

AGENDA
WEST SACRAMENTO AREA FLOOD CONTROL AGENCY
REGULAR MEETING OF A JOINT POWERS AUTHORITY OF THE CITY OF WEST SACRAMENTO,
RECLAMATION DISTRICT 900, AND RECLAMATION DISTRICT 537
MARCH 20, 2025

Tom Ramos, Chair (RD 537)

Verna Sulpizio Hull, Vice Chair (RD 900)

Norma Alcala, Director (City)

Paul Dirksen, General Manager/Secretary
Ralph Nevis, Agency Attorney

9:30 AM CALL TO ORDER

**The meeting will be held at City Hall, City Council Chambers,
1110 West Capitol Avenue, West Sacramento**

Materials related to the items on this Agenda are available for review and download at <https://www.cityofwestsacramento.org/government/meetings-agendas/west-sacramento-area-flood-control-agency/-toggle-next7days> no later than 72 hours prior to the meeting. Any materials related to the items on this Agenda that are provided to the members of the Board within 72 hours prior to the meeting shall be made available at that same web address for review and download.

If you need special assistance to participate in this meeting, please contact the City Manager's Office Department at 916-617-4500. Notification of at least 72 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting. Assisted listening devices are available at this meeting.

GENERAL ADMINISTRATION – PART I

- 1A. REPORT OUT ON CLOSED SESSION
- 1B. PRESENTATIONS BY THE PUBLIC ON MATTERS NOT ON THE AGENDA WITHIN THE JURISDICTION OF THE AGENCY. THE AGENCY IS PROHIBITED BY LAW FROM DISCUSSING ISSUES NOT ON THE AGENDA BROUGHT TO THEM AT THIS TIME.
- 1C. MONTHLY/YTD REVENUE AND EXPENSES

CONSENT AGENDA – PART II

2. CONSIDERATION OF RESOLUTION 25-03-02 AUTHORIZING THE GENERAL MANAGER TO ENTER INTO AN OPTION AGREEMENT TO PURCHASE BORROW MATERIAL FROM THE SACRAMENTO-YOLO PORT DISTRICT FOR THE WEST SACRAMENTO PROJECT.
3. CONSIDERATION OF APPROVAL OF THE FEBRUARY 20, 2025, MEETING MINUTES

REGULAR AGENDA – PART IV

- 4A. PUBLIC HEARING AND CONSIDERATION OF RESOLUTION 25-03-01 AUTHORIZING AN EMINENT DOMAIN ACTION TO ACQUIRE REAL PROPERTY FOR THE YOLO EAST BYPASS LEVEE NORTH PROJECT YOLO COUNTY ASSESSOR'S PARCEL NUMBER 008-020-026.
- 4B. WSAFCA PROJECT UPDATES
- 4C. DIRECTOR COMMENTS
- 5D. ADJOURN

I, Paul Dirksen, General Manager/Secretary of the West Sacramento Area Flood Control Agency, declare under penalty of perjury that the foregoing agenda for the March 20, 2025, meeting of the West Sacramento Area Flood Control Agency was posted on March 14, 2025, in the office of the City Clerk of the City of West Sacramento, 1110 West Capitol Avenue, West Sacramento, CA, and was available for public review.

Paul Dirksen Jr.

Paul Dirksen, General Manager/Secretary
West Sacramento Area Flood Control Agency

All public materials related to an item on this agenda submitted to the Agency after distribution of the agenda packet are available for public inspection on the City's website at: www.cityofwestsacramento.org. Any document provided at the meeting by staff will also be available to the public. Any document provided at the meeting by the public will be available the next business day following the meeting.

WSAFCA Monthly Cash Flow Report
 7-January-2025

	WSAFCA JPA	WSAFCA Cap Projects	STATE Advance Fed Project	Combined	
	i	ii	iii	Σ i,ii	
through 1/31/2025	<u>870-0000</u>	<u>871-0000</u>	<u>257-9919</u>	<u>Combined</u>	
Restricted Fund Balance	405,781	11,014,898	-	11,420,679	
Unassigned Fund Balance	9,398,022	11,461,088	-	20,859,110	
Revenue	3,920,263	3,524,093	25,000,000	32,444,356	
subtotal	13,724,066	26,000,079	25,000,000	64,724,145	a
Expenditures	1,471,161	1,273,185	2,088,676	4,833,022	b
Cash Position	12,252,905	24,726,894	22,911,324	59,891,124	c=a-b

	Year to Date FY 2024/25	July 2024	Aug 2024	Sep 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025
1. 870 Fund Balance								
[Beginning of Period, incl restricted cash]	9,803,803	9,803,803	8,193,151	8,248,879	8,433,414	8,508,851	8,695,164	9,320,390
2. CASH RECEIPTS								
4030 Interest/Penalties/Del. Tax	2,803	-	-	-	-	-	-	2,803
4090 Special Tax Assessment	3,517,282	-	-	3,811	-	152,558	416,763	2,944,151
4300 Interest-Other	(354,806)	(354,806)	-	-	-	-	-	-
4301 Investment Pool Earnings	754,983	88,097	77,720	216,051	94,382	47,954	230,778	-
4340 Concession Fees	-	-	-	-	-	-	-	-
4810 Reimbursements	-	-	-	-	-	-	-	-
4825 Contributions	-	-	-	-	-	-	-	-
4990 Transfers In	-	-	-	-	-	-	-	-
3. TOTAL CASH RECEIPTS								
[Σ 2a thru 2g]	3,920,263	(266,708)	77,720	219,863	94,382	200,512	647,541	2,946,954
4. TOTAL CASH AVAILABLE								
[Before cash out] (1 + 3)	13,724,066	9,537,094	8,270,870	8,468,742	8,527,796	8,709,363	9,342,705	12,267,345
5. CASH PAID OUT (870-9905)								
(a) Operations & Maintenance								
5131 Retired Employee Health Insurance	-	-	-	-	-	-	-	-
5252 Postage	-	-	-	-	-	-	-	-
5256 Memberships/Dues	23,853	-	-	22,328	-	1,525	-	-
5260 Legal Expenses	600	-	200	400	-	-	-	-
5261 Professional Services	83,935	276	21,791	8,401	18,766	5,276	19,901	9,526
5269 Official Fees	-	-	-	-	-	-	-	-
5271 Insurance- Liability	-	-	-	-	-	-	-	-
5273-Fidelity	-	-	-	-	-	-	-	-
Subtotal (5a)	108,388	276	21,991	31,129	18,766	6,801	19,901	9,526
(b) Non-Operating								
5310 Contributions to Other Agencies	(148,476)	(160,316)	-	4,199	-	2,500	227	4,914
5330 Taxes/Assessments	7,265	-	-	-	179	4,899	2,187	-
Subtotal (5b)	(141,211)	(160,316)	-	4,199	179	7,399	2,413	4,914
(c) Transfers Out								
2011 Debt Service	-	-	-	-	-	-	-	-
2015 Debt Service	-	-	-	-	-	-	-	-
5950 Transfer Out	1,503,984	1,503,984	-	-	-	-	-	-
Subtotal (5c)	1,503,984	1,503,984	-	-	-	-	-	-
6. TOTAL CASH PAID OUT (870-9905)								
[Sum 5a thru 5d]	1,471,161	1,343,944	21,991	35,328	18,945	14,200	22,314	14,439
7. 870 CASH POSITION								
(4 minus 6) End of Period	12,252,905	8,193,151	8,248,879	8,433,414	8,508,851	8,695,164	9,320,390	12,252,905

	Year to Date							
	FY 2024/25	July 2024	Aug 2024	Sep 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025
1. 871 Fund Balance								
[Beginning of Period, incl restricted cash]	22,475,986	22,475,986	23,871,057	23,669,805	23,551,827	23,384,474	23,249,189	23,036,573
2. CASH RECEIPTS								
a) 4300 Interest-Other	(68,567)	(69,439)	-	423	-	-	448	-
b) 4301 Investment Pool Earnings	-	-	-	-	-	-	-	-
c) 4440 Other State Grants	2,088,676	(42,478)	-	42,478	-	-	-	2,088,676
d) 4810 Reimbursements	-	-	-	-	-	-	-	-
e) 4899 Other Revenue	-	-	-	-	-	-	-	-
f) 4990 Transfers In	1,503,984	1,503,984	-	-	-	-	-	-
3. TOTAL CASH RECEIPTS								
[Σ 2a thru 2d]	3,524,093	1,392,067	-	42,901	-	-	448	2,088,676
4. TOTAL CASH AVAILABLE								
(1 + 3)	26,000,079	23,868,053	23,871,057	23,712,707	23,551,827	23,384,474	23,249,638	25,125,249
CASH PAID OUT								
(d) CIP (871-9915)								
Prog Mgmt, WO 40010	7,860	-	-	3,859	1,831	630	-	1,540.00
North Area EIP Closeout, WO 40018	14,829	-	2,944	2,704	-	1,829	2,606	4,746.08
JPA Support, WO 40202	192,128	37,850	22,773	17,311	27,257	28,286	28,107	30,543.73
WSLIP Program Activity, WO 40203	246,739	35,188	54,162	37,820	34,620	24,755	29,329	30,866.84
Southport EIP, WO 41164	427,465	(91,967)	94,299	1,679	33,836	6,943	114,199	268,475.13
Federal Project, WO 41167	43,519	3,870	6,331	3,456	9,040	11,843	5,501	3,478.95
SRNWL, WO 41169	277,527	12,056	20,743	66,519	60,768	51,234	20,610	45,597.28
RFMP 3, WO 41171	58,769	-	-	27,533	-	9,766	12,712	8,758.70
Stone Lock, WO 41172	4,348	-	-	-	-	-	-	4,348.17
5. TOTAL CASH PAID OUT								
[871-9915]	1,273,185	(3,003)	201,252	160,880	167,353	135,284	213,065	398,355
6. 871 CASH POSITION								
(4 - 5) End of Period	24,726,894	23,871,057	23,669,805	23,551,827	23,384,474	23,249,189	23,036,573	24,726,894

	40010	40018	40202	40203	41164	41167	41169	41171	41172	
	Prog Mgmt	N/A Close	General JPA	WSLIP	SLIP	YBEL	SRNL	RFMP 3	Stone Lock	
Project Expenditure by Month										Total by Month
July 2024	-	-	37,850	35,188	(91,967)	3,870	12,056	-	-	(3,003)
August 2024	-	2,944	22,773	54,162	94,299	6,331	20,743	-	-	201,252
September 2024	3,859	2,704	17,311	37,820	1,679	3,456	66,519	-	-	133,347
October 2024	1,831	-	27,257	34,620	33,836	9,040	60,768	-	-	167,353
November 2024	630	1,829	28,286	24,755	6,943	11,843	51,234	9,766	-	135,284
December 2024	-	2,606	28,107	29,329	114,199	5,501	20,610	12,712	-	213,065
January 2025	1,540	4,746	30,544	30,867	268,475	3,479	45,597	8,759	4,348	398,355
Total by Work Order, YTD	7,860	14,829	192,128	246,739	427,465	43,519	277,527	31,237	4,348	1,245,652

										Total by Vendor - January
Project Expenditure by Vendor, January 2025										
Bender Rosenthal	-	-	-	-	-	-	875	-	-	875
Blackburn	-	-	-	-	-	-	7,683	-	-	7,683
KMTG	-	-	-	-	162	-	-	-	-	162
ICAP	-	243	17,992	18,183	2,421	2,049	5,408	-	2,561	48,858
LWA	1,540	-	-	-	506	-	27,859	-	-	29,905
Mark Thomas Co.	-	4,334	-	-	998	-	-	-	-	5,331
MBK	-	-	-	-	-	-	-	8,759	-	8,759
River Partners	-	-	-	-	262,699	-	-	-	-	262,699
Staff Time	-	170	12,551	12,684	1,689	1,430	3,773	-	1,787	34,083
Total by Work Order, January	1,540	4,746	30,544	30,867	268,475	3,479	45,597	8,759	4,348	398,355

										Total by Vendor - YTD
Project Expenditure by Vendor, YTD										
Bender Rosenthal	-	-	0	-	-	-	5,600	-	-	5,600
Blackburn	-	-	0	-	-	-	125,594	-	-	125,594
Day Carter Murphy	-	1,560	0	-	440	-	-	-	-	2,000
GEI Consultants	-	-	0	-	21,939	-	-	-	-	21,939
ICAP	-	2,786	114,787.85	149,365	19,918	26,036	49,022	-	2,561	364,477
KMTG	-	-	0	-	162	-	-	-	-	162
LWA	7,860	-	0	-	2,116	-	64,711	-	-	74,688
Mark Thomas Co.	-	8,539	0	-	18,146	-	-	-	-	26,685
MBK	-	-	0	-	-	-	-	58,769	-	58,769
Other Proj Related	-	-	0	24	-	-	22	-	-	46
River Partners	-	-	0	-	351,333	-	-	-	-	351,333
Staff Time	-	1,944	77,340.64	97,350	13,411	17,483	32,577	-	1,787	241,892
Total by Vendor, YTD	7,860	14,829	192,128	246,739	427,465	43,519	277,527	58,769	4,348	1,273,185

MEETING DATE: March 20, 2025

ITEM #2

SUBJECT:
CONSIDERATION OF RESOLUTION 25-03-02 AUTHORIZING THE GENERAL MANAGER TO EXECUTE OPTION AGREEMENT TO PURCHASE BORROW MATERIALS

INITIATED OR REQUESTED BY:

JPA Board Staff

Other

REPORT COORDINATED OR PREPARED BY:

Paul Dirksen Jr., Flood Protection Manager



Paul Dirksen, Jr., General Manager

ATTACHMENT Yes No Information Direction Action

OBJECTIVE

The objective of the report is to obtain West Sacramento Area Flood Control Agency’s (WSAFCA) approval to authorize the General Manager to enter into an option agreement to purchase borrow material from the Sacramento-Yolo Port District in support of the West Sacramento Project.

RECOMMENDED ACTION

It is respectfully recommended that the JPA Board adopt Resolution 25-03-02, authorizing the WSAFCA General Manager to execute an Option Agreement substantially in the form as set forth in Exhibit A to the attached resolution, to reserve the right to Purchase Borrow Material from the Sacramento-Yolo Port District.

BACKGROUND

In 2013 the WSAFCA Board of Directors authorized the JPA General Manager to enter into option agreements to purchase borrow materials for the Southport Early Implementation Project (SEIP). The SEIP required over 2 million cubic yards of material to construct the setback levee and seepage berms. Some of that material was obtained from excavation of the levee setback area and remnant levee; however, additional material was necessary to meet the engineering requirements for the levee. The authority to enter into options to purchase borrow was convenient and efficient for the SEIP and it was used to secure and utilize borrow material from a property adjacent to the SEIP, which reduced costs, environmental impacts and hauling distances.

Presently, WSAFCA and DWR staff, as the non-federal sponsors, are actively working with the local Army Corps of Engineers, Sacramento District (SPK) on three distinct levee design efforts that may require borrow-fill materials: Sacramento River (West) North Levee (SRNL) Segment 3; SRNL Segments 1&2; and Stone Lock. Design efforts for these levee segments are in different stages of completion, from investigation to 60% design. Design efforts will be on-going through 2025 and 2026 and the option agreement described herein provides a known source and location that facilitates environmental compliance, cultural resources investigations, as well as securing needed construction materials for re-forming and reinforcing these levee segments.

ANALYSIS

The SRNL Segment 3 design is furthest along and that levee rehabilitation project is estimated to need 125,000 cubic yards of earthen material. WSAFCA’s most efficient means to control costs is by acquiring material close to the proposed project to limit transportation and material handling costs. Additionally, acquiring material locally will result in local and State funding being invested in the community.

Option agreements, such as the agreement attached to the resolution, are used to secure the rights to execute borrow material agreements to purchase the material needed to construct the project. The option agreement allows acquisition of borrow materials without purchasing real property rights. The Option to Purchase Borrow Material will be negotiated, but will not exceed \$2,000 for the initial term and \$2,000 in the event WSAFCA exercises its right for an extension term. This amount will be credited toward the purchase of material once

executed. Additionally, entering into an option agreement at this time is prudent due to the amount of material needed for the reaches in design and will provide a higher degree of precision for developing construction cost estimates.

The State of California and WSAFCA are the non-federal sponsors for the West Sacramento Project and are required to provide Lands, Easements and Right of Way for the Project. Because of the unique relationship with the Sacramento-Yolo Port District, staff is seeking to secure this material source at a favorable price early in the process. Borrow material purchases are eligible for State cost sharing through the Local Project Partnership Agreement.

Alternatives

1. WSAFCA Board adopts Resolution 25-03-02, authorizing the General Manager to enter into the Option Agreement with the Sacramento-Yolo Port to Purchase Borrow Material.
2. WSAFCA Board may choose to make modifications to the Resolution or its attachments. WSAFCA Board may direct staff to make those changes in conjunction with legal counsel. This is not recommended because it could impact one of WSAFCA's opportunities to control project costs.
3. WSAFCA may choose not adopt this resolution. This is not recommended because staff believes that securing the Option Agreement to Purchase Borrow Material is timely and helps advance the West Sacramento Project.

Alternative 1 is the staff recommendation. Staff does not recommend alternatives 2 or 3, because they could potentially delay or impact project costs.

Coordination and Review

This report was coordinated with the WSAFCA and legal counsel for WSAFCA.

Budget/Cost Impact

The total cost for entering into the Option Agreement is \$2,000, with a contingent cost of an additional \$2,000 if WSAFCA exercises its right to an extension term.

ATTACHMENT

Resolution 25-03-02

RESOLUTION 25-03-02

**A RESOLUTION OF THE WEST SACRAMENTO AREA FLOOD CONTROL AGENCY
("WSAFCA") TO AUTHORIZE THE GENERAL MANAGER TO ENTER INTO
OPTION AGREEMENT TO PURCHASE BORROW MATERIAL FOR THE WEST
SACRAMENTO PROJECT**

WHEREAS, WSAFCA is a Joint Powers Authority comprised of the City of West Sacramento, Reclamation District (RD) 900, and RD 537 for the purposes of constructing the improvements necessary to enhance the levee system protecting the City of West Sacramento; and

WHEREAS, WSAFCA has been granted the authority to accomplish the purposes and projects necessary to achieve and maintain at least a 200-year level of flood protection, through the development, design, acquisition, and construction of such projects as are required to provide the necessary flood protection for the protection of the public and property within WSAFCA's boundaries, which are coextensive with those of the City of West Sacramento; and

WHEREAS, in furtherance of its purposes, WSAFCA commissioned a levee study to evaluate the entire West Sacramento Levee System which determined that substantial improvements to the system must be made to meet the new Federal criteria and protect the lives and livelihoods of those living and working in West Sacramento; and

WHEREAS, in August of 2007, the City Council of the City of West Sacramento approved a contract with HDR Engineering, Inc. for environmental, design, and permitting to prepare an Early Implementation Program (EIP) to guide the first phase of improvements, selecting the sites based primarily on those providing the greatest public safety, with the least negative effects; and

WHEREAS, WSAFCA entered into a Local Project Partnership Agreement with the Central Valley Flood Protection Board (CVFPB); and

WHEREAS, WSAFCA and the CVFPB entered into Project Partnership Agreement with the United States, Department of the Army to complete the West Sacramento Project; and

WHEREAS, the US Army Corps of Engineers (USACE) has initiated design on three segments of the Sacramento River West North Levee; and

WHEREAS the need for off-site material to construct the project plays a vital role in achieving the City's and WSAFCA's flood protection objectives and represents a critical cost component to the project's success; and,

WHEREAS, an Option Agreement to Purchase Borrow Material has been developed to secure borrow material necessary to construct the proposed levee improvement project

NOW, THEREFORE, BE IT RESOLVED by WSAFCA to as follows:

1. WSAFCA hereby finds that the West Sacramento Project will require the acquisition of off-site borrow material; and
2. WSAFCA hereby authorizes the General Manager, for, in the name of, and on behalf of the WSAFCA, to do the following:

a. Enter into an Option Agreement to Purchase Borrow Material from the Sacramento-Yolo Port District, in substantially in the form as attached hereto as **Exhibit A**; and

b. Execute and deliver any and all documents, to do any and all things, and to take any and all actions that may be necessary or advisable, in his discretion, in order to implement the actions authorized by this Resolution and as set forth in the Option Agreement to Purchase Borrow Material.

PASSED AND ADOPTED by the West Sacramento Area Flood Control on this 20th day of March 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tom Ramos, President

ATTEST:

APPROVED AS TO FORM:

Paul Dirksen, JR., General Manager

Ralph Nevis, WSAFCA Attorney

EXHIBIT A

2024 Borrow Area D

Area- 767k SF
Approximately 300,000 CY Available

2024 Borrow Area C

Area- 500k SF
Approximately 200,000 CY Available

2024 Borrow Area B

Area- 623k SF
Approximately 600,000 CY Available

2024 Borrow Area A

Area- 1.1M SF
Approximately 100,000 CY Available

Prospect Slough

Channel Dr

Channel Dr

Leola Access Rd

Bridgeway Lakes Community Park

Marshall Rd

Coyote Rd

Fowler Rd

Lake View Park

Eagle Point Park

Silverwood Rd

Squaw Rd

Topaz Rd

Learning Together/ Aprendiendo Juntos... Richard W. Humes, CPA

Southport

Image © 2024 Airbus

**REGULAR MEETING OF THE
WEST SACRAMENTO AREA FLOOD CONTROL AGENCY
February 20, 2025
Minutes**

The meeting was called to order at 9:35 AM by Chair Tom Ramos. Vice Chair Sulpizio Hull and Director Alcala were also present. Chair Ramos presided. Also, in attendance were General Manager Paul Dirksen, clerk Jenn Nguyen, and Agency General Counsel Tracy Hunckler.

Entry No. 1

Heard General Administration Functions as follows:

A. Report out on Closed Session

Tracy Hunckler reported that the Board met in Closed Session with legal counsel regarding the two items listed on the Closed Session Agenda. No reportable action was taken on any items.

B. Presentations by the Public for Matters not on the Agenda

Resident, Nicole Sears, expressed concern about seepage and erosion along the river in the Sac River North Levee footprint and asked about project timeline. RD 900 Manager, Blake Johnson, will meet Ms. Sears after the meeting for more discussion.

C. Monthly/YTD revenue and expenses

Jenn Nguyen reported on the monthly revenue and expenses for December 2024. Fund 870's starting balance was approximately \$8.37M. The Agency received \$420k from tax assessments. Expenditures were \$22k. Fund 870's ending balance was approximately \$8.76M. Fund 871 had a starting balance of \$23.22M. The Agency received \$448 from interest earnings. Expenditures totaled \$213k. The ending balance for fund 871 was approximately \$23M. Including \$25M in the state advance fund, the Agency's combined cash position at the end of December was approximately \$56.77M. As of 2/10/25, the Agency's combined cash position was approximately \$54.41M.

The Agency received the first installment of assessments in January. The amount is \$2,937,042, which is a 2.5% increase from last year's first installment. This aligns with what the Board approved. Staff submitted Work In Kind packages 16 through 18, for work through the end of 2024, to the Corps.

The Board acted on the Consent Agenda as follows:

Entry No. 2

Approved contract Amendment 6 with R.E.Y. Engineers, Inc., adding \$197,444 to the contract, and authorizing the General Manager to approve contract amendments up to 10% of the amendment 6 value.

Entry No. 3

Approved the minutes of the December 19, 2024, West Sacramento Area Flood Control Agency meeting.

MOTION: Sulpizio Hull	SECOND: Alcala	AYES: Sulpizio Hull, Alcala, & Ramos
NOES: None	ABSTAIN: None	ABSENT: None

The consent agenda passed unanimously.

Entry No. 4

A. General Manager Appointment

The Board appointed Paul Dirksen as the General Manager of the Agency.

MOTION: Ramos	SECOND: Alcala	AYES: Ramos, Alcala, & Sulpizio Hull
NOES: None	ABSTAIN: None	ABSENT: None

The appointment passed unanimously.

B. WSAFCA Project Updates

Paul Dirksen reported on the WSAFCA project updates highlighting the following: Southport mitigation, SRNL R.E.Y contract, California Indian Heritage Center, Civil Engineer recruitment, and 2 potential items for Board consideration at next month's meeting: a Borrow Option Agreement and utilizing the flood in lieu fund to cover the Agency's cost share of the federal 5% cash request.

C. Director comments

Vice Chair Sulpizio Hull stated that RD 537 may be removed from the Agency. What is the timeline for that.

D. Adjourn


The meeting adjourned at 9:52 AM.

Paul Dirksen Jr.

Paul Dirksen Jr., WSAFCA General Manager/Secretary

Minutes approved as presented by a majority vote of the Agency on March 20, 2025.

Jenn Nguyen, Clerk to the Agency

MEETING DATE: March 20, 2025		ITEM #4A	
SUBJECT: PUBLIC HEARING AND CONSIDERATION OF RESOLUTION 25-03-01 AUTHORIZING AN EMINENT DOMAIN ACTION TO ACQUIRE REAL PROPERTY FOR THE YOLO EAST BYPASS LEVEE NORTH PROJECT YOLO COUNTY ASSESSOR'S PARCEL NUMBER 008-020-026			
INITIATED OR REQUESTED BY:		REPORT COORDINATED OR PREPARED BY:	
<input type="checkbox"/> Council <input checked="" type="checkbox"/> Staff <input type="checkbox"/> Other		Paul Dirksen, Jr., Flood Protection Manager  <hr/> Paul Dirksen, General Manager	
ATTACHMENT	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Information	<input type="checkbox"/> Direction <input checked="" type="checkbox"/> Action

OBJECTIVE

The purpose of this report is to request West Sacramento Area Flood Control Agency’s (WSAFCA) approval of Resolution 25-03-01 authorizing the initiation of eminent domain proceedings to acquire certain real property rights needed for construction and maintenance of levee improvements necessary to achieve at least a 200-year level of flood protection throughout the City and at this section of the Yolo Bypass East Levee, which is an approximately 825 feet long levee improvement project designed to address flood protection deficiencies for the benefit of the City and its residents.

RECOMMENDED ACTION

It is respectfully recommended that the JPA Board approve the findings and adopt Resolution 25-03-01 (Attachment 1):

1. Determining that the public interest and necessity require the Project; and
2. Determining that the Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury; and
3. Determining that a utility easement over a portion of the property owned by La Rue California Sites, LLC, located at 4250 West Capitol Ave, West Sacramento, CA (APN 008-020-026) is necessary for the Project; and
4. Determining that the offer required by Section 7267.2 of the Government Code has been made to the owner of record; and
5. Authorizing WSAFCA’s attorney to file a complaint in eminent domain to acquire such property interest, to apply for an order for possession before judgment, and to prosecute that action to final judgment; and
6. Authorizing the deposit of the amount of probable compensation in the amount of \$600.00.

BACKGROUND

The Yolo Bypass East Levee (YBEL) was originally constructed prior to the formation of Reclamation District 900 in 1911. Portions of the levee predate contemporary guidance for levee construction. Levee improvements and repairs are necessary to maintain structural integrity of the YBEL and to meet current performance guidelines and requirements. The YBEL has undergone several structural improvements in the last forty years, the most recent in 1999 and 1998; however, other segments of the YBEL received structural improvement and repair in the mid-1990s and back to 1983. The USACE General Re-authorization Report (2015) recommended seepage improvements with a slurry wall installation ranging from 40 to 100 feet in depth.

The Yolo Bypass East Levee Project was the initiated in 2019, as the next project reach to be rehabilitated due to the degradation of the riprap along the waterside slope and levee toe and a seepage area on the landside slope. WSAFCA initiated preliminary investigations on behalf of USACE to provide data for the design of the

first increment of the federal West Sacramento Levee Project, the Yolo East Bypass Levee (YBEL). The initial investigations included civil surveys and a limited number of borings for geotechnical analysis.

The YBEL project area extends from the Racetrack Pump Station (near the new West Sacramento Corporation Yard) towards the Yolo Bypass, under the I-80 freeway and down to the deep water shipping channel, (see Exhibit 1). The project was divided into 8 segments and in the final design stages it was split into two projects; segments Z through AC along Bypass, south of I 80, and, segment AD, from behind the new city corporation yard to the access easement area for the Racetrack pump station. Work in segment AD is limited to approximately station 114+25 to station 122+50 and is described as YBEL North Levee. Work in this segment included levee repairs of the landside embankment and construction of a subgrade drainage system connected to a pump station. The extension consists of approximately 800-feet of 30-inch diameter perforated pipe to alleviate ongoing seepage. A new pump station was constructed as part of the levee drainage system with capacity to discharge seepage away from the levee prism into the Yolo Bypass. The new pump station is sited at station 122+00, adjacent to RD 900's existing pump station (Racetrack pump station) and sized to pump and discharge up to 33.6 cubic feet per second during a 100-yr flood event into the Yolo Bypass in years when the Yolo Bypass is full and the drainage system is active and collecting drainage water that would be discharged back to the Yolo Bypass. Additionally, the landside levee slope has been reconstructed at 3.5H:1V with a drainage blanket along the base of the reconstructed levee.

ANALYSIS

Acquisition

City staff completed the USACE real estate certification in October 2022. Staff secured temporary work area easements from the West Sacramento Port District and RD 900. The AD segment is encumbered with easements in favor of RD 900 and the Sacramento San Joaquin Drainage District (SSJDD). There is a Pacific, Gas, and Electric (PGE) power pole that serves the Race Track Pump station that is located on the La Rue California Sites Property, approximately 35 feet away from the newly constructed pump station. The PGE design plan calls for a power drop from the PGE pole to a pole immediately adjacent to the new pump station, behind the DWR corporation yard (see Exhibit 2). The YBEL North levee improvements require an easement in favor of WSAFCA for the use by PGE from La Rue California Sites property. The property rights to be acquired by WSAFCA are necessary to provide power to the new pump station, after evaluating other possible extensions of PGE's facilities. Additionally, as WSAFCA along with the State are the Non-federal Sponsors of the project, requires WSAFCA to acquire the necessary property rights for construction and utility relocation, or in this case alteration to an existing utility.

Notice of Hearing on Adoption of Resolution of Necessity

On March 4, 2025, WSAFCA issued a Notice of Hearing for a Resolution of Necessity to La Rue California Sites notifying it that a hearing before the JPA Board is scheduled on March 20, 2025, at 9:30 a.m. This written notice is required by Code of Civil Procedure section 1245.235 and advises the property owners of its, or its representative's, right to appear and be heard before the WSAFCA Board. As reflected in the Notice of Hearing, La Rue California Sites may exercise its right to address the Board on the following issues: whether the public interest and necessity require the project; whether the project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury; whether the property sought to be acquired is necessary for the project; and whether the offer required by Section 7267.2 of the Government Code has been made to the owners or representatives of the owners of record. As stated in the Notice, issues of fair market value and compensation are not at issue at the hearing on the Resolution of Necessity.

Findings Required to Adopt a Resolution of Necessity

1. The public interest and necessity of the proposed Project.

Based on the current Federal standards, certain important deficiencies have been found in the Federal levee system that protects the City. Without an intact levee system that meets Federal standards, the lives of the

citizens of the City of West Sacramento are in danger of flooding during a major storm event. There are direct negative impacts to the local economy and community welfare when the levee system is not to current standards. The YBEL Project was designed to address levee deficiencies related to seepage. A 30" perforated pipe subdrain system was constructed in segment AD. This pipe is oversized to handle the expected seepage flowrate. This perforated pipe system is connected to the existing subdrain system which was constructed in segment AD by the Corps in 2012. The 2012 improvements were not functioning properly due to a lack of positive drainage to the city of West Sacramento Racetrack pump station. Therefore, a small pump station has been added to the project to discharge additional runoff from this project and seepage to ensure adequate landside drainage after project construction.

Blackburn evaluated the seepage rate at the reconstructed toe. The evaluation indicated a seepage rate of 57 cubic feet per day at the landside levee toe in a 200-year event. This seepage rate was used to determine an expected seepage flow rate. Runoff from the landside embankment and levee toe area was also determined for the 200-year event. Combined, this drainage will be conveyed by the existing and recently constructed 30" perforated pipe to the new pump station that will discharge to the Yolo Bypass. The pump must be powered by an electrical service from the electric utility for the area, Pacific Gas and Electric Company (PGE).

The YBEL North Project is necessary to address the seepage issues along the Yolo Bypass East Levee as part of WSAFCA's overall plan to provide 200-year flood protection for the City of West Sacramento.

The Project serves the public interest and necessity by addressing the necessary and beneficial purposes outlined here.

2. The proposed Project is planned or located in a manner that will be most compatible with the greatest public good and least private injury.

The easement to be acquired will carry electrical power from an existing pole across La Rue California Sites, LLC's parcel to the pump station. PGE provided the easement and the design to use the existing power pole on the La Rue California Sites property and connect to a new pole adjacent to the newly constructed pump station. WSAFCA and the USACE investigated alternatives to provide power to the new pump station but discovered that this pole line was the preferred option because the PGE pole already exists, it is behind La Rue California Sites' property improvements, alternatives would require new utility poles and electrical lines across other property owner's lands and facilities, and because this pole line also services the Race-track pump station.

Extending power from the existing PGE pole across the landowner's property was the alternative determined to be most compatible with the greatest good and least private injury.

3. The property sought is necessary for the Project

Utility Easement

Acquisition of the PGE easement (Attachment 2) is to provide electrical power to the pump station. The pump station is complete and the easement is needed to power the pump station to pump water over the levee and address the seepage deficiencies identified during the YBEL project investigations.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner of record.

On November 27, 2024 WSAFCA sent an offer packet to La Rue California Sites via email. The packet included a written offer satisfying Government Code section 7267.2, which requires WSAFCA to make an offer in writing for the property of at least its appraised fair market value prior to adopting a Resolution of Necessity. The appraisal for the La Rue Property Rights, on which WSAFCA based its offer, was completed on November 20, 2024.

Alternatives

1. WSAFCA Board makes the required findings and adopts Resolution 25-03-01 as recommended in this report.
2. WSAFCA Board may choose to make modifications to the Resolution. WSAFCA may direct staff to make those changes in conjunction with legal counsel. This is not recommended, as it delays the filing of the complaint in eminent domain to acquire such property interest, which in turn could lead to delays in obtaining the rights necessary to proceed with the Project construction.
3. WSAFCA Board may choose not to adopt the Resolution. This is not recommended because it will prevent the acquisition of the property rights needed for the Project.

Coordination and Review

This report was coordinated with WSAFCA staff, WSAFCA consultants, and WSAFCA legal counsel.

Budget/Cost Impact

The total deposit of the amount of probable compensation is \$600.00. The total cost of the eminent domain proceedings related to the Project is unknown but is eligible for reimbursement through the Project Partnership Agreement. Appropriations for this acquisition will be funded flood assessment revenue. Staff anticipates that approximately 100 percent of the costs are eligible for Lands, Easements, Relocations and Damages (LERDS) credit toward the federal project.

ATTACHMENTS AND DOCUMENTS INCORPORATED INTO REPORT

1. Resolution 25-03-01
2. Exhibit 1
3. Exhibit 2

RESOLUTION 25-03-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST SACRAMENTO AREA FLOOD CONTROL AGENCY AUTHORIZING AN EMINENT DOMAIN ACTION TO ACQUIRE REAL PROPERTY FOR THE WEST SACRAMENTO LEVEE IMPROVEMENT PROGRAM, THE YOLO EAST BYPASS LEVEE PROJECT – YOLO COUNTY ASSESSOR'S PARCEL NUMBER 008-020-026

WHEREAS, WSAFCA is a Joint Powers Authority comprised of the City of West Sacramento, Reclamation District (RD) 900, and RD 537 for the purposes, among other things, of constructing the improvements necessary to enhance the levee system protecting the City of West Sacramento; and

WHEREAS, WSAFCA has been granted the authority to accomplish the purposes and projects necessary to achieve and maintain at least a 200-year level of flood protection, through the development, design, acquisition, and construction of such projects as are required to provide the necessary flood risk reduction for the protection of the public and property within WSAFCA's boundaries, which are coextensive with those of the City of West Sacramento; and

WHEREAS, WSAFCA has been granted the authority to accomplish the purposes and projects necessary to preserve environmental resources that support or are compatible with at least a 200-year level of flood protection through the development, design, acquisition, and construction of such projects as are required to provide mitigation for environmental impacts resulting from the development, operation and maintenance of necessary flood protection infrastructure within WSAFCA's boundaries, which are coextensive with those of the City of West Sacramento; and

WHEREAS, WSAFCA has been granted the authority to accomplish the purposes and projects necessary to enhance ecosystem facilities that support or are compatible with at least a 200-year level of flood protection through the development, design, acquisition, and construction of such projects as are required to improve the function of existing habitat or create new habitat within WSAFCA's boundaries, which are coextensive with those of the City of West Sacramento; and

WHEREAS, in furtherance of its purposes, WSAFCA commissioned a levee study to evaluate the entire West Sacramento Levee System; and

WHEREAS, the study determined that substantial improvements to the system must be made to meet the new Federal criteria and protect the lives and livelihoods of those living and working in West Sacramento; and

WHEREAS, the portion of the La Rue Communications California Sites to be acquired by WSAFCA is referred to herein as the "La Rue Property Rights"; and

WHEREAS, acquisition of a utility easement consisting of an area of approximately 1,120 square feet is necessary for the Project (**Exhibit A**); and

WHEREAS, each person whose name and address appeared on the last equalized County Assessment Role as an owner of the Property has been given notice and a reasonable opportunity to appear and be heard this date on the matters referred to in California Code of Civil Procedure section 1240.030 in accordance with California Code of Civil Procedure section 1245.235.

NOW, THEREFORE, BE IT RESOLVED by the West Sacramento Area Flood Control Agency that:

Section 1: WSAFCA intends to acquire through the exercise of the power of eminent domain the La Rue Property Rights, a strip of land for a utility easement, as more fully described herein and as more particularly described in Exhibits A hereto, such exhibit being attached hereto and incorporated herein by this reference.

Section 2: That the public use for which the La Rue Property Rights are to be taken is for levee improvement purposes.

Section 3: That WSAFCA is authorized to acquire the La Rue Property Rights by eminent domain for the above-mentioned public purposes by California Government Code sections 6523 and 37350.5, Water Code section 50930, and as set forth in section 5.f. of the West Sacramento Area Flood Control Agency Joint Exercise of Powers Agreement made and entered into as of July 20, 1994, by and between the City of West Sacramento, RD 900, and RD 537.

Section 4: That the Property to be acquired is described in Exhibits A,

Section 5: That the Board declares that it has found and determined each of the following:

- a. The public interest and necessity require the Project.
- b. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
- c. The La Rue Property Rights are necessary for the Project.
- d. WSAFCA has made the offer required under Section 7267.2 of the Government Code to the owner of record or representatives of the owner of record of the Property.

Section 6: That WSAFCA, a joint exercise of powers agency, its appropriate officers, employees and agents, are hereby authorized and empowered:

- a. To acquire in the name of WSAFCA, a joint exercise of powers agency, the La Rue Property Rights, by condemnation in accordance with the provisions of the Eminent Domain Law of the State of California.
- b. To prepare, file and prosecute in the appropriate court, such proceedings in eminent domain as are necessary for the acquisition of the La Rue Property Rights.
- c. To deposit the probable amount of compensation with the appropriate authority.
- d. To make application to a court of competent jurisdiction for an order permitting WSAFCA to take immediate possession and use of the La Rue Property Rights.

OWNER: La Rue California Sites, LLC
APN: 008-020-026

PASSED AND ADOPTED by the West Sacramento Area Flood Control on this 20th day of March 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Tom Ramos, President

ATTEST:

Paul Dirksen, General Manager

APPROVED AS TO FORM:

Ralph Nevis, Attorney

Roberta Raper, WSAFCA Treasurer

RECORDING REQUESTED BY AND RETURN TO:

***PACIFIC GAS AND ELECTRIC COMPANY
300 Lakeside Drive, Suite 210
Oakland, CA 94612
Attn: Land Rights Library***

Location: City/Uninc _____
Recording Fee \$ _____
Document Transfer Tax \$ _____

- This is a conveyance where the consideration and Value is less than \$100.00 (R&T 11911).
- Computed on Full Value of Property Conveyed, or
- Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale
- Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

Signature of declarant or agent determining tax

LD# 2109-04-10082

EASEMENT DEED

LA RUE CALIFORNIA SITES, LLC, a California limited liability company,

hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the right from time to time to excavate for, construct, reconstruct, replace (of initial or any other size), remove, maintain, inspect, and use facilities and associated equipment for public utility purposes, including, but not limited to electric, gas, and communication facilities, together with a right of way therefor, on, and under the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situated in the incorporated area of the City of West Sacramento, County of Yolo, State of California, described as follows:

(APN 008-020-026-000)

The parcel of land described in the deed from JOAQUIN BEAR, LLC, a California limited liability company to LA RUE CALIFORNIA SITES, LLC, a California limited liability company dated July 2, 2014 and recorded as Document No, 2014-0015292-00, Yolo County Records.

The easement area is described as follows:

The strip of land of the uniform width of 32 feet, lying 16 feet on each side of the alignment of the facilities as initially installed hereunder. The approximate locations of said facilities are shown upon Grantee's Drawing No. L-9-4-32 attached hereto and made a part hereof.

Grantee agrees that on receiving a request in writing, it will at Grantor's expense, survey, prepare and record a "Notice of Final Description" referring to this instrument and setting forth a description of said strip of land.

Grantor hereby confirms in Grantee all necessary rights for Grantee’s existing pole line and other appurtenances located on said lands.

Grantor further grants to Grantee the right, from time to time, to trim or to cut down, without Grantee paying compensation, any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor also grants to Grantee the right to use such portion of said lands contiguous to said easement area as may be reasonably necessary in connection with the excavation, construction, reconstruction, replacement, removal, maintenance and inspection of said facilities.

Grantor hereby covenants and agrees not to place or construct, nor allow a third party to place or construct, any building or other structure, or store flammable substances, or drill or operate any well, or construct any reservoir or other obstruction within said easement area, or diminish or substantially add to the ground level within said easement area, or construct any fences that will interfere with the maintenance and operation of said facilities.

Grantor further grants to Grantee the right to apportion to another public utility (as defined in Section 216 of the California Public Utilities Code) the right to excavate for, construct, reconstruct, replace, remove, maintain, inspect, and use the communications facilities within said easement area including ingress thereto and egress therefrom.

The legal description herein, or the map attached hereto, defining the location of this utility distribution easement, was prepared by Grantee pursuant to Section 8730(c) of the Business and Professions Code.

This document may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

Dated: _____, _____.

LA RUE CALIFORNIA SITES, LLC,
a California limited liability company,

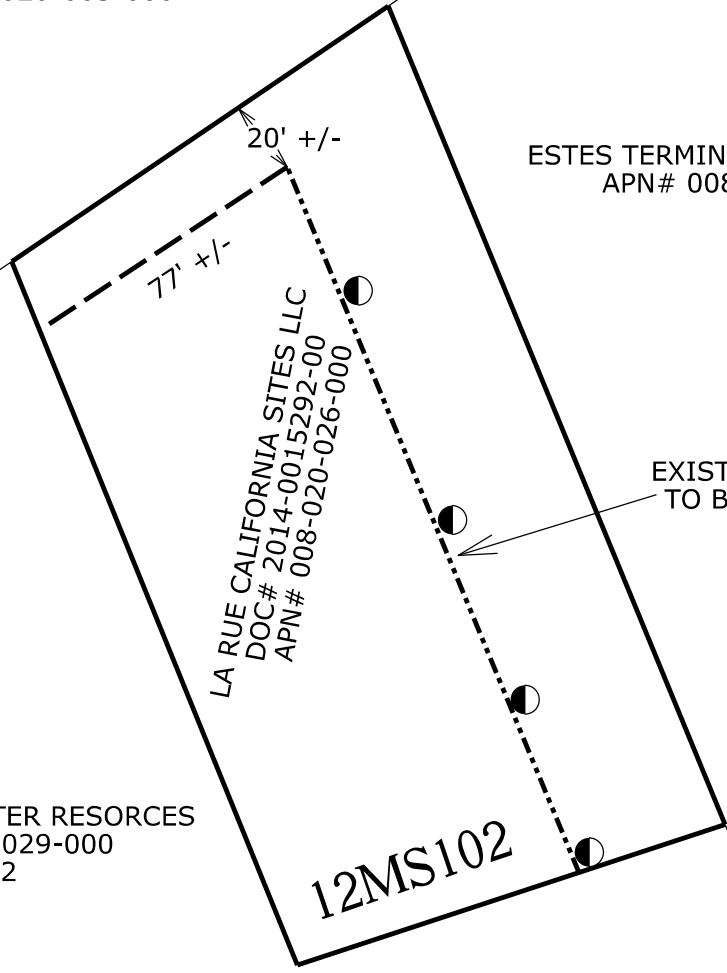
By _____, Member

By _____, Member

RANCHO WETLANDS

RECLAMATION DISTRICT 900
APN# 008-020-003-000

ESTES TERMINALS OF CALIFORNIA
APN# 008-020-022-000



DEPARTMENT OF WATER RESORCES
APN# 008-020-029-000
PARCEL 2

11MS93



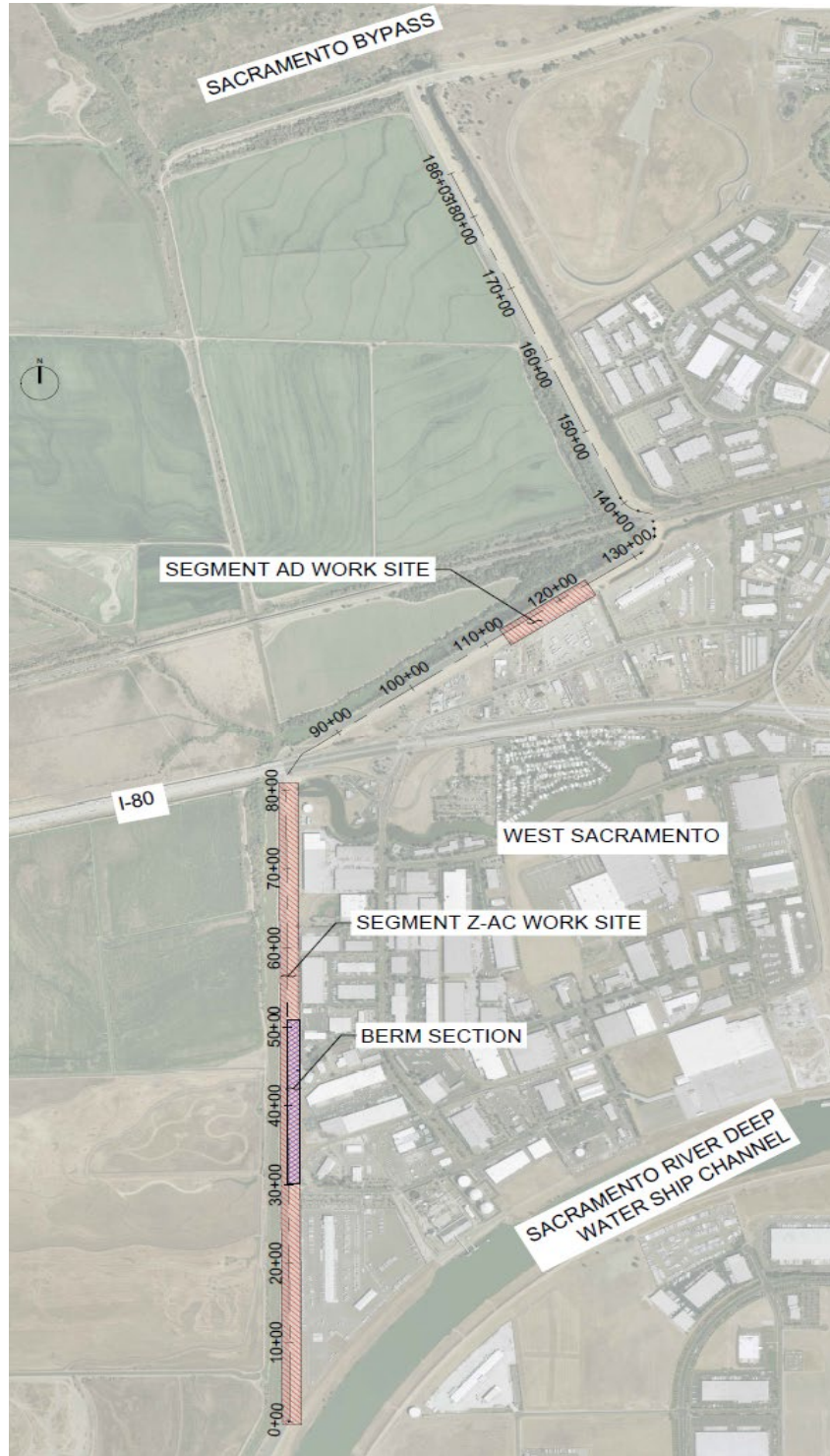
LEGEND

APPROX. CENTERLINE OF A 32' WIDE PG&E EASEMENT	
EXISTING PG&E POLE LINE TO BE CONFIRMED	

UNLESS OTHERWISE SHOWN ALL COURSES EXTEND TO OR ALONG ALL BOUNDARIES OR LINES

Applicant: SYBLON REID CONSTRUCTION LLC				SCALE: 1"=50'	DATE: 4/26/2024
SECTION (SW 1/4 OF SW 1/4) (SEC 32)	TOWNSHIP (9N)	RANGE (4E)	MERIDIAN (M.D.M.)	COUNTY OF: YOLO	CITY OF: WEST SACRAMENTO
PLAT MAP REFERENCES: L2214			PG&E	DR.BY: C2VV	CH.BY: LEPH
		SACRAMENTO DIVISION	35545904 AUTHORIZ	L-9-4-32 DRAWING NO.	

Exhibit 1



Yolo East Bypass Levee Project Area

Exhibit 2

