

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, JANUARY 12, 2011

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, January 12, 2011 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
Jennette Williams
Mike Rastegar
Barbara Goodwin
Frank Fowler

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
Brandy Swisher, Program Assistant
Paul Allen, Facilities Manager
Kurt Hupp, Rural Program Manager
Esther Schwandt, Clerk to the Board

John Smith, Assistant General Counsel
Ken Price, Assistant General Counsel

James E. "Buzz" Burleson

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

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2. REPORT OF THE GENERAL MANAGER:

Mr. Van Wyk reported on the following: (1) he distributed a copy of the Governor's Budget Summary entitled "Tax Relief and Local Government"; of particular note to the District is the Governor's proposal to eliminate funding of the Redevelopment Agency; he stated approximately \$1 million per year of the District's tax revenue goes into Redevelopment Agency projects, with the District receiving approximately \$140,000 a year of that back in redistribution; he stated there is still some question as to how the money will be re-distributed if in fact they do away with funding the Redevelopment Agency as we know it today; he stated the District will protect its interests to insure we get back as much of that money as we can; he stated the staff will keep the Board informed as this item progresses; (2) he noted the Priorities & Programming Committee will be meeting this Friday to discuss the "Objectives and Goals" which the Executive Staff will be going over at their Annual Retreat scheduled for the week of January 24th; (3) he distributed a copy of the January 8, 2011 Fresno Bee Opinion page written by Clovis City Council Member Bob Whalen complimenting the District and staff on the Flood Control system which was tested and shown to work very well during these recent storm events; (4) he distributed the current Floodline; and (5) he distributed a letter from Anne Clemons also acknowledging the District and staff on the Flood Control system.

3. APPROVAL OF MINUTES: Minutes of December 15, 2010

Approved as Recommended

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

**4. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR TERM
EXTENDING THROUGH DECEMBER 2012**

It is recommended the Board of Directors elect from its membership individuals to serve as Chairman and Vice-Chairman of the Board through December 2012.

Director Groom accepted nominations for the position of Chairman of the Board of Directors.

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Director Rastegar, seconded by Director Groom nominated Director Spina for the position of Chairman. Director Spina accepted the nomination. There were no further nominations.

Motion was unanimously carried that Director Spina serve as the Board Chairman for the term extending through December 2012.

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

Director Rastegar, seconded by Director Groom nominated Director Williams for the position of Vice-Chairman. Director Williams accepted the nomination. There were no further nominations.

Motion was unanimously carried that Director Williams serve as the Vice-Chairman for the term extending through December 2012.

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

Director Spina then assumed Chairmanship of the Board Meeting. Director Spina then acknowledged and complimented Director Groom on his service as Chairman.

5. BUSINESS AND PRESENTATIONS FROM THE FLOOR:

Chairman Spina introduced Mr. Buzz Burleson who was appointed to the District's Board by the County of Fresno at yesterday's Board of Supervisors Meeting. Mr. Van Wyk stated as the paperwork has not been processed, Mr. Burleson was not able to be seated as a Board Member, so Mr. Burleson was in attendance this evening as a member of the audience. It is anticipated Mr. Burleson will be sworn in at the January 26, 2011 Board Meeting.

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6. ADDITIONS TO THE AGENDA:

There were no Additions to the Agenda.

7. POTENTIAL CONFLICTS OF INTEREST:

There were no Conflicts of Interest.

However, Mr. Price stated with respect to Agenda Item No. 14 involving First 5 of Fresno County, the law firm of Baker, Manock & Jensen serves as General Counsel to First 5 of Fresno County. He stated there is no need for a waiver with respect to this item; however they did want it disclosed.

8. PUBLIC HEARING:

There were no Public Hearings scheduled.

9. CONSENT CALENDAR:

a. Annual PPDA Transfer:

- (1) Adoption of Resolution Transferring PPDA Fund to Reimburse General Fund
- (2) Authorization to Loan Funds to PPDA Trust Fund for Developer Reimbursement

b. Authorization to Execute Standard Developer Agreement, SPR 2010-044, Drainage Area "AW₂" (North & Cherry), Tim Mitchell, Buzz Oates Group of Companies

c. Authorization to Transfer Funds from General Fund to PPDA Trust Fund, Drainage Area "AZ" (Chestnut & Golden State)

d. Report of Award of Uniform Cost Accounting, Contract "AY-9", Basin Pipeline and Outfall Structure (Cedar & Central Avenues) and Adoption of Resolution of Special Transfer of PPDA Funds

e. Ratification of Expenditures, December 2010

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- f. Report of Public Concerns, December 2010
- g. Status Report on Acquisition of Easement for Contract "ZZ-28" (Hughes & Whitesbridge)
- h. Authorization to Approve City of Clovis Rezone Application, Basin "7H" and Pup Creek Detention Basin (Temperance & Sierra)

Approved as Recommended

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

10. Adoption of Resolutions of Appreciation:

- a. Past Director Richard Welton
- b. Past Director Frank Franco
- c. Past Director George Marcus

It is recommended the Board of Directors adopt the Resolutions of Appreciation in recognition of Richard Welton, Frank Franco and George Marcus' exceptional service to the District and our Community.

Approved as Recommended adopting Resolution No. 2011-682, Richard Welton

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

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Approved as Recommended adopting Resolution No. 2011-683, Frank Franco

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

Approved as Recommended adopting Resolution No. 2011-684, George Marcus

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

It was the consensus of the Board that staff schedule a Board/Dinner Meeting to honor the past Directors.

11. Authorization to Allocate Funding, Acquire Easement, Design and Advertise for Bids, Cedar Avenue Storm Drainage Project, Drainage Area “AY” (Cedar & Central)

Mr. Lakeman noted one correction to the Board Memorandum, the amount in the current balance in the PPDA Trust Account for Drainage Area “AY” is \$237,000 not \$237,500 as shown.

Recommend the Board of Directors authorize staff to:

- (1) Design and advertise for bids for the Master Plan facilities shown on either Exhibit No. 1 (Option 1) or Exhibit No. 2 (Option 2);
- (2) Negotiate acquisition of the storm drain easements shown on either Exhibit No. 1 (Option 1) or Exhibit No. 2 (Option 2), and;
- (3) Allocate funding for the project in the amount of \$237,000 from the Drainage Area “AY” PPDA Trust Account and \$153,100 from the General Fund.

Approved as Recommended Authorizing staff to:

- (1) **Design and advertise for bids for the Master Plan facilities shown on Exhibit No. 1 (Option 1);**
- (2) **Negotiate acquisition of the storm drain easements shown on Exhibit No. 1 (Option 1), and;**
- (3) **Allocate funding for the project in the amount of \$237,000 from the Drainage Area "AY" PPDA Trust Account and \$153,100 from the General Fund.**

Motion by: Rastegar Second by: Williams

Ayes: Groom, Spina, Williams, Rastegar, Goodwin, Fowler

Noes: None

Abstentions: None

Absentees: None

12. Authorization to Acquire GPS Equipment for District Vehicles

It is recommended the Board of Directors authorize the Association of California Water Agencies – Preferred Provider program as meeting the District’s competitive bidding procedure for the purpose of acquiring a vehicle GPS equipment and related services.

It is further recommended the Board authorize the General Manager-Secretary to execute an agreement with RMJ Technologies to acquire GPS devices and the related services. The equipment price per vehicle including installation will be \$457 and the ongoing monitoring cost will be \$28.95/month.

In response to the Board’s concerns as to insuring the staff does not feel the installation of these devices are a negative reflection on them, but rather will be used to increase efficiencies in managing the fleet of District vehicles, Mr. Van Wyk stated staff will be extremely sensitive to the employees acceptance of these devices. Director Goodwin noted when staff is informed of the installation of these devices, that it also be pointed out that these are safety devices for them as well.

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Approved as Recommended

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

**13. Authorization to Install Storm Drainage Facilities in Drainage Area "AB"
(Marks & Herndon):**

a. Authorization to Design and Advertise for Bids

Recommend the Board of Directors authorize the design and advertisement of the Phase I portion of the project and allocate \$95,000 from the General Fund.

Approved as Recommended

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

b. Authorization of Development Agreement for Tract 5983

Recommend the Board of Directors authorize execution of the development agreement for Tract 5983 with the cost sharing as identified in the Board Memorandum attachment entitled "Cost Sharing Summary".

Approved as Recommended

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

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14. Authorization to Participate in Shade Structure Grant Program with First 5 of Fresno County

Recommend the Board of Directors authorize the General Manager-Secretary to enter into grant agreements with First 5 Fresno County for installation of six shade structures at four District sites.

Approved as Recommended

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

15. Authorization to Exercise First Option Year of Master Maintenance Service Contracts and Authorization to Request Proposals for Tree Service

Recommend the Board of Directors authorize staff to execute the option year extension of the Master Maintenance Contracts and request proposals from tree service firms.

Approved as Recommended

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

16. Report of December 2010 Storm Event Operations

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

Mr. Van Wyk noted he had personally acknowledged the work of the Facilities Team in a letter addressed to them, and copies of that letter were distributed to the Board.

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Director Spina on behalf of the Board expressed their appreciation of staff for all their work.

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

17. Report of Leakage Testing and Repairs, Contract “AK-38”, (Brawley & Freeway 99)

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.

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

Director Spina encouraged Board Members in particular new Board Members to attend training with respect to “Conflict of Interest”. He also noted the California Special District Association is offering webinar education, and suggested staff check into offering the Board the “Board Protocol Training”.

Director Spina noted he would be working on the assignment of Committee Members and requested the Board Members notify him if they have a preference for any particular committee or external representation.

Director Spina also cautioned the new Board Members that should they be contacted by the public with questions, that they run those through the General Manager to insure the questions are answered correctly and the Board Members are protected.

REPORT OF GENERAL COUNSEL

No items were reported.

CLOSED SESSION

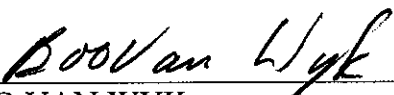
A Closed Session was not convened.

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ADJOURNMENT

Adjourned Board Meeting at 7:19 pm.

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



BOB VAN WYK
GENERAL MANAGER/SECRETARY



DATE