

**AEROTROPOLIS AREA COORDINATING METROPOLITAN DISTRICT  
("DISTRICT")**

8390 East Crescent Parkway, Suite 300  
Greenwood Village, CO 80111  
Phone: 303-779-5710

**NOTICE OF A SPECIAL MEETING AND AGENDA**

<u>Board of Directors:</u>	<u>Office:</u>	<u>Term/Expiration:</u>
Matt Hopper	President	2022/May 2022
Carla Ferreira	Vice President	2022/May 2022
Michael Sheldon	Treasurer	2023/May 2023
Cynthia (Cindy) Shearon	Assistant Secretary	2023/May 2023
VACANT	Assistant Secretary	2022/May 2022
VACANT	Assistant Secretary	2023/May 2023
VACANT	Assistant Secretary	2023/May 2023
Denise Denslow	Secretary	N/A

DATE: **July 15, 2021**  
TIME: **1:00 P.M.**  
PLACE: **Information Center  
3900 E. 470 Beltway  
Aurora, CO 80019**

**THERE WILL BE ONE PERSON PRESENT AT THE ABOVE-REFERENCED PHYSICAL LOCATION.**

**DUE TO CONCERNS REGARDING THE SPREAD OF THE CORONAVIRUS (COVID-19) AND THE BENEFITS TO THE CONTROL OF THE SPREAD OF THE VIRUS BY LIMITING IN-PERSON CONTACT, THIS DISTRICT BOARD MEETING WILL BE HELD BY VIDEO ENABLED WEB CONFERENCE. IF YOU WOULD LIKE TO ATTEND THIS MEETING, PLEASE JOIN THE VIDEO ENABLED WEB CONFERENCE VIA ZOOM AT:**

Join Zoom Meeting

<https://zoom.us/j/93178372101?pwd=SU1NN3dDdGVleUQ0Y2M5MXVOS0JHUT09>

Meeting ID: 931 7837 2101

Passcode: 815129

Or Call in: 1-346-248-7799

**I. ADMINISTRATIVE MATTERS**

A. Present disclosures of potential conflicts of interest.

- B. Confirm Quorum, location of meeting and posting of meeting notices. Approve Agenda.
- C. Public Comment. Members of the public may express their views to the Board on matters that affect the District that are otherwise not on the agenda. Comments will be limited to three (3) minutes per person.

## **II. CONSENT AGENDA**

Consent Agenda – These items are considered to be routine and will be ratified by one motion. There will be no separate discussion of these items unless a board member so requests; in which event, the item will be removed from the Consent Agenda and considered in the Regular Agenda.

- A. Review and consider approval of June 17, 2021 special meeting minutes (enclosure).

## **III. LEGAL MATTERS**

- A. Discuss status of proposed Terms for Cooperative Agreement Regarding Construction of The Aurora Highlands Parkway by and between Aerotropolis Regional Transportation Authority (“**ARTA**”), the District and East Cherry Creek Valley Water & Sanitation District and authorize execution of same.
- B. Convene in executive session pursuant to Section 24-6-402(4)(e), C.R.S., to discuss matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators and receive legal advice regarding same.
- C. Discuss and consider approval of Partial Termination of Temporary Construction Easement Agreement by and among Green Valley East LLC, Aurora Highlands LLC, GVRE 470 LLC, SJSA Investments LLC, Aurora Highlands Holdings LLC, Aurora Tech Center Holdings LLC, GVR King Commercial LLC (to be distributed).
- D. Discuss and consider approval of Engagement Letter by and between the District and Kutak Rock LLP for an opinion related to the enforceability of the Intergovernmental Agreement regarding Imposition, Collection and Transfer of ARI Mill Levies by and among ATEC Metropolitan District No. 1, ATEC Metropolitan District No. 2, the District and ARTA (to be distributed).
- E. Discuss and consider adoption of Joint Resolution of the Boards of Directors of The Aurora Highlands Community Authority Board (“**CAB**”) and the District Appropriating, Encumbering and Committing Funds for Earthwork Project (to be distributed).

**IV. FINANCIAL MATTERS**

- A. Consider approval of payment of claims for operating costs, in the amount of \$59,779.94 (numbers based upon information available at time of preparation of Agenda, final numbers to be presented by accountant at meeting) (enclosure).
- B. Review and accept cash position report dated April 30, 2021, updated as of July 7, 2021 (enclosures).
- C. Discuss and consider approval of recommendation to the CAB for acceptance of the CAB and District Engineer’s Report and Verification of Costs Associated with Public Improvements (Draw No. 37) Engineer’s Report and Verification of Costs No. 14 prepared by Schedio Group LLC (enclosure).
- D. Discuss status of draft Audit and consider authorization to file a Request for Extension of Time to File Audit for Year-End December 31, 2020.

**V. CAPITAL PROJECTS**

- A. Discuss and consider approval of Draw Request No. 37, in the total amount of \$2,702,582.55\* prepared by the District’s accountant (enclosures - Draw Request No. 37 Summary and list of draw checks):

CAB (A Bonds)	\$1,717,621.24
CAB (B Bonds)	\$ 8,061.49
ARTA	\$ 963,534.18
ATEC	\$ 6,196.80
Developer	\$ 7,168.84
Total:	<u><u>\$2,702,582.55*</u></u>

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\* Numbers based upon information available at time of preparation of Agenda, final numbers to be presented by accountant at meeting.

**District Capital Projects:**

- B. Discuss and consider Lender Commitment to fund and approve **Change Order No. 01 to Task Order No. 06 to Master Service Agreement (“MSA”)** for Program Management, Design and Construction Support Services by and between the District and **AECOM Technical Services, Inc.**, for Statewide Grading Analysis, in the amount of \$39,597.50, subject to approval of the Construction Committee.
- C. Discuss and consider Lender Commitment to fund and approve **Task Order No. 01 to MSA** for Program Management, Design and Construction Support Services (Aerotropolis Regional Transportation Authority Projects) by and between the

District and **AECOM Technical Services, Inc.**, for ECCV Waterline Bypass Design, in the amount of \$85,050.00, subject to approval of the Construction Committee.

- D. Discuss and consider Lender Commitment to fund and approval of **Change Order No. 10** to the **Construction Agreement** by and between the District and **Aggregate Industries – WCR, Inc.**, for 42<sup>nd</sup> P2 NS Collector (Adjust Manholes at NS Collector), in the amount of \$4,099.00, subject to approval of the Construction Committee.
- E. Discuss and consider Lender Commitment to fund and approve **Change Order No. 01 to Task Order No. 45** to **MSA** for Surveying Services by and between the District and **Aztec Consultants, Inc.**, for Miscellaneous Conduit Staking, in the amount of \$17,180.00, subject to approval of the Construction Committee.
- F. Discuss and consider Lender Commitment to fund and approve **Task Order** to **MSA** for Surveying Services by and between the District and **Aztec Consultants, Inc.**, for Landscape Staking, in the amount of \$10,000.00, subject to approval of the Construction Committee.
- G. Discuss and consider Lender Commitment to fund and approval of **Change Order No. 03** to the **Construction Agreement** by and between the District and **Brightview Landscape Development, Inc.**, for Entry Monument 5A & 5B (Est. #13 – Furnish and Install Temporary Solar Power System), in the amount of \$6,151.00, subject to approval of the Construction Committee.
- H. Discuss and consider Lender Commitment to fund and approval of **Change Order No. 04** to the **Construction Agreement** by and between the District and **Brightview Landscape Development, Inc.**, for Landscape, Hardscape & Monumentation (PCI #007 – Tree Spading, PCI #008 - Sod and PCI #009 – Relocate 15 Ash Trees), in the amount of \$168,015.00, subject to approval of the Construction Committee.
- I. Discuss and consider Lender Commitment to fund and approval of **Change Order No. 05** to the **Construction Agreement** by and between the District and **Brightview Landscape Development, Inc.**, for Landscape, Hardscape & Monumentation (PCI #14 – Install Irrigation for the Event Lawn), in the amount of \$158,907.00, subject to approval of the Construction Committee.
- J. Discuss and consider Lender Commitment to fund and approval of **Task Order No. 02** to the **MSA** for Lighting Design and Electrical Engineering Services by and between the District and **Clanton Engineering, Inc., D/B/A Clanton & Associates**, for Lighting and Electrical Design for the I-70/Harvest Road

Interchange, in the amount of \$37,244.00, subject to approval of the Construction Committee.

- K. Discuss and consider Lender Commitment to fund and approval of **Task Order No. 03** to the **MSA** for Lighting Design and Electrical Engineering Services by and between the District and **Clanton Engineering, Inc., D/B/A Clanton & Associates**, for Lighting and Electrical Design for Harvest Road to 26<sup>th</sup> Avenue, in the amount of \$37,591.00, subject to approval of the Construction Committee.
- L. Discuss and consider Lender Commitment to fund and approval of **Change Order No. 05** to the **Construction Agreement** by and between the District and **Concrete Curb & Paving, Inc.**, for 42<sup>nd</sup> P2 NS Collector Pkwy (COR #05 – Concrete Material Cost Increase, COR #06 – T&M to Remove Excessive Dirt, Invoice #21135 – Remove Approx. 50 LF of Curb), in the amount of \$9,325.91, subject to approval of the Construction Committee.
- M. Discuss and consider Lender Commitment to fund and approval of **Change Order No. 01 to Task Order No. 18** to **MSA** for Geotechnical Services by and between the District and **CTL Thompson, Inc.**, for Main Street Phase 1 & 2 Pavement Design and COMT, in the amount of \$20,488.00, subject to approval of the Construction Committee.
- N. Discuss and consider Lender Commitment to fund and approval of **Change Order No. 01 to Task Order No. 19** to **MSA** for Geotechnical Services by and between the District and **CTL Thompson, Inc.**, for 42<sup>nd</sup> Avenue Phase 2, NS Collector, TAH Parkway Water COMT, in the amount of \$27,058.00, subject to approval of the Construction Committee.
- O. Discuss and consider Lender Commitment to fund and approval of **Change Order No. 01 to Task Order No. 25** to **MSA** for Geotechnical Services by and between the District and **CTL Thompson, Inc.**, for Tributary T Infrastructure and Main Street 03 Construction Testing, in the amount of \$141,798.00, subject to approval of the Construction Committee.
- P. Discuss and consider Lender Commitment to fund and approval of **Change Order No. 13** to the **Construction Agreement** by and between the District and **Dynaelectric Company**, for TAH Filing 1 - Lighting (CCN # CO 17 – Replace Temporary Light Pole and CCN #CO 18 – Relocate 10 Temporary Light Poles and Solera Fixtures), in the amount of \$22,772.73, subject to approval of the Construction Committee.
- Q. Discuss and consider Lender Commitment to fund and approval of **Work Order No. 04** to the **Construction Management Agreement (CMAR)** with **JHL**

- Constructors, Inc.**, for 36" Water Tie-Ins and Irrigation Taps, for an amount not to exceed \$852,935.00, subject to approval of the Construction Committee.
- R. Discuss and consider Lender Commitment to fund and approval of **Work Order No. 05** to the **Construction Management Agreement (CMAR)** with **JHL Constructors, Inc.**, for District Directed Miscellaneous Work, for an amount not to exceed \$100,000.00, subject to approval of the Construction Committee.
- S. Discuss and consider Lender Commitment to fund and approval of **Work Order No. 06** to the **Construction Management Agreement (CMAR)** with **JHL Constructors, Inc.**, for Section 30 Mass Grading, for an amount not to exceed \$2,620,000.00, subject to approval of the Construction Committee.
- T. Discuss and consider Lender Commitment to fund and approval of **Change Order No. 54** to the **Construction Agreement** by and between the District and **JHL Constructors, Inc.**, for Trib T Aurora Pkwy P3 & Mainstreet P3 (Added Springline Flowfill Embedment & Concrete Cutoff Wall for Emergency Spill Way), in the amount of \$82,543.84, subject to approval of the Construction Committee.
- U. Discuss and consider Lender Commitment to fund and approval of **Change Order No. 55** to the **Construction Agreement** by and between the District and **JHL Constructors, Inc.**, for Trib T Aurora Pkwy P3 & Mainstreet P3 (Weed Mitigation and Mowing at Main Street to Pond 8508), in the amount of \$13,689.74, subject to approval of the Construction Committee.
- V. Discuss and consider Lender Commitment to fund and approval of **Change Order No. 56** to the **Construction Agreement** by and between the District and **JHL Constructors, Inc.**, for Trib T Aurora Pkwy P3 & Mainstreet P3 (Design Build Electrical Revision 3), in the amount of \$1,672,391.24, subject to approval of the Construction Committee.
- W. Discuss and consider Lender Commitment to fund and approval of **Change Order No. 01 to Task Order No. 03** to the **MSA** for Subsurface Utility Engineering by and between the District and **Lamb-Star Engineering, L.P.**, for Subsurface Utility Engineering Services, in the amount of \$77,244.00, subject to approval of the Construction Committee.
- X. Discuss and consider Lender Commitment to fund and approval of **MSA** for Program Management Services by and between the District and **Matrix Design Group, Inc.**, subject to approval of the Construction Committee.
- Y. Discuss and consider Lender Commitment to fund and approval of **Task Order No. 27** to the **MSA** for Planning and Landscape Architecture Services by and

between the District and **Norris Design, Inc.**, for E-470 Interchange and Assistance with Development and Approval of the Parkway Landscape between the Bridge and Main Street, in the amount of \$131,250.00, subject to approval of the Construction Committee.

- Z. Discuss and consider Lender Commitment to fund and approval of **Change Order No. 01 to Task Order No. 15** to the **MSA** for Planning and Landscape Architecture Services by and between the District and **Norris Design, Inc.**, for Neighborhood Park #1 (School/Park), in the amount of \$13,000.00, subject to approval of the Construction Committee.
  
- AA. Discuss and consider Lender Commitment to fund and approval of **Change Order No. 01 to Task Order No. 18** to the **MSA** for Planning and Landscape Architecture Services by and between the District and **Norris Design, Inc.**, for Secondary Monuments and Entries, in the amount of \$20,000.00, subject to approval of the Construction Committee.
  
- BB. Discuss and consider Lender Commitment to fund and approval of **Change Order No. 12** to the **Construction Agreement** by and between the District and **Stormwater Risk Management, LLC**, for 42<sup>nd</sup> Avenue P2 and NS Collector EWEC (COR No. 5 – Furnish and Install Straw Wattles and COR No. 2 – Hydro-Mulch TAH Staging Yard), in the amount of \$19,372.08, subject to approval of the Construction Committee.
  
- CC. Discuss and consider Lender Commitment to fund and approval of **Change Order No. 15** to the **Construction Agreement** by and between the District and **Wagner Construction, Inc. – Colorado**, for 42<sup>nd</sup> Ave P2 and NS Collector Pkwy Waterline (Stabilize Pond due to Snow/Rain), in the amount of \$15,797.62, subject to approval of the Construction Committee.
  
- DD. Presentation by Construction Manager concerning projects at substantial completion and close-out of Construction Agreements.
  - i. Consider recommendation of Construction Manager and direction to publish Notice of Final Payment and related authorization for release of final retainage for the following completed Construction Agreements:
    - a. Aggregate Industries – E-470 & 38<sup>th</sup> Phase 1;
    - b. Iron Woman Construction and Environmental Services, LLC – Main Street P1-2, 42<sup>nd</sup> & Aura Blvd. P1 Concrete;
    - c. Stormwater Risk Management, LLC – Sanitary Sewer F1;
    - d. Stormwater Risk Management, LLC – Main Street P1-2, 42<sup>nd</sup> & Aura Blvd. P1;

- e. Stormwater Risk Management, LLC – 38<sup>th</sup> Place & 38<sup>th</sup> Ave;
- f. Stormwater Risk Management, LLC – 38th Pwky (Reserve - Powhatan);
- g. Stormwater Risk Management, LLC – 38th Pkwy (Powhatan - Monaghan);
- h. Stormwater Risk Management, LLC – Residential F1; and
- i. Stormwater Risk Management, LLC – Community Markers.

**VI. ARTA MATTERS**

- A. Other.

**VII. OTHER BUSINESS**

**VIII. ADJOURNMENT**

**THE NEXT REGULAR MEETING IS SCHEDULED FOR AUGUST 19, 2021.**