

ACTION SUMMARY MINUTES
MINUTES OF THE SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, NOVEMBER 19, 2014

Pursuant to notice, the Special Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, November 19, 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: Roy Spina
Kendall Groom
Barbara Goodwin
Frank Fowler
Buzz Burleson

DIRECTORS ABSENT: Jennette Williams, Chairman
Mike Rastegar, Vice-Chairman

STAFF, CONSULTANTS,
OTHERS PRESENT:

Alan Hofmann, General Manager-Secretary
Peter Sanchez, District Engineer
Debbie Campbell, Design Engineer
Frances Lopez, Office Manager
Karyn Kruser, Staff Analyst
Brent Sunamoto, Operations Engineer
Benita Walker, Accounting Technician
Paul Allen, Facilities Manager
Daniel Rourke, Environmental Resources Manager
Jason Clarke, Development Services Manager
Esther Schwandt, Clerk to the Board

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

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

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, NOVEMBER 19, 2014
PAGE 2 OF 9**

2. REPORT OF THE GENERAL MANAGER:

Mr. Hofmann reported on the following: (1) he distributed a photo of the Clovis Trailhead Park located at the southwest corner of Sunnyside & Shepherd Avenues; he reported he had attended the grand opening, and noted the City of Clovis intends this to be the area where four trails will culminate from this one location; (2) he stated staff has included under Agenda Item 8i "Ratification of Expenditures, Report of Fund Balances and Activity October 2014", the "Development Review Fees" balance, collected along with the Cash Balance summary of All Funds; and (3) he reported the District's Operations team put on an Emergency Preparedness meeting with various agencies which included representatives from the Department of Water Resources, the Bureau of Reclamation, the Fresno Irrigation District, the Office of Emergency Services of the County of Fresno, and both cities, the City of Fresno Street Maintenance, and the City of Clovis Public Utilities, to give them an overview of the District's system.

3. APPROVAL OF MINUTES: Meeting of October 22, 2014

Approved as Recommended

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

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.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, NOVEMBER 19, 2014
PAGE 3 OF 9**

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- a. Acceptance of Quarterly Investment Report, Third Quarter
- b. Approval of Scope of Work for Provost & Pritchard to Assist District in Drafting Sections of a Remedial Action Plan, Basin "II₂" Extension Area (n/o Church, e/o Orange)
- d. Authorization to Exercise Option Year of Master Maintenance Service Contracts
- e. Authorization to Exercise Second Option Year of Developed Basin Maintenance Contracts, Clean Cut Landscapes, Inc. and Elite Maintenance and Tree Services
- f. Authorization to Amend Lease Agreement, Enlarged Area of Use, Crown Castle, Basin "J" (Bullard & Forkner)
- g. Engineer's Report of Construction, October 2014
- h. Quarterly Real Estate Report, October 2014
- i. Ratification of Expenditures, Report of Fund Balances and Activity, October 2014
- k. Report on Other Post Employment Benefit (OPEB) Investment Returns
- l. Authorization to Schedule Public Hearing to Adopt Resolution Amending the Storm Drainage and Flood Control Master Plan and Amending the Schedule of Drainage Fees, Surcharges and Costs for Local Drainage Areas (2015 Rate Schedule)

Director Burluson requested Agenda item 8c be pulled. Director Goodwin requested Agenda item 8j be pulled.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, NOVEMBER 19, 2014
PAGE 4 OF 9**

Approved as Recommended, with the exception of Agenda Items 8c and 8j as they were pulled.

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

- c. Authorization to Accept Settlement for Damaged Vegetation, Big Dry Creek Dam, Fancher Creek Dam, Pup Creek Detention Basin, and Basin "BX" (w/o Temperance, s/o Shepherd), Allied Weed Control, Inc.**

Staff recommends the Board of Directors authorize settling with York Risk Services Group, Inc. in the amount of \$6,075.00.

Responding to Director Burleson's question, Mr. Allen stated the contractor admits to contaminating 6.75 acres due to not properly washing out his tanks. However, Mr. Allen stated the contractor has denied, and staff has been unable to prove, that the contractor damaged the additional 10.68 acres. Mr. Allen stated the contractor's insurance company, York Risk Services Group, is offering a settlement in the amount of \$6,075.00, which covers the damage the contractor admits to damaging, provided the District signs the "Full Release of Property Damage" form. Responding to Director Burleson's subsequent question, Mr. Allen stated the District's total out of pocket expense is approximately \$12,700.00. Director Burleson recommended the District staff ask the contractor to pay the District the difference (\$6,625.00) to make the District whole. Discussion was carried among Board Members and staff with respect to this item.

Responding to Director Spina's question as to whether this item had been discussed with Legal Counsel, Mr. Hofmann stated staff did not, deciding rather to resolve the issue without incurring additional costs, and settle the matter by receiving approximately half of the District's costs.

Director Fowler noted staff has no proof that the contractor damaged the additional acres. Responding to Director Spina's question, Mr. Allen stated the contractor has done work for the District for approximately 20+ years, has done excellent work, has specialty equipment that no other local contractor has to control the District's invasive and noxious weeds on the slopes of the dams, and is trying to work with the District on resolving this one issue.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, NOVEMBER 19, 2014
PAGE 5 OF 9**

Director Goodwin noted her belief that this was a fair resolution to the matter, as the contractor admitted to his error, and while the insurance company initially denied the claim, they have since offered to settle the matter.

Approved as Recommended

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

j. Report of Public Concerns, October 2014

This report is for informational purposes only. No Board action is required unless specific direction is given staff regarding the content, format and interest in receiving future reports.

Responding to Director Goodwin's question with respect to the fence cuts (Drainage Area "M") and the hiring of a security company, Mr. Sunamoto stated the security company has only been hired within the past two weeks.

Responding to Director Burleson's question regarding the dog situation (Drainage Area "DD₁"), Mr. Sunamoto stated this location is Holland & Thorne, and is one of the areas that dog park proponents had addressed the Board in the past, requesting this location be turned into a dog park, which the Board subsequently denied the request.

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

9. Award of Maintenance Services Contract, Operations Center Landscape, Central Valley Lawnsapes

It is recommended the Board of Directors award the contract for the maintenance of the District's Operations Center landscape to Central Valley Lawnsapes.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, NOVEMBER 19, 2014
PAGE 6 OF 9**

Approved as Recommended

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

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

a. Recommendations of Administrative Committee:

- (1) Adoption of Resolution to Enter into an Agreement for the District's Cafeteria Plan Service Provider, American Fidelity through Keenan & Associates**

It is the recommendation of the Administrative Committee that the Board of Directors adopt a Resolution to Enter into an Agreement with American Fidelity through Keenan & Associates as the District's Cafeteria Plan service provider.

Responding to Director Burleson's question as to whether any of the employees selected to go into the District's option of a High Deductible Health Plan (HDHP), Ms. Kruser stated no one has elected to go on a HDHP at this time. Director Burleson requested Ms. Kruser check into whether an employee and his/her spouse on a HDHP is able to pay for dental and vision before tax funds, noting his belief that you would not need to have the flexible spending account if employees were on a HDHP, and he stated the HDHP are also more flexible.

Approved as Recommended, Adopting Resolution No. 2014-804

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

(2) Authorization to Amend District's 2014-2015 Employee Position and Salary Schedule

It is the recommendation of the Administrative Committee that the Board of Directors adopt the amendments to the 2014-2015 Position and Salary Schedule.

Approved as Recommended

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

(3) Authorization to Amend District's Human Resources Policy, Business Travel Expenses and Mileage Reimbursement

It is the recommendation of the Administrative Committee that the Board of Directors adopt the proposed amendments to the Human Resources Policy, Business Travel Expenses and Mileage Reimbursement, as attached to the Board Memorandum.

Approved as Recommended

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

b. Recommendations of Priorities & Programming Committee:

(1) Authorization to Amend 2014-2015 Budget, Capital Projects Fund

It is the recommendation of the Priorities & Programming Committee that the Board of Directors adopt the amendments to the 2014-2015 Budget to include the deferral and additions of the Capital Improvement projects identified on Exhibit No. 1, as attached to the Board Memorandum.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, NOVEMBER 19, 2014
PAGE 8 OF 9**

Approved as Recommended

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

c. Authorization to Compensate Director Burleson for Attendance at the Groundwater Land Use Symposium, October 29, 2014

It is recommended the Board of Directors retroactively approve Director Burleson's attendance at the Groundwater Land Use Symposium, and that his attendance qualifies as a "Day of Service Rendered Under Order of the Board" in compliance with Section 1.203(c) of District Ordinance Code 2007-1.

Approved as Recommended

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

d. Report on Board of Directors Attendance at Various Meetings:

(1) Groundwater Land Use Symposium, Director Burleson

It is recommended Director Burleson give a verbal report of the Groundwater Land Use Symposium held on October 29, 2014.

Director Burleson gave a verbal report. Additionally, Director Burleson noted the "Water Forum" conducted by Legal Counsel on Tuesday, November 11th was an excellent presentation, and he requested Legal Counsel distribute the handouts they had at the forum to the rest of the Board Members. Ms. Layne stated she would distribute the handouts as requested by Director Burleson.

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

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, NOVEMBER 19, 2014
PAGE 9 OF 9**

(2) Upper Kings Basin Integrated Regional Water Management Authority (UKBIRWMA), Director Burleson

It is recommended Director Burleson give a verbal report of the Upper Kings Basin Integrated Regional Water Management Authority (UKBIRWMA) Workshop held on November 7, 2014.

Director Burleson gave a verbal report. Discussion was initiated by Director Burleson among Board Members, Legal Counsel and staff with respect to the passage of the water bond, and groundwater management legislation that requires the creation of a groundwater sustainability agency(ies).

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

REPORT OF GENERAL COUNSEL

No additional items were reported.

CLOSED SESSION

A Closed Session was not convened.

ADJOURNMENT

Adjourned Board Meeting at 7:10 pm.

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


ALAN HOFMANN
GENERAL MANAGER-SECRETARY

12/1/14
DATE