



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: May 14, 2019
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, 560-1011
Public Works Scott D. McGolpin, Director of Public Works, 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 640 Randall Road by Flood Control and Water
Conservation District for Flood Control Purposes (APN 007-120-036);
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 Ronald J. Daniels and Joanne D. Rosenblatt, husband and wife, as joint tenants (“Owners”), as Sellers, for the District’s acquisition of the property consisting of approximately 1.0 acres located at 640 Randall Road, in the unincorporated area

of Santa Barbara County, known as Assessor Parcel Number 007-120-036, (the “Property”) (Attachment 1);

- b) 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 acquisition;
- c) Approve and authorize the Director of Public Works or designee, to determine satisfaction of the terms and conditions of the Purchase Agreement and Escrow Instructions (Attachment 2) and to expend funds in a total amount not to exceed the purchase price of FOUR MILLION DOLLARS (\$4,000,000), plus title and escrow fees, including any other costs required to facilitate the transaction pursuant to the Purchase Agreement and Escrow Instructions;
- d) Approve and authorize the Clerk of the Board, upon satisfaction of the terms and conditions of the Purchase Agreement and Escrow Instructions, to execute the attached Certificate of Acceptance (Attachment 3) consummating the purchase and accepting title to the Property;
- e) Approve Budget Revision Request No. 0006253 (Attachment 4), to increase appropriations in the amount of \$4,000,000, in the Public Works South Coast Flood Zone fund for Capital Assets and Services and Supplies funded by a release of Restricted Purpose of fund balance (4/5 vote required); and
- f) Determine that the recommended actions are exempt from the California Environmental Quality Act (CEQA) pursuant to Cal. Pub. Res. Code Section 21080(b)(4) and CEQA Guidelines Section 15269(c) because the actions are necessary to prevent or mitigate an emergency and direct staff to file the attached Notice of Exemption (Attachment 5) on that basis.

Summary Text:

This item is on the agenda for the approval of the proposed purchase of real property consisting of approximately 1.0 acre located at 640 Randall Road, in the unincorporated area of the County of Santa Barbara, known as Assessor Parcel Number 007–120–036 (the “Property”). 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 purchase price of \$4,000,000, plus title and escrow costs from currently budgeted funds. The use of the Property 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.

One of the hard hit areas in Montecito was San Ysidro Creek from the existing debris basin to the ocean. In this area, six homes were completely destroyed on Randall Road along San Ysidro Creek and one property on East Valley Road. A new 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, contributions from private interests is expected as well. The debris basin as proposed would include acquisition of seven properties along Randall Road and one property on East Valley Road in Montecito. The debris basin would consist of an excavated area that would form the basin immediately upstream of State Highway 192.

Independent of the proposed debris basin, the real property recommended for acquisition located at 640 Randall Road has utility to the District, including use as a staging area for flood control activities in the upcoming rain seasons.

The Board has authorized General Services and Public Works staff to initiate negotiations with the property owners to secure property rights sufficient to facilitate planning and constructing a proposed debris basin as soon as possible.

Staff retained a local appraisal firm to meet and discuss with each property owner and to gather information for the completion of a current fair market valuation report. Six of the seven properties along Randall Road and the one property on East Valley Road were completely destroyed. The property located at 640 Randall Road (Parcel 1) in Montecito had damage occur but a majority of the residential structure remained.

Even though the owners of Parcel 1 were in the process of renovating and constructing new improvements prior to the debris event, the owners indicated they would not be opposed to an acquisition of their property. Because plans had been approved, permits issued, construction contracts signed and construction started, staff instructed the appraisal firm to complete the valuation report on that property first.

As a condition prior to the close of escrow the owners shall weatherproof the exterior of any and all structures on the property to withstand weather conditions (such as wind and rain) that would lead to deterioration. This shall include but not be limited to the penetration of water to the interior and attic areas of the structures on Parcel 1. The property shall also be secured by fencing.

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.

The recommended actions are exempt from the California Environmental Quality Act (CEQA) pursuant to Cal. Pub. Res. Code Section 21080(b)(4) and CEQA Guidelines Section 15269(c) because the actions are necessary to facilitate the Flood District's efforts to prevent or mitigate the impacts of an anticipated emergency resulting from the threat of debris flow events during the upcoming rain seasons.

Fiscal and Facilities Impacts: Budgeted: Attached.

Funding Sources	Current FY Cost:	Annualized On-going Cost:	Total Project Cost
South Coast FZ	\$ 4,000,000.00		
Fees			
Other:			
Total	\$ 4,000,000.00	\$ -	\$ -

Narrative:

Approving Budget Revision Request No. 0006253 is a recommended action to approve funding to purchase this property. Funding will come from the South Coast Flood Zone by releasing fund balance to Capital Assets and Services and Supplies. No General Fund monies will be used for this purchase. Funding from Federal Grants and private interests are also expected to assist in paying for the project.

Special Instructions:

After Board action, distribute as follows:

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| 1. Duplicate Original Purchase Agreement and Escrow Instructions Agreement
Copy Certificate of Acceptance | Clerk of the Board Files |
| 2. Original Real Property Purchase Agreement and Escrow Instructions
Original Certificate of Acceptance and Minute Order | Real Property Division
Attn: James Cleary |
| 3. Copies of documents and Minute Order | Auditor-Controller,
Financial Reporting Division,
Attn: Robert Geis |

Attachments:

1. The Property
2. Purchase Agreement and Escrow Instructions;
3. Certificate of Acceptance
4. Budget Revision Request 0006253
5. CEQA Notice of Exemption