND 429-204)**

Mr. Jay Small with Mateer Harbert, P.A. is recommending and seeking the Board's approval of a proposed settlement with Project Orlando and PSP/MRC Debt Portfolio S-1, L.P. ("the Lender") for Parcels 197/897, 230, 257 and 267 in the amount of \$22,195,348.85. He provided the Board with a summary comparing CFX's appraised value, Owner's appraised value/demand, and the proposed settlement offer. The settlement resolves all issues for all of the parcels, Parcels 197/897, 230, 257 and 267, and the pending appeal. It releases CFX from all current and future liability, and eliminates additional attorney's fees and costs and resolves CFX's liability for apportionment proceedings. He explained that there is a pending foreclosure action on the property the Lender has signed the Stipulated Final Judgment which includes a release from the Lender of all claims against CFX. The CFX Right of Way Committee unanimously recommended approval of the settlement.


A motion was made by Mayor Jacobs and seconded by Mr. Scheeringa to approve the all-inclusive settlement offer in the amount of \$22,195,348.85 and authorization to execute the all-inclusive stipulated final judgment. The motion carried unanimously with six (6) members present and voting AYE by voice vote and two (2) members, Commissioner Carey and Commissioner Barfield, voting AYE via telephone.


G. BOARD MEMBER COMMENT

There were no comments from the Board members.

H. ADJOURNMENT

Chairman Dyer adjourned the meeting at 3:13 p.m.


Buddy Dyer
Chairman
Central Florida Expressway Authority


Mimi Lamaute
Recording Secretary
Central Florida Expressway Authority

Minutes approved on Oct. 12, 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