

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, AUGUST 24, 2016

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, August 24, 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:**

Peter Sanchez, District Engineer
Debbie Campbell, Design Engineer
Brent Sunamoto, Operations Engineer
Daniel Rourke, Environmental Resources Manager
Karyn Kruser, Senior Human Resources Analyst
Frances Lopez, Office Manager
Brandy Swisher, Staff Analyst
Kenneth Frank, Engineer
Jarrod Takemoto, Rural Streams Manager
Andrew Remus, Staff Analyst
Paul Allen, Facilities Manager
John Santos, Engineer
Esther Schwandt, Clerk to the Board

Doug Jensen, General Counsel; Baker, Manock & Jensen

Cynthia Fidel, Jeffrey Scott Agency

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. Sanchez on behalf of the General Manager reported on the following: (1) the General Manager is at the National Association of Flood and Stormwater Management Agency (NAFSMA) Conference in Portland, Oregon; (2) he reminded the Board of the upcoming Board Committee meetings; specifically the Priorities & Programming Committee Meeting is scheduled for Tuesday, August 30, 2016 and the Community Relations Committee is scheduled for Wednesday, September 7, 2016; also, a Special Board Meeting has been scheduled for Thursday, September 8, 2016 to conduct the General Manager's evaluation; and (3) the Board Requests and Assignments Form has been distributed to the Board.

3. APPROVAL OF MINUTES: Meeting of August 24, 2016

Approved as Recommended

Motion by: Williams Second by: Goodwin

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:

There were no Additions to the Agenda.

6. POTENTIAL CONFLICTS OF INTEREST:

Directors Groom and Williams noted a potential Conflict of Interest with Agenda Item No. **8.c. Authorization to Execute Standard Developer Agreement, SPR 2015-155, Drainage Area "CM" (Willow & Herndon), Spencer Enterprises**, and stated they would therefore be abstaining on this item.

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

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8. CONSENT CALENDAR:

- a. Actions to Dispose of One (1) 1 Ton 4x4 Truck with Service Body and Crane and Acquire One (1) Replacement 1 Ton 4x4 Truck with Service Body and Crane:
 - (1) Adoption of Resolution Declaring One (1) 1 Ton 4 x 4 Truck with Service Body and Crane as Excess Property
 - (2) Authorize Disposal of Excess Property (4x4 Truck) Through eBay
 - (3) Authorization to Purchase One (1) Budgeted Replacement 1 Ton 4x4 Truck with Service Body and Crane

- b. Authorization to Enter into Reimbursement Agreement for Construction of Basin Street Improvements, City of Clovis, Basin “3G” (Barstow & Locan)

- d. Authorization to Execute Standard Developer Agreement, Tract 5513, Drainage Area “BG” (Minnewawa & Church), Highland Lots, LLC

- g. This Item was Moved to the Regular Agenda

- i. Report of Pollutant Discharge Incidents, July 2016

- j. Report on Other Post Employment Benefit (OPEB) Investment Returns

Mr. Jensen suggested Agenda Item 8c be pulled and voted on separately since both Directors Groom and Williams had a conflict with this item. Mr. Sanchez requested Agenda Item 8e be pulled for a correction. Director Burleson requested Agenda Item 8f be pulled. Director Groom requested Agenda Item 8h be pulled.

Approved as Recommended, with the exception of Agenda Item 8c; 8e; 8f; and 8h which were pulled.

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

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c. Authorization to Execute Standard Developer Agreement, SPR 2015-115, Drainage Area “CM” (Willow & Herndon), Spencer Enterprises

It is recommended that the Board of Directors authorize staff to execute a Standard Developer Agreement with Spencer Enterprises, Inc. for the construction of the required Master plan facilities.

Approved as Recommended

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

e. Authorization to Extend Professional Services Agreement with Jeffrey Scott Agency and Approval of 2016-2017 Scope of Work, Public Involvement and Education Program, National Pollutant Discharge Elimination System (NPDES) Stormwater Program

It is recommended the Board of Directors approve the extension to the term of the agreement with Jeffrey Scott Agency through August 31, 2017 and authorize the Scope and rate schedule dated August 24, 2016, not to exceed \$1,000 for FY 2016-2017.

Mr. Sanchez noted a correction to the recommendation; specifically it states, “. . . the term of the agreement with Jeffrey Scott Agency through August 31, 2016 and . . .”; it should be August 31, 2017.

Approved as Recommended with the above noted correction

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

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f. Authorization to Extend Professional Services Agreement with Larry Walker Associates and Approval of 2016-2017 Scope of Work, National Pollutant Discharge Elimination System (NPDES) Stormwater Quality Monitoring Program

It is recommended the Board of Directors approve an extension to the term of the agreement with Larry Walker Associates through August 31, 2017 and authorize the Scope and rate schedule, dated August 24, 2016, not to exceed \$147,700 for FY 2016-2017.

Director Burleson stated he appreciates the work staff does on preparation of the consent items, noting staff provides considerable detail information, which usually answers 99% of his questions. He requested that the next time Larry Walker Associates prepares the Annual Report, that the Board be provided a copy or summary of the report.

Mr. Rourke stated he would be willing to bring the report back to the next Board Meeting if the Board so chooses. Director Burleson stated with respect to the report, he would like to know what the District is required to do, and he would like to be a little more educated on the matter.

Approved as Recommended

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

h. Ratification of Expenditures, Report of Fund Balances and Activity, July 2016

Director Groom questioned what the amount shown on the second page of the Board Memorandum, Debt Service Expenditures totaling (\$956,909.24) was for.

Mr. Sanchez and Director Groom stated they believed that was for a portion of one of the District's State loans. Responding to Director Groom's subsequent question as to the total amount owed, Mr. Sanchez stated the final payment of one of the loans is January 2018, and the other one has a final payment of August 2030.

Approved as Recommended

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

9. Adoption of Resolution for Dedication of Right-of-Way for Public Street Purposes, Basin “BQ” (Belmont w/o Fowler) (*two-thirds vote required*)

It is recommended that the Board of Directors adopt the attached Resolution authorizing the dedication of public street easement and right-of-way along Belmont Avenue to the City of Fresno.

Approved as Recommended, Adopting Resolution No. 2016-854

Motion by: Spina 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:

a. Recommendations from the Policy Committee:

- (1) Adoption of a Board Code of Ethics/Board Conduct Policy and Authorization to Submit an Application for the Special District Leadership Foundation (SDLF) “District Transparency Certificate of Excellence”**

It is the recommendation of the Policy Committee that the Board of Directors adopt the Board of Directors Code of Ethics/Conduct Policy, and authorize the submittal of an application for the SDLF “District Transparency Certificate of Excellence”.

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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

- (2) Adoption of Amendments to the District's Employee Handbook and Human Resources Policies and Procedures:**
- (a) HR 309 – Health Insurance**
 - (b) HR 312 – Cafeteria Plan, Section 125(a)**

It is the recommendation of the Policy Committee that the Board of Directors adopt the proposed amendments to the District's Employee Handbook and Human and Resources Policies and Procedures attached to the Board Memorandum.

Director Groom suggested under the Health Savings Account (HSA), wording should be included that if an employee does not use the funds, they will take it with them. Director Burleson suggested staff also include wording that it is carried over from year to year, and can be taken with the employee if they leave. Director Groom noted it is important for the employees to know it is their money.

Director Williams questioned whether it was normal to not have survivor benefits for Health Insurance. Ms. Kruser stated as far as her research goes, and as far as ACWA/JPIA members, she stated there are more Districts that do not offer it, than those that do. Director Burleson stated his belief that they are expecting people to work till retirement age which is 65 and then at that point Medicare covers people, and in fact is required, so it is not needed after that. However, he concurred that should someone retire at 55 and then pass away, their surviving spouse would possibly be forced to buy insurance on the open market if they had no other coverage but the employee's.

Responding to Director Rastegar's question regarding the District contribution for the Health Savings Accounts (HSA) tier being Employee Only, \$1,000; Employee plus one dependent, \$2,200; and Family, \$2,000, Ms. Kruser stated the reason the Employee plus one was more than the Family was because ACWA/JPIA believed if you have only one dependent it will take you longer to meet the deductible, whereas family would reach it much sooner.

Approved as Recommended, with the above noted additions to the Health Savings Account document

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

(3) Adoption of Amendments to the Retention and Destruction of District Records Policy

It is the recommendation of the Policy Committee that the Board of Directors adopt the proposed amendments to the Retention and Destruction of District Records Policy.

Approved as Recommended

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

11. Award of Contract BDB-6, Basin Excavation and Finish Grading, Big Dry Creek Detention Basin (State Route 168 & Ashlan)

It is recommended that the Board of Directors award Contract "BDB-6" to Four M Contracting, Inc. in the amount of \$211,900.

Responding to Director Spina's question regarding why was Four M Contracting, Inc.'s proposal for dust control so high, Mr. Frank stated dust control is paid throughout the contract and staff does not know why their bid for this item was so high.

Approved as Recommended

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

REPORT OF GENERAL COUNSEL

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


CLOSED SESSION

A Closed Session was not convened.

ADJOURNMENT

Adjourned Board Meeting at 6:30 pm

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



PETER SANCHEZ
DISTRICT ENGINEER

9-6-16

DATE