

**ACTION SUMMARY MINUTES**  
**MINUTES OF THE REGULAR MEETING OF**  
**THE BOARD OF DIRECTORS OF THE**  
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**  
**HELD WEDNESDAY, JANUARY 26, 2011**

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, January 26, 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:** Roy Spina, Chairman  
Jennette Williams, Vice-Chairman  
Kendall Groom  
Mike Rastegar  
Barbara Goodwin  
Frank Fowler  
Buzz Burleson

**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  
Frances Lopez, Office Manager  
Paul Merrill, Finance Manager  
Esther Schwandt, Clerk to the Board  
  
John Smith, Assistant General Counsel  
Ken Price, Assistant General Counsel

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

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, JANUARY 26, 2011  
PAGE 2 OF 7**

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

Mr. Van Wyk reported on the following: (1) he distributed a copy of a letter from Mr. Mark Cowin, Director of the California Department of Water Resources (DWR) acknowledging District staff's partnering with DWR at the "Save Our Water" Exhibit at the 2010 Big Fresno Fair; (2) Executive Staff completed a major portion of their Annual Staff Retreat this week, and stated a report would be forthcoming to the Board; (3) a Dinner Board Meeting to recognize past Directors Welton, Franco, and Marcus has been scheduled for the next Board Meeting on Wednesday, February 9<sup>th</sup> at 6:00 pm at the Piccadilly Inn University; Cedar at Shaw; he stated spouses are invited to attend at a cost of \$25.00 per person; (4) at the Wednesday, March 9<sup>th</sup> Board Meeting, the Clerk to the Board has arranged for a photographer to take individual Board Members' pictures as well as a Board group picture; the Board Members are asked to be at the District office by 4:00 pm; and (5) the District's Plans and Specifications draft document has been distributed to the new Board Members for their review; the Board will be asked to adopt this document at an upcoming February Board Meeting.

**3. APPROVAL OF MINUTES: Minutes of January 12, 2011**

**Approved as Recommended**

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

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, JANUARY 26, 2011  
PAGE 3 OF 7**

**7. PUBLIC HEARING:**

There were no Public Hearings scheduled.

**8. CONSENT CALENDAR:**

- a. Authorization to Execute Standard Developer Agreement, Tract 5961 (Phase II), Drainage Area "DO" (Ashlan & Locan), The McCaffrey Group
- b. Award of Contract for Telemetry Control Panels
- c. Report of Pollutant Discharge Incidents, December 2010
- d. Report on Real Estate Activity, December 2010
- e. Report on Upgrade from Windows XP/Office 2003 to Windows 7/Office 2010

Director Williams requested item 8f be pulled.

**Approved as Recommended**

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

**f. Submittal of Second Quarter Budget Report, Fiscal Year 2010-2011**

**Recommend the Board of Directors accept the Second Quarter Budget Report Executive Summary ending December 31, 2010.**

Responding to Director Williams' question as to why our interest rate seemed so much lower, Mr. Merrill explained staff had assumed a 2% assumption for the interest rate; however, the District received a different amount in the apportionment from the County. Responding to her subsequent question, Mr. Merrill stated "roughly" \$6 million is needed for the District from July 1<sup>st</sup> through December 31<sup>st</sup> for the General Fund activities. He stated there is a debt service payment that is due in December that the District has to make

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, JANUARY 26, 2011  
PAGE 4 OF 7**

before the first apportionment of the property taxes so the actual number the District needs is \$6.7 million. He stated the District receives the County's apportionment on the 28<sup>th</sup> or the 29<sup>th</sup> of the month. He noted the general fund was at its lowest just before the apportionment was received.

**Approved as Recommended**

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

**9. Authorization to Proceed with Repair Contract for Redbank Creek Detention Basin Control Structure**

Recommend the Board of Directors authorize staff to proceed with repair of the Redbank Creek Detention Basin control structure at District expense.

Director Goodwin questioned if the District has an ability to require testing for silica content of the aggregate, noting the cement makers have to be aware of the type of aggregate that is going in. She further questioned, if we don't have a testing requirement, is that something that we could place in our specifications that there not be silica in the cement. Mr. Lakeman stated this is a very rare condition and the District has never had this problem before. He stated he believed the answer to Director Goodwin's question would be "yes" you could do some advance testing. However, he noted that this has not been in either the District's or the Corps' specs. He stated while it is something we could do, the rarity of the issue makes him question whether it was necessary. Director Goodwin requested staff look into it and determine what the additional cost would be. Mr. Lakeman stated staff would look into the matter and get back to the Board.

**Approved as Recommended**

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

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, JANUARY 26, 2011  
PAGE 5 OF 7**

**10. Report on Status of State Water Resources Control Board American Recovery Reinvestment Act (ARRA) Funded Projects**

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

Director Spina requested when the ARRA funded projects and paperwork is completed, he would like to see the total District costs, including consultants, etc. and the Federal costs.

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

**11. Report of Funds Available for Capital Improvement Allocation and Modification of Capital Improvements**

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.**

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

**a. Report on Board of Directors Attendance at Various Meetings, Director Groom, San Joaquin River Conservancy (SJRC)**

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

Mr. Groom gave a verbal report of the meeting.

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

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, JANUARY 26, 2011  
PAGE 6 OF 7**

**b. Consideration of Directors Training and Educational Opportunities**

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

Mr. Price announced Legal Counsel's firm, Baker, Manock & Jensen has scheduled AB 1234 Ethics Training for March 25, 2011 at 11:00 am – 1:00 pm (lunch will be included). This is for the new Board Members who have not met this requirement. Director Goodwin noted she had a conflict with the March 25<sup>th</sup> date. Mr. Price stated Legal Counsel will work with Director Goodwin's schedule to insure she receives the AB 1234 Ethics Training.

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

**REPORT OF GENERAL COUNSEL**

No items were reported.

**CLOSED SESSION**

Mr. Van Wyk requested the following litigation be pulled to allow Staff and Legal Counsel additional time for review.

- a. ANTICIPATED LITIGATION**  
**Significant exposure to litigation pursuant to sub-division (b) of Section 54956.9: Consideration of Encroachment into Storm Drainage Pipeline Easement, McDonald, Lots 58 & 59, Tract 4897, Drainage Area "DE" (Copper, Willow & Friant Road)**

The Board then convened in Closed Session at 6:34 pm to consider the following litigation:

- b. EXISTING LITIGATION**  
**Pursuant to Subdivision (a) of Section 54956.9: Brar Construction and Development, Inc. Regarding Contract "RR-61" vs. FMFCD**

The Board then convened in regular session at 7:01 pm. Mr. Smith stated no reportable action was taken in Closed Session.

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, JANUARY 26, 2011  
PAGE 7 OF 7**

**ADJOURNMENT**

**Adjourned Board Meeting at 7:01 pm**

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

Bob Van Wyk  
BOB VAN WYK  
GENERAL MANAGER/SECRETARY

February 1, 2011  
DATE