

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

October 5, 2017

A regular session meeting of the Board of Public Utilities Commissioners, City of Tulare, was held on Thursday, October 5, 2017, at 7:00 p.m., in the Tulare Public Library & Council Chambers.

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

BOARD MEMBERS ABSENT: Chris Soria

STAFF PRESENT: Joe Carlini, Heather Phillips, Sarah Tobias, Michael Miller, Darlene Thompson, Trisha Whitfield, Tim Doyle, Nick Bartsch, Frank Rodriguez, Ben Siegel, Melissa Hermann

I. CALL TO ORDER:

President Pennington called the regular meeting to order at 7:02 p.m.

II. PLEDGE OF ALLEGIANCE:

President Pennington led the Pledge of Allegiance and an invocation was given by Vice President Stroman.

III. ADMINISTRATION OF OATH OF OFFICE FOR NEW BOARD MEMBER:

Board Member did not attend. This item will be rescheduled to the next meeting.

IV. 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.

V. COMMUNICATIONS:

There were no items for this section on the agenda.

VI. STUDENT REPORTS:

- (1) Introduction of new Board of Public Utilities Teens on Board Representatives, Alicia Aroche (Tulare Union), Esmeralda Arellano (Tulare**

Union) and Maribel Lupercio (Tulare Western). Alicia, Esmeralda, Maribel, and Joana (alternate member) introduced themselves.

VII. CONSENT CALENDAR:

It was moved by Board Member Griesbach, seconded by Vice President Stroman and unanimously carried 4 to 0 (Board Member Soria absent) that the items on the Consent Calendar be approved as presented with the exception of item(s) 5, 9, 10, 11, & 12.

- (1) Approve minutes of September 7, 2017 regular meeting(s).**
- (2) Accept August 2017 Investment report.**
- (3) Accept Financial Status report.**
- (4) Receive the Public Works performance reports for August 2017.**
- (5) Accept Public Works Monthly Water System Report.** Board Member Griesbach pulled this item to inquire about the possibility of running out of connections before the wells are up. Public Works Director provided a response thereto. Board Member Griesbach also inquired about advertising for water conservation which Public Works Director Trisha Whitfield responded to. Following discussion, it was moved by Board Member Griesbach, seconded by Board Member Blevins and unanimously carried 4 to 0 (Board Member Soria absent) to accept the item as presented.
- (6) Receive Water System Development Program update.**
- (7) Award the purchase of 2,650 automated refuse cans to Cascade Cart Solutions using National Joint Powers Alliance (NJPA) Contract No. 041217-CEI in the amount of \$144,687.71, which includes tax and shipping.**
- (8) Award National Joint Powers Alliance (NJPA) Co-Operative Purchasing Bid to the National Auto Fleet Group (NAFG) for a replacement Ford F650 Dump Body truck in the amount of \$85,903.95 and fund the \$10,000.00 deductible from the Fleet Control Budget.**
- (9) Award a contract for the Water Well 45 Equipping Project at 333 South "I" Street to TTS Construction Corporation of Lodi, CA in the amount of \$923,000.00, and authorize the City Manager to approve contract change orders in the amount not to exceed 10% (\$92,300) of the contract award amount.** Board Member Blevins pulled this item, but no longer needed clarification. Vice President Stroman inquired about unforeseen expenses that may go above the 10% contingency amount and possibly addressing covering all unforeseen expenses in contracts. Public Works Director Trisha Whitfield and

City Manager Joe Carlini provided a response thereto. Following discussion, it was moved by Board Member Blevins, seconded by Vice President Stroman and unanimously carried 4 to 0 (Board Member Soria absent) to approve the item as presented.

- (10) Authorize the City Manager to sign a contract with 4Creeks of Visalia, CA in the amount of \$107,540.00 for construction management, inspection, materials testing services, and labor compliance monitoring for Project WT0027, for New Water Well 45 Equipping located at 333 South "I" Street, and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$10,754.00) of the contract award amount.** Board Member Blevins pulled this item to inquire about the City utilizing consultants instead of having experts on staff. Project Manager Nick Bartsch provided a response thereto. Chris Crawford from 4Creeks provided additional information to the Board. Following discussion, it was moved by Vice President Stroman, seconded by Board Member Griesbach and unanimously carried 4 to 0 (Board Member Soria absent) to approve the item as presented.
- (11) Consider the award of a contract for the construction of two (2) two-million gallon concrete storage tanks, new well and associated improvements as a part of Projects WT0028 and WT0029 to Myers and Sons Construction, LP of Sacramento, CA in the amount of \$9,630,000; approve the revised project budgets; and authorize the City Manager to approve contract change orders in an amount not to exceed 10% (\$963,000) of the contract award amount.** Board Member Blevins pulled this item to inquire about the amount of time it will take for this project to be completed. Senior Project Manager Nick Bartsch provided a response thereto. Board Member Griesbach commented on the contingency amount on this particular project as it is such a large amount. Following a lengthy discussion, it was moved by Board Member Griesbach, seconded by Vice President Stroman and unanimously carried 4 to 0 (Board Member Soria absent) to approve the item as presented.
- (12) Consider the award of a contract for construction management services related to the construction of two (2) two-million gallon concrete storage tanks, new well and associated improvements as a part of Projects WT0028 and WT0029 to NV5 of Fresno, CA in the amount not to exceed \$912,625.56; and authorize the City Manager to approve contract change orders in an amount not to exceed 10% (\$91,262) of the contract award amount.** Board Member Blevins pulled this item to inquire about the City utilizing consultants instead of having experts on staff. City Engineer Michael Miller provided a response thereto. Board Member Blevins suggested the City use temporary employees that specialize in these areas. City Manager Joe Carlini and Senior Project Manager Nick Bartsch provided responses thereto. An email from the Community and Economic Development Director, Josh McDonnell, regarding the use of outside consultants was provided to the Board. Jeff Pallesen of NV5 provided responses to the Board's questions. It was moved by Board Member

Blevins, seconded by Vice President Stroman and unanimously carried 4 to 0 (Board Member Soria absent) to continue this item to the next meeting.

VIII. 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) Award National Joint Powers Alliance (NJPA) Co-Operative Purchasing Bid #120716 in the amount of \$44,110.25 to the National Auto Fleet Group (NAFG) and R.S. Technical Service Inc. \$161,248.20, for the purchase of a replacement Closed Circuit Television (CCTV) Inspection Vehicle for the Sewer Collections Division. General Services Director Steve Bonville provided a report for the Board's review and consideration. Following discussion, it was moved by Vice President Stroman, seconded by Board Member Blevins and unanimously carried 4 to 0 (Board Member Soria absent) to approve the item as presented.

(2) Receive an update and discussion as to the status of the fuel cell power plant project, specifically as to the status of the requirement in the Power Purchase Agreement (PPA) that Fuel Cell Energy (FCE) obtain an interconnection agreement with Southern California Edison (SCE). City Attorney Heather Phillips provided a report for the Board's review and consideration. City Manager Joe Carlini also provided additional information to the Board. City Attorney Heather Phillips stated that the original interconnect agreement signed in March was entered into under the review of the previous City Attorney and City Manager [clarification as to City Manager March of 2017 was interim City Manager Joe Carlini]. Ben Toby and Jennifer Hunt of Fuel Cell Energy and Chris Ott of Hydros Agritech provided additional information to the Board. Following a lengthy discussion, it was the consensus of the Board to continue this item to the next meeting. Ben Toby requested that the City and Fuel Cell Energy work together on the amendment of the PPA. It was also requested that a presentation be given by Jennifer Hunt of Fuel Cell Energy.

IX. 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 requested and it was the consensus of the Board to have the City Attorney bring an item to a future agenda regarding the process and guidelines for the Board to cancel meetings.

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

President Pennington adjourned to closed session at 8:53 p.m.

- (1) 54956.9(e)(2) Conference with Legal Counsel – Anticipated Litigation (1)
Facts and circumstances from complications surrounding the current
status of the power purchase agreement and interconnection agreement
with Fuel Cell Energy.

XI. RECONVENE CLOSED SESSION

President Pennington reconvened from closed session at 9:52 p.m.

XII. CLOSED SESSION REPORT (if any)

President Pennington advised there was no reportable action.

XIII. ADJOURN REGULAR MEETING

President Pennington adjourned the regular meeting at 9:52 p.m.

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

ATTEST:

Secretary of the Board of
Public Utilities Commissioners