



**CALIFORNIA STATE
PUBLIC WORKS BOARD**

EDMUND G. BROWN JR. • GOVERNOR

915 L STREET ■ NINTH FLOOR ■ SACRAMENTO CA ■ 95814-3706 ■ (916) 445-9694

AGENDA WITH ANALYSIS

**NOTICE OF MEETING
STATE PUBLIC WORKS BOARD
Thursday, October 13, 2011**

The **STATE PUBLIC WORKS BOARD** will meet on
**Thursday, October 13, 2011, 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

Thursday

October 13, 2011

10:00 a.m.

Room 113

State Capitol

Sacramento, California

- I.** Roll Call

- II.** Approval of minutes from the September 9, 2011 and September 28, 2011 meetings

- III.** Bond Items Page 3

- IV.** Consent Items Page 10

- V.** Action Items Page 28

- VI.** Other Business Page 33

- VII.** Reportables Page 33

BOND ITEMS

BOND ITEM—1

2011 SERIES D VARIOUS JUDICIAL COUNCIL PROJECTS

Project: **San Bernardino Courthouse**

Location: San Bernardino County

Authority: Chapter 712, Statutes of 2010, Item 0250-301-0660(5), as reappropriated by the Budget Act of 2011

Project: **Mid-County Courthouse**

Location: Riverside County

Authority: Chapter 712, Statutes of 2010, Item 0250-301-0660(3), as reappropriated by the Budget Act of 2011

Project: **Porterville Courthouse**

Location: Tulare County

Authority: Chapter 712, Statutes of 2010, Item 0250-301-0660(8), as reappropriated by the Budget Act of 2011

Consider adoption of a resolution to:

1. Authorize the sale of the State Public Works Board Lease Revenue Bonds, 2011 Series D, Various Judicial Council Projects, Tax-Exempt Bonds.
2. Approve the form of and authorize the execution of a One Hundred Fourth Supplemental Indenture to the Master Indenture, between the State Treasurer and the State Public Works Board.
3. Approve the form of and authorize the execution of Site Leases between the Judicial Council and the State Public Works Board.
4. Approve the form of and authorize the execution of Facility Leases between the State Public Works Board and the Judicial Council.
5. Approve the form of and authorize execution of a Project Delivery Agreement for each project between the State Public Works Board and the Judicial Council.
6. Approve the form of and authorize the execution of a Continuing Disclosure Agreement.
7. Approve the form of and authorize the delivery of a Preliminary Official Statement.
8. Approve and authorize the delivery of an Official Statement.
9. Approve other related actions in connection with the authorization, issuance, sale, and delivery of said revenue bonds.
10. Authorize the execution and delivery of a Certificate of Acceptance with respect to the interest in real property to be conveyed by a corrected grant deed and quitclaim deed for the site for the San Bernardino Courthouse Project.

Estimated Project Costs to be Financed	\$440,283,000
Estimated Par Value of Bonds to be Issued	\$489,805,000
“To Not Exceed” Par Amount	\$600,430,000

BOND ITEMS

STAFF ANALYSIS ITEM—1

2011 Series D
Various Judicial Council Projects

Action Requested

If approved, the requested action would authorize the sale of the 2011 Series D lease revenue bonds and other related actions in connection with the issuance, sale, and delivery of said revenue bonds, including approving the forms of and authorizing the execution and delivery of a supplemental indenture, site leases, facility leases, project delivery agreements, a continuing disclosure agreement, and authorizing the delivery of a preliminary official statement, and an official statement.

Scope Descriptions and Funding

The projects are within scope and cost.

San Bernardino Courthouse Project (the “San Bernardino Project”) consists of the construction of a new courthouse for the Superior Court of California, County of San Bernardino. The San Bernardino Project will include the construction of a 35 courtroom, 383,745 square foot facility with two hearing rooms and parking, and will be located on approximately 7.7 acres. The facility will contain two sections (one a three-story section and the other an eleven-story section) over a partial basement/lower level. The structure is comprised of steel moment resistant frames and viscous damping devices on a base isolation system to withstand the site specific ground motions of this seismically active area of California. The building skin is of limestone and precast concrete panels. The building is designed for sustainability with the goal of achieving a LEED Silver rating from the United States Green Building Council.

The San Bernardino Project has completed bidding and the bids are being held until December 8, 2011. Construction of the San Bernardino Project is expected to commence in December 2011, is expected to last 29 months, and occupancy is expected in May 2014. The total San Bernardino Project cost is estimated to be \$339,822,000, of which approximately \$304,682,000 is expected to be financed from the 2011D Bonds.

Mid-County Courthouse Project (the “Mid-County Project”) consists of the construction of a new courthouse for the Superior Court of California, County of Riverside. The Mid-County Project will include the construction of a new two-story, 6 courtroom, 68,399 square foot facility with parking, and will be located on approximately 4.7 acres. The structural system includes a poured in place basement foundation and walls combined with reinforced concrete masonry unit walls, poured in place shear concrete wall system and steel structure for the upper floors. The exterior materials are limestone precast concrete panels, glass and a copper dome. The building is designed for sustainability with the goal of achieving a LEED Silver rating from the United States Green Building Council.

The Mid-County Project is estimated to go out to bid in December 2011. Construction of the Mid-County Project is expected to commence in February 2012, is expected to last 20 months, and occupancy is expected in October 2013. The total project cost is estimated to be \$63,261,000, of which approximately \$54,546,000 is expected to be financed from the 2011D Bonds.

Porterville Courthouse Project (the “Porterville Project”) consists of the construction of a new courthouse for the Superior Court of California, County of Tulare. The Porterville Project will include the construction of a four-story, 9 courtroom, 96,532 square foot facility with parking, and will be located on approximately 8.1 acres. The building will sit on a seismically reinforced concrete slab footing. The building is a steel structure that is sheathed in glass, colored cement panels, plaster and zinc panels. Steel columns and beams support floors and roof constructed of metal decking filled with concrete. The building is designed for sustainability with the goal of achieving a LEED Silver rating from the United States Green Building Council.

The Porterville Project is estimated to go out to bid in December 2011. Construction of the Porterville Project is expected to commence in February 2012, is expected to last 20 months, and occupancy is expected in October 2013. The total project cost is estimated to be \$93,364,000, of which approximately \$81,055,000 is expected to be financed from the 2011D Bonds.

Staff Recommendation: Adopt the resolution.

BOND ITEMS

BOND ITEM—2

2011 SERIES E VARIOUS CAPITAL PROJECTS

Department of General Services (1760)

Project: **450 N Street Office Building**
Location: Sacramento County
Authority: Chapter 69, Statutes of 2006, Government Code Section 11012.5

Department of Mental Health (4440)

Project: **Patton Electrical Generator Plant Upgrade**
Location: San Bernardino County
Authority: Chapter 157, Statutes of 2003, Item 4440-301-0660 (4)

Consider adoption of a resolution to:

1. Authorize the sale of the State Public Works Board Lease Revenue Bonds, 2011 Series E, Various Capital Projects, Federally Taxable Bonds.
2. Approve the form of and authorize the execution of a One Hundred Fifth Supplemental Indenture to the Master Indenture between the State Treasurer and the State Public Works Board.
3. Approve the form of and authorize the execution of Site Leases between the above listed departments and the State Public Works Board.
4. Approve the form of and authorize the execution of Facility Leases between the State Public Works Board and the above listed departments.
5. Approve the form of and authorize the execution of a Continuing Disclosure Agreement.
6. Approve the form of and authorize the delivery of a Preliminary Official Statement.
7. Approve and authorize the delivery of an Official Statement.
8. Approve other related actions in connection with the authorization, issuance, sale, and delivery of said revenue bonds.

Estimated Project Costs to be financed	\$83,854,000
Estimated Par Value of Bonds to be issued	\$96,115,000
"To Not Exceed" Par Amount	\$106,870,000

BOND ITEMS

STAFF ANALYSIS ITEM—2

2011 Series E
Various Departments

Action Requested

If approved, the requested action would authorize the sale of the 2011 Series E lease revenue bonds, and other related actions in connection with the issuance, sale, and delivery of said revenue bonds, including approving the forms of and authorizing the execution and delivery of a supplemental indenture, site leases, facility leases, a continuing disclosure agreement, and authorizing the delivery of a preliminary official statement, and an official statement.

Scope Descriptions and Funding

The projects are within scope and cost.

Department of General Services Project

450 N Street Office Building (“450 N Street project”) is located five blocks from the State Capital at 450 N Street in downtown Sacramento, California. The facility was constructed in 1992 on a 2.50 acre project site and is used to support the operations of the California State Board of Equalization (BOE). The facility is a 24-story, class “A” office building, with a four-story parking structure. The office building encompasses approximately 614,000 gross square feet, provides workspace for approximately 2,200 BOE employees, and includes 711 parking spaces.

The total project cost is estimated to be \$81,000,000, which is expected to be financed from the 2011E Bonds.

Department of Mental Health Project

The Patton Generator Plant Upgrade (the “Patton Project”) at Patton State Hospital consists of upgrading and modernizing the existing electrical distribution plant for Patton State Hospital. The existing building is a 2,700 square foot reinforced concrete masonry building with steel flange beams and a corrugated steel roof deck. A 2,200 gross square foot addition was constructed next to the existing electrical generator building to house new equipment. The addition is constructed of reinforced concrete masonry with painted plaster, steel roof structure, and built-up roofing over steel metal decking. The new and refurbished equipment will provide two independent systems to provide power to the hospital campus. One system will receive its power only from the commercial electrical utility. The second system will receive its power only from the existing bank of emergency generators. Equipment in the project includes new emergency medium voltage distribution switchgear, circuit breakers, automatic transfer switches and replacement of the existing circuit breakers and protective relays.

The total project cost is estimated to be \$2,854,501, which is expected to be financed from the 2011E Bonds.

Staff Recommendation: Adopt the resolution.

BOND ITEMS

BOND ITEM—3

DEPARTMENT OF MENTAL HEALTH

2011 SERIES F

RENOVATION OF HOSPITAL ADDITION AT ATASCADERO STATE HOSPITAL

Project: Renovation of the Hospital Addition

Location: Atascadero State Hospital, Atascadero

Authority: Chapters 171 and 172, Statutes of 2007, Line Item 4440-301-0660(2)

Consider adoption of a resolution to:

1. Authorize the sale of the State Public Works Board Lease Revenue Bonds, Department of Mental Health, 2011 Series F, Renovation of Hospital Addition at Atascadero State Hospital, Federally Taxable Bonds.
2. Approve the form of and authorize the execution of a One Hundred Sixth Supplemental Indenture to the Master Indenture, between the State Treasurer and the State Public Works Board. This Supplemental Indenture, among other things, will designate the 2011F Bonds to be a Related Series of Bonds that will be secured on a parity basis with the Boards 2001A Bonds.
3. Approve the form of and authorize the execution of a First Amendment to the Facility Lease between the State Public Works Board and the Department of Mental Health.
4. Approve the form of and authorize the execution of a Continuing Disclosure Agreement.
5. Approve the form of and authorize the delivery of a Preliminary Official Statement.
6. Approve and authorize the delivery of an Official Statement.
7. Approve other related actions in connection with the authorization, issuance, sale, and delivery of said revenue bonds.

Estimated Project Costs to be Financed	\$6,598,000
Estimated Par Value of Bonds to be Issued	\$6,935,000
“To Not Exceed” Par Amount	\$7,710,000

BOND ITEMS

STAFF ANALYSIS ITEM—3

Department of Mental Health
2011 Series F

Renovation of Hospital Addition at Atascadero State Hospital

Action Requested

If approved, the requested action would authorize the sale of the 2011 Series F lease revenue bonds and other related actions in connection with the issuance, sale, and delivery of said revenue bonds, including approving the forms of and authorizing the execution and delivery of a supplemental indenture, a first amendment to facility lease, a continuing disclosure agreement, and authorizing the delivery of a preliminary official statement, and an official statement.

Scope Description and Funding

This project is within scope and cost.

Renovation of the Hospital Addition Project, the “Atascadero Project,” at the Atascadero State Hospital consists of the additional improvements to prevent water intrusion to the housing units included in the 2001A Project, which included remediation of mold detected in the inner shell of the housing units.

The Atascadero Project was started in December 2007 and completed in March 2009. The total costs for the Atascadero Project are approximately \$6,598,000, all of which is expected to be financed with proceeds from the 2011F Bonds.

In the Supplemental Indenture, the Board will designate the 2011F to constitute a Related Series of Bonds to the Board's 2001A Bonds that financed the Atascadero Hospital Addition Project the 2011F Bonds will be secured on parity with the 2001A Bonds. Accordingly, in the First Amendment to Facility Lease the Department of Mental Health promises to make rental payments sufficient to pay principal and interest on both the 2011F Bonds and the 2001A Bonds in exchange for use and occupancy of the financed Facilities.

Staff Recommendation: Adopt the resolution.

CONSENT ITEMS

CONSENT ITEM—1

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
INGLEWOOD COURTHOUSE
LOS ANGELES COUNTY
AOC Facility Number 19-F1, DGS Parcel Number 10631

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

Administrative Office of the Courts
Judicial Council of California
Inglewood Courthouse
Los Angeles County

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 requested action would authorize the acceptance of a transfer of title to the Inglewood Courthouse (Court Facility) pursuant to that certain Transfer Agreement between the Judicial Council of California, Administrative Office of the Courts (AOC) and the County of Los Angeles (County) for the Transfer of Responsibility and Title for Court Facility dated November 18, 2008 (Transfer Agreement). The Court Facility, built in 1975, is located at 1 East Regent St., Inglewood, California and consists of approximately 3.3 acres improved with a six-story building; two parking structures, 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 the Trial Court Facilities Act of 2002 (the Act).

CEQA

A Notice of Exemption was filed with the State Clearinghouse on June 3, 2008, and the 35-day statutes of limitation expired on July 8, 2008, without challenge.

Project Schedule

Close of escrow October 2011

Condition of Property

A Phase I Environmental Site Assessment (ESA) was conducted for the building and assessments. The following findings were made:

Phase I ESA—A Phase I ESA report was completed in April 2008 by in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The Phase I ESA includes an evaluation of significant environmental, health, and safety conditions impacting the interior and exterior of the Court Facility. In preparing the Phase I, 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 report concluded there were no on-site or off-site recognized environmental conditions with respect to the subject site.

Building Assessment—Staff from the AOC's Office of Court Construction and Management conducted an initial site visit of the Court Facility on November 8, 2007, 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.

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

The seismic safety rating 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. The building is transferring to the state pursuant to the provisions of Government Code section 70324, which provides that the county shall be responsible for any seismic-related damage and injury; the county shall indemnify, defend, and hold the state harmless from those claims.

Other

- The County approved the Transfer Agreement to transfer title and responsibility of the Court Facility to the state on November 18, 2008, and authorized the Chairman of the County Board of Supervisors to execute the Transfer Agreement, Quitclaim 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 would be free and clear of any mortgages or liens. Concurrently with the transfer of title to the Court Facility, the AOC 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 County ownership.
- The AOC is not aware of any lawsuits pending concerning the property.
- In accordance with the Act, the transfer includes the same amount of parking that served the Court Facility in October 2001.
- There is no relocation assistance, historic 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

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW QUINCY COURTHOUSE (DAME SHIRLEY PLAZA SITE)
PLUMAS COUNTY
AOC Facility Number 32-E1, DGS Parcel Number 10744

Authority: Sections 70371.5 and 70371.7 of the Government Code

Consider authorizing site selection

CONSENT ITEMS

STAFF ANALYSIS ITEM—2

Judicial Council of California
Administrative Office of the Courts
New Quincy Courthouse (Dame Shirley Plaza Site)
Plumas 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 2.4 acres situated along West Main Street in the downtown area of the City of Quincy, Plumas County. The proposed acquisition would provide for the construction of a new 3-courtroom, 38,300 square foot facility for use by the Superior Court of California for judicial, administrative, and related purposes. The project includes secure parking for judicial officers and staff and surface parking for visitors. This site is comprised of several parcels that are presently improved with buildings, a park, and a surface parking lot. Plumas County owns two of the properties; the rest are privately owned.

Funding and Cost Verification

This project is within cost. A total of \$10,159,000 has been appropriated for acquisition. This property can be acquired with the funds available and in accordance with legislative intent.

\$51,767,000	total authorized project costs
\$51,767,000	total estimated project costs
\$ 2,101,000	project costs previously allocated: acquisition
\$49,666,000	project costs to be allocated: \$8,058,000 acquisition, \$1,922,000 preliminary plans, \$2,574,000 working drawings, and \$37,112,000 construction (\$32,915,000 contract, \$1,647,000 contingency, \$631,000 A&E, and \$1,919,000 other project costs)

CEQA

Subsequent to the site selection process and in accordance with the California Environmental Quality Act (Public Resources Code Section 21000-21177) and pursuant to Section 15063 of Title 14 of the California Code of Regulations, the Judicial Council of California (JCC), acting in the capacity of Lead Agency, will undertake the preparation of an Initial Study to determine if the proposed project would have a significant environmental impact. This will be submitted with a future site acquisition application for the selected site.

Project Schedule

Close of escrow	August 2012
Approve preliminary plans	April 2013
Complete working drawings	January 2014
Start construction	May 2014
Complete construction	November 2015

Condition of Property

In September 2011, the Department of General Services (DGS) staff conducted a site visit to the proposed site. This site consists of eight parcels encompassing approximately 2.4 acres and is located in the western portion of Quincy, California.

There are two open leaking underground storage tank (Leaking UST) cases that are located within 500 to 900 feet of the proposed site. A Phase I Environmental Site Assessment (ESA) was completed in July, 2011. The Phase I ESA states that "although no conclusive evidence or impact to the property was indicated in the file reviews conducted during this assessment, there is a potential that the releases have impacted the subject property." The Phase I ESA notes that due to the shallow occurrence of groundwater in the area, there is a potential that petroleum-related impacts may be found in the soil and/or groundwater during construction work if any of the eight parcels comprising the property are selected for the proposed courthouse. Under the right conditions, underground utilities could have provided a pathway for contaminated groundwater to flow towards or onto the property. Accordingly, it was concluded that there is a potential that one or more of these listed sites may have impacted the soil and/or groundwater beneath the property. Additionally, there were records of a former 500 gallon underground storage tank (UST) and a former gasoline station located on the Plumas County parcel. The two nearby Leaking UST sites are all considered to be recognized environmental conditions to the property.

The City of Quincy does not have natural gas utility service and relies on propane or heating fuel (heating oil, diesel, and sometimes gasoline) stored in aboveground storage tanks (ASTs) or USTs as an energy source for heating buildings. These heating fuel USTs are typically small and were installed without permitting requirements. Based upon the age of the buildings that

exist on the property, there is a potential that undocumented heating fuel USTs are buried beneath the property. The potential for a buried heating fuel UST is considered to be a recognized environmental condition to the property.

Additionally, there is a potential that asbestos-containing materials (ACMs) and lead-based paint (LBP) may be present in the property.

Based upon the Phase 1 ESA and DGS field review, a geophysical survey of any of the parcels on the property selected for the courthouse site should be conducted to look for suspect heating fuel UST(s) located on the property. A subsurface investigation of the property should be conducted to evaluate the potential gasoline and diesel impacts associated with the two adjacent Leaking UST cases. Additionally the subsurface assessment would address potential impacts associated with on-site heating oil USTs, if found on the property following the geophysical survey. ACM and LBP surveys should be conducted prior to the demolition of the on-site buildings.

Other:

- Some of the properties are owner or tenant-occupied. Relocation assistance may be required and will be analyzed in the post-site selection due diligence phase.
- The Administrative Office of the Courts (AOC) certifies that there is no known potential use of eminent domain to acquire this site. If eminent domain proceedings are contemplated in the future, the AOC must return to the Board for direction.
- A Phase II ESA will be conducted during the post-site selection due diligence period. Based on the Phase I ESA and DGS staff recommendations as well as the future Phase II ESA findings, a geophysical survey and additional environmental studies may be required.
- Some of the structural improvements may have a physical age older than 50 years. If these parcels proceed to the acquisition phase, the AOC will obtain a State Office of Historic Preservation evaluation during the post-site selection due diligence period.
- This site is one of two for which site selection authorization is requested; only one site will be considered for future acquisition.
- The purchase prices shall not exceed the estimated fair market values as indicated in DGS approved appraisals.
- The proposed site meets the Judicial Council's size, location, and compatibility requirements.
- There is no implied dedication involved with this project.

Staff Recommendation: Authorize site selection.

CONSENT ITEMS

CONSENT ITEM—3

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW QUINCY COURTHOUSE (WATERS SITE)
PLUMAS COUNTY

AOC Facility Number 32-E1, DGS Parcel Number 10743

Authority: Sections 70371.5 and 70371.7 of the Government Code

Consider authorizing site selection

CONSENT ITEMS

STAFF ANALYSIS ITEM—3

Judicial Council of California
Administrative Office of the Courts
New Quincy Courthouse (Waters Site)
Plumas 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 3.0 acres situated at Crescent and Main Streets in the City of Quincy, Plumas County. The proposed acquisition would provide for the construction of a new 3-courtroom, 38,300 square foot facility for use by the Superior Court of California for judicial, administrative, and related purposes. The project includes secure parking for judicial officers and staff and surface parking for visitors. This privately-owned site is comprised of two parcels that are presently improved with a single-family residence, garage, and stable.

Funding and Cost Verification

This project is within cost. A total of \$10,159,000 has been appropriated for acquisition. This property can be acquired with the funds available and in accordance with legislative intent.

\$51,767,000	total authorized project costs
\$51,767,000	total estimated project costs
\$ 2,101,000	project costs previously allocated: acquisition
\$49,666,000	project costs to be allocated: \$8,058,000 acquisition, \$1,922,000 preliminary plans, \$2,574,000 working drawings, and \$37,112,000 construction (\$32,915,000 contract, \$1,647,000 contingency, \$631,000 A&E, and \$1,919,000 other project costs)

CEQA

Subsequent to the site selection process and in accordance with the California Environmental Quality Act (Public Resources Code Section 21000-21177) and pursuant to Section 15063 of Title 14 of the California Code of Regulations, the Judicial Council of California (Council), acting in the capacity of Lead Agency, will undertake the preparation of an Initial Study to determine if the proposed project would have a significant environmental impact. This will be submitted with a future site acquisition application for the selected site.

Project Schedule

Close of escrow	August 2012
Approve preliminary plans	April 2013
Complete working drawings	January 2014
Start construction	May 2014
Complete construction	November 2015

Condition of Property

In September 2011, Department of General Services (DGS) staff conducted a site visit to the proposed site and reported the following:

A gas station and fuel plant are listed as open leaking underground storage tank (Leaking UST) cases in the vicinity of the subject property. A Phase I Environmental Site Assessment (ESA) was completed in July, 2011. The Phase I ESA states that "although no conclusive evidence or impact to the property was indicated in the file reviews conducted during this assessment, there is a potential that the releases have impacted the subject property." There are also two listed underground storage tanks (USTs) that are located upgradient to the north of the property. The Phase 1 ESA notes that due to the shallow occurrence of groundwater in the area, there is a potential that petroleum-related impacts may be found in the soil and/or groundwater during construction work. The previously indicated inactive water well may have potentially drawn gasoline or diesel fuel-impacted groundwater towards the property.

The City of Quincy does not have natural gas utility service and relies on propane or heating fuel (heating oil, diesel, and sometimes gasoline) stored in above-ground storage tanks (ASTs) or USTs as an energy source for heating buildings. These heating fuel USTs are typically small and were installed without permitting requirements. Based upon the age of the house that exists on the property (built in approximately the 1930's), there is a potential that a heating fuel UST is buried beneath the property. The potential for a buried heating fuel UST is considered to be a recognized environmental condition to the property. Because the property improvements were developed in approximately 1930, there is a potential that asbestos-containing materials and lead-based paint may be present in the property.

According to the Phase I ESA, the property lies within a Special Flood Area subject to inundation by the 1 percent annual chance flood event. Based upon verbal information obtained from Quincy Community Service District staff, this area of Quincy was severely flooded in 1997 and is prone to flooding. The Phase I ESA report indicates that the western portion of the property is mapped as wetlands. The Water's Creek crosses through this portion of the property; it appears that wetland habitat is associated with this creek. The Administrative Office of the Courts (AOC) has noted that the impact will be not be on the portion of the parcel the AOC would carve out. The architects believe they can work with this situation and will focus on the design requirements that would ensure the courthouse won't be effected by flooding if this site moves into site acquisition.

The Phase 1 ESA and DGS staff recommend a geophysical survey in the vicinity of the house to locate heating fuel UST(s) suspected on the property, a subsurface investigation to evaluate the potential gasoline and diesel impacts associated with the two adjacent Leaking UST cases and the two upgradient UST sites, and flood risk evaluation and wetland studies to assess property development constraints.

Other:

- Some of the properties are owner or tenant-occupied. Relocation assistance may be required and will be analyzed in the post-site selection due diligence phase.
- The AOC certifies that there is no known potential use of eminent domain to acquire this site. If eminent domain proceedings are contemplated in the future, the AOC must return to the Board for direction.
- If these sites proceed to the acquisition phase, a Phase II ESA will be conducted during the post-site selection due diligence period. Based on the Phase I ESA and DGS staff recommendations as well as the future Phase II ESA findings, a geophysical survey and additional environmental studies may be required.
- The improvements are reported to have been constructed in the 1930's. If this property proceeds to the acquisition phase, the AOC will obtain a State Office of Historic Preservation evaluation during the post-site selection due diligence period.
- If these sites proceed to the acquisition phase, the AOC will obtain during the post-site selection due diligence period a flood risk analysis, biological assessment, wetlands delineation, and any other applicable studies necessary for determining the property's overall development capacity.
- The proposed site meets the Council's size, location, and compatibility requirements.
- The purchase price shall not exceed the estimated fair market value as indicated in a DGS approved appraisal.
- There is no implied dedication involved with this project.

Staff Recommendation: Authorize site selection.

CONSENT ITEMS

CONSENT ITEM—4

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
CALIFORNIA MEN'S COLONY
MENTAL HEALTH CRISIS BED FACILITY
SAN LUIS OBISPO COUNTY

Authority: Sections 15819.40(c) and (d) and 15819.401 – 15819.404 of the Government Code

Consider recognizing revised project costs

CONSENT ITEMS

STAFF ANALYSIS ITEM—4

Department of Corrections and Rehabilitation
California Men's Colony
Mental Health Crisis Bed Facility
San Luis Obispo County

Action Requested

If approved, the requested action would recognize revised project costs.

Scope Description

This project is within scope. This project consists of the design and construction of a new 50 bed Mental Health Crisis Bed (MHCB) facility for inmate-patients in mental health crisis. The new MHCB facility will be located in the California Men's Colony East Facility and will include one building, recreation yards, three perimeter guard towers, and two parking lots. The new building will be approximately 46,000 square feet and will accommodate housing, administration, treatment, and custody services required to support 50 inmate-patients. The foundation will be slab-on-grade and the exterior construction will be concrete masonry unit (CMU) and poured-in-place concrete. Interior walls will also be CMU and concrete construction. There will be eight small management yards and two group yards on the exterior of the building. The building is designed to be sustainable with the goal of achieving a LEED Silver rating from the United States Green Building Council.

The new building will be located on the existing southeast parking lot; consequently this project also includes construction of two new parking lots. The second parking lot is necessary to provide additional parking spaces required to accommodate staff in the new MHCB facility. There will be approximately 544 new parking spaces constructed.

Funding and Cost Verification

This project is within cost. On February 16, 2010, the Board took an action allocating \$56,322,000 of the \$710,940,000 Public Buildings Construction Fund (lease revenue bond authority) appropriated in section 15819.403(a) of the Government Code for medical, dental and mental health projects to complete design and construction for this project. When the construction contract was awarded in January 2011 the total estimated project cost was \$35,761,000.

However, unforeseen site conditions were identified during excavation for the building foundation, resulting in a total of \$2,894,000 of unanticipated additional project costs, which exceeds the current \$990,000 construction contingency by \$1,904,000. These increased costs include \$2,096,000 of contract costs and \$693,000 of consultant, program management, inspection, construction management, and guarding costs. The additional contract costs are associated with increased hazardous materials abatement and the necessity for additional excavation to remove undocumented fill material that must be replaced to achieve proper soil compaction.

Consequently, the CDCR is requesting an increase in the funding authority authorized with Department of Finance's (Finance) approval to award the construction contract. A new project cost estimate was prepared in association with this request. Based on this new estimate, the current total estimated project cost is \$38,655,000, which is an increase of \$2,894,000 from the funding authority currently approved by Finance. However, the current total estimated project cost is a decrease of \$17,667,000 from the total project costs last recognized by the Board. This action will recognize these revised project costs as detailed below.

\$56,322,000	total authorized project cost
\$38,655,000	total estimated project cost
\$56,322,000	project costs previously allocated: \$3,867,000 preliminary plans, \$2,854,000 working drawings, and \$49,601,000 construction (\$37,800,000 contract, \$1,890,000 contingency, \$2,626,000 A&E, \$3,309,000 other project costs, and \$3,976,000 agency retained items)
\$17,667,000	project cost decrease: \$208,000 working drawings and \$17,459,000 construction (\$15,904,000 contract, \$795,000 contingency, \$633,000 A&E, \$648,000 agency retained items, and an increase of \$521,000 other project costs)

CEQA

A Notice of Determination was filed with the State Clearinghouse on January 7, 2010, and the 30-day statutes of limitation -expired on February 6, 2010, without challenge.

Real Estate Due Diligence

A Summary of Conditions Letter for this project was completed on February 9, 2010, and no issues that would adversely affect the quiet use and enjoyment of the project were identified.

Project Schedule

Approve preliminary plans	February 2010
Complete working drawings	October 2010
Start construction	January 2011
Complete construction	December 2012

Staff Recommendation: **Recognize revised project costs.**

CONSENT ITEMS

CONSENT ITEM—5

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
SHASTA COUNTY JUVENILE HALL
JUVENILE REHABILITATION FACILITY
SHASTA COUNTY

Authority: Sections 1970 – 1977 of the Welfare and Institutions Code

Consider:

- a) **consenting to a Ground Lease from the County of Shasta to the Department of Corrections and Rehabilitation (CDCR)**
- b) **consenting to CDCR's grant of a Right of Entry for Construction and Operation to the County of Shasta**

CONSENT ITEMS

STAFF ANALYSIS ITEM—5

Department of Corrections and Rehabilitation
Shasta County Juvenile Hall
Juvenile Rehabilitation Facility
Shasta County

Action Requested

If approved, the requested action will provide the Board's consent to a Ground Lease and a Right of Entry for Construction and Operation between the Department of Corrections and Rehabilitation (CDCR) and the County of Shasta (county).

Scope Description

This project is within scope. This project consists of the design and construction of a new medium-security juvenile detention facility to replace the county's existing juvenile facility. The project will be constructed on approximately five acres of the greater 13± acres of county-owned land on which the county's existing juvenile facility is located.

The new facility will be approximately 43,300 square feet and will consist of approximately 90 beds in three housing units. Each housing unit will have a total of approximately 30 beds in 16 rooms. The housing units will be split into two tiers with showers on both tiers. Each housing unit will also include a day room with an open staff work station, two classrooms, a program room with an equipment storage closet, a screening room, a janitorial closet, and a staff restroom. The classrooms and program room will provide adequate academic and program space within each housing unit to accommodate the housing capacity of the unit. In addition, a secured shared outdoor exercise area will serve all three housing units.

Healthcare services space provided as part of this project will include two fully-equipped medical examination rooms, one mental health telemedicine room, and secure pharmaceutical and medical storage space. The new facility will also include a lobby and visitor processing area at the public entrance; a ward intake, release, and processing area with pedestrian and vehicular sally ports and a confidential interview room; central control; and housing unit control stations. The project includes both contact and noncontact visitation space, which will also provide for confidential attorney interview rooms.

Facility support services space will include a multipurpose room, a staff break room, staff office and work stations, staff locker rooms, a new kitchen, vocational laundry space, a large institutional storage area, additional area-specific storage spaces throughout the facility and maintenance areas. The project will also include, but is not limited to, electrical; plumbing; mechanical; heating, ventilation, and air conditioning; security; and fire protection systems.

In addition to the project scope outlined above, the county has identified one additive bid alternate. This alternate would provide an approximately 3,300 square foot administrative area at the entrance to the facility. This administrative area would include a reception window/workstation for the lobby, five probation offices, a principal's office, a conference room, a training room, two work rooms, a break room, restrooms, and a janitorial closet.

Ground Lease and Right of Entry for Construction and Operation

The requested action would provide the Board's consent to a ground lease from the county to CDCR, which is necessary for the county to be eligible to participate in the SB 81 Local Youth Offender Rehabilitative Facilities Construction Financing Program. The Ground Lease will provide CDCR with the property rights necessary to facilitate financing this project through the Board lease revenue bond financing program. CDCR will pay the county a rental sum of \$10.00 per year. The term of the Ground Lease will commence on the date it is consented to by the Board and executed by a duly authorized representative of the Board and it will co-terminate with the facility lease to be executed as part of the bond transaction to finance this project. The term of the Ground Lease may be adjusted as provided for within the lease. However, the Ground Lease cannot be terminated until all bonds and other indebtedness incurred by the Board for this project, if any, have been fully repaid.

In addition, the requested action would provide the Board's consent to CDCR's grant of a Right of Entry for Construction and Operation (Right of Entry) to the county in order to provide the county access to the site for site analysis, jail construction-related activities, and operating activities should the facility be completed prior to the sale of the state's lease revenue bonds. The Right of Entry will commence on the effective date of the Ground Lease and will terminate on the termination date of the Project Delivery and Construction Agreement.

Funding and Cost Verification

This project is within cost. On September 9, 2011, the Board took an action allocating \$15,050,000 of the \$300,000,000 Public Buildings Construction Fund (lease revenue bond authority) appropriated in Section 1973 of the Welfare and Institutions Code to partially finance

the construction of this project. The initial allocation of this funding to counties was administered through the Corrections Standards Authority (CSA) through a competitive public process. CSA has conditionally awarded \$15,050,000 from this appropriation to the county for this project. All of the acquisition/study and design costs and any construction costs in addition to this award amount will be paid by the county.

\$20,327,000	total authorized project cost
\$20,327,000	total estimated project cost
\$15,050,000	state funds previously allocated: construction (\$15,016,000 contract and \$34,000 contingency)
\$ 5,277,000	local funds previously allocated: \$65,000 study, \$1,503,000 preliminary plans, \$754,000 working drawings, and \$2,955,000 construction (\$1,468,000 contingency, \$418,000 A&E, \$969,000 other project costs, and \$100,000 agency retained items)

CEQA

A Notice of Determination was filed with the State Clearinghouse on December 20, 2010, and the 30-day statutes of limitation expired on January 19, 2011, without challenge.

Real Estate Due Diligence

A Summary of Conditions Letter for this project was completed on September 6, 2011, and no issues that would adversely affect the quiet use and enjoyment of the project were identified.

Project Schedule

Approve preliminary plans	September 2011
Complete working drawings	October 2011
Start construction	January 2012
Complete construction	June 2013

Staff Recommendation: **Provide the Board's consent to a Ground Lease and a Right of Entry for Construction and Operation between the CDCR and the county.**

CONSENT ITEMS

CONSENT ITEM—6

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
STATEWIDE, DENTAL FACILITY IMPROVEMENTS, PHASE II
VARIOUS COUNTIES

Authority: Section 28(a) of Chapter 7, Statutes of 2007

Consider establishing scope, cost, and schedule

CONSENT ITEMS

STAFF ANALYSIS ITEM—6

Department of Corrections and Rehabilitation
Statewide
Dental Facility Improvements, Phase II
Various Counties

Action requested

If approved, the requested action will establish the project scope, cost, and schedule.

Scope Description

This proposal is to request allocation of funding for the second phase of a three-phase statewide project to complete physical plant modifications necessary to ensure Department of Corrections and Rehabilitation's (CDCR's) compliance with the Stipulated Agreement in the *Perez vs. Cate* class action lawsuit regarding dental care for inmates.

The Phase I scope of this project (approved December 2010) included making improvements to the existing dental facilities at the following eight institutions: California Institution for Women; California Medical Facility; California Rehabilitation Center; Correctional Training Facility; California State Prison, Los Angeles; Mule Creek State Prison; California State Prison, Solano; and Folsom State Prison.

Phase II of this project will make improvements to the following ten institutions: Calipatria State Prison (Imperial County), California Correctional Center (Lassen County), California Correctional Institution (Kern County), Centinela State Prison (Imperial County), Chuckawalla Valley State Prison (Riverside County), Deuel Vocational Institution (San Joaquin County), Ironwood State Prison (Riverside County), North Kern State Prison (Kern County), Pleasant Valley State Prison (King County), and Sierra Conservation Center (Tuolumne County).

Facility improvements at the remaining 15 CDCR adult institutions will be addressed in Phase III of this statewide project.

The Dental Facility Improvements project will provide modifications necessary to address infection control situations, efficiency and safety/security issues, and the availability of timely and adequate dental services in prison dental clinics. A sampling of the physical plant improvement modifications to meet the court requirements include: converting the office space into sterilization areas; increasing electrical capacity to operate the existing equipment; increasing counter space and storage areas; and removing or constructing walls and reconfiguring dental chairs to meet industry standards.

The physical modifications identified in this three-phase plan will allow CDCR to provide the services needed to comply with the *Perez* Stipulation Agreement. If approved and the construction is completed, the Inmate Dental Services Program already has sufficient staffing, resources, and equipment to provide the dental treatment required to become compliant with the Stipulation Agreement.

On September 12, 2011, 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. The 30-day legislative review period for this project has expired without adverse comment.

Funding and Cost Verification

This project is within cost. Section 28(a) of Chapter 7, Statutes of 2007 appropriated \$300 million General Fund for infrastructure improvements at prisons statewide. This action would allocate \$4,820,000 of the AB 900 General Fund to complete design and construction for Phase II of this statewide dental facility improvement plan. Taking this allocation into account, the remaining unallocated balance of this appropriation is \$164,408,635 (54.8 percent).

\$4,820,000	total estimated project cost
\$4,820,000	project costs to be allocated: \$450,000 preliminary plans, \$340,000 working drawings, \$4,030,000 construction (\$3,103,000 contract, \$217,000 contingency, \$554,000 other project costs, and \$156,000 agency retained items)

CEQA

The 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	May 2012
Complete working drawings	August 2012
Start construction	August 2012
Complete construction	August 2013

Staff Recommendation: **Approve project scope, cost, and schedule.**

ACTION ITEMS

ACTION ITEM—1

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW SANTA ROSA CRIMINAL COURTHOUSE (FLEET BUILDING/P20 SITES)
SONOMA COUNTY

AOC Facility Number 49-H1, DGS Parcel Number 10738

*Authority: Sections 70371.5 and 70371.7 of the Government Code
Chapter 1, Statutes of 2009, Third Extraordinary Session, as amended by
Chapter 1, Statutes of 2009, Fourth Extraordinary Session, Item 0250-301-3138 (9)*

Consider authorizing site selection

ACTION ITEMS

STAFF ANALYSIS ITEM—1

Judicial Council of California
Administrative Office of the Courts
New Santa Rosa Criminal Courthouse (Fleet Building/P20 Sites)
Sonoma County

Action Requested

If approved, the requested action would authorize site selection.

Scope Description

This project is within scope. The requested action would authorize the site selection of approximately 4.1 acres of land as an addition to the County Campus site approved by the Board for site selection on February 16, 2010. The additional property is comprised of two parcels: the Fleet Site (2.8 acres) and the P20 Site (1.3 acres). These sites will provide surface parking and secure parking for judicial officers and staff of the new 15-courtroom, 174,000 square foot facility in Sonoma County (County). The subject parcels, owned by the County, are located on the County Administration Campus in northeast Santa Rosa and are presently improved with a fleet building and paved parking lots.

Funding and Cost Verification

This project is within cost. A total of \$9,074,000 has been appropriated for acquisition. This property can be acquired with the funds available and in accordance with legislative intent.

\$178,689,000 total authorized project costs
\$178,689,000 total estimated project costs
\$ 2,845,000 project costs previously allocated: acquisition
\$175,844,000 project costs to be allocated: \$6,229,000 acquisition, \$8,172,000 preliminary plans, \$11,682,000 working drawings, and \$149,761,000 construction (\$129,310,000 contract, \$6,465,000 contingency, \$3,710,000 A&E, and \$10,276,000 other project costs)

CEQA

Subsequent to the site selection process and in accordance with the California Environmental Quality Act (Public Resources Code Section 21000-21177) and pursuant to Section 15063 of Title 14 of the California Code of Regulations, the Judicial Council of California (Council), acting in the capacity of Lead Agency, will undertake the preparation of an Initial Study to determine if the proposed project would have a significant environmental impact. This will be submitted with a future site acquisition application for the selected site.

Project Schedule

Close of escrow	January 2012
Approve preliminary plans	December 2012
Complete working drawings	December 2013
Start construction	March 2014
Complete construction	March 2016

Condition of Property

In July 2011, the Department of General Services (DGS) staff visited the subject properties. The general terrain of the area is relatively flat.

The Fleet parcel is L-shaped and developed with a building mostly occupied by a vehicle maintenance facility, used to maintain County fleet vehicles, and a soil-testing lab and offices. Perimeter fencing around the site secures the property. The property included parked County-owned vehicles. Surrounding properties include the County's Sheriff's Office located to the north, Sonoma County Facility Operations and Agricultural Building located to the south, Paulin Creek Child Development Center (child care) located to the east, and Ventura Avenue followed by parking lot to the west.

The P20 parcel is a rectangular-shaped, asphalt paved surface parking lot. This parcel is situated mid-block, bordered to the north by Russell Avenue, followed by office buildings, to the south and west by the county jail, and to the east by apartment buildings. The DGS observed markings for four boring locations on the parking lot.

Phase I ESA - Fleet Parcel

The Phase I Environmental Site Assessment (ESA) conducted for the Fleet parcel was completed in May 2011 and noted the following recognized environmental concerns:

- A waste oil leaking underground storage tank (UST) case is currently open on the Fleet parcel. The Phase I ESA reports that the Fleet parcel will likely receive closure pending formal review of the closure documentation by the Regional Water Quality Control Board (RWQCB).

- A leaking 1,000-gallon waste oil tank was removed in May 1988. The tank was located in the parking lot near the northeast corner of the subject building. About 15 yards of contaminated soil was removed from the excavation. The waste oil release investigation determined the lateral extent of soil and groundwater contamination by diesel and motor oil. Groundwater in the area of the former waste oil tank was pumped and treated with carbon filtration from May 1992 until March 1993. In 2001 and 2004, Methyl-tertiary butyl ether (MTBE) concentrations were detected, but RWQCB concluded MTBE detection was not related to the former waste oil tank. The source and extent of the MTBE impact were not identified. In a letter dated August 22, 2008, RWQCB concurred with the conclusion that impacts to groundwater from the former waste oil UST had been fully characterized and that only minor impacts remained in the immediate vicinity of the former UST.
- The service area of the subject building formerly used several in-ground vehicle hoists, which are no longer apparent. One hoist with hydraulic sump was removed, and contaminated soil sampled and excavated. The status of other hoists believed to have been removed was not found during the Phase I ESA.
- The Sonoma County Ag Building adjoins the subject property to the south. Two leaking USTs (2,000-gallon and 10,000-gallon) were removed 1996. Based on the proximity of the former tanks to the subject property, groundwater under the subject property may have been impacted by the release.
- A Feasibility Study and Corrective Action Plan (FS/CAP) dated November 2006 was prepared to identify and evaluate remedial alternatives to cleanup petroleum impacted soil and groundwater at the site. The FS/CAP recommended Dual-Phase Extraction (DPE) to extract contaminated groundwater and soil gas from the subsurface, and use granular activated carbon to remove petroleum related constituents prior to discharging under the appropriate permits. In May 2007, two DPE wells were installed at the site. Limited success was achieved. In February 2009, the Remedial Action Plan proposed installation of two additional DPE wells to implement the selected cleanup alternative. The First Quarter 2010 Groundwater Monitoring and Remediation System Status Report noted detections of petroleum constituents limited to one well located on the subject property boundary. The 2010 monitoring report indicated about 162 pounds of petroleum constituents had been removed since start of remediation activities. The remediation system was suspended due to low concentration of petroleum constituents' influent. Remediation operations remain suspended pending groundwater sampling analytical results justify restarting the system.

Phase II ESA - Fleet Parcel

A Phase II investigation was conducted in May 2011 and noted the following:

- Soil samples showed all metals concentrations were below US EPA Region 9 residential screening levels. Shallow soil and vapor samples collected detected Total Petroleum Hydrocarbons (TPH) as gasoline and diesel, but TPH was undetected in the deeper soil and vapor samples. The soil and vapor samples analysis appears to indicate residual impacts from the former waste oil UST; however, these impacts appear limited in area and depth.
- Groundwater samples contained levels of TPH as gasoline and diesel and vapor concentrations of the same constituents. The groundwater sample analysis appears to indicate residual impacts from the former waste oil UST. Remediation of the former waste oil UST has been conducted. A request for closure of this case has been submitted to the lead regulatory agency.
- Four reports dated from June 2000 to February 2001 indicated that all four hydraulic lifts were removed from the Fleet Building. In addition, these reports indicate that excavation of contaminated soil was conducted to the greatest extent possible given the site constraints based on the existing building. Soil samples showed all metals concentrations were below US EPA Region 9 residential screening levels, except for arsenic. All arsenic concentrations were below background levels. The Phase II recommends dust controls used during earthwork at the Fleet Building and the soil tested to determine whether it meets

the site-specific standards for reuse or exported offsite in future redevelopment efforts. Low levels of TPH were detected in the soil samples collected in this area. Soil samples analysis did not detect PCB concentrations. The soil samples analysis appears to indicate residual impacts from the former hydraulic lifts. Hydraulic oil remains in the subsurface.

- Soil samples showed all metals concentrations below US EPA Region 9 residential screening levels. Soil samples detected TPH. The soil and vapor samples analysis appears to indicate residual impacts from the former adjacent leaking UST.
- Remediation of two former USTs has been conducted. A request for closure of this case has been submitted to the lead regulatory agency.

Phase I ESA - P20 Parcel

The Phase I ESA conducted for the P20 parcel was completed in May 2011 and noted the following recognized environmental concerns:

- The subject parcel was used for agricultural purposes from 1944 to 1948. Although not documented at the subject property, agricultural chemicals may have been applied. This use can result in concentrations of residual agricultural chemicals being present in near surface soil at concentrations that regulate handling or disposal of the material during construction.
- According to the RWQCB GeoTracker the subject parcel address was identified on the Spill, Leaks, Incidents, Cleanups database. The case was opened on October 28, 1997. On March 5, 2009, the case status was changed to Open-Inactive. No additional details were provided.

Phase II ESA – P20 Parcel

A Phase II investigation was conducted in May 2011 and noted the following:

- The soil samples analytical results showed pesticides and TPH undetected, and that all metals concentrations were below US EPA Region 9 residential screening levels. No further investigation was required regarding past agriculture use of the P20 parcel.
- MTBE vapor concentrations were detected in soil samples. The MTBE concentrations were below regulatory levels and the ESA concluded that the vapor concentrations were likely related to MTBE impacted groundwater in the area.
- Groundwater samples contained levels of MTBE that exceeded US EPA Region 9 Maximum Contaminant Levels (MCLs) and low concentration of TPH as diesel. The shallow groundwater beneath the P20 site is impacted with MTBE above the MCL. An onsite source of MTBE was unidentified. The ESA noted that research into other groundwater assessments in the area indicates similar MTBE impacts.

DGS Recommendations

- DGS recommends obtaining closure letters for the Fleet Site Former Waste Oil UST case and Fleet Site Ag Building leaking UST case. No Further Action is pending for both cases.
- In absence of data availability whether the Fleet parcel building includes asbestos containing building materials (ACMs), lead based paint (LBP) and polychlorinated biphenyl (PCBs), a survey shall be conducted to determine possible hazards associated with building modification or demolition. Prior to any structural changes, all appropriate local, state, and federal rules/regulations shall be followed with respect to the handling and disposal of these materials.

Other:

- Prior to close of escrow, the AOC will be in receipt of No Further Action letters for the Fleet parcel Former Waste Oil UST case and Fleet parcel Ag Building leaking UST case, and a survey will have been conducted to determine possible ACM, LBP and PCB hazards associated with building modification or demolition. All appropriate local, state, and federal

rules/regulations shall be followed with respect to the handling and disposal of these materials.

- Following the state's acquisition of the site, the County of Sonoma will lease back the fleet building from the State through June 30, 2013.
- Relocation assistance will be provided to the County entities relocating from the existing buildings on-site. Relocation analysis will take place during the post-site selection due diligence phase.
- The AOC certifies that there is no known potential use of eminent domain to acquire this site. If eminent domain proceedings are contemplated in the future, the AOC must return to the Board for direction.
- The fleet building parcel and facility operations parking lot site will be acquired in fee and the P20 parking lot will be acquired with an easement.
- Existing improvements on the site will be demolished by the AOC during the construction phase.
- The proposed site meets the size, location, and compatibility requirements of the Council.
- The purchase price shall not exceed the estimated fair market value as indicated in a DGS approved appraisal.
- There are no historic issues or implied dedication associated with this site.

Environmental Clean-Up

The AOC has indicated that the clean-up of the Fleet parcel will occur, after acquisition, during the construction phase, as the County will remain in the building until June 2013. Based on the Phase I and II reports, as well as information provided by the AOC, the clean-up appears to be limited to a small area underneath the building. The estimated costs to perform the clean-up activities, per the AOC, on the Fleet parcel are \$48,000. It is anticipated that the purchase price of the Fleet parcel will be reduced by this amount. However, to the extent the clean-up costs exceed \$48,000, as part of the negotiations, the state should ensure that any additional costs do not become a state liability. Therefore, the necessary protections should be addressed during negotiations.

Staff Recommendation: **Approve site selection, but direct AOC to work with Board staff to ensure that the purchase agreement contains sufficient protections for the state to address the environmental risks and that the agreement is reviewed by Board staff before presenting the agreements to the County.**

OTHER BUSINESS

NONE

REPORTABLES

NONE