



**ACTION SUMMARY MINUTES
BOARD OF DIRECTORS MEETING
MALAGA COUNTY WATER DISTRICT
3580 SOUTH FRANK STREET
FRESNO, CALIFORNIA 93725
TUESDAY, SEPTEMBER 12, 2006, 7:00 P.M.**

1. **CALL TO ORDER:** Meeting called to order by President Garabedian at 7:00 p.m.
2. **ROLL CALL:**
 - 2A. **Directors Present:** President Charles Garabedian, Jr., Vice President John Leyva, Director Irma Castaneda, Director Frank Soto
 - 2B. **Directors Absent:** Director Salvador Cerrillo
 - 2C. **Others Present:** Russ Holcomb, Richard Hargrove, Demetrio Aguilar, Lupe Cerrillo, Amado Fernandez, Elaine Montoya, Lupe Rios, Francisco Soto, Michael Taylor, Elizabeth Tovar, Dena Yates, Dennis Yates and Clara Miranda

(Director Cerrillo arrived at the hour of 7:01 p.m.)

3. **CERTIFICATION:**

Certification was made that the agenda was posted 72 hours before the meeting

4. **PUBLIC COMMUNICATIONS:**

Any member of the public may address the Malaga County Water District Board on any item(s) of interest within the jurisdiction of the Board, not appearing on the Agenda. The Board will listen to all communications, however in compliance with the Brown Act; the Board cannot take action on items that are not on the agenda. Public may also address the Board on agenda items at the time they are addressed by the Board. Anyone wishing to speak is requested to wait until recognized by the Board President.

- 4A. **CSO Elaine Montoya** reported on the stats report for the Malaga area from the period of August 7, 2006 to September 10, 2006. Brief discussion followed.
- 4B. **Mr. Demetrio Aguilar** reported he would be using the picnic shelter at the park for a community meeting to discuss various items and invited the Board members.
- 4C. **Mr. Amado Fernandez** felt the community clean-up was being done too early as tree prunings are usually done in November. It is too early and he will not be able to trim his trees early in September and will end up having to dispose the trees himself and is paying for a service he will not be using. Mr. Fernandez also complained about his neighbors next the apartments he owns as they have too much junk in their yard which is a fire hazard. Discussion followed on this and who he can complain to. CHP Officer Dennis Yates stated he could contact the Health Department on this. Manager stated the date was set when the contract was signed, but will check with IWS to see if the date for the clean-up can be changed or not.
- 4D. **CHP Officer Dennis Yates** gave a brief report on the stats report for the Malaga area. Brief discussion followed.

President Garabedian moved Item 14 up in the order sequence.

14. **DIRECTORS REPORT:**

- 14A. **Recreation Report:** **Liz Tovar** reported on the Fiesta Days. Brief discussion followed on the activities held during the two days. Director Cerrillo felt a good job was done and felt a meeting should be held after the Fiesta Days to go over how everything went. **Director Castaneda** felt a bounce house should have been there for the kids. Ms. Tovar stated we did not have enough volunteers to help and aside from the bounce house there were other activities that we could not have due to the lack of volunteers. Discussion followed on the entertainment held at the park. **Director Soto** felt that an announcement should be made on the last day of the Fiesta Day (Sunday) on the date for the Fiesta Days for the following year. Brief discussion followed.
- 14B. **Lupe Cerrillo** reported the Water Boys Football Team had made \$350 during the Fiesta Days and felt the \$50 paid for the Food Booth should be refunded to help the team. Brief discussion followed on the request. This will be left to the Manager's discretion.
- 14C. **Director Castaneda** suggested for next year during the Fiesta Days, the District should hire Benny and his wife to work for the 2 days to make mix drinks and take care of the beer. Discussion followed on this.
- 14D. **Director Cerrillo** felt the sodas and beer should be kept separately. Brief discussion followed.
- 14E. **Manager** announced that a meeting is scheduled for Wednesday at the Fresno Library for Fresno County's 150th Anniversary Parade. An Ad Hoc Committee meeting for the parade is scheduled for Thursday at the Recreation Center.
- 14F. **Fiesta Days Raffle** discussion was held regarding the way the raffle was conducted. Discussion followed. Director Castaneda felt the prize items should be handled and presented differently.

5. **PUBLIC HEARING:**

President Garabedian opened the Public Hearing at 7:53 p.m. to hear public comments from the Malaga Community on Park Grant Projects that included the following:

- 5A. **California Department of Forestry Tree Grant:** California Consulting wrote the grant on behalf of Malaga County Water District to fund the cost of trees, planting material and labor. The grant award will be approximately \$25,000 to cover the cost of 240 trees and planting materials. The trees are to be planted throughout the residential area, at local businesses, and in the park. The trees to be planted are: Red Maple, Chinese Pistache, Trident Maple, Valley Oak, Scarlet Oak and Gingko Biloba. California Consulting will meet with CDF to urge approval of the application.
- 5B. **Tire Derived Grant:** Administered by the CIWMB, the Tire Derived grant funds a project that uses 100% California recyclable tires. California Consulting just recently completed the application on behalf of Malaga for a Jogging Path, that will that will go around the park, which will remove 13,333 tires from the California Waste Stream. The Jogging Path will be approximately 16,000 sq. ft. The grant application requests \$75,332 for Malaga Water District. We should know results on October 12th. The Board will approve funding on Nov. 14th and grant agreements will be sent on Nov. 15th. Those selected will be able to start on their projects once the notice to proceed is received. Awardees will have until March 31, 2009 for completion of projects.

5. **PUBLIC HEARING CONTINUED:**

- 5C. **CDBG Malaga Park Restrooms:** Administered by the County of Fresno, California Consulting has prepared an application which will fund two restrooms for the park for approximately \$120,000 (\$60,000 each). In the application, the option of accepting partial funding is provided. If partial funding occurs, the remaining funding will be applied for in the next fiscal round.

Recommended Action: Approve the submission of Proposed Grants.

No public comments were presented

LSGCC **MOTION BY VICE PRESIDENT LEYVA, SECONDED BY DIRECTOR SOTO, AND BY A 5-0 VOTE, APPROVED THE SUBMISSION OF THE FOLLOWING: 1) CALIFORNIA DEPARTMENT OF FORESTRY TREE GRANT; 2) TIRE DERIVED GRANT; 3) CDBG GRANT FOR THE RESTROOMS**

6. **CORRESPONDENCE:**

No correspondence for this meeting

7. **MINUTES:**

Minutes of the Regular Board Meeting of August 22, 2006

CSGCL **MOTION BY DIRECTOR CERRILLO, SECONDED BY DIRECTOR SOTO, AND BY A 5-0 VOTE, APPROVED THE MINUTES OF AUGUST 22, 2006 AS SUBMITTED**

8. **CONSENT AGENDA:** There were no items on the Consent Agenda

9. **BILL PAYABLE/FINANCIAL STATEMENT:**

Bills Period from August 1 to 31, 2006

CLGCS **MOTION BY DIRECTOR CERRILLO, SECONDED BY VICE PRESIDENT LEYVA, AND BY A 5-0 VOTE, APPROVED THE BILLS PAYABLE/FINANCIAL STATEMENT AS PRESENTED**

10. **REGULAR BUSINESS:**

10 **California Consulting Contract Renewal:**

3 options to continue contract were presented:

1. Extend the current contract with the same terms and same compensation structure for an additional 60 days.
2. Sign a one year contract with an increase to \$1,250 per month and the same 5% of all grants funded clause.
3. Sign a two year agreement at \$2,000 per month with no percentage of grants funded clause.

Discussion followed on the presented options submitted by California Consulting Inc. and the best option for the District.

CSGCL **MOTION BY DIRECTOR CERRILLO, SECONDED BY DIRECTOR SOTO, AND BY A 5-0 VOTE APPROVED OPTION #1 AS PRESENTED**

11. **ENGINEER'S REPORT:**

11A. **North Avenue Water Main:**

Design is proceeding for the water main project. It was recommended that the District adopt the CEQA Notice of Exemption for the North Avenue Water Main Improvements Project. Brief discussion followed. Mr. Taylor gave a brief report on this.

LSGCC **MOTION BY VICE PRESIDENT LEYVA, SECONDED BY DIRECTOR SOTO, AND BY A 5-0 VOTE, APPROVED THE ADOPTION OF THE NOTICES OF EXEMPTION, ON SUBMITTED DOCUMENTS FOR NOTICING AND RECORDATION**

11B. **Small Community Grant UV Disinfection Project:**

Planning documents are being prepared; these include CEQA compliance and Report of Waste Discharge. It was recommended that the District approve the CEQA Notice of Completion for the UV Disinfection Project and initiate a Negative Declaration. Mr. Taylor gave a brief report on this. President Garabedian felt the site plan should be included on this.

CSGCL **MOTION BY DIRECTOR CERRILLO, SECONDED BY DIRECTOR SOTO, AND BY A 5-0 VOTE, APPROVED THE NOTICE OF COMPLETION; AUTHORIZED SUBMITTAL OF DOCUMENTS TO THE STATE CLEARINGHOUSE AND COUNTY OF FRESNO. AUTHORIZE THE NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION**

11C. **CDBG Funding Applications:**

It is recommended that the District review the proposed 2007-08 CDBG Applications for the proposed projects: 1) Sludge Bed Improvements, 2) New Well 8 Test Well, and 3) Tertiary Filter and Treatment Plant. The applications are due September 15, 2006. Brief discussion followed.

CSGCL **MOTION BY DIRECTOR CERRILLO, SECONDED BY DIRECTOR SOTO, AND BY A 5-0 VOTE APPROVED THE CDBG FUNDING ASSISTANCE APPLICATIONS FOR SUBMITTAL TO THE COUNTY OF FRESNO. AUTHORIZE ADVERTISEMENT FOR SELECTION OF AN ENGINEER FOR THE CDBG PROJECTS**

11D. **SPR 7506:**

The applicant for proposed development along Malaga Avenue west of Chestnut has requested consideration of alternatives to connection to the community sewer due to the relative elevation of the sewer. Considerations include a) Construction of a District lift station, b) Construction of sewer in Maple Avenue and Malaga Avenue, c) Utilization of an on-site lift station, and d) Utilization of an on-site leach field. It is recommended that either alternatives c or d be required, with an agreement to defer sewer construction in Maple Avenue. Lengthy discussion followed on the alternatives presented. There is a water line, but no sewer line. Mr. Taylor felt a lift station would be better. Discussion continued on the on-site lift station and the recommended action to authorize staff to proceed with negotiation of an agreement with developer for either alternative C or D.

CSGCL **MOTION BY DIRECTOR CERRILLO, SECONDED BY DIRECTOR SOTO, AND BY A 5-0 VOTE, AUTHORIZED STAFF TO PROCEED WITH NEGOTIATION OF AN AGREEMENT WITH THE DEVELOPER FOR ALTERNATIVE C ON THE UTILIZATION OF AN ON-SITE LIFT STATION**

11E. **MISCELLANEOUS DEVELOPMENT:**

1. **Kroeker:**

Staff is preparing documents for consideration of a sewer deferral agreement and annexation to the District. In addition, a draft location, for proposed Well No. 8, is to be identified. Brief discussion followed. No action required at this time.

2. **Heppner Iron & Metal:**

The District has been contacted for the potential of an additional water service to Heppner Iron & Metal. The location and conditions for the service are being coordinated with the applicant. Brief discussion held. No action required at this time.

3. **Calpine**

Staff is reviewing the water and sewer information submitted by Calpine for the proposed facility at 3366 E. Muscat. Mr. Taylor reported Calpine will be using a lot of water and the sewer units will have to be reviewed. Mr. Taylor felt they would be using less sewer and discussion followed on the EC. No action required at this time.

12. **GENERAL MANAGER'S REPORT:**

12A. **Meetings with Fresno County:**

1. **Supervisor Judy Case:** A meeting with Supervisor Case occurred on 08/24/06 at 2:00 pm at her office. President Charles Garabedian, Jr., General Manager Russ Holcomb, and California Consulting President, Steve Samuelian was in attendance. The meeting ran short with a late start and an early conclusion. MCWD CDBG grant proposals were discussed, as well as, having representative(s) from the County Planning Department and other departments being placed on the schedule for presentations at future MCWD Board of Directors meetings. Brief discussion held.

2. **Enterprise Zone:** I attended an Enterprise Zone coordination meeting conducted by Jose Leon-Barraza, Fresno County Economic Development Coordinator, on 08/25/06 at 2:00 pm at the County Plaza. There were 4 communities represented at the meeting: Del Rey, Dos Palos, Easton, and Malaga. Please see attached info received.

12B. **District Projects Update:**

1. **Recreation Center & Swimming Pool Building Roofs:** The inspection was conducted and all items requiring work has been identified. New England Sheet Metal will complete the interior work and Dinyari will complete the roof top work. Estimate completion in the next two weeks.

2. **Playground Equipment:** The Playground Equipment was installed on schedule with the exception of 131 squares needed to finish the exterior borders of the rubberized flooring. The squares received meet the minimum requirements of 6 feet surrounding the equipment. Shade was delivered on Friday and will be installed with the additional squares.

3. **District & Park Marquees:** Marquees arrived on Monday, 09/11/06. Electrical work is being done by Albright Electric beginning tomorrow 09/13/06. The District Office Marquee will be installed on the front of the building. Estimate completion in the next two weeks.

4. **Rock Fence Removal:** This project is almost complete. An estimate is being prepared for by Fence Maters for upgrading District fence needs.

13. **PRESIDENT'S REPORT:**

President Garabedian reported on the meeting with Judy Case. Lengthy discussion followed.

14. **DIRECTOR'S REPORT(S) CONTINUED:**

14A-F (Presented Earlier; Recorded on Page 2 of these Board Minutes)

14G. **Director Cerrillo** stated the juvenile offender kids worked in the alleys and left the debris in bags. Are they going to be picked up before they get ripped apart. Manager stated the bags will be picked up shortly. Discussion followed.

14. **LEGAL COUNSEL'S REPORT:**

Legal Counsel gave a lengthy report on Proposition 90.

15. **CLOSED SESSION:**

There was no closed session

16. **ADJOURNMENT:** Meeting adjourned at the hour of 9:15 p.m.