

MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)

BOARD MEETING
Tuesday, February 25, 2014
4:00 P.M.

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

Members Present:

Maurice A. Ferré, Chair
Maritza Gutierrez, Vice Chair
Carlos R. Fernandez-Guzman, Treasurer
Gus Pego, P. E., District VI Secretary
Alfredo L. Gonzalez, Esq.
Jose M. Hevia - via phone, not present for Action Items
Louis V. Martinez, Esq.
Rick Rodriguez Piña
Gonzalo Sanabria
Shelly Smith Fano
Luz Weinberg

Members Absent:

Robert W. Holland, Esq.

Staff:

Javier Rodriguez, Executive Director
Juan Toledo, P.E., Director of Engineering
Marie Schafer, Chief Financial Officer
Helen Cordero, Manager of Procurement and Contracts Administration
Francine Steelman, Associate General Counsel and Ethics Officer
Mario Diaz, Public Information Manager
Maria Luisa Navia Lobo, Board Secretary

Consultants:

Legal: Richard Weiss, WSH
Matthew Pearl, WSH
Transportation: Albert Sosa, HNTB (GEC-A)
Reynaldo Cortez, 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 & ROLL CALL

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 all to lead in the Pledge of Allegiance.

DECLARATIONS OF VOTING CONFLICTS

Mr. Weiss asked Members if there were any voting conflicts regarding any of the items on the Board Agenda for this meeting.

Mr. Ferré informed members of the Attorney Client privileged meeting regarding the ETCC Litigation.

The meeting was recessed for the Attorney Client privileged meeting.

The meeting reconvened. Ms. Weinberg expressed concern with the scheduling of the Attorney Client privileged meetings at the start of the publicly noticed Board meeting, she requested the Attorney Client privileged meetings be scheduled separate and apart from the Board agenda.

Mr. Rodriguez recommended that agenda item IX. H “Approval of Miami Intermodal Center Conveyance & Assignment Agreement” be pulled from an Action item due to pending negotiations on the agreement.

Ms. Gutierrez moved to approve the agenda. Mr. Fernandez-Guzman seconded the motion. The agenda was unanimously set.

CITIZEN COMMENT

Mr. Ferré asked if there are any Citizen Comments to be addressed to the Board. Mr. Rodriguez informed Members that he received a request from an individual who is in transit to the meeting. Mr. Ferré recommended moving the Public Comment item to later on the agenda.

APPROVAL OF SUMMARY MINUTES

- Board Meeting of December 10, 2013
- Board Meeting of January 28, 2014

Mr. Ferré referred to the summary minutes of the December 10, 2013 and January 28, 2014 meetings. Ms. Gutierrez moved to approve the December 10, 2014 summary minutes. Mr. Pego seconded the motion. The motion was unanimously approved. Mr. Fernandez-Guzman moved to approve the January 28, 2014 summary minutes. Mr. Pego seconded the motion. The motion was unanimously approved.

EXECUTIVE DIRECTOR’S REPORT

Mr. Rodriguez reported on the following items of interest since the last Board Meeting:

- MDX held an online Public Information Workshop on the FY 2015-2019 Work Program. The Work Program is on the agenda for Board approval.
- Request for presentation at the next MPO meeting on the projects included in the MDX Work Program and the potential impact of pending state legislation HB 353 and SB 772.
- White Paper on the impact to MDX and Miami-Dade County of proposed state legislation HB 353 and SB 772 was distributed.

- MIC – update, there are still open items that will be resolved soon.
- Centralized back office – six teams were invited to submit price proposal, five submitted and on March 13th & 14th there will be interviews in Orlando.
- Save the date of May 15th for the Authority’s 11th Annual Small, Local & Minority Enterprise Conference.
- Condolences to Mr. Andriuk for the passing of his father.

GENERAL COUNSEL’S REPORT

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

The shade meeting was taken at the beginning of the agenda.

MPO REPRESENTATIVE REPORT

Mr. Ferré briefed Members on the MPO Board meeting.

TREASURER’S REPORT

Mr. Fernandez-Guzman informed Members that in lieu of the Treasurer’s report, Mr. Ed Regan, representing CDM Smith present the Comprehensive Traffic and Revenue Study Summary Results. The presentation was previously discussed at the Budget & Finance meeting on February 19, 2014.

[a copy of the presentation is filed with the Board Secretary]

PUBLIC COMMENT

- Lawrence Percival – Greater Kendall Community Activist
- Carlos Garcia – rollbacktolls.com

COMMITTEE REPORTS

- A) Operations Committee, 2/18/14
- B) Policy & Planning Committee, 2/18/14
- C) Budget & Finance, Committee, 2/19/14

The Committee reports were waived.

CONSENT AGENDA

- A) Travel Approval
- April 2-5, 2014, Trip to Jersey City, NJ by Executive Director Rodriguez to attend the IBTTA Board and Committee Meetings

Ms. Gutierrez moved to approve the Consent Agenda. Mr. Pego seconded the motion. The motion was unanimously approved.

REGULAR AGENDA

A) Approval of MDX FY 2015-2019 Five-Year Work Program – Transportation Improvement, Capital Improvement and Renewal & Replacement Programs (\$879.2 Million)

Mr. Weiss read the agenda item for the record. Mr. Ferré informed Members that the item was endorsed by the Operations Committee.

Mr. Fernandez-Guzman moved to approve MDX FY 2015-2019 Five Year Work Program. Mr. Martinez seconded the motion. The motion was unanimously approved.

PUBLIC HEARING ITEM

B) Approval of Resolution No. 14-01; Issue Bond Series 2014A Not to Exceed \$360 Million (Endorsed by the Budget & Finance Committee on 2/19/14)

Mr. Weiss read the agenda item for the record. Mr. Ferré opened the Public Hearing. Mr. Fernandez-Guzman moved to close the public hearing. Ms. Smith Fano seconded the motion. The public hearing was unanimously closed.

Mr. Rodriguez presented the item, and explained the MDX System Bonds Series 2014A in an amount not to exceed \$360,000,000.

Mr. Fernandez-Guzman moved to approve MDX Resolution 14-01. Ms. Gutierrez seconded the motion. Ms. Navia Lobo called the roll.

A. Gonzalez	aye	Luz Weinberg	aye
L. Martinez	aye	Gus Pego	aye
R. Rodriguez Pina	aye	C. Fernandez-Guzman	aye
G. Sanabria	aye	M. Gutierrez	aye
S. Smith Fano	aye	M. Ferré	aye

The motion was unanimously approved.

C) Approval of Customer Rewards/Volume Frequency Program

Mr. Weiss read the agenda item for the record and informed Members that the item was endorsed by the Budget & Finance Committee. Mr. Rodriguez informed Members that the Customer Rewards program is made up of three sections. Two affinity programs and a volume frequency discount program. Mr. Sanabria requested a more comprehensive presentation on the program. Ms. Schafer presented the program presentation that was discussed at the Budget and Finance Committee meeting. She explained the March 19, 2013 Board approved Toll Policy requires a Volume & Frequency Toll Discount Program for SunPass[®] customers only with two axle vehicle and account must be current & have no unpaid tolls. Open enrollment period would be January 2, 2015.

Toll policy also requires that to qualify for the program a commuter must travel 66 days in the calendar quarter (90 days), and had SunPass[®] transactions on the MDX System sufficient to qualify for a rebate in accordance with the rebate schedule established for the applicable MDX fiscal year. A rebate check will be mailed to the customer's SunPass[®] mailing address.

Ms. Schafer further explained that at the last Budget and Finance committee, Members wanted a more inclusive program. The Committee came up with a sponsorship program with two participation levels as follows:

- Affinity Program
- Available to all customers
- Must register with MDX
- Complete Customer Survey
- Premier Affinity
- Includes the qualifications for the Affinity Program
- SunPass[®] customers only in good account standing
- Drive the expressway system less than 66 days in each quarter

Staff's recommendation is to implement the Sponsorship Program July 1, 2014 (Fiscal Year 2015), and the implementation of the Customer reward program July 1, 2015 (Fiscal Year 2016)

Ms. Schafer and Mr. Rodriguez entertained questions from Members.

Ms. Gutierrez moved to approve the Customer Rewards and Volume Frequency Discount Program.

Ms. Smith Fano seconded the motion. Ms. Navia Lobo called the roll.

A. Gonzalez	aye	Luz Weinberg	aye
L. Martinez	aye	Gus Pego	aye
R. Rodriguez Pina	aye	C. Fernandez-Guzman	aye
G. Sanabria	aye	M. Gutierrez	aye
S. Smith Fano	aye	M. Ferré	aye

The motion was unanimously approved.

D) Approval of Revisions to the MDX Property Acquisition Policy (Endorsed by the Operations Committee on 1/22/14 and Policy & Planning Committee 2/18/14)

Mr. Weiss read the agenda item for the record. Ms. Gutierrez moved to approve revisions to the MDX Property Acquisition policy. Mr. Pego seconded the motion. The motion was unanimously approved.

E) Approval of Revisions to the Local Business Preference in Procurement Policy (Endorsed by the Policy & Planning Committee 2/18/14)

Mr. Weiss read the agenda item for the record. Mr. Rodriguez summarized the changes to the policy. Mr. Fernandez-Guzman moved to approve revisions to the Local Preference in Procurement Policy. Ms. Weinberg seconded the motion. The motion was unanimously approved.

F) Approval of Revisions to the Small Business Participation Policy (Endorsed by the Policy & Planning Committee 2/18/14)

Mr. Weiss read the agenda item for the record. Mr. Rodriguez Pina requested to meet with staff on the policy revisions. Mr. Fernandez-Guzman informed Members that the policy was fully vetted at the Policy & Planning Committee meeting. Mr. Fernandez-Guzman moved to approve revisions to the Small Business Participation Policy. Ms. Gutierrez seconded the motion. The motion was unanimously approved.

G) Approval of Extension of the School Board of Miami Lease for Parcel 878-500-C (Endorsed by the Operations Committee on 2/18/14)

Mr. Weiss read the agenda item for the record. Mr. Sanabria moved to approve the extension of the lease with Miami-Dade School Board for no consideration. Ms. Gutierrez seconded the motion. The motion was unanimously approved.

H) Approval of Miami Intermodal Center Conveyance & Assignment Agreement
(Pending Agreement with FDOT)

The item removed from the Agenda.

Mr. Fernandez Guzman recommended the Board to consider taking a position that states that any Member that is not up to date on their Financial Disclosure filing should refrain from voting on any financial issues. Mr. Ferré recommended this issue be taken to the appropriate standing committee.

INFORMATIONAL ITEMS

- Procurement Report

The informational item was not addressed.

CHAIR'S COMMENTS

Ms. Gutierrez referred to the White Paper distributed at the meeting. She highlighted the economic impacts and expressed the importance of the adverse effects on the community. She recommended the package be sent to the Miami-Dade Board of County Commissioners and Miami-Dade Legislative Delegation. This item was thoroughly discussed.

Ms. Smith Fano asked for an update on the General Counsel position interviews. Mr. Rodriguez informed members that at the Special Board Meeting of February 19, 2014, Board Members interviewed three candidates and selected Mr. Alexander Bokor as the next MDX General Counsel. Ms. Smith Fano requested to be added to the contract negotiation team and Mr. Ferré granted her request.

ANNOUNCEMENTS

- Operations Committee Meeting, 3/19/14, 10:00 a.m., William M. Lehman MDX Building Board Room
- Strategic Master Plan - Projects Committee Meeting, 3/19/14, 11:00 a.m., William M. Lehman MDX Building Board Room
- Board of Directors Meeting, 3/25/14, 4:00 p.m., William M. Lehman MDX Building Board Room

ADJOURNMENT

Mr. Ferré adjourned the meeting.

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