

**ACTION SUMMARY MINUTES**  
**MINUTES OF THE REGULAR MEETING OF**  
**THE BOARD OF DIRECTORS OF THE**  
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**  
**HELD WEDNESDAY, JULY 13, 2011**

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, July 13, 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  
Frances Lopez, Office Manager  
Carol Gerking, Accountant  
Esther Schwandt, Clerk to the Board

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

Greg Lopez, Husband of Frances Lopez  
Taylor Lopez, Granddaughter of Frances Lopez

**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. Van Wyk reported on the following: (1) the Board had previously authorized staff to settle a claim with a young child by paying for the hospital bill incurred when the child had been burned by an inlet/manhole cover; he noted however, that Kaiser Permanente had since decided to cover the hospital bill, and therefore the District did not have to pay that bill; (2) he noted with respect to the Basin "AE" Expansion, the property that was needed was acquired from the Railroad, and that acquisition had been completed; (3) he would be on vacation July 16<sup>th</sup> through July 30<sup>th</sup>; and Mr. Lakeman would be in charge of the District during his absence; and (4) he would be distributing the Evaluation documents for the General Manager to the Board Members within the next few days.

**3. APPROVAL OF MINUTES:** No Minutes were submitted.

**4. BUSINESS AND PRESENTATIONS FROM THE FLOOR:**

There was no Business or Presentations from the Floor

**5. ADDITIONS TO THE AGENDA:**

Mr. Van Wyk noted the need for one addition to the Agenda. He stated staff had requested at the June 15, 2011 Board Meeting, that the Board continue the **Public Hearing: Adoption of Resolution Amending the Storm Drainage and Flood Control Master Plan and Amending the Schedule of Drainage Costs and Fees for Local Drainage Area "EL" (Freeway 99 & Herndon Canal)** to this Board Meeting. However, the item was inadvertently left off the Agenda, so staff would request the Board add this item to the Agenda and then continue the Hearing to the August 10<sup>th</sup> Board Meeting.

Recommend the Board add **Public Hearing: Adoption of Resolution Amending the Storm Drainage and Flood Control Master Plan and Amending the Schedule of Drainage Costs and Fees for Local Drainage Area "EL" (Freeway 99 & Herndon Canal)** to the Agenda.

Mr. Jensen noted this item came up after the preparation and distribution of the Agenda, therefore pursuant to Government Code Section 54954.2(b)(2) it would require Board action to add it to the Agenda, and determination that there was need for immediate action on this matter, and the need came to the attention of the District subsequent to the Agenda being posted.

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**Approved as Recommended added as Agenda Item No. 7**

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

**6.      POTENTIAL CONFLICTS OF INTEREST:**

There were no Conflicts of Interest.

**7.      PUBLIC HEARING:**

**Adoption of Resolution Amending the Storm Drainage and Flood Control Master Plan and Amending the Schedule of Drainage Costs and Fees for Local Drainage Area "EL" (Freeway 99 & Herndon Canal)**

It is staff's recommendation the Board open this item for Public Comment, then close the item and continue the Public Hearing to the Wednesday, August 10, 2011, Board Meeting.

Chairman Spina opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:07 pm.

**Approved as Recommended, Continued item to the Wednesday, August 10, 2011 Board Meeting.**

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

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**8. CONSENT CALENDAR:**

- a. Ratification of Expenditures, June 2011
- b. Report of Public Concerns, June 2011

**Approved as Recommended**

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

**9. Adoption of Resolution of Appreciation, Honoring Frances Lopez' Twenty Years of District Service**

It is recommended the Board of Directors adopt a Resolution of Appreciation acknowledging Mrs. Frances Lopez' 20 years of dedicated service to the District.

**Approved as Recommended, Adopting Resolution No. 2011-701**

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

Director Spina presented Mrs. Lopez with the framed Resolution and expressed the Board's thanks for her service. Mr. Van Wyk then presented Mrs. Lopez with flowers and expressed his thanks. Mr. Van Wyk also introduced Mrs. Lopez' husband Greg Lopez.

Mrs. Lopez expressed her thanks to the Board and Mr. Van Wyk, noting her appreciation for the opportunities, friendships and mentoring she has been given at the District.

Mr. Lakeman expressed his thanks for the good job Mrs. Lopez has done.

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Mrs. Schwandt noted the excellent job Mrs. Lopez does as Office Manager and congratulated her on her 20 years.

Mr. Pomaville noted a couple of the projects that Mrs. Lopez' work was crucial on, and commended her on her ability to work well with her staff.

**10. Adoption of Resolution Dedicating Street Right-of-Way in Fee (*Two-thirds vote required*), Barstow Avenue Right-of-Way to City of Clovis, Basin "3G" (Barstow & Locan)**

Mr. Hofmann distributed an amended Resolution for the Board's consideration this evening.

Recommend the Board of Directors adopt the Resolution as distributed this evening, authorizing the dedication of right-of-way on Barstow Avenue to the City of Clovis for street purposes.

**Approved as Recommended, Adopting Resolution No. 2011-707**

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

**11. Authorization to Amend Drainage Facility Development Agreement No. 1621(D)-3G-31, Tract 5825, Union Community Partners (Barstow & Locan)**

Recommend the Board of Directors authorize an amendment to Development Agreement No. 1621(D)-3G-31 to include the Barstow Avenue street improvements as described in 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**

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Director Spina requested staff bring back a report to the Board as to the completion of the negotiations with the Clovis Unified School District as outlined in the Board Memorandum.

**12. Award of Contract "D-63", Concrete Improvements, Basin "D", Oso de Oro Lake Park (Barstow & Forkner)**

Recommend the Board of Directors award Contract "D-63" to Fresno Concrete Construction, Inc., in the amount of \$58,585 and reject the bid of Hobbs Construction, Inc. as unresponsive.

**Approved as Recommended**

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

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

There were no items presented.

**REPORT OF GENERAL COUNSEL**

There were no items presented.

**CLOSED SESSION**

A Closed Session was not convened.

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**ADJOURNMENT**

**Adjourned Board Meeting at 6:31 pm.**

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

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

  
\_\_\_\_\_  
DATE