

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

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

DIRECTORS ABSENT: Frank Fowler

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, Accounting Manager
Frances Lopez, Office Manager
Karyn Kruser, Staff Analyst
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel; Baker, Manock & Jensen
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 Director Rastegar led the Pledge of Allegiance.

2. REPORT OF THE GENERAL MANAGER:

Mr. Van Wyk reported on the following: (1) he distributed a copy of a letter that was sent to the Fresno Unified School District regarding *Hoover and Bullard High School Modernization Projects Cost for Proportionate Share of Storm Drainage System Drainage Areas "M" and "DD"*; (2) he distributed a copy of an email from District employee Paul

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Allen regarding fowl botulism in District Basin "BC" and noted the District was being advised by Dan Fidler a Biologist with the California Department of Fish and Wildlife; (3) he reported with respect to the Fancher Creek New Town Center (Prop 1E Grant) staff has billed and has received approximately \$721,000; with respect to High Speed Rail, staff has billed and has received approximately \$12,000; and with respect to FUSD George Washington Carver Campus Relocation, staff has billed and has received approximately \$52,500; he noted several of these are expenses that would have shown up in the District's personnel expenses that are now being reimbursed; responding to Director Williams question, he noted the reimbursement time between the District's submittal of billing and the receipt of the funds is an approximate 60 day turnaround; (4) he distributed exhibits for Agenda Item 8d which have been updated regarding Drainage Fee Violation, Notification and Collection and noted on the last page of the exhibits, it identifies that to date, the District has received approximately \$234,000; Director Williams noted staff is doing an excellent job in collecting these unpaid drainage fees; Directors Goodwin and Spina concurred; and (5) he noted staff had updated the Board's guidebooks that are at the dais.

3. APPROVAL OF MINUTES: Meeting of June 26, 2013

Approved as Recommended

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

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.

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7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- a. Acceptance of Quarterly Investment Report, First Quarter
- b. Authorization to Execute Standard Developer Agreements:
 - (1) Tract 5871, Drainage Area "DO", Woodside O6N, LP, (DeWolf & Ashlan)
 - (2) Tract 6020/CL CUP 2013-005, Drainage Area "3G", 6020 Enterprises I, LP, (DeWolf & Bullard)
- c. Award of Contract "EH-D", Storm Drain Facilities (Golden State Boulevard & Herndon)
- e. Ratification of Expenditures, Report of Fund Balances and Activity, June 2013
- f. Report of Addition of Wildlife Control Technology Work Order to Include Big Dry Creek Detention Basin
- g. Report of Public Concerns, June 2013
- h. Report on Uniform Cost Accounting Contract for District's Office Complex Parking Lot Sealcoating
- i. Report on Drainage Fee Time Payment Agreements (April – June)

Director Goodwin requested Agenda Item 8d be pulled.

Approved as Recommended, pulling Agenda Item 8d

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

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

This is a quarterly report to the Board of Directors and no action is necessary unless specific direction is to be given staff.

Responding to Director Goodwin's question regarding how the District will work with the entitlement/permitting agencies to ensure no additional permits are allowed on properties without payment of the drainage fee, Mr. Lakeman stated staff will put a hold on any future permits on the property. Responding to Director Goodwin's subsequent comment as to the wait may be a long time before the District receives its drainage fee payment, Mr. Lakeman stated staff anticipates coming to the Board in the future, once we have completed this first phase of collecting these drainage fees, and asking the Board to consider having Public Hearings and notices on those properties, so that future sales will generate revenue to clear this issue. Mr. Van Wyk noted the letter that was sent to the Board from Legal Counsel identified a process by which the District would record that a fee had not been paid and proceed with a Public Hearing process.

Director Spina noted a typographical error on Phase I, fifth column, fourth line down, date shows 1/0/1900. Mr. Lakeman stated staff would correct that item.

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

9. Authorization to Enter into Signage Agreement, Johnny Quik Food Stores, Inc., Redbank Reservoir

Recommend the Board of Directors accept the proposal and approve placement of the sign subject to provisions of the District lease program subject to approval by the County of Fresno.

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Discussion was carried among Board Members with respect to the potential of this setting a precedence; the problems the signs may create for the District in the future; the financial benefit is not worth the problems the sign may cause; it appears to be of no benefit to the District; and it could potentially be a conflict with Wild Water Adventures.

Not Approved as Recommended, the Board of Directors did not Authorize the District entering into a Signage Agreement with Johnny Quik Food Stores, Inc.

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

10. Authorization to Repay Funds Loaned to PPDA Trust Fund for Developer Reimbursement

Recommend the Board of Directors authorize the repayment of \$186,004.79 of Loan Back funds to the General Fund.

Approved as Recommended

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

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

No items were submitted.

REPORT OF GENERAL COUNSEL

No items were reported.

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CLOSED SESSION

A Closed Session was not convened.

ADJOURNMENT

Adjourned Board Meeting at 6:32 pm.

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



BOB VAN WYK
GENERAL MANAGER-SECRETARY



DATE