

MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)

**BOARD OF DIRECTORS MEETING
TUESDAY, APRIL 26, 2016
4:00 PM**

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

SUMMARY MINUTES

Members Present

Louis V. Martinez, Esq., Chair
Shelly Smith Fano, Vice Chair
Rick Rodriguez Piña, Treasurer
Gus Pego, P. E., District VI Secretary
Vincent T. Brown, Esq.
Maurice A. Ferré
Alfredo L. Gonzalez, Esq.
Maritza Gutierrez
Arthur J. Meyer
Javier L. Vázquez, Esq.
Cliff Walters
Luz Weinberg

Members Absent

Staff

Javier Rodriguez, P.E., Executive Director
Marie Schafer, Chief Financial Officer
Juan Toledo, P.E., Director of Engineering
Steve Andriuk, Director of Toll Operations
Carlos M. Zaldivar, Esq., General Counsel
Helen Cordero, Manager of Procurement and Contracts Administration
Mario Diaz, Public Information Manager
Maria Luisa Navia Lobo, Board Secretary

Consultants

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

CALL TO ORDER & ROLL CALL

Chair Martinez 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 Martinez asked Mr. Pego to lead in the Pledge of Allegiance.

Chair Martinez congratulated and welcomed Mr. Brown to the MDX Board and congratulated Mr. Meyer on his recent reappointment.

APPROVAL OF AGENDA

Mr. Ferré moved to approve the amended agenda. Ms. Smith Fano seconded the motion. The agenda was unanimously approved.

DECLARATIONS OF VOTING CONFLICTS

Mr. Zaldivar asked Members if there were any voting conflicts regarding the items on the Board Agenda. No conflicts were declared.

CITIZEN COMMENT

The following individuals addressed the Board:

- Danny Munilla, General Counsel for MCM– distributed a letter to Board Members
- Daniel Halley, Halley Engineering, 8620 SW 48 Street

Mr. Martinez read paragraph 52 of the ruling by Judge Rodriguez as it related to MDX Procurement/Contract ITB 16-01. He further asked based on the ruling, what was the status of the contract. Mr. Rodriguez informed Members the contract was signed today.

APPROVAL OF SUMMARY MINUTES

- Board Meeting of March 29, 2016

Ms. Gutierrez moved to approve the Summary Minutes. Mr. Vazquez seconded the motion. The motion was unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

Mr. Rodriguez briefed Members on the following issues of interest since that last Board meeting of March 29, 2016

- Welcomed newly appointed Board Member Vincent Brown
- Annual Budget workshop is scheduled for May 5, 2016
- Thanks all Members that participated in the Strategic Master Plan (SMP) Workshop
- April 13, Staff participated in a luncheon of the Transportation Committee of the League of Cities, introduction of the new MPO Director. There was discussion on how to move forward with the comprehensive transportation plan.

- SMART Plan adopted by the MPO last Thursday, April 21, 2016. From an MDX perspective, the plan speaks of hubs, reusing of existing infrastructure, bus express rapid transit on the expressways, this is what MDX presenting in the SMP
- April 14, MDX hosted the Empresa Nacional de Autopista (ENA) de Panama - Industry Best Practices
- Congratulated Board member Ferré for the lifetime achievement award.

GENERAL COUNSEL'S REPORT

- Attorney Client Privileged Meeting (Shade Meeting) regarding ETCC Litigation (pending decision)

Mr. Zaldivar reported that the Shade Meeting would be postponed due to recent developments of a new hearing on damages set for May 27 2016. The judge directed the parties to conduct another mediation session scheduled for May 25, 2016.

Therefore, Mr. Zaldivar requested a Shade Meeting for the week of May 16, 2016 regarding Electronic Transaction Consultants Corporation (ETCC) v. Miami-Dade County Expressway Authority, Case No. 12-46272 CA 40, pending in the 11th Judicial Circuit, Miami-Dade County, Florida.

The following individuals will be in attendance:

- MDX Board of Directors
- Javier Rodriguez, Executive Director
- Carlos Zaldivar, MDX General Counsel
- Joseph H. Serota, Legal Counsel
- Michael D. Ehrenstein, Legal Counsel
- Erick Hochman, Legal Counsel

The proceedings will be recorded by a certified court reporter and, at the conclusion of all litigation discussed. The transcript will be made part of the public record.

Mr. Zaldivar further reported on the MCM-1 litigation. MCM appealed the favorable decision MDX was granted on March 23, 2016. MDX outside legal counsel filed a brief and waiting for the decision of the appellate court.

MCM-2, Judge Rodriguez ruled in MDX's favor in a 34 page decision. Mr. Zaldivar read a passage from the decision. Mr. Zaldivar recognized Ms. Cordero and Mr. De Leon.

(The Court's decision is filed with the Board Secretary)

MPO REPRESENTATIVE REPORT

Mr. Ferré reported that the MPO continues to progress with its new Executive Director.

He thanked Secretary Pego for eight years of friendship and working as a team player with a sense of fairness and dedication to the community.

TREASURER'S REPORT

Ms. Schafer reported on the nine-month period of FY 2016. She stated similar to last month the same positive impact, \$174.9 million posted in revenues. Over \$8 million have been collected in late fees and fines; traffic is 3% above the forecast and a higher toll collection on the receivables. Expenses through the month of March posted approximately \$ 42 million, 2% below the budget. By fiscal year end it is anticipated to remain below 2%. Mr. Rodriguez Piña stated the budget is better than expected, as discussed in previous meetings; this is a trend due from collections. Mr. Rodriguez Piña encouraged Members to attend the upcoming Budget Workshop scheduled for May 5, 2016. He further informed Members of the upcoming refunding of MDX bonds.

Ms. Schafer and Mr. Andriuk entertained questions from Members relating to the positive impact in revenues.

The Treasurer's report was thoroughly discussed.

COMMITTEE REPORTS

The Committee reports were waived.

CONSENT AGENDA

Travel Approval:

- May 15-19, 2016, Trip To Newport, Rhode Island by Executive Director Rodriguez to attend the IBTTA Roadway Operations Workshop and Board of Committee Meetings.

Ms. Smith Fano moved to approve the Consent agenda. Mr. Ferré seconded the motion. The motion was unanimously approved.

REGULAR AGENDA

- A) MDX Work Program No. 83628; SR 836 Operational, Capacity and Interchange Improvements
 - Approval of Eminent Domain Parcel Resolutions 16-13R, 16-14R and 16-15R

Mr. Vazquez moved to approve parcel resolutions 16-13R, 16-14R and 16-15R. Mr. Rodriguez Pina seconded the motion. The motion was unanimously approved.

INFORMATIONAL ITEMS

- A) Procurement Report
- B) Communications Report

The Informational items were not addressed.

CHAIR'S COMMENTS

Mr. Martinez informed Members that it was Secretary Pego's last MDX Board meeting as the D-VI Secretary since he was retiring after 37 years of service to Florida's Department of Transportation. He asked Ms. Gutierrez to read into the record Secretary Pego's proclamation, and together with members read the following:

*NOW, THEREFORE, BE IT PROCLAIMED by the Miami-Dade Expressway Authority Board of Directors that **Gustavo "Gus" Felix Pego, P.E.**, is hereby recognized for his exceptional leadership and contributions during his tenure as a member of the Board with a special appreciation for his leadership in fostering partnerships with the Florida Department of Transportation for significant transportation infrastructure projects. His unique element of integrity, experience, intellect, outstanding vision and commitment to excellence will be missed.*

The official seal of the Miami-Dade Expressway Authority is hereby affixed this 26th day of April 2016.

Mr. Martinez informed Members that he had requested a tour of the 83628 project and stated that other Members also interested in this tour should let Staff know.

ANNOUNCEMENTS

- Budget Workshop, 5/5/16, 10:00 a.m., William M. Lehman MDX Building, Board Room
- Budget & Finance Committee Meeting, 5/5/16, 11:00 a.m., William M. Lehman MDX Building, Board Room
- Operations Committee Meeting 5/11/16, 10:00 a.m., William M. Lehman MDX Building, Board Room
- Board Meeting, 5/31/16 at 4:00 p.m., William M. Lehman MDX Building, Board Room

ADJOURNMENT

Chair Martinez adjourned the Meeting.

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