

AGENDA  
PROPERTY MANAGEMENT COMMITTEE MEETING  
WITH BOARD OF DIRECTORS \*  
ORANGE COUNTY WATER DISTRICT  
18700 Ward Street, Fountain Valley (714) 378-3200  
**Friday, November 13, 2015, 12 p.m. Conference Room C-2**

\*The OCWD Property Management Committee meeting is noticed as a joint meeting with the Board of Directors for the purpose of strict compliance with the Brown Act and it provides an opportunity for all Directors to hear presentations and participate in discussions. Directors receive no additional compensation or stipend as a result of simultaneously convening this meeting. Items recommended for approval at this meeting will be placed on the **November 18, 2015** Board meeting Agenda for approval.

**ROLL CALL**

**ITEMS RECEIVED TOO LATE TO BE AGENDIZED**

RECOMMENDATION: Adopt resolution determining need to take immediate action on item(s) and that the need for action came to the attention of the District subsequent to the posting of the Agenda (requires two-thirds vote of the Board members present, or, if less than two-thirds of the members are present, a unanimous vote of those members present.)

**VISITOR PARTICIPATION**

Time has been reserved at this point in the agenda for persons wishing to comment for up to three minutes to the Board of Directors on any item that is not listed on the agenda, but within the subject matter jurisdiction of the District. By law, the Board of Directors is prohibited from taking action on such public comments. As appropriate, matters raised in these public comments will be referred to District staff or placed on the agenda of an upcoming Board meeting.

At this time, members of the public may also offer public comment for up to three minutes on any item on the Consent Calendar. While members of the public may not remove an item from the Consent Calendar for separate discussion, a Director may do so at the request of a member of the public.

**CONSENT CALENDAR (ITEMS NO. 1 - 3)**

All matters on the Consent Calendar are to be approved by one motion, without separate discussion on these items, unless a Board member or District staff request that specific items be removed from the Consent Calendar for separate consideration.

1. MINUTES OF PROPERTY MANAGEMENT COMMITTEE MEETING SEPTEMBER 25, 2015

RECOMMENDATION: Approve minutes as presented

2. AMENDMENT TO LICENSE AGREEMENT TO USS CAL BUILDERS FOR CONSTRUCTION MATERIALS AND EQUIPMENT STORAGE AT ANAHEIM LAKE

RECOMMENDATION: Agendize for November 18 Board: Approve and authorize execution of Amendment One to License to USS Cal Builders to extend the License Expiration Date to April 30, 2016 with all other terms and conditions to remain the same

3. EASEMENT TO THE CITY OF ANAHEIM TO REPLACE EXISTING POLE AND OVERHEAD ELECTRICAL UTILITIES FROM RIVERDALE AVENUE TO OLIVE BASIN

RECOMMENDATION: Agendize for November 18 Board meeting: Approve and authorize execution of Easement Deed with the City of Anaheim to install, replace and maintain the overhead electrical facility on District property between Riverdale Ave. and Olive Basin with an easement fee of \$1,600.

**END OF CONSENT CALENDAR**

**MATTERS FOR CONSIDERATION**

4. CHANGE ORDER AND SERVICES FOR THE GENERAL PLAN AND ZONE CHANGE FOR THE BALL ROAD BASIN PROPERTY LOCATED ON BALL ROAD AND PHOENIX CLUB DRIVE, ANAHEIM

RECOMMENDATION: Agendize for November 18 Board meeting:

- 1) Approve and authorize execution of Change Order to Environmental Advisors LLC Contract in the amount of \$28,295 for additional work on the Environmental Impact Report for Ball Road Basin's General Plan Amendment and Zoning change;
- 2) Approve and authorize execution of agreement with Environmental Advisors LLC for Land Entitlement and Government Relations Services to manage the entitlement process of Ball Road Basin for a fee not to exceed \$26,000; and
- 3) Authorize the OCWD General Manager to enter into an agreement for survey services for the Ball Road Basin parcel not to exceed \$20,000

**INFORMATIONAL ITEM**

5. QUARTERLY REPORT ON LEASES AND PERMITS/LICENSES FOR THE PERIOD ENDING SEPTEMBER 30, 2015

**CHAIR DIRECTION AS TO WHICH ITEMS TO AGENDIZED AS A MATTER FOR CONSIDERATION AT THE NOVEMBER BOARD MEETING**

DIRECTORS' COMMENTS/REPORTS

GENERAL MANAGER'S COMMENTS/REPORTS

**ADJOURNMENT**

## PROPERTY MANAGEMENT COMMITTEE

### Committee Members

Steve Sheldon  
Jan Flory  
Roman Reyna  
Dina Nguyen  
Roger Yoh

### Alternates

Phil Anthony  
Denis Bilodeau  
Harry Sidhu  
Shawn Dewane  
Cathy Green

In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted in the main lobby of the Orange County Water District, 18700 Ward Street, Fountain Valley, CA not less than 72 hours prior to the meeting date and time above. All written materials relating to each agenda item are available for public inspection in the office of the District Secretary. Backup material for the Agenda is available at the District offices for public review and can be viewed online at the District's website: [www.ocwd.com](http://www.ocwd.com).

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the District Secretary at (714) 378-3233, by email at [jdurant@ocwd.com](mailto:jdurant@ocwd.com) by fax at (714) 378-3373. Notification 24 hours prior to the meeting will enable District staff to make reasonable arrangements to assure accessibility to the meeting.

As a general rule, agenda reports or other written documentation has been prepared or organized with respect to each item of business listed on the agenda, and can be reviewed at [www.ocwd.com](http://www.ocwd.com). Copies of these materials and other disclosable public records distributed to all or a majority of the members of the Board of Directors in connection with an open session agenda item are also on file with and available for inspection at the Office of the District Secretary, 18700 Ward Street, Fountain Valley, California, during regular business hours, 8 a.m. to 5 p.m., Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Orange County Water District office.



MINUTES OF THE  
PROPERTY MANAGEMENT COMMITTEE MEETING  
WITH BOARD OF DIRECTORS  
ORANGE COUNTY WATER DISTRICT  
September 25, 2015 @ 12:00 p.m.

Director Flory called the Property Management Committee meeting to order at 12 p.m. in Conference Room C-2. The Assistant District Secretary called the Roll and reported a quorum as follows.

Committee

Steve Sheldon (arrived 12:05 a.m.)  
Jan Flory  
Roman Reyna  
Dina Nguyen (not present)  
Roger Yoh (not present)

OCWD Staff

John Kennedy - Executive Director  
Bruce Dosier - Director IS/Property  
Judy-Rae Karlsen - Assistant District Secretary  
Bill Hunt, Don Jackson, Gary Yoshiba

Alternates

Phil Anthony  
Denis Bilodeau (not present)  
Harry Sidhu (not present)  
Shawn Dewane (not present)  
Cathy Green

Others

Wolfgang Arnold – Phoenix Club  
Pamela Galera – City of Anaheim  
Larry Buxton – Mike Raahauge’s Shooting Enterprises

**CONSENT CALENDAR**

The Consent Calendar was approved upon motion by Director Green, seconded by Director Anthony and carried [4-0] as follows.

*[Yes- Flory, Reyna, Anthony, Green /No - 0]*

1. Minutes of the Meeting

**The Minutes of the Property Management Committee meeting held August 28, 2015 were approved as presented.**

**MATTERS FOR CONSIDERATION**

Director Sheldon arrived at 12:05 p.m. during the following discussion.

2. Amendment to Permit Agreement to Phoenix Club for Directional Sign

Director of IS/Property Bruce Dosier reviewed the District’s relationship with the Phoenix Club. He advised the Phoenix Club had a permit from the District for a directional sign at the corner of Ball Road and Phoenix Club Drive in Anaheim, however the signage was removed in 2006 because it was deteriorating and failed to comply with the City of Anaheim’s zoning code. Mr. Dosier reported the Phoenix Club developed a conceptual design for a new sign and is requesting the District to approve the new sign, , and sign a Development Application from the City of Anaheim Planning Services (City) to process the Phoenix Club’s application for a Conditional Use Permit (CUP) for its new signage. Staff is requesting that the Permit be amended to delete Paragraph 2.1.1 (Rent for Additional Signs) as the Phoenix Club will not be posting rider signs to the new sign. Mr. Arnold Wolfgang reported the Phoenix Club is taking steps to replace the signage at the intersection of Ball Road and Phoenix Club Drive. The Committee discussed the following: 1) Approval of the Amendment to the Permit for a directional sign, 2) Approval of the conceptual design of the signage; and 3) Authorize the General Manager to execute the City of Anaheim development application. The Committee then took the following actions.

**Upon motion by Director Reyna, seconded by Director Anthony and carried [5-0] the Committee recommended that the Board at its October 7 Board meeting: 1) Approve and authorize execution of Amendment Two to Permit to the Phoenix Club, Inc. to approve the new directional sign at Ball Road Basin, subject to the Phoenix Club obtaining a Conditional Use Permit from the City of Anaheim; and to delete Permit Paragraph 2.1.1 (Rent for Additional Signs); and 2) Authorize the General Manager to sign the City of Anaheim Development Application as presented.**

*[Yes- Sheldon, Flory, Reyna, Anthony, Green /No - 0]*

3. Agreement to AECOM Technical Services, Inc. for Prado Shooting Range Area Focused Remedial Investigation and Feasibility Study

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Director of Special Projects William Hunt summarized Committee discussions on the proposed Focused Remedial Investigation and Feasibility Study at the Prado Shooting Range. He noted that staff prepared and issued a Request to Proposals (RFP) and received 4 bids that were subsequently reviewed and evaluated by staff. Mr. Hunt recommended authorizing the General Manager to finalize negotiations and to execute an agreement with the lowest responsive bidder AECOM Technical Services, Inc. (AECOM) for an amount not to exceed \$222,938 to develop a focused remedial investigation and feasibility study. He responded to Committee concerns, and discussed the scope of work, project schedule, project tasks and the recommended timeline. The Committee then took the following action.

**Upon motion by Director Flory, seconded by Director Anthony and carried [5-0] the Committee recommended that the Board at its October 7 Board meeting: Authorize the General Manager to finalize negotiations and execute an Agreement with AECOM Technical Services, Inc., for an amount not to exceed \$222,938 for a focused remedial investigation and feasibility study of the Prado shooting areas.**

*[Yes- Sheldon, Flory, Reyna, Anthony, Green /No - 0]*

4. Amendment to Expiring Lease with Elaine Raahauge D.B.A. Mike Raahauge's Shooting Enterprises

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Mr. Dosier reported the lease for the Mike Raahauge Shooting Enterprises will require an extension until December 31, 2016 in order for AECOM to complete the remedial investigation and feasibility study and provide data for the preparation of a long-term lease. He stated the long-term lease will include remediation plans for the eventual cleanup of contamination on the property in the shooting areas. The Mike Raahauge Shooting Enterprise representative Larry Buxton gave an update on the County of Riverside's process for a Conditional Use Permit. He advised the CUP application process and associated fees were creating significant hardships on Raahauge operations. The Committee requested that Mr. Buxton provide additional information on the business hardships. The Committee then took the following action.

**Upon motion by Director Flory, seconded by Director Anthony and carried [5-0] the Committee recommended that the Board at its October 7 Board meeting: Approve and authorize execution of Amendment Three to Lease Agreement to Elaine Raahauge d.b.a. Mike Raahauge's Shooting Enterprises that provides for a one-year extension of the shooting range lease through December 31, 2016, with all terms and conditions remaining the same.**

*[Yes- Sheldon, Flory, Reyna, Anthony, Green /No - 0]*

## **INFORMATIONAL ITEM**

5. Status of the General Plan Amendment and Zone Change for the Ball Road Basin Property Located on Ball Road and Phoenix Club Drive in Anaheim

Mr. Dosier gave a status report of the second draft of the Environmental Impact Report for the General Plan Amendment and the proposed zoning changes for the Ball Road Basin property located in Anaheim, CA. City of Anaheim representative Pamela Galera reported that the City of Anaheim is still interested in purchasing the property to develop as park space.

## **ITEM TO BE AGENDIZED ON THE CONSENT CALENDAR AT THE OCTOBER 7 BOARD MEETING**

The Committee recommended item No. 2-4 be placed on the Consent Calendar at the October 7 Board meeting.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 12:31 p.m.

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Stephen Sheldon, Chair





## AGENDA ITEM SUBMITTAL

**Meeting Date:** November 13, 2015

**To:** Property Management Cte.  
Board of Directors

**From:** Mike Markus

**Staff Contact:** B. Dosier/D. Jackson

**Budgeted:** N/A

**Budgeted Amount:** N/A

**Revenue Estimate:** \$4,740 six months

**Funding Source:** N/A

**Program/Line Item No.** N/A

**General Counsel Approval:** Required

**Engineers/Feasibility Report:** N/A

**CEQA Compliance:** N/A

**Subject: AMENDMENT TO LICENSE AGREEMENT TO USS CAL BUILDERS FOR CONSTRUCTION MATERIALS AND EQUIPMENT STORAGE AT ANAHEIM LAKE**

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### SUMMARY

On March 5, 2014, the Board approved a License Agreement to USS Cal Builders (Licensee) to store construction materials and equipment at Anaheim Lake in support of the Orange County Transportation Authority's Tustin Ave./Rose Dr. Grade Separation Project. The License expires on October 31, 2015 and the Licensee requested that the License be extended to a new expiration date of April 30, 2016. The license fee is \$790 per month.

Attachment(s): Amendment One to License

### RECOMMENDATION

Agendize for November 18 Board: Approve and authorize execution of Amendment One to License to USS Cal Builders to extend the License Expiration Date to April 30, 2016 with all other terms and conditions to remain the same.

### BACKGROUND/ANALYSIS

On March 5, 2014, the Board approved a License Agreement to USS Cal Builders (Licensee) to store construction materials and equipment at Anaheim Lake in support of the Orange County Transportation Authority's Tustin Ave./Rose Dr. Grade Separation Project. The License expires on October 31, 2015 and the Licensee requested that the License be extended to a new expiration date of April 30, 2016. Licensee is current with its rent and insurance. The license fee is \$790 per month. Staff has no objection to renewing the license for 6 more months.

### PRIOR RELEVANT BOARD ACTION(S)

3/5/14, R14-3-31, Approving License Agreement with USS Cal Builders for a staging area at Anaheim Lake.

# LOCATION MAP



Contractor Material and Equipment Laydown Area  
Tustin Ave./Rose Dr. Grade Separation Project



**AMENDMENT ONE TO LICENSE**  
(USS CAL BUILDERS, INC.)  
(Anaheim Lake)

**THIS AMENDMENT** is made and entered into this 18<sup>th</sup> day of November 2015 by and between the **ORANGE COUNTY WATER DISTRICT**, a political subdivision of the State of California organized under Chapter 924 of the Statutes of 1933, as amended (hereinafter, the "OCWD") and **USS CAL BUILDERS, INC.**, a California corporation (hereinafter, the "Licensee"):

**RECITALS**

**WHEREAS**, on March 5, 2014, OCWD and Licensee entered into a License to store construction materials and equipment in support of the Orange County Transportation Authority's Tustin Ave./Rose Dr. Grade Separation Project with an Expiration Date of October 31, 2015 and a License Fee of \$790 per month; and

**WHEREAS**, Licensee has requested to extend the License for 6 more months with all other terms and conditions of the License to remain the same.

**NOW, THEREFORE**, in consideration of the matters set forth in the foregoing recitals and the terms, covenants and conditions hereinafter contained, the parties do hereby agree as follows:

1. Pursuant to Paragraph 1.2 of the License, Licensee and OCWD hereby agree to extend the term of the Lease to a new Expiration Date of April 30, 2016.
2. Each and every other term, covenant and condition of the License not herein expressly modified, is hereby ratified and confirmed and shall remain in full force and effect.

**[SIGNATURES NEXT PAGE]**

**IN WITNESS WHEREOF**, the parties hereto have executed the Consent to Amendment to License as of the day and year first hereinabove written.

**“OCWD”**

**ORANGE COUNTY WATER DISTRICT**,  
a political subdivision of the State of California  
organized under Chapter 924 of the Statutes of  
1933, as amended

**APPROVED AS TO FORM:  
RUTAN & TUCKER, LLP**

By: \_\_\_\_\_  
General Counsel for  
Orange County Water District

By: \_\_\_\_\_  
Cathy Green, President

By: \_\_\_\_\_  
Michael R. Markus P.E., General Manager

**“LICENSEE”**

**USS CAL BUILDERS, INC.**,  
a California corporation

By: \_\_\_\_\_  
Eric Othman, COO

By: \_\_\_\_\_  
Allen Othman, CEO



## AGENDA ITEM SUBMITTAL

**Meeting Date:** November 13, 2015

**To:** Property Management Cte.  
Board of Directors

**From:** Mike Markus

**Staff Contact:** B. Dosier/D. Jackson

**Budgeted:** N/A

**Budgeted Amount:** N/A

**Easement Fee:** \$1,600

**Funding Source:** N/A

**Program/Line Item No.:** N/A

**General Counsel Approval:** Required

**Engineers Report:** N/A

**CEQA Compliance:** N/A

**Subject: EASEMENT TO THE CITY OF ANAHEIM TO REPLACE EXISTING POLE AND OVERHEAD ELECTRICAL UTILITIES FROM RIVERDALE AVENUE TO OLIVE BASIN**

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### SUMMARY

In 1962, an easement was executed with the City of Anaheim for power lines across the Santa Ana River, easterly of the Metrolink tracks. On February 18, 2015, the City of Anaheim (City) requested an encroachment permit to replace overhead electrical utilities, poles and guy wires from Riverdale Avenue to Olive Basin. Staff reviewed the City's request and determined that a new easement would be required to replace the old easement as the easement area increased by 8,050.8 square feet, with an Easement Fee of \$1,600 and the City to vacate the 1962 easement.

#### Attachment(s):

- Letter from City of Anaheim dated February 10, 2015
- Easement Deed with City of Anaheim, (Riverdale Ave./Olive Basin)

### RECOMMENDATION

Agendize for November 18 Board meeting: Approve and authorize execution of Easement Deed with the City of Anaheim to install, replace and maintain the overhead electrical facility on District property between Riverdale Ave. and Olive Basin with an easement fee of \$1,600.

### BACKGROUND/ANALYSIS

On December 13, 1961, the District approved granting the City of Anaheim an easement for power lines across the Santa Ana River and easterly of the Metrolink tracks that run from Riverdale Avenue, Orange to Olive Basin, Anaheim. The easement was executed in January 1962. On February 18, 2015, the City of Anaheim (City) requested an encroachment permit to replace 3 power poles, overhead power lines, and install guy wires ("overhead electrical utilities"). District staff compared the plans for the new overhead electrical utilities to the current easement and found that changes to the existing and new overhead electrical utilities required additional easement area. Staff advised the City that they will need to add additional easement area for the existing and new overhead electrical utilities. The City surveyed the area and presented a new legal

description of the proposed overhead electrical utilities that showed that the easement area increased by 8,050.8 square feet.

### Easement Fee.

To calculate the easement fee for the additional 8,050.8 square feet, staff reviewed the appraisal completed by the County of Orange for the Lincoln Avenue Bridge Widening project. The County's appraisal found that land in the main river channel is valued at \$1.98 per square foot. As this is similar land, staff used the \$1.98 for the cost of the land. Using the easement burden rate of 10% used in other similar appraisals, staff calculated the easement fee as follows:

$8,050.8 \text{ s.f.} \times \$1.98/\text{s.f.} = \$15,940.58 \times 10\% \text{ Burden Rate} = \$1,594.06$  rounded to \$1,600.

In return for a new easement to replace the old easement, the City has agreed to pay the easement fee of \$1,600 and to vacate the old easement. Staff has reviewed this use and determined it will not interfere with District use of the land and will coordinate with the City on construction activities conducted on District property.

### **PRIOR RELEVANT BOARD ACTION(S)**

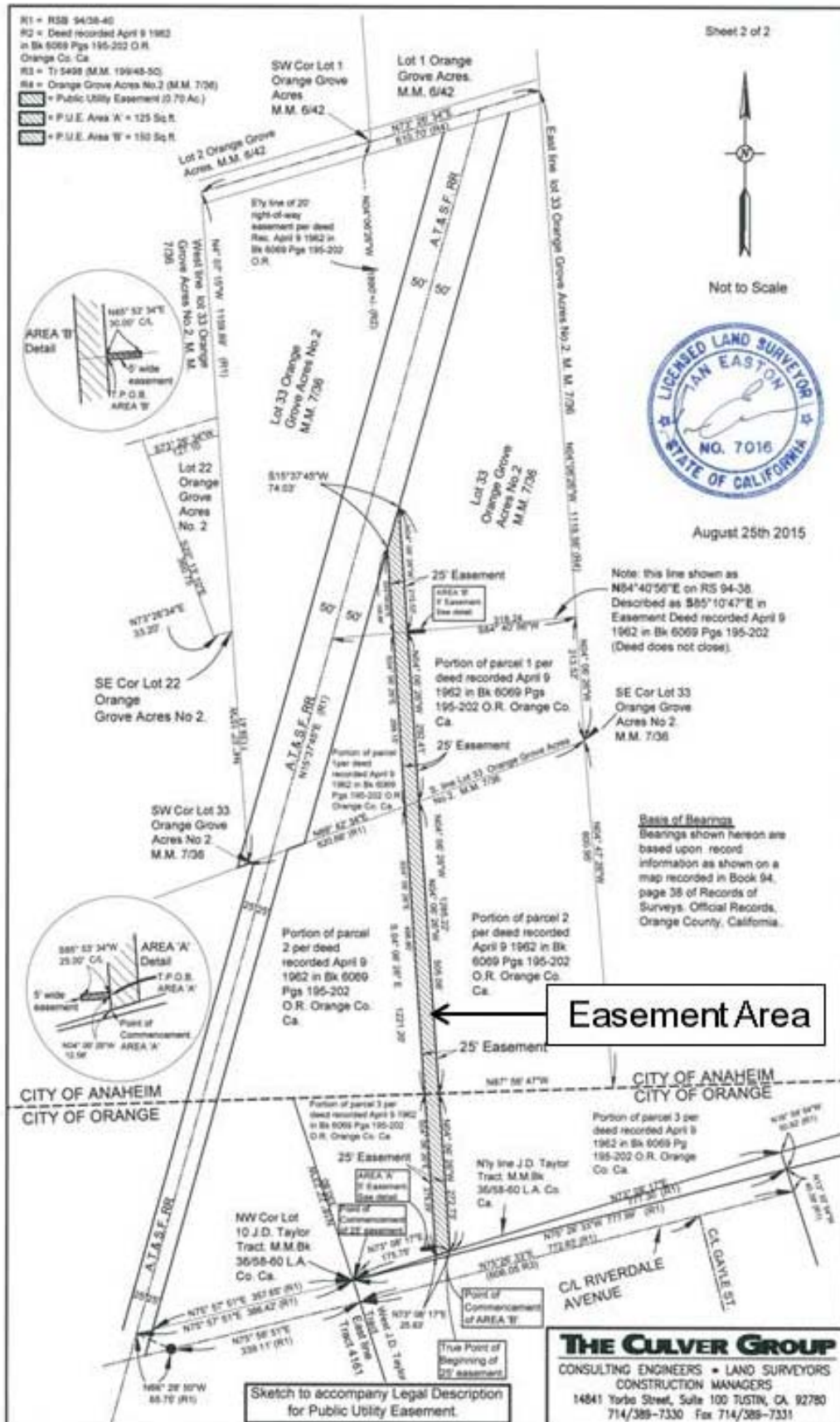
12/13/61, R672, Approving easement to City of Anaheim for river crossing for construction of power lines to the City's reservoir site in Peralta Hills area.

# LOCATION MAP





# SKETCH OF EASEMENT





City of Anaheim  
**PUBLIC UTILITIES DEPARTMENT**

February 10, 2015

Don Jackson  
Orange County Water District  
18700 Ward Street,  
Fountain Valley, CA 92728-8300

**SUBJECT: REQUEST FOR ENCROACHMENT PERMIT TO REPLACE POLE  
AND 12KV OVERHEAD ELECTRICAL FACILITIES ALONG B.N.S.F.  
RAILROAD FROM 91 FWY TO RIVERDALE**

Dear Mr. Jackson,

As part of the pole and overhead conductor upgrade at the property located north of Riverdale Avenue, west of Tustin Avenue, and across the Santa Ana River Bed and the Catch Basin, Anaheim Public Utilities Department hereby submits plans and Notice of Exemption to apply for encroachment permit from Orange County Water District.

The work consists of: replacing three sets of deteriorated power poles with new H-frame construction, replacing existing 4/0 Aluminum overhead conductors with 336 ACSR conductors, and installation of span and down guys.

Tentative construction schedule is from **March to May 2015**.

Enclosed are engineering plans and Notice of Exemption for the proposed work.

Should you have any question, please contact me John Vu at (714) 765-4164 or via email at [jvu@anaheim.net](mailto:jvu@anaheim.net).

Sincerely,

Mary Li, PE  
Sr. Electrical Engineer

201 S. Anaheim Boulevard, Suite 701  
Anaheim, California 92805

TEL (714) 765-5156



# CITY OF ANAHEIM

## NOTICE OF EXEMPTION

To:  County Clerk  
 County of Orange  
 P.O. Box 238, Santa Ana, CA 92702

**PROJECT TITLE:** Master Agreement No. 17 FY 14/15  
**PROJECT LOCATION - Specific:** Along the BNSF railroad from Orange City Limit near Riverdale Avenue to the 91-Fwy in the City of Anaheim  
**PROJECT LOCATION - City:** City of Anaheim and City of Orange, Orange County, California

**PROJECT DESCRIPTION:** The project consists of the replacement of 3 clusters of deteriorated poles, and existing 12kV overhead primary conductor, with 3 new H-frame poles, and new 12kV overhead primary conductor poles in the same locations. The cluster of poles (site 2) north of the Santa Ana River Bed has a nesting platform that will need to be removed and then reinstalled in the same location on the new H-frame. The project will improve electrical reliability. All work areas will be restored to preconstruction conditions following completion of this project.

**PUBLIC AGENCY** City of Anaheim, 200 S. Anaheim Boulevard, Anaheim, CA 92805

**APPROVING PROJECT:**

**APPLICANT:** City of Anaheim - Public Utilities Department  
 Mary Li. Sr. Electrical Engineer, Electrical Services  
**PHONE NUMBER:** (714) 765-4216

**ADDRESS:** 201 S. Anaheim Boulevard, Suite 701  
 Anaheim, California  
**ZIP CODE:** 92805

- EXEMPT STATUS:**
- Ministerial (Section 21080(b)(1); 15268)
  - Declared Emergency (Section 21080(b)(3))
  - Emergency Project (Section 21080(b)(2))
  - Categorical Exemption. State class and section number: Class 2, Section 15302(c)
  - Statutory Exemption. State code number: \_\_\_\_\_.
  - Other: \_\_\_\_\_.

**REASONS WHY PROJECT IS EXEMPT:** The project is exempt under Class 2, Section 15302(c) as it consists of the replacement of 3 clusters of 12kV electrical poles with 3 new H-frame poles and 12kV overhead primary conductor poles in the same location with no expansion of the existing electric utility system.

**STAFF CONTACT:** Marie Newland, Environmental Services Specialist **PHONE NUMBER:** (714) 765-4166

Marie Newland Env Specialist 2-10-15  
 Authorized Signature – Utilities Department Title Date

- Signed by Lead Agency  Signed by Applicant

Recording Requested by:

City Clerk of the City of Anaheim

WHEN RECORDED MAIL TO:  
CITY CLERK  
CITY OF ANAHEIM  
P.O. BOX 3222  
ANAHEIM, CA 92803



EXEMPT-GOVERNMENT AGENCY  
(Government Code §§6103 & 27383)

By: \_\_\_\_\_  
City Clerk, City of Anaheim

(Space Above Line For Recorder's Use Only)

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### EASEMENT DEED

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City Deed # \_\_\_\_\_  
APN# \_\_\_\_\_  
File # \_\_\_\_\_

**FOR A VALUABLE CONSIDERATION**, the receipt of which is hereby acknowledged, the **ORANGE COUNTY WATER DISTRICT**, a political subdivision of the State of California organized under Chapter 924 of the Statutes of 1933, as amended ("Grantor") **HEREBY GRANTS** to the **CITY OF ANAHEIM**, a municipal corporation ("Grantee") a non-exclusive easement for public utility and telecommunication purposes to construct, reconstruct, install, replace, reconfigure, operate, maintain, repair, relocate, remove, inspect, observe, and study Grantee's facilities, equipment, and related appurtenances in, on, over, under, upon, above, along and across the land in the City of Anaheim, and City of Orange, County of Orange, State of California, described in Exhibits "A" and "B" attached hereto and incorporated by reference herein ("Easement Area"), together with all rights of ingress and egress thereto, including the right to enter onto the Easement Area with such vehicles, machinery, and equipment as may be necessary or convenient to the construction, reconstruction, installation, replacement, reconfiguration, operation, maintenance, repair, relocation, removal, inspection, observation, and study of said facilities, equipment, and appurtenances.

Except as otherwise provided herein, Grantee has the right to prevent any activity on or use of the Easement Area that (a) is inconsistent with the purposes of this easement; (b) interferes with or is harmful to Grantee's rights herein; or (c) interferes with or is harmful to Grantee's facilities. Grantor agrees not to use or allow the use of the Easement Area in such a way as to impede, harm, or interfere with (a) the Grantee's rights as defined herein; or (b) Grantee's facilities. Grantee will backfill to grade, pay reasonable costs of removal, repair or restoration, of grass or asphalt only within the Easement Area affected by work performed by Grantee in furtherance of the rights granted herein.

1. RESERVATION: Subject to the rights conveyed above to Grantee, Grantor reserves the right unto itself (a) the rights of ingress and egress over all or any portion of the Easement Area, and (b) to perform any and all work involved in protecting, replenishing and/or conserving the basin groundwater supply and any other work necessary to the functions or purposes of Grantor, as set forth in the Orange County Water District Act, Chapter 924 of the California Statutes of 1933, as amended, upon any portion or all of the Easement Area at any time. Such work identified in (b) of the previous sentence shall be performed without incurring any liability of any nature whatsoever to Grantee. .
2. SUCCESSORS: This Easement Deed, and all of the terms, conditions and provisions herein, shall inure to the benefit of, and be binding upon, Grantor, Grantee, and their respective successors, transferors, and assigns.
3. GOVERNING LAW: This Easement Deed and the performance thereof shall be governed, interpreted, construed, and regulated by the laws of the State of California, with venue in Orange County.
4. MAINTENANCE: Grantee shall maintain all improvements that Grantee constructs in the Easement Area in good condition at its sole cost and expense. Grantee's maintenance activities shall not be subject to Paragraphs 4 and 5 of this Easement Deed, except to the extent that a maintenance activity involves a material disturbance of the soil of the Easement Area.
5. IMPROVEMENTS: Prior to the commencement of construction of any improvements, Grantee shall submit construction plans to Grantor's General Manager or the General Manager's designee for prior written approval, which approval will not be unreasonably withheld, except that the current construction plan P1300000273 dated 1-16-15 shall not be subject to this submittal and approval process. Grantee shall coordinate construction activities on OCWD property with OCWD's Engineering Department, which is located at the OCWD's Fountain Valley Office, 18700 Ward Street, Fountain Valley, CA 92708, (714) 378-3232.
6. PRIOR EASEMENTS: The Orange County Flood Control District per Agreement dated March 6, 1973 and recorded on March 27, 1973 in book 10619, page 16 of the Official Records of the County of Orange, State of California, has an easement for flood control, water conservation, recreational, and environmental enhancement along and over the main channel of the Santa Ana River and the south levee and currently operates the bike and pedestrian trail. Prior to the commencement of construction of any improvements within the OCFCD Easement Area, Grantee shall submit all construction plans to the Orange County Public Works/Orange County Flood Control District for approval.
7. SUMMARY VACATION: Concurrently with the recordation of this Easement Deed, Grantee shall record a Resolution vacating the existing easement recorded April 9, 1962 as Document Number 6873 in Book 6069, Page 195-202 inclusive, official Records of the County of Orange, California.
8. EASEMENT FEE: Grantee shall pay to Grantor the sum of **ONE THOUAND SIX HUNDRED Dollars** (\$1,600.00) for the use of the Easement Area within forty-five (45) days of Grantee's recordation of this Easement Deed.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, this instrument has been executed on \_\_\_\_\_, 2015

**ORANGE COUNTY WATER DISTRICT,**  
a political subdivision of the State of California  
organized under Chapter 924 of the Statutes of 1933,  
as amended

**APPROVED AS TO FORM:**  
RUTAN & TUCKER, LLP.

By: \_\_\_\_\_  
Cathy Green, President

By: \_\_\_\_\_  
General Counsel,  
Orange County Water District

By: \_\_\_\_\_  
Michael R. Markus P.E., General Manager

# EXHIBIT "A"

Sheet 1 of 2

## LEGAL DESCRIPTION for Public Utility Easement

A 25 foot wide easement for Public Utility purposes in the City of Anaheim, and the City of Orange, both in the County of Orange, State of California, and being those portions of Parcels One, Two, and Three of lands described in right-of-way easement deed recorded April 9th, 1962 as Document number 6873 in Book 6069 pages 195 to 202 inclusive, along with that portion of Lot 33 of the Orange Grove Acres No. 2 Tract as shown on a map recorded in Miscellaneous Map Book 7 Page 36, Official Records of said County. Said easement being more particularly described as follows:

Commencing at the northwesterly corner of Lot 10 of the J.D. Taylor Tract as shown on a map recorded January 22nd 1889 in Miscellaneous Map Book 35, Pages 58-60, Los Angeles County Records, California, with said corner also being shown as a 2" diameter brass disk, stamped 'O.C.F.D.' at the easterly terminus of that course shown as N75°57'51"E, 357.65' on the northerly right-of-way of Riverdale Avenue on a map recorded July 9th 1974 in Book 94 Pages 38 to 40 of Records of Surveys in the office of the Recorder of said Orange County. Thence, along the northerly line of said Lot 10, North 73°08'17" East, 175.75 feet to the **True Point Of Beginning**; thence leaving said northerly line of said Lot 10, North 04°06'26" West, through said Parcels Three, Two, One, and said Lot 33, 1285.22 feet to the southeasterly right-of-way line of the Atchison, Topeka, and Santa Fe rail road (50 feet, half width); thence South 15°37'45" West, along said right-of-way line 74.03 feet; thence leaving said right-of-way line South 04°06'26" East, through said Lot 33, and said Parcels One, Two, and Three, 1221.20 feet to a point on the northerly line of said lot 10 of said J.D. Taylor Tract; thence, North 73°08'17" East along said northerly lot line, 25.63 feet to the **True Point Of Beginning**.

Area of easement = 31330 Square feet. (0.70 Acres)

Along with a 5.00 feet wide easement for public utility purposes over those portions of said parcels One, Three, and Lot 33, the sidelines of said easement being 2.5 feet each side of the following described centerlines:

### **Area 'A'**

Commencing at the intersection of the northerly line of said J.D. Taylor Tract with the westerly line of herein above described 25 feet wide easement; thence, along said westerly line of said 25 feet easement North 04°06'26" West, 12.58 feet to the True Point Of Beginning; thence, South 85°53'34" West, 25.00 feet to the westerly terminus hereof.

Area of easement = 125 Square feet.

### **Area 'B'**

Commencing at the intersection of the northerly line of said J.D. Taylor Tract with the easterly line of herein above described 25 feet wide easement; thence, along said easterly line of said 25 feet easement North 04°06'26" West, 1070.20 feet to the True Point Of Beginning; thence, North 85°53'34" East, 30.00 feet to the easterly terminus hereof.

Area of easement = 150 Square feet.

All as shown on sheet 2 and made a part hereof.



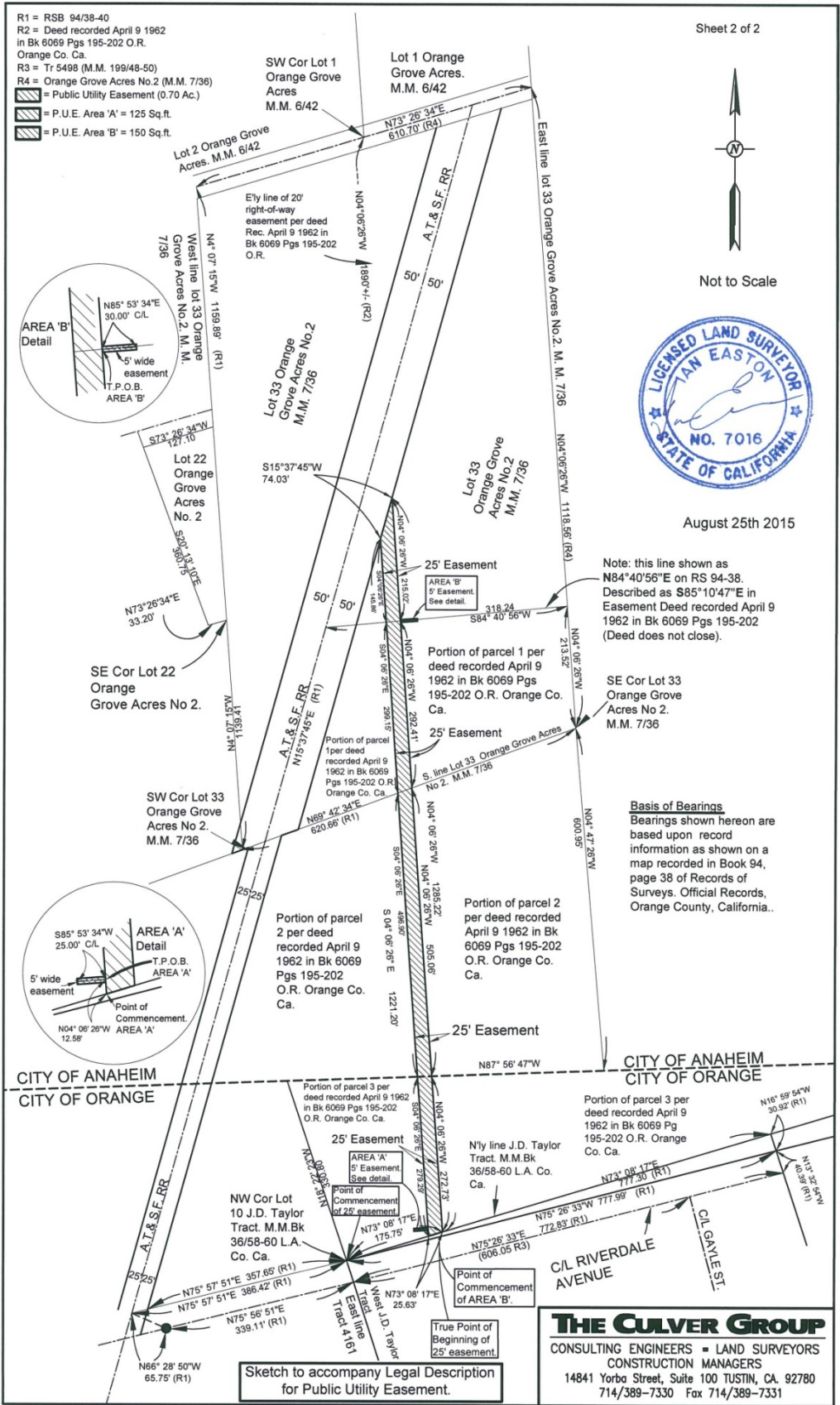
Ian Easton PLS 7016 August 25th 2015



**THE CULVER GROUP**

CONSULTING ENGINEERS • LAND SURVEYORS  
CONSTRUCTION MANAGERS  
14841 Yorba Street, Suite 100 TUSTIN, CA. 92780  
714/389-7330 Fax 714/389-7331

**EXHIBIT "B"**



Sketch to accompany Legal Description for Public Utility Easement.

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## AGENDA ITEM SUBMITTAL

**Meeting Date:** November 13, 2015

**To:** Property Management Cte.  
Board of Directors

**From:** Mike Markus

**Staff Contact:** B. Dosier/D. Jackson

**Budgeted:** N/A

**Budget Amount:** N/A

**Cost Estimate:** \$74,295

**Funding Source:** N/A

**Program/Line Item No.:** N/A

**General Counsel Approval:** N/A

**Engineers/Feasibility Report:** N/A

**CEQA Compliance:** Categorically Exempt  
under CEQA Guidelines Section 15312.

**Subject: CHANGE ORDER AND SERVICES FOR THE GENERAL PLAN AND ZONE  
CHANGE FOR THE BALL ROAD BASIN PROPERTY LOCATED ON BALL  
ROAD AND PHOENIX CLUB DRIVE, ANAHEIM**

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### SUMMARY

At the September 2, 2015 Board of Directors meeting, the Board directed District staff to continue the process to change the General Plan and Zoning from Open Space / Transitional to General Commercial with the City of Anaheim for the Ball Road Basin (BRB) property. Staff has obtained estimates of the cost to continue the process of the General Plan and Zoning process and will present those costs to the Committee for consideration.

#### Attachment(s):

- Environmental Advisor, Environmental Impact Report Change Order.
- Environmental Advisor, Proposal for Land Entitlement and Government Relations Services.

### RECOMMENDATION

Agendize for November 18 Board meeting:

1. Approve and authorize execution of Change Order to Environmental Advisors LLC Contract in the amount of \$28,295 for additional work on the Environmental Impact Report for Ball Road Basin's General Plan Amendment and Zoning change.
2. Approve and authorize execution of agreement with Environmental Advisors LLC for Land Entitlement and Government Relations Services to manage the entitlement process of Ball Road Basin for a fee not to exceed \$26,000.
3. Authorize the District's General Manager to enter into an agreement for survey services for the Ball Road Basin parcel not to exceed \$20,000.

### DISCUSSION/ANALYSIS

In 2007, the Board authorized staff to begin the process to change the General Plan and Zoning of BRB from Open Space/Transitional to General Commercial. A Conceptual Design Review application was submitted by the District to the City of Anaheim a General Plan Amendment and Zone Change and updated on April 2011. As part of the process, an Environmental Impact Report (EIR) was being prepared by Environmental Advisors, LLC. The First Screen Check Draft

EIR (DEIR) developed by Environmental Advisors had been reviewed by City Staff and by the City's independent environmental consultant. In October 2013, Environmental Advisors submitted the Second Screen Check DEIR to District staff for review, incorporating the City's and City's consultant review comments. Although the District has been in the process of changing the General Plan and Zoning, there is no guarantee that the General Plan and Zone change will be approved.

In 2014, the Board suspended efforts on changing the General Plan and Zoning and the EIR and notified the City it was doing so. This was due to the District executing an Option Agreement for a Lease of the BRB property with Orange County Energy Park, LLC, a wholly owned subsidiary of Competitive Power Ventures, Inc. (OCEP) for potential use as an electrical generating facility. The Option Agreement was entered into December 13, 2013. Additionally, the City proposed to acquire the BRB for use as a park, and had made an offer to acquire the Property and had initiated the process to change the General Plan and Zoning to Park. In November 2013, the City submitted a Development Application for a General Plan Amendment and Zone change to designate the project site as Park and to rezone the project site to Public Recreation. The City took this step should they be able to acquire the property from the District. In February 2014, the City began preparing an EIR for their GPA/ZC.

In conjunction with the District's suspended efforts, at the request of the District, the City also suspended their efforts for the City's proposed change to the General Plan and Zoning.

In November 2014, OCEP terminated the Option Agreement, releasing their interest in the property.

On September 2, 2015, the Board directed staff to continue the process to change the General Plan and Zoning from Open Space/Transitional to General Commercial with the City of Anaheim for the BRB property, including continuing the development of the EIR. However, the City has recently expressed its continued interest in acquiring the BRB property for park use, and has advised that it is restarting its efforts to change the General Plan as Park and Zoning to Public Recreation.

#### Cost Estimate to Complete Peer Review of EIR

Staff discussed the District's continued effort on the General Plan and Rezoning with City Planning staff. City staff advised that, since use as an electric generation facility is no longer a contemplated use on the property, it does not have to be evaluated as a project alternative in the EIR; and that the EIR should acknowledge use of the property as a park as a project of interest. City staff advised that to continue the District's GPA/ZC process, a deposit of additional funds will be required by the City for its environmental firm to conduct the peer review of the District's EIR. Staff is in the process of reviewing the City's quote for the peer review services and will return to the Committee for consideration at a future meeting.

#### Cost Estimate to Complete Ball Road Basin EIR

Staff contacted Environmental Advisors, the consultant that was working on the District's EIR, to provide an estimate to complete the EIR. Per the attached Change Order, the estimated not to exceed cost to complete the EIR is \$28,295, and shown in Table 1 below.

Table 1 Cost Estimate to Complete Ball Road Basin EIR

	Original Budget	Remaining in Budget	Change Order	Revised Budget
Task 1: Preparation of NOP and Scoping Meeting	\$7,000	\$0	<b>\$0.00</b>	\$7,000
Task 2: Preparation of DEIR	\$59,000	\$2,150	<b>\$17,125</b>	\$76,125
Task 3: Preparation of Response to Comments	\$15,000	\$15,000	<b>\$7,520</b>	\$22,520
Task 4: Prepare Mitigation Plan	\$5,000	\$5,000	<b>\$0</b>	\$5,000
Task 5: Prepare Written Findings of Fact and Statement of Overriding Considerations, Final EIR, Administrative Record, and Notice of Determination	\$8,000	\$8,000	<b>\$0</b>	\$8,000
Task 6: Management, Team Meetings, and Public Hearings	\$6,000	\$1,860	<b>\$3,650</b>	\$9,650
Technical Studies	\$85,921	\$0	<b>\$0</b>	\$85,921
<b>TOTAL</b>	<b>\$185,921</b>	<b>\$32,010</b>	<b>\$28,295</b>	<b>\$214,216</b>

The cost estimate summarized in Table 1 is based on there not being a need to update the technical studies previously completed. In the event the city’s review identifies a need to update the technical studies, additional funding may be needed.

Estimate of Land Entitlement and Government Relations Services

Staff requested Environmental Advisors to prepare an estimate of cost to provide Land Entitlement and Government Relations Services to manage the GPA/ZC entitlement process, as an extension of staff, through consideration by the City’s Planning Commission and City Council. The scope of work would include: Project Management, City Code Analysis, Government Relations, Entitlement Application, Meetings with City Staff, and Public Hearings. Per the attached letter and scope of work, the cost would not exceed \$26,000.

Cost of Legal Description of Ball Road Basin

As there is no legal description for the land under consideration for the GPA/ZC, staff recommends having a legal description of the land area at Ball Road Basin completed. Staff has requested quotes for the required survey services. The estimated cost of the survey work is \$12,000 to \$20,000. Staff proposes that the General Manager be authorized to enter into an agreement for survey services not to exceed \$20,000.

Next Steps.

1. Completion of the Draft EIR
2. Completion of Legal Description

3. Release of Draft EIR by City of Anaheim
4. Preparation of Response to comments on Draft EIR.
5. Submission of development Application and EIR to City.
6. Consideration of GPA/ZC by the City's Planning Commission
7. Consideration of the GPA/ZC by the Anaheim City Council

Table 2 – Ball Road Basin Expenses to Date

Party	Purpose	Expense
Environmental Advisors	EIR for GPA/ZC	\$185,921
City of Anaheim	GPA/ZC; sewer study; peer review of EIR (\$13,000 remaining in Depositors' Trust Fund)	\$79,500
Chambers Group	Initial Study; Traffic and Air Quality Study	\$53,611
Boyle Engineering	Hydrology and Hydraulics	\$47,233
Adam Streeter	Engineering Support Services	\$24,701
<b>Total</b>		<b>\$390,966</b>

### Summary of Prior Steps Taken

November 2006	Letter to OCFCD regarding developing the Ball Road Basin property including resolving flood easement on Ball Road Basin
February 2007	Letter from OCFCD requesting evaluation of specific issues including a Hydrology and Hydraulics study prior to conceptual approval of releasing flood easement on Ball Road Basin
July	RFP issued by OCWD Engineering for Hydrology and Hydraulics study of Ball Road Basin and Chantilly Storm Channel
August	Filed General Plan Amendment and Zone change with \$22,000 deposit with the City
September	Agreement approved with Boyle Engineering for Hydrology and Hydraulics study of Ball Road Basin and Chantilly Storm Channel  Received City staff comments regarding the General Plan Amendment and Zone change
October	Staff met with City staff to review City staff's comments regarding the General Plan Amendment and Zone change
January 2008	Staff and Boyle met with OCFCD to discuss the Hydrology and Hydraulics study and OCFCD's requirements for conceptual approval of the levee encroachment and improvements to the Chantilly Storm Drain Extension to the Santa Ana River

February	Meeting with Army Corps of Engineers (Corps) to discuss the Hydrology and Hydraulics study and Corps' requirements for conceptual approval of the levee encroachment and improvements to the Chantilly Storm Drain Extension to the Santa Ana River
March	Letter sent to the Corps by Boyle requesting conceptual approval
April	Letter received from Corps stating conceptual approval  Staff and Boyle met with OCFCD to discuss the Corps conceptual approval  Letter sent to OCFCD requesting conceptual approval
August	Letter received from OCFCD stating conceptual approval and would be able to relinquish their easement over the Basin provided that certain criteria, as outlined in the letter, are met
September	Boyle finalized the Hydrology and Hydraulics report
October	Draft Agreement sent to OCFCD
March 2009	Staff received a revised draft Agreement and is reviewing
April	Staff has reviewed the agreement and has requested a meeting with OCFCD to discuss and clarify several items including assignment of the agreement to another party.
May	Staff met with OCFCD staff to discuss and clarify several items including assignment of the agreement to another party.
June	Staff sent revised agreement to OCFCD.
October	Staff discussed changes to agreement with County Counsel.  Staff advised by OCFCD that they are still reviewing the draft Agreement
April 2010	Staff received a revised draft Agreement and is reviewing
May	Staff reviewing revised draft Agreement
June	Staff submitted comments regarding Guaranty to OCFCD
August	Staff met with OCFCD to discuss Guaranty and potential alternatives  Staff received a revised draft Agreement and is reviewing
September	Staff reviewing revised draft Agreement  Staff advised that OCFCD will be providing additional revisions
November	Staff advised that OCFCD is finalizing the revised draft Agreement
December	Staff received revised Agreement from OCFCD

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January 2011	Staff reviewed Agreement and provided additional comments to OCFCD
February	Staff met with City staff to determine how to proceed with the GPA/ZC
March	Staff received final draft Agreement from OCFCD
April	Filed an updated application for the GPA/ZC
May	Hired Chamber's Group, Inc. for CEQA Initial Study
August	OCFCD sent signing copies of agreement for OCWD signature
September	Returned signed copies of the agreement to OCFCD for processing.
October	Met with Anaheim Planning and Traffic staff to discuss traffic study requirements in the Initial Study

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January 2012	Chambers developing Initial Study (traffic study) OCFCD agreement agendized for OC Board of Supervisors approval
February	Chambers continued development of Initial Study (traffic study and air quality report)
March	Chambers continued development of Initial Study (waiting for Anaheim data for traffic study)
April	Traffic and Air studies complete and Chambers has provided a draft Initial Study for staff review
May	Staff reviewing draft Initial Study
July	Final version of Initial Study received from Chambers Initial Study provided to City of Anaheim
August	Board authorized issuance of an RFP for preparation of an EIR City of Anaheim provided comments on the Initial Study
September	Initial Study revised by District environmental consultant and provided to City for additional comments
October	City of Anaheim provided additional comments on the Initial Study Initial Study revised by District environmental consultant and provided to City for additional comments Issued RFP to select consultant to prepare EIR

November Received proposals to prepare EIR; review proposals and interview firms

December Board authorized preparation of an EIR by Environmental Advisors for the Ball Road Basin Property; and Engineering Support services from Adams- Streeter Engineering.

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January 2013 Held EIR kickoff meeting with consultants.

February NOP distributed and 30-day review period started

Held EIR scoping meeting with City of Anaheim for public comment

March NOP 30 day review period ended and City has received public comments.

April Technical studies for EIR prepared

May Draft technical studies out for review

June Final technical studies out for review

July First Screencheck Draft EIR reviewed by staff, City staff and peer review

August First Screencheck Draft EIR reviewed by staff, City staff and peer review

September Second Screencheck Draft EIR under development

October Second Screencheck Draft EIR under review by staff.

Meeting with City staff regarding use as a Utility under Commercial land use designation

December Lease Option Agreement executed with Orange County Energy Park, LLC. (OCEP), Competitive Power Ventures, Inc. – “CPV”

Second Screencheck Draft EIR under review by staff.

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January 2014 Meeting with City of Anaheim to discuss additional EIR requirements.

February Received NOP for EIR from City of Anaheim for City’s proposed GPA/ZC to Park

March District sends response letter to NOP

May District sends letter requesting additional explanation for evaluating park and power plant alternatives

August District sends letter to City of Anaheim advising it is suspending efforts on GPA/ZC

November OCEP terminates Lease Option Agreement



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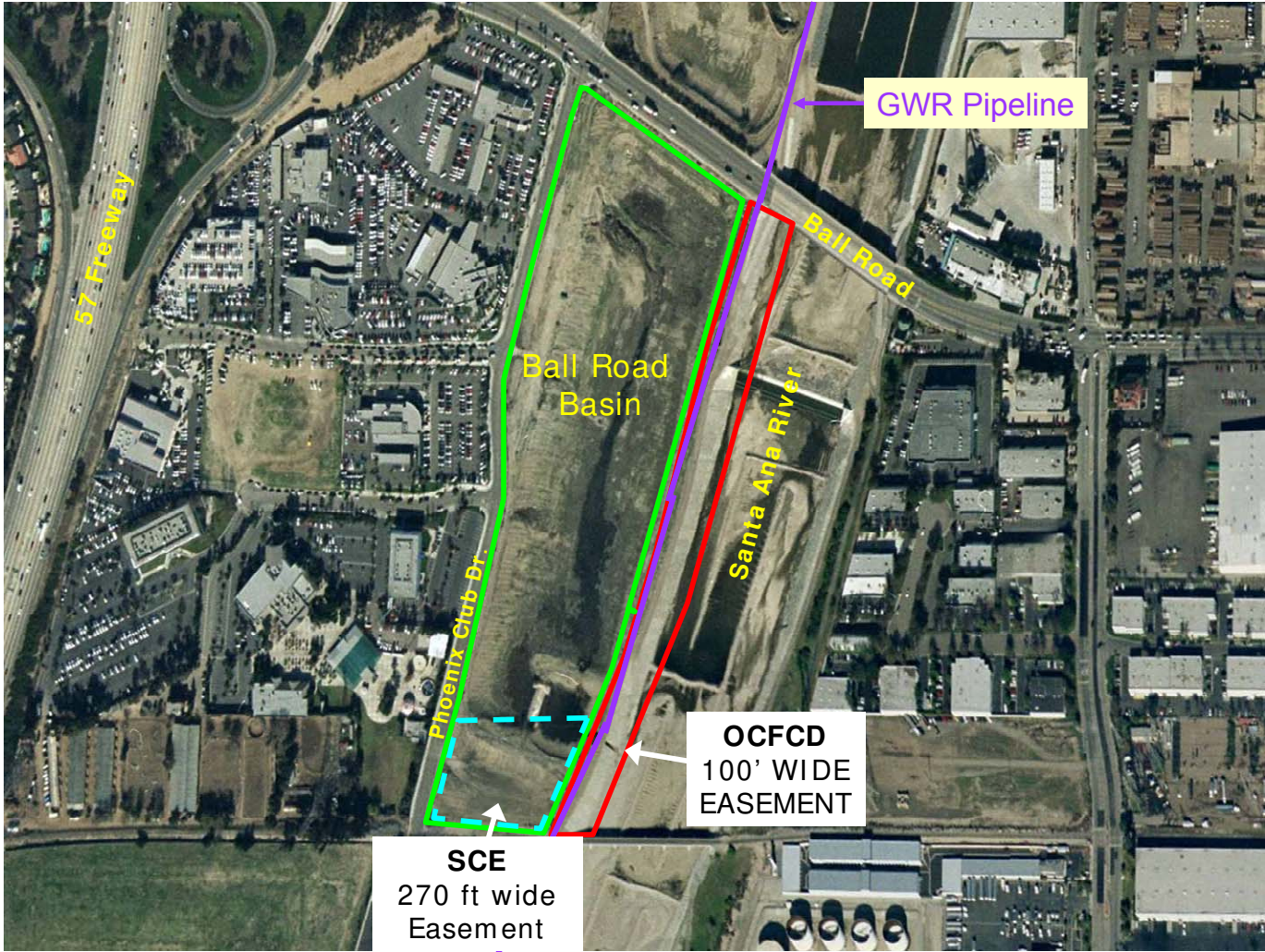
January 2015	Meeting with City of Anaheim to discuss City's interest in acquiring Ball Road Basin for park purposes
September	Board directs staff to continue effort with EIR for GPA/ZC

## **PRIOR BOARD ACTION**

9/2/15, M15-125	Direct Staff to continue efforts with the EIR in connection with the application with the City of Anaheim for a General Plan Amendment and Zone Change for the Ball Road Basin.
8/06/14, M14-114	Directing staff to transmit a letter to City of Anaheim advising that OCWD is suspending efforts on General Plan Amendment and Zone Change for the Ball Road Basin Property.
12/09/13, R13-12-145	Option Agreement for the lease of real property to Orange County Energy Park, LLC, for proposed gas-fired electric, electrical generation facility on the Ball Road Basin property located on Ball Road and Phoenix club drive in Anaheim; authorizing agreement to sell GWRS water to CPV, and requiring mitigation of traffic impacts.
9/18/2013, R13-9-123	Amendment to Exclusive Due Diligence and Negotiation Agreement with Basin Development, LLC (Competitive Power Ventures, Inc. – "CPV") to allow use of the property as a park by the City of Anaheim so long as it is consistent with the development of the power plant that CPV proposes.
8/21/13-R13-8-110	Six-month Exclusive Due Diligence and Negotiation Agreement with Basin Development, LLC (Competitive Power Ventures, Inc. – "CPV") for a potential future lease for an Electrical Generation Station.
4/03/13, M13-46	Issue check in the amount of \$57,500 to City of Anaheim for additional funds deposit for the General Plan Amendment and Zone Change; for Sewer Study; and for peer review of the Environmental Impact Report
12/19/12, R12-19-145	Issue Work Order to Environmental Advisors to prepare an EIR for an amount not to exceed \$185,921; and an Agreement with Adams-Streeter for engineering support services in the amount of \$24,700
9/7/11, M11-144	Issue Work Order to Chambers Group for an amount not to exceed \$21,000 to prepare traffic and air quality studies
3/2/11, M11-41	Direct staff to hire a consultant to prepare initial study and determine appropriate CEQA documentation (resulted in hiring Chambers Group for the amount of \$32,611)
2/2/11, R11-2-12	General Manager to finalize and execute the Chantilly Storm Channel Agreement with Orange County Public Works Department- Flood Control Division

9/5/07, R07-9-118	Professional Services Agreement to Boyle Engineering Corporation for an amount not to exceed \$47,233 for the Ball Road Basin Hydrology and Hydraulics Study
8/15/07, M07-111	General Plan Amendment and Zone Change Application with City of Anaheim for Ball Road Basin and issuance of a check in the amount of \$22,000 to City of Anaheim for the application deposit.
7/18/07, M07-103	Issue RFP for Hydrology and hydraulics Study of Ball Road Basin
5/2/07, M07-71	Direct staff to investigate approach for clearing entitlements from Ball Road Basin property
10/18/06, M06-131	Determine Ball Road Basin not suitable for surface recharge, or storage; and retaining a portion of the basin for potential injection well recharge using GWR

Location Map



**Environmental Advisors, LLC**

**CHANGE ORDER**

Date 09/25/2015 Change Order No. 1 Project Name Ball Road Basin  
OCWD Agreement No. 0864  
Original Contract Amount \$185,921  
Net Amount of Previous Changes \$0  
Amount of this Change Order \$28,295 (see attached Change Order Costs)  
Revised Contract Total \$214,216

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This Change Order was prepared for the following reason(s):

The Ball Road Basin EIR is proceeding after being inactive for over two years. It is our understanding that OCWD staff has met with City of Anaheim staff to determine what is needed to restart the EIR process for the project. Based on that meeting, it was determined that the previously prepared technical studies will not need to be updated. However, since the initiation of the Ball Road Basin EIR, the City of Anaheim has begun preparation of its own EIR for the project site for the development of an active park site. The City's process began with the issuance of a Notice of Preparation on February 13, 2014.

The City of Anaheim as Lead Agency has requested that the Ball Road Basin EIR be updated to include a description and discussion of the public park proposed by the City of Anaheim Community Services Department. EA will review the Screencheck Draft EIR (SDEIR) to determine where the document needs to be updated to reflect the City's concurrent processing of the proposed park. At a minimum, the Project Description and Land Use sections will be updated to incorporate relevant references to the proposed park site.

The City of Anaheim has also stated that they will be adding a peer review for both the SDEIR and the Response to Comments (RTC). The City had already provided comments on the SDEIR. The required peer review will result in repeating this task. Our budget accounts for this additional work, but assumes no revisions to the technical studies. Should the peer review necessitate updates to the technical studies, a separate scope and fee will be required.

The RTC task had already anticipated staff review of the draft responses. It did not anticipate or budget for an additional layer of peer review. We have updated the budget to account for this.

Additional meetings and project management will be required to coordinate with the Lead Agency and Project Applicant.

Additional changes to the scope may result in additional change order(s).

The work covered by this Change Order shall be performed in accordance with the same terms and conditions as included in the original contract.

**CHANGE AUTHORIZED BY:**


Orange County Water District

Environmental Advisors, LLC

By \_\_\_\_\_  
(Printed)

By Greg McCafferty  
(Printed)

Signature \_\_\_\_\_

Signature  \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

Title Director of Planning Date 09/25/2015

**Environmental Advisors**  
Change Order #1 - Ball Road Basin EIR

Tasks	Change Order Total	Associate Environmental Planner			Senior Environment Planner			Director		
		Cost Per Position	Hourly Rate	Total Hours per Position	Cost Per Position	Hourly Rate	Total Hours per Position	Cost Per Position	Hourly Rate	Total Hours per Position
Task 2: Preparation of DEIR	17,125.00	5,525.00	85	65	6,000.00	120.00	50	5,600.00	160.00	35
Task 3: Preparation of Response to Comments	7,520.00	2,720.00	85	32	2,400.00	120.00	20	2,400.00	160.00	15
Task 6: Management, Team Meetings, and Public Hearings	3,650.00	850.00	85	10	1,200.00	120.00	10	1,600.00	160.00	10
<b>Totals</b>	<b>\$ 28,295.00</b>	<b>\$ 9,095.00</b>		<b>107</b>	<b>\$ 9,600.00</b>		<b>80</b>	<b>\$ 9,600.00</b>		<b>60</b>



October 15, 2015

Mr. Bruce Dosier  
**Orange County Water District**  
18700 Ward Street  
Fountain Valley, CA 92708

**Subject: Land Use and Government Relations Services for OCWD Ball Road Basin Project in the City of Anaheim**

Dear Mr. Dosier:

Environmental Advisors (EA) is pleased to submit this proposal for land entitlement and government relations services to the Orange County Water District (OCWD) for its proposed Ball Road Basin project in Anaheim.

The professionals at EA have decades of experience in land use planning, entitlement consulting, government relations, and environmental compliance associated with commercial and residential development projects. We possess the experience, local knowledge, and relationships that will assist in moving the project forward as quickly as possible. As Principal Planner with the City of Anaheim, I oversaw the development review function for all development in the City. In addition, with extensive project experience in Anaheim, EA has built strong working relationships with City staff and public officials.

The following pages describe our scope of work detailing our approach to developing, managing, and implementing all actions required to move the project through the regulatory approval process.

EA looks forward to continuing to assist OCWD with the Ball Road Basin project. If you require additional information or would like to further discuss our proposal, please contact me directly at (714) 606-7208 or [gmccafferty@environmentaladvisors.com](mailto:gmccafferty@environmentaladvisors.com).

Regards,

A handwritten signature in black ink, appearing to read 'Greg McCafferty', written over a white background.

Greg McCafferty  
Environmental Advisors, LLC

## A. PROJECT UNDERSTANDING

Thank you for the opportunity to offer our land entitlement and government relations services for your project in the City of Anaheim. The project involves a General Plan Amendment and Zone Change in order to prepare the Ball Road Basin site for commercial development. Depending on the type of commercial uses proposed, a Conditional Use Permit may also be required.

Environmental Advisors (EA) is also preparing an Environmental Impact Report (EIR) for this project.

EA's work plan follows, detailing our approach to achieving project approval.

## B. SCOPE OF WORK

### TASK 1: PROJECT INITIATION & MANAGEMENT

#### **Task 1.1: Initial Meeting and Data Acquisition**

After receiving the notice to proceed (NTP), EA will meet with representative(s) from the Orange County Water District (OCWD) at a Project Initiation/Kick-Off Meeting to discuss the project, establish roles and responsibilities, project schedule, communication protocol, and receive all available project information.

EA will review all available and relevant project-related data. Following the review of existing data, any gaps in the data and recommendations for correcting the gaps will be discussed with OCWD. EA will determine what additional data, if any, must be collected in support of the entitlement application.

#### **Task 1.2: Project Management**

As an extension of OCWD staff, EA will provide ongoing project management. EA will ensure clear and effective communication by requiring regular updates by the project subconsultants, and briefing OCWD staff on the project's progress and any potential issues.

### TASK 2: LAND ENTITLEMENT SERVICES

#### **Task 2.1: Code and Constraints Analysis**

A code analysis of the project will be performed to determine the most expeditious entitlement path. In addition to the code review, we will consult with key staff from other City departments to determine any potential constraints to obtaining project approval. The information obtained during this task will determine how we approach subsequent tasks.

#### **Task 2.2: Government Relations**

As part of this task EA will meet with key staff to ensure any constraints or roadblocks identified in Task 2.1 are addressed prior to the public hearing. In addition, EA will meet with select Planning Commissioners and City Councilmembers. The purpose of these meetings will be to advocate our position and obtain feedback and attempt to gain concurrence from the decision-makers.

#### **Task 2.3: Entitlement Application**

Concurrently with Tasks 2.1 and 2.2, we will complete the application package. As mentioned above, this project will require a General Plan Amendment and Zone Change. Depending on the type of commercial uses proposed, a Conditional Use Permit may also be required.

#### **Task 2.4: Public Hearings**

This project will require Planning Commission and City Council approvals. As part of this task, we will hold briefings with the Planning Commissioners and Council Members approximately one to two weeks prior to the public hearings. The purpose of these meetings is to ensure that all project related issues have been resolved prior to the public hearings. We will also prepare formal presentations for both the Planning Commission and City Council hearings and will represent OCWD at these



hearings. We will be prepared to advocate our position on any issues that remain with City staff related to conditions of approval and/or recommendations.

### C. COMPENSATION

We propose to bill on an hourly basis at our standard rate of \$200/hour to accomplish the scope of work described above. We will provide detailed monthly invoices and require an initial retainer of \$4,000. The fee will not exceed \$4,000 per month without prior authorization.

The City has a two-tiered entitlement process. The first part is the Application Phase, where City staff review all of the application components in order to determine whether it's complete. This phase takes approximately 30 days from the date the application is submitted. At the conclusion of the Application Phase, the City either deems the application complete or provides instruction on what further information is needed to complete it. We anticipate the Application Phase (Tasks 2.1 through 2.3) will take approximately three months. This includes preparing the application materials prior to submittal, and responding to comments on the application from City staff. The estimated not-to-exceed for this phase is \$12,000.

The second part of the entitlement process is the Public Hearing Phase (Task 2.4). This phase involves the actual public hearings, and all the steps required to prepare for them. This phase will take approximately two months for the Planning Commission hearing. The City Council hearing will take an additional four to six weeks from the Planning Commission decision on the application. The estimated not-to-exceed for this phase is \$14,000.

The entire process will take six to nine months to complete. EA will use its knowledge of the City's processes and professional relationships to expedite the process at every opportunity.

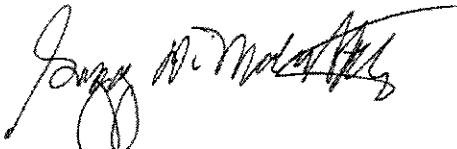
Our services do not include any technical studies (e.g., parking study, WQMP), which may be required by the City or architectural services. However, we would be happy to coordinate these services.

If the foregoing is in accordance with your understanding, please sign this letter in the space provided and return it to us. If you have any questions regarding this proposal, please contact me directly at (714) 606-7208.

Regards,

Greg McCafferty, Principal  
Environmental Advisors, LLC

Environmental Advisors, LLC



Greg McCafferty  
Environmental Advisors

Approved by:  
Orange County Water District

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Date: 10/15/2015

Date: \_\_\_\_\_



## AGENDA ITEM SUBMITTAL

**Meeting Date:** November 13, 2015

**Budgeted:** N/A

**To:** Property Management Cte.  
Board of Directors

**Budget Amount:** N/A

**Cost Estimate:** N/A

**Funding Source:** N/A

**From:** Mike Markus

**Program/Line Item No.:** N/A

**General Counsel Approval:** N/A

**Engineers/Feasibility Report:** N/A

**Staff Contact:** B. Dosier/D. Jackson

**CEQA Compliance:** N/A

**Subject: QUARTERLY REPORT ON LEASES AND PERMITS/LICENSES FOR THE PERIOD ENDING SEPTEMBER 30, 2015**

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### SUMMARY

Attached for Board review is the Quarterly Report on Leases and Permits/Licenses for the period of July 1, 2015 to September 30, 2015.

Attachment(s): Summary Report of Leases & Permits/Licenses ending September 30, 2015.

### RECOMMENDATION

Informational

### BACKGROUND/ANALYSIS

The District has approximately 1,161 acres of land under 17 leases and 26 permits/licenses.

#### 3<sup>rd</sup> QUARTER RENT COMPARISON

3 <sup>rd</sup> Qtr. 2015	3 <sup>rd</sup> Qtr. 2014	Increase/(Decrease) 3 <sup>rd</sup> Qtr. 2015 vs. 3 <sup>rd</sup> Qtr. 2014	Percentage Increase/(Decrease) 3 <sup>rd</sup> Qtr. 2015 vs. 3 <sup>rd</sup> Qtr. 2014
\$262,961.34	\$507,734.70	(\$244,773.36)	(48.21%)

#### YEAR TO DATE RENT COMPARISON

Year to Date 2015	Year to Date 2014	Increase/(Decrease) YTD 2015 compared to 2014	Percentage Increase/(Decrease) YTD 2015 compared to 2014
\$788,504.48	\$1,290,129.20	(\$501,624.72)	(38.88%)

Note: Decrease in annual and quarterly rent due to Orange County Energy Park's option payments of \$500,000, which Option Agreement was terminated on November 21, 2014.

<b>UPCOMING RENEWALS AND ACTIONS</b>
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**RENEWALS**

**2015**

4<sup>th</sup> Quarter

License to USS Cal Builders for material and equipment storage at Anaheim Lake. The License expired on October 30, 2015. Licensee advised that they wish to renew the license for 6 more months with the same terms and conditions.

**2016**

4<sup>th</sup> Quarter

Lease with Elaine Raahauge d.b.a. Mike Raahauge Shooting Enterprises for shooting range at Prado Basin expires on December 31, 2016. Currently, staff has issued a Purchase Order to AECOM to perform the Remedial Investigation & Feasibility Study of the shooting ranges at Prado. On October 7, 2015, the Board extended the Lease for one year to a new expiration date of December 31, 2016 to provide time for the RI/FS and lease negotiations to be completed.

**ACTIONS-Staff**

1. All Lessees and Permittees/Licensees, are in full compliance with the terms of their lease/permit/license and are current with their rent.
2. Gentry Golf (Islands Golf Center) has had low water levels in its basin beginning August 27, 2015 and ending October 29, 2015 due to the construction work at the Burris Basin pump station. Per the terms of its lease with the District, rent is waived on a per day basis when the basin is dry due to District activities, which means when the earthen bottom of the basin is exposed. Gentry Golf is entitled to the following rent credits:

- |    |                |           |                               |
|----|----------------|-----------|-------------------------------|
| 1. | August 27-31   | - 5 days  | \$1,345.16 rent credit.       |
| 2. | September 1-30 | - 30 days | \$8,340.00 rent credit        |
| 3. | October 1-29   | - 29 days | <u>\$7,889.87 rent credit</u> |

Total Rent Credit: \$17,575.03

**Property License Agreements Issued by General Manager in 2015 to Date**

Licenses issued per Board Resolution 14-3-29.

1. February 25, 2015 – La Palma/Miller Phase III , LLC, for grading of east 5 to 7 feet of La Palma Basin property, at no cost to District, so that the elevations between the La Palma/Miller property and District property do not vary and cause drainage problem.
2. April 2, 2015 - Southern California Gas Company for Staging Area to repair gas pipeline within adjacent easement area. Expires June 30, 2015, License Fee \$1,148.
3. September 9, 2015 - The Phoenix Club to temporarily park staff and event workers vehicles at Ball Road Basin during their Octoberfest event that runs from September 18, 2015 through October 31, 2015, and for one additional day on December 5, 2015 for a fundraiser for the Boys and Girls Clubs, License Fee \$1,148.
4. September 14, 2015 – The City of Anaheim to conduct a geotechnical investigation at Five Coves Basin for proposed extension of Anaheim Coves Park. License Fee is copy of geotechnical reports.
5. September 14, 2015 – The City of Anaheim to conduct a geotechnical investigation at Ball Road Basin prior to discussing the purchase of Ball Road Basin. License Fee is copy of geotechnical reports.

**SUMMARY REPORT  
STATUS OF LEASES  
THIRD QUARTER ENDED SEPTEMBER 30, 2015**

Leases	Location	Monthly Rent	3 <sup>rd</sup> Quarter Rent Paid	Year to Date	Status of Rent	Lease Violations	Expiration Date	Acres	Use
Anaheim, City of Well 58	Anaheim Lake	Flat Fee \$1.00	N/A	N/A	Current	None	03-31-61	0.380	Production Water Well
Anaheim, City of	Burris Basin	\$1.00/Annual	N/A	\$ 1.00	Current	None	01-31-31	14.000	Park
County of Orange, Integrated Waste Mgt.	Smith Basin	Reports	N/A	N/A	Current	None	12-12-16	0.010	Monitoring wells for Reeve's Pit
Dan Copp Crushing Corp.	Huckleberry Pond	\$32,229.00	\$ 96,687.00	\$ 290,061.00	Current	None	03-31-17	5.650	Concrete/Asphalt crushing.
Corona Rec. Inc., Doug Elliott	Warner Basin	5% of Gross Receipts or \$6,200/mo.	\$ 19,694.34	\$ 59,778.29	Current	None	09-30-21	128.150	Fishing concession.
Corona Rec. Inc., Doug Elliott (4)	Warner Basin	50% of rent for parking lot	\$ 750.00	\$ 250.00	Current	None	09-30-21	1.000	Parking Concession
Corona Rec. Inc., Doug Elliott	Anaheim Lake	\$586.17 for house and 50% of rent for parking lot	\$ 1,758.51	\$ 5,275.53	Current	None	09-30-16	90.700	Alternate lake rental of house of office space.
Corona Rec. Inc., Doug Elliott (2)	Anaheim Lake	50% of rent for parking lot	\$ 14,000.00	\$ 39,000.00	Current	None	09-30-16	N/A	Parking Concession
Gentry Golf, Inc.	Burris Pit	\$8,340.00	\$ 25,020.00	\$ 75,504.00	Current	None	09-30-18	15.000	Golf driving range - 5 year option.
Harvest Landscape Enterprises, Inc.	South of Lincoln Ave.	\$1,645.00	\$ 4,935.00	\$ 15,208.04	Current	None	05-31-17	3.600	Container nursery.
Montoya Enterprises Inc. - Nursery	Santiago Basins	\$1,322.00	\$ 3,966.00	\$ 11,820.00	Current	None	03-31-19	2.600	Container nursery.
Prado Basin Duck Club (1)	Prado Basin - Lower Ponds	Flat Fee \$14,969	N/A	N/A	Current	None	06-30-16	66.000	John Kelly Astor - Duck Hunting Concession
Raahauge Shooting Enterprises - Range	Prado	\$15,635.00	\$ 46,905.00	\$ 140,715.00	Current	None	12-31-15	135.000	Sporting clays/trap & skeet shooting.
Raahauge Shooting Enterprises - Ducks (1)	Prado	Flat Fee \$61,513	N/A	N/A	Current	None	06-30-16	450.000	Duck hunting, Oct. to Jan.
Raahauge Shooting Enterprises - Pheasant	Prado	\$250/mo. or \$2,500/mo. when hunting occurs.	\$ 750.00	\$ 2,250.00	Current	None	09-30-15	110.000	Pheasant hunting, hunter safety classes, dog kennels, raising of game birds.
Sandwood Inc.	Batavia Street	\$10,011.00	\$ 30,683.51	\$ 92,451.23	Current	None	03-31-17	2.600	Sandbagging/Firewood.
Sunny Slope Tree Farm Co.	Imperial Highway	\$3,766.00	\$ 11,172.00	\$ 33,516.00	Current	None	Mo. to Mo.	19.000	Container nursery.
Yorba Linda Water District (3)	Warner Basin	\$4,170.94 per year	N/A	N/A	Current	None	12-31-62	0.4224	Production Water Well 21
<b>TOTAL FOR LEASES</b>			<b>\$ 256,321.36</b>	<b>\$ 765,830.09</b>				<b>1,044.112</b>	

NOTES:

1. Prado Basin Duck Hunting & Raahauge Duck Hunting - Rent due 50% by October 15 and 50% by December 15.
2. Corona Recreation Subleases front parking lot at Anaheim Lake for \$2,000 per week to CADE.
3. YLWD rent due on Dec. 31 of each year.
4. Lease Amendment 4 to sublease parking at Warner Basin to DG Performance Specialties, Inc.

**SUMMARY REPORT  
STATUS OF PERMITS/LICENSES  
THIRD QUARTER ENDED SEPTEMBER 30, 2015**

Permits/Licenses	Location	Monthly Rent	3 <sup>rd</sup> Quarter Rent Paid	Year to Date	Status of Rent	Permit/License Violations	Expiration Date	Acres	Use
Anaheim Model Airplane Club & Scamps	Foster-Huckleberry Pond	Comm. Svc.	N/A	N/A	Current	None	Mo. to Mo.	115.820	Model airplane flying area.
Anaheim, City of Well Maintenance	Anaheim Lake	Comm. Svc.	N/A	N/A	Current	None	Mo. to Mo.	0.230	Maintain wells and pipeline.
Anaheim, City of	Burriss Basin	N/A	N/A	N/A	Current	None	Year to Year		Pumphouse
Anaheim, City of	Anaheim Lake	Flat Fee \$1.00	N/A	N/A	Current	None	09-30-61		Drain pipe Rio Vista Res.
Boy Scouts of America, Troop 850	Bond Basin	Clean Premises	N/A	N/A	Current	None	Mo. to Mo.		Store 2 container trailers
CA Dept. of Forestry & Fire Protection	Prado - Highway 71	Fire Protection	N/A	N/A	Current	None	Mo. to Mo.		Cut fire break along fence - Highway 71.
Group OHL USA, Inc.	Santa Ana River	Flat Fee \$3,240	N/A	\$ 3,240.00	Current	None	7-31-15	0.140	Store construction materials
Inland Empire Utility District	Prado Basin	WQ Report	N/A	N/A	Current	None	3-31-34		Monitoring will site
Andre Bello/Dan DeBusschere	Prado - Highway 71	Flat Fee \$550	N/A	N/A	Current	None	06-30-17		Access Permit.
Robert & Debra Peterson	Prado - Highway 71	Flat Fee \$550	N/A	N/A	Current	None	06-30-17		Access Permit.
La Palma/Miller Phase III, LLC	La Palma Basin	Flat Fee \$10 + Grading	N/A	\$ 10.00	Current	None	08-24-15	0.670	Grading
Orange, City of	Orange Reservoir No. 10	N/A	N/A	N/A	Current	None	05-31-34		Antenna on Reservoir No. 10
Riverside County Flood Control District	Prado Basin	Copy of Reports	N/A	N/A	Current	None	5-31-20		Collect water/insect samples
Phoenix Club, Inc.	Ball Road Basin	\$179.75	\$ 539.25	\$ 1,617.75	Current	None	Mo. to Mo.	0.025	Directional signs.
Phoenix Club, Inc.	Ball Road Basin	\$1,148 flat fee	\$ 1,148.00	\$ 1,148.00	Current	None	12-5-15		Parking
SAWA	Prado Basin	Project Cost	N/A	N/A	Current	None	07-23-18		Arundo Removal.
SCE and Royal Street Communications (ATS) (1)	Riverdale Avenue, Orange	70% of \$1,229.87/mo.	\$ 2,582.73	\$ 7,748.19	Current	None	11-13-17		Cellular Comm. Relay Site
Southern California Edison Co. (2)	Anaheim Lake	\$652.45 + CPI Annual	N/A	\$ 652.45	Current	None	02-28-38		Relocate Power Pole
Southern California Edison Co.	Anaheim Lake	Flat Fee \$5,000	N/A	N/A	Current	None	07-31-16		Temporary Power Poles
Southern California Gas Co.	Olive Basin	\$1,148 flat fee		\$ 1,148.00	Current	None	6-30-15		Staging Area
Serrano Irrigation District	Santiago Basin	Conj. well site	N/A	N/A	Current	None	07-01-10	0.220	Conjunctive use well.
University of So. Calif.	Fullerton Airport/ Other Locations	N/A	N/A	N/A	Current	None	Mo. to Mo.		Measure seismic activity in monitoring wells.
University of Calif., Riverside	Prado Basin	Reports	N/A	N/A	Current	None	6-30-19		Mosquito Study
Ultra Systems Inc.	Prado Basin	Flat Fee \$1,148.00	N/A	N/A	Current	None	6-30-19		Access to Basin
USS Cal Builders (3)	Anaheim Lake	\$790.00	\$ 2,370.00	\$ 7,110.00	Current	None	10-31-15		Equipment & Material Storage
US Geological Survey	Prado Basin	Train OCWD staff on Shake Alert Sys.	N/A	N/A	Current	None	6-x-20		Seismic Monitoring
Verizon (AirTouch Cellular)	Santa Ana River	Flat Fee \$2,000	N/A	N/A	Current	None	06-30-18		Fiber Optics Cable - Tustin Ave.
Vox Pop Filming	Fountain Valley - GWRS	N/A	N/A	N/A	Current	None	8-31-15		Filming Ad for UCI.
Water Replenishment District of S. C.	Leisure World, Seal Beach	Copy of Reports	N/A	N/A	Current	None	8-31-19		Access to water wells to take samples.
Wildermuth Environmental	Prado Basin	Flat Fee \$550	N/A	N/A	Current	None	04-30-17		Water samples & measurements
Yorba Linda Water District	Warner Basin Complex	Flat Fee \$550.00	N/A	N/A	Current	None	12-31-60		Discharge from well water 20.
<b>TOTAL FOR PERMITS/LICENSES</b>			<b>\$ 6,639.98</b>	<b>\$ 22,674.39</b>				<b>117.105</b>	
<b>TOTAL FOR LEASES &amp; PERMITS/LICENSES</b>			<b>\$ 262,961.34</b>	<b>\$ 788,504.48</b>				<b>1,161.217</b>	

NOTES:

1. Monthly Rent is 70% of \$1,229.87, which is adjusted by the CPI annually.
2. SCE License Fee due on March 1 of each year.
3. USS Cal Builders contractor for OCTA for the Tustin Ave/Rose Dr. Grade Separation Project.