



# 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, December 14, 2015**

**9:00 AM**

**Council Chambers**

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After determining that a quorum is present, the Public Utilities Board of the City of Denton, Texas will convene in a meeting on Monday, December 14, 2015 at 9:00 a.m. in the City Council Chambers at the City of Denton City Hall, 215 E. McKinney Street, Denton, Texas at which the following items will be considered:

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. When items for consideration are not listed under the Closed Meeting section of the agenda, the PUB will not conduct a Closed Meeting and will immediately convene its open meeting. The 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. [PUB15-029](#) Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff, discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests located east of Loop 288 and Spencer Rd. to Pockrus Page Rd. and HWY I-35E; where discussions had, deliberation, and direction given, by the Denton City Council in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. Consultation with the City's attorneys regarding legal issues associated with the acquisition of the real property interests described above; discussion of these legal matters in an open meeting 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.[PUB15-039;Mayhill Substation]

- B. [PUB15-077](#) Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff and discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests located in Lot 1, Block 2 of the Municipal Utility Addition as shown by the plat thereof recorded in Cabinet G Page 346 of the P.R.D.C.T., in the City of Denton, Denton County, Texas; where discussion had, deliberation, and direction given, by the Denton Public Utilities Board in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. Consultation

with the City's attorneys regarding legal issues associated with the acquisition of the real property interests described above; discussion of these legal matters in an open meeting would conflict with the duty of the City's attorneys to the City of Denton and the Denton Public Utilities Board 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. [Brinker Substation]

- C. [PUB15-082](#) CONSULTATION WITH ATTORNEYS - Under Texas Government Code, Sec. 551.071.

Consult with the City's attorneys regarding the present status of settlement negotiations regarding pending litigation styled: City of Denton, Texas v. NRG Power Marketing, LLC, Cause No. 15-01404-16, now pending in the 16th Judicial District Court of Denton County, Texas, and discuss, deliberate and provide the City's attorneys with direction and any recommendations regarding such legal matter. A public discussion of this legal matter would conflict with the duty of the City's Attorneys to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

- D. [PUB15-087](#) CONSULTATION WITH ATTORNEYS - Under Texas Government Code, Sec. 551.071.

Consult with the City's attorneys about Verizon Southwest, Inc.'s unpaid pole attachment fees including the status of settlement negotiations, potential litigation, and related issues. Discuss, deliberate and provide the City's attorneys with direction and any recommendations regarding such legal matter. A public discussion of this legal matter would conflict with the duty of the City's Attorneys to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

- E. [PUB15-083](#) Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086.

Receive a presentation from Denton Municipal Electric staff ("DME") regarding public power competitive and financial matters pertaining to plans, strategies, opportunities, and developments for generation improvements to the DME system; discuss and deliberate strategies regarding same; discuss and deliberate opportunities and strategies for the City to acquire purchased power and enter into agreements regarding the same, in order to meet its future energy needs. Discuss, deliberate and provide Staff with direction. [PUB15-072]

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 §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 TEX. GOV’T. CODE, §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 §551.071-551.086 OF THE TEXAS OPEN MEETINGS ACT.

## PUBLIC HEARINGS

- A. [PUB15-039](#) Hold a public hearing and consider recommending that the City Council adopt a resolution regarding the proposed sites for construction, expansion, and use of an electric power transmission /distribution substation located along both the east and west sides of South Mayhill Road between Spencer Road to the north and Quailcreek and Old Edwards Road to the south, in the City of Denton, Texas, as part of Denton Municipal Electric’s service territory. [Pockrus to Mayhill]

Attachments:

[Exhibit 1 - Project Information Sheet for Pockrus to Spencer R2\\_POWER Revie](#)

[Exhibit 2 - Transmission Line Locations Requiring Land Action](#)

[Exhibit 3 - DME Substation Locations Map](#)

[Exhibit 4 - Mayhill to Pockrus Options Map 10-22-15](#)

[Exhibit 5 - Mayhill - MH-PK TM Line - location map](#)

- B. [PUB15-072](#) Hold a public hearing and consider public input regarding the proposed Renewable Denton Plan for future power supply as part of Denton Municipal Electric’s service territory; discuss, deliberate, provide staff with direction, and; consider recommending approval of a resolution in support of the Denton Municipal Electric Renewable Denton Plan.

Attachments:

[Exhibit 1 - Resolution RD PH](#)

## REGULAR MEETING

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

## CONSENT AGENDA

Each of these items 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 of other action under the Consent Agenda (Agenda Items A – F). 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 – F 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. [PUB15-069](#) Consider recommending a resolution to the City Council of the City of Denton, Texas authorizing the filing and acceptance of a contract with the Solid Waste & Recycling Department (SW&R) and South Forks Trinity River Mitigation Group 1, LP, for the SW&R to purchase mitigation credits to offset impacts to the Waters of the United States in providing wetland mitigation, in the preparation, development and submittal of a permit application for lateral expansion and associated services pertaining to the City of Denton Landfill (MSW Permit #1590a); authorizing the expenditure of funds in the stated amount of \$66,888, and providing an effective date.

Attachments:      [Exhibit-1 US Army Corp of Engineers Public Notice](#)  
                              [Exhibit- 2 South Forks Trinity River Sales Agreement](#)

- B. [PUB15-070](#) Consider recommending approval of a Professional Services Agreement between Parkhill Smith & Cooper (PSC) and the City of Denton Solid Waste & Recycling Department for PSC to provide annual professional and engineering services for fiscal years 2015-16 through fiscal year 2017-18, in an annual amount of \$150,000, with a three year total not to exceed amount of \$450,000. (PSA 6014)

Attachments:      [Exhibit 1- Municipal Solid Waste Engineering Services Proposal](#)  
                              [Exhibit 2- PSC Hourly Rate Schedule](#)

- C. [PUB15-073](#) Consider a recommendation that the City Council approve an annually renewable, unit price purchase agreement with Techline, Inc. for purchase of tapered tubular, galvanized, steel structures for substations in an amount not to exceed \$1,840,000. (RFP #5841)

Attachments:      [Exhibit 1 - Evaluation Summary for RFP #5841](#)  
                              [Exhibit 2 - Typical Substation Layout and Steel Drawings](#)

- D. [PUB15-074](#) Consider recommending approval for the adoption of an ordinance of the City Council of Denton, Texas authorizing the City Manager to execute a Water and Sewer Main Pro-Rata Reimbursement Agreement between the City of Denton, Texas and THX Properties, LLC for reimbursement of the costs of building a water and sewer main, through pro-rata charges paid to the City; authorizing the transfer of funds pursuant to the agreement; and providing an effective date.

Attachments:      [Exhibit 1 - Site Plan and Location Map](#)  
                              [Exhibit 2 - Pro Rata Water and Sewer Map](#)  
                              [Exhibit 3 - Water and Sewer Main Pro Rata Cost](#)  
                              [Exhibit 4 - Water & Sewer Pro-Rata Agreement-2015](#)  
                              [Exhibit 5 - Water & Sewer Main Pro-Rata Reimb-Ordinance-2015](#)

- E. [PUB15-085](#) Consider recommending approval of Amendment No. 3 to the Professional Services Agreement for Architect or Engineer between the City of Denton and Malcolm Pirnie, Inc., (now known as Arcadis US, Inc.), such amendment being in the amount of \$ 146,873 for additional Engineering Services for the extended Construction

Phase of the Lake Lewisville Water Treatment Plant Rehabilitation and Process Upgrade project.

Attachments:     [Exhibit 1 Location Map](#)  
                              [Exhibit 2 PSA Amendment #3 Request 10-29-15](#)

- F.    [PUB15-086](#)    Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the Buy Board Cooperative Purchasing Network for the acquisition of three (3) dump trucks, two (2) haul trucks, and ten (10) refuse trucks for the City of Denton Wastewater Collections, Drainage, and Solid Waste Departments; and providing an effective date (File 5980-awarded to Rush Truck Center, Crane in the amount of \$2,482,577).

Attachments:     [Exhibit 1 - Peterbilt Comparison](#)  
                              [Exhibit 2-Contract and Non-Contract Quotes PUB](#)  
                              [Exhibit 3-Rush Truck Letter](#)  
                              [Exhibit 4-Fleet Standardization Memo](#)

#### ITEMS FOR INDIVIDUAL CONSIDERATION

- A.    [PUB15-075](#)    Consider approval of the Public Utilities Board meeting minutes of November 9, 2015

Attachments:     [November 9, 2015 Draft PUB Minutes](#)

- B.    [PUB15-081](#)    ACM Update  
                          1. Water/Wastewater Rate Comparisons  
                          2. DME Rate Comparisons  
                          3. NCTCOG Grant Resolutions  
                          4. Matrix

Attachments:     [Exhibit 1 Water WW Rate Comparison Update Nov 2015](#)  
                              [Exhibit 2 DME Dec 2015 Rate Comparison](#)  
                              [Exhibit 3 NCTCOG Grant Resolutions 12 15 15](#)  
                              [Exhibit 4 New Business Matrix](#)

#### 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.

B.    Possible Continuation of Closed Meeting topics, above posted.

## 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 \_\_\_\_\_ day of \_\_\_\_\_, 2015 at \_\_\_\_\_ o'clock (a.m.) (p.m.)

\_\_\_\_\_  
CITY SECRETARY

NOTE: THE CITY OF DENTON COUNCIL CHAMBERS IS HANDICAP-ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE 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 349-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT A SIGN LANGUAGE INTERPRETER CAN BE SCHEDULED THROUGH THE CITY SECRETARY'S OFFICE.