

# METRO WATER RECOVERY

## Minutes of the Regular Meeting of the Board of Directors

February 15, 2022

The Board of Directors of the Metro Water Recovery, in the Counties of Adams, Arapahoe, Douglas, Jefferson, and Weld, and the City and County of Denver, State of Colorado, met in regular session in-person and via conference call at 6450 York Street, Denver, Colorado, Tuesday, February 15, 2022 at 5:30 p.m. in the Boardroom.

Chairman Twombly called the meeting to order.

### 1. OATH OF OFFICE

The following Director has been appointed by her Member Municipality to complete a two-year term of office expiring June 30, 2024.

#### Appointed Director

Jamie Miller

#### Member Municipality

North Table Mountain Water and Sanitation District

### 2. ROLL CALL

Secretary Niyork called the roll.

#### **Officers Present:**

Scott Twombly, Thornton  
Andrew Johnston, Denver  
Sarah Niyork, South Adams  
Jo Ann Giddings, Aurora

Chairman  
Chairman Pro Tem  
Secretary  
Treasurer

#### **Directors Present:**

Greg Baker, Aurora\*  
Phil Burgi, Wheat Ridge  
Nadine Caldwell, Aurora  
John Chavez, Berkeley\*  
David Councilman, Pleasant View  
Deborah Crisp, East Lakewood  
Clark Davenport, Northwest Lakewood  
John Dingess, Aurora\*  
Robert Duncanson, Denver\*  
Marv Falconburg, Brighton\*  
Joan Iler, Westridge  
Janet Kieler, Denver  
Craig Kocian, Arvada  
Laura Kroeger, Lakewood

Kathy Laurienti, Crestview  
Doug Lazure, Denver  
Bob LeGare, Aurora  
Charles Long, Thornton  
Jamie Miller, North Table Mountain\*  
Bill Ray, Arvada  
Bob Roth, Aurora  
Greg Sekera, Lakewood  
Peter Spanberger, Denver  
Mary Beth Susman, Denver  
Amerigo Svaldi, North Washington Street  
Dennis Towndrow, North Pecos\*  
Jennifer Williams, Denver  
Ronald Younger, Denver\*

#### **Directors Absent:**

Peter Baertlein, Denver  
Martin Majors, Fruitdale  
Steve Pott, Applewood

Michael Sapp, Denver  
Del Smith, Bancroft-Clover

\*Attended via conference call

**Others Present:**

Mickey Conway

Emily Jackson

Liam Cavanaugh

Ruth Kedzior

Yvonne Kohlmeier

Lydia Nkem

Chief Executive Officer (CEO)

General Counsel

Deputy CEO/Chief Operating Officer (COO)

Assistant to the CEO

Senior Administrative Assistant

Executive Assistant

**3. PUBLIC COMMENT**

There was no comment.

**4. APPROVAL OF MINUTES**

4.a Minutes of the Board of Directors Meeting on January 18, 2022

Chairman Twombly asked if there were any corrections, deletions, or additions to the minutes of the Regular Meeting of the Board of Directors held January 18, 2022.

Director Davenport moved and Director Iler seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held January 18, 2022.

The motion carried unanimously.

**5. PROGRESS AND PROJECTION REPORTS**

5.a Report by CEO

CEO Conway reviewed his written report, highlighting the upcoming Listening Tours which will be held over the next few months, approximately 45 meetings are scheduled with eight to ten employees at a time for interactions, discussion, and idea sharing. Mr. Conway stated the Gold Awards recognition event will be held virtually this year. He also gave a testament to staff on remaining flexible during the recent Omnicom virus variant upswing and how things are getting back to normal.

Mr. Conway answered questions on the Listening Tours group sizes and length of meetings.

Chairman Twombly thanked Mr. Conway for the time involved for the Listening Tours.

5.b Report by General Counsel

General Counsel Jackson provided a litigation update stating a Motion to Dismiss has been filed in the Donald Temples matter. Ms. Jackson mentioned the success of the Legal Affairs Committee meeting at the National Association of Clean Water Agencies (NACWA) and the importance of monitoring the language pertaining to the permit shield in new contaminants. Ms. Jackson stated the Office of the General Counsel is working with the Strategy and Communication Department on processes improvement for new members and connectors looking to connect to Metro Water Recovery. She noted the Intergovernmental Agreement (IGA) with Adams County has been finalized.

Director Kieler expressed appreciation for the updates.

## 6. REPORTS OF OFFICERS AND COMMITTEES

### 6.a Meeting Minutes

There were no additions to the following meeting minutes:

Operations Committee	February 1, 2022
Finance Committee	February 3, 2022
Executive Committee	February 8, 2022

Chairman Twombly stated the new Strategic Planning Committee had their first meeting just prior to the Board meeting, electing Director Kroeger as the Chair and Director LeGare as Vice Chair.

Director Kroeger gave an update on the Strategic Planning Committee's meeting, stating staff gave a great presentation on background information and recommended a plan to move forward with an update to the existing 2016 Strategic Plan by honoring the work previously done and creating a streamlined set of goals and objectives. The committee will work on this project for the remainder of the year.

## 7. NEW BUSINESS

### Consent Agenda

#### 7.a Consideration of Peracetic Acid Disinfection System Improvements Project (PAR 1400)

Director Burgi moved and Director Sekera seconded the motion to adopt the following resolution:

WHEREAS, it is necessary Metro Water Recovery, hereinafter referred to as "Metro," enter into an Agreement for Preconstruction Phase services for the Peracetic Acid (PAA) Disinfection System Improvements Project (PAR 1400) (Project); and

WHEREAS, Metro received approval of PAA as its permanent disinfection system in October 2020; and

WHEREAS, the existing, temporary PAA system is reaching the end of its useful life, and now Metro requires the experience of a qualified consultant to evaluate and design the modifications necessary for the PAA disinfection system at the Robert W. Hite Treatment Facility; and

WHEREAS, following standard Metro consultant selection procedures, CDM Smith, Inc. was selected as the consultant to perform Design Phase Services for this Project; and

WHEREAS, the Project is intended to be delivered through the Construction Manager-At-Risk (CMAR) delivery approach and requires a CMAR Contractor to

perform Preconstruction and Construction Services to transition from the temporary, full-scale demonstration system to a permanent PAA disinfection system; and

WHEREAS, on November 11, 2021, Metro issued a Request for Proposals on the Rocky Mountain E-Purchasing site (*BidNet*) for the Preconstruction Services for the Project, and received three proposals on December 16, 2021; and

WHEREAS, through a standard CMAR selection process, the proposals were reviewed by Metro staff, and all three firms were invited to participate in interviews on January 12, 2022, with a Selection Committee of Metro staff and Board Directors; and

WHEREAS, the Selection Committee recommended selecting Garney Companies, Inc. (Garney) to provide Preconstruction Services for the Project and, on behalf of the Board of Directors, Directors on the Selection Committee instructed staff to negotiate an agreement; and

WHEREAS, Metro staff has negotiated an agreement with Garney in the amount of \$200,000, to provide Preconstruction Services for the Project; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into an Agreement for Preconstruction Services with Garney in the amount of \$200,000 to provide preconstruction phase services for the Project; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED the Chief Executive Officer be and hereby is authorized to enter into an Agreement for Preconstruction Services with Garney Companies, Inc. in the amount of \$200,000 to provide preconstruction phase services for the Peracetic Acid Disinfection System Improvements Project (PAR 1400) (Project); and

BE IT FURTHER RESOLVED the sum of \$240,000 (100 percent) from the General Fund Capital Project Account be and hereby is appropriated for this Project.

The motion carried unanimously.

### **Roll Call Agenda**

#### **7.b Consideration to Amend On-Call Consulting for General Engineering Support**

Director Williams moved and Director Councilman seconded the motion to adopt the following resolution:

WHEREAS, it is necessary Metro Water Recovery, hereinafter referred to as "Metro," amend the five-year, on-call professional engineering services agreements with Black & Veatch Corporation, Carollo Engineers, Inc., CDM Smith Inc., Hazen and Sawyer, and Stantec Consulting Services, Inc. (firms); and

WHEREAS, Metro entered into individual five-year contracts with each firm with a not-to-exceed upper limit dollar amount of \$250,000 to provide technical expertise for various professional engineering needs; and

WHEREAS, task orders issued under these contracts have allowed Metro staff to complete work quickly and efficiently by supplementing internal expertise with outside resources; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer (CEO) to amend the five-year, on-call service agreements with Black & Veatch Corporation, Carollo Engineers, Inc., CDM Smith Inc., Hazen and Sawyer, and Stantec Consulting Services, Inc. to increase the not-to-exceed upper limit dollar amount of each agreement from \$250,000 to \$750,000 for a total, combined amount of \$3,750,000 among all five agreements; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED the Chief Executive Officer be and hereby is authorized to amend the five-year, on-call service agreements with Black & Veatch Corporation, Carollo Engineers, Inc., CDM Smith Inc., Hazen and Sawyer, and Stantec Consulting Services, Inc. to increase the not-to-exceed upper limit dollar amount of each agreement from \$250,000 to \$750,000 for a total, combined amount of \$3,750,000 among all five agreements.

Chairman Twombly called for a roll call vote which carried with 32 Directors voting Yes:

Greg Baker	Joan Iler	Bill Ray
Phil Burgi	Andrew Johnston	Bob Roth
Nadine Caldwell	Janet Kieler	Greg Sekera
John Chavez	Craig Kocian	Peter Spanberger
David Councilman	Laura Kroeger	Mary Beth Susman
Deborah Crisp	Kathy Laurienti	Amerigo Svaldi
Clark Davenport	Doug Lazure	Dennis Towndrow
John Dingess	Bob LeGare	Scott Twombly
Robert Duncanson	Charles Long	Jennifer Williams
Marv Falconburg	Jamie Miller	Ronald Younger
Jo Ann Giddings	Sarah Niyork	

## 8. INDIVIDUAL DIRECTOR COMMENTS

There was none.

## 9. OTHER INFORMATION

Chairman Twombly noted a Budget Workshop is scheduled immediately following the March Finance Committee and if anyone on the Operations Committee would like to attend to let him or CEO Conway know. He also mentioned the same presentation would be given at the Spring Workshop.

Chairman Twombly stated BoardEffect is working very well and asked Directors to use the portal to RSVP their attendance, in person or virtual, prior to meetings.

## **10. ADJOURNMENT**

Chairman Twombly adjourned the meeting at 5:50 p.m.

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