



**CALIFORNIA STATE
PUBLIC WORKS BOARD**

EDMUND G. BROWN JR. • GOVERNOR

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AGENDA WITH ANALYSIS

**NOTICE OF MEETING
STATE PUBLIC WORKS BOARD
Friday, December 9, 2011**

The **STATE PUBLIC WORKS BOARD** will meet on
**Friday, December 9, 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

Friday

December 9, 2011

10:00 a.m.

Room 113

State Capitol

Sacramento, California

I.	Roll Call		
II.	Approval of minutes from the November 10, 2011 meeting		
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CONSENT ITEMS

CONSENT ITEM—1

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
EAST COUNTY REGIONAL CENTER
SAN DIEGO COUNTY

AOC Facility Number 237-I1, DGS Parcel Number 10749

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
Administrative Office of the Courts
East County Regional Center
San Diego 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 East County Regional Center (Court Facility) pursuant to the certain Amended and Restated Transfer Agreement between the Judicial Council of California, Administrative Office of the Courts (AOC) and the County of San Diego (County) for the Transfer of Responsibility For and Transfer of Title to Court Facilities dated November 3, 2009 (Transfer Agreement). The Court Facility, built in 1983, is located at 250 East Main Street in El Cajon, California and consists of approximately 4.8 acres improved with a nine-story, 292,800 square foot building, parking area, 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 August 30, 2011, and the 35-day statutes of limitation expired on October 3, 2011, without challenge.

Project Schedule

Close of escrow December 2011

Condition of Properties

A Phase 1 Environmental Site Assessment (ESA) was conducted for the building and seismic assessments. The following findings were made:

Phase I ESA – A Phase I report was completed in September 2011. The Phase I ESA did not note any evidence of hazardous materials handling or storage of concern, nor generation, storage or disposal of any waste stream beyond sanitary sewer and storm water discharge. The assessment did not reveal any evidence of recognized environmental conditions. The assessment did reveal evidence of one historical recognized environmental condition: a concrete-filled 15,000 gallon underground storage tank formerly used to store diesel fuel which had been closed in place in 1999. County records showed that a tank closure case had been opened in February 1999 and that site assessment field work was performed in August 2000 through June 2001, including the installation of three groundwater monitoring wells. The County records included an approved closure letter from the Department of Environmental Health dated October 25, 2002, and the wells were removed in January 2003.

No other potential issues of concern were identified, and the Phase I ESA recommended no further action be taken at this time.

Building Assessment – Staff from the AOC's Office of Court Construction and Management (OCCM) conducted site visits to the Court Facility to assess the general condition of the property. OCCM 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 AOC determined that the building had 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. Since the time of the initial assessment, the AOC performed the necessary seismic retrofit work to bring the seismic safety rating from a Level V to a Level IV, making the building acceptable for transfer to the AOC.

Other

- The County approved the Transfer Agreement to transfer title and responsibility of the Court Facility to the state on September 16, 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 AOC and the County (the Parties) entered into an original Transfer Agreement with an effective date of September 16, 2008, for the SB1732 transfer of responsibility of the Court Facility. Pursuant to the original Transfer Agreement, the County was obligated to retain all seismic liability obligations until such time as the Trial Court Facilities Act of 2002, codified in Government Code sections 70301 through 70404 or as hereafter amended (the Act) fully and finally relieved the County of those retained seismic liability obligations.
- Prior to the September 16, 2008 transfer date on or about July 24, 2008, the Parties executed a Seismic Settlement Memorandum of Understanding (MOU) pursuant to section 70324(b)(4) of the Act. Once the Parties obtained the approval of the seismic settlement from the Director of the Department of Finance, as required under sections 70324(a)(4) and 70324(b)(4) of the Act, the Parties intended to amend and restate their respective rights, duties, and obligations under the original Transfer Agreement with respect to the seismic liability obligations and the other terms outlined in the Seismic Settlement MOU to be consistent with the terms of the seismic settlement outlined in the fully-signed and approved Seismic Settlement MOU. In particular, the Parties intended to amend and restate the original Transfer Agreement to, among other things, fully and finally release and discharge the County from any and all seismic liability obligations retained by the County under the original Transfer Agreement in consideration of, among other things, the County's conveyance to the State of: 1) the County's equity interest and rights in the County Courthouse; 2) title to the Old Jail; and 3) title to the Stahlman Block, all on the terms and conditions outlined in the Seismic Settlement MOU, and to evidence and memorialize the AOC's full and irrevocable assumption of liability for any and all of those seismic liability obligations.
- Approval from the Director of Finance was obtained by the Parties on March 10, 2009. As part of the Seismic Settlement MOU, the County agreed to transfer title to the Court Facility to the state upon the condition that the AOC completed a seismic retrofit of the subject Court Facility. The seismic retrofit was completed and the state is now able to take title to this Court Facility.
- 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 County has agreed to indemnify the state for any liability imposed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), or related provisions for conditions at the time of transfer whether known or not known that existed in, on, or under the real property.
- The AOC is not aware of any lawsuits pending concerning the property.

- Following the transfer of title to the court facility the County shall continue to have the exclusive right to occupy and use the County's Exclusive Use Area (65,274 sq. ft), and the nonexclusive right to use the Common Area until such time as the local Superior Court ceases all court operations in the court facility.
- The County's telecommunications and information technology services will be shared by both parties. Each party shall have the rights of ingress, egress and access to enter each other's Exclusive Use area and the shared underground utility conduits, cabling and connections for inspecting, servicing and operation purposes.
- Per the Assignment and Assumption of Occupancy Agreements memorandum dated September 27, 2011, upon the transfer of title closing date, the AOC will assume all of the County's right, title, and interest in, to, and under nine tenant Occupancy Agreements.
- The Amended and Restated Joint Occupancy Agreement provides for rights of first refusal in favor of either the County or AOC, in the event that either party desires to vacate the Court Facility, in accordance with Government Code Section 70342(e).
- 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 EASTLAKE JUVENILE COURTHOUSE (TEMPLE SITE)
LOS ANGELES COUNTY
AOC Facility Number 19-BE1, DGS Parcel Number 10750

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 Eastlake Juvenile Courthouse (Temple Site)
Los Angeles 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 3.2 acres situated at Center and Jackson Streets in the City of Los Angeles. The proposed acquisition would provide for the construction of a 5-courtroom, 65,500 square foot facility with eight secure parking for judicial officers and staff and 150 surface parking spaces near the existing downtown Juvenile Hall. This site is comprised of four parcels, under a single ownership, and improved with several older, cold storage and poultry processing buildings. A tenant on month to month agreement also occupies a portion of the facility.

Funding and Cost Verification

This project is within cost. This project was authorized by the Board on May 17, 2010, and \$35,820,000 was included for acquisition per Sections 70371.5 and 70371.7 of the Government Code. This property can be acquired with the funds available and in accordance with legislative intent.

\$99,836,000 total authorized project cost

\$99,836,000 total estimated project cost

\$12,048,000 project costs previously allocated: acquisition

\$87,788,000 project costs to be allocated: \$23,772,000 acquisition, \$2,859,000 preliminary plans, \$3,829,000 working drawings, and \$57,328,000 construction (\$50,985,000 contract, \$2,549,000 contingency, \$939,000 A&E, and \$2,855,000 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, 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	June 2013
Approve preliminary plans	January 2014
Complete working drawings	November 2014
Start construction	March 2015
Complete construction	November 2016

Condition of Properties

In November 2011, the Department of General Services (DGS) visited the proposed site. This site is comprised of four parcels, under a single ownership, and improved with several older, cold storage and poultry processing buildings. The buildings appeared older than fifty years, a preliminary threshold used to determine potential for eligibility of listing on the National Register of Historic Places and the California Register of Historical Resources. Some monitoring wells were observed located in east and south parking areas.

A Phase I Environmental Site Assessment was completed in December 2010, and the report identified four items of concern:

- Unexplained presence of 16 groundwater monitoring wells.
- A linear floor drain and three-stage clarifier system in the southern building.
- The area is designated by the City of Los Angeles as a Methane Zone.
- The site is mapped in the Voluntary Cleanup Program of the former Aliso Street Manufactured Gas Plant which may require subsurface remediation at the site.

In addition, the report noted items of concern due to the date of construction of the buildings (1937), including possible Polychlorinated biphenyls due to fluorescent light ballasts and oil-containing equipment, asbestos containing materials and lead based paint.

A Phase II investigation is recommended should the Administrative Office of the Courts (AOC) continue to consider this site for acquisition.

Other

- The proposed site meets the size, location, and compatibility requirements of the Judicial Council of California.
- The Temple at Center site is one of possibly two locations proposed for the new Eastlake Juvenile Courthouse. Only one site will be considered for future acquisition.
- The proposed site is located within the City Center Redevelopment Project Area and Central Industrial Redevelopment Project Area. During the post site selection due diligence period, the Redevelopment Agency of the City of Los Angeles and AOC are to contemplate a Memorandum of Understanding addressing planning, design or any other restrictions impacting the State's ability to utilize or develop the site.
- Bankruptcy proceedings are pending for the site which AOC is to address in the post site selection due diligence period.
- The proposed site is owner or tenant-occupied. Relocation assistance may be required and will be analyzed in the post site selection due diligence period.
- Improvements are reported to have been constructed in the 1920's and 1930's. If this proposed site proceeds to the acquisition phase, AOC is to obtain a State Office of Historic Preservation evaluation during the post site selection due diligence period.
- A Phase II ESA is to be conducted during the post site selection due diligence period.
- The acquisition price shall not exceed the estimated market value as indicated in a DGS approved appraisal. Prior to acquisition, a written commitment from the responsible governmental agency is to be obtained certifying a zoning change to commercial use will be granted.
- Existing improvements on the site will be demolished by the AOC during the construction phase.
- 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 LOS BANOS COURTHOUSE (GATEWAY DEVELOPMENT SITE)
MERCED COUNTY
AOC Facility Number 24-G1, DGS Parcel Number 10716

Authority: Sections 70371.5 and 70371.7 of the Government Code.

Consider authorizing acquisition

CONSENT ITEMS

STAFF ANALYSIS ITEM—3

Judicial Council of California
Administrative Office of the Courts
New Los Banos Courthouse (Gateway Development Site)
Merced County

Action Requested

If approved, the requested action would authorize acquisition.

Scope Description

This project is within scope. The requested action would authorize acquisition of approximately 4.6 acres near the corner of G Street and Mercey Springs Road along the Rail Trail Corridor in the City of Los Banos, Merced County. The proposed site is part of an 18.5 acre site; of which, 4.6 acres will be carved out for this project. The proposed acquisition would provide for the construction of a 2-courtroom, 30,000 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.

Funding and Cost Verification

This project is within cost. This project was authorized by the Board on November 16, 2009, and \$1,727,000 was included for acquisition per Sections 70371.5 and 70371.7 of the Government Code. This property can be acquired with the funds available and in accordance with legislative intent.

\$32,208,000	total authorized project costs
\$32,208,000	total estimated project costs
\$ 753,000	project costs previously allocated: acquisition
\$31,455,000	project costs to be allocated: \$974,000 acquisition, \$1,474,000 preliminary plans, \$1,974,000 working drawings, and \$27,033,000 construction (\$23,882,000 contract, \$1,194,000 contingency, \$484,000 A&E, and \$1,473,000 other project costs)

CEQA

A Notice of Exemption was filed with the State Clearinghouse on August 12, 2011, and the 35-day statutes of limitation expired on September 20, 2011, without challenge.

Project Schedule

Close of escrow	December 2011
Approve preliminary plans	June 2012
Complete working drawings	April 2013
Start construction	April 2013
Complete construction	March 2014

Condition of Property

In February 2011, Department of General Services (DGS) staff conducted a site visit to the proposed site. The site has an abandoned logistics/warehousing facility that include improvements such as loading dock, a derelict steel truss building, and abandoned concrete slab foundation. The site has street accessibility and appears to have utility service.

A Phase I Environmental Site Assessment (ESA) conducted in June 2011. The Phase I ESA did not identify any recognized environmental concerns or de minimis conditions on the property. As the existing improvements will be demolished by Administrative Office of the Courts (AOC) and AOC will design and build a sewer connection during the construction phase, DGS does not propose any recommendations.

Other:

- Existing improvements on the site will be demolished by the AOC during the construction phase. No sewer connection exists to the site at the present time. The AOC will design and build a sewer connection during the construction phase. The market value of the site was reduced accordingly.
- Site selection was authorized by the Board on April 8, 2011.
- The proposed site meets the size, location, and compatibility requirements of the Judicial Council of California.
- The purchase price shall not exceed the estimated fair market value as indicated in a DGS-approved appraisal.
- There are no historic issues, implied dedication or relocation assistance associated with this site.

Staff Recommendation: Authorize acquisition.

CONSENT ITEMS

CONSENT ITEM—4

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW MODESTO COURTHOUSE (TEAM MODESTO SITE)
STANISLAUS COUNTY
AOC Facility Number 50-H1, DGS Parcel Number 10751

Authority: Sections 70371.5 and 70371.7 of the Government Code.

Consider authorizing site selection

CONSENT ITEMS

STAFF ANALYSIS ITEM—4

Judicial Council of California
Administrative Office of the Courts
New Modesto Courthouse (Team Modesto Site)
Stanislaus 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 13 parcels of improved land totaling approximately 3.5 acres in the city of Modesto, Stanislaus County. The proposed acquisition would provide for the construction of a new 26-courtroom, 301,500 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. The site is located in the Central Business District of downtown Modesto near City and County offices.

Funding and Cost Verification

This project is within cost. This project was authorized by the Board on July 12, 2010, and \$14,766,000 was included for acquisition per Sections 70371.5 and 70371.7 of the Government Code. This property can be acquired with the funds available and in accordance with legislative intent.

\$278,276,000	total authorized project costs
\$278,276,000	total estimated project cost
\$ 7,906,000	project costs previously allocated: acquisition
\$270,370,000	project costs to be allocated: \$ 6,860,000 acquisition, \$11,959,000 preliminary plans, \$16,009,000 working drawings, and \$235,542,000 construction (\$209,214,000 contract, \$10,461,000 contingency, \$3,926,000 A&E, and \$11,941,000 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, 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	September 2012
Approve preliminary plans	May 2013
Complete working drawings	March 2014
Start construction	June 2014
Complete construction	May 2016

Condition of Property

In November, 2011 the Department of General Services (DGS) conducted a visit to the proposed site. The age of the existing buildings suggests the need to conduct lead and asbestos studies prior to demolition or construction modification of the existing structures. A Phase I Environmental Site Assessment was not available for review. DGS recommends preparation and review of a Phase I ESA before site acquisition.

Other:

- The Administrative Office of the Courts (AOC) certifies that there is no known potential use of eminent domain to acquire these parcels. If eminent domain proceedings are contemplated in the future, the AOC must return to the Board for direction.
- It is anticipated that if this site proceeds to the acquisition phase, the parcels will be acquired through purchases as well as donations.
- Relocation assistance may be required; however, potential relocation costs are unknown at this time.
- The site is situated within a Redevelopment Project Area. If the proposed project proceeds to the acquisition stage, a Memorandum of Understanding will be entered into with the City Redevelopment Agency (RDA) wherein the RDA waives for the state courthouse project any restriction and control rights it may have under its current or future redevelopment plan.
- The proposed site meets the size, location, and compatibility requirements of the Judicial Council of California.
- 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.

Staff Recommendation: Authorize site selection.

CONSENT ITEMS

CONSENT ITEM—5

**JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
WILLOWS HISTORIC COURTHOUSE RENOVATION AND ADDITION
GLENN COUNTY**

AOC Facility Numbers 11-A4, 11-A5, 11-A6, and DGS Parcel Number 10701

Authority: Sections 70371.5 and 70371.7 of the Government Code

Consider authorizing acceptance of a no-cost acquisition

CONSENT ITEMS

STAFF ANALYSIS ITEM—5

Judicial Council of California
Administrative Office of the Courts
Willows Historic Courthouse Renovation and Addition
Glenn County

Action Requested

If approved, the requested action would authorize the acceptance of a no-cost acquisition.

Scope Description

This project is within scope. The requested action would authorize acceptance of a no-cost acquisition of approximately 0.3 unimproved acres (Expansion Parcel) situated on West Sycamore Street contiguous with the existing historic courthouse in the City of Willows, Glenn County. The project provides for the construction of a two-courtroom addition to the existing courthouse for use by the Superior Court of California for judicial, administrative, and related purposes. The project will include surface parking and secure parking for judicial officers and staff, will renovate the functionally and physically deficient existing courthouse, address the existing security issues, and create operations efficiencies by relocating the court in the City of Orland to the Willows Historic Courthouse. Glenn County has offered to convey the parcel in fee at no cost and lease 41 parking spaces on two non-contiguous parcels (Parking Parcels) to the state for 75 years with five 5-year options to renew.

Funding and Cost Verification

This project is within cost. A total of \$1,693,000 has been appropriated for acquisition. This property can be acquired with the funds available and in accordance with legislative intent.

\$46,229,000	total authorized project costs
\$46,229,000	total estimated project costs
\$ 1,354,000	project costs previously allocated: acquisition
\$44,875,000	project costs to be allocated: \$339,000 acquisition, \$2,021,000 preliminary plans, \$2,688,000 working drawings, and \$39,827,000 construction (\$33,785,000 contract, \$2,365,000 contingency, \$1,394,000 A&E, and \$2,283,000 other project costs)

CEQA

A Notice of Exemption was filed with the State Clearinghouse on December 1, 2010, and the 35-day statutes of limitation expired on January 4, 2011, without challenge.

Project Schedule

Close of escrow	January 2012
Approve preliminary plans	January 2013
Complete working drawings	October 2013
Start construction	February 2014
Complete construction	November 2015

Condition of Property

In January, 2011, the Department of General Services staff conducted a site visit to the proposed site.

Expansion Parcel:

Phase I Environmental Site Assessments (ESAs) – A Phase I ESA for the Expansion Parcel was conducted in July 2010. The Phase I reported no historic or current recognized environmental conditions (RECs). The Phase I identified a Chevron leaking subterranean storage tank located about 1,500 feet up gradient to the east of the site was undergoing active remediation to treat petroleum-impacted soil and groundwater.

Phase II ESA – A Phase II investigation was conducted in August 2011, and the results showed detected constituents below thresholds of concern to human health except for lead. The elevated lead concentrations detected exceed residential land use environmental screening levels; but, the detected lead in the soil is below both federal and state hazardous waste screening criteria.

Phase II Recommendations – A risk management plan (RMP) is recommended because AOC's redevelopment proposal for the Expansion Parcel includes constructing a basement which may expose construction workers to low levels of lead. A prepared RMP presents the decision framework for managing soil associated with future redevelopment (i.e., special handling and additional testing for off-site soil disposal).

Parking Parcel 1:

Phase I ESA – A Phase I ESA for was conducted in December 2010 and there are no recognized environmental concerns noted with this parcel.

Phase II ESA – A Phase II investigation was conducted in August 2011 which detected constituents below thresholds of concern to human health except for arsenic and vanadium in soil and cobalt and vanadium in groundwater. While the detected metals in soil exceed risk-based regulatory screening levels, observations strongly suggest that the metals concentrations in soils at the site are naturally-occurring and appear to be representative of background conditions and do not appear to be a significant concern.

Recommendation - The County will be responsible to conduct a lead-based paint and asbestos survey of the existing site building and for any additional soil investigations and remediation requirements. The AOC will be leasing existing parking spaces from the County. No recommendations are proposed for this site.

Parking Parcel 2:

Phase I ESA – A Phase I ESA for was conducted in December 2010. The site is developed with a single-family residence, small rear yard, and an asphalt parking lot. The existing house was originally constructed for residential use in 1913, was converted to office use in 1991, and is currently vacant. Based on the age of the house and reconnaissance observations, potential asbestos containing materials (ACMs) and lead-based paint (LBP) were suspected. A full ACM and LBP survey, shallow soil samples, and analysis for lead and other metals were recommended.

Phase II ESA – A Phase II investigation was conducted in August 2011 detected constituents below thresholds of concern to human health except for total metals detected in the soil samples. The lead concentration suggested that the near surface soil at the site would be considered a hazardous waste under federal standards if the soil was to be removed from the site. Concentrations of dissolved metals detected in groundwater samples were within one order of magnitude of established regulatory screening levels and do not appear to be a significant concern.

Recommendation - The County will be responsible to conduct a lead-based paint and asbestos survey of the existing site building and for any additional soil investigations and remediation requirements. The AOC will be leasing existing parking spaces from the County. No recommendations are proposed for this site.

Other

- Funding for this project was contingent upon the SB1732 Transfer of Title of the existing Willows Courthouse to the state. The Transfer of Title was authorized by the Board on February 11, 2011; Glenn County conveyed title on July 27, 2011.
- The Board approved the site selection of the Expansion Parcel and the two Parking Parcels on February 11, 2011. At that time, the proposed acquisition was the purchase in fee of the three parcels. Subsequently, the proposed acquisition was modified to a no-cost fee acquisition of the Expansion Parcel and long-term lease interest in the Parking Parcels.
- The lease term for Parking Parcels 1 and 2 will be 75 years with five 5-year options to renew. The lease provides the state an option to purchase. The County will manage and operate the parking lots. The state will reimburse the County the state's share of operation

and maintenance costs. The state will have the right to establish reasonable parking operation rules and standards including, but not limited to security, parking fee rates, parking duration, ticketing, and towing to ensure efficient and safe operations of the parking premises. If the state has not commenced construction in five years from May 2014, the lease shall become null and void.

- The project will replace previous additions and renovate the historic 1894 courthouse in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. The historic courthouse will also undergo seismic strengthening and improvements to its mechanical, electrical, and plumbing systems.
- Based on Phase II recommendations for the Expansion Parcel, the AOC will prepare a RMP prior to removal of lead contaminated soil to address the safety of the workers during the construction.
- On or before the close of escrow, the state will obtain a pollution liability policy insuring the County and the state as named insureds. The insurance will include coverage for all costs and losses for clean-up of hazardous materials released on the property prior to the close of escrow (Pre-Existing Condition), clean-up of releases after the close of escrow (New Conditions), and third party liability claims and lawsuits related to any Pre-Existing Condition or New Condition. The term of the policy will be for five years from the close of escrow or through the issuance of the certificate of occupancy for the Willows Historic Courthouse, whichever occurs later.
- The proposed site meets the Judicial Council of California's size, location, and compatibility requirements.
- There is no relocation assistance or implied dedication associated with this project.

Staff Recommendation: Authorize acceptance of a no-cost acquisition.

CONSENT ITEMS

CONSENT ITEM—6

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW YUBA CITY COURTHOUSE
SUTTER COUNTY

*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(10)
Chapter 33, Statutes of 2011, Item 0250-301-3138 (16)*

Consider approving preliminary plans

CONSENT ITEMS

STAFF ANALYSIS ITEM—6

Judicial Council of California
Administrative Office of the Courts
New Yuba City Courthouse
Sutter County

Action Requested

If approved, the requested action would approve preliminary plans.

Scope Description

This project is within scope. This project will construct a new seven-courtroom, 79,000 square foot facility on approximately 4.0 acres in the City of Yuba, Sutter County. The project will provide secure parking for judicial officers and staff, as well as surface parking. The project will replace and consolidate operations at two functionally and physically deficient facilities, and will address security and overcrowding issues currently facing the court.

Funding and Cost Verification

This project is within cost. A total of \$9,295,000 has been appropriated for acquisition, preliminary plans, and working drawings. Construction costs are estimates, however, these costs have been recognized by the Legislature as part of the working drawings request for the 2011 Budget Act.

\$73,906,000 total authorized project costs
 \$73,906,000 total estimated project costs
 \$ 4,602,000 project costs previously allocated: acquisition \$1,059,000 and preliminary plans \$3,543,000
 \$69,304,000 projects costs to be allocated: \$4,693,000 working drawings and \$64,611,000 construction (\$56,873,000 contract, \$2,844,000 contingency, \$1,181,000 A&E, and \$3,713,000 other project costs)

Due Diligence

A Summary of Conditions Letter will be completed concurrent with the working drawings phase.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on December 24, 2009, and a 30-day statutes of limitation expired on January 23, 2010, without challenge.

Project Schedule

Close of escrow	April 2011
Approve preliminary plans	December 2011
Complete working drawings	November 2012
Start construction	February 2013
Complete construction	September 2014

Staff Recommendation: Approve preliminary plans.

CONSENT ITEMS

CONSENT ITEM—7

**CALIFORNIA HIGHWAY PATROL (2720)
CHPERS REPLACE TOWERS AND VAULTS - TRUCKEE
NEVADA COUNTY
CHP 512, DGS PARCEL NUMBER 10746**

*Authority: Chapter 712, Statutes of 2010, Item 2720-301-0044(2)
Chapter 33, Statutes of 2011 Item 2720-301-0044(2)*

Consider authorizing site selection

CONSENT ITEMS

STAFF ANALYSIS ITEM—7

California Highway Patrol
CHPERS Replace Towers and Vaults - Truckee
Nevada County

Action requested

If approved, the requested action would authorize site selection.

Scope

This project is within scope. The requested action would authorize site selection of approximately .09 acres of vacant land situated in the City of Truckee, Nevada County. This acquisition is adjacent to the existing Truckee California Highway Patrol (CHP) field office and will replace the existing rooftop telecommunications infrastructure with a new tower and vault and other supporting infrastructure. The new facilities will be built to meet essential services seismic standards. The new tower and vault are necessary to achieve additional space required to accommodate equipment needed for the California Highway Patrol Enhanced Radio System (CHPERS) upgrade.

Funding and Cost Verification

This project is within cost. The Budget Act of 2011 provides funding for this acquisition. The property can be acquired with the funds available and in accordance with legislative intent.

\$2,569,000 total authorized project costs
 \$2,569,000 total estimated project costs
 \$ 324,000 funds previously allocated: \$117,000 acquisition, \$207,000 preliminary plans.
 \$2,245,000 project costs to be allocated: \$40,000 acquisition, \$230,000 working drawings, \$1,975,000 construction (\$1,436,500 contract, \$71,800 contingency, \$224,100 A&E, and \$242,600 other project costs)

CEQA

CEQA will be completed prior to site acquisition.

Project Schedule

Close of escrow	February 2012
Approve preliminary plans	August 2012
Complete working drawings	March 2013
Start construction	April 2014
Complete construction	October 2014

Condition of Property

Department of General Services (DGS) conducted a site visit to the proposed property acquisition on September 7, 2011. The .09 acre parcel is identified as Nevada County assessor parcel number 18-621-05 and is located in the town of Truckee just north of an Interstate 80 off ramp and directly east of Highway 89. The California Highway Patrol Truckee Area Office is directly north of the subject property. An improved subdivision is to the east of this parcel and a paved city street is directly east of the property and ends at the northern end of this property. To the west of Highway 89 is a school facility.

The parcel consists of scattered pine trees with a shrub, wildflowers, and grasses. A chain link fence in need of repair separates the subject property from the Caltrans right of way. DGS staff did not observe any environmental concerns.

Other

- The purchase price shall not exceed the estimated fair market value of the property as determined by a DGS approved appraisal.
- The property is vacant and unimproved and there is no relocation assistance involved with the project.
- There is no implied dedication on the property.
- DGS 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.

Staff Recommendation: Authorize site selection.

CONSENT ITEMS

CONSENT ITEM—8

DEPARTMENT OF FORESTRY AND FIRE PROTECTION (3540)
NEVADA CITY FOREST FIRE STATION
WATERLINE EASEMENT
NEVADA COUNTY

Consider consenting to an Agreement and Grant of Easement from the state to the Nevada Irrigation District that affects the real property encumbered by the Board's 2010 Series A lease revenue bonds that were issued to finance the Nevada City Forest Fire Station.

CONSENT ITEMS

STAFF ANALYSIS ITEM—8

Department of Forestry and Fire Protection
Nevada City Forest Fire Station
Waterline Easement
Nevada County

Action Requested

If approved, the action will consent to an Agreement and Grant of Easement for waterline easement to the Nevada Irrigation District (District).

Background

An easement is being required by the District for a water connection to the new buildings at the Nevada City Forest Fire Station. This new connection is necessary to ensure there is adequate water pressure to all the buildings at the site. The existing site did not require an easement for the waterlines. Cal Fire will continue to work in the existing infrastructure until the completion of the new buildings. The Nevada site is currently encumbered with a Site Lease and a Facility Lease associated with the Board's 2010 Series A lease revenue bonds. Section 8(b) of the Facility Lease between the Board and Cal Fire requires Board consent to any assignment,

sublease or transfer of interest in the Facility Lease. Concurrently with this action, the District will quitclaim any and all of its rights in tow existing sewer pipelines located on state property.

Agreement and Grant of Easement

The Department of General Services (DGS) has worked with the District in drafting the Agreement and Grant Easement that provides an easement to the District. The 903 square feet easement is to locate, relocate, construct, reconstruct, alter, use, maintain, inspect, repair a water pipeline and associated appurtenances. The Agreement and Grant Easement contains a provision for the state to relocate (at state cost) any of the District improvements in the easement if, at some future date, the improvements are determined to interfere with state use of the property. The easement will automatically terminate if the District fails to use the easement for its intended use for a continuous period of 18 months. In the opinion of DGS and based on these factors, this easement will not adversely affect the Board's interests in the Nevada City Forest Fire Station.

Staff Recommendation: Consent to the Agreement and Grant of Easement to the Nevada Irrigation District.

CONSENT ITEMS

CONSENT ITEM—9

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF TOXIC SUBSTANCES CONTROL (3960)
STANDARD DREDGING PARCEL
RIVERSIDE COUNTY

DTSC Parcel Number 501, DGS Parcel Number 10725

Authority: Chapter 33, Statutes of 2011, Item 3960-001-0014

Consider authorizing acceptance of a no-cost acquisition

CONSENT ITEMS

STAFF ANALYSIS ITEM—9

Department of Toxic Substances Control
Standard Dredging Parcel
Riverside County

Action Requested

If approved, the requested action would authorize the acceptance of a no-cost acquisition.

Scope Description

This project is within scope. This request will authorize the acceptance of a no-cost acquisition of approximately 31.7 acres of vacant land located adjacent to the current state owned property known as the Stringfellow Federal Superfund Site (Stringfellow) in the City of Jurupa Valley, Riverside County. Specifically, the subject site is located north and east of Stringfellow; Stringfellow occupies the lower ravine surrounded by the Jurupa Mountains. This acquisition will provide the state the ability to control the existing monitoring wells and extraction wells located on the property and serve to support the state's clean-up, remediation obligations and the construction of a Pre-Treatment Plant on the Stringfellow site.

Funding and Cost Verification

This project is within cost. The only costs associated with the acceptance of this gift are overhead costs for this acquisition, which are estimated at \$50,000.

CONSENT ITEMS

CONSENT ITEM—10

DEPARTMENT OF PUBLIC HEALTH (4265)
RICHMOND LABORATORY PROJECT
CONTRA COSTA COUNTY

Consider consenting to two Agreement and Grant of Easement documents from the state to (1) the City of Richmond and (2) the East Bay Municipal Utility District that affects the real property encumbered by the Board's 1999 Series A and related 2005 Series B lease revenue bonds that were issued to finance the Department of Public Health's, Richmond Laboratory.

CONSENT ITEMS

STAFF ANALYSIS ITEM—10

Department of Public Health
Richmond Laboratory Project
Contra Costa County

Action Requested

If approved, the action will consent to two Agreement and Grant of Easement documents, one to the City of Richmond (City) and one to the East Bay Municipal Utility District (District).

Background

The Richmond Community Redevelopment Agency is proposing a road undercrossing at the Marina Bay Parkway railroad crossing. The parkway crossing would consist of a 1,000-foot depressed roadway along the Marina Bay Parkway beneath the existing at grade rail crossing. The rail traffic would cross over the depressed roadway via a 100-foot long by 20-foot wide single-span bridge structure. The depressed roadway would require approximately 25 feet of excavation below grade. The easements would allow for the relocation of existing utilities out of the proposed depressed roadway areas. The site is currently encumbered with a Facility Lease associated with the Board's 1999 Series A and 2005 related Series B lease revenue bonds that financed the Richmond Laboratory Project. Section 8(b) of the Facility Lease between the Board and Department of Public Health, successor to the Department of Health Services, requires Board consent to any assignment, sublease or transfer of interest in the Facility Lease.

Concurrently with this action, the District will quitclaim any and all of its rights in two existing water pipelines located on state property.

Agreement and Grant of Easement

The Department of General Services (DGS) has worked with the District and City in drafting the two Agreement and Grant of Easement documents that provide an easement to the District and the City, with approval of the Department of Public Health. The District easement is to move a water pipeline and the City easement is to move a wastewater pipeline. The 15,644 square foot easement would allow the District and the City to locate, relocate, construct, re-construct, alter, use, maintain, inspect, repair, and remove a water/wastewater pipeline (respectively) together with fixtures and equipment deemed necessary by Grantee over, on, under, and across that certain real property situated in the County of Contra Costa, State of California. The Agreement and Grant Easement documents contain a provision for the state to relocate (at state cost) any of the District or the City improvements in the easement if, at some future date, the improvements are determined to interfere with state use of the property. Each easement will automatically terminate if the respective entity (i.e. the District or the City) fails to use the easement for its intended use for a continuous period of 18 months. In the opinion of DGS and based on these factors, this easement will not adversely affect the Board's interests in the Richmond Laboratory Project.

Staff Recommendation Consent to the two Agreement and Grant of Easement documents to the City of Richmond and to the East Bay Municipal Utility District.

CONSENT ITEMS

CONSENT ITEM—11

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
CALIFORNIA MEN'S COLONY
WASTEWATER TREATMENT PLANT
SAN LUIS OBISPO COUNTY

Consider consenting to an Agreement and Grant of Easement from the state to the San Luis Obispo County Community College District that affects the real property encumbered by the Board's 2007 Series D lease revenue bonds that were issued to finance the California Men's Colony, Wastewater Treatment Plant.

CONSENT ITEMS

STAFF ANALYSIS ITEM—11

Department of Corrections and Rehabilitation
California Men's Colony
Wastewater Treatment Plant
San Luis Obispo County

Action Requested

If approved, the action will consent to an Agreement and Grant of Easement to the San Luis Obispo County Community College District.

Background

The San Luis Obispo County Community College District's (District) Cuesta college campus (Cuesta) currently uses the existing Department of Corrections and Rehabilitation (CDCR) California Men's Colony, San Luis Obispo (CMC) Wastewater Treatment Plant (WWTP). Cuesta currently has a project to update the gravity sewer from its campus through the California Department of Military's (Military) Camp San Luis Obispo, and terminating at CMC's WWTP. The WWTP site is currently encumbered with a Site Lease and a Facility Lease associated with the State Public Work Board's (Board) 2007 Series D lease revenue bonds that financed the WWTP project. Section 8(b) of the Facility Lease between the Board and CDCR requires Board consent to any assignment, sublease or transfer of interest in the Facility Lease.

Concurrently with this action, the District will quitclaim any and all of its rights in two existing sewer pipelines located on state property.

Agreement and Grant of Easement

The Department of General Services (DGS) has worked with the District in drafting the Agreement and Grant of Easement that provides an easement to the District, with approval of CDCR and the Military, for the Cuesta sewer line replacement project. The 14-foot-wide easement would allow the District to locate, relocate, construct, re-construct, alter, use, maintain, inspect, repair, and remove an underground sewer pipeline and utility support structure, together with appurtenant manholes and other facilities. The Agreement and Grant of Easement contains provisions for the state to relocate (at state cost) any of the District improvements in the easement if, at some future date, the improvements are determined to interfere with state use of the property. Exercise of the District's rights under the easement are subject to the respective customary security measures of CDCR and Military. Furthermore, the easement will automatically terminate if the District fails to use the easement for its intended use for a continuous period of 18 months. In the opinion of DGS and based on these factors, this easement will not adversely affect the Board's interests in the CMC WWTP.

Staff Recommendation: Consent to the Agreement and Grant of Easement to the San Luis Obispo County Community College District.

CONSENT ITEMS

CONSENT ITEM—12

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
CALAVERAS COUNTY ADULT DETENTION FACILITY
JAIL PROJECT
CALAVERAS COUNTY

Authority: Sections 15820.90 – 15820.907 of the Government Code

Consider recognizing revised project costs

CONSENT ITEMS

STAFF ANALYSIS ITEM—12

Department of Corrections and Rehabilitation
Calaveras County Adult Detention Facility, Jail Project
Calaveras County

Action Requested

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

Scope Description

This project is within scope. This project consists of constructing a new jail located on county owned land. The project will include 88 cells to house approximately 160 medium to maximum-security inmates of all classifications. The new jail will be approximately 76,500 square feet.

The project also includes enclosed secure outdoor exercise areas, a central control room, housing pod control and intake/release/processing areas that contain holding cells, safety cells, sobering cells, court transfer cells, inmate property storage, secure vehicle sally port, showers for inmates, toilet facilities for staff and inmates, medical triage rooms, processing areas, administrative office area, and interview rooms. In addition, a new kitchen and vocational laundry will be constructed. Inmate visitation areas will include confidential and attorney visiting rooms, contact, non-contact and video visitation and video arraignment rooms. Program rooms will be provided and accessible to each housing unit. Medical and mental health services areas, including medical cells and secure pharmaceutical storage, will be provided for medical/mental

health screening and routine medical care. Administration and staff facilities will include space for briefing and training, and a staff break room.

The project will also include, but is not limited to, electrical, plumbing, mechanical, and HVAC systems; a sewer pre-treatment system; and security and fire protection systems. Approximately 40 parking spaces will be provided for staff and visitor parking. Maintenance work space, storage areas and perimeter security fencing will be included in the scope of work.

The 160-bed jail project is part of a larger county facility that will include a Sheriff's administration building and may also include a dormitory building with two 40 bed units. However, the Sheriff's administration building and the potential dormitory building are not being constructed with funding from the Assembly Bill 900 county jail lease revenue bond financing program. Moreover, the jail building will be a stand-alone, functionally independent structure. As such, it will not be dependent on the Sheriff's administration building or the potential dormitory building for any services affecting its functionality. The county will also provide an access road into the project site.

Funding and Cost Verification

This project is within cost. On September 20, 2010, the Board took an action allocating \$26,388,000 of the \$750,000,000 Public Buildings Construction Fund (lease revenue bond authority) appropriated in section 15820.903 of the Government Code for approved local jail facilities to partially finance the construction of this project. Subsequent to this action a new project cost estimate was completed in association with award of the construction contract that identified a \$1,586,000 decrease in project costs and a revised total estimated project cost of \$35,835,000. Based on this new cost estimate and the terms and conditions of the AB 900 Local Jail Construction Financing Program, the county remains eligible for the full \$26,388,000 of state reimbursements previously allocated. This action will recognize these revised project costs as detailed below.

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 \$26,388,000 from this appropriation to Calaveras 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.

\$37,421,000	total authorized project cost
\$35,835,000	total estimated project cost
\$26,388,000	state funds previously allocated: construction contract
\$ 0	state funds to be allocated: construction (a decrease of \$262,000 contract and an increase of \$262,000 contingency)
\$11,033,000	local funds previously allocated: \$1,972,000 acquisition/study, \$1,419,000 preliminary plans, \$1,790,000 working drawings, and \$5,852,000 construction (\$2,097,000 contract, \$1,424,000 contingency, \$767,000 A&E, \$616,000 equipment, and \$948,000 other project costs)
\$ 1,586,000	local funds decrease: \$481,000 acquisition/study, \$142,000 preliminary plans, \$191,000 working drawings, and \$772,000 construction (\$2,097,000 contract and an increase of \$273,000 contingency, \$99,000 A&E, \$310,000 equipment, and \$643,000 other project costs)

CEQA

A Notice of Determination was filed with the State Clearinghouse on August 20, 2008, and the 30-day statutes of limitation expired on September 19, 2008, without challenge.

Real Estate Due Diligence

A Summary of Conditions Letter for this project was completed on October 14, 2010, and no issues that would adversely affect the quiet use and enjoyment of the project were identified.

Project Schedule

Approve preliminary plans	October 2010
Complete working drawings	February 2011
Start construction	August 2011
Complete construction	May 2013

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

CONSENT ITEMS

CONSENT ITEM—13

**DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
KERN VALLEY STATE PRISON
ARSENIC REMOVAL WATER TREATMENT SYSTEM
KERN COUNTY**

*Authority: Chapters 38 and 39, Statutes of 2005, Item 5225-301-0001(22)
Chapters 47 and 48, Statutes of 2006, Item 5225-301-0001(25)
Section 28(a) of Chapter 7, Statutes of 2007*

Consider recognizing revised project costs

CONSENT ITEMS

STAFF ANALYSIS ITEM—13

Department of Corrections and Rehabilitation
Kern Valley State Prison
Arsenic Removal Water Treatment System
Kern County

Action requested

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

Scope Description

This project is within scope. This project includes modifying the existing working drawings and constructing a precipitation arsenic removal treatment system. This project is necessary to treat Kern Valley State Prison's (KVSP's) potable water to comply with state and federal standards for arsenic in potable water. On March 10, 2008, KVSP received a Notice of Violation (NOV) from the EPA for exceeding the federal limit for arsenic in potable water. This NOV requires KVSP to post quarterly public notifications beginning with the first quarter of 2008 and continuing until compliance is met.

Subsequently, on December 12, 2008, the Department of Public Health (Public Health) issued a Compliance Order requiring KVSP, as a public water system operator, to cease and desist from failing to comply with drinking water standards. This Compliance Order also requires the Department of Corrections and Rehabilitation (CDCR) to submit a mitigation plan that includes a time schedule for completion of the necessary project to Public Health by February 1, 2009 and quarterly progress reports beginning April 10, 2009. CDCR submitted the required mitigation

plan to Public Health on January 28, 2009. This plan identifies requesting funding to redesign and complete the KVSP, Arsenic Removal Water Treatment System project originally started in 2005-06 as the CDCR's primary approach to achieving compliance.

The project consists of constructing a precipitation arsenic removal treatment system. The scope of work includes one reaction vessel, two filter vessels, chemical injection equipment, backwash recovery equipment, associated pumps, valves, piping and controls, and a building to house electrical controls/monitors, equipment and chemical storage for this plant.

Funding and Cost Verification

This project is within cost. The Budget Acts of 2005 and 2006, respectively, appropriated \$2,977,000 for design (\$260,000 preliminary plans and \$240,000 working drawings) and (\$2,477,000) construction for an arsenic removal water treatment system at KVSP. Subsequently, the unexpended balance of the construction appropriation was reverted in the 2008 Budget Act because design estimates of construction costs exceeded the appropriated amount.

On May 8, 2009, the Board recognized \$8,533,000 in total authorized project costs and allocated \$8,010,000 of the \$300 million General Fund appropriated in Section 28(a) of Chapter 7, Statutes of 2007 to complete working drawings and construction for this project. A new project cost estimate was prepared in association with contract award. Based on this new estimate, the current total estimated project cost is \$7,058,000, which is a \$1,475,000 decrease.

\$ 8,533,000	total authorized project cost
\$ 7,058,000	total estimated project cost
\$ 8,533,000	project costs previously allocated: \$260,000 preliminary plans, \$819,000 working drawings, and \$7,454,000 construction (\$6,050,000 contract, \$424,000 contingency, \$342,000 A&E, \$540,000 other project costs, and \$98,000 agency retained items)
\$ 1,475,000	project cost decrease: \$1,475,000 construction (\$1,675,000 contract, \$118,000 contingency, \$9,000 agency retained items, and increases of \$127,000 in A&E and \$200,000 in other project costs)

CEQA

A Notice of Determination was filed with the State Clearinghouse on November 7, 2006 and the statutes of limitations expired on December 7, 2006, without challenge.

Real Estate Due Diligence

A Summary of Conditions letter was completed for this project on October 3, 2006 and it is noted that no significant issues were identified that adversely affect the quiet use and enjoyment of the project.

Project Schedule

Approve preliminary plans	January 2007
Complete working drawings	June 2011
Start construction	September 2011
Complete construction	September 2012

Staff Recommendation: Recognize revised project costs.

CONSENT ITEMS

CONSENT ITEM—14

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
MADERA COUNTY JAIL
EXPANSION PROJECT
MADERA COUNTY

Authority: Sections 15820.90 – 15820.907 of the Government Code

Consider recognizing revised project costs

CONSENT ITEMS

STAFF ANALYSIS ITEM—14

Department of Corrections and Rehabilitation
Madera County Jail, Expansion Project
Madera County

Action Requested

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

Scope Description

This project is within scope. This project will design and construct renovations to and expansion of the existing county jail located on county owned land. The expansion will provide approximately 42,600 square feet (sf) of additional new housing and support services space.

The new housing addition will be approximately 27,100 sf and will include a celled housing pod with 32 double occupancy cells (approximately 64 beds) and a housing pod with eight dormitories, each including five sets of double bunks (approximately 80 beds), to house a total of approximately 144 inmates. Each housing pod will also include a dayroom; program space for education, religious, counseling, and recidivism reduction services; and an interview room.

This project will also include an approximately 12,200 sf, one-story visitation and training building to be located adjacent to the existing facility. This building will provide space for staff briefing and training, new locker rooms to accommodate increased staff, staff support, facility support, and internal affairs. In addition, this building will provide for public visiting and attorney interviews in a new video visitation center. Moreover, public areas will be expanded to

accommodate the anticipated increase in visitors, including a complete entry control package and locked storage for visitors.

A portion of the existing jail will also be renovated to expand, reconfigure, and upgrade existing office, treatment, and program space, which will add approximately 3,300 sf of new support services space. These renovations will provide additional space for administrative and custody staff offices as well as inmate property and clothing storage. The current infirmary will be relocated and expanded. Program space will be added to accommodate additional medical, dental and mental health services. The intake/release processing areas will include holding cells, toilet facilities for staff and inmates, medical triage rooms, processing area, administrative office area, and interview rooms. Modifications will be made to the existing control room to monitor and operate the security perimeter and housing pods.

The project will include, but not limited to: electrical, mechanical, and HVAC systems; a building to contain chillers and boilers; and security and fire protection systems. Limited site work will be included such as curbs, gutters and parking areas.

Funding and Cost Verification

This project is within cost. On October 25, 2010, the Board took an action allocating \$29,047,000 of the \$750,000,000 Public Buildings Construction Fund (lease revenue bond authority) appropriated in section 15820.903 of the Government Code for approved local jail facilities to partially finance the construction of this project. Subsequent to this action a new project cost estimate was completed in association with award of the construction contract that identified a \$1,071,000 decrease in project costs and a revised total estimated project cost of \$34,701,000. Based on this new cost estimate and the terms and conditions of the AB 900 Local Jail Construction Financing Program the county is currently eligible for \$27,915,000 of state reimbursements, which is a \$1,132,000 decrease from the amount previously allocated. This action will recognize these revised project costs as detailed below.

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 \$30,000,000 from this appropriation to Madera 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. The remaining \$2,085,000 of Madera County's conditional award will remain available for allocation to the project if there is an increase in the construction costs eligible for reimbursement within the AB 900 Local Jail Construction Financing Program.

\$35,772,000	total authorized project cost
\$34,701,000	total estimated project cost
\$29,047,000	state funds previously allocated: construction (\$26,406,000 contract and \$2,641,000 contingency)
\$ 1,132,000	state funds decrease: construction (\$1,029,000 contract and \$103,000 contingency)
\$ 6,725,000	local funds previously allocated: \$340,000 acquisition/study, \$711,000 preliminary plans, \$946,000 working drawings, and \$4,728,000 construction (\$615,000 A&E, \$3,486,000 other project costs, and \$627,000 agency retained items)
\$ 61,000	local funds increase: \$539,000 acquisition/study and a decrease of \$130,000 preliminary plans, \$111,000 working drawings, and \$237,000 construction (\$137,000 A&E and \$100,000 agency retained items)

CEQA

A Notice of Determination was filed with the State Clearinghouse on August 27, 2007, and the 30-day statutes of limitation expired on September 26, 2007, without challenge.

Real Estate Due Diligence

A Summary of Conditions Letter for this project was completed on April 29, 2010 and an update was completed on November 8, 2010. The update letter indicates no issues that would adversely affect the quiet use and enjoyment of the project were identified.

Project Schedule

Approve preliminary plans	November 2010
Complete working drawings	February 2011
Start construction	June 2011
Complete construction	June 2013

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

ACTION ITEMS

ACTION ITEM—1

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW WOODLAND COURTHOUSE PARKING SITE (UNION PACIFIC)
YOLO COUNTY

AOC Facility Number 57-A10, DGS Parcel Number 10691

*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 (12)*

Consider authorizing acquisition

ACTION ITEMS

STAFF ANALYSIS ITEM—1

Administrative Office of the Courts
Judicial Council of California
New Woodland Courthouse Parking Site (Union Pacific)
Yolo County

Action Requested

If approved, the requested action would authorize acquisition.

Summary of Staff Recommendation

As set forth below, staff's recommendation is to defer action on this item to a subsequent Board meeting to give the Administrative Office of the Courts (AOC) sufficient time to address the outstanding issues and resubmit the package for review.

Scope Description

This project is within scope. The requested action would authorize the acquisition of approximately 2.3 acres of land for the construction of a 220-space surface parking lot for the New Woodland Courthouse. The new 14-courtoom, 141,000 square foot facility will be used by the Superior Court of California for judicial, administrative, and related purposes. The acquisition will provide surface parking for the courthouse in the downtown area of the City of Woodland in

Yolo County. The property is currently owned by Union Pacific Railroad Company, a Delaware corporation. Two newly created parcels have been separated from a larger Union Pacific holding. The Board approved the acquisition of the main courthouse site in March 2011. The main courthouse site is approximately 3.75 acres and is located near the proposed parking lot.

Funding and Cost Verification

This project is within cost. A total of \$9,094,000 has been authorized for acquisition. This property can be acquired with the funds available and in accordance with legislative intent.

- \$167,374,000 total authorized project costs
- \$167,374,000 total estimated project costs
- \$ 11,775,000 project costs previously allocated: \$4,404,000 acquisition and \$7,371,000 preliminary plans
- \$155,599,000 project costs to be allocated: \$4,690,000 acquisition, \$9,639,000 working drawings, and \$141,270,000 construction (\$124,650,000 contract, \$6,233,000 contingency, \$2,505,000 A&E, and \$7,882,000 other project costs)

CEQA

A Mitigated Negative Declaration was filed with the State Clearinghouse on April 20, 2010, and the 30-day statutes of limitation period expired on May 20, 2010, without challenge.

Project Schedule

Close of escrow	December 2011
Approve preliminary plans	February 2011
Complete working drawings	January 2013 (or later)
Start construction	May 2013 (or later)
Complete construction	June 2015 (or later)

Condition of Property

The Department of General Services staff visited the proposed site in November 2010. The proposed site is partially developed and includes three structures and paved areas. The topography of the property is relatively flat.

In September 2010, a Phase I Environmental Site Assessment (ESA) was completed. The report noted that the proposed site has been occupied by various tenants documented to – or likely to – have used hazardous materials, including an underground storage tank (UST) with no investigation, and auto repair activities. The lengthy use of the property associated with these uses with no known investigation, at this time, is considered a Recognized Environmental Condition. The adjoining Union Pacific properties historically operated with up to two bulk oil storage and/or distribution facilities. These facilities were located cross-gradient to the property. The Phase I ESA indicated that based on the close proximity of these facilities to the property and the long duration of use, there was a potential that these uses have impacted the property. A Phase II ESA was recommended to reconcile significant data gaps associated with the lack of records related to the UST, historical use of the property, and nearby Union Pacific property use for bulk oil storage. Activities for the Phase II ESA include soil or groundwater sampling to determine the conditions related to the on-site conditions and off site influence.

In September 2011, a Phase II ESA was completed and noted the following items:

- The presence of a 2,000 gallon UST and associated piping.
- Two unidentified subsurface variations (anomalies A and B) in the northern portion of the site. Anomaly A includes contour closures that are typical of a small UST (i.e., 550 gallons) or a similarly-sized metal object such as a utility vault. Anomaly B includes contour closures that are indicative of smaller isolated metal objects such as smaller utility vaults.

As a result of the UST and unidentified subsurface variations, soil borings and groundwater samples were collected. The borings did not show evidence of contaminated soil. Except for elevated concentrations of naturally-occurring metals including arsenic and vanadium detected in soil beneath the southern portion of the proposed site, analyzed soil and groundwater samples for constituents of concern were either non-detected above laboratory reporting limits or at concentrations below the most conservative environmental screening levels. The metals detected in the soil samples appeared representative of background conditions. Regulatory agencies typically do not require cleanup of naturally occurring chemicals to concentrations lower than background conditions.

Based on the analytical data collected, no further investigation is required at this time. However, at the time of site redevelopment, AOC is recommended to remove the closed-in-place UST and associated piping at the proposed site under local regulatory oversight. In addition, the AOC will need to prepare a risk management plan (RMP) for potential construction or other earthwork activities due to the presence of subsurface anomalies identified during the geophysical survey. The RMP will present the decision framework for managing potentially contaminated soil and/or groundwater associated with future redevelopment. Specifically, the RMP would outline the general protocols and health and safety measures to implement if contaminated soil and/or groundwater and/or subsurface features are encountered during construction or grading activities.

Outstanding Issues/Other Items of Concern

There are a **number** of outstanding issues with this acquisition.

The AOC submitted this item one month past the due date to be included on the December 2011 Board agenda. Board staff have had to review and analyze the transaction in a compressed time frame, focusing on the major issues. Based on staff's truncated and limited review of the transaction, we note the following major concerns with the acquisition.

Relocation Assistance, potential unknown relocation costs: Currently, there is a tenant on the proposed site with a year-to-year lease that expires in April 2012. The AOC has not engaged a relocation specialist to perform an analysis to see what, if any, relocation assistance may be required if the AOC does not renew the lease in April 2012. Without a completed relocation analysis, as is generally required prior to the Board approving acquisition, it is not possible to quantify the potential additional relocation costs for this acquisition.

Property Acquisition Agreement (PAA): There are two sections included in the PAA that Board staff have determined to be unacceptable.

- Page 11, Section 12 (d)(3)(i) and (ii): "Post-Sale Covenants, Railroad Proximity Covenant" – The PAA includes various Post-Sale Covenants, of which, two are unacceptable to Board staff.

- Section 12(d)(3)(i) contains a description regarding “Permitted Effects” which explicitly states that the buyer knowingly is purchasing a piece of property next to an active rail yard. Specifically, the PAA states that the adjacent “...Property is dedicated and used for railroad, operations, that railroad operations may create noise, vibrations, emissions, fumes and odors twenty-four (24) hours a day, and that the amount, nature and intensity of railroad operations may increase or change (collectively, the “Permitted Effects”).” Additionally, this section states that “... the Permitted Effects shall not include accidents or derailments involving rail cars encroaching onto the Property.” While this language is fairly vague and broad, which is problematic on its own, this section goes on further to deny the state the ability to “...seek compensation or damages from SELLER with respect to any impact upon the Property which may result from the Permitted Effects.” Because of this ambiguity, the definition of “Permitted Effects” could increase the state’s future liability and must be further developed and clarified.
- Section 12(d)(3)(ii) contains language which requires the State of California, the Judicial Council of California, and the Administrative Office of the Courts, to waive all rights to “(i) institute legal proceedings against SELLER to reduce or lessen the Permitted Effects, and (ii) directly participate in petition drives, lobbying efforts or other activities seeking the enactment of federal, state or local laws or ordinances to reduce or lessen the Permitted Effects specifically with respect to the Property.” This entire section must be removed from the PAA as the Judicial Council does not have the authority to restrict the state’s ability to bring forth legal action against another party or to restrict lobbying efforts. It is also questionable whether the AOC can limit itself or the Judicial Council in this manner, but additional research is required on this point.
- Page 13, Section 16: “As-Is” Sale; Release by State – The PAA includes an “as-is, where-is” clause in which the state agrees to purchase the property in an “as-is” condition, releasing the seller of all environmental liability. Furthermore, the seller makes no representations or warranties of any kind relating to the property. Finally, the state would acknowledge that it is entering into this agreement based on the state’s investigation of the property and the state assumes all risk that adverse physical conditions unrevealed by the investigation. This is not the state’s normal practice to accept land with this clause; however, it’s within the Board’s discretion to accept it as long as sufficient protections are put in place. While the Phase I and II ESAs do not identify major items of concern, the presence of the USTs, the subsurface anomalies, and the historic uses of the Property noted in the Condition of Property Statement, increase the risk of unforeseen conditions that could result in future state liabilities. Additionally, to the extent that the public will be using this property as a parking lot, the proximity to the rail line may subject the state to increased risk of claims of damages. To ensure that the state is protected against unknown environmental issues and potential lawsuits, Board staff would recommend that the AOC be required to purchase Environmental Liability Insurance, prior to close of escrow, for this parcel if the “as-is, where-is” language remains in the PAA.

Previous Board Action: The Board approved this site for site selection at its December 10, 2010, meeting. In that staff analysis, the AOC noted that the close of escrow was scheduled for February 2011. The Board also approved the acquisition of the main courthouse site in March 2011.

Other

- The AOC did not use the state's standard PAA.
- The proposed site meets the size, location, and compatibility requirements of the Judicial Council.
- The PAA requires that delivery of title to the property will be free and clear of any mortgages or liens.
- There are no historic issues or implied dedication involved with this project

Staff Recommendation: **Defer action on this item to a subsequent Board meeting to give the AOC sufficient time to address the outstanding issues (as noted in the staff analysis) and resubmit the acquisition package for review.**

OTHER BUSINESS

- 1. Consider authorizing the execution of two contracts (one with Cushman & Wakefield Western, Inc. and the other with Integra Realty Resources) for valuation services to assist the Board with its asset transfer financings.**

Recent changes in law authorize the Board to use asset transfers as a means to provide cash to projects while still in design. Asset transfers allow the Board to sell bonds on an existing, unencumbered public building and to use the bond proceeds to fund other non-complete projects. In order to do this, the public building being used in the asset transfer bond sale needs to be assessed a value using the replacement cost methodology.

Therefore, staff requests authorization to enter into two contracts; one with Cushman & Wakefield Western, Inc. and one with Integra Realty Resources. These firms have the expertise to value public buildings, using the replacement cost methodology, for use in an asset transfer bond sale. The proposed contracts are valued at \$100,000 each and are for a term of two years with the option to extend each for an additional year.

Staff Recommendation: Authorize the execution of two contracts, as specified above, for asset valuation services.

REPORTABLES

To be presented at the meeting.