



City of Denton

City Hall
215 E. McKinney St.
Denton, Texas 76201
www.cityofdenton.com

Meeting Agenda Public Utilities Board

Monday, January 11, 2021

9:00 AM

Council Work Session Room

Note: Chair Susan Parker, Vice Chair Billy Cheek and Members Barbara Russell, Karen DeVinney, Ed Soph, Charles Parker will be participating in the work session and regular meeting via video/teleconference.

REGISTRATION GUIDELINES FOR ADDRESSING THE PUBLIC UTILITIES BOARD

Due to COVID-19 precautions, members of the public will not be able to attend the January 11, 2021, Public Utilities Board meeting in person. To accommodate and receive input on agenda items, citizens will be able to participate in one of the following ways (NOTE: Other than public hearings, citizens are only able to comment one time per agenda item; citizens cannot use both methods to comment on a single agenda item. Public comments are not held for work session reports.):

- Virtual White Card – On January 7, the agenda was posted online at www.cityofdenton.com/publicmeetings. Once the agenda is posted, a link to the Virtual White Card, an online form, will be made available under the main heading on the webpage. Within this form, citizens may indicate support or opposition and submit a brief comment about a specific agenda item. Comments may be submitted up until the start of the meeting, at which time, the Virtual White Card form will be closed. Similar to when a citizen submits a white card to indicate their position on the item, these comment forms will be sent directly to members of the Public Utilities Board and recorded by the Secretary.

Members review comments received in advance of the meeting and take that public input into consideration prior to voting on an agenda item. The Chair will announce the number of Comment Cards submitted in support or opposition to an item during the public comment period. Comments will not be read during the meeting. The Secretary will reflect the number of comments submitted in favor/opposition to an item, the registrant's name, address, and (summary of) comments within the Minutes of the Meeting, as applicable.

OR

- By phone – Citizens wishing to speak over the phone during this meeting, may call (940) 349-7800 beginning 30 minutes prior to the meeting start time. Comments by phone will be accepted until the item is opened for discussion by the Chair. When the call is initially received, a staff member will receive the caller's information and either: 1) offer to call the citizen back when it is time for them to speak, or 2) record the caller's information, support or opposition, and comment. If the caller chooses to record their support or opposition, rather than speaking during the meeting, the Chair will announce the number of comments submitted in support or opposition to the item. If the caller wishes to receive a call back, the voice of each caller will be broadcast into the meeting during the public commenting agenda item. Individuals will be able to comment once per agenda item, no matter the method.

After determining that a quorum is present, the Public Utilities Board of the City of Denton, Texas will convene in a Regular Meeting on Monday, January 11, 2021 at 9:00 a.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items will be considered:

REGULAR MEETING

1. PRESENTATIONS FROM MEMBERS OF THE PUBLIC

This section of the agenda permits a person to make comments regarding public business on items as listed on the agenda. Each speaker will be allowed a maximum of four (4) minutes. Such person(s) shall have registered under the REGISTRATION GUIDELINES FOR ADDRESSING THE PUBLIC UTILITIES BOARD detailed at the beginning of this agenda. Registration is required prior to the time this agenda item is read into the record.

2. CONSENT AGENDA

Each of the items on the Consent Agenda is recommended by the Staff and approval thereof will be strictly on the basis of the Staff recommendations. Approval of the Consent Agenda authorizes the Assistant City Manager of Utilities, or his designee, to implement each item in accordance with the Staff recommendations. The Public Utilities Board has received background information and has had an opportunity to raise questions regarding these items prior to consideration.

Listed below are bids, purchase orders, contracts, and other items to be approved for payment or other action under the Consent Agenda (Agenda Items A – J). This listing is provided on the Consent Agenda to allow Public Utilities Board Members to discuss or withdraw an item prior to approval of the Consent Agenda. If no items are pulled, Consent Agenda Items A – J below will be approved with one motion. If items are pulled for separate discussion, they may be considered as the first items following approval of the Consent Agenda.

- A. [PUB20-262](#) Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation (“City”), authorizing the City Manager, or his designee, to execute a memorandum of understanding regarding electrical distribution switching procedures with University of North Texas, a Texas higher education institution (“UNT”), to ensure electric system reliability and safety for parties by establishing electric distribution system switching procedures; and, providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance \(w/memorandum of understanding\)](#)

- B. [PUB20-263](#) Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation (“City”), authorizing the City Manager, or his designee, to execute a memorandum of understanding regarding electrical distribution switching procedures with Texas Woman’s University, a Texas higher education institution (“TWU”), to ensure electric system reliability and safety for parties by establishing electric distribution system switching procedures; and, providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance \(w/memorandum of understanding\)](#)

- C. [PUB21-001](#) Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a fourth amendment to a Professional Services Agreement between the City of Denton and Hazen and Sawyer, P.C., amending the contract approved by City Council on July 21, 2015, in the not-to-exceed amount of \$427,368.00; amended by Amendments 1, 2, and 3 approved by City Council; said fourth amendment to provide additional engineering services and

permitting support for the Hickory Creek Detention Facility and the Hickory Creek Lift Station project; providing for the expenditure of funds therefor; and providing an effective date (File 5768 - providing for an additional fourth amendment expenditure amount not-to-exceed \$144,150.00, with the total contract amount not-to-exceed \$1,346,964.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Original Ordinance and Contract](#)
 [Exhibit 3 - Ordinance and Amendment 1](#)
 [Exhibit 4 - Ordinance and Amendment 2](#)
 [Exhibit 5 - Ordinance and Amendment 3](#)
 [Exhibit 6 - Ordinance and Amendment 4](#)

- D. [PUB21-002](#) Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a third amendment to the Professional Services Agreement between the City of Denton and Halff Associates, Inc., amending the contract approved by City Council on November 6, 2018, in the not-to-exceed amount of \$837,900.00; Amendments 1 and 2 were approved by Purchasing staff; said third amendment to provide additional surveying and engineering services is necessary for the design of the water mains, sanitary sewers, storm sewers, and culverts in Elm Street and Locust Street, and a drainage study of North Pecan Creek and Pecan Creek; providing for the expenditure of funds therefor; and providing an effective date (File 6590-041 - providing for an additional third amendment expenditure amount not-to-exceed \$177,840.00, with the total contract amount not-to-exceed \$1,056,040.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Original Ordinance and Contract](#)
 [Exhibit 3 - Amendment 1](#)
 [Exhibit 4 - Amendment 2](#)
 [Exhibit 5 - Ordinance and Amendment 3](#)

- E. [PUB21-003](#) Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a Professional Services Agreement between the City of Denton and Kimley-Horn and Associates, Inc., amending the contract approved by City Council on January 14, 2020, in the not-to-exceed amount of \$1,398,600.00; said first amendment to provide additional design engineer services, permitting services, and construction administration services in support of the Northwest Booster Pump Station and Water Transmission Main project; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-081 - providing for an additional first amendment expenditure amount not-to-exceed \$126,300.00, with the total contract amount not-to-exceed \$1,524,900.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Original Ordinance and Contract](#)
 [Exhibit 3 - Ordinance and Amendment 1](#)

- F. [PUB21-004](#) Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a Professional Services Agreement between the City of Denton and Kimley-Horn and Associates, Inc., amending the contract approved by City Council on January 14, 2020, in the not-to-exceed amount of \$922,800.00; said first amendment to provide additional utility conflict analysis, surveying, easement acquisition, design, bidding, and construction administration services in support of the State reimbursable relocation of water and wastewater utilities within the Interstate Highway 35E Right-of-Way; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-084 - providing for an additional first amendment expenditure amount not-to-exceed \$165,000.00, with the total contract amount not-to-exceed \$1,087,800.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Original Ordinance and Contract](#)
 [Exhibit 3 - Ordinance and Amendment 1](#)

- G. [PUB21-005](#) Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a third amendment to a contract between the City of Denton and USIC Locating Services, LLC, amending the contract approved by City Council on June 19, 2018, in the not-to-exceed amount of \$1,200,000.00; amended by Amendments 1-2 approved by Purchasing; said third amendment to continue to supply underground utility locating services; providing for the expenditure of funds therefor; and providing an effective date (File 6736 - providing for an additional third amendment expenditure amount not-to-exceed \$300,000.00, with the total contract amount not-to-exceed \$1,500,000.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Original Ordinance and Contract](#)
 [Exhibit 3 - Amendment 1](#)
 [Exhibit 4 - Amendment 2](#)
 [Exhibit 5 - LLC Members](#)
 [Exhibit 6 - Ordinance and Amendment 3](#)

- H. [PUB21-006](#) Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract with vendors for the rental of heavy trucks for various City of Denton departments; providing for the expenditure of funds therefor; and providing an effective date (IFB 7464 - awarded to Big Truck Rental, LLC, Herc Rentals, Inc., Industrial Power, LLC, and Rush Truck Leasing, Inc., for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$450,000.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Bid Tabulation](#)

[Exhibit 3 - LLC Members](#)

[Exhibit 4 - Ordinance and Contracts](#)

- I. [PUB21-007](#) Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract with Roll-Offs USA, Inc., for the purchase of steel refuse and recycling containers for the Solid Waste Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7503 - awarded to Roll-Offs USA, Inc., for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$2,438,173.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Ordinance and Contract](#)

- J. [PUB21-008](#) Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract with Caterpillar, Inc. dba Holt CAT, through the Sourcewell Purchasing Network Contract Number 032119, for the purchase of one (1) Caterpillar model D9 Dozer for the Solid Waste Department; providing for the expenditure of funds therefor; and providing an effective date (File 7585 - awarded to Caterpillar, Inc. dba Holt CAT, in the not-to-exceed amount of \$1,285,661.68).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Price Comparison](#)

[Exhibit 3 - Quotes](#)

[Exhibit 4 - Ordinance](#)

3. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [PUB20-264](#) Consider approval of the December 14, 2020 minutes.

Attachments: [12-14-2020 PUB draft Minutes](#)

- B. [PUB20-261](#) Consider recommending adoption of an ordinance of the City of Denton to declare the intent to reimburse capital program expenditures of the Electric Utility (\$42,538,108), Solid Waste (\$3,000,000), Water (\$23,647,184), Wastewater (\$26,144,574), and General Government (\$72,608,678) with Tax- Preferred Obligations (Certificates of Obligation and General Obligation Bonds) with an aggregate maximum principal amount not to exceed \$167,938,544; and providing an effective date.

Attachments: [Exhibit 1 Agenda Information Sheet](#)

[Exhibit 2 Ordinance](#)

[Exhibit 3 Presentation](#)

- C. [PUB20-265](#) Management Reports
1. Utility Sole Source Procurement List

2. Utility Extendable Commercial Paper Program
3. American Manufactured Products
4. Future Agenda Items
5. New Business Action Items

Attachments:

- [1. Utility Sole Source Procurement List](#)
- [2. Utility Extendable Commercial Paper Program](#)
- [3. American Manufactured Products](#)
- [4. Future Agenda Items](#)
- [5. New Business Action Items](#)

4. CONCLUDING ITEMS

A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the Public Utilities Board or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Following the completion of the Regular Meeting, the Public Utilities Board will convene in a Work Session at which the following items will be considered:

WORK SESSION

- A. [PUB20-258](#) Receive a report, hold a discussion, and give staff direction regarding the potential sale of Texas Municipal Power Agency's ("Agency") Gibbons Creek Steam Electric Station and related assets in Grimes County, Texas including a review of the economics of the sale, the key provisions of the proposed Asset Purchase Agreement (APA) and the risks associated therewith.

Attachments:

- [Exhibit 1 - Agenda Information Sheet](#)
- [Exhibit 2 - Presentation](#)
- [Exhibit 3 - Asset Purchase Agreement](#)
- [Exhibit 4 - Asset Purchase Agreement Schedules](#)
- [Exhibit 5 - Asset Purchase Agreement Exhibits](#)
- [Exhibit 6 - APA Exhibit E Project Schedule](#)
- [Exhibit 7 - Escrow Agreement](#)
- [Exhibit 8 - Regulatory Closure Bond](#)

CERTIFICATE

I certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Denton, Texas, on the 7th day of January 2021 at 5:05 p.m.

CITY SECRETARY

NOTE: THE CITY OF DENTON'S DESIGNATED PUBLIC MEETING FACILITIES ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE ACCOMMODATION, SUCH AS SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED, IF REQUESTED AT LEAST 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE CITY SECRETARY'S OFFICE AT 940-349-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT REASONABLE ACCOMMODATION CAN BE ARRANGED.