

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, AUGUST 12, 2015

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, August 12, 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
Karyn Kruser, Staff Analyst
Tim Parrish, Engineering Technician
Kelly Hobbs, Intern
Daniel Rourke, Environmental Resources Manager
Brent Sunamoto, Operations Engineer
Esther Schwandt, Clerk to the Board

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

Vic Roznovsky, representing the Developers of Riverview
Estates;

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

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2. REPORT OF THE GENERAL MANAGER:

Mr. Hofmann reported on the following: (1) Gary Newmark, the District's Real Estate Staff Analyst, has retired from the District; Mr. Hofmann stated he has reallocated all Mr. Newmark's duties within the organization, and at this time, he does not see a need to replace that position; (2) with respect to property acquisitions: (a) Mr. Hofmann stated staff has been working with PG&E on a substation (Sunnyside & Behymer) for a channel from Mr. Ricchuti that has now closed escrow; and (b) for Drainage Area "CC" (Fresno & Floradora) Mr. Sanchez has signed, and staff is awaiting Mrs. Sanchez' signature for close of escrow, which should avoid the legal action that was anticipated; (3) Executive Staff will be holding a mid-year, mini-retreat tomorrow to review Goals & Objectives and do some training; (4) he distributed a Memorandum from California Special District's Association (CSDA) regarding the 2016 CSDA Committee & Expert Feedback Team Participation; he encourage the Board of Directors to notify staff if they are interested in participating; he did note that CSDA has asked Mr. Hofmann to participate in their Legal Legislative Committee as there are currently no Flood Control Agencies participating; Mr. Hofmann stated he would be considering his participation taking into consideration the time commitment it would require; (5) he distributed a copy of the "Letters to the Editor" from the Opinion page of the Fresno Bee dated Wednesday, August 5, 2015 regarding the writers' request that the basins be unlocked for dogs to be off leash; and a phone message dated Thursday, July 17, 2015 from a gentleman, thanking Mr. Hofmann for closing the basins as he stated, "the dog owners are so irresponsible, and he is just glad they are gone . . ."; (6) he provided each Board Member a CSDA Special District Board Member/Trustee Handbook; (7) he requested the Board Members notify the Clerk to the Board as to their interest in having District business cards with their information; (8) a Community Relations Committee will be held next Tuesday, August 18th; staff has distributed the Committee Packets to the Committee Members; (9) he distributed the Board Requests and Assignments Form; and (10) he noted over the next couple of months, the Board of Directors would notice some upgrades and changes being made to the District's Board Room.

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3. APPROVAL OF MINUTES: Meetings of June 24, 2015 and July 8, 2015

The Clerk to the Board noted one correction to the Minutes of June 24, 2015. Specifically, only one member of the District's Legal Counsel was in attendance, and that was Mr. Ken Price.

Approved as Recommended, with the one Correction

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:

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:

There were no Conflicts of Interest.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- c. Authorization to Execute Standard Developer Agreement, Tract 6098, Drainage Area "DO" (Ashlan w/o Leonard), McCaffrey Homes
- d. Award of Contracts:
 - (1) Contract "DCE-5", Pump Station, Dry Creek Extension Basin (Annadale & Brawley)

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- (2) Contract "BDB-5", Pump Station, Big Dry Creek Detention Basin (Freeway 168 & Ashlan)
- (3) Contract "DP-1", Basin Fence (Highland & Dakota)
- e. Engineer's Quarterly Year End Report of Developer Agreements, July 2015
- f. Engineer's Report of Construction, July 2015
- g. Quarterly Real Estate Report, July 2015
- h. Ratification of Expenditures, Report of Fund Balances and Activity, June 2015
- i. Report of Pollutant Discharge Incidents, June 2015
- j. Report of Public Concerns, July 2015
- k. Report on Association of California Water Agencies/Joint Powers Insurance Authority (ACWA/JPIA) 2016 Health Insurance Premiums
- l. Report on Association of California Water Agencies/Joint Powers Insurance Authority (ACWA/JPIA) Workers' Compensation Program Risk Assessment of District Facilities
- m. Report on Engagement of District External Auditor, Brown Armstrong, for June 30, 2015

Director Goodwin requested Agenda Item 8a be pulled, and Director Spina requested Agenda Item 8b be pulled.

Approved as Recommended with the exceptions of Agenda Items 8a and 8b which were pulled.

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

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a. Authorization to Add Basins “Big Dry Creek Detention Basin (BDCDB)”, “Pup Creek Enterprise Detention Basin (PEB)” and “AX” (Central & Orange) to Basin Excavation Priority List

It is recommended that the Board of Directors authorize the additions of Big Dry Creek Detention Basin (BDCDB), Pup Creek Enterprise Detention Basin (PEB) and Basin “AX” to the Basin Excavation Priority List.

Responding to Director Goodwin’s question, Mr. Hofmann stated staff has been in active discussions with the Economic Development Administration and the District’s partner agencies in regards to this project. Director Goodwin requested in the future, that type of information should be included in the Board Memorandum.

Approved as Recommended

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

b. Authorization to Enter into Maintenance Agreement for Fulton Mall Improvements, Drainage Area “FF”, (Fulton & Fresno) City of Fresno

It is recommended that the Board of Directors authorize staff to execute a maintenance agreement with the City of Fresno for newly constructed fountains proposed within the Fulton Mall areas as described in this Board Memorandum.

Responding to Director Spina’s questions, Mr. Sanchez stated the District has a procedure in place to notify the City of Fresno when non-stormwater discharges are not allowed.

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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9. Approval of Drainage Fee Credits and Reimbursements, Agreement 27(D)-DH, DI, DJ, (Ingram & Nees), Riverview Estates, Stanley Spano/Vic Roznovsky/Hubert Hoffman

It is recommended that the Board of Directors approve the final reimbursement to Riverview Estates as described in the Board Memorandum.

Mr. Hofmann introduced Mr. Vic Roznovsky, who was in attendance, representing the developers of Riverview Estates.

Mr. Hofmann requested the Board of Directors go into Closed Session to discuss the item further.

Director Fowler noted his belief that the recommendation was too narrow to include the other owners of property not owned by Riverview Estates as listed in the Board Memorandum, as the recommendation only requested approval of the final reimbursement to Riverview Estates and made no mention of the other owners of property. He suggested the reimbursements for the other property owners be brought back to a subsequent Board Meeting. Director Spina concurred.

CLOSED SESSION

The Board then convened in Closed Session at 6:28 pm to consider the following litigation:

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 – Case No. 1)

Mr. Ken Price then left the Closed Session at 6:43 pm due to a potential conflict of interest with the next Closed Session – Case No. 2.

Ms. Melanie Aldridge arrived at the Closed Session at 6:44 pm as District Legal Counsel, advising the District on the following litigation – Case No. 2:

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- 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 – Case No. 2)

The Board then convened in Regular Session at 7:22 pm. Mr. Price returned to the dais as 7:22 pm. Ms. Aldridge reported with respect to the Closed Session Item – Case No. 2, the Board of Directors unanimously agreed to Execute a Limited Release and Waiver of Liability Agreement with Baker, Manock & Jensen in connection with a Title Opinion. Ms. Aldridge stated Mr. Price was not at all present during her discussion with the Board of Directors and staff. Mr. Price reported there was no action to report on the Closed Session Item – Case No. 1.

The Board of Directors then continued with Agenda Item No. 9.

- 9. Approval of Drainage Fee Credits and Reimbursements, Agreement 27(D)-DH, DI, DJ, (Ingram & Nees), Riverview Estates, Stanley Spano/Vic Roznovsky/Hubert Hoffman**

It is recommended that the Board of Directors approve the final reimbursement to Riverview Estates as described in the Board Memorandum.

Approved as Recommended

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

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10. Authorization to Issue Request for Proposals, Financial Management System

It is recommended the Board of Directors authorize staff to issue a Request for Proposals for a new financial management system.

Approved as Recommended

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

11. Adoption of Resolution Supporting David Cehrs, Board President, Kings River Conservation District (KRCD), Nomination for Association of California Water Agencies (ACWA) 2016-2017 Vice President

It is recommended the Board of Directors adopt the Resolution attached to the Board Memorandum in Support of the Nomination of David Cehrs as a Candidate for the Position of ACWA Vice President.

Approved as Recommended, adopting Resolution No. 2015-826

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

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

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

(1) 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) meeting held on July 15, 2015.

Director Burleson gave a verbal report.

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

(2) Association of Metropolitan Water Agencies (AMWA), Director Burleson

It is recommended give a verbal report of the Association of Metropolitan Water Agencies (AMWA) meeting held on July 16, 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 stated there were no items to report.

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CLOSED SESSION

The Board then recessed at 7:34 pm and convened in Closed Session at 7:38 pm to consider the following:

15. PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: General Manager/Secretary
Pursuant to Government Code §54954.5

The Board then convened in regular session at 8:00 pm. Chairman Rastegar stated no reportable action was taken in Closed Session.

ADJOURNMENT

Adjourned Board Meeting at 8:01 pm

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



ALAN HOFMANN
GENERAL MANAGER-SECRETARY



DATE