

**CITY OF DENTON PUBLIC UTILITIES BOARD MINUTES**  
**June 14, 2021**

After determining that a quorum was present of the Public Utilities Board of the City of Denton, convened in a Regular Meeting on Monday, June 14, 2021 at 9:00 a.m. in the Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT In-Person: Chair Susan Parker, Members Karen DeVinney and Ben Jumper

PRESENT Virtual: Members Barbara Russell and Lee Riback

Also present: Executive Manager Utilities Antonio Puente and First Assistant City Attorney Catherine Clifton

ABSENT: Vice Chair Billy Cheek

**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 under the provisions allowed by the Texas Government Code Section 551.127.**

**REGULAR MEETING**

**1. PRESENTATIONS FROM MEMBERS OF THE PUBLIC**

There were no public comments.

**2. CONSENT AGENDA**

The Consent Agenda consisted of Items 2.A-I.

**Board Member DeVinney moved to recommend adoption of the agenda items 2 B-F and H-I. Motion seconded by Board Member Jumper motion carried.**

**YES (5):** Susan Parker, Karen DeVinney, Barbara Russell, Lee Riback and Ben Jumper

**NO (0):**

**A. PUB21-031** 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 7205 for Utility Scale Wind Energy for Denton Municipal Electric; and providing an effective date (RFP 7205).

Board Member DeVinney pulled this item for questions. Terry Naulty answered the questions.

**Board Member DeVinney moved to recommend adoption of agenda item 2 A. Motion seconded by Board Member Jumper motion carried.**

**YES (5):** Susan Parker, Karen DeVinney, Barbara Russell, Lee Riback and Ben Jumper

**NO (0):**

**B. PUB21-102** 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 Tenly Landscape Construction Inc., for irrigation services for various City of Denton departments; providing for the expenditure of funds therefor; and providing an effective date (IFB 7634 - awarded to Tenly Landscape Construction 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 \$2,000,000.00).

**C. PUB21-103** 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 Professional Services Agreement between the City of Denton and Freese and Nichols, Inc., amending the contract approved by City Council on October 16, 2018, in the not-to-exceed amount of \$1,200,000.00, amended by Amendments 1-2 approved by Purchasing, said third amendment to provide professional engineering services for the Southeast Denton Neighborhood Street Reconstruction Project and program management services for the completion of the 2019 Street Reconstruction Bond; providing for the expenditure of funds therefor; and providing an effective date (File 6590-042 - providing for an additional third amendment expenditure amount not-to-exceed \$1,257,254.00 with the total contract amount not-to-exceed \$2,457,254.00).

**D. PUB21-104** 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 Freese and Nichols, Inc., amending the contract approved by City Council on December 5, 2017, in the not-to-exceed amount of \$1,529,180.00; amended by Amendments 1, 2, 3, and 4 approved by City Council and Purchasing; said fifth amendment to provide additional professional and construction services for the Lake Lewisville Water Treatment Plant Phase II project; providing for the expenditure of funds therefor; and providing an effective date (File 6305 - providing for an additional fifth amendment expenditure amount not-to-exceed \$229,777.00, with the total contract amount not-to-exceed \$2,219,307.00).

**E. PUB21-105** 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 Prime Controls, L.P. for the maintenance and service of the Supervisory Control and Data Acquisition (SCADA) system within the Water Production Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7494-1 - awarded to Prime Controls, L.P., 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 \$400,000.00).

**F. PUB21-106** 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 VWR International, LLC, for the purchase of laboratory supplies for the Water Production Department and the Municipal Laboratory; providing for the expenditure of funds therefor; and providing an effective date (IFB 7549-1 - awarded to VWR International, LLC, for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed \$150,000.00).

**G. PUB21-109** 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 the City's Wastewater Master Plan; providing for the expenditure of funds therefor; and providing an effective date (RFP 7574-003 - Professional Services Agreement for development services awarded to Kimley-Horn and Associates, Inc., in the not-to-exceed amount of \$2,025,100.00).

Board Member Riback pulled this item for questions. Chris Campbell answered the question by phone.

**Board Member Riback moved to recommend adoption of agenda item 2 G. Motion seconded by Board Member DeVinney motion carried.**

**YES (5):** Susan Parker, Karen DeVinney, Barbara Russell, Lee Riback and Ben Jumper

**NO (0):**

**H. PUB21-111** 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 Azteca Systems, LLC, for the purchase of Cityworks licenses, an Enterprise Asset Management (EAM) solution that tracks repairs, inspections, and services of City's assets to be used by Technology Services, Parks and Recreation, Water Utility, and Wastewater Utility departments; providing for the expenditure of funds therefor; and providing an effective date (RFP 7545 - awarded to Azteca Systems, 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 \$460,000.00).

**I. PUB21-112** Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a sixth amendment to a Professional Services Agreement between the City of Denton and Freese and Nichols, Inc., amending the contract approved by City Council on July 17, 2012, in the not-to-exceed amount of \$435,701.00, amended by Amendments 1-5 approved by the City Manager, City Council, and Purchasing, said sixth amendment to provide engineering and inspection related services for the North-South Phase II and III 36-Inch/42-Inch Water Transmission Line Project for the Capital Projects and Water Utilities Department; providing for the expenditure of funds therefor; and providing an effective date (File 4978 - providing for an additional sixth amendment expenditure amount not-to-exceed \$619,840.00, with the total contract amount not-to-exceed \$1,672,411.60).

### **3. ITEMS FOR INDIVIDUAL CONSIDERATION**

**A. PUB21-085** Consider approval of the May 24, 2021 minutes.

**Board Member Jumper moved to approve agenda item 3 A. Motion seconded by Board Member Riback, motion carried.**

**YES (4):** Susan Parker, Barbara Russell, Lee Riback and Ben Jumper

**NO (0):**

Abstain: Karen DeVinney, she was absent for the May 24<sup>th</sup> meeting.

**B. PUB21-107** 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 Hammett Excavation, Inc., for construction of the Perimeter Landfill Gas Header, Perimeter Road, and Waterline Extension for the Solid Waste & Recycling Department; providing for the expenditure of funds therefor; and providing an effective date (CSP 7567 - awarded to Hammett Excavation, Inc., in the not-to-exceed amount \$3,641,940.06).

Brian Boerner gave the presentation. There were questions by the Board Members that Boerner answered.

**Board Member Jumper moved to approve agenda item 3 B. Motion seconded by Board Member DeVinney, motion carried.**

**YES (5):** Susan Parker, Karen DeVinney, Barbara Russell, Lee Riback and Ben Jumper

**NO (0):**

**C. PUB21-108** 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 Hammett Excavation, Inc., for the construction of the Public Disposal Facility for the Solid Waste & Recycling Department; providing for the expenditure of funds therefor; and providing an effective date (CSP 7568 - awarded to Hammett Excavation, Inc., in the not-to-exceed amount \$2,526,832.34).

Brian Boerner gave this presentation. There were questions by the Board Members that Boerner answered.

**Board Member Riback moved to approve Agenda item 3 C. Motion seconded by Board Member Russell, motion carried.**

**YES (5):** Susan Parker, Karen DeVinney, Barbara Russell, Lee Riback and Ben Jumper

**NO (0):**

**D. PUB21-101** Management Reports

1. Budget Process Memo
2. Future Agenda Items
3. New Business Action Items

The items were presented with discussion.

#### **4. CONCLUDING ITEMS**

There were no concluding items.

## **WORK SESSION**

**A. PUB21-116** Receive a report, hold a discussion, and give staff direction regarding a proposed high-performance computing operation on leased property at the Denton Energy Center under development by Tenaska.

Jessica Rodgers started the presentation. There were questions by the Board Members that Terry Naulty and Chris Hemschot with Tenaska Energy Solutions answered. There was a number of minutes taken to discuss this item.

The Board recommend moving forward by consensus.

## **CLOSED MEETING**

**A. PUB21-115** - 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 regarding the provision of electric power to a prospective large electric demand customer, discuss, deliberate, and provide direction to staff regarding same. Consultation with City's attorneys regarding legal issues associated the above matter 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 Texas Disciplinary Rules of Professional Conduct of State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.

The Closed Meeting started at 9:53am.

With no further business, the meeting was adjourned at 10:26 am.

DocuSigned by:

*Susan Parker*

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**SUSAN PARKER**

**CHAIR**

**CITY OF DENTON, TEXAS**

DocuSigned by:

*Kim Mankin*

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**KIM MANKIN**

**UTILITIES ADMIN MANAGER**

**CITY OF DENTON, TEXAS**

Minutes approved on: June 28, 2021