

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, MAY 25, 2011

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, May 25, 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: Jennette Williams, Vice-Chairman
Kendall Groom
Mike Rastegar
Barbara Goodwin
Frank Fowler
Buzz Burleson

DIRECTORS ABSENT: Roy Spina, Chairman

STAFF, CONSULTANTS,

OTHERS PRESENT:

Bob Van Wyk, General Manager-Secretary
Alan Hofmann, Assistant District Engineer/Design
David Pomaville, Administrative Services Manager
Peter Sanchez, Operations Engineer
Andrew Remus, Staff Analyst
Esther Schwandt, Clerk to the Board

John Smith, Assistant General Counsel;

Baker, Manock & Jensen

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

Alysia Newmark, wife of Gary Newmark

Christopher Newmark, son of Gary Newmark

PRESIDING:

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

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2. REPORT OF THE GENERAL MANAGER:

Mr. Van Wyk reported on the following: (1) he distributed a June calendar which identified some of the events the Board would be involved in the month of June; (2) he displayed photographs of the Juvenile Diabetes Foundation Walk which staff had participated in this past Saturday; he noted staff had participated in this event for the past 15 years and has generated approximately \$32,700 with this year's effort producing approximately \$1,700; (3) the State of the City Luncheon is scheduled for Wednesday, June 1st at 11:30 am at the New Exhibit Hall; (4) a Tree Planting Media Event will be held on June 4 a Basin "TT₂", a map & flyer were distributed to the Board; (5) on Tuesday, June 7th we will be having the Joint Tour with the FID Board Members and Staff; (6) Board Meetings for June will be as follows: June 8th Budget Workshop, June 15th Regular Board Meeting and June 29th Budget Hearing; (7) the Board's pictures have been updated on the District's website; and (8) he presented Gary Newmark a check and Safety Award from JPIA for a project Gary had submitted; Mr. Van Wyk noted the District receives statewide recognition for this award.

3. APPROVAL OF MINUTES: Minutes of May 11, 2011

Due to their absence at the May 11, 2011 Board Meeting, Directors Williams and Goodwin abstained.

Approved as Recommended

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

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.

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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. Acceptance of Quarterly Investment Report, First Quarter
- b. Authorization to Enter into Soccer Use Agreement, Liga Campesina Cesar, Basin "V" (Sierra Vista n/o McKinley) and Basin "M" (San Jose e/o First)
- c. Authorization to Renew Basin Lease Agreement for Agricultural Purposes, Basin "CD" (Dakota & Garfield)
- d. Authorization to Schedule Special Joint Board Meeting on June 7, 2011 with Fresno Irrigation District (FID) Board to Tour District Facilities
- e. Award of Contracts:
 - (1) Contract "BK-9", Storm Drain (Kings Canyon & Walling Avenue)
 - (2) Contract "W-28", Pump Station (Minnewawa & Freeway 180)
- f. Report of Pollutant Discharge Incidents, April 2011

Approved as Recommended

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

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9. Adoption of Resolution of Appreciation, Honoring Gary Newmark's Twenty Years of District Service

Recommend the Board of Directors adopt a Resolution of Appreciation acknowledging Mr. Gary Newmark's 20 years of dedicated service to the District.

Approved as Recommended, Adopting Resolution No. 2011-694

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

Mr. Van Wyk acknowledged Mr. Newmark's work with the District. Chairman Williams then expressed her congratulations on behalf of the Board and presented Mr. Newmark a framed Resolution. Mr. Van Wyk introduced Mr. Newmark's wife Alysia and their son Christopher, and presented Alysia with a bouquet of roses.

Mr. Newmark then addressed the Board with respect to his appreciation for the District, Legal Counsel, Management and staff.

Mr. Pomaville then addressed the Board as Mr. Newmark's Supervisor, acknowledging Mr. Newmark's value and work to the District.

10. This Item was Pulled

As the item was pulled, no further action was taken.

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11. Authorization to Accept Settlement Procedure and Appraise Property, Redbank Creek Spoil Site (DeWolf n/o McKinley)

Recommend the Board of Directors authorize Staff to accept the settlement procedure and obtain an appraisal to establish the reimbursement value.

Approved as Recommended

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

12. Authorization to Enter Into Time Payment Agreements:

**a. County SPR 7765, Manjit Nahal, Drainage Area “CS”
(Minnewawa & North)**

Recommend the Board of Directors authorize the use of the time payment provisions of the FMFCD Drainage Fee Ordinance for the subject development, waiving the exception of subsection 2.

Approved as Recommended

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

b. County SPR 7763, Abel Vaca, Drainage Area “CE” (Malaga & Chestnut)

Mr. Hofmann reported the property owner had rescinded his request for a time payment arrangement, thus staff was requesting this item be pulled.

As the item was pulled, no further action was taken.

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13. Authorization to Schedule Public Hearing for Adoption of Modification to Local Drainage Areas “BL” (Church, Locan, Jensen, Fowler), and “BM” (Kings Canyon, Church, Fowler, Temperance) of the Storm Drainage and Flood Control Master Plan

Recommend the Board of Directors authorize the noticing of a Public Hearing for adoption of modifications to the Storm Drainage and Flood Control Master Plan and establishment of a schedule of drainage costs and fees for Local Drainage Area “BL” and Drainage Area “BM”.

Approved as Recommended

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

14. Report of Groundwater Recharge Basin Maintenance

Report submitted for informational purposes only, no action is required by the Board unless specific direction is to be given to staff.

Director Groom recommended the Basin Maintenance Program signs be amended to more prominently highlight the message “Please don’t feed the wildlife”.

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

15. Report on District Basin Active Recreational Parks

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.

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16. Report on Real Estate Activity, April 2011

Recommend directing staff to prepare the Real Estate Activity Report as described in the Board Memorandum on a quarterly basis.

Director Goodwin suggested that when the report is brought to the Board, that staff designate somehow the new information and the items that have been changed.

It was the consensus of the Board that staff proceed as proposed in the Board Memorandum.

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

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

(1) ACWA Joint Powers Insurance Authority (JPIA) 2011 Spring Conference, Director Groom

Recommend Director Groom give a verbal report of the ACWA/JPIA Spring Conference held May 9 - 12, 2011, in Sacramento, California.

Director Groom gave a verbal report.

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

(2) San Joaquin River Conservancy (SJRC), Director Williams

Recommend Director Williams give a verbal report of the SJRC meeting held May 11, 2011.

Director Williams gave a verbal report.

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

REPORT OF GENERAL COUNSEL

No items were reported.

CLOSED SESSION

The Board then convened in Closed Session at 6:51 pm to consider the following litigation:

- a. **ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to sub-division (b) of Section 54956.9:
 - (1) **FMFCD vs. Park Place Holdings, LP and Tingey Properties, LLC (Bluff View Private Preschool, Drainage Area "DH" [Blackstone, Alluvial, Audubon, San Joaquin River])**
 - (2) **Authorization to Exercise Small Claims Option, Bella Duran, Basin "BU" (Clovis & Dakota Avenues)**

- b. **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 7:30 pm. Mr. Smith stated no reportable action was taken in Closed Session.

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ADJOURNMENT

Adjourned Board Meeting at 7:30 pm.

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



BOB VAN WYK
GENERAL MANAGER/SECRETARY



DATE