

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, JANUARY 14, 2015

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, January 14, 2015 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
Brent Sunamoto, Operations Engineer
Andrew Remus, Staff Analyst
Daniel Rourke, Environmental Resources Manager
Mark Will, Engineer
Karyn Kruser, Staff Analyst
Paul Merrill, Finance Manager
Esther Schwandt, Clerk to the Board

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

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

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2. REPORT OF THE GENERAL MANAGER:

Mr. Hofmann reported on the following: (1) he thanked Director Williams for her service as Chair these past two years; (2) the Executive Staff Retreat would be held January 26th – January 30th here at the District offices; (3) he, Mr. Sanchez, and Ms. Campbell met with the City of Fresno regarding the District Drainage Fees, and he stated he was optimistic the City would be formally adopting the District's drainage fees; (4) he distributed a Fresno Bee article dated December 13, 2014 entitled, "Flooding hits Valley", which ran on the front page of the Bee and featured District Employee Ryan Schiebelhut; (5) he distributed another Fresno Bee Article dated December 18, 2014 entitled, "Flood District awards storm-water grants"; and (6) he showed a photograph of the City of Fresno Buses with the District's logo and public service announcement. Director Williams suggested this photo should be shown on the District's Facebook account as well.

3. APPROVAL OF MINUTES: Meeting of December 10, 2014

Approved as Recommended

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

4. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR TERM EXTENDING THROUGH DECEMBER 2014

It is recommended the Board of Directors elect from its membership individuals to serve as Chairman and Vice-Chairman of the Board through December 2016; and reaffirm the designation of the General Manager as Board Secretary, and Legal Counsel and the Clerk to the Board as the Assistant Secretaries of the Board.

Director Williams accepted nominations for the position of Chairman of the Board of Directors.

Director Spina, seconded by Director Groom, nominated Director Rastegar for the position of Chairman. Director Rastegar accepted the nomination. There were no further nominations.

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Motion was unanimously carried that Director Rastegar serve as the Board Chairman for the term extending through December 2016.

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

Director Rastegar, seconded by Director Spina, nominated Director Goodwin for the position of Vice-Chairman. Director Goodwin accepted the nomination. There were no further nominations.

Motion was unanimously carried that Director Goodwin serve as the Vice-Chairman for the term extending through December 2016.

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

Motion was unanimously carried that the Board of Directors reaffirmed the designation of the General Manager as Board Secretary, and Legal Counsel and the Clerk to the Board as the Assistant Secretaries of the Board.

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

Director Rastegar then assumed Chairmanship of the Board Meeting.

5. BUSINESS AND PRESENTATIONS FROM THE FLOOR:

There was no Business or Presentations from the Floor

6. ADDITIONS TO THE AGENDA:

There were no Additions to the Agenda.

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7. POTENTIAL CONFLICTS OF INTEREST:

Director Goodwin noted a potential Conflict of Interest with Agenda Item No. **14. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to sub-division (b) of Government Code Section 54956.9: (Number of Potential Cases: 2)**, and stated she would therefore be recusing herself on this item.

8. PUBLIC HEARING:

There were no Public Hearings scheduled.

9. CONSENT CALENDAR:

- a. Authorization to Execute Standard Developer Agreement, Drainage Area “BU” (Clinton & Clovis), SPR 2014-040, Dan Kalmbach
- b. Authorization to Purchase Portable X-Ray Fluorescence Analyzer, District Soil Characterization and Sampling Projects
- c. Report of Public Concerns, December 2014
- d. Report on Award of Uniform Cost Accounting Contracts; Annual Hydroseeding for Portions of Basin “K” (Shaw & Marks), Basin “U” (Chestnut & Dakota), Basin “AZ” (Chestnut & Muscat), Basin “BC” (Willow & Teague), Basin “BS” (Fowler & McKinley), Basin “BT” (Sunnyside & Nees), Basin “BX” (Temperance & Shepherd), Basin “BY” (Behymer & Sunnyside), Basin “DO” (Locan & Ashlan), Basin “EJ” (Garfield & Sierra), Big Dry Creek Dam (Shepherd & Dewolf), Dog Creek Dike (Hwy 168 & Academy), Fancher Creek Dam (Herndon & Madsen), Redbank Creek Dam (Shaw & Bethel), Big Dry Creek Diversion Channel to Little Dry Creek (Farm Lane & Farm Bridge), and Pup Creek Detention Basin (Temperance & Sierra)
- e. This Item was Moved
- f. Report on Drainage Fee Time Payment Agreements (October–December 2014)

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Approved as Recommended

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

10. Authorization to Enter into Agreement with Union Pacific Railroad for Storm Drainage Crossing (Veteran's Boulevard & Union Pacific Railroad), Contract "EH-30"

It is recommended the Board of Directors authorize staff to enter into a railroad crossing license agreement with UPRR for the Master Plan storm drainage pipeline described in the Board Memorandum.

Approved as Recommended

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

11. Authorization to Not Submit Opposition to the Proposed City of Fresno Water Rate Increase

It is recommended the Board of Directors not submit opposition to the proposed City of Fresno water rate increase.

Director Spina expressed his concerns with respect to the proposed rate increase. Director Fowler concurred, but also noted the critical need for improved infrastructure. Discussion was carried among Board Members and staff with respect to the need for discussions with the City as to negotiations that can be agreed to between the two agencies regarding increased recharging in District basins, District connection charges, watering basins with non-portable water, less landscaping of District basins, etc.

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Approved as Recommended

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

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

No items were submitted.

REPORT OF GENERAL COUNSEL

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

CLOSED SESSION

Mr. Hofmann stated while the following Closed Session item was scheduled, at this time, staff and Legal Counsel do not believe there is a need for a Closed Session this evening:

14. 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: 2)

No Closed Session was carried.

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ADJOURNMENT

Adjourned Board Meeting at 6:46 pm

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



ALAN HOFMANN
GENERAL MANAGER-SECRETARY



DATE