



## Staff Reports

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**File #:** 173-2020, **Version:** 1

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**To:** Honorable Mayor and Members of City Council

**From:** Julie Lucido, Public Works Director

**Prepared By:** Jeff Freitas, Property Manager

**TITLE:**

Lease with the California State Lands Commission

**RECOMMENDED ACTION:**

Adopt a resolution authorizing the Public Works Director to execute a 25-year lease with the California State Lands Commission for the continued use and maintenance of an existing 48-inch diameter storm water outfall structure into the Napa River and determining that the actions authorized by this resolution are exempt from CEQA.

**DISCUSSION:**

The City of Napa has an existing 48-inch diameter storm water outfall structure that discharges into the Napa River at the southern end of Kennedy Park (APN 046-450-018). The outfall structure consists of a concrete headwall, adjustable closure gate, a fish screen, and protective rock riprap.

The Napa River falls under the jurisdiction of the California State Lands Commission (State) and use of State property for the storm water outfall structure is subject to a lease with the State. The previous lease between the City and State for the storm water outfall structure expired in July, 2018. The term of the new lease is 25 years, from August 1, 2018 through July 31, 2043, and retroactively authorizes the period from the expiration of the previous lease to the start date of the new lease.

Special provisions of the new lease include, in part, a requirement that the City submit a current set of “as-built” plans showing the storm drain pipeline through the lease area with all pertinent existing features of the outfall structure, and annual external inspections of the outfall structure on an annual basis and when warranted by extraordinary circumstances. If no existing as-built plans are available, the City will have to prepare and submit those plans.

The new lease (State Lease 7708.9) was approved by the State at its April 29, 2020 meeting. Staff recommends that the City Council approve the new lease with the State to allow the continued use and maintenance of the existing 48-inch diameter storm water outfall structure into the Napa River.

**FINANCIAL IMPACTS:**

As written, consideration for the City’s use of State property is the public benefit derived from that use, and there is no monetary compensation due to the State. However, the lease does allow the State to modify and adjust the amount of consideration due after the fifth year of the lease, so monetary rent could be due at some point during the 20-year term of the lease. The City would be

given at least 30 days' notice of any such modification of the rent.

**CEQA:**

City staff recommends that the City Council determine that the Recommended Action is exempt from CEQA pursuant to CEQA Guidelines Section 15301(b), which exempts the operation, maintenance, and lease of existing publicly-owned utilities used to provide public utility services.

**DOCUMENTS ATTACHED:**

ATCH 1 - Resolution

ATCH 2 - Lease

**NOTIFICATION:**

None.