



# City of Denton

City Hall  
215 E. McKinney St.  
Denton, Texas 76201  
[www.cityofdenton.com](http://www.cityofdenton.com)

## Meeting Agenda Public Utilities Board

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Monday, June 22, 2020

9:00 AM

Council Work Session Room

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After determining that a quorum is present, the Public Utilities Board of the City of Denton, Texas will convene in a Regular Meeting on Monday, June 22, 2020 at 9:00 a.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items will be considered:

Note: Chair Susan Parker, Vice Chair Billy Cheek and Members Barbara Russell, Karen DeVinney, Russell Bafford, Ed Soph, Charles Parker will be participating in the work session and regular meeting via video/teleconference.

### **REGULAR MEETING**

#### **1. CONSENT AGENDA**

Each of the items on the Consent Agenda is recommended by the Staff and approval thereof will be strictly on the basis of the Staff recommendations. Approval of the Consent Agenda authorizes the Assistant City Manager of Utilities, or his designee, to implement each item in accordance with the Staff recommendations. The Public Utilities Board has received background information and has had an opportunity to raise questions regarding these items prior to consideration.

Listed below are bids, purchase orders, contracts, and other items to be approved for payment or other action under the Consent Agenda (Agenda Items A – D). This listing is provided on the Consent Agenda to allow Public Utilities Board Members to discuss or withdraw an item prior to approval of the Consent Agenda. If no items are pulled, Consent Agenda Items A – D below will be approved with one motion. If items are pulled for separate discussion, they may be considered as the first items following approval of the Consent Agenda.

- A. [PUB20-086](#) Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, approving and authorizing the expenditure of funds (not to exceed \$62,000 a year for five years with a total not to exceed amount of \$310,000) for the payment of fees due under a Participant Agreement between the City and ICE Futures U.S., Inc., a Delaware Corporation, for use by the City's Energy Management Organization of Denton Municipal Electric for its market operations; and, providing an effective date.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet - PUB](#)  
                                 [Exhibit 2 - Executed Agreement](#)  
                                 [Exhibit 3 - Ordinance](#)

- B. [PUB20-109](#) 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 Allegro Development Corporation, for Energy Trading Risk Management (ETRM) Software for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 6804 - awarded to Allegro Development

Corporation, for a term ending on December 31, 2023, in the not-to-exceed amount of \$861,998.91).

Attachments:      [Exhibit 1 - Agenda Information Sheet - PUB](#)  
                             [Exhibit 2- Pricing Evaluation](#)  
                             [Exhibit 3 - Ordinance](#)

- C.    [PUB20-110](#)    Consider recommending adoption of an ordinance of the City of Denton, a Texas Home-Rule Municipal Corporation, approving and authorizing the expenditure of funds (not to exceed amount of \$50,000 a year for five years with a total not to exceed amount of \$250,000) for the payment of fees due under the pipeline transportation agreement between the City and Atmos Pipeline - Texas, a division of Atmos Energy Corporation, a Texas and Virginia corporation, approved under ordinance 18-292 and required for the purchase of natural gas for use by the city's Solid Waste Department; and, providing an effective date.

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
                             [Exhibit 2 - Ordinance](#)

- D.    [PUB20-112](#)    Consider recommending adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Merchant Services Contract extension between the City of Denton and Elavon, Inc., through August 16, 2020, to provide merchant services for online Customer Service credit and debit card payments; and declaring an effective date (File 4578 - extending a contract with Elavon, Inc., to August 16, 2020).

Attachments:      [Exhibit 1 - Agenda Information Sheet - PUB](#)  
                             [Exhibit 2 - Original Ordinance and Contract](#)  
                             [Exhibit 3 - Amendment 1](#)  
                             [Exhibit 4 - Ordinance and Amendment 2](#)  
                             [Exhibit 5 - Ordinance and Amendment 3](#)

## 2. ITEMS FOR INDIVIDUAL CONSIDERATION

- A.    [PUB20-113](#)    Consider approval of the minutes of June 8, 2020.

Attachments:      [PUB Draft Minutes 6-8-2020](#)

- B.    [PUB20-114](#)    Management Update
1.    Clean Fleet Ordinance 2015
  2.    Environmental Preferred Purchasing Policy
  3.    FY 2019-20 Denton Energy Center (DEC) YTD March and April 2020 Dashboards
  4.    Notice of Intent (NOI) and Bond Refunding
  5.    Future Agenda Items
  6.    New Business Action Items

Attachments:

- [1. Clean Fleet Ordinance 2015](#)
- [2. Environmental Preferred Purchasing Policy](#)
- [3. FY 2019-20 Denton Energy Center \(DEC\) YTD March and April 2020 Dashbc](#)
- [4. Notice of Intent \(NOI\) and Bond Refunding](#)
- [5. Future Agenda Items](#)
- [6. New Business Action Items](#)

**3. CONCLUDING ITEMS**

A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the Public Utilities Board or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Following the completion of the Regular Meeting, the Public Utilities Board will convene in a Closed Meeting at which the following items will be considered:

**CLOSED MEETING**

- A. [PUB20-100](#) Deliberation Regarding Certain Public Power Utilities Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss and deliberate strategies and opportunities to amend renewable energy supply strategies and agreements, including potential power purchase agreements, receive a presentation from staff regarding public power competitive and financial matter pertaining to the purchase of renewable energy, consultation with the City's attorneys regarding legal issues associated with the agreements described above where discussions of these legal matters in an open meeting 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 the State Bar of Texas.

- B. [PUB20-108](#) Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Discuss, deliberate, receive information from staff, and provide staff with direction about the valuation, uses, and/or disposition of real property owned by the City located at the southeast corner of Eagle Dr. and Bernard St., Denton, Denton County, Texas ("Property"), where the deliberation of same in an open meeting would have a detrimental

effect on the position of the governmental body in negotiations with a third person or potential litigation. Consultation with the City's attorneys regarding legal issues associated with the uses and/or disposition of the Property, where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City and the 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 negotiations or potential litigation.

Any final action, decision, or vote on a matter deliberated in a Closed Meeting will only be taken in an Open Meeting that is held in compliance with Texas Government Code, Chapter 551, except to the extent such final action, decision, or vote is taken in the Closed Meeting in accordance with the provisions of Section 551.086 of the Texas Government Code (The 'Public Power Exception'). The Public Utilities Board reserves the right to adjourn into a Closed Meeting or Executive Session as authorized by Texas Government Code, Section 551.001, et seq. (The Texas Open Meetings Act) on any item on its Open Meeting agenda or to reconvene in a continuation of the Closed Meeting on the Closed Meeting items noted above, in accordance with the Texas Open Meetings Act, including, without limitation Section 551.071-551.086 of the Texas Open Meetings Act.

#### CERTIFICATE

I certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Denton, Texas, on the 19th day of June 2020 at 8:30 a.m.

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CITY SECRETARY

NOTE: THE CITY OF DENTON'S DESIGNATED PUBLIC MEETING FACILITIES ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE ACCOMMODATION, SUCH AS SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED, IF REQUESTED AT LEAST 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE CITY SECRETARY'S OFFICE AT 940-349-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT REASONABLE ACCOMMODATION CAN BE ARRANGED.