

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, APRIL 9, 2014

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, April 9, 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: 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
Alan Hofmann, Assistant District Engineer/Design
Peter Sanchez, Operations Engineer
Anthony Zaragoza, Engineer
Karyn Kruser, Staff Analyst
Daniel Rourke, Environmental Resources Manager
Rick Lyons, Engineer Technician
Paul Merrill, Finance Manager
Paul Allen, Facilities Manager
Debbie Campbell, Development Services Manager
Neda Shakeri, Engineer
Esther Schwandt, Clerk to the Board

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

Doug Harrison

PRESIDING: Director Williams, presiding as Chairman called the meeting to order at 6:00 p.m. and Director Goodwin 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 copies of the District's letter dated April 9, 2014 and addressed to Don Ulrich, Assistant Superintendent of Facility Services at the Clovis Unified School District (CUSD) regarding the District's comments on the Notice of Filing a Mitigated Negative Declaration for the Temperance/Clinton Avenue Elementary School site; he stated staff has met with CUSD staff and they have agreed to enter into an agreement with the District, and he reviewed the items they have agreed on; he also stated both staffs are working on scheduling the Ad Hoc Committee for the two Boards and staff will continue to keep the District Board informed as items progress; (2) in response to a suggestion from Director Goodwin, staff has placed a copy of this evening's Board Packet in a binder and has set it in the foyer for the public; he noted the binder will be updated at each Board Meeting; (3) he distributed information regarding the upcoming 2014 Water Technology Conference scheduled for May 8, 2014 at Clovis Veteran's Memorial Building, and stated those Board Members interested in attending should let the Clerk to the Board know so she can make appropriate arrangements; (4) he distributed an e-News from the California Special Districts Association (CSDA) regarding California State Assembly Resolution 29 (Gomez) which CSDA warns sets a dangerous policy foundation for the Legislature that negatively impacts public agencies that contract for service; he stated staff will be watching this item very closely for its potential impact on the District; (5) he distributed a thank you letter from Olga Salazar regarding the Board's recent decision requiring dogs on a leash at Basin "DD₁" (Holland & Thorne); (6) he distributed the attachments for Agenda Item 8c as they had been inadvertently left out of the Board Packets; and, (7) he distributed an email from Director Williams dated April 8, 2014 which would be discussed under Agenda Item 9.

3. APPROVAL OF MINUTES: Meetings of March 12, 2014 and March 26, 2014

Approved as Recommended as to the Minutes of March 12, 2014

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

Due to her absence at the March 26, 2014 Board Meeting, Director Williams abstained.

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Approved as Recommended as to the Minutes of March 26, 2014

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

There were no Conflicts of Interest.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

a. Actions to Dispose of One Vehicle and Acquire Replacement Vehicle:

- (1) Adoption of Resolution Declaring One ¾ Ton Truck as Excess Property
- (2) Authorize Vehicle Disposal Through eBay
- (3) Authorization to Purchase Budgeted Replacement Vehicle

d. Award of Contract "DCE-4", Fanning Ditch Pipeline at Dry Creek Extension Basin

e. Quarterly Report to Board on Drainage Fee Violation, Notification and Collection

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- f. Report of Public Concerns, March 2014
- g. Report of Award of Uniform Cost Accounting Contracts for Annual Hydroseeding Contract of Portions of Basin "A" (California & Sierra Vista), Basin "J" (Bullard & Forkner), Basin "II₁" (Grove & Clara), Basin "BX" (Temperance & Nees), Basin "DO" (Ashlan & Locan), Fancher Creek Detention Basin (McKinley & McCall), Big Dry Creek Diversion to Little Dry Creek (Copper & Armstrong), Big Dry Creek Dam (Shepherd & DeWolf) and Dog Creek Dike (Hwy 168 & Academy), Fancher Creek Dam (Herndon & Madsen), Redbank Creek Dam (Shaw & Bethel), Pup Creek Detention Basin (Temperance & Sierra), Basin "3F" (Shaw & Laverne), and Basin "DD₂" (Palm & Dakota)
- h. Report on Drainage Fee Time Payment Agreements (January – March)
- i. Report on Distribution of Letter Regarding Dogs Off Leash and Locking of District Basins

Director Burleson requested Agenda Item 8c be pulled. Director Fowler requested Agenda Item 8b be pulled.

Approved as Recommended, with the exception of Agenda Items 8c and 8b.

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

- b. Authorize the General Manager to Sign Updated Memorandums of Understanding (MOUs) with the City of Clovis, the City of Fresno and the County of Fresno to Coordinate the Implementation of the Permittees Storm Water Quality Management Program**

District Staff recommends the Board of Directors authorize the General Manager to sign the updated Memorandums of Understanding (MOUs) with the City of Clovis, the City of Fresno and the County of Fresno to coordinate the implementation of the Permittees Storm Water Quality Management Program (SWQMP) after the separate MOUs have been formerly approved by the Permittees respective governing boards.

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Responding to Director Fowler's question as to whether the Board had taken any action with respect to the District having the two Cities and the County paying their share of the Permit fee, noting he remembered the Board discussing the matter and stated he was opposed as he believed the District should continue paying as the District collects the Drainage Assessment, Mr. Van Wyk stated he took the Board's discussion as a consensus from the Board that the District would continue to pay the Permit Fee, and he let the Cities and the County know that at some point in the future, the District may be looking at some assistance on paying those fees. Mr. Van Wyk stated when the District made the commitment to pay the Fee, the bill was \$10,000 per year, it is now up to \$130,000 a year, noting it is a big hit to the District as well.

Approved as Recommended

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

- c. Authorization to Schedule Public Hearings on Resolution of Necessity, Drainage Area "CC" (Pine & Howard Avenues), Contract "CC-18" Pipeline Easement and Temporary Construction Easement:**
- (1) Benjamin M. and Daniela Sanchez**
 - (2) Silver Cortez and Sylvia Nino**

Responding to Director Burleson's question regarding additional information on this item, Mr. Hofmann stated this is an old Improvement District, and in order to give drainage service to this neighborhood, the District needs an easement from Messrs. Sanchez and Cortez. He stated staff had been discussing the matter with Messrs. Sanchez and Cortez and then they suddenly stopped responding to the District's contacts. He stated they since begun responding to the District's letters which were sent certified mail due to the District's intent to have a Public Hearing on eminent domain action. As they are in contact with the District again, staff is hopeful that a negotiated settlement will be reached with both parties.

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Approved as Recommended

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

9. Authorization to Schedule Public Hearing to Consider Adoption of Development Review Fees (Cost Recovery of Development Review Expenses) for April 23, 2014

Recommend the Board of Directors authorize staff to schedule a Public Hearing to consider adoption of a Development Review Fee.

Mr. Van Wyk reported Chair Williams has met with a couple of Building Industry Association (BIA) Representatives on this matter. He stated the email he distributed this evening from Director Williams was regarding a request by the BIA representatives for an informal meeting with the Chair and one or two of the other District Directors but exclude staff. Director Williams initiated discussion among the Board Members, Legal Counsel and Staff with respect to the BIA Representatives' meeting request and expressed her support for the proposed meeting. Director Spina expressed his concerns with respect to the proposed meeting. Director Fowler noted should the Board decide to meet with the BIA Representatives than the discussion should only be on Policy issues. Director Rastegar suggested the meeting should be set up at a time when staff would be available. Director Goodwin suggested a list of "dos" and "don'ts" be created to insure the discussion stays within the realm of the Ad Hoc Committee's purview. Director Fowler noted his belief that discussions regarding staff and salaries should be off limits, and the discussion should be merely about the proposed fee. Director Burleson noted he had mixed emotions about the proposed meeting, as he believed the General Manager should be included in the meeting. Director Williams noted once the meeting is held, then the Ad Hoc Committee would report back to the full Board with the BIA Representatives' comments and/or concerns. Director Spina stated his belief the meeting should be held at the District's offices.

Responding to Director Goodwin's request, Mr. Van Wyk stated staff will put together some material for the Board's Hearing regarding the District's fee structure and how it correlates with the County and Cities' fees.

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After substantial discussion, it was the consensus of the Board to hold the proposed Ad Hoc Committee Meeting with the BIA Representatives to discuss the proposed fee. Chair Williams designated an Ad Hoc Committee of Directors Williams, Fowler, and Goodwin with Director Burleson to serve as an Alternate to meet with the BIA Representatives here at the District office without staff.

Mr. Van Wyk stated staff would modify their request to have the Public Hearing on April 23, 2014, and would now request it be set for May 14, 2014 to allow the Ad Hoc Committee sufficient time to meet.

Approved as Recommended, Staff to Schedule the Public Hearing for May 14, 2014

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

Mr. Van Wyk expressed his appreciation to Doug Harrison for his work on this item.

10. Report of Groundwater Recharge Activity in District Basins for 2013 Recharge Year

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

Mr. Sanchez introduced Mr. Anthony Zaragoza a District Engineer who has recently rotated into Brent Sunamoto's position who was moved to the District's Capital Department for cross training. Mr. Sanchez noted Mr. Zaragoza has been with the District as an intern for approximately 8 years. Mr. Zaragoza is now the District's Telemetry Administrator, Stormwater Modeler, Stormwater Monitor, Complaint Receiver, and Pipeline Video Coordinator.

Mr. Van Wyk introduced Mr. Rick Lyons to the Board; Mr. Lyons has worked for the District as an Engineer Technician for approximately 11 years.

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

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

No items were submitted.

REPORT OF GENERAL COUNSEL

There were no items reported.

CLOSED SESSION

A Closed Session was not convened.

ADJOURNMENT

Adjourned Board Meeting at 7:01 pm

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



BOB VAN WYK
GENERAL MANAGER-SECRETARY



DATE