

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

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, March 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
Paul Allen, Facilities Manager
Sarai De La Garza, Engineer
Michael Maxwell, Engineering Technician
Daniel Rourke, Environmental Resources Manager
Brandy Swisher, Staff Analyst
Brent Sunamoto, Operations Engineer
Rick Lyons, Engineering Technician
Andrew Remus, Staff Analyst
Frances Lopez, Office Manager
Esther Schwandt, Clerk to the Board

Ken Price, Assistant General Counsel;
Baker, Manock & Jensen

Victoria Montufar, resident near Basin "EG"

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

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2. REPORT OF THE GENERAL MANAGER:

Mr. Hofmann reported on the following: (1) the Area Agency Executives Luncheon was hosted by the District today at noon; (2) Steve White, from the City of Clovis, provided hats for the Directors; (3) he distributed copies of a packet of letters from 5th Graders at Calwa Elementary School, thanking the District for providing the funds through our Stormwater Grants for them to tour Scout Island; (4) he distributed a copy of a check payable to the District from the Federal Government in the amount of \$62,753.42; he stated the Government determined that the District had paid too much for the Redbank Fancher Creek Project; (5) he noted a Trustees Meeting would be held on Monday March 30th with the District's retirement representative ICMA; he stated Chairman Rastegar as a District Trustee would be in attendance at that meeting; (6) he distributed a copy of the Fresno Bee Obituary announcement of the funeral for Gitta Merrill, the District's Finance Manager Paul Merrill's wife; he stated a small tree was sent to Mr. Merrill as requested by the Board and expressing the Board's sympathy; (7) he noted on the Agenda, staff has included a section that states "Next Meetings" to assist the Board in keeping track of the upcoming meetings; (8) he then updated the Board on the current status with respect to dogs off-leash in District basins, specifically reporting that Basin "EG" (Spruce, w/o Hayes) continues to remain locked and closed, and he has no intention of opening that site; he stated staff has informed the City Manager and Parks Manager of the City of Fresno as to the situation, and the Parks Manager stated if they need to remove the park benches so that the site returns to a landscape basin with no public access, then he would be in support of that and whatever the District would choose to do; Mr. Hofmann stated for the now the basin will remain closed with "No Trespassing" signs. He stated that he has gone to the basins that are having issues with dogs off-leash during the day and evenings, to talk to the dog owners to let them know of the situation the District is having with these sites, and informing them that if the District cannot get compliance, then he, as General Manager, will order the gates locked; he noted that there is zero compliance with the leash law in the District basins he has visited; he stated even the dog owners have stated that locking the basins would probably be the only way to get compliance from dog owners and possibly get them to the table to find a resolution to the matter; he distributed an email from a Sam Goza who works for Robert L. Jensen & Associates, stating he would be willing to "take up the charge" to form an organization which would be responsible for a "dog park" in a District basin; Mr. Hofmann stated he is cautiously optimistic that something may be moving forward; however, for now, Mr. Hofmann stated he has directed his staff to close Basin "DD₁" (Holland & Thorne), and Basin "I" (Bullard & Teilman) indefinitely, and posted signs as to the reason for the closure. Responding to Director Spina's question, Mr. Hofmann stated he found the dog owners very understanding of the District's situation and appreciated Mr. Hofmann speaking to them about the matter.

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3. APPROVAL OF MINUTES: Meeting of March 11, 2015

Approved as Recommended

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

4. BUSINESS AND PRESENTATIONS FROM THE FLOOR:

Ms. Victoria Montufar, residing at 7281 N. Sandrini, addressed the Board with respect to her concerns and negative experiences she has had with the proponents of dogs off-leash in Basin "EG". Ms. Montufar wanted assurances that Basin "EG" would continue to be closed, or at the very least, that she would continue to have support of the District for protection and security of her backyard. Mr. Hofmann responding to Ms. Montufar's concerns, stated he has no intention of opening the basin anytime soon, and in fact, his intent is to leave this particular basin closed.

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. **15. 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: 3), and stated she would therefore be recusing herself on this item.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

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8. CONSENT CALENDAR:

- a. Actions to Dispose of Wide Format Copier and Acquire Replacement Wide Format Copier:
 - (1) Adoption of Resolution Declaring Wide Format Copier as Excess Property
 - (2) Authorization to Purchase Replacement Wide Format Copier
- b. Authorization to Amend Professional Services Agreement for Arc Flash, Lewellyn Technology, Inc.
- c. Ratification of Expenditures, Report of Fund Balances and Activity, February 2015
- d. Report of Pollutant Discharge Incidents, February 2015

Approved as Recommended

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

9. Authorization to Enter into an Agreement to Own, Operate and Maintain Master Plan Facilities Constructed by the City of Fresno, Veterans Boulevard Overpass Project, Drainage Area "EH" (Golden State & Veterans Boulevard)

It is recommended the Board of Directors authorize staff to enter into an agreement with the City of Fresno to own, operate, and maintain Master Plan facilities constructed by the City of Fresno with the Veterans Boulevard Overpass project.

Approved as Recommended

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

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10. Authorization to Execute Standard Developer Agreement, Tract 5341, Drainage Area "BS" (Clinton & Temperance), UCP Meadowood III, LLC

It is recommended that the Board of Directors authorize staff to execute a Standard Developer Agreement with UCP Meadowood III, LLC for the construction of the required Master Plan facilities.

Approved as Recommended

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

11. Authorization to Execute Standard Developer Agreement, Tract 5701A, Drainage Area "DP" (Ashlan & Leonard), 5701 Enterprises, LP

It is recommended that the Board of Directors authorize staff to execute a Standard Developer Agreement with 5701 Enterprises, LP (the developer) for the construction of the required Master Plan facilities.

Approved as Recommended

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

12. Report on Spring 2015 State Legislative Activity

Report submitted for informational purposes only, no action is required by the Board unless specific direction is to be given to staff.

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

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

- a. Report on Board of Directors Attendance at Various Meetings; 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 March 18, 2015.

Director Goodwin 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 and left the dais at 6:35 pm.

CLOSED SESSION

Mr. Price noted while the Agenda showed the Number of Potential Cases to be 3, there would only be 2 cases discussed this evening. The Board of Directors then convened in Closed Session at 6:36 pm to consider the following litigation:

- 15. 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)

The Board then reconvened in Regular Session at 7:01 pm. Mr. Price stated no reportable action was taken in Closed Session.

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ADJOURNMENT

Adjourned Board Meeting at 7:02 pm

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



ALAN HOFMANN
GENERAL MANAGER-SECRETARY

4/2/15

DATE