

**ACTION SUMMARY MINUTES**  
**MINUTES OF THE REGULAR MEETING OF**  
**THE BOARD OF DIRECTORS OF THE**  
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**  
**HELD WEDNESDAY, OCTOBER 13, 2010**

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, October 13, 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, Assistant District Engineer/Design  
David Pomaville, Administrative Services Manager  
Peter Sanchez, Operations Engineer  
Paul Merrill, Finance Manager  
Paul Allen, Facilities Manager  
Daniel Rourke, Environmental Resources Manager  
Kristine Johnson, Staff Analyst  
Esther Schwandt, Clerk to the Board

Ken Price, Assistant General Counsel

Kenneth E. Lyle  
Jeff Roberts, Copper River Ranch, LLC

**PRESIDING:** Director Groom, presiding as Chairman called the meeting to order at 6:00 p.m. and Director Welton led the Pledge of Allegiance. Director Groom then announced the reappointment of Director Welton by the County of Fresno. The Clerk to the Board then administered and notarized Director Welton's Oath of Office.

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**2. REPORT OF THE GENERAL MANAGER:**

Mr. Van Wyk reported on the following: (1) the General Manager was invited to speak before the Fresno County Grand Jury on October 6<sup>th</sup> to address “Clean Water Program Relating to Daily and Storm Collection”, and “Budget and Governance Issues” with respect to the District; he noted it was a wonderful opportunity to represent the District; and (2) the District’s Building I roof should be substantially completed by the end of this week, he stated staff will bring a brief report at a subsequent Board Meeting.

**3. APPROVAL OF MINUTES: Minutes of September 22, 2010**

**Approved as Recommended**

**Motion by: Franco            Second by: Welton**  
**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

**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:**

**a. Adoption of Resolution of Public Necessity for Expansion of Basin "AE"  
(San Jose & Marty)**

Recommend the Board of Directors conduct the Public Hearing on the matter of the proposed Resolution of Public Necessity for the subject project. It is further recommended upon receiving public comment and closing the Hearing, the Board of Directors adopt a Resolution of Public Necessity as shown on Attachment No. 1 attached to the Board Memorandum.

Director Groom opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:10 pm.

**Approved as Recommended, Adopting Resolution No. 2010-675**

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

**b. California Environmental Quality Act (CEQA) Hearing on the  
Expansion of Drainage Area and Basin "BL" (Church & Armstrong)**

Recommend the Board of Directors consider the proposed Mitigated Negative Declaration, public comments, and any testimony at the Hearing. It is recommended the Board include additional measures it feels are necessary to mitigate or alleviate any concerns raised through public testimony or Board discussion. Subsequently, it is recommended the Board of Directors approve the final Mitigated Negative Declaration and adopt the Resolution attached to the Board Memorandum. Following adoption of the Mitigated Negative Declaration it is recommended the Board of Directors approve the project.

Director Groom opened the Hearing for Public Comment at 6:13 p.m.

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Mr. Kenneth E. Lyle addressed the Board, noting he was a professional Land Planner in the Real Estate business, he stated he represented seven property owners which include approximately 200 acres of land surrounding and contiguous to the now being constructed Sanger Elementary School, and stated the property owners are in full support of the project. He then expressed his personal thanks to District employees: Mr. Pomaville, Ms. Johnson and Ms. Molina for their assistance.

There being no further Public Comment, Director Groom closed the Public Comment portion of the Hearing at 6:15 pm.

**Approved as Recommended, Adopting Resolution No. 2010-679**

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

**8.        CONSENT CALENDAR:**

- a.        Adoption of Resolution for Environmental Enhancement Mitigation Program (EEMP) Grant for Basin "I4" (Millbrook & Dudley) and "JJ" (McKinley between 8th & 9th)
- b.        Approval of 2010-2011 Scope of Work for Jeffrey Scott Agency, District Stormwater Management Program, Public Information
- c.        Authorization to Amend Estill Lease, Fancher Creek Reservoir
- d.        Authorization to Construct Trash Enclosure, Trolley Creek Park, Basin "Y" (Huntington & Bailey)
- e.        Authorization to Implement Pilot Clean Storm Drain Inlet Maker Program
- g.        Award of Contract "T-16" (Clovis & Garland), Pipeline and Adoption of Resolution of Special Transfer of PPDA Funds
- h.        Cancellation of Regular Board Meetings Scheduled for November and December 2010

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- i. Ratification of Expenditures, September 2010
- j. Report of Award of Uniform Cost Accounting Contract "3G-36", Basin Internal Pipeline and Adoption of Resolution of Special Transfer of PPDA Funds (Locan & Barstow)
- k. Report of Public Concerns, September 2010
- l. Authorization to Exercise Second One Year Option, Undeveloped Retention and Detention Basin Maintenance Contracts, Units A & B with Clean Cut Landscape

**Approved as Recommended**

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

- f. **Authorization to Renew Lease, Outdoor System Advertising, Basin "EH" (Bullard & Motel Drive)**

Recommend the Board of Directors authorize staff to sign an amendment to the lease agreement with Outdoor Systems Advertising at a rental rate of \$3,700.00 for one year.

**Not Approved as Recommended, Board Instead Authorized Staff to Sign an Amendment to the Lease Agreement with Outdoor Systems Advertising at a Rental Rate of \$3,700.00 or the fair market value, whichever is higher, for one year.**

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

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- 9. Authorization to Enter Into Time Payment Agreement, SPR 2008-108/TPM 2010-005, David and Elayne Mendoza, Drainage Area "AN" (Brawley, Olive, Cornelia & Shields)**

Recommend the Board of Directors authorize the use of the time payment provisions of the District Ordinance Code for the subject development.

**Approved as Recommended.**

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

- 10. Authorization to Execute Agreement with Copper River Ranch LLC to Install Irrigation System and Plant Trees in Basin "DE" (Copper, w/o Maple Alignment)**

Recommend the Board of Directors authorize staff to enter into an agreement with Copper River Ranch LLC for the tree planting, irrigation system and maintenance (Phase I) of Basin "DE".

Mr. Jeff Roberts, representing Copper River Ranch LLC, thanked District employees: Mr. Lakeman and Ms. Neda Shakeri for their assistance in the proposed agreement, and stated Copper River Ranch is in full agreement with staff's recommendation.

**Approved as Recommended**

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

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**11. Authorization to Execute Common Use Agreement with the Fresno Irrigation District, Storm Drain Crossing of Central Canal, Drainage Area "HH" (Chestnut & Jensen)**

Recommend the Board of Directors authorize Legal Counsel and staff to review and approve acceptable language for the Common Use Agreement with FID and be authorized to execute said agreement.

**Approved as Recommended**

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

**12. This Item was Moved to Consent Calendar**

As this item was moved, no further action was taken.

**13. Authorization to Waive Interest on Developer Payable, Agreement 1305(D)-BH-16/BG-3, McMillin Homes**

Recommend the Board of Directors waive the interest charge to McMillin Homes for Agreement 1303(D)-BH-16/BG-3.

**Approved as Recommended**

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

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**14. Report on Discussions with Fresno Unified School District to Relocate a Portion of Basin "II<sub>1</sub>" (Grove e/o Fig)**

Recommend the Board of Directors conceptually approve the relocation of the upper floor area of Basin "II<sub>1</sub>" and authorize staff to negotiate a relocation agreement for further Board consideration.

**Approved as Recommended**

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

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

**a. Recommendation from the Priority and Programming Committee Regarding Design and Relocation of Basin "CD" (Dakota & Garfield)**

The Priorities & Programming Committee recommends the design of Basin "CD" to the maximum depth criteria (18 feet depth of upper floor and 28 feet depth of lower floor) and utilize this design for relocation comparisons.

**Approved as Recommended**

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



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**b. Report of the 2009-2010 FMFCD Ad Hoc Committee and Recommendation of a Budget Amendment**

The Ad Hoc Committee recommends that the Board of Directors do the following:

- (1) Accept the reports of the Committee; and
- (2) Discuss and provide direction to staff on the proposed modification of the 2010-2011 Fiscal Year Budget by shifting \$3.5 million dollars in Capital Improvement Projects to future fiscal years.

**Approved as Recommended, Changing the Balance Sheet (Attachment No. 1 as attached to the Board Memorandum), to reflect total cash then backing out the restricted funds, which would then show total available.**

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

**REPORT OF GENERAL COUNSEL**

No items were reported

**CLOSED SESSION**

The Board then convened in Closed Session at 7:05 pm to consider the following litigation:

**a. Discussion of Pending Litigation: Burrough vs. FMFCD**

The Board then convened in regular session at 7:11 pm. Mr. Price stated no reportable action was taken in Closed Session.

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**ADJOURNMENT**

**Adjourned Board Meeting at 7:12 pm.**

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

  
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BOB VAN WYK  
GENERAL MANAGER/SECRETARY

  
\_\_\_\_\_  
DATE