



City of Denton

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

Meeting Agenda Public Utilities Board

Monday, August 23, 2021

9:00 AM

Council Chambers

AS OF JUNE 14, IN-PERSON PUBLIC COMMENTS ARE ALLOWED AT THIS MEETING. FOR VIRTUAL PARTICIPATION, SEE THE REGISTRATION PROCESS DETAILED BELOW.

REGISTRATION GUIDELINES FOR ADDRESSING THE PUBLIC UTILITIES BOARD

Citizens will also 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 August 19, 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, August 23, 2021, at 9:00 a.m. in the Council Chambers 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 – B). 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 – B 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. [PUB21-160](#) 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 contract between the City of Denton and Floyd Smith Concrete, Inc., amending the contract approved by City Council on October 17, 2017, in the not-to-exceed amount of \$21,976,261.84; amended by Amendment 1 approved by the City Council; said second amendment is for additional miscellaneous concrete related repair and installation projects throughout the City by the Streets Department; providing for the expenditure of funds therefor; and providing an effective date (File 6547 - providing for an additional second amendment expenditure amount not-to-exceed \$1,980,000.00, with the total contract amount not-to-exceed \$24,176,495.71).

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

- B. [PUB21-161](#) Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Hazen and Sawyer, P.C., to provide regulatory permitting/approval support, process evaluation, design services, bidding assistance, construction administration, and commissioning/startup support for the Pecan Creek Water Reclamation Plant Effluent Filter improvements; providing for the expenditure of funds therefor; and providing an effective date (RFP 7574-005 - Professional Services Agreement for design services awarded to Hazen and Sawyer, P.C., in the not-to-exceed amount of \$576,124.00).

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

3. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [PUB21-168](#) Consider approval of the August 9, 2021 minutes.

Attachments: [8.9.21 PUB Minutes](#)

- B. [PUB21-162](#) Consider recommending adoption of an ordinance establishing the rates for water and water service; providing for a repealer; providing for a severability clause; and, providing for an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Water Red Line Rate Ordinance](#)
 [Exhibit 3 - Water Rate Ordinance](#)

- C. [PUB21-163](#) Consider recommending adoption of an ordinance establishing the rates for wastewater service; providing for a repealer; providing for a severability clause; and, providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Wastewater Red Line Rate Ordinance.pdf](#)
 [Exhibit 3 - Wastewater Rate Ordinance.pdf](#)
 [Exhibit 3 - Wastewater Rate Ordinance](#)

- D. [PUB21-164](#) Consider recommending adoption of an ordinance of the City of Denton, Texas, establishing the rates for solid waste and recycling collection service; repealing Ordinance No. 20-1551; providing for a repealer; providing for a severability clause; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Solid Waste Red Line Rate Ordinance.pdf](#)
 [Exhibit 3 - Solid Waste Rate Ordinance](#)

- E. [PUB21-172](#) Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a lease with Core Scientific, Inc. for approximately 30 acres of City-owned property located in the Moses H. Davis Survey, Abstract No. 377, and in the Johnson, Green, Myers, and Brummett Survey, Abstract No. 1699, all in the City and County of Denton, Texas; and providing an effective date.

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

- F. [PUB21-173](#) Consider recommending adoption of an ordinance of the City of Denton, A Texas Home-Rule Municipal Corporation, approving a Power Purchase Agreement between the City and Core Scientific Inc., a Delaware Corporation; providing for the expenditure of funds; and providing for an Effective Date.

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

[Exhibit 2 - Ordinance](#)

- G. [PUB21-169](#) Management Reports
1. Denton Energy Center May 2021 Dashboard
 2. Denton Energy Center June 2021 Dashboard
 3. Future Agenda Items
 4. New Business Action Items

Attachments: [1. Denton Energy Center May 2021 Dashboard](#)

[2. Denton Energy Center June 2021 Dashboard](#)

[3. Future Agenda Items](#)

[4. 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. [PUB21-165](#) Receive a report, hold a discussion, and give staff direction on the proposed Water and Wastewater Rates for FY 2021-2022.

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

[Exhibit 2 - Water and Wastewater Rate Presentation](#)

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

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.

- A. [PUB21-171](#) Deliberations Regarding Certain Public Power Utilities Competitive Matters - Under Texas Government Code Section 551.086.

Receive a presentation from staff containing public power information related to a proposed power purchase agreement between the City of Denton, as the seller of power and electric energy services, and Core Scientific Inc.; discuss and deliberate actions regarding the same.

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 August 19, 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.