

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

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

DIRECTORS ABSENT: Richard Welton

**STAFF, CONSULTANTS,
OTHERS PRESENT:**

Bob Van Wyk, General Manager-Secretary
Jerry Lakeman, District Engineer
Alan Hofmann, Assistant District Engineer/Design
David Pomaville, Administrative Services Manager
Peter Sanchez, Operations Engineer
Paul Allen, Facilities Manager
Jean Lespade, Telemetry Technician
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 led the Pledge of Allegiance.

2. REPORT OF THE GENERAL MANAGER

Mr. Van Wyk reported on the following: (1) he distributed a copy of the "Fresno Works, County of Fresno, Expression of Interest for the California High Speed Rail, Heavy Maintenance Facility" dated January 15, 2010 and noted on the 4th page of that document, it has the District listed as one of the Fresno County Alliance Members; (2) the Economic Development Corporation (EDC) will be having their Economic Profile and Annual Report Luncheon on October 28, 2010 at 11:30 am at the Fresno Convention Center; he stated the Clerk

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to the Board would be contacting the Board as to their availability to attend this event; and (3) he distributed a copy of a letter from Ms. Marlene M. Fansler dated July 16, 2010 informing the District of the Fansler Foundation Board of Directors' award of a grant to the District in the amount of \$74,416.00 to replace the Large Play Structure at the Oso de Oro Basin "D" Park.

3. APPROVAL OF MINUTES: No Minutes were submitted.

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.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- a. Report of Payment of Claims, Contract "RR-61", Brar Construction (Van Ness & Home)
- b. Report of Pollutant Discharge Incidents, June 2010
- c. Report on Real Estate Activity, June 2010
- d. Report on Award of Uniform Cost Accounting Contract "AN-24" (Cornelia & Hedges) Basin Internal Pipeline and Adoption of Resolution of Special Transfer of PPDA Funds

Approved as Recommended

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

9. Adoption of Resolutions of Appreciation:

- a. Derrel's Mini Storage**
- b. Johanson Transportation**
- c. Lyons Magnus**
- d. Spencer Enterprises**
- e. Terry Tuell Concrete**
- f. Larry Willey**

Recommend the Board of Directors adopt the Resolutions of Appreciation for the six long-term sponsors of the PARC Foundation for their generous support and commitment to the community.

Approved as Recommended, Adopting Resolutions No. 2010-661 (Derrel's Mini Storage); 2010-662 (Johanson Trucking); 2010-663 (Lyons Magnus); 2010-664 (Spencer Enterprises); 2010-664 (Terry Tuell Concrete); and 2010-667 (Larry Willey)

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

10. Report of Bid Results for "FCC-10", Culvert Removal, Bridge Installations, Fancher Creek Channel Realignment East of Academy and on McKinley

Recommend the Board of Directors defer the award of the contract until the next Board Meeting and hear the protest made by Floyd Johnston.

Approved as Recommended

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

11. Authorization to Provide Excavation Permit Credit in Exchange for Easement, Basin "AW₁", (Orange s/o North) Richard Caglia

Recommend the Board of Directors authorize "no fee" for 8,000 cubic yards of material from an FMFCD basin in exchange for Mr. Caglia's consent to transfer the easement and ownership of the pipeline shown on Exhibit No. 2.

Mr. Lakeman requested the cubic yardage be changed from 8,000 as requested in the Board Memorandum to 10,000.

Approved as Recommended, changing the cubic yards from 8,000 to 10,000

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

12. Report of ARC Flash Analysis and Training

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

The District's Telemetry Technician, Jean Lespade displayed the required protective clothing.

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

13. This Item was Pulled

As the item was pulled, no further action was taken.

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

- a. **Report on Board of Directors Attendance at Various Meeting, Director Franco, Association of Metropolitan Water Agencies**

Recommend Director Franco give a verbal report of the AMWA meeting held on June 24, 2010.

Mr. Franco presented a written report and gave a verbal report.

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.

REPORT OF GENERAL COUNSEL

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

CLOSED SESSION

The Board then convened in Closed Session at 6:29 pm to consider the following litigation:

- 16. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
Land Acquisition Terms in Lieu of Condemnation Action, Basin “AE” Expansion,
Burlington, Northern and Santa Fe Railway Company (San Jose & Marty)**

The Board then convened in regular session at 6:44 pm. Mr. Jensen stated no reportable action was taken in Closed Session.

ADJOURNMENT

Adjourned Board Meeting at 6:45 pm.

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



BOB VAN WYK
GENERAL MANAGER/SECRETARY



DATE