

**ACTION SUMMARY MINUTES**  
**MINUTES OF THE REGULAR MEETING OF**  
**THE BOARD OF DIRECTORS OF THE**  
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**  
**HELD WEDNESDAY, AUGUST 8, 2012**

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, August 8, 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

**DIRECTORS ABSENT:** Buzz Burleson

**STAFF, CONSULTANTS,**  
**OTHERS PRESENT:** Bob Van Wyk, General Manager-Secretary  
Jerry Lakeman, District Engineer  
Alan Hofmann, Assistant District Engineer/Design  
Daniel Rourke, Environmental Resources Manager  
Brandy Swisher, Program Assistant  
Andrew Remus, Staff Analyst  
Esther Schwandt, Clerk to the Board

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

John White, representing El Adobe Homeowners Association

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

**2. REPORT OF THE GENERAL MANAGER:**

Mr. Van Wyk reported on the following: (1) the General Manager will be taking a vacation August 22<sup>nd</sup> through August 29<sup>th</sup>; he stated Mr. Lakeman would handle things in his absence; (2) he reminded the Board about the luncheon scheduled for John Smith, tomorrow August 9<sup>th</sup> at the Steak & Anchor – Piccadilly Inn-Airport; (3) he stated staff was in the process of scheduling a recognition dinner for employee Ricky Hara's 30<sup>th</sup>

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anniversary with the District; (4) he stated Councilmember Quintero would be hosting a meeting with property owners regarding the Fancher Creek Floodway and District staff would be in attendance; and (5) he noted Directors Groom and Williams have been re-appointed to the District Board by the City of Fresno; the Clerk to the Board then administered and notarized Directors Groom and Williams' Oath of Office.

**3. APPROVAL OF MINUTES: Minutes of July 25, 2012**

The Clerk to the Board noted one correction to the Minutes of July 25, 2012; specifically, Doug Jensen was not in attendance at the July 25<sup>th</sup> Board Meeting; however, Robert Wilkinson of Baker, Manock & Jensen was.

**Approved as Recommended with the above noted correction**

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

**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.

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**8. CONSENT CALENDAR:**

- a. Approval of 2012-2013 Scope of Work for Jeffrey Scott Agency, District Stormwater Management Program, Public Information and Education Services
- b. Approval of 2012-2013 Scope of Work for Larry Walker Associates, NPDES Stormwater Quality Monitoring
- c. Authorization to Amend Hannah Lease, Fancher Creek Reservoir
- d. Award of Contracts:
  - (1) "CW-30", Pump Station, Fresno & Cole Avenues
  - (3) "RR-72", Storm Drain Pipeline in Delphia Avenue (Delphia n/o Patterson)
- e. Engineer's Report of Construction, July 2012
- f. Engineer's Report of Projects:
  - (1) Capital Projects Report, 2012-2013
  - (2) End of Fiscal Year Capital Projects Report, 2011-2012
  - (3) Developer Agreements Report, July 2012
  - (4) End of Fiscal Year Developer Agreements Report, 2011-2012
- g. Notification of District External Audit Engagement
- h. Quarterly Real Estate Report, July 2012
- i. Ratification of Expenditures, July 2012
- j. Report of Public Concerns, July 2012
- k. Report on Construction at Basin "II<sub>1</sub>" Land Exchange with Fresno Unified School District, (Grove e/o Fig)
- l. Report to Board on Demographic Information Request

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**Approved as Recommended**

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

**(2) "BO-19/BO-21", Pump Station and Storm Drain Pipeline Facilities (Sunnyside & Iowa)**

**Recommend the Board of Directors award Contract "BO-19/BO-21" to Floyd Johnston Construction Company, Inc. in the amount of \$854,881.**

Responding to Director Fowler's question, Mr. Lakeman stated the project was bid as one contract, and awarded to the lowest respondent for the sum of all the work. Responding to his subsequent question, Mr. Lakeman responded that the grant credits for work that had been done in previous years is eligible for the matching grant, noting the District will receive 100% back from the Department of Water Resources for the work that has been done. However, he noted the District is over what was anticipated for the front-end budgeting, but will get that back in the following year's budget. Responding to Director Fowler's concerns with respect to whether the District will receive the grant or not, Mr. Lakeman stated staff anticipates executing the grant agreement soon. Responding to Director Goodwin's question, Mr. Lakeman stated the majority of the work was needed regardless of the grant.

**Approved as Recommended**

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

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**9. Request of El Adobe Homeowners Association for District Participation in Fence Improvements, Oso de Oro Park, Basin "D" (Forkner & Barstow)**

Recommend the Board of Directors deny the request for the District to participate in the proposed fence improvements.

Mr. John White, representing El Adobe Homeowners Association and residing at 5670 N. El Adobe; Fresno CA 93711; addressed the Board with respect to their concerns as outlined in their letter addressed to the Board and as attached to the Board Memorandum. He stated they do not agree with the staff recommendation, and therefore recommend the District Board refer the matter back to staff so that District staff can research other options i.e., security patrols, cameras, taller fences, etc. to eliminate the Homeowners Association's safety concerns. Mr. White stated the Homeowners Association also recommends the District Board consider modifying the District's existing fence policy to include upgrading fences, if necessary, when ponding basins are developed into parks, when there is an existing adjacent residential development.

Director Spina expressed his concern with respect to the Homeowners' trees being planted so close to the District's fences.

**Approved as Recommended**

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

Director Fowler clarified that his no vote was not that he was in favor of participating in the cost for a new fence, but rather a recognition that the District needs to understand what is happening when we operate parks and facilities.

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**10. Adoption of Resolution of Appreciation, Honoring Diana Montijo's Twenty Years of District Service**

Recommend the Board of Directors adopt the Resolution of Appreciation attached to the Board Memorandum honoring Diana Montijo for 20 years of public service to the District.

**Approved as Recommended, Adopting Resolution No. 2012-750**

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

**11. Authorization to Appraise, Negotiate, and Enter Into Agreements Related to El Paseo Shopping Center (Herndon & Golden State):**

**a. Non-Standard Developer Agreement with the El Paseo Shopping Center, CUP 2008-172, Herndon Avenue LLC, Contract "EH-26/EH-D"**

Recommend the Board of Directors authorize staff to execute a non-standard Developer Agreement with the owner indicated for the construction of the required Master Plan facilities and Non-Master Plan facilities as shown on Exhibits Nos. 1 and 2 attached to the Board Memorandum, and as the provisions identify in the Board Memorandum.

**Approved as Recommended**

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

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**b. License Agreement with Union Pacific Railroad (UPRR) for Storm Drain Crossing, Contract "EH-D"**

Recommend the Board of Directors authorize the District to appraise, negotiate, and enter into a railroad crossing license agreement for the storm drain with Union Pacific Railroad.

Mr. Hofmann provided a revised Exhibit 1.

**Approved as Recommended**

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

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

**a. Recommendation of the Community Relations Committee, Approval of Current District Flood Line Articles**

Recommend the District Board of Directors approve publication of the Summer 2012 issue of the Flood Line newsletter as approved by the Community Relations Committee at its August 1, 2012 meeting.

Ms. Swisher noted a correction to the Board Memorandum, specifically third paragraph on the first page, the issue's story titles: second bullet item "Exploring ways to boost water storage capacity" was changed to "Basin land exchange/new Southwest Fresno Middle School project underway".

**Approved as Recommended**

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

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**REPORT OF GENERAL COUNSEL**

No items to report.

**CLOSED SESSION**

A Closed Session was not convened.

**ADJOURNMENT**

**Adjourned Board Meeting at 6:52 pm**

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

  
\_\_\_\_\_  
BOB VAN WYK  
GENERAL MANAGER/SECRETARY

  
\_\_\_\_\_  
DATE