

MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)

BOARD MEETING
TUESDAY, FEBRUARY 26, 2013
4:00 PM

WILLIAM M. LEHMAN MDX BUILDING
3790 NW 21ST STREET
MIAMI, FLORIDA 33142

Members Present:

Maurice A. Ferré, Chair – in attendance via phone
Shelly Smith Fano, Vice Chair
Gonzalo Sanabria, Treasurer
Gus Pego, P. E., District VI Secretary
Carlos R. Fernandez-Guzman
Alfredo L. Gonzalez
Maritza Gutierrez
Jose M. Hevia – in attendance via phone
Robert W. Holland, Esq. – in attendance via phone
Rick Rodriguez Piña
Norman Wartman

Members Absent:

Felix Lasarte, Esq.
Louis V. Martinez, Esq.

Staff:

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

Consultants:

Transportation: John Becker, HNTB (GEC-A)
 Chis Bucknor, EAC Consultants (GEC-B)
Finance: Randy Topel, First Southwest Co.

CALL TO ORDER

In the absence of Chair Ferré, Vice Chair Smith Fano called the meeting to order. Ms. Navia Lobo called the roll and announced a quorum of the MDX Board was present.

Ms. Smith Fano welcomed the newly appointed Board Members, Alfredo Gonzalez and Rick Rodriguez Piña.

PLEDGE OF ALLEGIANCE

Vice Chair Smith Fano asked Ms. Gutierrez to lead in the Pledge of Allegiance.

DECLARATIONS OF VOTING CONFLICTS

As customary, Ms. Leslie asked if Members present had any voting conflicts to declare in regards to the agenda. No conflicts were declared.

CITIZEN COMMENT

There were no requests for comment this month

APPROVAL OF SUMMARY MINUTES

- Board Meeting of January 29, 2013

Vice Chair Smith Fano referred to the summary minutes corresponding to the January 29th meeting. Mr. Fernandez-Guzman moved to approve the summary minutes. Mr. Wartman seconded the motion. The motion was unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

Mr. Rodriguez also offered his welcome to the new Board Members and reported on issues of interest since the last board meeting.

- On-going Construction Projects –
 - Central Boulevard – 70% complete – scheduled to be completed by October 2013
 - SR 874 widening between the Palmetto Expressway and Kendall Drive – 65 % complete – scheduled to be completed by November 2013
 - Working with Florida's Turnpike Enterprise on the procurement for the SR 874 ramp connector.
- Continuing briefings with MPO Members and Mayor Gimenez on the ORT conversion and rate setting.
- Finalized the Public Review meetings leading up to the Public Hearing on SR 112 and SR 836 toll rate setting.
- Requested meeting with The Miami Herald Editorial Board, Univision radio and television and local television stations to discuss proposed toll rate changes.
- Briefings with the Miami Herald transportation writer – Alfonso Chardy on proposed ORT and toll rates.
- Held Rating Agency reviews this month – ratings should be received early March 2013 and the Series 2013A Bonds pricing is expected by mid-March 2013 followed by the closing in late

March or early April.

- Participated on a P3 panel along with FDOT Assistant Secretary of Transportation for Finance at Bilzin Sumberg where P3 opportunities were discussed.
- February 13, 2013 attended State of the Ports luncheon
- February 13, 2013 Chair Ferre´ in his capacity as Commissioner of the Florida Transportation Commission, met with Governor Scott at MDX. The emphasis of the meeting was that in Miami there are very good partnerships amongst the transportation agencies. Chair Ferre´ emphasized the importance of continued funding emphasis on linking the Airport to the Seaport. The MDX strategic plan was highlighted.
- Participating with Commissioner Diaz at the toll plaza at 97th Avenue as part of the Commissioner’s “14 Days of Love.”
- MDX’s 10th Annual Small, Local and Minority Enterprise Conference on May 17, 2013.

Mr. Rodriguez entertained questions from Members.

GENERAL COUNSEL’S REPORT

Ms. Leslie presented the “Ethics Moment” providing Members ethics training while already attending the Board meeting. The topic of discussion was the Florida Government in the Sunshine Law; Chapter 119 Public Records Act and Chapter 286 Public Meetings Law. Distributed with the agenda was “A Pocket Guide to Florida’s Government in the Sunshine Laws as well as newspaper clips relating to another governmental entity experiencing difficulties in handling public records and sunshine law issues relating to text messages. Ms. Leslie informed Members all records are public and that all matters conveying information related to the public entity are considered to be public records, even when in the form of text messages.

Regarding the ETCC litigation, Ms. Leslie informed Members there is a trial date set for early May 2014.

MPO REPRESENTATIVE REPORT

Ms. Gutierrez reported the MPO Board held elections for Chair. The I-395 presentation was postponed until the next month. Also presented were resolutions regarding MPO Committee attendance.

Ms. Smith Fano welcomed Chair Ferre´ to the meeting via phone.

TREASURER’S REPORT

Mr. Sanabria reported the rating agencies’ ratings for the MDX Series 2013A Bond issuances should be received before week’s end. The next Budget & Finance Committee meeting is scheduled for March 7, 2013.

Ms. Schafer reported overall revenue for the 6 month period ended December 31, 2012 was \$67.1 million, approximately 8% above the forecast. The large variance is mainly due to the start of issuing Uniform Traffic Citations this fiscal year which captures previously un-billed transactions. The report does not reflect certain year-end adjustments. Excess parcels leased by MDX yielded

approximately \$300,000. Expenses overall are \$1.4 million or 7.3% below the \$19.6 million budgeted for the year.

Mr. Ferre´ asked for the record to be informed as to the date of the refunding. Ms. Schafer informed Members that the pricing is scheduled for mid-March and within 30 days the Series sale would be the closing. Ms. Schafer entertained questions from Members.

Ms. Gutierrez requested for the next meeting to share with Members the details of the Public Communications budget. Mr. Rodriguez informed Members a Public Communications Committee meeting should be scheduled within the next month.

COMMITTEE REPORT

A) Operations Committee, 2/22/13

The Committee Report was waived.

REGULAR AGENDA

A) MDX Procurement/Contract Number RFP-10-02; MDX Work Program No. 11211.030; Design-Build Services for Central Boulevard Reconstruction

- Amendment No. 1 to the Interlocal Agreement with Miami-Dade County (MDC) augmenting the Scope of Services of the Project by adding Dynamic Message Signs (DMS) for Miami International Airport (MIA) and allocating County funds in the amount of \$2,405,000 to fully fund the additional scope.
- Supplemental Agreement No. 3 to the Design-Build Contract with Community Asphalt Corp. to include the additional Scope of Services as requested by MDC, add monies to fund the additional Scope of Services, increase the Contract Contingency Amount, and allow a time extension of 189 Calendar Days of non-compensable time primarily for holidays and weather days. (\$2,010,000).
- Supplemental No. 3 to the Joint Participation Agreement with the Florida Department of Transportation (FDOT) reducing the overall shared cost of the Project by \$8,566,568.

Ms. Leslie read the agenda item for the record and informed Members the item was endorsed by the Operations Committee on February 22, 2013. Mr. Lurigados briefed Members on the item and explained there is no fiscal impact to MDX or the Five-Year Work Program for the design and construction of the additional DMS for MIA. All costs related to the additional work will be funded by Miami-Dade County. Ms. Leslie recommended three separate motions.

Mr. Wartman moved to approve Amendment No. 1 to the Interlocal Agreement with Miami-Dade County in the amount of \$2,405,000. Ms. Gutierrez seconded the motion. The motion was unanimously approved.

Mr. Wartman moved to approve supplemental agreement no. 3 with Community Asphalt Corp. Mr. Pego seconded the motion. The motion was unanimously approved.

Mr. Pego moved to approve the Public Transportation Supplemental Joint Participation Agreement No. 3 with FDOT - \$8,566,568 reduction. Mr. Fernandez-Guzman seconded the motion. The motion was unanimously approved

B) Resolution No. 13-03, Approval of Interlocal Agreement Establishing Basis for MDX to Reimburse FDOT for Processing Interoperable SunPass® Toll Transactions

Ms. Leslie read the agenda item for the record and explained the agreement presented at the meeting was in substantial form. Mr. Rodriguez introduced the item and thanked FDOT for the agreement. He explained as MDX converts the System to Open Road tolling, the transactions have increased with all electronic tolling on the facilities. He referred to page 4 of the agreement where the tiered approach in the transaction fee schedule is detailed. The agreement will be in place between now and when the transition of the state-wide Centralized Customer Service System that will process all electronic transactions. Mr. Rodriguez explained the tiered transaction process and informed Members the final language of the termination clause is pending. Mr. Rodriguez entertained questions from Members.

Mr. Fernandez-Guzman moved to approve Resolution No. 13-03 Interlocal Agreement between MDX and FDOT for processing Interoperable SunPass® toll transactions. Ms. Gutierrez seconded the motion. The motion was unanimously approved.

INFORMATIONAL ITEM

A) Procurement Report

The informational item was not addressed.

ANNOUNCEMENTS

Board of Directors Meeting and Toll Rate Public Hearing 3/19/13, 4:00 PM, William M. Lehman MDX Building

ADJOURNMENT

The meeting was adjourned by Vice Chair Smith Fano. Summary Minutes prepared by Maria Luisa Navia Lobo, Board Secretary.