

AGENDA
PROPERTY MANAGEMENT COMMITTEE MEETING
WITH BOARD OF DIRECTORS *
ORANGE COUNTY WATER DISTRICT
18700 Ward Street, Fountain Valley (714) 378-3200
Friday, August 24, 2018, 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 the **September 5, 2018** 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 (ITEM NO. 1 - 2)

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 JULY 27, 2018

RECOMMENDATION: Approve minutes as presented

2. AMENDMENT TO PHEASANT HUNTING LEASE TO ELAINE RAAHAUGE D.B.A. MIKE RAAHAUGE'S SHOOTING ENTERPRISES AT PRADO BASIN

RECOMMENDATION: Agendize for September 5 Board meeting: Approve and authorize execution of Amendment Thirteen to Pheasant Hunting Lease to Elaine Raahauge d.b.a. Mike Raahauge's Shooting Enterprises that provides for a one-year extension of the lease through September 30, 2019. All other terms and conditions remain the same

END OF CONSENT CALENDAR

MATTER FOR CONSIDERATION

3. AMENDMENT TO EXCLUSIVE AUTHORIZATION AGREEMENT FOR REAL ESTATE ASSIGNMENT WITH VOIT REAL ESTATE SERVICES TO MARKET THE BALL ROAD BASIN PROPERTY IN ANAHEIM

RECOMMENDATION: Agendize for the September 5 Board meeting: Approve and authorize execution of Second Amendment to the Exclusive Authorization Agreement for Real Estate Assignment with Voit Real Estate Services to extend the Agreement expiration date to December 31, 2018 with all other Agreement terms to remain the same

INFORMATIONAL ITEM

4. STATUS UPDATE ON THE BALL ROAD BASIN PROPERTY

CHAIR DIRECTION AS TO ITEMS TO AGENDIZE AS MATTERS FOR CONSIDERATION AT THE SEPTEMBER 5 BOARD MEETING

DIRECTORS' COMMENTS/REPORTS

GENERAL MANAGER'S COMMENTS/REPORTS

ADJOURNMENT

PROPERTY MANAGEMENT COMMITTEE

Committee Members

Steve Sheldon - Chair
James Vanderbilt - Vice Chair
Vicente Sarmiento
Dina Nguyen
Roger Yoh

Alternates

Vacant - Alternate 1
Cathy Green - Alternate 2
Bruce Whitaker - Alternate 3
Shawn Dewane - Alternate 4
Denis Bilodeau - 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) 378-3233, by email at 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. 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
July 27, 2018 @ 12:00 p.m.

Director Sheldon called the Property Management Committee meeting to order at 12:00 p.m. in Conference Room C-2. The Assistant District Secretary called the roll and reported a quorum as follows.

Committee

Steve Sheldon
James Vanderbilt
Vicente Sarmiento
Dina Nguyen
Roger Yoh

OCWD Staff

Mike Markus - General Manager
Christina Fuller - Assistant District Secretary
Bruce Dosier - Director IS/Property
Cindy Leinart - Property Manager

Alternates

Phil Anthony (absent)
Cathy Green (absent)
Bruce Whitaker
Shawn Dewane (absent)
Denis Bilodeau (absent)

Others in attendance:

Pamela Galera - City of Anaheim

CONSENT CALENDAR

The Consent Calendar was approved upon motion by Director Whitaker, seconded by Director Nguyen and carried [5-0].

Ayes: Sheldon, Vanderbilt, Whitaker, Bilodeau

1. Minutes of the Meeting

The Minutes of the Property Management Committee meeting held June 22, 2018 were approved as presented.

2. Amendment Two to License Agreement with T.E. Roberts for Storing of Construction Equipment Located at Ball Road Basin, Anaheim

Recommended for approval at August 15 Board meeting: Approve and authorize execution of Amendment Two to License Agreement with T.E. Roberts, Inc. to extend the License expiration date to February 1, 2019 with all other Agreement terms to remain the same.

3. Amendment Two to License Agreement with PUB Construction for Storing of Construction Equipment Located at Upper Five Coves Basin, Anaheim

Recommended for approval at August 15 Board meeting: Approve and authorize execution of Amendment Two to License Agreement PUB Construction to extend the License expiration date to December 31, 2018, with a license fee of \$1,148, with all other Agreement terms to remain the same.

MATTERS FOR CONSIDERATION

4. Agreement with Coast Community College District and Other Entities to Relocate Monitoring Well Ocwd-M43

Chief Hydrogeologist Roy Herndon reported that Orange Coast College (OCC), one of the Coast Community College District's (CCCD) campuses, recently notified OCWD staff that it is preparing to construct student housing on its campus in the city of Costa Mesa, where OCWD maintains multi-depth monitoring well OCWD-M43. He stated well OCWD-M43 is located within one of the proposed housing building footprints and must be properly destroyed and sealed as soon as possible to avoid project delays. Mr. Herndon advised that Financial responsibility for the well destruction and relocation is being discussed between OCC, CCCD, and the project developer, Servitas. He stated that as time is of the essence, OCWD staff requests approval to authorize the General Manager to negotiate and execute an agreement with CCCD that provides for reimbursement of well relocation expenses and a relocated well site easement.

Upon motion by Director Sarmiento, seconded by Director Yoh and carried 5-0, the Committee recommended that the Board at its August 1 Board meeting: Authorize the General Manager to negotiate the terms of and execute an agreement with Coast Community College District and potential other parties to relocate OCWD monitoring well OCWD M43, including reimbursement of costs and a relocated easement.

Ayes: Sheldon, Vanderbilt, Sarmiento, Nguyen, Yoh

INFORMATIONAL ITEMS

5. Quarterly Report on Leases and Permits/Licenses for the Period Ending June 2018

Property Manager Cindy Leinart reviewed the Quarterly Report on Leases and Permits for the period of April 1, 2018 to June 30, 2018. She stated that second Quarter rents decreased from 2017 due to Sandwood's late penalty payments and early rent payment in March 2017. She also noted that Montoya paid July rent in the second quarter of 2017, and Sunnyslope paid July and August rents in second quarter of 2017. She reviewed upcoming Lease renewals and advised that all other Lessees and Permittees/Licensees are in full compliance with the terms of their lease/permit/license and all are current with their rent.

6. Status Update on the General Plan Amendment and Zone Change for the Ball Road Basin Property

Mr. Dosier stated the District has been processing a change to the General Plan land use designation and a zone reclassification with the City of Anaheim (City) for the Ball Road Basin property from Open Space/Transitional to General Commercial. He reported that the Draft Environmental Impact Report (DEIR) for the change in land use and reclassification has been made available by the City for 45-day public review beginning from June 7 through July 23.

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

It was agreed to place item Nos. 2-3 on the Consent Calendar for the August 15 Board meeting and Item No. 4 on the Consent Calendar for the **August 1** Board meeting.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:20 p.m.

Director Steve Sheldon, Chair

AGENDA ITEM SUBMITTAL

Meeting Date: August 24, 2018

To: Property Management Committee
Board of Directors

From: Mike Markus

Staff Contact: B. Dosier

Budgeted: N/A

Budget Amount: N/A

Estimate Annual Rent: \$3,000

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 PHEASANT HUNTING LEASE TO ELAINE RAAHAUGE
D.B.A. MIKE RAAHAUGE'S SHOOTING ENTERPRISES AT PRADO BASIN****

SUMMARY

The District has a lease with Elaine Raahauge d.b.a. Mike Raahauge's Shooting Enterprises to use the existing Pheasant Fields and the easterly half of the South Bluff (Lease Premises) for use as a pheasant hunting concession at Prado Basin. The original lease expiration date was September 30, 2006 and has subsequently been extended on an annual basis to September 30, 2018. Elaine Raahauge has requested that the lease be extended for one-year to a new expiration date of September 30, 2019.

Attachments(s): Amendment Thirteen to Lease for Pheasant Hunting

RECOMMENDATION

Agendize for September 5 Board meeting: Approve and authorize execution of Amendment Thirteen to Pheasant Hunting Lease to Elaine Raahauge d.b.a. Mike Raahauge's Shooting Enterprises that provides for a one-year extension of the lease through September 30, 2019. All other terms and conditions remain the same.

BACKGROUND/ANALYSIS

The District has a lease with Elaine Raahauge d.b.a. Mike Raahauge's Shooting Enterprises (Raahauge) to use the existing Pheasant Fields and the easterly half of the South Bluff for use as a pheasant hunting concession, raising game birds, the non-exclusive use of the clubhouse and roads, hunter safety classes, operation of dog kennels, and a caretaker's trailer, with a base rent of \$250 per month or \$2,500 per month for months when pheasant hunting is conducted. The original lease expiration date was September 30, 2006, and has subsequently been extended on an annual basis to September 30, 2018. The lease will expire on September 30 and Elaine Raahauge has requested that the lease be extended for one-year to a new expiration date of September 30, 2019. Board Resolution R05-11-126 provides that the lease may be renewed annually by mutual written consent of both the Lessee and Lessor. Staff reviewed Raahauge's request and has determined that there are no conflicts with District operations.

PRIOR RELEVANT BOARD ACTION(S):

9/6/17, R17-9-xx Approve Amendment Twelve to Pheasant Hunting Lease with Elaine Raahauge dba Mike Raahauge's Shooting Enterprises providing for a one-year extension through September 30, 2018, with the condition that shooting will not be allowed in the Lease Premises and rent to be \$250 per month, with all other terms and conditions of the Lease to remain the same.

4/5/17 R17-4-41 – Approve new Lease Agreement with Elaine Raahauge d.b.a. Mike Raahauge's Shooting Enterprises for a period of 30 years through April 30, 2047; with two 10-year options to extend.

9/7/16, R16-9-116 Approve Amendment Eleven to Pheasant Hunting Lease with Elaine Raahauge dba Mike Raahauge's Shooting Enterprises providing for a one-year extension through September 30, 2017, with all terms and conditions of the Lease to remain the same.

9/2/15, R15-9-118 Approve Amendment Ten to Pheasant Hunting Lease with Elaine Raahauge dba Mike Raahauge's Shooting Enterprises providing for a one-year extension through September 30, 2016, with all terms and conditions of the Lease to remain the same.

9/3/14, R14-9-121 Approve Amendment Nine to Pheasant Hunting Lease with Elaine Raahauge dba Mike Raahauge's Shooting Enterprises providing for a one-year extension through September 30, 2015, with all terms and conditions of the Lease to remain the same.

10/2/13, R13-10-128, Approve Consent to Assignment of Lease and Amendment Eight to Pheasant Hunting Lease with Elaine Raahauge d.b.a. Mike Raahauge's Shooting Enterprises providing for a one-year extension through September 30, 2014, with all terms and conditions of the Lease to remain the same.

9/5/12, R12-9-105, Approve and authorize execution of Amendment Seven to Pheasant Hunting Lease with Mike Raahauge d.b.a. Mike Raahauge Shooting Enterprises providing for a one-year extension through September 30, 2013, with all terms and conditions of the Lease to remain the same.

9/7/11, R11-9-125 - Approve and authorize execution of Amendment Six to Pheasant Hunting Lease with Mike Raahauge d.b.a. Mike Raahauge Shooting Enterprises providing for a one-year extension through September 30, 2012, with all terms and conditions of the Lease to remain the same.

9/1/10, R10-9-141 - Approve and authorize execution of Amendment Five to Pheasant Hunting Lease with Mike Raahauge d.b.a. Mike Raahauge Shooting Enterprises providing for a one-year extension through September 30, 2011, with all terms and conditions of the Lease to remain the same.

9/2/09, R09-09-141 - Approve and authorize execution of Amendment Four to Pheasant Hunting Lease with Mike Raahauge d.b.a. Mike Raahauge Shooting Enterprises providing for a one-year extension through September 30, 2010, with all terms and conditions of the Lease to remain the same.

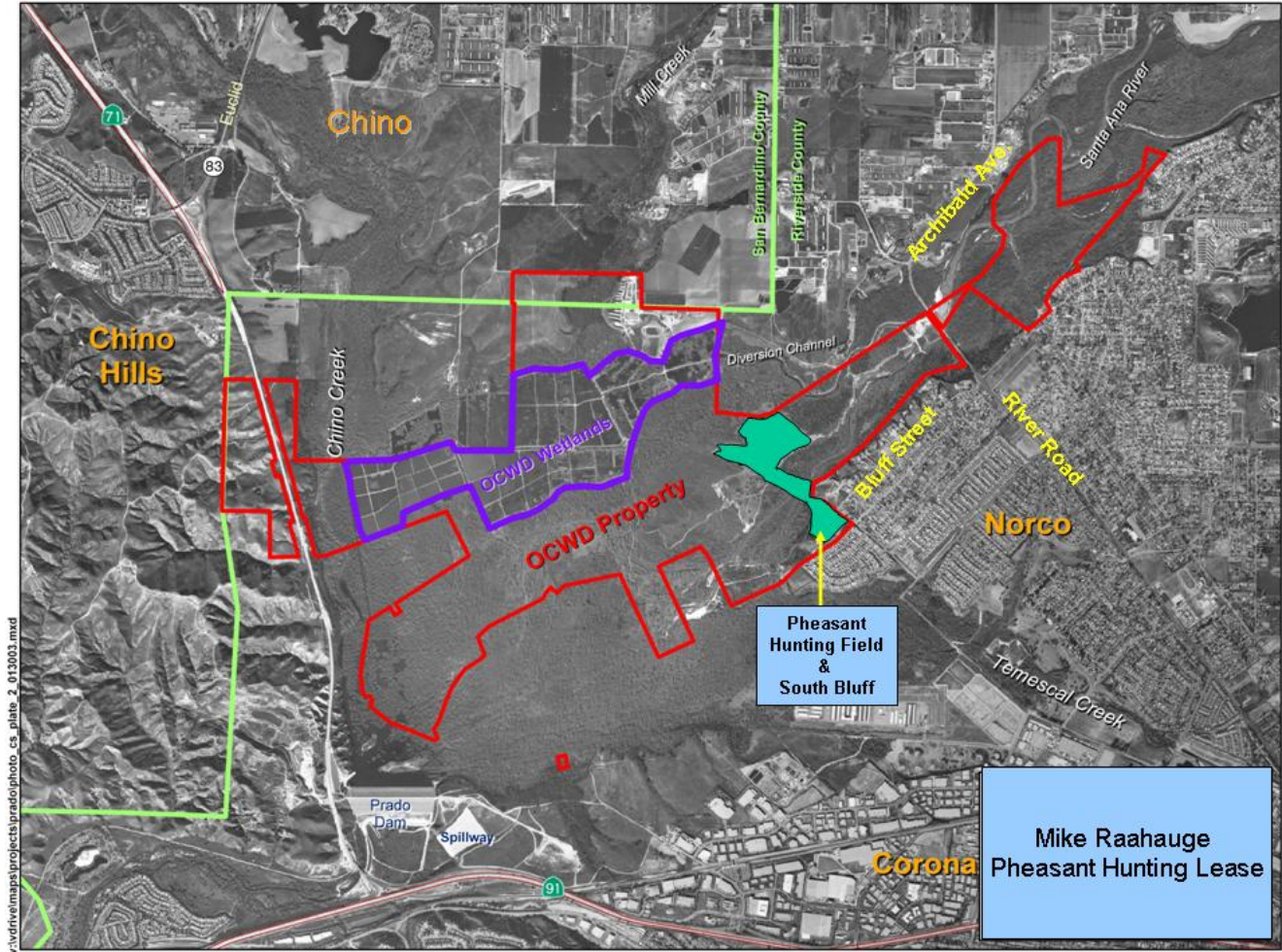
9/3/08, R08-09-120 - Approve and authorize execution of Amendment Three to Pheasant Hunting Lease with Mike Raahauge d.b.a. Mike Raahauge Shooting Enterprises providing for a one-year extension through September 30, 2009, with all terms and conditions of the Lease to remain the same.

10/3/07, R07-10-138 - Approve and authorize execution of Amendment Two to Pheasant Hunting Lease with Mike Raahauge d.b.a. Mike Raahauge Shooting Enterprises providing for a one-year extension through September 30, 2008, with all terms and conditions of the Lease to remain the same.

9/20/06, R06-09-113 - Approve and authorize execution of Amendment One to Pheasant Hunting Lease with Mike Raahauge d.b.a. Mike Raahauge Shooting Enterprises providing for a one-year extension through September 30, 2007, with all terms and conditions of the Lease to remain the same.

11/2/05, R05-11-126 - Approve Lease with Mike Raahauge d.b.a. Mike Raahauge Shooting Enterprises to conduct a pheasant hunting concession in Prado Basin for one-year term expiring September 30, 2006, and Lease may be renewed annually by mutual written consent by both the Lessee and Lessor.

LOCATION MAP



AMENDMENT THIRTEEN TO LEASE

(Pheasant Hunting)

THIS AMENDMENT is made and entered into this 5th day of September 2018 by and between the **ORANGE COUNTY WATER DISTRICT**, a political subdivision of the State of California (hereinafter, the “Lessor”) and **ELAINE RAAHAUGE d.b.a. MIKE RAAHAUGE’S SHOOTING ENTERPRISES** (hereinafter, the “Lessee”):

RECITALS

WHEREAS, Lessor and Lessee entered into a Lease on November 2, 2005 (hereinafter, the “Lease”) for the purpose of conducting a pheasant hunting concession, raising game birds, the non-exclusive use of the clubhouse and roads, hunter safety classes, operation of dog kennels, and a caretaker’s trailer with a base rent of \$250 per month for the use of District facilities and land, or \$2,500 per month for months when pheasant hunting is conducted; and

WHEREAS, On September 20, 2006, this Lease was extended to September 30, 2007 with all terms and conditions of the Lease remaining the same;

WHEREAS, This Lease subsequently has been extended on an annual basis with all terms and conditions of the Lease remaining the same; and

WHEREAS, On October 2, 2013, the District consented to the Assignment of Lease to Elaine Raahauge d.b.a. Mike Raahauge’s Shooting Enterprises and this Lease was extended to September 30, 2014 with all terms and conditions of the Lease remaining the same; and

WHEREAS, This Lease subsequently has been extended on an annual basis with all terms and conditions of the Lease remaining the same; and

WHEREAS, On April 5, 2017, the District consented to a new Lease Agreement with Elaine Raahauge d.b.a. Mike Raahauge’s Shooting Enterprises for a period of 30 years through April 30, 2047; with two 10-year options to extend, including an Environmental Stewardship Plan, and Focused Feasibility Study dated August 2016; and

WHEREAS, On September 9, 2017 the Lease was extended to a new expiration date of September 30, 2018 with the condition that shooting will not be allowed in the Lease Premises and rent to be \$250 per month, with all other terms and conditions of the Lease to remain the same; and

WHEREAS, this Lease expires on September 30, 2018 and Lessor and Lessee want to extend the Lease to a new expiration date of September 30, 2019.

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. Lease Section One (Term), Paragraph 1.2 (Original Lease Term), the Expiration Date of the Lease is hereby extended to a new Expiration Date of September 30, 2019.
2. Each and every other term, covenant and condition of the Lease not herein expressly modified is hereby ratified and confirmed and shall remain in full force and effect.

[SIGNATURES ON NEXT PAGE]

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

“LESSOR”

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

ORANGE COUNTY WATER DISTRICT

By: _____
General Counsel for Orange
County Water District

By: _____
Denis R. Bilodeau, P.E., President

By: _____
Michael R. Markus P.E., General Manager

“LESSEE”

ELAINE RAAHAUGE d.b.a.
MIKE RAAHAUGE’S SHOOTING
ENTERPRISES

By: _____
Elaine Raahauge, Owner

AGENDA ITEM SUBMITTAL

Meeting Date: August 24, 2018

To: Property Management Committee.
Board of Directors

From: Mike Markus

Staff Contact: B. Dosier

Budgeted: N/A

Budget Amount: N/A

Cost Estimate: N/A

Funding Source: N/A

Program/Line Item No.: N/A

General Counsel Approval: Required

Engineers/Feasibility Report: N/A

CEQA Compliance: Categorically Exempt under
CEQA Guidelines Section 15312

Subject: AMENDMENT TO EXCLUSIVE AUTHORIZATION AGREEMENT FOR REAL ESTATE ASSIGNMENT WITH VOIT REAL ESTATE SERVICES TO MARKET THE BALL ROAD BASIN PROPERTY IN ANAHEIM

SUMMARY

On May 3, 2017, the District entered into an Exclusive Authorization Agreement with Voit Real Estate Services (Voit), to represent the District in marketing and leasing or selling the Ball Road Basin property (Property). The Agreement was amended in January 11, 2018 to extend the term of the Agreement to August 31, 2018. Staff recommends extending the Agreement to December 31, 2018 so that Voit can continue to represent the District in marketing and leasing or selling the Property.

Attachment(s):

- Letter from Voit dated August 14, 2018
- Proposed Second Amendment to Agreement No. 1240

RECOMMENDATION

Agendize for the September 5 Board meeting: Approve and authorize execution of Second Amendment to the Exclusive Authorization Agreement for Real Estate Assignment with Voit Real Estate Services to extend the Agreement expiration date to December 31, 2018 with all other Agreement terms to remain the same.

DISCUSSION/ANALYSIS

On May 3, 2017, the District entered into an Agreement with Voit to represent the District in marketing and leasing or selling the Ball Road Basin property located at the southeast corner of Phoenix Club Drive and Ball Road. On January 11, 2018, the Agreement was extended with a new end date of August 31, 2018. Voit has requested extending the Agreement to December 31, 2018 to continue to represent the District.

To continue to represent the District in marketing and leasing or selling the Property, the Agreement is required. Staff recommends approving and authorizing execution of Amendment Two to the Agreement.

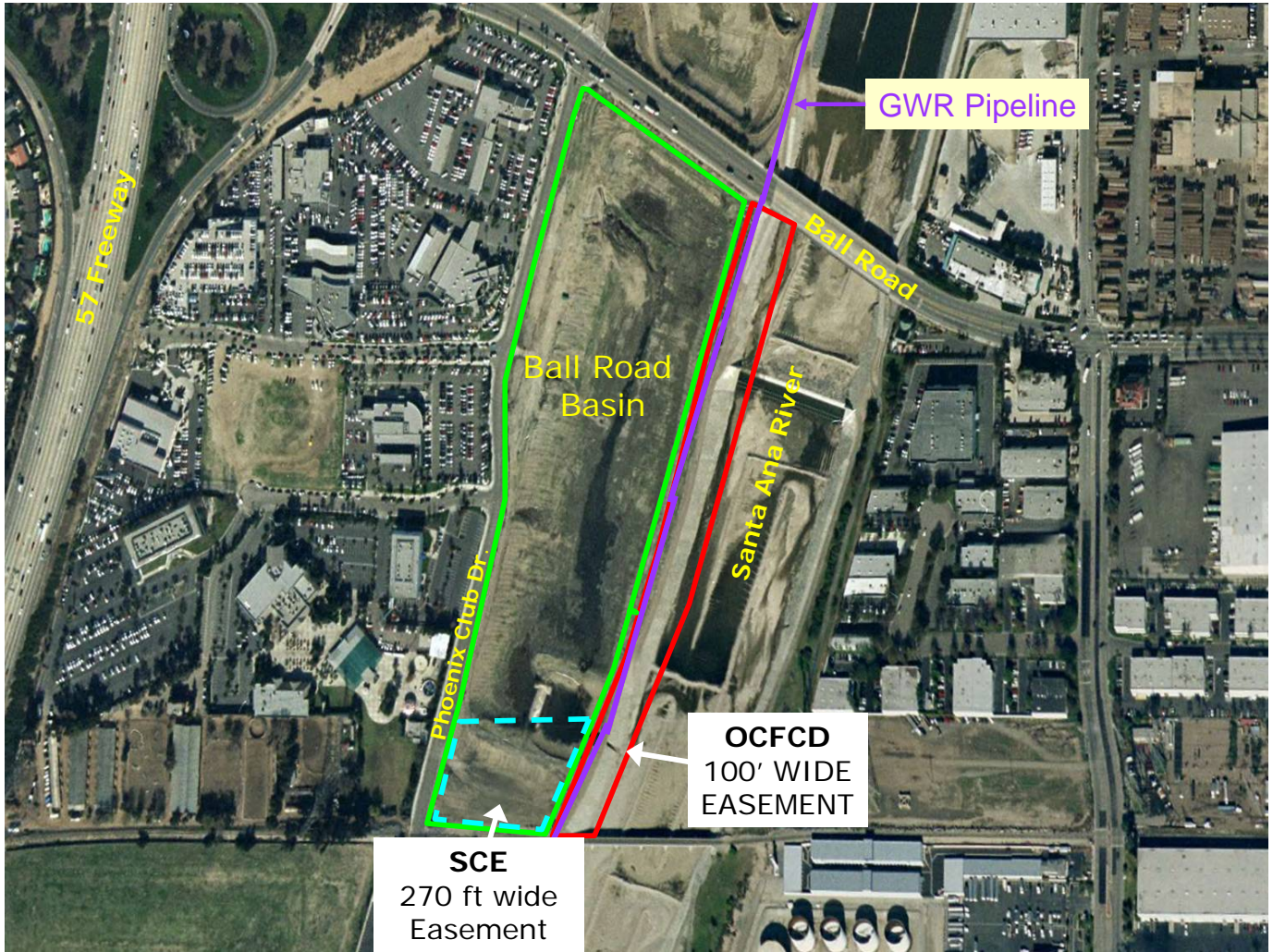
PRIOR BOARD ACTION

- 1/03/18, M18-x Authorize execution of Amendment One to Agreement and Schedule of Commissions with Voit Real Estate Services Exclusive Authorization Agreement for Real Estate Assignment with Voit Real Estate Services to extend the Agreement expiration date to December 31, 2018 and revise the Schedule of Commissions, with all other Agreement terms to remain the same.
- 5/03/17, M17-67 Authorize execution of an Agreement and Schedule of Commissions with Voit Real Estate Services to market, lease and/or sell the Ball Road Basin Property.
- 4/05/17, M17-50 Direct staff to negotiate an agreement with Voit Real Estate to market the Ball Road Basin Property and to return to Board for approval.
- 07/06/16, R16-7-90 Authorize execution of a Change Order to Environmental Advisors to exceed \$39,100 for additional work on the EIR for Ball Road Basin General Plan Amendment and Zone change; and authorize payment to the City of Anaheim in amount not to exceed \$4,000 as an additional deposit of funds for the General Plan Amendment and Zone Change application to cover District costs associated with the updated Traffic Study for the City of Anaheim's Environmental Impact Report peer review process.
- 03/16/16, M16-42 Authorize payment of \$20,000 to the City of Anaheim as an additional deposit of funds to cover District costs for the City of Anaheim's Environmental Impact Report peer review process.
- 11/18/15, R15-11-170 Authorize issuance of Change Order to Environmental Advisors in the amount of \$28,295; and agreement with Environmental Advisors for Services in the amount not to exceed \$26,000; and for survey services not to exceed \$20,000 for the General Plan and Zone Change for the Ball Road Basin Property located on Ball Road and Phoenix Club Drive, Anaheim.
- 9/02/15, 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



August 14, 2018

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

RE: Listing Extension - Ball Road Basin, Anaheim, CA

Dear Mr. Dosier,

As you know, we have been aggressively marketing the Ball Road property for sale or lease, exposing the property to potential buyers and tenants through ongoing e-mail campaigns, telephone and personal canvassing.

Our continued marketing program has generated significant interest in the property including 12 offers. Given the extensive work we have performed on behalf of OCWD thus far, we would like to extend the term of our Exclusive Listing Agreement until August 31, 2019. Please acknowledge acceptance of this extension by having the appropriate party execute this letter below.

We look forward to the successful lease or sale of the Ball Road Basin.

Sincerely,
Voit Real Estate Services



Michael Hefner, SIOR
Executive Vice President
Lic #00857352
714-935-2231 Direct
MHefner@voitco.com



Mike Vernick, CCIM, SIOR
Senior Vice President
Lic #01420885
714-935-2354 Direct
MVernick@voitco.com

CC: Michael Markus, General Manager OCWD

By: _____
Michael Markus

Its: _____

Date: _____

Second Amendment to Agreement No. 1240 with Voit Real Estate Services for Exclusive Authorization Agreement for Real Estate Assignment of Ball Road Basin Property in Anaheim

RECITALS

WHEREAS, OCWD and Contractor executed into an Exclusive Authorization Agreement for Real Estate Assignment of Ball Road Basin Property in Anaheim ("The Agreement") on May 3, 2017 in which Contractor was engaged to identify potential tenants and buyers for the property known as the Ball Road Basin "The Property."; and

WHEREAS, Contractor has expended significant time and financial resources to generate interest and offers for the lease or purchase of The Property.

WHEREAS, the above referenced agreement was renewed January 11, 2018; and

WHEREAS, the above referenced agreement was will end on August 31, 2018; and the OCWD and Contractor desire to extend the term of the said agreement.

NOW, THEREFORE, incorporating the foregoing recitals and in consideration of the mutual covenants and conditions contained herein, and for other good and valuable consideration, receipt of which is hereby acknowledged, the parties hereto agree as follows

- 1) The OCWD and Contractor agree to extend the term of The Agreement until December 31, 2018.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date and year first above written.

Agreed and Accepted:

OCWD

By: _____

Date: _____

Michael Markus

Voit Real Estate Services

By: _____

Date: _____

Michael Hefner

By: _____

Date: _____

Mike Vernick

AGENDA ITEM SUBMITTAL

Meeting Date: August 24, 2018

To: Property Management Cte/
Board of Directors

From: Mike Markus

Staff Contact: B. Dosier

Budgeted: No

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 THE BALL ROAD BASIN PROPERTY

SUMMARY

The District has been processing a change to the General Plan land use designation and a zone reclassification with the City of Anaheim (City) for the Ball Road Basin (BRB) property from Open Space/Transitional to General Commercial. The Draft Environmental Impact Report (DEIR) for the change in land use and reclassification has been made available by the City for 45-day public review beginning from June 7 through July 23 and staff is responding to public comments. Additionally, Voit Real Estate Services has been marketing the Property. Staff will update the Committee.

RECOMMENDATION

Informational

DISCUSSION/ANALYSIS

In 2007, the Board authorized staff to begin the process to change the General Plan and Zoning of the Ball Road Basin property from Open Space/Transitional to General Commercial. A Conceptual Development Review (CDR) application was submitted by the District to the City for a General Plan Amendment and Zone Change (GPA/ZC) and updated in April 2011. Staff worked with its consultant, Environmental Advisors, LLC. (now Sagecrest Planning+Environmental, LLC) in submitting a completed Development Application to the City on May 15, 2018.

As part of the GPA/ZC process, a DEIR was prepared by Sagecrest and a screencheck DEIR incorporating data from a recently updated Traffic Study, as well as comments by both City and District staff was finalized by both OCWD and City staffs and made available by the City for 45-day public review beginning from June 7 through July 23. The City has provided comments received during the public review period and staff and Sagecrest are preparing a draft Response to Comments (RTC) and a Final EIR for City review and comments.

Should the schedule proposed by the City remain the same, on September 5 a Public Hearing of the Anaheim Planning Commission is scheduled to consider recommendation to the City Council, and a City Council Public Hearing to consider certification of the EIR, approval of the GPA/ZC and the 1st reading for reclassification ordinance is scheduled for October 9.

Following are the anticipated dates for the project:

Complete	Date	Step
✓	June 7 - July 23	<ul style="list-style-type: none"> • 45-day DEIR Public Review Period
✓	July 23	<ul style="list-style-type: none"> • DEIR Public Review Period Ends
✓	July 24	<ul style="list-style-type: none"> • City will transmit comments received to OCWD to provide draft responses, packaged as the Final EIR
✓	July 27	<ul style="list-style-type: none"> • OCWD submits draft Response to Comments (RTC) / Final EIR to City for Review
✓	August 13	<ul style="list-style-type: none"> • City provides comments on RTC/Final EIR to OCWD
	August 17	<ul style="list-style-type: none"> • OCWD provides proof check RTC/Final EIR to City
	August 23	<ul style="list-style-type: none"> • City provides any final comments on RTC/Final EIR
	August 24	<ul style="list-style-type: none"> • RTC/FEIR circulated for 10-day public review
	Sept 5	<ul style="list-style-type: none"> • Planning Commission Public Hearing to consider recommendation to Council
	October 9	<ul style="list-style-type: none"> • City Council Public Hearing to consider certification of the EIR, approval of the GPA/ZC and the 1st reading for reclassification ordinance
	October 23	<ul style="list-style-type: none"> • City Council, 2nd reading/consideration of adoption of reclassification ordinance • If approved, City files Notice of Determination

Additionally, Voit Real Estate Services has been marketing the Property. Staff will update the Committee on both the GPA/ZC and the marketing activities of Voit.

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

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

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.

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

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
November	Board approval of change order for additional EIR work for the GPA/ZC; and for land entitlement and government relations services; and survey services

March 2016	Board authorizes additional funds for City’s peer review.
April	Additional funds approved in March deposited with the City of Anaheim Depositor Trust Fund.
July	Additional funds approved by the Board for new Traffic Study.
October	City authorizes consultant to work on traffic model.
November	Traffic model completed. Transpo Group completes Traffic Study.
December	Environmental Advisors provided screencheck draft EIR to OCWD for review and comment

OCWD staff provided comments on the screencheck draft EIR to Environmental Advisors

January 2017	Environmental Advisors finalized second screencheck draft EIR Environmental Advisors provided second screencheck draft EIR to City of Anaheim for review and comment.
February	Second Screencheck Draft EIR reviewed by City staff and peer review and provided comments
May	Include trail designation around North, East and South sides of Ball Road Basin in the DEIR Authorize agreement with Voit to market Ball Road Basin property.
September	Environmental Advisors provided Proof check draft EIR to City of Anaheim for review and comment.
October	Proof check draft EIR reviewed by City staff and peer review and provided comments.
December	Environmental Advisors provided updated Proof check draft EIR to City of Anaheim for review and comment.

January 2018	Environmental Advisors provided public review draft EIR to the City of Anaheim for print check review.
February	City acknowledged receipt of final draft EIR and ready. To proceed OCWD must file Development Application.
April	Board approval of \$5,000 for land entitlement and government relations services.
May	Staff submitted Development Application to the City.
June	45-day public review of DEIR begins (June 7).
July	45-day public review of DEIR ends - July 23).

PRIOR BOARD ACTION(S):

- 04/04/18, R18-4-35 Approve and authorize execution of agreement with Sagecrest Planning+Environmental for Land Entitlement and Government Relations Services to manage the entitlement process of Ball Road Basin for a fee not to exceed \$5,000.
- 05/03/17, M17-67 Include a trail designation around the North, East and South sides of the Ball Road Basin property as a project design feature in the Environmental Impact Report (EIR) for the Ball Road Basin General Plan Amendment and Zone Change; and approve and authorize execution of Professional Services Agreement and Schedule of Commissions with Voit Real Estate Services to represent the District in negotiations to market, lease and/or sell the Ball Road Basin property in Anaheim.
- 07/06/16, R16-7-90 Authorize execution of a Change Order to Environmental Advisors to exceed \$39,100 for additional work on the EIR for Ball Road Basin General Plan Amendment and Zone change; and authorize payment to the City of Anaheim in amount not to exceed \$4,000 as an additional deposit of funds for the General Plan Amendment and Zone Change application to cover District costs associated with the updated Traffic Study for the City of Anaheim's Environmental Impact Report peer review process.
- 03/16/16, M16-42 Authorize payment of \$20,000 to the City of Anaheim as an additional deposit of funds to cover District costs for the City of Anaheim's Environmental Impact Report peer review process.
- 11/18/15, R15-11-170 Authorize issuance of Change Order to Environmental Advisors in the amount of \$28,295; and agreement with Environmental Advisors for Services in the amount not to exceed \$26,000; and for survey services not to exceed \$20,000 for the General Plan and Zone Change for the Ball Road Basin Property located on Ball Road and Phoenix Club Drive, Anaheim.
- 9/02/15, 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
9/07/11, M11-144	Issue Work Order to Chambers Group for an amount not to exceed \$21,000 to prepare traffic and air quality studies
3/30/11, R11-3-50	Authorize the General Manager or his designee to act as the District’s agent to file an application with the City of Anaheim to update the General Plan Amendment to change the designation of the Ball Road Basin property from Open Space to Commercial and a Reclassification from “T” (Transitional) zone to “C-G” (General Commercial) zone
3/02/11, 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)
2/02/11, R11-2-12	General Manager to finalize and execute the Chantilly Storm Channel Agreement with Orange County Public Works Department- Flood Control Division
9/05/07, 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
5/02/07, 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

