

CITY OF DENTON PUBLIC UTILITIES BOARD MINUTES

January 9, 2023

After determining that a quorum was present of the Public Utilities Board of the City of Denton, convened in a Regular Meeting on Monday, January 9, 2023, at 9:00 a.m. in the City Council Chamber at City Hall, 215 E. McKinney Street, Denton, Texas.

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

Also present: General Manager Antonio Puente and Deputy City Attorney Marcella Lunn

Absent: Larry Beck

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-D.

Board Member Russell moved to recommend adoption of agenda items 2B and D. Motion seconded by Board Member Taylor; motion carried.

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

NO (0):

A. PUB22-219 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 Interfaith Ministries of Denton, Inc., amending the contract approved by City Council on April 21, 2020, in the not-to-exceed amount of \$625,000.00; said first amendment to continue to provide a utility assistance program for the Customer Service Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7244 - providing for an additional first amendment expenditure amount not-to-exceed \$156,250.00, with the total contract amount not-to-exceed \$781,250.00).

Board Member Russell pulled this item for questions that Christa Foster answered.

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

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

NO (0):

B. PUB22-220 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 Green Equipment Company, through the Buy Board Cooperative Purchasing Network Contract # 676-22, for Sewer Inspection Equipment and Repair for the Wastewater Collection Department; providing for the expenditure of funds therefor; and providing an effective date (File 8148 - awarded to Green Equipment Company, in the not-to-exceed amount of \$787,500.00).

C. PUB23-006 Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager 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 Winter of 2023; providing for the expenditure of funds therefor; and providing an effective date (RFP 8163 - authorizing the spend for Power Plant Forced Outage Insurance Coverage for the winter of 2023 and awarding such insurance binder to Archer Contingent Energy Risk, LLC, in the not-to-exceed amount of \$650,000.00).

Board Member Riback pulled this item for questions that Terry Naulty answered

Board Member Riback moved to recommend adoption of agenda item 2C. Motion seconded by Board Member Cheek; motion carried.

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

NO (0):

D. PUB23-005 Consider recommending adoption of an ordinance of the City of Denton, Texas, amending the expenditure of funds to authorize an increase of \$131,069.00 for the payment of wholesale transmission charges to the lower Colorado river authority; declaring a public purpose; and providing an effective date.

3. ITEMS FOR INDIVIDUAL CONSIDERATION

A. PUB23-001 Receive nominations and hold an election for Chair, Vice Chair and Secretary.

Board Member Cheek moved to recommend the officers stay the same; Chair - Susan Parker, Vice Chair - Billy Cheek and Secretary - Barbara Russell. Motion seconded by Board Member Russell.

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

NO (0):

B. PUB23-002 Receive a report, hold a discussion and give staff direction regarding the 2023 Schedule.

Board Member Taylor moved to recommend approval for agenda item 3B. Motion seconded by Board Member Jumper; motion carried.

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

NO (0):

C. PUB23-003 Consider approval of the December 12, 2022 minutes.

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

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

NO (0):

D. PUB 22-222 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 McCarthy Building Companies, Inc., for the construction of the Neighborhood 7A Project with geographical limits as follows: Bernard Street from Acme Street to Parvin Street, Leslie Street from Willowwood Street to Dudley, Oakwood Drive from McCormick Street to 1100 Oakwood Drive, Underwood Street from Kendolph Drive to Avenue D, Wisteria, Azalea, and Camellia Streets from Laurel Street to Parvin Street, and all public alleyways between Laurel Street and Parvin Street; providing for the expenditure of funds therefor; and providing an effective date (CSP 7976 - awarded to McCarthy Building Companies, Inc., in the not-to-exceed amount of \$7,620,553.16).

Scott Fetting gave the presentation for this agenda item. Board Members ask questions that staff answered.

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

YES (5): Vice Chair Billy Cheek, Barbara Russell, Devin Taylor, Lee Riback and Larry Beck

NO (0):

Billy Cheek recused himself for this item.

E. PUB22-223 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 Wilson Contractor Services, LLC, for the construction of the Hickory Creek Interceptor 3 Project; providing for the expenditure of funds therefor; and providing an effective date (CSP 8091 - awarded to Wilson Contractor Services, LLC, in the not-to-exceed amount of \$5,793,183.01).

Tracy Beck gave the presentation for this agenda item. Board Members asked questions that staff answered.

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

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

NO (0):

F. PUB23-007 - Management Reports

1. Future Agenda Items
2. New Business Action Items

4. CONCLUDING ITEMS

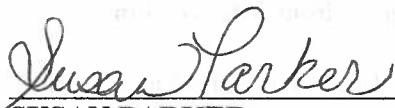
No items were added.

CLOSED SESSION

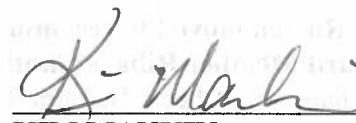
A. PUB23-008 Deliberations Regarding Certain Public Power Utilities: Competitive Matters – Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with the City's attorneys on the legal status, expenses, strategy, and options for resolution of litigation issues associated with the "Application of Denton Municipal Electric to Change Rates for Wholesale Transmission Service" pending before the Public Utility Commission of Texas under Docket No. 52715; where public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and Denton Municipal Electric (DME) 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 9:55 AM.



SUSAN PARKER
CHAIR
CITY OF DENTON, TEXAS



KIM MANKIN
UTILITIES ADMIN MANAGER
CITY OF DENTON, TEXAS

Minutes approved on: January 23, 2023.