

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, OCTOBER 23, 2013

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, October 23, 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
Jerry Lakeman, District Engineer
Alan Hofmann, Assistant District Engineer/Design
Daniel Rouke, Environmental Resources Manager
Paul Merrill, Finance Manager
John Santos, Engineer
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 the ACWA Newsletter which featured the District in an article entitled, "Fresno Metropolitan's Big Dry Creek Dam to Get Facelift as Part of \$13.8 Million Project"; and (2) with respect to the Proposition 1E Grant and some of the issues the District was dealing with as the Board was updated on at the last Board Meeting, Mr. Van Wyk stated virtually all of those issues have

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been resolved; he noted staff has also spoken to the Department of Water Resources and he is cautiously optimistic that they will allow the proposed changes as identified by staff. He then had Mr. Lakeman review the current status as outlined in the handout Mr. Lakeman distributed to the Board this evening entitled, "Summary of Significant Changes to Dry Creek Flood Control Improvement Project" and as attached to these Minutes.

3. APPROVAL OF MINUTES: Meeting of October 9, 2013

Due to his absence at the October 9, 2013 Board Meeting, Director Spina abstained.

Approved as Recommended

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

Director Goodwin noted a potential Conflict of Interest with Agenda Item No. 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)**, and stated she would therefore be abstaining on this item.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

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8. CONSENT CALENDAR:

- a. Engineer's First Quarter Report of Developer Agreements, July 2013 through September 2013
- b. Ratification of Expenditures, Report of Fund Balances and Activity, September 2013
- c. Report of Pollutant Discharge Incidents, September 2013

Approved as Recommended

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

9. Award of Contracts:

- a. **Contract "P-F", Basin "P" (Cedar n/o Bullard) Percolation Improvement for Local Groundwater Assistance (LGA) Grant**

Recommend the Board of Directors award Contract "P-F" to Hobbs Construction, Inc. in the amount of \$38,475.

Approved as Recommended

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

- b. **Contract "BDR-18", Big Dry Creek Toe Drain Improvement**

Recommend the Board of Directors award contract "BDR-18" to Floyd Johnston Construction Company, Inc. in the amount of \$1,719,631.

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Approved as Recommended

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

- 10. Authorization to Execute Reimbursement Agreement for Construction of Master Plan Facilities, Contract "BX-36", Temperance Avenue Widening, Enterprise Canal to Shepherd Avenue, City of Clovis**

Recommend the Board of Directors authorize staff to enter into an agreement to reimburse the City of Clovis for installing the Storm Drainage Master Plan facilities as shown in the Board Memorandum as Exhibit No. 1.

Approved as Recommended

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

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

- a. Report on Board of Directors Attendance at Various Meetings:**

- (1) Upper Kings Basin Integrated Regional Water Management Authority (UKBIRWMA), Director Burleson**

Recommend Director Burleson give a verbal report of the Upper Kings Basin Integrated Regional Water Management Authority (UKBIRWMA) Board Meeting held on October 16, 2013.

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Director Burleson gave a verbal report.

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

(2) Association of Metropolitan Water Agencies (AMWA), Director Burleson

Recommend Director Burleson give a verbal report of the Association of Metropolitan Water Agencies (AMWA) Board Meeting held on October 17, 2013.

Director Burleson gave a verbal report.

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

12. Adoption of Resolution Declaring Property as Excess Property Not Needed for District Purposes, Fancher Creek Reservoir

Recommend the Board of Directors adopt the Resolution attached to the Board Memorandum declaring 1.89+/- acres of the Fancher Creek Reservoir as excess property not needed for District purposes.

Approved as Recommended, Adopting Resolution No. 2013-773

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

REPORT OF GENERAL COUNSEL

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

Director Goodwin recused herself from the proceedings due to a potential conflict of interest and left the dais at 6:39 pm.

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CLOSED SESSION

The Board then convened in Closed Session at 6:40 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 6:53 pm. Mr. Jensen stated no reportable action was taken in Closed Session.

ADJOURNMENT

Adjourned Board Meeting at 6:53 pm.

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



BOB VAN WYK
GENERAL MANAGER-SECRETARY



DATE