

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

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, April 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: 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
Karyn Kruser, Staff Analyst
Daniel Rourke, Environmental Resources Manager
Kristine Johnson, Staff Analyst
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel; Baker, Manock & Jensen
Ken Price, Assistant General Counsel;
Baker, Manock & Jensen

Ron Samuelson
David Blanchard, County of Fresno, Public Works Department

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 "Board Requests and Assignments Form"; he noted this was in response to the Board's request for a "suspend system" as to projects staff is currently working on, and he stated this would be distributed to the Board quarterly; (2) he noted the District's Agendas have been relatively short, explaining that staff has been working on some very large projects; specifically, the High Speed Rail Agreement, the Fresno Unified School District Agreement, and the Fancher Creek Town Center Agreement. Also, he stated staff has now begun the Budget season; (3) he distributed copies of a flyer regarding the 2012 Water Technology Conference scheduled for May 2-3, 2012; and requested the Board notify the Clerk to the Board if they are interested in attending so she can process their registration; and (4) he distributed copies of a flyer regarding a Water-Wise Plant Event scheduled for May 5, 2012; 8:00 am to noon.

3. APPROVAL OF MINUTES: Minutes of March 14, 2012 and March 28, 2012

Due to her absence at the March 14, 2012 Board Meeting, Director Williams abstained.

Due to their absence at the March 28, 2012 Board Meeting, Directors Williams, Goodwin and Burleson abstained.

Approved as Recommended

Motion by: Rastegar Second by: Fowler
Ayes: Spina, Groom, Rastegar, Goodwin, Fowler, Burleson
Noes: None
Abstentions: Director Williams abstained on the Minutes of March 14, 2012
Directors Williams, Goodwin and Burleson abstained on the
Minutes of March 28, 2012
Absentees: None

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 Rastegar noted a potential Conflict of Interest with Agenda Item No. **8.b. Report of Award of Contract "II-125", West Valley Construction Company, Inc., California Uniform Accounting, Connection to Caltrans Basin at "H" Street & Monterey Street, and Rejection of Bid Due to Bid Form Irregularities;** and stated he would therefore be abstaining on this item.

7. PUBLIC HEARING: Adoption of Resolution Adopting Mitigated Negative Declaration for Construction of a Stormwater Retention Basin near Herndon & DeWolf Avenues (Pup Creek Basin No. 2), Channel Re-Alignment and Culvert Replacement

Recommend the Board of Directors consider the proposed Mitigated Negative Declaration, public comments, and any testimony at the Hearing. Subsequently, it is recommended the Board of Directors approve the final Mitigated Negative Declaration and adopt the Resolution attached to the Board Memorandum. Following adoption of the Mitigated Negative Declaration it is recommended the Board approve the project. It is further recommended the Board's action include such additional measures it feels are necessary to mitigate or alleviate any concerns raised through public testimony or Board discussion.

Director Spina opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:09 pm.

Approved as Recommended, and Adopting Resolution No. 2012-736

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

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8. CONSENT CALENDAR:

- a. Ratification of Expenditures, March 2012
- b. Report of Award of Contract "II₁-125", West Valley Construction Company, Inc., California Uniform Accounting, Connection to Caltrans Basin at "H" Street & Monterey Street, and Rejection of Bid Due to Bid Form Irregularities
- c. Report of Public Concerns, March 2012
- d. Report on 2012 Drainage Fee Study
- e. Report of Groundwater Recharge Activity in District Basins for 2011 Recharge Year
- f. Authorization to Execute Standard Developer Agreement, Tract 6000, Drainage Area "CZ", DeYoung Willow & Nees, LP (Willow & Nees)

Approved as Recommended

Motion by: Groom Second by: Fowler
Ayes: Spina, Williams, Groom, Rastegar, Goodwin, Fowler, Burleson
Noes: None
Abstentions: Director Rastegar abstained on item 8.b.
Absentees: None

9. Adoption of Resolution Authorizing the General Manager to Execute Contract with the High Speed Rail Authority for Reimbursement of District Costs for Relocation of District Facilities

Recommend the Board of Directors adopt the Resolution attached to the Board Memorandum authorizing the General Manager to execute a reimbursement contract with the Authority to pay the District for certain District costs associated with completion of the 30% plans and agreement negotiations for the High Speed Rail project.

Mr. Lakeman distributed copies of drawings of the corridor and maps by drainage areas of the High Speed Train Route. He noted these were inadvertently omitted from the Board Memorandum.

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Approved as Recommended, Adopting Resolution No. 2012-737

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

10. This Item was Pulled

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

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

a. Recommendation of Ad Hoc Committee Regarding Approving Actions Related to Annadale Avenue Abandonment, Brawley to Blythe, Dry Creek Extension Basin:

- (1) Authorization of Easement Provisions for Mr. Samuelson's Access to Brawley Avenue and Retention of Easement to Blythe Avenue for District.**
- (2) Authorization to Quitclaim Interest in Access Easement to Blythe Avenue and Without Provision for Mr. Samuelson's Access to Brawley**

Recommend the Board of Directors consider the recommendations of the Ad Hoc Committee and provide direction to staff, and authorize staff to sign documents necessary to implement the Board's direction.

Mr. Lakeman noted subsequent to the Ad Hoc Committee, staff has been informed by Ag Land Management that they are no longer agreeable to providing an easement along the south side to Brawley Avenue for Mr. Samuelson. He stated Ag Land Management has stated that they will verbally agree to allow Mr. Samuelson to cross, but they do not want a recorded easement on their property.

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Mr. Ron Samuelson addressed the Board, reiterating his request that he have access to Brawley Avenue. He requested the Board grant him a 10 feet easement on the District's property, and then he believed he would be able to work with the other property owners to grant him an easement as well. He stated in return, he would grant the District and all the other property owners, a 30 feet easement back to Blythe Avenue. He noted his belief that the County Board of Supervisors very much wanted this property abandoned; however, they have concerns as to his (Mr. Samuelson's) access issues. He stated if agreement could not be reached, then he believed the Supervisors may not proceed with the abandonment.

Mr. Lakeman noted Mr. Samuelson's request would encumber the District and Mr. Quall's property. Mr. Lakeman stated his concern that Mr. Samuelson's request would put the District in the dilemma, of now having a loss of the 10 feet of use, unless Mr. Samuelson is successful in convincing Ag Land Management to do an easement exchange.

Director Fowler noted his support for granting Mr. Samuelson's request for 10 feet provided the other property owners would agree to the easement exchange.

Mr. Lakeman noted as this issue of an easement exchange between all the property owners had not been offered before, he believed staff could have another meeting with all three property owners, to see if an agreement could be reached.

Mr. David Blanchard, County of Fresno Public Works Department, addressed the Board stating the 30 foot easement along the southern boundaries was selected by the County and was the minimum, because PG&E is already in there. He stated that the easement can be widen, but it is based on what the utility companies need.

Director Fowler noted that this issue is not the District's responsibility, but rather the County's. Directors Burlson, Goodwin and Williams concurred.

Director Rastegar, noting his belief that this involved three neighbors, not just Mr. Samuelson, expressed his support for the District to hold another meeting with all the property owners to see if an agreement could be reached. Director Burlson concurred, and noted he was inclined to authorize staff to proceed with Item No. 2 *Authorization to Quitclaim Interest in Access Easement to Blythe Avenue and Without Provision for Mr. Samuelson's Access to Brawley*, should an agreement not be reached with the property owners prior to the Board of Supervisors' meeting on April 24th.

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Director Fowler reiterated his position of leaving the option of 10 feet from the District on the table. Director Burleson noted if Ag Land Management granted Mr. Samuelson's easement request, then the District would not need to grant the 10 feet easement. Mr. Lakeman concurred, noting in granting the 10 feet, the District would then be in the position that Mr. Samuelson is in now, in having to get the owners to agree in order to get the District's 10 feet back.

The Board of Directors authorized both options: (1) Authorization of Easement Provisions for Mr. Samuelson's Access to Brawley Avenue and Retention of Easement to Blythe Avenue for District; and (2) Authorization to Quitclaim Interest in Access Easement to Blythe Avenue and Without Provision for Mr. Samuelson's Access to Brawley for continued consideration with the property owners, and directed Staff to conduct one more meeting with all three property owners. As part of those discussions, the Board authorized the inclusion of the 10 feet easement from the District (as requested by Mr. Samuelson) on the table, and then brought back to the Board for final recommendation.

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

b. Recommendation from Policy Committee, Adoption of Amendments and Updates to District Employee Handbook and Human Resources Policies and Procedures

Recommend the Board of Directors approve the proposed revisions to the District's Employee Handbook and Human Resources Policies and Procedures as recommended by the Policy Committee.

Approved as Recommended

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

c. **Ratification of Appointment to the Clovis Community Development Agency Oversight Board**

Recommend the Board of Directors ratify the appointment of Roy Spina as proposed by Chairman Spina to serve as the Fresno Metropolitan Flood Control District's appointment to the Clovis Community Development Agency Oversight Board.

Approved as Recommended

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

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 6:58 pm

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



BOB VAN WYK
GENERAL MANAGER/SECRETARY



DATE