

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, APRIL 24, 2013

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, April 24, 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: Jennette Williams, Chairman
Mike Rastegar
Roy Spina
Kendall Groom
Barbara Goodwin
Frank Fowler

DIRECTORS ABSENT: Buzz Burleson

**STAFF, CONSULTANTS,
OTHERS PRESENT:**

Jerry Lakeman, District Engineer
Alan Hofmann, Assistant District Engineer/Design
Peter Sanchez, Operations Engineer
Paul Merrill, Finance Manager
Daniel Rourke, Environmental Resources Manager
Kurt Hupp, Rural Manager
Frances Lopez, Office Manager

Doug Jensen, General Counsel; Baker, Manock & Jensen
Lauren Layne, Assistant General Counsel;
Baker, Manock & Jensen

PRESIDING: Director Williams, 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. Lakeman reported on the following: (1) he reported on the Groundwater System's Grant. The District went from a score of 39 to 40 and with that additional point there is a high probability the District should receive the full amount or a percentage of the full amount of the grant. The second review of the adjusted scoring is scheduled on April 30 in Sacramento and will hopefully hear back from them soon after with their decision.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, APRIL 24, 2013
PAGE 2 OF 8**

(2) He informed the Board Members that each of the two Cities announced their State of the City on May 16; State of the City of Clovis Breakfast at 7:00 a.m. and the State of the City of Fresno Luncheon at 11:30 p.m. (3) Esther is out on a leave of absence from April 24 to June 10 and that Frances Lopez, Office Manager, will be the contact during her absence. (4) Mr. Lakeman requested Mr. Sanchez give the Board a briefing on a large theft issue at Basin "XX" near Hughes and McKinley. Basin "XX" is a landscaped basin with multiple pumps connected to a transformer. Tuesday, April 23rd staff went out to inspect the basin and noticed copper wire had been stolen along the south side of the basin. A nearby neighbor informed staff the police department was contacted on Friday at 2:00 AM to report a truck in the basin with people stealing wire, but when the police arrived no one was there. They cut the fence to enter and drove their truck in and stole 3,600 feet of wire from the basin at that time. Then again, the evening of Tuesday April 23rd, they came back and drove their truck through the cut fence into the basin stealing 500 feet of wire. They were seen by an employee of Bulldog Towing, who called the police. They were arrested by police after their truck broke down nearby. Estimated cost of the materials to replace the theft is \$15,000 and \$20,000. The labor cost to fix the missing wire will be available in the next couple of weeks. This incident will be reported to JPIA and we will be responsible for the \$1,000 deductible. Staff will follow the City and Caltrans' model for protecting wire by using concrete to cover the access points to the wire. Pump stations that are far from the transformers will be upgraded first. Mr. Sanchez reported the cost of installing the concrete to protect the wire was approximately \$1,000. Minor theft has also occurred at the "RR" Basins and evidence of thieves looking for wire. (5) Mr. Lakeman reported that Mr. George Marcus passed away. His funeral service is at the Second Baptist Church on Monday at 11:00 AM. Mr. Marcus was a board member for the District for 20 years and left the board in 2012. (6) He noted Mr. Jensen made some improvements on the policy of the Conflict of Interest of Item #11a(3). Mr. Lakeman also reported changes were made to the attachment to Item #11a(2) to the old policy language.

3. APPROVAL OF MINUTES:

Approved as Recommended

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

4. BUSINESS AND PRESENTATIONS FROM THE FLOOR:

There was no Business or Presentations from the Floor.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, APRIL 24, 2013
PAGE 3 OF 8**

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.

8. CONSENT CALENDAR:

- a. Report on Pollutant Discharge Incidents, March 2013

Approved as Recommended

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

9. Report of Fund Balances and Activity, March 2013

Requested the Board of Directors 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.

Mr. Merrill explained the differences between the two options for the Fund Balances and Activity information and asked for direction as to which form was the Board's preference to receive. Director Williams expressed her preference for a one page summary for the monthly meetings. Director Spina concurred and all other board members also agreed.

As the report was submitted for direction only, no further action was taken

10. Public Review and Comment Period of California's Flood Future Highlights

Requested the Board of Directors forward comments to staff to the extent that Directors wish the District to comment on a report from the US Army Corp of Engineers and Department of Water Resources regarding flood assessment of flood risk and safety improvements in California.

Mr. Lakeman noted if the Board of Directors is interested in submitting comments, the deadline is May 20. In response to Director Goodwin's question Mr. Lakeman explained that coastal flooding occurs when winter and spring storms, high tides and wind force the water up compared to a tsunami that is related to earth movements.

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

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

a. Recommendations from the Policy Committee:

- (1) Review and Recommend for Board Adoption, Amendments to Basin Sediment Monitoring and Management Policy**

The Policy Committee recommends that the Board of Directors adopt the amended District's Basin Sediment Monitoring and Management Policy along with the revised changes updated in the District's Standard Operating Procedures (SOP) for Monitoring, Maintenance, and Disposal of Storm Water Basin Sediments, dated April 24, 2013.

Approved as Recommended

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

- (2) Review and Recommend for Board Adoption, Amendments to Non-Conforming Facilities Construction and Maintenance Policy**

The Policy Committee recommends the proposed amendment of the Non-Conforming Facilities Construction and Maintenance Policy.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, APRIL 24, 2013
PAGE 5 OF 8**

Approved as Recommended

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

(3) Review and Recommend for Board Adoption, Conflict of Interest Policy

The Policy Committee recommends the Board of Directors adopt the proposed Conflict of Interest Policy as attached to the Board Memorandum, replacing the current District's Conflict of Interest Policy and the District's Conflict of Interest: Incompatible Activities Policies.

Mr. Jensen pointed out an additional change was added to page 6 of the Conflict of Interest Policy.

Director Goodwin asked if page 8, paragraph (f) was reviewed by the Committee because it seemed vague and too broad where it requests disclosure of the existence of any personal non-financial relationships with any proponent or beneficiary of matters before the District for decisions or actions.

The Board discussed non-financial relationships and how the policy would affect the Board when making decisions. Director Spina expressed his concern also. Mr. Jensen stated the paragraph could be removed.

Director Williams recommended the paragraph be taken out based on the number of personal and working relationships people may have.

Approved as Recommended with the Exception of Removing Paragraph f. on page 8. of the Conflict of Interest Policy

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

b. Recommendations from the Priorities & Programming Committee:

(1) Cost Developing (Planning & Design) of Each Capital Project

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, APRIL 24, 2013
PAGE 6 OF 8**

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) Review District's Rural Streams Program

Recommended the Board:

1. Continue accepting easements with District maintenance for the major channels as designated on the attached map.
2. Continue to accept easements with specific property owner maintenance for channels designation as such on the attached map.
3. Delay any effort to improve the channels downstream of the Gould Canal unless an interest is initiated by a land owner.
4. Plan for diverting Gould Canal flood flows at McCall Avenue to the Fancher Creek Detention Basin.
5. Update the easement forms and submit them to the Board of Directors for approval.
6. Defer work on Mud Creek unless there are new property owner requests and report any proposed projects to the Board of Directors for consideration.

Mr. Lakeman explained the District's Rural Streams Program as outlined in the Board Memorandum. Responding to Director Spina's question, Mr. Lakeman stated the District does not use the formula of 1/3 rural projects to 2/3 capital projects anymore. There was a need to complete features to make the routing models work properly and avoid flood damages in the urban and rural areas, so the formula was relaxed.

Approved as Recommended

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

(3) Review of Short Term Capital Projects

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

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

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

Recommend Director Goodwin give a verbal report of the San Joaquin River Conservancy (SJRC) Board Meeting held on February 13, 2013.

Director Goodwin gave a verbal report.

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

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

Recommend Director Burleson give a verbal report of the Upper Kings Basin Integrated Regional Water Management Authority (UKBIRWMA) Board Meeting.

Director Burleson was absent.

This item will be moved to the May 8, 2013 meeting

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

Recommend Director Burleson give a verbal report of the Association of Metropolitan Water Agencies (AMWA) Board Meeting.

Director Burleson was absent.

This item will be moved to the May 8, 2013 meeting

REPORT OF GENERAL COUNSEL

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

CLOSED SESSION

A Closed Session was not convened.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, APRIL 24, 2013
PAGE 8 OF 8**

ADJOURNMENT

Adjourned Board Meeting at 7:35 pm

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


JERRY LAFEMAN
DISTRICT ENGINEER

5-15-13
DATE