

## AGENDA

### CITY OF TULARE BOARD OF PUBLIC UTILITIES COMMISSION

Thursday, May 18, 2017

Closed Session 6:00 p.m.

Regular Session 7:00 p.m. (Or, immediately following Closed Session.)

TULARE PUBLIC LIBRARY & COUNCIL CHAMBERS

491 North "M" Street

#### MISSION STATEMENT

To promote a quality of life making Tulare the most desirable community in which to live, learn, play, work, worship and prosper.

Meeting audio will be uploaded to the City's website <a href="http://www.tulare.ca.gov">www.tulare.ca.gov</a> no later than the Tuesday following the meeting, barring any technical difficulties, accessible by selecting the appropriate meeting date on the City Meeting Calendar page.
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#### 6:00 p.m.

#### I. CALL TO ORDER CLOSED SESSION

II. **CITIZEN COMMENTS** - Comments from the public are limited to items listed on the agenda (GC 54954.3a). Speakers will be allowed three minutes. Please begin your comments by stating and spelling your name and providing your city of residence.

#### III. **ADJOURN TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION(S):**

- (a) 54956.9(e)(2) Conference with Legal Counsel – Anticipated Litigation (1)  
Facts and circumstances related to recent request(s) by Colony Energy relating to its lease of property adjacent to the City's Waste Water Treatment Plant (APN 174-040-006-000) as well as any additional requests it may make in its appearance before the BPU; and Colony Energy's position/role with respect to an RFP regarding Utilization of Biomethane and/or providing low cost electricity dated March 26, 2015; and the PPA negotiations that followed, and any requests Colony Energy may make in its appearance before the BPU, relating thereto.

#### 7:00 p.m. (Or immediately following Closed Session)

#### IV. RECONVENE CLOSED SESSION

#### V. CLOSED SESSION REPORT (if any)

#### VI. ADJOURN CLOSED SESSION

#### VII. CALL TO ORDER REGULAR SESSION

**VIII. PLEDGE OF ALLEGIANCE AND INVOCATION**

**IX. CITIZEN COMMENTS** - Comments from the public are limited to items listed on the agenda (GC 54954.3a). Speakers will be allowed three minutes. Please begin your comments by stating and spelling your name and providing your city of residence.

**X. COMMUNICATIONS**

*No action will be taken on matters listed under Communications; however, the Board may direct staff to schedule issues raised during Communications for a future agenda.*

**XI. CONSENT CALENDAR:**

*All Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.*

- (1) Approve minutes of May 4, 2017 regular meeting(s).
- (2) Award Bid 17-615 to Visalia Ford in the amount of \$23,228.69 for the purchase of one (1) Regular Cab One Half (1/2) Ton Long Bed Truck.
- (3) Receive the proposed Utility funds fiscal year 2017/18 operating and position control budget and the fiscal years 2017-2022 projects budget for Board review and study.
- (4) Accept Water System Development Program update.
- (5) Accept Financial Status Report.
- (6) Accept Public Works Monthly Water System Report.
- (7) Accept the Public Works performance report for April 2017.

**XII. GENERAL BUSINESS:**

*Comments related to General Business Items are limited to three minutes per speaker for a maximum of 30 minutes per item unless otherwise extended by the Board.*

- (1) Appoint one representative and one alternate to the Kaweah River Basin Integrated Regional Water Management Group Governing Board and Stake Holder Advisory Group.

- (2) Discussion of the request by Colony Energy Partners-Tulare LLC (“Colony”), and the City of Tulare (“City”) to extend the Entitlement Period of the Property Lease entered into on May 11, 2015.
- (3) Board to receive and review the Biogas Project History, current status of negotiations with RFP respondents, and a recommendation not to extend or amend the current lease agreement nor enter into renegotiations with Colony Energy Partners, LLC.

**XIII. ITEMS OF BOARD INTEREST: (may include City Council and Planning Commission updates) – GC 54954.2(3)**

**XIV. ADJOURN TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION(S):**

- (a) 54956.9(e)(2) Conference with Legal Counsel – Anticipated Litigation (1) Facts and circumstances related to recent request(s) by Colony Energy relating to its lease of property adjacent to the City’s Waste Water Treatment Plant (APN 174-040-006-000) as well as any additional requests it may make in its appearance before the BPU; and Colony Energy’s position/role with respect to an RFP regarding Utilization of Biomethane and/or providing low cost electricity dated March 26, 2015; and the PPA negotiations that followed, and any requests Colony Energy may make in its appearance before the BPU, relating thereto. This closed session is to conference with counsel regarding any additional legal questions or concerns that may arise following the receipt of information and discussion on the topic in open session.

**XV. RECONVENE FROM CLOSED SESSION**

**XVI. CLOSED SESSION REPORT (if any)**

**XVII. ADJOURN REGULAR MEETING**

In compliance with the Americans with Disabilities Act and the Brown Act, if you need special assistance to participate in this meeting, including the receipt of the agenda and documents in the agenda package in an alternate format, please contact the City Manager’s Office at (559) 684-4200. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35, 104 ADA Title I), and allow for the preparation of documents in the appropriate alternate format.

[Note: Pursuant to Government Code 54957.5 - Effective 7/1/08 Documents produced and distributed less than 72 hours prior to or during an open session of a regular meeting to a majority of the legislative body regarding any item on the agenda will be made available for public inspection at the meeting and at the City Clerk’s Office at City Hall located at 411 East Kern Avenue during normal business hours.]