

AGENDA WITH ANALYSIS

**NOTICE OF MEETING
STATE PUBLIC WORKS BOARD
Friday, August 12, 2016**

**The STATE PUBLIC WORKS BOARD will meet on
Friday, August 12, 2016, at 10:00 a.m. in Room 113,
State Capitol, Sacramento, California.**

Departments with requests for preliminary plan approval are reminded to contact their respective capital outlay analyst for an appointment to review plans. Plan review should be scheduled either on the screening meeting date or before that date.

Attachment

STATE PUBLIC WORKS BOARD

Friday
August 12, 2016
10:00 a.m.
Room 113

State Capitol
Sacramento, California

I.	Roll Call		
II.	Approval of minutes from the July 8, 2016 meeting		
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CONSENT ITEMS

CONSENT ITEM—1

JUDICIAL COUNCIL OF CALIFORNIA (0250)
NAPA CRIMINAL COURTS BUILDING
NAPA COUNTY

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

Consider accepting real property through a transfer of title

CONSENT ITEMS

STAFF ANALYSIS ITEM—1

Judicial Council of California
Napa Criminal Courts Building
Napa County

Action Requested

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

Scope Description

This project is within scope. The requested action will authorize the acceptance of a transfer of title to the Napa Criminal Courts Building (Court Facility) pursuant to that certain Transfer Agreement between the Judicial Council of California (Council) and the County of Napa (County) for the Transfer of Responsibility for Court Facility, dated June 18, 2008 ("Transfer Agreement"). The Transfer Agreement had provided that the Council would take title to the Court Facility after the County satisfied its obligation to pay off bond debt that encumbered the Court Facility; the County has satisfied the bond obligation and is now ready to convey the property to the state. The Court Facility, built in 1999, is located at 1111 Third Street, Napa, California, and consists of approximately 0.70 acres of property improved with a two-story building, basement, parking area and associated landscaping. This will be a no-cost transfer of title; the Council has been responsible for the funding and operation of the Court Facility.

The Superior Court occupies the entire facility; therefore, the County is not entitled to any compensation.

The County approved the Transfer Agreement to transfer title and responsibility of the Court Facility to the state on June 18, 2008, and authorized the Chairman of the County Board of Supervisors to execute the Transfer Agreement, Grant Deed, and any other documents necessary for the transfer of responsibility and title to the Court Facility to the state.

The Transfer Agreement requires that delivery of title to the property be free and clear of any mortgages or liens. Concurrently with the transfer of title to the Court Facility, the Council will purchase an owner's policy of title insurance for the Court Facility from the title company.

The County has agreed to indemnify the state against any known conditions that existed in, on, or under the real property during the period of their ownership.

The County has agreed to indemnify the Council for any liability imposed on the Council 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.

This acquisition meets the priority set forth in Government Code Section 65041.1(a) because it promotes continued use of an existing structure located in an urban-infill, already developed area served by existing utilities, public transportation, streets, and is in close proximity to the populations served.

In accordance with the Trial Court Facilities Act of 2002 (the Act), the transfer includes the same amount of parking that served the Court Facility in October 2001.

As a part of the transfer agreement, the County is reserving a tunnel easement for an existing underground tunnel between the County Detention Center and the Court Facility. The County remains exclusively liable for the operation, control, use, maintenance, and repair of the tunnel.

Funding and Cost Verification

This project 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 the Act. 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 March 17, 2016, and the 35-day statute of limitations expired without challenge.

Project Schedule

The anticipated close of escrow is September 2016.

Condition of Property

Phase 1 Environmental Site Assessment (ESA)—A Phase I ESA report was completed in March 2016 that included an evaluation of significant environmental, health, and safety conditions impacting the interior and exterior of the Court Facility. In preparing the Phase I ESA, a visual inspection of the Court Facility was performed to detect any apparent hazardous conditions in, on, or about the Court Facility, and the historical uses of the real property were reviewed.

The Phase I report noted that the subject property was a gas station from at least 1924 through 1968. Investigation of the property began when impacted groundwater was identified on the east adjacent property, another gas station. A total of 9 wells and 21 soil borings were drilled on and off-site. As part of remedial activity at the site 1,200 cubic yards of soil impacted by petroleum hydrocarbons was removed in 1995. Residual petroleum hydrocarbon impact remained in the soil after excavation. A March 1996 Health Risk Assessment indicated that the risk potential for exposure by the residual impact was below “no significant risk.” In 1997 the County’s environmental consultant presented a case for closure and stated that only residual impact was present, and the plume was shrinking and confined to the subject property. The site received closure on August 18, 1999. Based on the site closure, the former gas station represents a historical recognized environmental condition (HREC) and a vapor encroachment condition (VEC).

No other on or off site concerns were identified as part of the review of the database report and regulatory websites. Gas stations identified to the north and west of the subject property were either closed or do not appear to have impacted the subject property. Based on the information gathered, no further action is recommended at this time.

Building Assessment—The Council conducted an initial site visit of the Court Facility in August 2007 to assess the general condition of the property. The Judicial Council took responsibility for the facility as of July 1, 2008 and has been responsible for the operations and maintenance since that date. Staff has since made numerous additional visits to the site to monitor the condition of

the court facility. The Council concludes that the court facility did not contain any apparent hazards to the health and safety of the occupants or property.

Seismic Safety Assessment—A seismic safety assessment was not required for this Court Facility as it was constructed after 1998.

Other

- The Council is not aware of any lawsuits pending concerning the property.
- There is no relocation assistance, historic title issues, or implied dedication associated with this transfer of title.

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

CONSENT ITEMS

CONSENT ITEM—2

**CALIFORNIA DEPARTMENT OF MOTOR VEHICLES (2740)
DELANO FIELD OFFICE REPLACEMENT
H BLOCK SITE, KERN COUNTY**

DGS Parcel Number 10853

Authority: Chapters 10 and 11, Statutes of 2015, Item 2740-301-0044(1)

Chapter 23, Statutes of 2016, Item 2740-301-0044(1)

Consider authorizing site selection

CONSENT ITEMS

STAFF ANALYSIS ITEM—2

California Department of Motor Vehicles (2740)
Delano Field Office Replacement
H Block Site, Kern County

Action Requested

If approved, the requested action would authorize site selection.

Scope Description

This project is within scope. The requested action would authorize site selection of approximately 2.7 acres (the Property) for the construction of a replacement field office for the Department of Motor Vehicles (DMV). The property is a vacant parcel consisting of an entire city block bounded by 9th Avenue and 8th Avenue on the north and south, with Glenwood Street and Fremont Street on the east and west, in the City of Delano, Kern County. When completed, the new facility will replace the existing DMV field office. The replacement area office will be approximately 10,718 gross square feet. Improvements will include parking for staff and customers, an attached drive test canopy, a motorcycle testing area, a photovoltaic rooftop system, walkways, landscaping and related site work necessary for a replacement facility. This project will provide a Zero Net Energy building.

Funding and Cost Verification

This project is within cost. Chapter 10, Statutes of 2015, Item 2740-301-0044(1), as appropriated by the Budget Act of 2015), provides \$1,022,000 for acquisition of a site for this project. The Property can be acquired with the funds available and in accordance with Legislative intent.

CEQA

Environmental review and appropriate CEQA documentation will be completed prior to seeking Board approval to acquire the site.

Condition of Property

The Department of General Services (DGS), Environmental Services Unit (ESU) staff conducted a site visit to the Property on November 5, 2015. The project site is flat and void of improvements except for sparsely abandoned overhead electric utility equipment and aging sidewalks, curbs and gutters. In the past the property use consisted of a number of small local businesses in various buildings. The project site is located in FEMA Flood Zone X, and therefore is considered to be a moderate to low flood risk.

Phase I Environmental Site Assessment (ESA)

DGS-ESU staff walked the project site looking for potential contamination sources and overall conditions of the project site. DGS-ESU staff recommends, based on past long-term commercial use of the project site, that a Phase I ESA be performed prior to acquisition.

Project Schedule

The anticipated close of escrow is November 2016.

Other:

- It is anticipated that the purchase price will not exceed the estimated fair market value of the Property as determined by a DGS approved appraisal.
- There are currently unrecorded rights for city-owned water and sewer lines located within an alley which bifurcates the proposed site. On August 15, 2016, the City of Delano will hold a Public Hearing to vacate that alleyway. Prior to acquisition, DGS will confirm that any outstanding issues regarding these unrecorded rights have been resolved.
- The proposed site meets the physical and location requirements of DMV.
- The proposed site is vacant and unimproved.
- Local utilities are available to the site.
- The Property is currently in escrow between the City of Delano, successor agency to the Community Redevelopment Agency of the City of Delano, as seller, and Franmar Company, with an anticipated close of escrow no later than August 30, 2016. Franmar is acquiring a greater 12.79 acre parcel, and has agreed to subsequently sell the 2.7 acre subject property to the state. On June 20, 2016, the Department of Finance approved the sale of the Property pursuant to the City of Delano Oversight Board Resolution 2016-02-OB. The Property was listed on the Agency's Long Range Property Management Plan, which was approved on June 18, 2014.
- The acreage to be acquired is approximate 0.8 acre larger than anticipated. The additional acreage is necessary in order to comply with the developer's request to acquire a full city block rather than a fractional block. DGS does not believe it would be possible to acquire a smaller area from the developer, and if so, any cost savings would be minimal.
- There are no historic issues and no implied dedication associated with the Property.
- There is no relocation assistance involved with this project.
- DMV 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 proposed acquisition is consistent with the State's planning priorities in accordance with Government Code Section 65041 et. seq as the site selected supports efficient development patterns near existing developed areas with adequate transportation and other essential utilities and services.

Staff Recommendation: Authorize site selection.

CONSENT ITEMS

CONSENT ITEM-3

**CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (3540)
BIEBER FIRE STATION AND HELITACK BASE REPLACEMENT FACILITY
SUSANVILLE ROAD SITE, LASSEN COUNTY**

Project Number CDF 513, DGS Parcel Number 10829

*Authority: Chapters 171 and 172, Statutes of 2007, Item 3540-301-0660(6), as reappropriated by the Budget Act of 2009, 2011, and 2013
Chapter 25, Statutes of 2014, Item 3540-301-0660(8), as reappropriated by the Budget Act of 2016*

Consider authorizing acquisition

CONSENT ITEMS

STAFF ANALYSIS ITEM-3

Department of Forestry and Fire Protection
Bieber Fire Station and Helitack Base Replacement Facility
Susanville Road Site, Lassen County

Action Requested

If approved, the requested action will authorize acquisition.

Scope Description

This project is within scope. The requested action will authorize the acquisition of approximately 80 acres located at 668745 Susanville Road, in an unincorporated area of the town of Bieber, Lassen County (the Property).

The current scope includes the purchase, design, and construction of a new 2-engine approximately 12,000 square foot fire station and helitack base which includes a 3-bay apparatus building, a heavy machinery building, a 36-bed barracks and mess hall building, a helicopter hangar and pad, an office building, a generator and pump storage building, a 12,000 gallon fuel storage tank, and a 4-bay utility parking garage.

Funding and Cost Verification

This project is not within cost. The 2007 Budget Act, as reappropriated by the Budget Acts of 2009, 2011, and 2013 and the 2014 Budget Act, as reappropriated by the Budget Act of 2016, provided a total of \$230,000 for site acquisition. Because a previously identified site is no longer a viable location and acquisition funds were expended as part of that determination, additional resources are needed for this site acquisition. The Department of Finance has facilitated a fund shift to transfer \$65,000 from the construction phase of this project to the acquisition phase.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on May 9, 2016, and the 35-day statute of limitations period expired without challenge.

Condition of Property

The Department of General Services (DGS), Environmental Services Unit (ESU) staff conducted a site visit on August 5, 2015. The Property is elevated above the street level and consists of useable land with various elevations, however the elevations are minimal. The Property is improved with a garage/shop building, well, gate, and fence. A fresh water pond is located at the northeast corner of the Property, along with drainage running close to the eastern boundary line of the Property. The Property would provide direct access from Susanville Road. A structure (garage or shop building) is located in approximately the middle of the Property along with a well and dirt access road providing access from Susanville Road. A determination of capacity and quality of water of the existing well was conducted on June 2, 2016. The well was determined to have adequate capacity to meet the needs of the proposed facility.

Local Department of Forestry and Fire Protection representatives noted that in Lassen County it is not unusual, when developing an undisturbed site, that cultural resource artifacts are discovered. A complete cultural resources analysis of the site will be conducted by a qualified archaeologist as part of the environmental analysis during the preliminary plans phase. The Property is not under the Williamson Act.

A phase I Environmental Site Assessment (ESA) was conducted in June 2016 for the site. The ESA encountered no evidence of past or present land uses that may have generated or caused the release of hazardous material or a potential for vapor intrusion and identified no recognized environmental conditions.

Project Schedule

The anticipated close of escrow is October 2016.

Other

- The State Public Works Board approved site selection for the Property on March 16, 2016.
- Cal Fire is not aware of any lawsuits pending concerning the property.
- The proposed site meets the physical and location requirements of CAL FIRE.
- There are no historic issues and no implied dedication associated with this property.
- There is no relocation assistance involved with this project.
- The proposed acquisition is consistent with the State's planning priorities in accordance with Section 65041 et. seq., of the Government Code. State ownership of this property will allow CAL FIRE to better serve and continue to protect the state's properties and natural resources.

Staff Recommendation: Authorize acquisition.

ACTION ITEMS

ACTION ITEM—1

**DEPARTMENT OF PARKS AND RECREATION (3790)
LEO CARRILLO STATE PARK, STEELHEAD TROUT BARRIER REMOVAL
LOS ANGELES COUNTY**

*Authority: Chapter 712, Statutes of 2010, Item 3790-301-0392(2)
as reappropriated by the Budget Act of 2013
Chapters 10 and 11, Statutes of 2015, Item 3790-301-0392(0.5)
Chapters 10 and 11, Statutes of 2015, Item 3790-301-0890(1)*

Consider approving an augmentation contingent upon the expiration of the Joint Legislative Budget Committee review period

**\$470,000
(15.3 percent total project)
(19.3 percent cumulative)**

ACTION ITEMS

STAFF ANALYSIS ITEM—1

Department of Parks and Recreation
Leo Carrillo State Park, Steelhead Trout Barrier Removal
Los Angeles County

Action Requested

If approved, the requested action will approve an augmentation contingent upon the expiration of the Joint Legislative Budget Committee review period.

Scope Description

This project is within scope. This project will replace two existing in-stream crossings located on Arroyo Sequit Creek within Leo Carrillo State Park with two free-span bridges. This project will enhance habitat and increase spawning opportunity for Steelhead Trout, a federally-listed, endangered fish species, and improve impairments to water quality caused by two failing in-stream concrete crossings.

Funding and Cost Verification

This project is not within cost. The construction contract was awarded in June 2015, resulting in bid savings of \$190,000. The contractor started construction in August 2015 and immediately encountered unforeseen soil conditions (large boulders and excessive ground water) resulting in increased costs and delays. In October 2015, the State Public Works Board approved an increase within appropriation of \$190,000 and an augmentation of \$121,000 to address these unforeseen items. At this time, Parks anticipated that this augmentation would cover the balance of the remediation efforts. However, dewatering attempts continued to be challenging, preventing the contractor from finishing all of the streambed work, most notably the bridge abutments for the lower stream crossing by the end of October 2015 as originally scheduled. Due to the sensitive nature of the site, regulatory permits only allow construction activities to occur during the period from mid-July through October. As a result, the contractor was forced to demobilize for the season.

In July 2016, the contractor remobilized and resumed construction, implementing a modified dewatering approach, as recommended by geotechnical consultants, which is expected to

successfully address the soil conditions encountered in the previous year (extensive clay soil layer) and allow for the completion of all streambed work by the end of October 2016. However, as a result of these delays and the unique challenges of this project that were further realized in the off season, an additional augmentation of \$470,000 is needed to complete this project. The increased reimbursement authority will cover contractor costs related to the increased difficulty of the work (\$85,000), replenishment of the contingency (\$67,000), increased project management costs (\$85,000), and provide for additional mitigation, restoration, and monitoring efforts required for permit compliance (\$233,000), as a result of the extended duration of the project and required activities that were not included in the original project budget.

Parks estimates that should this augmentation request be denied, the majority of the project could still be completed. However, it is unlikely that Parks would be able to finish the paving, concrete apron, bridge decking, guard rails, signs, and some environmental compliance and monitoring activities with the balance of available funds. In the event no additional funds become available, Parks would need to stop work and install limited site protections to ensure public safety. Although not expected, it is possible that soil conditions would be such that dewatering is not possible, which would require a redesign and result in no progress this construction season.

On July 26, 2016, Finance notified the chairs of the Joint Legislative Budget, the Senate Appropriations, and Assembly Appropriations Committees of its intent to approve the augmentation of this project and the 20-day notice period will expire on August 15, 2016. Staff recommends recognizing this augmentation contingent upon expiration of this legislative review period.

\$ 3,069,000 Total authorized project costs (excluding design savings)

\$ 3,539,000 Total estimated project cost

\$ 3,069,000 State costs previously allocated: construction (\$2,695,000 contract, \$116,000 contingency, \$185,000 A&E costs, and \$73,000 agency retained)

\$ 470,000 Anticipated project deficit: construction (\$85,000 contract, \$67,000 contingency, \$85,000 A&E costs, and \$233,000 agency retained)

CEQA

A Notice of Exemption was filed with the State Clearinghouse on January 11, 2006, and the 35-day statute of limitations expired without challenge.

Real Estate Due Diligence

Parks has conducted due diligence for this project and no issues that would adversely affect the beneficial use and quiet enjoyment of the site were identified.

Project Schedule

Approve preliminary plans	October 2013
Complete working drawings	March 2014
Start construction	July 2015
Complete construction	December 2016

Staff Recommendation: Approve augmentation contingent upon the expiration of the Joint Legislative Budget Committee review period.

ACTION ITEMS

ACTION ITEM—2

**HIGH SPEED RAIL AUTHORITY (2665)
INITIAL OPERATING SEGMENT, SECTION 1
MADERA, FRESNO AND KINGS COUNTY**

Authority: Chapter 152, Statutes of 2012, Item 2665-306-0890 (1)
Chapter 152, Statutes of 2012, Item 2665-306-6043 (1)
Chapter 25, Statutes of 2014, Item 2665-306-3228 (1)
Section 39719(b)(2) of the Health and Safety Code
Section 39719.1 of the Health and Safety Code

Consider authorizing site selection of 12 assessors parcels in full or in part.

Madera, Fresno, and Kings County	
High Speed Rail Authority Parcel Number	Assessor Parcel Number or Property Description
FB-10-0870	056-080-11S
FB-10-9042	High Speed Train System Crossing of State Route 43 approximately ¼ mile north of Cole Slough
FB-10-0869	056-090-11S
FB-10-0873	056-090-16S
FB-10-0431	385-110-57
FB-10-0876	385-210-10
FB-10-0877	385-210-13
FB-10-0878	385-210-19
FB-10-0879	385-210-20
FB-16-0252	028-290-034
MF-20-1149	036-240-013
MF-20-1242	Southerly side of Ave. 19, between parcel 032-440-007 and Hanover Drive

ACTION ITEMS

STAFF ANALYSIS ITEM—2

High Speed Rail Authority
Initial Operating Segment, Section 1
Madera, Fresno, and Kings County

Action Requested

If approved, the requested action would authorize site selection of 12 assessors parcels in full or in part.

Scope Description

This project is within scope. The Initial Operating Segment, Section 1 (IOS-1) is expected to be approximately 120 miles starting from Madera and extending southward almost to Bakersfield. This initial section includes the realignment of Highway 99 in Fresno, construction of a bridge over the San Joaquin River, several grade separations, two viaducts and the acquisition of approximately 1,400 parcels. The IOS-1 is the first construction phase of the High Speed Train System (HSTS). The HSTS consists of Phase 1, which would provide 520 miles of the HSTS extending from San Francisco to Los Angeles/Anaheim, and Phase 2, which would extend the system to Sacramento and San Diego.

Funding and Cost Verification

This project is within cost. Chapter 152, Statutes of 2012, appropriated \$5.850 billion (\$2.609 billion High Speed Passenger Train Fund and \$3.241 billion federal funds) and Chapter 25, Statutes of 2014 provided an additional \$191.4 million Greenhouse Gas Reduction Fund for the IOS-1. In addition, Health and Safety Code section 39719 (b)(2) appropriates 25 percent of the annual proceeds of the Greenhouse Gas Reduction Fund for the Phase I Blended System and Health and Safety Code section 39719.1 authorizes repayment of a \$400 million General Fund loan from the Greenhouse Gas Reduction Fund for the Phase I Blended System. The IOS-1 is a component of the Phase I Blended System.

Background

To date, the Board has site-selected approximately 1,400 parcels comprising approximately 120 miles from Madera to near Bakersfield. This total does not reflect properties associated with Right-of-Way transfer agreements with local government.

Site selection of APN 056-080-11S is necessary to accommodate a wider design of the HSTS that now extends onto a corner of this parcel. Site selection of HSTS Crossing of State Route (SR) 43 reflects a jurisdictional transfer of land and easements from Caltrans to HSTS, and is necessary in order to complete the SR43 grade separation. Site selection of APN 028-290-034 is necessary for the realignment of SR43 westward and over the HSTS system. Site selection of APNs 056-090-11S and 056-090-16S are for easements necessary to provide access to otherwise landlocked sections of the HSTS system near Cole Slough. Site selection of APNs 385-110-57, 385-210-10, 385-210-13, 385-210-19 and 385-210-20 are for either temporary construction easements or fee acquisition associated with the construction of a viaduct over the existing Burlington Northern Santa Fe railroad's right-of-way in the area of East Conejo Avenue and South Topeka Avenue near Selma, California.

Finally, site selection of APN 036-240-013 and the parcel identified as the Southerly side of Avenue 19 near Hanover Drive are related to the extension of the northern terminus of the IOS-1 from Avenue 17 to Avenue 19 within Madera County. Previous site selections associated with this extension occurred at the April 2016 and June 2016 State Public Works Board meetings.

For these properties, the CEQA and NEPA processes were completed in 2012 and 2014. Consistent with corridor based projects, minimal real estate due diligence has occurred to date as

the alignment determines which properties must be acquired and any abatement or title issues will be resolved during or shortly after acquisition.

Staff Recommendation: Authorize site selection of 12 assessors parcels in full or in part.

ACTION ITEMS

ACTION ITEM—3

**HIGH SPEED RAIL AUTHORITY (2665)
INITIAL OPERATING SEGMENT, SECTION 1
FRESNO COUNTY**

Assessor's Parcel Numbers (APN) or Property Location Description: 504-010-19U, 504-010-18U, and within existing N. Golden State Boulevard from approximately one-quarter mile south of Herndon Avenue to middle of intersection at N. Cornelia Avenue
High Speed Rail Authority Parcel Numbers: MF-10-0263, MF-10-0273, and MF-10-0275

*Authority: Chapter 152, Statutes of 2012, Item 2665-306-0890 (1)
Chapter 152, Statutes of 2012, Item 2665-306-6043 (1)
Chapter 25, Statutes of 2014, Item 2665-306-3228 (1)
Section 39719(b)(2) of the Health and Safety Code
Section 39719.1 of the Health and Safety Code*

Consider approving a First Amendment to the Second Easement Acquisition Agreement dated July 8, 2016 for three Union Pacific Railroad parcels

ACTION ITEMS

STAFF ANALYSIS ITEM—3

High Speed Rail Authority
Initial Operating Segment, Section 1
Fresno County

Action Requested

If approved, the requested action will approve a First Amendment to the Second Easement Acquisition Agreement for three Union Pacific Railroad parcels

On November 6, 2015, the SPWB adopted a resolution to delegate acquisition approval for HSTS acquisitions that conform to a SPWB-approved standard contract with non-substantive changes. Due to the complexity of the Easement Acquisition Agreements (Agreement) between Union Pacific Railroad (UPRR) and the High Speed Rail Authority (Authority), these contracts fall outside of the delegation and require SPWB approval. For similar reasons, any amendments to the Agreements also require SPWB approval.

On May 20, 2015, the SPWB approved the first Agreement with UPRR for the acquisition of eight parcels. On July 8, 2016, the Board approved the second Agreement with UPRR for the acquisition of three additional parcels. Both agreements provided permanent easements to be used by the Authority.

An amendment to the second Agreement is now needed to substitute updated legal descriptions for the properties to be acquired, prior to the close of escrow. This action is consistent with Section 14.3 of the Second Agreement, which requires the Authority to provide to UPRR and the Title Company a survey of the parcels to be acquired. Results of the survey are used as the basis for preparation of the final legal description of the properties in the Grant Deeds and for calculation of the final purchase price.

Staff Recommendation: Approve a First Amendment to the Second Easement Acquisition Agreement for three Union Pacific Railroad parcels.

ACTION ITEMS

ACTION ITEM—4

CALIFORNIA HIGH SPEED RAIL AUTHORITY (2665) VARIOUS COUNTIES

Consider approving updates to Exhibits to the Right-Of-Way Contracts and Possession and Use Agreements authorized by Resolution at the November 6, 2015 Public Works Board Meeting

ACTION ITEMS

STAFF ANALYSIS ITEM—4

High Speed Rail Authority
Various Counties

Action Requested

If approved, the requested action would approve updates to Exhibits to the Right-Of-Way Contracts authorized by Resolution at the November 6, 2015 Public Works Board Meeting.

The State Public Works Board (Board) is required by law to perform various functions or approvals in relation to its capital outlay oversight responsibilities and bond issuance obligations. In an effort to improve the efficiency of these processes, the Board has approved the delegation of certain functions and approvals to its duly appointed Executive Director and Deputy Directors.

At its November 6, 2012 meeting, the Board approved the adoption of a resolution approving a form acquisition agreement and the delegation of authority to execute certain contracts for the acquisition of property for the High Speed Rail Project. In addition, at its April 15, 2013 meeting, the Board approved a form of Agreement for Possession and Use, Optional Clauses, and Memorandum of Agreement for Possession and Use and the delegation of authority to execute agreements and memoranda for the possession and use of property for the California High Speed Rail Project. On November 6, 2015, the Board rescinded both of those resolutions and approved new resolutions providing for additional delegations, updating contract language, and adding new contract forms as necessary. On January 15, 2016, the Board approved minor updates to those Exhibits to the Right-Of-Way Contracts and Possession and Use Agreements. This request would further update the Exhibits to those resolutions to include changes and clean-up edits as follows:

- Right-Of-Way Contract - Revised Exhibit B, Optional Clauses: Added Optional Clause 8.10.03.01 to allow the Authority, with consent of the owner, to enter the owner's property to reconnect, adjust or relocate the existing public utility service connections to the owner's remaining land.
- Right-Of-Way Contract – Revised Exhibit C, Alternate Right-Of-Way Contract -Leasehold Interest Only: Replaced OWNER with LESSEE to more accurately reflect roles and responsibilities of parties to the contract.

Staff Recommendation: Approve minor updates to Exhibits to the Right-Of-Way Contracts and Agreements for Possession and Use authorized by Resolution at the November 6, 2015 Public Works Board Meeting.

ACTION ITEMS

ACTION ITEM—5

**HIGH SPEED RAIL AUTHORITY (2665)
INITIAL OPERATING SEGMENT, SECTION 1
FRESNO, KINGS, AND KERN COUNTIES**

*Authority: Chapter 152, Statutes of 2012, Item 2665-306-0890 (1)
Chapter 152, Statutes of 2012, Item 2665-306-6043 (1)
Chapter 25, Statutes of 2014, Item 2665-306-3228 (1)
Section 39719(b)(2) of the Health and Safety Code
Section 39719.1 of the Health and Safety Code
Section 15854 of the Government Code*

Consider the adoption of Resolutions of Necessity authorizing the use of eminent domain to acquire the following properties:

- 1. River Ranch Farms Property (Kings County)**
Authority Parcel Numbers: FB-16-0202-1, FB-16-0202-2, FB-16-0202-3, FB-16-0205-1, FB-16-0205-2, FB-16-0205-3, FB-16-0205-4, FB-16-0205-5, FB-16-0205-01-01, FB-16-0206-1, FB-16-0206-2, and FB-16-0275-1
Assessor Parcel Numbers: 016-260-001, 016-260-014, 016-260-015, and 028-050-016
- 2. SanMor Enterprises Property (Kern County)**
Authority Parcel Number: FB-15-0160-1
Assessor Parcel Number: 487-250-025
- 3. County of Kings Property (Kings County)**
Authority Parcel Numbers: FB-16-0155-1 and FB-15-0155-2
Assessor Parcel Number: 016-130-067

PROPERTY PULLED

- 4. Morales/Dias Property (Kings County)**
Authority Parcel Numbers: FB-16-0222-1 and FB-16-0222-01-01
Assessor Parcel Number: 028-160-012
- 5. Lansing Property (Kings County)**
Authority Parcel Numbers: FB-16-0240-1, FB-16-0240-2, FB-16-0240-3, FB-16-0240-4, FB-16-0240-5, FB-16-0240-6, FB-16-0240-7, FB-16-0240-8, and FB-16-0240-9
Assessor Parcel Number: 028-260-005
- 6. te Velde Property (Kern County)**
Authority Parcel Numbers: FB-16-0042-1, FB-16-0042-2, FB-16-0042-3, and FB-16-0042-4
Assessor Parcel Number: 014-020-002

7. Pond Ranch Property (Kern County)
Authority Parcel Numbers: FB-15-0024-1, FB-15-0024-2, FB-15-0024-3,
FB-15-0024-4, and FB-15-0024-5
Assessor Parcel Number: 059-210-21

PROPERTY PULLED

8. Church Property (Kings County)
Authority Parcel Numbers: FB-16-0230-1 and FB-16-0230-2
Assessor Parcel Number: 028-202-038
9. Nesheiwat Property (Kern County)
Authority Parcel Number: FB-15-0019
Assessor Parcel Numbers: 047-350-03 and 047-350-04

PROPERTY PULLED

10. Mattos Property (Kings County)
Authority Parcel Numbers: FB-16-0225-1, FB-16-0225-2, FB-16-0225-3,
FB-16-0225-4, FB-16-0225-01-01, FB-16-0225-02-01, FB-16-0225-03-01,
FB-16-0226-1, FB-16-0226-01-01, FB-16-0226-2, FB-16-0227-1, and
FB-16-0227-01-01
Assessor Parcel Numbers: 028-202-003, 028-202-005, and 028-202-030
11. Noland Property (Fresno County)
Authority Parcel Numbers: MF-10-0258-1, MF-10-0258-01-01, MF-10-0258-02-01, and
MF-10-0258-03-01
Assessor Parcel Number: 508-020-20s
12. Federal Deposit Insurance Corporation Property (Fresno County)
Authority Parcel Number: FB-10-0444-1
Assessor Parcel Number: 385-170-08
13. Bloemhof Property (Kern County)
Authority Parcel Numbers: FB-15-0165-1, FB-15-0165-2, FB-15-0165-3,
FB-15-0165-4, FB-15-0165-5, FB-15-0165-6, FB-15-0165-01-01, and
FB-15-0165-02-01
Assessor Parcel Numbers: 030-192-03, 030-192-06, and 030-210-06
14. DJM Sales Property (Kings County)
Authority Parcel Numbers: FB-16-0159-1, FB-16-0160-1, FB-16-0161-1, and
FB-16-0162-1
Assessor Parcel Numbers: 016-130-079, 016-130-080, 016-130-081, and
016-130-082

ACTION ITEMS

STAFF ANALYSIS ITEM—5

High Speed Rail Authority
Initial Operating Segment, Section 1
Kings and Kern Counties

Action Requested

Adopt 11 Resolutions of Necessity authorizing the use of eminent domain to acquire properties in Kings and Kern counties, totaling approximately 114.6 acres. Specifically, the request would adopt Resolutions of Necessity for properties 1, 2, 4-6, 8, and 10-14.

Scope Description

This project is within scope. The Initial Operating Segment, Section 1 (IOS-1) is expected to be approximately 120 miles starting from Madera and extending southward almost to Bakersfield. This initial section includes the realignment of Highway 99 in Fresno and relocation of railroad lines, the construction of bridges over the San Joaquin and Fresno Rivers as well as other waterways, several dozen grade separations, multiple viaducts and trenches, and the acquisition of approximately 1,400 parcels. The IOS-1 is the first construction phase of the High Speed Train System (HSTS). The HSTS consists of Phase 1, which would provide 520 miles of the HSTS extending from San Francisco to Los Angeles/Anaheim, and Phase 2, which would extend the system to Sacramento and San Diego.

Funding and Cost Verification

This project is within cost. Chapter 152, Statutes of 2012, appropriated \$5.850 billion (\$2.609 billion High Speed Passenger Train Fund and \$3.241 billion federal funds) and Chapter 25, Statutes of 2014 provided an additional \$191.4 million Greenhouse Gas Reduction Fund for the IOS-1. In addition, Health and Safety Code section 39719 (b)(2) appropriates 25 percent of the annual proceeds of the Greenhouse Gas Reduction Fund for the Phase I Blended System and Health and Safety Code section 39719.1 authorizes repayment of a \$400 million General Fund loan from the Greenhouse Gas Reduction Fund for the Phase I Blended System. The IOS-1 is a component of the Phase I Blended System.

Background

In order to adopt a Resolution of Necessity that is required to initiate the eminent domain proceedings, the Board must consider that the following conditions have been met:

- (A) The public interest and necessity require the project;
- (B) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (C) The property sought to be acquired is necessary for the project; and,
- (D) The offer required by Government Code section 7267.2 has been made to the owner or owners of record.

In 2008 the voters of California approved Proposition 1a, authorizing monies from the High-Speed Passenger Train Bond fund in support of this Project. In 2009 and 2010 the federal government approved funds in support of the portion of this Project extending from San Francisco to Anaheim, and in 2012 and 2014, through Chapter 152, Statutes of 2012 and Chapter 25, Statutes of 2014, the Legislature appropriated funds for the acquisition and design-build phases of the IOS-1 of the Project, extending from Madera to just north of Bakersfield.

The Property Acquisition Law, commencing with section 15850 of the Government Code, authorizes the Board to select and acquire in the name of the State of California (State) with the consent of the State agency concerned, the fee or any lesser right or interest in any real property

necessary for any State purpose or function. This law also authorizes the Board to acquire property by condemnation, in the manner provided for in Title 7 (commencing at section 1230.010) of Part 3 of the Code of Civil Procedure.

Each of the properties is within the right of way for IOS-1 and was site selected at previous Board meetings. The site selections took place after an environmental review process where it was determined that any alternative alignment would include the selected parcels, or where a preferred alignment had already been approved by both the High Speed Rail Authority Board and the Federal Railroad Administration. Acquisition of these properties will allow the High Speed Rail Authority to move forward with construction of the HSTS.

Between August 2014 and June 2016, the various owners were provided with a first written offer to purchase the subject property, as required by Government Code section 7267.2. Negotiations to acquire the properties are continuing; however, in order to keep the project on schedule, the adoption of Resolutions of Necessity to authorize the use of eminent domain is required.

On July 22, Notices of Intent to adopt a Resolution of Necessity were mailed to the respective property owners. These notices were sent in accordance with Code of Civil Procedure section 1245.235.

Property Specific Information:

1. River Ranch Farms Property (Kings County)
Authority Parcel Numbers: FB-16-0202-1, FB-16-0202-2, FB-16-0202-3, FB-16-0205-1, FB-16-0205-2, FB-16-0205-3, FB-16-0205-4, FB-16-0205-5, FB-16-0205-01-01, FB-16-0206-1, FB-16-0206-2, and FB-16-0275-1
Assessor Parcel Numbers: 016-260-001, 016-260-014, 016-260-015, and 028-050-016
Partial Acquisition: 34.05 acres total (33.28 acres in fee and 0.77 acre in easement)

This property will be needed for the construction of the HSTS between Iona Avenue and Jackson Avenue and for the construction of the Iona Avenue and Idaho Avenue grade separations.

2. SanMor Enterprises Property (Kern County)
Authority Parcel Number: FB-15-0160-1
Assessor Parcel Number: 487-250-025
Partial Acquisition: 0.95 acre in fee

This property will be needed for the construction of the HSTS between Gromer Avenue and State Route 46.

3. County of Kings Property (Kings County)
Authority Parcel Numbers: FB-16-0155-1 and FB-15-0155-2
Assessor Parcel Number: 016-130-067

PROPERTY PULLED

4. Morales/Dias Property (Kings County)
Authority Parcel Numbers: FB-16-0222-1 and FB-16-0222-01-01
Assessor Parcel Number: 028-160-012
Partial Acquisition: 1.40 acres in fee

This property will be needed for the construction of the HSTS between Jersey Avenue and Kent Avenue.

5. Lansing Property (Kings County)
Authority Parcel Numbers: FB-16-0240-1, FB-16-0240-2, FB-16-0240-3, FB-16-0240-4, FB-16-0240-5, FB-16-0240-6, FB-16-0240-7, FB-16-0240-8, and FB-16-0240-9
Assessor Parcel Number: 028-260-005
Partial Acquisition: 21.76 acres total (15.05 acres in fee and 6.71 acres in easement)

This property will be needed for the construction of the HSTS between Lansing Avenue and State Route 43.

6. te Velde Property (Kern County)
Authority Parcel Numbers: FB-16-0042-1, FB-16-0042-2, FB-16-0042-3, and FB-16-0042-4
Assessor Parcel Number: 014-020-002
Partial Acquisition: 8.55 acres total (8.42 acres in fee and 0.13 acre in easement)

This property will be needed for the construction of the HSTS between Excelsior Avenue and Elder Avenue and for the construction of the Excelsior Avenue grade separation.

7. Pond Ranch Property (Kern County)
Authority Parcel Numbers: FB-15-0024-1, FB-15-0024-2, FB-15-0024-3, FB-15-0024-4, and FB-15-0024-5
Assessor Parcel Number: 059-210-21

PROPERTY PULLED

8. Church Property (Kings County)
Authority Parcel Numbers: FB-16-0230-1 and FB-16-0230-2
Assessor Parcel Number: 028-202-038
Partial Acquisition: 0.57 acre total (0.28 acre in fee and 0.29 acre in easement)

This property will be needed for the construction of the HSTS adjacent to Kansas Avenue grade separation and for a neighboring parcel.

9. Nesheiwat Property (Kern County)
Authority Parcel Number: FB-15-0019-1
Assessor Parcel Numbers: 047-350-03 and 047-350-04

PROPERTY PULLED

10. Mattos Property (Kings County)

Authority Parcel Numbers: FB-16-0225-1, FB-16-0225-2, FB-16-0225-3, FB-16-0225-4, FB-16-0225-01-01, FB-16-0225-02-01, FB-16-0225-03-01, FB-16-0226-1, FB-16-0226-01-01, FB-16-0226-2, FB-16-0227-1, and FB-16-0227-01-01
Assessor Parcel Numbers: 028-202-003, 028-202-005, and 028-202-030
Partial Acquisition: 36.02 acres total (35.80 acres in fee and 0.22 acre in easement)

This property will be needed for the construction of the HSTS between Kent Avenue and Kansas Avenue and for the construction of the Kent Avenue grade separation.

11. Noland Property (Fresno County)

Authority Parcel Numbers: MF-10-0258-1, MF-10-0258-01-01, MF-10-0258-02-01, and MF-10-0258-03-01
Assessor Parcel Number: 508-020-20s
Full Acquisition: 1.79 acres in fee

This property will be needed for the realignment of N. Golden State Boulevard and the construction of a new intersection at N. Golden State Boulevard and W. Barstow Avenue.

12. Federal Deposit Insurance Corporation Property (Fresno County)

Authority Parcel Number: FB-10-0444-1
Assessor Parcel Number: 385-170-08
Partial Acquisition: 4.94 acres in fee

This property will be needed for the construction of the HSTS between S. Minnewawa Avenue and S. Clovis Avenue.

13. Bloemhof Property (Kern County)

Authority Parcel Numbers: FB-15-0165-1, FB-15-0165-2, FB-15-0165-3, FB-15-0165-4, FB-15-0165-5, FB-15-0165-6, FB-15-0165-01-01, and FB-15-0165-02-01
Assessor Parcel Numbers: 030-192-03, 030-192-06, and 030-210-06
Partial Acquisition: 1.58 acres total (1.43 acres in fee and 0.15 acre in easement)

This property will be needed for the construction of the HSTS between State Route 46 and 4th Street.

14. DJM Sales Property (Kings County)

Authority Parcel Numbers: FB-16-0159-1, FB-16-0160-1, FB-16-0161-1, and FB-16-0162-1
Assessor Parcel Numbers: 016-130-079, 016-130-080, 016-130-081, and 016-130-082
Partial Acquisition: 3.02 acres in fee

This property will be needed for the construction of the Hanford Armona Road grade separation.

Staff Recommendation: **Adopt 11 Resolutions of Necessity authorizing the use of eminent domain to acquire properties totaling approximately 114.6 acres. Specifically, the request would adopt Resolutions of Necessity for properties 1, 2, 4-6, 8, and 10-14.**

OTHER BUSINESS

1. Consider authorizing an agreement with Gilbert Associates, Inc. for auditing services

This action will authorize an agreement with the auditing firm Gilbert Associates, Inc. to perform audit services for the Board's Public Buildings Construction Fund for the fiscal years ending June 30, 2016 and June 30, 2017.

Staff Recommendation: Authorize an agreement with Gilbert Associates, Inc. for auditing services.

CLOSED SESSION

**DEPARTMENT OF GENERAL SERVICES (7760)
FRED C. NELLES YOUTH CORRECTIONAL FACILITY, CITY OF WHITTIER
LOS ANGELES COUNTY
Surplus Parcel Number SSL 628**

Closed Session to Confer with Legal Counsel regarding Pending Litigation

The Board will meet in closed session, pursuant to Government Code sections 11126(e)(1) and (e)(2)(A), to confer with counsel regarding pending litigation. The following cases will be discussed:

1. *Whittier Conservancy, a non-profit California corporation, vs. California Public Works Board; California Department of General Services; California Department of Finance, et al. Alameda County Superior Court, Case No. RG15773639*

**HIGH SPEED RAIL AUTHORITY (2665)
INITIAL OPERATING SEGMENT, SECTION 1**

Closed Session to Confer with Negotiator regarding the terms of proposed purchase of real property

The Board will meet in closed session, pursuant to Government Code sections 11126(c)(7), to confer with its negotiator regarding the proposed purchase of real property for the High Speed Train project. The following proposed purchases will be discussed:

1. *We Be Jammin - Assessor Parcel Numbers: 508-020-15S and 508-020-16S, Authority Parcel Numbers: MF-10-0048 and MF-10-0049*
2. *Reed Land Holdings - Assessor Parcel Numbers: 487-180-04, 487-180-05, 487-180-06, 487-180-07, 487-180-08, 487-180-09, 487-180-10, and 487-180-13, Authority Parcel Numbers: FB-10-0245, FB-10-0246, FB-10-0247, FB-10-0248, FB-10-0250, FB-10-0590, FB-10-0591, FB-10-0858*