

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, JUNE 13, 2012

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, June 13, 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
Kristine Johnson, Staff Analyst
Andrew Remus, Staff Analyst
Daniel Rourke, Environmental Resources Manager
Esther Schwandt, Clerk to the Board

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

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

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2. REPORT OF THE GENERAL MANAGER:

Mr. Van Wyk reported on the following: (1) the Exchange Agreement with the Fresno Unified School District had been signed (Basin "II₁" Carver Park); he acknowledged the work Mr. Jensen and Mr. Lakeman had put into this agreement; (2) the High Speed Rail Agreement has also been signed; and (3) he discussed the issues with respect to the McDonald Agreement and noted this item would be coming to the Board at a subsequent Board Meeting.

3. APPROVAL OF MINUTES: No Minutes were submitted.

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.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- a. Acceptance of Quarterly Investment Report, First Quarter
- b. Authorization to Execute Common Use Agreements with the City of Clovis:
 - (1) CL SPR 2005-017, Contract "7C-37", Drainage Area "7C", Wal Mart (Herndon & Clovis)
 - (2) CL SPR 1990-088A8, Contract "7H-17", Drainage Area "7H" Clovis Community Hospital (Herndon & Temperance)

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- c. Authorization to Execute Developer Agreement, Tract 5597/CUP 2005-239, Drainage Areas "EM" and "EJ" (Barstow & Garfield), Granville at Barstow Inc.
- d. Authorization to Issue Check to Acquire Parcel, Fresno Catholic Diocese Pup Creek Enterprise Detention Basin (Herndon & DeWolfe)
- e. Authorization to Renew Agricultural Lease, Ruschhaupt, Redbank Detention Basin
- f. Award of Contracts:
 - (1) Award Contract "GG-19" to Todd Companies Inc., Pipeline in Cedar Avenue between Woodward and Hamilton Avenues, Drainage Area "GG" (Cedar & California)
 - (2) Award Contract "ZZ-28" to Floyd Johnston Construction, Pipeline in Hughes & Whitesbridge Avenues to Basin "ZZ" (Dry Creek & Crystal)
 - (3) Award Contract "BC-26" to Emmett's Excavation Inc., Pump Station Facilities (Northeast of Willow & Teague)
- g. Ratification of Expenditures, May 2012
- h. Report of Cleanup of Mount Owen Rifle Range, Big Dry Creek Reservoir (Shepherd & DeWolfe)
- i. Report of Pollutant Discharge Incidents, May 2012
- j. Report of Public Concerns, May 2012

Approved as Recommended

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

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- 9. Approval of Letter Regarding Sign Lease Proposal, Basin "EH" (Herndon & Golden State), El Paseo Shopping Center**

Recommend the Board review Attachment No. 1 and provide direction to Staff.

The Board directed staff to modify Attachment No. 1 to: (1) state that "under the circumstances that the proponents are requesting, the District is not interested in proceeding with negotiations"; and (2) delete the line that states "we did not have full attendance" as there was a legal quorum of the Board.

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

- 10. Consider for Approval, Legal Counsel's Request for Fee Amendment to Begin July 1, 2012**

Recommend the Board of Directors discuss the fee increase and determine if a fee increase is appropriate and authorize staff to modify the fee schedule to be effective July 1, 2012.

Approved as Recommended, the Board Authorized the Fee Increase as Proposed by Baker, Manock & Jensen

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

- 11. Authorize Execution of Agreement Related to Annadale Avenue Abandonment, Brawley to Annadale, Dry Creek Extension Basin:**
- a. Authorize Quitclaim of Interest in Access Easement over the Ronald R. Samuelson Property in Exchange for Equivalent Access Easement**
 - b. Authorize Acceptance Permanent and Temporary Access Easements from Eugene and Shirley Qualls and Ron Samuelson**
 - c. Authorize Grant of Temporary Access to Ronald R. Samuelson Across South Ten Feet of Dry Creek Extension Basin**
 - d. Authorize Acceptance of Quitclaim from Ron Samuelson of Encroachment Right over District Property at Samuelson's Well Site**
 - e. Approve Design Concept of Annadale Avenue Road Improvements**
 - f. Authorize Grant of Gate License to Ron Samuelson**
 - g. Authorize Payment of Half of Cost of Blythe Avenue Gate**

Recommend the Board of Directors authorize execution of an agreement with the other property owners along Annadale Avenue to carry out the terms outlined in the "Annadale Avenue Abandonment Conceptual Agreement" attached to the Board Memorandum. Also recommend the Board of Directors approve the design concept of lowering the profile of Annadale Avenue adjoining the basin.

Mr. Lakeman distributed an amended Board Memorandum, noting there were some errors in the way staff referred to exhibits so staff had corrected and redlined those corrections for the Board's review this evening.

Approved as Recommended

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

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

No items were submitted.

REPORT OF GENERAL COUNSEL

Mr. Jensen reported on Legislative items of interest to the District.

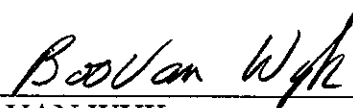
CLOSED SESSION

A Closed Session was not convened.

ADJOURNMENT

Adjourned Board Meeting at 6:36 pm

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



BOB VAN WYK
GENERAL MANAGER/SECRETARY



DATE