



## STATE PUBLIC WORKS BOARD

June 12, 2020

**APPROVED MINUTES****PRESENT:**

Ms. Gayle Miller, Chief Deputy Director, Department of Finance  
Mr. Jim Davis, Chief Deputy Director, Department of Transportation  
Mr. Daniel Kim, Director, Department of General Services

**CALL TO ORDER AND ROLL CALL:**

Ms. Gayle Miller, Chairperson of the Board, called the meeting to order at 10:05 a.m.  
Ms. Kat Lee, serving as Secretary to the Board, called the roll. A quorum was established.

**CONSENT ITEMS:**

The first order of business was to consider the Consent Calendar, which consisted of two items. Ms. Lukenbill presented the following:

- Consent Item 1: Consider approving a second amendment to the lease purchase agreement to extend, from March 31, 2020, to September 30, 2020, the date of the state's right to cancel the lease with Magnon Companies, for the construction of a replacement area office in Tracy for the California Highway Patrol.
- Consent Item 2: Consider approving preliminary plans for the Applied Technology Building Phase 1 project at State Center Community College District, Clovis Community College, for the California Community Colleges.

Staff recommended approval of the Consent Calendar.

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

**A motion was made by Mr. Kim and seconded by Mr. Davis to approve the Consent Calendar. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Mr. Kim, and Mr. Davis all voting aye).**

**MINUTES:**

The next order of business was to approve the minutes from the May 8, 2020 Board meeting.

Ms. Lukenbill stated that staff had prepared and reviewed the minutes from the May 8, 2020 Board meeting and recommended approval of the meeting minutes.

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

**A motion was made by Mr. Davis and seconded by Mr. Kim to approve the minutes from the May 8, 2020 Board meeting. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Mr. Kim, and Mr. Davis all voting aye).**

**ACTION ITEMS:**

The next order of business was to consider one action item:

- Action item 1: If approved, the action would adopt seven Resolutions of Necessity authorizing the use of eminent domain to acquire various properties for the High Speed Rail Authority.

Ms. Lukenbill stated that the parcels that were subject of the action were within the right of way for the Initial Operating Segment, Section 1 of the High Speed Rail Train System, and that on May 27, 2020, Notices of Intent to adopt a Resolution of Necessity were mailed to the property owners. The notice was sent in accordance with the Code of Civil Procedure section 1245.235.

Ms. Lukenbill noted that the members' briefing packages contained the Resolutions of Necessity and maps for each of the properties and an objection letter from the counsel presenting the Dias Property in Kings County, and High Speed Rail's response to that objection. Board counsel had reviewed the objections raised in the letter, and recommended that the Board move forward with the adoption of the Resolution of Necessity for the property and consider the Dias property separately from the six Resolutions of Necessity that did not receive objections or adverse comments.

Joe Carroll, serving as counsel to the Board on Eminent Domain items, presented the unopposed Resolutions of Necessity first. He explained that it was counsel's opinion that there was prima facie evidence that the factors were present. He added that if the Board agreed and determined that the factors were present, the Board may move to adopt the unopposed Resolutions of Necessity.

Staff recommended adoption of the six unopposed Resolutions of Necessity.

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

**A motion was made by Mr. Kim and seconded by Mr. Davis to adopt staff recommendation. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Mr. Kim, and Mr. Davis all voting aye).**

Mr. Carroll then presented the opposed Resolution of Necessity for the Dias property in Kings County and explained that the property owner had lodged an objection on the grounds that (1) the Authority drop its pursuit or acquisition of the parcels, and (2) find other options which were not so detrimental to the landowner.

Mr. Carroll stated that the Resolution of Necessity, the objections, and the High Speed Rail Authority's response had been reviewed and that it was counsel's opinion that there was prima facie evidence that the factors set forth in Code of Civil Procedure Section 1245.230 were present. He added that if the Board agreed and determined the factors were present, the Board may move to adopt the Resolution of Necessity.

Staff recommended adoption of the Resolution of Necessity for the Dias property.

Ms. Miller asked if there were any questions from the Board, or from the public.

Ms. Paula Clark, representing the Dias Law firm, asked why this property take was not included in the current legal action.

Mr. Carroll explained that the reason for the Resolution of Necessity was to include required utilities that were not included in the original easement agreement.

Ms. Kendall Bonebrake, counsel for the Authority, explained that there was a current easement on the property that was sufficient for the work, but after talking to the project team, the Authority was informed that the easement did not include their normal legal description with metes and bounds. Ms. Bonebrake further explained that this Resolution of Necessity is necessary to ensure that the easement has the proper legal description.

Mr. Kim asked for clarification from Ms. Bonebrake as to whether this action was for an additional property or a change in the easement.

Ms. Bonebrake explained that the Authority was unsure of the boundaries for the current easement and that this action would provide a more exact description of those boundaries.

**A motion was made by Mr. Davis and seconded by Mr. Kim to adopt staff recommendation. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Mr. Kim, and Mr. Davis all voting aye).**

**OTHER BUSINESS:**

NONE

**REPORTABLES:**

Ms. Lukenbill presented the reportable items and told the Board that she would be happy to answer any questions. There were no questions or comments from the Board.

**NEXT MEETING:**

Ms. Miller stated that the next Board meeting was scheduled for Friday, July 10, 2020, time and location to be determined.

Ms. Miller asked if there were any other questions or comments from the Board, or from the public on any other matters within the Board's jurisdiction. There were none.