

**ACTION SUMMARY MINUTES**  
**MINUTES OF THE REGULAR MEETING OF**  
**THE BOARD OF DIRECTORS OF THE**  
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**  
**HELD WEDNESDAY, AUGUST 14, 2013**

---

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, August 14, 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  
Frank Fowler  
Buzz Burleson

**DIRECTORS ABSENT:** Barbara Goodwin

**STAFF, CONSULTANTS,  
OTHERS PRESENT:**

Bob Van Wyk, General Manager  
Jerry Lakeman, District Engineer  
Alan Hofmann, Assistant District Engineer/Design  
Peter Sanchez, Operations Engineer  
Daniel Rourke, Environmental Resources Manager  
Karyn Kruser, Staff Analyst  
Brandy Swisher, Program Assistant  
Andrew Remus, Staff Analyst  
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel; Baker, Manock & Jensen

Gene Qualls

Bree Comstock, Vice President, Ashwood Construction, Inc.

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

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, AUGUST 14, 2013  
PAGE 2 OF 9**

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

Mr. Van Wyk reported on the following: (1) he distributed a newspaper article and photographs regarding a Clovis Police incident where a police officer hit a District vehicle that was parked in a District employee's driveway; he stated staff will submit a claim to the District's JPIA; (2) he distributed a letter from Mrs. Marcus requesting the District consider naming the park at Basin "FF" (West s/o Kearney) in memory of former Board Member George Marcus; Mr. Van Wyk stated with no objections from the Board, staff will forward this request to the Community Relations Committee; (3) he distributed a memo addressed to District staff from the General Manager informing staff that the City of Fresno plans to raze the Downtown Homeless Encampments and giving staff direction should any of the homeless residents move on to District facilities; (4) he distributed a letter from Ms. Marlene Fansler informing the District of the Fansler Foundation Grant award to the District in the amount of \$124,395 for restoration of park features to like-new condition at Basin "D" Oso de Oro Lake Park; he stated staff will be submitting a Resolution of Appreciation to be adopted by the Board for the Fansler Foundation at a future Board Meeting; (5) he distributed photographs of fire damage to Big Dry Creek Reservoir; he stated kids had been apprehended for accidentally starting the fire; (6) he distributed a memo which was sent to the District from CUSD and would be discussed this evening in Closed Session; and (7) a District Organizational Chart had been distributed to the Board; he noted Director Fowler had requested a copy of the Organizational Chart.

**3. APPROVAL OF MINUTES: Meetings of July 10, 2013 and July 24, 2013**

**Approved as Recommended as to the Minutes of July 10, 2013**

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

**Approved as Recommended as to the Minutes of July 24, 2013**

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

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, AUGUST 14, 2013  
PAGE 3 OF 9**

**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:**

There were no Public Hearings scheduled.

**8. CONSENT CALENDAR:**

- b. Authorization to Execute Standard Developer Agreement, Clovis SPR 2012-006, Ashwood Construction, Inc., Drainage Areas "DO" and "DP" (Ashlan & Leonard)
- c. Authorization to Sign Channel Relocation Agreement, Dog Creek, Ashwood Construction, Inc.
- d. Award of Contract "XX-38", Electrical Facilities (McKinley & Hughes)
- e. Engineer's Report of Construction, July 2013
- f. Engineer's Quarterly Year End Report of Developer Agreements, July 2013
- g. Quarterly Real Estate Report, July 2013
- h. Report of Public Concerns, July 2013
- i. Notification of District External Audit Engagement

Director Spina requested Agenda Item 8a be pulled.

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, AUGUST 14, 2013  
PAGE 4 OF 9**

**Approved as Recommended, with the exception of 8a which was pulled**

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

**a. Association of California Water Agencies' Request for Legislative Proposals, 2013-2014 Legislative Session; Metal Theft**

Director Spina expressed his pride in the District and District staff in their outstanding effort with respect to this item as outlined in the Board Memorandum.

Mr. Van Wyk credited Mr. Jensen, Mr. Remus, Mr. Rouke and Ms. Swisher who have worked on this matter.

**Approved as Recommended, Adopting Resolution No. 2013-770**

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

**9. Report on District's Dam Insurance**

This item was pulled by the General Manager. Mr. Van Wyk stated staff would like to include additional information as to risk analysis, quotes from other insurance carries, and other insurance options.

**10. Authorization to Amend Agreement 1602(G)-Dry Creek Extension Basin Adding 0.7573 Acres, Gene & Shirley Qualls**

**Staff recommends the Board of Directors approve the donation and amend the original agreement to accept the 0.7573 acres.**

Mr. Lakeman noted one correction to the Board Memorandum, the amendment to Agreement 1602(G)-Dry Creek Extension Basin is to add 10 feet, not 25 feet as listed in the Board Memorandum.

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, AUGUST 14, 2013  
PAGE 5 OF 9**

Responding to Director Fowler's concerns with respect to the CEQA compliance, Mr. Van Wyk stated staff would bring back a report to the Board to insure we are still in compliance with the CEQA document.

Mr. Qualls addressed the Board with respect to his proposal, noting it was a continuation only of the basin that exists now. He stated the only thing they are doing is moving the fence line out 10 feet. Responding to Director Fowler's question as to whether Mr. Qualls was contacting the County for a lot line adjustment, Mr. Qualls stated it would have to be recorded on the deed. Director Fowler stated the County would require an environmental review for the lot line adjustment. Mr. Lakeman stated he does not believe the District has to file a lot line adjustment since a public agency is taking the land.

Director Williams suggested the Board could approve the donation and amend the original agreement subject to the staff coming back with the additional information as requested by Director Fowler with respect to CEQA compliance. Responding to Director Fowler's question as to the lot line adjustment filed with the County, Mr. Van Wyk stated the District is not subject to the provision of the Map Act that would require the filing of a lot line adjustment. However, he noted the County Assessor would go back and adjust the property lines for tax basis.

Mr. Qualls noted he was shut down right now, and would not be able to move forward until this is approved.

Director Fowler stated he could approve the recommendation, subject to staff providing confirmation of the CEQA compliance. Mr. Van Wyk stated staff would provide that information at the next Board Meeting, along with the basin configuration as requested by Director Spina.

**Approved as Recommended, Subject to Confirmation of the CEQA Compliance**

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

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, AUGUST 14, 2013  
PAGE 6 OF 9**

**11. Authorization of a Drainage Fee Deferment, Fresno CUP 2007-045, Oak Park Senior Village, Drainage Area "BD"**

Recommend the Board of Directors authorize execution of an agreement that defers payment of the drainage fee in the total amount of \$36,525 (includes all administrative and interest charges) to no later than May 31, 2015, and inclusive of a lien on the property.

Ms. Bree Comstock, Vice President of Ashwood Construction, Inc. 4941 N. Van Ness Boulevard Fresno 93704; addressed the Board noting it was a pleasure to work with staff as they were very responsive. She stated Ashwood Construction, Inc. is glad to have this situation resolved so quickly.

**Approved as Recommended**

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

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

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

Recommend the District Board of Directors approve publication of the Summer 2013 issue of the Flood Line newsletter as approved by the Community Relations Committee at its August 7, 2013 meeting.

**Approved as Recommended**

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

**b. Approval of Team Leader Position in Master Planning Section and Approval of Job Descriptions**

The Ad Hoc Committee recommends the Board of Directors approve the Team Leader position in the Master Planning section and approve the revised engineering job descriptions for clarity.

Mr. Van Wyk clarified the recommendation, noting that while the Ad Hoc Committee did not meet, this recommendation was developed as a consensus of the Ad Hoc Committee members in their discussions with staff.

Director Fowler noted the Ad Hoc Committee did not recommend approval of this item, but rather that this item come back to the full Board for approval.

Responding to Director Williams' question as to the Ad Hoc Committee's agreement with the item, Director Fowler reviewed the history and his understanding of this item and stated since a previous Board had approved two of the Team Leader positions as outlined in the Board Memorandum, he would not then undo the Board's decision. However, he noted that he still has an issue as he believed a Team Leader is generally a temporary assignment, not a permanent assignment. With respect to the third Team Leader position, it is his understanding that this position was not approved by the Board. Also, one of the Team Leader positions was for a Facility Technician IV and therefore there was no job description of that position. He stated he and Director Spina discussed the item, since Director Burleson was out of town, and they decided at that point that the item should come back to the Board, rather than hold an Ad Hoc Committee. He stated he spoke to Director Burleson this evening and Director Burleson concurred with that conclusion.

Director Burleson noted there were four Team Leaders positions shown on the Organizational Chart.

Ms. Kruser explained with respect to the Facility Technician IV position, the District does not have a Job Description that shows Team Leader; however, the District does have a Job Description for the Facility Technician IV position. She stated the way that staff is exercising that now, is that anyone that does promote to that level IV in the Facility Technician series would have the same responsibilities as a Team Leader. Specifically, Ms. Kruser stated no one can get to level IV unless they have supervisory responsibilities.

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, AUGUST 14, 2013  
PAGE 8 OF 9**

Mr. Van Wyk explained with respect to the Team Leader position under Master Planning, when this was presented to him, it was presented as a promotion, funds were put in the Budget and the Budget was adopted by the Board. However, he did not believe there was enough detail in the Board Memorandum formally approving that Team Leader position. He stated he would therefore concur with Director Fowler as to the need for the Board to approve this position.

Responding to Director Spina's question with respect to the Facility Technician IV Team Leader position, Ms. Kruser stated the District in the past had Facility Technician IV positions, and either they were promoted or left, so for a while there were no Facility Technician IV positions. She stated the other Technicians were only allowed to reach level III; however, she stated staff then decided to promote someone to Level IV and make that person a Team Leader with supervisory responsibilities over the other Technicians in the Urban Section. Director Spina stated he did not see the need for the title Team Leader, as the responsibilities are in the Job Description. Mr. Van Wyk stated staff can take the Team Leader title out.

Responding to Director Rastegar's question as to the salary difference for the Team Leaders, Mr. Van Wyk stated it was 2½ percent for the Engineers only. Mr. Van Wyk stated with respect to Facility Technician IV there is no salary difference. Discussion was carried among the Board Members as to the significance of the title Team Leader.

**Approved as Recommended**

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

**REPORT OF GENERAL COUNSEL**

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

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, AUGUST 14, 2013  
PAGE 9 OF 9**

**CLOSED SESSION**

The Board then convened in Closed Session at 6:47 pm to consider the following litigation:

- 14. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to sub-division (b) of Gov. Code Section 54956.9:

(Number of Potential Cases: 1)

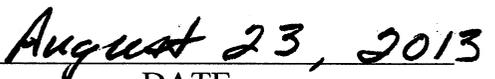
The Board then convened in regular session at 7:29 pm. Mr. Jensen stated no reportable action was taken in Closed Session.

**ADJOURNMENT**

**Adjourned Board Meeting at 7:30 pm**

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

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

  
\_\_\_\_\_  
DATE