



# 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, November 12, 2018**

**9:00 AM**

**Work Session 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, November 12, 2018 at 9:00 a.m. in the Council Work Session Room at 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. [PUB18-209](#) Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss and deliberate strategies and opportunities for the City to acquire solar energy and enter into agreements regarding the same including a Power Purchase Agreement with Samson Solar Energy LLC. and ENGIE Long Draw Solar LLC.; receive a presentation from staff regarding public power competitive and financial matters pertaining to the purchase of solar energy; consultation with the City's attorneys regarding legal issues associated with the agreement described above where 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.

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.

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:

**REGULAR MEETING****1. 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 – C). 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 – C 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. [PUB18-215](#) Consider recommending adoption of an Ordinance of the City of Denton authorizing the City Manager, or his designee, to execute and administer a wireline crossing agreement with Union Pacific Railroad, and execute ancillary documents related thereto, for electrical wirelines over the existing railroad track at mile post 719.95; authorizing the expenditure of funds; and providing an effective date.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                              [Exhibit 2 - Ordinance](#)  
                              [Exhibit 3 - UPRR Crossing Agreement](#)  
                              [Exhibit 4 - Crossing Exhibit](#)

- B. [PUB18-216](#) Consider recommending adoption of an ordinance of the City of Denton, Texas authorizing the expenditure of funds for payment by the City of Denton to Texas Commission of Environmental Quality for waste disposal fees; and providing an effective date (waste disposal fee in the total amount of \$280,000).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                              [Exhibit 2 - 30 TAC 330](#)  
                              [Exhibit 3 - 30 TAC 330](#)  
                              [Exhibit 4 - Ordinance](#)

- C. [PUB18-217](#) Consider recommending adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Protech Service Company, LLC, for the provision of maintenance services at the City of Denton's automated truck and car wash facility; providing for the expenditure of funds therefor; and providing an effective date (IFB 6877 - awarded to Protech Service Company, LLC, for one (1) year, with the option for two (2) additional one (1) year extensions, in the total three (3) year not-to-exceed amount of \$234,000).

Attachments:      [Exhibit 1 - Agenda Information Sheet - PUB](#)  
                              [Exhibit 2 - Bid Tabulation](#)  
                              [Exhibit 3 - Ordinance and Contract](#)

## 2. ITEMS FOR INDIVIDUAL CONSIDERATION

- A.    [PUB18-208](#)      Consider approval of the Public Utilities Board Meeting minutes of October 22, 2018.

Attachments:      [PUB Draft Minutes 10-22-18](#)

- B.    [PUB18-210](#)      Consider recommending adoption of an Ordinance of the City of Denton, a Texas home rule municipal corporation (“Denton”), providing for, authorizing, and approving the execution by the City Manager, or his designee, of a Power Purchase Agreement (“PPA”) between Denton and Samson Solar Energy, LLC, a Delaware limited liability company (“Samson Solar”); approving and authorizing the acceptance and approval by the City Manager, or his designee, of guaranties and letters of credit issued on behalf of Samson Solar to Denton for the benefit of Denton; approving the execution of such other and further related documents deemed necessary to effectuate the transactions allowed under this agreement by the City Manager, or his designee, which are incident to or related to the PPA; finding that Texas Government Code §252.022(a)(15) applies to the PPA and excepts the procurement of electricity from the requirements of competitive bidding; finding that the purchase of capacity and energy made by Denton under the terms of the PPA are in the public welfare; authorizing the expenditure of funds; determining that specific information contained in documents involved in the transaction pertain to a “competitive electric matter” as set forth under the provisions of §§551.086 and 552.133 of the Texas Government Code, as amended; allowing the public to inspect and reproduce the PPA as redacted; providing an effective date.

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

- C.    [PUB18-211](#)      Consider recommending adoption of an Ordinance of the City Council of the City of Denton, a Texas home-rule municipal corporation (“Denton”), providing for, authorizing, and approving the execution by the City Manager, or his designee, of a Power Purchase Agreement (“PPA”) between Denton and ENGIE Long Draw Solar, LLC, a Delaware limited liability company (“Long Draw Solar”); approving and authorizing the acceptance and approval by the City Manager, or his designee, of guaranties and letters of credit issued on behalf of Long Draw Solar further securing the obligations of Long Draw Solar to Denton for the benefit of Denton; approving the execution of such other and further related documents deemed necessary to effectuate the transactions allowed under this agreement by the City Manager, or his designee, which are incident to or related to the PPA; finding that Texas Government Code §252.022(a)(15) applies to the PPA and excepts the procurement of electricity from the requirements of competitive bidding; finding that the purchase of capacity and energy made by Denton under the terms of the PPA are in the public welfare; authorizing the expenditure of funds; determining that specific information contained in documents involved in this transaction pertain to a “competitive electric matter” as set forth under the provisions of §§551.086 and 552.133

of the Texas Government Code, as amended; allowing the public to inspect and reproduce the PPA as redacted; providing an effective date.

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

- D.    [PUB18-218](#)    ACM Update:
1. Future Agenda Items
  2. Matrix

Attachments:      [1. Future Agenda Item List](#)  
                             [2. New Business Matrix - PUB](#)

### 3. ITEMS FOR INDIVIDUAL CONSIDERATION - EMINENT DOMAIN

- A.    [PUB18-212](#)    Consider recommending adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various permanent easements and temporary construction easements generally located along the southbound I-35 Service Road, north of the old right-of-way line of Jim Christal Road, running north approximately three hundred feet (300') then east under I-35 to the northwest corner of Lot 1, Block 4 of the Rayzor Ranch South Addition and being situated in the B.B.B & C.R.R. Survey, Abstract No. 192, City and County of Denton, Texas, and with the use, purpose, and legal descriptions of each easement being more particularly described in the attached Exhibit "A" (the "Property Interests"); authorizing the City Manager and the City Attorney, or their respective designees, to acquire the Property Interests by agreement including making all offers required by law; and authorizing the City attorney or his designee to file Eminent Domain Proceedings if necessary; authorizing the expenditure of funding; makings findings; providing a savings clause; and providing an effective date. (Scripture to I-35 Water Transmission Project)

Attachments:      [Exhibit 1 - Scripture - I-35 Waterline AIS](#)  
                             [Exhibit 2 - Scripture - I-35 Water Location Map](#)  
                             [Exhibit 3 - Scripture - I-35 Waterline Site Maps](#)  
                             [Exhibit 4 - Scripture - I-35 Waterline Ordinance Legal approved](#)

- B.    [PUB18-213](#)    Consider recommending adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various permanent easements and temporary construction easements generally located along the southbound I-35 Service Road, from US 380 (University Drive) south to the south lot line of Lot 1, Block 2 of the Caliber Collision Addition, running due east to the northbound I-35 Service Road along the western and northern boundaries of Lot 10R-2, Block A, Rayzor Ranch Town Center Addition, with US 380 being the northern boundary line, and being situated in the B.B.B & C.R.R. Survey, Abstract No. 192, City and County of Denton, Texas, and with the use, purpose, and legal descriptions of each easement being more particularly described in the attached Exhibit "A" (the "Property Interests"); authorizing the City Manager and the City Attorney, or their respective designees, to acquire the Property Interests by agreement including making all offers required by law; and authorizing the City attorney or his designee to file Eminent Domain Proceedings if necessary; authorizing the expenditure

of funding; makings findings; providing a savings clause; and providing an effective date. (HWY 380 - I-35 Water Transmission Project)

**Attachments:**

[Exhibit 1 - HWY 380 - I-35 Waterline AIS](#)

[Exhibit 2 - HWY 380 - I-35 Water Location Map](#)

[Exhibit 3 - HWY 380 - I-35 Water Site Maps](#)

[Exhibit 4 - HWY 380 - I-35 Water Ordinance signed by Legal](#)

- C. [PUB18-214](#) Consider recommending adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various permanent easements and temporary construction easements generally located along John Paine Road, north of Park Place Drive, and along Allred Road, from John Paine to South Bonne Brae Street, and being situated in the B.B.B & C.R.R. Survey, Abstract Nos. 158 and 159, City and County of Denton, Texas, and with the use, purpose, and legal descriptions of each easement being more particularly described in the attached Exhibit "A" (the "Property Interests"); authorizing the City Manager and the City Attorney, or their respective designees, to acquire the Property Interests by agreement including making all offers required by law; and authorizing the City attorney or his designee to file Eminent Domain Proceedings if necessary; authorizing the expenditure of funding; makings findings; providing a savings clause; and providing an effective date. (Allred and John Paine Road Water Transmission Project)

**Attachments:**

[Exhibit 1 - Allred - John Paine Waterline AIS](#)

[Exhibit 2 - Allred - John Paine Waterline Location Map](#)

[Exhibit 3 - Allred - John Paine Site Maps](#)

[Exhibit 4 - Allred - John Paine Water Ordinance signed by Legal](#)

#### 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.

#### 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 \_\_\_\_\_, 2018 at \_\_\_\_\_ o'clock (a.m.) (p.m.)

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

NOTE: THE CITY OF DENTON CITY COUNCIL WORK SESSION 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.