

## **CITY OF DENTON PUBLIC UTILITIES BOARD MINUTES**

**January 23, 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 23, 2023, at 9:00 a.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

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

**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-F.

**Board Member Riback moved to recommend adoption of agenda items 2A-B, D-F. Motion seconded by Board Member Russell; motion carried.**

**YES (5):** Chair Susan Parker, Vice Chair Billy Cheek, Barbara Russell, Devin Taylor and Lee Riback

**NO (0):**

**A. PUB22-221** Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a sixth amendment to a Professional Services Agreement between the City of Denton and Hazen and Sawyer, P.C., amending the contract approved by City Council on July 21, 2015, in the not-to-exceed amount of \$427,368.00; amended by Amendments 1-5 approved by City Council; said sixth amendment to provide additional engineering services and permitting support for the Hickory Creek Basin Peak Flow Detention Facility and the Hickory Creek Lift Station project; providing for the expenditure of funds therefor; and providing an effective date (File 5768 - providing for an additional sixth amendment expenditure amount not-to-exceed \$164,300.00, with the total contract amount not-to-exceed \$1,578,006.00).

**B. PUB23-011** Consider recommending adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$300,000,000 in principal amount of "City of Denton Utility System Revenue Refunding Bonds, Series 2023"; authorizing the issuance of the bonds; delegating the authority to certain city officials to execute certain documents relating to the sale of the bonds; approving and authorizing instruments and procedures relating to said bonds; enacting other provisions relating to the subject; and providing an effective date.

**C. PUB23-014** Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive bids under IFB 8094 for the Bonnie Brae Phase 3 Road Widening and Reconstruction Project; and providing an effective date (IFB 8094).

Chair Parker pulled this agenda item because Board Member Cheek needed to recuse himself.

**Board Member Taylor moved to recommend adoption of agenda items 2A-B, D-F. Motion seconded by Board Member Riback; motion carried.**

**YES (4):** Chair Susan Parker, Barbara Russell, Devin Taylor and Lee Riback

**NO (0):**

**Board Member Cheek recused himself.**

**D. PUB23-015** 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 Professional Services Agreement between the City of Denton and Solutient GeoSciences, Inc., amending the contract approved by the City Council on January 28, 2020, in the not-to-exceed amount of \$321,415.00; said first amendment to continue to provide hydrogeological and analytical services regarding the City's Landfill monitoring and reporting requirements; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7109-005 - providing for an additional first amendment expenditure amount not-to-exceed \$116,202.00, with the total contract amount not-to-exceed \$437,617.00).

**E. PUB23-016** Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, ratifying the expenditure of funds by the City Manager for the emergency purchase of rebuilt electric utility transformers for Denton Municipal Electric; and providing an effective date (File 8182 - awarded to Midwest Electric Transformer Services, Inc., in the not-to-exceed amount of \$535,018.00).

**F. PUB23-020** 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 Romco Equipment Co., LLC, an authorized dealer for Volvo Construction Equipment North America, LLC, through the Sourcewell Cooperative Purchasing Network Contract Number 032119-VCE, for the purchase of one (1) Volvo L180H Wheel Loader for the Beneficial Reuse Department; authorizing the expenditure of funds therefor; and providing an effective date (File 8185 - awarded to Romco Equipment Co., LLC, in the not-to-exceed amount of \$491,511.00).

### **3. ITEMS FOR INDIVIDUAL CONSIDERATION**

**A. PUB23-021** Consider approval of the January 9, 2023 minutes.

**Board Member Cheek moved to recommend approval of agenda item 3A. Motion seconded by Board Member Taylor; motion carried.**

**YES (5):** Chair Susan Parker, Vice Chair Billy Cheek, Barbara Russell, Devin Taylor, and Lee Riback

**NO (0):**

**B. PUB23-022 - Management Reports**

1. Electric Denton Energy Center September 2022 Dashboard
2. Future Agenda Items
3. New Business Action Items

**4. CONCLUDING ITEMS**

Board Member Riback - Update on the Hickory Creek Project and background including change orders.

Chair Parker thanked Ben Jumper for his service on this Board.

**CLOSED SESSION**

**A. PUB23-017** 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 regarding transmission cost of service (TCOS); 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. PUB23-018** 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 regarding the data center (Core Scientific); 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.

## **WORK SESSION**

**A. PUB23-019** Receive a report, hold a discussion, and give direction regarding the Electric FY 2022-23 Budget and Rates.

Nick Vincent gave the PowerPoint presentation on this agenda item. There were questions by the Board Members that staff answered.

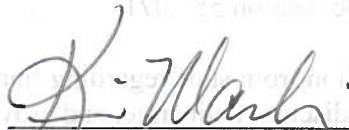
**B. PUB23-010** Receive a presentation, hold a discussion, and give staff direction regarding proposed updates to the GreenSense Incentives Program and rates related to distributed generation from renewable sources interconnected within Denton Municipal Electric service territory.

Bill Shepherd gave the PowerPoint presentation on this agenda item. There were questions by the Board Members that staff answered. Katherine Barnett also gave information on the GreenSense Program. The Board was open to Option 3 or 4.

With no further business, the meeting was adjourned at 10:54 AM.



**SUSAN PARKER**  
**CHAIR**  
**CITY OF DENTON, TEXAS**



**KIM MANKIN**  
**UTILITIES ADMIN MANAGER**  
**CITY OF DENTON, TEXAS**

Minutes approved on: February 13, 2023.