



# City of Denton

City Hall  
215 E. McKinney St.  
Denton, Texas 76201  
[www.cityofdenton.com](http://www.cityofdenton.com)

## Meeting Agenda Public Utilities Board

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**Monday, May 10, 2021**

**9:00 AM**

**Council Work Session Room**

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Note: Chair Susan Parker, Vice Chair Billy Cheek and Members Barbara Russell, Karen DeVinney, Lee Riback, and Ben Jumper 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 May 10, 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 May 7, the agenda was posted online at [www.cityofdenton.com/publicmeetings](http://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, May 10, 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 – E). 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 – E 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. [PUB21-078](#) Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a fifth 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, 3, and 4 approved by City Council; said fifth amendment to provide additional engineering services and permitting support for the Hickory Creek Basin Peak Flow 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 fifth amendment expenditure amount not-to-exceed \$66,742.00, with the total contract amount not-to-exceed \$1,413,706.00).

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](#)  
                              [Exhibit 7 - Ordinance and Amendment 5](#)

- B. [PUB21-079](#) Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a second amendment to a Professional Services Agreement between the City of Denton and Stearns, Conrad and Schmidt Consulting Engineers, Inc., dba SCS Engineers, amending the contract approved

by City Council on August 18, 2020, in the not-to-exceed amount of \$69,645.00; amended by Amendment 1, approved by City Council; said second amendment to provide additional engineering services for surveying and construction quality assurance (CQA) services for the extension of the perimeter landfill gas (LFG) collection header, perimeter road, and waterline at the City of Denton Landfill project; providing for the expenditure of funds therefor; and providing an effective date (File 7109-011 - providing for an additional second amendment expenditure amount not-to-exceed \$273,822.00, with the total contract amount not-to-exceed \$353,117.00).

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

- C.    [PUB21-080](#)    Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or their designee, to execute a Professional Services Agreement with Kimley-Horn and Associates, Inc., for the development of a residential lighting design for Denton Municipal Electric, as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7584 - Professional Services Agreement for design services awarded to Kimley-Horn and Associates, Inc., in the not-to-exceed amount of \$74,000.00).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet - PUB](#)  
                              [Exhibit 2 - Evaluation Sheet](#)  
                              [Exhibit 3 - Ordinance and Contract](#)

- D.    [PUB21-081](#)    Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, for the approval of a pre-qualified professional services list of State Certified Engineers for project/program management, professional engineering services, and capital infrastructure-related projects within the City of Denton, for various capital investment projects; and providing an effective date (RFQ 7599 - for two (2) years, with the option for one (1) additional one (1) year extension, in the total three (3) year term).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                              [Exhibit 2 - Evaluation Sheet](#)  
                              [Exhibit 3 - Ordinance](#)

- E.    [PUB21-082](#)    Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive proposals under RFP 7629 for Residential and Small Commercial Energy and Water Audits; and providing an effective date (RFP 7629).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                              [Exhibit 2 - Ordinance](#)

### 3. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [PUB21-061](#) Consider approval of the April 26, 2021 minutes.

Attachments: [4.26.21 PUB Minutes](#)

- B. [PUB21-083](#) Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or their designee, to execute a contract with FX5 Utility Construction, LLC, for Underground Electric Installation for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 7633 - awarded to FX5 Utility Construction, LLC, for one (1) year, with the option for four (4) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$15,000,000.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Pricing Evaluation](#)  
[Exhibit 3 - LLC Members](#)  
[Exhibit 4 - Presentation](#)  
[Exhibit 5 - Ordinance and Contract](#)

- C. [PUB21-062](#) Management Reports:
1. Service Assistance Program Clarification
  2. February 2021 DEC Dashboard
  3. Update on Hickory GIS Substation
  4. Future Agenda Items
  5. New Business Action Items

Attachments: [1. Service Assistance Program Clarification](#)  
[2. February 2021 Dashboard](#)  
[3. Update on Hickory GIS Substation](#)  
[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. [PUB21-084](#) Receive a report, hold a discussion, and give staff direction regarding updating the existing “Denton Municipal Electric - Energy Risk Management Policy.”

Attachments:      [Exhibit 1-Agenda Information Sheet](#)  
                              [Exhibit 2-Risk Policy Presentation](#)  
                              [Exhibit 3- Proposed 2021 Risk Policy-'clean'](#)  
                              [Exhibit 4-Proposed 2021 Risk Policy-'red-line'](#)

Following the completion of the Work Session, the Public Utilities Board (PUB) will convene in a Closed Meeting to consider specific items when these items are listed below under the Closed Meeting section of this agenda. The Public Utilities Board (PUB) reserves the right to adjourn into a Closed Meeting on any item on its Open Meeting agenda consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law.

### **CLOSED MEETING**

- A. [PUB21-065](#) Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Receive a presentation from staff regarding public power competitive and financial matters about the risks of wholesale energy supply and risk management plans, hedge plans, and strategies as each relates to the DME electric power and gas portfolio; discuss, deliberate, and provide input to staff regarding the same. Consultation with the City’s attorneys regarding legal issues associated with the above matters where a public discussion of these legal matters would conflict with the duty of the City’s attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City’s legal position in any administrative proceeding or potential litigation.

Any final action, decision, or vote on a matter deliberated in a Closed Meeting will only be taken in an Open Meeting that is held in compliance with Texas Government Code, Chapter 551, except to the extent such final action, decision, or vote is taken in the Closed Meeting in accordance with the provisions of Section 551.086 of the Texas Government Code (The ‘Public Power Exception’). The Public Utilities Board reserves the right to adjourn into a Closed Meeting or Executive Session as authorized by Texas Government Code, Section 551.001, et seq. (The Texas Open Meetings Act) on any item on its Open Meeting agenda or to reconvene in a continuation of the Closed Meeting on the Closed Meeting items noted above, in accordance with the Texas Open Meetings Act, including, without limitation Section 551.071-551.086 of the Texas Open Meetings Act.

### **CERTIFICATE**

I certify that the above notice of meeting was posted on the official website (<https://www.cityofdenton.com/en-us/government/open/agendas-minutes>) and bulletin board at City Hall, 215 E. McKinney Street, Denton, Texas, on May 7, 2021, in advance of the 72-hour posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.

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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.