

**ACTION SUMMARY MINUTES**  
**MINUTES OF THE REGULAR MEETING OF**  
**THE BOARD OF DIRECTORS OF THE**  
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**  
**HELD WEDNESDAY, APRIL 10, 2013**

---

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, April 10, 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:** Mike Rastegar, Vice-Chairman  
Roy Spina  
Kendall Groom  
Barbara Goodwin  
Frank Fowler  
Buzz Burleson

**DIRECTORS ABSENT:** Jennette Williams, Chairman

**STAFF, CONSULTANTS,  
OTHERS PRESENT:**

Bob Van Wyk, General Manager  
Jerry Lakeman, District Engineer  
Alan Hofmann, Assistant District Engineer/Design  
Peter Sanchez, Operations Engineer  
Paul Merrill, Finance Manager  
Carol Gerking, Accountant  
Benita Walker, Accounting Technician  
Andrew Remus, Staff Analyst  
Daniel Rourke, Environmental Resources Manager  
Brandy Swisher, Program Assistant  
Esther Schwandt, Clerk to the Board

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

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

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, APRIL 10, 2013  
PAGE 2 OF 8**

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

Mr. Van Wyk reported on the following: (1) he distributed a memo addressed to District staff regarding coverage during the General Manager's absence, noting he will be on vacation April 22, 2013 through April 25, 2013; and Jerry Lakeman will be responsible for the day-to-day decision making during his absence; (2) he reminded those Board Members who will be attending the EDC Real Estate Forecast that it is tomorrow at 5:00 pm at the Radisson Conference Center in Fresno; (3) he noted there have been several discussions among Board Members in the past years, regarding the need for the District to begin implementing a time keeping system; he stated staff has begun that process in particularly due to the Prop 1E Grant; the basin land swap with the Fresno Unified School District, and the High Speed Rail; and (4) he noted there is legislation that seems to have captured the interest in both the Senate and the Assembly regarding Infrastructure Financing Districts (IFD); he stated staff will be tracking that legislation very carefully; he requested Mr. Remus give the Board a briefing on the item, noting there is the potential of the legislation affecting the future revenues of the District; Mr. Remus reviewed and distributed two handouts, one entitled "Overview – California Special District's Association (CSDA) IFD Specific Bill List dated April 8, 2013" and "CSDA IFD specific Bill List".

**3. APPROVAL OF MINUTES: Meeting of March 27, 2013**

**Approved as Recommended**

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

**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.

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, APRIL 10, 2013  
PAGE 3 OF 8**

**6. POTENTIAL CONFLICTS OF INTEREST:**

There were no Conflicts of Interest.

**7. PUBLIC HEARING:**

There were no Public Hearings scheduled.

**8. CONSENT CALENDAR:**

- b. Authorization to Sign Joint Pipeline Project Cost Sharing Agreement, Fresno Irrigation District, Bullard Canal (Herndon Avenue at Burlington Northern & Santa Fe Railroad)
- c. This Item was Pulled
- d. Authorization to Sign Basin Use Soccer Agreements:
  - (1) Argentina Fresno Soccer Club, Basin "C" (Ashlan & Barton)
  - (2) Central Valley Soccer Alliance, Basins "F" (Barstow & Del Mar); "H" (Del Mar & Mesa); "T" (Bullard & Teilman); and "M" (San Jose e/o First)
- g. Report of Groundwater Recharge Activity in District Basins for 2012 Recharge Year

Mr. Van Wyk requested items 8e and 8f be pulled; Director Burleson requested items 8a and 8h be pulled.

**Approved as Recommended, pulling Agenda Items 8a; 8e; 8f; and 8h**

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

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, APRIL 10, 2013  
PAGE 4 OF 8**

**a. Authorization to Enter into Agricultural Lease Agreement, Fancher Creek Reservoir, Helen & Rodney Thur**

Recommend the Board of Directors authorize staff to sign an agricultural lease agreement for Fancher Creek Reservoir with Helen and Rodney Thur at a rental rate of \$875.00 per year on a year-to-year basis for up to five years.

Responding to Director Burleson's question, Mr. Remus stated the District received two bids, one for \$34.00 from the existing lease holder and one for \$35.00 from the Thurs. Responding to Director Burleson's second question, Mr. Remus stated this item is for a year round lease; the \$10.00 and \$12.00 acre leases, are those leases behind the reservoirs and are leases to the previous property owners as part of their pre-condemnation agreements. Mr. Van Wyk stated one of the reasons the leases fluctuate, is that they provide in the event of inundation in the reservoir the lease amount is prorated down based on the number of acres inundated. Responding to Director Burleson's subsequent question as to whether we bid all the leases out, Mr. Remus stated no as there are only a couple of leases that we bid out. Mr. Van Wyk stated when a piece of property becomes available and we identify that there is interest on the part of more than one person, the District has a Policy that identifies that the District will then bid that lease out.

**Approved as Recommended**

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

**e. Quarterly Report to Board on Drainage Fee Violation, Notification and Collection**

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

Mr. Van Wyk stated a supplemental packet was distributed to the Board this evening identifying the fee violations. Specifically, Mr. Van Wyk noted it shows the amount of fees due – \$81,324.00 and the amount that has been paid to date – \$12,742.00. He noted the last column shows that April 22, 2013 is the last day individuals will have to pay their fee during the amnesty period. Mr. Van Wyk questioned the Board as to their desire that staff send another letter reminding the individuals of the deadline.

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, APRIL 10, 2013  
PAGE 5 OF 8**

Responding to Director Burleson's question, Mr. Van Wyk stated all those listed have not paid their fees. He noted the Board had Legal Counsel look at the District's ability to lien a property, and stated at a subsequent Board Meeting, staff will bring the item back to the Board with a recommendation as to how the District goes about proceeding on those properties that have not paid a fee.

It was the consensus of the Board of Directors that staff send a second notice.

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

**f. Ratification of Expenditures, Report of Fund Balances and Activity, March 2013**

Recommend the Board of Directors ratify the expenditures for the month of March 2013 per the schedules attached to the Board Memorandum. The Board of Directors are also requested to decide their preference in receiving the Fund Balance and Activity information for future reporting as a one-page "Summary of All Funds", or the five-page report that includes both the All Funds Summary along with the four individual Fund Summaries, as included in the Board Memorandum.

Director Fowler stated his belief that the item regarding the Report of Fund Balances and Activity was of a particular interest to Director Williams, and since she is absent this evening, he believed the item should be brought back to a subsequent Board Meeting to insure she has an opportunity to weigh in on the matter.

It was the consensus of the Board of Directors that the item regarding the Report of Fund Balances and Activity, March 2013 be brought back to the Board at the April 24, 2013 Board Meeting as an item on the Regular Agenda.

**Approved as Recommended as to the Ratification of Expenditures, March 2013**

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

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, APRIL 10, 2013  
PAGE 6 OF 8**

**h. Report of Public Concerns, March 2013**

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

Responding to Director Burleson's question regarding no reported inlet thefts, Mr. Sanchez stated staff has begun retrofitting the inlets and he is pleased to report that it has been going on successfully and has significantly cut down on thefts.

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

**9. Authorize Drainage Fee Time Payment, Tract 5903, Remainder Parcel Fee, Norman and Pamela Kizirian, Drainage Areas "DE" and "DN" (Copper & Chestnut Alignment)**

Recommend the Board of Directors authorize the use of the time payment provisions of the District's Drainage Fee Ordinance for collection of drainage fees for the developed portion of the Remainder Parcel of Tract 5903, waiving the exception of subsection 3 (5 affirmative votes required).

**Approved as Recommended**

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

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, APRIL 10, 2013  
PAGE 7 OF 8**

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

**a. Recommendation from Ad Hoc Committee – Legislation:**

- (1) Report on the Development of an Information Packet Suitable for Future District Legislative Outreach Efforts**
- (2) Report on the Potential for Formation of a Regional Parks Authority**

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

Director Spina noted Attachment C, white paper – under **Overview**, the fourth paragraph was missing the last line. Mr. Rouke stated staff will correct the omission.

Mr. Jensen distributed the text of AB 416 which the Board had previously requested. He also distributed text for AB 185 regarding audio and video recordings.

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

**b. Recommendation from Community Relations Committee; Authorization to Print the Spring 2013 Issue of the Flood Line Newsletter**

Recommend the District Board of Directors approve publication of the Spring 2013 issue of the Flood Line newsletter as approved by the Community Relations Committee at its March 29, 2013 meeting.

**Approved as Recommended**

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

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, APRIL 10, 2013  
PAGE 8 OF 8**

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

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

  
\_\_\_\_\_  
DATE