

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, MAY 14, 2014

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, May 14, 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: Mike Rastegar, Vice-Chairman
Roy Spina
Kendall Groom
Barbara Goodwin
Frank Fowler
Buzz Burleson

DIRECTORS ABSENT: Jennette Williams, Chairman

**STAFF, CONSULTANTS,
OTHERS PRESENT:**

Bob Van Wyk, General Manager
Jerry Lakeman, District Engineer
Alan Hofmann, Assistant District Engineer/Design
Peter Sanchez, Operations Engineer
Karyn Kruser, Staff Analyst
Andrew Remus, Staff Analyst
Bob Notley, Senior Engineering Technician
Debbie Campbell, Development Services Manager
Brandy Swisher, Program Assistant
Verlyn Neufeld, Construction Manager
Daniel Rourke, Environmental Resources Manager
Jason Clarke, Project Manager
Amjad Qader, Engineer
Esther Schwandt, Clerk to the Board

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

Doug Harrison
Mike Prandini, Building Industry Association (BIA)

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

2. REPORT OF THE GENERAL MANAGER:

Mr. Van Wyk reported on the following: (1) he displayed a picture of the Water Awareness Safety Council appearing at the Fresno County Board of Supervisors to receive a proclamation; (2) he noted staff is looking at installing a door between the Board Room and the entry way; Director Spina suggested staff check with the Fire Marshall; (3) the State of the City Luncheon is scheduled for June 25th; he stated the Clerk to the Board would be contacting the Board as to their availability; (4) he distributed a copy of a letter dated April 24, 2014 from the US Department of Commerce Economic Development Administration (EDA), indicating the District is being strongly considered for a grant in the amount of \$2,510,100 in EDA funding under the Public Works and Economic Development Facilities Program; (5) he requested the Board return their comments and/or suggestions on the job announcement for the District's General Manager-Secretary position to him as soon as possible; he noted the job announcement will be distributed to several of the District's alliance organizations such as Association of California Water Agency/Joint Powers Insurance Authority (ACWA/JPIA), California Special District's Association (CSDA), etc.; and (6) he asked Ms. Swisher to report on the last item; Ms. Swisher stated the Central California Chapter of the Public Relations Society of America had awarded the District an Award of Excellence for the District's new Public Service Announcement.

3. APPROVAL OF MINUTES: Meetings of April 23, 2014 and May 7, 2014

Due to her absence at the April 23, 2014 Board Meeting, Director Goodwin abstained on the Minutes of April 23, 2014.

Approved as Recommended as to the Minutes of April 23, 2014

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

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Approved as Recommended as to the Minutes of May 7, 2014

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

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:

Director Rastegar noted a potential Conflict of Interest with Agenda Item No. **10. Authorization to Submit the Regional Groundwater Recharge and Surface Water Reuse Project as a 2014 IRWM Drought Grant Solicitation Program** and stated he would therefore be abstaining/recusing himself on this item. Director Goodwin noted a potential Conflict of Interest with Agenda Item No. **12. Report of Completion of Property Exchange Agreement, Basin "II₁" (Grove e/o Fig) Fresno Unified School District** and stated she would therefore be recusing herself on this item.

7. PUBLIC HEARING:

Public Hearing to Consider Cost Recovery of Development Review Expenses, Adoption of Development Review Fee Policy and Adoption of Resolution Amending Schedule of Service Charges, Master Fee Ordinance

Recommend the Board of Directors adopt (i) the Development Review Fee Policy and then (ii) 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. The Development Review Fee will take effect no sooner than July 13, 2014.

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Mr. Hofmann noted one correction to the Board Memorandum, specifically on page 2, 3rd paragraph, "Pursuant to Section **21080(d)** . . ."; should be " . . . **21080(b)** . . ." He stated Legal Counsel has reviewed both the Resolution and Ordinances, and have made changes to the Resolution. He then distributed copies of the redlined Resolution showing the proposed changes and a final copy for adoption by the Board this evening.

Director Rastegar opened the Hearing for Public Comment at 6:18 pm.

Mr. Mike Prandini, representing the Building Industry Association (BIA), addressed the Board noting the BIA is not in support of the fee at a time when the market has significantly softened and the flattening out of sales. He then expressed the BIA's concerns with respect to the fee for the following reasons: (1) Developers should not be charged for District costs unrelated to the development review, as the District Report states, "there are multiple beneficiaries of the development review division"; (2) on page 3 under Legal Requirements of the Report, it states "permit application fees are not under the jurisdiction of the Mitigation Fee Act", they believe the Development Review Fees are subject to the Mitigation Fee Act; (3) with respect to page 4 of the District's Report, the overhead values have not been verified; (4) with respect to page 8, two senior management positions were not included in spreading overhead costs to the development review function; (5) District storm drain plan review takes "almost as much time" as it takes the developer's engineers to prepare the plans approximately 2½ weeks; and (6) the District should increase its annual benefit assessment to fund development review costs.

There being no further Public Comments, the Public Comment portion of the Hearing was closed at 6:26 pm.

Director Burleson noted it would have been helpful to have the District Report before the Board of Directors as it was difficult to follow along with Mr. Prandini's comments. Director Goodwin concurred and requested the comments by Mr. Prandini be transcribed and staff provide written response to those comments. Director Fowler concurred and noted he would be very reluctant to raise property owners' assessments to offset costs that should go to the development community. Director Spina concurred.

Mr. Van Wyk stated staff can bring the item back to a subsequent meeting with the District's Report as an overlay with Mr. Prandini's comments. He proposed this Public Hearing be continued to the May 28, 2014 Board Meeting to allow the staff time to transcribe the comments by Mr. Prandini this evening, prepare written responses and bring this item back to the Board with the District Report.

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No Action was taken. Chairman Rastegar continued the Public Hearing to the May 28, 2014 Board Meeting.

8. CONSENT CALENDAR:

- a. Acceptance of Quarterly Investment Report, Ending March 31, 2014
- b. Third Quarter 2014 Grant Expenditure and Reimbursement Report
- c. Report of Public Concerns, April, 2014
- d. Engineer's Report of Construction, April, 2014
- e. Quarterly Real Estate Report

Approved as Recommended

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

9. Adoption of Proposed Site Plan, Basin "FF" (Eden & Teilman) Tot Lot Improvements, George R. Marcus, Jr. Park

Recommend the Board of Directors approve the Basin "FF" Tot Lot Site Plan attached to the Board Memorandum and as shown on Exhibit No. 1, and authorize staff to work with the Marcus family and community to generate the necessary funding for the additional park improvements through private donations and grants.

Approved as Recommended

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

11. Provide Direction to Staff Regarding Acceptance of Drainage Fee Payment, County Plan Check No. 00-7901, R. Marie Denny, Drainage Area "7H" (Temperance & Sierra)

Recommend the Board of Directors allow the property owner, R. Marie Denny, the opportunity to address the Board regarding her drainage fee payment. It is further recommended the Board determine whether to direct staff to: (1) accept the drainage fee payment (\$4,775) as full payment of the drainage fee for the property; or, (2) accept the drainage fee payment as partial payment and require the payment of additional drainage fees (\$855) to meet the current drainage fee rate in effect.

Mr. Lakeman stated staff was pulling this item, as the property owner has concurred with staff's comments in the Board Memorandum and has agreed to pay the additional amount owed the District of \$855.

No action was required by the Board of Directors.

Director Rastegar recused himself from the proceedings due to a potential conflict of interest and left the dais at 6:44 pm. Director Spina assumed Chairmanship of the Board Meeting.

10. Authorization to Submit the Regional Groundwater Recharge and Surface Water Reuse Project as a 2014 IRWM Drought Grant Solicitation Project:

Groundwater Recharge Sites

Basins "AN", "BG", "BK", "BS", "CI", "DE", "DO", "PP", Armstrong Basin (Armstrong & Belmont), Briggs Basin (Temperance & Kings Canyon)

Surface Water Reuse Sites

Basins "M", "N", "O", "Q", "V", "Y", "II₁", "MM", "CO₂", "EG"

Recommend the Board of Directors authorize staff to submit a pre-application for the proposed Regional Groundwater Recharge and Surface Water Reuse Project to the Kings Basin Water Authority for consideration to be included in the Authorities Proposition 84 grant application to the Department of Water Resources.

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Approved as Recommended

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

Director Rastegar returned to the dais at 7:02 pm and re-assumed Chairmanship.

13. Report of Status of Economic Development Grant, South Fresno Economic Development Project

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

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

14. Authorize General Manager to Submit Position Letters on Proposed Legislation and Approve District Position Papers on House Resolution 29 (Outsourcing) and 2014 Water Bond Proposals

Recommend the Board of Directors oppose the California Jobs and Education Development Initiative Act (Initiative 13-0065) and authorize staff to send letters to Assembly Members Patterson and Perea, and Senator Berryhill, with a copy to California Special District Association (CSDA) stating opposition to this proposal.

Recommend the Board of Directors support AB 2280 (Community Revitalization and Investment Authorities) and authorize staff to send letters to Assembly Members Patterson and Perea, and Senator Berryhill, with a copy to CSDA stating support for this legislation.

Recommended the Board of Directors support SB 1261 (Hazardous Materials Fee, Emergency Business Plans) and authorize staff to send a letter to the letter's author and CSDA expressing support for this legislation.

Recommend the Board of Directors take no position at this time on AB 1874 (Integrated regional water management plans: funding).

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Recommend the Board of Directors approve the position statement “Fresno Metropolitan Flood Control District, Regarding State of California Assembly House Resolution 29, Outsourcing and the Public Good” and authorize the General Manager to distribute the statement as appropriate.

Recommend the Board of Directors approve the water bond position paper prepared by staff and authorize the General Manager to distribute the statement as appropriate.

Approved as Recommended

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

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

No items were submitted.

Director Goodwin recused herself from the proceedings due to a potential conflict of interest and left the dais and Board Meeting at 7:07 pm.

12. Report of Completion of Property Exchange Agreement, Basin “II₁” (Grove e/o Fig) Fresno Unified School District

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

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.

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CLOSED SESSION

A Closed Session was not convened.

ADJOURNMENT

Adjourned Board Meeting at 7:10 pm.

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



BOB VAN WYK
GENERAL MANAGER-SECRETARY



DATE