

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

May 18, 2017

**A closed session meeting of the Board of Public Utilities Commissioners, City of Tulare, was held on Thursday, May 18, 2017, at 6:00 p.m., in the Tulare Public Library & Council Chambers.**

**BOARD MEMBERS PRESENT:** James Pennington, Howard Stroman, Gregory Blevins, Thomas Griesbach, Erica Cubas

**STAFF PRESENT:** Joe Carlini, Heather Phillips, Sara Tobias, Steve Bonville, Melissa Hermann

**I. CALL TO ORDER CLOSED SESSION:**

President Pennington called the closed session to order at 6:02 p.m.

- 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.

There were no citizen comments.

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

President Pennington adjourned to closed session at 6:02 p.m. for items as noted on agenda.

- (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.

**A regular session meeting of the Board of Public Utilities Commissioners, City of Tulare, was held on Thursday, May 18, 2017, at 7:00 p.m., in the Tulare Public Library & Council Chambers.**

**BOARD MEMBERS PRESENT:** James Pennington, Howard Stroman, Gregory Blevins, Thomas Griesbach, Erica Cubas

**STAFF PRESENT:** Joe Carlini, Heather Phillips, Sara Tobias, Trisha Whitfield, Darlene Thompson, Michael Miller, Benjamin Siegel, Tim Doyle, Jason Bowling, Steve Bonville, Nick Bartsch, Melissa Hermann

**IV. RECONVENE CLOSED SESSION :**

President Pennington reconvened from closed session at 7:31 p.m.

**V. CLOSED SESSION REPORT (if any) :**

President Pennington advised there were no reportable items.

**VI. ADJOURN CLOSED SESSION :**

President Pennington adjourned the closed session at 7:32 p.m.

**VII. CALL TO ORDER REGULAR MEETING:**

President Pennington called the regular meeting to order at 7:32 p.m.

**VIII. PLEDGE OF ALLEGIANCE:**

Board Member Griesbach led the Pledge of Allegiance and an invocation was given by Vice President Stroman.

**IX. CITIZEN'S REQUEST OR COMMENTS:**

President Pennington advised that comments from the public are for items within the jurisdiction of the Board. Speakers will be allowed three minutes.

There were no citizen comments presented.

**X. COMMUNICATIONS:**

There were no items for this section on the agenda.

**XI. CONSENT CALENDAR:**

**It was moved by President Pennington, seconded by Vice President Stroman, and unanimously carried that the items on the Consent Calendar be approved as presented with the exception of items 2, 3, and 7.**

**(1) Approve minutes of May 4, 2017 regular/special 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.** Vice President Stroman pulled this item to inquire about the purpose of this vehicle purchase. General Services Director Steve Bonville responded thereto. With no further discussion, it was moved by Vice President Stroman, seconded by Board Member Blevins and unanimously carried to accept the item as presented.
- (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.** Board Member Cubas pulled this item to inquire about how often policies are updated. Interim City Manager Joe Carlini responded thereto. With no further discussion, it was moved by Vice President Stroman, seconded by Board Member Cubas and unanimously carried to accept the item as presented.
- (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.** Board Member Blevins pulled this item to inquire about the fleet availability number provided on the report. Solid Waste Manager Frank Rodriguez responded thereto. With no further discussion, it was moved by Board Member Blevins, seconded by Vice President Stroman and unanimously carried to accept the item as presented.

## **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.** President Pennington opened this item for discussion. Following discussion, it was moved by Board Member Griesbach, seconded by Board Member Blevins and unanimously carried to appoint Board Member Cubas as the representative. It was moved by Board Member Blevins, seconded by Board Member Cubas and unanimously carried to appoint Vice President Stroman as the alternate.
- (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.** President Pennington opened this item for discussion. Pedro Hernandez of Leadership Council for

Justice and Accountability addressed the Board regarding General Business items 2 and 3. He expressed concerns regarding the decisions the City may make that may affect the residents of the communities his organization serves.

Matt Schmidt and Kent Hawkins of Colony Energy Partners addressed the Board regarding the lease and RFP (Request for Proposals).

Informational item only.

- (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.** This item was discussed during Item 2. Following a lengthy discussion, it was moved by Board Member Blevins, seconded by Vice President Stroman and unanimously carried to extend the Entitlement Period of the lease an additional ten months beginning June 11, 2017.

It was moved by Board Member Griesbach, seconded by Vice President Stroman and unanimously carried to not enter into renegotiations with Colony Energy Partners.

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

Items of Board interest were discussed among the Board and staff.

Board Member Blevins advised that he and another Board member took a tour of the Waste Water Treatment Plant and was very impressed. He would like to see future outreach so that members of the city can see what is being done at the plant.

City Attorney Heather Phillips advised the Board that she is working on developing trainings for the various Boards and Commissions.

**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**

President Pennington reconvened from the closed session at 9:26 p.m.

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

President Pennington advised there were no reportable items.

**XVII. ADJOURN REGULAR MEETING**

President Pennington the regular meeting at 9:33 p.m.

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

**ATTEST:**

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Secretary of the Board of  
Public Utilities Commissioners