

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, NOVEMBER 13, 2013

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, November 13, 2013 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
Roy Spina
Kendall Groom
Barbara Goodwin
Frank Fowler
Buzz Burleson

DIRECTORS ABSENT: Mike Rastegar, Vice-Chairman

STAFF, CONSULTANTS,
OTHERS PRESENT:

Bob Van Wyk, General Manager
Jerry Lakeman, District Engineer
Alan Hofmann, Assistant District Engineer/Design
Peter Sanchez, Operations Engineer
Daniel Rourke, Environmental Resources Manager
Paul Merrill, Finance Manager
Karyn Kruser, Staff Analyst
Andrew Remus, Staff Analyst
Norma Lopez, Staff Analyst
Jarrod Takemoto, Rural Streams Program Manager
Brandy Swisher, Program Assistant
Esther Schwandt, Clerk to the Board

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

Jeff Roberts, Granville at Westlake Inc.

PRESIDING: Director Williams, presiding as Chairman called the meeting to order at 6:00 p.m. and Director Groom 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 copy of a letter from the Fansler Foundation to the District, which enclosed a check in the amount of \$124,395 for the 2013 grant awarded to the District for restoration of the park features at Basin "D" Oso de Oro Lake Park; (2) he distributed a copy of the City of Fresno Conditions of Approval for a Tentative Tract Map which will be discussed under Agenda Item No. 10; (3) he reminded the Board that assuming the District will not have to have any other Board Meetings, the next scheduled District Board Meeting is December 11, 2013 and it will be the last one of this year; (4) he distributed an article from the California Special District Association entitled "Why Social Media?" and noted this item would be discussed under Agenda Item No. 13b; (5) he distributed a copy of a letter the District received from Fresno Unlimited Lions supporting the naming of a District basin/park in memory of George Marcus as will be discussed under Agenda Item No. 13a(1); and (6) he then requested Mr. Lakeman give a brief presentation on a project which is proposed to be done under the Proposition 1E Grant in conjunction with the Fresno Irrigation District; Mr. Lakeman reviewed the proposed project.

3. APPROVAL OF MINUTES: Meeting of October 23, 2013

Approved as Recommended

Motion by: Goodwin Second by: Spina
Ayes: Williams, Spina, 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.

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7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- a. Adoption of Resolution Authorizing Disposal of Assets, Sampling Enclosures for Water Quality Testing, Purchased in 1996
- b. Adoption of Resolution in Support of the Association of California Water Agencies' (ACWA) Statewide Water Action Plan
- c. Adoption of Resolution Transferring PPDA Fund Reimbursement to General Fund
- d. Authorization to Accept Drainage Fee Payment to November 30, 2013 at the Fee Rate in Effect at the Time of Entitlement (2009), Edison Plaza Partners, LP, Parcel Map 2009-011, CUP 2008-256, Drainage Areas "OO" & "TT" (SWC California & Walnut)
- e. Authorization to Enter into an Agreement with City of Fresno, Transfer of Drainage Facilities, Kings Canyon Road, Clovis to Chestnut, Drainage Areas "Y" & "Z"
- f. Authorization to Execute Standard Developer Agreement, Tract 5567/5770, Drainage Area "CI" (Polk & Clinton), Lennar Central Valley, Bill Walls
- g. Authorization to Exercise First Option Year of Developed Basin Maintenance Contracts, Clean Cut Landscape, Inc. and Elite Maintenance and Tree Service
- h. Authorization to Exercise Second Option Year of Operations Center Landscape Contract, Ed Jakusz & Son Property Maintenance
- k. Engineer's Report of Construction, October 2013
- l. Submittal of First Quarter Budget Report, Fiscal Year 2013-2014
- m. Quarterly Real Estate Report, October 2013

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- n. Ratification of Expenditures, Report of Fund Balances and Activity, October 2013
- o. Report of Payment, Agreement No. 1411(D)-DE-21 (Maple & International), Tejinder Randhawa
- p. Report of Pollutant Discharge Incidents, October 2013
- q. Report of Public Concerns, October 2013
- r. Report on 2014 Association of California Water Agencies/Joint Powers Insurance Authority (ACWA/JPIA) Health Insurance Premiums
- s. Report on Other Post Employment Benefit (OPEB) Investment Returns
- t. Report on Progress of Toe Drain Improvement Project, Big Dry Creek Dam
- u. Report on the Update of the Stormwater Quality Management Plan, NPDES Permit Program, Third Permit Term
- v. Authorization to Sell Excess Property to Daniel O'Bar, Fancher Creek Reservoir (Nees Avenue)

Director Spina requested Agenda Item 8i be pulled. Director Burleson requested Agenda Item 8j be pulled.

Approved as Recommended, pulling Agenda Items 8i and 8j

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

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8i. Authorization to Offer Medical Coverage to Qualifying Dependent Grandchildren of District Employee's Under the Association of California Water Agencies/Joint Powers Insurance Authority (ACWA/JPIA) Health Plan

Recommend the Board of Directors authorize offering health benefits coverage to eligible grandchildren for benefit coverage effective January 1, 2014.

Director Spina expressed his concern with respect to the proposed documentation verifying the eligibility of the grandchildren. Ms. Kruser stated the ACWA/JPIA Board of Directors determined the eligibility requirements, specifically, that grandchildren are claimed as dependents under the Internal Revenue Service (IRS) with a copy of Page 1 and Page 2 of the employee's tax return being provided as proof, and submitting proof of lineage by providing a certified copy of the employee's child's birth certificate along with a certified copy of the grandchild's birth certificate.

Responding to Director Williams' question as to responsibility, Ms. Kruser stated she believed the District would be doing their due diligence in filing the proper paperwork as determined by the ACWA/JPIA Board and as given to the District by the employee.

Director Groom expressed his concern with respect to the cost to the District, his concern with respect to possible IRS fraudulent documentation being provided to the ACWA/JPIA by employees for insurance coverage, and stated he therefore would not be able to support the recommendation. He stated there is a form the District can file with the IRS that will verify tax returns; however, he stated his belief the employee would have to authorize the District obtaining this information.

Director Williams expressed her support for the recommendation noting her belief there are a lot of instances where grandparents are raising grandchildren, and stated her belief that offering the employees the benefit of being able to provide these children with insurance would be good, and it is ACWA/JPIA's responsibility as to determining the appropriate verification they will require. She also stated she personally did not believe the insurance cost should be any different for the employee whether they were raising a child or a grandchild.

Director Goodwin while supported of grandchildren receiving insurance expressed her concern with respect to the potential for fraud. Director Burleson suggested making it available for grandchildren but possibly not at the same cost that we currently offer it to the employee and their dependents.

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Director Groom stated he could support the recommendation if it was not at an additional cost to the District. Director Spina concurred and stated he believed this item should go to the Board's Administrative Committee.

Responding to Director Spina's question, Ms. Kruser stated that should the Board approve the recommendation, it would have to take effect during open enrollment, specifically that in order for it to be in effect January 2014, it would have to be approved this calendar year (2013). She also stated that while by Federal law, children of District employees are covered until age 26, under the proposed grandchildren provisions developed by ACWA/JPIA, the grandchildren of District employees would only be covered so long as the grandchildren are IRS dependent of the District employee.

Mr. Price suggested that if it is the will of the District Board that all costs for coverage of the grandchildren be covered by the employees, that the District check to ensure that provision would be permissible by law and by the ACWA/JPIA policy.

Responding to Director Burleson's question as to how many District employees currently need the grandchildren insurance coverage, Ms. Kruser stated she believed there were approximately two employees. Director Fowler noted his belief that this would not be a huge cost; and expressed concern for the employee who had the responsibility for raising a grandchild and then is placed with the additional burden of trying to provide insurance on their own for a grandchild, which he believed could be extremely expensive.

Director Goodwin stated she was surprised that ACWA/JPIA did not put more restrictions on the grandchild option, and expressed her concern that the District not be caught up in a "potential fraudulent claim". She suggested possibly reviewing this item next year, and suggested the District may want to put in additional safeguards.

Mr. Van Wyk expressed concern with respect to keeping employees' information such as verification of tax returns at the District office. Director Williams noted that verification of tax returns would contain a significant amount of personal employee information.

Director Fowler stated he could support staff recommendation if the item would come back to the Board next year; however, he stated the problem with that is if the Board would determine to rescind the coverage, then that could potentially be devastating to a family. He stated his belief that this item should be delayed a year and the matter referred to the Administrative Committee for additional review.

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Not Approved as Recommended; Item was referred to the Administrative Committee for additional review

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

- j. Authorization to Schedule Public Hearing to Adopt Resolution Amending the Storm Drainage and Flood Control Master Plan and Amending the Schedule of Drainage Fees, Surcharges and Costs for Local Drainage Areas (2014 Rate Schedule)**

Recommend the Board of Directors authorize the noticing of a Public Hearing for amendment of the Schedule of Drainage Fees and Costs in accordance with the Drainage Fee Ordinance.

Responding to Director Burleson's question as to the timing of scheduling the drainage fee increases, Mr. Hofmann stated as required by the Government Code, the District has to conduct a Public Hearing when they increase fees. Responding to Director Burleson's subsequent question, Mr. Hofmann stated these proposed fees are for the District's Drainage Fees which the Developers pay.

Approved as Recommended

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

- 9. Adoption of Resolution Authorizing Submittal of Grant Application for South Fresno Economic Development Project, Drainage Areas "HH" (Chestnut & Jensen), "KK" (Cherry & Annadale), "AX" (Orange & Central), and "CQ" (Fig & North)**

Recommend the Board of Directors adopt the Resolution attached to the Board Memorandum authorizing staff to submit an application to the EDA Public Works Grant program to fund the South Fresno Economic Development Project.

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Director Fowler expressed concern with respect to Fiore Di Pasta being included in the project component. He also expressed concern with respect to the City of Fresno and the County of Fresno being able to contribute their cost shares. Mr. Lakeman stated staff has received verbal commitments from staff at the City of Fresno and the County of Fresno.

Director Goodwin expressed her concern with respect to the District not having written commitments from the Board of Supervisors of the County of Fresno, or the Councilmembers from the City of Fresno; and written support from the Economic Development Corporation (EDC). Responding to Director Goodwin's question, Ms. Swisher stated she would ask the EDC staff if it would be possibly to receive written support from their Board in time for the December 13, 2013 deadline.

Director Williams expressed her support for staff moving forward on this Grant application, and shared the same concern as Director Fowler with respect to Fiore Di Pasta.

Director Fowler stated he would support the staff recommendation including all four property owners being included; however, should any of the property owners back out, and staff is forced to use General Fund dollars, then that particular proponent may have to be dropped.

Approved as Recommended, Adopting Resolution No. 2013-777

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

10. Authorization to Execute an Agreement Excluding District from Development Conditions, Tract No. 5915, Granville at Westlake Inc., Basin "CD" (Dakota & Garfield)

Recommend the Board of Directors authorize staff to execute an agreement with Granville in which it indemnifies and holds harmless the District and its property from and against all development conditions and obligations.

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Mr. Jeff Roberts representing Granville at Westlake Inc. doing business at 1396 W. Herndon, Fresno, addressed the Board stating they concurred with staff recommendation as outlined in the Board Memorandum. He stated the project is moving forward and they anticipate being before the Council of the City of Fresno on December 5, 2013 for approval for the plan amendment, rezoning, and the tentative map.

Approved as Recommended

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

- 11. Authorization to Execute Cost Sharing Agreement with Fresno Irrigation District (FID) for Reconstruction of Portion of Fanning Ditch Pipeline, Dry Creek Extension Basin (Brawley & Annadale)**

Recommend the Board of Directors authorize execution of a cost sharing agreement with Fresno Irrigation District (FID) for reconstruction of a portion of Fanning Ditch pipeline.

Approved as Recommended

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

- 12. Report of Commercial Sign at Future Location of Basin "EH" (Herndon & Golden State) El Paseo Shopping Center and High Speed Rail**

Recommend the Board of Directors provide direction whether to place conditions related to the sign in the proposed agreement with High Speed Rail for the relocation of Basin "EH".

Director Fowler suggested staff in their negotiations with High Speed Rail move the sign to the south, outside of the District's future basin.

It was the direction of the Board of Directors that staff in their negotiations with High Speed Rail move the sign to the south, outside of the District's future basin.

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

a. Recommendation from Policy Committee:

- (1) **Authorization to Name District's Basin "FF" Park (Eden & Teilman) in Memory of Former Board Member, George Marcus**

The Policy Committee recommends the Board of Directors:

- (1) suspend section 3.(b) of the Naming of Facilities Policy which states, "The Policy Committee may recommend rejection by the full Board of Directors, or submit the proposal to an Ad Hoc Committee for consideration, evaluation and final recommendation to the full Board"; and
- (2) name District's Basin "FF" Park in memory of Former Board Member George Marcus.

Director Burleson noting the letter from Fresno Unlimited Lions in support of the naming of the park, may possibly be interested in participating in the costs for the sign. Mr. Van Wyk stated staff would look into that possibility.

Approved as Recommended, and staff is authorized to proceed whether or not partnerships for the costs are found.

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

- (2) **Adoption of Amended District Policy, Naming of Facilities**

The Policy Committee recommends the Board of Directors amend the District's Policy on the Naming of Facilities as proposed and redlined in the amended Policy as attached to the Board Memorandum.

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Approved as Recommended

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

(3) Adoption of New District Policy, Accounts Receivable

The Policy Committee recommends the Board of Directors adopt the new District Policy, Accounts Receivable as attached to the Board Memorandum.

Approved as Recommended

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

b. Recommendation from Community Relations Committee:

(1) Authorization to Print the Fall 2013 Issue of the Flood Line Newsletter

Recommend the District Board of Directors approve publication of the Fall 2013 issue of the Flood Line newsletter as approved by the Community Relations Committee at its November 6, 2013 meeting.

Approved as Recommended

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

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**(2) Review of Stormwater Quality Public Services Announcements
(PSAs)**

Recommend the Board of Directors authorize production of the proposed radio and television PSAs as approved by the Community Relations Committee at its November 6, 2013 meeting.

It was the direction of the Board of Directors to authorize production of the proposed radio and television PSAs as approved by the Community Relations Committee at its November 6, 2013 meeting.

Ms. Swisher noted at the next Board Meeting, staff will bring the proposed media buy to support the new PSAs.

REPORT OF GENERAL COUNSEL

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

CLOSED SESSION

A Closed Session was not convened.

ADJOURNMENT

Adjourned Board Meeting at 7:53 pm

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



BOB VAN WYK
GENERAL MANAGER-SECRETARY

12-6-13

DATE