

**ACTION SUMMARY MINUTES**  
**MINUTES OF THE REGULAR MEETING OF**  
**THE BOARD OF DIRECTORS OF THE**  
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**  
**HELD WEDNESDAY, FEBRUARY 23, 2011**

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, February 23, 2011 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:** Roy Spina, Chairman  
Jennette Williams, Vice-Chairman  
Kendall Groom  
Barbara Goodwin  
Frank Fowler  
Buzz Burleson

**DIRECTORS ABSENT:** Mike Rastegar

**STAFF, CONSULTANTS,**  
**OTHERS PRESENT:** Bob Van Wyk, General Manager-Secretary  
Jerry Lakeman, District Engineer  
Alan Hofmann, Assistant District Engineer/Design  
David Pomaville, Administrative Services Manager  
Peter Sanchez, Operations Engineer  
Paul Merrill, Finance Manager  
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel  
John Smith, Assistant General Counsel

Alan Cederquist, Great Plains Consultant  
Brian Henderson, Auditor

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

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, FEBRUARY 23, 2011  
PAGE 2 OF 7**

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

Mr. Van Wyk reported on the following: (1) he distributed a copy of the Press Release that was issued by the California Stormwater Quality Association regarding the District's 5<sup>th</sup> Grade curriculum materials that integrate stormwater management with the overall water cycle in our community; he stated the activity book, along with a video and a watershed poster are part of that curriculum and available for distribution; (2) he stated the 2011 Valley Business Conference & Awards Luncheon would be held on March 9, 2011 at 11:30 am; he stated the Clerk to the Board would be contacting the Board Members as to their availability to attend; and (3) he has been invited to do a presentation before the Board of Supervisors on March 8<sup>th</sup> noting Supervisor Larson is emphasizing "water" this year; and he stated the Board Members are also welcome to attend.

**3. APPROVAL OF MINUTES: Minutes of February 9, 2011**

**Approved as Recommended**

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

**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.

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, FEBRUARY 23, 2011  
PAGE 3 OF 7**

**8. CONSENT CALENDAR:**

- a. Authorization to Deviate from Basin Design Standard, Basin "3A"  
(Shaw & Helm)
- b. Authorization to Award Contract "AY-10", Pipeline Project and Adoption of Resolution of Special Transfer of PPDA Funds (Cedar & Central Avenues)
- c. Authorization to Appraise and Negotiate for Pipeline Easement in Drainage Area "LL" (Church, Highway 41, North, Highway 99), Contract "LL-29", John Moffat Property
- d. Authorization to Participate in the Partners Program Recognition Advertisement, NPDES Program
- e. Report of Pollutant Discharge Incidents, January 2011
- f. Report on Real Estate Activity, January 2011

**Approved as Recommended**

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

**9. This Item was Pulled**

**As this item was pulled, no further action was taken.**

**10. Report of the 2009-2010 FMFCD Ad Hoc Committee**

**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.**

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, FEBRUARY 23, 2011  
PAGE 4 OF 7**

**11. Authorization to Proceed with Phase II Accounting Implementation Changes to District's Financial Management System**

Mr. Merrill introduced Mr. Alan Cederquist a Great Plains Consultant who was here to answer any questions the Board may have. He also introduced Mr. Brian Henderson the District's Auditor who had reviewed staff's recommendation and approved of the approach.

Recommend the Board of Directors:

- (1) Approve the Phase Two Realignment Concept;
- (2) Approve the Opening of the Assessment Tax Account at the County Treasury;
- (3) Authorize the General Manager to Open a Capital Projects Fund Checking Account with Bank of the West with an Initial Deposit of \$10,000; and
- (4) Authorize the General Manager to Open at the County Treasury an Account for: [a] the SRF Loan Payments; [b] the California Infrastructure Bank Loan Payments; and [c] the Capital Projects Fund.

Approved as Recommended

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

**12. Report of District's 2011-2012 Top Objectives**

Recommend the Board of Directors review the Objectives identified in Attachments No. 1 and No. 2 (attached to the Board Memorandum) and provide comment and direction to staff.

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, FEBRUARY 23, 2011  
PAGE 5 OF 7**

Responding to Director Goodwin's question as to page 2 of 11, item number 2 Mr. Van Wyk stated staff has been in discussions with City staff as to their desire to have the District collect its own drainage fees. He stated that District staff has indicated to City of Fresno staff, we would like to see a policy level discussion on this matter. He stated the Board will receive future reports on this item as it progresses.

Director Spina noted a correction to page 6 of 11, item number 10.a.(1) . . . with respect to the northeast . . . this should be changed to southeast. Director Spina also requested that as the year progresses the Board receive an update as to the status of the Objectives. Responding to Director Spina's question as to page 11 of 11 Additional Objectives, item number 7. Selection of an OPEB service provider, Mr. Pomaville stated the District has developed and distributed an RFP, has received and reviewed the responses, and are now developing a staff recommendation and are hopeful to have that ready for the next Board Meeting. With respect to page 11 of 11, item number 9, Director Spina questioned if the keyless entry would be developed in conjunction with the District's ID cards, Mr. Van Wyk stated yes and it will be a slide card.

Mr. Lakeman noted a correction to page 11 of 11, item number 8, should be Dry Creek Detention Basin.

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

**13. Report on Alkali Silica Reactivity (ASR) Prevention**

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.**

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, FEBRUARY 23, 2011  
PAGE 6 OF 7**

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

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

**(1) Director Groom, San Joaquin River Conservancy (SJRC)**

Recommend Director Groom give a verbal report of the SJRC meeting held February 9, 2011.

Director Groom 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)**

Recommend Mr. Lakeman give a verbal report of the AMWA meeting held January 27, 2011.

Mr. Lakeman gave a verbal report. As the report was submitted for informational purposes only, no further action was taken.

Director Spina stated he would attend the meeting set for April 21<sup>st</sup> and noted that the District Board had made a formal decision to recommend AMWA dissolve its membership, and that should AMWA not dissolve then the item would need to be brought back to the Board to decide whether to continue participating.

**REPORT OF GENERAL COUNSEL**

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

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, FEBRUARY 23, 2011  
PAGE 7 OF 7**

**CLOSED SESSION**

The Board convened in Closed Session at 6:31 pm to consider the following litigation:

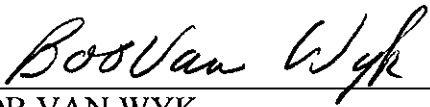
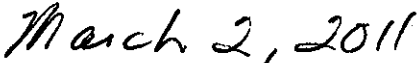
- 16. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to sub-division (b) of Section 54956.9:**
- a. Consideration of Land Purchase, Drainage Area “II<sub>1</sub>”  
(Jensen, Fig, Ventura, Orange)**
  - b. Consideration of Encroachment into Storm Drainage Pipeline Easement,  
McDonald, Lots 58 & 59, Tract 4897, Drainage Area “DE”  
(Copper, Willow & Friant Road)**
  - c. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to subdivision (a) of Section 54956.9: Brar Construction and  
Development, Inc. Regarding Contract “RR-61” vs. FMFCD**

The Board then convened in regular session at 7:42 pm. Mr. Jensen stated no reportable action was taken in Closed Session.

**ADJOURNMENT**

**Adjourned Board Meeting at 7:43 pm**

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

  
\_\_\_\_\_  
BOB VAN WYK  
GENERAL MANAGER/SECRETARY  
  
\_\_\_\_\_  
DATE