

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, FEBRUARY 25, 2015

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, February 25, 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
Jennette Williams
Roy Spina
Kendall Groom
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
Karyn Kruser, Staff Analyst
Sarai De La Garza, Engineer
Daniel Rourke, Environmental Resources Manager
Paul Allen, Facilities Manager
Benita Walker, Accounting Technician
Lorena Caro, Accountant
Brent Sunamoto, Operations Engineer
Paul Merrill, Finance Manager
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel; Baker, Manock & Jensen

Mr. & Mrs. Michael Patten, Central Valley Lawscapes

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

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2. REPORT OF THE GENERAL MANAGER:

Mr. Hofmann reported on the following: (1) he was informed by the City of Clovis (City) that on Friday, February 27, 2015, the City would be sending letters to the property owners in the area of the Little Dry Creek Diversion Channel (Channel), informing the property owners of the intent of the City to purchase the right of way to flow reclaimed water from their treatment plant down the Channel; he stated the District has entered into an agreement with the City, but the District had told the City they had the responsibility to obtain the rights from the property owners; Mr. Hofmann stated he will determine at a later date whether staff will bring a more complete report to the Board on this matter; (2) he distributed copies of the District's new Clean Stormwater Program brochures, which have been prepared in three different languages; (3) he distributed flyers regarding the Association of California Water Agencies (ACWA) 2015 Legislative Symposium scheduled for March 4, 2015 in Sacramento; and the California Special District Association (CSDA) Special Districts Legislative Days scheduled for May 19 – 20th in Sacramento; he stated he would be attending the events, and invited any Board Member interested in attending, to contact the Clerk to the Board; and, (4) he distributed an email from Mr. Pat Simone dated February 23, 2015, subject "Off Leash Dog Attack Bullard-West (*Basin "I"*) Ponding Basin; Mr. Hofmann stated the General Manager and the Clerk to the Board met with Mr. Simone yesterday, wherein he showed videos of his unfortunate encounter with a Rottweiler off leash in Basin "I"; Mr. Simone, who walks with a cane, indicated the dog came at him in a vicious manner, and Mr. Simone had to move quickly to get out of the dog's way; Mr. Hofmann stated due to the rain, the basin has been locked and will continue to stay locked pending the staff's review of the situation with respect to citizens running dogs off-leash.

Chairman Rastegar thanked Director Williams on behalf of the Board for her service as Chair these past two years, acknowledging her service as the first woman Chair in the history of the District, and presented her with a framed gavel; Mr. Hofmann also expressed the thanks of staff and presented her with a bouquet of flowers. Director Williams expressed her thanks and stated it has been her pleasure serving.

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3. APPROVAL OF MINUTES: Meeting of January 28, 2015

Due to her absence at the January 28, 2015 Board Meeting, Director Williams abstained.

Approved as Recommended

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

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

Mr. Hofmann noted although it was noticed, there would not be a Closed Session held this evening after all.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

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8. CONSENT CALENDAR:

- a. Acceptance of Quarterly Investment Report for Period Ending December 31, 2014
- b. Adoption of Resolution Declaring Co-Trustees for the District's Pension Plan and Trusts
- c. Award of Contract "BDB-4", Big Dry Creek Detention Basin Grading and Fence Relocation
- e. Quarterly Real Estate Report, January 2015
- f. Ratification of Expenditures, Report of Fund Balances and Activity, January 2015
- g. Report of Pollutant Discharge Incidents, January 2015
- h. Report of Public Concerns, January 2015
- i. Report on Other Post Employment Benefit (OPEB) Investment Returns
- j. Second Quarter 2014-2015 Grant Expenditure and Reimbursement Report

Approved as Recommended with the exception of item 8d which was pulled

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

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d. Engineer's Report of Construction, January 2015

No action is required of the Board of Directors unless specific direction is to be given to staff.

Responding to Director Burleson's concern as to the contract items that are on the list that are more than 10 years old, Mr. Sanchez stated staff is actively working on the list, noting it used to be a lot longer. Responding to Director Burleson's subsequent question, Mr. Sanchez stated the majority is for non-master plan facilities, and the District has created a new policy to deal with these issues, specifically the developers have to leave a deposit so the District has the funds to finish up the items. Mr. Hofmann clarified with most of these items, the District has a contractual agreement with the developer that says they will finish it to the District's standards. Mr. Hofmann stated in many cases, for projects where the developer owes the District money, staff deals with those right away. He stated for developers that want to take a while to get the job done, staff attempts to keep the contractors on the hook. For those that the District owes money to the developer, Mr. Hofmann stated the developer's lack of finalizing the agreement only hurts the developer as they are not reimbursed until the agreement is completed. Discussion was carried among Board Members and staff with respect to the non-master plan facilities and their effect on the District. Director Burleson requested staff review the list to determine their validity to still be on the list.

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

9. Authorization to Accept Cash Deposit in Lieu of Performance and Payment Bonds, Operations Center Landscape Maintenance Contract

It is recommended the Board of Directors authorize staff to accept a cash deposit in lieu of payment and performance bonds for the Operations Center Landscape Maintenance Contract. Staff also recommends depositing the funds into a dedicated account at the County Treasury with all interest accrued going to Central Valley Lawnsapes (CVL) upon the termination of the agreement.

Discussion was carried among Board Members and staff initiated by Director Williams with respect to the specifics of the cash deposit in lieu of performance and payment bonds, and the contract and account requirements.

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Approved as Recommended

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

- 10. Report on Submittal of Basin “II₂” Expansion Area Remedial Options Report to the Central Valley Regional Water Quality Control Board (s/o California, e/o Cedar)**

No action is required of the Board of Directors unless specific direction is to be given to staff.

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

- 11. Review of District’s 2015 Executive Staff Planning Conference and Top Objectives**

It is recommended the Board of Directors review the Objectives identified in Attachment Nos. 1 and 2 and provide comment and direction to staff.

Director Williams noted she was pleased that Staff’s Top Objectives (Attachment No. 1) included “Continue Implementation of a Five-Year Budget Revenue/Expenditure Forecast. Prepare a Five-Year Capital Improvement Budget and Projects”.

No further action was taken.

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

a. Ratification of Appointment of Standing Committees and External Representations

It is recommended the Board of Directors ratify the appointments as proposed by Chairman Rastegar and as outlined on Attachment No. 1 as attached to the Board Memorandum.

Ratified as Recommended

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

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

(1) Oversight Board for the Successor Agency of the Clovis Redevelopment Agency, Director Spina

It is recommended Director Spina give a verbal report of the Oversight Board for the Successor Agency of the Clovis Redevelopment Agency Board Meeting held on February 10, 2015.

Director Spina gave a verbal report.

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

(2) San Joaquin River Conservancy (SJRC), Director Goodwin

It is recommended Director Goodwin give a verbal report of the San Joaquin River Conservancy (SJRC) Board Meeting held on February 18, 2015.

Director Goodwin gave a verbal report.

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

c. Discussion Regarding Future Board Workshops:

(1) Employee Compensation: Salaries & Benefits

Staff recommends conducting a Board Workshop to review and compare the District's compensation, employee salary and benefits, to other local governmental agencies. It is further recommended the Board provide direction to staff regarding additional items to be discussed at the Workshop.

Director Spina expressed his concern with respect to the Workshop being held at the end of a Regular Board Meeting in March, noting he believed the Workshop would take a considerable amount of time, and, therefore, suggested either severely limiting the Agenda items or scheduling a separate Board Meeting for both of the proposed Workshops.

Director Williams concurred with Director Spina's comment and suggested a separate Board Meeting is advisable as she believed there would be considerable discussion on the item.

Director Goodwin recommended staff compare the District with other agencies that had "like number of employees".

Director Burleson suggested a separate Board Meeting should be held to allow sufficient time for discussion.

Director Rastegar noted his thought process behind the Workshop was to insure the Board Members were provided with sufficient time and information leading up to a decision on the items when reviewed at the Budget Workshop/Hearing. He also concurred that he believed a separate Board Meeting for the Workshops would be best.

Director Spina suggested staff distribute the Workshop packet earlier, rather than the Friday before the Workshop, to insure the Board has sufficient time to review the packet.

Director Burleson stated two items that he would like discussed at the Workshop would be the District's Health Care Costs and the various options to reduce those costs; and the District's Pension plan. He then gave the Clerk to the Board four articles regarding pensions, which he requested be distributed to the Board with the Workshop packet.

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Mr. Hofmann stated he would have the Clerk to the Board contact the Board Members as to their availability to schedule this Workshop as a separate Board Meeting, possibly the first part of April 2015.

(2) District Special Benefit Assessment Tax Authority

Staff recommends conducting a Board Workshop to review the District's enabling legislation, the authority to levy an assessment tax and the compliance with Proposition 218 on such a levy. It is further recommended that Board provide direction to staff regarding additional items to be discussed at the Workshop.

Mr. Hofmann stated in light of the previous discussion under item (1), he would have the Clerk to the Board contact the Board Members as to their availability to schedule this Workshop as a separate Board Meeting, possibly the first part of May 2015.

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 (d) of Gov. Code Section 54956.9:

(Number of Potential Cases: 2)


A Closed Session was not convened.

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ADJOURNMENT

Adjourned Board Meeting at 7:09 pm

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



ALAN HOFMANN
GENERAL MANAGER-SECRETARY

3/5/15

DATE