



**ELECTRIC UTILITY COMMISSION  
REGULAR MEETING MINUTES – Approved July 15, 2013  
JUNE 17, 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 6:02 p.m. Commissioners in attendance: Bernie Bernfeld, Chair; Karen Hadden, Vice Chair; Shudde Fath, Phillip Schmandt, Linda Shaw, Steve Smaha and Dr. Michael Webber. Staff in attendance: Cheryl Mele, Kerry Overton, Ann Little, Debbie Kimberly, J.J. Gutierrez, David Wood, Pat Alba, Pat Sweeney, Jim Collins, David Kutach, Fred Yebra, Cathy Foster, Scott Jarman, Ronnie Mendoza, Bob Seaver, Jamie Gomez, Matt Liner, and Toye Goodson Collins of Austin Energy; Jamie Nicole Atkinson of the City Budget Office; Lucia Athens and Zach Baumer of the Office of Sustainability; and Rosemary Ledesma and Gage Loots of the Purchasing Department.

Commissioners Schmandt and Smaha each announced their resignations from the Electric Utility Commission effective July 1, 2013. Commissioner Webber announced his resignation effective June 18, 2013.

2. **APPROVAL OF MINUTES** – **The motion to approve the minutes of the May 20, 2013 meeting, as corrected, by Commissioner Fath and seconded by Vice Chair Hadden, passed on a vote of 6-0 with Commissioner Webber off the dais.** The correction was as follows to Item 24: The motion passed on a vote of ~~7-0~~ 6-1 with Commissioner Fath voting against.
3. **CITIZEN COMMUNICATIONS:** Lanetta Cooper – Austin Energy’s website renovation and fees including street lighting, fuel and regulatory charges; Paul Robbins – franchise fees and rates for customers living outside the city, and line extension fees; Mark Kapner – reducing dependency on coal generation; and Kunda Wicce – closing the Fayette power plant.

**NEW BUSINESS – CONSENT ITEMS**

**Commissioners pulled Items 4, 5, 15, 17, 20, 21 and 23 for discussion and recommended approval of Items 6-14, 16, 18, 19, 22, 24 and 25 on consent.**

4. Authorize negotiation and execution of two power purchase agreements with Duke Energy Renewables, Inc. for terms of up to 25 years for up to 200 megawatts of wind-generated electricity under each agreement, in an estimated amount of \$20,000,000 per year for each agreement, for an estimated total contract amount of \$500,000,000 for each agreement. **The motion to recommend approval, by Chair Bernfeld and seconded by Commissioner Webber, passed on a vote of 7-0.**
5. Authorize negotiation and execution of a power purchase agreement with E.ON Climate and Renewables North America, LLC, for a term of up to 25 years for up to 170 megawatts of wind-generated electricity in an estimated amount of \$15,500,000 per year, for an estimated total contract amount of \$387,500,000. **The motion to recommend approval, by Chair Bernfeld and seconded by Commissioner Webber, passed on a vote of 7-0.**
6. Authorize negotiation and execution of an agreement with 51st LIVING LTD, to provide a performance-based incentive for the generation of solar energy at six buildings located at its facilities at 101 West 51st Street, Austin, TX 78751, for an estimated \$26,769 per year, for a total amount not to exceed \$267,690 over a 10-year period. **The motion to recommend**

**approval on consent, by Chair Bernfeld and seconded by Commissioner Webber, passed on a vote of 7-0.**

7. Authorize negotiation and execution of an agreement with AMLI RESIDENTIAL, to provide a performance-based incentive for the generation of solar energy at its facility located at 300 N. Lamar Blvd., Austin, TX 78703, for an estimated \$9,599 per year, for a total amount not to exceed \$95,990 over a 10-year period. **The motion to recommend approval on consent, by Chair Bernfeld and seconded by Commissioner Webber, passed on a vote of 7-0.**
8. Authorize negotiation and execution of an agreement with the BARR MANSION, to provide a performance-based incentive for the generation of solar energy at two facilities located at 10463 Sprinkle Road, Austin, TX 78755, for an estimated \$11,665 per year, for a total amount not to exceed \$116,650 over a 10-year period. **The motion to recommend approval on consent, by Chair Bernfeld and seconded by Commissioner Webber, passed on a vote of 7-0.**
9. Authorize negotiation and execution of an agreement with GCE VENTURES, to provide a performance-based incentive for the generation of solar energy at its facility located at 3315 Ranch Road 620 S, Austin, TX 78738, for an estimated \$14,216 per year, for a total amount not to exceed \$142,160 over a 10-year period. **The motion to recommend approval on consent, by Chair Bernfeld and seconded by Commissioner Webber, passed on a vote of 7-0.**
10. Authorize negotiation and execution of an agreement with GENERAL MOTORS, to provide a performance-based incentive for the generation of solar energy at its facility located at 7401 E. Ben White Blvd., Bldg. 3, Austin, TX 78741, for an estimated \$41,657 per year, for a total amount not to exceed \$416,570 over a 10-year period. **The motion to recommend approval on consent, by Chair Bernfeld and seconded by Commissioner Webber, passed on a vote of 7-0.**
11. Authorize negotiation and execution of an agreement with GENERAL MOTORS, to provide a performance-based incentive for the generation of solar energy at its facility located at 717 E. Parmer Lane, Austin, TX 78753, for an estimated \$41,694 per year, for a total amount not to exceed \$416,940 over a 10-year period. **The motion to recommend approval on consent, by Chair Bernfeld and seconded by Commissioner Webber, passed on a vote of 7-0.**
12. Authorize negotiation and execution of an agreement with McCORMICK VISION, to provide a performance-based incentive for the generation of solar energy at its facility located at 12701 Research Blvd. #101, Austin, TX 78759, for an estimated \$8,876 per year, for a total amount not to exceed \$88,760 over a 10-year period. **The motion to recommend approval on consent, by Chair Bernfeld and seconded by Commissioner Webber, passed on a vote of 7-0.**
13. Authorize negotiation and execution of an agreement with PEARSON, to provide a performance-based incentive for the generation of solar energy at its facility located at 400 Center Ridge Drive, Austin, TX 78753, for an estimated \$48,064 per year, for a total amount not to exceed \$480,640 over a 10-year period. **The motion to recommend approval on consent, by Chair Bernfeld and seconded by Commissioner Webber, passed on a vote of 7-0.**
14. Authorize negotiation and execution of an agreement with VIEW APARTMENTS, LP, to provide a performance-based incentive for the generation of solar energy at eight facilities located in the 1900 block of Willow Creek Drive, Austin, TX 78741, for an estimated \$23,840 per year, for a total amount not to exceed \$238,400 over a 10-year period. **The motion to**

**recommend approval on consent, by Chair Bernfeld and seconded by Commissioner Webber, passed on a vote of 7-0.**

15. Approve issuance of a rebate to MANOR ROAD PARTNERS, LTD, for performing comprehensive energy efficiency upgrades at the Archway Apartments located at 2504 Manor Road, Austin, Texas 78722, in an amount not to exceed \$102,000. **The motion to recommend approval, by Chair Bernfeld and seconded by Commissioner Webber, passed on a vote of 7-0.**
16. Approve issuance of a rebate to Wiltex Property, for performing duct diagnostics and improvements at the Riverlodge Apartments located at 10301 Ranch Road 2222, Austin, TX 78730, in an amount not to exceed \$174,051. **The motion to recommend approval on consent, by Chair Bernfeld and seconded by Commissioner Webber, passed on a vote of 7-0.**
17. Approve issuance of a rebate to SAMSUNG AUSTIN SEMICONDUCTOR, for the installation of energy efficient lighting and equipment at its facility located at 12100 Samsung Blvd., Austin, TX 78754, in an amount not to exceed \$77,464. **The motion to recommend approval, by Chair Bernfeld and seconded by Commissioner Webber, passed on a vote of 7-0.**
18. Approve issuance of a rebate to STATE FARM INSURANCE COMPANY, for the installation of energy efficient lighting at its facility located at 8900 Amberglen Blvd., Austin, TX 78729, in an amount not to exceed \$74,908. **The motion to recommend approval on consent, by Chair Bernfeld and seconded by Commissioner Webber, passed on a vote of 7-0.**
19. Authorize award, negotiation, and execution of four 12-month requirements service contracts with ATLAS EFFICIENCY SOLUTIONS, LLC; ATS ENGINEERS, INSPECTORS, SURVEYORS; TEXAS GREEN VENTURES, LLC and FOX ENERGY SPECIALISTS, or one of the other qualified offerors to RFP No. TVN0029, to provide test-out energy audit services for Austin Energy, in an amount not to exceed \$150,000 each and combined, with one 12-month extension option in an amount not to exceed \$150,000 each and combined, for a total contract amount not to exceed \$300,000 each and combined. **The motion to recommend approval on consent, by Chair Bernfeld and seconded by Commissioner Webber, passed on a vote of 7-0.**
20. Approve an ordinance amending City Code Chapter 15-9 regarding utility service, billing and adjustments, and administrative reviews and hearings. Speakers Carol Biedrzycki and Lanetta Cooper voice opposition to the proposed changes. **The motion to not recommend approval and to postpone consideration until next month, by Commissioner Schmandt and seconded by Commissioner Smaha, passed on a vote of 7-0.**
21. Authorize award, negotiation and execution of a 10-year requirements service contract with LANDIS + GYR for utility automated meter infrastructure (AMI) services for Austin Energy in an amount not to exceed \$60,102,752.16. Speaker Lanetta Cooper voice opposition to the contract. **The motion to postpone consideration of the item, pending receipt of a cost-benefit analysis, by Vice Chair Hadden and seconded by Commissioner Webber, failed on a vote of 1-6, with Vice Chair Hadden voting for. A substitute motion to recommend approval, by Commissioner Smaha and seconded by Commissioner Schmandt, passed on a vote of 6-0-1 with Vice Chair Hadden abstaining.**
22. Authorize award and execution of a 12-month requirements service contract through the Texas Multiple Award Schedule (TXMAS) with JOHNSON CONTROLS, INC. for preventative and

corrective maintenance services and upgrades on 17 chillers in an amount not to exceed \$415,774, with one 60-month extension option in an amount not to exceed \$2,168,721, for a total contract amount not to exceed \$2,584,495. **The motion to recommend approval on consent, by Chair Bernfeld and seconded by Commissioner Webber, passed on a vote of 7-0.**

23. Approve an ordinance authorizing the negotiation and execution of a Developer Participation Agreement with Seaholm Power, LLC, for construction of chilled water utilities to serve several facilities in the Seaholm Development District, in an amount not to exceed \$3,400,000. **The motion to recommend approval, by Chair Bernfeld and seconded by Commissioner Webber, passed on a vote of 7-0.**
24. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with PHILPOTT MOTORS, LTD., for the purchase of 38 medium-duty vehicles in an amount not to exceed \$2,103,767.81. (*Note: This is a shared contract among City departments; AE's share is \$511,022.70*) **The motion to recommend approval on consent, by Chair Bernfeld and seconded by Commissioner Webber, passed on a vote of 7-0.**
25. Authorize award and execution of a 24-month requirements service contract for delivery services through Texas Procurement and Support Services with FEDERAL EXPRESS CORPORATION, Memphis, TN, in an estimated amount not to exceed \$280,320, with three 12-month extension in an estimated amount not to exceed \$140,160 per extension period, for a total estimated contract amount not to exceed \$700,800. (*Note: This is a shared contract among City departments; AE's annual estimated usage is \$30,000.*) **The motion to recommend approval on consent, by Chair Bernfeld and seconded by Commissioner Webber, passed on a vote of 7-0.**

#### **STAFF BRIEFINGS & REPORTS**

26. Sustainability Office Report by Lucia Athens, COA Sustainability Officer, and Zach Baumer, Climate Protection Manager.
27. Line Extension Policy Report by Bob Seaver, Distribution Process Manager, Electric Service Delivery Division.

#### **OLD BUSINESS**

28. Review of the draft Fiscal Year 2012 Austin Energy Annual Performance Report – Ed Clark, Director, Corporate Communications, accepted suggestions from Commissioners. The revised draft report will be made available for final review by the Commission and the public prior to next month's meeting.
29. Fiscal Year 2014 Austin Energy Budget Work Session – Ann Little, Chief Financial Officer, and David Kutach, Director, Financial Planning & Budget, made a presentation and answered questions regarding components of the budget.

#### **FUTURE AGENDA ITEMS**

30. Request agenda items, including information related to the Upcoming Procurements Report – Commissioners requested discussion items on the following topics: disconnection and reconnection fees, line extension fees, and the South Texas Project.

**ADJOURN** – Chair Bernfeld adjourned the meeting at 9:40 p.m. without objection.