



Yucaipa Valley Water District

12770 Second Street, Yucaipa, California 92399 Phone: (909) 797-5117

Notice and Agenda of a Regular Meeting of the Board of Directors

Wednesday, June 1, 2011 at 6:00 p.m.

- I. CALL TO ORDER - Pledge of Allegiance
- II. ROLL CALL
- III. PUBLIC COMMENTS - At this time, members of the public may address the Board of Directors on matters within its jurisdiction. To provide comments on specific agenda items, please complete a speaker's request form and provide the completed form to the Board Secretary prior to the board meeting.
- IV. CONSENT CALENDAR - All matters listed under the Consent Calendar are considered by the Board of Directors to be routine and will be enacted in one motion. There will be no discussion of these items prior to the time the board considers the motion unless members of the board, the administrative staff, or the public request specific items to be discussed and/or removed from the Consent Calendar. The General Manager recommends approval of the following:
 - A. Minutes of Meetings
 - 1. Regular Board Meeting - May 18, 2011
 - 2. Board Workshop - May 24, 2011
 - 3. Board Workshop - May 25, 2011
- V. BOARD REPORTS
 - A. San Bernardino Valley Municipal Water District Advisory Commission on Water Policy - May 19, 2011
 - B. Yucaipa Valley Water District Board Workshop - May 24, 2011
 - C. Yucaipa Valley Water District Board Workshop - May 25, 2011
 - D. Other Reports by Board Members
- VI. STAFF REPORT
- VII. DISCUSSION ITEMS
 - A. Recognition of the Yucaipa High School Students and Science Teachers for their participation in the 2011 Solar Cup Challenge
[\[Director Memorandum No. 11-048 - Page 20 of 38\]](#)

Any person with a disability who requires accommodation in order to participate in this meeting should telephone Chelsie Fogus at (909) 797-5118 at least 48 hours prior to the meeting in order to make a request for a disability-related modification or accommodation.

Materials related to an item on this agenda submitted to the Board of Directors after distribution of the board meeting packet are available for public inspection during normal business hours at the District office located at 12770 Second Street, Yucaipa. Meeting material may also be available on the District's website at www.yvwd.dst.ca.us

RECOMMENDED ACTION: That the Board recognizes the outstanding achievement of the students and teachers involved in the 2011 Solar Cup Challenge.

- B. Pre-Development Agreement for the Construction of Off-Site Water and Sewer Infrastructure Related to the Cherry Valley Plaza Shopping Center (Parcel Map 35691)

[\[Director Memorandum No. 11-049 - Page 21 of 38\]](#)

RECOMMENDED ACTION: That the Board authorizes the execution of Agreement No. 02-2011 related to the Cherry Valley Plaza Shopping Center.

- C. Participation in the 2011 Cooperative Groundwater Recharge Program with the San Bernardino Valley Municipal Water District

[\[Director Memorandum No. 11-050 - Page 32 of 38\]](#)

RECOMMENDED ACTION: That the Board authorizes the District staff to request 2,500 acre feet of imported water as a partner in the 2011 Cooperative Groundwater Recharge Program for a sum not to exceed \$187,500.

VIII. DIRECTORS COMMENTS

IX. ANNOUNCEMENTS

- A. June 3, 2011 at 8:00 a.m. - Ribbon Cutting for the San Bernardino Valley Water Conservation Demonstration Garden at California State University San Bernardino
- B. June 7, 2011 at 4:00 p.m. - Board Workshop
- C. June 15, 2011 at 6:00 p.m. - Regular Board Meeting
- D. June 20, 2011 at 6:00 p.m. - Association of San Bernardino County Special District Meeting
- E. June 28, 2011 at 4:00 p.m. - Board Workshop
- F. July 6, 2011 at 6:00 p.m. - Regular Board Meeting
- G. July 12, 2011 at 4:00 p.m. - Board Workshop

X. ADJOURNMENT

CONSENT CALENDAR

MINUTES OF A REGULAR BOARD MEETING

May 18, 2011

Directors Present:

Jay Bogh, President
Bruce Granlund, Vice President
Ian Cuthbertson, Director
Lonni Granlund, Director
Hank Wochholz, Director

Staff Present:

Joseph Zoba, General Manager
Jack Nelson, Assistant General Manager
Chelsie Fogus, Engineering Tech I

Directors Absent:

None

Consulting Staff Present:

David Wysocki, Aklufi & Wysocki

Others Present:

Bill Brown, News Mirror

The regular meeting of the Board of Directors of the Yucaipa Valley Water District was called to order by Director Jay Bogh at 6:00 p.m. on Wednesday, May 18, 2010, at the General Office Building, 12770 Second Street, Yucaipa, California.

CALL TO ORDER

Director Jay Bogh led the pledge of allegiance.

FLAG SALUTE

The roll was called. All Directors were present.

ROLL CALL

There were no requests to speak from the audience.

PUBLIC COMMENTS

Director Lonni Granlund moved to approve the consent calendar and Director Hank Wochholz seconded a motion that carried unanimously to approve the consent calendar.

CONSENT CALENDAR
MOTION NO. 1

Consent Calendar:

- A. Minutes of Meetings
 - 1. Regular Board Meeting - May 4, 2011
 - 2. Board Workshop - May 10, 2011
- B. Payment of Bills
 - 1. Approve/Ratify Invoices of Board Awarded Contracts
 - 2. Approve General Expenses for April 2011

BOARD REPORTS:

Director Hank Wochholz reported on items discussed at the workshop on May 10, 2011.

WORKSHOP

Assistant General Manager Nelson reported on the City of Calimesa

STATE OF THE CITY OF

State of the City Luncheon on May 12, 2011.

CALIMESA MEETING

Director Lonni Granlund reported on the City of Yucaipa Economic Development Advisory Committee Meeting on May 12, 2011.

CITY OF YUCAIPA
ECONOMIC
DEVELOPMENT
COMMITTEE

Director Ian Cuthbertson reported on the Association of the San Bernardino County Special Districts meeting hosted by the Inland Empire Resource Conservation District on May 16, 2011. Kyle Snow, Attorney for Best, Best & Krieger addressed the membership.

ASSOCIATION OF SAN
BERNARDINO COUNTY
SPECIAL DISTRICTS

General Manager Zoba reported on the following items:

STAFF REPORT

- On Monday, May 16, 2011 SGPWA adopted a report regarding Developer Fees. This will be discussed further at the May 24, 2011 Board Workshop.
- A copy of the Draft Budget was passed out to the members of the Board for review and will be discussed at the May 24th and May 25th board workshops.
- The annual YVWD Finance Corporation Meeting is scheduled for June 1, 2011 at 5:45 p.m.
- Received Tax Certificate pursuant to the State Water Resource Control Board SRF Loan for the Expansion and Salinity Management Project. Requested that this item be added to the board meeting agenda.

There were no questions from the members of the Board.

Director Ian Cuthbertson moved and Director Lonni Granlund seconded a motion that carried unanimously to add Director Memorandum 11-047 Authorization to Execute Tax Certificate Pursuant to the state Water Resources Control Board SRF Loan for the Expansion and Salinity Management Project to the board meeting agenda as item VII H.

AUTHORIZATION TO ADD
DIRECTOR MEMORANDUM
11-047 TO THE BOARD
MEETING AGENDA AS
ITEM VII H
MOTION NO. 2

DISCUSSION ITEMS:

General Manager Zoba provided an overview of Director Memorandum 11-040 - Unaudited Financial Report for April 2011. There being no questions, Director Lonni Granlund moved and Director Bruce Granlund seconded a motion that carried unanimously to receive and file the Unaudited Financial Report for April 2011 as presented.

DM 11-040
UNAUDITED FINANCIAL
REPORT FOR APRIL 2011
MOTION NO. 3

General Manager Zoba provided an overview of Director Memorandum 11-041 - Declaration and Identification of Bad Debt for 2009. There being no questions, Director Hank Wochholz moved and Director Ian Cuthbertson seconded a motion that carried unanimously to authorize District staff to recognize bad debts in the amount of \$39,604.20 for

DM 11-041
DECLARATION AND
IDENTIFICATION OF BAD
DEBTS FOR 2009

calendar year 2009 as presented.

MOTION NO. 4

General Manager Zoba provided an overview of Director Memorandum 11-042 - Notice of Completion for the Installation of a 12-Inch Recycled Water Pipeline in 7th Street from Yucaipa Boulevard to Chapman Heights Road. There being no questions, Director Ian Cuthbertson moved and Director Hank Wochholz seconded a motion that carried unanimously to authorize District staff to record a Notice of Completion and release the retention amount of \$3,465.00 thirty-five days after the recorded date as presented.

DM 11-042
NOTICE OF COMPLETION
FOR THE INSTALLATION
OF A 12-INCH RECYCLED
WATER PIPELINE IN 7TH
STREET FROM YUCAIPA
BOULEVARD TO CHAPMAN
HEIGHTS ROAD

MOTION NO. 5

General Manager Zoba provided an overview of Director Memorandum 11-043 - Ratification of Agreement Modification No. 004 to the Cooperative Funding Agreement with the United States Department of the Interior, Bureau of Reclamation Related to the Yucaipa Valley Regional Brineline Project. There being no questions, Director Hank Wochholz moved and Director Ian Cuthbertson seconded a motion that carried unanimously to ratify the execution of Modification No. 004 to the Cooperative Agreement No. R10AC35R03 with the Bureau of Reclamation as presented.

DM 11-043
RATIFICATION OF
AGREEMENT
MODIFICATION NO. 004 TO
THE COOPERATIVE
FUNDING AGREEMENT
WITH THE UNITED STATES
DEPARTMENT OF THE
INTERIOR, BUREAU OF
RECLAMATION RELATED
TO THE YUCAIPA VALLEY
REGIONAL BRINELINE
PROJECT

MOTION NO. 6

General Manager Zoba provided an overview of Director Memorandum 11-044 - Authorization to Distribute a Notification of Rate Adjustment Pursuant to Proposition 218. There being no questions, Director Lonni Granlund moved and Director Hank Wochholz seconded a motion that carried unanimously to authorize the distribution of a rate adjustment notice and directs District staff to set a time and date for the public hearing pursuant to proposition 218 as presented.

DM 11-044
AUTHORIZATION TO
DISTRIBUTE A
NOTIFICATION OF RATE
ADJUSTMENT PURSUANT
TO PROPOSITION 218

MOTION NO. 7

General Manager Zoba provided an overview of Director Memorandum 11-045 - Contract for Professional Services Related to Antidegradation Analysis and Assessment for the Beaumont Management Zone. There being no questions, Director Ian Cuthbertson moved and Director Hank Wochholz seconded a motion that carried unanimously to ratify the increased water quality modeling effort of \$5,000 for a total contract contribution of \$17,500 to Wildermuth Environmental as presented.

DM 11-045
CONTRACT FOR
PROFESSIONAL SERVICES
RELATED TO AN
ANTIDEGRADATION
ANALYSIS AND
ASSESSMENT FOR THE
BEAUMONT MANAGEMENT
ZONE

MOTION NO. 8

General Manager Zoba provided an overview of Director Memorandum 11-046 - Preliminary Engineering Analysis of the Wochholz Improved Salinity Effluent (WISE) Program. There being no questions, Director Ian Cuthbertson moved and Director Bruce Granlund seconded a motion that carried unanimously to authorize the approval of Amendment No. 2 to Task Order No. 13 with Separation Processes in the amount of \$50,000 for CAD design of the Wise Project at the Wochholz Regional Water Recycling Facility.

DM 11-046
PRELIMINARY
ENGINEERING ANALYSIS
OF THE WOCHHOLZ
IMPROVED SALINITY
EFFLUENT (WISE)
PROJECT
MOTION NO. 9

General Manager Zoba provided an overview of Director Memorandum 11-047 - Authorization to Execute Tax Certificate Pursuant to the State Water Resources Control Board SRF Loan for the Expansion and Salinity Management Project. After further discussion, Director Lonni Granlund moved and Director Hank Wochholz seconded a motion that carried unanimously to authorize the execution of the Tax Certificate as presented.

DM 11-047
AUTHORIZATION TO
EXECUTE TAX
CERTIFICATE PURSUANT
TO THE STATE WATER
RESOURCES CONTROL
BOARD SRF LOAN FOR
THE EXPANSION AND
SALINITY MANAGEMENT
PROJECT
MOTION NO. 10

There were no comments by directors.

DIRECTOR COMMENTS

President Jay Bogh adjourned to closed session at 6:31 p.m.

CLOSED SESSION

- A. Conference with Labor Negotiator (Government Code 54957.6)
District Negotiator: Joseph Zoba, General Manager
Employee Organization: IBEW Local Union 14356 - YVWD Employee Association
- B. Conference with Labor Negotiator (Government Code 54957.6)
District Negotiator: Joseph Zoba, General Manager
Employee Organization: Supervisor Bargaining Unit
- C. Conference with Labor Negotiator (Government Code 54957.6)
District Negotiator: Joseph Zoba, General Manager
Employee Organization: Confidential Employee Bargaining Unit
- D. Conference with Labor Negotiator (Government Code 54957.6)
District Negotiator: Joseph Zoba, General Manager
Employee Organization: Exempt Employee Bargaining Unit
- E. Conference with Labor Negotiator (Government Code 54957.6)
Unrepresented Employee: Joseph Zoba, General Manager

Director Jay Bogh, Director Bruce Granlund, Director Ian Cuthbertson, Director Lonni Granlund and Director Hank Wochholz were present in closed session.

The meeting was reconvened to open session at 7:23 p.m. Legal Counsel Wysocki stated that direction was given to the General Manager for negotiations and no other reportable action was taken.

There being no further business, the meeting was adjourned at 7:24 p.m.

ADJOURNMENT

Respectfully submitted,

Joseph B. Zoba, Secretary

(Seal)

MINUTES OF A BOARD WORKSHOP

May 24, 2011 at 4:00 P.M.

Directors Present:

Jay Bogh, President
Bruce Granlund, Vice President
Ian Cuthbertson, Director
Lonni Granlund, Director
Hank Wochholz, Director

Staff Present:

Joseph Zoba, General Manager
Jack Nelson, Assistant General Manager
Brent Anton, Engineering Project Integrator
Jennifer Ares, Resource Sustainability Mgr
Vicky Elisalda, Controller
John Hull, Public Works Manager
Chelsie Fogus, Engineering Tech I

Directors Absent:

None

Consulting Staff Present:

David Wysocki, Aklufi & Wysocki

Others Present:

Bill Brown, News Mirror
Richard Siegmund, Sigland & Associates
Tracy Owens

The items listed below were presented for discussion. No decisions were reached.

- I. Call to Order - 4:00 p.m.
- II. Public Comments - None
- III. Staff Comments - General Manager Zoba reported on the following items:
 - Tour of the Oak Glen Creek Basins by participants in the ASCE meeting;
 - Community Fact Sheet regarding Sorenson Engineering; and
 - There will be no Closed Session at the conclusion of the workshop.
- IV. Presentations
 - A. Overview of the Adopted Capacity Fee Study for the San Gorgonio Pass Water Agency [Workshop Memorandum No. 11-074] - General Manager Zoba provided an overview of the approved Capacity Study for the San Gorgonio Pass Water Agency.
 - B. Status Overview of the Yucaipa Valley Water District Urban Water Management Plan [Workshop Memorandum No. 11-075] - Resource Sustainability Manager Ares provided an update of the District's Urban Water Management Plan. Adoption of the plan is scheduled for June 15, 2011.
- V. Development Related Issues
 - A. Pre-Development Agreement for the Construction of Off-Site Water and Sewer Infrastructure related to the Cherry Valley Plaza Shopping Center [Workshop Memorandum No. 11-076] - General Manager Zoba provided an overview of the Pre-Development Agreement for the Cherry Valley Plaza Shopping Center. Consideration of the agreement is scheduled for June 1, 2011.

VI. Administrative Issues

- A. Overview of the Draft Operating Budget and Capital Improvement Program for Fiscal Year 2012 [Workshop Memorandum No. 11-077] - General Manager Zoba provided an overview of the Water Division Draft Operating Budget for Fiscal Year 2012.

VII. Directors Comments - There were no comments by directors.

VIII. Closed Session - None

IX. Adjournment - The meeting was adjourned at 6:10 p.m.

Respectfully submitted,

Joseph B. Zoba, Secretary

(SEAL)

MINUTES OF A BOARD WORKSHOP

May 25, 2011 at 4:00 P.M.

Directors Present:

Jay Bogh, President
Bruce Granlund, Vice President
Ian Cuthbertson, Director
Lonni Granlund, Director
Hank Wochholz, Director

Staff Present:

Joseph Zoba, General Manager
Jack Nelson, Assistant General Manager
Brent Anton, Engineering Project Integrator
Jennifer Ares, Resource Sustainability Mgr
Vicky Elisalda, Controller
John Hull, Public Works Manager

Directors Absent:

None

Consulting Staff Present:

David Wysocki, Aklufi & Wysocki

Others Present:

None

The items listed below were presented for discussion. No decisions were reached.

- I. Call to Order - 4:00 p.m.
- II. Public Comments - None
- III. Staff Comments - The following staff comments were provided at the board workshop:
 - General Manager Zoba provided information about a newly produced groundwater map for the District's service area; and
 - General Manager Zoba discussed the potential for participating in the 2011 Cooperative Groundwater Recharge Program with the San Bernardino Valley Municipal Water District
- IV. Administrative Issues
 - A. Overview of the Draft Operating Budget and Capital Improvement Program for Fiscal Year 2012 [Workshop Memorandum No. 11-078] - General Manager Zoba provided an overview of the Sewer Division and the Non-Potable Water Division Draft Operating Budgets for Fiscal Year 2012
- V. Directors Comments - There were no comments by directors.
- VI. Closed Session - None
- VII. Adjournment - The meeting was adjourned at 5:20 p.m.

Respectfully submitted,

Joseph B. Zoba, Secretary

(SEAL)

BOARD REPORTS



SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT
380 E. Vanderbilt Way, San Bernardino, CA 92408

MEETING OF THE ADVISORY COMMISSION ON WATER POLICY

NOTICE AND AGENDA

7:00 p.m. Thursday, May 19, 2011

CALL TO ORDER/FLAG SALUTE

1. PUBLIC COMMENT

Any person may address the Commission on matters within its jurisdiction.

2. APPROVAL OF MINUTES

A. March 24, 2011, Advisory Commission Meeting (Page 2)

3. PRESENTATIONS

A. Update on the Regional Urban Water Management Plan

B. Update on the New Proposed Critical Habitat Ruling for the Santa Ana Sucker

4. FUTURE BUSINESS

A. Identify Items for Future Agendas

5. ADJOURNMENT

Mission Statement

“It shall be the function of the Commission to study and make recommendations to the Board on matters of water policy for the District. The Commission shall study such matters of water policy as are submitted to it by the Board for Consideration and may study such other matters of water policy as the Commission deems appropriate.” SBVMWD Ordinance No. 61, July 6, 1987.



Yucaipa Valley Water District

Notice and Agenda of a Board Workshop Tuesday, May 24, 2011 at 4:00 p.m.

MEETING LOCATION: District Administration Building
12770 Second Street, Yucaipa

MEMBERS OF THE BOARD: Director Ian Cuthbertson, Division 1
Director Bruce Granlund, Division 2
Director Jay Bogh, Division 3
Director Lonni Granlund, Division 4
Director Hank Wochholz, Division 5

- I. Call to Order
 - II. Public Comments: At this time, members of the public may address the Board of Directors on matters within its jurisdiction; however, no action or significant discussion may take place on any item not on the agenda. To provide comments on specific agenda items, please complete a speaker's request form and provide that form to the Board Secretary prior to the commencement of the Board meeting.
 - III. Staff Comments
 - IV. Presentations
 - A. Overview of the Adopted Capacity Fee Study for the San Gorgonio Pass Water Agency [[Workshop Memorandum No. 11-074 - Page 3 of 57](#)]
 - B. Overview of the Yucaipa Valley Water District Urban Water Management Plan [[Workshop Memorandum No. 11-075 - Page 43 of 57](#)]
 - V. Development Related Issues
 - A. Pre-Development Agreement for the Construction of Off-Site Water and Sewer Infrastructure related to the Cherry Valley Plaza Shopping Center [[Workshop Memorandum No. 11-076 - Page 44 of 57](#)]
 - VI. Administrative Issues
 - A. Overview of the Draft Operating Budget and Capital Improvement Program for Fiscal Year 2012 [[Workshop Memorandum No. 11-077 - Page 55 of 57](#)]
 - VII. Director Comments
-

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VIII. Closed Session

- A. Conference with Labor Negotiator (Government Code 54957.6)
District Negotiator: Joseph Zoba, General Manager
Employee Organization: IBEW Local Union 14356 - YVWD Employees Association
- B. Conference with Labor Negotiator (Government Code 54957.6)
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District Negotiator: Joseph Zoba, General Manager
Employee Organization: Confidential Employee Bargaining Unit
- D. Conference with Labor Negotiator (Government Code 54957.6)
District Negotiator: Joseph Zoba, General Manager
Employee Organization: Exempt Employee Bargaining Unit
- E. Conference with Labor Negotiator (Government Code 54957.6)
Unrepresented Employee: Joseph Zoba, General Manager

IX. Adjournment



Yucaipa Valley Water District

Notice and Agenda of a Board Workshop Wednesday, May 25, 2011 at 4:00 p.m.

MEETING LOCATION: District Administration Building
12770 Second Street, Yucaipa

MEMBERS OF THE BOARD: Director Ian Cuthbertson, Division 1
Director Bruce Granlund, Division 2
Director Jay Bogh, Division 3
Director Lonni Granlund, Division 4
Director Hank Wochholz, Division 5

- I. Call to Order
 - II. Public Comments: At this time, members of the public may address the Board of Directors on matters within its jurisdiction; however, no action or significant discussion may take place on any item not on the agenda. To provide comments on specific agenda items, please complete a speaker's request form and provide that form to the Board Secretary prior to the commencement of the Board meeting.
 - III. Staff Comments
 - IV. Administrative Issues
 - A. Overview of the Draft Operating Budget and Capital Improvement Program for Fiscal Year 2012 [[Workshop Memorandum No. 11-078 - Page 3 of 5](#)]
 - V. Director Comments
 - VI. Closed Session
 - A. Conference with Labor Negotiator (Government Code 54957.6)
District Negotiator: Joseph Zoba, General Manager
Employee Organization: IBEW Local Union 14356 - YVWD Employees Association
 - B. Conference with Labor Negotiator (Government Code 54957.6)
District Negotiator: Joseph Zoba, General Manager
Employee Organization: Supervisor Bargaining Unit
 - C. Conference with Labor Negotiator (Government Code 54957.6)
District Negotiator: Joseph Zoba, General Manager
-

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Employee Organization: Confidential Employee Bargaining Unit

D. Conference with Labor Negotiator (Government Code 54957.6)

District Negotiator: Joseph Zoba, General Manager

Employee Organization: Exempt Employee Bargaining Unit

E. Conference with Labor Negotiator (Government Code 54957.6)

Unrepresented Employee: Joseph Zoba, General Manager

VII. Adjournment

STAFF REPORT

DISCUSSION ITEMS



Date: June 1, 2011 **Job:** N/A
Prepared By: Jennifer Ares, Resource Sustainability Manager
Jamie Cansler, Public Works Supervisor **G/L:** N/A
Subject: Recognition of the Yucaipa High School Students and Science Teachers for their participation in the 2011 Solar Cup Challenge

Recommendation: That the Board recognizes the outstanding achievement of the students and teachers involved in the 2011 Solar Cup Challenge.

Students and teachers from Yucaipa High School recently competed in the 2011 Solar Cup Challenge held at the Yucaipa Regional Park. After several months of planning and re-designing their solar powered boat, the students competed against seven other local high school teams in a series of events designed to test the speed, endurance and performance of their solar powered boats as well as their knowledge of water related issues.

Overall, this event provided a great opportunity for interested students to actively participate in a series of scientific disciplines, such as electrical, mechanical and structural engineering, that exceeds the practical text book teachings commonly experienced by high school students.

It has been a privilege to meet such bright and dedicated students and supportive faculty that did an outstanding job on this project.

During this agenda item, the Board will be recognizing the dedication and achievements of the students, teachers and District staff that made this a successful event.





Date: May 18, 2011

Job: 88-5396

Prepared By: Joseph Zoba, General Manager

G/L: 03-5-06-54109

Subject: Pre-Development Agreement for the Construction of Off-Site Water and Sewer Infrastructure Related to the Cherry Valley Plaza Shopping Center (Parcel Map 35691)

Recommendation: That the Board authorizes the execution of Agreement No. 02-2011.

The District staff has received an executed copy of the pre-development agreement for the Cherry Valley Plaza Shopping Center proposed for the intersection of Cherry Valley Boulevard and Desert Lawn Drive. The District staff discussed this item in detail at the board workshop on May 24, 2011.



The purpose of this agenda item is to review the document and consider the countersigning the agreement.



Yucaipa Valley Water District

12770 Second Street • P. O. Box 730 • Yucaipa, California 92399-0730
(909) 797-5117 • Fax: (909) 797-6381 • www.yvwd.dst.ca.us

August 27, 2010

Farman Shir
GreenbergFarrow
1920 Main Street, Suite 1150
Irvine, California 92614

Subject: Water and Sewer Infrastructure for the Proposed Retail Project on Cherry Valley Boulevard, Calimesa (Assessor Parcel Number 413-290-043)

Dear Mr. Shir:

I have received and reviewed your preliminary investigation related to water and sewer service to property located on Cherry Valley Boulevard, Calimesa (APN 413-290-043). While the existing water and sewer infrastructure near your project is limited at this time, the Yucaipa Valley Water District has prepared a master plan for water and sewer infrastructure that will eventually provide service to the area. I have attached a portion of the master plan that illustrates the water infrastructure improvements needed to serve your area.

The District staff has reviewed the proposed commercial project and recognizes the difficulty in developing a parcel over a mile away from existing water facilities. These situations typically require broad solutions that protect both the interests of the existing Yucaipa Valley Water District customers and the interests of property owners desiring to develop their property beyond the close proximity of existing infrastructure.

On June 23, 2010, the Yucaipa Valley Water District received your request to agree to specific water and sewer improvements to provide service to your property (attached w/o appendices). The concepts presented in the Water and Sewer Service Concurrence Requests dated June 23, 2010, generally meet the basic service needs for your project, however, I would suggest you also consider the following issues:

- General Issues:
 - The Water Service Concurrence Request is silent with respect to reimbursements and participation in the ultimate water and sewer facilities needed to serve your project. The District will require the execution of a development agreement that will, among other things, address the specific facilities needed to provide water/sewer service to your property, facility capacity charges, and an evaluation of facilities needed to provide service to your Project. The development agreement will be prepared after your project has received environmental clearance from the City of Calimesa.
- Water Service Issues:
 - Water service to your project will be provided by the Yucaipa Valley Water District Pressure Zone 12. The District owns the site and has completed the

Directors and Officers

IAN CUTHBERTSON
Division 1

BRUCE GRANLUND
Division 2

JAY BOGH
Division 3

LONNI GRANLUND
Division 4

HANK WOCHHOLZ
Division 5

JOSEPH B. ZOBA
General Manager
and Secretary

Water and Sewer Infrastructure for APN 413-290-043
August 27, 2010
Page 2

design of the new 4.1 million gallon R-12.4 Reservoir which will ultimately be needed to provide service to your property. The details of participation in this facility will be included in the development agreement for your property.

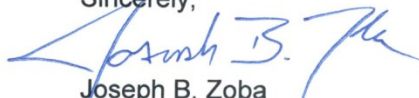
- The Water Service Concurrence Request relies upon for the operation of certain water pipelines currently installed but not owned by the District. The development agreement will provide an updated and current analysis of the infrastructure needed to provide service to your project.
 - The Water Service Concurrence Request cites fire flow requirements that cannot be validated by the Yucaipa Valley Water District. The specific fire flow requirements will be established by the Riverside County Fire Marshal representing the City of Calimesa. Once you have obtained specific fire flow requirements for your project, please forward this information to the District for review.
 - The Water Service Concurrence Request relies on water service from the existing potable water distribution system that terminates approximately one mile north of your property. Several water pipelines are provided in your documentation that will be extended to provide water service to your Project, including fire flow. Without the construction of the proposed R-12.4 Reservoir, the nearest reservoir supporting your project is located approximately four miles to the north. The development agreement will evaluate the impacts associated with this proposal in greater detail.
 - As discussed above, the construction of an on-site tank to provide fire protection for your project may provide a suitable alternative, however, the District staff will need to validate the sizing, operational configuration and final fire flow requirements prior to considering this alternative. This topic will also be included within the proposed development agreement.
- Sewer Service Issues:
 - The Sewer Service Concurrence Request correctly shows the installation of a sewer lift station for your project. Be advised that the Yucaipa Valley Water District will participate in the actual location of this facility and require a parcel conveyed to the Yucaipa Valley Water District in fee title for the operation and maintenance of this facility.

While the concepts presented in the Water and Sewer Concurrence Requests dated June 23, 2010, represents a general understanding of the water/sewer needs for your project, it will be necessary to insure that the proposed project does not materially impact service to existing customers or create any unreasonable liabilities for the Yucaipa Valley Water District.

Because of the foregoing the District is unable to make any commitments at this time.

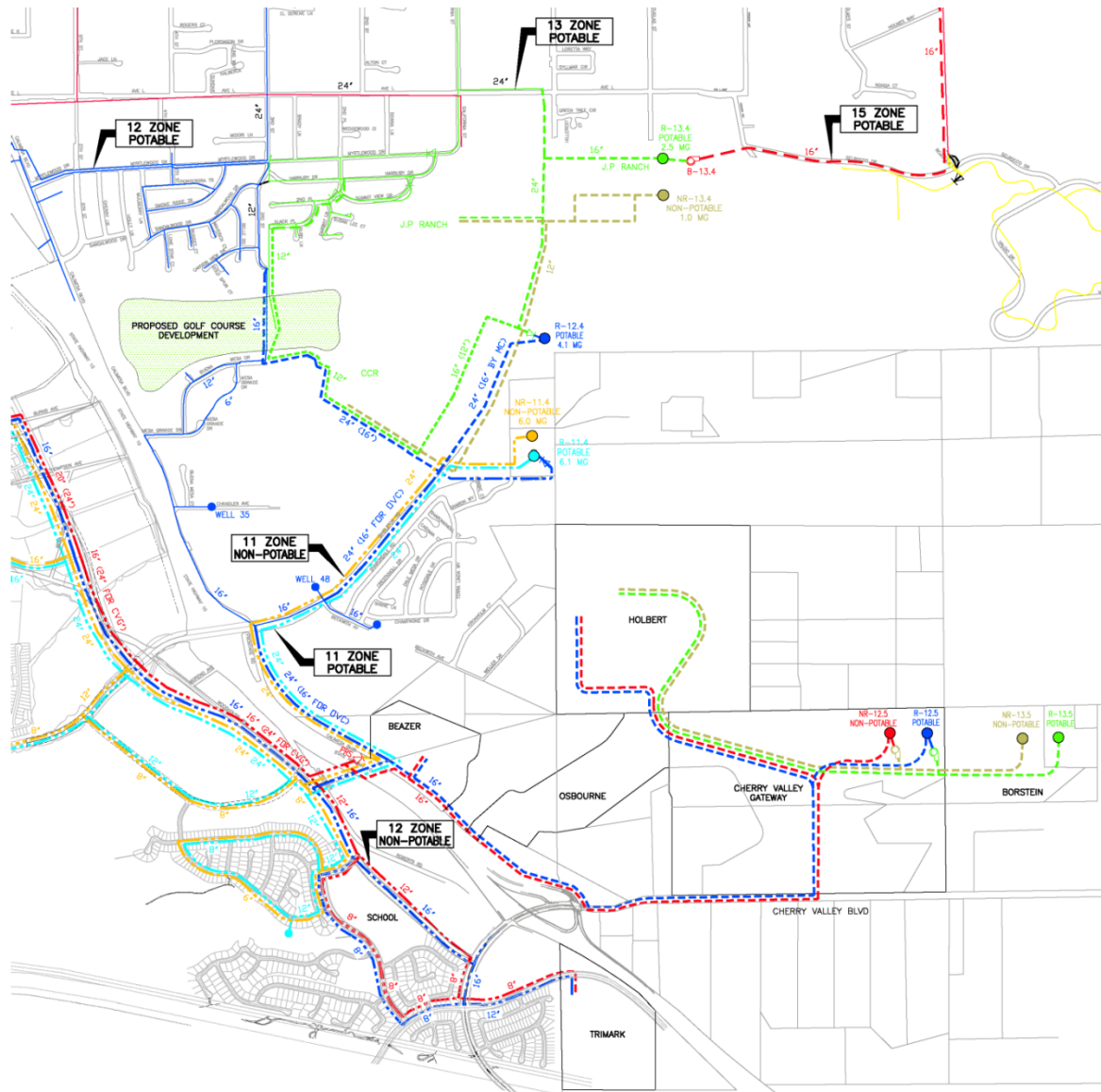
Should you have any questions, please call.

Sincerely,



Joseph B. Zoba
General Manager

Water and Sewer Infrastructure for APN 413-290-043
August 27, 2010
Page 3



DRAFT

YUCAIPA VALLEY WATER DISTRICT		EXHIBIT A		
SOUTH DISTRICT SERVICE STUDY POTABLE AND NON-POTABLE BACKBONE FACILITIES				
SCALE: 1"=1000'	DATE: 04/23/07	DRAWN BY: PMD	CHECKED BY: PMW	W.O.: 818-32

Yucaipa Valley Water District - Agreement No. 02-2011

PRE-DEVELOPMENT AGREEMENT FOR THE CONSTRUCTION OF OFF-SITE WATER AND SEWER INFRASTRUCTURE RELATED TO THE CHERRY VALLEY PLAZA SHOPPING CENTER (PARCEL MAP 35691)

This Agreement is made and effective this _____ day of _____, 2011 by and between the YUCAIPA VALLEY WATER DISTRICT, a public agency ("District") and WAL-MART STORES, INC., a Delaware corporation ("Developer")

The District and the Developer are sometimes referred to herein individually as a "Party" and jointly as the "Parties".

Contact information for the Parties is as follows:

DISTRICT:

Yucaipa Valley Water District
 12770 Second Street
 Yucaipa, California 92399-0730
 Attn: Joseph B. Zoba, General Manager

 Telephone: (909) 797-5119
 Facsimile (909) 797-6381

DEVELOPER:

Wal-Mart Stores, Inc.
 2001 SE 10th Street
 Bentonville, Arkansas 72716-0550
 Attn: Real Estate Manager - Jason Sheridan
 (Calimesa Store 5933-00)
 Telephone: (479) 273-8659
 Facsimile (479) 273-8380

PROJECT OVERVIEW

The proposed project consists of a retail commercial center upon approximately 16 acres in the City of Calimesa at the intersection of Cherry Valley Boulevard and Desert Lawn Drive, as the Cherry Valley Plaza Shopping Center (the "Project").

The Yucaipa Valley Water District has been involved in the preliminary development plans of the subject property and has established a project file of P-65-166 / PM 35691 for this development.



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RECITALS

WHEREAS, Developer is proposing to develop a retail commercial center upon approximately 16 acres in the City of Calimesa ("Project") and within the District's service area.

WHEREAS, the District is responsible for water (potable and recycled) and sewer service that will ultimately serve the Project.

WHEREAS, the Project is located within the Oak Valley Specific Plan Area No. 1, Summerwind Ranch at Oak Valley and part of the Cherry Valley Plaza Shopping Center, all of which are located within Water Pressure Zone 12 of the District's service area.

WHEREAS, there is currently no potable water service or sewer service to the Project site and if Developer decides to proceed with its Project, Developer plans to construct certain regional improvements and participate in construction of the R-12.4 Reservoir which is required to provide adequate service to the Project ("Regional Improvements").

WHEREAS, the Parties intend that this Pre-Development Agreement sets forth the general and preliminary understanding of the Parties concerning the parameters by which the Parties will enter into a written development agreement for the Regional Improvements if and when the Developer acquires the underlying property for the Project.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the DEVELOPER and the DISTRICT agree as follows:

1. **Entitlement Process by the City of Calimesa.** The Developer intends to initiate the steps necessary to receive approval of the Project by the City of Calimesa. The District and Developer agree that the following non-exclusive elements will be included as part of the conditions of approval established by the District and the City of Calimesa for the Project:

A. The Developer and District will execute a project specific development agreement ("Developer Agreement") as generally described in Section 2, and

B. The Developer will provide financial participation in the R-12.4 Reservoir as generally described in Section 3 ("Fair Share Payment").

2. **Project Specific Development Agreement.** The Developer has prepared two alternative conceptual pipeline configurations, alignments, sizes and other related facilities for the Regional Improvements necessary to provide water and sewer service to the Project. The conceptual plans on Attachment "A" to this Agreement were provided to the District in the form of Water and Sewer Concurrence Requests as prepared by Greenberg Farrow on behalf of the Developer dated June 23, 2010. The conceptual plans on Attachment "B" to this Agreement reflect the use of existing pipelines not currently owned by the District, which is intended to be used to the extent feasible.

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The District intends to utilize, to the extent feasible, the non-exclusive general concepts presented in Attachments "A" and "B" to this Agreement as the foundation for all Regional Improvements which will be more fully described in "Part G: Special Conditions" of the future Development Agreement between the Parties. An executed Development Agreement will be required prior to approval of the Regional Improvements by the District. The Developer will execute the Development Agreement upon obtaining all final, non-appealable entitlements and approvals for the Project from the City of Calimesa.

3. Participation in the R-12.4 Reservoir. The District has identified and provided an estimated cost allocation methodology and financial contribution amount that represents the Developer's required participation for the R-12.4 Reservoir (Attachment "C", identified as the 'Evans Company' allocation). The Parties acknowledge that the participation in this water storage reservoir was not identified in the Water Service Concurrence Request dated June 23, 2010. The Developer agrees to provide funding in the amount of \$637,928.00 for the R-12.4 Reservoir upon obtaining all final, non-appealable entitlements and approvals from the City of Calimesa. The Parties understand and agree that this amount may increase or decrease by the time that a development agreement is entered into inasmuch as the estimated contribution of \$637,928.00 is based on construction bids made in 2007. The Parties further understand that it is not the intent of the Parties that the Developer shall pay for the full cost of the R-12.4 Reservoir, and that others will contribute toward the funding of the Reservoir.

4. Participation in Off-Site Pipelines and Facilities to the Project Property. The Parties understand and agree that the Developer shall pay for the entire cost of the potable and recycled water service and sewer service pipelines and facilities necessary for the district to provide such water and sewer service to the Developer. However, it is understood by the Parties that such water and sewer pipelines and facilities may benefit other developers during or after construction and that the District will endeavor to use its best efforts to obtain an appropriate pro-rata reimbursement from such other developers to the extent that they receive a pro-rata benefit from the water and sewer pipelines and facilities. Nevertheless, Developer understands that such facilities shall be provided by the Developer at no cost or expense to the District even if such pro-rata reimbursement is not obtained from other developers

5. Term and Termination. Unless extended by mutual agreement of the parties in writing, this Agreement shall terminate at 5:00 p.m., on the day before the third (3rd) anniversary date of this Agreement. Should any legal action be filed challenging any of the Development Approvals, the term of this Agreement shall be tolled during the period of any such litigation. The tolling period shall extend from the date an action is filed by a third party until a final, non-appealable judgment is entered in the litigation. Should any party to the litigation file an appeal of the judgment, the term of this Agreement shall be tolled during the pendency of any appeal.

6. Status of the Parties. This Agreement is not intended to create, and nothing herein contained shall be construed to create, an association, a trust, a joint venture, a partnership or other entity of any kind, or to constitute either party as the agent, employee or partner of the other.

7. Amendment; Assignment.

A. Amendment. This Agreement may be amended by mutual agreement of the District and the Developer, in writing signed by both parties. The District and the Developer further agree that the Parties may meet and negotiate in good faith, to execute a written amendment or supplement to this Agreement.

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B. Assignment. This Agreement may not be assigned, whether in whole or in part, by the Developer. Notwithstanding, nothing in this Agreement shall preclude the construction of all, or portion of the regional improvements by the District or by any other party.

8. Incorporation of Prior Agreements. This Agreement contains all of the agreements of the parties with respect to any matter covered or mentioned in this Agreement, and no prior agreement or understanding pertaining to any such matter shall be effective for any purpose.

9. Severance. If any provision of this Agreement is determined to be void by any court of competent jurisdiction then such determination shall not affect any other provision of this Agreement provided that the purpose of this Agreement is not frustrated.

10. District's Disclaimer. Once acceptable water and wastewater facilities are provided to the District by the Developer, the District will supply potable water, recycled water, and wastewater collection and treatment services to the Developer's Property and development thereon in accordance with the District's rules and regulations and at the District's rates, fees, and charges for such services. The District shall not be obligated to utilize public funds to subsidize the Developer's Project.

11. Preparation of This Agreement. This Agreement shall not be construed against the party preparing it, but shall be construed as if both parties prepared it.

12. Dispute Resolution. All disputes arising from this Pre-Development Agreement shall first be submitted to nonbinding mediation conducted by a neutral and impartial mediation service that the Parties mutually agree upon in writing.

IN WITNESS WHEREOF, the parties have executed is Agreement to be effective on the day and year first above written.

YUCAIPA VALLEY WATER DISTRICT

Dated: _____

By: _____

Print Name

Print Title

WAL-MART, INC.

Dated: 5-18-2011

By: 

John E. CLARKE

Print Name

Vice President of Real Estate

Print Title

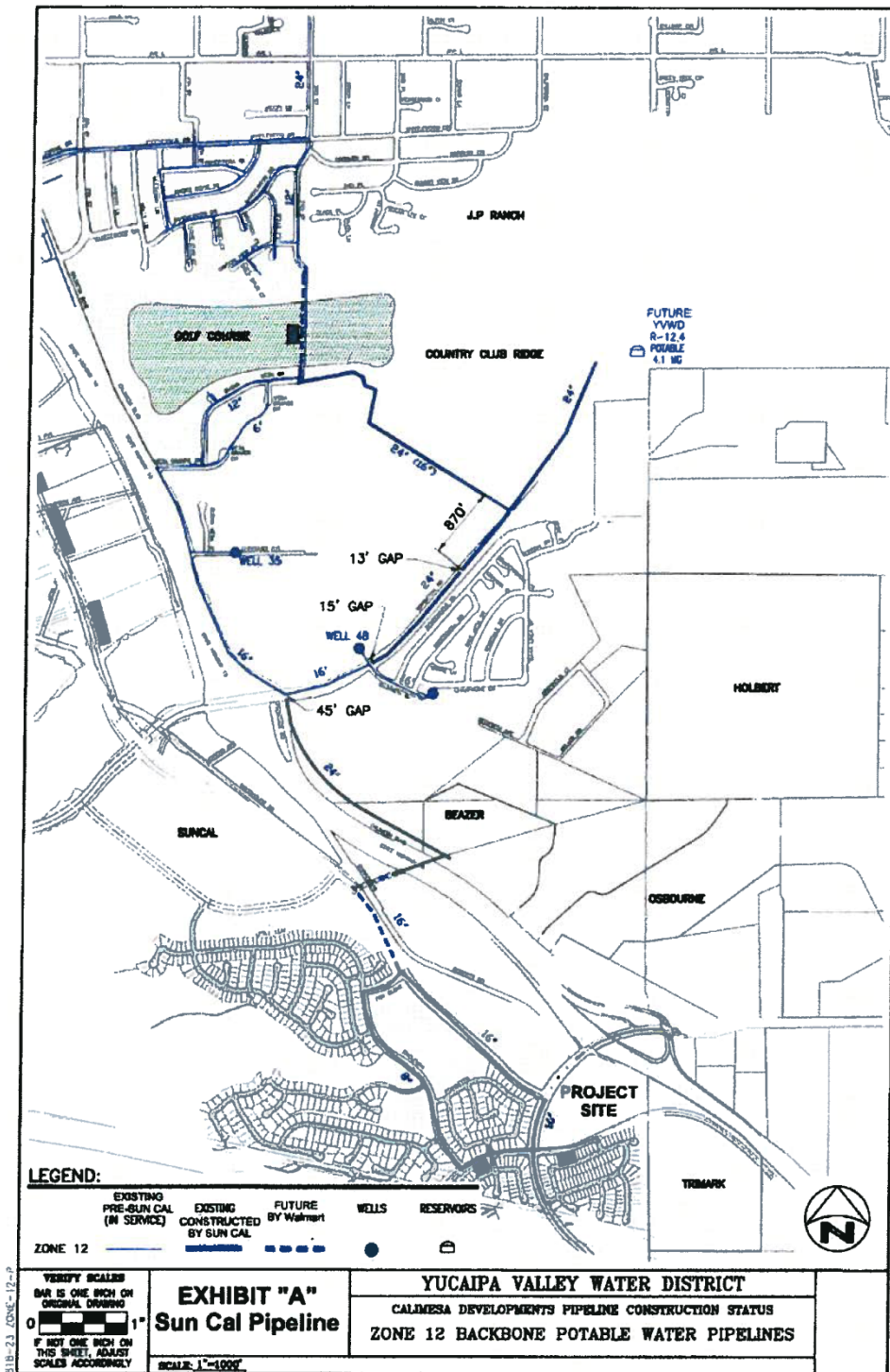
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Attachment "A"



Yucaipa Valley Water District - Agreement No. 02-2011

Attachment "B"



Yucaipa Valley Water District - Agreement No. 02-20111

Attachment "C"

ZONE 12 POTABLE WATER STORAGE
DEVELOPER ALLOCATION

DEVELOPER	TOTAL EDU'S	MDD (GALLONS)	FIREFLOW STORAGE (GALLONS)	OPERATIONAL/ EMERGENCY STORAGE (GALLONS)	SHARE OF FIRE STORAGE	TOTAL STORAGE (GALLONS)	% OF TOTAL TO EACH DEVELOPER	ESTIMATED COST TO EACH DEVELOPER
Suncal	1,301	728,560	540,000	969,000	135,000	1,104,000	27.6%	\$1,680,840
Oak Valley Partners	149	83,440	960,000	111,000	345,000	456,000	11.4%	\$694,260
Fiesta	1,100	616,000	540,000	819,000	135,000	954,000	23.9%	\$1,452,465
Evans Company	50	56,000	960,000	74,000	345,000	419,000	10.5%	\$637,928
Tank Replacement				1,067,000		1,067,000	26.7%	\$1,624,508
TOTAL	2,600	1,484,000	960,000	3,040,000	960,000	4,000,000	100.0%	\$6,090,000

Based on November 2007 Bid Results



Date: June 1, 2011 **Job:** Not Applicable

Prepared By: Jennifer Ares, Resource Sustainability Manager **G/L:** 02-5-01-51316
Joseph Zoba, General Manager

Subject: Participation in the 2011 Cooperative Groundwater Recharge Program with the San Bernardino Valley Municipal Water District

Recommendation: That the Board authorizes the District staff to request 2,500 acre feet of imported water as a partner in the 2011 Cooperative Groundwater Recharge Program for a sum not to exceed \$187,500.

On April 20, 2011, the Department of Water Resources increased the amount of imported water available to 80%, up from 30% in the final imported water allocation from last year. Additionally, the Department of Water Resources recently reported that the current snowpack water content is 144% of the April 1st season average. Based on this information, it appears that the San Bernardino Valley Municipal Water District will have imported water available to implement the Cooperative Groundwater Recharge Program this year.

The Yucaipa Valley Water District has evaluated our water needs and would like to request authorization to request 2,500 acre feet of imported water for a sum not to exceed \$187,500. If approved, this water will be deposited into the Wilson Creek Spreading Basins over the next several months and will be in addition to the imported water produced by the Yucaipa Valley Regional Water Filtration Facility.



News for Immediate Release

April 20, 2011

Contacts:

Ted Thomas, Information Officer
Christina Jimenez, Information Officer

(916) 653-9712
(916) 653-0979

State Water Project Allocation Increased to 80 Percent

SACRAMENTO -- The Department of Water Resources (DWR) today increased the 2011 State Water Project (SWP) water allocation to 80 percent of contractors' requests, up 30 percent from last year's final allocation.

"This is very good news," said DWR Director Mark Cowin. "Near-record precipitation and water content in our mountain snowpack have given us a good supply year. We should not forget, however, that this state can slip back toward drought conditions any given year and conservation needs to be a lifelong habit."

This year's allocation is 3,337,701 acre-feet. In 2010, the State Water Project delivered 2,086,000 acre-feet, 50 percent of a requested 4,172,126 acre-feet, up from a record-low initial projection of 5 percent due to lingering effects of the 2007-2009 drought.

Many local agencies are taking steps to improve their ability to store water during wet periods. This year serves as an example of how enhanced local groundwater and surface water storage could allow for additional deliveries during short term high flow conditions and thereby improve local water supply reliability.

Precipitation to date is over 116 percent of average for the water year (October 1-September 30). Runoff into streams and reservoirs is 165 percent of average.

Statewide, snowpack water content is 167 percent of average for the date and 152 percent of the average, April 1 seasonal total. Most of California's major reservoirs are above average levels for the date despite making flood control releases to make room for inflow from melting snow this spring and summer.

Lake Oroville in Butte County, the State Water Project's principal reservoir with a capacity of 3.5 million acre-feet, is at 109 percent of normal storage for the date. It currently is holding 3,126,941 acre-feet, 88 percent of its capacity. Lake Shasta north of Redding, the federal Central Valley Project's largest reservoir with a capacity of 4.5 million acre feet, is at 103 percent of normal storage for the date, also at 88 percent of its capacity.

The State Water Project delivers water to more than 25 million Californians and nearly a million acres of farmland.

Projections of SWP deliveries are adjusted through the winter and early spring as hydrologic conditions develop. DWR is conservative in its projections since farmers and others can suffer if expected amounts cannot be delivered.

DWR's first estimate for 2011 was that it would be able to deliver 25 percent of requests.

SWP deliveries were 60 percent of requests in 2007, 35 percent in 2008, and 40 percent in 2009.

The last 100 percent allocation -- difficult to achieve even in wet years because of pumping restrictions to protect threatened and endangered fish -- was in 2006.

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The Department of Water Resources operates and maintains the State Water Project, provides dam safety and flood control and inspection services, assists local water districts in water management and water conservation planning, and plans for future statewide water needs.

Contact the [DWR Public Affairs Office](#) for more information about DWR's water activities.



News for Immediate Release

May 2, 2011

Contacts:

Ted Thomas, Information Officer (916) 653-9712

Jennifer Iida, Information Officer

(916) 653-3925

DWR Announces Results of Final Snow Survey of 2010-2011 Season

SACRAMENTO -- Manual and electronic readings today show that California's near-record snowpack is slowly melting with warming spring weather.

But snowpack water content is still 144 percent of the April 1 full season average.

Today's readings will help hydrologists forecast spring and summer snowmelt runoff into rivers and reservoirs. The melting snow supplies approximately one-third of the water used by Californians.

"All indications are that we're moving toward summer with a good water supply for our farms and cities," said DWR Director Mark Cowin. "We must be aware, however, that California can quickly turn from wet to dry, and we can't afford to forget the lessons of conservation that we learned in the 2007-2009 drought."

Snowpack water content is measured manually on or near the first of the month from January to May, and in real-time by electronic sensors.

Results of today's manual readings by DWR off Highway 50 near Echo Summit are as follow:

Location	Elevation	Snow Depth	Water Content	% of Long Term Average
Alpha	7,600 feet	117.1 inches	60.1 inches	231
Phillips Station	6,800 feet	66 inches	33.7 inches	209
Lyons Creek	6,700 feet	105.2 inches	52.2 inches	231
Tamarack Flat	6,500 feet	missing	missing	missing

Electronic readings indicate that water content in the northern mountains is 159 percent of the April 1 seasonal average. Electronic readings for the central Sierra show 144 percent of the April 1 average. The number for the southern Sierra is 127 percent. The statewide number is 144 percent.

The first of April is normally when snowpack water content is at its peak.

California's reservoirs are fed both by rain and snowpack runoff.

A majority of the state's major reservoirs are above normal storage levels for the date. Lake Oroville in Butte County, the State Water Project's principal reservoir, is 112 percent of average for the date (93 percent of its 3.5 million acre-foot capacity) Lake Shasta north of Redding, the federal Central Valley Project's largest reservoir with a capacity of 4.5 million acre-feet, is at 108 percent of average (94 percent of capacity).

DWR estimates it will be able to deliver 80 percent of requested State Water Project (SWP) water this year.

In 2010, the SWP delivered 50 percent of a requested 4,172,126 acre-feet, up from a record-low initial projection of 5 percent due to lingering effects of the 2007-2009 drought. Deliveries were 60 percent of requests in 2007, 35 percent in 2008, and 40 percent in 2009.

The last 100 percent allocation -- difficult to achieve even in wet years due to pumping restrictions to protect threatened and endangered fish -- was in 2006. The SWP delivers water to more than 25 million Californians and nearly one million acres of irrigated farmland.

Statewide snowpack readings from electronic sensors are available on the Internet at <http://cdec.water.ca.gov/cgi-progs/snow/DLYSWEQ>

Historic readings from snowpack sensors are posted at <http://cdec.water.ca.gov/cgi-progs/rpts1/DLYSWEQ>

Electronic reservoir level readings may be found at <http://cdec.water.ca.gov/cdecapp/resapp/getResGraphsMain.action>

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Contact the [DWR Public Affairs Office](#) for more information about DWR's water activities.

DIRECTOR COMMENTS

ANNOUNCEMENTS