

AGENDA
PROPERTY MANAGEMENT COMMITTEE MEETING
WITH BOARD OF DIRECTORS *
ORANGE COUNTY WATER DISTRICT
18700 Ward Street, Fountain Valley CA 92708
Friday, December 8, 2023, 12:00 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 **December 20, 2023**, Board meeting Agenda for approval.

This meeting will be held in person. As a convenience for the public, the meeting may also be accessed by Zoom Webinar and will be available by either computer or telephone audio as indicated below. Because this is an in-person meeting and the Zoom component is not required, but rather is being offered as a convenience, if there are any technical issues during the meeting, this meeting will continue and will not be suspended.

Computer Audio: You can join the Zoom meeting by clicking on the following link:
<https://ocwd.zoom.us/j/81364630427>

Meeting ID: 813 6463 0427

Telephone Audio: (213) 338 8477

Teleconference Sites:
10382 Bonnie Drive, Garden Grove, CA
6148 Baja Drive, Anaheim
1037 Sherwood Lane, Santa Ana
19 Cannery, Buena Park

* Members of the public may attend and participate at all locations.

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)

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 HELD OCTOBER 27, 2023

RECOMMENDATION: Approve minutes as presented

MATTER FOR CONSIDERATION

2. POLLUTION INSURANCE FOR DISTRICT PROPERTY LOCATED AT 3199 EAST LA PALMA AVENUE IN ANAHEIM (LA PALMA BASIN)

RECOMMENDATION: Agendize for December 20 Board meeting: Authorize the General Manager to negotiate and execute a pollution liability insurance policy for La Palma Basin for a term of up to 10 years in an amount not to exceed \$300,000

INFORMATIONAL ITEMS

3. STATUS UPDATE REGARDING THE DISTRICT'S IMPERIAL HIGHWAY PROPERTY
4. STATUS UPDATE ON PLANNING REMEDIATION OF FORMER PRADO SHOOTING AREAS

CHAIR DIRECTION AS TO ITEMS TO AGENDIZE AS MATTERS FOR CONSIDERATION AT THE DECEMBER 20 BOARD MEETING

DIRECTORS' COMMENTS/REPORTS

GENERAL MANAGER'S COMMENTS/REPORTS

ADJOURNMENT

PROPERTY MANAGEMENT COMMITTEE

Committee Members

Steve Sheldon - Chair
Natalie Meeks - Vice Chair
Denis Bilodeau
Bruce Whitaker
Roger Yoh

Alternates

Valerie Amezcua - Alternate 1
Dina Nguyen - Alternate 2
Van Tran - Alternate 3
Vacant - Alternate 4
Cathy Green - Alternate 5

In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted at the guard shack entrance and in the main lobby of the Orange County Water District, 18700 Ward Street, Fountain Valley, CA and on the OCWD website 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

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) 378-3234, by email at cfuller@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. 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, 8:00 am to 5:00 pm, 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
October 27, 2023 @ 12:00 p.m.

Director Meeks called the Property Management Committee meeting to order in Conference Room C-2. Members of the public also participated via Zoom. The Secretary called the roll and reported a quorum as follows:

Committee

Steve Sheldon (closed session only, under AB2449)
Natalie Meeks
Denis Bilodeau
Bruce Whitaker
Roger Yoh

OCWD Staff

Mike Markus, General Manager
Bruce Dosier, Director of IS/Property Management
John Kennedy, Exec. Director
Jason Dadakis, Exec. Director
Kevin O'Toole, Senior Planner
Jeremy Jungreis, General Counsel
Christina Fuller, District Secretary

Alternates

Valerie Amezcua (absent)
Dina Nguyen (absent)
Van Tran
Kelly Rowe (participated as public member)
Cathy Green

CONSENT CALENDAR

The Consent Calendar was approved upon motion by Director Whitaker, seconded by Director Tran, and carried [5-0] as follows:

Ayes: Meeks, Bilodeau, Whitaker, Yoh, Tran

1. Meeting Minutes

The Minutes of the Property Management Committee meeting held August 25, 2023 were approved as presented.

MATTERS FOR CONSIDERATION

2. Corona Recreation, Inc. Request for Tree Trimming at Warner Basin

Director of Property Management Bruce Dosier reported that Douglas Elliott, President of Corona Recreation, advised OCWD staff that an overgrown branch had fallen, however, no property damage was reported, and no patrons or employees were nearby at the time of the incident. Mr. Dosier stated that that with staff approval, Mr. Elliott retained emergency services to remove the branch from the premises and has requested reimbursement of \$900 from the District. He reported that Mr. Elliott has expressed the ongoing need to maintain the overgrown trees that surround the leased premises and has provided the District a quote for \$27,000 to trim additional overgrown trees that pose immediate threats. He stated that Mr. Elliott has requested that the District pay for the tree trimming directly or that the cost be deducted from his rent. Mr. Dosier reported that in accordance with previous Board actions authorizing reimbursement in the form of rent credit for tree trimming services at Warner Basin, staff has no objection to Mr. Elliott's request and recommends authorizing rent credit not to exceed \$27,900 as reimbursement for the emergency branch removal and additional tree trimming services retained by Corona Recreation.

Upon motion by Director Whitaker, seconded by Director Yoh and carried [5-0], The Committee recommended that the Board at its November 15 Board meeting: Authorize rent credit not to

exceed \$27,900 as reimbursement for emergency branch removal and additional tree trimming services retained by Corona Recreation.

Ayes: Meeks, Bilodeau, Whitaker, Yoh, Tran

INFORMATIONAL ITEMS

3. Pollution Insurance for District Property Located at 3199 East La Palma Avenue in Anaheim

Mr. Dosier recalled that in January 2014, the District completed the acquisition of the 17.69 acre property at 3199 East La Palma Avenue, Anaheim (Property) from La Palma/Miller Owners LLC (Panattoni) to construct the La Palma Recharge Basin (Basin). He advised that when OCWD purchased the Property, OCWD was required to indemnify the seller (Panattoni) and the prior property owner (Boeing) for the Property and an adjoining 23 acres. He reported that since OCWD was required to indemnify the prior owners, in an abundance of caution, OCWD purchased a 10-year pollution insurance policy for approximately \$287,070 at the time for potential contamination which expires in January 31, 2024. Mr. Dosier stated that staff sees the risk of encountering unknown soil or groundwater contamination as being very low; however, OCWD is working with Rutan and Tucker to obtain environmental liability insurance quotes. He advised that staff anticipates having quotes in November and will bring them to a future Committee meeting prior to expiration of the current policy.

4. Status Update Regarding the District's Imperial Highway Property

Mr. Dosier stated that as of July 2023, Adams Streeter had completed a review of the Preliminary Title Report (PTR) provided by Fidelity National Title (FNT), the District's Title Company, and developed a survey of the property. He reported that Adams Streeter and District staff asked for clarification from the FNT regarding the report, resulting in changes to the legal descriptions in the PTR. He advised that Adams Streeter is revising their survey and will finalize if there are no further clarifications required from the FNT. Mr. Dosier stated that Adams Streeter will begin working on developing the other information key information regarding the property. He advised that District staff will schedule meetings with Caltrans and City of Anaheim staff to review and solicit feedback regarding Property access concepts. He advised that once Adams Streeter completes its report, staff will return to the Committee for Board approval to issue an RFP/RFQ for development services.

5. Status Update on Planning Remediation of Former Prado Shooting Area

Senior Planner Kevin O'Toole recalled that the District has been working with the Department of Toxic Substances Control (DTSC) on the planned remediation of the former shooting areas at Pigeon Hill and the Former Clay Target Range in Prado Basin. He advised that after resolving DTSC's concerns with OCWD's preferred remedy, to consolidate contaminated materials at Pigeon Hill, OCWD and their consultant AECOM, have restarted work on the Remedial Action Plan and associated environmental documentation. He stated that staff revisited the proposed haul route after a wet weather season this past year to ensure it is still a viable route and performed a needs assessment to determine logistics and cost to support heavy haul truck loads. Mr. O'Toole reported that OCWD will be working closely with DTSC through this process to ensure that all aspects of the project are designed in compliance with DTSC regulations and that the project achieves OCWD remediation goals.

6. Quarterly Report on Leases and Permits Licenses for the Period Ending September 30, 2023

Mr. Dosier reported that the decrease in year over year rent was due to the early recording of the July 2023 rent from North American Recycling in the second quarter (\$76,770) and no August and September rent payments from Sandwood Enterprises (\$26,349). He noted that staff has advised the Lessee that late charges will be assessed. He reported that this decrease was offset by increased rental income from the Anaheim Adventure Park (\$15,805), increased rental income from Corona

Recreation (\$10,052), and the early October rent recording from Raahauge Shooting Range Lease (\$19,613).

CHAIR DIRECTION AS TO ITEMS TO AGENDIZE AS MATTERS FOR CONSIDERATION AT THE NOVEMBER 15 BOARD MEETING

It was agreed to place Item No. 2 on the on the Consent Calendar at the November 15 Board meeting.

RECESS TO CLOSED SESSION

The Committee adjourned to Closed Session at 12:30 p.m. as follows:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

[Government Code Section 54956.8]

Real property located at: land adjacent to the Santa Ana River, Anaheim, CA 92806

Parcels (5) - APNs 375-221-01, 375-221-02, 374-791-01, 374-792-02; 253-472-01

OCWD negotiator: Michael Markus

Negotiating party: City of Anaheim

Under negotiation: Price and Terms

Director Sheldon participated in the Closed session via teleconference under AB2449.

RECONVENE IN OPEN SESSION

The Board reconvened in Open Session at 1:30 p.m. whereupon General Counsel Jungreis advised that no reportable action was taken in Closed Session.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 1:30 p.m.

Natalie Meeks, Vice Chair

AGENDA ITEM SUBMITTAL

Meeting Date: December 8, 2023

To: Board of Directors

From: Mike Markus

Staff Contact: B. Dosier / D. Park

Budgeted: No

Budgeted Amount: \$0

Cost Estimate: \$300,000

Funding Source: Reserves

Program/Line Item No. 1034.52001

General Counsel Approval: Yes

Engineers/Feasibility Report: N/A

CEQA Compliance: N/A

Subject: POLLUTION INSURANCE FOR DISTRICT PROPERTY LOCATED AT 3199 EAST LA PALMA AVENUE IN ANAHEIM (LA PALMA BASIN)

SUMMARY

On January 29, 2014, the District completed the acquisition of the 17.69-acre property at 3199 East La Palma Avenue, Anaheim (Property) from La Palma/Miller Owners LLC (Panattoni) to construct the La Palma Recharge Basin (Basin). When OCWD purchased the Property, OCWD was required to indemnify the seller (Panattoni) and the prior property owner (Boeing) for the Property and an adjoining 23 acres. Since OCWD was required to indemnify the prior owners, as an abundance of caution, OCWD purchased a 10-year pollution insurance policy for approximately \$287,070 at the time for potential contamination. The policy expires January 31, 2024. Staff will update the Committee.

RECOMMENDATION

Agendize for December 20 Board meeting: Authorize the General Manager to negotiate and execute a pollution liability insurance policy for La Palma Basin for a term of up to 10 years in an amount not to exceed \$300,000.

BACKGROUND/ANALYSIS

Summary of site history

The Property and the adjoining 23 acres were part of a larger aerospace facility owned and operated by Boeing and its antecedents (former Anaheim facility). Prior to 1960, the land currently occupied by the former Anaheim facility, including the subject site and much of the surrounding area, was used for agriculture, specifically growing oranges. After clearing the former orange groves, North American Aviation, Inc. (NAA), a Boeing antecedent, began developing the former Anaheim facility in the 1960s. The facility expanded over the years to approximately 280 acres of owned and leased parcels in and around the block bounded by Miraloma Street to the north, La Palma Avenue to the south, Miller Street to the east, and Kraemer Boulevard to the west (Figure 1). It featured office buildings, computer laboratories, bench-scale manufacturing laboratories, and some larger manufacturing facilities, the latter associated with the Space Shuttle Orbiter program. The facility also featured large employee parking lots and support facilities such as cafeterias and the like. In the 1980s, Rockwell International (Rockwell), with which NAA had merged in 1967, began to vacate leased parcels and divest owned parcels that were surplus to

requirements. This general downsizing continued after Boeing acquired Rockwell in 1996, and by 2007, the facility consisted of 15 buildings on approximately 101 acres (Figure 2).

In 2007, Boeing sold the “eastern 60 acres” of the facility to La Palma/Miller Owner, LLC but leased back some of the buildings. In 2011, Boeing sold the remaining “western 40 acres” of the facility to Panattoni and leased back all of the buildings. Boeing vacated the last of the leased-back buildings in late 2012. Panattoni and its affiliates sold a portion of the eastern 60 acres and demolished the buildings in the remainder and constructed new buildings. Panattoni and its affiliates have also demolished the buildings in the western 40 acres, a portion of which OCWD purchased, and have developed the remainder.

The Property is located adjacent to the Carbon Creek Diversion Channel and the OCWD’s existing Ground Water Replenishment System (GWRS) pipeline. Construction of the Basin began in 2016 and consisted of excavating the recharge basin, transporting the sandy excavated material to other District facilities, constructing a pipeline to connect the basin with the existing GWRS distribution pipeline, and constructing a dewatering pump station. The basin was designed with a wetted area of approximately 14 acres with the remaining area used for material stockpiling, access roads, pump house, and existing easements. The Basin began recharging GWRS water in November 2016 and is the district’s newest recharge facility and like another OCWD basin, Miraloma Basin, is devoted solely to recharging GWRS water. Favorable geology at the site and ultra-pure water from the GWRS have resulted in the OCWD’s highest percolation rates measured so far.

Environmental Indemnification for La Palma Basin and an additional 23 acres

The sale of approximately 18 acres (Lot 2 – see Figure 3) to OCWD was governed by the Purchase and Sale Agreement as amended (PSA), and the Special Land Use Restrictions as amended (SLURs). Per the PSA, and the SLURs, OCWD is required to provide environmental indemnity to Boeing and Panattoni for the Property for soil and groundwater contamination. Additionally, per these governing documents, OCWD is obligated to provide environmental indemnity to Boeing and Panattoni for the adjacent 23 acres (comprised of Lots A, 1 and 3 – see Figure 3) for groundwater contamination and re-contaminated soils.

As part of the acquisition process, the District commissioned a Phase 1 environmental site assessment performed by Avocet Environmental. Avocet’s report indicated that the site had been extensively investigated by previous owner, Boeing, and that residual contamination of volatile organic compounds (VOCs) was de minimus. Staff concurred with this finding, which is consistent with letters issued by the Santa Ana Regional Water Quality Control Board and Orange County Health Care Agency. These letters state that the residual contamination at the site did not warrant any further investigatory or remedial actions. As a precautionary measure, the Board directed staff to investigate the Property for undiscovered contamination, if any, and to collect additional geologic data to confirm if the subsurface soils were conducive to surface water infiltration. The Phase 2 environmental site assessment scope included:

- Eight direct-push borings to a depth of 50 feet
- Continuous soil sample collection for the upper 25 feet and 5-foot intervals thereafter
- Analysis of up to 5 soil samples per boring for VOCs and Title 22 metals
- Analysis of soil vapors for VOCs at a depth of 5 feet at each boring
- Preparation of draft and final versions of the Phase 2 report

However, if there were some types of contamination discovered that were not detected through the past environmental evaluation, and because the District is providing an environmental indemnity to both Boeing and Panattoni that includes groundwater contamination as a term of the governing documents, it could require remediation by the District. The cost of soil remediation of petroleum hydrocarbons, metals, or VOCs, albeit unlikely at this site, is unknown and the potential for groundwater contamination remediation, also considered unlikely, could be very expensive. Environmental insurance would fund the District's cost to remediate and/or remove any unknown hazardous materials at the site or in the groundwater; this includes hazardous materials at concentrations above the maximum contaminant level, even if the District was aware of the presence of that material on-site but at levels below the maximum contaminant level.

Although staff saw the risk of encountering unknown soil or groundwater contamination as being very low, because of the indemnity for past, present, and future contamination, staff recommended that the District purchase environmental insurance for Property. On July 10, 2013, the Board authorized staff an amount not to exceed \$300,000 for the purchase of pollution liability insurance to comply with the terms of the governing documents.

With the assistance of Rutan and Tucker's environmental legal counsel, Rutan solicited quotes and OCWD purchased Site Pollution Liability and Excess Environmental policies with Caitlin Specialty Insurance Company and Allied World National Assurance Company through insurance broker Marsh Risk and Insurance Services (Marsh). The policy with Caitlin is \$15 million dollars and the excess policy with Allied World is \$10 million, for total coverage of \$25 million. The combined premium was approximately \$287,070 (Caitlin - \$197,731; Allied - \$92,333) for a 10-year term, expiring January 29, 2024. At the time, 10 years was the longest term available for pollution insurance. There have been no claims during the term of the policy.

Staff sees the risk of encountering unknown soil or groundwater contamination at or associated with the property as being very low; however, because of the indemnity for past, present, and future contamination and the Policy is due to expire on January 29, 2024, OCWD is working with Rutan and Tucker and through insurance broker Marsh in obtaining environmental liability insurance quotes.

Staff have not yet received quotes, however, recommends that the Board authorize the General Manager to negotiate and execute a pollution liability insurance policy for a term of up to 10-year policy in an amount not to exceed \$300,000.

PRIOR RELEVANT BOARD ACTIONS

8/23/13 CS-13-8-1 Authorize negotiation and execution of Amendments to the Purchase Agreement with Panattoni Development for property located at 3199 E. La Palma, Anaheim based on the terms and conditions discussed with Panattoni that include: \$500,000 reduction in the Purchase Price of the property in return for extending groundwater indemnification provisions and expanding the testing for groundwater and soil contamination.

7/10/13 R13-7-84 - Find and determine that changes or additions to the Final Program Environmental Impact Report for OCWD Application to Appropriate Santa Ana River Water

are necessary and approving Addendum No. 2; Receive and file Engineer's Report and determine the project feasible, necessary and beneficial to the District; establish a total project budget in the amount of \$34,900,000; Authorize execution of property Purchase Agreement and Escrow Instructions for a purchase price of \$28,899,775; Utilize the Commercial Paper program and State Loans to fund the project; Authorize an amount not to exceed \$300,000 for the purchase of pollution liability insurance; and, Authorize and direct staff to file CEQA notice of determination on the acquisition of the property.

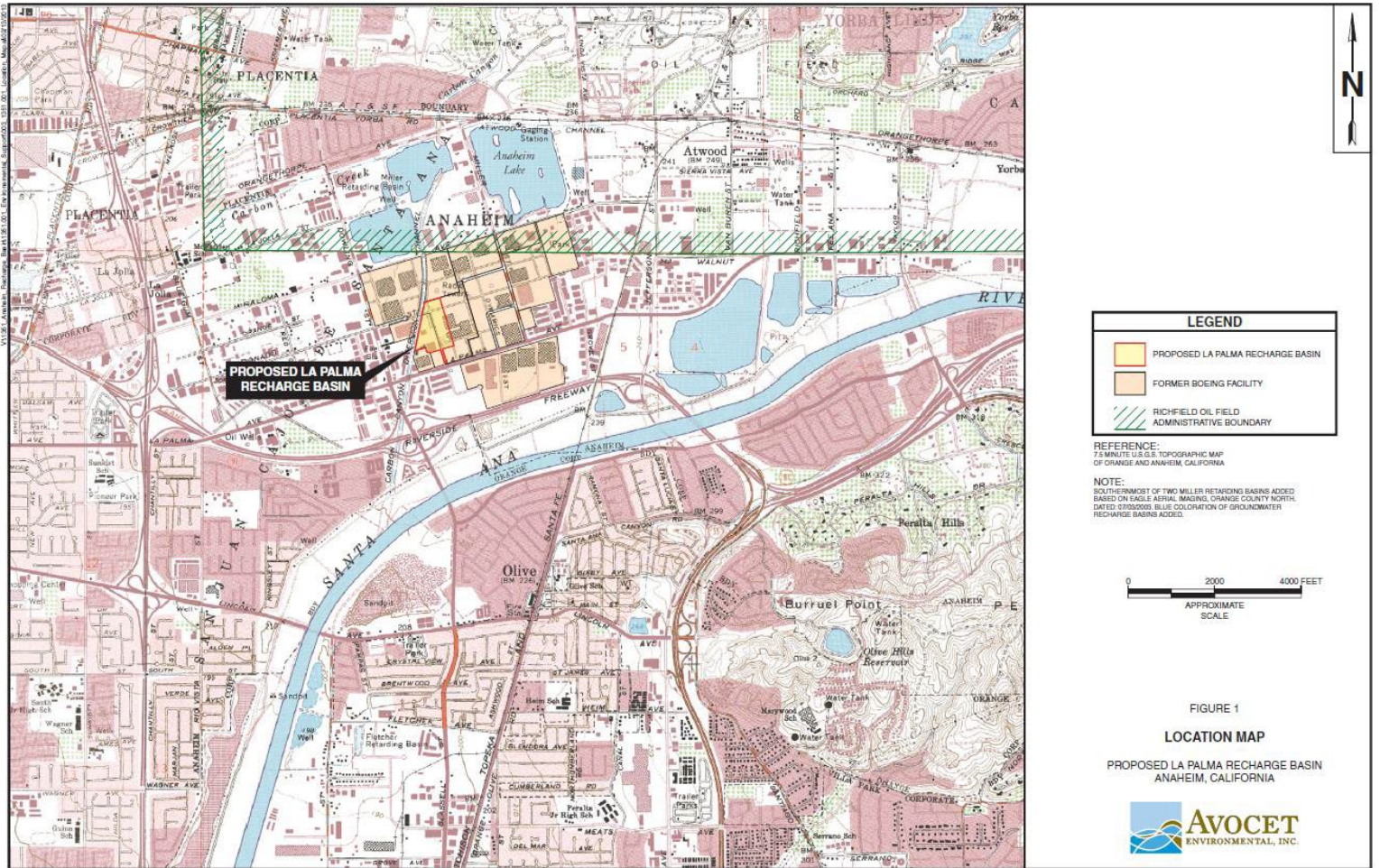
1/16/13, R13-1-4 Authorizing Environmental Site Assessment for property located at 3199 East La Palma Avenue, Anaheim

12/12/12, CS, Closed session discussion regarding negotiations of the Property and providing direction to staff.

LOCATION MAP



Figure 1



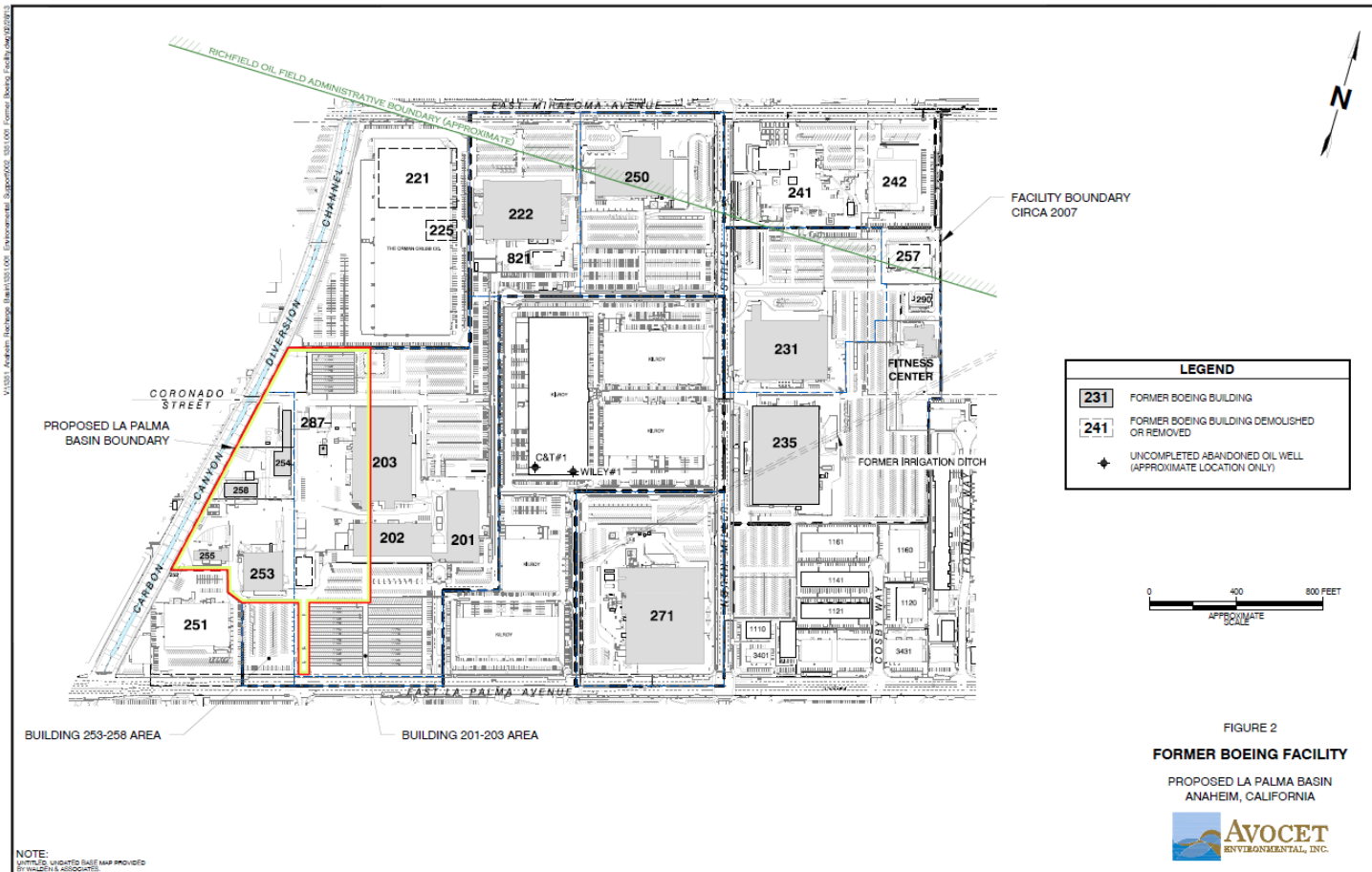


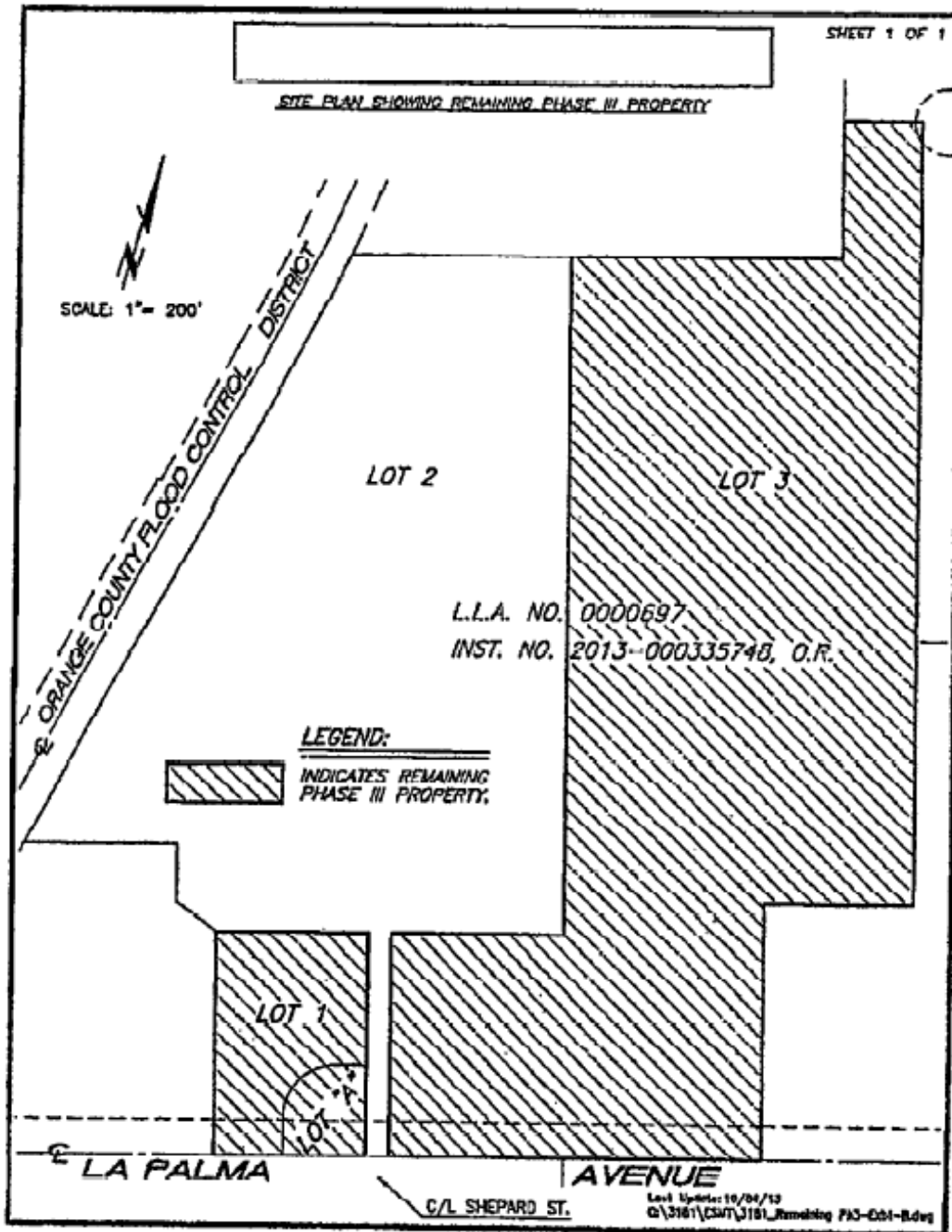
Figure 2

Figure 3

FINAL 11/11/2013

EXHIBIT B
TO FIFTH AMENDMENT TO PURCHASE AND SALE AGREEMENT

Site Plan Showing Remaining Phase III Property



AGENDA ITEM SUBMITTAL

Meeting Date: December 8, 2023

To: Property Management Committee/
Board of Directors

From: Mike Markus

Staff Contact: B. Dosier/D. Park

Budgeted: No

Budget Amount: \$0

Cost Estimate: \$0

Funding Source: N/A

Program/Line Item No.: N/A

General Counsel Approval: N/A

Engineers/Feasibility Report: N/A

CEQA Compliance: N/A

**Subject: STATUS UPDATE REGARDING THE DISTRICT'S IMPERIAL HIGHWAY
PROPERTY**

SUMMARY

The District owns a 19-acre land parcel in the city of Anaheim, west of Imperial Highway and south of the Santa Ana River. Voit Real Estate Services (Voit) has been hired to market the property for a potential tenant. At its May 17, 2023 meeting, the Board of Directors authorized staff to engage Adams Streeter Engineering to provide conceptual cost estimates for road access options and other key information relevant to the property that may be required to issue a Request for Quote/ Request for Proposals (RFQ/RFP) for potential development of the property. Staff will update the Committee.

RECOMMENDATION

Informational

DISCUSSION/ANALYSIS

The District owns a 19-acre land parcel in the city of Anaheim (APN 358-291-01) located west of Imperial Highway and south of the Santa Ana River (Property). The Property has access through a gate entrance on the southbound side of Imperial Highway, which passes over a portion of the Santa Ana River Trail. This trail and gate are maintained by the County of Orange, and the District has limited access to the Property for maintenance purposes, as outlined in a Grant Deed transfer in 1973 that conveyed portions of District land to Caltrans. Staff has contacted Caltrans regarding site access and the approval process for a potential tenant to obtain access rights from Imperial Highway to the Property, however this has been inconclusive.

The Property was previously leased by Sunny Slope to operate a wholesale container tree nursery and is currently vacant. At its November 16, 2022 meeting, the Board authorized staff to engage the services of Voit to market the Property and seek other tenants as appropriate. As of recent discussion with Mike Hefner, Voit Executive Vice President, Voit has received a number of inquiries for the site, however, site access continues to be an issue for most potential tenants and their intended use.

At its May 17, 2023 meeting, the Board authorized an agreement with Adams Streeter Engineering to prepare a Site Development Analysis of the District's Imperial Highway property to include 1) development of key information about the Property to explore issuing an

RFQ/RFP for potential future development (this information includes analyzing the property boundary, plotting existing easements, researching storm drains, sewer, water, and utilities, preparing grading, drainage, and water quality plans), and 2) development of high-level conceptual access options to the Property, meet with Caltrans and City of Anaheim staff to review and solicit feedback regarding the Property access concepts.

Property Boundaries

As of July 2023, Adams Streeter had completed a review of the Preliminary Title Report (PTR) provided by Fidelity National Title (FNT), the District's Title Company, and developed a survey of the property. Adams Streeter and District staff asked for clarification from FNT regarding the report, resulting in changes to the legal descriptions in the PTR. Adams Streeter revised their survey and in doing so, discovered another discrepancy with the legal description provided by FNT. FNT was asked to clarify and provided a revised legal description in November. Adams Streeter is reviewing the revision to determine if there are any other discrepancies with the legal description of the property. Adams Streeter will finalize their survey once there are no further clarifications required from the FNT.

Site-access Meetings

On November 1, District and Adams Streeter staff met with City of Anaheim staff Rudy Emami (Director of Public Works), David Kennedy (Transportation Planner), and Rafael Cobina (City Traffic Engineer) to discuss potential access to the Property. OCWD staff presented several concepts regarding access to the Property, including a roundabout on Imperial Highway and a redesign of the off-ramp from the westbound 91 Freeway at Imperial Highway.

The City's staff express concern that a roundabout would not be likely as Imperial Highway has eight lanes, far too many for a roundabout, and that it would likely extend out to the bridge over the SAR. As to the redesign of the off-ramp, Anaheim staff stated that the discussion would ultimately be with Caltrans District 12 as Caltrans has jurisdiction over Imperial Highway. Furthermore, since Caltrans District 12 has an interim director, getting guidance from Caltrans would be difficult at this time. Additionally, City of Anaheim Police Chief Rick Armendariz and Officer Anthony McGlade were in attendance to listen to the discussion and to reemphasize the City's interest in leasing the Property for regional police training.

District staff has reached out to Caltrans right-of-way staff several times, as well as directly to District 12 interim director Mario Orso to review and solicit feedback regarding Property access concepts. At this time, no meeting is scheduled.

Once District and Adams Streeter have met with Caltrans staff, including any follow-up meetings, Adams Streeter will begin working on developing the other information key information regarding the property. Once Adams Streeter completes its report, staff will return to the Committee for Board approval to issue an RFP/RFQ for development services. Subsequently, staff will return to the Committee with the RFP/RFQ responses.

Staff will update the Committee.

Summary of Prior Steps Taken:

October 2022	Sunnyslope Trees notifies the District that it will vacate property December 1, 2022
November	Voit hired to market the property for lease
December	Sunnyslope vacated the property
<hr/>	
May 2023	Agreement approved with Adams Streeter for Site Development analysis
June	Adams Streeter began work on boundaries and aerial survey of the property
July	Adams Streeter continues working on boundaries – seeking clarification from Title Company
October	Title Company revises Preliminary Title Report (PTR) – provides update to boundary and ownership
November	Adams Streeter revising aerial survey of property Title Company revises Preliminary Title Report (PTR) – provide another update to boundary and ownership (clarified overlapping boundaries) Meeting with City of Anaheim staff to discuss potential access options
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PRIOR RELEVANT BOARD ACTION(S)

5/17/2023, R23-05-xx: Authorize the General Manager to negotiate and execute an agreement with Adams Streeter to prepare a Site Development Analysis of the District's Imperial Highway property to include 1) development of key information about the Property, and 2) development of high-level conceptual access options to the Property, meet with Caltrans and City of Anaheim staff to review and solicit feedback regarding the Property access concepts; at a cost not to exceed \$73,550

3/15/2023, M23-xxx: Authorize staff to engage an engineering firm to provide conceptual cost estimates for the access options and to develop key information about the Property



11/16/2022, M22-116: Authorize staff to engage the services of Voit Real Estate Services to market the property being vacated by Sunny Slope Tree Farm for Lease

LOCATION MAP



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-  OCWD Owned Parcel (APN 358-291-01)
-  Sunny Slope Tree Farm Leased Area

Sunny Slope Tree Farm Co.
OCWD Lease APN 358-291-01

SOURCE: OCWD (05/2022); OCPW (2021)

AGENDA ITEM SUBMITTAL

Meeting Date: December 8, 2023

To: Property Management Committee/
Board of Directors

From: Mike Markus

Staff Contact: K. O'Toole / L. Haney

Budgeted: N/A

Budget Amount: N/A

Cost Estimate: N/A

Funding Source: N/A

Program/Line Item No.: N/A

General Counsel Approval: N/A

Engineers/Feasibility Report: N/A

CEQA Compliance: N/A

Subject: STATUS UPDATE ON PLANNING REMEDIATION OF FORMER PRADO SHOOTING AREAS

SUMMARY

The District has been working with the Department of Toxic Substances Control (DTSC) on the planned remediation of the former shooting areas at Pigeon Hill and the Former Clay Target Range in Prado Basin. After resolving DTSC's concerns with OCWD's preferred remedy, to consolidate contaminated materials at Pigeon Hill, OCWD and their consultant AECOM, have restarted work on the Remedial Action Plan and associated environmental documentation. This is an informational update on the status of the project and action steps that have recently been taken and will be needed in the future.

RECOMMENDATION

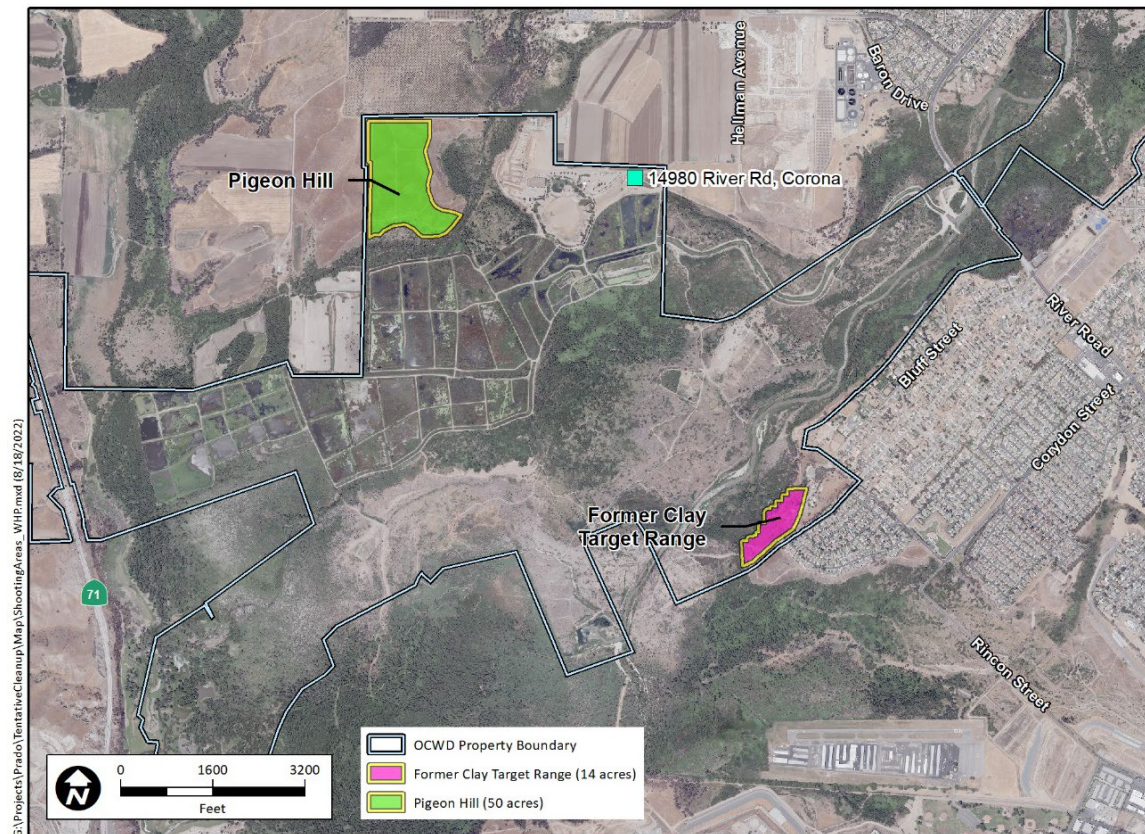
Informational

DISCUSSION/ANALYSIS

The Remedial Investigation / Feasibility Study (RI/FS) for the former shooting areas in Prado Basin was completed in April 2022, and approved by DTSC. In June 2022, the Board identified waste consolidation in a Corrective Action Management Unit (CAMU) at the Pigeon Hill site with remediation that would allow unrestricted land use at the Former Clay Target Range (FCTR) site as the identified preferred remedy for the former Prado Shooting areas.

Figure 1 shows the locations of the former shooting areas addressed by the remedy identified in the RI/FS.

Figure 1
Location Map for Pigeon Hill and Former Clay Target Range Sites



In late 2022, during the early stages of the development of the Remedial Action Plan (RAP), DTSC notified District staff that the identified preferred remedy may not be permissible under the CAMU regulations since the proposed haul route from FCTR to Pigeon Hill would include some transportation of contaminated material off OCWD owned property. The preferred haul route requires the use of established dirt roads on US Army Corp of Engineers (USACE) property to cross Mill Creek and the Santa Ana River.

After months of disagreements, staff and legal counsel from OCWD and DTSC met in late summer 2023, to discuss a mutually agreeable path forward. During this meeting DTSC informed OCWD of specific regulatory obligations and environmental considerations that apply to the haul route between the two locations. DTSC regulations require that OCWD have sole access to the haul route during time of construction.

Since this meeting, OCWD has briefed the USACE on the new requirements and has secured a verbal agreement to have sole access to portions of the haul route on USACE property during the hauling portion of the project. In addition, lockable gates have been identified that will be secured during hauling to physically restrict access.

Figure 2 shows the proposed haul route and the locations of the existing lockable gates.

Figure 2
OCWD Property, Contaminated Areas, Proposed Haul Route, and Lockable Gates



As a precautionary first step before commencing work on the RAP, OCWD drafted a technical memo outlining the proposed haul route, methodologies for obtaining exclusive access to sections on USACE property, and justification for determining the proposed haul route is superior to alternatives on only OCWD property. The technical memo was recently submitted to DTSC for their review and concurrence. Once concurrence is received for the proposed haul route and methodology, AECOM will commence work on the Remedial Action Plan and supporting environmental documentation.

PRIOR RELEVANT BOARD ACTIONS

9/7/2022, R22-9-123 - 1) Authorize the General Manager to negotiate and execute Amendment No. 1 to the District's agreement with the Department of Toxic Substances Control Authorize to update the scope of work for preparation of the Remedial Action Plan, DTSC's Community Participation process, and revise the boundaries of the site; Authorize preparation of a Remedial Action Plan for the remediation of the Former Clay Target Range and Pigeon Hills area; and Approve and authorize execution of Amendment No. 7 to Agreement No. 1321 with AECOM to prepare a Remedial Action Plan for the Former Clay Target Range and Pigeon Hill area for an amount not to exceed \$155,048

6/1/2022, R22-6-67 - 1) Identify Alternative 4 (waste consolidation at Pigeon Hill site) with Land Use Scenario C (unrestricted land use at entire Former Clay Target Range site) as the tentatively identified preferred remedy, subject to completion of environmental documentation; and 2) Approve and authorize execution of Amendment No. 6 to Agreement No. 1321 with AECOM to prepare an Initial Study/Mitigated Negative Declaration for the former Prado shooting areas Pigeon Hill and Former Clay Target Range for an amount not to exceed \$94,128

9/15/2021, R21-9-143 - Approve and authorize execution of Amendment No. 5 to Agreement No. 1321 with AECOM to prepare an updated RI/FS for the former Prado shooting areas for an amount not to exceed \$87,998.

12/16/2020, R20-12-165 - Authorize approval of Amendment No.4 to Agreement No. 1321 with AECOM to conduct additional field sampling for an amount not to exceed \$74,411; authorize reimbursement for Department of Toxic Substances Control oversight expenses for the period from July 1, 2020 to June 30, 2021 for an amount not to exceed \$62,752

5/6/2020, R20-5-55 - Approving Amendment No. 3 to Agreement No. 1321 with AECOM to support a Supplemental Remedial Investigation, Focused Remedial Investigation/Feasibility Study and Remedial Action Plan for the Prado Shooting Areas for an amount not to exceed \$215,937.

9/18/19, M19-122 - Authorize \$67,068 additional funding for finalization of the risk assessment and waste consolidation plan at the Prado Shooting Range to be paid as follows: DTSC \$42,268 and AECOM \$24,800.

10/7/2015, R15-10-141 - 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

7/1/15, M15-104 - Authorize issuance of a revised Request for Proposals for a Focused Remedial Investigation & Feasibility Study of the Prado Shooting Areas (to include a 20-

year and 30-year study period).

02/04/15, M15-22, Authorizing Board President to appoint Property ad hoc Committee to review issues related to Elaine Raahauge d.b.a. Mike Raahauge's Shooting Enterprises.