

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

Pursuant to notice, the Regular Meeting of the Board of Directors of the Fresno Metropolitan Flood Control District was held Wednesday, December 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
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, Senior Human Resources Analyst
Brandy Swisher, Staff Analyst
Denise Wade, Engineer
Andrew Remus, Staff Analyst
Esther Schwandt, Clerk to the Board

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

Cynthia Fidel, Jeffrey Scott Agency
Lowell J. Ens, Stone Soup

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

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2. REPORT OF THE GENERAL MANAGER:

Mr. Hofmann reported on the following: (1) he distributed a copy of an article from the Fresno Bee regarding the District having been awarded the California State Water Resources Control Board Proposition 1 Storm Water Grant Program Funds, which would be discussed further under Agenda Item 11; (2) the Clerk to the Board distributed the schedule for the 2017 Board Meeting dates and Board Packet distribution dates; Mr. Hofmann noted one correction to the Board Meeting dates, specifically Wednesday, March 23, 2017 should be Wednesday, March 22, 2017; (3) he and Director Spina met with former Clovis Councilmember Harry Armstrong and his wife Diane, to present Mr. Armstrong with the Resolution adopted by the District Board; he noted Mr. Armstrong was very appreciative, and appreciative of the District; and, (4) he reminded the Board that the first Board Meeting in January 2017 will be the Election of Board Officers, and shortly thereafter, will be the assignment of Committees and external appointments; he noted while it is time for the Board Committees to meet, he will hold off scheduling until the structure of the Committees has been decided.

3. APPROVAL OF MINUTES: Minutes of November 9, 2016

Due to their absence at the November 9, 2016 Board Meeting, Directors Rastegar and Williams abstained.

Approved as Recommended

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

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6. POTENTIAL CONFLICTS OF INTEREST:

There were no Conflicts of Interest.

7. PUBLIC HEARING:

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 (2017 Rate Schedule)

Staff recommends that the Board of Directors adopt the following:

- 1) 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 as set forth therein.
- 2) Direct staff to transmit the map and fee schedule amendments to the City of Fresno, City of Clovis, and the County of Fresno for adoption.
- 3) Find that adoption of said Resolution that adopt fees are exempt from further CEQA assessment per the provisions of Public Resources Code Section 21080(b)(8)(D).

Ms. Wade noted staff anticipates an additional cost adjustment is needed for Drainage Area “DN”, and as such, staff is requesting the Board schedule a separate Public Hearing for this additional cost, to give the public appropriate time to comment.

Responding to Director Fowler’s question as to the jump in construction prices, Mr. Sanchez stated the High Speed Rail and the City of Fresno’s treatment plant has kept pipeline contractors busy, so it is hard to get bids from these contractors due to the amount of work available. Director Fowler expressing concern with respect to the bids coming in higher, and the District having received the Proposition “1E” grant, which is a 30% grant, requested a report back to the Board as to how staff believes all this will affect the District’s Capital Projects Budget. In response to Director Fowler, Mr. Hofmann suggested staff take a good look at the Budget and the 5 year Financial Forecast, then present it to the Administrative and Priorities & Programming Committee for review at their meetings to be scheduled within the next few months. The Administrative and Priorities & Programming Committee would in turn make recommendations to the full Board.

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Director Spina concurred with Director Fowler's comments, and stated he believed this item should be reviewed as soon as possible. Responding to Director Spina's concern with respect to the Engineer's Estimate, Mr. Sanchez stated when staff prepares the Budget they estimate what the cost would be and insure there is sufficient funding allocated; however, when they prepare an Engineer's Estimate, they re-analyze the cost of the project using all the current data. Mr. Sanchez explained that it is rare for a project's costs to exceed the funding Budgeted.

Director Rastegar opened the Hearing for Public Comment, there being none, the Public Comment portion of the Hearing was closed at 6:17 pm.

Approved as Recommended, Adopting Resolution No. 2016-859, with the Exception of Drainage Area "DN", which is to be heard at a later Public Hearing.

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

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 to Execute Standard Developer Agreements:
 - (1) Drainage Area "AL", Central Unified School District (Weldon & Valentine)
 - (2) Drainage Area "BX", Tract 5720A, WC Clovis 5720A, LLC [Wathen-Castanos], (Harlan Ranch & Dewolf)
 - (3) Drainage Area "DN", Tract 6126, Lennar Homes, Inc. (Friant Road)

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- (4) Drainage Area “AX”, SPR 2015-122, North Pointe B.P., L.P. (Northpointe Drive)
- (5) Drainage Area “AI” Tract 5608, Mazen Al-Hindi (Hayes & Santa Ana)
- e. Authorization to Purchase Media Advertisement for the District’s Public Service Announcements, National Pollutant Discharge Elimination System (NPDES) Stormwater Quality Permit Compliance
- f. Authorization to Sign Agricultural Lease Agreement, Rob Porcella, Fancher Creek Reservoir
- g. Award of Contract “NN-8”, Construction of Relief Line and Canal Check Structure (Church & Valentine)
- h. Ratification of Expenditures, Report of Fund Balances and Activity, November 2016
- j. Report of Public Concerns, November 2016
- k. Report on Other Post Employment Benefit (OPEB) Investment Returns
- l. Report on Recent Activities of the North Kings Groundwater Sustainability Agency
- m. Update on 2016 State Legislative Activity
- n. Report on Recognition by Association of California Water Agencies Joint Powers Insurance Authority (ACWA/JPIA) of District’s Low Loss Ratio Award Regarding the Worker’s Compensation Program, and Liability Program

Director Spina requested Agenda Item 8i be pulled.

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Approved as Recommended, with the Exception of 8i which was Pulled

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

i. Report of Pollutant Discharge Incidents, November 2016

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

Responding to Director Spina's concern that the District is not being consistent in its approach to items as listed in the report, Mr. Rourke concurred noting with respect to the 11/9/2016 item which states "The address should be reported to the City of Fresno as a likely zoning violation.", staff will insure this item is reported to the City of Fresno, and will insure consistency in the future, in particular, with respect to reporting items of concern to the respective agencies.

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

9. Authorization to Sell Excess Property, Pup Creek Channel (Oxford Avenue n/o Barstow Avenue) [two-thirds vote required]

It is recommended that the Board of Directors authorize the sale of the property to two (2) adjacent property owners, Georgellen Parker (APN 497-102-24) and Patrick and Shawn Lee (APN 497-102-29), in the amount of \$550 and \$1,450, respectively, as shown on Exhibit No. 1. The sum of the two (2) purchase prices equal the property's appraised value of \$2,000.00. (To-thirds vote required)

Approved as Recommended

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

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10. Award of 2017 Clean Stormwater Grants

It is recommended the Board of Directors award the 2017 Clean Stormwater Grants totaling \$15,000 for projects recommended for funding in Attachment No. 1. Additionally, it is recommended the Board authorize staff to distribute the attached press release regarding the grant awards (Attachment No. 2).

Approved as Recommended

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

11. Report on Award of California State Water Resources Control Board Proposition 1 Storm Water Grant Program Funds for Fresno Storm Water Capture, Retention and Reuse Project

This report is for informational 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.

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

- a. Report on Board of Directors Attendance at Various Meetings; ACWA 2016 Fall Conference and Joint Powers Insurance Authority (JPIA) Board of Directors' Meeting, November 28 – December 2, 2016, Anaheim, California, Director Groom**

It is recommended Director Groom give a verbal report of the ACWA JPIA 2016 Fall Board of Directors' Meeting held on November 28 through December 2, 2016 in Anaheim, California.

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Director Groom gave a verbal report of the JPIA Board Meetings. He requested Mr. Merrill prepare an example for the employees so they know the advantage of starting a Health Savings Account, noting that it is such a win/win for both employees and the District. Mr. Hofmann stated staff will make a concerted effort next year to insure employees are purposely made aware of the benefits of a Health Savings Account.

Mr. Price stated Doug Jensen and Lauren Layne also attended the ACWA Conference. Mr. Hofmann noted he also attend the JPIA portion and the ACWA Conference.

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

REPORT OF GENERAL COUNSEL

Mr. Price stated there were no items to report.

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:

- 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)

A Closed Session was not convened.

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ADJOURNMENT

Adjourned Board Meeting at 6:39 pm

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



ALAN HOFMANN
GENERAL MANAGER-SECRETARY

1/5/17

DATE