

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, JANUARY 11, 2012

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, January 11, 2012 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: Jennette Williams, Vice-Chairman
Kendall Groom
Mike Rastegar
Barbara Goodwin
Frank Fowler
Buzz Burleson

DIRECTORS ABSENT: Roy Spina, Chairman

STAFF, CONSULTANTS,
OTHERS PRESENT: Bob Van Wyk, General Manager-Secretary
Jerry Lakeman, District Engineer
Alan Hofmann, Assistant District Engineer/Design
Peter Sanchez, Operations Engineer
Daniel Rourke, Environmental Resources Manager
Larry Kalpakoff, Information Systems
Esther Schwandt, Clerk to the Board

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

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

2. REPORT OF THE GENERAL MANAGER:

Mr. Van Wyk reported on the following: (1) ACWA has confirmed the appointments of Director Groom to the Finance Committee and the General Manager to the Local Government Committee, representing Region 6 for ACWA; (2) he distributed an article from the Fresno Bee dated Thursday, January 5, 2012 entitled "2 Fresno Companies Sued"; at the request of Mr. Van Wyk, Mr. Rourke reviewed the article with the Board; he noted there were some inaccuracies in the article; (3) he reported the Brar matter had been settled

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, JANUARY 11, 2012
PAGE 2 OF 6**

Monday of this week, and Legal Counsel would be giving the Board a briefing on that item in Closed Session; (4) he reported on a brief meeting he had today with Larry Westerlund regarding the elimination of the Redevelopment Agency; he noted the law regarding the dissolving of a Redevelopment Agency states that a "Successor Agency" shall be designated with an oversight board composed of seven members; one of the members shall be appointed by the largest special district, by property tax share, with territory in the jurisdiction of the redevelopment agency, which according to Mr. Westerlund would be the Flood Control District; Mr. Jensen concurred; Mr. Van Wyk stated this item would be coming back to the Board with additional information; (5) he then distributed a copy of the Final Awards for the Proposition 1E Round 1 Stormwater Flood Management Grant Program dated December 21, 2011, noting the District's application for the Fancher Creek Flood Control Improvement Project was listed as number 15; Mr. Van Wyk noted the District was the only central valley applicant to receive a grant; and, (6) he distributed copies of two Western Weather Group reports; Mr. Lakeman reviewed one article which noted there was a warm pocket dome over the North Pole and would slowly push cold air southerly into the United States and change the weather patterns; he noted the other article predicts there may be some rain next week.

3. APPROVAL OF MINUTES: Minutes of December 14, 2011

Due to his absence at the December 14, 2011 Board Meeting, Director Rastegar abstained.

Approved as Recommended

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

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, JANUARY 11, 2012
PAGE 3 OF 6**

6. POTENTIAL CONFLICTS OF INTEREST:

Director Rastegar noted a potential Conflict of Interest with Agenda Item No. 12 **Authorization to Finalize Design of Basin "G" (Olive & Winery)**, and stated he would therefore be abstaining on this item.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- a. Ratification of Expenditures, December 2011
- b. Report of Award of Uniform Cost Accounting Contracts, for Annual Hydroseeding for Portions of Basins "3G" (Locan & Barstow), "5B/5C" (Sierra & Minnewawa), "7H" (Sierra & Temperance), "AE" (Barstow & Marty), "AY" (Cedar & Central), "AW₁" (Orange & North), "BM" (California & Fowler), "CS" (Minnewawa & North), "CX" (Cedar & Nees), "DH₁" (Fallbrook & Maroa) and "Big Dry Creek Channel" (Shepherd & Brugan)
- c. Report of Public Concerns, December 2011
- d. Authorization to Acquire Annual Maintenance of Software, Environmental Science Research Institute (ESRI)

Approved as Recommended

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

9. This Item was Pulled

As this item was pulled, no action was taken.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, JANUARY 11, 2012
PAGE 4 OF 6**

10. Authorization to Appraise and Negotiate to Acquire Pup Creek Detention Basin No. 2 (s/o Herndon e/o DeWolf Avenues)

(1) Recommend the Board of Directors authorizes staff to appraise and negotiate to acquire Pup Creek Detention Basin No. 2 subject to successful completion of CEQA review and adoption of appropriate mitigation measures, incorporation into the Master Plan, and review of the site assessment. (2) Staff also recommends the Board of Directors approve the deeper ultimate basin excavation option identified in the discussion portion of the Board Memorandum.

Approved Item (1) as Recommended; The Board did not approve Item (2)

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

11. Authorizations Related to Dry Creek Extension Basin (Annadale & Brawley):

- a. Amendment to Agreement Terms and Basin Design Modification**
- b. Relocation of Power Line**
- c. Adoption of Resolution for Dedication of Easement to PG&E**
(requires five affirmative votes)

Recommend the Board of Directors approve the basin design shown on Attachment No. 2 as attached to the Board Memorandum, and amendment of the agreement with Qualls to allow the removal of the additional material in exchange for removal of the clay layers beneath the proposed basin floor.

Recommend the Board of Directors (i) authorize staff to proceed with relocation of the power line and (ii) authorize dedication of an easement to PG&E through adoption of the Resolution attached to the Board Memorandum.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, JANUARY 11, 2012
PAGE 5 OF 6**

Approved as Recommended, Adopting Resolution No. 2012-727

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

Director Rastegar recused himself from the proceedings due to a potential conflict of interest with item No. 12 and left the dais at 6:41 pm.

12. Authorization to Finalize Design of Basin “G” (Olive & Winery)

Recommend the Board of Directors approve the implementation of the Basin “G” design represented in the Board Memorandum as Attachment No. 4.

Approved as Recommended

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

Director Rastegar returned to the dais at 6:57 pm.

13. Discussion of Low Impact Development and the Fresno Metropolitan Flood Control District’s Regional Drainage System

Report submitted for informational purposes only, no action is required by the Board unless specific direction is to be given to staff.

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

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

No items were submitted.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, JANUARY 11, 2012
PAGE 6 OF 6**

REPORT OF GENERAL COUNSEL

Mr. Jensen reported on Legislative items of interest to the District. He also reported ACWA has confirmed his appointment to the State Legislative Committee, representing Region 6 for ACWA.

CLOSED SESSION

The Board then convened in Closed Session at 7:10 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 7:23 pm. Mr. Jensen reported the Board had in Closed Session confirmed and approved of a \$35,000 settlement regarding the above mentioned litigation.

ADJOURNMENT

Adjourned Board Meeting at 7:24 pm.

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



BOB VAN WYK
GENERAL MANAGER/SECRETARY



DATE