



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 5/23/2017

Agenda Placement: 6I

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

---

**TO:** Board of Supervisors

**FROM:** Steven Lederer - Director of Public Works  
Public Works

**REPORT BY:** Richard Thomasser, Watershed and Flood Control Operations Manager - (707)259-8657

**SUBJECT:** Acquisition of Property Rights from Garry and Andrea Gordon for Milliken Creek Flood Reduction and Fish Passage Project PW 17-12

---

### **RECOMMENDATION**

Director of Public Works requests approval of and authorization for the Chair to sign a Purchase and Sale Agreement and other documents with Garry and Andrea Gordon, property owners of Assessors Parcel Number (APN) 060-361-014 for the acquisition of a storm drain easement that is required for the construction of the Milliken Creek Flood Reduction and Fish Passage Project in Napa County for the appraised value of \$36,600.

### **EXECUTIVE SUMMARY**

Plans and specifications for the Milliken Creek Flood Reduction and Fish Passage Improvement Project (the Project) are complete and were approved by the Board on April 18, 2017. This Project is being done in coordination with Silverado Resort and the Kaanapali Drive Home Owners Association (HOA). The Project is designed to reduce flooding that has been experienced in the Kannapali Drive neighborhood and restore the stream channel of Milliken Creek to eliminate an identified fish passage barrier. An easement is needed to construct one element of the Project, a 36-inch diameter storm drain, where it crosses private property.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Public Works Projects Subdivision 1220500, Program 13045
Is it Mandatory or Discretionary?	Discretionary

Discretionary Justification: An easement is needed to construct a 36 inch diameter storm drain across private property.

Is the general fund affected? Yes

Future fiscal impact: Construction will be completed in FY 2017-18.

Consequences if not approved: The storm drain element of the Project will not be constructed.

Additional Information:

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The project was evaluated under the CEQA process as a part of its development. A Notice of Determination for the project Mitigated Negative Declaration was filed on November 1, 2016. According to the Mitigated Negative Declaration, the project will have less than significant impacts to the environment. This project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5

### **BACKGROUND AND DISCUSSION**

In December 2005, the Kaanapali Drive neighborhood, northeast of the intersection of Atlas Peak Road and Hillcrest Drive, experienced flooding that resulted in damage to several homes. In response to the flooding, the County entered into an agreement with the Silverado Property Owner's Association (SPOA) to cost share a flood reduction and stream bank stabilization study of Milliken Creek from Atlas Peak Road to Westgate Drive. The firm chosen by the SPOA was Hydrologic Systems Inc (HSI). The study was completed in December 2007 and focused on the hydrology, geomorphology, and hydraulics of the Milliken watershed and identified preliminary alternatives to reduce flooding in the study area; it also identified portions of Kaanapali Drive as areas subject to flooding from a 100-year flood event. A hydraulic model was developed by HSI to study flooding at various flood frequencies. Potential flood reduction alternatives identified included increasing culvert capacities, redirecting certain drainage courses, construction of berms to detain overbank flows in existing or created impoundment areas, modifications to the upstream Milliken Dam to attenuate flood flows, and several combinations of these alternatives that would maximize the reduction of possible flooding.

As a result of the study, County staff worked with FEMA to map a Special Flood Hazard Area (SFHA) on Kaanapali Drive. The original study did not contain enough information to establish base flood elevations (BFEs) for the SFHA, so in August 2010 the County continued the hydrology and hydraulic analysis of the Milliken Creek watershed to its termination into the Napa River. The purpose of the new study was not only to establish BFEs, but also to evaluate possible additional improvements for additional flood reduction possibilities.

In March 2010, the County hired Riechers Spence and Associates (RSA) to perform a cost benefit evaluation for the project alternatives identified in the original report. RSA was able to incorporate existing known data into their analysis, and also evaluated several additional flood reduction alternatives. In December 2011, RSA completed their cost-benefit analysis; based on their evaluations, the following alternatives were recommended for this Project:

1. Removal of the existing summer impoundment (dam) and restoration of the Milliken Creek channel.
2. Construction of a release path for floodwaters from the south end of the golf course detention area.
3. Other strategic flood reducing measures in the vicinity of Kaanapali Drive to be determined through

additional design studies.

Based on the recommendations in the RSA report and a request for support from several Kaanapali Drive homeowners, the Board approved the use of Measure A funds in 2012 to implement a flood reduction project. Staff also began work to secure grant funding to support construction of the Project from the State of California Department of Water Resources. In addition to removal of the dam being identified as a means to reduce flooding, prior studies had also shown the dam to be a fish passage barrier. Therefore; the dam removal and stream restoration is considered to have multiple benefits. The County was notified that the Project was selected for a grant of \$500,000 as part of the Bay Area Integrated Regional Water Management (IRWM) Plan Round 2 Implementation grant program. During 2013, staff worked with property owners and Silverado Resort to reach concurrence on project objectives and awaited the property owner's formation of a Homeowners Association (HOA), which could enter into an agreement with the County and the Resort. The Kaanapali Drive HOA was approved by the property owners in January 2014. A Request for Proposals for design of the above flood reduction improvements was issued on January 31, 2014. Interviews were held on March 19 and 20, and based on previous experience with similar projects, Mead & Hunt out of Sacramento was chosen as the most qualified firm. The Board approved a professional services agreement with Mead & Hunt on August 19, 2014 to begin design work.

On September 23, 2014, the Board approved the Local Project Sponsor Agreement with the Association of Bay Area Governments (ABAG) to secure the \$500,000 in grant funds for project construction.

On November 3, 2015, the Board approved the Agreement for Implementation of Milliken Creek Flood Reduction and Fish Passage Improvement Project with Silverado Resort and the Kaanapali Drive Home Owners Association, which set forth the funding obligations and the roles and responsibilities for the three parties to the Agreement.

Analyses completed through the design process refined the conceptual measures recommended in the RSA cost benefit evaluation. The design refinements were shared with the Resort and HOA and with opportunity for comments. The final design includes the dam removal and stream restoration as recommended by the RSA study. This aspect of the project will be closely coordinated with Silverado Resort which is constructing a replacement bridge to restore their access across the creek that is lost as a result of the dam removal. The optimum final design for the release path for floodwaters from the south end of the golf course was determined to be the addition of a 36-inch diameter storm drain which will connect to an existing County storm drain on Atlas Peak Road. The third element of the project is construction of a curb cut and associated energy dissipation protection near the middle of the block on Kaanapali Drive to reduce roadway flooding that has been previously observed by property owners. The Board approved the completed engineering design plans and specifications, and provided authorization for the Director of Public Works to advertise the Project and set a bid opening for the Milliken Flood Reduction Project, PW 17-12.

An 18 foot wide by approximately 170 foot long easement is needed where the proposed 36-inch diameter storm drain will cross private property at 170 Kaanapali Drive, which is owned by Mr. and Mrs. Garry and Andrea Gordon. Staff obtained a real estate appraisal for the required easement and provided such to the property owners. The owners agreed to sell the easement to the County for the appraised value of \$36,600.

Staff anticipates construction to begin in June 2017 and be completed by October 2017.

## **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Bret Prebula