

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, MAY 22, 2013

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, May 22, 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, Vice-Chairman
Roy Spina
Kendall Groom
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
Paul Merrill, Finance Manager
Daniel Rouke, Environmental Resources Manager
Verlyn Neufeld, Construction Manager
Frances Lopez, Office Manager
Kristine Johnson, Staff Analyst
Karyn Kruser, Staff Analyst
Ken Price, Assistant General Counsel;
Baker, Manock & Jensen

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

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, MAY 22, 2013
PAGE 2 OF 7**

2. REPORT OF THE GENERAL MANAGER:

Mr. Van Wyk reported on the following: (1) Rick Anderson who was a key employee of the District's program recently passed away. He was employed with the District from 1980-1998; (2) The Board requested to have JPIA look into some of the provisions in the Airport Property Agreement. Andy Sells of JPIA will take it to the JPIA executive board on May 30, 2013 as an informational item; (3) Mr. Van Wyk reported on the article in the newspaper and emails from the Concerned Citizens of Fresno and the District's response to the inquiries concerning the geese at Basin J. Staff is meeting with Fish and Wildlife to come up with a solution in order to avoid future issues; (4) Staff met with a broad base of representation from the community and public agencies to discuss copper wire theft. They will meet with the District Attorney's office to discuss and identify the various types of prosecution available. In addition, staff is proposing to change the language to the exiting legislation on copper wire theft and will bring that back to the board for support at a later date; (5) Mr. Van Wyk noted, the handout given to the board has three board meetings scheduled for the month of June.

3. APPROVAL OF MINUTES: April 24, 2013 and May 8, 2013

Approved as Recommended

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

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, MAY 22, 2013
PAGE 3 OF 7**

7. PUBLIC HEARING:

Adoption of Resolution Adopting Negative Declaration for the Expansion of Dry Creek Extension Basin (North of Annadale between Blythe and Brawley)

Recommended the Board of Directors consider the proposed Negative Declaration, public comments, and any testimony at the hearing. Subsequently, it is recommended the Board of Directors approve the final Negative Declaration and adopt the resolution. Following adoption of the Negative Declaration it is recommended the Board approve the project. It is further recommended the Board's action include such additional measures it feels are necessary to mitigate or alleviate any concerns raised through public testimony or Board discussion.

Director Williams opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:10 pm.

Approved as Recommended to Approve the Final Negative Declaration and Adopt the Resolution

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

Approved as Recommended to Approve the Project

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

8. CONSENT CALENDAR:

a. Authorization to Execute Standard Developer Agreements:

- (1) Tract 5550, Drainage Area "BT", Granville Homes (Teague & Fowler)
- (2) Co. SPR 7531-R, Drainage Area "AZ", US Cold Storage (North & Maple)

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, MAY 22, 2013
PAGE 4 OF 7**

- b. Award of Contract "W-29", Belmont Avenue Storm Drain (Belmont & Clovis)
- c. Report of Pollutant Discharge Incidents, April 2013

Director Fowler requested item 8a be pulled.

Approved as Recommended, with the exception of Item 8a.

Motion by: Rastegar Second by: Groom

Ayes: Williams, Rastegar, Spina, Groom, Goodwin, Fowler, Burleson

Noes: None

Abstentions: None

Absentees: None

8a. Authorization to Execute Standard Developer Agreements:

- (1) Tract 5550, Drainage Area "BT", Granville Homes (Teague & Fowler)
- (2) Co. SPR 7531-R, Drainage Area "AZ", US Cold Storage (North & Maple)

Recommended the Board of Directors authorize to Execute Standard Developer Agreements

Director Fowler requested clarification on Item 8a(2) being that the memorandum had two subject items listed with only one recommendation. Mr. Hofmann explained that was an error and recommend that the Board of Directors authorize staff to execute the Standard Developer Agreements for both Granville Homes and US Cold Storage.

Approved as Recommended

Motion by: Fowler Second by: Spina

Ayes: Williams, Rastegar, Spina, Groom, Goodwin, Fowler, Burleson

Noes: None

Abstentions: None

Absentees: None

9. Approval of Scope of Work for United Research Services (URS) to update 2013 District Services Plan Master Environmental Impact Report

Recommended the Board of Directors select URS to provide CEQA services for the 2013 District Services Plan Master Environmental Impact Report Update and authorize the General Manager-Secretary to sign an agreement for those services.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, MAY 22, 2013
PAGE 5 OF 7**

Approved as Recommended

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

10. Report of Negotiations with Clovis Unified School District Regarding Payment of Drainage Fees and Assessments

Recommended the Board of Directors review the attached letters, receive a verbal report from staff and give direction regarding the payment of drainage system costs by CUSD.

Mr. Hofmann reported on the District's negotiations with the CUSD in regards to the payments of drainage fees and that District staff will continue to work with CUSD and bring back to the board a full report on staff's progress at the June 12 meeting.

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

11. Submittal of Third Quarter Budget Report, Fiscal Year 2012-2013

Recommended the Board of Directors review and comment on the Third Quarter Budget Report Executive Summary ending March 31, 2013.

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

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

a. Recommendations from the Board Committees:

(1) Priorities and Programming:

(a) Capital Project for Fiscal Year 2013-2014

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, MAY 22, 2013
PAGE 6 OF 7**

Recommend the Board of Directors review the Fiscal Year 2013-2014 Capital Improvement Projects list, along with the proposed modifications, and approve their inclusion into the 2013-2014 Budget.

Approved as Recommended

Motion by: Fowler

Second by: Burleson

Ayes: Williams, Rastegar, Spina, Groom, Goodwin, Fowler, Burleson

Noes: None

Abstentions: None

Absentees: None

b. 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 Wednesday, May 15, 2013. The Agenda of the May 15, 2013 Board Meeting is attached. However, the Minutes were not yet available. The Minutes of the March 20, 2013 Board Meeting are attached.

Director Goodwin gave a verbal report.

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

(2) Blue Tech Valley Water Conference, Director Burleson

Recommend Director Burleson give a verbal report of the Blue Water Technology Conference.

Director Burleson gave a verbal report and slide presentation.

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

REPORT OF GENERAL COUNSEL

CLOSED SESSION

The Board then convened in Closed Session at 6:40 pm to consider the following litigation:

- 15. CONFERENCE WITH REAL PROPERTY NEGOTIATOR:**
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (Number of Cases: 1)

The Board then convened in regular session at 6:45 pm. Mr. Price stated no reportable action was taken in Closed Session.

ADJOURNMENT

Adjourned Board Meeting at 6:46 pm.

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



BOB VAN WYK
GENERAL MANAGER-SECRETARY



DATE