

**FRESNO IRRIGATION DISTRICT  
MINUTES OF THE REGULAR MEETING  
HELD OCTOBER 15, 2013**

Fresno Irrigation District's Board of Directors met in regular session at the District office located at 2907 South Maple Avenue – Fresno, California, on October 15, 2013. Meeting was called to order at 5:00 p.m. by Board President Ryan Jacobsen.

**DIRECTORS PRESENT**

President Ryan Jacobsen  
Vice President Steven Balls  
Jeff Neely  
George Porter  
Gregory Beberian

**DIRECTORS ABSENT**

None

**STAFF PRESENT**

General Manager Gary Serrato  
Assistant General Manager Laurence Kimura  
Assistant General Manager of Operations Bill Stretch  
Watermaster Jim Irwin  
Controller DeAnn Hailey  
Human Resources Director September Singh  
Recording Secretary Lynn B. Rowe

**OTHERS PRESENT**

Landowner Mark Haupt  
Landowner Dennis Haupt  
Landowner Gary Christensen  
Blankinship and Associates Representative Mike Blankinship

**REVIEW AGENDA**

Staff requested that items 11 f. and 9 c. be heard immediately following *Item 4. Potential Conflict of Interest*. The Directors approved the request.

**REVIEW OF FUTURE MEETINGS**

No changes.

**PUBLIC PRESENTATIONS**

No presentations.

**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.

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**ADMINISTRATIVE MATTERS**

- f. **Thompson Canal – Mr. Dennis Haupt, Mr. Mark Haupt, and Mr. Gary Christensen to Discuss Privately Owned Bridges**

Mr. Mark Haupt spoke for the Haupt Family. Mr. Haupt presented the Board with an engineer's report developed for the Haupt's bridge over the Thompson Canal. Mr. Christensen also distributed an engineer's report regarding his bridge over the same canal. Mr. Serrato stated that since Staff had just received the report, Staff needs time to review it. The Board will hear this item at the next regular Board meeting.

**ASSISTANT GENERAL MANAGER'S REPORT**

Assistant General Manager Laurence Kimura reported on the following:

- c. **Mitigated Negative Declaration for Use of Copper & Acrolein to Control Aquatic Vegetation (Resolution 2013-03) Action Item**

Mr. Kimura introduced to the Board Mr. Mike Blankinship of Blankinship and Associates. Blankinship and Associates assisted Staff with the CEQA process and is currently working on the Aquatic Pesticide Application Plan (APAP). Federal and State regulations require a National Pollution Discharge Elimination System (NPDES) permit for residual aquatic pesticide discharges to waters of the United States. As part of the NPDES permit, an APAP must be submitted. Products such as copper and Magnacide are not on the State's approved list and; therefore, requires an exception for its use. An environmental review under CEQA is required for that exception.

It was determined that a mitigated negative declaration under CEQA was required for the exception under the State Implementation Policy. The District filed a Notice of Intent to Adopt a Mitigated Negative Declaration at the County of Fresno and a Notice of Completion at the State Clearinghouse. The 30 day review period ended on October 9, 2013. Only one comment was received; it being from the Native American Heritage Commission (Sacramento, CA) and Staff provided a response.

It is Staff's recommendation to approve the Mitigated Negative Declaration which has been determined to be adequate to address any environmental effects of the SIP exception and recommends that the attached Resolution 2013-03 be adopted.

Mr. Blankinship answered general questions from Board Members.

**M/S/C/(Porter/Balls)** That the Board of Directors approved Resolution 2013-03 by the following roll call vote. (Ayes – Balls, Jacobsen, Porter, Neely; Nays – 0; Absent – 0; Abstain – Beberian)

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**CONSENT CALENDAR**

- a. **Approval of Regular Board Meeting Minutes – September 17, 2013**
- b. **September 2013 Check Register**
- c. **September 2013 Payroll Registers**
- d. **September 2013 Unpaid Assessment Report**
- e. **September 2013 Investment Account**
- f. **Developer Pipeline Project – De Young Homes (Tract 5657A) Will Pipeline the Reyburn Canal No. 380 Located Southwest of Bullard and DeWolf Avenues in Accordance With Board Policy. Action Request 2013-15**

**M/S/C/(Neely/Porter)** That the Board of Directors approved the Consent Calendar by unanimous vote. (Ayes – 5; Nays – 0; Absent – 0; Abstain – 0)

**CONTROLLER'S REPORT**

Controller DeAnn Hailey reviewed the following financial reports:

- a. **August 2013 Fund Statement**
- b. **August 2013 Notes to the Fund Statement**
- c. **August 2013 Treasurer's Report**
- d. **August 2013 Deposits and Investments**

Ms. Hailey stated that the September and October financial reports should be ready for Board approval by the next meeting. The new accounting software program has slowed-up providing the reports while the Accounting Staff becomes familiar with the new program. Staff also anticipates providing the 2014 Budget by the next meeting. The District has received 99% of its anticipated 2013 revenue. Wages and Salaries are on target and Employee Benefit expenses are slightly below budget for the month of August.

**M/S/C/(Porter/Balls)** That the Board of Directors approved the financial reports as presented by Staff by unanimous vote. (Ayes – 5; Nays – 0; Absent – 0; Abstain – 0)

**WATER REPORT**

- a. **Current Water Conditions Report**

Watermaster Jim Irwin reported on the current and projected water supply information. As of October 14, Pine Flat release was 216 cfs with storage at 155,714 acre-feet. The pre-project for the Kings River is at 158 cfs. The District delivered approximately 5,600 feet of Hardship Water to east side growers during the months of August and September. Reclaim water will conclude on the Dry Creek Canal to allow for an herbicide application at the end of October; however, the Houghton Canal could continue into November if there is enough demand.

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**ASSISTANT GENERAL MANAGER - OPERATIONS REPORT / ENGINEERING AND MAINTENANCE (formerly known as the Chief Engineer's Report)**

Assistant General Manager of Operations Bill Stretch reported on the following items:

**a. Developer and Agency Project Schedule Update for 2013-2014**

**Developer Projects** – The Helm Colonial W. Branch project at Nees and Peach avenues has been completed. Pressure testing has been done and no leaks were detected.

A current project on the Jefferson Canal is taking place. Approximately 235-feet of old 42-inch concrete pipe and open canal is being upgraded with 48-inch of RGRCP at Barstow and Leonard avenues.

**Agency Projects** – PG&E is conducting a large gas modernization project which will impact eight of our crossings; to date, six have been completed and there have been no issues. Along with improvements to main gas lines, PG&E is also upgrading services to the private landowners.

**California High Speed Rail Update (CHSR)**

There are no major updates at this time. The Sacramento County Superior Court judge has asked both parties for additional information on the lawsuit filed by Kings County et al. The parties are expected to hear a decision by the end of November. Staff met for the second time with the contractor group (TPZP). Staff was informed of who the contacts will be and was given more information on how the “design-build” contract will work. CHSRA is waiting to receive their “Notice to Proceed” (NTP); and once that happens, aerial surveying, ground surveying, and prioritizing projects will take place. In the fall of 2014, the tunnel underneath Highway 180 (where the District's Dry Creek Canal is located) may be one of the District's first impacted facilities. Staff will continue with the updates at the next meeting.

**b. Landowner Initiated Projects Update for 2013-14**

Currently there are no projects in progress.

**c. FID Projects Update for 2013-14**

**Waldron Recovery Well #104: Equipping** – the project is all but done. The painting and paneling have been completed with only the fencing yet to be done. PG&E is starting to install power poles at the site so optimistically there should be power in about five weeks and testing can begin soon afterwards. SCADA Integrator will put in the monitors once power has been established.

**Capital Improvement Projects** – the Engineering Staff is gathering survey information, preparing plans, and construction schedule.

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Limbaugh Pond – FID’s crews are constructing a long crested weir at the Limbaugh Pond which will take the fluctuations off the East Branch Canal (Olive and McCall avenues).

G-2 Canal – FID’s crews are making repairs to an old unreinforced concrete box structure (Ashlan and Vinland avenues). Staff will most likely replace this structure within the next two years.

G-2 Canal – FID’s crews made pipeline repairs due to lateral cracking (w/o Vinland Avenue).

Dane Canal – at a cost to landowner Robert Markarian, FID’s crews relocated a 16-inch turnout (Central and Hughes avenues).

**d. General Maintenance Update for 2013-14**

- Brushing crew pruned trees at the FID office;
- Brushing crews worked to remove trash from a homeless camp along the Herndon Canal (Fruit and West avenues);
- Brushing crews removed debris from the Briggs Canal and trimmed up trees and shrubs along the canal banks (Temperance Avenue);
- Crews installed a catwalk with trashrack;
- Crews removed trees along the Thompson Canal (Dakota and Jameson avenues);
- Dredging crews removed sand from the bottom of the Herndon Canal (McKinley and Millbrook);
- Crews continue to work on gate repair, pipeline repairs, and riprap work;
- Spray crews are out spraying in the District as weather permits;
- Crews continue to clean-up homeless encampments along canal banks throughout the District; and
- “No Trespassing” signs are being installed along canal banks.

Mr. Serrato stated that Staff has been working with several area law enforcement agencies to try and control the outbreak of homeless encampments. Now that the “No Trespassing” signs have been installed along some of the canal banks, officers / deputies now have the authority to arrest trespassers along those banks.

Crews will start this week on the earthwork improvements and additional rip-rap installation along the Thompson Canal. Crews will also be constructing a new long-crested weir near Dakota and Jameson avenues. The improvements are expected to take about four weeks.

Staff and the Board discussed the issues of the District’s liability, bank reduction, larger equipment use, and other bridges of similar age as it pertains to the Thompson Canal privately owned bridges.

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During the regular September Board meeting, Staff proposed a pipeline project on the Kennedy #2 Canal that was initiated by several landowners. The landowners proposed the District provide the labor and equipment and the landowners would provide the materials. The Directors discussed the project and then decided that Policy 200-108 (which this project would fall under) needed to be reviewed. At the direction of Board President Jacobsen, an Ad Hoc Committee (consisting of Directors Jacobsen and Beberian, Gary Serrato and Bill Stretch) was formed. The Committee held a meeting on October 3 to start the review process of the policy. Staff was directed to develop criteria on how the District would choose to work on projects. Director Jacobsen stated the policy needs to be narrowed down, not so subjective, and a stricter criteria needs to be developed. It was also discussed that up-front fees should be collected for items such as permits and Engineering time. Staff was also attempting to contact the landowners to see how serious they are about the project – Staff has not been able to get a hold of them.

**ASSISTANT GENERAL MANAGER’S REPORT**

Assistant General Manager Laurence Kimura reported on the following:

**a. Nielsen Site Rubble Pile**

Staff received the letter from the County of Fresno stating that the County has determined the work performed at the site was in accordance with the work plan and that the post-closure issues have been resolved. The property is scheduled to be inspected on a quarterly basis. Staff will continue to control the weeds, keep water from pooling, and not allow buildings to be constructed on the property.

**b. District Office Plan**

Phase C of the office plan is to demolish the old building, perform curb and gutter work on Edgar Avenue, move a portion of the perimeter fence, increase the parking lot, and put in landscaping. The project was advertised in September for three weeks. Prior to the October 9 bid opening, two mandatory walk-throughs were held – Mark Wilson Construction came in as low bidder. The District will be within the architect’s budget provided in 2009 without adding for inflation. Director Neely expressed his concerns about the number of change orders on construction projects. Director Beberian inquired about bidding the project under three to four different contractors.

**Break**

A short break was taken at 6:30 pm until 6:45 p.m. during which time no District business was discussed.

**ASSISTANT GENERAL MANAGER’S REPORT continued**

Assistant General Manager Laurence Kimura reported on the following:

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**b. District Office Plan (continued)**

Staff explained that it would not be practical for this project to be sub-divided due to the work that intertwines with other parts of the project (electrical, sewer line for car wash, lights, fence re-alignment and alarm). Staff also believes that the project cost of having everything under one contractor would be close to that of having it divided up under multiple contracts. It also makes it easier to address defects and warranty issues when the responsible party is easily identifiable under one contract.

**M/S/C/(Porter/Balls)** That the Board of Directors approved accepting Mark Wilson Construction as low bidder to perform Phase C of the office project as presented by Staff by the following vote. (Ayes – Balls, Jacobsen, Porter, Neely; Nays – Beberian; Absent – 0; Abstain – 0)

**d. Equipment Update**

In 2012, a 14-foot flatbed trailer with a concrete mixer was purchased to replace an old flatbed. There were multiple mechanical issues with the truck. Staff recommends that we dispose of the 1979 Ford F-600 and asked for the Board's concurrence. The Board concurred with Staff's recommendation.

**MANAGER'S REPORT**

General Manager Gary Serrato reported on the following:

**KINGS RIVER WATER ASSOCIATION**

**Pre-1914 Water Rights**

The review of the study conducted by the State Water Resources Control Board is expected to be completed in the next week or two.

**State Water Right Fees Legal Determination**

The California Supreme Court ruled that the State Water Right Fees were legal; however, the way the State Water Resources Control Board is collecting the fees was deemed to be illegal. The SWRCB met and approved the collection of the fees as they have been doing in the past. Staff believes the SWRCB is preparing for litigation and is stalling for time which will allow them to construct a method to legally collect the fees. The fees have been increased by three percent (3%) for 2014 – FID's portion of the KRWA fees will be approximately \$50,730.

**FRIANT WATER AUTHORITY**

**Friant / Bureau Negotiations**

Due to the federal government shut-down, Friant has not been able to discuss the following with the Bureau: recapture / recirculation; groundwater banking; and rescheduling guidelines.

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**OTHER**

**Kings Basin Groundwater Meeting**

The Kings River Conservation District (KRCD) hosted a Kings River Watershed Coalition Authority meeting on October 15 to discuss a number of issues, including an Irrigated Lands Regulatory Program update. The meeting immediately followed the Kings River Water Association meeting. Discussions included irrigated lands, regulatory programs, management practices – evaluation processes, data reporting requirements, and the CV-SALTS program (Central Valley Salinity Alternatives for Long Term Sustainability).

**City of Fresno / Fresno Irrigation District Meeting Update**

Mr. Serrato reported that FID Staff (Laurence Kimura, Bill Stretch, and Gary Serrato) met with the City of Fresno's Staff to discuss FID operations. FID explained to the City all the components that are applied in the development of routings that Watermaster Jim Irwin presents to the FID Board. This aids in the Board's decision when surface water deliveries to users would begin. The information was well received by the City and the overall meeting was positive. FID and the City are scheduled to meet again on October 16.

**Kings Basin Water Authority**

The California Department of Water Resources has released the Draft Funding Recommendations for the Proposition 84 – Round 2 Implementation Grant Program. The KRWA application scored the highest in the state and was recommended to receive its full funding request of \$8,734,000.

The Grant will be applied to the following projects:

- 1) City of San Joaquin Water Supply Reliability & Conservation Project
- 2) Fresno Irrigation District Southwest Groundwater Banking Project
- 3) Laguna Irrigation District Recharge Basin 11 Project
- 4) Bakman Water Company Water Supply Reliability and Conservation Project
- 5) City of Kerman Residential Water Meter Project.

FID will be receiving approximately \$3.4 million for its project. Proposition SBX 7-7 will not affect this grant funding; however, it will affect future California State Grant opportunities.

**Fishery Management Meeting**

It was reported at KRWA that water temperature was not a factor this year for the Fishery Management Program. Releasing water from the lower level sluices gates created some challenges in meeting the dissolved oxygen standard. KRCD addressed the issue by injecting oxygen into the water which raised the oxygen to within acceptable levels.

A fish count will take place in November along the Kings River. Along with staff from the other KRWA member agencies, FID Staff will participate again this year.

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**Legislation**

During the KRWA meeting, legal counsel Gary Sawyers discussed AB 426 (Salas). The Bill states: *Existing law regulates water transfers and, among other things, allows a permittee or licensee to temporarily change the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights if the transfer would only involve the amount of water that would have been consumptively used or stored by the permittee or licensee in the absence of the proposed temporary change, would not injure any legal user of the water, and would not unreasonably affect fish, wildlife, or other instream beneficial uses. Under existing law, any water right determined under a court decree issued after January 1, 1981, is transferable, as specified.*

**Sacramento Conference Participation**

Mr. Serrato was asked to participate in a panel discussion concerning groundwater and how each region within the State is addressing this issue. Mr. Serrato shared the discussion of how the Board of Supervisors of San Luis Obispo County is no longer allowing land to be put into permanent plantings due to a critical shortage of groundwater. Monterey County is dealing with the intrusion of saltwater into that area's groundwater.

**San Joaquin Valley Groundwater Overdraft – Information Forum**

A one-day event will take place on November 18 at the World Ag Expo in Tulare to discuss the Valley's overdraft of groundwater. Mr. Serrato highly encourages any Director who would like to attend to call Staff regarding registration.

**ADMINISTRATIVE MATTERS continued**

**a.     Damage Claim – City of Kerman (Action Item)**

Mr. Serrato explained that in June 2013, Sebastian Telephone had bored through a FID pipeline causing a leak. The leak caused damage to Vineland Avenue. Staff recommends denying the claim from the City of Kerman and forwarding it to JPIA. Staff will also be pursuing further discussions with Sebastian.

**M/S/C/(Balls/Porter)** That the Board of Directors denied the claim and to submit it to JPIA for further consideration by unanimous vote. (Ayes – 5; Nays – 0; Absent – 0; Abstain – 0)

**b.     Damage Claim – Tinicia McPeters**

In early September Ms. McPeters was traveling south on Highway 99 when she claims a rock from an FID water truck caused a chip on her windshield. After investigating the claim, it was determined that a FID vehicle was in that area at the time. Staff recommended paying the \$175.00 to fix her windshield. Director Neely moved that the claim be paid and Director Porter seconded it. Director Jacobsen asked for further clarification of the claim. After additional discussion, it was determined that it was just an accident (hazard of the road) and that FID was not responsible. Director Porter removed his second. Staff will write Ms. McPeters and inform her of the outcome.

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**c. Efficiency Report Update**

Staff has met with the Personnel Committee and has received direction of what the Board would like to see in the Efficiency Report. Once the information has been gathered and put together, Staff will report to the Board.

**d. Revision of the Bylaws for Association of Metropolitan Water Agencies**

Over time, AMWA has decreased in the number of meetings and attending agencies. The remaining members in AMWA are interested in participating at an informational level which means the bylaws need to be changed to reflect the role of the association. The AMWA's current bylaws were last updated in 1991. Staff recommends the Board approve the proposed change to the bylaws which will then state that AMWA is a voluntary organization.

**M/S/C/(Balls/Porter)** That the Board of Directors approved the change in the Association of Metropolitan Water Agencies Bylaws to reflect it as a voluntary organization by unanimous vote. (Ayes – 5; Nays – 0; Absent – 0; Abstain – 0)

**e. Mid-Pacific Region Water Users' Conference – January 22-24, 2014, Reno, NV**

Information for the 2014 Mid-Pacific Region Water conference is now available. Staff requests the Board approve the overnight stay of Directors and upper management Staff who would like to attend.

**M/S/C/(Porter/Balls)** That the Board of Directors approved the overnight stays of Directors and upper management Staff to the January 2014 Mid-Pacific Region Water Conference in Reno, NV by unanimous vote. (Ayes – 5; Nays – 0; Absent – 0; Abstain – 0)

**DIRECTORS' REPORT**

**Director Beberian** – went on a tour to the east side of the District with Watermaster Jim Irwin; he found it very interesting.

**Director Balls** – none

**Director Jacobsen** – none

**Director Porter** – none

**Director Neely** – stated that the volume of water he is receiving from his groundwater pump has been decreasing over the years. He attributes the decrease to the drop of the groundwater tables.

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**ADJOURNMENT**

Open Session adjourned at 7:48 p.m.

**CLOSED SESSION**

**Natural Resource Defense Council vs. Rodgers (Government Code Section 54956.9).** To confer with counsel on pending litigation.

**Conference with Legal Counsel–Anticipated Litigation (Government Code Section 54956.9(b)).** Conference with Legal Counsel – Anticipated Litigation (G.C. §54956.9. Significant Exposure to Litigation pursuant to subdivision (b)): Nielsen Avenue Property.

**Conference with Legal Counsel-Anticipated Litigation (Government Code Section 54956.9(b)).** Conference with Legal Counsel – Pending Litigation (G.C. §54956.9(a)); Applegate Johnston, Inc. vs. Fresno Irrigation District.

**Government Code Section 54956.8 Real Property Transactions.**

Negotiators: Gary R. Serrato-FID, Bill Stretch-FID, and the City of Clovis

Properties: APN 560-031-11 & 557-031-05, 39

Terms and Conditions: Negotiations of Purchase and Sale of Real Property.

**Conference with Legal Counsel-Anticipated Litigation (Government Code Section 54956.9(b)).** Conference with Legal Counsel – Potential Litigation (G.C. §54956.9(a)): Jeremy Hobensack vs. Fresno Irrigation District.

**CLOSED SESSION ADJOURNMENT**

President Jacobsen adjourned Closed Session at 7:58 p.m.

**REPORT OF ACTION TAKEN IN CLOSED SESSION**

President Jacobsen stated there was nothing to report from Closed Session.

**ADJOURNMENT**

President Jacobsen adjourned the meeting at 7:59 p.m.

Submitted By,

Gary R. Serrato  
Secretary of the Board