

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, NOVEMBER 18, 2015

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, November 18, 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: Barbara Goodwin, Vice-Chairman
Jennette Williams
Roy Spina
Kendall Groom
Frank Fowler
Buzz Burleson

DIRECTORS ABSENT: Mike Rastegar, Chairman

**STAFF, CONSULTANTS,
OTHERS PRESENT:**

Alan Hofmann, General Manager-Secretary
Peter Sanchez, District Engineer
Debbie Campbell, Design Engineer
Brent Sunamoto, Operations Engineer
Paul Merrill, Finance Manager
Daniel Rourke, Environmental Manager
Kristine Johnson, Staff Analyst
Paul Allen, Facilities Manager
Brandy Swisher, Staff Analyst
Andrew Remus, Staff Analyst
Frances Lopez, Office Manager
Esther Schwandt, Clerk to the Board

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

Ron Wathen, Quad Knopf

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

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2. REPORT OF THE GENERAL MANAGER:

Mr. Hofmann reported on the following: (1) the Joint Meeting with the City of Clovis was held on Monday, November 9th; he stated he was pleased with how the meeting went and thanked the Board for their participation, and acknowledged the City of Clovis Council Members and staff; (2) he and Mr. Sanchez met with Assemblyman Patterson on October 30th at the District office; he noted Assemblyman Patterson requested the meeting to discuss the District's preparedness for an "El Nino" event, and the District's interest in the Proposition 1 Water Bond funds; (3) the General Manager participated in three local events with the Fresno Irrigation District (FID), who hosted them for their growers/farmers regarding the SGMA (Sustainable Groundwater Management Act); (4) he noted at a future Board Meeting, he would like to show the video prepared by the Kings River Conservation District (KRCD) on groundwater and extraction; (5) he stated he would not be attending the ACWA/JPIA Conference as he had originally planned to do, noting he believed he had too much going on at this particular time and would anticipate attending the Conference scheduled for next Spring; however, he noted Director Groom would be attending; (6) he reminded the Board there was only one Board Meeting scheduled in December to be held on December 16th and staff is in the process of scheduling a Community Relations Committee meeting; (7) he reported at a future Board Meeting, staff would be presenting an item to the Board regarding the California Emergency Services Act, which designates public employees to be public service workers who would be required to assist the public in an Emergency should the Governor declare an Emergency; he noted there are requirements the employees need to complete in preparation, specifically they would need to take an Oath of Office; he stated employees will need to be informed that this will be a requirement of their employment; and, (8) staff members attended a program regarding the Proposition 1 Water Bond and stated it was very positive, and staff was hopeful the District may receive some funds.

3. APPROVAL OF MINUTES: Meeting of October 14, 2015

Director Spina requested a clarification to Minutes of October 14, 2015; specifically on page 8 of the Minutes, under Item No. 11. **Authorization to Fund Incentives for Employee Participation in the District's Health Savings Plan.** Mr. Spina stated his motion, which was seconded and approved by the Board, was approval of Item No. 1 *Funding for the Health Savings Plan (HSP) with a contribution to the employee's Health Savings Account (HAS), in the amount of \$1,000 for employee only; \$2,200 for employee plus one; and \$2,000 for family tier.*

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Approved as Recommended with the above noted correction

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

3. APPROVAL OF MINUTES: Meeting of October 28, 2015

Approved as Recommended

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

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.

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7. PUBLIC HEARING:

- a. Adoption of Resolution Adopting Negative Declaration for the Acquisition and Construction of Basins “DQ” (Sierra & Leonard), “DS” (DeWolf & Clinton), “DV” (Temperance & Highway 180)**

It is recommended the Board of Directors consider the proposed Negative Declaration, public comments, and any testimony at the Hearing. Subsequently, it is recommended the Board of Directors approve the final Negative Declaration and adopt the resolution attached to the Board Memorandum. It is further recommended the Board’s action include such additional measures it feels are necessary to mitigate or alleviate any concerns raised through public testimony or Board discussion.

Director Goodwin opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:13 pm.

Approved as Recommended and Adopting Resolution No. 2015-832

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

- b. Project Approval for the Acquisition and Construction of Basins “DQ” (Sierra & Leonard), “DS” (DeWolf & Clinton), “DV” (Temperance & Highway 180)**

It is recommended the Board of Directors approve the Project for Acquisition and Construction of Basins “DQ”, “DS” and “DV”.

Director Goodwin opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:21 pm.

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Approved as Recommended

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

8. CONSENT CALENDAR:

- a. Acceptance of Quarterly Investment Report, Third Quarter
- b. Authorization to Exercise First Option Year of Operations Center Landscape Contract, Central Valley Lawnsapes
- c. Authorization to Schedule Public Hearing to Adopt Resolution Amending the Storm Drainage and Flood Control Master Plan and Amending the Schedule of Drainage Fees, Surcharges and Costs for Local Drainage Areas (2016 Rate Schedule)
- d. Engineer's Report of Construction, October 2015
- e. Quarterly Real Estate Report, October 2015
- f. Ratification of Expenditures, Report of Fund Balances and Activity, October 2015
- g. Report of Pollutant Discharge Incidents, October 2015
- h. Report of Public Concerns, October 2015
- i. Report on Other Post Employment Benefit (OPEB) Investment Returns
- j. Submittal of First Quarter Budget Report, Fiscal Year 2015-2016
- k. Update on 2015 State Legislative Activity

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Approved as Recommended

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

- 9. Adoption of Resolution Dedicating Ash Avenue Street Right-of-Way in Fee, to City of Clovis, Basin "7D" Access Road (Fowler & SR 168) (*Two-thirds vote required*)**

It is recommended the Board of Directors adopt the Resolution attached to the Board Memorandum authorizing the dedication of the Property to the City of Clovis for public street purposes.

Mr. Ron Wathen with Quad Knopf (6051 N. Fresno Street, Fresno, CA), addressed the Board stating he was in attendance to represent DeYoung Properties. He stated they appreciate staff's help in this matter and agree with the staff recommendation.

Approved as Recommended, Adopting Resolution No. 2015-833

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

- 10. Authorization to Execute an Agreement with the Discovery Center to House a Water Resources/Stormwater Pollution Prevention Exhibit**

It is recommended that the Board of Directors authorize staff to execute an agreement with the Discovery Center to house a Water Resources and Stormwater Pollution Prevention exhibit at their museum.

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Approved as Recommended

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

- 11. Authorization to Execute Standard Developer Agreement for Tracts 5657A and 6083, Drainage Area “3G” (DeWolf s/o Bullard), DeYoung Properties**

It is recommended that the Board of Directors authorize staff to execute a Standard Developer Agreement with the developer indicated in the Board Memorandum, for the construction of the required Master Plan facilities.

Approved as Recommended

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

- 12. Award of Developed Basin Maintenance Contract, Clean Cut and Elite Maintenance and Tree Service**

It is recommended the Board of Directors authorize staff to enter into contracts with Clean Cut Landscape for Units 1 and II, and Elite Maintenance and Tree Service for Units III and IV, for services as specified in the RFP. Said contracts are to include an initial term of one-year with two one-year extension options.

Approved as Recommended

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

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Approved as Recommended

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

REPORT OF GENERAL COUNSEL

Mr. Price stated there were no items to report.

CLOSED SESSION

Mr. Hofmann 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 this evening:

- 15. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to sub-division (d) of Government Code Section 54956.9:

(Number of Potential Cases: 1)

A Closed Session was not convened.

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ADJOURNMENT

Adjourned Board Meeting at 6:36 pm

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


ALAN HOFMANN
GENERAL MANAGER-SECRETARY

12/8/15
DATE