

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, OCTOBER 26, 2011

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, October 26, 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
Peter Sanchez, Operations Engineer
Paul Merrill, Finance Manager
Daniel Rourke, Environmental Resources Manager
Andrew Remus, Staff Analyst
Carol Gerking, Accountant
Esther Schwandt, Clerk to the Board

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

Melissa Moradian, Jeffrey Scott Agency
Brian Laurenson, Larry Walker Associates
Jeff Noel, Krazan and Associates

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

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, OCTOBER 26, 2011
PAGE 2 OF 9**

2. REPORT OF THE GENERAL MANAGER:

Mr. Van Wyk reported on the following: (1) he stated the District had received an email from the State Department of Water Resources indicating that instead of the invoice they had send the District in the amount of approximately \$6 million dollars, they have now reduced that amount to \$406,000; he stated staff anticipates receiving the official notification in time for the November Board Meeting where staff will request Authorization to Issue a Check in the amended amount; (2) he reminded the Board of the Economic Development Corporation's 30th Anniversary which is scheduled for tomorrow, Thursday, October 27th at the Fresno Convention Center; he noted the Clerk to the Board has distributed tickets to those Board Members who indicated they would be able to attend; and, (3) the City of Fresno has submitted a grant for Proposition 84 grant funds for improvements along Fancher Creek between Fowler and Clovis; due to the timing of that the District was asked to submit a letter of support, and staff has done so; also, the City has received grant funds for a Flood Control and Urban Drainage project; he noted discussions have been held at the staff level between the District and the City as to the District possibly taking over the Grant responsibilities for the City of Fresno; he stated staff anticipates this item coming before the District Board of Directors at the November Board Meeting.

3. APPROVAL OF MINUTES: Minutes of October 12, 2011

Approved as Recommended

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

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, OCTOBER 26, 2011
PAGE 3 OF 9**

6. POTENTIAL CONFLICTS OF INTEREST:

There were no Conflicts of Interest.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- a. Authorization to Renew Grazing Lease Agreement, Floyd Harlan, Big Dry Creek Reservoir
- b. Authorization to Renew Grazing Lease Agreement, Ken and Sally Behling, Big Dry Creek Reservoir
- c. Report of Pollutant Discharge Incidents, September 2011
- d. Report on Award of Uniform Cost Accounting Contracts:
 - (1) Contract "L-27" (Barstow & Fresno); Pipeline Reconstruction
- e. Reports from Accounting Department:
 - (1) Acceptance of First Quarter Budget Report, Fiscal Year 2011-2012
 - (2) Report on Changes to District's Financial Management System, Phase III

Director Spina requested Items 8d(2) and 8f be pulled.

Approved as Recommended, Pulling Items 8d(2) and 8f

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

d. Report on Award of Uniform Cost Accounting Contracts:

(2) Contract "5B/5C-39" (Villa & Freeway 168); Electrical Facilities

No action is required of the Board of Directors unless specific direction is to be given to staff.

At the request of Director Spina, Mr. Lakeman clarified with respect to Rule 16 as it applies to PG&E.

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

f. Transmittal of Upper Kings Basin Integrated Regional Water Management Plan

No action is required of the Board of Directors unless specific direction is to be given to staff.

Responding to Director Spina's question, Mr. Lakeman stated staff did not propose the Board adopt the plan this evening, noting the Board has not seen the plan. He noted staff anticipates bringing the adoption of the Upper Kings Basin Integrated Regional Water Management Plan to the November 16th Board Meeting.

Responding to Director Goodwin's question, Mr. Lakeman noted Director Goodwin was correct, the Upper Kings Basin Integrated Regional Water Management Plan was adopted a few years ago by the then members, as the District was not a member of this group at that time. He also noted that the Department of Water Resources is asking that everyone who has grants should be adopting the plans.

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

9. Approval of 2011-2012 Scope of Work for Jeffrey Scott Agency, District Stormwater Management Program, Public Information and Education Services

Recommend the Board of Directors approve the Scope of Work dated October 26, 2011 at an amount not to exceed \$128,000.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, OCTOBER 26, 2011
PAGE 5 OF 9**

Mr. Rourke noted Ms. Melissa Moradian representing Jeffrey Scott Agency was in attendance should the Board have any questions regarding their proposal or services.

Approved as Recommended

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

10. Award of Contract to Larry Walker Associates, Stormwater Quality Monitoring and Technical Consulting

Recommend the Board of Directors select Larry Walker Associates to provide Stormwater Monitoring and Technical Services to the District and authorize the General Manager-Secretary to sign an agreement for those services.

He noted Mr. Brian Laurenson representing Larry Walker Associates and Mr. Jeff Noel representing Krazan and Associates were in attendance should the Board have any questions regarding their proposal or services.

Approved as Recommended

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

11. Consideration of Methodology to Calculate Reimbursement of District Costs and Staff Time Associated with Development Agreements

Recommend the Board of Directors approve the methodology to calculate hourly rates for the reimbursement of staff time as described in Table No. 1 as attached to the Board Memorandum.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, OCTOBER 26, 2011
PAGE 6 OF 9**

Responding to Director Goodwin's question as to her belief the benefits were not included in the calculations provided in the Board Memorandum, Mr. Pomaville noted that Director Goodwin was correct, noting the calculations should have been salary plus benefits divided by total calculated hours.

Approved as Recommended, with the change that the calculation be change to reflect salary plus benefits divided by total calculated hours.

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

12. This Item was Pulled

As this Item was pulled, no further action was taken.

13. Adoption of Resolution Relinquishing District Interest in Flood Easement, Fowler Floodway, Fancher Creek

Recommend the Board of Directors adopt the resolution attached to the Board Memorandum relinquishing the District's interest in the flood easement to the current owner of the property.

Director Spina requested one change to the Resolution, page one, 5th paragraph reads "WHEREAS, the District has confirmed . . . State of California hasn't any interest in the . . .". He requested this be re-written deleting the word "hasn't" and replace with ". . . has no interest . . ." so that it reads better.

Approved as Recommended, Adopting Resolution No. 2011-719 with the above noted change.

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

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, OCTOBER 26, 2011
PAGE 7 OF 9**

14. Authorization to Sign Land Exchange and FMFCD Cost Recovery Agreement, Fresno Unified School District, Drainage Area "II₁" (Elm, Church, Fig, Grove)

Recommend the Board of Directors authorize execution of an agreement with Fresno Unified School District (FUSD) for the relocation of a portion of Basin "II₁" as outlined in the Board Memorandum.

Approved as Recommended

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

15. This Item was Pulled

As this Item was pulled, no further action was taken.

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

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

(1) San Joaquin River Conservancy (SJRC), Director Williams

Director Williams give a verbal report of the San Joaquin River Conservancy (SJRC) meeting held on October 12, 2011.

Director Williams gave a verbal report.

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

(2) Upper Kings Basin Integrated Regional Water Management Authority (UKBIRWMA), Director Spina

Director Spina give a verbal report of the Upper Kings Basin Integrated Regional Water Management Authority (UKBIRWMA) meeting held on October 19, 2011.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, OCTOBER 26, 2011
PAGE 8 OF 9**

Director Spina gave a verbal report. He then requested Mr. Lakeman give a verbal report on the Prop 1E Grant for the Fancher Creek Flood Control Improvement Project. Mr. Lakeman then gave a verbal report. Mr. Lakeman noted a complete report would be coming to the Board at the next Board Meeting.

As the reports were submitted for informational purposes only, no further action was taken.

(3) Association of Metropolitan Water Agencies (AMWA), Director Burluson

Director Burluson give a verbal report of the Association of Metropolitan Water Agencies (AMWA) meeting held on October 20, 2011.

Director Burluson gave a verbal report. He also reported that Mr. Rick Heyman, the District's citizen representative to AMWA has indicated he will be submitting his resignation, as he will be moving out of the area.

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 6:59 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**

The Board then convened in regular session at 7:14 pm. Mr. Smith stated no reportable action was taken in Closed Session.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, OCTOBER 26, 2011
PAGE 9 OF 9**

ADJOURNMENT

Adjourned Board Meeting at 7:15 pm.

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



BOB VAN WYK
GENERAL MANAGER/SECRETARY



DATE