

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, AUGUST 24, 2011

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, August 24, 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 Burleson

DIRECTORS ABSENT: Jennette Williams, Vice-Chairman

STAFF, CONSULTANTS,

OTHERS PRESENT:

Bob Van Wyk, General Manager-Secretary
Jerry Lakeman, District Engineer
David Pomaville, Administrative Services Manager
Peter Sanchez, Operations Engineer
Esther Schwandt, Clerk to the Board

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

Doug Hensen, Don Pickett & Associates

PRESIDING:

Director Spina, 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) a Priorities & Programming Committee has been scheduled for Tuesday, August 30th; a Community Relations Committee has been scheduled for Wednesday, August 31st; and, a Policy Committee Meeting has been scheduled for Wednesday, September 7th; (2) a High Speed Rail Meeting with the High Speed Rail Authority has been scheduled for Thursday, September 8th at the Save Mart Convention Center; he stated staff would be in attendance at this all day meeting as the proposed route will impact District facilities; and (3) the State of the County Breakfast is scheduled for 7:00 am on Wednesday, September 14, 2011, noting the Clerk to the Board would be contacting the Board as to their availability to attend.

3. APPROVAL OF MINUTES: Minutes of August 9, 2011

Mrs. Schwandt noted one correction to the Minutes of August 9, 2011 – page 2, under Closed Session, the word “litigation” should be deleted.

Approved as Recommended, with Noted Correction.

Motion by: Goodwin Second by: Rastegar
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.

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7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- a. Acceptance of Quarterly Investment Report, Second Quarter
- b. Adoption of Resolution Declaring Excess Property Not Needed for District Purposes and Authorizing Disposal of Computer Equipment, Office Equipment and Alarm/Fire System
- d. Report of Pollutant Discharge Incidents, July 2011
- e. Report on Completion of Benefit Assessment Tax Processing for Placement on County Tax Role
- g. Authorization to Execute Standard Reimbursement Agreement, Cooper River Development Company Inc., Drainage Area "DN", (Copper & Chestnut)

Approved as Recommended, Pulling Items 8.c. and 8.f.

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

- c. Authorization to Modify the District Retirement Plan Brokerage Account Services Offered Through ICMA-RC (International City and County Management Association – Retirement Corporation)**

Recommend Authorizing the General Manager-Secretary to execute the addendum to the Administrative Services Agreement with ICMA-RC and TD Ameritrade Plan Sponsor and Transfer forms to modify brokerage account services within the District's 401(a) and 457 retirement plans from UVEST to TD Ameritrade.

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Director Burleson requested clarification as to the staff recommendation. Mr. Pomaville reviewed the District's Retirement Program and specifically the brokerage account in the District's 401(a) Money Pension Plan and 457 Deferred Compensation Plan, along with the staff's recommendation. The requested action changes the brokerage provider from UVEST to TD Ameritrade.

Approved as Recommended

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

f. Authorization to Acquire Drainage Easement and Construct Erosion Control Structures at Fancher Creek and McKinley Avenue (Ingeborg & Christopher Martin)

Recommend the Board of Directors authorize repair of the erosion on the east bank of the Fancher Creek Channel and to purchase drainage easement as identified in the Board Memorandum. Staff also recommends the Board allocate \$11,340 to the project.

Responding to Director Burleson's question, Mr. Lakeman reviewed the proposed project, showing a photograph, and noting staff is proposing to expand an easement to build a berm due to the erosion.

Approved as Recommended

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

9. Authorization to Enter Into a Building Encroachment Agreement, Brawley Business Park, Drainage Area "AG" (Ashlan, Shaw, Marks, Freeway 99)

Recommend the Board of Directors authorize the execution of an encroachment agreement as outlined in the Board Memorandum.

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Approved as Recommended

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

- 10. Award of Contracts "D-64", Installation of Play Surface, Oso de Oro Park, Basin "D" (Forkner & Barstow)**

Recommend the Board of Directors award Contract "D-64" to Robertson Industries, Inc. in the amount of \$37,835.71.

Approved as Recommended

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

- 11. Reject All Bids, Contract "CZ-56", Roadway Improvement, Basin "CZ", (Chestnut s/o Nees)**

Recommend the Board of Directors reject all bids and authorize re-bidding the project.

Approved as Recommended

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

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

No items were reported.

REPORT OF GENERAL COUNSEL

No items were reported.

CLOSED SESSION

The Board then convened in Closed Session at 6:25 pm to consider the following litigation:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Pursuant to subdivision (a) of Section 54956.9: **Brar Construction and Development, Inc. Regarding Contract "RR-61" vs. FMFCD**

CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

Pursuant to subdivision (a) of Section 54956.8: **Real Estate Negotiations, Expansion of Basin "BL", Simonian Property (1619 S. Armstrong, Fresno 93727)**

The Board then convened in regular session at 7:10 pm. Mr. Smith stated no reportable action was taken in Closed Session, and the Board gave instruction to its real estate negotiator.

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ADJOURNMENT

Adjourned Board Meeting at 7:11 pm.

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

Bob Van Wyk

BOB VAN WYK
GENERAL MANAGER/SECRETARY

September 1, 2011

DATE