

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, JANUARY 9, 2013

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, January 9, 2013 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
Alan Hofmann, Assistant District Engineer/Design
Peter Sanchez, Operations Engineer
Frances Lopez, Office Manager
Daniel Rourke, Environmental Resources Manager
Karyn Kruser, Staff Analyst
John Santos, Engineer
Jared Affleck, GIS Analyst/Programmer
Sarai De La Garza, Engineer
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

Doug Harrison, former General Manager, FMFCD
John Smith, Baker, Manock & Jensen
Melinda Marks, Executive Officer,
San Joaquin River Conservancy
Dan Schwandt, Husband of Esther Schwandt
Kristina Pickering, Daughter of Esther Schwandt

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

2. REPORT OF THE GENERAL MANAGER:

Mr. Van Wyk reported on the following: (1) he distributed a copy of the "save the date" flyer from the Economic Development Corporation who will be hosting their 10th Annual Real Estate Forecast on April 11, 2013; (2) he congratulated Director Rastegar on his retirement from CalTrans; and (3) he announced the unfortunate passing of Floyd Johnston on Sunday, January 6, 2013; he noted the millions of dollars' worth of pipeline installed for the District by Mr. Johnston and the amount of money he saved the District's constituents. Mr. Harrison addressed the Board with respect to the work that Mr. Johnston performed for the District, noting he was the District's number one contractor for well over 40 years; he stated he was an aggressive competitor, imaginative innovator, man of his word and much appreciated by the District. Mr. Van Wyk stated staff will have the Community Relations Committee consider an appropriate commemoration for Mr. Johnston.

3. APPROVAL OF MINUTES: Meeting of December 12, 2012

Due to her absence at the December 12, 2012 Board Meeting, Director Goodwin abstained.

Approved as Recommended

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

4. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR TERM EXTENDING THROUGH DECEMBER 2014

It is recommended the Board of Directors elect from its membership individuals to serve as Chairman and Vice-Chairman of the Board through December 2014.

Director Spina accepted nominations for the position of Chairman of the Board of Directors.

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Director Rastegar, seconded by Director Groom nominated Director Williams for the position of Chairman. Director Williams accepted the nomination. There were no further nominations.

Motion was unanimously carried that Director Williams serve as the Board Chairman for the term extending through December 2014.

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

Director Goodwin, seconded by Director Fowler nominated Director Rastegar for the position of Vice-Chairman. Director Rastegar accepted the nomination. There were no further nominations.

Motion was unanimously carried that Director Rastegar serve as the Vice-Chairman for the term extending through December 2014.

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

Director Spina noted the District Board has just elected the first woman Chairman in the District's 57 year history. Director Spina then expressed his appreciation for the past two years as Chairman, his admiration of this current Board of Directors, and expressed his thanks to the Board and staff. Director Williams then assumed Chairmanship of the Board Meeting and thanked everyone for their support. Director Spina then presented Chairman Williams with a bouquet of flowers.

5. BUSINESS AND PRESENTATIONS FROM THE FLOOR:

There was no Business or Presentations from the Floor

6. ADDITIONS TO THE AGENDA:

There were no Additions to the Agenda.

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7. POTENTIAL CONFLICTS OF INTEREST:

There were no Conflicts of Interest.

8. PUBLIC HEARING:

There were no Public Hearings scheduled.

9. CONSENT CALENDAR:

- a. Ratification of Expenditures, December 2012
- b. Report of Public Concerns, December 2012

Approved as Recommended

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

10. Adoption of Resolution of Appreciation Honoring Esther Schwandt's Twenty Years of District Service

Recommend the Board of Directors adopt the Resolution of Appreciation acknowledging Mrs. Esther Schwandt's 20 Years of dedicated service to the District as attached to the Board Memorandum.

Mr. Van Wyk acknowledged Esther's work at the District noting her exemplary technical skills and her integrity. He then expressed his thanks to Esther and her family for these past 20 years of service. At the request of Mr. Van Wyk, Esther then introduced her family in attendance, and Esther noted that her daughter Kristina had just been informed today, that her husband Luke had left Afghanistan and had just arrived in New Jersey.

Mr. Harrison then addressed the Board acknowledging Esther's integrity and reading a portion of Proverbs 31. Mrs. Frances Lopez addressed the Board acknowledging the respect staff feels towards Esther.

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Director Spina expressed his appreciation for Esther, acknowledging her accurate and thorough work. Director Williams acknowledged Esther for her caring heart.

Approved as Recommended, Adopting Resolution No. 2013-756

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

Directors Williams and Spina then presented Esther with a framed Resolution. Mr. Van Wyk presented Esther with a bouquet of flowers. Esther addressed the Board with her thanks for the opportunity to work at the District, her appreciation for those she has worked for, Doug Harrison, Bob Van Wyk, Jerry Lakeman, Alan Hofmann, and Peter Sanchez. She also acknowledged Doug Jensen and his Legal team, noting it is a pleasure to work with all of them. She also expressed her thanks to the Board.

Director Goodwin then expressed her appreciation for Esther's help in the transition as a new Board Member. Esther's family then expressed their appreciation to the Board for their recognition of Esther. Mr. Jensen stated the respect and the joy of working together with Esther is mutual.

11. Adoption of Resolution Authorizing the Submission of an Application to the California Department of Water Resources (DWR) to Obtain Stormwater Flood Management Round 2 Program Grant Funds for Dry Creek Flood Control Improvement Project

Recommend the District Board of Directors adopt the resolution authorizing staff to submit the proposed Dry Creek Flood Control Improvement Project as an application for Round 2 of the Proposition 1E SWFM grant funds, and if offered a grant, execute an agreement with the Department of Water Resources.

Mr. Van Wyk noted a new Resolution had been placed at the Board's dais to replace the one that had been distributed in the Board Packet.

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Approved as Recommended, Adopting the resolution submitted this evening,
Resolution No. 2013-758

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

12. **Authorization to Amend Financing Structure of Fancher Creek Flood Improvement Project and Revise Agreement Authorizations with Fancher Creek Town Center, Drainage Area "BO" (Belmont, Sunnyside, Tulare, Temperance)**

Recommend the Board of Directors authorize:

- (1) Amending the current agreement with the Developer such that the non-potable water line will be funded solely by the Developer (exclude its cost from grant funding);
- (2) Executing an agreement wherein a portion of the storm drain line will be solely funded by the Developer, without grant funding, such that his funding obligation remains the same (approximately \$310,000);
- (3) Proceeding with advertising of contracts for excavation of Basin "BO" as shown on Exhibit No. 1 as attached to the Board Memorandum, construction of internal basin pipelines, basin landscaping, and the storm drainage facilities, all shown on Exhibit No. 2 as attached to the Board Memorandum, as District funded; and,
- (4) Executing agreements, with the Fancher Creek Town Center regarding construction of facilities to be funded by the Developer without grant funding as shown on the exhibits attached to the Board Memorandum.

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Approved as Recommended

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

13. Authorization to Request Abandonment of PG&E Easement, Dry Creek Extension Basin (Brawley & Annadale)

Recommend the Board of Directors authorize staff to request that PG&E quitclaim their easement across the Dry Creek Extension Basin.

Approved as Recommended

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

14. Quarterly Report to Board on Drainage Fee Violations, Notifications, and Collections

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.

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

Director Goodwin reported the San Joaquin River Conservancy cancelled their meeting today as there would not be a quorum, noting appointments are pending due to the recent elections.

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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 6:50 pm.

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



BOB VAN WYK
GENERAL MANAGER-SECRETARY



DATE