

**ACTION SUMMARY MINUTES**  
**MINUTES OF THE REGULAR MEETING OF**  
**THE BOARD OF DIRECTORS OF THE**  
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**  
**HELD WEDNESDAY, AUGUST 28, 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, August 28, 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  
Frances Lopez, Office Manager  
Kurt Hupp, Rural Program Manager  
Terri Shaffer, Office Assistant  
Jarrod Takemoto, Engineer  
Daniel Rourke, Environmental Resources Manager  
Paul Merrill, Finance Manager  
Kristine Johnson, Staff Analyst  
Brandy Swisher, Program Assistant  
Andrew Remus, Staff Analyst  
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

Mike Shaffer, Husband of Terri Shaffer  
Brock Buche, Department of Public Utilities, City of Fresno  
Melinda Marks, Executive Director  
San Joaquin River Conservancy (SJRC)

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, AUGUST 28, 2013  
PAGE 2 OF 8**

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

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

Mr. Van Wyk reported on the following: (1) he distributed an email from District Employee Paul Allen regarding Homeless Encampments being found at District Basins "M", "B/E", "G", "Y" and "V" as staff had anticipated, due to the City of Fresno's recent razing of the Homeless Encampments in the downtown area; Mr. Van Wyk noted he had attended a Task Force Meeting at the Fresno Irrigation District (FID) in which FID indicated they would be putting together a Standard Operating Procedure (SOP) that would follow guidelines established by the community with respect to Federal Court on how to handle the homeless; Mr. Van Wyk distributed copies of FID's SOP and noted Legal Counsel had reviewed these as well and believed they do follow the guidelines given by the Federal Court; Mr. Van Wyk stated staff will be implementing its SOP modeled after FIDs, noting the District will take this matter very seriously as there is concern for both District employees as well as the District's facilities; (2) he distributed an article written by Jeanne Larson in the Opinion page of the Fresno Bee in which she mentions the District; however, he noted the article had more to do with the City of Fresno's proposed rate increase; (3) he distributed a flyer regarding the 2013 State of the County Breakfast scheduled for September 25<sup>th</sup>; he stated the Clerk to the Board would be contacting the Board Members as to their availability to attend; (4) he distributed a flyer regarding the 2013 Superintendent's Back-to-School Breakfast scheduled for September 17<sup>th</sup>; he stated the Clerk to the Board would be contacting the Board Members as to their availability to attend; and (5) he reported District Employee Kurt Hupp plans to retire on September 6, 2013 after twenty three years of service to the District; Mr. Van Wyk noted he was the Rural Program Manager and provided the District invaluable information and would surely be missed.

**3. APPROVAL OF MINUTES: Meeting of August 14, 2013**

Due to her absence at the August 14, 2013 Board Meeting, Director Goodwin abstained.



**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, AUGUST 28, 2013  
PAGE 4 OF 8**

- d. Ratification of Expenditures, Report of Fund Balances and Activity, July 2013
- g. Report on Other Post Employment Benefit (OPEB) Investment Returns
- h. Report on AB 265 (Local Government Liability; Dog Parks) Signed Into Law

Director Burleson requested Agenda Item 8e be pulled. Director Goodwin requested Agenda Item 8f be pulled.

**Approved as Recommended, pulling Agenda Items 8e and 8f**

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

**e. Report of Pollutant Discharge Incidents, July 2013**

No action is required of the Board of Directors unless specific direction is to be given to staff.

Responding to Director Burleson's concerns with respect to "Illicit Discharges into the storm drain" in particular used motor oil, Mr. Rouke stated staff is currently doing an analysis and has found that the complaints regarding used motor oil is trending down. With respect to Director Burleson's subsequent question regarding the swimming pool discharges, Mr. Rourke stated the public is allowed to discharge swimming pool water, however, they are asked to put the diatomaceous earth into the trash or rinse it out on the grass which can then be easily raked. Mr. Van Wyk noted the other concern the District has with respect to swimming pool water, is the District requests they let the District know when they are going to dispose of water as we do not want them to discharge during storm events; and the District encourages the pool owners to dechlorinate the water.

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

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, AUGUST 28, 2013  
PAGE 5 OF 8**

**f. Report on City of Clovis' Request for a Fireworks Display in District Basin "7H" (Temperance & Sierra)**

No action is required of the Board of Directors unless specific direction is to be given to staff.

Responding to Director Goodwin's question as to liability, Mr. Van Wyk stated the City of Clovis has agreed to take on the liability, and are currently preparing an Indemnification Agreement to transfer liability. Mr. Van Wyk stated District Legal Counsel will review the Indemnity Agreement to insure the District is protected.

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

**9. Adoption of Resolution of Appreciation Honoring Terri Shaffer's Twenty Years of District Service**

Recommend the Board of Directors adopt the Resolution of Appreciation honoring Mrs. Terri Shaffer for 20 years of public service to the District.

Mr. Van Wyk introduced Mrs. Shaffer and her husband Mike Shaffer. He acknowledged Mrs. Shaffer's long term commitment and exemplary work at the District. He then noted Mrs. Shaffer's work on implementing the District's file system. Mr. Van Wyk expressed his thanks to Mrs. Shaffer for all her hard work at the District.

Mrs. Lopez addressed the Board noting Mrs. Shaffer was hired August of 1993 as a part-time Office Assistant; however, due to her skills and personality was quickly moved to full-time. Mrs. Lopez then acknowledged the various jobs Mrs. Shaffer has handled at the District and in particular her pride she displays in her work ethic, specifically with respect to park reservations. Mrs. Lopez noted that Mrs. Shaffer who has from the date of hire has volunteered to work the District's public events.

**Approved as Recommended, Adopting Resolution No. 2013-768**

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

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, AUGUST 28, 2013  
PAGE 6 OF 8**

Mr. Van Wyk presented Mrs. Shaffer with flowers, and Chairman Williams presented Mrs. Shaffer with a framed Resolution.

Mrs. Shaffer addressed the Board expressing her thanks for the opportunity of working at the District, noting it has been her pleasure in serving with such talented people at the District, and acknowledged her supervisor, Mrs. Lopez.

**10. Report of Easement Deficiency, Pipeline Easement Across Southerly Half of Fancher Creek, Drainage Area "BO" (Sunnyside, Belmont, Tulare, Armstrong)**

No action is required unless specific direction is given to staff.

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.**

**11. Report of Erosion Deficiency and Potential Project, Big Dry Creek Diversion Channel to Little Dry Creek**

No action is required unless specific direction is given to staff. Staff will return with further information as the City studies the erosion risk, options to mitigate damage risk, and determine its preferred course of action.

Staff distributed an updated Attachment for this item.

Mr. Lakeman and Mr. Hupp reviewed photographs of the Channel for the Board.

Mr. Brock Buche, Department of Public Utilities, City of Fresno, addressed the Board reporting the City is currently 60% complete with the design of a 60-inch diameter water pipeline project that will convey surface water from the Friant-Kern Canal to the City's Surface Water Treatment Plant in north Fresno, noting they are waiting to proceed any further until they resolve environmental issues. He stated in the interim they are working with the District and the Corps of Engineers to deal with the crossing of the Channel. He then reviewed the importance and the history of the City's project.

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

FMFCD BOARD MEETING MINUTES  
WEDNESDAY, AUGUST 28, 2013  
PAGE 7 OF 8

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

- a. **Report on CEQA Compliance, Status of Agricultural Preserve and Basin Design, Dry Creek Extension Basin, Qualls Property (North of Annadale between Blythe & Brawley)**

As the Board approved the donation of 0.30 acres (10 feet) and amendment of the original agreement at the last meeting, subject to confirmation of the CEQA compliance, no action is required.

Director Spina noted the need for one correction to the "Dry Creek Extension Basin Map with the Addition of 10 Feet", the east line should show relocated property line not existing property line as it currently shows.

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

- b. **Report on Board of Directors Attendance at Various Meetings, San Joaquin River Conservancy (SJRC), Director Goodwin**

It is recommended Director Goodwin give a verbal report of the San Joaquin River Conservancy (SJRC) Board Meeting held on August 21, 2013.

Director Goodwin presented a verbal report. Director Goodwin requested the Clerk to the Board obtain the F-5 Consent Calendar Item from the SJRC Agenda of August 21, 2013 along with the Minutes; and the photographs that were shown at the SJRC Board Meeting by the Vice-Chairman of the SJRC regarding the problematic homeless encampments along the San Joaquin River.

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.**

**REPORT OF GENERAL COUNSEL**

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

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, AUGUST 28, 2013  
PAGE 8 OF 8**

**CLOSED SESSION**

**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)

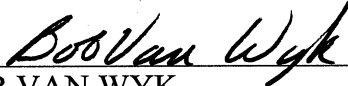
Chairman Williams stated there was no need for a Closed Session.

A Closed Session was therefore not convened.

**ADJOURNMENT**

**Adjourned Board Meeting at 7:07 pm.**

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

  
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BOB VAN WYK  
GENERAL MANAGER-SECRETARY

  
\_\_\_\_\_  
DATE