

CITY OF DENTON PUBLIC UTILITIES BOARD MINUTES
July 11, 2022

After determining that a quorum was present of the Public Utilities Board of the City of Denton, convened in a Regular Meeting on Monday, July 11, 2022 at 9:00 a.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Vice Chair Billy Cheek, Barbara Russell, Devin Taylor, Ben Jumper, Lee Riback and Larry Beck

Also present: Deputy City Manager David Gaines and Deputy City Attorney Marcella Lunn

Absent: Chair Susan Parker

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-G.

Board Member Beck moved to recommend adoption of agenda items 2C, E and G. Motion seconded by Board Member Riback; motion carried.

YES (6): Vice Chair Billy Cheek Barbara Russell, Devin Taylor, Ben Jumper, Lee Riback and Larry Beck

NO (0):

A. PUB22-083 Consider recommending adoption of a resolution of the City of Denton, Texas, adopting the City of Denton's Comprehensive Solid Waste Management Strategy ("CSWMS") to guide the City's future solid waste/materials management system and to develop infrastructure, programs, and policies necessary to manage materials in alignment with the guiding principles of the CSWMS; and providing an effective date.

This item was pulled by Board Member Riback to ask questions. Other members asked questions and Brian Boerner answered.

Board Member Riback moved to recommend adoption of agenda items 2A. Motion seconded by Board Member Russell; motion carried.

YES (6): Vice Chair Billy Cheek Barbara Russell, Devin Taylor, Ben Jumper, Lee Riback and Larry Beck

NO (0):

B. PUB22-087 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute approval documents under the Joint Operating Agreement by and between the Texas Municipal Power Agency, City of Bryan, Texas, the City of Denton, Texas, the City of Garland, Texas, and the City of Greenville, Texas regarding the TMPA budget for the fiscal year 2023; providing for the expenditure of funds therefore; and providing an effective date.

This item was pulled by Board Member Jumper. This item had to be discussed in closed session then back in open session for voting.

Board Member Jumper moved to recommend adoption of agenda items 2B. Motion seconded by Board Member Riback; motion carried.

YES (6): Vice Chair Billy Cheek Barbara Russell, Devin Taylor, Ben Jumper, Lee Riback and Larry Beck

NO (0):

C. PUB22-089 Consider recommending adoption of an ordinance authorizing the City Manager to execute Amendment No. 3 between the City of Denton, a Texas municipal home-rule corporation, and the Texas Municipal Power Agency, a Texas joint powers agency, that extends the term of the existing agreement to September 1, 2024; authorizing the expenditure of funds; and providing an effective date.

D. PUB22-096 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a contract between the City of Denton and JRD, LLC dba Maslonka Powerline Services, LLC, amending the contract approved by the City Council on February 23, 2021, in the not-to-exceed amount of \$15,880,000.00; said first amendment to provide transmission line emergency services and a cost adjustment due to rising fuel, material, and labor costs for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 7483 - providing for an additional first amendment expenditure amount not-to-exceed \$3,776,000.00, with the total contract amount not-to-exceed \$19,656,000.00).

This item pulled by Board Member Jumper, Mark Zimmerer answered the questions.

Board Member Beck moved to recommend adoption of agenda items 2D. Motion seconded by Board Member Riback; motion carried.

YES (6): Vice Chair Billy Cheek Barbara Russell, Devin Taylor, Ben Jumper, Lee Riback and Larry Beck

NO (0):

E. PUB22-097 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Parkhill, Smith & Cooper, Inc., for engineering services related to the Southwest Booster Pump Station (SWBPS) Ground Storage Tank (GST) Coating project for the Water Production Department as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7574-015 - Professional Services Agreement for engineering services awarded to Parkhill, Smith & Cooper, Inc., in the not-to-exceed amount of \$116,500.00).

F. PUB22-098 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 Power Monitors, Inc., for the purchase of pole mounted, ethernet-based three-phase PMI End-of-Line voltage and current recording, monitoring, metering, software, integration, accessories, and devices for Denton Municipal Electric, which is the sole provider of these items, 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 8008 - awarded to Power Monitors, Inc., in the three (3) year not-to-exceed amount of \$204,643.74).

This item was pulled by Board Member Riback, Jerry Fielder answered the questions.

Board Member Riback moved to recommend adoption of agenda items 2F. Motion seconded by Board Member Beck; motion carried.

YES (6): Vice Chair Billy Cheek Barbara Russell, Devin Taylor, Ben Jumper, Lee Riback and Larry Beck

NO (0):

G. PUB22-100 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with NewGen Strategies and Solutions, LLC, for the Solid Waste Cost of Service and Rate Design Study for the Solid Waste Department as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7997 - Professional Services Agreement for professional services awarded to NewGen Strategies and Solutions, LLC, in the not-to-exceed amount of \$89,890.00).

3. ITEMS FOR INDIVIDUAL CONSIDERATION

A. PUB22-095 Consider approval of the June 27, 2022 minutes.

Board Member Riback moved to recommend approval of agenda item 3A. Motion seconded by Board Member Jumper; motion carried.

YES (6): Vice Chair Billy Cheek Barbara Russell, Devin Taylor, Ben Jumper, Lee Riback and Larry Beck

NO (0):

B. PUB22-101 - Management Reports

1. March 2022 DEC Dashboard

2. Future Agenda Items

3. New Business Action Items

4. CONCLUDING ITEMS

There were no concluding items.

WORK SESSION

A. PUB22-104 Receive a report, hold a discussion, and give staff direction on the proposed Water, Wastewater, Solid Waste, and Electric Rates for FY 2022-2023.

Nick Vincent started the presentation with Water Utilities. Stephen Gay answered questions by the Board Members regarding water. Vincent then gave the Solid Waste portion of the presentation and electric. Eugene McKinnie answered questions related to Solid Waste.

B. PUB22-105 Receive a report, hold a discussion, and give staff direction regarding the Electric FY 2022-23 Preliminary Budget, Capital Improvement Program, and Five-Year Financial Forecast.

Nick Vincent gave the presentation. Board members had questions that staff answered.

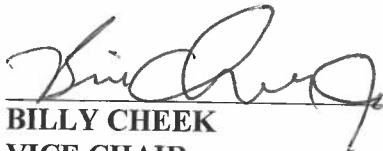
CLOSED MEETING

A. PUB22-102 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 information from staff regarding financial matters that include data stemming from public power utility competitive data; discuss, deliberate, and provide direction to staff regarding same. Consultation with City's attorneys regarding legal issues associated the above matter 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 Texas Disciplinary Rules of Professional Conduct of State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.

B. PUB22-088 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consult with the City's attorneys regarding potential litigation issues associated with Texas Municipal Power Agency (TMPA) where 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 otherwise compromise the City's legal position.

With no further business, the meeting was adjourned at 10:27 AM.



BILLY CHEEK
VICE CHAIR
CITY OF DENTON, TEXAS



KIM MANKIN
UTILITIES ADMIN MANAGER
CITY OF DENTON, TEXAS

Minutes approved on: July 25, 2022.