

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, SEPTEMBER 9, 2015

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, September 9, 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

DIRECTORS ABSENT: Jennette Williams
Buzz Burluson

STAFF, CONSULTANTS,
OTHERS PRESENT:

Alan Hofmann, General Manager-Secretary
Debbie Campbell, Design Engineer
Frances Lopez, Office Manager
Larry Kalpakoff, Information Systems Coordinator
Robert McIntyre, Computer Network Technician
Karyn Kruser, Staff Analyst
Kristine Johnson, Staff Analyst
Paul Merrill, Finance Manager
Paul Allen, Facilities Manager
Brent Sunamoto, Operations Engineer
Bret Phillips, Senior Facilities Technician
Daniel Rourke, Environmental Resources Manager
Andrew Remus, Staff Analyst
Jean Lespade, Telemetry Technician
Mary Feagins, Office Assistant/Program Assistant
Esther Schwandt, Clerk to the Board

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

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Tami McIntyre, Wife of Robert McIntyre
Michelle McIntyre, Daughter of Robert McIntyre
Keely McIntyre, Daughter of Robert McIntyre
John Hagen, Father-in-Law of Robert McIntyre
Lola Jean Merrill, Mother of Paul Merrill
Kayla Lespade, Daughter of Jean Lespade
Kelli Lespade, Daughter of Jean Lespade
Gina Phillips, Wife of Bret Phillips

Manual Mollinedo, Director
Parks, After School, Recreation and
Community Services Department

PRESIDING:

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

2. REPORT OF THE GENERAL MANAGER:

Mr. Hofmann reported on the following: (1) Peter Sanchez was attending the Governor's Drought Task Force Outreach meeting in Mendota, Mr. Hofmann stated the Governor requested a representative from the District attend; (2) the foyer and Board Room had some recent improvements; (3) he reminded the Board of the George Marcus Dedication at Basin "FF" (Eden & Teilman) on Monday, September 28th at 10:00 am; (4) the State of the County Breakfast is scheduled for Tuesday, September 29th for those Board Members who have indicated they will be attending; (5) on the Consent Calendar, there is a proposed Special Board Meeting to be held on Wednesday, September 30th; (6) he distributed a flyer regarding the Retirement Dinner for John Navarrette on Friday, October 16th; (7) the Clerk to the Board is in the process of scheduling the Policy Committee, Priorities & Programming Committee and the Administrative Committee in the very near future; (8) he distributed a copy of a letter sent to the Opinion page of the Fresno Bee dated August 28, 2015 entitled, "Prepare for Winter" and written by V.E. Kral, Fresno; regarding the necessity of property owners insuring their storm gutters are not blocked with leaves, trash piles, litter and weeds; and (9) the General Manager will be attending the California Special District Association Conference in Monterey the week of September 21st through September 24th.

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3. APPROVAL OF MINUTES: Meeting of August 26, 2015

Director Goodwin noted one correction on Page 4 of the Minutes under Item 10.a. Report on Board of Directors Attendance at Various Meetings; San Joaquin River Conservancy (SJRC), Director Goodwin. Specifically, Director Goodwin stated the Minutes incorrectly state that SJRC was conducting a feasibility study on how to get people and cars down to the parkway, but it is the City of Fresno who is conducting the feasibility study.

Approved as Recommended with the above noted correction

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

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:

- b. Authorization to Distribute 2016 Clean Stormwater Grant Applications
- c. Authorization to Enter into Standard Developer Agreement, Tract 6072, Drainage Area "BX" (DeWolf & Richmond), Wilson Homes

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- d. Authorization to Refund Drainage Area "DH" Drainage Fee Overpayments (Ingram & Nees):
 - (1) Edwards CoCost Center
 - (2) Tutelian Development Partners
 - (3) DeWayne Zinkin
 - (4) Michael R. Tolladay Corporation
 - (5) Park Place Holdings Limited Partnership
 - (6) Calcot Limited
 - (7) River Park Properties II
- e. Authorization to Renew Grazing Lease Agreement, Floyd Harlan, Big Dry Creek Reservoir
- f. Award of Contract "CC-18", Storm Drain Facilities, (Fresno & Floradora)
- i. Report of Public Concerns, August 2015
- j. Report on Completion of Benefit Assessment Tax Processing for Placement on County Tax Role

Mr. Hofmann requested Agenda Item 8a be pulled, Director Fowler requested Agenda Item 8g be pulled, and Director Goodwin requested Agenda Item 8h be pulled.

Approved as Recommended with the Exception of Agenda Items 8a; 8g; and 8h which were pulled

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

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9. Adoption of Resolutions of Appreciation:

a. Honoring Robert McIntyre for Twenty Years of District Service

It is recommended that the Board of Directors adopt the Resolution of Appreciation attached to the Board Memorandum honoring Robert McIntyre for 20 years of public service to the District.

Mr. Kalpakoff acknowledged Mr. McIntyre's dependability, including the work he does for the District afterhours.

Mr. Hofmann noted how much District staff rely on Mr. McIntyre's knowledge, and how the District has benefited by having Mr. McIntyre as an employee.

Approved as Recommended, Adopting Resolution No. 2015-823

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

Chairman Rastegar then presented Mr. McIntyre with a framed Resolution. Mr. Hofmann then presented Mrs. McIntyre with a bouquet of flowers expressing the District's appreciation for her husband's service to the District.

b. Honoring Paul Merrill for Twenty Years of District Service

It is recommended that the Board of Directors adopt the Resolution of Appreciation attached to the Board Memorandum honoring Paul Merrill for 20 years of public service to the District.

Mr. Hofmann acknowledged Mr. Merrill's excellent work to insure the District's finances are sound.

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Approved as Recommended, Adopting Resolution No. 2015-824

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

Chairman Rastegar then presented Mr. Merrill with a framed Resolution. Mr. Hofmann then presented Mrs. Merrill (Mr. Merrill's Mom) with a bouquet of flowers expressing the District's appreciation for her son's service to the District.

c. Honoring Jean Lespade for Twenty Years of District Service

It is recommended that the Board of Directors adopt the Resolution of Appreciation attached to the Board Memorandum honoring Jean Lespade for 20 years of public service to the District.

Mr. Sunamoto acknowledged the multiple tasks Mr. Lespade accomplishes for the District, noting his extensive knowledge of urban facilities maintenance on top of his duties of managing the telemetry system.

Approved as Recommended, Adopting Resolution No. 2015-825

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

Chairman Rastegar then presented Mr. Lespade with a framed Resolution. Mr. Hofmann then presented Miss Kayla Lespade and Miss Kelli Lespade (daughters of Mr. Lespade) with a bouquet of flowers expressing the District's appreciation for their father's service to the District.

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10. Authorization to Execute Developer Agreement, California Home for the Aged, Inc., CUP 2014-057, Drainage Area "BM" and Proposed Drainage Area "DV" (Kings Canyon between Temperance & Armstrong)

It is recommended that the Board of Directors authorize staff to enter into an Agreement with California Home for the Aged, Inc., CUP 2014-057, for the future payment of drainage fees in future Drainage Area "DV", and for the construction of the required Master Plan facilities in both Drainage Area "BM" and future Drainage Area "DV".

Approved as Recommended

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

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

a. Authorization to Compensate Director Goodwin Pursuant to Ordinance Code 1.203(c), Preparation of General Manager's Performance Evaluation

It is recommended the Board of Directors approve Director Goodwin's work on the General Manager's Performance Evaluation as a qualifying "Day of Service Rendered Under Order of the Board" in compliance with Section 1.203 (c) of District Ordinance Code 2007-1.

Approved as Recommended

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

b. Authorization to Make Nominations of District Representatives to Association of California Water Agencies (ACWA) Committee Appointments for the 2016-2017 Term

It is recommended the Board of Directors approve the following nominations to the 2016-2017 ACWA Committees:

1. Nominate Director Kendall Groom to the ACWA Finance Committee for the 2016-2017 Term.
2. Nominate the District's Legal Counsel, Doug Jensen to the ACWA legal Affairs and ACWA State Legislative Committees for the 2016-2017 Term.
3. Should another individual Board Member be interested in serving on an ACWA Committee for the 2016-2017 Term, authorize such nomination.

Approved as Recommended as to Items (1) and (2), as to Item (3) No Other Nominations were Made

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

REPORT OF GENERAL COUNSEL

Mr. Price stated there were no items to report.

CLOSED SESSION

The Board then convened in Closed Session at 6:27 pm to consider the following litigation:

- 13. 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: 1)

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The Board then convened in regular session at 6:38 pm. Mr. Price stated no reportable action was taken in Closed Session.

8.a. Authorization to Amend Joint Maintenance and Operation Agreement, Recreational Use, Basin "F" (Barstow & Del Mar), City of Fresno

It is recommended that the Board of Directors authorize staff to execute an amendment to the Joint Maintenance and Operation agreement with the City of Fresno PARCS to include Basin "F".

Mr. Hofmann introduced Mr. Manual Mollinedo, the City of Fresno Director of Parks, After School, Recreation and Community Services Department.

Mr. Mollinedo addressed the Board with respect to the City of Fresno's (City) request that staff open dialogue with the City to explore the possibility of having the City Manage Basin "F" as park land for the residents of the City of Fresno. He stated the City of Fresno is willing to accept any and all liability on the property, and manage it on a year round basis as a park. He stated the City would not operate it as an off-leash dog park, but rather operate it solely as a general park, and will ask the public to insure their dogs are on a leash.

Approved as Recommended

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

Mr. Hofmann noted the District would continue dialogue with the City of Fresno as to their potential purchase of Basin "EG" (Spruce w/o Hayes) in the future.

8.h. Rejection of Claim and Authorization to Refer Matter to District's Insurance Carrier, Joint Powers Insurance Authority (JPIA), Death of the Family Pet, Dominique Alvarez-Montufar, Raul Alvarez and Victoria Montufar, Basin "EG", (Spruce & Hayes)

It is recommended the Board of Directors reject the subject claim and refer it to the District's insurance carrier for further action.

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Approved as Recommended

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

The Board then convened in Closed Session at 6:43 pm to consider the following:

14. PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

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

The Board then convened in regular session at 7:01 pm. Chairman Rastegar stated no reportable action was taken in Closed Session.

8.g. Cancellation of Regular Board Meeting Scheduled for September 23, 2015, and Scheduling of a Special Board Meeting on September 30, 2015

It is recommended the Board of Directors cancel the regularly scheduled Wednesday, September 23, 2015 Board Meeting, and schedule a Special Board Meeting on Wednesday, September 30, 2015.

Director Fowler expressed his concern regarding rescheduling the September 23, 2015 Board Meeting to September 30, 2015, noting his belief that the Board should stick to the Board Meeting Schedule, and the District Engineer should cover the Board Meeting in the absence of the General Manager, should the General Manager determine he needs to be away from the Board Meeting. Discussion was carried among Board Members and staff with respect to Cancelling a Regularly Scheduled Board Meeting.

Not Approved as Recommended, the Board Denied the Request to Cancel the Regularly Scheduled Board Meeting of September 23, 2015.

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

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ADJOURNMENT

Adjourned Board Meeting at 7:10 p.m.

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



ALAN HOFMANN
GENERAL MANAGER-SECRETARY

9/17/15

DATE