

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, MAY 13, 2015

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, May 13, 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 Merrill, Finance Manager
Paul Allen, Facilities Manager
Andrew Remus, Staff Analyst
Brandy Swisher, Staff Analyst
Daniel Rourke, Environmental Resources Manager
Esther Schwandt, Clerk to the Board

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

Jeff Roberts, Granville Homes

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 and Director Groom attended the Association of California Water Agencies/Joint Powers Insurance Authority (ACWA/JPIA) Conference held May 4 – 7, 2015 in Sacramento California. He noted Director Groom attended the JPIA portion while he attended the ACWA portion; he stated he also participated on a panel on stormwater, and attended a discussion on Health Care noting that topic has been of particular interest to the District; he noted there were a number of discussions held on the “Water Bond” and Proposition 1 “The Sustainable Groundwater Management Act”; and he also attended a luncheon where Governor Jerry Brown was the surprise guest speaker; (2) the City of Clovis Mayor’s Breakfast is tomorrow morning for those Board Members who have indicated their availability to attend; (3) he distributed a copy of an email from a Clovis Unified School District class that was able to visit Scout Island under the District’s grant program; (4) the State of the City of Fresno Luncheon will be held on June 3, 2015, and the Clerk to the Board would be contacting the Board Members as to their availability; (5) he stated at a recent meeting he had with the City of Clovis staff, it was mentioned that at the City of Clovis/City of Fresno joint meeting, discussion was held regarding local drought issues being resolved by placing 25,000 acre feet of water behind the District’s Big Dry Creek Dam; he stated he wished he had been invited to the meeting to address the issue of whether the District’s Big Dry Creek Dam could be a “water holding body”, rather than just a “flood control element”; he stated staff would check into this item and if necessary, bring a report back to the Board; (6) he then reviewed the upcoming Committee and Board Meetings; (7) the City of Fresno will be issuing a proclamation acknowledging Water Awareness Month; and (8) with respect to the “dog park issues”, Council Member Brandau had held a Town Hall Meeting where approximately 20 property owners showed up complaining of the closing of the District basins; subsequently, the City of Fresno (Fresno) City Manager and Public Utilities Director met with the General Manager to discuss the issue, and noted Fresno staff are checking into whether or not Fresno can assume responsibility and liability for the dogs being off-leash in the District’s ponding basin; he stated the District would then enter into an agreement with Fresno to indemnify the District; Mr. Hofmann stated he would bring back a report to the Board should this come to fruition.

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3. APPROVAL OF MINUTES: Meetings of April 15, 2015 and April 22, 2015

Meeting of April 15, 2015

Approved as Recommended

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

Meeting of April 22, 2015

Due to her absence at the April 22, 2015 Board Meeting, Director Williams abstained.

Approved as Recommended

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

4. BUSINESS AND PRESENTATIONS FROM THE FLOOR:

Mr. Jeff Roberts, representing Granville Homes (dba: 1396 W. Herndon, Fresno, California), addressed the Board stating there are a couple of items they are working on with the District and he wanted to update the Board as to the status, noting these particular items were not on the Agenda tonight. Specifically, the District is assisting them in acquiring an easement for Basin "DN" (Friant Road s/o Willow), which will serve the east side of Copper River Ranch and other properties. Also, with respect to their lease at Basin "CD" (Dakota & Garfield) near their Westlake site, they will be coming back to the Board for a proposal of a longer term lease for the 20 acre basin site. He noted CFD 15, which is the maintenance entity that will be set up for the east side of Copper River and Basin "DE" (Copper w/o Maple Alignment) has been filed with the City of Fresno and they are on track to have that in place by this Summer.

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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 Renew Maintenance Contract, District Elevator, Operations Building (Building No. 2)
- b. Authorization to Sign Basin Use License Agreement, Baird Middle School, Basin "F" (Barstow & Del Mar)
- c. Authorization to Schedule 2015-2016 Budget Workshop and Budget Hearing, and Cancel Regular Board Meeting
- d. This Item Was Pulled
- e. Quarterly Real Estate Report, April 2015
- f. Report of Public Concerns, April 2015

Approved as Recommended

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

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CLOSED SESSION

The Board then convened in Closed Session at 6:10 pm to consider the following litigation:

**13. CONFERENCE WITH REAL PROPERTY NEGOTIATOR:
Pursuant to subdivision (a) of Section 54956.8:**

Basin "NN" (Church & Valentine Avenues)

- **Agency Negotiator: Alan Hofmann, General Manager**
- **Negotiating Parties: Granville Homes and FMFCD**
- **Under Negotiations: Terms of Sale**

The Board then convened in regular session at 6:14 pm. Mr. Price stated no reportable action was taken in Closed Session.

9. Authorization to Enter into a Purchase Agreement for Basin "NN" (Church & Valentine Avenues), C&A Farms LLC (Farid Assemi)

It is recommended the Board of Directors authorize purchase of 38.08 acres (34.43 net acres) from C&A Farms, LLC (Farid Assemi) in the amount of \$500,850.

Mr. Roberts stated Granville Homes concurs with staff recommendation and acknowledged the work of District staff.

Approved as Recommended

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

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10. Authorization to Submit Position Letters for the Following Legislation, and Direct Staff to Take Action on Other Bills as Directed by the Board:

- a. SB 113 Galgiani**
- b. AB 327 Gordon**
- c. SB 615 Berryhill**
- d. AB 1019 Garcia**
- e. AB 1362 Gordon**

It is recommended the Board of Directors authorize staff to submit letters of support for the following five bills, listed (a) through (e) below, and direct staff to take action on other bills as directed by the Board:

- (a) SB 113 Disaster Preparedness and Flood Prevention Bond Act of 2006 (Prop 1E) [Galgiani]
- (b) AB 327 Public works: volunteers [Gordon]
- (c) SB 615 Waste discharge requirements: waivers: managed wetlands [Berryhill]
- (d) AB 1019 Metal theft and related recycling crimes [Garcia]
- (e) AB 1362 Local government: assessments: fees and charges: stormwater definition [Gordon]

Responding to Director Spina's question regarding AB 308 Graywater: agricultural use (Mathis), Mr. Hofmann stated "graywater" would be household use water that is otherwise non-sewage, and stated staff had sent a letter to the bills' author of AB 307 with respect to "graywater" use for groundwater recharge; however, he noted AB 308 is for agricultural use. Responding to Director Spina's subsequent question regarding the article in the Fresno Bee discussing the use of the City of Fresno's (Fresno) groundwater extraction available for residents' uses, Mr. Rourke explained the groundwater extraction Fresno is offering is water that has come out of a treatment plant that went through an aquifer, noting it is a higher quality of water than "graywater", and an analysis had not been done as to whether that would be a problem for the District's basin sites. Director Spina questioned why Fresno's groundwater extraction was not used to irrigate District basins. Mr. Rourke stated staff would look into the matter. Director Fowler noted his concerns with respect to what is in the groundwater extraction, citing pharmaceuticals, noting the Fresno plant is only a secondary treatment plant, while the City of Clovis plant is a tertiary treatment plant. Also, if the State Water Resources Control Board (State Board) has not permitted the Fresno plant, he would have some concern of the District using it. Director Spina stated he would concur with Director Fowler if the State Board has not permitted it.

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Mr. Hofmann stated before the District would consider use of an alternate source of water for irrigating District sites, the District would “cut back” the use of potable water pursuant to Fresno’s rules, as he has currently instructed staff to do and try to keep the basins alive. He stated even in those sites that use “basin water” (non-potable water), he has instructed staff to cut back for public perception sake; however, Clovis staff has asked him not to do that, but rather they would like the sites to remain green and just requested staff put up significant signs that indicate the basin is watered with “basin water”.

Approved as Recommended

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

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

No Items were reported.

REPORT OF GENERAL COUNSEL

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

CLOSED SESSION

Mr. Price 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 on this item:

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)

No Closed Session was held on the above mentioned item.

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ADJOURNMENT

Adjourned Board Meeting at 6:33 pm

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


ALAN HOFMANN
GENERAL MANAGER-SECRETARY

5/27/15
DATE