

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES BOARD MEETING August 10, 2023

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

A. CALL TO ORDER

The meeting was called to order at approximately 9:03 a.m. by Chairman Demings.

Board Members Present:

Mayor Jerry Demings, Orange County (Chairman)
Christopher "CJ" Maier, Gubernatorial Appointment (Treasurer)
Mayor Buddy Dyer, City of Orlando
Commissioner Andria Herr, Seminole County
Rafael "Ralph" Martinez, Gubernatorial Appointment
Commissioner Christine Moore, Orange County

Board Members Not Present:

Commissioner Brandon Arrington, Osceola County (Vice Chairman)
Commissioner Tom Goodson, Brevard County
Commissioner Sean Parks, Lake County
Vacant, Gubernatorial Appointment

Staff Present at Dais:

Michelle Maikisch, Executive Director
Mimi Lamaute, Board Recording Secretary

Others Present at Dais:

Jo O. Thacker, Esquire, Nelson Mullins

Non-Voting Advisor Not Present:

Nicola Liquori, Executive Director, Florida's Turnpike Enterprise

B. PUBLIC COMMENT

- Public Comment Speaker

The following members of the public submitted their completed Public Comment form at least 5 minutes prior to the scheduled start of the meeting:

- Kenneth Wharry commented on the SR 417 Airport Connector Project;
- Erica Trims commented on the SR 417 Airport Connector Project;
- Frank Loppolo commented on the SR 417 Airport Connector Project; and
- Darren Gray commented on the SR 417 Airport Connector.

- Written Public Comments

The following individuals submitted written comments which were received during regular business hours at least 48 hours in advance of the meeting and are included as part of these minutes and were distributed to the Board members in advance of the meeting.

- Chelsea LeNoble wrote on the SR 17 Airport Connector Project, attached as **Exhibit "A"**
- Chris Kintner wrote on the SR 417 Airport Connector Project, attached as **Exhibit "B"**

C. APPROVAL OF JUNE 8, 2023 BOARD MEETING MINUTES

A motion was made by Mr. Martinez and seconded by Commissioner Herr to approve the June 8, 2023 Board Meeting Minutes as presented. The motion carried unanimously with all six (6) board members in attendance voting AYE by voice vote. Commissioner Arrington, Commissioner Parks and Commissioner Goodson were not in attendance.

D. APPROVAL OF CONSENT AGENDA

The Consent Agenda was presented for approval as follows:

CONSTRUCTION

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

Project 408-430	S.A. Casey Construction, Inc.	\$ 114,311.12
Project 417-141	Hubbard Construction Company	\$ 1,044,220.42
Project 417-142	Prince Contracting, LLC	(\$ 10,855.02)
Project 429-152	Prince Contracting, LLC	\$ 812,985.93
Project 451-767	Hubbard Construction Company	(\$ 89,811.50)
Project 538-165	The Lane Construction Corporation	\$ 29,532.25
Project 599-649	Chinchor Electric, Inc.	(\$ 45,586.16)

2. Approval of Purchase Order to The Lane Construction Corporation for Material Price Index Adjustment for SR 538 Poinciana Parkway Widening from Ronald Reagan Parkway to Cypress Parkway, Project No. 538-165 (Agreement Value: \$408,656.12)

3. Approval of Purchase Order to The Lane Construction Corporation for Material Price Index Adjustment for SR 538 Poinciana Parkway Widening from Ronald Reagan Parkway to Cypress Parkway, Project No. 538-165 (Agreement Value: \$795,585.09)
4. Approval of Final Ranking and Authorization for Negotiations for Construction Engineering and Inspection (CEI) Services for SR 516 Lake/Orange Expressway from Lake/Orange County Line to SR 429, Project No. 516-238, Contract No. 001989

ENGINEERING

5. Approval of Supplemental Agreement No. 3 with Horizon Engineering Group, Inc. for Design Consultant Services for SR 417 Widening from Landstar Boulevard to Boggy Creek Road, Project No. 417-149, Contract No. 001387 (Agreement Value: not-to-exceed \$64,373.31)
6. Approval of Contract Award to Scalar Consulting Group Inc. for Design Consultant Services for SR 429 Binion Road Interchange, Project No. 429-309, Contract No. 001988 (Agreement Value: not-to-exceed \$4,220,000.00)
7. Approval of Contract Award to Chinchor Electric, Inc. for SR 408 Mainline Plaza Sign Updates, Project No. 599-663A, Contract No. 002027 (Agreement Value: \$605,683.06)
8. Approval of Contract Award to Chinchor Electric, Inc. for SR 417 Mainline Plaza Sign Updates, Project No. 599-663B, Contract No. 002029 (Agreement Value: \$697,963.12)
9. Approval of Contract Award to Traffic Control Devices, LLC for Miscellaneous Mainline Plaza Sign Updates, Project No. 599-663C, Contract No. 002030 (Agreement Value: \$693,693.00)
10. Approval of Supplemental Agreement No. 1 with ENRX Corporation for Dynamic Wireless Charging System, Project No. 516-236, Contract No. 001993 (Agreement Value: not-to-exceed \$520,388.00)

INTERNAL AUDIT

11. Acceptance of Internal Audit Reports:
 - a. Fiscal 2023 Ransomware Simulation
 - b. Fiscal 2023 Accounting Controls, System Access and Segregation of Duties Review
 - c. Fiscal 2023 Sustainability Initiatives Review
 - d. Fiscal 2023 Fraud Risk Assessment
 - e. Fiscal 2023 Toll Revenue Audit
 - f. Fiscal 2024 Internal Audit Plan and Charter

LEGAL

12. Approval of Supplemental Agreement No. 1 with Lowndes, Drosdick, Doster, Kantor & Reed P.A. for Right of Way Counsel Services, Contract No. 001792 (Agreement Value: not-to-exceed \$200,000.00)

13. Approval of Supplemental Agreement No. 2 with Durrance & Associates, P.A. for Appraisal Services, Contract No. 001825 (Agreement Value: not-to-exceed \$200,000.00)
14. Right of Way Acquisition Agreement with Eagle Creek Development Corporation, Project: SR 534, Parcel Number: 534-244 (Agreement Value: \$56,500,000.00)

MAINTENANCE

15. Approval of Second Contract Renewal with Aero Grountek LLC for Landscape Maintenance Services – SR 429, SR 528, SR 451 and SR 414, Contract No. 001681 (Agreement Value: \$1,447,787.34)
16. Approval of Supplemental Agreement No. 1 with Louis Berger Hawthorne Services, Inc. for Systemwide Facilities Maintenance Services, Contract No. 001910 (Agreement Value: not-to-exceed \$205,000.00)
17. Approval of Supplemental Agreement No. 1 with Traffic Engineering and Management, LLC d/b/a Control Specialists for Traffic Signal Maintenance Services, Contract No. 001916 (Agreement Value: not-to-exceed \$180,000.00)
18. Approval of First Contract Renewal with AutoBase, Inc. for Road Ranger Safety Service Patrol, Contract No. 001437 (Agreement Value: \$2,227,000.00)

RISK MANAGEMENT

19. Approval of Cyber Insurance Policy with Homeland Insurance Company of New York (Agreement Value: not-to-exceed \$115,000.00)
20. Approval of Insurance Policy with Florida Municipal Insurance Trust (FMIT) (Agreement Value: not-to-exceed \$351,687.00)

TECHNOLOGY/TOLL OPERATIONS

21. Approval of Supplemental Agreement No. 1 with KPMG LLP for Information Technology Consultant Services, Contract No. 001798 (Agreement Value: not-to-exceed \$3,500,000.00)
22. Approval of Third Contract Renewal with Law Enforcement Systems, LLC for Out of State Division of Motor Vehicles (DMV) Lookups, Contract No. 001410 (Agreement value: \$246,832.00)

TRAFFIC OPERATIONS

23. Approval of Final Ranking and Authorization for Negotiations for Systemwide Miscellaneous Intelligent Transportation System Upgrades, Project No. 599-571, Contract No. 002016

A motion was made by Mr. Maier and seconded by Commissioner Moore to approve the Consent Agenda as presented. The motion carried unanimously with all six (6) board members in attendance voting AYE by voice vote. Commissioner Arrington, Commissioner Parks and Commissioner Goodson were not in attendance.

E. REPORTS

1. CHAIRMAN'S REPORT

Chairman Demings detailed his trip to Atlanta, GA where he met with the folks at the Federal Transit Administration and visited the offices of Georgia's "The RAY," which is a living laboratory for green and automated, connected, electric, and shared technologies.

2. TREASURER'S REPORT

Mr. Christopher "CJ" Maier reported that as of the end of June 2023 CFX's toll revenue year to date were \$657,000,000, which is 7% over budget and 7% over prior year.

In the month of June 2023, E-PASS customers saved \$10,700,000 through the 2023 State Toll Relief Program and \$64,600,000 total in the first six months of the program.

Total Operations, Maintenance and Administration expenses were \$118,000,000 year-to-date through June, which is 6.4% under budget.

After debt service, the total net revenue available for projects was \$349,000,000.

Mr. Maier noted that due to year-end accruals these are not final numbers.

3. EXECUTIVE DIRECTOR'S REPORT

Ms. Maikisch distributed the Executive Director's Report in written form.

In addition, Ms. Maikisch highlighted the following:

- Ms. Maikisch described her attendance at the grand opening of FDOT and Florida's Turnpike's SunTrax; and
- She announced the 2023 Florida Automated Vehicle (FAV) Summit which will be held September 6-8, 2023 in Tampa, Florida.

F. REGULAR AGENDA ITEMS

1. THE CUSTOMER FIRST EXPERIENCE

Ms. Angela Melton, Director of Customer Experience and Marketing and Mr. David Wynne, Director of Toll Operations, described the customer experience which is centered on the customer first approach.

Ms. Melton detailed products, business channels and how E-PASS interacts with its customers. Mr. Wynne explained E-PASS' world class customer service and how it is delivered to the customer.

The Board Members asked questions, which were answered by Ms. Melton, Mr. Wynne and Ms. Maikisch.

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

2. **CONCEPT, FEASIBILITY AND MOBILITY STUDY (CF&M) FOR THE SR 417 AIRPORT CONNECTOR**

Mr. Dana Chester, Director of Engineering and Ms. Sunserea Gates, Senior Project Manager, VHB presented the Concept, Feasibility and Mobility Study for the SR 417 Airport Connector. Mr. Chester detailed the project background and information on the study area. Ms. Gates described the need for the project, purpose of the project, proposed connector typical section, refined alignment, stakeholder and agency input and public meeting input.

Additionally, Mr. Chester detailed the viability of the CF&M study alignments.

The Board Members asked questions, which were answered by Mr. Chester.

A motion was made by Commissioner Herr and seconded by Mayor Dyer for approval of the findings for the Concept, Feasibility, and Mobility Study of the SR 417 to Orlando Sanford International Airport Connector, and authorization for staff to initiate a Project Development & Environment (PD&E) Study. The motion carried unanimously with all six (6) board members in attendance voting AYE by voice vote. Commissioner Arrington, Commissioner Parks and Commissioner Goodson were not in attendance.

3. **WRONG WAY DRIVING SAFETY PROGRAM**

Mr. Bryan Homayouni, Director of Intelligent Transportation Systems gave an update on CFX's Wrong Way Driving Safety Program.

The Board Members asked questions, which were answered by Mr. Homayouni.

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

G. BOARD MEMBER COMMENT

There were no Board Member comments.

Chairman Demings announced that the next Board Meeting is scheduled for September 14th.

H. ADJOURNMENT

Chairman Demings adjourned the Board Meeting at approximately 10:41 a.m.



Mayor Jerry Demings
Chairman
Central Florida Expressway Authority



Mimi Lamaute
Recording Secretary
Central Florida Expressway Authority

Minutes approved on Sept. 14, 2023.

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"

Mimi Lamaute

From: Chelsea LeNoble <chelsea.lenoble@gmail.com>
Sent: Monday, August 7, 2023 8:29 PM
To: Public.comment@cfxway.com
Subject: Public Comment Regarding 417 Connector

Follow Up Flag: Follow up
Flag Status: Flagged

Honorable Chairman and Members of the Central Florida Expressway Authority Governing Board,

I am writing to request that you **please reject**, in its entirety, the feasibility study regarding a connector from 417 to Red Cleveland Boulevard.

I have lived next to airports my whole life: TMB, DED, MLB, GVL, and now SFB. My mother works at an aviation school in south FL, I worked at a naval air warfare center during college & graduate school, and I was previously faculty at an aeronautical university. As an American citizen, I am proud of the rich history of aeronautics and aviation achievements in our country and in our state. Aviation is something that has always brought joy to myself and my family. So, for me to say that this is the first time that I have ever felt like decisions being made at an airport are threatening my well-being and quality of life and inspiring disappointment and disbelief, is something that I am not sure many can comprehend—as its comprehension escapes even me.

Now, I am one of the homeowners that in 2019 purchased a new home in Kensington Reserve, a subdivision within the study area. One of the most appealing aspects of purchasing this home was that over a dozen acres of land within the community owned by the HOA are protected by a SJRWMD conservation easement. Under this proposal, our community as well as the D.R. Horton subdivision next to us, will have an elevated road in our backyards. We were told by our builder, with information backed by the State of Florida, that a conservation easement means that the protections provided by the SJRWMD would be in perpetuity. Suddenly, this study proposes nearly all its alignments will cut directly through our conservation area.

Aviation has always been about taking human quality of life to new heights and helping people connect to one another in ways far beyond the capabilities of any other form of transportation to date. It has been rooted in the most cutting-edge science and engineering. Aviation is an inspiration in not just what is possible, but also what is safely possible. That is why it is considered a high-reliability industry. Therefore, I cannot understand is how it could be within the spirit of American Aviation to entertain the notion of this connector study given everything we know about the needs of the community and the risks of a highway cutting through economically-, safety-, and well-being-critical wetlands, let alone newly rooted family and communities who have already been affected by natural hazards. Even before the hurricanes, our calls and pleas to address existing flooding have been ignored by the city, county, and water management district representatives. The existing retention ponds within the study area have a documented history of failing and contributing to catastrophic flooding. We cannot see how the removal of more wetlands will be anything but a creation of new hazards given that significantly less expensive alternatives than this proposed SR417 connector *must* exist.

I was told by the study team that the more direct route to the airport at the already existing SR417 exit 50 interchange was dismissed as inconvenient due to a preference for cargo transportation in that area. Rather than choose the most direct (albeit slightly less convenient to the airport) route that would save several more miles and minutes of commute, the study instead is built upon parameters that contradict the purported purpose of increasing connectivity to the airport. Similarly, I have heard arguments that we are claiming, "Not in my backyard," a phrase used to describe uninformed individuals who think they have a say over public land. On the contrary, we are asking for the land to be used the way it was originally promised: a conservation easement reflecting that the state values and intends to forever protect these critically important and critically imperiled wetlands. This is why I sincerely request that the Board decides to protect this promise and elect to not move ahead with the PD&E study.

As the growth of our area means that Lake Mary Boulevard will inevitably be expanded to 6 lanes, any short-term benefit from this proposed SR417 connector will be erased by such projects. Already, the expansion of the SR 417 Exit 49 has alleviated all of the traffic issues at that intersection. However, the financial and quality-of-life damage to the residents and the SJRWMD conservation area—in a region plagued by a long history of poor environmental decisions and severe consequences carried on the backs of residents and citizens—will be irreversible. Just as my fellow residents and I have invested in Seminole County with the

understanding that the State protections of this conservation area were in perpetuity, I ask that you honor the trust, faith, and investment we have put in you to make a decision that rejects this project entirely.

I still value the lessons I've gained from a life inspired by aviation achievements. One of these lessons that I've always believed in is to never give up when something better is just over the horizon, even when it feels far away and out of reach. This is why I am hopeful that you all will consider our situation, **reject this project**, and allow Seminole County and the Airport to consider other solutions that do not result in negative impacts on the hundreds of residents in these two subdivisions.

Thank you for your time and consideration.

Sincerely,

Chelsea LeNoble
Resident, Kensington Reserve, City of Sanford, Seminole County

Exhibit "B"

Mimi Lamaute

From: cskintner@gmail.com
Sent: Monday, August 7, 2023 11:41 AM
To: Public.comment@cfxway.com
Subject: Public Comment Regarding 417 Connector

Follow Up Flag: Follow up
Flag Status: Flagged

Honorable Chairman and Members of the Central Florida Expressway Authority Governing Board,

I am writing regarding your consideration of a feasibility study regarding a connector from 417 to Red Cleveland Boulevard.

I am asking that you please reject this project in its entirety.

I am one of the homeowners that in 2021 purchased a new home in Kensington Reserve, a recently completed subdivision. My lot, along with many others here, came with a premium for being located adjacent to a conservation area that is currently protected by a SJRWMD easement and is owned by the HOA. As you may know, residents in the neighboring Concorde subdivision by DR Horton (which has just recently started construction on its first homes) are in the same situation - with homes currently being constructed that will, under this proposal, have an elevated road in their backyards. That subdivision plat is not reflected in this study and so I don't believe the full effect is being shown - but these future residents are currently building homes and many be unaware this study is even underway (as the public notices would go to DR Horton until the homes are occupied).

Those of us who purchased these homes on or near this conservation area did so believing that the protections provided by the SJRWMD would allow us the enjoyment of our homes in perpetuity, only to later see this study proposed a short time later that proposes nearly all of its routes directly through this conservation area.

This is not a case of NIMBYism where residents hope a commercially zoned property remains vacant - those of us who purchased homes here did so knowing this easement meant the state valued this land and we all sincerely hope that will continue to be the case. The first step to protecting this promise, I hope, will be this Board electing not to move ahead with the PD&E study.

There has been an argument that this road will benefit residents by lessening traffic on East Lake Mary Boulevard. For anyone not familiar with this area, it is a fast growing area with dozens of projects planned and permitted - East Lake Mary Boulevard will inevitably be expanded to 6 lanes. Any short-term benefit from this connector will be erased as these projects come online but the financial and quality-of-life damage to the residents and to the conservation area in a region where natural areas dwindle by the day will be irreversible.

I am supportive of the growth of the airport. I fully understand that East Lake Mary Boulevard will someday need to be expanded to 6 lanes to support the traffic generated by the new development in this area as well as the airport. But the impact of this specific connector from 417 to Red Cleveland Boulevard falls squarely on the backs of residents who invested in Seminole County with the understanding that the State protections of this conservation area were in perpetuity.

Further, this proposal only provides ease of access for those residents coming from the South - and while certainly many people travel to SFB that way, the newly expanded MCO (along with a SunRail connection) will be competing for those travelers as well. This would be a very expensive and painful way to support SFB - when surely other alternatives exist.

I hope that you all will consider our situation, reject this project, and allow Seminole County and the Airport to consider other solutions that do not result in negative impacts on the hundreds of residents in these two subdivisions.

Chris Kintner
Sanford and Seminole County Resident
Kensington Reserve Subdivision