



CALIFORNIA STATE
PUBLIC WORKS BOARD

EDMUND G. BROWN JR. • GOVERNOR

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STATE PUBLIC WORKS BOARD
January 15, 2016

MINUTES

PRESENT:

Ms. Eraina Ortega, Chief Deputy Director, Department of Finance
Mr. Kome Ajise, Chief Deputy Director, Department of Transportation
Mr. Daniel Kim, Director, Department of General Services
Ms. Julie Giordano, Assistant Director, Public Finance Division, State Treasurer
Mr. Tom Yowell, Chief Deputy Director, State Controller

CALL TO ORDER AND ROLL CALL:

Ms. Eraina Ortega, Chairperson of the Board called the meeting to order at 10:00 a.m.
Ms. Karessa Belben, Executive Secretary for the Board, called the roll. A quorum was established.

BOND ITEM:

If adopted would authorize interim financing for the Department of Forestry and Fire Protection San Luis Obispo Unit Headquarters Replacement project in San Luis Obispo County.

A motion was made by Mr. Kim and seconded by Mr. Ajise to approve and adopt the resolution for the bond item. The motion was passed unanimously (Ms. Ortega, Mr. Kim, Mr. Ajise, Ms. Giordano, and Mr. Yowell all voting aye).

MINUTES:

The next order of business was approval and adoption of the December 11, 2015 minutes. Ms. Lukenbill reported that staff had reviewed and recommended approval and adoption of the minutes.

A motion was made by Mr. Ajise and seconded by Mr. Kim to approve and adopt the minutes. The minutes were approved by a 3-0 vote (Ms. Ortega, Mr. Kim, and Mr. Ajise all voting aye).

CONSENT ITEMS:

Ms. Lukenbill informed the Board the Consent Calendar consists of Items 1 through 3.

In summary, the Consent Calendar included the following items:

- 2 requests to approve preliminary plans for: 1) the Judicial Council, new Sonora Courthouse in Tuolumne County, and 2) the California Military Department, Ontario Armory Renovation project. (Consent Items 1 and 3)

- 1 request to consider authorizing site selection of the Springmeyer property for the California Tahoe Conservancy, Upper Truckee River Restoration in El Dorado County. (Consent Item 2)

Staff recommended approval of the Consent Calendar consisting of Consent Items 1 through 3.

There were no comments or questions from the Board or the public.

A motion was made by Mr. Kim and seconded by Mr. Ajise to approve Consent Items 1 through 3. The Consent Items were approved by a 3-0 vote (Ms. Ortega, Mr. Kim, and Mr. Ajise voting aye).

ACTION:

Ms. Lukenbill then presented the Action Items to the Board.

Action Item 1: If approved, the requested action would approve acquisition of properties 1-5 on the agenda for the High Speed Rail project. Properties 6 and 7, Freshko and Dalpar, had been pulled from the agenda and were not a part of the vote.

Staff recommended approval of acquisition of properties 1-5 on the agenda for the High Speed Rail project.

A motion was made by Mr. Ajise and seconded by Mr. Kim to approve Action Item 1. The Action Item was approved by a 3-0 vote (Ms. Ortega, Mr. Kim, and Mr. Ajise voting aye).

Action Item 2: If approved, the requested action would authorize site selection of 14 assessor's parcels in full or in part.

Staff recommended authorizing site selection of these parcels.

There were no comments or questions from the Board or the public.

A motion was made by Mr. Kim and seconded by Mr. Ajise to adopt the staff recommendations. Action Item 2 was approved by a 3-0 vote (Ms. Ortega, Mr. Kim, and Mr. Ajise voting aye).

Action Item 3: If approved, the requested action would amend Resolution of Necessity 2014-0149, authorizing the use of eminent domain to acquire the DSS, L.P. Property in Fresno County.

Staff recommended approving the action.

The Board asked if the owner was in agreement with the requested action. Staff confirmed that the owner is in agreement.

A motion was made by Mr. Kim and seconded by Mr. Ajise to adopt the staff recommendations. Action Item 3 was approved by a 3-0 vote (Ms. Ortega, Mr. Kim, and Mr. Ajise voting aye).

Action Item 4: If approved, the action would adopt six Resolutions of Necessity authorizing the use of eminent domain to acquire properties in Madera, Fresno, Kings, and Tulare Counties. Mr. Jon Oldenberg, who acted as Counsel to the Board on the eminent domain issues, presented the Resolutions of Necessity.

Members of the public addressed the Board on three of the properties. James Dixon, Lisa McCurdy, and Dennis Tristao addressed the Board concerning the J.G. Boswell property. They presented the Board with numerous photos of the property in question. They argued that the current use of the property has a competing public interest, as it is currently a solar farm under contract to produce 20 megawatts of power. However, they also expressed a willingness to continue dialogue with High Speed Rail to reach a mutually acceptable solution. After discussing their concerns with HSR and the Board, the Board decided it was in best interest to postpone action on the J.G. Boswell property until the February Public Works Board meeting to give HSR and the legal team for the J.G. Boswell property more time to negotiate.

Karen Blom-Boswell addressed the Board on behalf of her property. She requested a relocation of the access road to 10 feet in the opposite direction, to avoid damaging her well and her farm's irrigation system. She also had a concern regarding the amount of compensation. Ms. Ortega stated that she felt confident that High Speed Rail would work with Ms. Blom-Boswell on her concerns.

Makram and Maureen Hanna addressed the Board on behalf of their company, Center Point, LLC. The Hannas argued that they had not been treated equally in respect to notification and that the plans for their properties would be a greater public good than the HSR due to the number of jobs it could create. The High Speed Rail Authority addressed the Board and informed them that the timing of the notification was due to issues with a neighboring property, that the proper notification was provided as required by law. Mr. Hanna also stated that the appraisal and description of the area of take was insufficient. The Board asked for information regarding their plot of land. Mr. Hanna stated that while nothing was built, the land had been prepped and it was shovel ready.

There was no additional public comment on Action Item 4.

Staff recommended approving the action, with the exception of the third property, which would be deferred to the February 12th meeting.

A motion was made by Mr. Ajise and seconded by Mr. Kim to adopt the staff recommendations, with the 3rd item of Action Item 4 being moved to the February meeting. Action Item 4 was approved by a 3-0 vote (Ms. Ortega, Mr. Kim, and Mr. Ajise voting aye).

Action Item 5: If approved, the requested action would make minor modifications and updates to Exhibits to the Right-Of-Way Contracts and Possession and Use Agreements authorized by Resolutions adopted at the November 6, 2015 Board meeting.

Staff recommended approval of 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.

A motion was made by Mr. Kim and seconded by Mr. Ajise to adopt the staff recommendations. Action Item 5 was approved by a 3-0 vote (Ms. Ortega, Mr. Kim, and Mr. Ajise voting aye).

OTHER BUSINESS:

Staff presented one other business item for the Board to consider, the adoption of a resolution authorizing the delegation of certain functions and approvals to staff, which would replace a prior resolution approved August 8, 2008.

Staff recommended the Board adopt the resolution.

A motion was made by Mr. Ajise and seconded by Mr. Kim to adopt the staff recommendations. The item was approved by a 3-0 vote (Ms. Ortega, Mr. Kim, and Mr. Ajise voting aye).

REPORTABLES:

Staff presented the reportables for general board items and also for property acquisitions for the High Speed Rail Authority.

NEXT MEETING:

Ms. Ortega stated the next Board meeting is scheduled for Friday, January 29 at 11:00 a.m. in Room 113 at the State Capitol.

Ms. Ortega asked if there were any comments or questions from the Board or the public. There were none.

The meeting was adjourned at 11:33 a.m.