

ACTION SUMMARY MINUTES
MINUTES OF THE BUDGET HEARING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, JUNE 29, 2011

Pursuant to notice, the Budget Hearing of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, June 29, 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
Kendall Groom
Mike Rastegar
Barbara Goodwin
Frank Fowler
Buzz Burlison

DIRECTORS ABSENT: Jennette Williams, Vice-Chairman

**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
Daniel Rourke, Environmental Resources Manager
Carol Gerking, Accountant
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel; Baker, Manock & Jensen
Deborah Coe Hood, Assistant General Counsel;
Baker, Manock & Jensen

Doris Harpain, GameTime

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

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2. REPORT OF THE GENERAL MANAGER:

Mr. Lakeman distributed new Urban Facilities Guides for the Board's use at the Board Meeting. Mr. Van Wyk stated if Board Members wish to take a copy home staff will make them available.

3. APPROVAL OF MINUTES: Minutes of June 8, 2011 and June 15, 2011

Approved as Recommended

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

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.

7. PUBLIC HEARING: Adoption of Proposed Budget, Fiscal Year 2011-2012

a. Budgeted Expenditures:

(1) Administration, Operation and Maintenance

Recommend the Board of Directors consider public comment and then close the Public Hearing with respect to these expenditures and approve the expenditures portion of the Budget for inclusion in the Resolution adopting the final 2011-2012 Budget.

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Director Spina opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:09 pm.

Approved as Recommended

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

(2) Budgeted Capital Improvements and Reserves

Recommend the Board of Directors review and confirm the Capital Expenditures presented in the 2011-2012 Budget. It is further recommended the Board direct such revisions as may be determined appropriate, and receive public comments, then close the Public Hearing with respect to Capital Expenditures and Reserves, and approve the Capital and Reserves portion of the Budget for inclusion in the Resolution Adopting the 2011-2012 Budget.

Director Spina opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:11 pm.

Approved as Recommended

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

b. Budgeted Revenues, Transfers and Fund Balances

Recommend the Board of Directors consider public comment and then close the Public Hearing with respect to Other Revenues and approve the Revenue Section of the Budget for inclusion in the Resolution adopting the final 2011-2012 Budget document.

Director Spina opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:12 pm.

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Approved as Recommended

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

c. Assessment Tax Zones of Benefit Boundaries

Recommend the Board of Directors adopt the 2011-2012 Budget and confirm the Assessment Tax Levy, recognize and affirm the Zone of Benefit Boundaries established, therefore, and existing as of June 30, 2011.

Director Spina opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:13 pm.

Approved as Recommended

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

d. Levy of Assessment Tax to Fund 2011-2012 Annual Budget

Recommend the Board of Directors consider public comment, then close the portion of the Public Hearing related to the Assessment Tax Levy and approve such revenues calculated pursuant to the amount required to fund the Budget approved by the Board of Directors, such rates set forth on Attachment No. 5, Table No. 5 for inclusion in the Resolution adopting the final 2011-2012 Budget Resolution.

It is also recommended that this action: (1) include the adoption and confirmation as the findings of the Board of Directors the data set forth in the Board Memorandum; and (2) incorporate into the public record all data described and considered by the Board pursuant to the Board Memorandum, and data similarly considered by the Board of Directors which was presented during the Budget Workshop, the Budget Hearing and also contained in the continuing Public Record established relative to the District's Assessment Tax Levy, and in consideration of the CIEDB Loan for Drainage Area "RR" and Drainage "II₁".

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Finally, it is recommended the Board of Directors adopt as the Assessment Tax Rates for 2011-2012 the rates reflected in the Board Memorandum on Attachment No. 5, Table No. 5.

Director Spina opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:14 pm.

Approved as Recommended

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

e. Adoption of Resolution Determining Prevailing Wages, 2011-2012

Recommend the Board of Directors adopt the attached Resolution establishing the 2011-2012 schedule of prevailing wages identified by the State of California Department of Industrial Relations, and any amendment thereof adopted by the State of California prior to June 30, 2012.

Director Spina opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:16 pm.

Approved as Recommended, Adopting Resolution No. 2011-702

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

f. Adoption of 2011-2012 Salary Resolution

Consistent with the Board's action on June 15, 2011, it is recommended the Board give final approval to the Personnel Budget of \$8,187,548; further it is recommended that the Board adopt the Salary and Employee Benefits Resolution for 2011-2012 as attached to the Board Memorandum.

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Director Spina opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:17 pm.

Director Groom noting the need to insure the District is transparent, and therefore questioned why the COLA that was proposed was not documented in the Board Memorandum. Mr. Van Wyk stated it was identified on page 36 and page 88 of the District's Budget under the Salary Schedule. In response to Director Groom's subsequent question, Mrs. Schwandt stated the District's Budget and Board Packet are posted on the District's Website.

Responding to Director Burleson's question regarding the employees' option to purchase additional Life Insurance coverage, Ms. Kruser stated employees can purchase an additional \$50,000 in life insurance at their own cost, at group rates, and it is based on age.

Approved as Recommended, Adopting Resolution No. 2011-703

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

g. Adoption of Resolution Adopting 2011-2012 Budget

Recommend the Board of Directors affirm the findings, conclusions and determinations made and/or established during the consideration of the 2011-2012 Budget and adopt the Resolution adopting 2011-2012 Budget, inclusive of the previously received Agenda items.

Mr. Pomaville distributed proposed changes to the Budget as they related to page 34, Total Budgeted Expenditures (Pie Chart), Page 35 Total Expenditures by Category, and Page 45 Capital Improvements. He noted however, that these were more for clarification and did not effect the Budget numbers itself.

Director Spina opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:20 pm.

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Approved as Recommended, Adopting Resolution No. 2011-704

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

h. Acceptance of Five-Year Financial Forecast

Recommend the Board of Directors approve the Five-Year Financial Forecast.

Mr. Pomaville noted there were a couple of minor changes made to the Five-Year Financial Forecast, specifically page 9, the Capital Improvement Budget graph.

Director Fowler suggested staff put together a graph showing the personnel costs laid over the Capital Improvement Budget, and the Maintenance and Operations Budget to show if it is increasing, and therefore Capital Improvements would be decreasing over the five years. Mr. Pomaville stated staff would put together a chart that references that.

Director Spina opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:27 pm.

Approved as Recommended

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

8. CONSENT CALENDAR:

- a. Award of Contract "KK-21", Pipeline (Cherry & Date)
- b. Authorization to Amend Professional Services Agreement for Telemetry System, Core Automation
- c. Authorization to Execute Renewal of Advance Dues Program, Association of California Water Agencies (ACWA)

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Approved as Recommended

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

9. Adoption of Resolution Transferring PPDA Funds to Reimburse General Fund and Authorization to Loan Funds to PPDA Trust Fund for Drainage Area "3G" (Temperance, Bullard, Shaw, Leonard)

Recommend the Board of Directors:

1. Adopt the Resolution attached to the Board Memorandum authorizing the transfer of \$112,056.93 to the General Fund;
2. Approve the allocation and transfer of \$112,056.93 to the Capital Projects Fund;
3. Authorize the Capital Projects Fund to Loan Back \$27,306.81 to the PPDA Trust Fund to reimburse Properties 5418 LP, Agreement 1375-3G-23, Tract 5418 for a total developer reimbursement of \$39,269.58.

Mr. Van Wyk noted this current process to repay the funds is a very time consuming process and staff is therefore working with Legal Counsel to recommend a different policy with the State to see if this process can be modified to insure the State is repaid using a process involving less staff time. Mr. Van Wyk stated this item would be coming back to the Board once a process has been worked out with Legal Counsel, and one that would be acceptable to the State.

Approved as Recommended

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

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10. Basin “D”, Oso de Oro Lake Park (Forkner & Barstow) Project:

a. Award of Contract “D-62”, Installation of Play Equipment

Recommend the Board of Directors award Contract “D-62” to Playcore Wisconsin Inc. GameTime in the amount of \$77,821.18.

Mr. Lakeman stated the District had received a protest from Hobbs Construction. He stated in response to that protest, staff has distributed to the Board a copy of the “District’s Bidder’s Proposal, Special Provisions, and Contract Documents for Construction of Storm Drainage Improvements and Disposal Facilities”. Mr. Lakeman then reviewed the details of the protest as outlined in the Supplemental Board Memorandum which was distributed to the Board this evening. He stated it is staff’s recommendation that the Board deny the protest.

Mr. Jensen introduced Ms. Deborah Coe Hood, one of their firm’s partners who specialize in Contract Law and Litigation. He stated he has asked Ms. Coe to research this item. He stated they see no evidence of collusion, and so at this point they support staff recommendation. He stated they believe the protest is not legally valid.

Responding to Director Spina’s question, Mr. Lakeman stated he had received an email from Hobbs Construction wherein they stated they would not be able to attend this Board Meeting. However, he stated there is a representative from GameTime in attendance.

Ms. Doris Harpain representing GameTime addressed the Board, noting they did give Hobbs Construction a quote for the Playcore structure, they subsequently decided to submit a bid as a General Contractor. Responding to Mr. Jensen’s question, Ms. Harpain stated the Hobbs Construction proposal did not include the quoted Playcore structure as provided by GameTime. Mr. Jensen clarified that the four bids were submitted from three different manufacturers. He stated the Bid specifications called for either Ross Equipment or equal. He stated Hobbs Construction’s bid did not include either Ross Equipment or Playcore.

Approved as Recommended

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

b. Report on Status of Park Refurbishment Contracts

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.

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

Directors Burleson, Fowler, and Spina expressed their appreciation to staff for the documents and presentations with respect to this year's Budget process.

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 6:50 pm.

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



BOB VAN WYK
GENERAL MANAGER/SECRETARY



DATE