

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, AUGUST 27, 2014

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, August 27, 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
Kristine Johnson, Staff Analyst
Daniel Rourke, Environmental Resources Manager
Karyn Kruser, Staff Analyst
Brandy Swisher, Staff Analyst
Brent Sunamoto, Operations Engineer
Gary Newmark, Staff Analyst
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel; Baker, Manock & Jensen
Lauren Layne, Assistant General Counsel;
Baker, Manock & Jensen

Cynthia Fidel, Client Services, Jeffrey Scott Agency

PRESIDING: Director Williams, presiding as Chairman called the meeting to order at 6:00 p.m. and Mr. Jensen led the Pledge of Allegiance. Director Williams announced the reappointment of Director Fowler by the County of Fresno. The Clerk to the Board then administered and notarized Director Fowler's Oath of Office.

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2. REPORT OF THE GENERAL MANAGER:

Mr. Hofmann reported on the following: (1) he distributed the current Board Requests and Assignments Form which is given to the Board quarterly; he requested the Board notify him if there is an item staff needs to address; (2) he distributed a letter addressed to the District from the Economic Development Administration (EDA) notifying us they had approved a Financial Assistance Award in the amount not to exceed \$2,510,100 in response to the District's Application for Federal Assistance to fund the construction of storm drain and roadway infrastructure; he distributed a draft press release staff anticipates sending out tomorrow; (4) he reminded the Board of the Community Relations Committee Meeting tomorrow at 12:00 pm; (5) he distributed a packet containing information for the Board to review and set Goals and Objectives for the General Manager; he stated he would be scheduling this item for the next Board Meeting, September 10th; and (6) he announced that he had promoted Brent Sunamoto to the Operations Engineer position, which was vacated when Peter Sanchez, the previous Operations Engineer, moved to District Engineer.

3. APPROVAL OF MINUTES: Meeting of August 13, 2014

Approved as Recommended

Motion by: Rastegar Second by: Goodwin
Ayes: Williams, Rastegar, Spina, Groom, Goodwin, Fowler, Burleson
Noes: None
Abstentions: None
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. **15. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** Significant exposure to litigation pursuant to sub-division (d) of Gov. Code Section 54956.9: (Number of Potential Cases: 2), and stated she would therefore be abstaining/recusing herself on this item.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- a. Adoption of Resolution Authorizing Disposal of Assets, Computer Equipment and Office Furniture
- b. Authorization to Execute New Administrative Services and Office Space Agreement for the San Joaquin River Conservancy (SJRC)
- c. Authorization to Execute Right of Entry with City of Clovis, Alluvial Avenue Street Improvements, Access to Basin “7D” (Alluvial & Fowler)
- d. Authorization to Extend Professional Services Agreement with Jeffrey Scott Agency and Approval of 2014-2015 Scope of Work, Public Involvement and Education Program, National Pollutant Discharge Elimination System (NPDES) Stormwater Program
- e. Authorization to Extend Professional Services Agreement with Larry Walker Associates and Approval of 2014-2015 Scope of Work, National Pollutant Discharge Elimination System (NPDES) Stormwater Quality Monitoring Program
- f. Award of Contract “AA-41”, Storm Drainage Facilities (San Jose & Del Mar)
- g. Ratification of Expenditures, Report of Fund Balances and Activity, July 2014
- h. Report of Pollutant Discharge Incidents, July 2014

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- i. Report of Quarterly Investment Report, Second Quarter
- j. Report on Acquisition and Construction Costs for Basin “NN” Project, (Church & Valentine Avenues)
- k. Report on Completion of Benefit Assessment Tax Processing for Placement on the County Tax Roll
- m. Report on Finalization of Acquisition and Relocation Payment to Mr. Robert Nanto, Basin “BL” Expansion, (Church & Armstrong)
- n. Report on Impact of City of Fresno Watering Restrictions on Developed Basins
- o. Report on Other Post Employment Benefit (OPEB) Investment Returns

Director Burleson requested Agenda Item 8l be pulled.

Approved as Recommended, with the exception of Agenda Item 8l which was pulled.

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

l. Report on Current Status of High Speed Rail (HSR) Task Orders and Invoice for Drainage Fees

This report is informational only and requires no action from the Board of Directors.

Responding to Director Burleson’s question as to his concern whether the District has been reimbursed by the High Speed Rail (HSR), Mr. Hofmann stated HSR will affect 4 basins that the District owns, either in needing land or affecting the design. Mr. Hofmann stated staff is in continued discussions with HSR, insuring that the District remains whole. He stated the District will not sell the HSR property, but rather will be exchanging property so that the District retains the same capacity. He stated the approximate \$2.2 million, as detailed in the Board Memorandum, is for a Drainage Fee that will be revenue into the District’s PPDA Account. He stated staff will place these funds in a separate account that

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HSR can draw on to build Master Plan Facilities. Mr. Hofmann stated the Agreement with HSR is that upon execution they will pay the District within 30 days.

Responding to Director Burleson's subsequent question as to the current account status with HSR, Mr. Hofmann stated the HSR Authority has paid the District up to now, but now the District has a Contract with HSR's Contractor, TPZP, and staff anticipates invoicing TPZP; he stated the District is not out a significant amount at this point. Director Burleson stated while he hopes HSR will pay the \$2.2 million Drainage Fee, should they not pay then he believed that would be a definite red flag. Mr. Hofmann clarified that there are no projects that the District is doing for HSR that the District is going to pay for engineering services. He noted HSR is going to design, and the District will review what HSR provides to us. Also, he stated the District made HSR use the District's outside consultants Blair, Church & Flynn and Provost & Pritchard to help streamline the project, but all the costs will be paid by HSR.

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

9. Appearance of Gary Bruno and Vic Alberti Regarding Payment of a Drainage Fee Pursuant to the Late Payment of Drainage Fee Policy, Drainage Area "AH" (Jennifer & Gates)

It is recommended the Board of Directors hear from Mr. Vic Alberti & Mr. Gary Bruno.

Mr. Hofmann stated the parties had contacted the District and stated they would not be appearing this evening, as they have decided to resolve this issue among themselves and would not be involving the District after all. Mr. Hofmann stated therefore, this item and the item shown under Closed Session would not be needed.

No further action was taken.

10. Authorization to Execute Agreement to Sell Excess Property to De Young Properties, Pup Creek Detention Basin Outlet Channel Property (Sierra & Temperance)

Recommend the Board of Directors authorize the sale of the Pup Creek Detention Basin Outlet Channel property (7,880.15 square feet) in the amount of \$22,344.00.

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Approved as Recommended

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

11. Report on District's Workers' Compensation Program:

a. Safety Program and Risk Assessment

The report is informational only; No action is required of the Board of Directors unless specific direction is to be given to staff.

Mr. Newmark and Mr. Hofmann reviewed the District's safety program and photographs showing the District's staff participating in safety training.

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

b. Premium for Worker's Compensation Program

The report is informational only; No action is required of the Board of Directors unless specific direction is to be given to staff.

Director Groom suggested staff review the option of raising the District's deductible. Director Williams concurred. Director Spina stated he would like to see how much that would potentially save the District.

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Director Burluson stated he would like to see as a minimum, targeting those on-the-job accidents that are a lost work day or a potential Workman's Compensation Claim, and have a District safety group review the accident(s) and make recommendations as to safety training, and then forward those recommendations to the Board for review and comment.

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

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

- a. **Report on Board of Directors Attendance at Various Meetings, San Joaquin River Conservancy (SJRC), Director Goodwin**

Recommend Director Goodwin give a verbal report of the SJRC meeting held on August 20, 2014.

Director Goodwin 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.

CLOSED SESSION

As was previously stated by the General Manager, Closed Session Agenda Item No. 14 was no longer needed. Mr. Hofmann stated he also had nothing to report under Closed Session Agenda Item No. 15. Therefore, a Closed Session was not convened.

14. CONFERENCE WITH LEGAL COUNSEL – EXITING LITIGATION
Pursuant to sub-division (a) of Gov. Code Section 54956.9:

Small Claims Court; Vic Alberti vs. Gary L. Bruno; Robert Van Wyk, FMFCD

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- 15. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to sub-division (d) of Gov. Code Section 54956.9:

(Number of Potential Cases: 2)

ADJOURNMENT

Adjourned Board Meeting at 6:39 pm.

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



ALAN HOFMANN
GENERAL MANAGER-SECRETARY

9-3-14

DATE