

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, APRIL 23, 2014

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, April 23, 2014 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: Jennette Williams, Chairman
Mike Rastegar, Vice-Chairman
Roy Spina
Kendall Groom
Frank Fowler
Buzz Burleson

DIRECTORS ABSENT: Barbara Goodwin

STAFF, CONSULTANTS,
OTHERS PRESENT: Bob Van Wyk, General Manager
Jerry Lakeman, District Engineer
Peter Sanchez, Operations Engineer
Karyn Kruser, Staff Analyst
Daniel Rourke, Environmental Resources Manager
Brandy Swisher, Program Assistant
Andrew Remus, Staff Analyst
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel; Baker, Manock & Jensen

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

2. REPORT OF THE GENERAL MANAGER:

Mr. Van Wyk reported on the following: (1) he distributed the "Ad Hoc Committee-BIA" talking points developed from the direction of the Board at the last Board Meeting; (2) he distributed copies of the letter the District received from the Clovis Unified School District (CUSD) acknowledging the District's comments to the draft Initial Study/Mitigated Negative Declaration pertaining to the proposed CUSD Temperance/Clinton Elementary School; he stated the CUSD Board is reviewing the final Mitigated Negative Declaration at their Board Meeting this evening, and District staff is in attendance; (3) he distributed copies of the Kings River Basin Integrated brochure; and (4) he displayed a copy of the Central

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Valley Water Awareness flyer which will be going to the Fresno County Board of Supervisors and will be posted at the local libraries and the various agencies who have participated in the campaign.

3. APPROVAL OF MINUTES: Meetings of April 3, 2014 and April 9, 2014

Due to her absence at the April 3, 2014 Board Meeting, Director Williams abstained.

Approved as Recommended as to the Minutes of the April 3, 2014 Meeting

Motion by: Fowler Second by: Spina
Ayes: Rastegar, Spina, Groom, Fowler, Burleson
Noes: None
Abstentions: Williams
Absentees: Goodwin

Approved as Recommended as to the Minutes of the April 9, 2014 Meeting

Motion by: Fowler Second by: Spina
Ayes: Williams, Rastegar, Spina, Groom, Fowler, Burleson
Noes: None
Abstentions: None
Absentees: Goodwin

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.

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7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- a. Authorization to Contract for Basin Maintenance Services, ARC Fresno
- b. Authorization to Sign Basin Use Soccer Agreement, Argentina Fresno Soccer Club, Basin "C" (Ashlan & Barton)
- c. Engineer's Third Quarter Report of Developer Agreements, January 2014 Through March 2014
- d. Ratification of Expenditures, Report of Fund Balances and Activity, March 2014
- e. Report of Pollutant Discharge Incidents, March 2014

Approved as Recommended

Motion by: Spina Second by: Rastegar
Ayes: Williams, Rastegar, Spina, Groom, Fowler, Burleson
Noes: None
Abstentions: None
Absentees: Goodwin

9. Authorization of Sale of Easement, Basin "BY", PG&E (Behymer & Sunnyside)

Recommend the Board of Directors authorize the sale of the easement for a PG&E power line within Basin "BY" at a sale price of \$11,300 pending resolution of easement terms satisfactory to the General Manager-Secretary.

Mr. Jensen requested the Board of Directors authorize Legal Counsel to finalize the Easement Deed.

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Approved as Recommended with Authorization that Legal Counsel Finalize the Easement Deed

**Motion by: Spina Second by: Fowler
Ayes: Williams, Rastegar, Spina, Groom, Fowler, Burleson
Noes: None
Abstentions: None
Absentees: Goodwin**

10. Authorization of Right-of-Entry for PG&E Power Line Encroachment Into Basin "BY", (Behymer & Sunnyside)

Recommend the Board of Directors authorize staff to execute a right-of-entry with PG&E for the placement of the steel pole foundations within Basin "BY" at PG&E's risk

Director Fowler expressed his concerns with respect to granting PG&E's right-of-entry before the Easement documents have been completed, and suggested possibly tabling this item pending the completion of the Easement documents.

Director Spina noted his concern the document still needs to be reviewed by Legal Counsel which he believed may delay the finalization of the documents.

The Board of Directors tabled the item pending finalization of the Easement Deed

**Motion by: Spina Second by: Fowler
Ayes: Williams, Rastegar, Spina, Groom, Fowler, Burleson
Noes: None
Abstentions: None
Absentees: Goodwin**

11. Report on Spring 2014 State Legislative Activity

Recommend the Board of Directors support AB 2312 (Metal theft) and authorize staff to send letters to the Bill's author (Nestande), ACWA and CSDA stating support for this legislation.

Recommend the Board of Directors support AB 1782 (Wires; unlawful removal) and authorize staff to send a letter to the Bill's author (Chesbro), ACWA and CSDA stating support for this legislation.

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Recommend the Board of Directors support AB 1970 (California Global Warming Solutions Act of 2006: Community Investment and Innovation Program) and authorize staff to send a letter to the Bill's author (Gordon) ACWA and CSDA stating support for this legislation.

Recommend the Board of Directors oppose AB 2030 (Employees; time off) and authorize staff to send a letter to CSDA expressing opposition to this legislation.

Recommend the Board of Directors direct staff to write a formal rebuttal to the passage of House Resolution 29 (Relative to outsourcing public services) for distribution to State elected officials, CSDA, ACWA and the local business community.

Recommend the Board of Directors direct staff to prepare a Water Bond position paper illustrating the important role storm water and flood control programs do and can play in achieving the State's goals of water conservation, water storage, preservation of groundwater quality, stabilizing urban water supply and economic development; this paper to be circulated to elected officials and professional organizations that are working to influence the final form of this November's water bond.

Recommend the Board of Directors take no position at this time on the following proposed legislation: AB 2185 (Bees: foraging public lands); AB 1849 (California Environmental Quality Act; exemption; levees); SB 903 (High Speed Rail: property tax revenues).

Approved as Recommended

Motion by: Burleson Second by: Groom
Ayes: Williams, Rastegar, Spina, Groom, Fowler, Burleson
Noes: None
Abstentions: None
Absentees: Goodwin

- 12. Board Reports, Workshops, Correspondence and Requests for Future Agenda Items:**
- a. Report on Board of Directors Attendance at Various Meetings, Upper Kings Basin Integrated Regional Water Management Authority (UKBIRWMA), Director Burleson**

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Recommend Director Burleson give a verbal report of the Upper Kings Basin Integrated Regional Water Management Authority (UKBIRWMA) Advisory Meeting held on April 16, 2014.

Director Burleson gave a verbal report.

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

A Closed Session was not convened.

ADJOURNMENT

Adjourned Board Meeting at 6:34 pm

Motion by: Spina Second by: Rastegar
Ayes: Williams, Rastegar, Spina, Groom, Fowler, Burleson
Noes: None
Abstentions: None
Absentees: Goodwin



BOB VAN WYK
GENERAL MANAGER-SECRETARY



DATE