



NOTICE OF MEETING

**BOARD OF DIRECTORS OF THE
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
WEDNESDAY, JULY 9, 2014 at 4:00 p.m.
Chambers of the Board of Directors
5469 East Olive Avenue
Fresno, California**

AGENDA

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. **REPORT OF THE GENERAL MANAGER**
3. APPROVAL OF MINUTES: No Minutes were Submitted
4. BUSINESS AND PRESENTATIONS FROM THE FLOOR
(This is an opportunity for the members of the public to address the Board on any matter related to the District that is not listed on the Agenda.)
5. ADDITIONS TO THE AGENDA
(The Board may add an item to the agenda if, upon a two-thirds vote, the Board finds that there is a need for immediate action on the matter and the need came to the attention of the District after the posting of this agenda.)
6. **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]
7. **PUBLIC HEARING: None Scheduled**
8. **CONSENT CALENDAR**
(All Consent Calendar items are considered to be routine action items and will be enacted by one motion. There will be no separate discussion of these items unless requested, in which event the item will be removed from the Consent Calendar and considered following approval of the Consent Calendar.)
 - a. Authorization to Renew Basin Lease Agreement for Agricultural Purposes, Granville Homes, Basin "CD" (Dakota & Garfield)
 - b. Authorization to Execute Standard Developer Agreement, Tract 5464/FR CUP 2004-325, Drainage Area "BM", R. J. Hill Homes, (Hamilton & Temperance)

**NOTICE OF MEETING: JULY 9, 2014
AGENDA**

9. Adoption of Resolution Declaring Excess Property, Authorization to Negotiate Sale of Said Property and Approval of Right of Entry, Pup Creek Detention Basin Outlet Channel Property
10. Board Reports, Workshops, Correspondence and Requests for Future Agenda Items

REPORT OF GENERAL COUNSEL

11. Report on Administrative, Legislative and Real Estate Legal Services

CLOSED SESSION

12. PUBLIC EMPLOYMENT

**Title: General Manager-Secretary
Pursuant to Government Code §54954.5**

13. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9. Number of cases: 1

ADJOURNMENT

ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

A person with a qualifying disability under the Americans With Disabilities Act of 1990 may request the District to provide a disability-related modification or accommodation in order to participate in any public meeting of the District. Such assistance includes appropriate alternative formats for the agendas and agenda packets used for any public meetings of the District. Requests for such assistance and for agendas and agenda packets shall be made in person, by telephone, by facsimile, or written correspondence to the District's Clerk to the Board at (559) 456-3292 at the District office, at least 48 hours before a public District meeting.

MEMORANDUM

File 140.76 "CD"
340.10 "CD"

BOARD MEETING: July 9, 2014
AGENDA ITEM NO.: 8a

FROM: Bob Van Wyk *BVW*
General Manager-Secretary

SUBJECT: Authorization to Renew Basin Lease Agreement for Agricultural Purposes, Granville Homes, Basin "CD" (Dakota & Garfield)

Summary

The 20.01-acre site for District Basin "CD" (see Attachment 1) has been cleared of trees and debris and farmed by the adjacent property owners (Granville Homes at Westlake, LLC) for several years under lease from the District. Since the District has no near term plans to develop the site, the District and Granville entered into land lease agreements in 2007, 2008, 2009, 2010, 2011, 2012 and 2013 to allow Granville to use the site for sheep grazing, alfalfa and/or grain production. Granville has requested that they be allowed to continue their use of the property for another year.

Recommendation

It is recommended the Board authorize District staff to enter into a one-year lease agreement with Granville Homes at Westlake, LLC at a rental rate of \$200.00 per year for the 20.01 acre site, with the District option of two (2) additional subsequent one (1) year renewals at the same terms.

Discussion

Grazing Basin "CD" would be advantageous in reducing maintenance costs to control vegetation for fire risk reduction. There are no fences or other physical features separating our property from Granville properties to the north, east and south of our site. Leasing to any party other than Granville could require that the District or Lessee install a fence delineating the District's parcel.

With respect to grazing District properties with sheep, Basin "BY" is the only other District property to have been used for sheep grazing (in 2007). The rent for Basin "BY" was set at \$10.00/acre per year, the lowest rate charged to any of our grazing leaseholders. Staff is recommending that Granville also be charged this low rate to reflect the fact that the company and its farming subcontractors have gone to considerable effort to remove stumps, vehicles and other debris from our property to make it useful for grazing and cultivation.



BOARD MEETING: July 9, 2014
AGENDA ITEM NO.: 8a

In September 1996, the Board of Directors adopted a lease policy providing for competitive bidding when there is, or is believed to be, more than one individual interested in leasing property. Under typical conditions where more than one individual demonstrated an interest in leasing property, it would be noticed for competitive bidding. District staff has not received any inquiries about the availability of District land for sheep grazing or field crops. The site is unsuitable for cattle or horses because it lacks any sort of fencing. Sheep grazing operators typically use portable fencing to enclose livestock.

Granville owns and grazes the adjacent properties and can manage the site *as is*, avoiding the District expense of fencing the site. The ultimate disposition of the Basin "CD" site is in question. Basin "CD" may actually be developed in another location, so any investment in fencing could be lost if the District sells the property. Adding our lease area to the existing Granville operation makes for more efficient and predictable use of our property and forms a more rational economic unit conducive to long term care of the land. Should the basin be relocated or become otherwise unavailable, the terms of the lease allows the District to terminate the lease with thirty (30) days prior written notice.

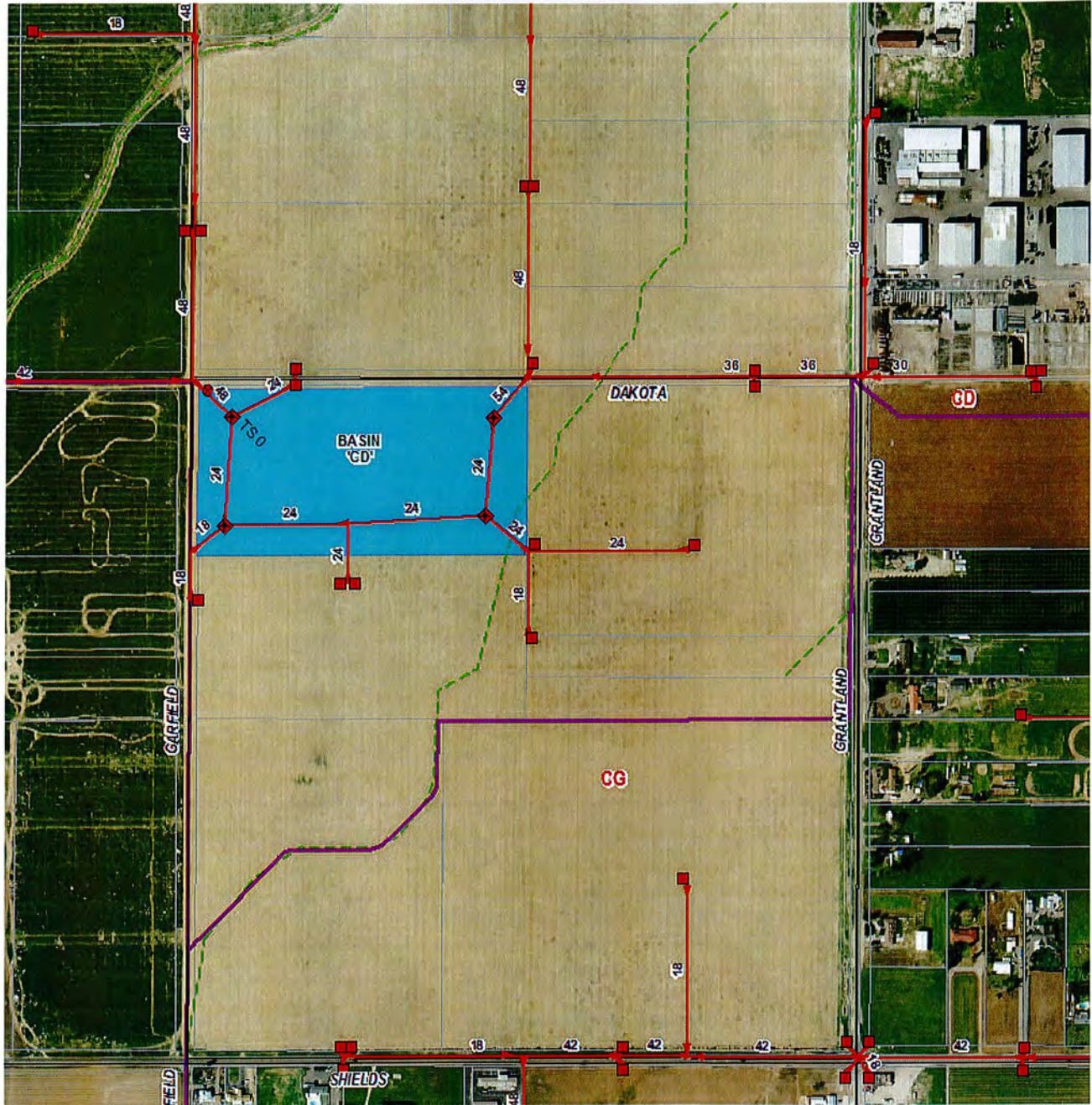


Gary Newmark
Staff Analyst IV

GN/jt/sy

Attachment(s)

Attachment 1 Basin "CD"



MEMORANDUM

File 210.51 "BM-34"
210.45 "5464"
340. "BM"

BOARD MEETING: July 9, 2014
AGENDA ITEM NO.: 8b

FROM: Alan Hofmann *AH*
Interim District Engineer

SUBJECT: **Authorization to Execute Standard Developer Agreement, Tract 5464/FR CUP 2004-325, Drainage Area "BM", R. J. Hill Homes, (Hamilton & Temperance)**

Summary

Staff has imposed a requirement to construct the Storm Drainage Master Plan facilities (the "Creditable Facilities") as identified on Exhibit No. 1 as a condition of development approval.

The Master Plan facilities in Temperance Avenue are estimated to cost approximately \$5,750. Due to the relatively large differential between the drainage fee obligation and the construction costs, R. J. Hill Homes will be required to pay the drainage fees in their entirety prior to issuance of a building permit. The District will reimburse the construction cost immediately following completion of the construction. A summary of the drainage fee obligation, Master Plan facilities costs and other data is shown below.

<u>Development</u>	<u>Drainage Area</u>	<u>Drainage Fee</u>	<u>Const. Credit</u>	<u>Reimbursement</u>	<u>Developer</u>
Tract 5464/ FR CUP 2004-325	"BM"	\$70,997	\$5,750	\$5,750	R. J. Hill Homes

Recommendation

It is recommended that the Board of Directors authorize staff to execute a Standard Developer Agreement with the developer indicated for the construction of the required Master Plan facilities.

Discussion

Tract 5464 is Phase I of a larger tract that extends south to California and Temperance Avenues. The City of Fresno required minor street improvements in Temperance Avenue with Phase I, which necessitates the construction of an inlet and lateral. With future phases, the developer will be required to construct additional Master Plan facilities within new street improvements in Temperance Avenue.



Mark Will
Engineer III, R.C.E.

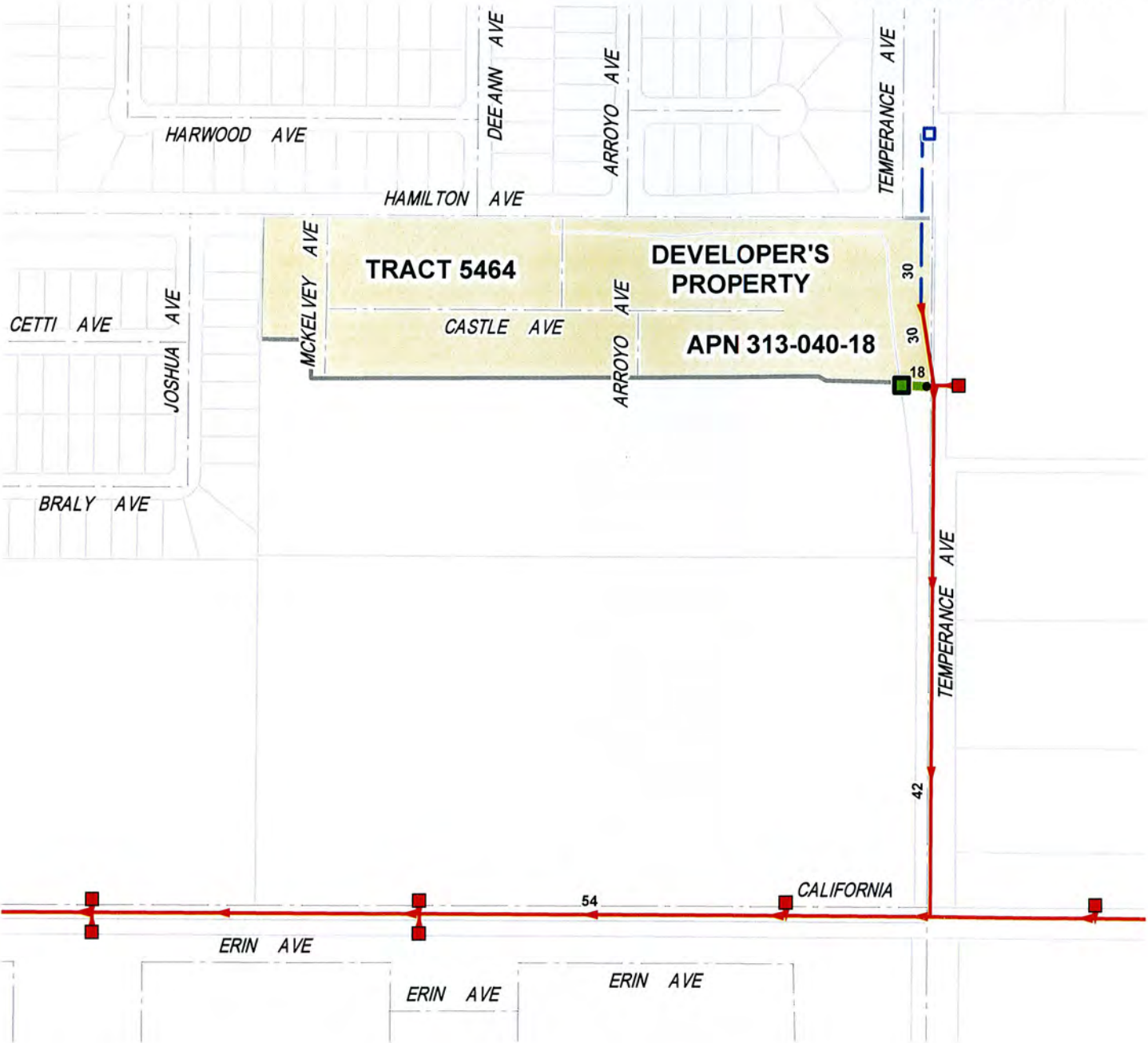
MW/lrl

Attachment(s)

board\memo\perm\2014-07-09-08b



NOTE:
THIS MAP IS SCHEMATIC
DISTANCES ARE APPROXIMATE.



LEGEND

-  Developer's Property
-  Creditable Facilities (Master Plan Facilities To Be Constructed By Developer)-Pipeline (Size Shown) & Inlet.
-  Existing Master Plan Facilities
-  Future Master Plan Facilities



TRACT 5464
DRAINAGE AREA "BM"

EXHIBIT NO. 1



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

MEMORANDUM

File 210.45 Tract 5664
630.2034
630.81

BOARD MEETING: July 9, 2014
AGENDA ITEM NO.: 9

FROM: Alan Hofmann *AH*
Interim District Engineer

SUBJECT: Adoption of Resolution Declaring Excess Property, Authorization to Negotiate Sale of Said Property and Approval of Right of Entry, Pup Creek Detention Basin Outlet Channel Property

Summary

A developer is proposing a subdivision immediately west of the Pup Creek Detention Basin. The proposed development includes the Pup Creek Detention Basin Outlet Channel property. The outlet channel is owned in fee title by the District. The proposed development and its relation to the outlet channel property are shown on Exhibit No. 1.

Following the Board of Directors direction from its December 14, 2005 meeting, staff has worked with the developer of Tract 5664 to design a street layout that accommodates the District's requirements to ensure proper operation of the detention basin and outlet channel. The December 14, 2005 memo is attached for the Board's reference. The proposed tract layout and street pattern will preserve the primary objectives of the outlet channel property and eliminate the District's need to own the outlet channel property in fee title. Staff has obtained approval from the U.S. Army Corps of Engineers (Army Corps) and Department of Water Resources (DWR) to proceed with the disposal of the outlet channel property.

Recommendation

It is recommended the Board of Directors adopt the attached Resolution declaring a portion of the Pup Creek Detention Basin Outlet Channel property (7,880.15 square feet) as excess property not needed for District purposes, authorize staff to negotiate the sale of said property with the developer and authorize staff to execute a Right of Entry agreement with the developer to allow access to the property prior to the sale.

Discussion

Development has surrounded the outlet channel and adjoining northerly and southerly properties creating an ideal infill area for the City of Clovis. Staff recognizes the properties both north and south of the channel would be difficult to develop as separate developments. Thus, allowing a housing development to encompass the outlet channel, while maintaining the objectives of the outlet channel, will provide a secondary public benefit and use that assist's in the development of

board\memo\perm\2014-07-09-09



BOARD MEETING: July 9, 2014
AGENDA ITEM NO.: 9

undevelopable infill properties. Disposing of the outlet channel property enables the infill area to be developed, adds additional property to the City tax base and removes liability and maintenance issues from the District.

The primary objectives of the channel property were to install an outlet pipe from the detention basin to Temperance Avenue, construct an impact basin to slow the water velocities in the outlet pipe, construct a basin outlet channel to convey any water that may overflow the detention basin to Temperance Avenue and to provide a maintenance and access road along the improvements. These objectives are preserved through the strategic placement of streets within the proposed development and the following design/dedication requirements. The proposed street pattern will adequately convey water that may overflow the detention basin to Temperance Avenue and will provide a maintenance and access point for the District. The proposed Sample Avenue will be centered along the outlet pipe to provide the District with long term maintenance accessibility. The developer will raise the impact basin to the proposed street grade while maintaining the integrity and purpose of the structure. The lots along Sample Avenue will have a small portion of their frontage inundated should water ever overtop the detention basin. Through the sale of the property to the developer, the District will reserve an underlying right to pass any water flows through, over and along the portion of the lots subject to inundation. The District will also reserve an underlying right to pass surface flows through the street right-of-way that will be dedicated to the City, along with a pipeline easement for the outlet pipe. The Pup Creek Detention Basin is designed to retain storm water up to the 200-year storm event and the likelihood of the basin being overtopped is remote.

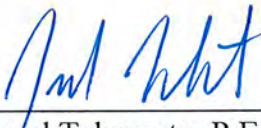
The outlet channel property is composed of four separate parcels and has a total area of 43,194 square feet. Approximately 35,314 square feet of the outlet channel property is within proposed street right-of-way and will be dedicated to the City of Clovis at no cost. Staff has confirmed the City is willing to accept this portion of the outlet channel property. The remaining 7,880.15 square feet that is located within proposed residential lots will be sold to the developer at the current appraised value. Declaring the property to be sold to the developer as excess property is the first step in disposing of the entire outlet channel property. After the property is declared excess, staff will obtain an appraisal for the property and negotiate the sale with the developer. Once the sale to the developer is successfully negotiated, staff will return to the Board for approval of the sale and dedication of a portion of the outlet channel property to the City.

The outlet channel property was acquired as part of the Corps' Redbank and Fancher Creeks Project and was partially funded through the Department of Water Resources Flood Control Subventions Program. The Army Corps has reviewed and approved the proposed improvements and modifications to the existing project features. Likewise, DWR's Subventions Program has also reviewed the proposal and provided approval for the sale and dedication. The Subventions Program indicates that land, no longer needed for purposes of the project, to be sold and the proportionate share of 70% be reimbursed to the State.

BOARD MEETING: July 9, 2014
AGENDA ITEM NO.: 9

While Government Code sections 54220, *et seq.*, require that surplus land be offered to other public agencies for low and moderate income housing, as well as for park and recreation purposes, the real property being declared excess would be exempt surplus land pursuant to Government Code section 54221, subdivision (e)(2)(B), and/or does not qualify for such uses because it is only approximately thirteen feet (13') wide and is in a floodway. The City of Clovis prohibits encroachment in floodways unless it doesn't increase the flood level, which would not be the case if a house was built on the property.

The developer is eager to begin grading the entire project site, including the outlet channel property. The developer is requesting access to the outlet channel property prior to the sale to begin their grading operation. Staff has indicated to the developer that this will only be allowed with Board approval and an executed Right of Entry agreement. The Right of Entry agreement will permit the developer access to the outlet channel property and will retain the District's right to require the developer to reestablish the existing improvements should the proposed development or sale not take place.



Jarrod Takemoto, P.E.
Rural Streams Program Manager


JT/tls

Attachment(s)

SIERRA AVENUE

LEGEND:

--- TRACT 5664 BOUNDARY

 PUP CREEK DETENTION BASIN
OUTLET CHANNEL PROPERTY

VARTIKIAN AVENUE

50.00'
R/W

TEMPERANCE FRONTAGE ROAD

35

34

33

32

31

30

29

28

50.00'
R/W

20

21

22

23

24

25

26

27

SAMPLE AVENUE

60.00'
R/W

48" SD

IMPACT
BASIN

INTAKE
STRUCTURE

TEMPERANCE AVENUE

19

18

17

16

15

14

13

12

5

6

TRACT

5

6

6

4

4

8

9

10

11

APPLEGATE AVENUE

PUP CREEK BASIN
FMFCD

ESCALON AVENUE

50.00'
R/W

50.00'
R/W

HANSON AVENUE

2

1

APN 563-10-097
VAN FOSSEN

BULLARD AVENUE

EXHIBIT No. 1

SCALE: 1" = 100'
QUAD KNOFF, INC.
7/1/14



MEMORANDUM

File No.210.45
Tract 5664
Pup Creek

BOARD MEETING: December 14, 2005
AGENDA ITEM NO.: 13

FROM: Jerry Lakeman 
District Engineer

SUBJECT: Approval of Development of Tract 5664 and Authorization to Include Pup Creek Detention Basin Outlet Channel Property as a Public Street

Summary

A developer is proposing a subdivision immediately west of the Pup Creek Detention Basin. The developer owns property on both the north and south sides of the detention basin's outlet channel to Temperance Avenue. The outlet channel is owned in fee title by the District. The location of the tract in relation to Pup Creek detention basin and outlet channel is shown on Exhibit No. 1. The original tract map was objected to by the District as the subdivision layout had the back of lots immediately adjacent to and downstream of the detention basin spillway.

The District met with the developer and his consultant engineer and recommended that the tract layout be redesigned to include a street running parallel with and adjacent to the detention basin levee. It was also suggested the developer may be able to utilize the outlet channel property as a public street, retaining its purpose to convey surface water. The layout of the revised tentative tract map is attached.

The revised tentative tract map meets the design parameters discussed with the developer. However, the utilization of the outlet channel as a street requires Board approval as this area will need to be dedicated to the City of Clovis for road purposes. Due to inclusion of the District property in the map, the City desires the District sign the tentative map along with the developer, indicating the District will allow the property to be used as a public street. The developer is anxious to submit the map, but staff desires that the Board approve this unique development concept below a major flood control facility outlet.

Recommendation

It is recommended the Board of Directors consider the development of Tract 5664 as shown on the attached map and direct staff as to supporting or opposing the project; and if supporting, authorize inclusion of the Pup Creek basin outlet channel property within Tentative Tract Map 5664.

board\memo\perm\2005-12-14-13



BOARD MEETING: December 14, 2005
AGENDA ITEM NO.: 13

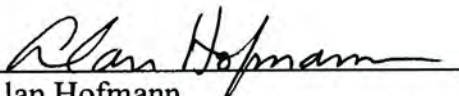
Discussion

While the Pup Creek Detention Basin is designed for the Corps 200-year storm event, it did not seem appropriate to allow lot development immediately adjoining the overflow spillway. As such, the developer was asked to redesign the layout of his tentative tract and include a street as a buffer area and collector of any water that may spill from the basin.

During initial discussions with the developer, he was opposed to the redesign. His opposition was directed to the potential loss of lots and development of this property becoming infeasible with fewer lots. When it was suggested that the outlet channel property might be available as a street, the discussion re-focused on a new layout that would accommodate the District's concerns and maximize the usage of the developer's property with minimal loss of lots.

The outlet channel property allows the District access to the outlet pipe, a valve structure, and passage of storm water overflow from Pup Creek Detention Basin during rare storm events. The street will accommodate all of these needs and will eliminate the District's maintenance responsibility.

While the map shows a roadway width of 50 feet, it is recommended the District require that the road be a minimum width of 60 feet to maximize the flow capacity within the street should there be an overflow from the detention basin.


Alan Hofmann
Assistant District Engineer/Design

AH/lrl

Attachment(s)

NOTE:
THIS DRAWING IS SCHEMATIC,
DISTANCES ARE APPROXIMATE.

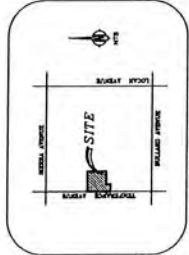


TRACT 5664
DRAINAGE AREA: "4E"



EXHIBIT NO. 1
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

TENTATIVE SUBDIVISION MAP
OF
TRACT NO. 5664
IN THE CITY OF CLOVIS
FRESNO COUNTY, CALIFORNIA



- NOTES:
1. THIS MAP IS A TENTATIVE SUBDIVISION MAP OF TRACT NO. 5664, AS SHOWN ON THE TENTATIVE SUBDIVISION MAP, AND IS NOT SUBJECT TO FLOOD HAZARD.
 2. THE AREA IS NOT SUBJECT TO FLOOD HAZARD.
 3. THIS MAP IS NOT SUBJECT TO FLOOD HAZARD.
 4. ALL IMPROVEMENTS SHALL BE AS SHOWN ON THE CITY OF CLOVIS ENGINEERING DEPARTMENT'S TENTATIVE TRACT MAP AND SHALL BE CONSIDERED AS PART OF THE TENTATIVE TRACT MAP.
 5. THE CITY OF CLOVIS ENGINEERING DEPARTMENT'S TENTATIVE TRACT MAP SHALL BE CONSIDERED AS PART OF THE TENTATIVE TRACT MAP.
 6. ALL STREETS ADJACENT TO THE BOUNDARIES OF THE TRACT SHOWN ON THIS TENTATIVE TRACT MAP SHALL BE AS SHOWN ON THE TENTATIVE TRACT MAP.

- EXISTING TREES TO BE REMOVED
- EXISTING BUILDINGS TO BE DEMOLISHED
- EXISTING USE
- EXISTING ZONING
- PROPOSED ZONING
- PROPOSED ZONING
- PROPOSED ZONING
- SOURCE OF WATER
- SOURCE OF SEWAGE DISPOSAL
- SOURCE OF ELECTRICITY
- SOURCE OF GAS
- SOURCE OF CABLE T.V.
- SOURCE OF TELEPHONE
- ASSESSOR'S PARCEL NUMBER
- SITE AREA
- NUMBER OF LOTS
- DENSITY PER ACRE
- AVERAGE LOT SIZE

LEGEND:

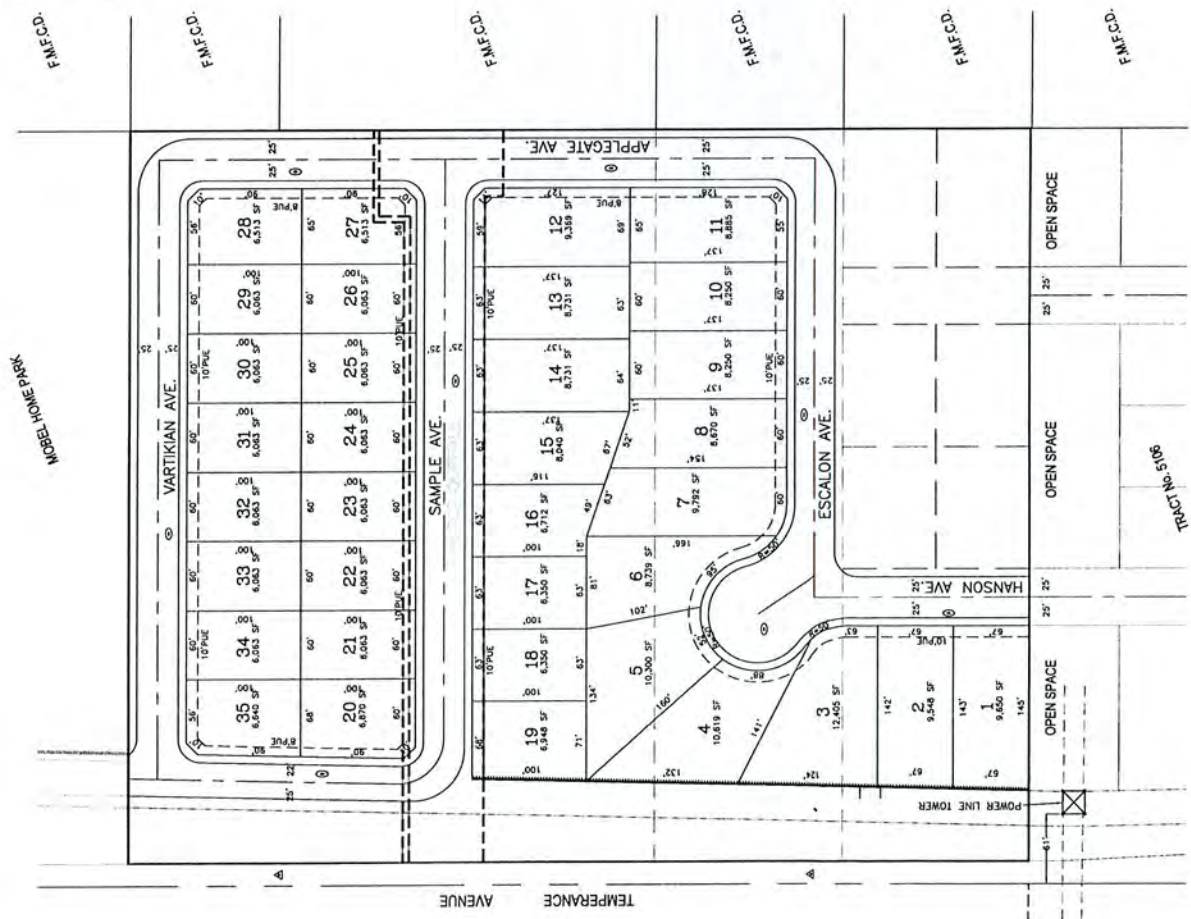
PVC PUBLIC UTILITY, EXISTING AND OFFERED FOR RECONSTRUCTION

UC UNIMPROVED CORNER, NEW OFFERED FOR RECONSTRUCTION

△ IMPROVED CORNER, NEW OFFERED FOR RECONSTRUCTION

⊙ PUBLIC UTILITY, EXISTING AND OFFERED FOR RECONSTRUCTION

⊕ PROPOSED RECONSTRUCTION OF EXISTING MANHOLE AND PROPOSED ACCESS ROADS



TENTATIVE SUBDIVISION MAP

DAVE JEFFERS

Map Designer

Richard J. Anderson

Map Designer

Map No. 11-5664-01

Scale: 1"=40'

Sheet No. 1 of 1

DATE: 11-15-2008

PROJECT: 5664

DATE: 11-15-2008

SCALE: 1"=40'

SHEET NO. 1 OF 1

RESOLUTION NO. _____

**BEFORE THE BOARD OF DIRECTORS
OF THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**

**RESOLUTION DECLARING AS EXCESS PROPERTY NOT NEEDED FOR
PURPOSES OF THE DISTRICT
(PUP CREEK DETENTION BASIN)**

WHEREAS, the Fresno Metropolitan Flood Control District (the "District"), a California public agency, is the owner of that certain real property described in Exhibit "A" (the "Real Property") located in the County of Fresno, State of California; and

WHEREAS, the Board of Directors of the District finds that for the purposes of the District, it is no longer necessary to hold fee title to the Real Property, provided that the District retains certain easement rights identified herein; and

WHEREAS, the District shall retain a surface flood easement on a portion of the Real Property; and

WHEREAS, it is in the best interest of the District to sell its fee title interest in and to the Real Property while retaining the easement rights identified herein; and

WHEREAS, compliance with California Government Code section 54220, *et seq.*, which requires that surplus land be offered to other public agencies for low and moderate income housing, as well as park and recreation purposes, is unnecessary for the Real Property because the Real Property would be exempt surplus land pursuant to Government Code section 54221, subdivision (e)(2)(B), and/or does not qualify for such uses because it is only approximately thirteen feet (13') wide and is in a floodway.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Fresno Metropolitan Flood Control District, County of Fresno, State of California, as follows:

1. The above recitals are true and correct.
2. The Board of Directors hereby authorizes the sale of fee title interest in and to the Real Property retaining certain interests identified in the recitals herein.
3. Staff is authorized to dispose of said Real Property in accordance with the provisions of law.

PASSED AND ADOPTED this 9th day of July 2014 by the following vote, to wit:

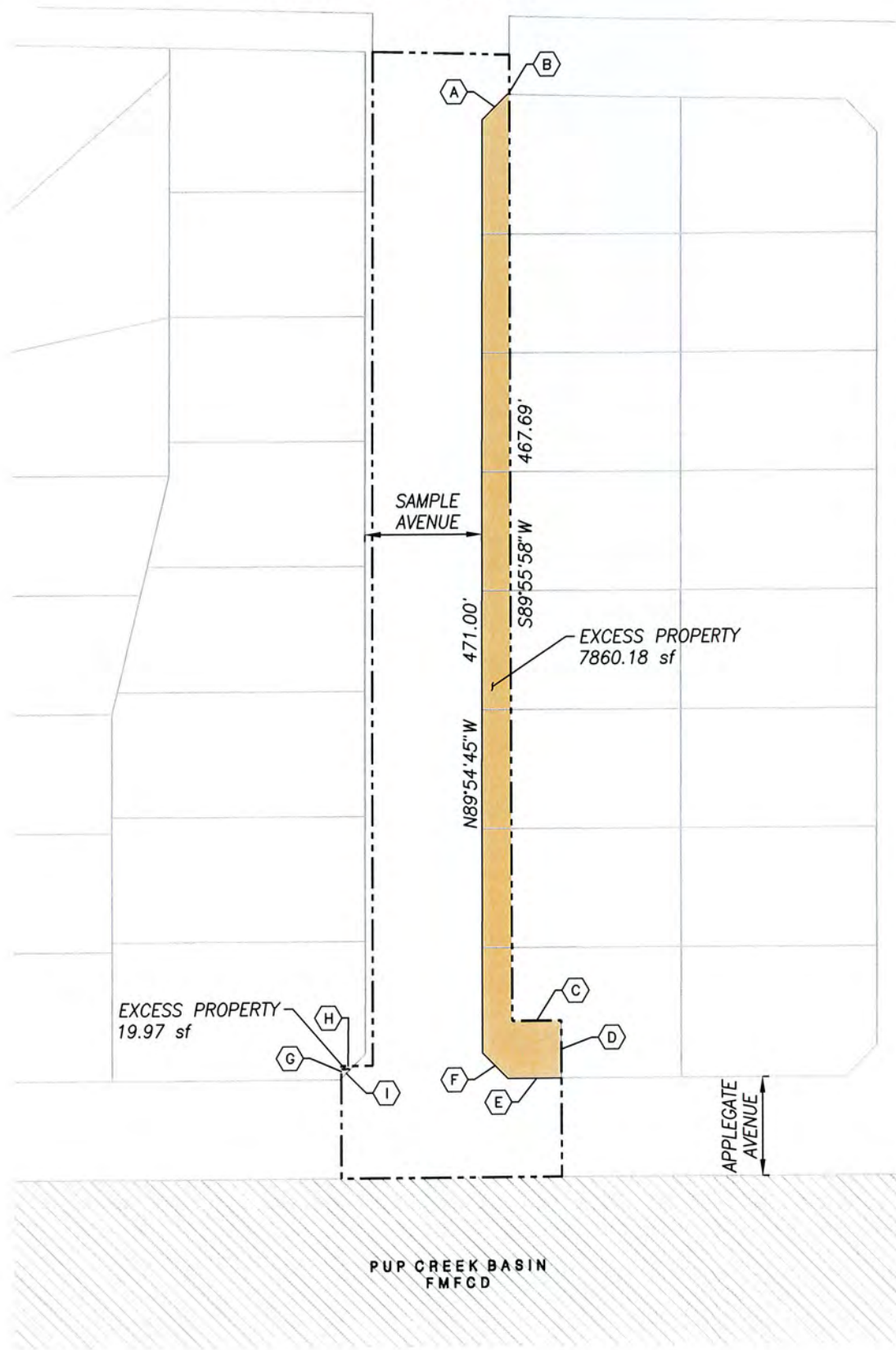
AYES:

NOES:

ABSENT:

ABSTAIN:

TEMPERANCE AVENUE



LINE TABLE		
LINE	BEARING	DISTANCE
A	S44°18'36"E	18.28'
B	N01°17'34"E	0.97'
C	N00°04'02"W	25.00'
D	S89°59'58"E	29.00'
E	S00°00'02"W	27.33'
F	N45°02'39"E	18.38'
G	N89°54'04"W	6.32'
H	S00°00'02"W	6.32'
I	S44°57'21"E	8.95'

EXCESS PROPERTY
19.97 sf

EXCESS PROPERTY
7860.18 sf

PUP CREEK BASIN
FMFCD

LEGEND:

- PUP CREEK DETENTION BASIN
OUTLET CHANNEL PROPERTY
- EXCESS PROPERTY
(7880.15 SF)

EXHIBIT "A"

Z
SCALE: 1" = 80'
QUAD KNOPF, INC.
7/2/14