

MINUTES OF REGULAR MEETING
JANUARY 3, 2023
DISTRICT OFFICE

ROLL CALL:

Board President Rodriguez called the meeting to order at 5:00 P.M. Those in attendance: Director Rodriguez, Director Peranick, Director Valdez, Frank Daniele, Neal Costanzo, Jason Franklin and JoAnn Vierra. Also in attendance: Ben Etamadi,/Hunsaker & Assoc. & Dave Gleason/Buziness As Usual.

CONSENT CALENDAR: Minutes from Regular Meeting of January 3, 2023 & bills payable were accepted as presented.

PUBLIC ADDRESS: NONE

PUBLIC HEARINGS: NONE

NEW BUSINESS:

6.1 Consideration and Necessary Action regarding Resolution 2022-13 Authorizing Resolution for Water Meter Funding Project

Director Peranick motioned to accept Resolution 2022-13 Authorizing Resolution for Water Meter funding application. Director Valdez seconded. Vote was cast with Director Peranick, Director Valdez & Director Rodriguez all voting in favor to accept the Resolution, and it was passed. Director Baroni was absent.

6.2 Construction Project @ 58 W. Herndon

Ben Etamadi/Hunsaker & Assoc. introduced himself & addressed the Board. He is the Project Manager, representing the property owners, for a proposed office building to be constructed at 58 W. Herndon. This property was originally 2 lots which have been merged into one lot. Ben informed that they have prepared building/grading plans for the project which have gone thru plan checks with the City of Fresno. The Fresno Metropolitan Flood Control District (FMFCD) requires that a basin be constructed on the north side of the property. Architects Dale Mell & Assoc. coordinated with FMFCD regarding depth of basin. The District has an existing 2" main water line located in the area on which the basin is to be constructed, which serves the existing homes in the area. Per Ben, this line is approximately 24" underground—a depth which he states makes it impossible for grading the area to allow for construction of the required basin. Ben also stated that as per their title company, there doesn't appear to be an existing easement for the water line (which is why he says that it didn't show up on the title when they were doing the lot merger). Ben states that they are requesting that the District remove the main water line.

Director Rodriguez has documents which indicate a granted utility easement from approximately 03/23/1923 when Pinedale was established as a township by Fresno County, and the document was recorded. Per Neal, the title company would have only been searching for easements pertaining to that specific property (58 W. Herndon), and not the area as a whole, which is why it was missed. Neal also stated that, legally, the District has a prescriptive easement due to the line having been in the ground for so many years. Dave Gleason/Buziness as Usual (General Contractor) stated that they have a concern for the future, if the District needed to perform any work on the line it would be extremely difficult to access once the construction is completed. The current plans call for the bottom of the basin to be near to the depth of the main line, with a commercial building being constructed on the property. Frank suggested perhaps the basin could be relocated to the front of the property & that the viability of relocating it be investigated. Frank also reiterated that the District has a prescriptive easement. General discussion continued.

OUTCOME: The District's position is that there is a legal easement around District's water line & that any construction must be done in such a manner as to not infringe on said easement. Ben Entemadi will contact title company for further investigation. Ben will also try to determine another location for the basin to be placed & he will contact FMFCD. Ben will contact Jason with his findings.

CORRESPONDENCE: NONE

BOARD AND STAFF REPORTS:

9.1 Manager's Report:

- 9.1 Jason emailed the Board members some documentation regarding the agreement with FID. Jason states that Basin DH1 is usable & there would be no threat from TCE, which eliminates one of the issues that the District had with the agreement. The other issue was the problem with City of Fresno being unwilling to grant the District some credit from effluent water. Per Neal, the City of Clovis is having the same issue with the City of Fresno, and it would be to the District's benefit if the City of Clovis is the victor in that issue. General discussion continued regarding the District's options.
- OUTCOME:** Jason will email a copy of the agreement with FID to everyone.

9.2 **Engineer’s Report:** Nothing to report, other than that there has still been nothing from R. Smith.

9.3 **Attorney’s Report:**

9.3.1 Neal advised that the deadline for the Board to appoint someone to fill the vacant seat is 60 days from the December board meeting—February 4, 2023. The candidate must be over the age of 18, and must be a resident & registered voter in the District. Per Jason, the Fresno County Elections has in the past disenfranchised the District’s sewer-only customers for reasons unbeknownst to the District. Jason has sent them maps illustrating our District boundaries & needs to know if anyone encounters issues with the Elections department regarding becoming a Board member.

9.4 **Board President’s Report:** Pinedale Centennial celebration is upcoming.

9.5 **Director’s Report(s):**

9.5.1 Director Valdez commented that he had not yet had a chance to meet with Jason & JoAnn regarding establishing a salary chart for the District’s use. He will schedule a meeting in the near future.

10. **ADJOURNMENT:** Meeting adjourned to Closed Session at 5:53 p.m.

APPROVED BY :

RESPECTFULLY SUBMITTED:

DAVID RODRIGUEZ
BOARD PRESIDENT

JOANN VIERRA
DISTRICT SECRETARY