

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, NOVEMBER 16, 2011

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, November 16, 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

DIRECTORS ABSENT: Buzz Burleson

**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
Verlyn Neufeld, Construction Manager
Paul Allen, Facilities Manager
Daniel Rourke, Environmental Resources Manager
Brandy Swisher, Program Assistant
Karyn Kruser, Staff Analyst
Debbie Campbell, Development Services Manager
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel; Baker, Manock & Jensen
John Smith, Assistant General Counsel;
Baker, Manock & Jensen

Marco Lara, Gestamp Solar Company
Gary Cornell, Operations Officer, First 5 Fresno County
Rick Heyman

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

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2. REPORT OF THE GENERAL MANAGER:

Mr. Van Wyk reported on the following: (1) he distributed the schedule for the District's 2012 Board Meetings; (2) he distributed a Fresno Bee article entitled "FUSD moves ahead with SW middle school" dated November 3, 2011; he noted this is related to the School District's relocation of the District's Basin "II₁"; and (3) he distributed a copy of an email from Ed Dunkel Chairman of the Board of EDC announcing the retirement of Mr. Steve Geil, President and CEO of the EDC.

3. APPROVAL OF MINUTES: Minutes of October 26, 2011

Approved as Recommended

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

4. BUSINESS AND PRESENTATIONS FROM THE FLOOR:

There was no Business or Presentations from the Floor

5. ADDITIONS TO THE AGENDA:

Recommend the Board add to the Agenda Authorization to Enter into Installment Payment Agreement, Co.CUP No. 3318, Gestamp Solar, Drainage Area "AV", (Central & Fig).

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. 5a

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

5.a. Authorization to Enter into Installment Payment Agreement, Co.CUP No. 3318, Gestamp Solar, Drainage Area "AV", (Central & Fig).

Recommend the Board of Directors authorize the use of the Installment Payment provisions of the FMFCD Drainage Fee Ordinance for the subject development.

Mr. Marco Lara, Project Manager of the Gestamp Solar Company located at 1401 Fulton Street, Fresno CA 93721, addressed the Board regarding their request to enter into the installment payment agreement with the District.

Approved as Recommended

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

6. POTENTIAL CONFLICTS OF INTEREST:

There were no Conflicts of Interest.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

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8. CONSENT CALENDAR:

- a. Approval 2011-2012 Scope of Work, Larry Walker Associates, NPDES Stormwater Quality Monitoring
- b. **Authorization to Execute Master Maintenance Service Contracts**

Mr. Van Wyk noted an amendment to this item was distributed this evening.
- c. Authorization to Schedule Public Hearing to Adopt Resolution Amending the Storm Drainage and Flood Control Master Plan and Amending the Schedule of Drainage Fees, Surcharges and Costs for Local Drainage Areas (2012 Rate Schedule)
- d. Award of Contract "PCC-18", Reconstruction of Pup Creek Discharge Structure into Big Dry Creek Channel (Helm Avenue n/o Shaw Avenue)
- e. Engineer's Report of Construction, October 2011
- f. Engineer's Report of Projects, October 2011
- g. Quarterly Real Estate Report, November 2011
- h. Ratification of Expenditures, October 2011
- i. Report of Pollutant Discharge Incidents, October 2011
- j. Report of Public Concerns, October 2011
- k. Report on Purchase of Television and Radio Media Time for the District's Winter Public Service Announcements to Comply with Stormwater Quality Permit
- l. Report on Other Post Employment Benefit (OPEB) Investment Returns
- m. Report on Fresno Metropolitan Flood Control District Retirement Pension Plan Trustee Meeting

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Approved as Recommended, with the Amendment of 8b

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

9. Adoption of Resolution Authorizing Fresno Metropolitan Flood Control District to be Grant Recipient (Proposition 1E Grant) Fancher Creek Flood Control Improvement Project

Mr. Pomaville noted an amended draft Resolution was distributed to the Board this evening.

Recommend the Board of Directors adopt the Resolution accepting responsibility for the grant application for Disaster Preparedness and Flood Protection Bond Act of 2006 funding for the Fancher Creek Flood Protection Project as distributed at the Board Meeting, and appoint the General Manager-Secretary as the individual authorized to enter into an agreement with the Department of Water Resources for implementation of the grant.

Approved as Recommended, Adopting the Amended Resolution No. 2011-723

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

10. Adoption of Resolutions of Appreciation:

a. Fansler Foundation Grant for Basin "D" Oso de Oro Lake Park

Recommend the Board of Directors adopt the Resolution attached to the Board Memorandum recognizing the Fansler Foundation's support of Oso de Oro Lake Park and the disabled throughout our community.

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Approved as Recommended, Adopting Resolution No. 2011-720

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

- b. First 5 Fresno County Grants for Basin "D" Oso de Oro Lake Park (Forkner & Barstow); Basin "TT-2" (Grove w/o Walnut); Basin "FF" (West s/o Kearney); and Trolley Creek Park, Basin "Y" (Kings Canyon & Adler)**

Recommend the Board of Directors adopt the Resolution attached to the Board Memorandum recognizing the grants awarded by First 5 Fresno County to the District.

Mr. Gary Cornell, Operations Officer for First 5 Fresno County addressed the Board expressing their appreciation for the Resolution and noted First 5 Fresno County's goal is to provide shade structures so children can play throughout the day in the hot summer, noting it promotes physical activity and interaction. He then expressed his thanks to District staff, in particular Dave Pomaville, Brandy Swisher and Bob Notley.

Approved as Recommended, Adopting Resolution No. 2011-721

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

Chairman Spina expressed the District's thanks and presented Mr. Cornell with the framed Resolution.

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c. Rick Heyman's Service as District Representative to Association of Metropolitan Water Agencies (AMWA)

Recommend the Board of Directors adopt the Resolution of Appreciation for Rick Heyman as attached to the Board Memorandum.

Approved as Recommended, Adopting Resolution No. 2011-722

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

Mr. Heyman expressed his thanks to the Board and staff for the opportunity to serve the District. He also expressed his appreciation and pleasure on working for the Board as their representative on the AMWA Committee.

Chairman Spina then expressed the Board's thanks, and presented Mr. Heyman with the framed Resolution.

11. Authorization to Execute Standard Reimbursement Agreement, Redevelopment Agency of the City of Fresno, Contract "RR-71" (Abby Street & Hedges Avenue)

Recommend the Board of Directors authorize staff to execute a Standard Reimbursement Agreement with the Agency for the construction of the Reimbursable Facilities on Abby/Hedges as shown on Exhibit No. 1 as attached to the Board Memorandum. It is further recommended the Board of Directors authorize reallocation of funding as described in the Board Memorandum.

Approved as Recommended

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

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12. Authorization to Increase Employee Contributions to the Cafeteria Plan Unreimbursed Medical Spending Account for Calendar Year 2012

Recommend the Board of Directors consider the requested maximum increase to the unreimbursed medical spending account in the cafeteria plan to \$7,500 for Plan year 2012.

Director Spina noted a typographical error on Attachment 1, 8.03 Maximum Medical Care Expense Reimbursement (b) ~~Fifteen Thousand Seven Thousand Five Hundred~~ and No/100 Dollars (\$7,500.00). The written dollar amount should be Seven Thousand Five Hundred and No/100 Dollars, not Fifteen Thousand as shown.

Approved as Recommended with the Above Noted Correction

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

13. This Item was Pulled

As this item was pulled, no further action as taken.

14. Upper Kings Basin Integrated Regional Water Management Plan:

- a. Adoption of Resolution Affirming the Authority's Finding that the Integrated Regional Water Management Plan (IRWMP) is Exempt from CEQA**

Recommend the Board of Directors adopt the Resolution attached to the Board Memorandum, and make a finding that the IRWMP is exempt under CEQA.

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Approved as Recommended, Adopting Resolution No. 2011-724

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

b. Adoption of Resolution Confirming the Adoption of the Upper Kings Basin Integrated Regional Water Management Plan

Recommend the Board of Directors adopt the Resolution attached to the Board Memorandum, Resolution confirming its adoption of the Upper Kings Basin Integrated Regional Water Management Plan.

Approved as Recommended, Adopting Resolution No. 2011-725

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

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

a. Ratification of Appointment of Director Barbara Goodwin to San Joaquin River Conservancy (SJRC) Board of Directors

Recommend the Board of Directors ratify the appointment of Director Goodwin as proposed by Chairman Spina to serve the remainder of Director Williams' term on the San Joaquin River Conservancy Board of Directors.

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Approved as Recommended

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

**b. Recommendation from Policy Committee, Adoption of Proposed Policy,
 Drainage Report**

The Policy Committee recommends the Board of Directors adopt the Drainage Report Policy and Guidelines.

Approved as Recommended

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

REPORT OF GENERAL COUNSEL

Mr. Jensen reported on Legislative items of interest to the District.

CLOSED SESSION

The Board then convened in Closed Session at 6:41 pm to consider the following litigation:

- 17. 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**

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**18. CONFERENCE WITH REAL PROPERTY NEGOTIATORS:
Pursuant to subdivision (a) of Section 54956.8: Real Estate Negotiations,
Relocation of Basin "II₁", Fresno Unified School District (Grove e/o Fig)**

The Board then convened in regular session at 7:05 pm. Mr. Jensen stated no reportable action was taken in Closed Session.

ADJOURNMENT

Adjourned Board Meeting at 7:06 pm

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



BOB VAN WYK
GENERAL MANAGER/SECRETARY



DATE