

CITY OF DENTON PUBLIC UTILITIES BOARD MINUTES
8/9/2021

After determining that a quorum was present of the Public Utilities Board of the City of Denton, convened in a Regular Meeting on Monday, 8/9/2021 at 9:02 a.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT (in person): Vice Chair Billy Cheek

PRESENT (virtually): Karen DeVinney, Lee Riback, Ben Jumper and Devin Taylor

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

ABSENT: Chair Susan Parker and Barbara Russell

Note: Chair Susan Parker, Vice Chair Billy Cheek and Members Barbara Russell, will be participating in the work session and regular meeting in person with Member Lee Riback Karen DeVinney, Ben Jumper and Devin Taylor participating 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-E.

Board Member Riback moved to recommend adoption of Agenda items 2 A-C. Motion seconded by Board Member Taylor, motion carried.

YES (5): Billy Cheek, Karen DeVinney, Lee Riback, Ben Jumper and Devin Taylor

NO (0):

A. PUB21-141 Consider recommending adoption of an ordinance authorizing the City Manager to execute a Joint Funding Agreement for Water Resource Investigations with the United States Geological Survey (USGS) related to continued support of the Hickory Creek Streamflow Station in the amount of \$4,700.00 (Agreement Number: 22SJFATX161000); authorizing the expenditure of funds therefor; and providing an effective date.

B. PUB21-150 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, approving a power purchase agreement between the City and Texas Women's University, a Texas higher education institution; providing for the expenditure of funds; and providing for an effective date.

C. PUB21-152 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 New Waste Concepts, Inc., for the purchase of a spray on cover material for the City of Denton Landfill, which is the sole provider of this commodity, 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; providing for the expenditure of funds therefor; and providing an effective date (File 7763 - awarded to New Waste Concepts, 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 \$1,455,000.00).

D. PUB21-153 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 New Waste Concepts, Inc., for one (1) new CAPS F Series Hydro-Mulch Machine for the Solid Waste Landfill Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 7745 – awarded to New Waste Concepts, Inc., in the not-to-exceed amount of \$164,530.00).

Board Member Jumper pulled this item to ask questions, staff answered.

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

YES (5): Billy Cheek, Karen DeVinney, Lee Riback, Ben Jumper and Devin Taylor

NO (0):

E. PUB21-154 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 7696 for Fire Hydrant Maintenance; and providing an effective date (RFP 7696).

Vice Chair Cheek pulled this item to ask questions, staff answered.

Board Member Riback moved to recommend adoption of Agenda items 2 E. Motion seconded by Board Member DeVinney, motion carried.

YES (5): Billy Cheek, Karen DeVinney, Lee Riback, Ben Jumper and Devin Taylor

NO (0):

3. ITEMS FOR INDIVIDUAL CONSIDERATION

A. PUB21-156 Consider approval of the 7/26/2021 minutes.

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

YES (5): Billy Cheek, Karen DeVinney, Lee Riback, Ben Jumper and Devin Taylor

NO (0):

B. PUB21-157 Management Reports

1. Budget Questions and Responses
2. Future Agenda Items
3. New Business Action Items

The items were presented by staff.

4. CONCLUDING ITEMS

There were no concluding items.

CLOSED MEETING

A. PUB21-130 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 competitive and financial public power information from staff related to a power purchase agreement between the City of Denton as the seller of power and electric energy services, and Texas Woman's University as the buyer of power and electric energy services; discuss and deliberate actions 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.

With no further business, the meeting was adjourned at 9:48 am.



SUSAN PARKER
CHAIR
CITY OF DENTON, TEXAS



KIM MANKIN
UTILITIES ADMIN MANAGER
CITY OF DENTON, TEXAS

Minutes approved on: August 23, 2021.