

# CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES  
CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
BOARD MEETING  
November 12, 2020

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

## A. CALL TO ORDER

The meeting was called to order at approximately 9:05 a.m. by Chairman Carey.

### 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 at Dais:

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

### Non-Voting Advisor Present:

Nicola Liquori, Executive Director, Florida's Turnpike Enterprise

## B. PUBLIC COMMENT

There was no public comment.

**C. APPROVAL OF BOARD MEETING MINUTES**

1. APPROVAL OF SEPTEMBER 10, 2020 BOARD MEETING MINUTES

**A motion was made by Mayor Dyer and seconded by Mr. Madara to approve the September 10, 2020 Board Meeting Minutes as presented. The motion carried unanimously with all nine (9) board members in attendance voting AYE by voice vote.**

2. APPROVAL OF OCTOBER 8, 2020 BOARD MEETING MINUTES

**A motion was made by Commissioner VanderLey and seconded by Mayor Dyer to approve the October 8, 2020 Board Meeting Minutes as presented. The motion carried unanimously with all nine (9) board members in attendance voting AYE by voice vote.**

**D. APPROVAL OF CONSENT AGENDA**

The Consent Agenda was presented for approval.

**CONSTRUCTION**

1. Approval of Construction Contract Modifications on the following projects:
  - a. Project 408-128 The Lane Construction Corp. (\$ 18,544.85)
  - b. Project 417-134 Hubbard Construction Co. (\$ 157,869.89)
2. Approval of Final Ranking and Authorization for Fee Negotiations for Construction Engineering and Inspection Services for SR 538 Widening from Ronald Reagan Parkway to Cypress Parkway, Project No. 538-165, Contract No. 001722

**ENGINEERING**

3. Approval of Second Contract Renewal with CH2M Hill, Inc. for I-4/SR 408 Interchange Corridor Consultant, Contract No. 001055 (Agreement Value: \$0)
4. Approval of Southeastern Archaeological Research, Inc. as a Subconsultant for Dewberry Engineers, Inc. for General Engineering Consultant Services, Contract No. 001145
5. Approval of Second Contract Renewal with WBQ Design & Engineering, Inc. for Miscellaneous Design Consultant Services, Contract No. 001207 (Agreement Value: \$830,000.00)
6. Authorization of Mitigation Credit Purchases with Holland Properties, Inc. d/b/a TM-Econ Mitigation Bank for SR 417 Widening from Narcoossee Road to SR 528, Project No. 417-150 (Agreement Value: not-to-exceed \$440,000.00)

7. Approval of Supplemental Agreement No. 5 with Atkins North America, Inc. for Design Consultant Services for SR 417 Widening from Narcoossee Road to SR 528, Project No. 417-150, Contract No. 001393 (Agreement Value: not-to-exceed \$137,251.74)
8. Approval of Contract Award to BCC Engineering, LLC for Design Consultant Services for SR 516 Lake/Orange Expressway from West of Cook Road to Lake/Orange County Line – Segment 2, Project No. 516-237, Contract No. 001686 (Agreement Value: not-to-exceed \$5,000,000.00)
9. Approval of Supplemental Agreement No. 5 with RS&H, Inc. for SR 417 Widening from John Young Parkway to Landstar Boulevard, Project No. 417-142, Contract No. 001313 (Agreement Value: not-to-exceed \$1,307,509.88)

#### FINANCE

10. Approval of Supplemental Agreement No. 1 with Protiviti, Inc. for Internal Auditor Services, Contract No. 001391 (Agreement Value: \$250,000.00)

#### INTERNAL AUDIT

11. Acceptance of Internal Audit Reports:
  - a. Public Records Review
  - b. Prior Audit Recommendations Follow-Up
  - c. Procurement and Contract Billing Audit
  - d. Enterprise Resource Planning Requirements Support
  - e. National Institute of Standards in Technology Cybersecurity Framework Review

#### LEGAL

12. Approval of Second Contract Renewal with Hopping Green & Sams, P.A. for Legal Counsel Services, Contract No. 001460 (Agreement Value: \$99,000.00)
13. Approval of First Amendment to Interlocal Agreement Regarding Relocation of Utilities Along SR 538 Between Tohopekaliga Water Authority and CFX, Project 538-165
14. Approval of Joint Participation Agreement Between Osceola County and CFX for the Shingle Creek Mainline and Poinciana Boulevard Ramp Toll Plazas, Project No. 599-902

#### MAINTENANCE

15. Approval of Proshot Concrete, Inc. as a Subcontractor for Jorgensen Contract Services, LLC for Roadway Maintenance Services, Contract No 001151

PUBLIC OUTREACH

16. Approval of Partnership between CFX and WFTV for Fiscal Year 2021 Safety Campaign (Agreement Value: not-to-exceed \$155,000.00)

RISK MANAGEMENT

17. Authorization for Executive Director to Execute a Settlement Agreement (Agreement Value: not-to-exceed \$145,000.00)

TECHNOLOGY/TOLL OPERATIONS

18. Approval of Purchase Order to SHI International Corp. for Striim Software and Support Services (Agreement Value: \$52,688.16)
19. Approval of First Contract Renewal with Transportation Operations & Management Solutions a Registered Name of Shimmick Construction Company, Inc. for Toll Facilities Operations and Management Services, Contract No. 001661 (Agreement Value: \$16,950,258.22)
20. Authorization to Execute a Supply Agreement with A-TO-BE USA LLC for Automated Coin Machines, Contract No. 001748 (Agreement Value: not-to-exceed \$1,500,000.00)

TRAFFIC OPERATIONS

21. Approval of Base Consultants, Inc. as a Subconsultant for Vanasse Hangen Brustlin, Inc. for Systemwide Three-Line Dynamic Message Signs Replacement Project, Contract No. 001419

Consent Agenda Items #5 and #9 were pulled for a separate vote. Commissioner VanderLey abstained from voting on these items due to a CFX Code of Ethics 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 Commissioner Arrington to approve the Consent Agenda except for items #5 and #9. The motion carried unanimously with all nine (9) board members in attendance voting AYE by voice vote.**

**A motion was made by Mayor Dyer and seconded by Mr. Madara to approve Consent Agenda items #5 and #9. The motion carried unanimously with eight (8) board 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:

- CFX's new Small Sustainable Business Online Registration Platform;
- Congratulated Ms. Herr and Commissioner Arrington on their election victories;
- This meeting is bittersweet as it will be her last CFX Board meeting and that of Commissioner VanderLey and Ms. Herr. She provided a recap of the accomplishments during their time on the CFX board;
- Chairman Carey restated that the success of this agency is a direct reflection of the staff, consultants and contractors who work here;
- Ms. Kelley has led this agency with integrity, and it shows at every level of this organization; and
- The next CFX Board meeting is scheduled for December 10<sup>th</sup> at 9:00 a.m., at which time board elections will be held.

### 2. TREASURER'S REPORT

Commissioner VanderLey reported that as of September toll revenues were \$36,713,922, which is 50.5% above projections and 7.7% above prior year; during this time period, tolls were suspended due to Hurricane Dorian. CFX's total revenues were \$39.5 million for the month.

Total Operations, Maintenance and Administration expenses were \$7.2 million for the month, which is 3.1% under budget.

After debt service the total net revenue available for projects was \$14.1 million for September. CFX's projected year end senior lien debt service ratio is 1.88, which is above CFX's budgeted ratio of 1.68.

### 3. EXECUTIVE DIRECTOR'S REPORT

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

In addition, Ms. Kelley expanded on the following:

- Announced that CFX's Walk-In Center reopened on Monday;
- Provided details on the upcoming virtual Florida Autonomous Vehicle Summit (FAV). CFX will host the next FAV Summit, scheduled for November 2021;
- Ms. Kelley recently attended the in-person TEAMFL meeting along with Commissioner VanderLey and Commissioner Parks. Commissioner Parks was voted Chairman of the TEAMFL Board. Commissioner Parks provided details of the meeting.
- Ms. Kelley expressed her gratitude to Commissioner Carey, Commissioner VanderLey and Ms. Herr for their service to the CFX board.

## **F. REGULAR AGENDA ITEMS**

### **1. BRIGHTLINE UPDATE**

Michael Cegelis, Executive Vice President with Brightline provided an update on the current Brightline project and future projects.

The Board asked questions which were answered by Mr. Cegelis.

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

### **2. MONTHLY COVID-19 FINANCIAL ASSESSMENT**

Lisa Lombard, Chief Financial Officer, explained how CFX's revenue and expenses are tracking as a result of COVID-19, because of the real time information provided some of the amounts are estimates and not the final numbers. She detailed the following: revenue variance over prior year; adjusted COVID impact by month; CFX strengths; and construction projects approved to be paid out of the construction fund as of November 2020. Ms. Lombard explained that the SR 417 Widening from John Young Parkway to Landstar Boulevard has been put out for procurement. She detailed the estimated budget vs actual as of the end of October 2020.

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

### **3. FY 2020 FINANCIAL STATEMENTS**

Michael Carlisle, Director of Accounting & Finance, and Daniel J. O'Keefe, Shareholder with MSL, P.A. detailed the FY 2020 Financial Statements.

**A motion was made by Mayor Demings and seconded by Commissioner Arrington for acceptance of the FY 2020 Financial Statements. The motion carried unanimously with all nine (9) board members in attendance voting AYE by voice vote.**

### **4. SR 417 WIDENING FROM INTERNATIONAL DRIVE TO JOHN YOUNG PARKWAY**

Mr. Jack Burch, CFX's Construction Manager is filling in for Will Hawthorne. Mr. Burch provided the history, details, project timeline and bids received for the SR 417 Widening from International Drive to John Young Parkway project.

The Board asked questions which were answered by Mr. Burch and Mr. Glenn Pressimone, CFX Chief of Infrastructure.

**A motion was made by Commissioner VanderLey and seconded by Commissioner Arrington for approval of the award of the contract to The Hubbard Construction Company for SR 417 Widening from International Drive to John Young Parkway in the amount of \$81,671,607.60. The motion carried unanimously with all nine (9) board members in attendance voting AYE by voice vote.**

**5. INTERLOCAL AGREEMENT WITH THE CANAVERAL PORT AUTHORITY FOR ELECTRONIC PARKING FEE COLLECTION**

Jim Greer, CFX Chief of Technology/Operations explained the background of the E-PASS parking program at Orlando International Airport. Based on its success, CFX is introducing a similar program at Canaveral Port Authority. He described the benefits and logistics of the parking program at Canaveral Port Authority. Mr. Greer stated that CFX is exploring future opportunities for this type of program.

**A motion was made by Ms. Herr and seconded by Commissioner VanderLey for approval of the Interlocal Agreement for Electronic Parking Fee Collection between CFX and Canaveral Port Authority. The motion carried unanimously with all nine (9) board members in attendance voting AYE by voice vote.**

**G. BOARD MEMBER COMMENT**

The following Board Members commented:

- Commissioner Parks;
- Mr. Madara;
- Mayor Demings;
- Mayor Dyer; and
- Chairman Carey

**H. ADJOURNMENT**

Chairman Carey adjourned the meeting at 10:31 a.m.



Mayor Buddy Dyer for Brenda Carey  
Vice Chairman  
Central Florida Expressway Authority



Mimi Lamaute  
Recording Secretary  
Central Florida Expressway Authority

Minutes approved on 12-10-20, 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](mailto: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](http://www.CFXway.com).*



**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		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 type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED 11/12/2020		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 Kay VanderLey, hereby disclose that on November 12, 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 was retained, \_\_\_\_\_, 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:

At the November 12, 2020 Board Meeting of the Central Florida Expressway Authority (CFX) there are two items related to an entity named DRMP, Inc. which is a potential conflict of interest for me based on the CFX Code of Ethics. A Limited Liability Corporation which I manage had been providing business development services to DRMP, Inc., until recently. While the provisions in Chapter 112, Florida Statutes, regarding abstention from voting on actual conflicts, no longer apply because there is no current business relationship, CFX has adopted a Code of Ethics which requires that a Board Member disclose and abstain from a vote that "will benefit any person with whom the Board Member knowingly was a business associate in the previous two-year period." As such I am abstaining from the following items:

Item 5 on the Consent Agenda is for the Approval of Second Contract Renewal with WBQ Design & Engineering, Inc. for Miscellaneous Design Consultant Services, Contract No. 001207. DRMP, Inc., has been included as a sub-consultant.

Item 9 on the Consent Agenda is for the Approval of Supplemental Agreement No. 5 with RS&H, Inc. for SR 417 Widening from John Young Parkway to Landstar Boulevard, Project No. 417-142, Contract No. 001313 (Agreement Value: not-to-exceed \$1,307,509.88). DRMP, Inc., has been included as a sub-consultant.

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.

Date Filed

11/12/2020

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.