

**ACTION SUMMARY MINUTES**  
**MINUTES OF THE REGULAR MEETING OF**  
**THE BOARD OF DIRECTORS OF THE**  
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**  
**HELD WEDNESDAY, MARCH 9, 2011**

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, March 9, 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  
Frank Fowler  
Buzz Burlison

**DIRECTORS ABSENT:** Barbara Goodwin

**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  
Karyn Kruser, Staff Analyst  
Brandy Swisher, Program Assistant  
Carol Gerking, Accountant  
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel  
John Smith, Assistant General Counsel

Steve Nilforoushan, Regional Civil Engineer,  
Advanced Drainage Systems, Inc. (ADS)  
John Swedensky, Program Manager,  
California Public Employee Retirement Services (CalPERS)  
Mitch Barker, Executive Vice President,  
Public Agency Retirement Services (PARS)

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

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

Mr. Van Wyk reported on the following: (1) staff made a presentation yesterday to the Board of Supervisors at the request of Supervisor Larson noting as Chairman his emphasis is on water; BVW stated all the Board of Supervisors were complimentary of the District and its program; he noted Director Burleson attended as well; Director Burleson stated staff did a good job on the presentation; and (2) he distributed a circulation entitled "Region 7 CREEC" which recognized the District's educational program.

**3. APPROVAL OF MINUTES: Minutes of February 23, 2011 and February 28, 2011**

Due to his absence at the February 23, 2011 and February 28, 2011 Board Meetings, Director Rastegar abstained. Due to his absence at the February 28, 2011 Board Meeting, Director Groom abstained.

**Approved as Recommended**

**Motion by:** Williams      **Second by:** Burleson  
**Ayes:** Spina, Williams, Groom, Fowler, Burleson, Groom  
**Noes:** None  
**Abstentions:** Rastegar; Groom on the February 28, 2011 Meeting only  
**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. Acceptance of Quarterly Investment Report, Fourth Quarter
- b. Acceptance of Report of External Auditor, Fiscal Year 2009-2010, Financial Statements and Single Audit Report
- c. Award of Contracts:
  - (1) "BM-F", Relocation of Chain Link Fence for City of Fresno (Fowler Avenue & California Alignment)
  - (2) "W-26", Belmont Avenue Storm Drain (Belmont & Clovis)
- d. Ratification of Expenditures, February 2011
- e. Report of Public Concerns, February 2011
- f. Report on Award of Uniform Cost Accounting Contract "AB-42", Pipeline (Herndon w/o Marks)
- g. Report on Central Valley Friendly Landscapes Residential Award Program and Web Site Development
- h. Authorization to Execute Standard Developer Agreement, Tract 5981, Drainage Area "3G" (Barstow & De Wolf), The McCaffrey Group

**Approved as Recommended**

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

9. **Adoption of the 2011 Revision to the District Standard Plans and Specifications**

Recommend the Board of Directors authorize the revisions to the Standard Plans and Specifications by adopting the updated version transmitted on November 17, 2010, including the revisions noted within the Board Memorandum and shown on the sheets attached to the Board Memorandum, and effective April 1, 2011. It is further recommended the Board of Directors authorize that staff Standard Plans and Specifications, as revised, be herein referred to as the Fresno Metropolitan Flood Control District Standard Plans and Specifications, dated April 1, 2011.

Mr. Hofmann noted one correction to the HDPE section 15-4.02.4, specifically, “. . . and the HDPE *manufacture's* . . .” should be “. . . and the HDPE *manufacturer's specifications*”. Mr. Hofmann stated the City of Fresno has commented that they believed the District's deflection for the HDPE pipe was more than they thought appropriate (6½ percent deflection). He stated after careful review, staff has modified it down to 4 percent. However, representatives from the HDPE industry believe that the 4 percent is still more than appropriate. He stated with the Board's adoption tonight, the Board will not be approving the full deflection as staff will continue to review this matter. He noted the representatives for the HDPE industry were here to address any questions the Board may have.

Mr. Steve Nilforoushan, Regional Engineer for Advanced Drainage Systems, Inc. (ADS) and residing in Danville, California, addressed the Board with respect to Director Groom's question as to design life, noting ASHTO has a design life for HDPE up to 70 years.

**Approved as Recommended**

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

**10. Award of Contract and Authorization to Open Trust Account for Proposals for Other Post-Employment Benefits (OPEB) Liability**

Recommend the Board of Directors select Public Agency Retirement Services (PARS) as the service to administer the District's OPEB Liability Trust. It is further recommended the Board direct staff to return with the following items:

- (1) Agreements necessary to establish or join an irrevocable OPEB Trust;
- (2) Authorization to deposit budgeted funds into the trust; and,
- (3) Recommend investment policy that will guide the long-term management of the trust assets.

Mr. Pomaville introduced Mr. Mitch Barker representing Public Agency Retirement Services (PARS) and Mr. John Swedensky representing California Public Employee Retirement Services (CalPERS) who were in attendance to address the Board and any questions the Board may have.

Mr. John Swedensky, Program Manager for California Public Employee Retirement Services (CalPERS), Sacramento, addressed the Board highlighting the benefits of CalPERS.

Mr. Mitch Barker, Executive Vice President for Public Agency Retirement Services (PARS), Orange County, addressed the Board highlighting the benefits of PARS.

Directors Spina and Rastegar noted they had their retirement with CalPERS and questioned whether a conflict exists. Mr. Jensen stated he did not see that as a conflict noting that today's decision would not have a financial impact on their retirement one way or the other.

Director Rastegar stated after reviewing and listening to both sides, he believed the services offered by both CalPERS and PARS were basically the same, and since CalPERS provided it at a less cost, he would be uncomfortable in approving PARS which he believed would be at a higher cost.

**Approved as Recommended**

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

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- 11. Authorization to Execute Standard Development Agreement, State Center Community College District (SCCCD), Clovis Center Phase 3, Drainage Area "R" (Willow & Behymer)**

Recommend the Board of Directors authorize staff to execute a Standard Developer Agreement with the developer indicated for the construction of the required Master Plan facilities and the allocation of existing construction credits as described in the Board Memorandum.

**Approved as Recommended**

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

- 12. Authorization to Issue Check to State of California Net of District's Portion of Land Sale and Subventions Billings Nos. 54 through 59**

Recommend the Board of Directors authorize Staff to send the State of California a check in the amount of \$5,110,571.43.

Directors Spina and Burleson stated they would prefer in the Board Memorandum attachment, Claim #57 – "*Resubmittal of Previously Denied Costs*" be changed since it has a negative connotation to "*Resubmittal of Recently Resolved Costs*" since that appears to be more accurate as to what the status is.

Director Groom left the dais at 7:15 pm and returned to the dais at 7:20 pm.

**Approved as Recommended**

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

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**13. Drainage Area "3G" (Shaw & Locan):**

**Adoption of Resolution Declaring Excess Property not Needed for District Purposes and Authorizing Sale of Basin "3G" Property to Lennar Homes, Inc. for Trail Purposes (Locan & San Jose Avenue Alignment) (*Two-thirds vote required*)**

Recommend the Board of Directors adopt the Resolution attached to the Board Memorandum declaring fee title to the Real Property identified on Exhibit No. 1 hereto as excess property and not needed for District purposes, authorizing the sale of said property to Lennar for \$8,997 for the purpose of dedication to the City of Clovis for use as a trail and retaining certain easement and repurchase rights as identified in the Board Memorandum.

**Approved as Recommended, Adopting Resolution No. 2011-689**

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

**b. Authorization to Execute Standard Developer Agreement, Tract 5970, Drainage Area "3G", Lennar Homes, Inc. (Shaw & Locan)**

Recommend authorizing Staff to execute a developer agreement with Lennar on standard developer agreement terms for the construction of the Master Plan facilities identified on Exhibit No. 2 attached to the Board Memorandum and inclusive of the sale of the Real Property.

**Approved as Recommended**

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

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**14. 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**

A Closed Session was not convened.

**ADJOURNMENT**

**Adjourned Board Meeting at 7:29 pm**

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

  
\_\_\_\_\_  
BOB VAN WYK  
GENERAL MANAGER/SECRETARY

  
\_\_\_\_\_  
DATE