

Napa County

1195 THIRD STREET
SUITE 310
NAPA, CA 94559



Agenda - Final

Tuesday, October 22, 2024

9:00 AM

**Board of Supervisors Chambers
1195 Third Street, Third Floor**

Flood Control and Water Conservation District

Scott Sedgley, City of Napa (Chairperson)
Joelle Gallagher, District 1, (Vice Chairperson)
Anne Cottrell, District 3
Paul Dohring, City of St. Helena
Leon Garcia, City of American Canyon
Ryan Gregory, District 2
Irais Lopez-Ortega, City of Calistoga
Marjorie Mohler, Town of Yountville
Beth Painter, City of Napa
Alfredo Pedroza, District 4
Belia Ramos, District 5

GENERAL INFORMATION

The Napa County Flood Control and Water Conservation District meets as specified in its adopted annual calendar in regular session at 1195 Third Street, Suite 305, Napa, California 94559. The meeting room is wheelchair accessible. Assistive listening devices and interpreters are available through the Clerk of the Board of the Napa County Board of Supervisors. Requests for disability related modifications or accommodations, aids or services may be made to the Clerk of the Board's office no less than 72 hours prior to the meeting date by contacting (707) 253-4580.

The agenda is divided into three sections:

CONSENT ITEMS - These matters may include routine financial or administrative actions, as well as the final adoption of two-reading ordinances and are approved by a single vote.

PUBLIC HEARINGS - These items are noticed public hearings pursuant to government code.

ADMINISTRATIVE ITEMS - These items include significant policy and administrative actions and are classified by program areas.

All materials relating to an agenda item for an open session of a regular meeting of the Napa County Flood Control and Water Conservation District which are delivered to the Clerk and are provided to a majority or all of the Directors of the Board, staff or the public within 72 hours of but prior to the meeting will be available for public inspection, at the time of such distribution, in the office of the District Secretary, 1195 Third Street, Suite 305, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except for County holidays. Materials distributed to a majority or all of the members of the Board at the meeting will be available for public inspection at the public meeting if prepared by the members of the Board or County staff and after the public meeting if prepared by some other person. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA please proceed to the podium and, after receiving recognition from the Chairperson, give your name and your comments or questions. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chairperson or Board.

AGENDA AVAILABLE ONLINE AT www.countyofnapa.org or www.napaflooddistrict.org

How to Watch or Listen to the Napa County Flood Control and Water Conservation District Meetings

The Napa County Flood Control and Water Conservation District will continue to meet pursuant to the adopted 2024 calendar available at the following link:

<https://www.countyofnapa.org/1429/Board-of-Supervisors-Special-Districts-C>

The District realizes that not all County residents have the same ways to stay engaged, so several alternatives are offered. Please watch or listen to the Napa County Flood Control and Water Conservation District meeting in one of the following ways:

1. Attend in-person at the Board of Supervisors Chambers, 1195 Third Street, Napa, CA 94559.
2. Watch on Zoom via www.zoom.us/join and enter Meeting ID 827-699-932-82 or listen on Zoom by calling 1-669-444-9171 then enter Meeting ID 827-699-932-82.
3. Watch via the Internet – view the Live Stream via Granicus by going to the following link:
http://napa.granicus.com/ViewPublisher.php?view_id=5
4. You may submit public comment for any item that appears on the agenda, or general public comment for any item or issue that does not appear on the agenda, as follows:
Via email: send your comment to the following email address:
publiccomment@countyofnapa.org. EMAILS WILL NOT BE READ ALOUD.

If you have any questions, contact us via telephone at (707) 253-4580 or email clerkoftheboard@countyofnapa.org.

1. CALL TO ORDER; ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

- A. Approve minutes from the September 17, 2024 meeting.

[24-1788](#)

Attachments: [September 17, 2024](#)

4. PRESENTATIONS AND COMMENDATIONS

5. CONSENT ITEMS

- A. Adopt a Resolution establishing the Fiscal Year 2024-25 appropriation limit and estimated revenues subject to the limit for the Community Facilities District-Oakville to Oak Knoll Maintenance, Monitoring, and Restoration Project (CFD OVOK) as required by Article XIII B of the California Constitution. (No Fiscal Impact; Mandatory)

[24-1472](#)

Attachments: [Resolution](#)
[Memo](#)

- B. Approve and authorize Agreement No. 250217B (FC) with River Focus, Inc., for professional services related to the Napa Creek/Napa River Flood Protection Project and other District projects and programs. (Fiscal Impact \$50,000 Expense; Flood District Fund; Budgeted; Discretionary)

[24-1675](#)

Attachments: [Agreement](#)

- C. Approve and authorize Amendment No. 2 for Agreement 220222B (FC) with Sonoma RSA+, Inc., increasing the maximum compensation by \$100,000 to a new total of \$400,000 for surveying services associated with the Napa River/Napa Creek Flood Protection Project - Floodwalls North of the Bypass and other District projects and programs. (Fiscal Impact: \$400,000 Expense; Flood Project; Budgeted; Discretionary)

[24-1714](#)

Attachments: [Agreement](#)

- D. Approve and authorize Purchase and Sale Agreement No. 250061B (FC) for the acquisition of one Flood Protection Levee Easement, one Slope Easement, one Temporary Construction Easement and one Grant of Public Water Utility Easement on property located at 2452 Shoreline Drive (APN 044-301-019), Napa, California owned by Jonathan Harrison and Kristina Harrison, Husband and Wife, as community property with right of survivorship at a price of \$63,980 and authorize the District Manager to sign related real estate documents on behalf of the District. (Fiscal Impact: \$63,980 Expense; Flood Project; Budgeted; Discretionary)

[24-1741](#)

Attachments: [Agreement](#)
[Exhibit E](#)

- E.** Approve and authorize Purchase and Sale Agreement No. 250027B (FC) [24-1742](#)
for the acquisition of one Flood Protection Levee Easement, one Slope
Easement, one Temporary Construction Easement and one Grant of Public
Water Utility Easement on property located at 2440 Shoreline Drive (APN
044-301-025), Napa, California owned by Jennifer L. Milgrom and Louis
M. Milgrom, Wife and Husband, as community property with right of
survivorship at a price of \$31,560 and authorize the District Manager to
sign related real estate documents on behalf of the District. (Fiscal Impact:
\$31,560 Expense; Flood Project; Budgeted; Discretionary)

Attachments: [Agreement](#)
[Exhibit E](#)

- F.** Approve and authorize Purchase and Sale Agreement No. 250170B (FC) [24-1743](#)
for the acquisition of one Flood Protection Levee Easement, one Slope
Easement and one Temporary Construction Easement on property located
at 2422 Shoreline Drive (APN 044-301-034), Napa, California owned by
Nancy L. Montez and Michael J. Montez, Wife and Husband, as
community property with right of survivorship, at a price of \$48,300 and
authorize the District Manager to sign related real estate documents on
behalf of the District. (Fiscal Impact: \$48,300 Expense; Flood Project;
Budgeted; Discretionary)

Attachments: [Agreement](#)
[Exhibit E](#)

- G.** Adopt a Resolution to amend the District Bylaws related to parliamentary [24-1772](#)
procedure and to update the Purchasing Policy to include State Water
Project supply management authorities for the Engineering Manager. (No
Fiscal Impact; Discretionary)

Attachments: [Resolution](#)
[Redlined Amended Bylaws](#)

6. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

7. PUBLIC COMMENT

At this time, anyone may address the Board of the Napa County Flood Control and Water Conservation District regarding any subject not on today's agenda over which the Board has jurisdiction. Individuals will be limited to a three-minute presentation. No action will be taken by the Board of the Napa County Flood Control and Water Conservation District as a result of any item presented at this time.

8. ADMINISTRATIVE ITEMS

9. PUBLIC HEARINGS

- A. PUBLIC HEARING - Napa River/Napa Creek Flood Control Project, [24-1734](#)
Flood Walls North of the Bypass

Conduct a Public Hearing to adopt a Resolution of Necessity with respect to portions of certain property with APNs 044-230-002 and 044-230-003 owned by Jose Cruz Calderon, A Married Man, As His Sole and Separate Property, as to an Undivided 50% Interest and Maximino Ballines, an Unmarried Man, as to an Undivided 50% Interest, as Tenants in Common. (No Fiscal Impact; Discretionary)
[2/3 vote required]

Attachments: [Resolution](#)
[Exhibits](#)
[PowerPoint Presentation \(added after meeting\)](#)

- B. PUBLIC HEARING - Napa River/Napa Creek Flood Control Project, [24-1725](#)
Flood Walls North of the Bypass

Conduct a Public Hearing to adopt a Resolution of Necessity with respect to portions of certain property with APN 044-230-004 owned by Larry Ellis Inc. (No Fiscal Impact; Discretionary)
[2/3 vote required]

Attachments: [Resolution](#)
[Exhibits](#)
[PowerPoint Presentation \(added after meeting\)](#)

- C. PUBLIC HEARING - Napa River/Napa Creek Flood Control Project, [24-1726](#)
Flood Walls North of the Bypass

Conduct a Public Hearing to adopt a Resolution of Necessity with respect to portions of certain property with APN 044-230-005 owned by David W. Bess, an unmarried man, as to an undivided 75% interest and Ray E. Bertolucci and Claudia J. Bertolucci, trustees of the Ray E. Bertolucci and Claudia J Bertolucci family trust, dated on July 18, 2011, as to an undivided 25% interest. (No Fiscal Impact; Discretionary)
[2/3 vote required]

Attachments: [Resolution](#)
[Exhibits](#)
[PowerPoint Presentation \(added after meeting\)](#)

- D. PUBLIC HEARING - Napa River/Napa Creek Flood Control Project, Flood Walls North of the Bypass** [24-1731](#)

Conduct a Public Hearing to adopt a Resolution of Necessity with respect to portions of certain property with APN 044-230-006 owned by Mark Anthony Grassi, Trustee of the 1992 Grassi Family Trust. (No Fiscal Impact; Discretionary)
[2/3 vote required]

Attachments: [Resolution](#)
[Exhibits](#)
[PowerPoint Presentation \(added after meeting\)](#)

- 10. DISTRICT MANAGER'S/ENGINEER'S REPORTS AND ANNOUNCEMENTS**
11. BOARD OF DIRECTORS REPORTS AND ANNOUNCEMENTS
12. BOARD OF DIRECTORS FUTURE AGENDA ITEMS
13. CLOSED SESSION

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** [24-1663](#)
(Government Code Section 54956.8)
Properties: APN 044-314-007
Negotiating Party: Richard Thomasser, Flood District Manager, Kazakova Maria & Valdovinos Greghk
Under Negotiation: Price/Terms/Conditions of Payment

- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** [24-1702](#)
(Gov. Code § 54956.8)
Properties: APN 044-204-003
Negotiating Party: Richard Thomasser, Flood District Manager, California Vacation Holdings Group, LLC
Under Negotiation: Price/Terms/Conditions of Payment

AND

CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION
(Gov. Code § 54956.9(d)(1))
Name of case: California Vacation Club, a California nonprofit mutual benefit corporation, v. Napa County Flood Control and Water Conservation District and California Vacation Holdings Group, LLC, a Florida limited liability company, and DOES 1 through 10, inclusive. Case No. 24CV001395. First Amended Verified Complaint for: (1) Breach of Governing Documents, (2) Preliminary and Permanent Injunctions, and (3) Declaratory Relief.

- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [24-1756](#)
(Government Code Section 54956.8)
Properties: APN 044-301-020
Negotiating Party: Richard Thomasser, Flood District Manager, Healy,
Ryan and Courtney
Under Negotiation: Price/Terms/Conditions of Payment

14. ADJOURNMENT

**ADJOURN TO THE NAPA COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT REGULAR MEETING, TUESDAY, NOVEMBER 26, 2024
AT 9:00 AM.**

I HEREBY CERTIFY THAT THE AGENDA FOR THE ABOVE STATED MEETING WAS POSTED AT A LOCATION FREELY ACCESSIBLE TO MEMBERS OF THE PUBLIC AT THE NAPA COUNTY ADMINISTRATIVE BUILDING, 1195 THIRD STREET, NAPA, CALIFORNIA ON FRIDAY, OCTOBER 18, 2024 BY 5:00 P.M. A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE DISTRICT SECRETARY AND AVAILABLE FOR PUBLIC INSPECTION.

Neha Hoskins (By e-signature)

NEHA HOSKINS, District Secretary