

MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)

POLICY & PLANNING COMMITTEE MEETING

WEDNESDAY, DECEMBER 4, 2013

12:00 p.m.

Previously scheduled November 15, 2013

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

SUMMARY MINUTES

Attendees:

Policy & Planning Committee Members

Alfredo I. Gonzalez, Esq., Vice Chair
Carlos Fernandez-Guzman
Luz Weinberg

MDX Board Members

Maurice A. Ferré, Board Chair
Gus Pego, P.E.
Maritza Gutierrez

Absent Committee Members

Robert W. Holland, Esq., Chair
Felix M. Lasarte, Esq.
Louis V. Martinez, Esq.

Staff

Javier Rodriguez, Executive Director
Marie Schafer, Deputy Executive Director /CFO
Juan Toledo, P.E., Deputy Executive Director/Director of Engineering
Steve Andriuk, Deputy Executive Director/Director of Toll Operations
Helen Cordero, Manager of Procurement & Contract Administration
Francine Steelman, Associate General Counsel and Ethics Officer
Mario Diaz, Public Information Officer
Maria Luisa Navia Lobo, Board/Executive Secretary

Consultants

Richard Weiss, WSH
Matthew Pearl, WSH
Tere Garcia, Bermello Ajamil Partners (GEC-A)

CALL TO ORDER

In the absence of the Committee Chair, Mr. Holland, Mr. Gonzalez, Vice Chair called the meeting to order. Ms. Navia Lobo called the roll and announced a quorum was present.

DECLARATION OF VOTING CONFLICTS

- Potential Conflict of Interest Report

No conflicts were declared

Mr. Rodriguez informed Member of additional agenda items: item III. F – MDX Procurement Contract MDX 14-11 – Transportation Policy Strategic Services; and item III.D– MDX Bylaws Revision to create the MIC Enterprise Committee.

Mr. Ferré moved to accept the changes to the agenda. Mr. Fernandez-Guzman seconded the motion. The motion was unanimously approved.

Mr. Gonzalez asked if there were any public comments. There were no comments.

ACTION ITEMS

- A) Approval of Summary Minutes •
Policy & Planning Committee Meeting of August 13, 2013

Mr. Gonzalez referred to the summary minutes of the August 13th meeting. Ms. Weinberg moved for approval of the summary minutes. Mr. Ferré seconded the motion. The summary minutes were unanimously approved.

- B) Endorsement of MDX Sponsorship Policy

Ms. Steelman introduced the item and explained the policy will coincide with the Road Ranger Agreement. The purpose of the policy is to address the Board's desire to establish a policy for evaluating all sponsorship opportunities and to regulate the nature of the sponsorship content.

Ms. Gutierrez informed Members that the Inter-Governmental & Public Communications Committee reviewed and endorsed the policy.

Mr. Fernandez-Guzman moved to endorse the Sponsorship Policy. Mr. Ferré seconded the motion. The motion was unanimously endorsed.

- C) Endorsement of Electronic Media Communications Policy

Mr. Gonzalez read the agenda item and informed Members that the Inter-Governmental & Public Communications Committee endorsed the policy.

Mr. Diaz introduced the item and explained the policy addresses the Authority's usage of text message and social media technology.

The policy takes into account two different forms of technology and the appropriate content and guidelines to be used by the Authority when disseminating various types

of outreach messaging. The policy also describes the importance of having all content properly recorded for public records purposes.

This policy is meant to further supplement communication outreach efforts as described in the MDX Public Involvement Policy. This policy is not intended to replace notification requirements in the MDX Public Involvement Policy.

Mr. Fernandez-Guzman expressed concern about content distribution by specific individuals approving the distribution. Mr. Rodriguez informed Members that he has the final approval in accordance with the procedure and that he would assign it to the Public Communications Dept.

Mr. Ferré moved to endorse the Electronic Media Communications Policy. Mr. Fernandez-Guzman seconded the motion. The motion was unanimously endorsed.

D) MDX Bylaws Revisions- Miami Intermodal Center (“MIC”) Enterprise Committee

Mr. Rodriguez introduced the item and distributed the companion resolution, which confirms that the Miami Intermodal Center Property will not become a component of the MDX Expressway System; confirming that MDX System Revenues will not be used to support the construction, maintenance, repair or operation of the Miami Intermodal Center, except as specifically authorized; and authorizing the creation of the MIC Enterprise Fund.

He further informed Members that the MDX Bylaws revisions also propose the creation of the MIC Enterprise Committee as a standing committee. A resolution will be brought to the Board for approval of the creation of the MIC Enterprise Committee.

Mr. Ferré moved to endorse revisions to the MDX Bylaws for the creation of the MIC Enterprise Committee. Mr. Fernandez-Guzman seconded the motion the motion was unanimously endorsed.

E) Endorsement of Amendments to MDX Citizen Comment Policy

Mr. Weiss informed Members that during the 2013 legislative session, the Florida Legislature created Section 286.0114, Florida Statutes, which became effective on October 1, 2013 and created a new section of law that requires Members of the public to be given a reasonable opportunity to be heard on a proposition considered by the board or commission of a state agency or local government, subject to certain limitations.

MDX staff, in consultation with Mr. Weiss, amended the MDX Citizen Comment Policy recognizing the right of the public to be heard. The amended Public Comment Policy provides that the agenda for each public meeting held by the Authority shall include an agenda item titled “Public Comment,” which shall be placed on the agenda prior to Board or Committee action items.

Mr. Ferré moved to endorse revisions to the MDX Citizen Comment Policy. Ms. Gutierrez seconded the motion. The motion was unanimously endorsed.

F) MDX Procurement/Contract No.: MDX-14-11 Transportation Policy Strategic Services Endorsement for Board approval for MDX to enter into a contract with Transportation Management & Policy Consultants for Transportation Policy Strategic Services without a competitive process for an amount not-to-exceed \$199,999.99.

Mr. Rodriguez introduced the item and informed Members that at the direction of the Board, staff investigated the means by which to engage Transportation Management & Policy Consultants (TM&P), the company headed by Ms. Pamela Leslie.

Mr. Rodriguez informed Members that Ms. Leslie retired from public service in August of this year. Since then, Ms. Leslie has been available to provide consulting services to various clients through her firm, TM&P. Ms. Leslie will be providing non-legal consulting services and read the following scope of services into the record:

- Development of a strategic plan for the transfer of title and operations of the Miami Intermodal Center (MIC) from the Florida Department of Transportation (FDOT) to MDX. The strategic plan must include, but not be limited, to the following:
 - Negotiation with FDOT and other stake holders for joint development.
 - Development and implementation of a business model accounting for sustainability, development of land, leasing of commercial space, and any other component necessary to successfully operate and sustain the MIC with non-toll revenues.
 - Creation of a governance structure
 - Creation of a new enterprise fund
- Assist MDX with the development and updates of the Authority's policies
- Assist with the development of the updated 10 and 20 year strategic plan and mission of the Authority
- Prepare white papers on current transportation policy matters that may affect the Authority including matters related to the toll industry
- Prepare monthly reports for the Executive Director on the status and developments on all tasks currently assigned
- Assist the Authority in its participation on the development of a Centralize Customer Services Center and the impact to the Authority's strategic plan and mission
- Support the MDX legislative program

Mr. Rodriguez stated that both MDX and Ms. Leslie have submitted the required documentation for review and approval by the Florida Retirement System ("FRS"). A response from the FRS is pending, therefore the Committee endorsement and

subsequent Board approval of a contract with TM&P is sought subject to the concurrence by FRS.

Mr. Fernandez-Guzman moved to endorse the contract with TM&P without a competitive process. Ms. Gutierrez seconded the motion. The motion was unanimously endorsed.

DISCUSSION ITEM

Local Preference Policy

Mr. Rodriguez introduced the item and explained that at the last Operations Committee, the advertisement of the 83628 project was discussed and whether the MDX Local Preference Policy should be used for this project.

Ms. Cordero informed Members that in the MDX Local Preference Policy, a “local business” is defined as:

1. Majority of the owners of the firm reside in Miami-Dade County
2. The firm’s main office is located in Miami-Dade country for a minimum of one-year; and
3. Majority of the firm’s employees are located within Miami-Dade County at the time of the local preference is applied.

The application of the policy varies depending on the selection process that is utilized.

Mr. Rodriguez informed Members that during the Operations Committee meeting, firms attended the meeting and expressed different viewpoints. The firms expressed that the Policy is too restrictive; and may unintentionally exclude firms that significantly contribute to the growth and economic development in Miami-Dade County. The Committee thoroughly discussed the Local Preference Policy and directed staff to discuss this issue with Miami-Dade County for available options in this regard; and inquire about how to modify Florida Statutes regarding local preference programs. Additionally, the Committee directed staff to bring back proposed revisions to the Local Preference Policy regarding how businesses will be certified as local and establishing eligibility criteria. The Committee’s direction was unanimously approved.

ANNOUNCEMENTS

- Board of Directors Meeting, 12/10/13, 2:00 p.m., William M. Lehman MDX Building

ADJOURNMENT

The meeting was adjourned by Mr. Gonzalez.

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