

**ACTION MINUTES OF REGULAR MEETING
BOARD OF PUBLIC UTILITIES COMMISSIONERS
CITY OF TULARE**

October 20, 2016

A regular meeting of the Board of Public Utilities Commissioners, City of Tulare, was held on Thursday, October 20, 2016, at 3:00 p.m., in the Tulare Public Library & Council Chambers.

BOARD MEMBERS PRESENT: Lee Brehm, Philip Smith, Edward Henry, Jim Pennington, Dick Johnson

STAFF PRESENT: Paul Melikian, Dave Hale, Joe Carlini, Michael Miller, Darlene Thompson, Trisha Whitfield, Tim Doyle, Frank Rodriguez, Nick Bartsch, Steve Bonville, Shonna Oneal

I. CALL TO ORDER REGULAR SESSION:

President Brehm called the regular session to order at 3:00 p.m.

II. PLEDGE OF ALLEGIANCE:

President Brehm led the Pledge of Allegiance.

III. CITIZEN'S REQUEST OR COMMENTS: *This is the time for citizens to comment on items within the jurisdiction of the Board. The Board cannot legally discuss or take official action on citizen comments that are introduced tonight. Each speaker will be allowed **three minutes**, with a maximum time of 10 minutes per item, unless otherwise extended by the Board.*

There were no citizen comments presented.

IV. COMMUNICATIONS:

There were no items for this section on the agenda.

V. CONSENT CALENDAR:

It was moved by Board Member Johnson, seconded by Vice President Smith unanimously carried that the items on the consent calendar be approved as presented.

- (1) Approve minutes of the October 20, 2016 regular/special meeting(s).**
- (2) Receive, review, and file the Monthly Investment Report for August 31, 2016.**
- (3) Accept Financial Status Reports and Drought Expenditure Report.**

- (4) **Accept Water System Development Program update.**
- (5) **Receive the quarterly Potable Water Pumping and Metered Delivery Report.**
- (6) **Accept Public Works Comparator Tool update reflecting projected versus actual data.**
- (7) **Accept Public Works work performance reports for September 2016.**

VI. GENERAL BUSINESS:

- (1) **Provide staff with direction regarding the preferred sizing for Water Storage Tanks.** Project Manager Trisha Whitfield provided a report for the Board's review and consideration. The Board raised questions and staff provided responses thereto. Following discussion it was moved by Vice President Smith, seconded by Board Member Henry and unanimously carried that staff proceed with two 2.0 million gallon concrete tanks.
- (2) **Award a contract for drilling of an estimated ten (10) test wells to Leon Ross Drilling, LLC of Visalia, CA in the amount of \$1,020,410.00, and authorize the City Manager to approve contract change orders in an amount not to exceed 10% (\$102,041) of the contract award amount.** Project Manager Trisha Whitfield provided a report for the Board's review and consideration. The Board raised questions and staff provided responses thereto. Following discussion it was moved by President Brehm, seconded by Board Member Johnson to award the contract to Leon Ross Drilling, LLC for \$102,000 per well for up to ten (10) test wells.

Following General Business 3, Interim City Manager Paul Melikian requested the Board clarify if the motion made on General Business 2 included the authorization for City Manager to approve contract orders up to 10%. Following a brief discussion it was moved by President Brehm, seconded by Vice President Smith and unanimously carried to amend the motion on General Business 2 to include authorization for the City Manager to approve contract change orders up to 10%.

- (3) **Approve a list of pre-qualified engineers for water well design services and authorize the City Manager or designee to enter into consultant professional service contracts with Carollo Engineers of Fresno, CA and Cannon of Bakersfield, CA.** Project Manager Trisha Whitfield provided a report for the Board's review and consideration. Board raised questions and staff provided responses thereto. Following a brief discussion it was moved by Board Member Johnson, seconded by Board Member Henry and unanimously carried to approve the item as presented.

- (4) **Consider award of a contract to Kenneth D. Schmidt and Associates of Fresno, CA in the amount of \$27,675 per well (for an estimated ten wells) for hydrogeologist consulting and construction support services; and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$2,767.50 per well) of the contract award amount.** Project Manager Trisha Whitfield provided a report for the Board's review and consideration. The Board expressed concern regarding not receiving the fee submitted by each proposer. Staff provided information regarding the practice of processing Bids versus Request for Proposals for City projects and explained the fee submitted with Request for Proposals are sealed and only opened if the firm is selected as the most qualified. City Attorney Dave Hale advised the Board on the laws and practices related to professional service contracts. Project Manager Nick Bartsch provided additional information regarding Bids versus Request for Proposals. The Board requested staff provide additional details in the future regarding the breakdown of costs and to explain why the price submitted by the selected proposer is reasonable. Following discussion it was moved by Board Member Johnson, seconded by Vice President Smith and unanimously carried to approve the item as presented.
- (5) **Authorize the City Manager, or designee, to sign a contract with Cannon of Bakersfield, CA in the amount of \$165,968 for geotechnical analysis, design, bidding and construction support services for the construction of a well at 333 South I Street; approve the attached project sheet; and authorize the City Manager or designee to approve contract change orders in the amount not to exceed 10% (\$16,596.80) of the contract amount.** Project Manager Trisha Whitfield provided a report for the Board's review and consideration. The Board raised questions and staff provided responses thereto. Board Member Henry presented a diagram he created regarding General Business items 2, 4 and 5. Staff commented on the diagram and advised the numbers reflected in the diagram were not an accurate summary of the cost of each well. Following discussion it was moved by Board Member Johnson, seconded by Vice President Smith and unanimously carried to approve the item as presented.
- (6) **Adopt Resolution 16-18 to suspend the Drought Surcharge until further notice.** Public Works Director Joe Carlini provided a report for the Board's review and consideration. Finance Director Darlene Thompson requested that the Board suspend the Drought Surcharge effective October 1, 2016 and sought clarification regarding the monthly Drought Surcharge Report. The Board requested that Ms. Thompson provide a final summary Drought Surcharge Report. Following discussion it was moved by Board Member Johnson, second by Board Member Henry and unanimously carried to adopt Resolution 16-18, as presented. Vice President Smith reiterated that the suspension of the Drought Surcharge was effective October 1, 2016.
- (7) **Review proposed changes and make recommendations to the City Council with regard to revising Title 7 Chapter 7.64, Storm Water, of the Tulare Municipal Code, to effect the changes described in the revised ordinance as attached.** Interim City Manager Paul Melikian introduced the item and Public

Works Director Joe Carlini. Mr. Carlini provided a PowerPoint slide presentation highlighting funding mechanisms and proposed revisions to the Storm Water Ordinance. Interim City Manager Paul Melikian provided additional details regarding the proposed revisions to the Ordinance. The Board inquired about the action necessary on this item. City Attorney Dave Hale advised the Board that this item was before them for review and comment with approval under the City Council's purview. Following discussion it was the consensus of the Board to forward the proposed revisions to the Storm Water Ordinance to City Council.

VII. ITEMS OF BOARD INTERESTS:

Items of Board interest were discussed among the Board and staff. Interim City Manager Paul Melikian advised the Board that a special meeting may be set for Wednesday, October 26, 2016 at 3:00 p.m. regarding the current status of negotiations for Fuel Cell Energy.

VIII. ADJOURN REGULAR MEETING:

President Brehm adjourned the regular meeting at 4:22 p.m.

President of the Board of Public Utilities
Commissioners of the City of Tulare

ATTEST:

Secretary of the Board of
Public Utilities Commissioners