

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, DECEMBER 14, 2011

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, December 14, 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
Barbara Goodwin
Frank Fowler
Buzz Burleson

DIRECTORS ABSENT: Mike Rastegar

**STAFF, CONSULTANTS,
OTHERS PRESENT:**

Bob Van Wyk, General Manager-Secretary
Jerry Lakeman, District Engineer
Alan Hofmann, Assistant District Engineer/Design
Peter Sanchez, Operations Engineer
Frances Lopez, Office Manager
Paul Merrill, Finance Manager
Paul Allen, Facilities Manager
Daniel Rourke, Environmental Resources Manager
Kristine Johnson, Staff Analyst
Fernando Tapia, Facilities Technician
Esther Schwandt, Clerk to the Board

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

Deborah Kruse, San Joaquin Valley Leadership Forum
Kathy Niederfrank, West Fresno Elementary School
Ann Hankes, St. Anthony's in Fresno
Sandy Fuerte, Valley Arts and Science Academy

PRESIDING: Director Spina, presiding as Chairman called the meeting to order at 6:00 p.m. and Director Goodwin 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 a copy of an email from the Association of California Water Agencies (ACWA) entitled "ACWA Releases Poll Showing Water is Still a Concern for Californians"; and noted he believed this reflected the way the District Board and staff have been looking at District basin sites as a broader resource management tool for the community with respect to additional storage capacity; (2) he then showed photos of a District framed Resolution being presented by Chairman Spina and the General Manager to the Fansler Foundation; and noted the Fansler Foundation was very complimentary of the District; (3) he distributed a letter from the California High Speed Rail Authority giving updates on the proposed route through the Valley; (4) he distributed a copy of the Opinion section of the Fresno Bee dated Tuesday, December 13, 2011 regarding a letter submitted by Jim Erbe, entitled "Open Park Basin"; Mr. Van Wyk stated the letter addresses concerns at Basin "B/E" (s/o Gettysburg e/o First); he noted the property owner was frustrated the Basin site was closed; Mr. Van Wyk noted staff attempts to leave the basin sites open as long as possible, but has to close them for winter; he noted this particular site's recreational function is operated by the City of Fresno and the City staff have indicated they do not currently have staff to open and close the site, so the site is closed for the season; (4) he distributed an email from the Kings River Conservation District which had forward an article that appeared in the Hanford Sentinel dated Monday, December 12, 2011 entitled "Work of Local Water Association Praised"; he noted the article highlighted the Kings Basin Water Authority; and focuses on the Department of Water Resources forcing local public water agencies to get together to decide which projects are of a priority to the local area and how it appears to be working quite well; (5) he distributed a letter from David Pomaville regarding his recent resignation from the District to accept a position as Director of Environmental Health for the County of Fresno; Mr. Van Wyk stated staff would be looking on how to fill this position the beginning of next year; he noted the only significant delay would be to the Ad Hoc Committee – Solar project; however, he noted this was not a high priority for the District; Director Spina noted Mr. Pomaville's leaving would be a loss to the District, however on behalf of the Board he wished him well and noted he would be an asset to the County; (6) he stated the Economic Development Corporation (EDC) had met this morning regarding the replacement for Steve Geil's position, and indicated the Board would be offering the position to Steve's Assistant, Lee Ann Eager; and (7) he requested Mr. Lakeman report on the arrest of an individual responsible for stealing the District's inlet steel covers.

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Mr. Lakeman reported the Ag Crime Task Force (Task Force) has been trying to track the thefts of the District's inlets along with the theft of wire in the urban and rural areas. He stated the Task Force had received a tip from an individual as to the identity of the person responsible, had apprehended the individual today, and have learned that he is a part of a group responsible for the thefts. Mr. Lakeman noted staff was able to identify the lids in the individual's vehicle as belonging to the District. He noted the District has lost approximately 253 lids which cost approximately \$150.00 apiece. He stated the Task Force offers a reward to the individual for the tip and they have asked if the District would be willing to contribute to the reward. Discussion was carried among Board Members and staff regarding the District participating in the reward, the appropriate amount; the "Crime Stoppers" group rewards, and details on the guidelines of awarding the individual the reward. It was the consensus of the Board that additional information be brought to the Board regarding the details of the reward, who is participating, etc. and possibly having representatives from the Task Force attend the next Board Meeting.

3. APPROVAL OF MINUTES: Minutes of November 16, 2011

Due to his absence at the November 16, 2011 Board Meeting, Director Burleson abstained.

Approved as Recommended

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

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, Third Quarter
- b. Authorization to Execute Standard Developer Agreement, Tract 5815, Drainage Area "BV" (Shields & Locan), Pleasant Valley Investments LC
- c. Ratification of Expenditures, November 2011
- d. Report of Pollutant Discharge Incidents, November 2011
- e. Report of Public Concerns, November 2011
- f. Report of Reduction of Retention on Public Contracts, Senate Bill 293 (Padilla)
- g. Report on Award of Uniform Cost Accounting Contract "3A-12" (Helm Avenue n/o Shaw Avenue) – PG&E Electrical Facilities

Approved as Recommended

Motion by: Williams Second by: Fowler

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

Noes: None

Abstentions: None

Absentees: Rastegar

12. Award of 2012-2013 Clean Stormwater Grants

Recommend the Board of Directors award 2012 Clean Stormwater Grants totaling \$35,303.52 for projects recommended for funding as shown on Table No.1 as attached to the Board Memorandum. Additionally, staff requests authorization to distribute the press release regarding the grant awards as attached to the Board Memorandum.

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Approved as Recommended

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

Ms. Deborah Kruse representing the San Joaquin Valley Leadership Forum addressed the Board expressing their thanks, and noting they are looking forward to using the Grant funds to test water quality at Little Dry Creek.

Mrs. Kathy Niederfrank representing West Fresno Elementary School addressed the Board expressing their thanks, and noting that approximately 100 children will be able to go on a field trip to the San Joaquin River thanks to the Grant funds.

Ms. Ann Hanks representing the 5th Grade Classrooms of St. Anthony's in Fresno, addressed the Board expressing their thanks and noted the children will be going on a field trip to the San Joaquin River thanks to the Grant funds.

Ms. Sandy Fuerte representing Valley Arts and Science Academy addressed the Board noting they will also be utilizing the Grant funds for their 5th Grade class to attend the San Jan Joaquin River.

9. Adoption of Resolution Confirming the Schedule of Fees and Surcharges

Recommend the Board of Directors: (1) Find that adoption of the Resolution is exempt from further CEQA assessment per the provisions of Public Resources Code Section 21080(b)(8)(D); (2) adopt the Resolution attached to the Board Memorandum confirming the existing cost and fees schedules set forth therein; and (3) Direct staff to transmit the fee schedule to the City of Fresno and the City of Clovis for adoption.

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Approved as Recommended, (1) Finding that adoption of the Resolution is exempt from further CEQA assessment per the provisions of Public Resources Code Section 21080(b)(8)(D).

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

Approved as Recommended, (2) Adopting Resolution No. 2011-726, Resolution confirming the existing cost and fees schedules set forth therein; and (3) Directed staff to transmit the fee schedule to the City of Fresno and the City of Clovis for adoption.

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

10. Authorization to Sign Basin Joint Use and Maintenance Agreement with Caltrans ("H" Street & Monterey)

Recommend the Board of Directors authorize staff to enter into a Joint Use and Maintenance Agreement with Caltrans as outlined in the Board Memorandum.

Approved as Recommended

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

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11. Authorization to Exercise Developed Basin Maintenance Agreement, Second Option Year, Mow-N-Edge Corporation and Clean Cut Landscape, Inc.

Recommend the Board of Directors authorize staff to exercise the second and final option year of the maintenance contracts for developed basins Units I, III and IV to Mow-N-Edge and Unit II to Clean Cut Landscape.

Mr. Allen introduced District Facilities Technician Fernando Tapia who was in attendance this evening, and who oversees the District's Developed Basin Maintenance program.

Approved as Recommended

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

13. Award of Contract to Maintain Operations Center Landscape Area, Ed Jakusz & Son Property Maintenance

Recommend the Board of Directors award the contract for the maintenance of the District's Operations Center landscape to Ed Jakusz & Son Property Maintenance.

Approved as Recommended

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

14. Report of Potential Opportunities to Increase the District's Water Storage Capacity

This item is submitted to facilitate discussion by Board Members as to its interest in directing additional resources to develop water storage.

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Discussion was carried among Board Members and staff as to potential opportunities to increase water storage in District facilities as outlined in the Board Memorandum.

Responding to Director Groom's question as to "One Voice" projects, Mr. Lakeman stated there were no potential "One Voice" projects listed in the Board Memorandum; however, there are components for potential State loan grants, similar to what the District had recently applied for under Proposition 1E for Stormwater and Flood Control purposes.

Director Burluson stated he supported the District selling dirt whenever opportunities became available.

Director Fowler stated he could support excavating current District sites. However, he did not believe he could support buying more land for future water storage, as he did not believe the District had any mandate to store and supply water noting there are other agencies that can do that; unless, the District were somehow tied into a joint program with the other agencies, and the District's role was clearly defined, noting his belief the District could not use its funds to go out and buy facilities for water storage.

Mr. Lakeman noted the District's storage in the urban area is relatively small and when staff talks about additional storage, it is referring to storage for flood control purposes.

Director Spina noted the Board had directed the General Manager in his evaluation to develop some ideas for water storage within existing or new facilities, which he believed Mr. Lakeman had addressed in his Board Memorandum. However, he concurred with Director Fowler in that the District needs to insure we are within the context of our primary mission. He noted we can possibly achieve maximum water storage by expanding the depth of the District's current facilities.

Mr. Van Wyk noted staff has begun this process, referencing the recent item that was brought to the Board, the redesign of Basin "II₁" where the depth was originally 15 feet, but at the suggestion of staff, the Board adopted a design of 30 feet. He noted the District has drainage fee monies to provide urban drainage services, but the District does not have funds to buy additional lands. He stated this is where the District would need to gather the funds from some other source.

Director Fowler noted in working with the Upper Kings Basin and the other agencies, the District could apply for grants with multiple uses i.e. flood control, water storage, groundwater recharge, etc., noting that would be the District's best avenue to try to tap into State dollars.

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

16. Approval of Proposed Upper Kings Basin Integrated Regional Water Management Plan (UKBIRWMPA) Project List

Recommend the Board of Directors approve the Dry Creek Improvement Project for addition to the project list of the UKBIRWMPA.

Approved as Recommended

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

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

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

- (1) ACWA 2011 Fall Conference and Joint Powers Insurance Authority (JPIA) Board of Directors' Meeting, November 28-29, 2011, Anaheim, California, Director Groom**

Recommend Director Groom give a verbal report of the ACWA 2011 Fall Conference and Joint Powers Insurance Authority (JPIA) Board of Directors' Meeting held on Monday, November 28th – Tuesday, November 29th, 2011 in Anaheim, California.

Director Groom gave a verbal report of the JPIA Board of Directors' Meeting held on Monday, November 28th – Tuesday, November 29th, 2011 in Anaheim, California.

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

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 7:38 pm to consider the following litigation:

- 18. 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 8:13 pm. Mr. Smith stated no reportable action was taken in Closed Session.

ADJOURNMENT

Adjourned Board Meeting at 8:13 pm.

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



BOB VAN WYK
GENERAL MANAGER/SECRETARY



DATE