

**FRESNO IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
HELD NOVEMBER 19, 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 November 19, 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
Recording Secretary Lynn B. Rowe

OTHERS PRESENT

Landowner Mark Haupt
Landowner Dennis Haupt
Landowner Gary Christensen
District Legal Counsel Gary Sawyers (arrived at 5:15 p.m.)
Journalist Mark Arax (arrived at 6:00 p.m.)

REVIEW AGENDA

Staff requested that the meeting adjourn into Closed Session at 5:30 p.m. District's legal counsel Gary Sawyers and special legal counsel Mark Creed (via conference call) will be joining the Closed Session portion of the meeting. Staff also requested that items 11 a. and 11 b. are heard prior to Closed Session. The Board Members were agreeable to the changes and President Jacobsen directed the items to be heard following the Consent Calendar.

REVIEW OF FUTURE MEETINGS

No changes.

PUBLIC PRESENTATIONS

No presentations.

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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 Board Meeting Minutes – October 15, 2013**
- b. **October 2013 Check Register**
- c. **October 2013 Payroll Registers**
- d. **October 2013 Unpaid Assessment Report**
- e. **October 2013 Investment Account**

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

ADMINISTRATIVE MATTERS

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

Mr. Serrato addressed the Board and attending landowners by stating that Staff has received the outside engineer's reports on the Christensen and Haupt Thompson Canal Bridges and their respective claim forms. Staff recommends that the claims and engineer's reports be forwarded to JPIA for further investigation. This item will be placed on the December's agenda for further discussion. There were no additional questions or comments from the Board or the landowners.

CONTROLLER'S REPORT

Controller DeAnn Hailey reviewed the following financial reports:

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

Ms. Hailey reviewed the Fund Statement for September. FID received another check from the County of Fresno to cover the interest from past year's assessments which brings the assessment to 101% for the 2013 revenues. Maintenance expenses are at 58% but are expected to be on budget by the end of the year. Utilities costs have come in lower than anticipated. Overall, expenses are at 68% which is 6% below budget. Revenues are at 100% for the year.

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

e. Investment Maturities as of September 30, 2013

The Controller provided the Board with a list of investments (all CDs) that matured in 2013. It was reported that there were small gains and no losses.

f. Overnight Stay for the Controller and Payroll Administrator for the 2013 Government Tax Seminar in Millbrae, CA

This is a one day seminar that covers new tax developments affecting California governmental agencies and also the Affordable Care Act.

M/S/C/(Neely/Balls) That the Board of Directors approved the overnight stay for the Controller and Payroll Administrator to attend the 2013 Government Tax Seminar in December by unanimous vote. (Ayes – 5; Nays – 0; Absent – 0; Abstain – 0)

g. Section 125 Amendment

The “Use-it or Lose-it” rule for the Flexible Spending Arrangements (FSA also known as the 125 Plan), associated with medical expenses, has been modified to allow employees to carry over up to \$500 of the unused amounts left in their FSA accounts. The District may choose to adopt the modification or to retain the current plan which allows a two-and-a-half month grace period to incur medical expenses for reimbursement. Both provide a three month run-out period for employees to turn in expenses for the previous year. Staff requested direction that when the verbiage becomes available from the IRS, the General Manager can proceed with adopting the change to allow employees to carry over to the following year up to \$500 of any unused Section 125 funds and remove the two and a half month grace period. The Board gave the General Manager direction to proceed with the change.

ADMINISTRATIVE MATTERS

a. Resolution 2013-04 Safe Harbor (Action Item)

The Resolution is an annual renewal of the Safe Harbor Plan so that eligible employees are able to elect to contribute the maximum amount in their 401(k) plan of up to six percent (6%).

M/S/C/(Balls/Porter) That the Board of Directors approved Resolution 2013-04 Safe Harbor Plan renewal by the following roll call vote. (Ayes – Beberian, Balls, Jacobsen, Porter, Neely; Nays – 0; Absent – 0; Abstain – 0)

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WATER REPORT

a. Current Water Conditions Report

Watermaster Jim Irwin reported on the current and projected water supply information. As of November 18, Pine Flat release was 100 cfs with storage at 166,558 acre-feet. The pre-project for the Kings River is at 149 cfs. A rain event is expected on Wednesday and Thursday of this week; however, not much rain or snow is expected. There is another storm expected in early December that will hopefully deliver more precipitation. Deliveries of reclaim water on the southwest side of the District will be completed next week.

The Exhibit "C" flow water being released from Pine Flat Dam that was required to flow over the Fresno Weir for the past two weeks has yet to arrive at Peoples Weir. It will be sometime before the water reaches the Weir due to the extremely dry conditions.

The Board went into Closed Session at 5:30 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 – Pending Litigation (G.C. §54956.9(a)); Fresno Irrigation District vs. SIM Architect.

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 6:12 p.m.

Open Session resumed at 6:13 p.m.

REPORT OF ACTION TAKEN IN CLOSED SESSION

President Jacobsen stated during Closed Session the Board considered and approved the Settlement Agreement and Mutual Release between the District, SIM Architects, and Wood, Wiley & Jebian.

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M/S/C/(Porter/Balls) That the Board of Directors considered and approved the Settlement Agreement and Mutual Release between the District, SIM Architects, and Wood, Wiley & Jebian by unanimous vote. (Ayes – 5; Nays – 0; Absent – 0; Abstain – 0)

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

The Clovis Community Hospital project at Herndon and Temperance avenues on the Clovis Canal will be delayed up to four to five years. The Hospital has decided to take a more fiscally conservative approach at this time and not proceed with their piping and landscape project.

Agency Projects – the City of Fresno is working on a fiber optic project that is impacting several of the District's facilities.

The City of Fresno will be correcting an erosion problem on Big Dry Creek w/o Villa on Herndon.

The City of Fresno will be working on two projects along Herndon Avenue. One project is between Brawley and Valentine where 1,900 feet of open canal will be replaced with 54" PRRCP. The other project is on Herndon Avenue between Blythe and Brawley where 230 feet of open canal will be replaced with 60" RGRCP (Bullard Canal) and 20 feet of open canal will be replaced with 24" RGRCP (Radin-Kamp). Both of these projects should start in mid December.

California High Speed Rail Update (CHSR)

In early November a Sacramento County Superior Court judge received additional briefs from attorneys regarding the lawsuit that Kings County filed. The judge has until February 8, 2014, to make his ruling. An engineering firm has been hired to handle American Avenue (south Fresno) through Bakersfield the portion of the rail.

b. Landowner Initiated Projects Update for 2013-14

Staff is continuing to work on developing the criteria to be used when deciding on landowner initiated projects. Staff may be ready to present an update at the January 2014 meeting.

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c. FID Projects Update for 2013-14

Waldron Recovery Well #104: Equipping – Staff continues to wait for PG&E to energize the site. SCADA Integrator will put in the monitoring equipment once power has been established.

Capital Improvement Projects

Crews have almost completed re-constructing the right bank near the Bowser weir on the Thompson Canal project. The canal was dredged and compacted prior to crews placing rip rap along the side. Approximately 24 – 30 inches have been added to the bank. A long-crested weir is also being constructed in front of Mr. Christensen's property.

Crews are retrofitting an existing hydraulic gate with electric Rotork gates on the Lower Dry Creek at S/E Nielsen and Teilman. A long-crested weir is being constructed on the East Branch Canal w/o McCall and Olive at the Limbaugh Pond. A small automated gate is being installed at the Lambrecht Banking Facility. A Rubicon Flumemeter flow meter is being installed at the head of the Thompson #4. The meter is all contained within the channel and powered by a solar panel.

Crews are constructing 800 feet of eight-inch PVC seepage interceptor pipeline along the Enterprise Canal at N/E Olive and Riverbend.

The Waldron Lambrecht Banking Facility at S/W Shaw and Goldenrod is experiencing seepage along the south wall. Five to six holes have already been dug at 15 – 20 feet so an analysis can be done on the soil type before construction begins. A new interior levee (Cell #4) will be constructed to reduce seepage to a neighboring property.

A pipeline project on the Fairview Canal will take place. Crews plan to realign and replace 1,700 feet of 20-inch pipeline with 21-inch of PVC PIP 100 at the NW corner of McKinley and Bethel avenues.

Crews will be realigning and replacing approximately 200 feet of 24-inch concrete pipe with 24-inch PVC PIP 100 pipe along the Madera Avenue Canal at N/W Belmont and Madera. This project will start within the next one to two weeks.

Over the next several months, crews will be moving a pipeline that now crosses directly through the Pursell Pond at S/W Jefferson and Cedar. It is the intent to combine the west and east cells into one cell. Installation will include three 60-inch standpipes and 30-inch PVC pipe.

Along the Hansen Canal, maintenance crews are lining a small portion of the canal where a landowner removed a private bridge. The lining is to connect the linings of the upstream and downstream portions of the canal.

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d. General Maintenance Update for 2013-14

- Crews brought in ag-base to improve the drivable areas around the equipment yard;
- Grading and sloper crews are working on canals throughout the District; smaller ditches are usually dredged every four to five years;
- During the month of November, crews are dredging the Enterprise Canal while it is de-watered. Crews are focusing on the portion of McCall through Leonard;
- Maintenance crews went into the Lampee South Branch (near South and Marks avenues) to clean out the pipe of sediment that is keeping the meter from working properly;
- Homeless camp cleanup took place on the Victoria Colony Canal and the Axt Pond (Shields and Valentine and Barstow and Chateau Fresno);
- Confined space training for required personnel was held at the FID yard with practical training held at Pursell Pond;
- Crews continue to work on gate, pipeline, and lining repairs as well as trash removal throughout the District;

Mr. Stretch gave an overview to the Board of current / future projects that Engineering Staff is working on.

Break

A short break was taken at 6:53 pm until 7:10 p.m.; during which time no District business was discussed.

Open Session resumed at 7:11 p.m.

e. Award Contract – Earthwork Contract 174-1753-A as Part of the Boswell Banking Facility No. 174 – N/E North and Bishop Avenues. Action Request 2013-19

The construction of the Boswell Banking Facility has been completed with the construction of the third recovery well. The project was constructed under budget leaving \$291,315 available from the Department of Water Resources (DWR) Mini 50 grant that was awarded to FID. The DWR is allowing FID to add another component to the project to utilize the remaining funds. This new component of the project was part of the list of projects approved at the August 20, 2013, FID Board Meeting with an estimated cost of \$260,000.

The improvements of this new component of the project consist of reconstructing and widening 2,215 feet of the north levee of Cell 1, constructing an access ramp to the Cell 1 floor, improving the all-weather drive surface on the north levee of Cell 1 by placing crushed gravel, and placing 3,400 tons of rip rap on the levee embankments to protect 400 feet of embankment in each of the northwest and southeast corners of Cell 1. The

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north levee of Cell 1 will be widened from its existing drive bank width of 13 feet to 20 feet to match the levee drive bank width of the rest of the banking facility. The Operations, Maintenance, and Engineering Departments have agreed on this project after we experienced several small leaks due to rodent activity in the north levee. This caused water to leak into the adjacent vineyard. The wider levee and increased compaction should eliminate all future rodent activity.

In October, FID publicly advertised for bids for the Cell 1 Levee Reconstruction Contract. On November 12, 2013, bids were publicly opened. Staff determined that the lowest responsible bidder is Emmett Valley Construction (\$224,640). The contractor is scheduled to start in early December and finish by mid-January 2014. If additional funds remain after this component of the overall project, Staff may issue a change order with the contractor to furnish and install additional rip rap near the basin corners.

Staff recommends that the Board award the contract to Emmett Valley Construction in the amount of \$224,640 and funds be taken from the Water Purchase Fund.

M/S/C/(Neely/Balls) That the Board of Directors approved the additional project on the Boswell Banking Facility as presented by Staff by unanimous vote. (Ayes – 5; Nays – 0; Absent – 0; Abstain – 0)

- f. **Landowner Pipeline Project – Landowners Mr. Eric and Norman Engelmann, Request to Replace a Portion of Pipeline on the Martin Canal No. 363 Located S/W Dakota and Rolinda Avenues. Action Request No. 2013-17**

One portion of the project consists of replacing 325 feet of existing 18-inch mortar joint concrete pipe (installed in 1943) with 18-inch 100 psi PVC Plastic Irrigation Pipe (PIP), with a project cost of \$20,000. The 325 feet of pipe west of Rolinda Avenue is in poor condition with frequent leaks that required constant repairs. The 325 feet of pipe originally proposed to be replaced is between Rolinda Avenue and the FID control box – near the west side of the house. The new pipeline would also be constructed further away from the existing home and other structures, and would be within a new exclusive FID pipeline easement.

During a meeting with the Engelmanns on October 25, 2013, FID Staff was made aware of additional leaks along the next 375 feet of pipe continuing to the western edge of the landowner's open area. While FID Staff was aware of, and recently repaired, a leak at the western edge of the outdoor events area, the Engelmanns also stated that there are leaks around the FID control box near the eastern edge of the outdoor events area and occasionally within the events area itself. Engelmanns have made repairs to the pipeline under the events area in the past.

FID Staff explained to the Engelmanns that only the first 325 feet of pipeline had been approved of and budgeted for replacement during the 2013-2014 maintenance season. FID Staff then offered a proposal to the Engelmanns that they contribute 50% (up to \$5,000) of the material cost for the replacement of the additional 375 feet of pipeline

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that was not budgeted for this maintenance season. FID Staff explained to the Engelmanns that this proposal would need FID Board approval; the Engelmanns' accepted the proposal. In addition, the Engelmanns offered to remove the first row of vines immediately north of the pipeline to make room for the new pipeline and grant FID an exclusive easement.

FID Staff estimates that the additional 375 feet of 18-inch 100 psi PVC PIP pipe material would cost approximately \$10,000. The additional costs for the Engineering Department Staff to expand the survey and design to include this additional pipe would be minor. Since FID construction crews will already be on site to construct the first 325 feet of pipeline replacement, the additional pipeline replacement will not add additional mobilization or demobilization costs.

After reviewing FID's Policy No. 108 for Landowner Initiated Projects, FID Staff evaluated the merit of the replacement of the additional 375 feet of pipe and determined that Staff would support the cost share proposed with the Engelmanns. The replacement of the additional 375 feet of pipe would provide benefits to both FID and the Engelmanns. Staff supports a cost share for three major reasons; 1) Staff concluded that this 375 foot section of pipeline has been problematic due to frequent leaks that require repairs; 2) the existing pipeline alignment puts the pipeline close to building structures and under an outdoor events area without an FID easement; and 3) the landowner is willing to contribute towards the expanded pipeline project and remove a vine row to make room for the pipeline and recorded exclusive FID easement. In addition, the leaky FID control box near the eastern edge of the outdoor events area would be eliminated.

Staff recommends that the Board approve the landowner's contribution of 50% of the cost of the pipeline materials, up to \$5,000 for the additional 375 feet of 18-inch 100 psi PVC PIP pipe.

M/S/C/(Porter/Beberian) That the Board of Directors approved the landowner project on the Martin Canal No. 363 as presented by Staff by unanimous vote. (Ayes – 5; Nays – 0; Absent – 0; Abstain – 0)

ASSISTANT GENERAL MANAGER'S REPORT

Assistant General Manager Laurence Kimura reported on the following:

a. District Office Plan

Phase C of the office plan projects has begun. The construction company started on November 1, with bringing in heavy equipment, removing old landscaping, and installing perimeter fencing. Most of the building has been demolished and the large pieces have been hauled away. Staff continues to work with Fresno County on permitting issues by providing last-minute information and documents. Mr. Kimura showed slides of the progress of the different stages of the demolition of the old office building.

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b. Aquatic Pesticides

Staff has been working with Blankinship and Associates to complete the CEQA process necessary to use copper and acrolein to control aquatic vegetation in canals, laterals, regulation basins, and recharge basins. The Notice of Determination on the mitigated negative declaration was filed with the County of Fresno and the State of California and was posted for 30 days. Staff has also been working with Blankinship & Associates to develop the Aquatic Pesticide Application Plan (APAP) for use of all aquatic pesticides within the FID system. Upon its completion, the APAP will be submitted to the State for approval.

c. Equipment Update

An Equipment Committee meeting was held prior to the Board meeting. Staff made recommendations on the purchase of five (5) pickup trucks, a compressor for the shop, and a wider excavator bucket for dredging. The Equipment Committee recommended to the Board to purchase the pickups from Swanson-Fahrney Ford, the compressor from Associated Compressor, and the excavator bucket from Fresno Wire Rope for a total amount of \$114,821.77 with funds to come from the Power Revenue Fund.

M/S/C/(Neely/Porter) That the Board of Directors approved the purchase of equipment as recommended by the Equipment Committee and Staff by unanimous vote. (Ayes – 5; Nays – 0; Absent – 0; Abstain – 0)

Mr. Kimura reviewed the schedule to replace or upgrade the off-road equipment as required by the State. By using a spreadsheet provided by the California Air Resources Board, Staff was able to determine that it will cost approximately \$2.5 million dollars to bring the District's fleet, assuming similar equipment, up to code by January 1, 2028.

Currently, there are still two (2) pickups to be disposed of at auction. Staff recommends that the following pickup be disposed of as the first of two:

2003 Chevrolet 1500 180,000 miles #633

The transmission is slipping and needs replacing, two oxygen sensors need to be replaced, and other parts are worn out. The Board gave Staff direction to dispose of the 2003 Chevrolet pickup.

Mr. Kimura also reported that a 1989 Ford F-450 cab and chassis brought in \$650 and a 1979 flatbed 2 ton truck brought in \$800 at a recent auction.

MANAGER'S REPORT

General Manager Gary Serrato reported on the following:

KINGS RIVER WATER ASSOCIATION

The KRWA Watermaster reported while working on the snow sensors, over the past week, at 10,000 feet, there was only about three to four inches of snow present.

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Pre-1914 Water Rights

The review of the study conducted by the State Water Resources Control Board has been completed and the KRWA External Issues Committee has reviewed it for the first time. There are some minor items that need to be corrected and a meeting will be scheduled in the near future to internally discuss the application of the water that was identified.

Miscellaneous

The landslide that occurred at the face of Pine Flat Dam has been repaired at a cost of \$60,000. The cost will be rolled into the O & M and paid off over the next five years. It is unclear at this time the exact amount the District will be responsible for.

The KRWA Watermaster announced that the fish count on the Kings River was completed and the numbers came in at what was expected. FID had four employees participate in the operation.

FRIANT WATER AUTHORITY

Friant / Bureau Negotiations

Friant continues to negotiate with the Bureau of Reclamation on the parameters of the "Rescheduling Guidelines" for 2013.

Water quality in the Friant-Kern Canal (which is related to River Restoration) has now become an issue of priority for the Arvin Edison Water District. Arvin Edison is contending that the replacement water they are being forced to accept from the Delta is of lower quality water and higher in salts, in lieu of water that is received from Friant which is of higher quality. FWA is currently assembling a meeting with Friant Contractors to try to resolve the issue.

OTHER

San Joaquin Valley Groundwater Overdraft Seminar

Mr. Serrato, Mr. Stretch, and Mr. Kimura attended a seminar in Tulare yesterday regarding the issue of groundwater overdraft in the San Joaquin Valley. Several state, county, water/irrigation districts, and local representatives were present. Topics discussed were adjudication, water quality, quantity, environmental impact, economics and overdraft.

The Upper Kings (Alta, Consolidated, and Fresno Irrigation Districts) along with KRCD will be meeting to discuss how to best handle this situation.

City of Fresno / Fresno Irrigation District Meeting Update

Mr. Serrato met separately with Pat Wiemiller (Public Works Director) to go over items for discussion at future meetings. Both parties believe that most issues have been resolved and have agreed to schedule the next meeting for sometime in January of 2014.

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Homeless Encampment

Most of the homeless encampments within our easements have been addressed and removed. Staff continues to monitor this issue and address them as they show up.

Fresno Irrigation District / James Irrigation District Groundwater Banking Facility

Staff will be forwarding an update on the project to the Directors. Mr. Serrato met with the general manager of James Irrigation to iron out some of the issues with the agreement.

City of Kerman

Staff met with representatives from the City of Kerman to negotiate a conveyance agreement. The agreement being structured will be similar to those that have been constructed with the Cities of Clovis and Fresno. The Agreement may possibly be ready to bring before the Board in early 2014.

Staff is also working on an agreement for FID to provide water to Bakman Water District. Bakman is looking to replenish groundwater from where they pump.

DIRECTORS' REPORT

Director Beberian – none

Director Balls – none

Director Jacobsen – mentioned that the PBS show he is hosting (Valley Gold) will be airing on Wednesday night at 7:00 p.m. – this week the show will be covering pomegranates and persimmons.

Director Porter – none

Director Neely – none

ADJOURNMENT

Open Session adjourned at 8:26 p.m.

ADJOURNMENT

President Jacobsen adjourned the meeting at 8:26 p.m.

Submitted By,

Gary R. Serrato
Secretary of the Board