

**ACTION SUMMARY MINUTES**  
**MINUTES OF THE REGULAR MEETING OF**  
**THE BOARD OF DIRECTORS OF THE**  
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**  
**HELD WEDNESDAY, DECEMBER 16, 2015**

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Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, December 16, 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  
Jennette Williams  
Roy Spina  
Kendall Groom  
Frank Fowler  
Buzz Burleson

**DIRECTORS ABSENT:** Barbara Goodwin, Vice-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  
Karyn Kruser, Staff Analyst  
Kristine Johnson, Staff Analyst  
Kenneth Frank, Engineer  
Brandy Swisher, Staff Analyst  
Esther Schwandt, Clerk to the Board

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

Eric Gibbons, Copper River Ranch  
Tina Cornett, Territory Manager, Caltronics  
Charles Walker, District Sales Manager,  
Konica Minolta Business Solutions  
Cynthia Fidel, Jeffrey Scott Agency

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

**2. REPORT OF THE GENERAL MANAGER:**

Mr. Hofmann reported on the following: (1) the Board Request and Assignments Form had been distributed to the Board; (2) staff received an email of a newsflash, regarding the City of Fresno's competition for a Nordstrom Distribution Center; he noted staff has been working to assist in the effort of bringing Nordstrom to Fresno, which until now had been kept confidential; (3) the Successor Agency to the Redevelopment Agency of the City of Fresno, of which the General Manager is a Board Member, finally has concluded the documents that will be sent to the Division of Finance for the sale of property; he stated the value is approximately \$13.5 million of which the District may possibly receive 3%; (4) staff has an Executed Purchase Agreement for Basin "NN" with C&A Farms, and it is in escrow and anticipated to close before December 31, 2015; (5) staff has also executed a lease for Basin "CD" property with Granville Homes; and, (6) staff is working with Legal Counsel as to the applicability of the Board to participate in the AB 1825 Harassment Training.

**3. APPROVAL OF MINUTES:**

**Meeting of November 9, 2015**

Due to their absence at the Meeting of November 9, 2015, Directors Rastegar, Williams, and Fowler abstained.

**Minutes were not approved due to insufficient votes to approve the Minutes. The Minutes are to be carried over to the Board's next Board Meeting.**

**Meeting of November 18, 2015**

**Approved as Recommended**

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

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**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:**

- a. Adoption of Revision to the Schedule of Drainage Fees; Shifting Drainage Area "NN" (Valentine & Church) from Zone 2 into Zone 1, Full Cost Rate Structure**

Staff recommends that the Board of Directors adopt the following:

1. Adopt the revision to the Schedule of Drainage Fees shifting Drainage Area "NN" from Zone 2 to Zone 1.

Director Rastegar opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:08 pm.

**Approved as Recommended**

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

- b. Adoption of Revision to Storm Drainage and Flood Control Master Plan, Adding New Drainage Areas "DQ" (Bullard & Highland), "DS" (McCall & McKinley) and "DV" (Temperance & Kings Canyon)**

2. Adopt the revision to the Storm Drainage and Flood Control Master Plan adding new Drainage Areas "DQ", "DS", and "DV".

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Director Rastegar opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:11 pm.

**Approved as Recommended**

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

**c. Adoption of Resolutions 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)**

3. Find that adoption of Resolutions that adopt fees are exempt from further CEQA assessment per the provisions of Public Resources Code Section 21080(b)(8)(D).
4. Adopt the Resolution attached to the Board Memorandum updating the Storm Drainage and Flood Control Master Plan Map and amending the proposed cost and fee schedules, including the shift of Drainage Area "NN" from Zone 2 to Zone 1 and the establishment of Drainage Areas "DQ", "DS", and "DV" as set forth in the Board Memorandum.
5. Adopt the Resolution attached to the Board Memorandum establishing a surcharge fee schedule for a portion of Drainage Area "BY".
6. Adopt the Resolution attached to the Board Memorandum establishing a surcharge fee schedule for a portion of Drainage Area "DN".
7. Direct staff to transmit the map and fee schedule amendments to the City of Fresno, County of Fresno, and the City of Clovis for adoption.

Ms. Campbell distributed a copy of a letter dated December 15, 2015 from Copper River Ranch (Granville), asking the Board to delay the vote on the surcharge fee for Drainage Area "DN" to allow them sufficient time to analyze all of the pertinent information. She stated staff is recommending the Board adopt Items 3, 4, 5, and 7 as listed above. Mr. Hofmann stated staff is requesting a continuation on Item 6 to the January 13, 2016 Board Meeting in response to Copper River Ranch's request.

Director Rastegar opened the Hearing for Public Comment at 6:17 pm.

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Mr. Eric Gibbons, representing Granville Homes addressed the Board with respect to their request as outlined in the letter they sent to the District. He expressed their thanks for staff's willingness to delay the item.

There being no further comments, the Public Comment portion of the Hearing was closed at 6:18 pm.

**Approved as Recommended with respect to Items 3, 4, 5 & 7 and Adopting Resolution Nos. 2015-834 and 2015-835; Item 6 to be continued to the January 13, 2016 Board Meeting.**

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

**8.      CONSENT CALENDAR:**

- a.      Acceptance of Annual Mitigation Fee Act Report
- b.      Adoption of Resolution Transferring "CC" Construction Fund Reimbursement to General Fund
- c.      Adoption of Resolution Transferring PPDA Fund Reimbursement to General Fund
- d.      Authorization of Alternate Payment Agreement to Collect Drainage Fee Violation, Fresno SPR 2015-091, Phillip and David Sweet, Drainage Area "LL" (East & Annadale)
- e.      Authorization to Execute Master Maintenance Service Contracts
- f.      Authorization to Execute Standard Developer Agreement, CUP 2015-080, Drainage Area "R" (Shepherd & Maple), Fresno Edison Apartments LP (Fresno Housing Authority/Penstar Group)
- g.      Authorization to Purchase Media Advertisement for the District's Public Service Announcements, National Pollutant Discharge Elimination System (NPDES) Stormwater Quality Permit Compliance

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- h. Award of Contracts:
  - (1) Contract "BDB-7", Electrical Facilities, Big Dry Creek Detention Basin (Freeway 168 & Ashlan)
  - (2) Contract "DCE-8", Dry Creek Turnout Structure, Dry Creek Extension Basin (Annadale & Brawley)
- i. Ratification of Expenditures, Report of Fund Balances and Activity, November 2015
- j. Report of Pollutant Discharge Incidents, November 2015
- k. Report of Public Concerns, November 2015
- j. Report on Recognition by Association of California Water Agencies/Joint Powers Insurance Authority (ACWA/JPIA) of District's Low Loss Ratio Award Regarding the Workers' Compensation Program, Property Program and Liability Program

**Approved as Recommended**

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

**9. Award of 2016 Clean Stormwater Grants**

It is recommended the Board of Directors award the 2016 Clean Stormwater Grants totaling \$20,000 for projects recommended for funding in Attachment No. 1. Additionally staff requests authorization to distribute the attached press release regarding the grant awards (Attachment No. 2).

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**Approved as Recommended**

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

**10.    Authorization to Award Copier and Maintenance Services Contract, District Administrative Office and Operations Center; and Adoption of Resolution Authorizing Disposal of Assets, Seven (7) Copiers**

1.    It is recommended the Board of Directors consider the proposals and information provided, including respondent testimony, and award the contract to Caltronics Business Systems. It is further recommended staff be authorized to enter into a five-year copier maintenance services contract with Caltronics Business Systems.
  
2.    It is recommended the Board of Directors adopt the Resolution attached to the Board Memorandum declaring the seven (7) Toshiba-brand copiers as excess property and authorize staff to arrange for the awarding firm to remove and dispose of the copiers.

**Approved as Recommended and Adopting Resolution No. 2015-838**

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

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**11. Adoption of Resolution Declaring District Employees as California Public Employee Disaster Service Workers in Accordance with the California Emergency Services Act**

It is recommended that the Board of Directors adopt the Resolution attached to the Board Memorandum: (1) declaring District employees as California Public Employee Disaster Service Workers in Accordance with the California Emergency Services Act; and (2) directing the Policy Committee to develop a Policy implementing the California Emergency Services Act requirements, incorporating the required "Oath"; including the specific responsibilities assigned to the District in preparation for and response to declared emergencies, and including employee training as needed to ensure cooperation and compliance with the California Emergency Services Act.

**Approved as Recommended, Adopting Resolution No. 2015-839**

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

**12. Authorization to Assess Public Parcels for the Benefit Assessment Tax**

It is recommended the Board of Directors authorize staff to assess public parcels for the Special Benefit Assessment based upon receiving special benefits from the District's program.

Discussion was carried among the Board Members, Legal Counsel and staff. Some of the concerns expressed by the Board Members were difficulty in collecting the fees; picking and choosing which agencies to impose the fees on; some agencies not having the funding to pay the fees; tax money coming out of the pockets of the County of Fresno, the City of Fresno and the City of Clovis taxpayers; agencies do not go back and forth taxing each other; funding being taken from other public services that already are in dire need of funds; possibly be a huge fight with the County of Fresno; the rewards not worth the risk; do not believe it is the right time; possibly cost the taxpayers more or they would lose certain services; and, should possibly be revisited during the District's Budget process.



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**The Board of Directors did not approve this Item. They voted to table the item to a later date.**

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

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

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

- (1) ACWA 2015 Fall Conference and Joint Powers Insurance Authority (JPIA) Board of Directors' Meeting, November 30 – December 1, 2015, Indian Wells, California, Director Groom**

**It is recommended Director Groom give a verbal report of the ACWA JPIA 2015 Fall Board of Directors' Meeting held on November 30 and December 1, 2015 in Indian Wells, California.**

Director Groom gave a verbal report, noting he had attended a class at JPIA regarding ergonomics, and requested staff look into the class for District employees. He stated he believed it was on the JPIA website and distributed the information he had received at the class to staff.

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

- (2) San Joaquin River Conservancy (SJRC), Director Goodwin**

**It is recommended Director Goodwin give a verbal report of the San Joaquin River Conservancy (SJRC) Board Meeting held on December 16, 2015.**

As Director Goodwin was not in attendance, no verbal report was given.

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

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**b. Recommendation from Community Relations Committee; Authorization to Print the Fall 2015 Issue of the Flood Line Newsletter**

It is the recommendation of the Community Relations Committee that the Board of Directors approve the publication of the Fall 2015 issue of the Flood Line newsletter, as reviewed and approved at the December 3, 2015 meeting of the Community Relations Committee.

**Approved as Recommended**

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

**REPORT OF GENERAL COUNSEL**

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

**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 Gov. Code Section 54956.9:

(Number of Potential Cases: 1)

A Closed Session was not convened.

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**ADJOURNMENT**

**Adjourned Board Meeting at 7:09 pm**

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

  
\_\_\_\_\_  
ALAN HOFMANN  
GENERAL MANAGER-SECRETARY

12/28/15  
DATE