

CITY OF DENTON PUBLIC UTILITIES BOARD MINUTES

December 12, 2022

After determining that a quorum was present of the Public Utilities Board of the City of Denton, convened in a Regular Meeting on Monday, December 12, 2022 at 9:00 a.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Vice Chair Billy Cheek, Barbara Russell, Devin Taylor, Lee Riback and Larry Beck

Also present: Assistant City Manager Christine Taylor and Deputy City Attorney Marcella Lunn

Absent: Chair Susan Parker and Ben Jumper

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-P.

After questions were answered on Consent agenda items A, E, H, K, L, M, N, O and P, Board Member Russell moved to recommend adoption of agenda items 2A-H, J-P. Motion seconded by Board Member Riback; motion carried.

YES (5): Vice Chair Billy Cheek, Barbara Russell, Devin Taylor, Lee Riback and Larry Beck

NO (0):

A. PUB22-194 Consider recommending adoption of an ordinance approving a joint funding agreement ("agreement") for Water Resource Investigations by and between The City of Denton and the United States Geological Survey (USGS) related to continued support of the Hickory Creek Streamflow Station in the amount of \$5,100.00 (agreement number: 23SJFATX161000); authorizing the City Manager to execute and deliver the agreement authorizing the expenditure of funds therefor; providing an effective date.

Board Member Taylor asked a question that Michael Gauge answered.

B. PUB22-198 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a fourth amendment to a Professional Services Agreement between the City of Denton and Kimley-Horn and Associates, Inc., amending the contract approved by the City Council on January 14, 2020, in the not-to-exceed amount of \$1,398,600.00; amended by Amendments 1–3 approved by Purchasing and City Council; said fourth amendment to provide additional design engineer services and construction administration services in support of the Northwest Booster Pump Station and Water Transmission

Main project; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-081 - providing for an additional fourth amendment expenditure amount not-to-exceed \$100,000.00, with the total contract amount not-to-exceed \$1,905,900.00).

C. PUB22-199 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 Black and Veatch Corporation, to provide detailed design, engineering, and project management for the Denton Energy Center (DEC) Winterization; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7804-007 - Professional Services Agreement for professional services awarded to Black and Veatch Corporation, in the not-to-exceed amount of \$257,000.00).

D. PUB22-200 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Schneider Electric Smart Grid Solutions, LLC, for the configuration and implementation of Arc FM Designer XI (DXI) for Denton Municipal Electric (DME); providing for the expenditure of funds therefor; and providing an effective date (RFP 7817 - awarded to Schneider Electric Smart Grid Solutions, 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 \$683,277.00).

E. PUB22-203 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 Weaver Consultants Group, LLC, to provide professional services for the Operations and Maintenance of the Landfill Gas Collection and Control System (GCCS) at the City of Denton Landfill; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7109-029 - Professional Services Agreement for professional services awarded to Weaver Consultants Group, LLC, in the not-to-exceed amount of \$52,200.00).

Board Member Beck asked a question that Brian Boerner answered.

F. PUB22-204 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, for approval of a pre-qualified professional services list of state certified engineers for substation and transmission line engineering for various projects for Denton Municipal Electric; and providing an effective date (RFQ 8031-1 - for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year term).

G. PUB22-205 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Harden Cabinets, LLC, for scrap utility pole disposal for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 8065 - awarded to Harden Cabinets, LLC, for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year term).

H. PUB22-206 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive bids under RFP 8100, for

Utility Scale Solar and/or Wind Energy for Denton Municipal Electric; and providing an effective date (File 8100).

Board Member Taylor asked questions that Terry Naulty answered. Other Board Members asked questions that Naulty answered.

I. PUB22-207 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 2 to the contract between the City of Denton and Jagoe-Public Company, for additional work to the Hickory Creek Road Widening Project; providing for the expenditure of funds therefor; and providing an effective date (File 6903 - Change Order No. 2 in the not-to-exceed amount of \$390,997.80, for a total contract award aggregated to \$5,879,828.30).

Board Member Riback moved to recommend adoption of agenda item 2I. Motion seconded by Board Member Taylor; motion carried.

YES (4): Barbara Russell, Devin Taylor, Lee Riback and Larry Beck

NO (0):

Vice Chair Billy Cheek Recused himself

J. PUB22-208 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, ratifying the expenditure of funds by the City Manager for the emergency purchase of electric utility transformers for Denton Municipal Electric; and providing an effective date (File 8167 - awarded to Anixter Wesco Distributing, in the not-to-exceed amount of \$560,475.00).

K. PUB22-209 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, ratifying the expenditure of funds by the City Manager for the emergency purchase of rebuilt electric utility transformers for Denton Municipal Electric; and providing an effective date (File 8169 - awarded to Solomon Corporation, in the not-to-exceed amount of \$170,700.00).

Board Member Riback asked questions that Randy Key answered. Other Board Members asked questions that Key answered.

L. PUB22-210 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a Professional Services Agreement between the City of Denton and John Hoggard dba Utility Planning Network (UPN), amending the contract approved by the City Council on January 12, 2021, in the not-to-exceed amount of \$200,000.00; said first amendment to provide project management and consulting services for development of a customer relationship management system and 311 contact center implementation for the Customer Service Department; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7485 - providing for an additional first amendment expenditure amount not-to-exceed \$150,000.00, with the total contract amount not-to-exceed \$350,000.00).

Board Member Riback asked questions that Tiffany Thompson answered.

M. PUB22-211 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Last Chance Redi-Mix LLC, for the disposal of spoil materials resulting from internal City construction and maintenance for multiple departments; providing for the expenditure of funds therefor; and providing an effective date (IFB 8115 - awarded to Last Chance Redi-Mix 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 amount of \$1,470,000.00).

Board Member Beck asked questions that Casey Bowles and Brian Boerner answered. Other Board Members asked questions that Boerner answered.

N. PUB22-212 Consider recommending adoption of an ordinance of the City of Denton authorizing the City Manager to execute a contract of sale between the City of Denton, as buyer, and Burch Family Farm Ltd (referred to herein as “seller”), for the purchase of approximately 400 acres of land, more or less, for the purpose of the construction of Waste water Treatment Facility and other public uses, being located in the J. W. Withers Survey, Abstract No. 1343, in the James Severe Survey, Abstract No. 1164, in the BBB & CRR Company Survey, Abstract No. 196, and in the W. M. Roark Survey, Abstract No. 1087, all located in the extraterritorial jurisdiction and County of Denton, Texas, for the purchase price of \$7,000,000.00; authorizing the expenditure of funds therefor; providing for severability; and providing an effective date.

Board Member Russell ask questions that Deanna Cody answered.

O. PUB22-213 Consider recommending adoption of an ordinance of the City of Denton authorizing the execution of a contract of sale between the City of Denton, as buyer, and Mark Hicks Investments, LLC. (referred to herein as “seller”), for the purchase of approximately 40 acres of land for use as a new Solid Waste Transfer Station, being situated in the M. H. Davis Survey, Abstract No. 377, City of Denton, Denton County, Texas, located on Tom Cole Road, for the purchase price of Four Million Three Hundred Fifty-Six Thousand Dollars and no/100 (\$4,356,000.00); authorizing the expenditure of funds therefor; providing for severability; and providing an effective date.

Board Member Russell ask questions that Deanna Cody answered.

P. PUB22-215 Consider recommending adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of land rights in approximately 50.415 acres of land for constructing a Waste Water Treatment Facility, generally located along Country Club Road, situated in the James W. Withers Survey Abstract No. 1343, in the Extra Territorial Jurisdiction of the City and County of Denton, Texas, and more particularly described in the Attached Exhibit “A” (collectively, the “Property Interests”); authorizing the City Manager and City Attorney, or their respective designees, to acquire the Property Interests by agreement, if possible, including making all offers required by law; authorizing the use of the power of eminent

domain to condemn the property interests if agreements cannot be reached; authorizing the City Attorney, or his designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; making findings; providing a savings clause; and providing an effective date.

Board Member Russell ask questions that Deanna Cody answered.

3. ITEMS FOR INDIVIDUAL CONSIDERATION

A. PUB22-196 Consider approval of the November 14, 2022 minutes.

Board Member Beck moved to recommend approval of agenda item 3A. Motion seconded by Board Member Russell; motion carried.

YES (5): Vice Chair Billy Cheek, Barbara Russell, Devin Taylor, Lee Riback and Larry Beck

NO (0):

B. PUB 22-201 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to utilize a contract through the Lower Colorado River Authority Contract Number 5539, for the purchase of 138kV and 345kV high voltage circuit breakers for Denton Municipal Electric; providing the expenditure of funds therefor; and providing an effective date (File 7995 - awarded to Siemens Energy, Inc., 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 \$2,510,130.00).

Mark Zimmerer gave the presentation, there were questions by Board Members that staff answered.

Board Member Riback moved to recommend approval of agenda item 3B. Motion seconded by Board Member Taylor; motion carried.

YES (5): Vice Chair Billy Cheek, Barbara Russell, Devin Taylor, Lee Riback and Larry Beck

NO (0):

C. PUB22-202 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Mountain Cascade of Texas, LLC, for the construction of the Northwest Water Transmission Main Project for the Water/Wastewater Utilities and Capital Projects/Engineering Departments; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7968-002 - awarded to Mountain Cascade of Texas, LLC, in the not-to-exceed amount of \$15,614,291.70).

Jesus Perez gave the presentation, there were questions by Board Members that staff answered.

Board Member Beck moved to recommend approval of agenda item 3B. Motion seconded by Board Member Riback; motion carried.

YES (5): Vice Chair Billy Cheek, Barbara Russell, Devin Taylor, Lee Riback and Larry Beck

NO (0):

D. PUB22-197 - Management Reports

1. Electric Denton Energy Center August 2022 Dashboard
2. Water Utilities Annual Payments
3. Future Agenda Items
4. New Business Action Items

4. CONCLUDING ITEMS

Lee Riback asked info for on the ERCOT lawsuit.

WORK SESSION

A. PUB22-195 Receive a report, hold a discussion, and give staff direction on the development of a Comprehensive Diversion Ordinance for the City of Denton.

Tammy Clausing gave the presentation. There were questions by the Board Members that staff answered.

With no further business, the meeting was adjourned at 10:28 AM.



BILLY CHEK
VICE CHAIR
CITY OF DENTON, TEXAS



KIM MANKIN
UTILITIES ADMIN MANAGER
CITY OF DENTON, TEXAS

Minutes approved on: January 9, 2022.