

**MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, FEBRUARY 24, 2010**

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, February 24, 2010 at 6:00 p.m. in the Board Chambers of the Fresno Metropolitan Flood Control District at 5469 East Olive Avenue; Fresno, California.

DIRECTORS PRESENT: Kendall Groom, Chairman
Roy Spina, Vice-Chairman
Richard Welton
Frank Franco
George Marcus
Jennette Williams
Mike Rastegar

DIRECTORS ABSENT: None

**STAFF, CONSULTANTS,
OTHERS PRESENT:**

Bob Van Wyk, General Manager-Secretary
Jerry Lakeman, District Engineer
Alan Hofmann, Design/Assistant Engineer
David Pomaville, Administrative Services Manager
Frances Lopez, Office Manager
Daniel Rourke, Environmental Resources Manager
Peter Sanchez, Operations Engineer
Paul Marvin, Office Assistant
Andrew Remus, Staff Analyst
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel
John Smith, Assistant General Counsel

PRESIDING: Director Groom, presiding as Chairman, called the meeting to order at 6:00 p.m. and Director Franco led the Pledge of Allegiance.

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2. REPORT OF THE GENERAL MANAGER

Mr. Van Wyk reported on the following: (1) he distributed an email from Steve White, City Engineer for the City of Clovis regarding the District's FMFCD Alluvial Drain Basin, Observation Platform. In this email, Mark Keppler, Chairman of the Clovis Community Foundation gave the District accolades on this wonderful project.

3. APPROVAL OF MINUTES: Minutes of January 27, 2010

Upon motion made by Director Williams, seconded by Director Spina and carried the Board of Directors approved the Minutes of January 27, 2010 as written. Due to his absence at the January 27, 2010 Board Meeting, Director Franco abstained.

4. BUSINESS AND PRESENTATIONS FROM THE FLOOR:

There was no Business or Presentations from the Floor.

5. ADDITIONS TO THE AGENDA:

There were no Additions to the Agenda.

6. POTENTIAL CONFLICTS OF INTEREST:

There were no Conflicts of Interest.

CLOSED SESSION

The Board then convened in Closed Session at 6:03 pm to consider the following litigation:

15. CONFERENCE WITH LEGAL COUNSEL

a. POTENTIAL LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(b)(1)
Number of Cases: 1

The Board then convened in regular session at 6:10 pm. Mr. Jensen stated no reportable action was taken in Closed Session.

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7. PUBLIC HEARING: Adoption of Resolution Confirming the Schedule of Fees and Surcharges

Recommend the Board of Directors:

- (1) Adopt the Resolution attached to the Board Memorandum confirming the existing cost and fee schedules set forth therein.
- (2) Direct staff to transmit the fee schedule to the City of Fresno and the City of Clovis for adoption.

Director Groom then opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:15 pm.

Approved as Recommended, Adopting Resolution No. 2010-644

Motion by: Spina Second by: Williams
Ayes: Groom, Spina, Marcus, Franco, Welton, Williams, and Rastegar
Noes: None
Abstentions: None
Absentees: None

8. CONSENT CALENDAR:

- a. This Item was Moved
- b. Report on Real Estate Activity, January 2010
- c. Adoption of Resolution of Appreciation, Roger Palomino on the Occasion of his Retirement from the Fresno County Economic Opportunities Commission
- d. Authorization to Renew Soccer Use Agreement, Argentina Fresno Soccer Club Basin "C" (Ashlan & Barton)
- e. Authorization to Renew Soccer Use Agreement, Bullard Football Club, Basins "F" (Barstow & Del Mar), "H" (Del Mar & Mesa) and "I" (Bullard & Teilman)

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- f. Report of Pollutant Discharge Incidents, January 2010

Approved as Recommended

Motion by: Williams Second by: Rastegar
Ayes: Groom, Spina, Franco, Marcus, Welton, Williams, and Rastegar
Noes: None
Abstentions: None
Absentees: None

9. Authorization to Design and Advertise for Bids and Allocation of PPDA Funding, Storm Drain Pipeline in Parkway Avenue, Drainage Area “AK” (Brawley & Parkway)

Recommend the Board of Directors authorize the design and advertisement for bids for the storm drain pipeline project in Parkway Avenue east of Brawley Avenue as shown on Exhibit No. 1 (attached to the Board Memorandum) with funding from the Drainage Area “AK” PPDA Trust Account.

Approved as Recommended

Motion by: Spina Second by: Williams
Ayes: Groom, Spina, Franco, Marcus, Welton, Williams, and Rastegar
Noes: None
Abstentions: None
Absentees: None

10. ARRA Contracts:

a. Award of Contract “RR-65” (Van Ness & Divisadero)/“RR-66” (Blackstone & Belmont)

Recommend the Board of Directors award Contract “RR-65”/“RR-66” to Bill Nelson General Engineering Construction, Inc. in the amount of \$1,065,179.

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Approved as Recommended

Motion by: Williams Second by: Rastegar
Ayes: Groom, Spina, Franco, Marcus, Welton, Williams, and Rastegar
Noes: None
Abstentions: None
Absentees: None

b. Report of Receipt of Bids “AK-38” (Brawley & 99)/“AK-39” (Golden State & Buckingham)/“EH-25” (Herndon & 99)

Report submitted for informational purposes only, no action is required by the Board unless specific direction is to be given to staff.

As the report was submitted for informational purposes only, no further action was taken.

11. Update on the Document Management Project

Report submitted for informational purposes only, no action is required by the Board unless specific direction is to be given to staff.

Director Franco left the dais at 6:35 pm and returned to the dais at 6:38 pm.

As the report was submitted for informational purposes only, no further action was taken.

12. Authorization to Submit Comments to EPA on the Stormwater Regulation Process

Recommend the Board of Directors authorize the General Manager submit comments on EPA’s proposed rule making regarding stormwater runoff from developed areas.

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Approved as Recommended

Motion by: Rastegar Second by: Spina
Ayes: Groom, Spina, Franco, Marcus, Welton, Williams, and Rastegar
Noes: None
Abstentions: None
Absentees: None

13. Board Reports, Workshops, Correspondence and Requests for Future Agenda Items:

a. Report on Board of Directors Attendance at Various Meetings:

(1) Director Welton and Director Spina, Association of Metropolitan Water Agencies (AMWA)

Recommend Director Welton give a verbal report of the AMWA meeting held on January 21, 2010.

Director Welton gave a verbal report.

Recommend Director Spina give a verbal report of the AMWA meeting held on February 18, 2010.

Director Spina gave a verbal report

(2) Director Groom, San Joaquin River Conservancy (SJRC)

Recommend Director Groom give a verbal report of the SJRC meeting held on February 10, 2010.

Director Groom gave a verbal report.

As the reports were submitted for informational purposes only, no further action was taken.

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REPORT OF GENERAL COUNSEL:

Mr. Jensen reported on Legislative items of interest to the District.

The Board convened in Closed Session at 6:48 pm to consider the following litigation:

- b. **EXISTING LITIGATION**
Litigation involving the District and concerning Brar Construction and Calaveras Materials, Inc., (supplier) Contract "RR-61", Stop Notice Litigation and Request for Change Order
- c. **PERFORMANCE EVALUATION**
Review of General Manager/Secretary pursuant to Government Code §54957.0

The Board then convened in regular session at 8:00 pm. Mr. Jensen stated no reportable action was taken in Closed Session.

ADJOURNMENT:

Upon motion made by Director Spina, seconded by Director Rastegar and unanimously carried, the Board of Directors moved to adjourn at 8:01 pm.



BOB VAN WYK
GENERAL MANAGER/SECRETARY



DATE