

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, JANUARY 25, 2012

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, January 25, 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: Roy Spina, Chairman
Jennette Williams, Vice-Chairman
Kendall Groom
Mike Rastegar
Barbara Goodwin
Frank Fowler
Buzz Burleson

DIRECTORS ABSENT: None

**STAFF, CONSULTANTS,
OTHERS PRESENT:** Jerry Lakeman, District Engineer
Alan Hofmann, Assistant District Engineer/Design
Peter Sanchez, Operations Engineer
Daniel Rourke, Environmental Resources Manager
Brandy Swisher, Program Assistant
Karyn Kruser, Staff Analyst
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel; Baker, Manock & Jensen
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 Director Williams led the Pledge of Allegiance. Director Spina expressed his appreciation to Board, Staff and Legal Counsel for their thoughts and prayers, and the plant during his recent hospital stay and recovery. He also thanked Director Williams for serving as Chairman at the last Board Meeting during his absence.

2. REPORT OF THE GENERAL MANAGER:

Mr. Lakeman reported on behalf of the General Manager, and noted there were no items to report.

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3. APPROVAL OF MINUTES: Minutes of January 11, 2012

Due to his absence at the January 11, 2012 Board Meeting, Director Spina abstained.

Approved as Recommended

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

4. BUSINESS AND PRESENTATIONS FROM THE FLOOR:

There was no Business or Presentations from the Floor

5. ADDITIONS TO THE AGENDA:

Mr. Lakeman noted one addition to the Agenda.

Recommend the Board of Directors add Authorizations of Access Agreement with Ronald R. Samuelson Trustee Across District's Easements, Dry Creek Extension Basin (Annadale and Brawley).

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.

Approved as Recommended added as Agenda Item No. 9a

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

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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 Exchange Future Payables between City of Fresno and District, City Payable Contract "HH-25" (Jensen & Barton), District Payable Agreement No. 1618(D)-EH-24 (Herndon & Golden State)
- b. Authorization to Participate in the Partners Program Recognition Advertisement, NPDES Program
- c. Authorization to Loan Clement Renzi Statue to Fresno Art Museum for Spring Exhibition
- d. Report of Pollutant Discharge Incidents, December 2011
- e. Report on Health Insurance Premiums for 2012

Director Burleson requested pulling item 8e.

Approved as Recommended, pulling item 8e

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

e. Report on Health Insurance Premiums for 2012

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

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In response to Director Burleson's question, Ms. Kruser stated the District pays for 100% for the employee only portion of the District employees' health care costs. For the dependent coverage, the District pays 60% of the dependent portion and the employee pays 40%. Responding to Director Burleson's subsequent question, Ms. Kruser stated employees can choose from three different health care providers: Anthem Blue Cross PPO, Anthem Blue Cross HMO, and Kaiser Permanente.

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

9. This Item was Pulled

As this item was pulled, no action was taken.

9.a. Authorizations of Access Agreement with Ronald R. Samuelson Trustee Across District's Easements, Dry Creek Extension Basin (Annadale and Brawley)

Recommend the Board of Directors authorize the five arrangements as listed in the Board Memorandum.

Approved as Recommended

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

10. Authorization of Design and Contract Award Procedures for Construction and Relocation of Master Plan Facilities Affiliated with the California High Speed Rail Authority (HSR) Master Project

Recommend the Board of Directors authorize Option 3 as shown in the Board Memorandum; namely, that the High Speed Rail Authority (HSR) prepare the design and award the storm drainage contracts.

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Approved as Recommended, Option 3

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

- 11. Authorization of Agreement to Recover Cost for Pipeline Maintenance, Contract "DE-2", Encroachments within Lots 58 and 59 of Tract 4897, Gary McDonald (International, Friant, Willow, Copper, Maple)**

Recommend the Board of Directors authorize staff to enter into an agreement with Gary McDonald as outlined in the Board Memorandum.

Approved as Recommended

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

- 12. Approve Transfer of Budgeted Engineer Position from Development Review Section to Operations Engineering and Report on Need to Fill Position**

Recommend the Board of Directors authorize transfer of budgeted funds from the Engineer II position in Development Review to Engineer I in Operations Engineering and fill the position.

Approved as Recommended

Motion by: Groom Second by: Williams
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. **Recommendation of the Ad Hoc Committee, Adoption of Resolutions to Closeout Bond Reserve and Bond Redemption Funds of Improvement Districts "CC", "AA-DD", "V" and "JJ", Reimburse the Fresno Metropolitan Flood Control District's General Fund and Transfer Improvement District "CC" Construction Funds to Drainage Area "CC" Prepaid Drainage Account (PPDA)**

The Ad Hoc Committee makes the following recommendations to the District Board of Directors:

3. Adopt the four Resolutions attached to the Board Memorandum:
- a. Resolution Ordering Change of Proceedings to Authorize Additional Work to Authorize Transfer of Funds Remaining in the Improvement Fund for Improvement District "CC" to Specified Account to Pay for Such Additional Work, and to Amend Resolution No. 1245 so as to Provide for Distribution of Remaining Funds of Improvement District "CC" to Reimburse the General Fund of the Fresno Metropolitan Flood Control District for a Portion of the Cash Advances Made from Said General Fund to Pay a Portion of the Cost and Expense of the Authorized Improvements of Said Improvement District "CC"

Mr. Lakeman noted this evening an amended Resolution was submitted for item 3a. "CC" and requested the Board adopt this Resolution in place of the one previously submitted with the packet. Said amended Resolution is attached to the Board Packet.

Approved as Recommended, Adopting Resolution No. 2012-728

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

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- b. Resolution Ordering Change of Proceedings to Amend Resolution No. 1274 so as to Provide for Distribution of Remaining Funds of Improvement District "AA-DD" to Reimburse the General Fund of the Fresno Metropolitan Flood Control District for a Portion of the Cash Advances Made from Said General Fund to Pay a Portion of the Cost and Expense of the Authorized Improvements of Said Improvement District "AA-DD"

Approved as Recommended, Adopting Resolution No. 2012-729

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

- c. Resolution Ordering Change of Proceedings to Amend Resolution No. 1368 so as to Provide for Distribution of Remaining Funds of Improvement District "V" to Reimburse the General Fund of the Fresno Metropolitan Flood Control District for a Portion of the Cash Advances Made from Said General Fund to Pay a Portion of the Cost and Expense of the Authorized Improvements of Said Improvement District "V"

Approved as Recommended, Adopting Resolution No. 2012-730

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

- d. Resolution Ordering Change of Proceedings to Amend Resolution No. 1497 so as to Provide for Distribution of Remaining Funds of Improvement District "JJ" to Reimburse the General Fund of the Fresno Metropolitan Flood Control District for a Portion of the Cash Advances Made from Said General Fund to Pay a Portion of the Cost and Expense of the Authorized Improvements of Said Improvement District "JJ"

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Approved as Recommended, Adopting Resolution No. 2012-731

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

1. “CC” Construction Funds be transferred to the “CC” PPDA Fund and Budget for the completion of the improvements.

Mr. Jensen noted one correction to above staff recommendation; it should include Reserve Funds as well as Construction Funds, as follows:

1. “CC” Construction and Reserve Funds be transferred to the “CC” PPDA Fund and Budget for the completion of the improvements.

Approved as Recommended

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

2. District staff to identify in subsequent years’ Budgets how to proceed with the balance of the work that was committed to in the Engineer’s Report for Improvement Districts “AA-DD” and “JJ”.

Approved as Recommended

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

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b. Recommendation of the Community Relations Committee:

(1) Approval of Current District Flood Line Articles

Recommend the District Board of Directors approve publication of the Winter 2011-2012 issue of the Flood Line newsletter as approved by the Community Relations Committee at its January 9, 2012 meeting.

Approved as Recommended

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

(2) Report on the Status of the National Pollution Discharge Elimination System (NPDES) Stormwater Public Involvement and Education Program's Community Partnerships

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.

c. Report of Board of Directors Attendance at Various Meetings:

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

Recommend Director Goodwin give a verbal report of the SJRC meeting held on January 11, 2012.

Director Goodwin presented 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 Burleson**

Recommend Director Burleson give a verbal report of the UKBIRWMA meetings held on December 7, 2011; December 14, 2011 and January 18, 2012.

Director Burleson presented a verbal report.

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

A Closed Session was not convened.

ADJOURNMENT

Adjourned Board Meeting at 7:14 pm.

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


JERRY LAKEMAN
DISTRICT ENGINEER

2 - 15 - 12
DATE