CALIFORNIA STATE
PUBLIC WORKS BOARD ARNOLD SCHWARZENEGGER, GOVERNOR
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AGENDA WITH ANALYSIS

NOTICE OF MEETING
STATE PUBLIC WORKS BOARD
Friday, June 12, 2009

The **STATE PUBLIC WORKS BOARD will meet on Friday, June 12, 2009, at 10:00 a.m. in Room 113 State Capitol, Sacramento, California.**
In accordance with provisions of Section 11125 of the Government Code, a copy of the Agenda is attached.

Greg Rogers
Administrative Secretary

Attachment

STATE PUBLIC WORKS BOARD
Friday,
June 12, 2009
10:00 a.m.
Room 113
State Capitol
Sacramento, California

I. Roll Call

Michael C. Genest, Director, Department of Finance
Will Bush, Director, Department of General Services
Will Kempton, Director, Department of Transportation
John Chiang, State Controller
Bill Lockyer, State Treasurer

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Patrick W. Henning, Director, Employment Development Department (Advisory Member)

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Assembly Member, Mike Eng, Legislative Advisor
Assembly Member, Mary Hayashi, Legislative Advisor
Assembly Member, Legislative Advisor
Senator, Mark J. DeSaulnier, Legislative Advisor
Senator, Denise Ducheny, Legislative Advisor
Senator, Abel Maldonado, Legislative Advisor

II. Approval of minutes from the May 8, 2009 meeting

III.	Consent Items	Page 3
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V.	Other Business	Page 41

CONSENT ITEMS

CONSENT ITEM—1

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
AVENAL COURTHOUSE, KINGS COUNTY
AOC Facility Number 16-C1, DGS Parcel No. 10572

Authority: *Trial Court Facilities Act of 2002, Chapter 1082, Statutes of 2002, commencing with Section 70301 of the Government Code, as amended.*

Consider the acceptance of real property through a transfer of title

CONSENT ITEMS

STAFF ANALYSIS ITEM—1

Administrative Office of the Courts
Avenal Courthouse, Kings County
AOC Facility Number 16-C1

Action Requested
If approved, the requested action would authorize the acceptance of real property through a transfer of title

Scope Description
This transaction is within scope. The County of Kings (County) is transferring fee title in and to the court facility commonly known as the Avenal Courthouse, located at 501 King Street, Avenal, California (Court Facility), to the State of California (State) on behalf of the Judicial Council of California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement Between the Council, AOC, and the County for the Transfer of Responsibility (TOR) for Court Facility, dated December 30, 2008 (Transfer Agreement). The Court Facility consists of approximately 5,320 square foot single story building situated on 0.72 acres of real property with parking and associated landscaping. Following the transfer of title, the AOC shall be responsible for the funding and operation of the Court Facility.

Funding and Cost Verification

This transaction is within cost. The County shall not be entitled to compensation for any equity value in the square footage occupied by the Superior Court in the Court Facility pursuant to SB 1732, Chapter 1082, Statutes of 2002, Section 1(d)(6). After transfer of title, the County will continue to occupy the county exclusive space that it has been occupying under the terms and conditions of the Joint Occupancy Agreement executed by the county and the AOC in conjunction with the Transfer Agreement. The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Categorical Exemption was filed with the State Clearinghouse on February 5, 2009, and the 35-day statute of limitations period expired on March 12, 2009, with no adverse comments.

Project Schedule

The anticipated date of close of escrow is late June 2009.

Condition of Property

On February 2, 2009, staff from the AOC's Office of Court Construction and Management conducted its initial site visit to the Court Facility to assess the general condition of the property. The site visit entailed a tour of the facility and surrounding property including a review of the real property for apparent conditions that could adversely impact the habitability or safety of the property. The Office of Court Construction and Management concluded that the Court Facility did not contain any apparent hazards to the health and safety of the occupants or property.

AOC contracted for the professional services of Environmental Resources Management (ERM) for the Phase I Environmental Site Assessment (Phase I) and Nabib Yousef and a licensed structural engineer for the seismic assessment. The following findings were made from the combined resources identified above:

Phase I:

A Phase I report was completed on March, 2007 by ERM in accordance with the American Society for Testing and Materials (ASTM). The Phase I included an evaluation of significant environmental, health, and safety conditions impacting the interior and exterior of the Court Facility. The Phase I cited no onsite or offsite Recognized Environmental Condition (REC) for this site but acknowledged there may be limited Asbestos Containing Materials (ACM) in vinyl baseboards and mastics office and hallway areas. AOC has asked the County to provide plans and data related to LBP, PCB, and ACM hazards that may be available

Seismic Safety Assessment of the Improvements:

A licensed structural engineer performed a Tier I seismic safety assessment of the building located in the Court Facility in April 2003, and inspected and evaluated the Court Facility for seismic safety in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division. This seismic evaluation of the Court Facility was then peer-reviewed by other qualified engineers. The building was determined to have a seismic safety rating of Level IV, as defined in the Risk Acceptability Table of the State Building Seismic Program, developed by the Division of State Architect, April 1994, which is an acceptable seismic safety rating for the transfer of the title to the Court Facility to the State under Government Code Section 70327.

Other:

- The County adopted a Resolution on November 16, 2008, approving the Transfer Agreement to transfer title and responsibility of the Court Facility to the State.
- The State may refuse to accept responsibility for the Court Facility only if (a) the Court Facility contains one or more "deficiencies," as defined at Government Code Section 70326(b), and (b) the county and the AOC have not made provision for the correction of the deficiencies as part of the Transfer Agreement, pursuant to Section 70326(c) or Section 70327(d) of the Government Code. Neither of these situations exists.
- The Transfer Agreement requires that delivery of title to the property be free and clear of any mortgages or liens.
- The AOC is not aware of any lawsuits pending concerning the property.
- The County has agreed to indemnify the AOC for any liability imposed on the AOC pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), or related provisions for environmental conditions at the time of transfer whether known or not known that existed in, on, or under the real property during at the time of transfer.
- The Phase I report indicates that it is likely that there are potential concerns for lead-based paint and asbestos containing materials in the building. Prior to any structural changes or renovations, appropriate local, state, and federal rules/regulations will be followed by the AOC with respect to the handling and disposal of these materials.
- The Superior Court occupies 3,813 square feet (58 percent) of the facility and the County will continue to occupy 2,760 square feet (42 percent) of the facility utilized for County administrative and library purposes.
- The AOC and the County have entered into a Joint Occupancy Agreement for the facility which grants the parties the right of ingress, egress and access to all parts of the facility necessary for the purpose of using, maintaining, expansion and replacement of their respective areas.
- The Transfer Agreement also provides that the county will continue to maintain and provide the State with uninterrupted use and access to the Court Facility's Building Software and hardware and use of its telecommunications services
- In accordance with SB1732, there is adequate parking for the Court Facility.
- There are no historic issues, relocation assistance, or implied dedication associated with the Court Facility.

Staff Recommendation: **Authorize the acceptance of real property through a transfer of title.**

CONSENT ITEM—2

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
BEVERLY HILLS COURTHOUSE, LOS ANGELES COUNTY
AOC Facility Number 19-AQ1, DGS Parcel No. 10573

Authority: *Trial Court Facilities Act of 2002, Chapter 1082, Statutes of 2002, commencing with Section 70301 of the Government Code, as amended.*

Consider the acceptance of real property through a transfer of title

CONSENT ITEMS

STAFF ANALYSIS ITEM—2

Administrative Office of the Courts
Beverly Hills Courthouse, AOC Facility Number 19-AQ1

Action Requested
If approved, the requested action would authorize the acceptance of real property through a transfer of title.

Scope Description
This transaction is within scope. The County of Los Angeles (County) is transferring fee title in and to the court facility commonly known as the Beverly Hills Courthouse, located at 9355 Burton Way, Beverly Hills, California (Court Facility), to the State of California (State) by and through the Judicial Council of the California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement between the Council, AOC, and the County for the Transfer of Responsibility and Title for Court Facility, dated November 18, 2008 (Transfer Agreement). The Court Facility consists of approximately 0.9 acres of real property improved with a three story building, underground parking, surface parking and associated landscaping. Following the transfer of title, the AOC shall be responsible for the funding and operation of the Court Facility.

Funding and Cost Verification

This transaction is within cost. The County shall not be entitled to compensation for any equity value in the square footage occupied by the Superior Court in the Court Facility pursuant to SB 1732, Chapter 1082, Statutes of 2002, Section 1(d)(6). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Categorical Exemption was filed with the State Clearinghouse on June 3, 2008, and the 35-day statute of limitations period expired on July 8, 2008, with no adverse comments.

Project Schedule

The anticipated date of close of escrow is late June 2009.

Condition of Property

On February 14, 2008, staff from the AOC's Office of Court Construction and Management conducted its initial site visit to the 69,962 square feet Beverly Hills Courthouse, constructed in 1967, to assess the general condition of the property. The Office of Court Construction and Management concluded that the Court Facility did not contain any apparent hazards to the health and safety of the occupants or property.

AOC contracted for the professional services of Earth Tech for the Phase I Environmental Site Assessment (Phase I) and LD/DW Forrell/Elesser Engineers Inc. for the seismic assessment. The following findings were made from the combined resources identified above:

Phase I:

A Phase I report was completed in April 2008, by Earth Tech in accordance with the American Society for Testing and Materials (ASTM). The Phase I found no recognized environmental conditions with respect to the subject site. However, Earth Tech noted that the courthouse was constructed prior to 1978, and it is likely that there is a presence of asbestos containing building materials (ACM) and lead based paints (LBP) in the building. Consistent with AOC's general approach to the potential presence of LBP, PCB and ACM, AOC has asked the County to provide plans and data related to LBP, PCB and ACM hazards that they have available. In the absence of data provided by the County, it is recommended AOC facility management staff exercise caution prior to any construction project that requires alteration or modification to the structure, and to have disturbed materials tested for ACMs, PCB and LBP presence for proper handling and disposal.

Seismic Safety Assessment of the Improvements:

A licensed structural engineer performed a Tier I seismic safety assessment of the building located in the Court Facility in April 2003, and inspected and evaluated the Court Facility for seismic safety in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division. This seismic evaluation of the Court Facility was then reviewed by other qualified engineers. The building was determined to have a seismic safety rating of Level V, as defined in the Risk Acceptability Table of the State Building Seismic Program, developed by the Division of State Architect, April 1994, which is an acceptable seismic safety rating for the transfer of the title to the Court Facility to the State under Government Code Section 70327. SB 10, Chapter 444, Statutes of 2006 provides for AOC acquisition of Category V facilities.

Other:

- The County adopted a Resolution on November 16, 2008, approving the Transfer Agreement to transfer title and responsibility of the Court Facility to the State.
- The State may refuse to accept responsibility for the Court Facility only if (a) the Court Facility contains one or more deficiencies, as defined at Government Code Section 70326(b), and (b) the county and the AOC have not made provision for the correction of the deficiencies as part of the Transfer Agreement, pursuant to Government Code Section 70326(c) or Section 70327(d). Neither of these situations exists.
- It should be noted that seismic evaluation has determined that in the event of seismic disturbance the facility may pose significant risk to persons and property which could create substantial liability to the State of California. However, the Transfer Agreement §4.3.11 provides indemnification to AOC for seismic related damage and injury per Government Code Section 70324.
- The Transfer Agreement requires that delivery of title to the property be free and clear of any mortgages or liens.
- The AOC is not aware of any lawsuits pending concerning the property.
- The County has agreed to indemnify the AOC for any liability imposed on the AOC pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), or related provisions for environmental conditions at the time of transfer whether known or not known that existed in, on, or under the real property at the time of transfer.
- The Superior Court occupies 37,859 square feet (sf) (5 percent) of the facility and the County will continue to occupy 9,748 sf (20.5 percent) of the facility dedicated to law enforcement use therefore, the County is not entitled to any compensation.
- The AOC and the County have entered into a Joint Occupancy Agreement for the facility which grants the parties the right of ingress, egress and access to all parts of the facility necessary for the purpose of using, maintaining, expansion and replacement of their respective areas.
- The Transfer Agreement required that delivery of title to the property would be free and clear of any mortgages or liens.
- The Phase I report indicates that it is likely that there are potential concerns for lead-based paint and asbestos containing materials in the building. Prior to any structural changes or renovations, appropriate local, state, and federal rules/regulations will be followed by the AOC with respect to the handling and disposal of these materials.
- In accordance with SB1732, there is adequate parking for the Court Facility.
- There are no historic issues, relocation assistance, or implied dedication associated with the Court Facility.

Staff Recommendation: **Authorize the acceptance of real property through a transfer of title.**

CONSENT ITEM—3

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
LOS ANGELES MENTAL HEALTH COURTHOUSE, LOS ANGELES COUNTY
AOC Facility Number 19-P1, DGS Parcel No. 10578

Authority: *Trial Court Facilities Act of 2002, Chapter 1082, Statutes of 2002, commencing with Section 70301 of the Government Code, as amended.*

Consider the acceptance of real property through a transfer of title

CONSENT ITEMS

STAFF ANALYSIS ITEM—3

Administrative Office of the Courts
Los Angeles Mental Health Courthouse
AOC Facility Number 19-P1

Action Requested
If approved, the requested action would authorize the acceptance of real property through a transfer of title.

Scope Description
This transaction is within scope. The County of Los Angeles (County) is transferring fee title in and to the court facility commonly known as the Los Angeles Mental Health Courthouse, located at 1150 North San Fernando Road, Los Angeles, California (Court Facility), to the State of California (State) by and through the Judicial Council of the California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement Between the Judicial Council of California, Administrative Office of the Courts and the County for the Transfer of Responsibility for Court Facility, dated October 21, 2008 (Transfer Agreement). The Court Facility consists of approximately 1.3 acres of real property improved with a one-story 20,734 net usable square foot building, and a 72 space parking lot, part of which is secured. After the no-cost of transfer of title, the AOC shall be responsible for the funding and operation of the Court Facility.

Funding and Cost Verification

This transaction is within cost. The County shall not be entitled to compensation for any equity value in the square footage occupied by the Superior Court in the Court Facility pursuant to SB 1732, Chapter 1082, Statutes of 2002, Section 1(d)(6). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on February 24, 2009, and the 35-day statute of limitations period expired on March 31, 2009, with no adverse comments.

Project Schedule

The anticipated date of close of escrow is June 30, 2009.

Condition of Property

The AOC, staff agency to the Council, have conducted several site visits since August 20, 2008, to make visual inspections on an on-going basis to evaluate any conditions that would impact the interior and exterior of the Court Facility. The AOC was also responsible for contracting the professional services of an environmental professional for: the completion of a Phase I Environmental Site Assessment (Phase I); building assessment; and the seismic assessment of the Court Facility. The following findings were made from the combined resources identified above:

Phase I:

A Phase I report was completed on August 4, 2008 by Tetra Tech EM Inc (Tetra Tech), in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments: Phase I (E-1527-05). The Phase I cited three data gaps associated with the surrounding properties with no releases identified. Based upon the approximate age of the facility, the Phase I indicated that PCB, asbestos containing materials (ACM) and lead based paints (LBP) may be present on the site. The Phase I recommended the completion of a Phase II to further investigate these data gaps. The AOC subsequently determined that, based upon the review of the database reports, the need for additional investigation and a Phase II was not warranted. Further research and investigation by the AOC staff of the hydrocarbon and groundwater offsite facilities indicated that these sites are located cross-gradient from the subject property. As such, the subject property could not be impacted by the contaminants.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management conducted a site visit of the Court Facility on August 20, 2008, to assess the general condition of the property. The AOC and Management concluded that the Court Facility did not contain any apparent hazards to the health and safety of the occupants or property.

Seismic Safety Assessment of the Improvements:

A licensed structural engineer performed a Tier I seismic safety assessment of the building located in the Court Facility in July, 2003, and inspected and evaluated the Court Facility for seismic safety in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division. This seismic evaluation of the Court Facility was then peer-reviewed by other qualified engineers.

The AOC determined that the building has a seismic safety rating of Level V, as defined in the Risk Acceptability Table of the State Building Seismic Program, developed by the Division of State Architect, April 1994, which is an acceptable seismic safety rating for the transfer of the title to the Court Facility to the State under Government Code Section 70327 and SB 10.

Other:

- The State may refuse to accept responsibility for the Court Facility only if (a) the Court Facility contains one or more deficiencies, as defined at Government Code Section 70326(b), and (b) the county and the AOC have not made provision for the correction of the deficiencies as part of the Transfer Agreement, pursuant to Government Code Section 70326(c) or Section 70327(d). Neither of these situations exists.
- The County adopted a Resolution on October 21, 2008, approving the Transfer Agreement to transfer title and responsibility of the Court Facility to the State.
- The Transfer Agreement requires the delivery of title to the property to be free and clear of any mortgages or liens.
- The County has agreed to indemnify the AOC for any liability imposed on the AOC pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), or related provisions for conditions at the time of transfer whether known or not known that existed in, on, or under the real property.
- It should be noted that seismic evaluation has determined that in the event of seismic disturbance the facility may pose significant risk to persons and property which could create substantial liability to the State of California. However, the Transfer Agreement §4.3.11 provides indemnification to AOC for seismic related damage and injury per Government Code Section 70324.
- With respect to Tetra Tech's recommendation for the completion of a Phase II, staff from the Department of General Services – Environmental Services Section concurred with the AOC's findings that a Phase II is not warranted at this time.
- The Phase I report indicates that it is likely that there are potential concerns for lead-based paint and asbestos containing materials in the building. Prior to any structural changes or renovations, all appropriate local, state, and federal rules/regulations will be followed with respect to the handling and disposal of these materials. In addition, prior to any ground disturbing activities, appropriate local, state, and federal rules/regulations will be followed with respect to handling and possible disposal of contaminated soil.
- The AOC's Facilities Management Unit will be responsible for the task of addressing any PCB-contaminated electrical equipment found present in the facility. The contaminated electrical equipment will be investigated, flushed and removed when the AOC transitions into its role as the managing party on July 1, 2009. In the interim the County's Hazardous Material Guidelines are in place.
- The terms of the Transfer Agreement provides that the County will continue to own and maintain, and the State will have, uninterrupted use of and access to the Building's software/hardware and telecommunications services.
- The AOC is not aware of any lawsuits pending concerning the property.

- The Superior Court occupies 71.3 percent of the entire facility; therefore, either the AOC or the County is entitled to compensation if their equity is to be purchased by the other party or if sold to a third party in an arms length transaction.
- The Joint Occupancy Agreement provides for rights of first refusal and rights of first offer in favor of either the County or Council, in the event that either party desires to vacate the Court Facility, in accordance with Government Code Section 70342(e).
- There is no relocation assistance, implied dedication, or historic issues associated with this project.
- In accordance with SB1732, there is adequate parking for the Court Facility.

Staff Recommendation: **Authorize the acceptance of real property thereon through a transfer of title.**

CONSENT ITEM—4

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
REEDLEY COURTHOUSE, FRESNO COUNTY
AOC Facility Number 10-F1, DGS Parcel No. 10577

Authority: *Trial Court Facilities Act of 2002, Chapter 1082, Statutes of 2002, commencing with Section 70301 of the Government Code, as amended.*

Consider acceptance of real property through a transfer of title

CONSENT ITEMS

STAFF ANALYSIS ITEM—4

Administrative Office of the Courts
Reedley Courthouse, AOC Facility Number 10-F1

Action Requested
If approved, the requested action would authorize the acceptance of real property through a transfer of title.

Scope Description
This transaction is within scope. The County of Fresno (County) is transferring fee title in and to the court facility commonly known as the Reedley Courthouse, located at 815 "G" Street, Reedley, California (Court Facility), to the State of California (State), acting by and through the Judicial Council of the California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement Between the Judicial Council of California, Administrative Office of the Courts and the County of Fresno for the Transfer of Responsibility and Title for Court Facility, dated December 9, 2008 (Transfer Agreement). The Court Facility consists of approximately 0.43 acres of real property improved with a one-story 3,690 square foot building, a parking lot and associated landscaping. Following the no-cost transfer of title, the AOC shall be responsible for the funding and operation of the Court Facility.

Funding and Cost Verification

This transaction is within cost. The County shall not be entitled to compensation for any equity value in the square footage occupied by the Superior Court in the Court Facility pursuant to SB 1732, Chapter 1082, Statutes of 2002, Section 1(d)(6). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on December 5, 2008, and the 35-day statute of limitations period expired on January 9, 2009, with no adverse comments.

Project Schedule

The anticipated date of close of escrow is July 1, 2009.

Condition of Property

The AOC, staff agency to the Council, was responsible for conducting a site visit to the Court Facility site on February 11, 2009, and for contracting for the professional services of an environmental professional for the Phase I Environmental Site Assessment (Phase 1). The following findings were made from the combined resources identified above:

Phase I:

A Phase I report was completed in April 28, 2008, by Tetra Tech EM Inc., in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments: Phase I (E-1527-05). The Phase I concluded that no data gaps or recognized environmental conditions were identified. The report however, cited two items of concern in connection with the subject property. Based on the age of the courthouse facility, lead-based paint (LBP) and asbestos—containing materials (ACM) may be present. The Phase I also did not identify conditions indicative or releases or threatened releases of hazardous substances on, at, in or to the subject property.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management conducted a site visit of the Court Facility on February 11, 2009, to assess the general condition of the property. The site visit entailed a tour of the facility and surrounding property including a review of the real property for apparent conditions that could adversely impact the habitability or safety of the property. The Office of Court Construction and Management concluded that the Court Facility did not contain any apparent hazards to the health and safety of the occupants or property.

Exemption from Seismic Safety Assessment:

Government Code, Section 70327, any Court Facility less than 10,000 square feet of space may be exempt from the seismic safety assessment requirement upon approval of the Director of the Department of Finance (Finance) and the AOC. This facility has been exempted pursuant to Finance and AOC approval.

Other:

- The County adopted a Resolution on December 9, 2008, approving the Transfer Agreement to transfer title and responsibility of the Court Facility to the State.

- The Transfer Agreement requires that delivery of title to the property will be free and clear of any mortgages or liens.
- The County has agreed to indemnify the AOC for any liability imposed on the AOC pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), or related provisions for conditions at the time of transfer whether known or not known that existed in, on, or under the real property.
- The Phase I report indicates that it is likely that there are potential concerns for lead-based paint and asbestos containing materials in the building. Prior to any structural changes or renovations, all appropriate local, state, and federal rules/regulations will be followed with respect to the handling and disposal of these materials. In addition, prior to any ground disturbing activities, appropriate local, state, and federal rules/regulations will be followed with respect to handling and possible disposal of contaminated soil.
- The terms of the Transfer Agreement state that the County will continue to offer its information technology and telecommunication services (County's Data Equipment system) to the State. Effective as of the closing, the AOC grants the County rights of ingress, egress and access to all parts of real property to which any component, subcomponent, or connection to the Data Equipment system is located.
- The AOC is not aware of any lawsuits pending concerning the property.
- There is no implied dedication, relocation assistance, or historic issues associated with this property.
- Following the transfer of title, the Court Facility will be shared and occupied by the Superior Court and the County pursuant to the terms of a Joint Occupancy Agreement dated December 9, 2008. Although the County is not entitled to any compensation, it will retain its equity share in the Court Facility.
- The Joint Occupancy Agreement provides for rights of first refusal and rights of first offer in favor of either the County or Council, in the event that either party desires to vacate the Court Facility, in accordance with Government Code Section 70342(e).
- The property is subject to a reversionary clause contained in a title deed restriction, which requires that the property be used for public purposes only. If the property is no longer used for public purposes, the site will revert back to ownership of the City of Reedley.
- In accordance with SB1732, there is adequate parking for the Court Facility.

Staff Recommendation: **Authorize the acceptance of real property through a transfer of title.**

CONSENT ITEM—5

DEPARTMENT OF PARKS AND RECREATION (3790)
CUYAMACA RANCHO STATE PARK AND PALOMAR MOUNTAIN STATE PARK
OPERATION OF ENVIRONMENTAL EDUCATION CAMPS
COUNTY OF SAN DIEGO

Authority: *Section 5080.40(a)(2), Public Resources Code*

Consider authorizing the Department of Parks and Recreation to enter into an operating agreement with the County of San Diego for environmental education camps at Cuyamaca Rancho and Palomar Mountain State Parks.

CONSENT ITEMS

STAFF ANALYSIS ITEM—5

Department of Parks and Recreation
Cuyamaca Rancho State Park and Palomar Mountain State Park
Operation of Environmental Education Camps
County of San Diego

Action requested
If approved, the requested action would authorize the Department of Parks and Recreation (Parks) to enter into an operating agreement with the County of San Diego (County) for environmental education camps at Cuyamaca Rancho and Palomar Mountain State Parks.

Scope Description
The proposed operating agreement includes a contract term of up to 40 years and $5 million to $7 million in capital improvements to outdoor science camp facilities to be provided by the County.

Funding and Cost Verification

The County will develop, operate, and maintain the environmental education camps at no cost to the state. Funding for administering this proposed 40-year operating agreement will be from the State Parks and Recreation Fund as follows and will be provided within Parks' existing budget.

$ 1,500	costs for contract preparation and execution
$20,000	total costs for contract administration for 40 years with $500 per year

CEQA

Operating agreements do not require a California Environmental Quality Act review (CEQA); however, construction under the proposed operation agreement may require a CEQA review.

Project Schedule:

Effective date of the proposed operating agreement	July 1, 2009
Completion of capital improvements and open to the public	January 1, 2010

Other:

- Public Resources Code Section 5080.40 requires new Parks' operating agreement terms (over 20 years or over $500,000 in gross sales) to be approved by the Legislature during the annual budget process. The section also states that if the Board determines that the proposed agreement could not have been presented to the Legislature for review during the annual budget process, and that waiting for the next budget cycle would not be in the public interest, the Board may review and approve the proposal after providing a 20-day written notice to the Legislature.
- The County operates outdoor school programs at Camp Cuyamaca in Cuyamaca Rancho State Park and Camp Fox (on the County's property) serving approximately 12,000 students each year. The County also provides maintenance and food service for outdoor school programs at Camp Palomar in Palomar Mountain State Park, serving 56,000 students each year. Funding to operate the Camps is from camp fees and private donations.
- The County currently operates Camp Cuyamaca and Camp Palomar under a 20-year operating agreement that expires on June 30, 2009. In November 2008, Parks started to negotiate a new 20-year agreement with the County. In March 2009, the County requested a 40-year term because they proposed to make capital improvements exceeding $5 million.).
- The proposed operating agreement will be for a term of up to 40 years with capital improvements between $5 million to $7 million, to be provided by the County. The improvements include building two new dormitories to accommodate an additional 144 5th and 6th grade school students, a day use lodge, a new restroom, two new shade structures, a new basketball court, a gravel parking area, and a new asphalt driveway. In addition, the improvements also include the expansion of the existing outdoor amphitheater seating area and the existing outdoor assembly areas.

- Funding for the capital improvements will be provided to the County by a builder through a lease-back agreement. The County is scheduled to repay the builder $600,000 annually. In order to fully pay back the builder, the County needs to have the control of the Camps for at least 35 years. The builder has indicated that it will withdraw its commitment to this project if the construction of the capital improvements cannot be started by July 2009 and be completed by January 2010.
- It is necessary for the Board to review and approve the request as it is in the state's best interest to avoid any delay in services or commencement of facility improvements upon expiration of the current operating agreement on June 30, 2009.
- The 20-day notification letter regarding Parks' operating agreement is sent to the Legislature on May 22, 2009. Based on the notification requirement, the Board is authorized to review and approve this request.

Staff Recommendation: **Authorize Parks to enter into a new 40-year operating agreement with the County of San Diego to develop, operate, control, and maintain the environmental education camps located within Cuyamaca Rancho and Palomar Mountain State Parks.**

CONSENT ITEM—6

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF PARKS AND RECREATION (3790)
HUMBOLDT REDWOODS STATE PARK
SRL (LEE2)
HUMBOLDT COUNTY
DPR Parcel Nos. 014891, DGS Parcel Nos. 10560

Authority: *California Fish and Game Code Section 2787 (a) (2)*

Consider authorizing acquisition

CONSENT ITEMS

STAFF ANALYSIS ITEM—6

Department of General Services
Department of Parks and Recreation
Humboldt Redwoods State Park
Save-the-Redwoods League (Lee2)

Action requested
If approved, the requested action would authorize acquisition.

Scope Description
This project is within scope. This request will authorize Department of Parks and Recreation (Parks) to accept approximately five acres of land adjacent to Humboldt Redwoods State Park and would help Parks fulfill two important missions:

1. **Buffer Existing Wildlands:**
The property is adjacent to existing State Park lands and its integration into the State Park system will provide a buffer for the old growth coast redwoods down slope in Humboldt Redwoods State Park.

2. **Increase watershed protection for the South Fork Eel River**
Adding this property to Humboldt Redwoods State Park provides increased protection for the watershed because the parcel drains into the South Fork Eel River.

Funding and Cost Verification
This project is within cost. California Fish and Game Code Section 2787 (a) (2) provides $1,000,000 annually for the State Park System. The property can be acquired with the funds available and in accordance with Legislative intent.

$30,000	total project costs
$30,000	total estimated project costs
$10,000	project costs previously allocated (fee appraisal and DGS staff costs)
$20,000	project costs to be allocated: $10,000 acquisition and approximately $10,000 in overhead costs (title and escrow and Parks and remaining DGS staff costs).

CEQA
A Notice of Exemption was filed with the State Clearinghouse on November 21, 2008, and the statue of limitations expired on December 25, 2008.

Project Schedule
The anticipated close of escrow is June 12, 2009.

Condition of Property
On November 13, 2008, DGS staff visited the Lee 2 parcel in Humboldt County. The subject property is about five acres of dense forestland on a steeply sloped hillside facing south, with the subject property's northwest corner. No improvements were observed on the property, and the site appears clear of debris and other items of concern.

The surrounding land shares similar topography and vegetation as the subject property. The property is adjacent to the Humboldt Redwood State Park. The Humboldt Redwood State Park is located to the south of the subject property, and private residences are located to the north, east, and west.

Other:
- Site selection was approved by the Board on May 25, 2009.
- Save-the-Redwoods League (SRL) is offering the property to Parks for six percent of the fair market value, as approved by DGS. This transfer to the state at a 94-percent reduction from the current market value will be with the condition that Parks and SRL enter into a use restriction agreement that requires the state to use the property for state park purposes only until and unless the property is declared surplus to the state's needs or the State Public Works Board recommends that a transfer to another state agency is necessary for a higher and better public purpose. In either event, the property can be removed from the terms of the SRL use agreement upon payment of 94 percent of the market value of the property, excluding the value of any state improvements.
- The property is vacant and unimproved. There is no relocation assistance involved with this project.
- The property does not provide public legal access from a main highway or road, but can be accessed through the existing Humboldt Redwoods State Park.

- The Property Acquisition Agreement does not include the state's standard indemnification language potentially exposing the state to additional fiscal liability. However, the DGS-ESS site visit of the property did not identify conditions that would likely pose an exceptional risk to the state. As such, the risk associated with acquiring this property without the standard indemnification language does not relieve the Seller of liability under the existing law.
- There is no implied dedication applicable to this property.
- Parks is not aware of any lawsuits pending concerning the property. The Property Acquisition Agreement will require delivery of title to the property free and clear of any mortgages or liens.
- This five-acre parcel is adjacent to Humboldt Redwoods State Park on the South Fork of the Eel River. Parks can provide minimal patrol with existing staff to the property. The acquisition will require little operating expense and can be absorbed with existing resources for the continued operation.
- While Parks does not foresee changes at this time to public access, development, or resource needs, any such changes will be addressed through the normal budget process.
- The Governor's 2009 May Revision proposed the temporary closure of approximately 219 state park units to help balance the state's projected budget deficit. Although this park is on the list of parks that would be placed in caretaker status, this acquisition would provide many of the intended benefits, such as watershed and habitat protection, regardless of this park's operational status.

Staff Recommendation: Authorize acquisition.

CONSENT ITEM—7

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF PARKS AND RECREATION (3790)
HUMBOLDT REDWOODS STATE PARK
SRL (MILLER-PULIS)
HUMBOLDT COUNTY
DPR Parcel Nos. 014892, DGS Parcel Nos. 10563

Authority: *California Fish and Game Code Section 2787 (a) (2)*

Consider authorizing acquisition

CONSENT ITEMS

STAFF ANALYSIS ITEM—7

Department of General Services
Department of Parks and Recreation
Humboldt Redwoods State Park
Save-the-Redwoods League (Miller-Pulis)

Action requested
If approved, the request would authorize acquisition.

Scope Description
This project is within scope. This request will authorize Department of Parks and Recreation (Parks) to accept approximately 45 acres of land which is an inholding of Humboldt Redwoods State Park. This acquisition helps Parks fulfill four important missions:

1. **Acquire inholdings and buffer existing old growth forest of historic value**
The property is adjacent to existing State Park lands on 3 sides and its integration into the State Park system will shorten and rationalize the boundaries of Humboldt Redwoods State Park while also protecting the adjacent Bolling Memorial Grove from potential logging and development impacts. The Bolling Memorial Grove is the first grove of old growth redwoods that created Humboldt Redwoods State Park in 1921.

2. **Recreation and Park Visitor Experience**
Due to its proximity to the Bolling Memorial Grove, the property has potential to be connected to existing trails. In addition, the property lies within the viewshed of Highway 101, making it a key acquisition for preserving visitor experience at Humboldt Redwoods State Park.

3. **Watershed Protection**
The property slopes downward to Elk Creek and the South Fork Eel River providing watershed protection and increasing protection of old-growth redwoods down slope in Humboldt Redwoods State Park.

4. **Protect habitat for threatened and endangered species**
The property contains primarily young second growth redwoods interspersed with a few residual ancient redwood trees. Osprey have been found nearby the property, making it a potential habitat for this species.

Funding and Cost Verification
This project is within cost. California Fish and Game Code Section 2787 (a) (2), continuously appropriates, without regard to fiscal year, $1.0 million annually to Parks for the purchase of additions to existing units of the State Park System without identifying particular parcels, and there are sufficient funds in the account to acquire the property. The property can be acquired with the funds available and in accordance with Legislative intent.

$325,000	total acquisition costs
$325,000	estimated project costs
$ 10,000	project costs previously allocated (fee appraisal and DGS staff costs)
$335,000	project costs to be allocated: $325,000 acquisition and approximately $10,000 in overhead costs (title and escrow and Parks and remaining DGS staff costs).

CEQA
A Notice of Exemption was filed with the State Clearinghouse on November 21, 2008, and the statue of limitations expired on December 25, 2008.

Project Schedule
The anticipated close of escrow is June 30, 2009.

Condition of Property Statement
On November 13, 2008, DGS staff visited the Miller-Pulis parcel Humboldt County APN 11-84-05 . The subject property lays east of Highway 254 and adjacent to the Humboldt Redwood State Park. The property is about 45 acres of forestland including both deciduous hardwood and coniferous trees. Site topography varies greatly from moderately sloping to steeply sloped hillsides and gullies. A dirt road winds through the west facing hill slopes from the Avenue of the Giants (Highway 254) to the subject property.

DGS reviewed the Miller-Pulis Property Phase I and Phase II Environmental Site Assessments published June and August, 2008, respectively. The Phase I/II were prepared is accordance with the ASTM standards. The Phase I reported one recognized environmental condition on the subject property where several areas were observed containing miscellaneous debris. The Phase I recommended that the debris be removed and disposed of appropriately. Following cleanup activities, the Phase II reported the debris removed and the results of the soil samples taken for analysis. The analysis showed that the samples were below standards of concern and

therefore, concluded that the concern of potential contamination due to past land use has been adequately mitigated. The site is now clear of debris and the recommended conclusion of no further evaluation is consistent with the information provided in the Phase I/II and DGS site visit.

Other:

- Site selection was approved by the Board on May 27, 2009.
- The Save the Redwoods League (SRL) is the current owner of the property.
- The SRL is offering the property to Parks for 50 percent of the fair market value, as approved by DGS. This transfer to the state at a 50 percent reduction from the current market value will be with the condition that Parks and SRL enter into a use restriction agreement that requires the state to use the property for state park purposes only until and unless the property is declared surplus to the state's needs or the Board recommends that a transfer to another state agency is necessary for a higher and better public purpose. In either event, the property can be removed from the terms of the SRL use agreement upon payment of 50 percent of the market value of the property, excluding the value of any state improvements. A Use Restriction Agreement will be recorded with this transaction.
- The parcel is bordered on the south, east and a portion of the northern sides of the existing Humboldt Redwoods State Park. The department can provide minimum patrol with existing staff to the property. The acquisition will require little operating expenses and can be absorbed with existing resources for the continued operation.
- The parcel is bordered on three sides of the existing Humboldt Redwoods State Park. Access to the parcel can be obtained from the existing roads in the park and additional rights of way and easements deeded in parcels two, three, four, five, six and seven.
- The Property Acquisition Agreement (PAA) does not include the state's standard indemnification language potentially exposing the state to additional fiscal liability. However, it should be noted that the lack of indemnification language does not relieve the grantor of liability under existing law.
- The property is vacant and unimproved.
- There is no relocation assistance involved with this project.
- Parks is not aware of any lawsuits pending concerning the property.
- The PAA will require delivery of title to the property free and clear of any mortgages or liens.
- There is no implied dedication associated with the subject property.
- Parks has proposed the temporary closure of approximately 219 park units statewide to help balance the state's projected budget deficit. Although this park is on the list of proposed closures, this property will still meet several Parks objectives, e.g. habitat preservation, even if this park were closed.
- The Governor's 2009 May Revision proposed the temporary closure of approximately 219 state park units to help balance the state's projected budget deficit. Although this park is on the list of parks that would be placed in caretaker status, this acquisition would provide many of the intended benefits, such as wildland buffer space and watershed protection, regardless of this park's operational status.

Staff Recommendation: Authorize acquisition.

CONSENT ITEM—8

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
CALIFORNIA INSTITUTION FOR WOMEN
45-BED ACUTE/INTERMEDIATE CARE FACILITY
CHINO, SAN BERNARDINO COUNTY

Authority: *Chapters 47 and 48, Statutes of 2006, Item 5225-301-0001(15.5)*
Sections 15819.40(c) and 15819.402 - 15819.404 of the Government Code

Consider:

a. **establishment of scope, cost, and schedule**
b. **approval of preliminary plans**

STAFF ANALYSIS ITEM—8

Department of Corrections and Rehabilitation
California Institution for Women, 45-bed Acute/Intermediate Care Facility
Chino, San Bernardino County

Action Requested
If approved, the requested action would establish scope, cost, and schedule and approve preliminary plans.

Scope Description
This project is within scope. This project will provide 45 single occupancy inmate-patient cells arranged in four wings. This facility will be a licensed mental health treatment facility for female inmate-patients and will serve as an annex to, and under the license of, the existing Correctional Treatment Center located just south of this new building. This project includes housing, treatment, program, and office space and is necessary to provide adequate licensed inpatient mental health treatment capacity for the CDCR's female inmates who require inpatient mental health care beyond short-term crisis care. This project is part of the supplemental mental health bed plan approved by the *Coleman* Court in August 2007 and is being closely monitored by the court.

On April 29, 2009, the Department of Finance notified the chairs of the Joint Legislative Budget, the Senate Appropriations, and Assembly Appropriations Committees of its intent to recommend establishing the scope, cost, and schedule of this project to the Board no sooner than 30 days from that date.

Funding and Cost Verification

This project is within cost. The Budget Act of 2006 appropriated $2,172,000 General Fund for the preliminary plans for this project. Preliminary plans for this project have been completed and the 45-day notice required pursuant to Section 7003 of the Penal Code was submitted by the CDCR to the Legislature on September 9, 2008. This action would allocate $61,577,000 of the $710,940,000 Public Buildings Construction Fund (lease revenue bond authority) appropriated in Section 15819.403(a) of the Government Code to complete working drawings and construction for this project.

$ 63,749,000	total authorized project cost
$ 63,749,000	total estimated project cost
$ 2,172,000	project costs previously allocated: preliminary plans
$ 61,577,000	project costs to be allocated: $4,167,000 working drawings, $57,410,000 construction ($44,848,000 contract, $2,242,000 contingency, $2,534,000 A&E, $3,851,000 other project costs, and $3,935,000 agency retained items)

CEQA

A Notice of Determination was filed with the State Clearinghouse on November 7, 2006, and September 27, 2007, and the 30-day statute of limitations for each expired without adverse comment.

Real Estate Due Diligence

The Department of General Services completed a Summary of Conditions Letter for this project on March 6, 2008 and it is noted that no significant issues were identified.

Project Schedule:

Approve preliminary plans	June 2009
Complete working drawings	January 2010
Complete construction	July 2012

Staff Recommendation: **Establish scope, cost, and schedule and approve preliminary plans.**

ACTION ITEMS

ACTION ITEM—1

JUDICIAL COUNCIL OF CALIFORNIA (0250)
NEW MADERA COURTHOUSE, MADERA COUNTY
JCC Parcel Number 20-F1; DGS Parcel Number 10538

Authority: Chapters *171 and 172, Statutes of 2007, Item 0250-301-3037(2)*

Consider authorizing acquisition, contingent upon the Madera Redevelopment Agency (Madera RDA) satisfactorily completing the tasks listed below and direct the Administrative Office of the Courts to return to the Public Works Board to certify that all work has been completed and is acceptable prior to final approval of all agreements, resolutions, and other ancillary acquisition documents.

The conditions precedent to final acquisition approval include, but are not limited to:

(1) Acquisition of the five contiguous parcels by the Madera RDA and assembling all properties into a single parcel;
(2) Completion of any and all applicable occupant relocation assistance;
(3) Unconditional abandonment of the alley between the parcels;
(4) Relocation of an irrigation district right of way and associated improvements off the property;
(5) Demolition of all unnecessary above and below ground improvements;
(6) Removal of underground storage tanks, above ground storage tanks, and 55 gallon oil, solvent, transmission oil, and hydraulic fluid drums situated on one of the five parcels, along with any contaminated soils, and
(7) Provide the state a "No Further Action" letter issued by the appropriate state regulatory agency or the designated County environmental health agency.

ACTION ITEMS

STAFF ANALYSIS ITEM—1

Judicial Council of California
New Madera Courthouse
Madera County

Action requested
If approved, the requested action would authorize acquisition.

Scope Description
This project is within scope. The action would authorize the Judicial County of California (Council) to acquire approximately 2.24 acres of unimproved land from the City of Madera Redevelopment Agency (Madera RDA) to construct court facilities and related improvements for use by the Superior Court of California, Madera County for judicial, court, administrative office, and related purposes. The site is currently comprised of three privately owned improved parcels, one privately owned unimproved parcel, and one County owned improved parcel. Prior to transfer of the property to the State of California (State) the Madera RDA will need to

(1) acquire the five contiguous parcels with title satisfactory to the state, (2) provide applicable occupant relocation assistance, (3) cause the vacation of the alley between the parcels, (4) relocate an irrigation district right of way and associated improvements off the property, (5) demolish all above and below ground improvements, and (6) assemble the properties into a single parcel.

The project will replace deficient existing court facilities and provide juror and court related public parking as well as secure parking for judicial officers and staff. The property, located in downtown Madera across from the historic courthouse (now museum), is situated proximate to the Madera Courthouse Park, the County Administrative Center, and the County public parking garage. The site meets the Council requirements in terms of size, location, accessibility, and costs.

Funding and Cost Verification

This project is within cost. Chapters 171 and 172, Statutes of 2007, Item 0250-301-3037(2) provides funding for this acquisition. The property can be acquired with the funds available and in accordance with Legislative intent.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on October 2, 2008. The period of time in which a court action challenging this CEQA determination expired November 7, 2008.

Project Schedule

Anticipated close of escrow is December 2010 and conditioned on the State Public Works Board determination that the outstanding conditions of property were satisfactorily cleared.

Condition of Property

On May 5, 2009, the Department of General Services-Environmental Services Section (DGS-ESS) reviewed the report in accordance with the Condition of Property recommendations made on July 1, 2008. Tetra Tech recommended that a Phase II Environmental Site Assessment be conducted for the subject property referred to as the Central Garage because this property and associated outbuildings and a fueling station showed evidence of soil stains.

The Phase II Environmental Site Assessment was completed by Krazan & Associates, Inc., on March 31, 2009. It was determined that this parcel required further testing of soil and gas for evidence of constituents of concern beneath the former hydraulic vehicle lifts and a sub-slab soil gas sample from beneath the on-site maintenance building. Conclusions of these tests determined that no further investigation is warranted because the concentrations are well below the levels of concern and do not pose a significant health risk to people who may live or work at the site. A limited soil assessment dated March 27, 2009, was also conducted in the area of the existing 10,000-gallon gasoline Underground Storage Tank (USTs) and associated product lines and dispensers. No petroleum hydrocarbons were detected in the soil samples. The report conclusion is that no further soil assessment appears warranted.

Other:

- The State Public Works Board authorized site selection for this project on August 8, 2008.
- The property is situated within the Madera RDA Plan Area. The Property Acquisition Agreement (PAA) includes a clause wherein the RDA agrees that it will not exercise any rights it may have under its redevelopment plan to restrict or control the JCC's development or use of the property.

- Prior to transfer of the property to the State, the Madera RDA will (1) acquire the five contiguous parcels, (2) provide applicable occupant relocation assistance, (3) cause the vacation of the alley between the parcels, (4) relocate an irrigation district right of way and associated improvements off the property, (5) demolish all above and below ground improvements, and (6) assemble the properties into a single parcel. In addition, prior to close of escrow, the RDA will remove underground storage tanks, above ground storage tanks, and 55 gallon oil, solvent, transmission oil, and hydraulic fluid drums situated on the County owned property, along with any contaminated soils, and provide the State a "No Further Action" letter issued by the appropriate State regulatory agency or the designated County environmental health agency. All of these items are conditions that must be satisfactorily resolved before an acquisition of the property will be finalized.
- The property will be acquired in part in exchange for the State's equity interest in the existing court facility. The total compensation for the property shall be the sum of the DGS approved appraised values for the parcels as currently improved and the actual invoiced land assembly costs incurred by the Madera RDA including, but not necessarily limited to, occupant relocation, improvements demolition, alley abandonment, and irrigation district right of way relocation. However, the total compensation shall not exceed $2,915,000.00 which amount is less than the sum of the DGS approved appraisals, the estimated occupant relocation assistance, and the JCC engineering department demolition and related land assembly cost estimates.
- The PAA does not include the Department of General Services' standard environmental indemnification language. However, based on the DGS-ESS staff's site visit, review of the Phase I and Phase II Environmental Site Assessments, and review of additional soil sampling results; it does not appear that there are any environmental conditions which would present exceptional risk to the State. It should be noted that the lack of standard indemnification language does not relieve the seller or prior owners of liability under existing law.
- All improvements will be demolished and occupants relocated by the RDA prior to transfer of title to the State.
- There is no relocation assistance involved with the transfer of this property to the State.
- There is no implied dedication involved with this project.

Staff Recommendation: **Authorize acquisition, contingent upon the Madera RDA satisfactorily completing the tasks listed below and direct the Administrative Office of the Courts to return to the Public Works Board to certify that all work has been completed and is acceptable prior to final approval of all agreements, resolutions, and other ancillary acquisition documents.**

The conditions precedent to final acquisition approval include, but are not limited to:

(1) Acquisition of the five contiguous parcels by the Madera RDA and assembling all properties into a single parcel;

(2) Completion of any and all applicable occupant relocation assistance;

(3) Unconditional abandonment of the alley between the parcels;

(4) Relocation of an irrigation district right of way and associated improvements off the property;

(5) Demolition of all unnecessary above and below ground improvements;

(6) Removal of underground storage tanks, above ground storage tanks, and 55 gallon oil, solvent, transmission oil, and hydraulic fluid drums situated on one of the five parcels, along with any contaminated soils, and

(7) Provide the state a "No Further Action" letter issued by the appropriate state regulatory agency or the designated County environmental health agency.

ACTION ITEM—2

JUDICIAL COUNCIL OF CALIFORNIA (0250)
NEW HOLLISTER COURTHOUSE, SAN BENITO COUNTY
DOWNTOWN SITE
JCC Parcel Number 35-C1; DGS Parcel Number 10516

Authority: Chapters 171 and 172, Statutes of 2007, Item 0250-301-3037(5.5)

Consider authorizing acquisition

ACTION ITEMS

STAFF ANALYSIS ITEM—2

Judicial Council of California
New Hollister Courthouse, San Benito County, Downtown Site

Action requested
If approved, the requested action would authorize acquisition.

Scope Description
This project is within scope. This request will authorize the Judicial Council of California (Council) to acquire approximately three (3) acres of unimproved land from the County of San Benito (County) to construct court facilities and related improvements for use by the Superior Court of California for judicial, court, administrative office, and related purposes. The project will provide surface parking as well as secure parking for judicial officers and staff, will replace a functionally and physically deficient facility, and will address security and overcrowding issues currently facing the court. This site is located in downtown Hollister across the street from the existing courthouse. Several other public offices are situated in proximity to the subject property. The future courthouse location is readily accessed by the main highway through the city. The site meets all conformance guidelines designated by legislation and Council requirements in terms of size, location, accessibility, and costs.

Funding and Cost Verification

This project is within cost. Chapters 171 and 172, Statutes of 2007, Item 0250-301-3037(5.5) provides funding for this acquisition. The property can be acquired with the funds available and in accordance with Legislative intent.

CEQA

Subsequent to the site selection process and in accordance with the California Environmental Quality Act (Public Resources Code Sections 21000-21177) and pursuant to Section 15063 of Title 14 of the California Code of Regulations, the Council, acting in the capacity of Lead Agency, determined that the project will not have a significant effect on the environment. A Notice of Determination was filed with the State Clearinghouse on May 7, 2009. The period of time in which a court action challenging this CEQA determination period expired on June 6, 2009.

Project Schedule

The anticipated close of escrow is February 2010.

Condition of Property

On May 14, 2009, the Department of General Services-Environmental Services Section (DGS-ESS) staff reviewed additional project documentation noted below. Per DGS-ESS staff review no further evaluation is recommended.

A Phase II Environmental Site Assessment, dated September 10, 2008, prepared by Earth Tech, determined no contamination present in onsite soil. Soil samples and soil gas samples were collected on August 12, 2008, and after lab analysis, found that with the exception of arsenic which was below typical background concentrations, all metals concentrations were below EPA Region 9 residential screening levels. Earth Tech determined that no further risk assessment was warranted.

Demolition activities began March 2, 2009, and completed March 24, 2009. Demolition monitoring was conducted by ATC Associates Inc. All work was observed to be conducted and completed in accordance with project specifications.

Other:

- The State Public Works Board authorized site selection for this property on March 14, 2008.
- The property is situated within the City of Hollister Redevelopment Agency (Hollister RDA) Downtown Plan Area. The Hollister Downtown Plan (Plan), finalized in September 2008, identifies the property as a future courthouse expansion location. The Hollister RDA and Council executed a Memorandum of Understanding regarding planning and design controls wherein the RDA agrees that it will not exercise any rights it may have under the Plan to restrict or control the Council's development or use of the property.
- The property, currently owned by the Hollister RDA, will be transferred by the Hollister RDA to the County. The County will then transfer the property to the State retaining in the grant deed a right of reversion if the State does not initiate construction of the project within five (5) years of the close of escrow. The right of reversion is addressed in the appraisal report and reflected in the value conclusion.
- The property will be acquired in exchange for the State's equity interest in the existing court facility.

- The property had been improved with an older school building. The Hollister RDA completed demolition of all above ground and below ground improvements on March 24, 2009. The Demolition Monitoring and Post-Demolition Survey Report dated March 31, 2009 states that all work was conducted in accordance with project specifications, that no hazardous or contaminated materials were observed at the site, and that no asbestos or lead was detected in post-demolition bulk soil samples collected at the site. The site is currently unimproved.
- Although the site is located outside the State designated Alquist-Priolo Earthquake Fault Zones, the AOC took the precautionary measure of obtaining a subsurface investigation to determine there were no underlying fault traces. Based on the Alquist-Priolo Act criteria, building set backs were found to be minimal, if not applicable, if the subject site had been found to be subject to the Act.
- The Property Acquisition Agreement does not include DGS' standard environmental indemnification language. However, based on the DGS, ESS staff's site visit, review of the Phase I and Phase II Environmental Site Assessments, and review of a Demolition Monitoring and Post-Demolition Survey Report, it does not appear that there are any environmental conditions which would present exceptional risk to the State.
- There is no relocation assistance involved with this project.
- There is no implied dedication involved with this project.

Staff Recommendation: Authorize acquisition.

ACTION ITEM—3

DEPARTMENT OF MOTOR VEHICLES (2740)
STOCKTON FIELD OFFICE RECONFIGURATION
SAN JOAQUIN COUNTY

Authority: *Chapters 171 and 172, Statutes of 2007, Item 2740-301-0044 (4.5)*
Chapters 268 and 269, Statutes of 2008, Item 2740-301-0044 (1)

Consider:

a. **approval of preliminary plans**
b. **recognition of an anticipated deficit**

ACTION ITEMS

STAFF ANALYSIS ITEM—3

Department of Motor Vehicles
Stockton Field Office Reconfiguration

Action Requested
If approved, the requested action would approve preliminary plans and recognize an anticipated deficit for the construction phase.

Scope Description
This project is within scope. The project provides for the interior reconfiguration of the existing 7,000 square foot Department of Motor Vehicles (DMV) field office to a driver safety office. Additional work includes replacement of the HVAC, plumbing, roofing, electrical, communication and security systems, installation of vehicle control measures, sustainable and energy conserving functionality, Americans with Disabilities Act modifications, signage, and hazardous materials abatement.

Funding and Cost Verification

This project is not within cost. Total project cost is estimated to be $4,114,000, reflecting an anticipated deficit of $630,000 (18.1 percent). The Budget Acts of 2007 and 2008 authorized $619,000 for the preliminary plans and working drawings phases of this project. Construction funds of $3,519,000 are proposed in the 2009 Budget.

On June 2, 2009, the Department of Finance notified the chairs of the Joint Legislative Budget, the Senate Appropriations, and the Assembly Appropriations Committees of its intent to recommend approving preliminary plans with a recognized anticipated to the Board contingent upon expiration of the 20-day notice period on June 22, 2009, with no adverse comments.

$3,484,000	total authorized project cost
$4,114,000	total estimated project cost
$ 309,000	project costs previously allocated: preliminary plans
$3,175,000	project costs to be allocated: $310,000 working drawings and $2,865,000 construction ($1,914,000 contract, $134,000 contingency, $372,000 A&E, $275,000 other project costs, and $170,000 agency retained items)
$ 630,000	anticipated deficit: $630,000 construction ($453,000 contract, $32,000 contingency, $59,000 A&E, and $86,000 other project costs)

CEQA

A Notice of Exemption was filed with the State Clearinghouse on March 12, 2009, and the 35-day statute of limitations expired with no adverse comments.

Real Estate Due Diligence

The Department of General Services (DGS) completed a Summary of Conditions Letter for this project on March 18, 2009, and noted that the jurisdiction of record is held by the Board, for the purpose of use as an office building for the DMV. However, no documentation showing direct jurisdiction with the DMV is on file. DGS expects to have this issue resolved in the next month, and both they and DMV have been informed that this project cannot proceed to bid until there is resolution.

Project Schedule:

Approve preliminary plans	June 2009
Complete working drawings	March 2010
Complete construction	March 2011

Staff Recommendation: **Approve preliminary plans and recognize an anticipated deficit to the construction phase contingent on expiration of the 20-day notification period without adverse Legislative comment.**

ACTION ITEMS

ACTION ITEM—4

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF PARKS AND RECREATION (3790)
GAVIOTA STATE PARK, SANTA BARBARA COUNTY
DPR parcel Number 14797, DGS Parcel Number 10546

Authority: *Chapters 171 and 172, Statutes of 2007, Item 3790-301-6051(3.7)*

Consider authorizing acquisition

ACTION ITEMS

STAFF ANALYSIS ITEM—4

Department of General Services
Department of Parks and Recreation
Gaviota State Park

Action requested
If approved, the requested action will authorize acquisition.

Scope Description
This project is within scope. This request will authorize acquisition of fee simple interest of two parcels totaling approximately 44 acres as an addition to Gaviota State Park. The acquisition of this property will protect the coastal view shed from further development and contains a variety of habitat types, including grasslands, riparian (two creeks), chaparral, and coastal sage scrub. The property will also be used to benefit and protect sensitive wildlife and plant ecological systems by reintroducing them into the area. The property will provide excellent day-use trail head for the public seeking access to trails on the eastern portion of the park, into the Gaviota back country, and the Los Padres National Forest.

Funding and Cost Verification

This project is within cost. The purchase price for this property is funded through federal ($889,000) and local grants ($1,961,000) specifically set aside for the purpose, totaling $2.85 million. State funding for this project is limited to minor staff costs to complete due diligence.

$20,000	total estimated project costs
$14,000	project costs previously allocated: DGS staff costs for appraisal and acquisition review
$ 6,000	project costs to be allocated: no cost for acquisition and $6,000 for title and escrow fees

CEQA

A Notice of Exemption was filed with the State Clearinghouse on October 14, 2008, and the statute of limitation period expired on November 19, 2008.

Project Schedule

The anticipated close of escrow is June 2009.

Condition of Property

In October 2008, Department of General Services (DGS) – Environmental Services Section (ESS) staff visited the Gaviota Village site, located near Goleta, California. The subject property is comprised of two assessor parcels, totaling approximately 44 acres. The land lies along the north side of U.S. Highway 101, one quarter mile west of the Mariposa Reina freeway exit. The topography of the subject property is gently to moderately sloping, vegetated with grass and pine trees. Parcel 72 is undeveloped; with the exception of two unmaintained paved roads that traverse the eastern and northern portions of the parcel, both connecting to a paved service road to the Santa Barbara County Fire Department. Parcel 73 includes remnant areas of paving, landscaping, and concrete foundations at the site of a former restaurant and service station. The subject property is located in a rural area of Santa Barbara County with mixed land use including agricultural, petroleum processing/storage, and open space. The property's southern and western sides abut Gaviota State Park and Beach.

Review of the Phase I Environmental Site Assessment of Gaviota Village Properties (Phase I) published in September 5, 2008, indicates that the underground fuel storage tanks (USTs) that were in the former service station were removed in 1989 and the structures were demolished in 1995. According to a report prepared in September 10, 2008, in 1995 the surrounding soil was excavated to a depth of 20 feet to remove the gasoline-impacted soil from beneath the former UST site. Due to the extent and depth of the excavation and attending safety concerns, the material below 20 feet was not excavated. The recognized environmental conditions associated with the former service station still exist on Parcel 73.

The Trust for Public Land (TPL) has agreed to fund the development of a remediation strategy to reduce the residual fuel-related compounds in the soil beneath the former USTs. Remediation regulatory oversight includes Santa Barbara County and the Central Coast Regional Water Quality Control Board where remediation will involve in-place contaminant oxidation treatment and 24 months of post-remediation monitoring. TPL will assume all liability and management of the requirements for agency closure reimbursed by the California Underground Storage Tank Cleanup Fund.

Other:

- The Board approved this project for site selection on December 12, 2008.
- The purchase price does not exceed estimated fair market value as determined by a DGS approved appraisal.
- The Department of Parks and Recreation (Parks) is not aware of any lawsuits pending concerning the property. The Property Acquisition Agreement will require delivery of title to the property free and clear of any mortgages or liens.
- The property is vacant and There is no relocation assistance involved with this project..
- There is no implied dedication applicable to this property.
- This acquisition is approximately 44 acres as an addition to Gaviota State Park. The management plan is to provide periodic patrols of the property as part of the routine patrols for the entire park unit. As such, no additional support needs are anticipated with the acquisition of this property.
- While Parks does not foresee changes at this time to public access, development, or resource needs, any such changes will be addressed through the normal budget process.
- This property will be acquired using a combination of specifically-earmarked grants that have been secured for the purpose from the following organizations: the National Oceanic and Atmospheric Administration (NOAA), $889,000; Santa Barbara County Coastal Resource Enhancement Fund, $1,361,000; and the Goleta Valley Land Trust, $600,000.
- Due to the use of federal and other non-state funds to offset acquisition costs and the limited availability of those funds, Parks will need to close escrow on this project prior to completed remediation and monitoring.
- The Trust for Public Land has provided a plan for remediation and monitoring to obtain a closure letter from the Regional Water Quality Control Board, anticipated to be 44 months, using the available Underground Storage Tank Clean-Up Fund (Claim No. 2990) for this property. TPL will accept the assignment of the USTC Funds, including the responsibility and liability for the remediation and monitoring necessary to obtain the closure letter.
- Easements cross the property for gas, oil, and liquid hydrocarbon pipelines, and electric and telephone lines and poles for private and public utility usage. These easements continue onto the existing Gaviota State Park property and were accepted in prior acquisitions.
- Appurtenant easements include the installation, maintenance, use and operation of water lines, water well, water tank, booster pump and other related water facilities for the transmission of water and road access to such facilities.
- The property is adjacent to and abuts Highway 101 with a 50 foot direct access to and from Highway 101, in addition to another nearby public freeway interchange, and frontage roads.
- The Governor's 2009 May Revision proposed the temporary closure of approximately 219 state park units to help balance the state's projected budget deficit. Although this park is on the list of parks that would be placed in caretaker status, this acquisition would provide many of the intended benefits, such as coastal viewshed and wildlife habitat protection, regardless of this park's operational status. Furthermore, this acquisition is being fully funded by non-state partners and the purchase option will expire by the end of June 2009. It is uncertain if the state will get another opportunity to acquire this property at no cost.

Staff Recommendation: Authorize acquisition

ACTION ITEM—5

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
SALINAS VALLEY STATE PRISON
72-BED ADMINISTRATIVE SEGRAGATION UNIT/ENHANCED OUTPATIENT PROGRAM MENTAL HEALTH FACILTY
SOLEDAD, MONTEREY COUNTY

Authority: *Sections 15819.40(c) and 15819.402 - 15819.404 of the Government Code*

Consider establishment of scope, cost, and schedule

ACTION ITEMS

STAFF ANALYSIS ITEM—5

Department of Corrections and Rehabilitation
Salinas Valley State Prison
Administrative Segregation Unit/Enhanced Outpatient Program Mental Health Facility
Soledad, Monterey County

Action Requested
If approved, the requested action would establish scope, cost, and schedule.

Scope Description
This project is within scope. This project will design and construct a new 72-bed Administrative Segregation Unit (ASU)/Enhanced Outpatient Program (EOP) Mental Health Facility at the Salinas Valley State Prison (SVSP). This project is a component of CDCR's plan to provide constitutionally adequate mental health care as required by the *Coleman* Court.

The existing ASU/EOP housing at the SVSP does not provide adequate treatment space or natural lighting, it is not an effective treatment environment, and does not support a comprehensive continuum of care in one central location. In order to mitigate these concerns the CDCR's mental health plan includes design and construction of a new stand alone 72-bed ASU/EOP Mental Health Facility at the SVSP. This facility will also significantly reduce guarding escort time and better provide for the safety and security of staff and inmates. This new facility will provide the housing, treatment, and office space necessary to support 72 ASU/EOP inmate-patients.

On May 14, 2009, Finance notified the chairs of the Joint Legislative Budget, the Senate Appropriations, and Assembly Appropriations Committees of its intent to recommend establishing the scope, cost, and schedule of this project to the Board contingent upon expiration of the 30-day notice period on June 13, 2009 without adverse comments.

Funding and Cost Verification

This project is within cost. This action would allocate $42,987,000 of the $710,940,000 Public Buildings Construction Fund (lease revenue bond authority) appropriated in Government Code Section 15819.403(a) to complete design and construction for this project.

$42,987,000	total authorized project cost
$42,987,000	total estimated project cost
$42,987,000	project costs to be allocated: $2,318,000 preliminary plans, $2,329,000 working drawings, and $38,340,000 construction ($30,557,000 contract, $1,528,000 contingency, $1,766,000 A&E, $2,145,000 other project costs, and $2,344,000 agency retained items)

CEQA

Appropriate CEQA documentation will be completed for this project during the preliminary plans phase.

Real Estate Due Diligence

Real estate due diligence review and a Summary of Conditions Letter will be completed for this project during the preliminary plans phase.

Project Schedule:

Approve preliminary plans	August 2010
Complete working drawings	May 2011
Complete construction	March 2013

Staff Recommendation: **Establish scope, cost, and schedule contingent on expiration of the 30-day notification period without adverse Legislative comment.**

OTHER BUSINESS

Informational Item – Board Approval of RDA Design-Build Projects

Public Contract Code section 20688.6 (Chapter 2, Statutes of 2009 and effective as of May 21, 2009) authorizes redevelopment agencies to utilize a design-build project delivery method for up to ten projects, but no more than two projects per redevelopment agency. This Board is required to approve or deny a proposed design-build project within 90 days from the submission by a redevelopment agency of a complete application. Once the eligibility of the redevelopment agency under Public Contract Code section 20688.6 has been established, the ability of the Board to deny a project is limited to only those projects that are received after the initial ten have been approved.

Any request by a redevelopment agency to use the design-build project delivery method will be brought to the Board for action.