

**CITY OF DENTON PUBLIC UTILITIES BOARD MINUTES**  
**April 8, 2024**

After determining that a quorum was present of the Public Utilities Board of the City of Denton, convened in a Regular Meeting on Monday, April 8, 2024, at 9:00 a.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Vice Chair Billy Cheek, Robert Rayner, Lee Riback, and Thomas Plock

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

Absent: Chair Susan Parker and Devin Taylor

**REGULAR MEETING**

**1. PRESENTATIONS FROM MEMBERS OF THE PUBLIC**

There were no presentations from the public.

**2. CONSENT AGENDA**

The Consent Agenda consisted of Items 2 A - D

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

**YES (4): Vice Chair Billy Cheek, Lee Riback, Robert Rayner and Thomas Plock**

**NO (0):**

- A. PUB24-068** 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 Freese and Nichols, Inc., amending the contract approved by City Council on December 12, 2017, in the not-to-exceed amount of \$1,200,000.00, said first amendment to provide full depth reconstruction and utility improvements within the project limits for the Capital Projects Department; providing for the expenditure of funds therefor; and providing an effective date (File 6625 - providing for an additional first amendment expenditure amount not-to-exceed \$1,630,500.00, for a total contract amount not-to-exceed \$2,830,500.00).

Billy Cheek pulled item for questions. Trevor Crain was available to answer.

**Board Member Cheek moved to recommend adoption of agenda items 2 A. Motion seconded by Board Member Riback; motion carried.**

**YES (4): Vice Chair Billy Cheek, Lee Riback, Robert Rayner and Thomas Plock**

**NO (0):**

- B. PUB24-069** 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 Burns & McDonnell Engineering Company, Inc., to manage and control improvement to the Supervisory Control and Data Acquisition (SCADA) network in the capacity of Owner Engineer for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7804-013 - awarded to Burns & McDonnell Engineering Company, Inc., in the not-to-exceed amount of \$1,399,998.00).
- C. PUB24-070** 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 Atmospheric G2, LLC, for weather forecasting services for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date. (RFP 8420 - awarded to Atmospheric G2, LLC, in the three (3) year not-to-exceed amount of \$165,240.00).
- D. PUB24-076** Consider recommending adoption of an ordinance of the City of Denton, a Texas Home-Rule Municipal Corporation, authorizing the filing of applications, forms, and associated documents with the Texas Commission on Environmental Quality ("TCEQ") by the City Manager, to seek permits, permit amendments, permit renewals, and authorizations needed for the operation of the City's Water Utility, the expenditure of funds needed to receive TCEQ Permits and Authorizations, providing an effective date.

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

- A. PUB24-074** Consider approval of the March 25, 2024, minutes.

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

**YES (4): Vice Chair Billy Cheek, Lee Riback, Robert Rayner and Thomas Plock**

**NO (0):**

- B. PUB24-067** Consider recommending adoption of an ordinance of the City of Denton, A Texas Home-Rule Corporation ("City"), amending the City's Water Conservation and Drought Contingency Plan previously adopted by the City Council in Ordinance No. 19-863 enacted on April 16, 2019, providing an effective date.

Haley Salazar gave a presentation. There were questions by the Board that staff answered.

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

**YES (4): Vice Chair Billy Cheek, Lee Riback, Robert Rayner and Thomas Plock**

**NO (0):**

- C. PUB24-073** Consider recommending adoption of an ordinance of the City Council of the City of Denton, a Texas home-rule municipal corporation ("Denton") providing for, authorizing, and approving the execution by the City Manager of the Power Purchase Agreement ("PPA")

between Denton and Yellow Viking Development One, LLC ("Yellow Viking"); authorizing the acceptance and approval by the City Manager of the Letter of Credit or other credit support issued on behalf of Yellow Viking further securing the obligations of Yellow Viking to Denton for the benefit of Denton; approving the execution of such other and further related documents deemed necessary to effectuate the transactions allowed under this agreement by the City Manager, which are incident to or related to the PPA; finding that that the purchase of capacity and energy made by Denton under the terms of the PPA are in the public welfare; authorizing the expenditure of funds; determining that specific information contained in documents involved in this transaction pertain to a "Competitive Electric Matter" as set forth under the provisions of §551.086 and §552.133 of the Texas Government Code, as amended; allowing the public to inspect and reproduce the PPA as redacted; and providing an effective date.

Jose Gayton gave a presentation. There were questions by the Board that staff answered.

**Board Member Riback moved for approval of agenda item 3C. Motion seconded by Board Member Rayner; motion carried.**

**YES (3): Vice Chair Billy Cheek, Lee Riback, and Robert Rayner**

**NO (1): Thomas Plock**

**D. PUB24-075 Management Reports**

1. Future Agenda Items
2. New Business Action Items

**4. CONCLUDING ITEMS**

None

**CLOSED MEETING**

**A. PUB24-072 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 a proposed Power Purchase Agreement with Yellow Viking Development One, LLC that includes data stemming from public power utility competitive data; discuss, deliberate, and provide direction to staff regarding same. Consultation with City's attorney regarding issues associated with the above matter where 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 the State Bar of Texas, or would jeopardize the City's legal position in any administrative or potential litigation.

The Public Utilities Board reconvened at 9:35 AM from the closed session and no official action was taken.

With no further business, the meeting was adjourned at 10:15 AM.

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**BILLY CHEEK**  
**VICE CHAIR**  
**CITY OF DENTON, TEXAS**

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**CASSIE BLACKBURN**  
**DME ADMIN. SUPERVISOR**  
**CITY OF DENTON, TEXAS**

Minutes approved on: April 22, 2024.