

RECORD OF PROCEEDINGS

MINUTES OF THE BOARD OF WATER COMMISSIONERS

Open Session

November 25, 2009

A duly called Regular Meeting of the Board of Water Commissioners was held Wednesday, November 25, 2009 beginning at 9:30 a.m. in the Board Room, Room 309, 1600 West 12th Avenue, Denver, Colorado. Members of the Board present during the Regular Meeting were:

Penfield W. Tate, III, President
John R. Lucero, First Vice President
Thomas A. Gougeon, Vice President
Paula Herzmark, Vice President
H. Gregory Austin, 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, Director of Human Resources	U. Sharma, Treasurer
M. L. Walker, Attorney	G. Wilcox, Manager of Budgeting
D. Pacetti, Public Affairs	T. Segura, Budget
T. L. McGuire-Collier, Manager of Community and Media Relations	J. Wright, Manager of Rate Administration
J. Figurelli, Budget	M. O'Neill, Accountant
I. Rueda, Budget	A. Rettig, Treasury
M. Elliott, Manager of Water Conservation	M. Leister, Chief of Construction
	P. Coleman, Manager of Internal Auditing

RECORD OF PROCEEDINGS

MINUTES OF THE BOARD OF WATER COMMISSIONERS

E. V. Gardener, Local Government Water Conservation Coordinator	L. Billeter, Staff Analyst
K. Lowrey, HDR	A. Holmquist, Recycled Water Program Manager
D. Conover, HDR	Kevin Bergschneider, HDR
Christian Tange, Sukle Advertising	Mike Sukle, Sukle Advertising
Travis Webb, BKD	Rand Gambrell, BKD
James Snyder, BKD	

Commissioner Tate called the meeting to order.

Public Comment

Commissioner Tate invited those who were present to comment to the Board regarding matters not included in the Agenda. There was no response.

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: AWARD OF CONTRACT FOR HVAC MODIFICATIONS AT MARSTON TREATMENT PLANT AND RECYCLING PLANT**

Authorized the award of a contract to GH Phipps Construction Companies for the HVAC Modifications at the Marston Treatment Plant and the Recycling Plant in the amount of \$129,553.

In response to questions from the Commissioners, Ms. Billeter outlined the good faith hearing Denver Water staff conducted to review and ensure MWBE participation in the project. Mr. Mahoney explained that although GH Phipps had received proposals from MWBE subcontractors, the information regarding those subcontractors was not supplied at the time of the bid opening, because of ambiguity in the construction documents. The ambiguity will be addressed so that in the future potential contractors are on notice of

RECORD OF PROCEEDINGS

MINUTES OF THE BOARD OF WATER COMMISSIONERS

the need to provide the MWBE participation information at the time of the bid opening. Ms. Billeter reported that as a result of the good faith hearing, Denver Water Staff concluded that GH Phipps had met the required goals.

2. **ITEM II-A-2: CONSTRUCTION MANAGEMENT SERVICES
CHEESMAN DAM UPSTREAM CONTROL PROJECT — PHASE I**

Authorized entering into a contract with HDR Engineering, Inc., to provide construction management services for the Cheesman Dam Upstream Control Project, Phase I, at a cost to the Board not to exceed \$1,241,690.

3. **ITEM II-A-3: AUTHORIZATION OF ADDITIONAL FUNDS FOR 114
INCH CONCRETE PIPE FOR VASQUEZ CANAL**

Authorized Amendment to the May 14, 2008 contract with PreCast Concepts, LLC to provide an additional 1,500 linear feet of 114" diameter reinforced concrete pipe, including straights, bevels and specials, at the current unit prices plus estimated freight, necessary for 2010 installation at a cost of \$535,305, with a total amended contract amount not to exceed \$1,419,140.68.

Mr. Mahoney explained that additional information regarding the cost of concrete had been provided to the Commissioners. Mr. Mahoney explained that the material price indices for the second half of 2009 were flat and that PreCast Concepts was furnishing pipe at bid prices 37% lower than the next lowest bid based on information provided in 2008.

4. **ITEM II-A-4: PERSONNEL POLICY REVISIONS GOVERNING
TEMPORARY WORKERS**

Approved amendments of the Personnel Policies made necessary in order to simplify the administration of temporary workers and to clarify their at-will

RECORD OF PROCEEDINGS

MINUTES OF THE BOARD OF WATER COMMISSIONERS

status, which changes are set forth in legislative fashion on Exhibit "A", attached to and incorporated in these Minutes, effective November 25, 2009.

Ms. Elam-Floyd and Ms. Wells explained the need to clarify that temporary workers are not eligible for any benefits other than paid holidays. Temporary workers will be paid an amount commensurate with similar duties within Denver Water's job classification system, but will not be assigned a job position or a grade and a step. The clarification of the position of Temporary Worker also does away with the previous status of Project Employees. Current project contracts will be allowed to expire.

5. **ITEM II-A-5: AMENDMENTS TO THE EMPLOYEES' RETIREMENT PLAN**

Approved Amendment to the Employees' Retirement Plan of the Denver Board of Water Commissioners at Sections 1.17 and 2.06(b) to replace the words "Project Employee" (as defined in the Employer's Personnel Policies) with the words "Temporary Worker" (as defined in the Employer's Personnel Policies), which changes are effective November 25, 2009.

6. **ITEM II-A-6: INTERGOVERNMENTAL AGREEMENT ADDENDUM FOR A DILLON DAM VULNERABILITY ASSESSMENT**

Approved entering into an Intergovernmental Agreement Addendum for a Dillon Dam Vulnerability Assessment with the Lake Dillon Fire Protection District, the Town of Silverthorne, the Town of Frisco, the Town of Dillon and Summit County, in the form attached to these Minutes as Exhibit "B."

Mr. Good explained the addendum was necessary so that the Summit County parties would pay their agreed share of the costs of the vulnerability assessment. A white paper has been developed regarding the vulnerability assessment and the efforts to be undertaken by the parties in 2010. The

RECORD OF PROCEEDINGS

MINUTES OF THE BOARD OF WATER COMMISSIONERS

terms of that white paper will be discussed with the Commissioners in Executive Session.

The Commissioners and Staff discussed the terms of the 1974 Easement Agreement and whether the Summit County Road No. 7 could, in the future, be closed.

No further business appearing, the Board voted unanimously to adjourn to the Study Session portion of the meeting at approximately 9:53 a.m. The Study Session included presentations regarding the 2009 Conservation effort and the draft 2010 Budget. Following the Study Session the Board adjourned into Executive Session at approximately 12:06 p.m.

EXECUTIVE SESSION

On Wednesday, November 25, 2009, commencing at approximately 12:10 p.m. in the Board Room, located in the Administration Building, 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. CM/GC Contracts § 24-6-402(4)(b)
2. Water Rights Negotiations § 24-6-402(4)(a)(b) & (e)

There being nothing further for the Board to consider, the Executive Session concluded at approximately 12:47 p.m.


Secretary


President

