

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

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, July 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
Paul Merrill, Finance Manager
Debbie Campbell, Development Services Manager
Paul Allen, Facilities Manager
Karyn Kruser, Staff Analyst
Esther Schwandt, Clerk to the Board

Ken Price, General Counsel; Baker, Manock & Jensen
Lauren Layne, Assistant General Counsel;
Baker, Manock & Jensen

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

2. REPORT OF THE GENERAL MANAGER:

No items were reported.

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3. APPROVAL OF MINUTES: Minutes of June 13, 2012

Approved as Recommended

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

4. BUSINESS AND PRESENTATIONS FROM THE FLOOR:

There was no Business or Presentations from the Floor

5. ADDITIONS TO THE AGENDA:

Recommend the Board of Directors add Fancher Creek Flood Control Improvement Grant Project: Authorization to Advertise for Bids with Restructured Funding to the Agenda.

Mr. Van Wyk 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. 11b

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

6. POTENTIAL CONFLICTS OF INTEREST:

There were no Conflicts of Interest.

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7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- a. Ratification of Expenditures, June 2012
- b. Report of FMFCD Certificate of Achievement from the California Highway Patrol
- c. Report of Public Concerns, June 2012
- d. Report on Other Post-Employment Benefit (OPEB) Investment Returns

Approved as Recommended

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

9. Adoption of Resolution Dedicating Street Right-of-Way in Fee (*Two-Thirds Vote Required*), Locan Avenue Right-of-Way to City of Clovis, Basin "3G" (Barstow & Locan)

Recommend the Board of Directors adopt the Resolution attached to the Board Memorandum authorizing the dedication of the Locan Avenue right-of-way for street purposes to the City of Clovis as shown on Exhibit "A".

Approved as Recommended, Adopting Resolution No. 2012-749

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

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10. Authorization to Remove Relief Line Construction Requirement for Tract 5597, Granville Homes, Drainage Area "EJ" (Garfield n/o Bullard)

Recommend the Board of Directors authorize the removal of the construction of the Basin "EJ" relief line as a condition of Improvement of Tract 5597.

Approved as Recommended

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

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

a. Recommendation of the Ad Hoc Committee, Report on the Development of Solar Energy Projects at District Facilities

The Ad Hoc Committee recommends to the Board of Directors that the District should not invest in solar energy at this time because of unknowns such as future maintenance costs, staff constraints and cost. The Ad Hoc Committee further recommends to the Board of Directors that the District remain open to future solar energy proposals should the costs and savings be more favorable to the District and of a significant beneficial interest to the District.

Approved as Recommended

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

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**b. Fancher Creek Flood Control Improvement Grant Project:
Authorization to Advertise for Bids with Restructured Funding**

Recommend the Board of Directors authorize advertising the work identified in the diagram attached to the Board Memorandum, and return the proposals to the Board of Directors for award.

Approved as Recommended

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

REPORT OF GENERAL COUNSEL

No items were reported.

CLOSED SESSION

The Board then convened in Closed Session at 6:27 pm to consider the following litigation:

13. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:
Pursuant to subdivision (a) of Section 54956.9:

Fresno Metropolitan Flood Control District v. Gary Charles and Elaine June Simonian Trust; Case No. 12CECG01857 DSB

14. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to subdivision (a) of Section 54956.9:

Fresno Metropolitan Flood Control District v. San Joaquin Valley Railroad, et al.; Case No. 1:12-CV-01032-LJO-DJB

The Board then convened in regular session at 6:43 pm. Mr. Price stated no reportable action was taken in Closed Session.

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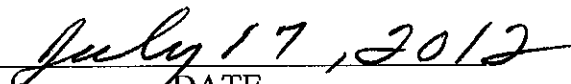
ADJOURNMENT

Adjourned Board Meeting at 6:44 pm

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



BOB VAN WYK
GENERAL MANAGER/SECRETARY



DATE