

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

**THURSDAY, JULY 29, 2021
9:00 AM**

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

SUMMARY MINUTES

Members Present

Jose “Pepe” Diaz, Chairman
Dennis C. Moss, Vice Chair
Luz Weinberg Treasurer
Darlene M. Fernandez, P.E.
Jean Monestime

Members Absent

Stacy L. Miller, P. E., District VI Secretary
Shelly Smith Fano

Staff

Javier Rodriguez, P.E., Executive Director
Carlos Zaldivar, General Counsel
Marie T. Schafer, Director of Finance/CFO
Steve Andriuk, Director of Toll Operations
Juan C. Toledo, P.E., Director of Engineering
María Luisa Navia Lobo, Board Secretary

Consultants

Kevin Brown, HNTB (GEC-A)
Rick Crooks, EAC Consultants (GEC-B)
David Aron, CDM Smith

CALL TO ORDER

Chairman Diaz called the meeting to order. He asked Vice Chair Moss to lead in prayer.

PLEDGE OF ALLEGIANCE

Board Members led in the Pledge of Allegiance.

ROLL CALL

Ms. Navia Lobo called the roll and announced that a quorum of the MDX Board was present.

APPROVAL OF AGENDA

Mr. Rodriguez referred to Agenda item III. B 2) “*Compensation Study for Executive Director and Legal Counsel*” the due date of that analysis will be September 30, the date of the next Board Meeting. Deferment of Agenda Item V. B) “*Presentation on MDX Project 83618, Kendall Parkway*” to September 30, to include additional information that that Vice Chairman Moss requested.

DECLARATIONS OF VOTING CONFLICTS

No Conflicts declared

CITIZEN COMMENTS

No comments. Chairman Diaz recommended that speaker Cards be available for future meetings.

APPROVAL OF SUMMARY MINUTES

- Board Meeting of June 25, 2021

REGULAR AGENDA

A) Requests by Vice Chair Dennis C. Moss

- 1) **RESOLUTION NO. 21-01** Urging the State of Florida Department of Transportation and Florida’s Turnpike Enterprise to Implement a Toll Rebate Program to Provide Miami-Dade Residents, Daily Commuters and Businesses Toll Relief on the State Owned and Operated Expressways within Miami-Dade County.

Vice Chair Moss urged all his colleagues to support this particular item, he explained that what is being presented is urging the State of Florida, The Turnpike Enterprise to follow our lead in rebating back to the residents of Miami Dade County who utilize the facilities at MDX providing them with a rebate. In the past we've rebated \$19 million, and with the current extension of the rebate program, we're looking to rebate another \$4.8 million. In closing he reaffirmed that what we're saying is that we'd like for the State to follow our lead, and to provide the same kind of opportunities and breaks to our residents and toll users.

Mr. Rodriguez gave a complete explanation regarding the cash-back toll dividend program enacted back in 2015. Rodriguez advised that it is a program that basically rewards our daily commuters, the most frequent of our users. He explained that if a customer uses the MDX facilities, keeps their SunPass account in good standing, and the Authority outperforms their annual projections, MDX will share in the upside with their customers and that's why we call it a dividend program. The program helps keep the accounts in good standing. The second program was the multiaxial program, which is the trucker’s discount. Very few people other than the truckers know that on the MDX expressways, the maximum you will pay is three axles. The third program was more recently

enacted, it's a 15% toll discount for active military personnel in Miami-Dade County. The resolution was thoroughly discussed.

Mr. Zaldivar read the resolution on the record. Vice Chair Moss recommended amending the Resolution to direct the Staff to send copies of the Resolution to the State representatives, Florida Department of Transportation, other authorities and anyone else that plays a relevant role in tolling on state and turnpike facilities. Ms. Weinberg seconded the motion. The motion was unanimously approved.

2) Compensation Study for Executive Director and Legal Counsel

Vice Chair Moss introduced the items and explained that over the last two years, MDX has had an Executive Director, Staff, and Legal Counsel to hold this organization together. When there was no board of directors, they have done a tremendous job, not only during that period of time, but in times before. He further stated that he believes that it is important to conduct a compensation study, to know how we are compensating our executive director, as well as our legal counsel. This would give us some basis for reviewing their efforts and making some decisions in the future about their compensation, which this board has not had the ability to do for the last two years. Vice Chair Moss directed staff to come back within 60 days with a study.

Vice Chair Moss moved to approve the directive. The motion was seconded by Ms. Weinberg. The motion was unanimously approved.

B) Fiscal Year (FY) 2021 MDX Frequent Driver Rewards Program (Cash Back Rebate)

- Approval to Waive the Current Frequent Driver Rewards Program (FDRP) eligibility criteria
- Approval of the FY 2021 Cash Back Rebate to eligible customers

Mr. Rodriguez introduced the item and informed Members that as discussed at the last Board Meeting, the current policy at MDX, which was not implemented last year, is that toll payer who uses the MDX expressway system, and spends at least \$250 a year during the fiscal year, keeps their accounts in good standing would receive a 15% cash back dividend capped at \$300 per transponder. Staff, at the direction of this Board and listening to what this Board has said over the last two months, is recommending waiving the eligibility criteria by combining the amounts of toll paid for Fiscal Years 2020 and 2021. Lowering the threshold from \$250 a year to \$100 over the two years and removing the \$300 cap. Based on these temporary modifications, the results will provide approximately \$4.8 million back to our most frequent users and a cashback payment to over 68,267 customers that is over twice the amount that would have been eligible the other year.

Mr. Rodriguez further explained that the reason it was combined over the two years was a result of COVID last year and the previous fiscal year 2020, MDX didn't have a Board, so no dividend could be declared. He explained that if you combine both years, and you put COVID in the middle, what we're giving our consumers is the one year of actual daily usage, which is why the numbers, worked out as far as something that that is affordable, is in the financing plan, and does not impact any of our of our financial metrics.

Board Member Monestime stated that in reviewing the item he is pleased with the approach used by the staff to reach out to as many people as possible to provide the rebate basically, more than doubling the threshold. Monestime added the item will help in regaining the public's trust and that this is all good for the welfare of the people of Miami Dade County.

Treasurer Weinberg informed members there will be 68,271 customers receiving money back and the average check will be about \$70. The Frequent Driver Rewards Program was thoroughly discussed.

Board Member Monestime moved to approve the FY 2021 Frequent Driver Rewards Program to eligible customers. Board Member Fernandez seconded the motion. The motion was unanimously approved.

C) MDX Procurement/Contract No.: ITB-21-06; MDX Work Program No. 30029.060
Construction Services for Systemwide Bridge Rehabilitation and Joint Repairs (\$1,866,740.00)

- Approval of Contract Award

Mr. Rodriguez asked Mr. Diaferia to present the item. Mr. Diaferia informed Members that MDX follows FHWA National Bridge Inspection Standards which requires extensive and detailed inspection being performed on a biannual basis. MDX accomplishes this through the use of two consultants that are certified structural and bridge firms that do inspections on all the structures. There's currently 155 bridges on the System, 209 overheads assigned structures and 79 high mass lights. The inspections are required to be performed by Florida certified bridge inspection engineering firms, all inspections are currently up to date.

He further explained the inspections are all reported to the Florida Bridge Management System and FHWA on an annual basis. The MDX Trust Indenture requires the MDX General Engineering Consultants perform annual inspections on the System and determine if the System is in good working order, so far, based on all the reports that were submitted in the last and previous years, everything is in good working order. Lastly, he reported currently there are no bridges or structures on the MDX System that are structurally deficient.

Mr. Diaferia informed Members that on May 10, 2021, MDX released an Invitation to Bid (ITB) seeking bids from qualified contractors to provide construction services for MDX Project No. ITB-21-06, MDX Work Program No. 30029.060 for Systemwide Bridge Rehabilitation and Joint Repair.

There's 44 bridges on the MDX system that were determined that need to have bridge joints, this is preventative maintenance, this is basically so water doesn't seep through and create spalling and corrosion underneath the bridge. Seven Bid Packages were received in response to the ITB. Procurement Staff performed compliance review for the bids received from the two (2) lowest Bidders and found both Bidders compliant with the requirements of the Solicitation Documents. Staff recommends awarding the contract to the lowest, responsive and responsible Bidder, P&P Contracting, Inc.

Board Member Fernandez informed Members that preventative maintenance is the key word.

Mr. Rodriguez thanked the legal team, because they understood they listened to the engineer who was begging to get authority from the courts to continue to do our job as far as it related to public safety, Judge Cooper signed a Stipulated Order authorizing the Executive Director to procure, modify or extend contracts for goods and services to ensure proper maintenance, system preservation and public safety. The item was thoroughly discussed.

Vice Chair Moss moved to approve the contract award. Board Member Fernandez seconded the motion. The motion was unanimously approved.

D) Sale of SR 112 Surplus Parcels (\$14,316,000 Estimated Revenue)

- Approval to Sell Eighteen (18) Surplus Parcels

Mr. Rodriguez informed members that there eighteen (18) parcels that were purchased in support of

the State Road (SR) 836/ SR 112 Interconnector Project. At this time, the Interconnector Project is no longer viable and the Project was ultimately removed from the Board approved FY 2017 – 2021 MDX Work Program. The parcels are no longer needed in connection with the construction, operation or maintenance of the MDX System. These parcels were acquired by MDX and not transferred by the Florida Department of Transportation (FDOT) as part of the Transfer Agreement. Therefore, MDX owns these parcels outright and FDOT is not required to provide any approval for the sale.

Board Member Monestime moved for the approval to sell eighteen surplus parcels. Treasurer Weinberg seconded the motion. The motion was unanimously approved.

E) Executive Director Performance Evaluation

The item was endorsed by the Executive Committee on 7/9/21. Vice Chair Moss moved to approve the Executive Director's evaluation. Board Member Fernandez seconded the motion. The motion was unanimously approved.

Treasurer Weinberg recommended postponing the item until the September Board Meeting to have the compensation study and do the numerical evaluation. Mr. Rodriguez explained there are two elements and in his conversation with the Treasurer, he explained there was going to be a compensation study that will be back on September 30. At that point, the numerical evaluation can be conducted giving Board Members the opportunity to have worked with him for at least six months. What was recommended by the Executive Committee was simply compliance with the Executive Director's contract.

CONSENT AGENDA

A) October 8-12, 2021, Trip to Anaheim, CA. by Executive Director Rodriguez to Attend the IBTTA'S 89TH Annual Meetings & Exhibition

Treasurer Weinberg moved to approve the consent agenda. Vice Chair Moss seconded the motion. The motion was unanimously approved.

DISCUSSION ITEMS

A) Presentation on MDX Project 87410, SR 874 Ramp Connector to SW 128th Street

Mr. Rodriguez informed Members that the next presentation is presented at the request Vice Chair Moss. Mr. Diaferia presented the SR 874 project. There will be a ribbon cutting ceremony.

Mr. Rodriguez thanked the Florida Department of Transportation, the Florida Turnpike Enterprise for partnering with MDX on this project. They actually built many elements of the bridges over the Turnpike in partnership.

[The presentation is filed with the Board Secretary]

INFORMATIONAL ITEMS

A) Procurement Report - included in the agenda package

B) Small Business/Local Business Utilization Report

At the request of Board Member Monestime a complete list of all small and local businesses are included in the package.

C) Auditor's Communication – included in the agenda package

REPORTS

A) Treasurer's Report

Treasurer Weinberg gave a brief overall summary informing Members that there have been six executed contracts for the period of June 9 – July 8, 2021, approximately \$550,000 more dollars going out to the community for work. There were five supplemental agreements, only one of which had a dollar value attached to it of \$140,000. The others were zero. There are three current and upcoming solicitations. The Board just voted on the bridge rehab, that was one and then there're two coming up for the traffic management center operations that will be out on August 24, and the design-build for the 83634 connector was advertised yesterday. We're very proud of MDX, even with all that happened last year, with our limitations and the emergency contracts issue without a board. Our numbers are still very strong at SBE at 12.76% for fiscal year 20, local business at 37.2, for the total of 50%. of small and local business. Treasurer Weinberg read the Moody's report, second page summary that was received on July 13.

[the Moody's Report is filed with the Board Secretary]

B) Executive Director's Report

MDX will be hosting the TEAMFL Quarterly meeting in Miami on October 14, 2021. Mr. Rodriguez encouraged Member to attend, invitations are forthcoming.

CHAIR'S COMMENTS

Chairman Diaz thanked Treasurer Weinberg for accepting the Board of County Commissioner's appointment as the fifth Member appointed to MDX.

ANNOUNCEMENTS

Board Meeting, 09/30/2021, 9:00 AM, William M. Lehman MDX Building Board Room

ADJOURNMENT

The Board Meeting was adjourned by Vice Chairman Moss. Seconded by all.

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