

**ACTION SUMMARY MINUTES**  
**MINUTES OF THE REGULAR MEETING OF**  
**THE BOARD OF DIRECTORS OF THE**  
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**  
**HELD WEDNESDAY, MARCH 23, 2011**

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, March 23, 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  
Paul Allen, Facilities Manager  
Daniel Rourke, Environmental Resources Manager  
Kristine Johnson, Staff Analyst  
Andrew Remus, Staff Analyst  
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel  
John Smith, Assistant General Counsel

Katie Andrade, Calwa Elementary  
Jesus Rodriguez, Calwa Elementary  
Claudia Sersland, Center for Land-Based Learning  
Leon Penney, City of Clovis Surface Water Treatment Facility  
Sandy Pitts, Fresno Chaffee Zoo  
Emily Cabrera, Girl Scouts of Central California South  
Marilyn Deen, Girl Scouts of Central California South

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Beth Wilson, Sierra Vista Elementary  
Donelle Kellom, Sierra Vista Elementary  
Steven Ravetti, "Life Through Environmental Science",  
City of Fresno Parks & Recreation Department

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

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

Mr. Van Wyk reported on the following: (1) he distributed a flyer from the Regional Jobs Initiative identifying two Fresno/Clovis Water Management Tours; one scheduled for March 25<sup>th</sup> and the other scheduled for April 29<sup>th</sup>; he stated District employee Kristine Johnson has coordinated the event; he noted if Board Members are interested in attending the April 29<sup>th</sup> tour to let staff know, the March 25<sup>th</sup> tour is full; also he noted since the Board has not participated in a tour of District facilities in quite a while, and given that we have new Board Members, he suggested the Board may want to schedule their own tour for a future event; it was the consensus of the Board Members for staff to begin scheduling a tour of District facilities for the Board Members; (2) he distributed a copy of an email between Director Burleson and staff with questions and answers regarding tonight's Board Meeting; (3) he distributed a copy of a memo prepared by Frances Lopez, the District's Office Manager to District staff; Mr. Van Wyk stated he distributed the memo because he believed it indicative how the employees are performing during their day to day activities; and (4) and he requested Mr. Allen give a brief report of the District's operational facilities in response to the most current rainfall events. Mr. Allen reviewed the current status of the District's facilities, and the rainfall accumulation to date and anticipated. He noted specifically on Sunday we set a record rainfall for a 24 hour period of 1.482 inches. He also noted the Fresno Irrigation District has worked with the District in a very cooperative and accommodating effort, and commending FID on their participation during this rain event.

**3. APPROVAL OF MINUTES: Minutes of March 9, 2011**

**Approved as Recommended**

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

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**6. POTENTIAL CONFLICTS OF INTEREST:**

Director Goodwin noted a potential Conflict of Interest with Agenda Item No. 11. **Award of Clean Stormwater Grants**, and stated she would therefore be abstaining on this item.

**11. Award of Clean Stormwater Grants**

Director Goodwin recused herself from the proceedings due to a potential conflict of interest and left the dais at 6:17 pm.

Recommend the Board of Directors Award 2011 Clean Stormwater Grants totaling \$37,340.30 for projects recommended for funding as shown on Table No.1 attached to the Board Memorandum. Additionally, staff requests authorization to distribute the press release regarding the grant awards as attached to the Board Memorandum.

Katie Andrade and Jesus Rodriguez representing Calwa Elementary addressed the Board regarding their grant request.

Claudia Sersland representing Center for Land-Based Learning addressed the Board regarding their grant request.

Leon Penney representing City of Clovis Surface Water Treatment Facility addressed the Board regarding their grant request.

Sandy Pitts representing Fresno Chaffee Zoo addressed the Board regarding their grant request.

Emily Cabrera and Marilyn Deen representing Girl Scouts of Central California South addressed the Board regarding their grant request.

Beth Wilson and Donelle Kellom representing Sierra Vista Elementary addressed the Board regarding their grant request.

Steven Ravetti representing "Life Through Environmental Science" under the City of Fresno Parks & Recreation Department addressed the Board regarding their grant request.

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**Approved as Recommended**

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

Director Goodwin returned to the dais at 6:31 pm

**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.

**7. PUBLIC HEARING:**

**Amendment of Storm Drainage and Flood Control Master Plan to Eliminate Local Drainage Area "DJ" (Freeway 41, Bluff Avenue & San Joaquin River) and Amendment of Developer Agreement 27-DH, DI & DJ**

Mr. Lakeman stated staff is requesting a change to the Recommendation included in the Board Memorandum. Specifically, staff is asking the Board to approve this item in concept only, and then continue the Public Hearing; noting staff wants to complete an Environmental Assessment.

Recommend the Board of Directors amend the Storm Drainage and Flood Control Master Plan eliminating local Drainage Area "DJ". Further recommended the Board of Directors authorize amendment to Developer Agreement 27-"DH", "DI" & "DJ" removing the construction obligation for local Drainage Area "DJ" -- all in concept, then continue the Public Hearing to allow staff time to complete the Environmental Assessment.

Director Spina opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:35 pm.

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Director Fowler questioned the process of approving this item in concept, noting his belief that if the Environmental Assessment has not been completed, then he believed the Board would be going too far in their approval. He stated he did not believe the Board should be approving the project without reviewing the Environmental document first.

Mr. Jensen clarified that the action of the Board tonight should be to direct staff to proceed with the Environmental Assessment.

**Not Approved as Recommended, the Board of Directors directed staff to proceed with the Environmental Assessment.**

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

**8.      CONSENT CALENDAR:**

- a.      This Item was Moved to the Regular Agenda
- b.      Report of Pollutant Discharge Incidents, February 2011
- c.      Report on JPIA Liability, Property, and Workers' Compensation Risk Assessment of District Facilities and Operations
- d.      Report on Real Estate Activity, February 2011

**Approved as Recommended**

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

**9. Allocation of Funds to Capital Improvements**

Recommend the Board of Directors authorize funding for Categories 1 and 2 as outlined in the Board Memorandum. It is further recommended that the Board of Directors either authorize funding for Category 3 as outlined in the Board Memorandum, or refer Category 3 to the Priorities & Programming Committee for consideration.

Discussion was carried among Board Members and staff with respect to whether the District should be participating in development and maintenance of active recreation park sites; and in particular the Category 1, Play Equipment in the amount of \$225,000 for Basin "D", Oso de Oro Park.

Director Spina noted a correction to Attachment No. 1, Category 1 item should be shown as "II<sub>1</sub>-123". He also noted on page 16 fourth paragraph it states "A typical installation is shown on Exhibit No. 2" however a photograph of the pump was not attached.

Mr. Van Wyk stated as the Board has directed this evening, staff would take a look at the Budget for Basin "D", Oso de Oro Park to insure the District is spending the money wisely.

Approved as Recommended, and authorized funding for Category 3 as outlined in the Board Memorandum. The Board further directed staff to bring back a report on the District's authorization to do dual use facilities, the District's current policy and future plans for active recreational parks, how the District's current active recreational parks originated, how these site will be operated and maintained in the future, and the five-year projected costs for long-term maintenance of these active recreational sites.

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

**10. This Item was Pulled**

As this item was pulled, no action was taken.

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**12. Report of Proposed Acceptance of Contract "AK-38", Bill Nelson Engineering Construction, Inc. (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.**

**13. Authorization to Execute Tree Trimming and Removal Service Contract**

Recommend the Board of Directors:

(1) Authorize staff to negotiate and execute contract for maintenance work as identified on the Respondent's Proposal as attached to the Board Memorandum;

(2) Authorize execution of work orders under these contracts by the Operations Engineer, District Engineer, or General Manager in accordance with the funds appropriated in the operation and maintenance budget.

**Approved as Recommended**

**Motion by: Williams      Second by: Goodwin**

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

**Noes: None**

**Abstentions: None**

**Absentees: None**

**14. Report on Proposed Changes to the Statewide Industrial General Permit Regulating Stormwater Discharges from Commercial and Industrial Facilities**

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

Director Goodwin left the dais at 7:21 pm and returned to the dais at 7:23 pm.

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

**15. Review and Final Approval of Plastic Pipe Standards**

Recommend the Board of Directors approve the Standard for deformation testing of HDPE plastic pipe at five (5) percent and confirm the adopted Standard as attached to the Board Memorandum.

**Approved as Recommended**

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

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

**a. Recommendation from the Community Relations Committee to Distribute the District's 2011 Spring Issue of the Flood Line Newsletter**

Recommend the Board of Directors approve publication of the Spring 2011 issue of the Flood Line newsletter.

**Approved as Recommended**

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

**b. Report on Board of Directors Attendance at Various Meetings:**

**(1) Director Groom, COG "One Voice", Delegation Trip to Washington DC**

Recommend Director Groom give a verbal report of the Fresno COG "One Voice" Delegation trip to Washington DC held February 27, 2011 through March 2, 2011.



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Director Groom presented a verbal report, he also suggested the Board may want to determine a more specific approach next year as to what the District wishes to accomplish by attending this trip in the future; specifically he believed water storage should be an item the District focuses on.

Mr. Van Wyk noted staff is looking at different water resource management tools to possibly expand the use of Big Dry Creek Reservoir.

Discussion was carried among Board Members, Legal Counsel and staff as to the best way to proceed to develop a strategy on bringing the issue of water storage forward and whether "One Voice" was the appropriate venue to pursue that objective. Director Goodwin then explained how "One Voice" came to be. She noted her belief that the groundwork would need to be laid before a suggestion is taken to the "One Voice" delegation, and noted you would need to begin the discussion now in preparation for next year. Mr. Van Wyk noted another venue could possibly be ACWA. Mr. Jensen suggested not only would you use the various venues, but given the magnitude of this issue and the interest, he believed there would be no reason why every Legislator with an office in this community wouldn't be willing to meet with Board Members, staff and other interested parties.

It was the consensus of the Board that the General Manager put together a concept on a proposed project or projects, how we go about getting the support for those project(s), and how we would implement those project(s).

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.**

**(2) Director Williams, San Joaquin River Conservancy (SJRC)**

**Recommend Director Williams give a verbal report of the SJRC meeting held March 9, 2011.**

Director Williams presented a verbal report.

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.**

**17. Report of Receipt of Bids Contract "II-123", "G" Street, from Ventura Street to Monterey Street Alignment**

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.**

**REPORT OF GENERAL COUNSEL**

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

**CLOSED SESSION**

The Board then convened in Closed Session at 8:02 pm to consider the following litigation:

- 19. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to sub-division (b) of Section 54956.9:**
- a. 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 regular session at 8:05 pm. Mr. Jensen stated no reportable action was taken in Closed Session.

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**ADJOURNMENT**

**Adjourned Board Meeting at 8:06 pm**

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

*Bob Van Wyk*  
\_\_\_\_\_  
BOB VAN WYK  
GENERAL MANAGER/SECRETARY

*April 8, 2011*  
\_\_\_\_\_  
DATE