

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

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

DIRECTORS ABSENT: None

STAFF, CONSULTANTS,
OTHERS PRESENT: Jerry Lakeman, District Engineer
Alan Hofmann, Assistant District Engineer/Design
Peter Sanchez, Operations Engineer
Daniel Rouke, Environmental Resources Manager
Kurt Hupp, Rural Program 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 led the Pledge of Allegiance.

2. REPORT OF THE GENERAL MANAGER:

Mr. Lakeman reported the following on behalf of the General Manager: (1) Director Burlison had been re-appointed to the District Board by the County of Fresno; the Clerk to the Board administered Director Burlison's Oath of Office; (2) Dan Gilbert, District Senior Design Technician has submitted his resignation; (3) the September 26th Board Meeting will be held at the Five Restaurant to honor Ricky Hara on his 30 years of service to the District; (4) the State of the County Breakfast will be held on September 27th at 6:45 am at the Fresno Convention Center; and (5) the Prop "1E" Grant contract agreement has been signed by the District and is moving forward.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, AUGUST 22, 2012
PAGE 2 OF 7**

3. APPROVAL OF MINUTES: Minutes of August 8, 2012

Due to his absence at the August 8, 2012 Board Meeting, Director Burleson abstained.

Approved as Recommended

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

4. BUSINESS AND PRESENTATIONS FROM THE FLOOR:

There was no Business or Presentations from the Floor

5. ADDITIONS TO THE AGENDA:

Mr. Lakeman reported one addition to the Agenda, relative to the Upper Kings Integrated Regional Water Management Plan project list; specifically, they are asking that the list be resubmitted according to a new project submittal and vetting process. He stated this needs to be submitted by September 7th which is before the Board's next Board Meeting. Staff is therefore asking that this matter be delegated to the authority of staff (General Manager and/or District Engineer), Ad Hoc Committee or a Special Board Meeting.

Mr. Jensen 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.

Recommend the Board of Directors add Delegation of Authority to Either Staff, Ad Hoc Committee or a Special Board Meeting Regarding the Resubmittal of the Project List to the Upper Kings Integrated Regional Water Management Plan (IRWMP) to the Agenda as Agenda Item No. 11a.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, AUGUST 22, 2012
PAGE 3 OF 7**

Approved as Recommended added as Agenda Item No. 11a

Motion by: Fowler Second by: Groom
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.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- a. Acceptance of Quarterly Investment Report, Second Quarter
- c. Rejection of Claim and Authorization to Refer Matter to District's Insurance Carrier, Joint Powers Insurance Authority (JPIA), Personal Injury, Wallace Whipps (Blackstone & Terrace)
- d. Report of Pollutant Discharge Incidents, July 2012
- e. Report on Other Post-Employment Benefit (OPEB) Investment Returns for Period Ending June 30, 2012; Fourth Quarter

Director Fowler requested Agenda Item 8b. be pulled.

Approved as Recommended, with the exception of Agenda Item 8b

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

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, AUGUST 22, 2012
PAGE 4 OF 7**

b. Authorization to Enter into Encroachment/Grant of Easement Agreement; Big Dry Creek Diversion Channel to Little Dry Creek

Recommend the Board of Directors authorize staff to execute an encroachment/grant of easement with the property owner as outlined in the Board Memorandum.

Responding to Director Fowler's question, Mr. Hupp stated the parcel map for that particular two parcel, parcel map is a 60 foot access easement that goes with that parcel. He stated it does not necessarily follow the driveway lane, but is within that easement.

Approved as Recommended

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

9. Authorization to Execute Common Use Agreement with Fresno Irrigation District, Two (2) Storm Drain Crossings of Fancher Creek Canal No. 6, Drainage Area "BO" (Tulare & Argyle, n/o Huntington Avenue & Waverly Lane)

Recommend the Board of Directors authorize staff to enter into a Common Use Agreement with the Fresno Irrigation District for the two locations within Contract "BO-21" as noted in the Board Memorandum.

Approved as Recommended

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

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, AUGUST 22, 2012
PAGE 5 OF 7**

10. Award of Contract "RCB-19" Rehabilitation of Control Structure at Redbank Creek Detention Basin (DeWolf & McKinley) and Re-allocation of Funds from Unauthorized Projects

Recommend the Board of Directors award Contract "RCB-19" to Floyd Johnston Construction Co. Inc., in the amount of \$325,251. It is also recommended the Board of Directors re-allocate \$37,651 from unauthorized project in Drainage Area "EF".

Approved as Recommended

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

11. Authorization to Enter Into Installment Payment Agreement, Co. SPR 7812, Shubin Family Trust, Drainage Area "UU3" (Belmont & Hughes)

Recommend the Board of Directors grant the exception to the qualifying Condition Nos. 2 and 3 and authorize the use of the Installment Payment provisions of the FMFCD Drainage Fee Ordinance for the subject development.

Mr. Hofmann provided a corrected Exhibit No. 2 entitled "County SPR 7812".

Approved as Recommended

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

11a. Delegation of Authority Regarding the Resubmittal of the Project List to the Upper Kings Integrated Regional Water Management Plan (IRWMP)

Recommend the Board of Directors Delegate Authority to Either Staff, Ad Hoc Committee or a Special Board Meeting Regarding the Resubmittal of the Project List to the Upper Kings Integrated Regional Water Management Plan (IRWMP)

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, AUGUST 22, 2012
PAGE 6 OF 7**

Staff distributed the information from the Kings Basin Water Authority entitled "Chapter 7 – Project Review Process" as attached to the Board Packet.

Chairman Spina stated he would support an Ad Hoc Committee of Directors Fowler and Burleson to attend the meeting scheduled for this Friday, August 24th, as a compensated event, and authorized meetings of the Ad Hoc Committee to be held by telephone conference if necessary.

The Board Delegated the Authority Regarding the Resubmittal of the Project List to the Upper Kings Integrated Regional Water Management Plan (IRWMP) to an Ad Hoc Committee of Directors Burleson and Fowler

Motion by: Williams Second by: Goodwin
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:

a. Report on Board of Directors Attendance at Various Meetings:

(1) Oversight Board for the Successor Agency of the Clovis Redevelopment Agency, Director Spina

Recommend Director Spina give a verbal report of the Clovis Oversight Board Meeting held on August 21, 2012.

The Agenda of the August 21, 2012 Clovis Oversight Board was distributed at the Board Meeting.

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.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, AUGUST 22, 2012
PAGE 7 OF 7**

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 6:55 pm

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


JERRY LAKEMAN
DISTRICT ENGINEER


DATE