

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, MARCH 24, 2010

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, March 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
Richard Welton
Frank Franco
George Marcus
Mike Rastegar

DIRECTORS ABSENT: Roy Spina, Vice-Chairman
Jennette Williams

**STAFF, CONSULTANTS,
OTHERS PRESENT:**

Jerry Lakeman, District Engineer
Alan Hofmann, Design/Assistant Engineer
David Pomaville, Administrative Services Manager
Peter Sanchez, Operations Engineer
Kristine Johnson, Staff Analyst
Daniel Rourke, Environmental Resources Manager
Brent Sunamoto, Senior Engineer
Ricky Hara, Engineering Services Manager
Kyle Singh, GIS Analyst
Verlyn Neufeld, Construction Manager
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel
John Smith, Assistant General Counsel

Roger Palomino, Retired Director of the EOC
Bevan Trueblood, Susan B. Anthony Elementary School
Hye Vang, Susan B. Anthony Elementary School
Tristen Jones, Saroyan Elementary
Steve Starcher, San Joaquin Valley Water Leadership Foundation

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

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2. REPORT OF THE GENERAL MANAGER

On behalf of the General Manager, Mr. Lakeman reported on the following: (1) he introduced Mr. Roger Palomino, noting the Board previously adopted a Resolution of Appreciation on Mr. Palomino's retirement from the EOC. Chairman Groom then presented Mr. Palomino with the framed resolution, thanking him for the years he has contributed to the District and the community in general. Mr. Palomino expressed his thanks to the Board and noted the great joint partnerships between the District and EOC. Director Welton expressed the difference Mr. Palomino and Director Franco have made to the community for EOC and the District; Director Franco noted Mr. Palomino was his mentor and thanked him personally for all he has done for the community in general; (2) distributed a copy of the article in the "Opinion Page" from the Fresno Bee dated March 20, 2010 acknowledging the District for purchasing local; (3) District facility staff have been receiving Arcflash Training through Lewellyn Technology, Inc.; he noted the company has also reviewed the District's facilities and systems; (4) he then reviewed the winter runoff in the Big Dry Creek Reservoir; and (5) he requested Mr. Pomaville update the Board as to the status of any further ARRA funds from DWR; Mr. Pomaville noted the District has received approximately \$4 million ARRA funds to date; however, it appears a slim chance that there will be any additional funds available. He noted staff will have shelf-ready projects should funds become available. Director Franco noted an article in the Fresno Bee mentioned there may be additional funds for parks, and stated he would forward that information to Mr. Pomaville.

3. APPROVAL OF MINUTES: Minutes of March 10, 2010

Approved as Recommended

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

4. BUSINESS AND PRESENTATIONS FROM THE FLOOR:

There was no Business or Presentations from the Floor.

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5. ADDITIONS TO THE AGENDA:

There were no Additions to the Agenda.

6. POTENTIAL CONFLICTS OF INTEREST:

There were no Conflicts of Interest.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- a. Award of Contract "BW-17" (Sussex & Sabre)/"W-25" (Fine & Home), Storm Drains, American Recovery Reinvestment Act (ARRA) Project
- b. Report of Pollutant Discharge Incidents, February 2010
- c. Report on Real Estate Activity, February 2010

Approved as Recommended

Motion by: Franco Second by: Welton

Ayes: Groom, Franco, Marcus, Welton, Rastegar

Noes: None

Abstentions: None

Absentees: Spina, Williams

11. Authorization to Award Clean Stormwater Grants

Recommend the Board of Directors award 2010 Clean Stormwater Grants totaling \$36,571.37 for projects listed in the Board Memorandum shown on Table No. 1. Additionally, recommend the Board of Directors authorize the distribution of the Press Release regarding the grant awards also attached to the Board Memorandum.

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Bevan Trueblood and Hye Vang representing Susan B. Anthony Elementary School addressed the Board with respect to their project which is a field trip to Scout Island noting the benefits this grant will provide to their socially disadvantage students.

Tristen Jones representing Saroyan Elementary addressed the Board with respect to their project which is a field trip noting the wonderful opportunity this will provide for their students.

Steve Starcher representing San Joaquin Valley Water Leadership Forum addressed the Board with respect to their project which will be used to assist in the formation of a San Joaquin River Stewardship Clean Water Team.

Approved as Recommended

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

9. Adoption of Resolution Declaring Excess Property Not Needed for District Purposes and Authorizing Sale of South Sixteen Feet of Basin "BM" (Fowler & California Alignment) Property to the City of Fresno for Trail Purposes (Two-thirds vote required)

Recommend the Board of Directors adopt the Resolution attached to the Board Memorandum declaring the south 16 feet of the Basin "BM" (0.5444 acres) excess property not needed for District purposes for use as a trail, and authorize the sale of said property to the City of Fresno for \$35,400 with a first right-of-refusal for repurchase should the City of Fresno ever elect to sell the property.

Approved as Recommended Adopting Resolution No. 2010-646

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

10. Review of District's Geographic Information System (GIS)

Mr. Hara and Mr. Singh made a presentation to the Board showing the features of the District's GIS program.

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.

12. Authorization to Waive Excavation Permit Fee in Exchange for Excavation and Grading Expansion of Low Flow Area, Basin "BX" (Temperance & Teague)

Recommend the Board of Directors authorize waiving the Excavation Permit Fee at Basin "BX" as outlined in the Board Memorandum.

Approved as Recommended

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

13. Report on Groundwater Recharge Activity in District Basins for 2009 Recharge Year

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.

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

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a. Recommendation from Community Relations Committee to Distribute the District's 2010 Spring Issue of the Flood Line Newsletter

Recommend the Board of Directors approve the publication of the Spring 2010 issue of the Flood Line Newsletter as approved by the Community Relations Committee at its March 15, 2010 Committee Meeting.

Approved as Recommended

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

REPORT OF GENERAL COUNSEL

Mr. Jensen reported on legislation the District is proposing with respect to Uniform Cost Accounting procedures. He noted Assemblyman Arambula has authored a Bill at the District's request, however Mr. Arambula's staff suggested that since others in the State are having the same issues that the District has with regard to minimum notice length of time periods, then the Bill should warp into a Bill that would affect the Statewide application of this Act and reduce the 15 day notice period down from 30 days. Mr. Jensen stated Legal Counsel and staff concur with that recommendation. He noted the other issue is the threshold in which we start that process, and suggested it may be that there are two separate Bills addressing each issue. Mr. Lakeman stated there may be some resistance to increasing the threshold amount as the District is requesting, and staff would therefore request strategic flexibility from the Board with respect to the specific dollar amount requested. Mr. Jensen concurred noting in all likelihood, this issue will be back to the Board at the next Board Meeting with additional information; however in the meantime, Legal Counsel and staff would request flexibility in dealing with this item.

Approved as Recommended

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

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

CLOSED SESSION

The Board then recessed at 6:57 pm and reconvened in Closed Session at 7:00 pm to consider the following litigation:

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
Involving the District and the City of Fresno, Concerning Brar Construction and
Development, Inc., Claim for Damages, Contract “RR-61”**

The Board then convened in regular session at 7:51 pm. Mr. Jensen stated no reportable action was taken in Closed Session.

ADJOURNMENT

Adjourned Board Meeting at 7:52

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


JERRY LAKEMAN
DISTRICT ENGINEER

4-7-10
DATE