

# AGENDA

## Denver Board of Water Commissioners

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

**Wednesday, October 9, 2019 9:00 a.m.**

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### I. INTRODUCTORY BUSINESS

#### A. Call to Order and Determination of Quorum

#### B. Public Comment and Communications

At this point in the agenda, the Board may allow members of the public to address the Board on any item of interest within the jurisdiction of the board, and not on the agenda for action. Speakers wishing to address a specific Action Item will be invited to address the board when the item is being considered. Three minutes are allowed for each person unless the President determines otherwise.

1. Distributor Communications
2. Citizen Advisory Committee Communications

#### C. Ceremonies, Awards and Introductions

### II. ACTION ITEMS

#### A. Consent Items

Items listed below are considered routine and may be enacted by one motion and vote. If any Board member desires discussion beyond explanatory questions, or corrections to the Minutes, the President may order that item to be considered in a separate motion and vote.

1. Minutes from September 11, 2019 – Open Session
2. Minutes from September 25, 2019 – Open Session
3. Special Contract – System Development Charges for Standalone Public Restrooms
4. First Amendment for Additional Contract Funds for Contract 503789, Perkins Coie, LLP

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**B. Individual Approval Items**

- |  |           |            |
|--|-----------|------------|
| 1. Resolution in Support of the High Line Canal Framework Plan | Tom Roode | 20 minutes |
|--|-----------|------------|

**III. POLICY MATTERS**

**IV. EXECUTIVE UPDATE**

**A. CEO Update**

**B. CFO Update**

**C. Operations Update**

**V. BRIEFING PAPERS & REPORTS**

**A. Briefing Papers**

**B. Reports**

**VI. ADJOURNMENT**

**VII. TRUSTEE MATTERS**

**VIII. EXECUTIVE SESSION**

The Board may adjourn the regular meeting and reconvene in executive session on topics authorized by D.R.M.C. Sec. 2-34

**A. Confidential Report D.R.M.C. Sec. 2-34**

# DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: October 9, 2019

Board Item: II-A-3

## Special Contract – System Development Charges for Standalone Public Restrooms

Action by Consent

Individual Action

### **Purpose and Background:**

Denver Water received a request from a municipal agency in our service area to reevaluate our position on how System Development Charges (SDC's) are charged for standalone public restroom facilities, such as those along recreation trails, that are outfitted with minimal, low maintenance fixtures used mostly in peak summer months.

Our currently approved SDC structure affords the ability to assess a price per 1,000 gallons of estimated annual demand by Special Contract. Without a Special Contract, these standalone public restroom facilities that are owned and operated by public agencies would otherwise be charged a nonresidential SDC rate.

Because nonresidential SDC's are structured to recoup costs for infrastructure associated with continuous use, that method may not reflect the minimal, yet seasonal water use of these types of standalone public restroom facilities. However, by evaluating the plumbing fixtures and flow demand, we can estimate the annual water demand these restroom facilities will need and calculate an SDC that recognizes the unique water use habits of these publicly owned and operated facilities. In addition, to reflect the seasonal nature of the water use habits at these restroom facilities are like that of an irrigation customer, the Special Contract includes a requirement to charge the current irrigation rate for all water used at the restroom facility.

This Special Contract allows Denver Water to work directly with other public agency partners to find fair solutions that also have a community benefit.

### **Budget and Schedule:**

There is no budgetary impact for this item.

### **S/MWBE Information:**

S/MWBE is not applicable for this item.

### **Recommendation:**

It is recommended that the Board approve the use of a Special Contract for Standalone Public Restrooms using the provisions outlined in the attached template.

### **Approvals:**

- James S. Lochhead, CEO/Manager
- Julie Anderson, Chief of Staff
- Jessica R. Brody, General Counsel
- Angela C. Bricmont, Chief Financial Officer

- Brian D. Good, Chief Administrative Officer
- Mike King, Chief External Affairs Officer
- Robert J. Mahoney, Chief Engineering Officer
- Thomas J. Roode, Chief Operations Officer

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# DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: October 9, 2019

Board Item: II-A-4

## First Amendment for Additional Contract Funds for Contract 503789, Perkins Coie, LLP

Action by Consent

Individual Action

### **Purpose and Background:**

The Office of General Counsel entered into Contract 503789 with Perkins Coie, LLP on December 5, 2018 to provide expertise and representation in the area of environmental litigation for the Gross Reservoir Expansion Project. The scope of work needed for this litigation has become better defined since entering into the original contract. This first amendment will add funds for the current litigation and consulting on related matters, as needed.

### **Budget and Schedule:**

The requested amendment amount of \$700,000 will increase the total amount of this contract to \$1,200,000 and the term of the contract is December 5, 2018 to December 31, 2021. Funds for this amendment will come from the 2019 budget for the Office of General Counsel, which has sufficient funds to pay the \$50,000 that is estimated to be needed in 2019. The remaining \$650,000 will be budgeted in years 2020 and 2021.

### **Selection of Business Partner:**

In September 2018, Denver Water issued a request for proposals (RFP) to provide legal services related to Denver Water's Clean Water Act, Section 404 permit for the Gross Reservoir Expansion Project which was distributed to law firms with environmental litigation expertise and to Colorado minority bar associations. It was also posted on Denver Water's bid board. Eight law firms responded to the RFP, of which three were invited to interview. None of the respondents had a MWBE or SBE certification. Perkins Coie, LLP was selected based on the relevant experience and qualifications of the lead attorneys, billing rate, interview, and absence of any apparent conflict of interest.

### **S/MWBE Information:**

S/MWBE is not applicable for this item.

### **Recommendation:**

It is recommended that the Board approve the first amendment to Contract 503789 with Perkins Coie, LLP for expertise and representation in the area of environmental litigation for the Gross Reservoir Expansion Project for an addition of \$700,000 for a total amended contract amount not to exceed \$1,200,000.

### **Approvals:**

- James S. Lochhead, CEO/Manager
- Julie Anderson, Chief of Staff
- Jessica R. Brody, General Counsel
- Angela C. Bricmont, Chief Financial Officer

- Brian D. Good, Chief Administrative Officer
- Mike King, Chief External Affairs Officer
- Robert J. Mahoney, Chief Engineering Officer
- Thomas J. Roode, Chief Operations Officer

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# DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: October 9, 2019

Board Item: II-B-1

## Resolution in Support of the High Line Canal Framework Plan

Action by Consent

Individual Action

### **Purpose and Background:**

Built in 1883 and purchased by Denver Water in 1924, the High Line Canal has played an important role in the Denver metro region for over a century. Denver Water and its partners want to continue planning for and supporting the numerous other community benefits, such as recreation and stormwater management the canal corridor provides.

In 2012, Denver Water entered into an MOU with the City and County of Denver, Arapahoe County and Douglas County to actively explore the potential of using the High Line Canal to better align with the needs of the community. The recommendations out of the MOU were to create an organization that supports a comprehensive community-based visioning and planning process for the High Line Canal corridor and to generate public and private funding to support the vision created through such a process. In 2014, the non-profit organization, the High Line Canal Conservancy (HLCC) was founded to lead this charge.

HLCC, with funding and input from partners, including Denver Water, created a Vision Plan that identified a variety of potential futures for the High Line and broad recommendations for next steps. Denver Water endorsed the Vision Plan in 2017.

Using the foundation of the Vision Plan, the HLCC further engaged the community, public and private stakeholders to create an actionable Framework Plan for the High Line Canal: *New Life for a Regional Legacy* (Plan). Along with critical recreation, safety, connectivity and enhancement concepts, this Plan includes provisions for continued irrigation and other waterworks purposes, stormwater integration, and long-term landscape recommendations.

Denver Water was an active participant in developing the Plan and helped fund the development of the Plan. The HLCC has asked all partner jurisdictions, including Denver Water, to pass a resolution formally recognizing their organization's support for the Plan and reconfirming their organization's commitment toward a regional management approach for the High Line Canal corridor.

### **Budget and Schedule:**

There is no budgetary impact for this item.

### **S/MWBE Information:**

S/MWBE is not applicable for this item.

### **Recommendation:**

It is recommended that the Board approve the resolution in support of the High Line Canal Framework Plan.

### **Approvals:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> James S. Lochhead, CEO/Manager    | <input type="checkbox"/> Brian D. Good, Chief Administrative Officer         |
| <input type="checkbox"/> Julie Anderson, Chief of Staff               | <input type="checkbox"/> Mike King, Chief External Affairs Officer           |
| <input checked="" type="checkbox"/> Jessica R. Brody, General Counsel | <input type="checkbox"/> Robert J. Mahoney, Chief Engineering Officer        |
| <input type="checkbox"/> Angela C. Bricmont, Chief Financial Officer  | <input checked="" type="checkbox"/> Thomas J. Roode, Chief Operations Office |

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