

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, FEBRUARY 22, 2012

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, February 22, 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:**

Bob Van Wyk, General Manager-Secretary
Jerry Lakeman, District Engineer
Alan Hofmann, Assistant District Engineer/Design
Peter Sanchez, Operations Engineer
Paul Merrill, Finance Manager
Frances Lopez, Office Manager
Paul Allen, Facilities Manager
Andrew Remus, Staff Analyst
Daniel Rourke, Environmental Resources Manager
Kristine Johnson, Staff Analyst
Larry Kalpakoff, Information Systems Coordinator
Karyn Kruser, Staff Analyst
Robert McIntyre, Computer Network Technician
Brandy Swisher, Program Assistant
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel; Baker, Manock & Jensen

Detective Brad Stevens, Crime Stoppers
Matt Rosenfeld, Crime Stoppers
Melinda Marks, San Joaquin River Conservancy

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

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2. REPORT OF THE GENERAL MANAGER:

Mr. Van Wyk reported on the following: (1) the personal injury claim filed by Robin Burrough had settled for \$5,000.00 which was sufficiently less than what the claimant had been seeking; he noted this claim was handled by the District's insurance carrier ACWA/JPIA; (2) the River Park Little League has invited the Board to its Opening Day Ceremony and Luncheon on Saturday, March 3rd at 10:30 am; he requested the Board Members interested in attending, contact the Clerk to the Board; (3) the Clerk to the Board would be contacting the Board as to their availability to attend the 2012 Valley Business Conference & Awards Luncheon scheduled for March 13, 2012; (4) the Clerk to the Board would be contacting the Board as to their availability to attend the EDC Real Estate Forecast scheduled for March 15, 2012 at 5:30 pm; (5) the Clerk to the Board would also be contacting the Board as to their availability to attend the Clovis Mayor's Breakfast scheduled for May 10, 2012 at 7:00 am at the Veteran's Memorial Building; (6) he reported on the process being followed for the expansion of Basin "CC", and noted due to the issues involved with purchasing the property from the Railroad, the General Manager will have Legal Counsel proceed with a Court Order Possession in order to expedite the process; (7) Mr. Lakeman distributed a Fresno Bee Article dated Wednesday, February 15, 2012 entitled, "Fresno's top wire thieves" and noted this item would be discussed further under Agenda Item no. 10; and (8) he noted the District has been invited to participate in a meeting with the City of Fresno regarding the Redevelopment Agency (RDA), noting as has been previously reported, the District in all likelihood would have a seat on the Oversight Board that will be approving the work of the successor agency of the RDA. He noted the General Manager and the Chairman would be attending that meeting.

3. APPROVAL OF MINUTES: Minutes of January 25, 2012

Approved as Recommended

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

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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:

Director Goodwin noted a potential Conflict of Interest with Agenda Item No. **8.h. Authorization to Execute New Administrative Services and Office Space Agreement for the San Joaquin River Conservancy**, and stated she would therefore be abstaining on this item.

Director Burluson noted a potential Conflict of Interest with Agenda Item No. **8.f. Authorization to Enter into Fiber Converged Voice and Internet Services Agreement with TW Telecom**, and stated he would therefore be abstaining on this item.

Director Groom noted a potential Conflict of Interest with Agenda Item No. **10. Consideration of Reward for Tip Leading to Arrest for Theft of Drainage Inlet Lids**, and stated he would therefore be abstaining on this item.

Director Groom recused himself from the proceedings due to a potential conflict of interest with Agenda Item No. 10 and left the dais at 6:08 pm.

10. Consideration of Reward for Tip Leading to Arrest for Theft of Drainage Inlet Lids

Recommend the Board of Directors hear the request from the Sheriff's Department representatives and provide direction to staff.

Mr. Allen noted the Arresting Officer unfortunately was not in attendance this evening. He then introduced Detective Brad Stevens and Matt Rosenfeld with Crime Stoppers who were in attendance this evening to address the Board.

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Mr. Rosenfeld, Board Member of Crime Stoppers and President/General Manager of KSEE Channel 24 Television, and Detective Brad Stevens addressed the Board regarding the history of Crime Stoppers, how it works and they distributed copies of their 2011 Annual Report to the Board. He noted the Fresno County Sheriff's Ag Task Force had arrested a man in connection with the theft of the District's inlet covers. He noted the informant in this particular case had received a reward for the information. He then displayed a television ad and noted the number of tips that are received when these similar types of ads are played on television. They requested the District consider partnering financially with Crime Stoppers.

Director Goodwin noting the significant number of District inlets that were stolen, the safety issue, and the financial loss, stated she would feel comfortable in recommending the District contributing \$1,200.00 as a Gold Sponsorship.

Director Williams questioned whether there were any restrictions on the District contributing this amount.

Director Fowler noted his belief that the Board would not be able to take action on a contribution due to the way the item was listed on the Agenda. However, he stated if there were no restrictions, he would be in favor of supporting Director Goodwin's recommendation.

Mr. Jensen stated Legal Counsel would review the issue regarding the District's limitations and bring a report back to the Board. Further clarifying, Mr. Jensen stated the Board could take action tonight if they so choose; however, he noted there has to be a nexus between the \$1,200.00 expenditure and the issues the District has.

Responding to Director Goodwin's question, Mr. Rosenfeld stated 100% of the corporate dollars go towards the tips.

Responding to Director Burleson's question, Detective Stevens stated one of the scrap yard owners is on the Crime Stoppers Board and noted he has checks and balances in place to insure that the items brought in are not stolen.

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It was the recommendation of the Board that staff and Legal Counsel bring back this item to the next Board Meeting with a recommendation.

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

Director Groom returned to the dais at 6:27 pm.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- b. Acceptance of Quarterly Investment Report for Period Ending December 31, 2011
- c. Acceptance of Report of External Auditor, Fiscal Year 2010-2011, Financial Statements and Single Audit Report
- d. Adoption of Resolution Transferring PPDA Fund Reimbursement to General Fund
- e. Authorization to Distribute Request for Proposals (RFP) for Environmental Planning and Regulatory Compliance Consulting
- g. Authorization to Enter into Lease Agreement for Sheep Grazing, Basin "BY" (Behymer & Sunnyside)
- i. Authorization to Extend Scanning Services Agreement for One Year with Appleby's and Company, Inc. with the Option to Renew for One Additional Year
- j. Authorization to Execute Amendment No. 3 to Agreement No. 1612(D)-7H-17, Fresno Community Hospital and Medical Center, Clovis SPR 2011-014, Drainage Area "7H" (Herndon & Temperance)

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- k. Authorization to Exercise Joint Powers Insurance Authority (JPIA) Small Claims Option Vehicle Damage, Ronnie Dunkin, Drainage Area "AK" (Golden State & Swift)
- l. Rejection of Claim and Authorization to Refer Matter to District's Insurance Carrier, Joint Powers Insurance Authority (JPIA), Vehicle Damage and Personal Injury, Odesser Scott, Drainage Area "ZZ" (Whitesbridge & Crystal)
- m. Engineer's Report of Construction, January 2012
- n. Engineer's Report of Projects, January 2012
- o. Quarterly Real Estate Report, February 2012
- p. Ratification of Expenditures, January 2012
- q. Report of Pollutant Discharge Incidents, January 2012
- r. Report of Public Concerns, January 2012
- s. Report of Award of Uniform Cost Accounting Contracts:
 - (2) Contract "CX-44", Basin Mowstrip (Sixth & Nees)
- t. Report on Central Valley Friendly Landscaping Residential Award Program, 2012 Application Period
- u. Report on JPIA Liability, Property, and Workers' Compensation Risk Assessment of District Facilities and Operations
- v. Report on Other Post-Employment Benefit (OPEB) Investment Returns for Period Ending December 31, 2011

Approved as Recommended pulling Agenda Items 8a; 8f; 8h; and 8s(1)

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

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a. Acceptance of Second Quarter Budget Report, Fiscal Year 2011-2012

Recommend the Board of Directors accept the Second Quarter Budget Report Executive Summary Ending December 31, 2011.

Mr. Merrill reviewed and distributed three amended sheets to replace and correct those in the Board Memorandum. Those three amended sheets are attached to the Board Memorandum. At the request of Director Burleson he then highlighted items of particular interest to the Board in the report.

Mr. Van Wyk then requested Mr. Hofmann highlight the Capital Program. Mr. Hofmann then reviewed where he expects the District's Capital Program to be at the end of the year, noting he believes the District will be on track and is pleased with where the District's Capital Program is currently at.

Approved as Recommended

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

Director Burleson recused himself from the proceedings due to a potential conflict of interest with Agenda Item No. 8f and left the dais at 6:34 pm.

f. Authorization to Enter into Fiber Converged Voice and Internet Services Agreement with TW Telecom

Recommend the Board of Directors authorize the General Manager to enter into the 3 year agreement with TW Telecom at a monthly cost of \$1,794.50.

Approved as Recommended

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

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Director Burleson returned to the dais at 6:35 pm.

Director Goodwin recused herself from the proceedings due to a potential conflict of interest with Agenda Item No. 8h and left the dais at 6:36 pm.

h. Authorization to Execute New Administrative Services and Office Space Agreement for the San Joaquin River Conservancy

Recommend the Board of Directors authorize the District General Manager to sign a new agreement with the San Joaquin River Conservancy providing for support services and office space.

Approved as Recommended

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

Director Goodwin returned to the dais at 6:37 pm.

s. Report of Award of Uniform Cost Accounting Contracts:

(1) Contract "BDD-17" Erosion Repair (Auberry Road & Foothill Lane)

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

Responding to Director Burleson's concern as to the bid coming in quite low as compared to the other proposals, Mr. Lakeman stated Hayden Construction, Inc. has performed work for the District in the past, and the District has not had any problems with this contractor in the past. Mr. Lakeman also noted the job has been completed.

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

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- 9. Authorization to Enter into Professional Services Agreement with Demsey, Filliger & Associates to Prepare Actuary for Post-Employment Benefits to Comply with GASB 43 & 45**

Recommend the Board of Directors authorize the selection of Demsey, Filliger and Associates to provide actuarial services for the District and authorize the General Manager to enter into an agreement with same.

Approved as Recommended

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

- 12. Final Report on American Recovery & Reinvestment Act (ARRA) Funded Projects**

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.

- 13. Board Reports, Workshops, Correspondence and Requests for Future Agenda Items:**

No items were submitted.

REPORT OF GENERAL COUNSEL

No items were reported.

CLOSED SESSION

A Closed Session was not convened.

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ADJOURNMENT

Adjourned Board Meeting at 6:57 pm.

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



BOB VAN WYK
GENERAL MANAGER/SECRETARY



DATE