

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, DECEMBER 10, 2014

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, December 10, 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-Secretary
Peter Sanchez, District Engineer
Debbie Campbell, Design Engineer
Frances Lopez, Office Manager
Brandy Swisher, Staff Analyst
Jarrod Takemoto, Rural Streams Manager
Paul Merrill, Finance Manager
Brent Sunamoto, Operations Engineer
Daniel Rourke, Environmental Resources Manager
Benita Walker, Accounting Technician
Kristine Johnson, Staff Analyst
Andrew Remus, Staff Analyst
Esther Schwandt, Clerk to the Board

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

Jeff Roberts, Granville Homes
Eric Gibbons, Granville Homes
Richard Perez, Labor Consultants of California
Cynthia Fidel, Jeffrey Scott Agency

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

2. REPORT OF THE GENERAL MANAGER:

Mr. Hofmann reported on the following: (1) he distributed various weather reports highlighting the expected storm to hit the valley, potentially dropping approximately 2 to 4 inches of rain; he stated staff is prepared and the basins have plenty of capacity; (2) he noted Baker, Manock & Jensen had distributed copies of their Memorandum regarding the "Sustainable Groundwater Management Act", as requested by the Board; (3) he reported the District's Public Service Announcements (PSA's) were finalists for the Association of California Water Agencies (ACWA) Huell Howser Best in Blue Award, and were recognized for excellence by the National Association of Flood and Stormwater Management Agencies (NAFSMA); also recognized by NAFSMA was a water resources poster of the Central Valley Water Awareness Committee (CVWAC), which the District is a member of, and District employee Brandy Swisher provided the poster design work; (4) he noted the District would be updating the District's website to include the District's Executive Staff Members; and, (5) the remaining two engineering positions at the District have been filled, and the new employees will begin their employment with the District on Monday, December 15, 2014.

3. APPROVAL OF MINUTES: Meeting of November 19, 2014

Due to their absence at the November 19, 2014 Board Meeting, Directors Williams and Rastegar abstained.

Approved as Recommended

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

4. BUSINESS AND PRESENTATIONS FROM THE FLOOR:

There was no Business or Presentations from the Floor

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5. ADDITIONS TO THE AGENDA:

There were no Additions to the Agenda.

6. POTENTIAL CONFLICTS OF INTEREST:

Director Goodwin noted a potential Conflict of Interest with Agenda Item No. **17. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to sub-division (b) of Government Code Section 54956.9: (Number of Potential Cases: 2)**, and stated she would therefore be abstaining on this item.

Mr. Jensen reported as a matter of disclosure, his firm has represented Mr. Patrick Ricchiuti, who is part of Agenda Item **8c Authorization to Acquire Rural Channel Property, Drainage Area “BY” (Sunnyside & Perrin), Patrick Ricchiuti**; he stated while Legal Counsel has not been involved in this particular matter, he did want to mention it in the interest of full disclosure.

7. PUBLIC HEARING:

Adoption of Resolutions Amending the Storm Drainage and Flood Control Master Plan and Amending the Schedule of Drainage Fees, Surcharges and Costs for Local Drainage Areas (2015 Rate Schedule)

Staff recommends the Board of Directors adopt the following:

1. Adopt the Resolution attached to the Board Memorandum updating the Storm Drainage and Flood Control Master Plan Map and amending the proposed cost and fee schedules as set forth therein.
2. Adopt the Resolution attached to the Board Memorandum amending Resolution No. 2007-522 and amending the rate schedule of surcharge fees for a portion of Drainage Area “DO”.
3. Direct staff to transmit the map and fee schedule amendments to the City of Fresno, County of Fresno, and the City of Clovis for adoption.

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4. Find that adoption of said Resolutions are exempt from further CEQA assessment per the provisions of Public Resources Code Section 21080(b)(8)(D).

Director Williams opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:10 pm.

Approved as Recommended as to Item No. 4 as shown above

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

Approved as Recommended as to Items No. 1-3 as shown above, Adopting Resolution No. 2014-805 Resolution Amending the Storm Drainage and Flood Control Master Plan and Amending the Schedule of Drainage Fees and Costs, Establishing Such Costs and Fees for Local Drainage Areas (2015-2016); and Adopting Resolution No. 2014-806 Resolution Adopting Surcharge Fee in Drainage Area "DO"

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

8. CONSENT CALENDAR:

- a. Adoption of Resolution Confirming the Adoption of the Southern Sierra Integrated Regional Water Management Plan
- b. Adoption of Resolution Transferring PPDA Fund Reimbursement to General Fund

Mr. Hofmann reported staff had distributed an amended Agenda Item 8b, correcting the total transfer amount from \$1,352,225.59 to \$1,352,225.29.

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- c. Authorization to Acquire Rural Channel Property, Drainage Area “BY” (Sunnyside & Perrin), Patrick Ricchiuti
- d. Adoption of Resolution for Dedication of Right-of-Way for Public Street Purposes (*two-thirds vote required*), Basin “A” (Florence e/o Maple) Frontage
- e. Report of Public Concerns, November 2014
- f. Authorization to Execute Agreement for Construction of Temporary Inlet, Drainage Area “AY”, City of Fresno (Muscat & Cedar)
- g. Acceptance of Annual Mitigation Fee Act Report
- h. Authorization to Execute Standard Developer Agreement, SPR 2014-010, Drainage Area “AX” (Orange & North), Northpointe BP LP/Parnagian
- j. Ratification of Expenditures, Report of Fund Balances and Activity, November 2014
- k. Report of Pollutant Discharge Incidents, October and November 2014

Director Spina requested Agenda Item 8i be pulled.

Approved as Recommended, with the Exception of Agenda Item 8i which was pulled.

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

- i. Authorization to Advertise for the Acquisition of a Portable X-Ray Fluorescence Analyzer, District Soil Characterization and Sampling Projects**

Responding to Director Spina’s question, Mr. Remus explained how the calibration would work, and noted the compliance samples would run approximately \$14.00-\$16.00.

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Approved as Recommended

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

- 9. Authorization to Appraise and Negotiate to Acquire a Temporary Construction and Permanent Easement for a District Master Plan Pipeline, Drainage Area “DN” (North Friant Road & Old Friant Road)**

Recommend the Board of Directors authorize the District appraise and negotiate the acquisition of temporary construction and permanent easements for a Master Plan pipeline in Drainage Area “DN” and to make arrangements with Granville Homes to reimburse the District for its costs and expenses in connection with the acquisition of those easements in consultation with Legal Counsel.

Director Spina noted it would have been advantageous to have an area map showing the location attached to the Board Memorandum. Director Fowler concurred.

Approved as Recommended

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

- 10. Authorization to Amend Lease Agreement, Extended Terms with Almond Orchard, Basin “CD” (Dakota & Garfield) Granville Homes**

Recommend the Board of Directors authorize amendment of the Basin “CD” lease with Granville Homes for a longer term and an almond orchard, all subject to mutually acceptable terms.

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Mr. Roberts, representing Granville Homes, thanked the Board for authorizing the previous Agenda Item No. 9; and stated he concurred with staff recommendation on this item, noting Granville Homes is anxious to enter into a longer term lease with the District, at a higher rate. He reported the reason for the longer term lease is the Granville Westlake project has been put on a temporary hold pending market conditions. He stated it is their intention to eventually relocate the basin to a site south of Shields as will be documented in the Memorandum of Understanding (MOU) with the District.

Approved as Recommended

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

11. Authorization to Enter into a Contract for Labor Compliance, U.S. Economic Development Administration (EDA) Grant, Labor Consultants of California

Recommend the Board of Directors authorize execution of a Professional Services Agreement with Labor Consultants of California to provide Labor Compliance Services to the District in an amount not to exceed \$29,500.

Mr. Richard Perez, representing Labor Compliance Services, addressed the Board thanking them for the opportunity to work with the District, and noted they are very versed in the requirements of the Federal Davis-Bacon Act.

Approved as Recommended

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

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12. Authorization to Purchase Media Advertisement for the District's Public Service Announcements, National Pollutant Discharge Elimination System (NPDES) Stormwater Quality Permit Compliance

Recommend the Board of Directors authorize staff to proceed with the proposed mixed media buy in an amount not to exceed \$55,000.00 as described in the Board Memorandum, and per the attachment attached to the Board Memorandum entitled media strategy.

Ms. Swisher noted Ms. Cynthia Fidel, who is the District's Account Representative representing Jeffrey Scott Agency, was in the audience to address the Board on any questions they may have.

Approved as Recommended

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

13. Award of 2015 Clean Stormwater Grants

Recommend the Board of Directors award the 2015 Clean Stormwater Grants totaling \$30,107 for projects recommended for funding in Attachment No. 1 of the Board Memorandum.

Approved as Recommended

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

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14. Authorization to Expand District Payment Options, Electronic and Credit/Debit Card Payment Transaction Services

Recommend the Board of Directors authorize staff to enter into an agreement for electronic payment and processing transaction services with Heartland Payment Systems.

Approved as Recommended

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

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

a. Recommendation from Community Relations Committee; Authorization to Print the Fall 2014 Issue of the Flood Line Newsletter

Recommend the District Board of Directors approve publication of the Fall 2014 issue of the Flood Line newsletter as approved by the Community Relations Committee at its December 4, 2014 Board Meeting.

Approved as Recommended

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

- b. Report on Board of Directors Attendance at Various Meetings; ACWA 2014 Fall Conference and Joint Powers Insurance Authority (JPIA) Board of Directors' Meeting, December 1-2, 2014, San Diego, California, Director Groom**

Recommend Director Groom give a verbal report of the ACWA JPIA 2014 Fall Board of Directors' Meeting held on December 1-2, 2014 in San Diego, California.

Director Groom gave a verbal report.

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

REPORT OF GENERAL COUNSEL

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

Director Goodwin recused herself from the proceedings due to a potential conflict of interest with the next Item No. 17 and left the Board Meeting at 6:56 pm.

CLOSED SESSION

The Board then convened in Closed Session at 6:56 pm to consider the following litigation:

- 17. 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: 2)

The Board then convened in regular session at 7:10 pm. Mr. Jensen stated no reportable action was taken in Closed Session.

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ADJOURNMENT

Adjourned Board Meeting at 7:11 pm

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



ALAN HOFMANN
GENERAL MANAGER-SECRETARY

12/30/14

DATE