

**RECORD OF PROCEEDINGS  
MINUTES  
of the  
Board of Water Commissioners**

Denver Water Administration Building  
1600 West 12<sup>th</sup> Avenue  
Denver, CO  
Board Room, Third Floor

**Wednesday, March 8, 2017**

---

**Open Session**

A duly called Regular Meeting of the Board of Water Commissioners was held Wednesday, March 8, 2017, beginning at 9:00 a.m. in the Board Room, Room 309, 1600 West 12<sup>th</sup> Avenue, Denver, Colorado. Members of the Board present during the Regular Meeting were:

**Paula Herzmark, President**  
**H. Gregory Austin, Vice President**  
**Thomas A. Gougeon, Vice President**

Board employees and others present during portions of the meeting were:

J.A. Anderson, Chief of Staff	A. Ingram, Contract Supervisor
A.C. Bricmont, Chief Financial Officer	M. H. Iverson, Business Operations Manager
S. Covington, Chief Public Affairs Officer	J. Kearns, Contract Specialist
C.R. Dermody, Chief Information Officer	J. Light, Engineer Sr.
B.D. Good, Chief Administrative Services Officer	R. Lindgren, Director SOS
M. King, Chief Planning Officer	J. Lorton, Accounting Manager
J.S. Lochhead, CEO/Manager	C. Marshall, Planning Manager
R.J. Mahoney, Chief Engineering Officer	B. Maulis, Contract Specialist
E. Martinez, <i>Acting</i> Chief Human Resources Officer	B. McKenna, Planning Supervisor
T.J. Roode, Chief Operations and Maintenance Officer	M. Overn, Temporary Employee
P.L. Wells, General Counsel	K. Petrik, Director Engineering – Construction
S. Abram, Treasurer	C. Piper, Public Affairs Manager
K. Bates, Attorney	B. Ransom, Recreation Manager
	J. Seagren, Distribution Relations Manager
	J. Shaw, Community Relations Sr. Specialist
	J. Soldano, Engineer Associate

***Denver Water aspires to be the best water utility in the nation.***

Integrity :: Vision :: Passion :: Excellence :: Respect



L. Billeter, Community Relations Sr. Specialist  
 A. Chavez, Contract Specialist  
 A. Chotiner, Business Operations Manager  
 M. Elliott, Director Stakeholder Relations  
 V. Gaiter, Sales Supervisor  
 R. Gallen, Contract Specialist  
 D. Hamm, Division Analyst  
 Y. Her, Contract Supervisor

R. Stitt, Planner Lead  
 A. Turney, Director Engineering – Property  
 J. Wittler, Attorney  
 J. Ellsworth, High Line Canal Conservancy  
 N. Itin, High Line Canal Conservancy  
 H. Lamair, High Line Canal Conservancy  
 D. McDermott, High Line Canal Conservancy  
 L. Moden, University of Denver  
 J. Stauber, High Line Canal Conservancy

### INTRODUCTORY BUSINESS

Commissioner Herzmark called the meeting to order at 9:25 a.m.

Upon motion regularly made, seconded and unanimously carried, Commissioners Lucero and Tate were found to be absent for substantial cause and were excused.

### Public Comment and Communications

Commissioner Herzmark issued an invitation to members of the public to comment to the Board on any matters not included in the Agenda for the meeting. There was no response.

### ACTION ITEMS

Upon motion regularly made, seconded and unanimously carried by the Commissioners then present, unless otherwise noted, the Board acted upon the following agenda items:

**1. ITEM II-A-1: MINUTES OF FEBRUARY 8, 2017**

The Minutes of the Regular Meeting of February 8, 2017 were approved.

The Minutes of the Executive Session of February 8, 2017 were approved.

**2. ITEM II-A-2: MINUTES OF FEBRUARY 22, 2017**

The Minutes of the Regular Meeting of February 22, 2017 were approved.

The Minutes of the Executive Session of February 22, 2017 were approved.

**3. ITEM II-A-3: CONTRACT 16954A-C TRENCH SHORING EQUIPMENT RENTALS**

Approved Contracts 16954A-C with Trench Shoring Services and United Rentals (N.A.), Inc. for trench shoring equipment rental for the contract period of April 1, 2017 through March 31, 2020, for a total contract amount not to exceed \$120,000.

**4. ITEM II-A-4: CONTRACT 16975A-C ASPHALT AND CONCRETE SAWCUTTING**

Approved Contracts 16975A-C with Russ T. Diamonds, Inc. and DeAndrea Coring and Sawing, Inc. for asphalt and concrete saw cutting services for the contract period of May 1, 2017 through April 30, 2020, for a total contract amount not to exceed \$300,000.

**5. ITEM II-5: CONTRACT 17002A VALVE REPLACEMENTS AT W. 29<sup>TH</sup> AVENUE AND SHERIDAN BOULEVARD**

Approved Contract 17002A with Concrete Works of Colorado, Inc. for the Valve Replacements at W. 29<sup>th</sup> Avenue and Sheridan Boulevard for the contract period of March 8, 2017 through June 16, 2017, for a total contract amount not to exceed \$740,000.

**6. ITEM II-A-6: CONTRACT 17050A LUPTON LAKES COMPLEX, BROMLEY PROPERTY ACQUISITION – PARCEL 3, PURCHASE AND SALE AGREEMENT**

Approved Contract 17050A with the Theodore Shipman Living Trust and TRS Equities, LLC for the purchase of 16.55 acres of Parcel 3, for a total contract amount not to exceed \$464,000.

**7. ITEM II-A-7: CONTRACT 14510A FIFTH AMENDMENT TO LEGAL SERVICES CONTRACT WITH HOGAL LOVELLS US LLP**

Approved the Fifth Amendment to Contract 14510A with Hogan Lovells US, LLP for legal services. The Amendment extends the contract period through March 31, 2019 and adds \$150,000, for a total amended contract amount not to exceed \$950,000.

**8. ITEM II-A-8: DESIGNATION OF SURPLUS PROPERTY CONDUIT NO. 74 AT I-70 AND PEORIA STREET**

Declared 3.98 acres of Conduit No. 74 fee property as surplus, as it is not required for water works purposes.

**9. ITEM II-A-9: RATIFICATION OF CONSTRUCTION CONTRACT CHANGE ORDERS, AMENDMENTS, AND AMENDMENTS TO AGREEMENTS**

Ratified Construction Contract Change Orders, Amendments, and Amendments to Agreements authorized in January and February, 2017 as follows:

1. Change Order No. 1 to Contract 15245D with Sturgeon Electric Company, Inc.;
2. Change Order No. 1 to Contract 15563A with Environmental Logistics;
3. Amendment No. 1 to Contract 15547A with Asian Construction, Inc.;
4. Amendment No. 2 to Contract 15630E with Mortenson Construction;
5. Change Order No. 1 to Contract 15630E with Mortenson Construction;
6. Change Order No. 1 to Contract 16044A with Interstate Highway Construction, Inc.; and
7. Change Order No. 1 to Contract 16712A with Burns & McDonnell Engineering Company, Inc.,

all as more particularly described in the attachment to Agenda Item ITEM II-A-9.

**10. ITEM III-B-1: HIGH LINE CANAL VISION PLAN**

Mr. Roode introduced Ms. Lamair, Executive Director of the High Line Canal Conservancy (HLC). Ms. Lamair presented the Board with the HLC's Vision Plan, a copy of which is attached to and incorporated in these Minutes as Exhibit A, as well as a pamphlet, which is attached to and incorporated in these Minutes as Exhibit B. She thanked the Board and Denver Water staff for their

support of the HLC project, and introduced HLC staff, Ms. Itin, Mr. McDermott, Mr. Ellsworth and Mr. Stauber.

Ms. Lamair described the visioning process, which included outreach to more than 3,500 people who reside along the 71 mile canal. This outreach engaged the public to imagine the potential benefits of the canal, which resulted in a Vision Statement: The High Line Canal's 71 meandering miles will be preserved and enhanced as a cherished greenway that connects people to nature and binds varied communities together from the foothills to the plains. The guiding principles are: Natural; Connected & Continuous; Varied; Managed; and Enhanced.

The HLC will next obtain endorsement of Vision Plan from all of the various jurisdictional entities responsible for the canal, and then create a master plan and develop a committed conservancy with stakeholders to steward the canal well into the future. The HLC endeavors to create a long-term, enduring and sustainable funding plan, which it hopes to share with the Board in 2018. To date, the HLC has raised more than \$800,000, including 51% from private donors, 27% from various jurisdictions, 13% from Denver Water and 9% from Great Outdoors Colorado.

Mr. Lochhead thanked the Board, staff and HLC staff for their leadership on this highly complex project.

In response to a question from Commissioner Austin, Ms. Lamair stated that one of the HLC goals is to relieve Denver Water of some of its roles related to the canal.

Commissioner Herzmark commended the HLC leadership, Board and staff for supporting this project from the beginning, and remarked that it is an opportunity to take 71 miles through the metro area and develop it into an educational, recreational and health resource for the entire community.

The Board unanimously approved the Resolution, a copy of which is attached to and incorporated in these Minutes as Exhibit C.

## POLICY MATTERS

### 11. ITEM III-A-1: SUPPLIER DIVERSITY ANNUAL REPORT

This item was removed from the Agenda.

**12. ITEM III-A-2: REGULATORY SUPPORT PROJECT**

Ms. McKenna addressed the Board with a Regulatory Support Project presentation, a copy of which is attached to and incorporated in these Minutes as Exhibit D. The purpose of the Regulation, commonly known as Regulation 84, is to establish requirements, prohibitions, standards and concentration limits for the use of reclaimed water, to protect human health and the environment. Every three years, the Colorado Department of Public Health and the Environment (CDPHE) reviews the regulation and any proposed amendments. Since its implementation in 2000, Denver Water has been instrumental in amending the regulation. CDPHE has set a date in August 2018 to conduct a hearing for proposed amendments. Denver Water will work with a consultant to educate and try to persuade the CDPHE to add the following additional uses for reclaimed water: 1) irrigation for edible crops in an urban/community garden setting; (2) irrigation for edible crops for commercial agriculture (including commercial marijuana operations); 3) indoor toilet and urinal flushing; 4) livestock washdown operations; and 5) discharge to impoundments. In addition to expanding the utilization of recycled water, these additions would build the framework for the OneWater project at Denver Water's new campus.

Mr. Lochhead remarked that the State Water Plan encourages reuse and recycled water. However, the regulatory structure in Colorado is not necessarily equipped to pursue this agenda. The Colorado Water Conservation Board and the Water and Power Authority have provided the CDPHE with financial resources to engage in the research necessary to understand the potential for recycled water.

Commissioner Gougeon thanked Denver Water's staff for broadening the list of uses for recycled water.

**EXECUTIVE UPDATE****13. ITEM IV-A: CEO UPDATE**

Mr. Lochhead said that he attended the formal signing and press event for the Forests to Faucets Partnership, which expanded to include private land owners. He attended a gathering of utility CEO's private sector technology organizations to discuss new applications, such as smart metering devices for homeowners. Additionally, he conducted employee forums to engage employees with the new Strategic Plan and to begin to outline the process for aligning Division, Section,

and individual with the Plan. Section leaders will begin to undergo the alignment process on March 16, 2017

**14. ITEM IV-B: CFO UPDATE**

Ms. Bricmont shared an update of the ORCA Phase I project, stating that staff is working to meet managers' needs for additional reports. She remarked that in April, the Board will receive reports of quarterly actuals to budget and 2016 year end actuals to budget. Ms. Bricmont and Mr. Dermody said that the ORCA Phase II project is going well and tracking the schedule.

**15. ITEM IV-C: OPERATIONS UPDATE**

Commissioner Austin addressed Mr. Roode, stating that he is concerned about Denver Water's long-term financial role with regard to the High Line Canal Conservancy. He supports the current financial obligation, especially if it eventually results in a reduction of Denver Water's responsibilities and costs for the Canal. Mr. Roode agreed that Denver Water's obligation should decrease, as those who benefit from the Conservancy's work increase their financial support for its maintenance. Commissioner Herzmark commented that the Conservancy is committed to building a sustainable financial mechanism to support such maintenance and increase parks alongside the trail. Mr. Lochhead remarked that as Denver Water weans customers off of Canal water deliveries, Denver Water's financial obligations for the Canal will decrease.

**BRIEFING PAPERS & REPORTS**

**16. ITEM V-A-1: LEGISLATIVE UPDATE**

The Board received a Briefing Paper for the Legislative Update, a copy of which is attached to and incorporated in these Minutes as Exhibit E. Mr. Piper mentioned that Denver Water is in discussions with the sponsor of HB17-1008, to amend the bill to allow Denver Water to conduct graywater research on its new campus and at the new National Western site.

**17. ITEM V-A-2: REGULATORY SUPPORT PROJECT (REGULATION 84)**

The Board received a Briefing Paper on the Regulatory Support Project, a copy of which is attached to and incorporated in these Minutes as Exhibit F.

**18. ITEM V-A-3: HYDROPOWER RESEARCH PROJECT**

The Board received a Briefing Paper on the Hydropower Research Project, a copy of which is attached to and incorporated in these Minutes as Exhibit G. In response to a request from Commissioner Austin, Mr. Good said that the Board will receive a presentation on this topic at a future Board meeting. He stated that this project involves a cooperative research development agreement with the Department of Energy, and is an endeavor to increase hydropower energy through the use of water in canals.

**ADJOURNMENT**

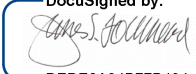
No further business appearing, the Board voted unanimously to adjourn into a Executive Session at approximately 10:30 a.m.

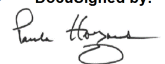
**EXECUTIVE SESSION**

On Wednesday March 8, 2017 , commencing approximately at 10:30 a.m. in the Board Room, Room 309, 1600 West 12th Avenue, Denver, Colorado, the Board of Water Commissioners met in Executive Session. The following matters, which are authorized by C.R.S. § 24-6-402 or D.R.M.C. § 2-34, were discussed during the Executive Session:

1. Attorney-Client Matters § 24-6-402(4)(b)
2. Confidential Reports § 24-72-204(3)(a)(IV)

There being nothing further for the Board to consider, the Executive Session concluded at approximately 10:57 a.m.

DocuSigned by:  
  
 DEDE0A34B77B464...  
 Secretary

DocuSigned by:  
  
 2DD3270B804842F...  
 President