

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, MAY 12, 2010

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, May 12, 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
David Pomaville, Administrative Services Manager
Esther Schwandt, Clerk to the Board
Carol Gerking, Accountant
Brandy Swisher, Program Assistant
Peter Sanchez, Operations Engineer
Verlyn Neufeld, Construction Manager
Paul Allen, Facilities Manager
Andrew Remus, Staff Analyst
Paul Merrill, Finance Manager

Doug Jensen, General Counsel
John Smith, Assistant General Counsel

Chris Gerking, Husband of Carol Gerking
Staff Sergeant Jason Ramirez, Son of Carol Gerking
Kalene Ramirez, Daughter-in-Law of Carol Gerking
Bruce Nieman, ARC Fresno
Tommy Maiez, ARC Fresno

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

2. REPORT OF THE GENERAL MANAGER

Mr. Van Wyk reported on the following: (1) Board Ethics Training will be held on Tuesday, May 18th at 12:30 pm with District's Legal Counsel; (2) the Ad Hoc Committee will be meeting on Wednesday, May 19th at 12:00 pm; (3) he distributed a copy of a thank you letter the District received from HandsOn Central California who were one of the District's grant recipients; (4) he requested Mr. Lakeman give a brief presentation on the status of SB 1070; Mr. Lakeman distributed an email he had received showing the Bill is on the Consent Calendar in the Senate; and (5) he noted at the last Board Meeting the Board had adopted a Resolution recognizing Carol Gerking for her 20 years of District service and as Mrs. Gerking was not able to attend that Board Meeting, staff would request the Chairman present the framed Resolution to Mrs. Gerking this evening. Mr. Van Wyk acknowledged Mrs. Gerking's work for the District. Chairman Groom then presented the Resolution to Mrs. Gerking. Mrs. Gerking thanked the Board and staff for the acknowledgement and expressed her pleasure in working for the District these past 20 years. Director Franco expressed the appreciation of the Board for Mrs. Gerking's work, and acknowledged Mrs. Gerking's husband (Mr. Gerking is a Captain with the Kings County Fire Department) and son (Mr. Ramirez is a Staff Sergeant with the US Air Force under the Air National Guard) for their service to their Country and community.

3. APPROVAL OF MINUTES: Minutes of April 14, 2010 and April 28, 2010

Approved as Recommended

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

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:

- b. Authorization to Enter into Lease Agreement, Fancher Creek Reservoir, Gerald Thiesen
- c. Authorization to Execute Standard Developer Agreements:
 - (1) Tract 5869, Drainage Areas "EM" and "EN", Lennar Fresno, Inc. (sec Barstow & Garfield)
 - (2) Tract 5565A, Drainage Area "3G", McCaffrey Homes (nwc Barstow & DeWolf)
- d. Authorization to Renew Contracts:
 - (3) District Employee Uniforms and Office Floor Mat Rental
 - (4) District Elevator, Operations Building (Building No. 2)
- e. Authorization to Schedule 2010-2011 Budget Workshop and Budget Hearing
- f. Engineer's Report of Construction, April 2010
- g. Engineer's Report of Projects, April 2010
- i. Rejection of Claim and Authorization to Refer Matter to District's Insurance Carrier, Joint Powers Insurance Authority (JPIA), Richard Valenzuela

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- j. Report of Public Concerns, April 2010
- k. Report of Public Tree Planting Event, Basin "CZ" (Chestnut & Alluvial), June 12, 2010
- l. Status Report on Roof Replacement of Administrative Building (Building No. 1)

Approved as Recommended

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

- a. **Adoption of Resolution Recognizing the Efforts of the Central Valley Water Awareness Committee**

Recommend the Board of Directors adopt the Resolution attached to the Board Memorandum recognizing the efforts of the Central Valley Water Awareness Committee in educating the public and local leaders on important water issues.

At the request of Mr. Van Wyk, Ms. Swisher reviewed the accomplishments of the Central Valley Water Awareness Committee.

Approved as Recommended, adopting Resolution No. 2010-655

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

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h. Ratification of Expenditures, April 2010

Recommend the Board of Directors ratify the expenditures for the month of April 2010 per the schedules attached to the Board Memorandum.

Director Welton requested a report back to the Board on the District's Health Insurance program costs and administration. Responding to Director Welton's question regarding \$11,381.00 for Telescope & Binocular Viewers, Mr. Van Wyk stated those were being placed at Basin "BX" (Temperance & Teague) and "Basin "AC" (w/o Brawley & n/o Bullard) and were paid through grant funds given to the District by the Department of Fish and Game.

Approved as Recommended

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

9. Adoption of Resolution Honoring Kurt Hupp's Twenty Years of District Service

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

Approved as Recommended, Adopting Resolution No. 2010-654

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

10. Report of ARC Fresno Sponsorship Terminations for Basins “C”, “I”, and “B/E”, and Authorization to Renew Basin Maintenance Contract, ARC Fresno

Recommend the Board of Directors authorize entering into a 2 year agreement with ARC Fresno as outlined in the Board Memorandum.

Mr. Bruce Nieman and Mr. Tommy Maiez representing ARC Fresno addressed the Board with respect to their program.

Approved as Recommended

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

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

No items were submitted.

REPORT OF GENERAL COUNSEL

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

CLOSED SESSION

The Board convened in Closed Session at 6:22 pm to consider the following litigation:

**13. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
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 6:34 pm. Mr. Jensen stated no reportable action was taken in Closed Session.

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ADJOURNMENT

Adjourned Board Meeting at 6:35 pm

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



BOB VAN WYK
GENERAL MANAGER/SECRETARY



DATE