

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, JANUARY 28, 2014

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, January 28, 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: Mike Rastegar, Chairman
Barbara Goodwin, Vice-Chairman
Roy Spina
Kendall Groom
Frank Fowler
Buzz Burleson

DIRECTORS ABSENT: Jennette Williams

**STAFF, CONSULTANTS,
OTHERS PRESENT:**

Alan Hofmann, General Manager-Secretary
Peter Sanchez, District Engineer
Debbie Campbell, Design Engineer
Sarai De La Garza, Engineer
Brent Sunamoto, Operations Engineer
Paul Allen, Facilities Manager
Paul Merrill, Finance Manager
Daniel Rourke, Environmental Resources Manager
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 Rastegar, presiding as Chairman called the meeting to order at 6:00 p.m. and Mr. Hofmann led the Pledge of Allegiance.

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2. REPORT OF THE GENERAL MANAGER:

Mr. Hofmann reported on the following: (1) he noted the ACWA (Association of California Water Agencies) News magazine, which had been distributed to the Board Members, featured an article entitled Fresno Metropolitan Flood Control District's Multi-Pronged Approach to Protecting Stormwater; (2) staff has informed the Chairman that there may be a possibility of canceling the first February Board Meeting scheduled to be held on February 11, 2015; (3) staff is in the process of preparing for and scheduling two Board Workshops, one to review the District employee's salaries & benefits as requested by the Board, and the second would be on the District's Assessment Tax Fund; Mr. Hofmann stated staff will work with the Chairman on the scheduling of those Workshops; (4) he distributed a letter dated January 22, 2015 from the Association of California Water Agencies (ACWA) responding to the General Manager's request that ACWA reconsider assessing the District to fund a portion of the association's Delta-related activities, as the General Manager did not believe the assessment was applicable to the District; in the letter, ACWA stated they concurred and included a refund check to the District for the previous three years assessment in the amount of \$5,316.50; (5) he distributed the current Board Requests and Assignments Form; (6) as requested by the Board, a packet with employees' photographs, job title and name was included in each of the Boards' dais binders; and (7) the Clerk to the Board will begin the process of assisting the Board Members in completing their Form 700 Statement of Economic Interests as required by the California Fair Political Practices Commission, and insure those are filed with the District, as well as the various appropriate agencies.

Director Rastegar noted he would be meeting with the General Manager and the Clerk to the Board to review the Board Committee assignments, and will be bringing his recommendations to the Board for their ratification at the February Board Meeting as required by Board Policy.

3. APPROVAL OF MINUTES: Meeting of January 14, 2015

Approved as Recommended

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

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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:

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 (d) of Government Code Section 54956.9: (Number of Potential Cases: 2)**, and stated she would therefore be recusing herself on this item.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- a. Acceptance of Report of External Auditor, Brown Armstrong Accountancy Corporation, Fiscal Year 2013-2014, Financial Statements
- b. Acceptance of Second Quarter Budget Report, Fiscal Year 2014-2015
- d. Actions to Dispose of Three (3) Vehicles and Acquire Replacement Vehicles:
 - (1) Adoption of Resolution Declaring Two $\frac{3}{4}$ Ton Trucks and One $\frac{1}{2}$ Ton Extended Cab Truck as Excess Property
 - (2) Authorize Their Disposal Through eBay
 - (3) Authorization to Purchase Three (3) Budgeted Replacement Vehicle
- e. Adoption of Resolution Authorizing Quitclaim of Fill Easement, Pup Creek Detention Basin (Sierra & Temperance)
- f. Engineer's Second Quarter Report of Developer Agreements, October 2014 through December 2014

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- g. Ratification of Expenditures, Report of Fund Balances and Activity, December 2014
- h. Report of Pollutant Discharge Incidents, December 2014
- i. Submittal of Auditor, Brown Armstrong Accountancy Corporation, June 30, 2014 Audit Findings

Mr. Hofmann noted staff had submitted a supplemental 8d, which included revisions to the price of the vehicles as the actual price had gone down.

Approved as Recommended pulling Agenda Item 8c

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

8.c. Action on District Leases:

(1) Report on Cancellation of Stefano Lease, Fancher Creek Reservoir

This memorandum is for informational purposes only. No action is required of the Board of Directors unless specific direction is to be given to staff.

Responding to Director Spina's question, as to why the District waited so long to send the cancellation notice to the Stefanos, Mr. Hofmann stated staff realized that the Stefanos would be the only ones who would be interested in leasing the property. He stated staff has attempted to locate and work with the Stefanos to no avail, so staff determined to send them the cancellation letter. However, Mr. Hofmann noted that the cancellation letter had also been returned to the District as undeliverable. Responding to Director Spina's subsequent question, Mr. Hofmann stated the property is vacant and no one is using it at this time.

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

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**(2) Authorization to Renew Lease Agreement, Troy Dunn, Basin "BO"
(Sunnyside & Duke)**

It is recommended the Board of Directors approve a thirty (30) year extension of the subject lease per the existing terms and conditions.

Responding to Director Spina's question as to the proposed 30 year lease, Mr. Hofmann stated Mr. Dunn is probably the only one the District has a lease that long with, noting it was negotiated with Mr. Dunn many years ago. Responding to Director Spina's subsequent question, Mr. Hofmann stated Mr. Dunn has planted pistachio trees on the property and maintains it very well.

Approved as Recommended

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

9. Authorization to Enter into Reimbursement Agreement for Construction of Basin Street Improvements, City of Clovis, Basin "3G" (Barstow & Locan)

It is recommended the Board of Directors authorize staff to execute a reimbursement agreement with the City of Clovis for construction costs related to the Basin "3G" street improvements outside the limits of the District's standard street improvement obligation.

Approved as Recommended

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

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10. Authorization to Enter into Reimbursement Agreement, Union Community Partners, Design Engineering of Basin “3G” (Barstow & Locan), Street Improvement Plans and Adoption of Resolution of Special Transfer of PPDA Funds

It is recommended the Board of Directors authorize staff to execute a reimbursement agreement with Union Community Partners for immediate reimbursement of the design engineering costs for the Basin “3G” street improvement construction plans and adopt the Resolution attached to the Board Memorandum authorizing the transfer of \$12,500 from the Drainage Area “3G” PPDA Trust Account to the Capital Projects Fund.

Responding to Director Fowler’s concern as to street improvements not being completed sooner, especially with respect to the safety issues they cause in front of schools, Mr. Hofmann stated in the future, staff will look for those areas where all the improvements and subdivisions are done, and give those basin frontages a higher priority.

Approved as Recommended and Adopting Resolution No. 2015-812

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

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

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

- (1) San Joaquin River Conservancy (SJRC), Director Goodwin**
- (2) Upper Kings Basin Integrated Regional Water Management Authority (UKBIRWMA), Director Burleson**
- (3) Association of Metropolitan Water Agencies (AMWA), Director Burleson**

It is recommended:

- (1) Director Goodwin give a verbal report of the San Joaquin River Conservancy (SJRC) Board Meeting held on January 21, 2015.

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Director Goodwin gave a verbal report.

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

- (2) Director Burleson give a verbal report of the Upper Kings Basin Integrated Regional Water Management Authority (UKBIRWMA) Board Meeting held on January 21, 2015.

Director Burleson gave a verbal report.

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

- (3) Director Burleson give a verbal report of the Association of Metropolitan Water Agencies (AMWA) Board Meeting held on January 22, 2015.

Director Burleson gave a verbal report.

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

REPORT OF GENERAL COUNSEL

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

Director Goodwin recused herself from the proceedings due to a potential conflict of interest with the next Item No. 13 and left the Board Meeting at 6:30 pm.

CLOSED SESSION

The Board then convened in Closed Session at 6:31 pm to consider the following litigation:

- 13. 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)

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The Board then convened in regular session at 6:40 pm. Mr. Price stated no reportable action was taken in Closed Session.

ADJOURNMENT

Adjourned Board Meeting at 6:40 pm

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


ALAN HOFMANN
GENERAL MANAGER-SECRETARY

2/18/15
DATE