

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, OCTOBER 10, 2012

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, October 10, 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
Jerry Lakeman, District Engineer
Alan Hofmann, Assistant District Engineer/Design
Peter Sanchez, Operations Engineer
Daniel Rourke, Environmental Resources Manager
Karyn Kruser, Staff Analyst
Paul Merrill, Finance Manager
Ricky Hara, Engineering Services Manager
Paul Allen, Facilities Manager
Brandy Swisher, Program Assistant
Esther Schwandt, Clerk to the Board

Doug Jensen, 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 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) Terry Bradley announced Jeff Reid had resigned from the Oversight Board on the Redevelopment Agency; (2) he distributed weather forecasts prepared by Western Weather Group; (3) he distributed the District's Public Agency Retirement Services (PARS) investment report; and (4) he requested Mr. Lakeman update the Board on the Belmont and Fowler cave-in issue; Mr. Lakeman showed photographs and explained the situation.

3. APPROVAL OF MINUTES: Meeting of September 26, 2012

Due to his absence at the September 26, 2012 Board Meeting, Director Burleson abstained.

Approved as Recommended

Motion by: Williams 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:

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. Cancellation of Regular Board Meetings Scheduled for November and December 2012
- b. Ratification of Expenditures, September 2012
- c. Acceptance of Withdrawal of Bid for Clerical Error and Award of Contract "RR-73" (Whitesbridge & West), Basin Internal Pipe and Outfall
- d. Report of Public Concerns, September 2012
- e. Report on 2013 ACWA/JPIA Health Insurance Premiums
- f. Authorization to Exercise First One Year Option, Undeveloped Retention and Detention Basin Maintenance Contracts, Units A & B with Mow-N-Edge
- g. Review of Stormwater Quality Annual Management Report

Approved as Recommended

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

9. Authorization to Execute Agreements for Fancher Creek Flood Control Improvement Project:

- a. **Immediate Reimbursement to Fancher Creek Properties for:**
 - (1) **Contract "BO-20", Storm Drain in City Trail Area**
 - (2) **Partial Engineering for Contract "BO-21", Giannetta**
- b. **Grant Writing Services Contracts:**
 - (1) **David Taussig and Associates**
 - (2) **CMSS Management, TJ Cox**
 - (3) **Cost Sharing of Grant Writing Expenses, Fancher Creek Properties**

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Recommend the Board of Directors authorize execution of the agreements identified in the Board Memorandum and the inclusion of such expenses in the California Department of Water Resources (DWR) submittal for credit towards the local share match of the Fancher Creek Flood Control Improvement Project.

Approved as Recommended

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

10. Authorization to Extend the International City and County Management Association Retirement Corporation (ICMA-RC) Administrative Services Agreements, FMFCD 401a and 457 Plans

Recommend authorizing the General Manager to sign the five year extension to the Administrative Services agreements for the District's Money Purchase Pension Plan (401a) and the Deferred Compensation Plan (457) as attached to the Board Memorandum.

Regarding Director Burleson's question as to the liability issues and sufficient coverage for that liability exposure for the General Manager and the Chairman, Mr. Van Wyk stated staff will bring a report back to the Board on the matter.

Approved as Recommended

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

11. Report to Board on Drainage Fee Violation, Notification and Collection

Report submitted for informational purposes only, no action is required by the Board unless specific direction is to be given to staff.

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In response to Director Goodwin's concern that the draft letter attached to the Board Memorandum should be amended to be "softer" noting her belief the letter should not be accusatory, Mr. Van Wyk stated staff would amend the letter, and then run it by Director Goodwin to insure we have covered her concern.

As the report was submitted for informational purposes only, no further action was taken.

12. Update on Statewide Industrial General Permit Regulating Stormwater Discharges from Commercial and Industrial Facilities

Report submitted for informational purposes only, no action is required by the Board unless specific direction is to be given to staff.

Director Spina suggested along with sending the letter, staff also follow-up with phone calls.

As the report was submitted for informational purposes only, no further action was taken.

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

No items were reported.

REPORT OF GENERAL COUNSEL

No items were reported.

CLOSED SESSION

The Board convened in Closed Session at 6:55 pm to consider the following:

**15. PUBLIC EMPLOYEE PERFORMANCE EVALUATION:
Title: General Manager/Secretary**

The Board then convened in regular session at 7:05 pm. Chairman Spina stated no reportable action was taken in Closed Session.

RETURN TO OPEN SESSION

16. Determination of Salary/Compensation of General Manager/Secretary

Director Rastegar made a motion which was seconded by Director Fowler to increase the General Manager/Secretary salary/compensation by 5%.

Director Spina suggested the salary/compensation of 5% be retroactive to July 2012. Director Rastegar and Director Fowler amended their motion to include Director Spina's suggestion.

Recommend the General Manager/Secretary salary/compensation be increased by 5% retroactive to July 2012.

Approved as Recommended

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

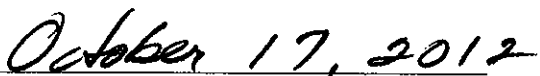
ADJOURNMENT

Adjourned Board Meeting at 7:08 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