

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, SEPTEMBER 14, 2016

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, September 14, 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
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
Benita Walker, Accounting Technician
Brandy Swisher, Staff Analyst
Kristine Johnson, Staff Analyst
Andrew Remus, Staff Analyst
Esther Schwandt, Clerk to the Board

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

Mitch Barker, PARS
Andrew Brown, Highmark Capital Management Investment
Manuel Mollinedo, PARCS Director, City of Fresno
Irma Yopez-Perez, Senior Management Analyst, City of Fresno

PRESIDING: Director Rastegar, 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 State of the County Breakfast will be held next Wednesday, September 21st for those Board Members who have indicated they would be attending; (2) the Clerk to the Board is contacting the Board as to their availability to attend the 2016 EDC Luncheon on Wednesday, October 26th; and, (3) he distributed a copy of the NAFSMA newsletter that included a story on the 2016 Excellence in Communications and Stormwater Management Awards Program, noting this was the award he had reported at the last Board Meeting where the District had received 3rd Place for the District's Water Quality Campaign, Classroom Science Materials; in the article the District was mentioned and the General Manager was included in a photograph of the award recipients.

3. APPROVAL OF MINUTES: Meetings of August 24, 2016 & September 8, 2016

Minutes of August 24, 2016

Approved as Recommended

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

Minutes of September 8, 2016

Approved as Recommended

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

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:

- a. Adoption of Resolution Authorizing Quitclaim of Channel Easement, CUP 2014-121, Drainage Area "CW", Fresno 40 Limited Partnership (Zinkin) (Fresno & Audubon) *[two-thirds vote required]*
- b. Authorization to Distribute 2017 Clean Stormwater Grant Applications
- c. Report on Completion of Benefit Assessment Tax Processing for Placement on County Tax Roll
- d. Authorization to Execute Standard Developer Agreements:
 - (1) TPM 2015-006, Drainage Area "AX", G3 Development Company [Parnagian] (East & Central)
 - (2) Tract 6127, Drainage Area "3G", Woodside Homes (Barstow & Leonard)
- e. Authorization to Exercise Joint Powers Insurance Authority (JPIA) Small Claims Option, Property Damage, Samuel Pena, Drainage Area "FF" (Divisadero & G Street)
- f. Report of Public Concerns, August 2016

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

9. Presentation by PARS Representatives Regarding Computation of Other Post Employment Benefit (OPEB) Fees

Report submitted for informational purposes only, no action is required by the Board unless specific direction is to be given to staff.

Mr. Mitch Barker, representing PARS, showed a one page slide entitled, "OPEB Trust Net Performance/Fee Analysis as of June 30, 2016" to clarify the OPEB fees.

Director Rastegar noted this was an excellent presentation, and requested the Board be sent this information quarterly. Discussion was carried among Board Members and staff with respect to the fees. It was noted that at this point, PARS has done better than CalPERS.

Mr. Andrew Brown, representing Highmark Capital Management Investment, addressed the Board with respect to his thoughts on investment strategies for the District. Discussion was carried among the Board Members and Mr. Brown as to the District's investment options.

Mr. Hofmann clarified that according to the actuarial, the District needs \$4 million plus to take care of the past amount, for the future the District needs an additional \$3 million plus.

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

10. Authorization for the Installation of Field Lights at Basin “XX” (McKinley & Hughes) by the City of Fresno

It is recommended that the Board of Directors allow the City of Fresno Parks, Recreation, and Community Services Department to install field lights at Basin “XX” as outlined in this memorandum.

Mr. Sunamoto noted a correction to the Memorandum, specifically the first line should read, “The City of Fresno Parks, After School Recreation, and Community Services Department . . .” Also, the acronym should be PARCS not PRCS as shown in the Memorandum. He then introduced Ms. Irma Yepez-Perez, Senior Management Analyst and Mr. Manuel Mollinedo, PARCS Director, both with the City of Fresno.

Approved as Recommended

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

Mr. Mollinedo and Ms. Yepez-Perez thanked the Board, noting they are applying for a grant, and by partnering with the District at this Basin, this will provide additional green space for the City of Fresno.

11. Update on 2016 State Legislative Activity

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.

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

a. Recommendations from Priorities & Programming Committee:

(1) Authorization of Participation in Funding of Flood Water Facility Reoperation and Routing Study and Allocation of Funds

It is the recommendation of the Priorities & Programming Committee that the Board of Directors authorize the District's participation in funding of the Facility Reoperation and Routing Study. It is further recommended that the study be funded thru the 4th Quarter carryover.

Director Fowler expressed his concern with respect to this proposal, citing the Big Dry Creek Reservoir (Reservoir) not being a suitable site due to the lack of rising elevation, soil being clay and hardpan that does not percolate well, the considerable modifications that would be required, his belief the cost benefit ratio would be low, the lack of sufficient water to fill the site, operational issues, environmental issues, stagnant water causing smells and insect issues, the lack of public and neighbors' input, and questioned why the County of Fresno is not participating.

Responding to Director Fowler's question regarding the levy being certified after Hurricane Katrina, Mr. Hofmann stated the facility is classified as a dam, so the Division of Dam safety has the responsibility for insuring that it meets the dam safety requirements. He noted staff did have the Little Dry Diversion Channel levy certified.

Mr. Hofmann addressed some of Director Fowler's concerns; specifically the original design of the Reservoir had a permanent storage/recreational element as a component of it. He stated it was the Corps' intention to dig 3 feet of soil out to create a depth to allow fish to live in a permanent pool that would be approximately 4,000 acres, and it would require mitigation measures to re-establish habitat around the perimeter of the site. However, the Corps determined to take the recreational element out. Mr. Hofmann stated with the re-operation of the Reservoir, the City of Clovis has stated they believe the Dry Creek Channel from Friant Kern Canal to the Reservoir is the best chance for recharge they have. Mr. Hofmann concurred that certainly there were issues that needed to be looked at; however, he noted his belief that the benefits of re-operating the Reservoir to be able to hold additional stormwater, rather than just sending it to the San Joaquin River, was well worth the investigation.

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Discussion continued among Board Members and staff with respect to re-operating the Reservoir, the costs, the objectives, and the scope of work to be performed by Provost & Pritchard.

Director Burleson, noting that the Reservoir is the District's facility, stated his belief that the District needs to be involved and participate in the study as it is being proposed for our facility, and there are three other agencies who have agreed to participate and fund a portion of this study as well.

Responding to the Board Members' questions, Mr. Hofmann stated he believed the objective is to study the Reservoir, determine what the options are, and determine the requirements and ramifications. He concurred the need to have Provost & Pritchard better define the scope of work, as he realizes the scope outlined in the Memorandum exceeds what would be necessary under the proposed cost.

Director Fowler stated he could agree to this item, contingent upon the Board receiving a re-defined scope of work, and objective of the study, is it a full storage facility, or a limited recharge with some ability to hold storage. Responding to Director Burleson's question regarding the County of Fresno not participating, Mr. Hofmann stated the County does not have the funding to participate; however, they have been participating in the discussions. Director Fowler concurred that the County of Fresno does not have funds to participate.

Director Rastegar, reading the Minutes of the Priorities & Programming Committee, noted in the Minutes, it was reported that he requested Mr. Hofmann set up a meeting with the Corps as soon as possible, to verify the steps the District needs to take, to insure we are not just throwing money at a report that may not be useful.

Approved as Recommended Contingent upon the Board Receiving a Re-Defining of the Scope of Work, and the Objective of the Study, as to a Full Storage Facility or a Limited Recharge with some Ability to Hold Storage.

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

**(2) Authorization of Repairs of Trolley Creek Park, Basin “Y”,
(Huntington & Helm) and Allocation of Funding**

It is the recommendation of the Priorities & Programming Committee that the Board of Directors authorize the repairs at Trolley Creek Park as outlined in this memorandum. It is further recommended the Board allocate funding for the repairs from anticipated 4th quarter carryover funds.

Mr. Sanchez reviewed and showed photos of the Trolley Car and Trolley Creek Park.

Director Burleson noted he had personally toured the park and was pleasantly surprised with the excellent appearance of the park. He stated the overall concern is the long term maintenance of the park, and stated his belief of the need for the District to partner with someone to maintain the park, hopefully with Walmart since they are adjacent to the Park.

Director Fowler concurred noting maintenance has always been his concern with the District developing parks; that being said though, Director Fowler stated the District needs to maintain them, and cannot always rely on partners and/or grants.

Director Williams suggested volunteers through local businesses i.e. painting construction companies providing maintenance of the parks. Discussion was carried among Board Members and staff with respect to partnering with local businesses, possibly giving them naming rights, and the lack of willing participants to commit to long term maintenance. Mr. Hofmann noted staff had approached Walmart and they stated they were not interested in partnering for maintenance of this site.

Approved as Recommended

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

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b. Recommendation from Community Relations Committee:

(1) Authorization to Print the Summer 2016 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 Summer 2016 issue of the Flood Line newsletter, as reviewed and edited at the September 7, 2016 meeting of the Community Relations Committee.

Approved as Recommended

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

REPORT OF GENERAL COUNSEL

No items were reported.

CLOSED SESSION

The Board convened in Closed Session at 7:29 pm to consider the following litigation:

14. 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 7:43 pm. Mr. Price stated no reportable action was taken in Closed Session.

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ADJOURNMENT

Adjourned Board Meeting at 7:43 pm

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



ALAN HOFMANN
GENERAL MANAGER-SECRETARY



DATE