



ELECTRIC UTILITY COMMISSION
REGULAR MEETING MINUTES – Approved March 18, 2013
FEBRUARY 25, 2013

The Electric Utility Commission (EUC) convened in a regularly scheduled meeting in the Shudde Fath Conference Room at 721 Barton Springs Road in Austin, Texas.

1. **CALL TO ORDER** – Chair Bernie Bernfeld called the meeting to order at 6:00 p.m.
Commissioners in attendance: Bernie Bernfeld, Chair; Karen Hadden, Vice Chair; Shudde Fath, Steve Smaha and Linda Shaw. Phillip Schmandt and Dr. Michael Webber were absent.
Staff in attendance: Cheryl Mele, J. J. Gutierrez, Alan Claypool, Debbie Kimberly, Pat Alba, Fred Yebra, Cathy Foster, Adrienne Brandt, Richard Morgan, Leslie Libby, Jaime Gomez, Terry Moore, and Toye Goodson Collins of Austin Energy; and Rosemary Ledesma of the Purchasing Department.
2. **APPROVAL OF MINUTES** – **The minutes from the meeting of January 28, 2013 were approved, on Commissioner Fath’s motion, Commissioner Shaw’s second, on a 5-0 vote.**
3. **CITIZEN COMMUNICATIONS**
Rick Fraumann of Texas Disposal Systems spoke against recommending approval of Item 15, the contract with Allied Waste Services.

NEW BUSINESS – CONSENT ITEMS

Commissioners pulled Items 4-7 and 9-16 for discussion and recommended approval of Items 8 and 17 on consent.

4. Authorize award and execution of a 12-month requirements service agreement with ABM BUILDING & ENERGY SOLUTIONS to provide electric vehicle charging station maintenance in an estimated amount not to exceed \$70,000 with one 12-month extension option in an estimated amount not to exceed \$70,000, for a total estimated contract amount not to exceed \$140,000. **The motion to recommend approval, by Chair Bernfeld and seconded by Commissioner Smaha, passed on a vote of 5-0.**
5. Authorize negotiation and execution of a two-year interlocal agreement with the Alamo Area Council of Governments for assistance in establishing the Central Texas Fuel Independence Project to reduce barriers to the widespread use of cleaner, domestic, and more secure alternative fuels and renewable fueled-vehicles in the Austin and San Antonio region, for a total amount not to exceed \$180,000. **The motion to recommend approval, by Chair Bernfeld and seconded by Commissioner Smaha, passed on a vote of 5-0.**
6. Approve issuance of a rebate to SCI Austin Lights Forest Fund LLC for performing duct diagnostics and improvements at the Austin City Lights Apartments located at 501 E. Stassney Lane, Austin, Texas, in an amount not to exceed \$98,123. **The motion to recommend approval, by Chair Bernfeld and seconded by Commissioner Smaha, passed on a vote of 5-0.**
7. Approve issuance of a rebate to Hudson Asset Holdings LP for performing duct diagnostics and improvements at the Hudson Miramont Apartments located at 8818 Travis Hills Dr., Austin, Texas, in an amount not to exceed \$99,374. **The motion to recommend approval, by Chair Bernfeld and seconded by Commissioner Smaha, passed on a vote of 5-0.**

8. Approve issuance of a rebate to Principal Global Investors LLC for performing duct diagnostics and improvements at the Toscana Apartments located at 13355 US Hwy. 183 North, Austin, Texas, in an amount not to exceed \$121,599. **The motion to recommend approval, by Chair Bernfeld and seconded by Commissioner Smaha, passed on consent on a vote of 5-0.**
9. Authorize negotiation and execution of an agreement with the Capitol Area Council, Boy Scouts of America to provide a performance-based incentive for the generation of solar energy at its facility located at 12500 North IH-35 in Austin, Texas, for an estimated \$16,074 per year, for a total amount not to exceed \$160,740 over a 10-year period. **The motion to recommend approval, by Chair Bernfeld and seconded by Commissioner Smaha, passed on a vote of 5-0.**
10. Authorize negotiation and execution of an agreement with Coeus BE Austin, LP, to provide a performance-based incentive for the generation of solar energy at three facilities located on Royal Crest Drive in Austin, Texas, for an estimated \$12,194 per year, for a total amount not to exceed \$121,940 over a 10-year period. **The motion to recommend approval, by Chair Bernfeld and seconded by Commissioner Smaha, passed on a vote of 5-0.**
11. Authorize negotiation and execution of an agreement with Phoebe Austin, LP, to provide a performance-based incentive for the generation of solar energy at two facilities located on Royal Crest Drive in Austin, Texas, for an estimated \$7,219 per year, for a total amount not to exceed \$72,190 over a 10-year period. **The motion to recommend approval, by Chair Bernfeld and seconded by Commissioner Smaha, passed on a vote of 5-0.**
12. Authorize negotiation and execution of an agreement with Canyon Oaks, LP, to provide a performance-based incentive for the generation of solar energy at six facilities located at Royal Crest Drive and Burton Drive in Austin, Texas, for an estimated \$22,384 per year, for a total amount not to exceed \$223,840 over a 10-year period. **The motion to recommend approval, by Chair Bernfeld and seconded by Commissioner Smaha, passed on a vote of 5-0.**
13. Authorize award, negotiation and execution of Amendment No. 7 to the contract with ECOLOGIC ANALYTICS, LLC, for a software upgrade and implementation, support, and system enhancing services for Austin Energy's existing Meter Data Management System in an amount not to exceed \$1,573,438, for a revised total contract amount not to exceed \$3,622,750. **The motion to recommend approval, by Chair Bernfeld and seconded by Commissioner Smaha, passed on a vote of 5-0.**
14. Authorize award, negotiation, and execution of a 12-month requirements service contract with CORIX UTILITIES, or the other qualified offeror to RFP No. OPJ0103, to provide manual meter reading and other related services for Austin Energy, in an estimated amount not to exceed \$3,600,000, with four 12-month extension options in an estimated amount not to exceed \$3,600,000 per extension option, for a total estimated contract amount not to exceed \$18,000,000. **The motion to recommend approval, by Chair Bernfeld and seconded by Commissioner Shaw, failed on a vote of 0-4-1 with Commissioner Fath abstaining.**
15. Authorize award and execution of a 24-month requirements service contract with ALLIED WASTE SERVICES #843, Del Valle, TX for the management and disposal of industrial

Class 2 non-hazardous waste for Austin Energy in an estimated amount not to exceed \$529,640, with three 12-month extension options in an estimated amount not to exceed \$264,820 per extension option, for a total estimated contract amount not to exceed \$1,324,100. **The motion to recommend approval was made by Chair Bernfeld and seconded by Commissioner Shaw. The substitute motion by Commissioner Fath and seconded by Vice Chair Hadden, to recommend that Council consult with Austin Energy about the timeframe and, if time permitted, to rebid the contract, failed on vote of 2-1-2 with Fath and Hadden voting aye, Shaw voting nay, and Bernfeld and Smaha abstaining. The original motion to recommend approval also failed on a vote of 1-2-2 with Shaw voting aye, Fath and Hadden voting nay, and Bernfeld and Smaha abstaining.**

16. Authorize award, negotiation, and execution of a 60-month requirements service contract with CLEAN HARBORS ENVIRONMENTAL SERVICES, GRUENE ENVIRONMENTAL COMPANIES, EFFECTIVE ENVIRONMENTAL, INC., WESTON SOLUTIONS, INC., and PROGRESSIVE ENVIRONMENTAL SERVICES dba SWS ENVIRONMENTAL SERVICES for soil remediation and equipment and surface decontamination services for Austin Energy in an estimated amount not to exceed \$5,000,000 each and combined. **The motion to recommend approval, by Chair Bernfeld and seconded by Commissioner Smaha, passed on a vote of 5-0.**
17. Authorize award and execution of a 24-month requirements service agreement with ISS FACILITY SERVICES, Inc., or one of the other qualified bidders for IFB-BV MLG0057, to provide janitorial services in an estimated amount not to exceed \$1,283,088, with two 12-month extension options in an estimated amount not to exceed \$641,544 per extension option, for a total estimated contract amount not to exceed \$2,566,176. **The motion to recommend approval, by Chair Bernfeld and seconded by Commissioner Smaha, passed on consent on a vote of 5-0.**

BRIEFING & REPORTS

18. Financial Report by Cathy Foster, Acting Director, Corporate Accounting & Rates
19. Line Clearance/Tree Trimming Service Fee Update by Cheryl Mele, Chief Operating Officer. Commissioners agreed with Austin Energy's recommendation not to adopt a fee for enhanced service levels during the line clearance and tree trimming process.
20. Report on Energy Efficiency Stakeholder Meeting by Debbie Kimberly, Vice President, Distributed Energy Services.
21. Update on South Texas Project Outage by Cheryl Mele.

OLD BUSINESS

22. Discussion and possible action regarding the governance of Austin Energy. Before the meeting, Commissioners Schmandt, Smaha and Webber drafted an Op-Ed piece regarding governance of Austin Energy for submission to the *Austin American-Statesman*. Commissioner Smaha introduced the article and asked who among his colleagues wanted to join the three members in cosigning the document. Following discussion and editing, Chair Bernfeld and Commissioner Shaw agreed to cosign.

23. Discussion of Annual Internal Review and Report, required per Section 2-1-46 of the City Code – Commissioner Shaw was commended for drafting the report. Commissioners made slight edits and added an objective to “ensure an orderly transfer to a new independent board.” Commissioners will provide a final review of the report at next month’s meeting before submission to the City Clerk by March 31, 2013.

FUTURE AGENDA ITEMS

24. Request agenda items, including information related to the Upcoming Procurements Report – Vice Chair Hadden requested a follow-up report on the South Texas Project and Chair Bernfeld requested an update on the rate case.

25. **ADJOURN** – Chair Bernfeld adjourned the meeting at 8:04 p.m. without objection.