

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, JULY 23, 2014

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, July 23, 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:** Alan Hofmann, General Manager
Peter Sanchez, District Engineer
Debbie Campbell, Design Engineer
Carol Gerking, Accountant
Karyn Kruser, Staff Analyst
Paul Merrill, Accounting Manager
Daniel Rourke, Environmental Resources Manager
Esther Schwandt, Clerk to the Board

Lauren Layne, Assistant General Counsel;
Baker, Manock & Jensen

PRESIDING: Director Williams, presiding as Chairman called the meeting to order at 6:00 p.m. and Mr. Hofmann led the Pledge of Allegiance. Director Williams then announced the re-appointment of Director Spina by the City of Clovis. The Clerk to the Board then administered and notarized Director Spina's Oath of Office.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, JULY 23, 2014
PAGE 2 OF 8**

2. REPORT OF THE GENERAL MANAGER:

Mr. Hofmann reported on the following: (1) with the changes at the District things are progressing as close to normal as possible; he met with staff on Monday and stated he was humbled by the ovation they provided for the new leadership; he thanked staff for their support and cooperation; he stated he believes there is excitement among staff for the new changes and opportunities; he announced that he had promoted Peter Sanchez to District Engineer and Debbie Campbell to Design Engineer; Mr. Hofmann stated there are more positions to be filled in the near future; (2) he reported Mr. Van Wyk is doing well in his retirement and noted he misses the people, but not the work; (3) he distributed a flyer regarding the State of the County Breakfast scheduled for September 24th, and stated the Clerk to the Board would be contacting the Board as to their availability; (4) staff will begin the process of scheduling the Board's Standing Committees over the next couple of months; (5) he distributed an email dated July 9, 2014 from Mr. & Mrs. Lane, who reside near Basin "I", in which they were complimentary of the soccer players and parents, and questioned how often the large events would be held at the basin; Mr. Hofmann stated staff would address their question; (6) he reported on a small claims action involving a property owner who paid a late Drainage Fee according to the Board's Late Drainage Fee Payment Policy; Mr. Hofmann stated the property owner paid the fee in protest so he could get the lower rate; however, he took the District and the previous property owner to small claims court as he did not believe he had the responsibility to pay the fee; Mr. Hofmann stated the Judge dismissed the case with prejudice as the Judge did not believe this was the right venue to challenge the fee; (7) he reported the District's consultant Provost & Pritchard have submitted a Proposition 84 Grant for approximately \$11 million through the Upper Kings Basin Integrated Regional Water Management Authority on behalf of the District, whose portion of the Grant is between \$3 and \$4 million; (8) he distributed a copy of a letter the District sent to Ms. Lisa LeBlanc at the Fresno Unified School District dated July 14, 2014, repositioning the District's view where we are with respect to their need to pay drainage fees; (9) he distributed a copy of a check from the Clovis Unified School District in the amount of \$202,698.00 for drainage fees for their new Temperance-Clinton school; and (10) he stated in the near future he will be scheduling a meeting time with the Board to review the General Manager's Goals and Objectives.

The Chair congratulated Mr. Sanchez and Ms. Campbell on their new positions. The Chair also noted a copy of a letter, prepared by the Clerk to the Board and signed by the Chair, had been distributed to the Board announcing the appointment of the new General Manager. She stated the letter would be distributed to the District's partner agencies, community partners and friends.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, JULY 23, 2014
PAGE 3 OF 8**

3. APPROVAL OF MINUTES: Meeting of May 28, 2014

Approved as Recommended

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

4. BUSINESS AND PRESENTATIONS FROM THE FLOOR:

There was no Business or Presentations from the Floor

5. ADDITIONS TO THE AGENDA:

Mr. Hofmann reported the need for a Closed Session item on the Agenda regarding PG&E's request for an easement to the District's Basin "BY". He stated PG&E has placed some demands on the District, set a deadline of Friday, July 25, 2014 for a response, and threatened condemnation actions, thus requiring the need for immediate action on the matter.

Recommend the Board of Directors add CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Section 54956.9(d)(2): (Number of Potential Cases: 1) to the Closed Session portion of the Agenda.

Ms. Layne 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 and Added to the Closed Session Portion of the
Agenda as Agenda Item No. 14**

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

6. POTENTIAL CONFLICTS OF INTEREST:

Director Rastegar reported a potential Conflict of Interest with Agenda Item No. 9. **Adoption of Resolution Declaring Property not Needed for Purposes of the District, Authorizing Exchanging said Property with and Accepting Property from the California Department of Transportation, Big Dry Creek Detention Basin (E. Ashlan Avenue & Freeway 168) [two-thirds vote required]**; and stated he would therefore be abstaining/recusing himself on this item.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- a. Engineer's Quarterly Year End Report of Developer Agreements, July 2014
- b. This item was Pulled
- c. Ratification of Expenditures, Report of Fund Balances and Activity, June 2014
- d. Report of Pollutant Discharge Incidents, June 2014
- e. Report of Public Concerns, June 2014
- f. Report on Drainage Fee Time Payment Agreements, April 2014 through June 2014

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, JULY 23, 2014
PAGE 5 OF 8**

Approved as Recommended

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

Director Rastegar recused himself from the proceedings due to a potential conflict of interest and left the dais at 6:14 pm.

- 9. Adoption of Resolution Declaring Property not Needed for Purposes of the District, Authorizing Exchanging said Property with and Accepting Property from the California Department of Transportation, Big Dry Creek Detention Basin (E. Ashlan Avenue & Freeway 168) [two-thirds vote required]**

Recommend the Board of Directors adopt the Resolution declaring the District property as excess and approve the property exchange, as attached to the Board Memorandum.

Approved as Recommended, Adopting Resolution No. 2014-797

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

Director Rastegar returned to the dais at 6:16 pm.

- 10. Authorization to Schedule Public Hearing to Adopt Resolution Amending Schedule of Service Charges, Master Fee Ordinance, Amending Development Review Service Charge**

Recommend the Board of Directors authorize staff to schedule a Public Hearing on August 13, 2014 for the Adoption of the Amendment of the Master Fee Ordinance.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, JULY 23, 2014
PAGE 6 OF 8**

Approved as Recommended

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

- 11. Ratification of Appointments to the Economic Development Corporation (EDC) Board of Directors, Oversight Board for the Successor Agency to the Redevelopment Agency of the City of Fresno (Oversight Board), and the Upper Kings Basin Integrated Regional Water Management Authority (UKBIRWMA)**

Recommend the Board of Directors ratify the appointment of Alan Hofmann, as proposed by Chair Williams, to serve as the Fresno Metropolitan Flood Control District's appointment to the Economic Development Corporation (EDC) Board of Directors, the Oversight Board for the Successor Agency to the Redevelopment Agency of the City of Fresno (Oversight Board), and the second Alternate on the Upper Kings Basin Integrated Regional Water Management Authority (UKBIRWMA).

Approved as Recommended

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

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

a. Report on Board of Directors at Various Meetings:

- (1) Association of Metropolitan Water Agencies (AMWA), Director Burleson**

Recommend Director Burleson give a verbal report of the Association of Metropolitan Water Agencies (AMWA) meeting held on July 10, 2014.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, JULY 23, 2014
PAGE 7 OF 8**

Director Burleson gave a brief report;

Responding to Director Goodwin's question as to the potential impact to the District on the City of Fresno's new watering rules, Mr. Sanchez stated staff would be bringing an item to the Board at the next Board Meeting reviewing the proposed new requirements and potential consequences to the District.

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 Fowler

Recommend Director Fowler give a verbal report of the Upper Kings Basin Integrated Regional Water Management Authority (UKBIRWMA) Meeting held on July 16, 2014.

Director Fowler gave a brief report.

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

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

No items were submitted.

REPORT OF GENERAL COUNSEL

Ms. Layne reported on Legislative items of interest to the District.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, JULY 23, 2014
PAGE 8 OF 8**

CLOSED SESSION

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

**14. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Section 54956.9(d)(2):**

(Number of Potential Cases: 1)

The Board then convened in regular session at 6:42 pm. Mrs. Layne stated no reportable action was taken in Closed Session.

ADJOURNMENT

Adjourned Board Meeting at 6:42 pm

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


ALAN HOFMANN
GENERAL MANAGER-SECRETARY

8/4/14
DATE