

**ACTION SUMMARY MINUTES**  
**MINUTES OF THE REGULAR MEETING OF**  
**THE BOARD OF DIRECTORS OF THE**  
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**  
**HELD WEDNESDAY, AUGUST 13, 2014**

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Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, August 13, 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  
Paul Merrill, Finance Manager  
Daniel Rourke, Environmental Resources Manager  
Kristine, Johnson, Staff Analyst  
Karyn Kruser, Staff Analyst  
Jarrod Takemoto, Rural Streams Manager  
Esther Schwandt, Clerk to the Board  
  
Ken Price, Assistant General Counsel;  
Baker, Manock & Jensen  
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. Price led the Pledge of Allegiance. Director Williams then announced the reappointment of Director Rastegar and Director Goodwin both by the City of Fresno. The Clerk to the Board then administered and notarized Directors Rastegar and Goodwin's Oath of Office.

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, AUGUST 13, 2014  
PAGE 2 OF 8**

**2. REPORT OF THE GENERAL MANAGER:**

Mr. Hofmann reported on the following: (1) he distributed a copy of an email dated August 7, 2014 responding to the request by Assembly Member Perea's Office wherein they requested the District authorize them to include us in the Assembly Member's letter to Chairman Dan Richards of the California High Speed Rail Authority, expressing continued support of the High Speed Rail; Mr. Hofmann, in the email informed the Assembly Member that as a public agency the letter of support would need to be formally acted on by the District's Board of Directors, and due to the short time frame needed for a reply, Mr. Hofmann had to respectfully decline from the District's participation in the letter; (2) he distributed three separate announcements that had appeared in The Fresno Bee and the Business Journal announcing the appointment of the new General Manager, and he noted the Association of California Water Agencies (ACWA) had informed the District that they would also be placing this announcement in their upcoming Newsletter; (3) he distributed a letter dated July 25, 2014 from the ACWA/Joint Powers Insurance Authority (JPIA) congratulating District employee Karyn Kruser for completing the JPIA Human Resources Certification Program; and (4) he requested Mr. Sanchez give the Board a brief report on the status of the City of Fresno's water rules and their impact on the District; Mr. Sanchez stated the District currently has a large turf exemption for all District properties; he stated staff contacted the City regarding the new rules, and they indicated the District needs to reapply for the large turf exemption. However, Mr. Sanchez stated at this time, the City does not have an application for the District to be able to reapply, so staff currently operates under that large turf exemption and hopes at the next Board Meeting to have a full written report for the Board with the exact City of Fresno watering conditions and the District's status.

**3. APPROVAL OF MINUTES: Meetings of June 4, 2014; June 11, 2014;  
June 25, 2014; July 9, 2014 and July 23, 2014**

**Approved as Recommended as to the Minutes of June 4, 2014; June 11, 2014;  
July 9, 2014 and July 23, 2014**

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

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, AUGUST 13, 2014  
PAGE 3 OF 8**

Due to his absence at the June 25, 2014 Board Meeting, Director Fowler abstained.

**Approved as Recommended as to the Minutes of June 25, 2014**

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

**6. POTENTIAL CONFLICTS OF INTEREST:**

Director Goodwin noted a potential Conflict of Interest with Agenda Item No. 13 **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:**

- a. Adoption of Resolution Amending Schedule of Service Charges, Master Fee Ordinance, Amending Development Review Service Charge**

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. Revised rates will take effect, Monday, October 13, 2014.

Director Williams opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:13 pm.

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, AUGUST 13, 2014  
PAGE 4 OF 8**

**Approved as Recommended, Adopting Resolution No. 2014-799**

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

**b. Adoption of Resolution Adopting Negative Declaration for the Acquisition and Construction of Basin “NN” Project (Church & Valentine Avenues)**

Recommend the Board of Directors consider the proposed Negative Declaration, public comments, and any testimony at the Hearing. Subsequently, it is recommended the Board of Directors approve the final Negative Declaration and adopt the resolution attached to the Board Memorandum. It is further recommended the Board’s action include such additional measures it feels are necessary to mitigate or alleviate any concerns raised through public testimony or Board discussion.

Director Fowler expressed his concern of the District purchasing a significant amount of property and turning it over to the Fresno Irrigation District (FID), noting if we meet their design criteria and the canal does not match up downstream or upstream that is a concern; and then we have given them a large easement. He noted the District is substantially increasing the size of the FID holdings running through the ponding basin with this project. Mr. Hofmann stated the canal in this basin was designed back when the Running Horse project was moving forward. He stated the canal and the right-of-way were designed by the District, and the District has signed plans, noting it has been completely documented between each of the agencies. He stated when FID put these new demands on the Negative Declaration, he does not believe the Assistant General Manager of FID was aware of the signed plans and thus was working without all the information. Mr. Hofmann stated our response to FID was the District is going to comply with the plans that both agencies have already agreed to; however, the District may review FID’s concerns about seepage to the canal in the design. Mr. Hofmann stated he and Mr. Sanchez would be meeting with FID on Friday to insure FID is clear with the District’s position.

Responding to Director Spina’s question regarding any requirement to respond formally, Mr. Hofmann stated FID was provided with Attachment No. 2 (as attached to the Board Memorandum), the District’s responses to comments submitted on the District’s Proposed Negative Declaration.

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, AUGUST 13, 2014  
PAGE 5 OF 8**

Director Goodwin questioned whether staff should delay this item pending District staff's meeting with FID. Mr. Hofmann stated the meeting was merely to insure both agencies are on the same page; however, having said that, the project is in the District's Proposition 1E Grant, and, therefore, there is a few years to do the project so he did not see an urgent reason to move ahead. He stated if the Board wanted to table the item he did not see that as a problem. Director Fowler noted his belief that since the discussion with FID is design criteria and not an environmental issue, he did not see a reason to table the item, as he believed this was something the staffs could resolve. Director Spina concurred.

Director Williams opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:26 pm.

**Approved as Recommended, Adopting Resolution No. 2014-800**

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

**8. CONSENT CALENDAR:**

- a. Authorization to Enter into Agreement with the City of Fresno, and Allocation of Funding, Storm Drain Pipeline and Inlet, Drainage Area "AC" (Santa Fe & Blythe)
- b. Authorization to Execute Standard Developer Agreements:
  - (1) Tract 6045 and 6065, Drainage Area "DE", Copper River 74 Inc. (Friant & Via Bella)
  - (2) Tract 6055/Clovis CUP 2013-010/Clovis VAR 2014-001, Drainage Area "3G", Wilson Premier Homes, Inc. (Barstow & DeWolf)
- c. Engineer's Report of Construction, July 2014
- d. Quarterly Real Estate Report, July 2014
- e. Report on Engagement of District External Auditor, Brown Armstrong

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, AUGUST 13, 2014  
PAGE 6 OF 8**

- f. Report of Public Concerns, July 2014
- g. Transmittal of Final Report, Fresno Metropolitan Flood Control District, Proposition 1E Grant Audit

**Approved as Recommended**

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

**9. Authorization to Acquire and Construct Basin “NN” Project (Church & Valentine Avenues)**

It is recommended the Board of Directors approve the Acquisition and Construction of Basin “NN” Project.

Director Burleson questioned the cost of the project and who the property is being purchased from. Mr. Hofmann stated the property is currently being appraised and the property is being purchased from Granville, whom he believes could be a willing seller. He stated as this is a part of the Proposition 1E Grant, 50% of the project would be paid through the Grant; however, he did not have the cost information available this evening. Director Williams requested staff bring back the information Director Burleson was requesting at a subsequent Board Meeting.

Director Spina noted his belief that this type of information should be included in the Board Memorandums in the future.

Mr. Hofmann noted if the Board would prefer not approving this item, and wait until staff returns with the information requested, he did not believe that a delay would hurt the District’s ability to move forward as the appraisal has not been completed as of yet.

Director Fowler noted the Board had approved the Proposition 1E Grant and it had the cost breakdown in there, so he did not believe the item needed to be held. Discussion continued among Board Members as to whether the item should be held.

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, AUGUST 13, 2014  
PAGE 7 OF 8**

**Approved as Recommended**

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

**10. Authorization to Execute Right of Entry Agreement, De Young Properties, "Pup Creek Detention Basin"**

Recommend the Board of Directors authorize staff to execute a Right of Entry agreement with the developer to allow access and improvements to be made to the Pup Creek Detention Basin.

**Approved as Recommended**

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

**11. Board Reports, Workshops, Correspondence and Requests for Future Agenda Items**

No items were submitted.

**REPORT OF GENERAL COUNSEL**

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

Director Goodwin recused herself from the proceedings due to a potential conflict of interest and left the Board Meeting at 6:37 pm.

**FMFCD BOARD MEETING MINUTES  
WEDNESDAY, AUGUST 13, 2014  
PAGE 8 OF 8**

**CLOSED SESSION**

The Board then convened in Closed Session at 6:38 pm to consider the following litigation:

- 13. 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)

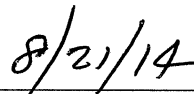
The Board then convened in regular session at 7:10 pm. Mr. Price stated no reportable action was taken in Closed Session.

**ADJOURNMENT**

**Adjourned Board Meeting at 7:10 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

  
DATE