

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, FEBRUARY 10, 2016

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, February 10, 2016 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
Paul Merrill, Finance Manager
Frances Lopez, Office Manager
Daniel Rourke, Environmental Resources Manager
Karyn Kruser, Staff Analyst
Andrew Remus, Staff Analyst
Mary Feagins, Office Assistant/Program Assistant
Brandy Swisher, Staff Analyst
Paul Allen, Facilities Manager
Esther Schwandt, Clerk to the Board

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

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

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2. REPORT OF THE GENERAL MANAGER:

Mr. Hofmann reported on the following: (1) the installation of a new cabinet in the foyer; (2) new copiers have been installed at the District offices and Board Packets will now be prepared double sided; (3) staff is working and reviewing a paperless agenda system for the District's Board and Committee Packets; (4) he reported on the unfortunate passing of Greg Greene with Executive Catering who was the District's caterer; Mike Koop with Koop & Sons who was a District maintenance contractor, and Ron Nies who was a District Employee a few years ago, working in the Real Estate Department; (5) he distributed a flyer showing Fresno EOC hosting an Easter Event at the District's Trolley Creek Park on March 19th; (6) he distributed a copy of the Western Weather issued Tuesday, February 9, 2016, reporting that El Nino's usually come with a dry spell, as we are currently experiencing; (7) he will be speaking at a Fresno Chamber of Commerce EARTH Committee tomorrow regarding the District, El Nino and what is being done with the water; and (8) he reported Executive Staff returned from its Annual Retreat today, noting he was very pleased with all of the different discussions, including succession planning, reviewing objectives completed for the past 12 months, and setting the objectives for the next 12 months. He stated he would be bringing the objectives information to the Board at a subsequent Board Meeting.

3. APPROVAL OF MINUTES: Meeting of January 13, 2016

Approved as Recommended

Motion by: Spina **Second by:** Williams
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:

Recommend the Board add Authorization to Execute Agreement for Common Use of Easements with James Anderson, Water Pipeline Crossing Storm Drain, Drainage Area "DG" (Van Ness & Fig Garden Golf Club)

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Mr. Price noted this item came up after the preparation and distribution of the Agenda; therefore, pursuant to Government Code Section 54954.2(b)(2) it would require Board action to add it to the Agenda, and a determination that there was need for immediate action on this matter, and the need came to the attention of the District subsequent to the Agenda being posted.

Approved as Recommended, added as Agenda Item No. 9a

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

6. POTENTIAL CONFLICTS OF INTEREST:

Director Goodwin noted a potential Conflict of Interest with **Closed Session, Agenda Item No. 12. 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)**, and stated she would therefore be recusing herself on this item.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- c. Adoption of Resolution Authorizing Disposal of Assets, Computer Equipment and Office Equipment
- d. This Item has been Pulled
- e. Engineer's Report of Construction, January 2016
- f. Engineer's Second Quarter Report of Developer Agreements, October 2015 through December 2015
- g. Quarterly Real Estate Report, January 2016

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- i. Rejection of Claim and Authorization to Refer Matter to District's Insurance Carrier, Joint Powers Insurance Authority (JPIA), Personal Injury, Ronald Tamayo, Oso de Oro Lake Park, Drainage Area "D" (Barstow & Forkner)
- k. Report of Pollutant Discharge Incidents, December 2015
- l. Report of Public Concerns, January 2016
- m. Report on the District's Health Savings Plan
- n. Submittal of Auditor, Brown Armstrong Accountancy Corporation, June 30, 2015 Audit Findings

Mr. Hofmann stated staff had received questions from Director Williams regarding Agenda Item 8a, so it is staff recommendation that this item be pulled. Director Burleson requested Agenda Item 8b be pulled. Director Spina requested Agenda Item 8h and 8j be pulled.

Approved as Recommended

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

- a. **Acceptance of Report of External Auditor, Brown Armstrong Accountancy Corporation, Fiscal Year 2014-2015, Financial Statements**

It is recommended the Board of Directors accept the Annual Audited Financial Statements for the fiscal year ended June 30, 2015.

Mr. Hofmann distributed the questions (as attached to this Board Packet) as submitted by Director Williams regarding this item.

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Mr. Merrill reviewed the item and attempted to answer the questions as posed by Director Williams. Director Williams noted she compares year over year, every year. She stated she picked out those accounts that had a huge difference. She requested a copy of the responses that Mr. Merrill had prepared. Mr. Merrill stated he would prepare the answers to the remainder of the questions as posed by Director Williams regarding year over year differences.

Approved as Recommended, with the caveat that Mr. Merrill prepare answers to the remainder of the questions as posed by Director Williams

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

b. Acceptance of Second Quarter Budget Report, Fiscal Year 2015-2016

It is recommended the Board of Directors accept the Second Quarter Budget Report ending December 31, 2015.

Responding to Director Burleson's question regarding Item No. 4340 - Contributed Capital Revenue, Mr. Merrill stated this is for capital paid for by Private Party or a non-governmental entity such as a developer. Mr. Sanchez explained in this particular case, this was part of the EDA Grant, as a component with Parnigian who was part of that Grant. Mr. Sanchez noted in the Budget it would show the cost of the project, and then show it was funded by a private contribution. Mr. Merrill stated the facility that was constructed is not owned by the District and that it is the reason for no budget line, and the account being zeroed out. Responding to Director Burleson's subsequent question regarding Item No. 9992 - Unauthorized Projects - Contingency, Mr. Merrill stated it is the same account, noting this is where the non-facilities are shown and how it is balanced out.

Approved as Recommended

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

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h. Ratification of Expenditures, Report of Fund Balances and Activity, December 2015

It is recommended that the Board of Directors ratify the expenditures for the month of December 2015 per the schedules as attached to the Board Memorandum.

Director Spina commended staff on the collection of the Development Review Fees, noting to date, the District has collect \$50,873.51.

Approved as Recommended

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

j. Report of Award of Uniform Cost Accounting Contracts for Annual Hydroseeding, Portions of Basins: Basin "3G" (Barstow & Clovis), Basin "4D" (Clovis & Bullard), Big Dry Creek Detention Basin (Dakota & Hwy 168), Dry Creek Extension Basin (Brawley & Annadale), Pup Enterprise Detention Basin (Herndon & Dewolf), Basin "BX"/Alluvial Detention Basin (Temperance & Shepherd), Pup Creek Detention Basin (Temperance & Sierra), Big Dry Creek Diversion Channel to Little Dry Creek (Copper & Armstrong), Big Dry Creek Dam (Shepherd & Dewolf), Dog Creek Dike (Hwy 168 & Academy), Fancher Creek Dam (Herndon & Madsen), Basin "P" (Cedar & Bullard), Basin "BH" (Clovis & Church), and Basin "CS" (Peach & North)

No action is required of the Board of Directors unless specific direction is to be given to staff.

Responding to Director Spina's question regarding staff utilizing the California Uniform Cost Accounting, Mr. Hofmann stated the Board has not approved this contract, as the Uniform Cost Accounting would not require a Board approval, as it is done through an informal bidding process that the Board has approved staff participating in, as a part of the Uniform Cost Accounting Act. Mr. Sanchez stated staff can award a contract amount, using the informal bidding process, up to \$75,000. If a more formal process is done, the maximum of staff authority is \$125,000. Mr. Price stated this is part of the California Contract Code and is a commonly used procedure that agencies such as the District can avail

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themselves of. He noted the District Board periodically passes resolutions authorizing staff to participate in this process. Mr. Sanchez noted the Board has adopted a resolution stating that whatever the active adopted amount by the State is, the District will abide by that.

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

9. Report on District Activities Related to the State of California Proposition 1 Grant Programs

This report is for information purposes only. No action is required of the Board of Directors unless specific direction is to be given to staff

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

9a. Authorization to Execute Agreement for Common Use of Easements with James Anderson, Water Pipeline Crossing Storm Drain, Drainage Area "DG" (Van Ness & Fig Garden Golf Club)

It is recommended that the Board of Directors authorize staff to Execute a Common Use of Easements Agreement with James Anderson.

Director Fowler expressed his concern with respect to the source of water, and abandonment requirements. Mr. Price stated as part of the agreement, staff can require that should the Developer decide to abandon the pipeline, that the Developer would be required to remove the pipeline, or should the District remove the pipeline then the Developer would be required to reimburse the District. Responding to Director Williams' question, Mr. Price stated an easement document would be recorded and would show up on the title report.

Mr. Hofmann stated in response to Director Fowler's concern regarding the source of the water, staff will research and if possible, bring an answer back as a future Report to the Board regarding the water source.

Approved as Recommended, with added language in the Agreement that the Developer be required to remove the pipeline should they abandon the pipeline, and should the District have to remove the pipeline, the Developer would reimburse the District.

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

10. Board Reports, Workshops, Correspondence and Requests for Future Agenda Items; 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) Board Meeting held on January 20, 2016.

Director Burleson presented a verbal report.

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

REPORT OF GENERAL COUNSEL

No items were reported.

CLOSED SESSION

Director Goodwin recused herself from the proceedings due to a potential conflict of interest with the following item, and left the Board Meeting at 6:59 pm.

The Board then convened in Closed Session at 7:00 pm to consider the following litigation:

12. 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)


The Board then convened in regular session at 7:08 pm. Mr. Price stated no reportable action was taken in Closed Session.

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ADJOURNMENT

Adjourned Board Meeting at 7:08 pm

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



ALAN HOFMANN
GENERAL MANAGER-SECRETARY

2/18/16

DATE