



City of Denton

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

Meeting Agenda Public Utilities Board

Monday, May 24, 2021

9:00 AM

Council Work Session Room

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 24, 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 20, 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, May 24, 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 – I). 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 – I 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. [PUB21-088](#) 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 authorize the spend for an insurance binder to Archer Contingent Energy Risk, LLC, for forced outage insurance of the Denton Energy Center for the Summer of 2021; providing for the expenditure of funds therefor; and providing an effective date (RFP 7686 - authorizing the spend for Power Plant Forced Outage Insurance Coverage or Products and awarding such insurance binder to Archer Contingent Energy Risk, LLC, in the Summer 2021 not-to-exceed amount of \$975,000.00).

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

[Exhibit 2 - Evaluation](#)

[Exhibit 3 - LLC Members](#)

[Exhibit 4 - Ordinance](#)

[Exhibit 5 - Presentation](#)

- B. [PUB21-089](#) 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 TRC Engineers, Inc., for the administration of communication companies requests to attach wired and wireless joint use services to City of Denton infrastructure, as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7328 - Professional Services Agreement for administration services awarded to TRC Engineers, Inc., 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 \$50,000.00).

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

- C. [PUB21-090](#) Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 1 to the contract between the City of Denton and John Burns Construction Company of Texas, Inc., for the construction of the Hickory Substation underground transmission and distribution duct banks; providing for the expenditure of funds therefor; and providing an effective date (RFP 7420 - Change Order No. 1 in the not-to-exceed amount of \$110,775.30, for a total contract award aggregated to \$922,146.00).

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

- D. [PUB21-091](#) 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 WM. M. Coleman & Associates, Inc. dba Coleman & Assoc. Land Surveying, for ground surveying services for the City of Denton Landfill, as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7613 - Professional Services Agreement for ground surveying services awarded to WM. M. Coleman & Associates, Inc. dba Coleman & Assoc. Land Surveying, 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 \$500,000.00).

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

- E. [PUB21-092](#) 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 Probe America, Inc., for Odor Control Chemicals for the City of Denton Landfill; providing for the expenditure of funds therefor; and providing an effective date (RFP 7614-1 - awarded to Probe America, 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 \$150,000.00).

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

- F. [PUB21-093](#) 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 Green Planet, Inc., to provide Household Hazardous Waste Disposal Services for the Solid Waste & Recycling Department; providing for the

expenditure of funds therefor; and providing an effective date (RFP 7654 - awarded to Green Planet, Inc., 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 \$200,000.00).

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

- G. [PUB21-094](#) 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 Caterpillar, Inc., through Sourcewell Contract # 032119-CAT, for one (1) Backhoe Loader for the Wastewater Collections Department; providing for the expenditure of funds therefor; and providing an effective date (File 7683 - awarded to Caterpillar, Inc., in the not-to-exceed amount of \$109,364.18).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Price Comparison](#)
 [Exhibit 3 - Quote](#)
 [Exhibit 4 - Ordinance](#)

- H. [PUB21-095](#) Consider recommending adoption of an ordinance approving a Pipeline Crossing Contract by and between the City of Denton and the Union Pacific Railroad Company relating to the location of a City water pipeline within the railroad right-of-way located at Mile Post 724.38 Choctaw Subdivision, within the County and City of Denton, Texas; authorizing the City Manager to execute the Agreement; authorizing the expenditure of funds; and providing an effective date. (KCS RR Agreement, Sagebrook Phase 1 Addition 8" water pipeline - Mark Laird)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Location Map](#)
 [Exhibit 3 - Sagebrook Final Plat](#)
 [Exhibit 4 - Sagebrook Phase 1 Water Plan](#)
 [Exhibit 5 - Vesting Deed](#)
 [Exhibit 6 - Secretary of State Corporation members list](#)
 [Exhibit 7 - Ordinance](#)

- I. [PUB21-096](#) Consider recommending adoption of an ordinance approving a Pipeline Crossing Contract by and between the City of Denton and the Union Pacific Railroad Company relating to the location of a City wastewater pipeline within the railroad right-of-way, located at Mile Post 724.38 Choctaw Subdivision, within the County and City of Denton, Texas; authorizing the City Manager to execute the Agreement; authorizing the expenditure of funds; and providing an effective date. (KCS RR Agreement, Sagebrook Phase 1 Addition 15" wastewater pipeline - Mark Laird)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Location Map](#)
 [Exhibit 3 - Site Map](#)
 [Exhibit 4 - Sagebrook Phase 1 Sewer Plan](#)
 [Exhibit 5 - Vesting Deed](#)
 [Exhibit 6 - Secretary of State Corporation members list](#)
 [Exhibit 7 - Ordinance](#)

3. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [PUB21-097](#) Consider approval of the May 10, 2021 minutes.

Attachments: [5.10.21 PUB Minutes](#)

- B. [PUB21-064](#) Consider recommending adoption of an ordinance of the City Council of the City of Denton, Texas, repealing Ordinance NO. 20-420; approving and adopting the 2021 Denton Municipal Electric - Energy Risk Management Policy; delegating authority as provided in the 2021 ERMP; authorizing and approving the subsequent execution of such other ancillary and related documents, including, without limitation, contracts, nominations, certificates, assignments, licenses, directions, instruments, confirmations, orders and statements as are authorized by the 2021 ERMP, which are incident to or related thereto; confirming that the city of Denton, Texas, its Mayor, its City Council members, its City Manager, or designees, its City Attorney, or designees, and its City Secretary, or designees, are authorized to perform such acts and obligations as are reasonably required to consummate those future transactions which are provided for and authorized by the 2021 ERMP; finding that the purchase of electricity, natural gas, and related commodities and instruments are exempt from the requirements of competitive bidding; finding that the purchase of electric energy, natural gas and related commodities and instruments made by the city under the terms of the 2021 ERMP are in the public welfare of the citizens and electric ratepayers of the city; authorizing the expenditure of funds therefor; providing an effective date.

Attachments: [Exhibit 1- Agenda Information Sheet](#)
 [Exhibit 2- Risk Policy Presentation](#)
 [Exhibit 3- Ordinance](#)

- C. [PUB21-086](#) 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 public works contract with Mountain Cascade of Texas, LLC, for the construction of the Hickory Creek Interceptor, Phase I and II Project; providing for the expenditure of funds therefor; and providing an effective date (IFB 7252 - awarded to Mountain Cascade of Texas, LLC, in the not-to-exceed amount of \$7,534,784.25).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Bid Tabulation](#)
[Exhibit 3 - ISR 2021-013](#)
[Exhibit 4 - LLC Members](#)
[Exhibit 5 - Presentation](#)
[Exhibit 6 - Ordinance and Contract](#)

- D. [PUB21-087](#) 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 Jagoe-Public Company for the construction of the 2020 Street Bundle - Sector II Project with geographical limits as follows: North Texas Boulevard from West Oak Street to Eagle Drive, Stella Street from South Bonnie Brae Street to North Texas Boulevard, Chestnut Street from Welch Street to Bernard Street, and Welch Street from Fannin Street to Collins Street; providing for the expenditure of funds therefor; and providing an effective date (CSP 7582 - awarded to Jagoe-Public Company, in the not-to-exceed amount of \$5,044,681.00).

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

- E. [PUB21-098](#) Management Reports
1. 2021 CO Bond Sale Update
2. Future Agenda Items
3. New Business Action Items

Attachments: [1. 2021 CO Bond Sale Update](#)
[2. Future Agenda Items](#)
[3. 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. [PUB21-100](#) Receive a report, hold a discussion, and give staff direction regarding a data center project with Tenaska Inc.

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. [PUB21-099](#) 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 20, 2021, in advance of the 72-hour posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.

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.