

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, SEPTEMBER 10, 2014

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, September 10, 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

DIRECTORS ABSENT: Buzz Burleson

**STAFF, CONSULTANTS,
OTHERS PRESENT:** Alan Hofmann, General Manager-Secretary
Peter Sanchez, District Engineer
Debbie Campbell, Design Engineer
Frances Lopez, Office Manager
Daniel Rourke, Environmental Resources Manager
Andrew Remus, Staff Analyst
Paul Allen, Facilities Manager
Jarrod Takemoto, Rural Streams Program Manager
Brandy Swisher, Staff Analyst
Paul Merrill, Finance Manager
Brent Sunamoto, Operations Engineer
Esther Schwandt, Clerk to the Board

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

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. Hofmann reported on the following: (1) he distributed a copy of a check the District received from Tutor Perini – Zachry – Parsons for the High Speed Rail Drainage Fee in the amount of \$2,231,452.00; (2) he distributed a copy of an article which appeared in the Business Journal on Friday, September 5, 2014 regarding the \$2.5 million Federal Grant from the U.S. Department of Commerce’s Economic Development Administration to both the District and its co-applicants; (3) he announced the Clovis Unified School District’s (CUSD) 2014 Superintendent’s Back-to-School Breakfast is scheduled for September 23, 2014; the Clerk to the Board will be contacting the Board Members as to their availability to attend; (4) he will be attending the California Special District’s Association Annual Conference in Palm Springs September 29, 2014 to October 2, 2014; he noted Mr. Sanchez would be in charge during his absence; (5) he is also considering attending the Association of California Water Agencies/Joint Powers Insurance Authority Board of Directors Meeting and 2014 Fall Conference scheduled for December 1, 2014 to Friday, December 5, 2014; (6) he requested the Board “like” the District on Facebook; (7) he notified the Board that he would be meeting with the CUSD staff on Friday regarding drainage issues and fees due the District; he did attend the joint meeting of the Clovis City Council with the CUSD Board Members; (8) he has been in discussions with the Fresno Unified School District with respect to their Bullard Campus site regarding drainage and fees as well; and (9) he noted the Association of California Water Agency’s Newsletter had featured the District, reporting on the appointment of the new General Manager, and the retirements of the former District Manager and District Engineer.

Mr. Ken Price introduced Mr. Craig Armstrong a new Attorney at BM&J, noting he will be working for BM&J with an emphasis on working with public agencies and was in attendance this evening to observe the Board Meeting.

3. APPROVAL OF MINUTES: Meeting of August 27, 2014

Approved as Recommended

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

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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.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- a. Authorization to Amend District's Conflict of Interest Code
- b. Authorization to Release 2015 Clean Stormwater Grant Applications
- c. Award of Contract, Two Portable Sound Attenuated Pumps
- d. Report of Public Concerns, August 2014

Approved as Recommended

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

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- 9. Adoption of Resolution Dedicating Street Right-of-Way in Fee, Sample Avenue Right-of-Way to City of Clovis, Pup Creek Detention Basin Outlet Channel (Sierra & Temperance) *(Two-thirds vote required)***

Recommend the Board of Directors adopt the resolution attached to the Board Memorandum authorizing the dedication of a portion of the Pup Creek Detention Basin Outlet Channel property to the City of Clovis for street purposes as shown on Exhibit No. 1 as attached to the Board Memorandum

Approved as Recommended, Adopting Resolution No. 2014-802

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

- 10. Authorization to Approve Aerial Easement and Common Use Agreement with PG&E, Basin "BY" (Sunnyside & Perrin)**

Recommend the Board of Directors authorize staff to execute an Aerial Easement and Common Use Agreement with PG&E as outlined in the memorandum.

Mr. Hofmann noted staff had scheduled this item to be discussed in Closed Session due to PG&E's threat of condemnation per their letter of August 28, 2014 as attached to the Board Memorandum.

The Board then convened in Closed Session at 6:11 pm to consider the following:

- 14. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to paragraph (2) of sub-division (d) of Gov. Code Section 54956.9:

(Number of Potential Cases: 1)

The Board convened in regular session at 6:18 pm. Mr. Jensen stated no reportable action was taken in Closed Session. The Board resumed discussion of Agenda Item No. 10

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- 10. Authorization to Approve Aerial Easement and Common Use Agreement with PG&E, Basin "BY" (Sunnyside & Perrin)**

Approved as Recommended

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

- 11. Authorization to Implement Automated Clearing House (ACH) Services through Bank of the West**

Recommend the Board of Directors authorize the implementation of Automated Clearing House (ACH) services through the Bank of the West.

Approved as Recommended

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

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

- a. Recommendation from Community Relations Committee; Authorization to Print the Summer 2014 Issue of the Flood Line Newsletter**

The Community Relations Committee recommends the District Board of Directors approve publication of the Summer 2014 issue of the Flood Line newsletter.

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Approved as Recommended

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

REPORT OF GENERAL COUNSEL

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

CLOSED SESSION

The Board convened in Closed Session at 6:30 pm to consider the following:

15. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: General Manager-Secretary

The Board then convened in regular session at 7:38 pm. Chairman Williams stated no reportable action was taken in Closed Session.

ADJOURNMENT

Adjourned Board Meeting at 7:39 pm

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


ALAN HOFMANN
GENERAL MANAGER-SECRETARY

9-17-14

DATE