



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: General Services/
Public Works
Department No.: 063/054
For Agenda Of: November 17, 2020
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: 4/5

TO: Board of Directors, Flood Control and Water Conservation District
FROM: General Services Janette D. Pell, Director of General Services, (805) 560-1011
Public Works Scott D. McGolpin, Director of Public Works, (805) 568-3010

Contact Info: Skip Grey, Assistant Director, General Services
(805) 568-3083
Thomas D. Fayram, Deputy Public Works Director
(805) 568-3436

SUBJECT: Acquisition of 660 Randall Road (Anthony); 1760 East Valley Road (Flaster); 620 Randall Road (MacDonald); 650 Randall Road (Nicoletti); 680 Randall Road (Rintels-Riskin Rintels); and 670 Randall Road (Waldref); by Flood Control and Water Conservation District for Flood Control Purposes (APN's 007-120-034; 007-120-059; 007-120-054; 007-120-035; 007-120-032; and 007-120-033, respectively); First Supervisorial District (RP File #003892)

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Manager

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Directors:

- a) Approve and authorize the Chair to execute the original and duplicate original Purchase Agreement and Escrow Instructions between the Santa Barbara County Flood Control and Water Conservation District ("District"), as Buyer, and Andrew Anthony and Agnieszka Anthony, Trustees of the Andrew and Agnieszka Anthony 2016 Trust, as Sellers, for the District's acquisition of the property located at 660 Randall Road, in the unincorporated area of Santa Barbara County, known as

Assessor Parcel Number 007-120-034, (the “Anthony Property”) for a purchase price of \$1.4 million (Attachment 1);

- b) Approve and authorize the Chair to execute the original and duplicate original Purchase Agreement and Escrow Instructions between the District, as Buyer, and Dorothy Flaster, as Trustee of the GST Trust created under the Flaster Living Trust, dated October 24, 1988, as Seller, for the District’s acquisition of the property located at 1760 East Valley Road, in the unincorporated area of Santa Barbara County, known as Assessor Parcel Number 007-120-059, (the “Flaster Property”) for a purchase price of \$1,254,000 (Attachment 2);
- c) Approve and authorize the Chair to execute the original and duplicate original Purchase Agreement and Escrow Instructions between District, as Buyer, and Brian G. MacDonald and Karen MacDonald, Trustees of the BK MacDonald Living Trust, dated November 18, 2009, as Sellers, for the District’s acquisition of the property located at 620 Randall Road, in the unincorporated area of Santa Barbara County, known as Assessor Parcel Number 007-120-054, (the “MacDonald Property”) for a purchase price of \$1.4 million (Attachment 3);
- d) Approve and authorize the Chair to execute the original and duplicate original Purchase Agreement and Escrow Instructions between the District, as Buyer, and David W. Rintels and Victoria Riskin Rintels, Trustees of the Riskin Rintels Trust, dated May 8, 2000, as Sellers, for the District’s acquisition of the property located at 680 Randall Road, in the unincorporated area of Santa Barbara County, known as Assessor Parcel Number 007-120-032 (the “Rintels-Riskin Rintels Property”) for a purchase price of \$1.4 million (Attachment 4);
- e) Approve and authorize the Chair to execute the original and duplicate original Purchase Agreement and Escrow Instructions between the District, as Buyer, and Lois Ream Waldref, TTEE Lois Ream Waldref Revocable Trust u/a 11/28/96, as amended, as Seller, for the District’s acquisition of the property located at 670 Randall Road, in the unincorporated area of Santa Barbara County, known as Assessor Parcel Number 007-120-033 (the “Waldref Property”) for a purchase price of \$1.4 million (Attachment 5);
- f) Approve and authorize the Chair to execute the original and duplicate original Purchase Agreement and Escrow Instructions between the District, as Buyer, and Anthony C. Nicoletti and Carol A. Nicoletti, husband and wife as community property with right of survivorship, as Sellers, for the District’s acquisition of the property located at 650 Randall Road, in the unincorporated area of Santa Barbara County, known as Assessor Parcel Number 007-120-035 (the “Nicoletti Property”) for a purchase price of \$1.4 million (Attachment 6);
- g) Authorize the Director of General Services, or designee, to execute any and all escrow documents required to facilitate the terms and conditions of the proposed acquisitions of the six properties described in Recommended Actions a) – f) (collectively, the “Properties”);
- h) Approve and authorize the Director of Public Works or designee, to determine satisfaction of the terms and conditions of the Purchase Agreements and Escrow

Instructions (Attachments 1, 2, 3, 4, 5 and 6) and to expend funds in a total amount not to exceed the total purchase price of EIGHT MILLION TWO HUNDRED FIFTY FOUR THOUSAND DOLLARS (\$8,254,000.00), for all six acquisitions, plus title and escrow fees, including any other costs required to facilitate the transaction pursuant to the Purchase Agreements and Escrow Instructions;

- i) Approve and authorize the Clerk of the Board, upon satisfaction of the terms and conditions of the Purchase Agreements and Escrow Instructions, to execute the six attached Certificates of Acceptance (Attachments 1-6), consummating the purchases and accepting title to the Properties;
- j) Approve Budget Revision Request (BJE No. 0007202) (Attachment 4), to increase appropriations in the amount of \$8,654,000, in the Public Works South Coast Flood Zone fund for Capital Assets funded by a release of Restricted Purpose of Fund Balance (4/5 vote required); and
- k) After considering the Environmental Impact Report for the Randall Road. Debris Basin Project (SCH Number; 2019029104) and the discussion included herein, find that pursuant to the California Environmental Quality Act (CEQA) Section 15162, no substantial changes are proposed, and there are no substantial changes in circumstances or new information of substantial importance regarding significant impacts or feasibility of mitigation measures and alternatives, and therefore, pursuant to CEQA Section 15162, the recommended actions are within the scope of the project covered by the Environmental Impact Report for the Randall Road Debris Basin Project as well as the Findings accepted by the Board of Directors as on August 18, 2020, and no new environmental document is required. The Findings, Environmental Impact Report, and associated information can be found at:
<https://santabarbara.legistar.com/LegislationDetail.aspx?ID=4614433&GUID=332DE4C7-CE18-4056-AF92-5C929A440FD0>

Summary Text:

This item is on the agenda for the approval of a Budget Revision Request and the proposed purchase of real property consisting of six parcels located at 660 Randall Road, 1760 East Valley Road, 620 Randall Road, 680 Randall Road, 670 Randall Road, and 650 Randall Road, in the unincorporated area of the County of Santa Barbara, known as Assessor Parcel Numbers: 007-120-034; 007-120-059; 007-120-054; 007-120-032; 007-120-033; and 007-120-035 (the “Properties”), respectively.

The recommended actions include authority to execute the Real Property Purchase Agreement and Escrow Instructions, which will allow the Flood Control and Water Conservation District to pay the cumulative purchase price of \$8,254,000.00, for the six properties plus title and escrow costs, estimated to be up to \$400,000. One property on Randall Road is still in negotiations. The use of these Properties would be for flood control purposes.

Background:

In December 2017 and into January 2018, the Thomas Fire severely impacted the watersheds above Montecito and Carpinteria. The resulting 1-9 Debris Flow devastated areas below the fire including damaging / destroying homes and infrastructure.

San Ysidro Creek, as with other areas in Montecito, suffered significant damage and the combination of the burned watershed and storm resulted in an enormous debris flow overtopping the basins, culverts, creeks, bridges, and related infrastructure. This debris basin project was proposed by private interests and received general support by the affected property owners in the area. The District applied for grants from FEMA to help fund the project. The debris basin as proposed included acquisition of seven properties along Randall Road and one property on East Valley Road in Montecito.

In 2019, the Board authorized the acquisition of 640 Randall Road, known as Assessor Parcel Number 007-120-036. This property is one of the eight properties that could be included in the debris basin project. However, acquisition of the parcel was processed independently of the proposed debris basin project because the property has independent utility to the District, including use as a staging area for flood control activities for subsequent forthcoming rain seasons. This property was purchased by Flood Control District funds and not included in the FEMA HMGP application.

General Services and Public Works staff have engaged in negotiations with the other property owners to secure property rights sufficient to facilitate planning and constructing the proposed debris basin. Staff retained a local consulting firm to meet and discuss the proposed acquisitions with each property owner and to gather information for the completion of an updated fair market valuation report. Acquisition of six of the properties are presented here for the Board's approval.

These negotiations have been conducted in accordance with FEMA requirements applicable to the pending grant application. Parallel with these negotiations and with the assistance of congressional liaisons, the District has continued to engage with FEMA to secure the necessary funding for all seven Properties. On October 27, 2020, FEMA approved and issued HMGP funds for the Randall Road Debris Basin Project (HMGP #4344-417-058R).

In accordance with Government Code Section 65402(c), the Montecito Planning Commission conducted a hearing on March 20, 2019, for the determination that the proposed fee acquisition of the Property is consistent with Montecito's Community Plan. The Montecito Planning Commission has determined that the acquisition is in conformity with the County of Santa Barbara's General Plan, Montecito's Community Plan and Government Code Section 65402(c) has therefore been satisfied.

Fiscal and Facilities Impacts:

Budgeted: Budget Request Revision Attached

Funding Sources	Current FY Cost:	Annualized On-going Cost:	Total Project Cost
South Coast FZ	\$ 8,654,000.00		
Fees			
Other:			
Total	\$ 8,654,000.00	\$ -	\$ -

Narrative:

Approving Budget Revision Request (BJE No. 0007202) is a recommended action to allocate funding to purchase these properties and other project costs for the Randall Road Debris Basin Project. Funding will come from the South Coast Flood Zone by releasing fund balance to Capital Assets. A FEMA Hazard Mitigation Grant Program (HMGP) grant has been awarded for the Randall Road Debris Basin Project and the total eligible costs are \$18,005,391. The total project cost including construction is estimated at \$18,005,391, 75% (or up to \$13,504,043.25) will be federally funded and 25% (\$4,501,347.75) locally funded. Once the Flood Control District enters into a grant agreement with FEMA for this project, the District will bring a BRR to the Board to accept the revenue for the property acquisition costs. Construction of the project is scheduled for next fiscal year and the expenditure and revenue costs will be included in the FY 2021-22 budget. No General Fund monies will be used for this project.

Special Instructions:

After Board action, distribute as follows:

1. Duplicate Original Purchase Agreements and Escrow Instructions
Copies of Certificates of Acceptance
Clerk of the Board Files
2. Original Real Property Purchase Agreements and Escrow Instructions
Original Certificates of Acceptance and Minute Order
Real Estate Services Division
Attn: Carlo Achdjian
3. Copies of documents and Minute Order
Public Works,
Flood Control District Office,
Attn: Christina Lopez
4. Copies of documents and Minute Order
Auditor-Controller,
Financial Reporting Division,
Attn: Betsy Schaffer

Attachments:

1. The Property-660 Randall Road (Purchase Agreements, Escrow Instructions, Copies of Certificate of Acceptance)
2. The Property-1760 East Valley Road (Purchase Agreements, Escrow Instructions, Copies of Certificate of Acceptance)

3. The Property-620 Randall Road (Purchase Agreements, Escrow Instructions, Copies of Certificates of Acceptance)
4. The Property-680 Randall Road (Purchase Agreements, Escrow Instructions, Copies of Certificates of Acceptance)
5. The Property-670 Randall Road (Purchase Agreements, Escrow Instructions, Copies of Certificates of Acceptance)
6. The Property-650 Randall Road (Purchase Agreements, Escrow Instructions, Copies of Certificates of Acceptance)
7. Budget Revision Request (BJE No. 0007202)

Authored by:

Carlo Achdjian, Real Estate Services Division, General Services

\