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CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 1, 2022

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Adoption Of Resolution For A Lease Amendment With The State Of California State Lands Commission To Allow Continued Placement Of Unused Wastewater Outfall Pipeline

RECOMMENDATION:

That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Authorizing the Public Works Director To Execute An Amendment to Lease No. PRC 4924 With The State Of California State Lands Commission.

DISCUSSION:

Background

On July 21, 2015, City Council approved a lease agreement with the State of California State Lands Commission (SLC) as part of the reactivation of the Charles E. Meyer Desalination Facility. The lease agreement, Lease No. PRC 4924, covers the existing 48-inch outfall pipeline for the El Estero Water Resource Center and the existing 42-inch diameter non-operational outfall pipeline that was associated with the original wastewater plant. The SLC added a special condition to the lease agreement requiring the City to submit a plan to the SLC for removal or other disposition of the non-operational 42-inch pipeline. The current lease expires on June 28, 2040.

Current Status

Before the June 2020 deadline for submission of the plan, the City performed several investigations of the pipeline and prepared a biological survey and impact assessment to evaluate the impacts of the pipeline removal. The assessments found that removal of the abandoned outfall pipe and pipe segments from the seafloor could have temporary and permanent impacts on the marine environment. The City submitted the biological survey and impact assessments to SLC staff and requested that the SLC allow the pipeline to be left in place to avoid negative impacts to the environment caused by removing the pipe.

SLC staff agreed with the City's request and prepared an amendment to the existing lease to reflect this change in the special provisions. Under the amendment, the 42-inch pipeline

will remain in place for the duration of the lease. Further, in Fiscal Year 2038-2039 the City will be required to perform a further biological and environmental assessment of both pipelines before submission of a lease renewal application by June 29, 2039. The amendment is scheduled for approval by the SLC at its February 25, 2022, meeting.

BUDGET/FINANCIAL INFORMATION:

There are minor costs to the City associated with the special provisions included in the lease amendment. This includes the requirement that the City perform pipeline inspections and an impact analysis and biological survey for the pipeline before submission of the application for lease renewal to assess whether continued maintenance should continue under a new lease. There are cost savings to the City associated with not being required to pursue removal of the abandoned pipeline.

A copy of the lease amendment may be requested from the Public Works Department for public review by contacting PWInfo@SantaBarbaraCA.gov.

ENVIRONMENTAL REVIEW:

This action is categorically exempt from environmental review under California Environmental Quality Act Regulations § 15301 (existing facilities).

WATER COMMISSION RECOMMENDATION:

This item was presented to the Water Commission at its meeting on February 17, 2022, and the Commission voted **X-X** in support of staff's recommendation.

PREPARED BY: Joshua Haggmark, Water Resources Manager/AS/rb

SUBMITTED BY: Clifford M. Maurer, P.E., Public Works Director

APPROVED BY: City Administrator's Office

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AUTHORIZING THE PUBLIC WORKS
DIRECTOR TO EXECUTE AN AMENDMENT TO LEASE NO.
PRC 4924 WITH THE STATE OF CALIFORNIA STATE
LANDS COMMISSION

WHEREAS, on February 25, 2022, the State of California State Lands Commission approved an amendment to a Lease No. PRC 4925 to allow for the continued placement of one 42-inch diameter non-operational wastewater outfall pipeline, diffuser, rock ballast, and anchors; and

WHEREAS, the amendment, on file with the Public Works Department, is in the interest of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The Public Works Director is authorized to execute the amendment to Lease No. PRC 4925 as approved by the State Lands Commission and on file with the Public Works Department.

SECTION 2. The Public Works Director is further authorized to take all actions and execute all documents necessary or convenient to implementation of Lease No. 4925 as amended. The Public Works Director may cause recordation of the lease amendment the Official Records of the County of Santa Barbara.

EXHIBIT A**PRC 4942****LAND DESCRIPTION**

Two parcels of submerged land, each 20 feet in width, situated in the Santa Barbara Channel of the Pacific Ocean, City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

PARCEL 1

A strip of land 20 feet in width, lying 10 feet on each side of the following described centerline:

BEGINNING at a point that bears S 44° 42' 35" E, 406.50 feet from a 2-inch California Department of Transportation Brass Cap, having California Coordinate System (NAD27) coordinates of N = 337183.340 feet and E = 1492509.486 feet and designated R.P. #54 on those certain Monumentation Maps filed in Book 2 of State Highway Monumentation Map Book at page 170; thence S 20° 08' 23" E, 3978.78 feet the TERMINUS of said centerline.

EXCEPTING THEREFROM that portion granted to the City of Santa Barbara as described in Section 3, Chapter 13, Statutes of 1937.

The sidelines of said strip to be lengthened or shortened as to begin at the southerly line of said Grant to the City of Santa Barbara and terminate at the line perpendicular to the described centerline at the TERMINUS of said centerline.

PARCEL 2

A strip of land 20 feet in width, lying 10 feet on each side of the following described centerline:

BEGINNING at a point that bears S 53° 40' 01" W, 577.49 feet from a 2-inch California Department of Transportation Brass Cap, having California Coordinate System (NAD27) coordinates of N = 337183.340 feet and E = 1492509.486 feet and designated R.P. #54 on those certain Monumentation Maps filed in Book 2 of State Highway Monumentation Map Book at page 170; thence S 41° 57' 36" E, 8720.00 feet the TERMINUS of said centerline.

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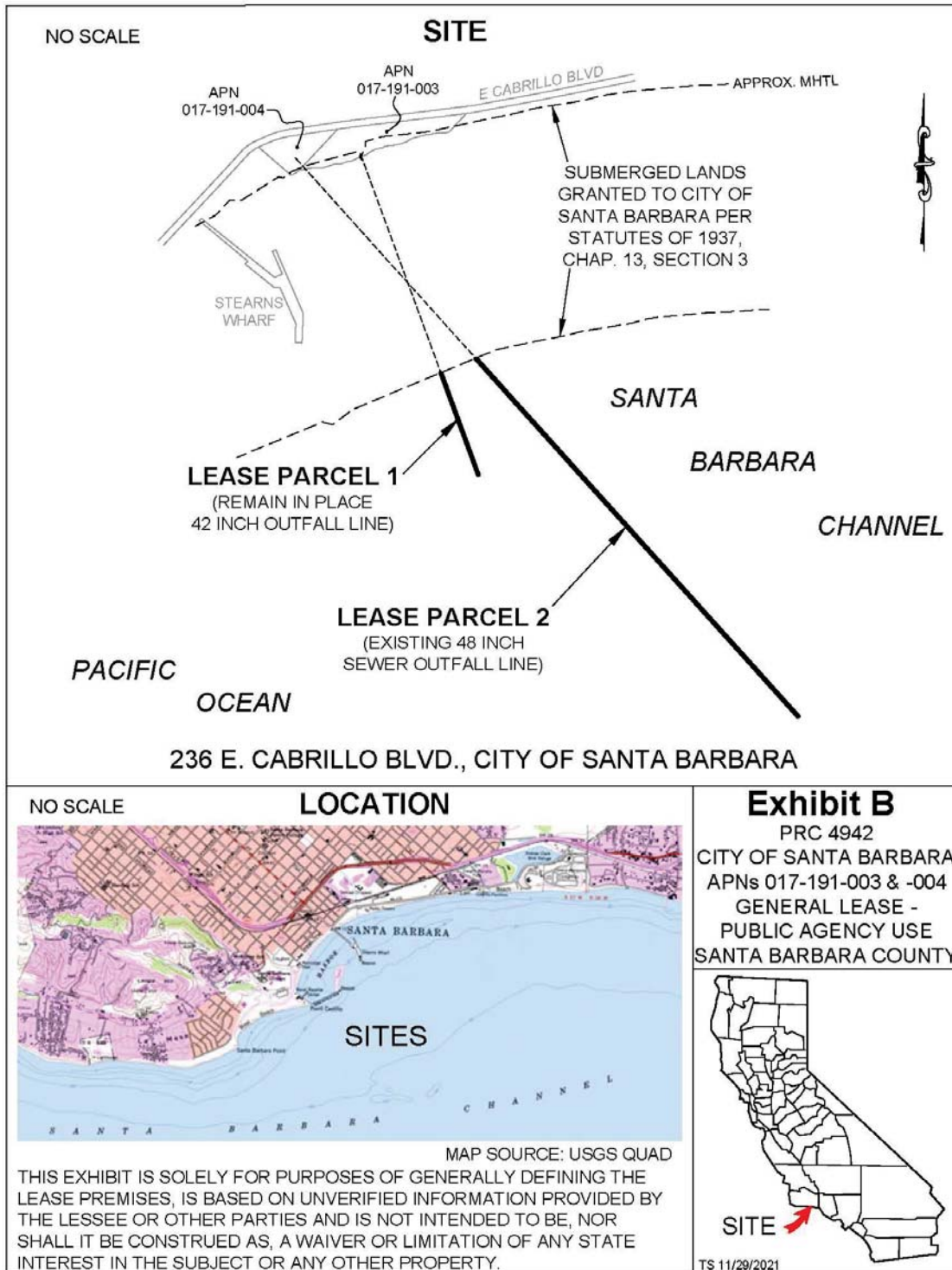
The sidelines of said strip to be lengthened or shortened as to begin at the southerly line of said Grant to the City of Santa Barbara and terminate at the line perpendicular to the described centerline at the TERMINUS of said centerline.

Coordinates, bearing and distances used in the above description are based on the California Coordinate System, Zone 5, (NAD27).

END OF DESCRIPTION

Revised on 11/29/2021 by the California State Lands Commission Boundary Unit.





RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:
STATE OF CALIFORNIA
State Lands Commission
Attn: Title Unit
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

STATE OF CALIFORNIA
OFFICIAL BUSINESS
Document entitled to free recordation
pursuant to Government Code Section 27383

SPACE ABOVE THIS LINE FOR RECORDER'S USE

A.P.N. 017-191-003 & 004

County: Santa Barbara

STATE OF CALIFORNIA
STATE LANDS COMMISSION

AMENDMENT OF LEASE NO. PRC 4942

WHEREAS, the State of California, acting through the State Lands Commission, hereinafter called Lessor, and the City of Santa Barbara, hereinafter called the Lessee, have heretofore entered into an agreement designated as Lease No. PRC 4942 (Lease), authorized by the State Lands Commission on June 29, 2015 and executed by the State Lands Commission on October 15, 2015, whereby Lessor granted to Lessee a General Lease – Public Agency Use covering certain State lands situated in Santa Barbara County; and

WHEREAS, Section 3, Paragraph 16(e) provides that the Lease may be terminated and its terms, covenants and conditions amended, revised or supplemented only by mutual written agreement of the Lessor and the Lessee (hereinafter referred to as the Parties); and

WHEREAS, by reason of the foregoing, it is now the desire of the Parties to amend the Lease.

NOW THEREFORE, the Parties hereto agree as follows:

- Delete Section 1, Land Use or Purpose in its entirety and replace with the following:

Continued use and maintenance of one 48-inch diameter sewer outfall pipeline, diffuser, rock ballast, and anchors, and the ongoing monitoring and maintenance of one 42-inch diameter non-operational wastewater outfall pipeline, diffuser, rock ballast, and anchors.

- Delete Paragraph 2 of Section 2 Special Provisions in its entirety and replace with the following:

2. Lessee shall provide all funds necessary to pay for any and all reasonable costs and expenditures paid or incurred by the Commission, its staff, or both, for review and approval of any plan or related

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materials required under Paragraphs 4 herein, including but not limited to any review or preparation of reports, documents, or other work products or actions as required pursuant to the California Environmental Quality Act (CEQA), plan reviews, and/or amendments. Payment by Lessee shall be in a form and manner which is determined by Lessor's staff and is consistent with the requirements of State law.

- Amend Section 2, Special Provisions to include the following new Paragraph 4:

4. At least one year prior to the expiration date of this Lease, Lessee shall submit a lease application for a new lease. Lessee shall also provide to Lessor information including, but not limited to: pipeline inspections for both the 42-inch and 48-inch diameter pipelines, and an impact analysis and biological survey for the 42-inch diameter outfall pipeline to assess whether continued maintenance should continue under a new lease. The inspections, analysis, and survey shall be prepared no more than 6 months prior to the application submittal due date of June 29, 2039.

- Lessee shall perform a visual inspection of the 42-inch diameter outfall pipeline after major storm events to ensure portions of the pipeline have not become a danger to the public or a navigational hazard.
- Delete the existing Exhibit A, Land Description, to the Lease and replace with the new Exhibit A, Land Description, appended hereto and by this reference made a part of the Lease.
- Delete the existing Exhibit B, Site and Location Map, to the Lease and replace with the new Exhibit B, Site and Location Map, appended hereto and by this reference made a part of the Lease.

The effective date of this Amendment to the Lease shall be February 25, 2022.

This Amendment is a portion of Lease No. PRC 4942, with a beginning date of June 29, 2015, consisting of three (3) sections with a total of twenty-two (22) pages including this amendment.

All other terms and conditions of the Lease shall remain in full force and effect.

This Amendment will become binding on the Lessor only when duly executed on behalf of the State Lands Commission of the State of California.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the dates hereafter affixed.

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LESSEE: CITY OF SANTA BARBARA

STATE OF CALIFORNIA
STATE LANDS COMMISSION

By: _____

By: _____
Robert Brian Bugsch

Title: _____

Title: _____
Chief, Land Management Division

Date: _____

Date: _____

ACKNOWLEDGMENT

Execution of this document was authorized by
the California State Lands Commission on

February 25, 2022
(Month Day Year)

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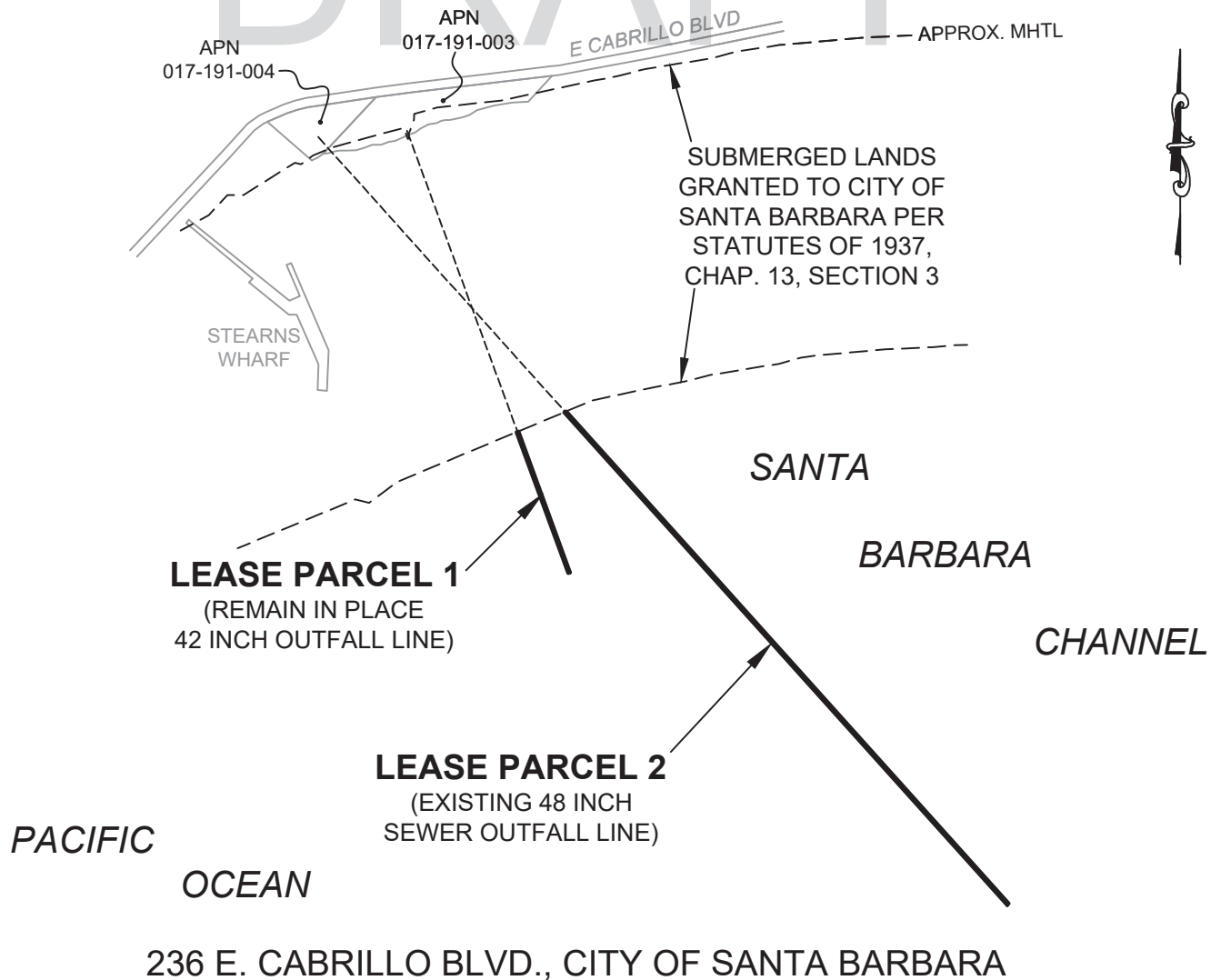
Revised on 11/29/2021 by the California State Lands Commission Boundary Unit.



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NO SCALE

SITE



NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

THIS EXHIBIT IS SOLELY FOR PURPOSES OF GENERALLY DEFINING THE LEASE PREMISES, IS BASED ON UNVERIFIED INFORMATION PROVIDED BY THE LESSEE OR OTHER PARTIES AND IS NOT INTENDED TO BE, NOR SHALL IT BE CONSTRUED AS, A WAIVER OR LIMITATION OF ANY STATE INTEREST IN THE SUBJECT OR ANY OTHER PROPERTY.

Exhibit B

PRC 4942

CITY OF SANTA BARBARA
APNs 017-191-003 & -004
GENERAL LEASE -
PUBLIC AGENCY USE
SANTA BARBARA COUNTY



TS 11/29/2021