



City of Denton

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

Meeting Agenda Public Utilities Board

Monday, April 8, 2019

9:00 AM

Work Session 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, April 8, 2019 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:

WORK SESSION

- A. [PUB19-061](#) Receive a report, hold a discussion, and give staff direction regarding the 2019 Water Conservation Plan and the Drought Contingency Plan of the City of Denton, Texas.

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

- B. [PUB19-064](#) Receive a report, hold a discussion, and give staff direction regarding the Solid Waste department's Enhanced Liquids Recirculation Program.

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

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. [PUB19-067](#) Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the potential acquisition of real property interests generally located (i) in the 800 block of Eagle Dr., (ii) Ave. H between W. Hickory St. and W. Prairie St., (iii) W. Prairie St. between S. Bonnie Brae St. and North Texas Blvd., (iv) Stella St. between S. Bonnie Brae St. and North Texas Blvd., (v) North Texas Blvd. between Stella St. and Eagle Blvd., (vi) Maple St. between S. Locust St. and Ave. C, (vii) Faninn St. between S. Ave. B and Bernard St., (viii) S. Ave B. from Maple St. to Underwood St., (ix) Bernard St. between Eagle Blvd. and Collins St., (x) Carroll Blvd. between Eagle Dr. and W. Collins St., (xi) W. Collins St. between S. Ave. A and Carroll Blvd., (xii) Myrtle St. between Fort Worth Dr. and Maple St. (xiii) Pierce St. between Maple St. and Stroud St., (xiv) Eagle Dr. between S. Locust St. and Ave. C, (xv) Fort Worth Dr. between W.

Collins St. and Maple Ave. all in the City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition or condemnation of the real property interests described above where a public discussion of these legal matters 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. (Electric distribution and transmission lines and Eagle 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.

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 – 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. [PUB19-053](#) Consider recommending adoption of an Ordinance of the City of Denton authorizing the City Manager, or his designee, to execute a Pole Attachment License Agreement between the City of Denton, a Texas-Home Rule Municipal Corporation, and MCImetro Access Transmission Services Corp., a Delaware Corporation; and, providing for an effective date.

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

- B. [PUB19-055](#) Consider recommending adoption of an Ordinance authorizing the City Manager, or his designee, to execute an agreement between the City of Denton and the Texas Municipal Power Agency that defines the terms for reimbursement for services rendered by the City to TMPA in conjunction with reconstruction of the Arco to Cooper Creek transmission line; authorizing the expenditure of funds; and providing for an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Arco to Cooper Creek Line Location Map](#)
 [Exhibit 3 - Ordinance](#)

- C. [PUB19-056](#) 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 Graybar Electric Company, Inc., for the supply of equipment for the LPU SCADA Communications and PLC Upgrade Project; providing for the expenditure of funds therefor; and providing an effective date (IFB 6895 - awarded to Graybar Electric Company, Inc., in the not-to-exceed amount of \$100,650).

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

- D. [PUB19-057](#) Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of the first amendment to a Professional Services Agreement between the City of Denton and Direct Line to Compliance, Inc., amending the contract approved by Purchasing Staff on February 5, 2019, in the not-to-exceed amount of \$39,365, said first amendment to provide NERC Compliance Consulting services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (File 6996 - providing for an additional expenditure amount not-to-exceed \$60,630, for a total contract amount not-to-exceed \$99,995).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Original Professional Services Agreement](#)
 [Exhibit 3 - Ordinance and Amendment](#)

- E. [PUB19-058](#) 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 ABC Professional Tree Services, Inc., for Tree Trimming for Electric Utility Services; providing for the expenditure of funds therefor; and providing an effective date (IFB 6972 - awarded to ABC Professional Tree Services, Inc., in the three (3) year not-to-exceed amount of \$1,800,000).

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

- F. [PUB19-060](#) Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of the first amendment to a

Professional Services Agreement between the City of Denton and Ancor Information Management, LLC, dba Utilitec, for utility printing and mailing services, amending the contract approved by City Council on October 20, 2015, in the not-to-exceed amount of \$1,300,000; said first amendment to provide continued billing, printing and mailing services of the City of Denton's utility bills; providing for the expenditure of funds therefor; and providing an effective date (RFP 5815 - extending the contract to April 20, 2020, and providing for an additional expenditure amount not-to-exceed \$325,000, for a total contract amount not-to-exceed \$1,625,000).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Original Ordinance and Contract](#)
 [Exhibit 3 - Ordinance and Amendment](#)

- G. [PUB19-062](#) Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Merchant Services Contract extension between the City of Denton and Elavon, Inc., through May 16, 2020, to provide merchant services for online Customer Service credit and debit card payments; and declaring an effective (File 4578 - extending a contract with Elavon, Inc., to May 16, 2020).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Original Ordinance and Contract](#)
 [Exhibit 3 - Amendment No. 1](#)
 [Exhibit 4 - Ordinance and Contract Extension](#)

- H. [PUB19-066](#) Consider recommending adoption of an ordinance amending the Water Conservation Plan and the Drought Contingency Plan of the City of Denton, Texas previously adopted by the City Council in Ordinance no. 2014-109 enacted on the 15th day of April, 2014 amending the drought and emergency response stages of the Water Conservation Plan and the Drought Contingency Plan; amending the enforcement provisions of mandatory restrictions of the Water Conservation Plan and the Drought Contingency Plan; providing for the stages of enforcement for violators of the Water Conservation Plan and the Drought Contingency Plan; providing for rates to be charged for water usage in the Water Conservation Plan and the Drought Contingency Plan in the event of high usage; providing for administrative fees to be charged to violators for certain violations of the Drought Contingency Plan; providing a criminal penalty not to exceed \$2,000 per violation of the Drought Contingency Plan; providing a civil penalty not to exceed \$1,000 per day per violation of the Drought Contingency Plan; providing civil legal remedies for the city of Denton, Texas; providing a savings clause; providing a severability clause; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Water Conservation Drought Contingency Plan Ordinance](#)

2. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [PUB19-047](#) Consider approval of the Public Utilities Board Meeting minutes of March 25, 2019.

Attachments: [PUB Draft Minutes 3-25-19](#)

- B. [PUB19-050](#) Consider recommending adoption of an Ordinance of the City of Denton authorizing the City Manager, or designee, to execute a confidentiality and non-disclosure agreement between the City and Helena Wind, LLC., and a confidentiality and non-disclosure agreement between the City and OnPeak Power, LLC; providing for a severability clause; and providing for an effective date.

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

- C. [PUB19-059](#) ACM Update
 1. Future Agenda Items
 2. Matrix

Attachments: [1. Future Agenda Item List](#)
 [2. Matrix](#)

3. 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 _____, 2019 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.