

CITY OF DENTON PUBLIC UTILITIES BOARD MINUTES
October 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, October 9, 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, Devin Taylor, Thomas Plock, Lee Riback and Robert Rayner (new member)

Also present: Director Michael Gange and Deputy City Attorney Marcella Lunn

Absent: Vice Chair Billy Cheek

REGULAR MEETING

1. PRESENTATIONS FROM MEMBERS OF THE PUBLIC

There were no public comments.

CLOSED MEETING

- A. **PUB23-171** 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 an update to the Denton Municipal Electric Energy Risk Management Policy that includes public power utility competitive data; discuss, deliberate, and provide direction to staff regarding same. Consultation with City's attorney regarding legal issues associated with 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 Rule of Professional Conduct of State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.

2. CONSENT AGENDA

The Consent Agenda consisted of Items 2 A - E

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

YES (5): Chair Susan Parker, Devin Taylor, Thomas Plock, Lee Riback and Robert Rayner

NO (0):

- A. PUB23-170** Consider recommending adoption of an ordinance of the City of Denton repealing ordinance No. 22-834; approving the 2023 Denton Municipal Electric - Energy Risk Management Policy (the "2023 ERMP"); delegating authority as provided in the 2023 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 2023 ERMP, which are incident to or related thereto; confirming that the city of Denton, its mayor, its city council members, its city manager, its city attorney, and its city secretary 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 2023 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 2023 ERMP are in the public welfare of the citizens and electric ratepayers of the city; authorizing the expenditure of funds therefor; and, providing an effective date.
- B. PUB23-178** 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 Xylem Water Solutions U.S.A., Inc., amending the contract approved by City Council on March 31, 2020, in the not-to-exceed amount of \$550,000.00, said first amendment for the additional purchase of UV disinfection equipment, materials, and parts for the Water Reclamation Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 7299 - providing for an additional first amendment expenditure amount not-to-exceed \$137,500.00, with the total contract amount not-to-exceed \$687,500.00).
- C. PUB23-179** 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 Texas Electric Cooperatives, Inc., for the purchase of overhead distribution conductors for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 8283 - awarded to Texas Electric Cooperatives, 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 \$5,000,000.00).
- D. PUB23-181** 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 Burns & McDonnell Engineering Company, Inc., amending the contract approved by City Council on December 14, 2021, in the not-to-exceed amount of \$1,500,000.00, said first amendment to continue to provide engineering services for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7740 - providing for an additional first amendment expenditure amount not-to-exceed \$500,000.00, for a total contract amount not-to-exceed \$2,000,000.00).
- E. PUB23-187** Consider ratification of an ordinance approved by the City of Denton City Council amending the Schedule of Rates for electric service; providing for a repealer;

providing for a severability clause; and providing for an effective date. City Council vote (7-0).

3. ITEMS FOR INDIVIDUAL CONSIDERATION

A. PUB23-184 Consider approval of the September 11, 2023, minutes.

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

YES (5): Chair Susan Parker, Devin Taylor, Thomas Plock, Lee Riback and Robert Rayner

NO (0):

B. PUB23-180 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 Techline, Inc., for the purchase of insulated and multi-conductor underground distribution cables for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 8284 - awarded to Techline, 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 \$20,000,000.00).

Randy Key gave the presentation. There were questions by the Board Members that Key answered.

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

YES (5): Chair Susan Parker, Devin Taylor, Thomas Plock, Lee Riback and Robert Rayner

NO (0):

C. PUB23-185 Management Reports

1. BerryDunn
2. Distributed Generation Manual
3. GreenSense Incentive Program Manual
4. TRC Engineers
5. Future Agenda Items
6. New Business Action Items

Distributed Generation Manual – Board Member Taylor had some comments and staff member Bill Shepherd responded.

4. CONCLUDING ITEMS


Riback – What are the future plans for the Garland Power and Light Power Plant on Spencer Rd. Rob Rayner was introduced as a new member.

WORK SESSION


- A. PUB23-186** Receive training and hold a discussion regarding the City of Denton Code of Ordinances Chapter 2, Article XI (Ethics).

Madison Rorschach gave ethics training to the Public Utilities Board Members. There were questions by the Board Members that Rorschach answered.

With no further business, the meeting was adjourned at 10:08 AM.



SUSAN PARKER
CHAIR
CITY OF DENTON, TEXAS



KIM MANKIN
UTILITIES ADMIN MANAGER
CITY OF DENTON, TEXAS

Minutes approved on: October 23, 2023.

