

**MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)  
BOARD OF DIRECTORS MEETING**

**THURSDAY, JANUARY 31, 2019**  
**6:00 PM**

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

**SUMMARY MINUTES**

**Members Present**

Carlos A. Gimenez, Chair  
Leonard Boord, Vice Chair  
Louis V. Martinez, Esq., Treasurer  
James Wolfe, P. E., District VI Secretary  
Audrey M. Edmonson  
Shelly Smith Fano  
Maritza Gutiérrez  
Arthur J. Meyer - not present for Action Items

**Members Absent**

Luz Weinberg

**Staff**

Javier Rodriguez, P.E., Executive Director  
Marie T. Schafer, Director of Finance/CFO  
Steve Andriuk, Director of Toll Operations  
Juan Toledo, Director of Engineering  
Carlos Zaldivar, General Counsel  
Francine Steelman, Associate General Counsel  
Helen Cordero, Manager of Procurement and Contracts Administration  
Maria Luisa Navia Lobo, Board Secretary

**Consultants**

Albert Sosa, HNTB (GEC-A)  
Rick Crooks, EAC Consultants (GEC-B)  
Tere Garcia, Ajamil & Partners, Inc. (GEC-A)  
Randy Topel, First Southwest Co.

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

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

### **PLEDGE OF ALLEGIANCE**

Chair Gimenez asked Ms. Gutierrez to lead in the Pledge of Allegiance.

### **APPROVAL OF AGENDA**

Mr. Martinez moved to approve the agenda as presented. Mr. Boord seconded the motion. The motion was unanimously approved.

### **DECLARATIONS OF VOTING CONFLICTS**

No conflicts were declared.

### **CITIZEN COMMENT**

No comments.

### **CHAIR'S COMMENTS**

Chair Gimenez informed Members that distributed in the folders was Resolution 19-01, affirming no future toll rate increase which would be discussed further on the agenda as well as re-instituting a rebate program. Chair Gimenez further informed members that he would be travelling to Tallahassee to meet with the Miami-Dade Legislative Delegation on issues of concern to MDX and Miami-Dade County. He further mentioned that other elected officials and Executive Director Rodriguez would be also travelling to Tallahassee.

### **APPROVAL OF SUMMARY MINUTES**

- Board Meeting of December 5, 2018

Ms. Gutierrez moved to approve the summary minutes. Commissioner Edmonson seconded the motion. The motion was unanimously approved.

### **EXECUTIVE DIRECTOR'S REPORT**

Mr. Rodriguez briefed Members on the following matters:

- Resolution 19-01 – a similar resolution had been approved by a previous Board in 2014, this resolution repeals the CPI.
- Kendall Parkway update – Since that last meeting in December willing sellers have already contacted MDX. MDX has started coordination with Miami-Dade County on the local arterial roadways that would connect to the Kendall Parkway and developed a permitting program by reaching out to South Florida Water Management and Army Corp of engineers.
- Continue to support the Miami-Dade County Attorney's office with the preparation of the CDMP challenge which is scheduled before an Administrative Law Judge on April 15, 2019.
- As mentioned previously at Committee, staff will begin revisions to the Five-Year Work Program; because of the reduction in revenues that occurred it must updated to be compliant. MDX's priorities are safety, preservation and capacity. The Work Program will

be presented to Committee for Board approval in the upcoming months. The number one priority in capacity is the Kendall Parkway Project and the Express Bus Service. The MDX Work Program will be forwarded to the TPO for approval in June 2019.

- At the request of the Board at the last meeting, a Communications /Outreach plan was distributed in the manila folder, he informed Members that staff would reach out to individual Members for their feedback. Ms. Smith Fano recommended forwarding the Communications plan to the next OECI Committee Meeting.

Mr. Rodriguez entertained questions from Members.

Mr. Escobar briefed Members on the SR 386 digital message billboard on project updates and upcoming express bus service.

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

Mr. Zaldivar reported on the ETCC litigation. He advised that MDX filed their brief in December 2018. ETCC requested an extension and their reply will be due in May 2019.

Chair Gimenez asked if anyone knows what is going on with the SunPass. He expressed concern stating that he received a SunPass invoice for \$1.58 and he has automatic replenish on his account. Mr. Rodriguez informed Members that many customers are having issues with the transition of the new system and that, Conduent is working out the glitches.

Mr. Boord requested the twelve months amount of invoices compared to the last three months of invoices. Board Members thoroughly discussed the SunPass issue.

### **TPO REPRESENTATIVE REPORT**

Ms. Smith Fano informed members that at the last meeting, a Resolution was on the agenda regarding MDX's failure to pay the TPO participation fee and the expulsion of MDX from the TPO Governing Board. Miami-Dade County Commissioner Moss requested the resolution be deferred. In addition there were elections for TPO officers. Ms. Smith Fano asked Members to please read the TPO highlights that were distributed at the meeting.

### **TREASURER'S REPORT**

Ms. Schafer reported that toll revenue is a negative variance of \$22 million based on discussion and information she received from the Turnpike; She informed that SunPass customers that need to bring their accounts up to date is approximately \$18 million and toll-by-plate is approximately \$19 million and therefore there is a total of over \$30 million that has not been recognized. An update on MDX's cash position has been conducted looking at construction projects from January to June from a revenue perspective in order to complete the projects and meet our commitments.

Ms. Schafer informed members that the toll-by-plate invoices went out in January 2019 and payment would be due in March 2019.

## **REGULAR AGENDA**

A) MDX Work Program No. 92404 SR 924 Extension West to the Homestead Extension of the Florida Turnpike (\$5,220,000)

- Approval of a Locally Funded Agreement (LFA) with Florida's Turnpike Enterprise (FTE) to Facilitate the Construction of MDX Ramp Bridges 1, 2 and 3 Substructure by FTE and the Construction of the 92404 Interchange on FTE ROW by MDX.

Mr. Martinez moved to approve the locally Funded Agreement. Mr. Boord seconded the motion. The motion was unanimously approved.

B) MDX Procurement/Contract No. MDX-19-02 MDX Purchase of LED Roadway Lighting Luminaires (Not-to-Exceed \$600,000)

- Approval of Purchase Order for LED Roadway Lighting Luminaires

Mr. Martinez moved to approve the Purchase Order for LED Roadway lighting Luminaires. Mr. Boord seconded the motion. The motion was unanimously approved.

C) MDX Procurement/Contract No. RFQ-19-03- Legislative Advocacy & Consulting Services (Not-to-Exceed \$180,000/Contract)

- Approval of recommendation from Technical Evaluation Committee (TEC) to select the highest ranked Proposer(s)

Mr. Zaldivar read the agenda item and informed Members that the TEC recommendation was to accept all four proposers. Ms. Gutierrez moved the item for discussion. Ms. Smith Fano Seconded the motion.

Ms. Cordero informed Members the budget for the services of each contract shall not exceed \$60,000 per Florida Legislative Session. Mr. Rodriguez clarified the amount of each contract would be \$180,000 for the three year contract, so selecting four firms would be \$180,000 for each firm for a 3 year contract for a total of \$720,000.

Ms. Gutierrez stated the importance of having the opportunity of having all four firms representing the Authority.

Chair Gimenez expressed concern and not in favor in doubling the contract amounts. The item was thoroughly discussed.

Chair Gimenez recessed the meeting for five-minutes.

Chair Gimenez reconvened the meeting and asked for the motion to be re-read. Mr. Zaldivar informed Members the motion was the TEC recommendation to accept all four proposers, each contract would be \$180,000 for the three years. (\$60,000 per Legislative Session).

Ms. Cordero briefed Members on the options available.

1. Reduce the budget
2. Go back to the TEC and rank the proposers
3. Throw out the Procurement and re-advertise

Chair Gimenez asked for a roll call. Ms. Navia Lobo called the roll:

A. Edmonson	-nay
S. Fano	-aye
M. Gutierrez	-aye
L. Martinez	-nay
AJ Meyer	-absent
L. Weinberg	-absent
J. Wolfe	-nay
L. Boord	-nay
C. Gimenez	-nay

Motion failed.

Chair Gimenez recessed the meeting in order for the TEC Committee to reconvene.

Chair Gimenez reconvened the Board Meeting.

Ms. Cordero read the TEC recommendation selecting the 2 highest ranked firms:

1. Becker Poliakoff, P.A
2. Gray Robinson, P.A.

Commissioner Edmonson moved to accept the TEC recommendation. Mr. Boord seconded the motion. Ms. Navia Lobo called the roll.

A. Edmonson	-aye
S. Fano	-aye
M. Gutierrez	-aye
L. Martinez	-aye
AJ Meyer	-absent
L. Weinberg	-absent
J. Wolfe	-aye
L. Boord	-aye
C. Gimenez	-aye

Motion passes unanimously.

### **DISCUSSION ITEM**

#### A) Frequent SunPass Commuter Discount Program

Mr. Rodriguez introduced the item and explained it was the desire of the Board to maintain a toll discount program for SunPass customers that frequently travel on MDX's expressways, and as such, recommended the Frequent SunPass Commuter Discount (FSCD) Program. Mr. Rodriguez highlighted the criteria and made the following recommendations from feedback he's received from several Members as follows;

1. Change the name to the Frequent MDX Commuter Program
2. Issue checks instead of crediting accounts, this will take place in December 1<sup>st</sup> rather than October 1<sup>st</sup>.

Ms. Gutierrez asked if the funding for the program had been vetted by finance and what would be fiscal the impact. Ms. Schafer informed Members that it would be approximately \$3.5 million that would be programmed into the annual budget.

Ms. Schafer informed Members that SunPass customers must register each individual transponder one time with MDX. Customers who were already registered for the Program will automatically be registered for the rewards Program.

Ms. Smith Fano recommended keeping the original MDX Cash Back Program name.

Mr. Rodriguez clarified the name of the Program is the “MDX Frequent Driver Rewards Program”, Cash Back is what the users call the program.

The registration will begin on February 14, 2019 for a period of 90 days. Customers who were already registered for the Program will automatically be registered for the Rewards Program. The checks will be issued by the Thanksgiving holiday. SunPass customers must incur a minimum of \$250 per transponder in tolls on the MDX System during the period of July 1<sup>st</sup> through June 30<sup>th</sup> to qualify.

Mr. Boord stated that he will oppose the motion due to the shortfall that will occur.

Mr. Rodriguez and Ms. Schafer entertained questions from Members

Ms. Smith Fano moved to approve the MDX Frequent Driver Rewards Program for customers that incur a minimum of \$250 with the registration date of February 14, 2019 for a period of 90 days. Ms. Gutierrez seconded the motion. Mr. Wolfe and Mr. Boord opposed the motion. The motion was approved.

Chair Gimenez referred to MDX Resolution 19-01 reaffirming declaration of no further Toll Rate increase on the current Expressway System and repealing the Consumer Price Index (CPI). He passed the gavel to Mr. Martinez and moved to approve Resolution 19-01. Ms. Smith Fano seconded the motion. The motion was unanimously approved.

### **INFORMATIONAL ITEMS**

- A) Procurement Report
- B) Public Communications Report

### **ANNOUNCEMENTS**

- Operations, External Communications & Inter-Governmental Committee Meeting, 2/26/19, 2:00 PM, William M. Lehman MDX Building – Board Room
- Finance, Policy & Planning Committee Meeting, 2/26/19, 3:00 PM, William M. Lehman MDX Building – Board Room
- Board Meeting, 2/26/19, 4:00 PM, William M. Lehman MDX Building – Board Room

### **ADJOURNMENT**

Chair Gimenez adjourned the Board Meeting.

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