

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

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

**DIRECTORS ABSENT:** Jennette Williams, Chairman  
Barbara Goodwin  
Buzz Burleson

**STAFF, CONSULTANTS,  
OTHERS PRESENT:** Bob Van Wyk, General Manager  
Jerry Lakeman, District Engineer  
Alan Hofmann, Assistant District Engineer/Design  
Peter Sanchez, Operations Engineer  
Frances Lopez, Office Manager  
Paul Merrill, Finance Manager  
Karyn Kruser, Staff Analyst  
Verlyn Neufeld, Construction Manager  
Esther Schwandt, Clerk to the Board

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

Pat Wiemiller, Public Works Director, City of Fresno

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

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

Mr. Van Wyk distributed an updated District's Board Requests & Assignments Form.

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**3. APPROVAL OF MINUTES: Meeting of July 24, 2013**

Due to the absence of a sufficient number of Board Members who had attended the July 24, 2013 Board Meeting, the Minutes of the July 24, 2013 Board Meeting were tabled to a subsequent Board Meeting.

**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.

**7. PUBLIC HEARING:**

**Adoption of Resolution Adopting Mitigated Negative Declaration for the Big Dry Creek Dam Seepage Remediation Project (North of Shepherd between Armstrong and De Wolf)**

Recommend the Board of Directors consider the proposed Mitigated Negative Declaration, public comments and any testimony at the Hearing. Subsequently, it is recommended the Board of Directors approve the final Mitigated Negative Declaration and adopt the resolution. Following adoption of the Mitigated 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.

Kristine Johnson distributed an amended Big Dry Creek Seepage Remediation Project Mitigation Monitoring Checklist as attached to the Board Memorandum.

Director Rastegar opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:08 pm.

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Responding to Director Groom's question regarding the email from Vince Genco expressing his concern for his horses, Mr. Van Wyk stated staff will inform the neighboring property owners when work will commence at the project location.

**Approved as Recommended, Adopting Resolution No. 2013-769**

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

**8.    CONSENT CALENDAR:**

- a.    Acceptance of Report of External Auditor, Fiscal Year 2012, Money Purchase Pension Plan and Trust Report
- b.    Award of Contract "BO-27", Landscape & Irrigation Facilities (Sunnyside & Iowa)
- c.    Report of Completion of Contract "UU<sub>3</sub>-30" and Status of Final Payment, Halopoff Construction (Hughes & Hedges)
- d.    Report of Pollutant Discharge Incidents, June 2013
- e.    Authorization to Execute Standard Developer Agreement, Tracts 5597, 6037 and 6044, Drainage Areas "EM" and "EJ" (Barstow & Garfield), Granville at Barstow, Inc.

Mr. Lakeman noted one correction to item 8e. specifically page one of the memorandum under the table, the column entitled "credit" should be entitled "reimbursement/credit".

- f.    Report on Other Post Employment Benefit (OPEB) Investment Changes
- g.    Report on Third Quarter Other Post-Employment Benefit (OPEB) Investment Returns for Period Ending March 31, 2013

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**Approved as Recommended with the Above Mentioned Correction**

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

**9.      Appearance by Patrick Wiemiller, City of Fresno, Report on Proposed Rate Increase for Water Services**

**Recommend the Board of Directors receive the report from the City of Fresno and provide direction to staff as necessary.**

Mr. Lakeman distributed the notice that was sent to Water Customers of the City of Fresno, informing them of Proposed Changes to Water Rates, and he introduced Pat Wiemiller, Public Works Director of the City of Fresno, 2600 Fresno Street, Fresno, California.

Mr. Wiemiller addressed the Board regarding the Proposed Changes to the Water Rates and the Proposition 218 process they are following. He stated the City of Fresno has a five-year capital program that calls for them to build approximately \$410 million of water infrastructure within the City as outlined in the notice. Mr. Wiemiller stated a majority of the funding for these capital projects will come from the increased water rates. He stated the capital improvement projects will balance the City's water usage between groundwater and surface water. Their approach consists of building a Surface Water Treatment Facility in southeast Fresno, increasing the number of groundwater recharge basins, improving well efficiency, replacing aging pipes and moving the Department of Public Utilities toward qualification for more favorable interest rates and government grant programs. He then reviewed the City of Fresno's Historical Water Levels as shown on the notice which shows a declining water table. He then showed the proposed trend once these projects have been implemented in improving the City's facilities as projected through 2025. Mr. Wiemiller stated even with the proposed water rate increase, the City of Fresno still has the cheapest water rates throughout the State.

Director Spina noted approximately 70% of the total amount was going to the Southeast Fresno Surface Water Treatment Facility and Pipeline, and he questioned of that cost for that facility, how much of it would come from developers. Mr. Wiemiller stated approximately 40% of the cost is development related. He stated the City is proposing a \$410 million capital program, but the sum total of the increase in rates is not \$410 million,

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but rather it is less. With respect to Development Fees, Mr. Wiemiller stated those have gone up, and those fees are studied separately; he stated an analysis will be done in late 2013 or early 2014. Responding to Director Spina's subsequent question regarding utility rates being dropped significantly several years ago for development, Mr. Wiemiller explained in 2009 a well delayed significant increase in the impact fees was implemented. He stated that was right when the economy started to drop, so a wide representation of the development community asked the Mayor to have some "forgiveness" of the increase in the development impact to which they were granted for an 18 month period. Director Spina stated his comment referred to the first strong mayor and he believed the amount was approximately \$10 million. Mr. Wiemiller stated that predated his time with the City of Fresno, and he was unaware of those details.

Director Spina requested Mr. Wiemiller answer question number 5 of the Board Memorandum; "Are there changes in the need to use FMFCD basins in the groundwater recharge program and what is the future need and use for FMFCD basins?" Mr. Wiemiller stated either we are going to continue where we are or if we can enhance how we use the District's basins, all the better for the City. He stated they certainly do not see any of this as a moving away from that model and their partnership with the District.

Responding to question No. 6. "FMFCD and the City have identified secondary uses, dominantly choices of recreational use or groundwater recharge use. Will the increased revenue to the Water Department in any way change the City's desired designation of the secondary use of the basins or lessen the use of these basins by the City?"; Mr. Wiemiller stated that is a great question, but the District is probably asking the wrong person; however, he stated for the Water Department's selfish reason, while they understand the need and the wonderful enhancement of the District's facilities for recreation, they would much rather the District was using all their basins to help with recharge. He stated as a practical matter, he does understand the balancing that has to be done with the basins and he does appreciate the recreational value the District's facilities bring to the citizens.

Responding to question No. 3. "What is the procedure for noticing property owners and approving the rate increase considering Proposition 218?"; Mr. Wiemiller stated the notice flyer the Board had received this evening is the principal tool for notification to property owners. He stated the City printed up 135,000 of these flyers that were sent to every registered property owner using the City of Fresno water. He stated the Proposition 218 process is a 45 day period from the time the flyers are mailed. He stated a Public Hearing is set for August 15 which is right at the completion of the 45 day period. In addition to the mailers, they have approximately 17 community meetings scheduled. He stated the matter will then go to the City Council and once that approval has been given they will begin the projects almost immediately.

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Responding to Director Fowler's question as to how the County residents are being noticed, Mr. Wiemiller stated the County residents are given the same noticing process as the City residents.

Director Spina questioned how entities such as the District would protest and/or how many votes they would have. Mr. Wiemiller stated he believed that was a legal question. Mr. Price stated under certain circumstances, it's a vote that is attached to the approximate value of the property as determined by the assessor; and in other instances, it can be one vote per parcel. Mr. Price stated it depended on which Proposition 218 procedure they are working with. Mr. Wiemiller stated he believed it was one vote per parcel. Mr. Wiemiller stated it appears so far that the chances of getting a 50% protest are slim.

Director Fowler stated he believed the presentation was really good for the public; however, he stated he is skeptical of the charts where they show the rates, noting the other cities shown have a higher standard of living than Fresno. In response, Mr. Wiemiller reviewed the comparison chart for the cities in the Valley, which showed the City of Fresno right in the middle of the water rate structure.

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.**

**10. Report of South Fresno Economic Development Grant Opportunity with the Federal Economic Development Agency**

**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.**

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

- a. **Report on Board of Directors Attendance at Various Meetings, Upper Kings Basin Integrated Regional Water Management Authority (UKBIRWMA), Director Fowler**

Recommend Director Fowler give a verbal report of the Upper Kings Basin Integrated Regional Water Management Authority (UKBIRWMA) Board Meeting held on July 17, 2013.

Director Fowler gave a verbal report.

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

**12. Authorization to Execute License Agreement for Replacement of Block Wall with Chain Link Fence, Seema Kwatra, Tract 1995, Basin "K" (Shaw & Marks)**

Recommend the Board of Directors authorize execution of an agreement with Seema Kwatra as outlined in the Board Memorandum.

Director Spina left the dais at 7:14 pm.

The Board recessed at 7:15 pm and reconvened in regular session at 7:17 pm.

**Approved as Recommended**

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

**REPORT OF GENERAL COUNSEL**

There were no items reported.

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**CLOSED SESSION**

A Closed Session was not convened.

**ADJOURNMENT**

**Adjourned Board Meeting at 7:18 pm**

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

  
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BOB VAN WYK  
GENERAL MANAGER-SECRETARY

  
\_\_\_\_\_  
DATE