1195 THIRD STREET SUITE 310 NAPA, CA 94559



Agenda - Final

Tuesday, September 12, 2023 1:30 PM

Board of Supervisors Chambers 1195 Third Street, Third Floor

Flood Control and Water Conservation District

Ryan Gregory, District 2 (Chairperson)
Scott Sedgley, City of Napa (Vice Chairperson)
Anne Cottrell, District 3
Paul Dohring, City of St. Helena
Joelle Gallagher, District 1
Leon Garcia, City of American Canyon
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

Except when otherwise specified in its adopted annual calendar, the Napa County Flood Control and Water Conservation District meets the first Tuesday of every month at 1:30 P.M. 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.

ADMINISTRATIVE ITEMS - These items include significant policy and administrative actions and are classified by program areas. Immediately after approval of the CONSENT CALENDAR, if the time for hearing SET MATTERS has not arrived, the ADMINISTRATIVE ITEMS will be considered.

SET MATTERS - PUBLIC HEARINGS - These items are noticed hearings, work sessions, and items with a previously set time.

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 provided to a majority or all of the members of the Board by Board members, 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 rostrum 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 2021 calendar available at the following link:

https://www.countyofnapa.org/DocumentCenter/View/2924/Flood-Control-and-Water-Conservation-Calendar-PDF?bidld

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. Watch on your TV Napa Valley TV Channel 28 (programming subject to local pre-emption rules and schedules).
- 2. Listen on your cell phone via Zoom at 1-669-900-6833 then enter Meeting ID 842-343-169 once you have joined the meeting.
- 3. Watch via the Internet view the Live Stream
 - a. via Zoom at the following link: https://www.zoom.us/join then enter Meeting ID 842-343-169.
 - b. via Granicus by clicking on 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.

Via telephone: Please call the Napa County Flood Control and Water Conservation District Public Comment Line at 707-299-1776 during the item on which you want to speak. Comments will be limited to three minutes, subject to the discretion of the Chairperson. If you cannot make the meeting, you may leave a comment by voice mail by calling the Public Comment Line before or after the meeting.

Please mute all audio devices and do not use the speakerphone to prevent echoing.

Please provide your name and the agenda item on which you are commenting. Calls will be placed on hold and heard in the order received. The above-identified measures exceed all legal requirements for participation and public comment, including those imposed by the Ralph M. Brown Act and California Assembly Bill 361. If you have any questions, contact us via telephone at (707) 253-4421 or email clerkoftheboard@countyofnapa.org.

23-1534

23-1503

- 1. CALL TO ORDER; ROLL CALL
- 2. PLEDGE OF ALLEGIANCE
- 3. APPROVAL OF MINUTES
 - **A.** Clerk of the Board/Secretary of the District Board requests approval of minutes from the August 22, 2023 meeting.

Attachments: August 22, 2023

- 4. PRESENTATIONS AND COMMENDATIONS
- 5. CONSENT ITEMS
 - A. Auditor-Controller requests authorization to prepare the necessary accounting entries to close the financial books for the fiscal year ended June 30, 2023. (4/5 vote required)
- 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
 - A. District Manager requests discussion and Board direction to pursue the alternative trail alignment as requested by Friends of the Napa River (FONR) and City of Napa in comments related to their review of the 35% design submittal for the Floodwalls North of the Bypass Project.

Attachments: Letter

- 9. SET MATTERS OR PUBLIC HEARINGS
- 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
- 14. ADJOURNMENT

ADJOURN TO THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT REGULAR MEETING, TUESDAY, OCTOBER 10, 2023 AT 1:30 P.M.

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, SEPTEMBER 8, 2023 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



Board Agenda Letter

1195 THIRD STREET SUITE 310 NAPA, CA 94559 www.countyofnapa.org

Main: (707) 253-4580

Flood Control and Water Conservation District **Agenda Date:** 9/12/2023 **File ID #:** 23-1534

TO: Napa County Flood Control and Water Conservation District

FROM: Neha Hoskins - Admin Manager/Clerk of the Board

REPORT BY: Paulette Cooper - Deputy Clerk of the Board II

SUBJECT: Approval of Minutes

RECOMMENDATION

Clerk of the Board/Secretary of the District Board requests approval of minutes from the August 22, 2023 meeting.

EXECUTIVE SUMMARY

Clerk of the Board/Secretary of the District Board requests approval of minutes.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Clerk of the Board/Secretary of the District Board requests approval of minutes from the August 22, 2023 meeting.



Meeting Minutes

Napa County Flood Control and Water Conservation District

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

Tuesday, August 22, 2023

1:30 PM

Board of Supervisors Chambers 1195 Third Street, Third Floor

1. CALL TO ORDER; ROLL CALL

Present: Chairperson Ryan Gregory, Directors Anne Cottrell, Paul Dohring, Joelle Gallagher, Leon Garcia, Marjorie Mohler, Beth Painter, and Belia Ramos. Directors Irais Lopez-Ortega, Alfredo Pedroza, and Vice-Chairperson Scott Sedgley were excused. The meeting was called to order by Chairperson Ryan Gregory.

2. PLEDGE OF ALLEGIANCE

Chairperson Ryan Gregory led the assembly in the Pledge of Allegiance.

- 3. APPROVAL OF MINUTES
 - A. Clerk of the Board/Secretary of the District Board requests approval of minutes from the June 27, 2023 meeting.

Motion Text:

Approve the Minutes.

Voting Yes:

Garcia, Ramos, Cottrell, Dohring,

Gallagher, Mohler, Painter, and Gregory

Voting No: None

Excused: Lopez-Ortega, Pedroza, and Sedgley

Recusals: None

Result: Passed

23-1339

4. PRESENTATIONS AND COMMENDATIONS

None

5. CONSENT ITEMS

Motion Text: Approve the Consent Calendar.

Voting Yes: Painter, Cottrell, Dohring, Gallagher, Garcia, Mohler,

Ramos, and Gregory

Voting No: None

Excused: Lopez-Ortega, Pedroza, and Sedgley

Recusals: None
Result: Passed

A. District Manager requests approval of and authorization for the Chairperson to sign Amendment No. 1 to Agreement No. 220322B (FC) with Associated Right of Way Service, Inc. (ARWS) increasing the maximum compensation by \$702,000 for a new total of \$1,213,000 to complete land acquisitions and provide related right of way services for the Floodwalls North of the Bypass Project and to amend the scope of work to increase the number of properties to be acquired and providing right of way services for newly added properties.

Enactment No: A-220322B (FC) Amend. 1

B. District Manager requests approval of and authorization for the Chairperson to sign Amendment 1 to Agreement No. 220222B (FC) with Sonoma RSA+, Inc., increasing the maximum amount of compensation by \$150,000 to a new total of \$300,000 for surveying services associated with the Napa River/Napa Creek Flood Protection Project and other District projects and programs.

Enactment No: A-220222B (FC) Amend. 1

C. Auditor-Controller requests authorization to prepare the necessary accounting entries to close the financial books for the fiscal year ended June 30, 2023. (4/5 vote required)

Item removed from the agenda.

<u>23-1471</u>

6. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

None

7. PUBLIC COMMENT

None

- 8. ADMINISTRATIVE ITEMS
 - A. Monthly update on the progress of the Napa River/Napa Creek Flood Protection Project.

23-1223

District Manager Richard Thomasser and District Engineer Andrew Butler made presentation.

Discussion held.

9. SET MATTERS OR PUBLIC HEARINGS

None

10. DISTRICT MANAGER'S/ENGINEER'S REPORTS AND ANNOUNCEMENTS

District Manager Richard Thomasser reported the Lake Berryessa water service contract with the Bureau of Reclamation is on track to be renewed in February 2024, and the District is receiving grant funding from California State Parks and California Coastal Conservancy to acquire 57 acres of vineyards in the South Wetlands Opportunity Area.

11. BOARD OF DIRECTORS REPORTS AND ANNOUNCEMENTS

Director Leon Garcia reported on attending a North Bay Watershed Association meeting. There were presentations on workforce development and retention and how to generate interest with the younger population for career paths in wastewater, as well as training opportunities for those currently employed to move up in their careers.

12. BOARD OF DIRECTORS FUTURE AGENDA ITEMS

None

13. CLOSED SESSION

None

14. ADJOURNMENT

ADJOURN TO THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT REGULAR MEETING, TUESDAY, SEPTEMBER 12, 2023 AT 1:30 P.M.

Neha Hoskins (By e-signature)

NEHA HOSKINS, District Secretary



Board Agenda Letter

1195 THIRD STREET SUITE 310 NAPA, CA 94559 www.countyofnapa.org

Main: (707) 253-4580

Flood Control and Water Conservation District **Agenda Date:** 9/12/2023 File ID #: 23-1503

TO: Flood Control and Water Conservation District Board

FROM: Tracy Schulze - Auditor-Controller

REPORT BY: Georgina Panganiban -Accountant-Auditor Manager

SUBJECT: Authorization for the Auditor-Controller to prepare necessary entries to close the

financial books for the fiscal year ended June 30, 2023.

RECOMMENDATION

Auditor-Controller requests authorization to prepare the necessary accounting entries to close the financial books for the fiscal year ended June 30, 2023. (4/5 vote required)

EXECUTIVE SUMMARY

The Auditor-Controller anticipates completing all the necessary accounting entries to close the financial books for the fiscal year ended June 30, 2023 by Friday, September 29, 2023. Completing this process requires approval by the Flood Control and Water District Board of the below entries and requires a 4/5 vote.

The requested actions for approval are:

- 1. Budget adjustment to increase budget appropriations of \$21,841, carrying forward budget from fiscal year 2022-2023 to 2023-2024 for commitments (encumbrances) not fulfilled by June 30, 2023.
- 2. Re-encumber PO#23002183 for native plants from Cornflower Farms, Inc. in the amount of \$21,841.

PROCEDURAL REQUIREMENTS

- 1. Staff Report
- 2. Public Comment
- 3. Motion, second, discussion and vote on item.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? Yes Is it currently budgeted? No

Flood Control and Water Conservation District **Agenda Date:** 9/12/2023 File ID #: 23-1503

Where is it budgeted? The requested adjustments will be funded by the Flood District's

available fund balance.

Is it Mandatory or Discretionary? Discretionary

Discretionary Justification: Approval of these entries will enable the books to be properly

closed in compliance with Generally Accepted Accounting
Principles (GAAP) and with State accounting and budgeting

practices and also align the Capital Improvement Project budgeting

process with the County's budgeting process.

Is the general fund affected?

Consequences if not approved: The Flood Control and Water Conservation District would not be

in compliance with Generally Accepted Accounting Principles

(GAAP) or State accounting and budgeting practices.

County Strategic Plan pillar addressed: Effective and Open Government

No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The Auditor-Controller anticipates completing all the necessary accounting entries to close the fiscal year ended June 30, 2023 by Friday, September 29, 2023. Completing this process requires approval by the Flood Control and Water Conservation District board of the following actions:

Approve a Budget Adjustment to increase appropriations by \$21,841 in fiscal year 2023-2024 for encumbrance not fulfilled by June 30, 2023 and re-encumber PO#23002183 for native plants from Cornflower Farms, Inc.



Board Agenda Letter

1195 THIRD STREET SUITE 310 NAPA, CA 94559 www.countyofnapa.org

Main: (707) 253-4580

Flood Control and Water Conservation District **Agenda Date:** 9/12/2023 File ID #: 23-1565

TO: Napa County Flood Control and Water Conservation District

FROM: Richard Thomasser - District Manager

REPORT BY: Andrew Butler - District Engineer

SUBJECT: Public Trail in the Floodwalls North of the Bypass Project

RECOMMENDATION

District Manager requests discussion and Board direction to pursue the alternative trail alignment as requested by Friends of the Napa River (FONR) and City of Napa in comments related to their review of the 35% design submittal for the Floodwalls North of the Bypass Project.

EXECUTIVE SUMMARY

The Floodwalls North of the Bypass Project reach includes construction of a new segment of public trail that connects the existing Napa River Trail currently ending at the River Terrace Inn with the existing trail segment between Lincoln Avenue and Trancas Street. The design at 35% currently reflects the Corps original plan for this trail to be co-located with the required land side maintenance road. The Friends of the Napa River and staff of the City of Napa have requested the District move the location of the public trail, where possible, from the land side of the floodwall to the river side of the floodwall. The proposed realignment of the trail has been determined to be feasible but has cost and real property acquisition implications and staff seeks direction on this matter.

FISCAL IMPACT

Is there a Fiscal Impact? Yes Is it currently budgeted? No

Where is it budgeted? Flood - 8001000 Is it Mandatory or Discretionary? Discretionary

Discretionary Justification: The proposed realignment of the trail meets the objectives of the

Living River Guidelines for the Flood Project.

Is the general fund affected?

Consequences if not approved: Staff would continue to pursue the existing trail alignment.

ENVIRONMENTAL IMPACT

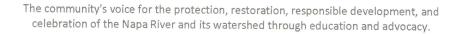
ENVIRONMENTAL DETERMINATION: The Napa River/Napa Creek Flood Protection Project was included in the Final Environmental Impact Report/Statement (FEIR/EIS). The FEIR was circulated twice for public

comment, from December 19, 1997 to February 13, 1998, and again in October and November 1998 (although not required), then certified by the Board of Directors of the Napa County Flood Control and Water Conservation District on May 4, 1999. The U.S. Army Corps of Engineers certified the Final Supplemental Environmental Impact Statement (FSEIS) on June 9, 1999. An amendment to this document is being prepared addressing the changes between the original Project and the current design.

BACKGROUND AND DISCUSSION

The attached letter provides the FONR comments regarding the public trail alignment. Additionally, during their review of the District's 35% design submittal, City of Napa staff provided comments indicating that the trail should be moved to the river side of the floodwall between River Terrace Inn and Wall Street. District staff have determined that realignment of the trail from the land side of the floodwall to the river side of the floodwall would be possible for approximately 1,400 feet of the trail. At this time, it is estimated that the additional construction cost of moving the trail to the river side could be up to \$350,000, due mostly to the need to design and construct additional features to facilitate public access to the river side of the wall. An opportunity exists to offset these additional construction costs by eliminating the acquisition of public trail easements on several properties on the land side of the wall. Although the District requires maintenance access along the land side of the flood wall, regardless of where the trail is located, the additive cost of the public trail easement rights on the land side of the wall have been appraised in gross totaling approximately \$250,000. A decision on alignment must be made as soon as possible because the District has begun to make offers on the required right-of-way for the Project. District staff are postponing acquisition offers to allow Board direction on this matter.

Staff recommends eliminating pursuit of the land side public trail easements in this 1,400 foot reach and pursuing the FONR and City requested alignment. Staff will continue value engineering efforts on the river side trail design to hopefully bring additional construction costs closer to parity with avoided real property costs.





PO Box 537, Napa, CA 94559 info@fonr.org www.fonr.org

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Bernhard Krevet

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(In Memoriam)

Karen Bower Turjanis

A "living" Napa River conveys equilibrium and harmony with all that it touches and resonates through the human and natural environment August 29, 2023

Board of Directors Napa County Flood Control and Water Conservation District 804 1st St. Napa, CA 94559

Friends of the Napa River has been, "the community's voice for the protection, restoration, responsible development, and celebration of the Napa River and its watershed through education and advocacy" since 1994.

In keeping with this role, the Board of the Friends of the Napa River requests that the entire multi-use trail paralleling the proposed flood wall project on the western side of the Napa River be located on the river side of the flood walls to maintain maximum public access to the river.

Background

Four Friends of the Napa River Board members, who are also former Flood Control District Technical Advisory Panel members, reviewed the 15% and the 35% engineering plans for the "Flood Walls North of the Bypass" project. Appropriately, both plan versions retain and enhance the existing multi-use trail on the river side of the proposed flood wall from Lincoln Avenue to the end of the project at the Elks Club property.

But both plan versions show a long section of the river walkway paralleling the flood wall on the land side of the flood wall, both physically and visually cut off from the river. FONR submitted comments on both versions of the plans that called this out and requested that the entire trail, or at least as much as is feasible, be located on the river side of the flood wall.

Two representatives from FONR subsequently met with FCD engineering staff to discuss the feasibility of relocating the trail to the eastern/river side of the flood wall between its southern end at the River Terrace Inn northward to the Ace & Vine property on the south side of Lincoln Avenue.

Feasibility Considerations

During the meeting with FCD, FCD engineering staff agreed that there is plenty of room between the flood wall and the river bank to fit a multi-use trail on the "water side" or "river side" of the flood wall from the north end of the River Terrace Inn (at the south boundary of the Ag Commissioner office parcel) to the intersection of Wall Street and North Bay Drive (near the southern boundary of the Ace & Vine property). This area has a trail length of approximately 1,400 feet.

There appears to be sufficient area available at the south end of the wall where it ties in to the existing fill at the River Terrace Inn for both the required flood wall maintenance road on the "land side" of the flood wall and for a multi-use recreational trail on the "river side" of the wall. Both the maintenance road and the trail would slope down from the elevation of the hotel fill pad to the existing land elevations immediately to the north of the hotel fill.

Just south of North Bay Drive, the top of the proposed flood wall is only about 5 feet higher than the existing land elevation and a ramped "stile" trail crossing over the flood wall could easily be constructed that would transition the trail from the river side to the land side of the flood wall at the Ace & Vine property.

In contrast, there does not appear to be any currently feasible option for the recreational trail to be on the river side of the proposed flood wall at the Ace & Vine property south of Lincoln Avenue, so the approximately 500 linear feet of trail skirting that property would still have to be located on the flood wall's "land side."

Justification

At the 35% FONR meeting with FCD, FCD staff pointed out that the recreational trail function may not be directly part of the flood control function, and therefore not be included in the project, but also considered that even if there was a recreational trail located on the "land side" of the flood wall, there is still a need for vehicle maintenance access to the "river side" of the flood wall and to the adjacent river bank. The "river side" recreational trail would provide this needed access and could therefore be included in the flood wall project as required maintenance access to the riverbank.

The potential added cost for the flood wall project to include the "river side" trail might be minimal because the Corps already requires a 15-foot wide "vegetation free" maintenance zone on the "river side" of the flood wall and the FCD will require vehicle access to that same side for river bank maintenance.

The 1997 "General Design Memorandum" standards that have guided the entire past flood control project include robust requirements that public access to the river be provided as part of all development adjacent to the river, including for this project. Following the GDM guidelines, the existing trail at the River Terrace Inn has visual access to the river. The existing trail north of Lincoln Avenue, which is to be retained and renovated in the flood wall plans, has both visual and physical access to the river. If this 1,400-foot length of trail is placed on the land side of the flood wall, it will deprive the public of river access for this distance.

As a federally funded project, the flood wall project should include appropriate diversity, equity, and inclusion components. The "river side" multi-use trail will provide quality river front access to all economic and social segments of the population, which would be denied by walling the trail off from the river.

Summary

In sum, the Board of the Friends of the Napa River requests that the Napa County Flood Control and Water Conservation District Board support moving the described 1,400-foot long segment of the multi-use trail to the "river side" of the proposed flood wall.

Sincerely,

Francie Winnen, Board President