

RECORD OF PROCEEDINGS

MINUTES OF THE BOARD OF WATER COMMISSIONERS

Open Session

May 27, 2009

A duly called Regular Meeting of the Board of Water Commissioners was held Wednesday, May 27, 2009 beginning at 9:06 a.m. in the Kassler Room of the Three Stone Buildings, 1600 West 12th Avenue, Denver, Colorado. Members of the Board present during the Regular Meeting were:

Penfield W. Tate, III, President¹
John R. Lucero, First Vice President
Thomas A. Gougeon, Vice President
Paula Herzmark, Vice President

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

H. J. Barry, Manager
P. L. Wells, General Counsel
D. B. LaFrance, Director of Finance
D. L. Little, Director of Planning
M. L. Bassett, Director of Public Affairs
B. D. Good, Director of Operations & Maintenance
R. J. Mahoney, Director of Engineering
C. R. Dermody, Director of Information Technology
C. Elam-Floyd, Manager of Human Resources
T. L. McGuire-Collier, Manager of Community and Media Relations
M. L. Walker, Attorney
M. A. Van Nostrand, Engineer
N. Sperandeo, Recreation Manager
P. Coleman, Manager of Internal Auditing

¹ Due to an unavoidable conflict Commissioner Tate arrived after the Board's consideration of the Items on the Action Agenda.

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U. Sharma, Treasurer
A. M. Rettig, Treasury
K. R. Keefe, Superintendent of SOS
C. M. East, IT
S. A. Hall, Community Affairs
N. E. Willis, Community Affairs
T. D. Chavez, Community Affairs
Helen Cregger, Piper Jaffray
Jason Simmons, Piper Jaffray
Kristin Tange, Suple Advertising
Eric Moltz, Moltz Construction
Pat Fitzgerald, Distributors Liaison Representative,
Platte Canyon Water and Sanitation District and
Southwest Metropolitan Water and Sanitation District

Commissioner Lucero called the meeting to order.

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: AMENDMENT NO. 2 TO THE CONSTRUCTION CONTRACT WITH MOLTZ CONSTRUCTION FOR MARSTON TREATMENT PLANT UPGRADE ELECTRICAL WORK**

Authorized entering into Amendment No. 2 to the May 12, 2009 contract with Moltz Construction (Contract #11992A) for the Marston Treatment Plant upgrade project, authorizing a contract with Sturgeon Electric Company for electrical and instrumentation/controls work at a cost of \$2,894,383, bringing the total Guaranteed Maximum Price for the project to \$11,178,226.

Mr. Mahoney explained that Moltz Construction, as the Construction Manager-at-Risk, took competitive bids for the electrical and

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instrumentation/controls package. The lowest responsive bid was submitted by Sturgeon Electric Company. Mr. Van Nostrand introduced Mr. Eric Moltz of Moltz Construction.

2. **ITEM II-A-2: FIRST AMENDMENT TO AGREEMENT WITH THE PRESSURE PIPE INSPECTION COMPANY**

Authorized a First Amendment to the September 5, 2008 Agreement with Pressure Pipe Inspection Company (Contract No. 11885A) involving a comprehensive analysis of Conduit 30 at a cost of \$14,460 bringing the total amount for the amended agreement to \$105,362, all as more particularly described in the First Amendment, a copy of which is attached to and incorporated in these Minutes as Exhibit "A."

Mr. Mahoney explained the amendment was necessary because of an increase in project scope and additional mobilization costs incurred by the contractor as a result of the pipeline not being fully de-watered.

There being nothing further for the Board to consider the action portion of the agenda concluded at approximately 9:10 a.m. The Commissioners then met in Study Session to consider other items on their agenda, including a report on invasive species, a demonstration of the new website, a report on the pending bond sale, and a report regarding the May 26 meeting of the Retirement Program Committee. Following the Study Session the Board adjourned into Executive Session at approximately 10:18 a.m.

EXECUTIVE SESSION

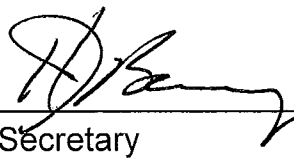
On Wednesday, May 27, 2009, commencing approximately at 10:20 a.m. in the Kessler of the Three Stone Buildings, 1600 West 12th Avenue, Denver, Colorado, the Board of Water Commissioners met in Executive Session. The following matters which are authorized by C.R.S. § 24-6-402 or D.R.M.C. § 2-34 were discussed during the Executive Session:

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1. Litigation Update – C.R.S. § 24-6-402(4)(b)
2. Mediation – C.R.S. § 24-6-402(a), (b) and (e)

There being nothing further for the Board to consider, the Executive Session concluded at approximately 11:38 p.m.



Secretary



President