

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

Denver Water Administration Building
1600 West 12th Avenue
Denver, CO
Board Room, Third Floor

Wednesday, April 10, 2019

Open Session

A duly called Regular Meeting of the Board of Water Commissioners was held Wednesday, April 10, 2019, beginning at 9:00 a.m. in the Board Room, Room 309, 1600 West 12th Avenue, Denver, Colorado. Members of the Board present during the Regular Meeting were:

Paula Herzmark, President
H. Gregory Austin, Vice President
Craig Jones, Vice President

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

A.C. Bricmont, Chief Financial Officer	A. Joseph, Attorney
J. Brody, General Counsel	J. Long, Real Estate Broker/Negotiator
G. Cagle, Chief Human Resources Officer	C. Mbakogu, Division Sr. Analyst
C.R. Dermody, Chief Information Officer	P. McCormick, Project Engineer
B.D. Good, Acting CEO/Manager	C. Piper, Government Relations Manager
M. King, Chief External Affairs Officer	B. Ransom, Recreation Manager
R. Mahoney, Chief Engineering Officer	K. Riegle, Attorney
T.J. Roode, Chief Operations and Maintenance Officer	R. Stitt, Planner Lead
K. Bates, Attorney	A. Kenny, The Denver Post
G. Booth, Real Estate Manager	C. Lane, Platte Canyon Water and Sanitation District
S. Chesney, Director Public Affairs	K. Shafer, Trammel Crow
N. Elder, Planning Manager	

INTRODUCTORY BUSINESS

Commissioner Herzmark called the meeting to order at 9:16 a.m. Upon motion regularly made, seconded and unanimously carried, Commissioners Lucero and Reiff were found to be absent for good 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 public comment.

Legislative Update

Mr. Piper was available for questions concerning the Legislative Update Briefing Paper. The Board had no questions. Mr. Piper mentioned that he and staff are evaluating H.B. 19-1218, Loaned Water for Instream Flows to Improve Environment and H.B. 19-1231, New Appliance Energy and Water Efficiency Standards.

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 MARCH 13, 2019

Approved the Minutes of the Open Session Meeting of March 13, 2019.

2. ITEM II-A-2: MINUTES OF MARCH 27, 2019

Approved the Minutes of the Open Session Meeting of March 27, 2019.

3. ITEM II-A-3: AQUATIC NUISANCE SPECIES INSPECTIONS – CONTRACT 503893

Approved an Inter-Governmental Agreement with Colorado Parks and Wildlife (CPW), pursuant to which CPW will conduct inspections of watercraft at Denver Water's Antero, Eleven-mile and Williams Fork Reservoirs in an effort to prevent non-native mussels from entering the water. The contract period is January 1,

2019 through December 31, 2024, for a total contract amount not to exceed \$1,000,000.

4. ITEM II-A-4: FIFTH AMENDMENT TO LEGAL STAFFING AGREEMENT – CONTRACT 16730A/501432

Approved the Fifth Amendment to Contract 16730A/501432 with Legal Marketing and Staffing to provide temporary staff to the Office of General Counsel. The Amendment extends the contract period through July 31, 2020 and adds \$100,000, for a total contract amount not to exceed \$480,000.

5. ITEM II-B-1: SALE OF 8.093 ACRES OF HIGH LINE CANAL PROPERTY TO PAINTED PRAIRIE OWNER, LLC – CONTRACT 503771

Approved Contract 503771 with Painted Prairie Owner, LLC for the purchase and sale of 8.093 acres of land along the High Line Canal (HLC), with changes to section 12.2 to reflect that either the Board or the purchaser may terminate the contract if not satisfied with the Phase One environmental site assessment results.

Ms. Turney explained that although Denver Water's property philosophy is to seek competitive bids when disposing of property to a private owner, unusual circumstances in this situation gave rise to the need to sell to a single bidder. The surrounding land is owned by Painted Prairie Owner, LLC, and competition for the land seemed remote due to the unique nature of the property and access limitations. This contract contains restrictive covenants to preserve the last headgate, a portion of the original channel and ensure public access with trail connectivity.

Mr. Roode explained that the High Line Canal Conservancy's framework development is nearly complete, and that this document will describe how each jurisdiction along the High Line Canal (HLC) will address matters such as stormwater and signage, for the next ten-to-fifteen years.

POLICY MATTERS

6. ITEM III-A: WATER SUPPLY UPDATE

Mr. Elder presented the Board with a Water Supply Update, a copy of which is attached to and incorporated in these Minutes as Exhibit A. He noted that

snowpack is well-above normal in 2019, with levels of 129% and 123% above normal in the Colorado Collection System and South Platte Collection System, respectively. Snowpack above Dillon Reservoir is 138% above normal. Streamflow forecasts show normal to above normal streamflow and it is forecast that reservoir storage will be full, even if dry conditions occur. In light of these forecasts, staff is increasing discussions about the risks of flooding in communities below Dillon Reservoir.

7. ITEM III-B: COMPLETION OF REVIEW OF TRAMMELL CROW AND MORTENSON OCR PROJECT DOCUMENTS

Ms. Brody presented the Board with an update of the Office of General Counsel's review of documents supplied by Trammell Crow and Mortenson Construction (Mortenson) related to Denver Water's Operations Complex Redevelopment (OCR Project), a copy of which is attached to and incorporated in these Minutes as Exhibit B. Denver Water requested documents from each entity after the City and County of Denver uncovered apparent misconduct between Trammell Crow and Mortenson during the procurement process for the City's Convention Center Project. Denver Water sought to review the documents and ascertain whether any illicit conduct occurred during the selection of Mortenson as the OCR Project's Construction Manager, and whether either Trammell Crow or Mortenson engaged in wrongdoing during the course of the project.

No evidence has been found that the procurement of the OCR Project was compromised, and there is no indication that Trammell Crow or Mortenson engaged in any illicit conduct while performing their work on the OCR Project. The information provided to the Board as Exhibit B will be made available to the public.

Commissioners Austin, Jones and Herzmark thanked Ms. Brody and Ms. Riegle for their efforts reviewing the 90,000 documents and expressed confidence that the review was exceedingly thorough and careful.

BRIEFING PAPERS & REPORTS

8. ITEM V-A-1: LEGISLATIVE UPDATE BRIEFING PAPER

The Board received a Legislative Update Briefing Paper, a copy of which is attached to and incorporated in these Minutes as Exhibit C.

ADJOURNMENT

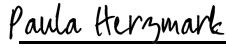
No further business appearing, the Board voted unanimously to adjourn into an Executive Session at approximately 10:03 a.m.

DocuSigned by:



Secretary

DocuSigned by:



President