



City of Denton

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

Meeting Agenda Public Utilities Board

Monday, February 22, 2016

9:00 AM

Service Center Training Room

After determining that a quorum is present, the Public Utilities Board of the City of Denton, Texas will convene in a meeting on Monday, February 22, 2016 at 9:00 a.m. in the Service Center Training Room at the City of Denton Service Center, 901-A Texas 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. [PUB16-031](#) CONSULTATION WITH ATTORNEYS - Under Texas Government Code, Sec. 552.071; CERTAIN PUBLIC POWER UTILITIES: COMPETITIVE MATTERS - Under Texas Government Code, Sec. 551.086.
Consult with the City's attorneys regarding the present status of the Denton Municipal Electric-Energy Management Organization operations regarding EEI contract negotiation, ISDA contract negotiation, and other related contracting issues; discuss, deliberate and provide the City's attorneys and staff with direction. A public discussion of this legal matter would conflict with the duty of the City's Attorneys to the City of Denton, Texas under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.
- B. [PUB16-032](#) CONSULTATION WITH ATTORNEYS - Under Texas Government Code, Sec. 551.071.
Consult with the City's attorneys regarding the present status of the implementation of a new Pole Attachment License Agreement, a new City Right-of-Way Agreement, possible ancillary agreements and the status of claims for unpaid pole attachment fees by Verizon; discuss deliberate and provide the City's attorneys with direction and any recommendations regarding such legal matters. A public discussion of this legal matter would conflict with the duty of the City's Attorneys to the City of Denton, Texas under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.
- C. [PUB16-033](#) CONSULTATION WITH ATTORNEYS - Under Texas Government Code, Sec. 551.071.
Consult with the City's attorneys regarding the present status of pending litigation entitled: The City of Denton, Texas v. NRG Power Marketing, LLC, et al, Cause No. 15-01404-16, now pending before the 16th Judicial District Court in and for Denton County, Texas; 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 of Denton, Texas under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

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.

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 – H). 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 – H 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. [PUB16-025](#) Consider recommending approval to award a purchase agreement in the amount not to exceed \$875,000, for a term of thirty-six (36) months, for the purchase of residential refuse and recycling carts and replacement parts, to Rehrig Pacific Company through the State of Texas's HGAC Cooperative Purchasing Program. (File 5997)
- B. [PUB16-030](#) Consider recommending approval of a Sponsored Research Agreement by and between the City of Denton, Texas and Southern Methodist University providing for the investigation of enhanced methane generation in the bioreactor landfill facility at the City of Denton, Texas, in an amount not-to-exceed \$169,655; providing for the expenditure of funds therefor.

Attachments: [Exhibit 1 - Letter and Sponsored Research Agreement](#)
 [Exhibit 2- Ordinance](#)

- C. [PUB16-037](#) Consider recommending 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 one (1) Caterpillar model 953D track loader for the City of Denton Drainage Department; and providing an effective date (File 6070-awarded to Holt Cat in the amount of \$213,950)

Attachments: [File 6070- Exhibit 1 Track Loader](#)
[File 6070- Exhibit 2 Replacment Request Form](#)

- D. [PUB16-038](#) Consider making a recommendation that the City Council approve a 3 year contract with Schweitzer Engineering Laboratories (SEL) for the purchase of SEL protective relay, control, monitoring, metering, software, integration, accessories, and devices which are available from only one source in the amount not to exceed \$2,240,000. Chapter 252.022 of the Texas Local Government Code exempts such purchases from the requirements of competitive procurement. (File 6046)

Attachments: [Exhibit 1 - Price Sheet](#)
[Exhibit 2 - SEL Hardware 2016 AIS](#)
[Exhibit 3 - SEL Relay 2016](#)

- E. [PUB16-040](#) Consider a recommendation of approval of a concurrent ordinance with the Cities of Bryan, Garland and Greenville, Texas electing the provisions of Subchapter C-1 of Chapter 163, Texas Utilities Code, providing for alternative governance of the Texas Municipal Power Agency; providing findings of fact; defining the boundaries of the agency; designating the name of the agency; and designating the number, place, terms, and manner of appointment of directors of the agency; providing a savings clause; providing a severability clause; providing for retroactive ratification, confirmation and approval thereof.

Attachments: [Exhibit 1 - Denton Version of TMPA Related Concurrent Ordinance-Election of §](#)

- F. [PUB16-041](#) Consider a recommendation of approval of a second supplemental and amended engagement letter with the law firm of David A. Portz, P.C., Attorney, Houston, Texas, for professional legal services to be provided to the Energy Management Organization of Denton Municipal Electric; in the not-to-exceed amount of \$50,000; aggregating a total of not-to-exceed \$175,000 (File No. 5554).

Attachments: [Exhibit 1 - Second Supplement and Amended Engagement Letter](#)
[Exhibit 2 - Proposed Ordinance](#)

- G. [PUB16-042](#) Consider a recommendation of approval of a second supplemental and amended engagement letter with Lloyd Gosselink Rochelle & Townsend, P.C. for Professional Legal Services relating to the pending litigation entitled the City of Denton, Texas v NRG Power Marketing, LLC, et al; authorizing the expenditure of funds therefor; providing an effective date (File No. 5771 - in the additional amount of not-to-exceed \$800,000, aggregating not-to-exceed \$1,395,000).

Attachments: [Exhibit 1 - Second Supplemental and Amended Engagement Letter](#)
[Exhibit 2 - Proposed Ordinance](#)

- H. [PUB16-043](#) Consider a recommendation of approval of a first supplemental and amended

engagement letter with the law firm of Herrera & Boyle, PLLC, Austin, Texas, regarding professional legal services pertaining to issues regarding pole attachment license agreements, right-of-way agreements, Verizon pole attachment collections and possibly additional agreements in the not-to-exceed amount of \$65,000, aggregating a total of not-to-exceed \$130,000 (File No. 5592).

Attachments: [Exhibit 1 - Engagement Letter](#)
 [Exhibit 2 - Herrera & Boyle Ordinance](#)

ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [PUB16-028](#) Consider approval of the Public Utilities Board Meeting minutes of date February 8, 2016.

Attachments: [Exhibit 1 - Public Utilities Board Draft Minutes 2-8-16](#)

- B. [PUB16-020](#) Receive a report, hold a discussion, and give staff direction concerning the revised Utilities Financial Strategies document.

Attachments: [Exhibit 1 - Current Utilities Financial Strategies](#)
 [Exhibit 2 - Revised FY2016-17 Utilities Financial Strategies](#)
 [Exhibit 3 - Financial strategies](#)

- C. [PUB16-026](#) Receive a report and hold a discussion regarding the Fiscal Year 2017 Solid Waste & Recycling Materials Forecast, which is utilized in preparing the FY 2017 Solid Waste & Recycling Annual Budget and FY 2017 - 2021 Capital Improvement Program.

Attachments: [Exhibit 1 - FY 2016-17 Long Term Forecast](#)
 [Exhibit 2 - Solid Waste & Recycling Forecast Presentation](#)

- D. [PUB16-039](#) Receive a report, hold a discussion, and give staff direction regarding a recommendation that the City Council approve a contract with Walsh's Hawk Construction Company, LLC, a limited liability corporation, Princeton, Texas, for constructing precast concrete security/screening fences, in an amount not to exceed \$5,900,000 over the course of a three year period. (RFP #5963)

Attachments: [Exhibit 1 - Evaluation Tabulation](#)

- E. [PUB16-029](#) ACM Update:
 1. Matrix

Attachments: [Exhibit 1 - 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 _____, 2016 at _____ o'clock (a.m.) (p.m.)

CITY SECRETARY

NOTE: THE CITY OF DENTON SERVICE CENTER TRAINING ROOM 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.