

**ACTION SUMMARY MINUTES**  
**MINUTES OF THE REGULAR MEETING OF**  
**THE BOARD OF DIRECTORS OF THE**  
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**  
**HELD WEDNESDAY, MAY 25, 2011**

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, May 25, 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:** Jennette Williams, Vice-Chairman  
Kendall Groom  
Mike Rastegar  
Barbara Goodwin  
Frank Fowler  
Buzz Burleson

**DIRECTORS ABSENT:** Roy Spina, Chairman

**STAFF, CONSULTANTS,**

**OTHERS PRESENT:**

Bob Van Wyk, General Manager-Secretary  
Alan Hofmann, Assistant District Engineer/Design  
David Pomaville, Administrative Services Manager  
Peter Sanchez, Operations Engineer  
Andrew Remus, Staff Analyst  
Esther Schwandt, Clerk to the Board

John Smith, Assistant General Counsel;

Baker, Manock & Jensen

Ken Price, Assistant General Counsel; Baker, Manock & Jensen

Alysia Newmark, wife of Gary Newmark

Christopher Newmark, son of Gary Newmark

**PRESIDING:**

Director Williams, presiding as Chairman called the meeting to order at 6:00 p.m. and Director Burleson 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 June calendar which identified some of the events the Board would be involved in the month of June; (2) he displayed photographs of the Juvenile Diabetes Foundation Walk which staff had participated in this past Saturday; he noted staff had participated in this event for the past 15 years and has generated approximately \$32,700 with this year's effort producing approximately \$1,700; (3) the State of the City Luncheon is scheduled for Wednesday, June 1<sup>st</sup> at 11:30 am at the New Exhibit Hall; (4) a Tree Planting Media Event will be held on June 4 a Basin "TT<sub>2</sub>", a map & flyer were distributed to the Board; (5) on Tuesday, June 7<sup>th</sup> we will be having the Joint Tour with the FID Board Members and Staff; (6) Board Meetings for June will be as follows: June 8<sup>th</sup> Budget Workshop, June 15<sup>th</sup> Regular Board Meeting and June 29<sup>th</sup> Budget Hearing; (7) the Board's pictures have been updated on the District's website; and (8) he presented Gary Newmark a check and Safety Award from JPIA for a project Gary had submitted; Mr. Van Wyk noted the District receives statewide recognition for this award.

**3. APPROVAL OF MINUTES: Minutes of May 11, 2011**

Due to their absence at the May 11, 2011 Board Meeting, Directors Williams and Goodwin abstained.

**Approved as Recommended**

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

**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.

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**6. POTENTIAL CONFLICTS OF INTEREST:**

There were no Conflicts of Interest.

**7. PUBLIC HEARING:**

There were no Public Hearings scheduled.

**8. CONSENT CALENDAR:**

- a. Acceptance of Quarterly Investment Report, First Quarter
- b. Authorization to Enter into Soccer Use Agreement, Liga Campesina Cesar, Basin "V" (Sierra Vista n/o McKinley) and Basin "M" (San Jose e/o First)
- c. Authorization to Renew Basin Lease Agreement for Agricultural Purposes, Basin "CD" (Dakota & Garfield)
- d. Authorization to Schedule Special Joint Board Meeting on June 7, 2011 with Fresno Irrigation District (FID) Board to Tour District Facilities
- e. Award of Contracts:
  - (1) Contract "BK-9", Storm Drain (Kings Canyon & Walling Avenue)
  - (2) Contract "W-28", Pump Station (Minnewawa & Freeway 180)
- f. Report of Pollutant Discharge Incidents, April 2011

**Approved as Recommended**

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

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**9. Adoption of Resolution of Appreciation, Honoring Gary Newmark's Twenty Years of District Service**

Recommend the Board of Directors adopt a Resolution of Appreciation acknowledging Mr. Gary Newmark's 20 years of dedicated service to the District.

**Approved as Recommended, Adopting Resolution No. 2011-694**

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

Mr. Van Wyk acknowledged Mr. Newmark's work with the District. Chairman Williams then expressed her congratulations on behalf of the Board and presented Mr. Newmark a framed Resolution. Mr. Van Wyk introduced Mr. Newmark's wife Alysia and their son Christopher, and presented Alysia with a bouquet of roses.

Mr. Newmark then addressed the Board with respect to his appreciation for the District, Legal Counsel, Management and staff.

Mr. Pomaville then addressed the Board as Mr. Newmark's Supervisor, acknowledging Mr. Newmark's value and work to the District.

**10. This Item was Pulled**

**As the item was pulled, no further action was taken.**

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**11. Authorization to Accept Settlement Procedure and Appraise Property, Redbank Creek Spoil Site (DeWolf n/o McKinley)**

Recommend the Board of Directors authorize Staff to accept the settlement procedure and obtain an appraisal to establish the reimbursement value.

**Approved as Recommended**

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

**12. Authorization to Enter Into Time Payment Agreements:**

**a. County SPR 7765, Manjit Nahal, Drainage Area "CS"  
(Minnewawa & North)**

Recommend the Board of Directors authorize the use of the time payment provisions of the FMFCD Drainage Fee Ordinance for the subject development, waiving the exception of subsection 2.

**Approved as Recommended**

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

**b. County SPR 7763, Abel Vaca, Drainage Area "CE" (Malaga & Chestnut)**

Mr. Hofmann reported the property owner had rescinded his request for a time payment arrangement, thus staff was requesting this item be pulled.

**As the item was pulled, no further action was taken.**

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**13. Authorization to Schedule Public Hearing for Adoption of Modification to Local Drainage Areas “BL” (Church, Locan, Jensen, Fowler), and “BM” (Kings Canyon, Church, Fowler, Temperance) of the Storm Drainage and Flood Control Master Plan**

Recommend the Board of Directors authorize the noticing of a Public Hearing for adoption of modifications to the Storm Drainage and Flood Control Master Plan and establishment of a schedule of drainage costs and fees for Local Drainage Area “BL” and Drainage Area “BM”.

**Approved as Recommended**

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

**14. Report of Groundwater Recharge Basin Maintenance**

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

Director Groom recommended the Basin Maintenance Program signs be amended to more prominently highlight the message “Please don’t feed the wildlife”.

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

**15. Report on District Basin Active Recreational Parks**

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.**

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**16. Report on Real Estate Activity, April 2011**

Recommend directing staff to prepare the Real Estate Activity Report as described in the Board Memorandum on a quarterly basis.

Director Goodwin suggested that when the report is brought to the Board, that staff designate somehow the new information and the items that have been changed.

**It was the consensus of the Board that staff proceed as proposed in the Board Memorandum.**

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

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

**(1) ACWA Joint Powers Insurance Authority (JPIA) 2011 Spring Conference, Director Groom**

Recommend Director Groom give a verbal report of the ACWA/JPIA Spring Conference held May 9 - 12, 2011, in Sacramento, California.

Director Groom gave a verbal report.

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

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

Recommend Director Williams give a verbal report of the SJRC meeting held May 11, 2011.

Director Williams gave a verbal report.

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

**REPORT OF GENERAL COUNSEL**

No items were reported.

**CLOSED SESSION**

The Board then convened in Closed Session at 6:51 pm to consider the following litigation:

- a. **ANTICIPATED LITIGATION**  
**Significant exposure to litigation pursuant to sub-division (b) of Section 54956.9:**
  - (1) **FMFCD vs. Park Place Holdings, LP and Tingey Properties, LLC (Bluff View Private Preschool, Drainage Area "DH" [Blackstone, Alluvial, Audubon, San Joaquin River])**
  - (2) **Authorization to Exercise Small Claims Option, Bella Duran, Basin "BU" (Clovis & Dakota Avenues)**
  
- 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 7:30 pm. Mr. Smith stated no reportable action was taken in Closed Session.



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**ADJOURNMENT**

**Adjourned Board Meeting at 7:30 pm.**

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

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

  
\_\_\_\_\_  
DATE