

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, APRIL 28, 2010

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, April 28, 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
Peter Sanchez, Operations Engineer
David Pomaville, Administrative Services Manager
Daniel Rourke, Environmental Resources Manager
Paul Merrill, Finance Manager
Frances Lopez, Office Manager
Norma Lopez, Office Assistant
Susan Yang, Office Assistant
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel
John Smith, Assistant General Counsel

Vern Crow, Vice President, Astone

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

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2. REPORT OF THE GENERAL MANAGER

Mr. Van Wyk reported on the following: (1) a tree planting for Basin "CZ" (Chestnut & Alluvial) has tentatively been scheduled for Saturday, June 12, 2010; (2) the District's legislation regarding Signing Authority on Uniform Cost Accounting Procedures will be heard by the Senate Local Government Committee on May 5, 2010; Alan Hofmann and Dave Pomaville will be attending to provide testimony to the Committee; (3) the District staff and Board Members will be participating in the Juvenile Diabetes Foundation Walk-a-Thon on May 22, 2010; the event is open to staff and Board Members either to participate in the Walk-a-Thon, and/or contributing to those who are walking; (4) Friday, May 7, 2010 will be Tom Crow's (State Center Community College Foundation) retirement reception; the Board Members who are attending will have their tickets distributed to them by the Clerk to the Board; (5) the Economic Development Corporation's (EDC) Real Estate Report will be held this Thursday, April 29th at the Radisson Hotel, again those Directors who are attending will have their tickets distributed to them by the Clerk to the Board; and (6) he requested Frances Lopez introduce some of her staff who were in attendance this evening to observe the Board Meeting and the Clerk to the Board functions; Ms. Lopez introduced District employees Susan Yang and Norma Lopez.

3. APPROVAL OF MINUTES: Minutes of April 14, 2010

Mr. Van Wyk pulled the Minutes of April 14, 2010, noting staff and Legal Counsel needed additional time to review and make modifications to the Minutes.

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.

Director Williams left the dais at 6:05 pm.

6. POTENTIAL CONFLICTS OF INTEREST:

There were no Conflicts of Interest.

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7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- a. Authorization to Execute New Administrative Services and Office Space Agreement for the San Joaquin River Conservancy
- b. Authorization to Execute Standard Developer Agreement, Sanger Unified School District Elementary School, Drainage Area "BL" (Armstrong North of Jensen)
- c. Authorization to Design and Advertise for Bids, Fence Relocation, Basin "EM" (Barstow w/o Grantland), and Allocation of Funds
- d. Award of Contract "BV-21", Pump Station (Fowler n/o Shields) and Adoption of Resolution of Special Transfer of PPDA Funds
- e. Adoption of Resolution Authorizing Abandonment and Quitclaim of Existing Storm Drainage Easement, Tract 5595, Drainage Area "EH" (NEC of Herndon and Thiele Avenues) (Lennar Fresno, Inc./Herwaldt Enterprises, LLC)
- f. Report of Pollutant Discharge Incidents, March 2010
- g. Report on Real Estate Activity, March 2010

Approved as Recommended

Motion by: Welton Second by: Spina
Ayes: Spina, Franco, Marcus, Welton, Rastegar
Noes: None
Abstentions: Director Groom abstained on item 8a.
Absentees: Williams

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9. Adoption of Resolution Honoring Carol Gerking's Twenty Years of District Service

Recommend the Board of Directors adopt the Resolution of Appreciation honoring Carol Gerking for 20 years of public service to the District as attached to the Board Memorandum.

Director Williams returned to the dais at 6:06 pm.

Approved as Recommended

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

10. Submittal of Third Quarter Budget Report, Fiscal Year 2009-2010:

a. Four-Page Executive Summary

Recommend the Board of Directors accept the Third Quarter Budget Report Executive Summary ending March 31, 2010.

b. Account Analysis Including Detailed and Summary Schedules

Recommend the Board of Directors accept the Third Quarter Budget Report for the period ending March 31, 2010.

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c. Capital Expenditures

Recommend the Board of Directors accept the Third Quarter Budget Report regarding Capital Expenditures.

Approved as Recommended

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

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

Recommend the Board of Directors amend the Budget authorization to: (1) allocate funding in the amount of \$1,053,375 to the projects shown in Exhibit Nos. 1 and 2 as attached to the Board Memorandum; and (2) authorize the design of the projects identified on Exhibit No. 3 as attached to the Board Memorandum.

Discussion was carried among Board Members and staff with respect to the District's cash flow, Budget and five year expenditures and capital projections. It was noted the Ad Hoc Committee would be finalizing the reports on these items, and bringing a recommendation to the full Board prior to commencement of the next Budget.

Approved as Recommended

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

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12. Authorization to Purchase Television and Other Media Time for District's Public Service Announcements to Comply with the Stormwater Quality Permit

Request the Board of Directors review the new PSAs and direct staff to purchase television and other media time for the amount not to exceed \$58,000.

Mr. Rourke introduced Mr. Vern Crow, Vice President of Astone the District's consulting firm. Mr. Crow addressed the Board noting last year the District's PSA won a silver award from the Fresno Advertising Federation. He then reviewed the proposed PSAs addressing the multi-media and multi-cultural approach. Mr. Rourke then played the television and radio PSAs in Spanish and English.

Approved as Recommended

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

13. Status Report on Review of District Insurance Policies

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

Mr. Pomaville noted what was not included in the Board Memorandum, was the District also has with Eaton & Eaton, Notary Errors and Omission Insurance, and a bond for two District Notaries as required by the Secretary of State.

Mr. Van Wyk noted with respect to the Auto and General Liability Program with JPIA, the District received a retrospective premium in the amount of approximately \$30,000 which produced a premium reduction based on the District's claims experience.

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

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

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

- (1) Director Welton, Association of Metropolitan Water Agencies**
- (2) Director Groom, San Joaquin River Conservancy**

(1) Recommend Director Welton give a verbal report of the AMWA meeting held on April 8, 2010.

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

(2) Recommend Director Groom give a verbal report of the SJRC meeting held on April 14, 2010.

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

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

REPORT OF GENERAL COUNSEL

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

Mr. Lakeman reported on the status of SB 1070 in reference to the Tulare Lake Boundary Basin and noted the Senate Local Government Committee will be hearing the matter on Wednesday, May 5, 2010.

CLOSED SESSION

The Board then recessed at 7:12 pm and reconvened in Closed Session at 7:18 pm to consider the following litigation:

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16. CONFERENCE WITH LEGAL COUNSEL

**Significant exposure to litigation – subdivision (b) of Section 54956.9:
Claim for Damages, Contract “RR-61”, Brar Construction and Development, Inc.**

The Board then convened in regular session at 7:40 pm. Mr. Jensen stated no reportable action was taken in Closed Session.

ADJOURNMENT

Adjourned Board Meeting at 7:41 pm

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



BOB VAN WYK
GENERAL MANAGER/SECRETARY



DATE