

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, MARCH 26, 2014

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, March 26, 2014 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
Barbara Goodwin
Frank Fowler
Buzz Burleson

DIRECTORS ABSENT: Jennette Williams, Chairman

**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
Jarrod Takemoto, Rural Streams Manager
Karyn Kruser, Staff Analyst
Brandy Swisher, Program Assistant
Verlyn Neufeld, Construction Manager
Daniel Rourke, Environmental Resources Manager
Larry Kalpakoff, Information Systems Coordinator
Esther Schwandt, Clerk to the Board

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

Eric Tienken, Chief Digital Officer, Jeffrey Scott Agency
Steve Francisco, Leash Free Dog Park Proponent

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PRESIDING: Director Rastegar, presiding as Chairman called the meeting to order at 6:00 p.m. and Director Burleson 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 obituary of Larry Willey as shown in the Fresno Bee; he noted Mr. Willey had previously addressed the District Board of Directors and was instrumental in this District contracting with Arc Fresno for maintenance of basin sites that has brought in a significant amount of funds to the District, which are set aside for park development in the future; he noted Mr. Willey was a friend of the District and would certainly be missed; (2) he stated the Clerk to the Board would be contacting the Board Members as to their availability to attend the Clovis Mayor's Breakfast on May 22, 2014 at 7:00 am; (3) he stated the District would again be participating in the Juvenile Diabetes Foundation Walk scheduled for this weekend; (4) the staff has met with the Building Industry Association (BIA) for a second time; Mr. Van Wyk then distributed copies of a letter prepared by staff to Mr. Prandini of the BIA which addressed the BIA's questions proposed at the last BIA meeting; he stated staff informed the BIA that staff will be bringing to the Board the proposed Development Review Cost Recovery Fee to an April Board Meeting; (4) the Clerk to the Board has distributed the Proposed 2014-2015 Budget schedule to the Board of Directors, and he encouraged Board Members to notify staff of any questions or conflicts with the proposed schedule; (5) he distributed a copy of a Thank You from the River Park Little League expressing their appreciation to the District for extending the contract for recreation use of Basin "CN"; (6) he distributed a copy of a letter sent to the Clovis Unified School District (CUSD) regarding the District's comments to the Notice of Filing a Mitigated Negative Declaration for the Temperance Clinton Elementary School site, he noted as staff was given the documents late, staff had respectfully requested additional time to review the documents and provide additional comments; Mr. Van Wyk stated Mr. Ulrich of CUSD had indicated they would be granting the District the additional time to review; (7) he distributed a copy of a Thank You from the Master Gardeners Fresno/Madera Counties for the Clean Water Grant they received; and (8) he distributed a copy of a Thank You note from Ken Price.

3. APPROVAL OF MINUTES: None Submitted

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4. BUSINESS AND PRESENTATIONS FROM THE FLOOR:

Mr. Steve Francisco, 5665 N. First Street, addressed the Board with respect to the letter that was distributed to the District this evening regarding the locking of gates opened at Basin "F" (Barstow & Del Mar) and was signed by approximately 17 people listed as friends of Basin "F". He stated in addition to the information stated in the letter, they would also like to inform the District that Beard School is now using Basin "F" from 2:30 pm to 5:00 pm. Mr. Francisco stated their concern as noted in the letter is the locking of the gates opened in Basin "F", they believe this to be a hazardous and safety issue, as they believe children use this area and play ball. He stated he has seen children run out the gate and almost be hit by cars. He stated attached to the letter were pictures of the site, and their group requested authorization to put up signs at the basin which will remind park visitors to pick up after their pet; he indicated their group would supply the bags.

Mr. Van Wyk stated as the District had just received this letter, staff would respond to Mr. Francisco's letter and would put this on the Agenda for the Board's next Board Meeting, and insure Mr. Francisco receive a copy of the Board Memorandum.

5. ADDITIONS TO THE AGENDA:

Mr. Hofmann reported staff is recommending the Board add Recommend the Board of Directors Authorize Staff to Suspend Special Developer Agreement, and Execute a Standard Developer Agreement with Developer Don Pickett to the Agenda. He noted this item while relatively minor in nature, cannot wait for the next Board Meeting.

Mr. Jensen noted this item came up after the preparation and distribution of the Agenda, therefore pursuant to Government Code Section 54954.2(b)(2) it would require Board action to add it to the Agenda, and determination that there was need for immediate action on this matter, and the need came to the attention of the District subsequent to the Agenda being posted.

Approved as Recommended added as Agenda Item No. 9d

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

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6. POTENTIAL CONFLICTS OF INTEREST:

There were no Conflicts of Interest.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- a. Authorization to Partner with California State University, Fresno on a Bureau of Reclamation Outreach Grant
- b. Award of Contract "D-68", Installation of Play Surfacing, Oso de Oro Lake Park, Basin "D" (Forkner & Barstow)
- c. Ratification of Expenditures, Report of Fund Balances and Activity, February 2014
- d. Report of Pollutant Discharge Incidents, February 2014
- e. Rejection of Claim and Authorization to Refer Matter to District's Insurance Carrier, Joint Powers Insurance Authority (JPIA), Personal Injury, Ramon Moreno (Adler & Huntington)

Approved as Recommended

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

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

a. Community Relations Committee Recommendations to the Board:

(1) Authorization to Print the Spring 2014 Issue of the Flood Line Newsletter

The Community Relations Committee recommends the Board of Directors approve publication of the Spring 2014 issue of the Flood Line Newsletter as reviewed by the Committee at its March 20, 2014 meeting.

Approved as Recommended

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

(2) Authorization to Update the District's Existing Website and Employee Intranet Site in the 2014-2015 Budget

The Community Relations Committee recommends the Board of Directors authorize staff to work with its public outreach consultant, Jeffrey Scott Agency (JSA), to update the District's website and employee intranet.

Mr. Van Wyk stated while the District staff did not anticipate a maintenance cost associated with this item in the very near future, staff did believe additional expenditures could be expected in approximately five years.

Approved as Recommended

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

(3) Authorization to Proceed with Adding a Social Media Component to the District's Public Outreach and Education Efforts

The Community Relations Committee recommends the Board of Directors authorize creation of a social media outreach strategy during fiscal year 2013-2014, and authorize use of the monthly maintenance option through the end of this fiscal year.

Approved as Recommended

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

b. Priorities & Programming Committee Recommendations to the Board:

(2) Approval of Development Concepts of Remediation Plan to Consolidate, Cap and Relocate Soil Contaminants, Basin "II₂" (n/o Church, e/o Orange)

The Priorities and Programming Committee recommends to the Board of Directors that staff develop a Remediation Plan for Basin "II₂".

Approved as Recommended

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

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c. Report on Board of Directors Attendance at Various Meetings:

(1) San Joaquin River Conservancy (SJRC), Director Goodwin

Recommend Director Goodwin give a verbal report of the San Joaquin River Conservancy Meeting held on February 18, 2014.

Director Goodwin gave a verbal report.

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

(2) 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) Advisory Meeting held on February 18, 2014.

Director Burleson gave a verbal report.

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

d. Authorization to Amend Developer Agreement with Developer Don Pickett

Recommend the Board of Directors Authorize Staff to Suspend Special Developer Agreement, and Execute a Standard Developer Agreement with Developer Don Pickett.

Mr. Hofmann reported Mr. Pickett had originally agreed to a Special Developer Agreement to build facilities and pay fees. Subsequently, Mr. Pickett realized that as he has way more construction credits than needed, he now therefore wishes to suspend the Special Agreement in favor of entering into a Standard Developer Agreement wherein Mr. Pickett will only be required to pay fees.

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Approved as Recommended

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

REPORT OF GENERAL COUNSEL

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

CLOSED SESSION

The Board then convened in Closed Session at 6:54 pm to consider the following litigation:

- 11. 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 7:09 pm. Mr. Jensen stated no reportable action was taken in Closed Session.

b. Priorities & Programming Committee Recommendations to the Board:

- (1) Approval of Change Order Request by Floyd Johnston
Construction Company**

Recommend the Board of Directors authorize the execution of a contract change order in the amount of \$210,840.79 to Floyd Johnston Construction Company for Contract "BDR-18".

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Approved as Recommended

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

ADJOURNMENT

Adjourned Board Meeting at 7:10 pm

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



BOB VAN WYK
GENERAL MANAGER-SECRETARY



DATE