



# City of Denton

## MINUTES

### PUBLIC UTILITIES BOARD

City Hall  
215 E. McKinney Street  
Denton, Texas  
www.cityofdenton.com

**Monday, June 22, 2020**

**9:00 am**

**Work Session Room**

After determining that a quorum of the Public Utilities Board of the City of Denton, Texas is present, the Chair of the Public Utilities Board will thereafter convene into an open meeting on Monday, June 22, 2020 at 9:00 a.m. in the Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

**PRESENT:** Chair Susan Parker, Vice Chair Billy Cheek and Members Barbara Russell, Karen DeVinney, Russell Bafford, Ed Soph and Charles Parker

Also present were Deputy City Manager Mario Canizares and First Assistant City Attorney Larry Collister

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 under the provisions allowed by the Texas Government Code Section 551.127.

## **REGULAR MEETING**

### **1. 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.

**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).

**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.

**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).

**Board Member Soph pulled item C.  
Board Member Bafford pulled items A and B.**

**Board Member C. Parker motioned to approve item D with a second by Board Member Russell.  
Vote 7-0.**

**Terry Naulty was available to answer questions for item A. Bafford asked that acronyms be spelled out the first time used. Bafford then asked about the traders working from home and the computer security. Naulty answered as well as Curtis Conrad, Tech Services. Bafford then asked about the ‘Broker incentive program’. Naulty isn’t familiar with the agreement but will find out.**

**Board Member Bafford asked questions on item B about the difference in price of the contract as opposed to the agenda item. Smith Day answered the difference is six months was added at a prorated cost for implementation.**

**Board Member Soph asked questions on item C about compressed natural gas fleet and if they are a result of the Clean Fleet Ordinance and will they be replaced with similar engines. Brian Boerner answered the question that there are 15 vehicles that are compressed natural gas, they will be phased out and replaced with tier 4 Diesel engines in the next five years. Soph is curious to know how many clean fleet vehicles the City has. Canizares answered the Board will receive an email on those numbers this week.**

**Board Member Soph motioned to approve items A, B and C with a second by Board Member DeVinney. Vote 7-0.**

## **2. ITEMS FOR INDIVIDUAL CONSIDERATION**

**A. PUB20-113 - Consider approval of the minutes of June 8, 2020.**

**Board Member Russell approved with a second by Board Member Soph. Vote 7-0.**

**C. PUB20-114 - Management Reports:**

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

## **3. CONCLUDING ITEMS**

**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

**-Soph – Progress made with departments on the preferred purchasing policy.**

**Adjourned at 9:18am before going into the Closed Meeting.**

**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 associates 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.

DocuSigned by:

*Susan Parker*

7/17/2020

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**Susan Parker**  
**Chair**

DocuSigned by:

*Kim Mankin*

7/17/2020

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**Kim Mankin**  
**Utilities Administration Manager**

Minutes approved on: July 13, 2020