

ACTION SUMMARY MINUTES
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HELD WEDNESDAY, OCTOBER 26, 2016

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, October 26, 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
Daniel Rourke, Environmental Resources Manager
John Santos, Engineer
Paul Allen, Facilities Manager
Brandy Swisher, Staff Analyst
Andrew Remus, Staff Analyst
Esther Schwandt, Clerk to the Board

Lauren Layne, Assistant General Counsel;
Baker, Manock & Jensen

PRESIDING: Director Rastegar, presiding as Chairman called the meeting to order at 6:03 p.m. and Director Williams led the Pledge of Allegiance.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, OCTOBER 26, 2016
PAGE 2 OF 7**

2. REPORT OF THE GENERAL MANAGER:

Mr. Hofmann reported on the following: (1) staff distributed the Board Requests and Assignments Form to the Board; (2) staff is increasing security at the District campus; and specifically is locking the back and side doors, so a key card will be required to access the building from those doors; (3) staff distributed to the Board a Resolution for signature; he noted this Resolution is for an employee who will have 40 years with the District; at the request of the employee, a dinner meeting will not be held but rather the employee will attend the next Board Meeting to receive his framed resolution and congratulations from the Board; (4) the General Manager and Andrew Remus would be driving to Sacramento after this Board Meeting, noting tomorrow is the Little Hoover Commission meeting, which the General Manager will be testifying at; and (6) he announced the reappointments of Directors Groom and Williams and requested the Clerk to the Board administer the Oath of Office; Mrs. Schwandt then administered Directors Groom and William's Oath of Office;

3. APPROVAL OF MINUTES: Meeting of October 12, 2016

Approved as Recommended

Motion by: Groom Second by: Williams
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

5. ADDITIONS TO THE AGENDA:

There were no Additions to the Agenda.

6. POTENTIAL CONFLICTS OF INTEREST:

There were no Conflicts of Interest.

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, OCTOBER 26, 2016
PAGE 3 OF 7**

7. PUBLIC HEARING:

There were no Public Hearings scheduled.

8. CONSENT CALENDAR:

- b. Authorization to Exercise First Option Year of Developed Basin Maintenance Contracts, Clean Cut Landscape, Inc. and Elite Maintenance and Tree Service
- c. Authorization to Exercise Option Year of Master Maintenance Service Contracts
- d. Authorization to Exercise Second Option Year of Operations Center Landscape Contract, Central Valley Lawscapes
- f. Engineer's First Quarter Report of Developer Agreements, July 2016 through September 2016
- g. Ratification of Expenditures, Report of Fund Balances and Activity, September 2016
- h. Report on Rejection of Bid of Uniform Cost Accounting Contract, Contract "3G-51", Basin "3G" Sidewalk and Streetlight Improvements (Locan & Barstow)
- i. Authorization to Execute a New Agreement for Well Usage, Saiban (McKinley & Academy)

Director Burluson requested Agenda Items 8a and 8e be pulled.

Approved as Recommended, with the exception of Agenda Items 8a and 8e which were pulled.

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

**FMFCD BOARD MEETING MINUTES
WEDNESDAY, OCTOBER 26, 2016
PAGE 4 OF 7**

a. Acceptance of First Quarter Budget Report, Fiscal Year 2016-2017

It is recommended the Board of Directors accept the First Quarter Budget report ending September 30, 2016

Director Burleson questioned a discrepancy he believes he found on Attachment 2 (Variance Analysis) page 3, Item No. 6240 (Expenditures), noting it states, "*Improvements-Capital Projects was under budget by \$2,176,102 due to project delays*". It also states under the 5th bullet point, "*The pump station project for the Pup Creek Extension Basin (PEB) for \$1,260,000 is to be awarded at the second October meeting*". However, Director Burleson stated when you look at Agenda Item 8e, the Engineer's Estimate states that it is \$1.56 million. He questioned where the \$1.2 million came from. Mr. Merrill stated the \$1.2 million was the amount budgeted; however, when it is bid the Engineer's Estimate is then prepared.

Responding to Director Burleson's subsequent question regarding the bid being 7.9% below the Engineer's Estimate, Mr. Sanchez stated staff was awarding PEB-4 and PEB-6 together noting that the \$1.26 million was for only one of the pump stations. He stated the other pump station was in the Budget as an auxiliary pump at \$620,000 so the Agenda Item 8e states that staff had budgeted \$1.8 million noting this was the amount staff estimated when they were preparing the Budget. Mr. Sanchez stated when staff drew up the plans and did the actual Engineer's Estimate, the total project was estimated at \$1.5 million. Mr. Sanchez stated the 5th bullet point should have stated, "*The pump station project for the Pup Creek Extension Basin (PEB) for \$1,260,000 and the auxiliary pump at \$620,000 is to be awarded at the second October meeting*". Mr. Sanchez stated this is under the Big Dry Creek Grant Program, that there are two more components to be awarded, and staff anticipates approximately \$1 million in savings in the grant; and hopes to find another project, and go back to the grant and attempt to get another project funded.

Responding to Director Burleson's question as to when the work would get done, Mr. Sanchez stated this project would get done in this fiscal year.

e. Award of Contract "PEB-4/PEB-6", Pump Stations and Flood Control Facilities, Pup Creek-Enterprise Detention Basin (Herndon & DeWolf)

It is recommended that the Board of Directors award Contract "PEB-4/PEB-6" to JT2, Inc. dba Todd Companies in the amount of \$1,436,213.30.

Approved as Recommended for Agenda Items 8a and 8e

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

9. Adoption of Resolution Honoring Retiring Council Member William “Harry” Armstrong on his Service to the City of Clovis and his Partnership with the District

It is recommended the Board of Directors adopt the Resolution of Appreciation, as attached to the Board Memorandum, recognizing Councilmember Armstrong’s Contributions to the City of Clovis as well as the District.

Mr. Hofmann stated he would prepare a letter on behalf of the Board and the General Manager, thanking Council Member Armstrong for his service to the community and in particular this District. He stated he and Director Spina would then deliver the Resolution and letter to Councilmember Armstrong personally.

Approved as Recommended, Adopting Resolution No. 2016-856

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

10. Report on Formation of North Kings Groundwater Sustainability Agency

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.

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

- a. Report on Board of Directors Attendance at Various Meetings, Upper Kings Basin Regional Water Management Authority (UKBRWMA), Director Burleson**

It is recommended Director Burleson give a verbal report of the Upper Kings Basin Regional Water Management Authority (UKBRWMA) Board Meeting held on October 19, 2016.

Director Burleson gave a verbal report.

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

REPORT OF GENERAL COUNSEL

Mrs. Layne reported on Legislative items of interest to the District.

CLOSED SESSION

The Board then convened in Closed Session at 6:30 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 6:46 pm. Mrs. Layne stated no reportable action was taken in Closed Session.

FMFCD BOARD MEETING MINUTES
WEDNESDAY, OCTOBER 26, 2016
PAGE 7 OF 7

12. Rejection of Claim, DeYoung Properties, LLP

It is recommended that the Board of Directors authorize rejection of the attached claim.

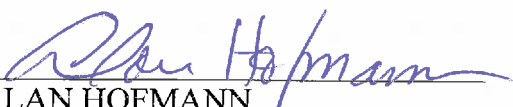
Approved as Recommended

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

ADJOURNMENT

Adjourned Board Meeting at 6:47 pm

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


ALAN HOFMANN
GENERAL MANAGER-SECRETARY

11/2/16
DATE