

MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)

BOARD MEETING
TUESDAY, JUNE 18, 2013
4:00 PM

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

Members Present:

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

Members Absent:

Felix Lasarte, Esq.

Staff:

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

Consultants:

Transportation: John Becker, HNTB (GEC-A)
Chis Bucknor, EAC Consultants (GEC-B)
Tere Garcia, Bermello Ajamil (GEC-A)
Finance: Randy Topel, First Southwest Co.
Traffic & Revenue: Ed Regan, CDM Smith

CALL TO ORDER

Chair Ferré called the meeting to order. Ms. Navia Lobo called the roll and announced a quorum of the MDX Board was present.

PLEDGE OF ALLEGIANCE

Chair Ferré asked Vice Chair Smith Fano 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. Mr. Fernandez-Guzman declared a conflict with Agenda item VIII. C - *MDX Procurement/Contract No. RFQ 11-02 – Bond Counsel/Financial Legal Services and General Counsel Support Services.*

[The declaration of Conflict form is attached to these summary minutes.]

CITIZEN COMMENT

Citizen Comments were addressed later in the agenda during the Public Hearing.

APPROVAL OF SUMMARY MINUTES

- Board Meeting of May 28, 2013

Mr. Ferré referred to the May 28, 2013 summary minutes. Mr. Wartman moved for the approval of the summary minutes. Ms. Smith Fano seconded the motion. The motion was unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

Mr. Rodriguez reported on issues of interest since the last Board of Directors meeting.

- June 6, 2013 Transportation Summit hosted by CITT – Chair Ferré was a panelist on corridor development and Secretary Pego moderated the session. The Mayor's priority project was to link Downtown Miami with Miami Beach. MDX laid out its plan using our expressways as a platform for safe reliable transportation including bus rapid transit/express buses.
- June 12, 2013 Participated as a panelist at the Good Government Initiative hosted by former County Commissioner Katy Sorenson. Spoke about the US #1 bus-way project and the extension of SR 836 southwest.
- June 10 & 11, 2013 Staff participated in a webinar and Public Review regarding the modification of ORT rates for mainline SR 836.
- Agreement reached with FTE to provide SunPass® customers' telephone contact information for customers having a Miami-Dade County address. The Public Communications Committee will be looking at developing a Policy to ensure that MDX complies with the agreement with FTE and safeguards the information.
- Projects – SR 874 widening from Kendall Drive to the Palmetto and the Central Blvd.

project are on schedule and on budget.

- Partnership with FTE on the procurement for the widening of the HEFT to include the SR 874 bridge structures for the 87410 project. There was a major cost savings.

Mr. Rodriguez referred to and played a video developed by the FIU Lehman Center for Transportation research on Smart Bridges.

GENERAL COUNSEL'S REPORT

Ms. Leslie noted for the record a cure issue as it relates to an e-mail sent by Board Member Fernandez-Guzman where he was discussing his views on having verifiable data. The e-mail was included in the folder.

Past Legislative session SB 50 related to Chapter 286, regarding requirements for Ch. 286 Boards at some point in the process give the public the opportunity to be heard. The law will be effective October 1, 2013

Ms. Leslie and Ms. Steelman will be attending the Transportation Research Board (TRB) Annual Workshop on Transportation Law during the third week in July.

MPO REPRESENTATIVE REPORT

Ms. Gutierrez reported the MPO Board has not met since the last MDX Board meeting.

TREASURER'S REPORT

Ms. Schafer highlighted the treasurer's report as discussed at the preceding Budget & Finance Committee meeting.

COMMITTEE REPORTS

- A) Policy & Planning Committee, 6/14/13
- B) Inter-Governmental and Public Communications Committee, 6/14/13
- C) Operations Committee, 6/14/13
- D) Budget & Finance Committee, 6/18/13

Committee reports were waived.

REGULAR AGENDA

- A) Election of Authority Officers

Ms. Leslie briefed Members on the voting procedures, confirmed Members in attendance via phone and moderated the elections. She informed Members that the outcome of the elections will take effect on July 1, 2013.

Chair

Ms. Leslie opened the nominations for the Office of Authority Chair.

Mr. Wartman moved to nominate Mr. Ferré for the office of Chair. Ms. Gutierrez seconded the motion. Mr. Ferré accepted the nomination. Mr. Sanabria moved to re-elect Mr. Ferré by acclamation. Mr. Wartman seconded the motion. Mr. Ferré was re-elected Chair by acclamation.

Vice Chair

Ms. Leslie opened the nominations for the Office of Authority Vice Chair.

Mr. Ferré moved to nominate Ms. Gutierrez for the office of Vice Chair. Mr. Rodriguez Piña seconded the motion. Ms. Gutierrez accepted the nomination. Mr. Sanabria moved to elect Ms. Gutierrez by acclamation. Mr. Wartman seconded the motion. Ms. Gutierrez was elected Vice Chair by acclamation.

Treasurer

Ms. Leslie opened the nominations for the Office of Authority Treasurer.

Ms. Smith Fano moved to nominate Mr. Fernandez-Guzman to the office of Treasurer. Ms. Gutierrez seconded the motion. Mr. Fernandez-Guzman accepted the nomination. Mr. Sanabria moved to elect Mr. Fernandez-Guzman by acclamation. Mr. Wartman seconded the motion. Mr. Fernandez Guzman was elected Treasurer by acclamation.

Secretary

Ms. Gutierrez nominated Ms. Navia Lobo as Secretary. Mr. Wartman seconded the nomination. Ms. Navia Lobo was re-elected Secretary by acclamation.

Assistant Secretary

Mr. Martinez nominated Ms. Figueroa as Assistant Secretary. Mr. Wartman seconded the nomination. Ms. Figueroa was re-elected Assistant Secretary by acclamation.

B) Approval of Resolution No. 13-07 – Legal Review of Informational Communications to the MDX Board Initiated by Board Members (Proposed by Chair Ferre)

Mr. Ferré read the regular agenda item for the record and informed Members the Policy & Planning Committee endorsed the item for Board approval.

Mr. Martinez opposed the motion. The motion was approved and the Resolution was adopted.

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

- Approval of Contract Renewals

Mr. Ferré read the regular agenda item for the record and informed Members the Policy & Planning Committee endorsed the item for Board approval.

Mr. Wartman moved to approve the contract renewals. Mr. Rodriguez Piña seconded the motion. Mr. Fernandez-Guzman abstained. The motion was unanimously approved.

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

- Approval of Contract Renewals

Mr. Ferré read the regular agenda item for the record and informed Members the Inter-Governmental and Public Communications Committee endorsed the item for Board Approval.

Ms. Gutierrez moved to approve the contract renewals. Mr. Hevia seconded the motion. The motion was unanimously approved.

E) MDX Procurement/Contract No. MDX-13-07 Enterprise Resource Planning (ERP) System (\$1,630,022 Fixed Cost)

- Approval of a Cooperative Purchase Agreement with Infor Software

Mr. Ferré informed Members the Budget & Finance Committee referred the item to the Operations committee for further discussion. The Item was not taken up for a vote by the Board pending action by the Operations Committee.

F) Debt Management Plan

- Approval of Delegation of Authority to CFO to Execute A Restructure of Swaps and/or Defeasance of Series 2005 Bonds

Mr. Ferré read the regular agenda item for the record and informed Members the Budget & Finance Committee endorsed the item for Board approval. Mr. Sanabria moved to approve the Debt Management Plan. Mr. Fernandez-Guzman seconded the motion. The motion was unanimously approved.

G) MDX Procurement/Contract Number RFQ-09-08; Miscellaneous Construction Engineering and Inspection Services (CEI) (\$1,600,000)

- Approval of Contract Renewal with CIMA with additional contract time tied to the completion of the construction project
- Approval to waive the Contract cap with CIMA

Mr. Ferré read the regular agenda item for the record. Mr. Rodriguez informed Members that the updated agenda item report was included in the folder. The Operations Committee at its meeting of June 14, 2013 endorsed the contract renewal with CIMA Engineering Corp. not to exceed the contract amount.

Mr. Wartman moved to approve the contract renewal as endorsed by the Operations Committee. Mr. Sanabria seconded the motion. The motion was unanimously approved.

PUBLIC HEARING ITEM

H) Resolution No. 13-08 – Modification of Open Road Tolling Rates for Mainline SR 836

Mr. Ferré informed Members and the public in attendance of the Public Hearing process and procedures. Ms. Leslie read Resolution 13-08 for the record.

Mr. Ferré opened the public meeting and called on Members of the public wishing to speak. The

following individuals addressed the Board:

1. Representative Jose Felix Diaz – District 113
2. Representative David Richardson, District 113
3. Representative Jeanette Nuñez District 119
4. Representative Erick Fresen, District 114
5. Mayor McDougal, Cutler Bay
6. Mayor Lerner, Village of Pinecrest
7. Armando Sotolongo, delivered and read letter from Representative Carlos Trujillo
8. Pat Milone
9. Moriema Lugo Morales, read letter from Representative Michal Bileca
10. Mariano Cruz
11. Joseph Bessard, - Association of Taxis
12. Mamie Aztar
13. Carlos Garcia, Rollbacktolls.com
14. Barry White –CAN'T
15. Jane Walker
16. Michael Rosenberg
17. Lawrence Percival

Mr. Wartman moved to close the public hearing. Mr. Martinez seconded the motion. The motion was unanimously approved.

Mr. Ferré recommended taking a five minute break. Mr. Ferre´ reconvened the meeting.

Ms. Smith Fano moved to approve Resolution No. 13-08 Modification of Open Road Tolling Rates for Mainline SR 836. Ms. Gutierrez seconded the motion for purposes of discussion.

Ms. Smith Fano thanked all the citizens and the Public Officials for participating in the Public Hearing and writing the letters.

Ms. Gutierrez thanked the community for coming out and expressing their views.

Mr. Rodriguez gave a brief history of the Toll rate setting Workshop and Meetings for SR 836 and SR 112. Staff met with all elected officials and MPO Members informing them of the toll rate scenarios being considered. Goals of the agency, as discussed at the Budget & Finance Committee that the difference of 60 to 70 cents is the overall health of the agency from a financial standpoint.

He further stated, the goals of the agency are to be consistent with Miami-Dade County's Long Range Transportation Plan and the Comprehensive Development Master Plan, financial sustainability, and to operate and maintain the System. MDX's operating expenses have been reduced for the past six years.

Mr. Ed Regan briefed Members on traffic impacts. He stressed the importance of SR 836 to the County. Among the many things to consider is the value of time. Mr. Regan entertained questions from Members.

Mr. Topel answered questions regarding the debt structure and coverage levels in both scenarios. He explained capitalized interest, essentially funding the interest cost with bond proceeds.

Ms. Leslie clarified the CPI adjustment as stated in the toll Policy. Mr. Rodriguez entertained questions from Members.

The item was thoroughly discussed.

Mr. Ferre´ asked for a roll call vote on the Resolution.

Fernandez-Guzman, Carlos R.	-nay	Rodriguez Piña, Rick J.	-aye
Gonzalez, Alfredo L.	-nay	Wartman, Norman R.	-nay
Gutierrez, Maritza	-aye	Secretary Pego, Gus	-aye
Hevia, Jose	-nay	Sanabria, Gonzalo	-nay
Holland, Robert W.	-nay	Vice-Chair, Smith Fano, Shelly	-aye
Lasarte, Felix M.	-absent	Chair, Ferré, Maurice A.	-nay
Martinez, Louis V.	-aye		

The motion failed and the Resolution was not adopted.

Mr. Holland requested the Budget & Finance Committee discuss a resolution with regards to bond revenues being limited to administration vs. amount going directly into roads.

Mr. Rodriguez informed Members that the frequent user discount program will be addressed at the Policy & Planning Committee.

INFORMATIONAL ITEMS

- Procurement Report

The Informational item was not addressed

CHAIR’S COMMENTS

ANNOUNCEMENTS

- Board of Directors Meeting, 7/30/13, 4:00 p.m., MDX Board Room

ADJOURNMENT

The meeting was adjourned by Chair Ferre´. Summary Minutes prepared by Maria Luisa Navia Lobo, Board Secretary.