

**FRESNO IRRIGATION DISTRICT  
MINUTES OF THE REGULAR MEETING  
HELD FEBRUARY 21, 2007**

Fresno Irrigation District's Board of Directors met in regular session at the District office located at 2907 South Maple Avenue – Fresno, California on February 21, 2007. Meeting was called to order at 5:00 pm by Board President Jeff Boswell.

**DIRECTORS PRESENT**

President Jeff Boswell  
Vice President Jeff Neely  
Eddie Niederfrank  
Steven Balls  
Tom Steffen

**DIRECTORS ABSENT**

None

**STAFF PRESENT**

General Manager/Secretary of the Board Gary R. Serrato  
Assistant General Manager Laurence Kimura  
Watermaster Jim Irwin  
Chief Engineer Bill Stretch  
Human Resource Director Regina Davis  
Controller DeAnn Hailey  
Recording Secretary Lynn B. Rowe

**OTHERS PRESENT**

Legal Counsel Dan Dooley  
Independent Reporter Don Wright  
Landowner Mike Singh  
Consultant/Engineer Doug Cusumano

**REVIEW AGENDA**

Staff requested that item 6 c. be move to the beginning of the meeting.

**ENGINEER'S REPORT**

- c. **Developer Project – Mike Singh is proposing to defer piping the Viau Canal #25 located N/W American and Maple Avenue in accordance with Board Policy. Action Request 2007-05**

Mr. Mike Singh is proposing to develop a portion of APN 330-211-22 into a truck maintenance shop and asphalt parking lot located northwest of American and Maple Avenues. Mr. Singh is requesting that FID defer the piping of 1,535 feet of open canal and the replacement of the 310 feet of existing 30" diameter cast-in-place concrete pipeline at this time. His request is based on the fact that he is only developing 2.25 acres of an 8.75 acre parcel and does not expect to develop the remainder for a minimum of 3-5 years.

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Staff's recommendation is to:

1. Approve the pipeline deferral in accordance to Board Policies No. 100.1 with a small variance. The piping of the canal shall be deferred until the remainder of the parcel is developed or at an earlier date if requested by the developer
2. The developer must enter into a Pipeline Deferral Agreement with FID with a minor variance to Policy 100.1. Staff recommends the fee for the agreement be reduced to a flat fee of \$330 instead of paying yearly plan review fees as the policy states
3. The developer must grant FID an easement where the existing open canal runs along the south side of the parcel
4. FID will not require a pipeline substitution this time. The agreement will be required when the canal is piped coinciding with the development of the remaining 6.5 acres develops
5. That the president, chief engineer and secretary of the board be authorized to sign and accept all agreements, documents and maps pertaining to all phases of the project

After much discussion and several questions from Board Members to the Chief Engineer, the Board suggested that an agreement be drawn up by legal counsel, Dan Dooley, which includes language for a time limit (with possible extensions), location of pipeline and liability issues.

**Boswell's proposal:**

(Cast-In-Place) A five-year deferral of the cast-in-place pipe with the right to revisit that at any point in time when the county widens the road; or other development occurs along Maple Avenue that requires a re-alignment of the canal; or when the canal leaks and FID decides it needs to be fixed. The deferral is for five years, at which time the District may require the improvement to occur.

(Open Ditch) We (District) require a grant of easement now and that we defer the piping of that ditch on the same agreement predicated upon a triggering event as stated for cast-in-place pipeline. Director Boswell also suggests language addressing any possible liability issues with flooding or if the property is sold.

**M/S/C/(Niederfrank/Balls)** That Board of Directors approve having Dan Dooley prepare an agreement for the deferment of the piping at the canal located at APN 330-211-22 by unanimous vote. (Ayes 5, Nays 0, Absent 0, Abstain 0)

**REVIEW OF FUTURE MEETINGS**

Mr. Serrato asked that the Regular Board meeting scheduled for March 21<sup>st</sup> be moved to March 28<sup>th</sup>. Mr. Serrato will be out-of-town the week of March 19<sup>th</sup>.

**PUBLIC PRESENTATION**

None

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**POTENTIAL CONFLICTS OF INTEREST**

**(Any Board Member who has a potential conflict of interest may now identify the item and recuse themselves from discussing and voting on the matter.) [FPPC §87105]**

None stated

**CONSENT CALENDAR**

**a. Approval of Regular Meeting Minutes – February 7, 2007**

**M/S/C/(Balls/Neely)** That Board of Directors approve the Consent Calendar by unanimous vote. (Ayes 5, Nays 0, Absent 0, Abstain 0)

**380: WATER REPORT**

**a. Current water conditions**

Watermaster Jim Irwin reviewed the current and projected water supply. As of February 20<sup>th</sup>, Pine Flat release was 658 cfs which met all Exhibit “C” and “D” Flow requirements. Pine Flat precipitation to date is 5.57 inches which is 44.9% of average. Mr. Irwin stated with the current outlook, if the area received normal precipitation, the District would be able to deliver water for four months.

With the current forecast, there will not be any Class II water to provide to the annexed areas. Staff is requesting to begin searching for a Friant supply to be delivered to the annexed areas at cost plus 25% administrative fee.

**M/S/C/(Neely/Niederfrank)** That Board of Directors approve to allow Staff to locate and purchase water for the annexed areas at cost plus 25% by unanimous vote. (Ayes 5, Nays 0, Absent 0, Abstain 0)

**CHIEF ENGINEER’S REPORT**

Chief Engineer Bill Stretch reported on the following items:

**a. Developer and Agency Project Schedule for 2006/07 – Brief update of on-going projects**

**Developer Projects** – FID is currently processing 30 Developer pipeline projects for the 2006-07 maintenance season. There are four projects in progress with 14 being completed since April 1, 2006. The four on-going projects impact the following canals: Victoria Colony Canal located southeast of Shields and Valentine Avenues, Brown Canal located southeast of Ashlan and Locan Avenues and two projects on the Dawson Canal located southwest of Shaw and Fowler Avenues.

**Agency Projects** – FID is currently processing ten Agency bridge/pipeline projects for the 2006-07 maintenance season. Currently there is one Agency projects in progress and eight have been

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completed since April 1, 2006. The one project in progress is the City of Fresno constructing a bridge where the Central Canal crosses Minnewawa Avenue north of Church Avenue.

**b. Running Horse Development & Kearney Basin Project Update**

A meeting has been scheduled for Thursday, February 22<sup>nd</sup> with the new owner, two area landowners, FID staff and District legal counsel, Alex Peltzer.

**ASSISTANT MANAGER'S REPORT**

Assistant Manager Laurence Kimura reported on the following:

**a. Nielsen Site Rubble Pile Update**

There has been no significant change in Mr. Erickson's operation. They continue to sort and crush the materials found in the pile. Rubble containing aggregate continues to be brought onto the site.

**b. Waldron Banking Project Update**

Dawson-Mauldin continues to work on the Waldron project. The majority of the work at all three sites has been completed. The flow sensors at the Lambrecht site still need to be installed at the end of this week and some electrical work still remains to be completed.

Staff is still working on finalizing the Well Equipping Contract with Steve Dovali Construction. The contractor still needs to provide the bonding and insurance submittals.

There has been no change in the financial status of the project since the last report.

**c. District Office**

The Building and Grounds Committee met with Staff on February 9<sup>th</sup>. Options were discussed for addressing office needs and upgrading the office facilities. The cost scenario options evaluated by SIM Architects in 2006 were reviewed. Four options were presented:

1. Minimal upgrade of existing building (\$1,035,046 – this option was not recommended by the architects/consultants)
2. Remodel interior space and modify building (\$3,385,184)
3. New office building at current site (\$5,657,733)
4. New office at Nielsen site (\$5,388,951 assuming \$2 million is raised by selling existing office site – otherwise \$7,388,951)

The discussion covered raising the bond amount and extending our bond period from 20 years to 30 years. Annual payments would only increase by an estimated \$20,000 per year, should the District decide to raise the amount to \$15 million. Direction from the Building and Grounds Committee was to explore the construction of a new building on the District's current site.

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Staff is requesting a motion of the Board for Staff to proceed with increasing the bond amount and to move forward with Option No. 3 of constructing a new building at the Maple Avenue location. Legal counsel suggested preparing a resolution for the bonding committee.

**M/S/C/(Balls/Niederfrank)** That Board of Directors approve proceeding with Option No. 3, and increase the bond amount to \$15 million and to do the necessary research, including financing, and to provide a final set of plans for the Board by unanimous vote. (Ayes 5, Nays 0, Absent 0, Abstain 0)

**d. General Maintenance and Equipment Update**

Maintenance personnel continue to be busy with winter maintenance projects. Heavy equipment operators continue to rip and remove sediments from the Waldron-Lambrecht site. The graders are in the southern and western areas of the District. Brush removal work was completed on the Fancher Creek between Sunnyside and Fowler Avenues, except for a small pocket of bamboo. Maintenance personnel are finishing up with miscellaneous items at Basin CS and the liner is being repaired on the East Branch near Kings Canyon Road. Pipelines and gates continue to be repaired throughout the District. Mr. Kimura presented a slideshow reviewing some of the maintenance work and construction that has been taking place in the District. The Maintenance Report covering January 16<sup>th</sup> – February 15<sup>th</sup> was walked-in.

**MANAGER'S REPORT**

General Manager Gary Serrato reported on the following:

**KINGS RIVER WATER ASSOCIATION**

**Kings River Fishery Management Program (Implementation Agreement)**

All the signatures have been obtained for all agreements of the re-opener settlement package. The KRWA Watermaster will now begin to administer the fisheries management program under the new implementation agreement.

**Water Rights Fees**

As stated at the last Board Meeting the Water Rights Fees were upheld by the Appellate Court as illegal. At this time it is unclear on how or when KRWA will receive their refund, if any. The State Water Resources Control Board has 180 days to refund the money to those agencies that protested. The refund covers years 2003 and 2004.

**Upper Kings River Water Forum**

The Upper Kings River Water Forum met to continue discussions on the Integrated Regional Water Management Program. Staff was informed by Assembly Member Juan Armbrula's office that the Department of Water Resources was considering a second round for Proposition 50 funding.

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**KRWA Planning**

The group continues to meet and discuss issues pertaining to KRWA's mission.

**FRIANT WATER AUTHORITY / FRIANT WATER USERS AUTHORITY**

Work continues on the senate and house bills that would finance the San Joaquin River restoration. Mr. Dooley will be traveling back to Washington DC, within the next week to participate in the funding hearings.

**OTHER ISSUES**

**Ag Waiver Discharge**

Coalition registration information has been turned over to the Regional Board. The deadline to sign up was December 31, 2006.

**DWR Proposition 2025 Grant Presentation**

The Department of Water Resources presented the District with a \$300,000 check earlier today. There was a small attendance but it was well received.

**ADMINISTRATIVE MATTERS**

**a. Purchase of Board Room Chairs**

Staff reviewed the new options for Board Room chairs. There were three options to choose from with the Directors selecting chair #3 for \$99.99 (plus tax). Staff also suggested selecting four guest chairs at \$96.99 each (plus tax) to replace the folding chairs we are currently using.

**M/S/C/(Niederfrank/Neely)** That Board of Directors approve purchasing 14 Board Room chairs at a cost of \$99.99 each and four guest chairs at a cost of \$96.99 each (plus applicable tax) by an unanimous vote. (Ayes 5, Nays 0, Absent 0, Abstain 0)

**b. ACWA Spring 2007 Conference – Sacramento, CA**

Directors Steffen and Boswell indicated they will be attending the spring conference. Directors Niederfrank and Balls will not be attending and Director Neely will make a decision after checking his calendar.

**DIRECTORS' REPORT**

None

**CLOSED SESSION**

The Board went into Closed Session at 7:27 pm.

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**Conference with Legal Counsel–Anticipated Litigation (Government Code Section 54956.9(b)).** The Board met in closed session to confer with counsel on potential litigation arising out of the District’s handling of 39 Certificates of Sale resulting from delinquent charges and assessments. On advice of counsel, the Board has concluded that, based on existing facts and circumstances, there is significant exposure to litigation against the District.

**Natural Resource Defense Council vs. Rodgers (Government Code Section 54956.9).** The Board conferred with counsel on pending litigation.

**Government Code Section 54957.** Personnel Matters.

**REPORT OF ACTION TAKEN IN CLOSED SESSION**

Closed Session adjourned at 7:35 p.m. with President Boswell stating the Board of Directors had nothing to report.

**ADJOURNMENT**

President Boswell adjourned the meeting at 7:36 p.m.

Respectfully Submitted,

Gary R. Serrato  
Board Secretary