

# MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)

## BOARD MEETING

TUESDAY, MARCH 29, 2011

4:00 PM

WILLIAM M. LEHMAN MDX BUILDING  
3790 NW 21<sup>ST</sup> STREET  
MIAMI, FLORIDA 33142

### SUMMARY MINUTES

#### Members Present:

Felix Lasarte, Esq., Chair  
Louis V. Martinez, Esq., Vice Chair  
Jorge M. Vigil, Esq., Treasurer  
Gus Pego, P. E., District VI Secretary  
Shelly Smith Fano  
Maurice Ferré  
Maritza Gutierrez  
Robert W. Holland, Esq.  
Nick A. Inamdar  
Al Maloof, Ph.D.  
Gonzalo Sanabria - in attendance via phone  
Yvonne Soler McKinley  
Norman Wartman

#### Members Absent:

#### Staff:

Javier Rodriguez, Executive Director  
Pamela Leslie, General Counsel  
Steve Andriuk, Director, Toll Operations  
Marie Schafer, Chief Financial Officer  
Alfred Lurigados, Director of Engineering  
Helen Cordero, Manager of Procurement and Contracts Administration  
Cindy Polo, Communications Manager  
Maria Luisa Navia Lobo, Board Secretary

#### Consultants:

Transportation: John Martel, HNTB (GEC-A)  
Chris Bucknor, EAC Consultants (GEC-B)  
Finance: Lakshmi McGrath, First Southwest Co.

## **CALL TO ORDER & ROLL CALL**

Chair Lasarte called the meeting to order and asked Ms. Navia Lobo to call the roll and announced that a quorum was present.

## **PLEDGE OF ALLEGIANCE**

Chair Lasarte asked Mr. Maloof to lead in the Pledge of Allegiance.

## **DECLARATION OF CONFLICTS**

As customary, Ms. Leslie asked if Members present and in attendance via phone had any conflicts of interest to declare in regards to the agenda. No conflicts were declared.

## **CITIZEN COMMENT**

Ms. Leslie recommended addressing the Citizen Comment item last since the individuals requesting to address the Board had a conflict with the time.

## **APPROVAL OF SUMMARY MINUTES**

- Board Meeting of February 22, 2011

Mr. Lasarte referred to the summary minutes corresponding to the February 22, 2011 meeting. Mr. Martinez moved to approve the summary minutes. Ms. Soler McKinley seconded the motion. The motion was unanimously approved.

## **EXECUTIVE DIRECTOR'S REPORT**

Mr. Rodriguez reported on the following issues since the last Board meeting:

- Introduced Mr. Martel, Program Manager with HNTB
- March 7-8, 2011 – IBTTA Legislative Conference
  - Transportation Infrastructure funding.
  - Frank McCarthy, President of IBTTA will be testifying before the Highway and Transit subcommittee of the Transportation and Infrastructure Committee of the US House of Representatives on March 30, 2011. The hearing will be on improving and reforming the nations surface transportation program. Live webcast is available
- Senate Budget Committee and the House Budget Committee introduced two bills proposing to fold the Orlando Orange County Expressway Authority (OOCEA), Tampa Hillsborough Expressway Authority (THEA), Santa Rosa Bridge Authority and the Mid Bay Bridge Authority into Florida's Turnpike Enterprise. All four of the agencies have lease purchase agreements with the State of Florida. MDX and Jacksonville Expressway Authority do not have any lease Purchase agreements.
- MDX Small Business Program – 8<sup>th</sup> Annual Small and Minority Business Workshop is scheduled for June 16, 2011 at Florida International University. The theme for this year's Workshop is Partnerships.

- MDX was nominated by the Greater Miami Chamber of Commerce in the category of Business Corporate Champion.

Ms. Gutierrez congratulated Mr. Rodriguez for being awarded the Florida International University Distinguished Alumnus College of Engineering and Computing Torch Award.

### **GENERAL COUNSEL'S REPORT**

Ms. Leslie reported that MDX was served with a lawsuit on March 14 by Evelyn Morales a former employee who was discharged in January 2011. The basis of the suite generally involved the matter upon which the Executive Committee was previously briefed. Ms. Leslie will keep the Board apprised of the progress of the case.

### **MPO REPRESENTATIVE REPORT**

Ms. Gutierrez informed members that on April 27 the review of the Federal Certification is scheduled.

Mr. Rodriguez informed Members that on March 16, 2011 MDX hosted the CTAC Board meeting.

### **TREASURER'S REPORT**

Mr. Vigil reported for the eight month period overall revenue is \$940,000 above the forecast of \$83.1 million. Toll revenue is \$1.7 million above the \$77.9 million forecast. Traffic is approximately less than 3% below that forecast through February. As of February, the Authority is carrying on average of 9% of revenue receivables, which is slightly down from 10% in January. Toll by Plate receivables are approx. \$7.1 million as of end of February. The expenses are \$2.6 million below the \$25.7 million budgeted. Expenses are based on actual 1/12 expensed, Task Authorized or lump sum. Forecasted expenses are expected for FY 2011 to be within 3% of the annual budget. Consistent with prior reporting, the Authority's projections still forecast 1.43 Senior Debt Coverage for FY 2011.

Mr. Vigil informed Members that the FY 2012 Budget Workshop will be held in May 2011.

### **COMMITTEE REPORTS**

- A) Operations Committee, 3/10/11
- B) Executive Committee, 3/10/11
- C) Policy & Planning Committee, 3/15/11
- D) Inter-Governmental & Public Communications Committee, 3/24/11

The Committee Reports were waived

### **CONSENT AGENDA**

- A) Travel Approval
  - May 12-13, 2011 Trip to Bonita Springs, Florida by Board Member Ferré and Mr. Rodriguez to attend the TEAMFL Quarterly Meeting

Ms. Leslie read the Consent Agenda item for the record. Mr. Maloof was added to the travel

approval. Ms. Soler McKinley moved to approve the Consent Agenda. Mr. Wartman seconded the motion. The motion was unanimously approved.

## **REGULAR AGENDA**

- A) Approval of MDX FY 2012-2016 Five Year Work Program– Transportation Improvement, Capital Improvement and Renewal & Replacement Programs (\$436.9 Million)

Ms. Leslie read the Regular Agenda item for the record and informed members the item was endorsed by the Operations Committee on March 10, 2011.

Ms. Gutierrez moved to approve the FY 2012-2016 Five Year Work Program. Mr. Martinez seconded the motion. The motion was unanimously approved.

- B) MDX Procurement/Contract No.: RFP-10-02; Work Program No.: 11211.030; Design/Build Services for Central Boulevard and JPA with FDOT

- Approval of Supplemental Agreement No. 1, Part I, to the Contract for modifications to the 42<sup>ND</sup> Court bridge (\$1,383,948.00 - 100% FDOT)
- Approval of Public Transportation Supplemental Joint Participation Agreement Number 2 with FDOT (\$1,383,948.00 Reduction)
- Approval of Supplemental Agreement No. 1, Part II, to the Contract for the modification of the DMS scope of work (\$196,336.53 - 50%/50% split)
- Approval of Supplemental Agreement No. 1, Part III, to the Contract for the addition of Utility Corridor Bridges and relocation of existing water lines (\$4,072,318.80 - 50%/50% split)

Ms. Leslie read the Regular Agenda Item for the record and informed members the item was endorsed by the Operations Committee on March 10, 2011. Mr. Rodriguez informed Members the item was extensively discussed at Committee. Ms. Gutierrez encouraged Members to vote on the item stating that this item represents a savings and the end product is a better design.

Mr. Martinez moved to approve SA No. 1 Part 1, Part II & III as well as the supplemental JPA No. 2 with FDOT. Ms. Gutierrez seconded the motion. The motion was unanimously approved.

- C) MDX Procurement/Contract No.: ITB-11-02; Underground Utility Locating Services for the Intelligent Transportation System (ITS)

- Approval of Contract Award to the Lowest Responsive and Responsible Bidder (Not-to-exceed \$400,000)

Ms. Leslie read the Regular Agenda Item for the record and informed members the item was endorsed by the Operations Committee on March 10, 2011. Mr. Rodriguez informed Members the item was extensively presented at Committee.

Mr. Martinez moved to approve the contract award to the lowest responsive and responsible bidder. Ms. Gutierrez seconded the motion. The motion was unanimously approved.

- D) MDX Software License and Software Maintenance Agreement with United Toll Systems, LLC (UTS)

- Approval of Amendment No. Two to the Agreement with UTS for Software Maintenance and Software Technical Support Services (Not-to-exceed \$4,183,627)

Ms. Leslie read the Regular Agenda Item for the record and informed members the item was endorsed by the Operations Committee on March 10, 2011.

Mr. Martinez moved to approve amendment No. 2 to the agreement with UTS for software maintenance and software technical support services. Ms. Smith Fano seconded the motion. The motion was unanimously approved.

- E) Approval of MDX Resolution No. 11-01; Factors for Consideration by MDX in Relation to Future Development of Express Coach Service or Other Opportunities for the Carriage of Passengers

Ms. Leslie read the Regular Agenda Item for the record and informed members the item was endorsed by the Policy & Planning Committee on March 15, 2011.

Mr. Ferre moved to approve Resolution No. 11-02 as presented at the Committee. Ms. Smith Fano seconded the motion. The motion was unanimously approved.

- F) Approval of Citizen Comment Policy

Ms. Leslie read the Regular Agenda Item for the record and informed members the item was endorsed by the Policy & Planning Committee on March 15, 2011.

Mr. Martinez expressed concern with specific requirement No.2 where individuals desiring to speak must convey the request on the Friday before the following Tuesday. He explained MDX has always been very flexible for public comment. Ms. Soler McKinley clarified that the Board has the ability to make an exception. The policy keeps order in the process for public comment. This item was thoroughly discussed and Mr. Lasarte requested a roll call.

Ms. Soler McKinley moved to approve the Citizen Comment Policy. Mr. Wartman seconded the motion. Mr. Martinez opposed the motion. Ms. Navia Lobo called the roll.

Member Maurice Ferré	aye	Member Shelly Smith Fano	aye
Member Maritza Gutierrez	aye	Member Yvonne Soler McKinley	aye
Member Robert Holland, Esq.	aye	Member Jorge M. Vigil, Esq.	aye
Member Nick A. Inamdar	aye	Member Norman R. Wartman	aye
Member Al Maloof, Ph.D	aye	Vice Chair Louis V. Martinez, Esq.	nay
Member Gus Pego, P.E.	aye	Chair Felix M. Lasarte, Esq.	aye
Member Gonzalo Sanabria	aye		

The motion was approved.

- G) MDX Procurement/Contract No.: RFQ-11-07 Federal Legislative Advocacy & Consulting Services

- Approval of Top Three Ranked Firms

Ms. Leslie read the Regular Agenda Item for the record and informed members the item was endorsed by the Inter-Governmental & Public Communications Committee on March 24, 2011.

Ms. Leslie explained the Committee’s recommendation was to select the top two ranked firms.

- Gephardt Government Affairs
- Cardenas Partners LLC/Denny Miller Associates

Ms. Leslie further explained the Executive Director will negotiate compensation rates with the selected firms and enter into a contract for a not-to-exceed amount of \$100,000 in the aggregate for the combined legislative advocacy services. Ms. Soler McKinley clarified the contract is task based and not retainer base. The item was extensively discussed.

Ms. Soler McKinley moved to approve the selection of the top two ranked firms. Mr. Wartman seconded the motion. Ms. Navia Lobo called the roll.

Member Maurice Ferré	aye	Member Shelly Smith Fano	aye
Member Maritza Gutierrez	aye	Member Yvonne Soler McKinley	aye
Member Robert Holland, Esq.	aye	Member Jorge M. Vigil, Esq.	aye
Member Nick A. Inamdar	aye	Member Norman R. Wartman	aye
Member Al Maloof, Ph.D	aye	Vice Chair Louis V. Martinez, Esq.	aye
Member Gus Pego, P.E.	aye	Chair Felix M. Lasarte, Esq.	aye
Member Gonzalo Sanabria	aye		

The motion was unanimously approved.

#### H) MDX Procurement/Contract No. RFQ 11-02 – Bond Counsel/Financial Legal Services and General Counsel Support Services

- Approval of Negotiated Contracts

Ms. Leslie read the Regular Agenda Item for the record. Ms. Cordero informed Members that in the essence of time and in order to handle current time sensitive legal matters requiring appropriate representation, with the approval of the Chair of the Policy & Planning Committee, this item has been brought directly to the Board for consideration.

Ms. Cordero further explained staff negotiated hourly rates with the selected firms. Both firms agreed to very reasonable rates comparable to those MDX had been paying in its previous contract for these services. Squire, Sanders & Dempsey L.L.P./Knox-Seaton have committed to 38% of Small Business Participation and Weiss Serota Helfman Pastoriza Cole & Boniske, P.L. have committed to 31% of Small Business Participation. The initial term of this Agreement shall be for three years with renewal options up to two years. The work will be assigned on an as needed basis through task authorizations.

Ms. Gutierrez moved to approve the negotiated contracts. Mr. Martinez seconded the motion. The motion was unanimously approved.

#### I) Acceptance of Executive Director Performance Evaluation

Ms. Leslie read the Regular Agenda Item for the record and informed members the item was endorsed by the Executive Committee on March 10, 2011.

Ms. Soler McKinley moved to approve the Executive Director's evaluation. Ms. Smith Fano seconded the motion. The motion was unanimously approved.

### **INFORMATIONAL ITEM**

A) Procurement Report

The Informational item was not addressed

### **CITIZEN COMMENT**

Mr. Miller Myers addressed the Board with a brief scenario and expressed to the Board the negative impact of toll by plate invoices as it relates to tourists.

### **ANNOUNCEMENTS**

- Operations Committee Meeting, 4/12/11, 10:00 a.m., William M. Lehman MDX Building
- Board of Directors Meeting, 4/26/11, 4:00 PM, William M. Lehman MDX Building

### **ADJOURNMENT**

The meeting was adjourned by Mr. Lasarte.

Summary Minutes prepared by Maria Luisa Navia Lobo, Board Secretary.