

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, OCTOBER 24, 2012

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, October 24, 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
Kendall Groom
Mike Rastegar
Frank Fowler
Buzz Burleson

DIRECTORS ABSENT: Jennette Williams, Vice-Chairman
Barbara Goodwin

**STAFF, CONSULTANTS,
OTHERS PRESENT:**

Bob Van Wyk, General Manager
Jerry Lakeman, District Engineer
Alan Hofmann, Assistant District Engineer/Design
Daniel Rourke, Environmental Resources Manager
Paul Merrill, Finance Manager
Peter Sanchez, Operations Manager
Kristine Johnson, Staff Analyst
Mark Will, Engineer
Brandy Swisher, Program Assistant
Esther Schwandt, Clerk to the Board

Ken Price, Assistant 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. Lakeman led the Pledge of Allegiance.

2. REPORT OF THE GENERAL MANAGER:

Mr. Van Wyk reported on the following: (1) the unfortunate passing of Director Williams' father; (2) the unfortunate passing of Toby Harrison's father; and (3) he displayed the Crime Stoppers Membership plaque which the District had received.

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3. APPROVAL OF MINUTES: Meeting of October 10, 2012

Approved as Recommended

Motion by: Burleson Second by: Fowler

Ayes: Spina, Groom, Rastegar, Fowler, Burleson

Noes: None

Abstentions: None

Absentees: Williams, Goodwin

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:

Adoption of Resolution Adopting the Kings Basin Integrated Regional Water Management Plan

Recommend the Board of Directors adopt the Resolution adopting the Kings Basin Integrated Regional Water Management Plan.

Director Spina opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:09 pm.

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Approved as Recommended, Adopting Resolution No. 2012-754

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

8. CONSENT CALENDAR:

- a. Authorization to Execute Agreement for Common Use of Easements with City of Fresno, Storm Drain Crossing Sewer, Drainage Area "BO" (Tulare & Argyle)
- b. Report of Pollutant Discharge Incidents, September 2012
- c. Report on Purchase of Television, Radio and Other Media Time for the District's Winter Public Service Announcements to Comply with Stormwater Quality Permit

Director Burleson requested Agenda Items 8d and 8e be pulled.

Approved as Recommended, pulling Agenda Items 8d and 8e

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

d. Fourth Quarter Budget Reports:

(1) Submittal of Fourth Quarter Budget Report, Fiscal Year 2011-2012

Recommend the Board of Directors accept the Fourth Quarter Budget Report Executive Summary ending June 30, 2012.

Director Burleson requested Mr. Merrill highlight any items of significance on this item. Mr. Merrill reviewed the item.

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Approved as Recommended

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

(2) Submittal of Fourth Quarter Close-Out Report, Fiscal Year 2011-2012

Recommend the Board of Directors approve the revisions to the 2012-2013 Budget Opening Fund Balances and the carry-over Capital Projects as described in the Board Memorandum.

Director Burleson requested Mr. Merrill highlight any items of significance on this item. Mr. Merrill reviewed the item.

Approved as Recommended

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

e. Submittal of First Quarter Budget Report, Fiscal Year 2012-2013

Recommend the Board of Directors accept the First Quarter Budget Report Executive Summary ending September 30, 2012.

Director Burleson requested Mr. Merrill highlight any items of significance on this item. Mr. Merrill reviewed the item.

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Approved as Recommended

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

9. Adoption of Resolution of Appreciation Honoring Mark Will's Twenty Years of District Service

Recommend the Board of Directors adopt a Resolution of Appreciation honoring Mark Will's 20 years of dedicated public service to the District.

Mr. Van Wyk acknowledged Mr. Will's work for the District. Mr. Lakeman reviewed the excellent work Mr. Will has done and will be doing in the future. Mr. Hofmann noted Mr. Will's versatility.

Approved as Recommended, adopting Resolution No. 2012-753

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

Director Spina then presented a framed Resolution to Mr. Will and thanked him for his service to the District. Mr. Van Wyk then presented Mr. Will with flowers for Mr. Will's wife.

Mr. Will expressed how much he enjoys working at the District and for the people he works with and for.

10. Approval of Scope of Work, CEQA Environmental Consultant, Big Dry Creek Reservoir Seepage Project

Recommend the Board of Directors select URS to provide CEQA Services for the Big Dry Creek Reservoir Seepage Remediation Project for the toe drain and authorize the General Manager-Secretary to sign an agreement for those services.

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Approved as Recommended

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

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

a. Report of 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 Oversight Board for the Successor Agency of the Clovis Redevelopment Agency.

Director Spina gave a verbal report.

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.

(2) San Joaquin River Conservancy (SJRC), Director Goodwin

Recommend Director Goodwin give a verbal report of the San Joaquin River Conservancy Board Meeting.

As Director Goodwin was not in attendance, no report was given.

(3) Upper Kings Basin Integrated Regional Water Management Authority (UKBIRWMA), Director Burleson

Recommend Director Burleson give a verbal report of the UKBIRWMA meeting.

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Director Burleson gave a verbal report.

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.

(4) Association of Metropolitan Water Agencies (AMWA), Director Burleson

Recommend Director Burleson give a verbal report of the AMWA meeting.

Director Burleson gave a verbal report.

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.

REPORT OF GENERAL COUNSEL

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

CLOSED SESSION

The Board then convened in Closed Session at 6:57 pm to consider the following litigation:

- 13. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to sub-division (b) of Gov. Code Section 54956.9:

(Number of Potential Cases: 1)

The Board then convened in regular session at 7:45 pm. Mr. Price stated no reportable action was taken in Closed Session.

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ADJOURNMENT

Adjourned Board Meeting at 7:46 pm

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



BOB VAN WYK
GENERAL MANAGER-SECRETARY



DATE