

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, OCTOBER 14, 2015

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, October 14, 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
Brent Sunamoto, Operations Engineer
Frances Lopez, Office Manager
Mary Feagins, Office Assistant/Program Assistant
Norma Lopez, Staff Analyst
Paul Merrill, Financial Manager
Karyn Kruser, Staff Analyst
Jarrod Takemoto, Rural Streams Manager
Paul Allen, Facilities Manager
Jean Lespade, Telemetry Technician
Esther Schwandt, Clerk to the Board

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

Stan Feagins, Husband of Mary Feagins
Ben Haydon, Senior Benefits Analyst ACWA/JPIA
Jeff Roberts, representing Granville Homes & C&A Farms
Jon Reiter, representing Maricopa Orchards & C&A Farms
Tino Aguilar, Spano Enterprises

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

2. REPORT OF THE GENERAL MANAGER:

Mr. Hofmann reported on the following: (1) he distributed a copy of the "Thank You" we received from Mrs. Marcus and her family on the dedication/park naming ceremony honoring George Marcus; (2) he reported on various activities occurring in the "world of water", noting he has a staff member in Ontario for an Association of California Water Agencies (ACWA) event regarding the Sustainable Groundwater Management Act (SEGMA); the Environmental Resources Manager is attending a meeting with the Water Commission in Clovis; and staff will be attending this Friday, a San Joaquin Valley Water Forum in Visalia as a part of the District's region for ACWA; and the first part of next week he and the Environmental Resources Manager will be attending the California Stormwater Quality Association (CASQA) event in Monterey; (3) in response to a call he received from Assemblyman Patterson's office regarding the District's preparedness for El Niño, he briefed them on the District's plans and procedures; and; (4) the Economic Development Corporation luncheon is scheduled for Wednesday, October 28th for those Board Members who have indicated they will be attending.

3. APPROVAL OF MINUTES: Meeting of September 23, 2015

Due to his absence at the September 23, 2015 Board Meeting, Director Groom abstained.

Approved as Recommended

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

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:

- b. Authorization for Renewal of Undeveloped Basin Maintenance Contracts
- c. This Item was Pulled
- d. Authorization to Renew Lease Agreement, Outdoor Systems Advertising, Basin "EH" (Herndon & Golden State)
- e. Submittal of Fourth Quarter Budget Report, Fiscal Year 2014-2105
- g. Cancellation of Regular Board Meetings Scheduled for November and December 2015, and Scheduling of Special Board Meeting on November 18th and December 16th, 2015
- h. Report of Public Concerns, September 2015
- i. Report on Drainage Fee Time Payment Agreements (July – September 2015)

Director Goodwin requested Agenda Item 8a be pulled. Director Burlison requested Agenda Item 8f be pulled.

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Approved as Recommended with the exception of 8a and 8f which were pulled

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

- a. Adoption of Resolution Dedicating Dry Creek Trail Area to City of Clovis, Basin “7C” (Alluvial & Clovis) *(two-thirds vote required)***

It is recommended that the Board of Directors adopt the Resolution attached to the Board Memorandum authorizing the dedication of a portion of the Basin “7C” property to the City of Clovis for trail purposes.

Director Goodwin, noting this item has continued for 17 years, suggested in the future an explanation should be included in the Board Memorandum as to why things have dragged on for so long. Mr. Hofmann explained with respect to the delay of this particular item, it appears that it was due to a transition in staff.

Approved as Recommended, Adopting Resolution No. 2015-828

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

- f. Authorization to Approve Revisions to the 2015-2016 Budget from the Fourth Quarter Close-Out Report, Fiscal Year 2014-2015**

It is recommended the Board of Directors approve the revisions to the 2015-2016 Budget Beginning Fund Balances – July 1, as described in the Board Memorandum.

Responding to Director Burleson’s question, Mr. Merrill stated if the actuals are greater than the estimated and it is an expense, then it is in red. Responding to his subsequent questions, Mr. Merrill stated the surplus dollars are put into the beginning Fund Balance number and falls automatically to the bottom end or ending Fund Balance, and then the Board has the opportunity throughout the year to allocate those funds should they wish

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to do so; the General Fund and Capital Projects would have extra money; in the case of Debt Service there was a net negative, or the expenditures exceeded the estimate; the Budget starts out with an opening Fund Balance and an ending Fund Balance, so when you increase that and change nothing in between, then it automatically adds to the bottom numbers; noting whatever Budget the Board approves, transactions are still the same, but the opening Fund Balance is larger than the ending Fund Balance; this year all 4th Quarter Projects were awarded by the Board before the end of the year, otherwise normally, staff would have moved those projects between one year and another; and he noted this is the first year in quite some time that the District did not move projects between years.

Approved as Recommended

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

9. Adoption of Resolution of Appreciation Honoring Mary Feagins for Twenty Years of District Service

It is recommended the Board of Directors adopt the Resolution of Appreciation honoring Mrs. Mary Feagins for 20 years of public service to the District.

Mrs. Lopez noted Mrs. Feagins and her husband were in the audience. She then acknowledged the work Mrs. Feagins has completed at the District.

Mr. Hofmann concurred with Mrs. Lopez' comments, and noted Mrs. Feagins was his Office Assistant as well as Mr. Sanchez, for many years, and was indeed always pleasant.

Approved as Recommended, Adopting Resolution No. 2015-827

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

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Chairman Rastegar then presented Mrs. Feagins with a framed Resolution. Mr. Hofmann presented Mrs. Feagins with a bouquet of flowers.

16. Authorization to Schedule Public Hearing on Resolution of Necessity and Need for Immediate Possession, Basin “NN” (Church & Valentine) Granville Homes

It is recommended the Board of Directors authorize staff to schedule a Public Hearing on Resolution of Necessity and Need for Immediate Possession to acquire the Basin “NN” property.

Mr. Jeff Roberts, representing C&A Farms, addressed the Board noting they hoped this would come to a successful resolution, and stated they are working very hard to do that. He stated he understood what the District needed to do with setting a date, and this would not preclude them from attempting to come to an agreeable resolution. He also acknowledged District staff and the hard work that they are putting into this matter.

Approved as Recommended

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

12. Authorization for Conceptual Approval of Dual-Use Designation, Basin “A” (Florence e/o Maple) Spano Enterprises

It is recommended that the Board of Directors authorize staff to conceptually approve the dual-use designation for Basin “A”.

Mr. Tino Aguilar, representing Spano Enterprises, addressed the Board reporting that Spano Enterprises is going into partnership with the Economic Opportunities Commission (EOC) on approximately 27 acres, which will have multi-family and a private school run by EOC. He stated all the rents collected will go to EOC to support their projects. He reiterated Spano Enterprises will not be receiving any of the rent on this. Mr. Aguilar stated they would like to use the ponding basin for a soccer field with Spano Enterprises putting in the entire infrastructure at their expense, so the neighborhood can have a place to play, and it will be open to the public for anyone’s use.

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Approved as Recommended

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

- 15. Adoption of Resolution Authorization Quitclaim of Storm Drain and Drainage Channel Easements, Tract 6065, Drainage Area "DE", Granville Homes (Friant & Copper) *(two-thirds vote required)***

It is recommended that the Board of Directors adopt the attached Resolution authorizing the execution of a Quitclaim Deed of the District's interest in the easements to Granville Homes.

Approved as Recommended, Adopting Resolution No. 2015-829

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

- 10. Presentation by Association of California Water Agencies Joint Powers Insurance Authority (ACWA/JPIA) on Benefits of a Health Savings Plan, Ben Hayden, Senior Benefits Analyst**

It is recommended the Board of Directors hear the presentation of Ben Hayden, Senior Benefits Analyst, with the Association of California Water Agencies/Joint Powers Insurance Authority (ACWA/JPIA) regarding high-deductible health plan incentives.

Mr. Ben Hayden, Senior Benefits Analyst for ACWA/JPIA gave a Power Point presentation regarding ACWA/JPIA's Consumer Driven Health Plans and pairing it with the District offering contribution incentives towards an employee's Health Savings Account.

Director Burleson suggested at some time in the future, the Board may want to look at a Retiree Health Reimbursement Account (HRA) for the District's retirees to participate in.

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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.

11. Authorization to Fund Incentives for Employee Participation in the District's Health Savings Plan

It is recommended that the Board of Directors authorize one of the following:

1. Funding the Health Savings Plan (HSP) with a contribution to the employee's Health Savings Account (HSA), in the amount of \$1,000 for employee only; \$2,200 for employee plus one; and \$2,000 for family tier.
2. Funding the Health Savings Plan (HSP), with a contribution to the employee's Health Savings Account (HSA), in another amount.
3. Leave the program as currently offered, with no incentive to the Health Savings Plan (HSP).

Director Goodwin initiated discussion among Board Members with respect to how long the Board would continue to incentivize the account. Director Burleson noted that the Board may want to discontinue in the future, possibly due to potentially triggering the "Cadillac Tax". Director Rastegar noted the Board has the ability every year to review the benefits and change however they so choose. He stated this would merely provide the employees with another Health Insurance option, noting no employee would be forced to participate in this plan.

Approved Item No. 1 as Recommended, Funding the Health Savings Plan (HSP) with a contribution to the employee's Health Savings Account (HSA), in the amount of \$1,000 for employee only; \$2,200 for employee plus one; and \$2,000 for family tier.

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

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13. Authorization to Execute Agreement with City of Clovis, Alluvial Drain Channel Maintenance, Tract 6072 (DeWolf & Harlan Ranch Boulevard)

It is recommended that the Board of Directors authorize staff to execute an agreement with the City of Clovis for maintenance of the Alluvial Drain Channel within Tract 6072.

Approved as Recommended

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

14. This Item was Pulled

As this item was pulled, no further action was taken.

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

- a. Authorization to Schedule Special Board Meeting/Joint Workshop with City of Clovis Council Members, Monday, November 9, 2015; and Determination of Potential Agenda Items**

It is recommended the Board of Directors authorize staff to schedule the Special Board Meeting/Joint Workshop with the City of Clovis Council Members for Monday, November 9, 2015. Staff also requests the Board make any recommendations as to other items they would desire to add to the Workshop Agenda.

Director Rastegar noted the Board would be meeting one more time, on October 28th, before this Joint/Board Meeting, so if Board Members had any recommendations as to other items they would desire to add to the Agenda, then they could do so at the October 28th Board Meeting.

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Approved as Recommended

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

REPORT OF GENERAL COUNSEL

There were no items reported.

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 this evening:

- 19. 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 recessed at 7:29 pm and reconvened in Closed Session at 7:34 pm to consider the following:

- 20. PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**
Title: General Manager/Secretary
Pursuant to Government Code §54954.5

The Board then convened in regular session at 8:05 pm. Chairman Rastegar stated no reportable action was taken in Closed Session.

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ADJOURNMENT

Adjourned Board Meeting at 8:05 pm

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



ALAN HOFMANN
GENERAL MANAGER-SECRETARY

10/29/15

DATE