



# 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, May 23, 2016**

**9:00 AM**

**Service Center Training Room**

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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, May 23, 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. [PUB16-83](#) 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. [TMPA]

- B. [PUB16-90](#) DELIBERATIONS REGARDING CERTAIN PUBLIC POWER UTILITIES: COMPETITIVE MATTERS --- Under Texas Government Code §551.086.

Receive competitive public power information and financial information from staff in the form of the draft operating budget for Denton Municipal Electric ("DME") for FY 2016-2017, including without limitation, revenues, expenses, and commodity volumes; discuss, deliberate, and provide staff with direction regarding such matters.

- C. [PUB16-91](#) 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 between Western Blvd. and Lot 1, Block 1, of the R D Wells Interchange Addition, an Addition to the City of Denton, Denton County, Texas according to plat recorded

at Page 169, Cabinet Y, Plat Records of Denton County, Texas; discussions had, deliberation, and direction given, by the Denton Public Utility 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 Utility 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. [Easement related to the R.D. Wells Substation]

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 – D). 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 – D 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. [PUB16-84](#) Consider a recommendation for Coleman & Associates Land Surveying, Denton, Texas, to provide professional surveying services associated with the construction of Cells 3B - 3D at the City's Landfill in the amount of \$86,630. (PSA 6146)

Attachments: [Exhibit 1 - Denton Cell 3 Coleman Survey Proposal](#)

- B. [PUB16-85](#) Consider a recommendation for Parkhill, Smith & Cooper Inc. (PSC), Frisco, Texas, to provide professional design, engineering, and administrative services for the design, construction, and regulatory approval of the City's Landfill expansion,

Phase 3B-D, in the amount of \$197,250. (PSA 6145)

Attachments:      [Exhibit 1 - Denton Cell 3 PSC Services Proposal 16 05 23](#)

- C. [PUB16-89](#) Consider recommending adoption of an ordinance accepting competitive proposals and awarding contracts for the rehabilitation and three (3) year maintenance of the Ozone Generation System located at the City of Denton Lake Ray Roberts Water Treatment Plant to Xylem, Inc. in the not-to-exceed amount of \$480,000.00 and the cleaning and (3) year maintenance of the Ozone Generation System located at the City of Denton Lake Lewisville Water Treatment Plant to Fin-Tek, Inc. in the not-to-exceed amount of \$200,000.00 (RFP-6043).

Attachments:      [Exhibit 1 - Scope of Work and Technical Specifications](#)  
                             [Exhibit 2 - Pricing Sheet for Ozone Generation](#)  
                             [Exhibit 3 - Capital Improvement Project Sheet](#)

- D. [PUB16-92](#) Consider a recommendation that the City Council approve a Second Supplement to Professional Services Agreement by and between the City of Denton, Texas and the law firm of Cole Schotz, P.C., Dallas, Texas for legal services relating to transactional and regulatory work pertaining to the Texas Municipal Power Agency; providing for additional expenditure authority of not-to-exceed \$150,000 (File No. 5380; \$150,000, in the aggregate amount of not-to-exceed \$399,500).

Attachments:      [Exhibit 1 - 5380-Original Agreement](#)  
                             [Exhibit 2 - 5380-First Amendment](#)  
                             [Exhibit 3 - 5380-Second Extension](#)  
                             [Exhibit 4 - Schotz Contract](#)

#### ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [PUB16-87](#) Consider approval of the Public Utilities Board Meeting minutes of May 9, 2016.

Attachments:      [Exhibit 1 - 5-9-16 PUB Draft Minutes](#)

- B. [PUB16-93](#) Receive a report, hold a discussion and give staff direction on the Denton Municipal Electric (DME) FY2017-2021 Capital Improvement Program (CIP).

Attachments:      [Exhibit 1 - 5-23-16 PUB Binder - Open Session](#)

- C. [PUB16-88](#) 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.