

CITY OF DENTON PUBLIC UTILITIES BOARD MINUTES
May 24, 2021

After determining that a quorum was present of the Public Utilities Board of the City of Denton, convened in a Regular Meeting on Monday, May 24, 2021 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, Members Barbara Russell, Lee Riback and Ben Jumper

Also present: Executive Manager Utilities Antonio Puente and First Assistant City Attorney Catherine Clifton

ABSENT: Karen DeVinney

Note: Chair Susan Parker, Vice Chair Billy Cheek and Members Barbara Russell, Karen DeVinney, Lee Riback and Ben Jumper 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. PRESENTATIONS FROM MEMBERS OF THE PUBLIC

There were no public comments.

2. CONSENT AGENDA

The Consent Agenda consisted of Items 2.A-I.

Board Member Cheek moved to recommend adoption of the Agenda items 2 B-D and F-I. Motion seconded by Board Member Russell, motion carried.

YES (5): Susan Parker, Billy Cheek, Barbara Russell, Lee Riback and Ben Jumper

NO (0):

B. PUB21-089 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or their designee, to execute a Professional Services Agreement with TRC Engineers, Inc., for the administration of communication companies requests to attach wired and wireless joint use services to City of Denton infrastructure, as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7328 – Professional Services Agreement for administration services awarded to TRC Engineers, Inc., 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 \$50,000.00).

C. PUB21-090 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 1 to the contract between the City of Denton and John Burns Construction Company of Texas, Inc., for the

construction of the Hickory Substation underground transmission and distribution duct banks; providing for the expenditure of funds therefor; and providing an effective date (RFP 7420 - Change Order No. 1 in the not-to-exceed amount of \$110,775.30, for a total contract award aggregated to \$922,146.00).

D. PUB21-091 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or their designee, to execute a Professional Services Agreement with WM. M. Coleman & Associates, Inc. dba Coleman & Assoc. Land Surveying, for ground surveying services for the City of Denton Landfill, as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7613 - Professional Services Agreement for ground surveying services awarded to WM. M. Coleman & Associates, Inc. dba Coleman & Assoc. Land Surveying, 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 \$500,000.00).

F. PUB21-093 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or their designee, to execute a contract with Green Planet, Inc., to provide Household Hazardous Waste Disposal Services for the Solid Waste & Recycling Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7654 - awarded to Green Planet, Inc., 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 \$200,000.00).

G. PUB21-094 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or their designee, to execute a contract with Caterpillar, Inc., through Sourcewell Contract # 032119-CAT, for one (1) Backhoe Loader for the Wastewater Collections Department; providing for the expenditure of funds therefor; and providing an effective date (File 7683 - awarded to Caterpillar, Inc., in the not-to-exceed amount of \$109,364.18).

H. PUB21-095 Consider recommending adoption of an ordinance approving a Pipeline Crossing Contract by and between the City of Denton and the Union Pacific Railroad Company relating to the location of a City water pipeline within the railroad right-of-way located at Mile Post 724.38 Choctaw Subdivision, within the County and City of Denton, Texas; authorizing the City Manager to execute the Agreement; authorizing the expenditure of funds; and providing an effective date. (KCS RR Agreement, Sagebrook Phase 1 Addition 8" water pipeline - Mark Laird)

I. PUB21-096 Consider recommending adoption of an ordinance approving a Pipeline Crossing Contract by and between the City of Denton and the Union Pacific Railroad Company relating to the location of a City wastewater pipeline within the railroad right-of-way, located at Mile Post 724.38 Choctaw Subdivision, within the County and City of Denton, Texas; authorizing the City Manager to execute the Agreement; authorizing the expenditure of funds; and providing an effective date. (KCS RR Agreement, Sagebrook Phase 1 Addition 15" wastewater pipeline - Mark Laird)

A. PUB21-088 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or their designee, to authorize the spend for an insurance binder to Archer Contingent Energy Risk, LLC, for forced outage insurance of the Denton Energy Center for the Summer of 2021; providing for the expenditure of funds therefor; and providing an effective date (RFP 7686 - authorizing the spend for Power Plant Forced Outage Insurance Coverage or Products and awarding such insurance binder to Archer Contingent Energy Risk, LLC, in the Summer 2021 not-to-exceed amount of \$975,000.00).

This item was pulled by Board Member Riback for questions, Billy Cheek also ask a question. Terry Naulty gave a short presentation and answered the questions.

Board Member Cheek moved to recommend adoption of the Agenda item 2 A. Motion seconded by Board Member Riback, motion carried.

YES (5): Susan Parker, Billy Cheek, Barbara Russell, Lee Riback and Ben Jumper

NO (0):

E. PUB21-092 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or their designee, to execute a contract with Probe America, Inc., for Odor Control Chemicals for the City of Denton Landfill; providing for the expenditure of funds therefor; and providing an effective date (RFP 7614-1 - awarded to Probe America, 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 \$150,000.00).

This item was pulled by Board Member Jumper for questions. Brian Boerner answered the questions.

Board Member Riback moved to recommend adoption of the Agenda item 2 E. Motion seconded by Board Member Jumper, motion carried.

YES (5): Susan Parker, Billy Cheek, Barbara Russell, Lee Riback and Ben Jumper

NO (0):

3. ITEMS FOR INDIVIDUAL CONSIDERATION

A. PUB21-097 Consider approval of the May 10, 2021 minutes.

Board Member Riback moved to approve Agenda item 3 A. Motion seconded by Board Member Cheek, motion carried.

YES (5): Billy Cheek, Barbara Russell, Lee Riback and Ben Jumper

NO (0):

Abstain: Susan Parker (Absent at the meeting of 5.10.21)

B. PUB21-064 Consider recommending adoption of an ordinance of the City Council of the City of Denton, Texas, repealing Ordinance NO. 20-420; approving and adopting the 2021

Denton Municipal Electric - Energy Risk Management Policy; delegating authority as provided in the 2021 ERMP; authorizing and approving the subsequent execution of such other ancillary and related documents, including, without limitation, contracts, nominations, certificates, assignments, licenses, directions, instruments, confirmations, orders and statements as are authorized by the 2021 ERMP, which are incident to or related thereto; confirming that the city of Denton, Texas, its Mayor, its City Council members, its City Manager, or designees, its City Attorney, or designees, and its City Secretary, or designees, are authorized to perform such acts and obligations as are reasonably required to consummate those future transactions which are provided for and authorized by the 2021 ERMP; finding that the purchase of electricity, natural gas, and related commodities and instruments are exempt from the requirements of competitive bidding; finding that the purchase of electric energy, natural gas and related commodities and instruments made by the city under the terms of the 2021 ERMP are in the public welfare of the citizens and electric ratepayers of the city; authorizing the expenditure of funds therefor; providing an effective date.

Smith Day gave the PowerPoint presentation. There were questions by the Board Members that Day answered.

Board Member Jumper moved to approve Agenda item 3 B. Motion seconded by Board Member Russell, motion carried.

YES (5): Susan Parker, Billy Cheek, Barbara Russell, Lee Riback and Ben Jumper

NO (0):

C. PUB21-086 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or their designee, to execute a public works contract with Mountain Cascade of Texas, LLC, for the construction of the Hickory Creek Interceptor, Phase I and II Project; providing for the expenditure of funds therefor; and providing an effective date (IFB 7252 - awarded to Mountain Cascade of Texas, LLC, in the not-to-exceed amount of \$7,534,784.25).

Tracy Beck gave a PowerPoint Presentation. There were questions by the Board Members that Beck answered.

Board Member Russell moved to approve Agenda item 3 C. Motion seconded by Board Member Riback, motion carried.

YES (5): Susan Parker, Billy Cheek, Barbara Russell, Lee Riback and Ben Jumper

NO (0):

D. PUB21-087 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or their designee, to execute a contract with Jagoe-Public Company for the construction of the 2020 Street Bundle - Sector II Project with geographical limits as follows: North Texas Boulevard from West Oak Street to Eagle Drive, Stella Street from South Bonnie Brae Street to North Texas Boulevard, Chestnut Street from Welch Street to Bernard Street, and Welch Street from Fannin Street to Collins Street; providing for the expenditure of funds therefor; and providing an effective date (CSP 7582 - awarded to Jagoe-Public Company, in the not-to-exceed amount of \$5,044,681.00).

Dusty Draper gave the PowerPoint Presentation. There were questions by the Board Members that Draper answered.

Board Member Riback moved to approve Agenda item 3 D. Motion seconded by Board Member Russell, motion carried.

YES (4): Susan Parker, Barbara Russell, Lee Riback and Ben Jumper

NO (0):

Recused: Billy Cheek

E. PUB21-098 Management Reports

1. 2021 CO Bond Sale Update
2. Future Agenda Items
3. New Business Action Items

The items were presented with discussion.

4. CONCLUDING ITEMS

There were no concluding items.

WORK SESSION

A. PUB21-100 Receive a report, hold a discussion, and give staff direction regarding a data center project with Tenaska Inc

This item was pulled from the agenda.

CLOSED MEETING

A. PUB21-099 - 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.

Receive a presentation from staff regarding public power competitive and financial matters about the risks of wholesale energy supply and risk management plans, hedge plans, and strategies as each relates to the DME electric power and gas portfolio; discuss, deliberate, and provide input to staff regarding the same. Consultation with the City's attorneys regarding legal issues associated with the above matters 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.

THE CLOSED ITEM WAS NOT DELIBERATED ON.

With no further business, the meeting was adjourned at 9:44 am.

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DocuSigned by:

Susan Parker

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SUSAN PARKER

VICE CHAIR

CITY OF DENTON, TEXAS

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Kim Mankin

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KIM MANKIN

UTILITIES ADMIN MANAGER

CITY OF DENTON, TEXAS

Minutes approved on: Jun. 14, 2021