

**MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, MARCH 10, 2010**

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, March 10, 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
Paul Merrill, Finance Manager
Peter Sanchez, Operations Engineer
Paul Allen, Facilities Manager
Verlyn Neufeld, Construction Manager
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel
John Smith, Assistant General Counsel

Burton Armstrong, Brown Armstrong Certified Public Accountants
Ed Burns, Freedom Ford Truck Center
Brian Martin, Quad Knopf
Mike Knopf, Quad Knopf
Ron Wathen, Quad Knopf
Kathy Miller, Quad Knopf
Richard Perez, Labor Consultants

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

2. REPORT OF THE GENERAL MANAGER

Mr. Van Wyk reported on the following: (1) he distributed a four page report regarding the District's five-year Budget which has been prepared with direction from the Board's Ad Hoc Committee; and (2) the District Board and Staff have been invited to the City of Clovis' Water Reuse Facility ribbon-cutting ceremony, tours and open house scheduled for Friday, March 19th at 10:00 am.

3. APPROVAL OF MINUTES: Minutes of February 10, 2010 and February 24, 2010

Upon motion made by Director Williams, seconded by Director Rastegar and unanimously carried the Board of Directors approved the Minutes of February 10, 2010 and February 24, 2010 as written.

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:

Director Williams noted a potential Conflict of Interest with Agenda Item No. **8b(1) Award of Contracts: (1) Contract "AC-45", Wildlife Observation Structures**, and stated she would therefore be abstaining on this item.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

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8. CONSENT CALENDAR:

- a. Acceptance of Quarterly Investment Report, Ending December 31, 2009
 - (1) Contract "BX-34", Wildlife Observation Structures
 - (3) Contract "3A-9", Storm Drainage Pipeline, (Shaw, Willow, Barstow, Peach) and Adoption of Resolution of Special Transfer of PPDA Funds
- b. This Item was Moved
- c. Ratification of Expenditures, February 2010
- d. Report of Public Concerns, February 2010
- e. Report of the Process Improvement and Permitting Enhancement Strategy (PIPES) Stakeholder Task Force

Approved as Recommended, pulling item 8b(1)

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

Director Williams recused herself from the proceedings due to a potential conflict of interest and left the dais at 6:05 pm.

8.b. Award of Contracts:

(1) Contract "AC-45", Wildlife Observation Structures

As the Contractor has satisfied the Licensing and Insurance, it is recommended the Board of Directors award Contract "AC-45" to the low bidder, Bron Concrete in the amount of \$7,704 upon receipt of bonding information and waiving of the irregularity of omitting words.

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Approved as Recommended

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

Director Williams returned to the dais at 6:12 pm.

9. Acceptance of Report of External Auditor, Fiscal Year 2008-2009, Financial Statements

Recommend the Board of Directors accept the Independent Auditor's Significant Audit Findings letter and their Report and Financial Statements for the fiscal year ended June 30, 2009.

Mr. Merrill noted Burton Armstrong of Brown Armstrong, Certified Public Accountants was in attendance.

Approved as Recommended

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

10. Adoption of Resolution Declaring Excess Property and Authorization to Purchase Replacement Vehicles

Recommend the Board of Directors authorize procurement of four (4) vehicles through the State Office of Procurement. It is further recommended the Board of Directors adopt the Resolution attached to the Board Memorandum declaring the Ford truck, Chevrolet truck and GMC truck as excess property, and authorize disposal of said vehicles through public/internet auction or sealed bid.

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Mr. Allen reported at the time the Board Memo was written, Freedom Ford Truck Center's (Freedom Ford) cost was approximately \$2,491.84 above the State Office of Procurement's (State) price. However, since then, Freedom Ford has reduced their purchase price an additional \$1,203.08. He stated the difference in cost between Freedom Ford and the State is now \$1,288.76. Mr. Allen stated should the Board decide to purchase the vehicles from Freedom Ford, then \$1,070.84 would be returned as recipients of the local sales tax. He then introduced Mr. Ed Burns representing Freedom Ford (located in Fresno, California).

Mr. Burns distributed a memorandum he had prepared and addressed the Board of Directors requesting the District consider supporting the local dealership, Fresno County and our local economy in the purchase of these vehicles by going with their proposal albeit at a slightly higher cost than the State.

Responding to Director Groom's question as to the Board's options, Mr. Jensen stated if the Board concludes that the overall net benefit to the District is greater than one choice or the other, the Board is then able to consider the option proposed by Freedom Ford. Responding to Director Groom's subsequent question as to whether the Board is required to take the lowest bid, Mr. Jensen stated as he understands it, this is not a formal bid process, but rather an inquiry made by District staff with respect to these vehicles.

Directors Spina and Franco noted the responsibilities and benefits of supporting our local economy.

Mr. Allen noted staff is requesting direction from the Board of Directors, as there are no policies authorizing staff to purchase vehicles at an additional cost to support the local economy.

The Board of Directors authorized procurement of four (4) vehicles from Freedom Ford Truck Center – Fresno, California. The Board of Directors also adopted Resolution No. 2010-645 declaring the Ford truck, Chevrolet truck and GMC truck as excess property, and authorized disposal of said vehicles through public/internet auction or sealed bid.

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

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11. Authorization to Modify Budget for Capital Improvement Projects and Increase Advance Engineering

Recommend the Board of Directors amend the Budget authorization to: (1) conform to the Attachment No. 1 (attached to the Board Memorandum), Funding Available for Reallocation from Projects or Other Sources and (2) authorize the design of the projects identified on Attachment No. 3 (attached to the Board Memorandum), Projects for Advance engineering.

Approved as Recommended

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

12. Award of Contract for Prevailing Wage Compliance Services, American Recovery Reinvestment Act (ARRA)

Recommend authorizing the General Manager-Secretary execute a Professional Services Agreement with Labor Consultants of California to provide Prevailing Wage Compliance Services to the District.

Mr. Pomaville noted Richard Perez representing Labor Consultants of California and Ron Wathen and his team representing Quad Knopf were in attendance this evening.

Approved as Recommended

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

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13. Award of American Recovery Reinvestment Act (ARRA) Contracts:

- a. Contract "II₁-115" (Golden State & Florence)/"II₁-117" (Florence & Elm)/
"II₁-118" (Golden State & Freeway 41)/"II₁-119" (California & East)**

Recommend the Board of Directors award Contract "II₁-115"/"II₁-117"/"II₁-118"/"II₁-119" to Floyd Johnston Construction Company, Inc. in the amount of \$1,098,562.

Approved as Recommended

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

The Board recessed at 6:52 pm and reconvened in regular session at 6:59 pm.

16. CONFERENCE WITH LEGAL COUNSEL:

The Board then convened in Closed Session at 7:00 pm to consider the following litigation:

- 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 7:10 pm. Mr. Jensen stated no reportable action was taken in Closed Session.

- 13. b. Contract "AK-38" (Brawley & 99)/"AK-39"**
(Golden State & Buckingham)/"EH-25" (Herndon & 99)

Recommend the Board of Directors with respect to award of Contract "AK-38"/"AK-39"/"EH-25" find the lowest bidder, Victory Engineer's Inc. to be a non responsible bidder and recommend the Contract be awarded to the second lowest bidder, Bill Nelson GEC, Inc. in the amount of \$623,649.

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Mr. Jensen reported Victory Engineer's Inc. have indicated they do not have the financial support to complete the contract and therefore have agreed to sign a wavier and a release.

Approved as Recommended

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

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

There were no items reported.

REPORT OF GENERAL COUNSEL:

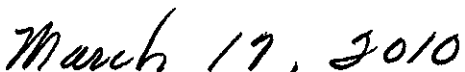
Mr. Jensen reported on Legislative items of interest to the District.

ADJOURNMENT:

Upon motion made by Director Franco, seconded by Director Rastegar and unanimously carried, the Board of Directors moved to adjourn at 7:14 pm.



BOB VAN WYK
GENERAL MANAGER/SECRETARY



DATE