

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, JANUARY 8, 2014

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, January 8, 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:**

Jerry Lakeman, District Engineer
Alan Hofmann, Assistant District Engineer/Design
Peter Sanchez, Operations Engineer
Frances Lopez, Office Manager
Paul Merrill, Finance Manager
Daniel Rourke, Environmental Resources Manager
Andrew Remus, Staff Analyst
Gary Newmark, Staff Analyst
Esther Schwandt, Clerk to the Board

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

Gene Qualls

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

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2. REPORT OF THE GENERAL MANAGER:

Mr. Lakeman reported on the following for the General Manager: (1) the sudden passing of former District employee, Jerry Isler; (2) the District's Annual Executive Staff Retreat would be held the last week of January 2014 at the District office; (3) he distributed an article from the California Special District Association (CSDA) entitled Redevelopment 2.0 Initiative; (4) he also distributed an article from the CSDA monthly publication which featured the District entitled, "Flood Control District Granted \$7.24 Million for Improvements" regarding the District's success in obtaining grants; (5) he distributed a restoration schedule and a notice entitled, "Closure of Play Areas Within Park; regarding the Basin "D" Oso de Oro Lake Park restoration; (6) he reported the Department of Water Resources (DWR) and the Association of California Water Agencies Joint Powers Insurance Authority (ACWA/JPIA) would be holding future meetings at the District's offices; and (8) he reported on the Big Dry Creek toe drain project currently ongoing.

3. APPROVAL OF MINUTES: Meeting of December 11, 2013

Due to her absence at the December 11, 2013 Board Meeting, Director Williams abstained.

Approved as Recommended

Motion by: Burleson Second by: Goodwin
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.

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6. POTENTIAL CONFLICTS OF INTEREST:

Director Goodwin noted a potential Conflict of Interest with Agenda Item No. 14. **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: 1)**, and stated she would therefore be recusing herself on this item.

7. PUBLIC HEARING:

Adoption of Resolution Amending Schedule of Service Charges, Master Fee Ordinance

Recommend the Board of Directors adopt the necessary findings through adoption of the Resolution attached to the Board Memorandum that amends the District's schedule of Service Charges of the Master Fee Ordinance. Said revised rates will take effect Monday, March 10, 2014.

Mr. Sanchez noted a correction to page 1, paragraph 4, "Pursuant to Section 21080(d) . . .", should be " . . . 21080(b)".

Director Williams opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:12 pm.

Approved as Recommended, Adopting Resolution No. 2014-781

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

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8. CONSENT CALENDAR:

- a. Adoption of Resolution Adopting Labor Compliance Program for Proposition 84, Local Groundwater Assistance Grant, and Approval of Initiation and Enforcement of the Program
- b. Authorization to Change the Billing Cycle on the Tower from Monthly to Bi-Annual (City of Fresno)
- c. Authorization to Issue Check to Acquire Permanent Pipeline Easement, Contract "II₁-109", Drainage Area "II₁", Valley Fig Growers (East California & South East Avenues)
- d. Quarterly Report to Board on Drainage Fee Violation, Notification and Collection
- e. Report of Public Concerns, December 2013
- f. Report on Drainage Fee Time Payment Agreements (October-December)
- g. Report on Renewal of Lease with Junior Golf League (Len Ross), Basin "FF" (West s/o Kearney)

Approved as Recommended

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

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9. Adoption of Resolution Making Findings in Compliance with the Mitigation Fee Act, Five Year Report

Recommend the Board of Directors:

1. Review the information presented at the December 11, 2013 Board Meeting and included in the discussion section of the Board Memorandum; and
2. Make the following findings related to that information:
 - a. That the purpose for which the fee is to be put has been identified,
 - b. That a reasonable relationship has been demonstrated between the fee and the purpose for which it was charged,
 - c. That all sources and amounts of funding anticipated to complete financing in incomplete improvements have been identified,
 - d. That the approximate dates on which the funding referred to above is expected to be deposited into the appropriate fund has been designated;
3. Adopt the Resolution attached to the Board Memorandum confirming these findings.

Approved as Recommended, Adopting Resolution No. 2014-783

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

10. Authorization to Exclude Certain Major Channel Areas From Drainage Fees

Recommend the Board of Directors authorize staff to remove the following open channel areas, but not developed trail areas, from the drainage fee calculations:

1. open channel canals that meet all of the following criteria:
 - a. remain undeveloped and used solely for the conveyance of canal and flood waters,
 - b. are dedicated to the Fresno Irrigation District (FID) for perpetual operation and maintenance or where FID claims prescriptive rights, and,

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2. natural channels that are dedicated to the Flood Control District for the flow of flood waters and other waters and maintained by the District (the top two delineations shown in the legend on the diagram attached to the Board Memorandum).

Approved as Recommended

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

- 11. Authorization to Appraise and Negotiate Permanent Storm Drainage Easements and Temporary Contractor Easements on Lots 8 and 9 of the Lismac Terrace Tract, Portion of APN 451-152-15 and 451-152-16, Sanchez and Cortez Property (Howard Street & Pine Avenue)**

Recommend the Board of Directors authorize staff to appraise and negotiate to acquire the redesigned subject easements from Benjamin Sanchez and Silver Cortez.

Approved as Recommended

Motion by: Fowler 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:**

No items were reported.

REPORT OF GENERAL COUNSEL

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

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Director Goodwin recused herself from the proceedings due to a potential conflict of interest and left the Board Meeting at 6:31 pm.

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 sub-division (b) of Gov. Code Section 54956.9:

(Number of Potential Cases: 1)

The Board then convened in regular session at 6:38 pm. Mr. Jensen stated no reportable action was taken in Closed Session.

ADJOURNMENT

Adjourned Board Meeting at 6:39 pm.

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


JERRY LAKEMAN
DISTRICT ENGINEER

1-15-14
DATE