

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES CENTRAL FLORIDA EXPRESSWAY AUTHORITY BOARD MEETING May 14, 2020

Location: The meeting was held virtually
through Orange County TV's live stream
go to www.ocfl.net/OrangeTV, or Orange TV (Channel 488 on
Spectrum (formerly Bright House), Channel 9 on Comcast,
1081 Century Link Prism TV, and 10.2 Digital Over the Air)

A. CALL TO ORDER/PLEDGE OF ALLEGIANCE

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

As requested by Chairman Carey, the pledge of allegiance was led by Mayor Demings.

Recording Secretary Mimi Lamaute called the roll and announced there was a quorum with all nine (9) Board Members present.

Board Members Present:

Commissioner Brenda Carey, Seminole County (Chairman)
Mayor Buddy Dyer, City of Orlando (Vice Chairman)
Commissioner Betsy VanderLey, Orange County (Treasurer)
Commissioner Brandon Arrington, Osceola County
Mayor Jerry Demings, Orange County
Andria Herr, Gubernatorial Appointment
Jay Madara, Gubernatorial Appointment
Commissioner Sean Parks, Lake County
Commissioner Curt Smith, Brevard County

Staff Present:

Laura Kelley, Executive Director
Diego "Woody" Rodriguez, General Counsel
Mimi Lamaute, Recording Secretary

B. PUBLIC COMMENT

Recording Secretary Mimi Lamaute announced there were no public comments.

C. APPROVAL OF MARCH 12, 2020 BOARD MEETING MINUTES

A motion was made by Commissioner Arrington and seconded by Commissioner Parks to approve the March 12, 2020 Board Meeting Minutes as presented. The motion carried unanimously with all nine (9) members in attendance voting AYE by voice vote.

D. APPROVAL OF CONSENT AGENDA

The Consent Agenda was presented for approval.

ADMINISTRATIVE SERVICES

1. Approval of Right of Way Committee Reappointment – Christopher Murvin (Jay Madara's Nomination)

CONSTRUCTION

2. Approval of Construction Contract Modifications on the following projects:

| | |
|--|-----------------|
| a. Project 599-537 United Signs & Signals | \$ 157,725.48 |
| b. Project 599-524 Precision Contracting Services, Inc. | \$ 43,970.00 |
| b. Project 599-156 The New Florida Industrial Electric, Inc. | (\$ 43,828.44) |
| c. Project 253G SEMA Construction, Inc. | \$ 17,047.11 |
| d. Project 528-747 Hubbard Construction Co. | \$ 471,804.55 |
| e. Project 528-749 Preferred Materials, Inc. | (\$ 148,834.43) |
| f. Project 528-750 Preferred Materials, Inc. | \$ 18,936.41 |
| g. Project 528-143.01 Central Florida Underground | \$ 4,660.42 |
3. Approval of Applied Research Associates, Inc. as a Subconsultant for the Systemwide Material Testing and Geotechnical Services Contract with Ardaman & Associates, Inc., Contract No. 001434
4. Approval of Clencom, Inc. as a Subconsultant for the Poinciana Parkway ITS Contract with DRMP, Inc., Contract No. 001646
5. Ratification of Contract Award to Atlantic Civil Constructors Corp. for SR 408 Westbound Exit Ramp Improvements at Mills Avenue, Project 408-159, Contract No. 001664 (Agreement Value: \$1,470,157.29)
6. Ratification of Contract Award to Ranger Construction Industries, Inc. for SR 414 Milling & Resurfacing from Hawthorne Avenue to Keene Road, Project 414-754, Contract No. 001668 (Agreement Value: \$3,257,952.78)
7. Ratification of Contract Award to Ranger Construction Industries, Inc. for SR 414 Milling & Resurfacing from Keene Road to US 441, Project 414-755, Contract No. 001669 (Agreement Value: \$5,314,097.21)

8. Approval of Purchase Order to Media 1 Signs, Inc. for Toll Booth Wraps, Project 417-134 (Agreement Value: not-to-exceed \$84,700.00)

ENGINEERING

9. Approval of Real Image Solutions as a Subconsultant for the Miscellaneous Design Consultant Services Contract with Pegasus Engineering, LLC, Contract No. 001161
10. Approval of Supplemental Agreement No. 2 with RS&H, Inc. for Design Consultant Services - SR 417 Widening from John Young Parkway to Landstar Boulevard, Project 417-142, Contract No. 001313 (Agreement Value: not-to-exceed \$363,487.62)
11. Approval of Supplemental Agreement No. 1 with Horizon Engineering Group, Inc. for Design Consultant Services - SR 417 Widening from Landstar Boulevard to Boggy Creek Road, Project 417-149, Contract No. 001387 (Agreement Value: not-to-exceed \$510,745.68)
12. Approval of Supplemental Agreement No. 4 with Atkins North America, Inc. for Design Consultant Services - SR 417 Widening from Narcoosee Road to SR 528, Project 417-150, Contract No. 001393 (Agreement Value: \$977,700.66)
13. Approval of Greenfield Diversified d/b/a Consulex, LLC as a Subconsultant for the Miscellaneous Design Consultant Services Contract with The Balmoral Group, LLC, Contract No. 001497
14. Approval of Final Ranking and Authorization for Fee Negotiations for Design Consultant Services for SR 516 Lake-Orange Expressway, Segments 1 & 3, Projects 516-236 & 516-238, Contract Nos. 001670 & 001671

FINANCE

15. Approval of Roadway Insurance Policy with Zurich American Insurance Company (Agreement Value: \$772,000.00)

INTERNAL AUDIT

16. Acceptance of the following Internal Audit Reports:
 - a. Prior Audit Recommendations: Semi-Annual Follow-Up
 - b. Procurement and Contract Billing Audit
 - c. DHSMV Data Security Assessment
 - d. DAVID Data Security Assessment
 - e. Payment Card Industry (PCI) Assessment with Report on Compliance
 - f. Secure Code Review

LEGAL

17. Review and Re-Adoption of CFX's Ethics Policy Pursuant to Section 348.753, Florida Statutes
18. Approval of Jurisdictional Transfer from CFX to Orange County, Florida Pertaining to SR 414, Project 414-211, Parcels 375A, Part 3 and 375C
19. Approval of Jurisdictional Transfer from CFX to Orange County, Florida pertaining to SR 414, Project 414-211, Parcel 408, Part H

MAINTENANCE

20. Approval of Supplemental Agreement No. 4 with AutoBase, Inc for Purchase of a New Road Ranger Truck, Contract No. 001437 (Agreement Value: not-to-exceed \$85,000.00)
21. Approval of First Contract Renewal with Traffic Engineering and Management, LLC d/b/a Control Specialists for Traffic Signal Maintenance, Contract No. 001322 (Agreement Value: \$200,000.00)

PUBLIC OUTREACH

22. Approval of ARC Document Solutions, LLC as a Subcontractor for the Public Information Services Contract with Quest Corporation of America, Inc., Contract No. 001298

TECHNOLOGY/TOLL OPERATIONS

23. Approval of Purchase Order to PC Solutions & Integrations, Inc. for Vendor Network Support and Maintenance (Agreement Value: not-to-exceed \$134,158.35)

TRAFFIC OPERATIONS

24. Approval of Supplemental Agreement No. 3 with Vanasse Hangen Brustlin, Inc. for Three-Line Dynamic Message Signs Replacement Project, Project 599-545, Contract No. 001419 (Agreement Value: \$109,114.28)
25. Approval of Supplemental Agreement No. 2 with DRMP, Inc. for Wrong Way Driving Deployment, Project 599-526C, Contract No. 001438 (Agreement Value: not-to-exceed \$104,051.19)
26. Approval of Contract Award to Metric Engineering, Inc. for Professional Engineering Consultant Services for Development of the Intelligent Transportation Systems Master Plan, Project 599-558, Contract No. 001616 (Agreement Value: not-to-exceed \$300,000.00)

Commissioner VanderLey requested that Items #4, #10, #11, #14 and #25 be pulled for separate consideration. She will abstain from voting on these items due to a conflict of interest with DRMP, Inc. (Form 8B, Memorandum of Voting Conflict Form is attached as **Exhibit "A"**).

A motion was made by Commissioner VanderLey and seconded by Mr. Madara to approve the Consent Agenda except for items #4, #10, #11, #14 and #25. The motion carried unanimously with all nine (9) members in attendance voting AYE by voice vote.

A motion was made by Commissioner Smith and seconded by Commissioner Arrington to approve Consent Agenda items #4, #10, #11, #14 and #25. The motion carried unanimously with eight (8) members in attendance voting AYE by voice vote. Commissioner VanderLey abstained from voting.

E. REPORTS

1. CHAIRMAN'S REPORT

Chairman Carey reported on the following:

- Changes since CFX's March meeting. She thanked Ms. Kelley and her team for the quick response to insure the continued operations of the agency.
- Phasing out of the Governor's Safer at Home order. Please continue to do your part to keep our community healthy, remain mindful of your surroundings and follow the recommendations of state and local health professionals.
- Many people are beginning to venture a bit further from home. You will likely see more construction work zones during your travel, please remember to slow down and pay attention. Your safety and the safety of the workers working on CFX's roads is paramount.
- At the last board meeting, the Environmental Stewardship Committee was established. This committee will provide ongoing valuable insights in the early planning discussions of projects. Board members, if you have not made your recommendation to the Committee, please try to do so before the June board meeting.
- Upcoming Budget Workshop.
- She expressed her sincere gratitude to board members, staff, consultants, contractors, everyone that has done everything possible to keep the community moving forward. Your efforts have not gone unnoticed.

2. TREASURER'S REPORT

Commissioner VanderLey reported that toll revenues for March were \$35,479,889 which is 19.4% below projections and 19.9% below prior year.

CFX's total revenues were \$38.4 million for the month. Total Operations, Maintenance and Administration expenses were \$8.7 million for the month and \$62.9 million year-to-date, which is 5.9% under budget.

After debt service the total net revenue available for projects was \$11.1 million for March and \$179.3 million year-to-date. Our projected year-end senior lien debt service ratio is 1.77 which is below our budgeted ratio of 2.07.

3. EXECUTIVE DIRECTOR'S REPORT

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

In addition, Ms. Kelley expanded on the following:

- I-4/SR 408 Ramp Update

F. REGULAR AGENDA ITEMS

1. COVID-19 UPDATE

Executive Director Laura Kelley provided an update on CFX's efforts during the COVID-19 pandemic. Ms. Kelley described the focus on community and social responsibility, how the agency adopted to keep customers and the CFX team safe and how the CFX team delivered on core values by staying connected. Ms. Kelley also talked about how the team managed and monitored the impacts on revenue and kept projects going.

(This item was presented for informational purposes. No Board action was taken.)

2. ENVIRONMENTAL STEWARDSHIP COMMITTEE BOARD APPOINTMENTS

Chairman Carey requested the below nominations for the Environmental Stewardship Committee be confirmed by the CFX Board:

- Richard Durr, Seminole County
- Robert Mindick, Osceola County
- Beth Jackson, Orange County
- Brittany C. Seller, City of Orlando
- Jim Barfield, Brevard County

A motion was made by Commissioner Arrington and seconded by Commissioner VanderLey to approve the nominations of Mr. Durr, Mr. Mindick, Ms. Jackson, Ms. Seller and Mr. Barfield to the Environmental Stewardship Committee. The motion carried unanimously with all nine (9) members in attendance voting AYE by voice vote.


G. BOARD MEMBER COMMENT

The following board members commented:

- Commissioner Parks
- Mayor Demings

H. ADJOURNMENT

Chairman Carey adjourned the meeting at 9:30 a.m.


Brenda Carey
Chairman
Central Florida Expressway Authority


Mimi Lamaute
Recording Secretary
Central Florida Expressway Authority

Minutes approved on June 11, 2020.

Pursuant to the Florida Public Records Law and the CFX Records & Information Management Program Policy, audiotapes of all Board and applicable Committee meetings are maintained and available upon request to the Custodian of Public Records at (407) 690-5326, PublicRecords@CFXway.com, or 4974 ORL Tower Road, Orlando, FL 32807. Additionally, videotapes of Board meetings are available at the CFX website, www.CFXway.com.

Exhibit A

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

| | | | |
|--|------------------|--|--|
| LAST NAME—FIRST NAME—MIDDLE NAME VanderLey, Betsy Kay | | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Central Florida Expressway Authority | |
| MAILING ADDRESS 4974 ORL Tower Road, Orlando, Florida 32807 | | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: | |
| CITY Orlando | COUNTY Orange | <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY | |
| DATE ON WHICH VOTE OCCURRED May 14, 2020 | | NAME OF POLITICAL SUBDIVISION: | |
| | | 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, Betsy VanderLey, hereby disclose that on May 14, 20 20 :

(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 DRMP, Inc., 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:

I am the manager of a Limited Liability Corporation which provides business development services to DRMP, Inc., I am required to abstain from the vote as a conflict of interest pursuant to Section 112.313, Florida Statutes because DRMP, Inc., is either directly being awarded a contract or they are a subcontractor that will directly benefit from a contract award. Therefore, the following items will be removed from the Consent Agenda for the Central Florida Expressway Authority agenda for May 14, 2020 and I will abstain from voting on these items once they are placed on the Non-Consent Agenda:

Item 4: Approval of Clencom, Inc., as a Sub-consultant for the Poinciana Parkway ITS Contract with DRMP, Inc., Contract No. 001646

Item 10: Approval of Supplemental Agreement No. 2 with RS&H, Inc. for Design Consultant Services-SR 417 Widening from John Young Parkway to Landstar Blvd., Project 417-149, Contract No. 001313

Item 11: Approval of Supplemental Agreement No.1 with Horizon Engineering Group, Inc for Design Consultant Services- SR 417 widening from Landstar Blvd. to Boggy Creek Road, Project 417-142, Contract No. 001387

Item 14: Approval of Final Ranking and Authorization for Negotiations for Design Consultant Services for SR 516 Lake-Orange Expressway, Segments 1 & 3, Projects 516-236 & 516-238, Contract Nos. 001670 & 001671

Item 25: Approval of Supplemental Agmt No.2 with DRMP, Inc., for Wrong Way Driving Deployment, Project 599-526C, Contract No. 004138

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.

May 14, 2020

Date Filed

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.

'20 MAY 22 AM 10:35