

# AGENDA

## Denver Board of Water Commissioners

Denver Water Board Room, 1600 W 12<sup>th</sup> Avenue, Denver, CO 80204 and

Video Conference: <http://zoom.us/join>, Meeting ID: 882 3417 6376 - Passcode: 600590 or

Dial in (669) 900-6833 - Meeting ID: 882 3417 6376 - Passcode: 600590

Members of the public are welcome to attend either in person or by video conference

**Wednesday, November 15, 2023 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. Settlement of Case No. 23CV30633, Denver Water v. NielsonFX, LLC d/b/a Nielson Underground – Contract 505834
2. Enterprise Telecommunications Solution Project with TVAB Holdings LLC d/b/a NTS Communications, Inc – Contract 10440

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**B. Individual Approval Items**

- |  |           |           |
|--|-----------|-----------|
| 1. Resolution 007-2023 Supporting the High Line Canal Conservancy's Application for Centennial Grant from the Great Outdoors Colorado Trust Fund | Tom Roode | 5 minutes |
|--|-----------|-----------|

**III. POLICY MATTERS**

- |                                 |                 |            |
|---------------------------------|-----------------|------------|
| <b>A. Q3 Performance Report</b> | Stephanie Abram | 15 minutes |
|---------------------------------|-----------------|------------|

**IV. EXECUTIVE UPDATE**

- A. CEO Update**
- B. CFO Update**
- C. Operations Update**

**V. BRIEFING PAPERS & REPORTS**

- A. Briefing Paper**
- B. Report**

**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**

# DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: November 15, 2023

Board Item: II-A-1

## Settlement of Case No. 23CV30633, Denver Water v. NielsonFX, LLC d/b/a Nielson Underground Contract 505834

Action by Consent

Individual Action

### **Purpose and Background:**

The purpose of this Board item is to seek Board approval to settle pending civil litigation that Denver Water brought against an excavator to recover damage to its facilities. NielsonFX, LLC d/b/a Nielson Underground ("Nielson"), an excavation company, hit a Denver Water conduit while drilling and boring nearby, causing \$473,879.30 in damage. Denver Water filed suit to recover these damages in February 2023 after multiple unsuccessful attempts to engage the defendant to resolve Denver Water's claim. Earlier this month, the court granted Denver Water's motion to amend its complaint to add a claim for exemplary damages, after which Nielson agreed to pay the full amount of actual damages.

### **Budget and Schedule:**

Through this settlement, Denver Water will recover \$473,879.30, which will be booked as revenue.

### **Recommendation:**

Staff recommends that the Board approve the settlement of Denver District Court Case No. 23CV30633 in the amount of \$473,879.30 with NielsonFX, LLC d/b/a Nielson Underground.

### **Approvals**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Alan Salazar, CEO/Manager                 | <input type="checkbox"/> Brian D. Good, Chief Administrative Officer                |
| <input type="checkbox"/> Julie Anderson, Chief of Staff                       | <input type="checkbox"/> Richard B. Marsicek, Chief Water Resource Strategy Officer |
| <input checked="" type="checkbox"/> Jessica R. Brody, General Counsel         | <input type="checkbox"/> Robert J. Mahoney, Chief Engineering Officer               |
| <input checked="" type="checkbox"/> Angela C. Bricmont, Chief Finance Officer | <input checked="" type="checkbox"/> Thomas J. Roode, Chief Operations Officer       |

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# DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: November 15, 2023

Board Item: II-A-2

## Enterprise Telecommunications Solution Project with TVAB Holdings LLC d/b/a NTS Communications Inc Contract 10440

Action by Consent

Individual Action

### **Purpose and Background:**

The purpose of this Board item is to seek approval for Contract 10440 with TVAB Holdings LLC d/b/a NTS Communications Inc to bring Denver Water communication up to a modern design and feature set.

Denver Water's current telephony system was initially installed in 2004, and much of the existing phone equipment is end-of-life and unsupported. The Enterprise Telecommunications Solution project will modernize Denver Water's phone system by leveraging new, cost-efficient technologies that provide greater scalability, ease of management, and performance to meet Denver Water's changing communication needs. The new system, Microsoft Teams Phone, will provide enhanced mobility by placing and receiving calls from anywhere at any time on a mobile device, call recording and transcription, better productivity through consolidated collaboration, and personal number privacy. Denver Water will reduce its hardware footprint and corresponding maintenance work by migrating to this cloud system.

This contract covers hiring a consultant to provide Denver Water with a comprehensive, secure, cloud-based phone system that is connected to the Public Switched Telephone Network (PSTN). The consultant will provide professional services to migrate to the new phone system, which will integrate with the existing Denver Water Microsoft Teams environment. In addition, the Consultant shall provide hardware and software installation, configuration and testing services, end user training, and ongoing support and maintenance, as well as subject matter expertise and guidance with respect to the use of the new telephony system.

### **Budget and Schedule:**

The total amount of this contract is \$714,000 and the term of the contract is the Agreement effective date through 2026 (36 months after the effective date). Funds for this contract will come from the 2023 approved budget for the Enterprise Telecommunications Solution project which has sufficient funds to pay the \$335,000 estimated to be needed in 2023. The remaining \$379,000 will be budgeted in 2024, 2025, and 2026.

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

In April 2023, the services for an Enterprise Telecommunications Solution Project were competitively bid through a Request for Proposal issued via Rocky Mountain E-Purchasing System (BidNet). Denver Water received six proposals for this solicitation and decided to do a demonstration with All iPilot (TVAB Holdings LLC d/b/a NTS Communications Inc) and two other proposers. A collaborative study of internal Denver Water workgroups determined the requirements included in this request for proposal. The evaluation team selected All iPilot for this contract due to their demonstrated understanding of how to meet the requirements, as well as extensive experience replacing, installing, and maintaining a telecommunications system that integrates with Denver Water's existing Microsoft Teams.

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**S/MWBE Information:**

There was not a S/MWBE goal for this project, but All iPilot (TVAB Holdings LLC d/b/a NTS Communications Inc) is a Small Business Enterprise (SBE).

**Recommendation:**

Staff recommends that the Board approve Contract 10440 with TVAB Holdings LLC d/b/a NTS Communications Inc for implementation of the Enterprise Telecommunications System project and ongoing management and support of the cloud-based PBX (Private Branch Exchange) for the contract's effective date through 2026, for a total contract amount not to exceed \$714,000.

**Approvals**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Alan Salazar, CEO/Manager                 | <input checked="" type="checkbox"/> Brian D. Good, Chief Administrative Officer     |
| <input type="checkbox"/> Julie Anderson, Chief of Staff                       | <input type="checkbox"/> Richard B. Marsicek, Chief Water Resource Strategy Officer |
| <input type="checkbox"/> Jessica R. Brody, General Counsel                    | <input type="checkbox"/> Robert J. Mahoney, Chief Engineering Officer               |
| <input checked="" type="checkbox"/> Angela C. Bricmont, Chief Finance Officer | <input type="checkbox"/> Thomas J. Roode, Chief Operations Officer                  |

# DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: November 15, 2023

Board Item: II-B-1

## Resolution 007-2023 Supporting the High Line Canal Conservancy's Application for Centennial Grant from the Great Outdoors Colorado Trust Fund

Action by Consent

Individual Action

### **Purpose and Background:**

The purpose of this Board item is to adopt Resolution 007-2023 supporting the High Line Canal Conservancy's application for a \$9,000,000 Centennial Grant from the Great Outdoors Colorado.

Denver Water owns the High Line Canal, generally a 100-foot-wide property inclusive of an irrigation canal and a public recreation trail, extending 71 miles from Waterton Canyon in Douglas County towards its termination in Adams County. The canal is an inefficient irrigation ditch, losing up to 80 percent of the water diverted to seepage and evaporation loss. While Denver Water has reduced the irrigation functions of the canal towards more efficient means of water delivery to its customers over the years, the canal corridor has simultaneously seen a large increase in beneficial public uses, such as recreation, ecological, utility and stormwater functions.

Denver Water is strongly invested in the long-term success of this valued community resource and as such has been partnering with the local jurisdictions and the non-profit High Line Canal Conservancy to transition maintenance and enhancement responsibilities for the High Line Canal property. The High Line Canal Conservancy has applied for the Centennial Grant from the Great Outdoors Colorado in the amount up to \$9,000,000 to facilitate enhancements and on-going stewardship of the High Line Canal property.

### **Budget and Schedule:**

There is no budgetary impact for this item.

### **Recommendation:**

Staff recommends that the Board adopt Resolution 007-2023 in support of the High Line Canal Conservancy's application for the Centennial Grant from the Great Outdoors Colorado Trust Fund.

### **Approvals**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Alan Salazar, CEO/Manager         | <input type="checkbox"/> Brian D. Good, Chief Administrative Officer                |
| <input type="checkbox"/> Julie Anderson, Chief of Staff               | <input type="checkbox"/> Richard B. Marsicek, Chief Water Resource Strategy 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 Finance Officer    | <input checked="" type="checkbox"/> Thomas J. Roode, Chief Operations Officer       |

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**TITLE: RESOLUTION SUPPORTING THE HIGH LINE CANAL CONSERVANCY'S APPLICATION FOR A GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND.**

ADOPTED AND APPROVED ON NOVEMBER 15, 2023 BY THE CITY AND COUNTY OF DENVER ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS

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Craig S. Jones, Board President

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Alan Salazar, CEO/Manager

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The Board of Water Commissioners finds that:

- A. The Board is the owner of the property commonly known as the High Line Canal, generally 100-feet wide extending from Waterton Canyon in Douglas County towards its termination in Adams County, together with property, easements, rights of way and land necessary or incidental to the use, occupancy, ownership or operation of said Canal.
- B. Over the last century, the High Line Canal has served several roles, including a water delivery system, a multi-purpose public recreational trail, and an urban natural ecosystem. With the encouragement of the Board, and the efforts of the High Line Canal Conservancy (Conservancy) and twelve cities, counties, and special districts through which the Property traverses (the Jurisdictional Partners), the Property has evolved into a valued community recreational and environmental amenity while retaining its utility as a water delivery system with stormwater use.
- C. The Board has worked with the Conservancy and the Jurisdictional Partners to support transition of the Canal away from its historic use for irrigation to a regional greenway and green infrastructure system for stormwater as identified in The Plan for the High Line Canal produced by the Conservancy dated September 2019 (the Plan).
- D. The Board is engaged in discussions with Arapahoe County to transfer ownership of portions of the High Line Canal property, subject to a conservation easement to be held by the Conservancy.
- E. The Conservancy has requested approximately \$9 million from Great Outdoors Colorado to facilitate improvements and maintenance as contemplated by the

Adopted by the Board on November 15, 2023

Plan. This funding will facilitate transition of the canal to Arapahoe County for the uses identified in the Plan.

F. The Board supports the Conservancy's grant application.

Based on the foregoing findings:

1. The Board declares its support for the application by the High Line Canal Conservancy for a Centennial Grant from Great Outdoors Colorado.
2. This Resolution shall be effective following its adoption by the Board of Water Commissioners.

Adopted by the Board on November 15, 2023