

RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

OF THE

E-470 PUBLIC HIGHWAY AUTHORITY

Held: Thursday, July 8, 2021, at 9:00 a.m. Please note in person, public participation is now possible but may be limited by space capacity considerations at the authority's offices in the light of the COVID-19 pandemic and, accordingly, all public are also welcome to participate virtually via the following: Zoom Meeting Information for Non-Panelists: <https://us02web.zoom.us/j/88390012772> Dial-In Information: 346-248-7799 Webinar ID: 883 9001 2772.

Attendance: A regular meeting of the Board of Directors of the E-470 Public Highway Authority was held as scheduled and in accordance with applicable statutes of the State of Colorado, with the following directors present:

Chaz Tedesco, Adams County Commissioner
John Diak, Councilmember Town of Parker
George Teal, Douglas County Commissioner
Craig Hurst, Councilmember Commerce City
Francoise Bergan, Mayor Pro Tem City of Aurora
Jessica Sandgren, Mayor Pro Tem, City of Thornton
Tim Watts, Councilmember, City of Brighton

Wynne Shaw, Councilmember, City of Lone Tree (*non-voting*)
Lori Saine, Commissioner, Weld County (*non-voting*)
Peggy Catlin, RTD (*non-voting*)
Kelly Brown, CDOT/HPTE (*non-voting*)

Also present were: Heather Burke, PIO, Jessica Carson, operations director, Geoffrey Doctoroff, risk management supervisor, Ryan Dole, senior financial analyst, Kevin Dong, ops intern, Anker Eisenman, roadway intern, Bruce Emberley, operations and tolling services manager, Terry Fabrizio, operations coordinator, Neha Garaga, intern Atkins/E-470, Jacob Kramer, HR manager, Diane Lundquist, executive assistant, Tricia Morales, operations analyst, Jason Myers, finance director, Ken Smith, information technology director, Tim Stewart, executive director, Neil Thomson, engineering and roadway maintenance director, Ryan Thornton, IT infrastructure and operations senior manager, Anthony Tomlinson, help desk administrator and Chuck Weiss, engineering manager, E-470 Public Highway Authority; Mac Callison, City of Aurora;

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Chris Chovan, Adams County Public Works; Dave Kristick, Atkins; Kirk Strassman, Conduent Transportation; Mark Shotkoski, NWPLLC; Jack Nichols, Ram Mishra and Susan Ermish, WSP; Scott Spendlove, Intermountain Public Affairs; and Karlie Ogden and Tamara Seaver, Icenogle Seaver Pogue, P.C.

Call to Order: Councilmember Diak, noting the presence of a quorum of the directors, called the regular meeting to order at 9:15 a.m.

Pledge of Allegiance: Councilmember Diak led all present in the Pledge of Allegiance.

Public Comment: None.

Consent Calendar: Commissioner Teal moved approval of the consent agenda, comprising meeting minutes of June 10, 2021 regular meeting and Atkins NTE Amendment. The motion was seconded by Mayor Pro Tem Bergan and approved unanimously by the Board.

Engineering and Roadway Maintenance Department:

Remnant Property Disposition:

Mr. Weiss addressed the Board regarding an unsolicited offer to purchase a remnant parcel of approximately 25 acres south of the Quincy/Gun Club intersection (RE-65-RT). He reported that the surplus property is not needed for future Authority projects and can be sold. He then reported that Arapahoe County had requested the dedication of approximately 3 acres of the parcel to accommodate the County's future Gun Club widening project. He reviewed Resolution 20-02 regarding remnant parcel disposition as applied to the unsolicited proposal. He then noted the staff recommended that the board approve dedication of the 3-acre parcel to be identified to Arapahoe County and then dispose of the remaining property comprising the current parcel by public auction as designated by Resolution 20-02.

Following discussion, Mayor Pro Tem Bergan moved that the Board approve the contribution of approximately 3 acres of parcel RE-65-RT to Arapahoe County per Resolution 20-02 and authorizes the Executive Director and General Counsel to execute the required real property agreements, the Board also authorizes the public auction of the balance of the RE-65-RT parcel with the purchase sale offer being presented to the

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Board for final approval. The motion was seconded by Commissioner Teal and approved unanimously by the Board.

48th Avenue
Interchange
Feasibility
Study
Authorization:

Mr. Thomson then reviewed with the Board of Directors a request for a 48th Avenue Interchange feasibility study authorization. He reported regarding details of the request from the City of Aurora seeking to accelerate the construction of the planned future E-470/48th Avenue interchange and suggesting various intergovernmental agreements related thereto.

Mr. Callison from the City of Aurora then addressed the Board of Directors and described the City's request and matters related thereto. He reported on the Windler Public Improvement Authority having been established as the funding mechanism to allow for the acceleration and to pay associated costs.

Mr. Thomson then presented staff's overview of the project in light of Board Resolution 2018-07 which contemplated future evaluation of projects. Mr. Thomson noted that the revenue impacts of the interchange were still uncertain and that the Finance Department would be evaluating those as well as the engineering considerations to be evaluated by the Engineering Department.

Commissioner Teal inquired as to whether the project was within the zone of the next road widening project and Mr. Thomson confirmed its location within the area of the road widening project. Commissioner Tedesco made comment on concern about the Authority's budgeting given the many interchanges under consideration. Mr. Stewart addressed the query noting the funding for this road widening project and that any additional interchanges would need to be funded with some funding provided by partners, with the Board ultimately approving any changes to the currently approved budget for the road widening project.

Councilmember Watts moved to authorize the Executive Director to proceed to conduct a Feasibility Study in accordance with Resolution 18-07, the purpose of the study would be to review acceleration of the construction of the future 48th Avenue interchange with the recommendations and related Intergovernmental Agreements be presented to the Board for final approval. Mayor Pro Tem Bergan then seconded the motion which was unanimously approved.

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Operations

Department:

Mittera and
LGBS Contract
Amendments:

Ms. Seaver updated the Board of Directors regarding recent litigation regarding the Fair Debt Collection Practices Act in 11th Circuit Court of Appeals and other “copycat” cases around the country which were brought to the Authority’s attention by the Authority’s collections counsel, Linebarger Goggin Blair & Sampson, LLP (“LGBS”). She reviewed the substance of the litigation and the proposed solution to any future issues. Ms. Carson then noted the ruling will allow printing and mailing to be moved to the LGBS print house which lowers the NTE amount of the Mittera contract and increases the LGBS by the same amount.

Following Board Discussion, Mayor Pro Tem Berger moved to approve the First Amendment to the 2019 contract with Mittera Colorado LLC to reduce the scope of work performed annually by Mittera by removing two collection letter cycles of print and postage services, resulting in a reduction in the overall Contract not-to-exceed amount for 2021 from \$5,197,000 to \$4,947,000 via reduction to the 2021 Annual Budget Plan in the amount of \$250,000, and to authorize the Executive Director and General Counsel to negotiate and execute the associated contract amendment. The motion was seconded by Commissioner Teal and approved unanimously by the Board of Directors.

Thereafter, Commissioner Teal moved that the Board authorize increasing the scope of work under the Linebarger Goggin Blair & Sampson, LLP contract to add two collection letter cycles of print and postage services and to delegate the Authority’s Executive Director the authority to negotiate an amendment to the Linebarger Contract to reflect the added scope at rates which are commensurate with those charged to the Authority by Mittera, subject to the review and approval of General Counsel. The motion was seconded by Councilmember Watts and approved unanimously by the Board.

Executive

Director Report:

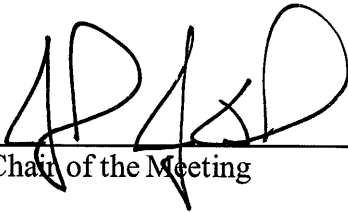
Mr. Thomson introduced Anker Eisenman to the Board of Directors, he is from the Colorado School of Mines and is an intern in the roadway department. Ms. Carson then introduced Kevin Dong from Seattle University as an intern in the operations department. She next introduced Neha Garaga, from the University of Denver who is working collectively with Atkins and as an intern with E-470. Susan Ermish next introduced Ram Mishra who is attending the University of Denver and working as an intern with WSP.

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Mr. Stewart then addressed the Board of Directors and commented on the IBTTA programs working on getting young people invested in transportation and how E-470's intern program was linked to that effort. He then mentioned the Authority's 30th Anniversary celebration and noted information was on BoardPaq. He also mentioned the status of discussions with HPTE regarding the Tolling Services Agreement. Councilmember Watts asked to have the information re-sent to him. Finally, he mentioned that TSF Golf Tournament and encouraged Board participation in the event if possible.

Other Business: None.

Adjournment: There being no further business to come before the Board, Councilmember Diak adjourned the meeting at 10:00 a.m.



Chair of the Meeting