

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, OCTOBER, 12, 2011

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, October, 12, 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
Paul Merrill, Finance Manager
Andrew Remus, Staff Analyst
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel; Baker, Manock & Jensen
(arriving at 6:11 pm)
John Smith, Assistant General Counsel;
Baker, Manock & Jensen

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

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2. REPORT OF THE GENERAL MANAGER:

Mr. Van Wyk reported on the following: (1) the EDC will be having its 30th Anniversary Event on October 27, 2011 at the Fresno Convention Center, new Exhibit Hall; he noted the Clerk to the Board would be contacting the Board as to their availability to attend; he also noted the District has purchased space in the EDC's 30th Anniversary publication to educate the public about the District's program. The publication will be handed out at the event; and (2) the Board has been invited to attend the Central Valley Friendly Landscape Award Presentation which will be held this Saturday, October 15th at 10:00 am at the Clovis Botanical Garden; he noted the District has participated in the funding of this program through the District's Stormwater Quality Program along with the City of Clovis Public Utilities Department, the City of Fresno Department of Public Utilities Water Conservation Program, the University of California Cooperative Extension and the UC Master Gardeners of Fresno.

**3. APPROVAL OF MINUTES: Minutes of September 14, 2011;
September 15, 2011; and September 28, 2011**

Approved as Recommended

Motion by: Rastegar Second by: Goodwin
Ayes: Spina, Williams, Groom, Rastegar, Goodwin, Fowler, Burleson
Noes: None
Abstentions: Williams abstained on the Minutes of September 14th and 15th
Absentees: None

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. Authorization to Renew Grazing Lease Agreement, John and Donna McConnell, Big Dry Creek Reservoir
- b. Authorization to Renew Lease Agreement, Outdoor Systems Advertising, Basin "EH" (Herndon & Golden State)
- d. Ratification of Expenditures, September 2011
- e. Report of Public Concerns, September 2011
- f. Transmittal of Newspaper Articles Regarding Floods

Director Burleson requested pulling item 8c.

Approved as Recommended, pulling item 8c

Motion by: Williams Second by: Burleson

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

Noes: None

Abstentions: None

Absentees: None

c. Cancellation of Regular Board Meetings Scheduled for November and December 2011

Recommend the Board of Directors cancel both regularly scheduled Board Meetings in November (November 9th and 23rd) and consolidate those meetings into one to be held on Wednesday, November 16th. It is also recommended the Board of Directors cancel the second regularly scheduled Board Meeting in December (December 28th) and hold only one meeting in December and that would be on Wednesday, December 14th.

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Director Burleson noted he had a conflict with the November 16th Board Meeting date; however, he noted that Director Fowler had a conflict with the November 9th Board Meeting date, as Director Fowler had made travel arrangements upon receipt of the Board Packet with the recommended Board Meeting date of November 16th.

Approved as Recommended

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

- 9. Adoption of Resolution Dedicating Street in Fee (*Two-thirds vote required*),
Temperance Avenue to City of Clovis, Pup Creek Detention Basin (Sierra &
Temperance)**

Recommend the Board of Directors adopt the Resolution attached to the Board Memorandum, resolution authorizing the dedication of a strip of land to the City of Clovis for street purposes only for a portion of Temperance Avenue as shown on the attached Exhibit "A" as attached to the Board Memorandum, after Legal Counsel approves the appropriate form of the agreement.

Mr. Van Wyk noted the agreement has been reviewed by Legal Counsel and has been submitted to the Board in its final format.

Approved as Recommended, Adopting Resolution No. 2011-718

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

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10. Authorization to Execute Non-Standard Reimbursement Agreement, City of Fresno, Veterans Home, Contract "NN-6", Drainage Area "NN" (California & Marks)

Recommend the Board of Directors authorize staff to execute a non-standard drainage reimbursement agreement with the City of Fresno for the construction of the Master Plan facilities shown on Exhibit No. 1 attached to the Board Memorandum.

Approved as Recommended

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

11. Award of Contract, Keyless Entry System to Matson Alarm for the District Office Complex

Recommend the Board of Directors select Matson Alarm to supply, deliver and install a Keyless Entry System and authorize the General Manager-Secretary to enter into an agreement with Matson Alarm in the amount not to exceed \$16,000.

Approved as Recommended

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

12. Submittal of Fourth Quarter Budget Report, Fiscal Year 2010-2011

Recommend the Board of Directors: (a) accept the Fourth Quarter Budget Report Executive Summary ending June 30, 2011; (b) approve the adjustment to the 2011-2012 Budget Opening Fund Balances; and (c) approve the carryover of Capital Projects of \$1,209,536.

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Mr. Merrill noted one correction to page one of the Board Memorandum, noting the amount in the second paragraph, line three, under District Wide Fund Financial Summary, should be \$32,133,128 not \$33,133,128 as shown.

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:

- a. Authorization of Director Travel to Participate in Council of Fresno County Governments (COG), “One Voice”, Washington DC, February 25, 2012 – March 1, 2012**

Recommend the Board of Directors:

- (1) Determine if it is in the best interest of the District to participate in the “One Voice” Council of Fresno County Governments (COG) Delegation to Washington DC on February 25, 2012 – March 1, 2012;
- (2) If it is determined the District should be represented, it is requested the Board designate a Board Member to represent the District; and
- (3) It is further recommended the Board authorize the travel expenses be paid on behalf of the designated Director.

Director Spina noted while he supported maintaining contact with Congressional Representatives from the District’s area, he did not support the District’s participation in the “One Voice” delegation, as he believed the proposals have very little to do with our District. He stated his belief that we could do a lot more by meeting with our Congressional Representatives here locally and informing them of the District and its mission. He also noted the participation by the District and Board Members in various other agencies and organizations.

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Director Goodwin noted the reasoning behind establishing "One Voice" was to establish a presence back in Washington DC as the frequent comments that COG had received was that it was easy to forget our area because our presence was never made known back there.

Discussion was carried among Board Members and staff as to the pros and cons in participating and what could be done locally to further the District's specific legislative issues.

Director Burleson noted he has attended "One Voice" in the past, and could definitely see the pros and cons and concurred with Director Goodwin that if you do not get a foot in the door you may not be recognized.

Director Groom noted he concurred with Director Spina's comments in that looking at the specific items on the agenda for "One Voice" this year, he did not support the District attending. However, in the future should an item be of interest to the District, such as water preservation then he believed the District should definitely participate.

Director Fowler noted he could support the District attending, however he stated he supported Director Spina's comments, in that he did not believe COG's subject matter is drainage or water storage issues, noting they are mostly focused on transportation.

The Board determined it would not be in the best interest of the District to participate in the "One Voice" Council of Fresno County Governments (COG) Delegation to Washington DC this year.

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

Director Spina appointed an Ad Hoc Committee made up of Director Goodwin and Director Burleson on developing a workable plan for 2012 on the District contacting Congressional Representatives.

REPORT OF GENERAL COUNSEL

Mr. Jensen reported on Legislative items of interest to the District. Mr. Smith reported Legal Counsel and staff had met with representatives of the Fresno Unified School District (FUSD) regarding property exchange in conjunction with Basin "II₁". He stated Monday, the District received the FUSD's draft agreement and noted that staff and Legal Counsel would be working on that and moving forward.

CLOSED SESSION

The Board then convened in Closed Session at 6:59 pm to consider the following litigation:

- 15. 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**

The Board then convened in regular session at 7:36 pm. Mr. Smith stated no reportable action was taken in Closed Session.

ADJOURNMENT

Adjourned Board Meeting at 7:37 pm.

Motion by: Groom Second by: Rastegar
Ayes: Spina, Groom, Rastegar, Goodwin, Fowler, Burleson
Noes: None
Abstentions: None
Absentees: Williams left the Board Meeting at 7:18 pm.



BOB VAN WYK
GENERAL MANAGER/SECRETARY



DATE