



# City of Denton

## MINUTES

### PUBLIC UTILITIES BOARD

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

**Monday, June 8, 2020**

**9:00 am**

**Work Session Room**

After determining that a quorum of the Public Utilities Board of the City of Denton, Texas is present, the Chair of the Public Utilities Board will thereafter convene into an open meeting on Monday, June 8, 2020 at 9:00 a.m. in the Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

**PRESENT:** Chair Susan Parker, Vice Chair Billy Cheek and Members Barbara Russell, Karen DeVinney, Russell Bafford, Ed Soph

**ABSENT:** Charles Parker

Also present were Deputy City Manager Mario Canizares and First Assistant City Attorney Larry Collister

Note: Chair Susan Parker, Vice Chair Billy Cheek and Members Barbara Russell, Karen DeVinney, Russell Bafford, Ed Soph, Charles Parker will be participating in the work session and regular meeting via video/teleconference under the provisions allowed by the Texas Government Code Section 551.127.

### **REGULAR MEETING**

#### **1. CONSENT AGENDA**

**A. PUB20-083** – Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive proposals under RFP 7227 for the supply and installation of Denton Energy Center (DEC) exhaust air silencers; and providing an effective date (RFP 7227).

**B. PUB20-084** – 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 FCx Performance Inc. dba Instrumentation Services, for predictive maintenance testing services for the Water Reclamation Department's treatment plant and lift stations; providing for the expenditure of funds therefor; and providing an effective date (RFP 7300 - awarded to FCx Performance Inc. dba Instrumentation Services, 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 \$118,200).

**C. PUB20-085** – Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract with Holt Caterpillar Inc. through the Sourcewell Cooperative Purchasing Contract Number 032119, for the acquisition of one (1) New Caterpillar model D6XE Track Type Dozer for the Solid Waste/Landfill Department; authorizing the expenditure of funds therefor; and declaring an effective date (File 7376 - awarded to Holt Caterpillar Inc., in the not-to-exceed amount of \$469,401.38).

**D. PUB20-097** – Consider recommending adoption of an ordinance of the City Council of the City of Denton, a Texas Home-rule Municipal Corporation, authorizing the City Manager, or his designee, to execute an Indemnity Escrow Agreement among and between the Texas Municipal Power Agency, the Cities of Bryan, Texas, Denton, Texas, Garland, Texas and Greenville, Texas regarding the establishment

of an escrow to fund TMPA's indemnity obligations pursuant to the joint operating agreement between the Cities and TMPA; and providing an effective date.

**E. PUB20-102** – Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract with Tymco Inc., through the Houston-Galveston Area Council of Governments (H-GAC) Cooperative Purchasing Program Contract Number SW04-20, for the acquisition of one (1) Tymco model 600 Regenerative Air Sweeper for the Drainage Department; authorizing the expenditure of funds therefor; and declaring an effective date (File 7294 - awarded to Tymco Inc. in the not-to-exceed amount of \$239,185).

**F. PUB20-104** - Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract with Rush Truck Centers of Texas LP through the Buy Board Cooperative Purchasing Network Contract number 601-19, for the acquisition of one (1) 2020 Peterbilt model 348 truck chassis with hoist and two (2) emergency generators for the Water Reclamation Department; authorizing the expenditure of funds therefor; and declaring an effective date (File 7367 - awarded to Rush Truck Centers of Texas LP, in the not to exceed amount of \$634,703.94).

**G. PUB20-105** - 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 Centricity GIS, for the continuation of the services for utility line locates for the Water Distribution Department, Wastewater Collections, Water Metering, and Denton Municipal Electric Department provided by Texas 811, which is the sole provider of these commodities and services, in accordance with Texas Local Government Code 252.022, which provides that procurement of commodities and services that are available from one source are exempt from competitive bidding, and if over \$50,000 shall be awarded by the governing body; and providing an effective date (File 7336 - awarded to Centricity GIS, in the five (5) year not-to-exceed amount of \$300,000).

**Board Member DeVinney pulled items A and D.**

**Board Member Bafford motioned to approve items B, C, E, F and G with a second by Board Member Russell. Vote 6-0.**

**DeVinney asked questions regarding item A. Stated she remembered when she first was on the Board that staff was working on different options to cut down the sound. What happened to the berm that was to be put in at the DEC to help with the noise and asked if there is any evidence that we will receive acceptable bids.** Chris Lutrick answered the amount of noise reduction that you would get for the berm was not worth the cost. The landscaping and trees were added but the noise reduction berm is not a viable option. The RFP had to be extended two times and, in the end, there was only one bidder. There is a closed item session that will have more options. **Board Member DeVinney motioned to approve with a second by Board Member Bafford. Vote 6-0.**

**DeVinney asked questions regarding item D. She asked if this escrow is a new thing for DME with TMPA and do we know what it will cost us.** Smith Day answered the questions. This is not a new agreement, it was put together by several cities, and is already funded by TMPA for the amount of \$5,000,000. **Board Member Cheek motioned to approved with a second by Board Member Bafford. Vote 6-0.**

## **2. ITEMS FOR INDIVIDUAL CONSIDERATION**

**A. PUB20-076** - Consider approval of the minutes of May 11, 2020.

Board Member Bafford approved with a second by Board Member DeVinney. Vote 6-0.

**B. PUB20-101** - 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 JDK Associates, Inc., for the installation of a gravity retaining wall in the Brinker Substation; providing for the expenditure of funds therefor; and providing an effective date (RFP 7316 - awarded to JDK Associates, Inc., in the not-to-exceed amount of \$755,296.68).

Terry Naulty gave the presentation explaining the need of the wall to be installed at the Brinker Substation starting with the background. He then showed a print of the site and explained where the wall will be. There were a few questions by the Board Members.

Board Member DeVinney motioned to approve with a second by Board Member Bafford. Vote 6-0.

**C. PUB20-077** - Management Reports:

1. Management Study
2. Future Agenda Items
3. New Business Action Items

### **3. CONCLUDING ITEMS**

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

**-Soph would like a copy of the 2015 Fleet Ordinance and the percentage of fleet that is hybrid or electric.**

**-Bafford asked on the Management Study slide 88 or 89 it shows the approved capital dollars by year for projects that was not spent. The City is approving more capital dollars than the departments are able to accomplish. What is being done to address this, what is being left undone that should be done.**

**-DeVinney would like the status on the Landfill Expansion.**

### **WORK SESSION**

**A. PUB20-103** - Receive a report and hold a discussion regarding the 2019 Water Loss Audit Report.

Tyler Dawson gave this extensive comprehensive report. This is a regulatory report that is presented yearly. The formula for this is 'Authorized Consumption plus Apparent Losses plus Real Losses equals the Total Water Supplied'. The Water Audit Tree which is the categorized water use was shown and

explained. Real loss and apparent losses were explained and detailed. The cost of water loss was shown for real loss as well as apparent loss.

Staff has made a big improvement on how they determine how much water is lost during a leak or main break. The new leak detection system is called Zoom Scan.

There were a few questions by our Board Members.

**The Board adjourned as they went into the Closed Meeting at 9:43 am.**

### **CLOSED MEETING**

A. PUB20-107 - Deliberate regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss, deliberate, receive information from staff, and provide staff with direction pertaining to the potential purchase of real property located southeast of the corner of Thomas J. Egan Rd. and Jim Christal Rd. in Denton, Denton County, Texas ("Property"), where the deliberation of same in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person or potential litigation. Consultation with the City's attorneys regarding legal issues associated with potential claims against the City associated with the Property, 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 negotiations or potential litigation.

Minutes approved on: 6/22/20

DocuSigned by:

*Susan Parker*

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**Susan Parker**  
**Chair**

DocuSigned by:

*Kim Mankin*

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**Kim Mankin**  
**Utilities Administration Manager**