

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, APRIL 22, 2015

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, April 22, 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
Andrew Remus, Staff Analyst
Daniel Rourke, Environmental Resources Manager
Brent Sunamoto, Operations Engineer
Brandy Swisher, Staff Analyst
Karyn Kruser, Staff Analyst
Esther Schwandt, Clerk to the Board

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

PRESIDING: Director Rastegar, 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 distributed a thank-you note from Mr. Merrill; (2) he distributed an informational flyer regarding the “Seventh Annual Water-Wise Plant Give and Take Event” scheduled for May 2, 2015; (3) he distributed the “Board Requests and Assignments Form”; (4) he reported he and Director Groom would be attending the upcoming Association of California Water Agency Joint Powers Insurance Authority Conference and Board Meeting scheduled for May 4 – May 8, 2015; he noted he has also been asked to be a panelist at the event for a forum entitled, “When it Rains it Drains, a Look at Stormwater”; (5) he reminded the Board that the upcoming May Board and Committee Meetings are listed at the end of the Agenda; (6) he reported a fire at Basin “DH₁” (Maroa & Cromwell), noting staff had not been notified by the Fire Department, but thankfully Director Groom notified staff; Mr. Hofmann stated staff would be contacting the Fire Department to insure they know that the District has after hour emergency contacts and the number is posted at all District basins; (7) District park employee Frank Gastelum was able to prevent a teenager at Trolley Creek Park, Basin “Y” (Kings Canyon & Adler) from committing suicide, and was able to hold the young man until emergency personnel arrived; and (8) Mr. Hofmann distributed two Fresno Bee “Letters to the Editor”, one dated April 16, 2015 entitled, “Don’t close parks” written by Steven Francisco, and one dated April 22, 2015 entitled, “Basins aren’t dog parks” written by Bonnie Keller (both letters attached to this Board Packet); Mr. Hofmann stated he will be closing the gates at Basin “F” (Barstow & Del Mar) due to park attendees not complying with the leash laws.

3. APPROVAL OF MINUTES: Meeting of April 8, 2015

Due to their absence at the April 8, 2015 Board Meeting, Directors Rastegar and Goodwin abstained.

Approved as Recommended

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

4. BUSINESS AND PRESENTATIONS FROM THE FLOOR:

There was no Business or Presentations from the Floor

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5. ADDITIONS TO THE AGENDA:

There were no Additions to the Agenda.

6. POTENTIAL CONFLICTS OF INTEREST:

There were no Conflicts of Interest.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- a. Authorization to Execute Standard Developer Agreement, Tract 5867, Drainage Area "5B/5C", De Young Properties 5867 L.P. (Sierra & Freeway 168)
- b. Engineer's Third Quarter Report of Developer Agreements, January 2015 through March 2015
- c. Ratification of Expenditures, Report of Fund Balances and Activity, March 2015
- d. Report of Pollutant Discharge Incidents, March 2015

Approved as Recommended

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

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- 9. Adoption of Resolution Authorizing Quitclaim and Indemnity Agreements, Storm Drain Easements, Tract 5867, Drainage Area “5B/5C”, De Young Properties 5867 L.P. (Polson & Freeway 168) (*Two-thirds vote required*)**

It is recommended that the Board of Directors adopt the Resolution attached to the Board Memorandum authorizing the execution of Quitclaim Deeds and Indemnity Agreements with De Young Properties 5687 L.P., the current property owner and developer of Tract 5867.

Approved as Recommended, Adopting Resolution No. 2015-817

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

- 10. This Item was Pulled**

As this item was pulled, no action was taken.

- 11. Authorization to Execute Agreement for Common Use of Easements with City of Clovis, Water Pipeline Paralleling Storm Drain, Drainage Area “5B/5C” (Polson & Freeway 168)**

It is recommended that the Board of Directors authorize staff to execute a Common Use of Easements Agreement with the City of Clovis.

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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12. Update on Spring 2015 State Legislative Activity

It is recommended the Board of Directors lend its support to six bills as specified below:

SB 615 (Waste discharge requirements: waivers; managed wetlands) (see page 4) Authorize the General Manager-Secretary to send letters to the bill's author (Berryhill) and the Association of California Water Agency (ACWA) stating support for this legislation.

SB 113 (Disaster Preparedness and Flood Prevention Bond Act of 2006 (Prop 1E) (see page 6) Authorize the General Manager-Secretary to send letters to the bill's author (Galgiani), California Special District Association and ACWA stating support for this legislation.

AB 327 (Public works: volunteers) (see page 7) Authorize the General Manager-Secretary to send letters to the bill's author (Gordon) and CSDA stating support for this legislation.

AB 1019 (Metal theft and relating recycling crimes) (see page 9) Authorize the General Manager-Secretary to send letters to the bill's author (Garcia), CSDA and ACWA stating support for this legislation.

AB 1068 (California Environmental Quality Act: priority projects) (see page 10) Authorize the General Manager-Secretary to send letters to the bill's authors (Allen & Travis), CSDA and ACWA stating support for this legislation.

AB 1362 (Local government: assessments: fees and charges: stormwater definition) (see page 11) Authorize the General Manager-Secretary to send letters to the bill's author (Gordon) and ACWA stating support for this legislation.

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Responding to Director Spina's question as to why staff has not made a recommendation on SB 608 (Homelessness), Mr. Remus stated staff has been tracking this legislation, and expects that it will die. Director Burleson expressed his surprise that ACWA is not watching this item, as he believed this would enable homeless people to sleep in canal banks. Director Goodwin stated it might be helpful, if rather than show that ACWA is not watching a bill, for staff to investigate whether ACWA has just not formalized a position. That way the Board can recognize whether ACWA has seriously looked at a bill, or if it just has not moved through their process. Mr. Remus noted the "not yet considered" is ACWA's own acronym, but staff can certainly contact ACWA for clarification.

Director Goodwin suggested with respect to AB 307 (Graywater: groundwater discharge), while she does not believe the District needs to take a position on this bill, at this time, she would suggest that since staff has made it very clear in their comments that the bill would not work, she would recommend staff send a letter to Assembly Member Mathis informing him of the District's comments without providing a comment for or against the item.

Director Fowler noted the item was not correctly placed on the Agenda, since it was only listed as an "Update", so he did not believe the item could be acted on pursuant to the Brown Act.

Mr. Price stated if the Agenda stated "action to support" or "to take a position on a specific legislation" then he believed that would probably, arguably be sufficient under the Brown Act. But, he concurred with Director Fowler that "Update" was not sufficient.

Director Fowler stated with respect to AB 1068 (California Environmental Quality Act [CEQA]: priority projects), he could not support this bill, as he believed CEQA has already been politicized enough to stop projects. He expressed his concern that this bill would allow each State Legislator to propose a priority project where CEQA would supposedly be fast-tracked. Noting his belief, that either CEQA is a problem or it is not.

Responding to Director Rastegar's question regarding proceeding procedurally, Mr. Price stated there is no action to take on an "Update", he would therefore recommend if the Board wants to take a position on any of the bills, he would work with staff to reorganize the item and have it placed on the Board's next Meeting Agenda.

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Director Goodwin stated she concurred with Director Fowler on AB 1068 and recommended staff watch this item as she believed it was “just a free for all”. She also noted her desire to give the Board additional latitude, by structuring an item so that the Board could recommend the District take a position on a bill, which had not been listed by staff. Mr. Price stated the item could be structured as an action item for those items not otherwise recommended by staff.

No action was taken. It was the consensus of the Board that this item be brought back to the Board at an upcoming Board Meeting correctly identifying on the Agenda as an action item for each bill, and to include bills that had not otherwise been recommended by staff.

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

- a. Recommendation from Community Relations Committee; Authorization to Print the Spring 2015 Issue of the Flood Line Newsletter**

It is the recommendation of the Community Relations Committee that the Board of Directors approve the publication of the Spring 2015 issue of the Flood Line newsletter.

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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b. Recommendations from Policy Committee:

- (1) Recommend Adoption of Amendments to the District's Employee Handbook and Human Resources Policies and Procedures; Annual Leave, Management and Administrative Leave, Business Travel Expenses and Mileage Reimbursement, & Unlawful Harassment and Discrimination**

It is the recommendation of the Policy Committee that the Board of Directors adopt the proposed amendments to the District's Employee Handbook and Human Resources Policies and Procedures attached to the Board Memorandum.

Approved as Recommended

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

- (2) Recommend for Adoption of Proposed Policy, Sale of Excess Land and Recovery of Costs**

It is the recommendation of the Policy Committee that the Board of Directors adopt the Policy attached to the Board Memorandum entitled Sale of Excess Land and Recovery of Costs Policy.

Approved as Recommended

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

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(3) Recommend for Adoption of Proposed Policy, Credit Card-Security, Privacy and Refund

It is the recommendation of the Policy Committee that the Board of Directors adopt the proposed Credit Card Security, Privacy and Refund policies as attached to this Board Memorandum.

Director Fowler expressed his appreciation for the language change to the Policy document, as was requested by the Policy Committee.

Approved as Recommended

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

c. 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 April 14, 2015.

Director Spina reported there was not a quorum, so the meeting has been rescheduled to Thursday, May 28, 2015.

As there was nothing to report, no further action was taken.

(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) Board Meeting held on April 15, 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

There was no report given.

CLOSED SESSION

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

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)

A Closed Session was not convened.

ADJOURNMENT

Adjourned Board Meeting at 6:42 pm

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


ALAN HOFMANN
GENERAL MANAGER-SECRETARY

5/5/15
DATE