



CALIFORNIA STATE
PUBLIC WORKS BOARD

ARNOLD SCHWARZENEGGER, GOVERNOR

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AGENDA WITH ANALYSIS

NOTICE OF MEETING
STATE PUBLIC WORKS BOARD
Monday, January 11, 2010

The **STATE PUBLIC WORKS BOARD** will meet on **Monday, January 11, 2010, 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

**Monday
January 11, 2010**

10:00 a.m.

Room 113

State Capitol
Sacramento, California

I. Roll Call

Ana Matosantos, Director, Department of Finance
Ronald Diedrich, Acting Director, Department of General Services
Randell Iwasaki, Director, Department of Transportation
John Chiang, State Controller
Bill Lockyer, State Treasurer

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Pam Harris, Acting Director, Employment Development Department
(Advisory Member)

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Assembly Member, Mike Eng, Legislative Advisor
Assembly Member, Mary Hayashi, Legislative Advisor
Assembly Member, Sandre Swanson, Legislative Advisor
Senator, Mark J. DeSaulnier, Legislative Advisor
Senator, Denise Ducheny, Legislative Advisor
Senator, Abel Maldonado, Legislative Advisor

II. Approval of minutes from the December 14, 2009 meeting

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CONSENT ITEMS

CONSENT ITEM—1

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
INGLEWOOD JUVENILE COURTHOUSE
LOS ANGELES COUNTY
AOC Facility Number 19-E1, DGS Parcel Number 10617

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
Inglewood Juvenile Courthouse

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 County of Los Angeles (County) is transferring fee title in and to the court facility commonly known as Inglewood Juvenile Courthouse located at 110 East Regent Street, Inglewood, California (court facility), to the State of California (state) acting by and through the Judicial Council of California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement between the Council, AOC, and the County for the Transfer of Responsibility and Title for court facility, dated December 16, 2008 (Transfer Agreement). The court facility consists of approximately 0.4 acres of real property improved with a two-story building and associated landscaping. The court facility was constructed in 1950. The Superior Court occupies 10,800 square feet (sf) (80.8 percent) of the court facility and the County will continue to occupy 2,600 sf (19.2 percent). Although the County is not entitled to any compensation, it will retain its equity share in the court facility. 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). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on June 3, 2008. The 35-day statute of limitations period expired on July 8, 2008, without challenge.

Project Schedule

The estimated close of escrow is February 2010.

Condition of Property

The AOC, staff agency to the Council, was responsible for conducting site visits to the court facility; for contracting for the professional services of an environmental professional for the Phase I Environmental Site Assessment (Phase 1); for the building assessment; and for the seismic assessment. The following findings were made from the combined resources identified above:

Phase I:

A Phase I report was completed in May 2008 in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The report found no on-site or off-site recognized environmental conditions with respect to the subject site. The report however, indicated that due to the age of construction of the court facility, there was likelihood for the existence of lead based paints, asbestos containing materials and PCBs contained in the light ballasts.

The Phase I report indicates that it is likely that there are potential concerns for lead-based paint, asbestos containing materials in the building and PCB containing fluids in the electrical equipment manufactured prior to July 1979. Prior to any structural changes or renovations, all appropriate local, state, and federal rules/regulations will be followed with respect to the handling and disposal of these materials. The AOC will also seek all available information from the County for the asbestos containing building materials (ACMs), lead based paint (LBP) and polychlorinated biphenyl (PCBs) at the site. In absence of such data availability the AOC will conduct survey of possible hazards prior to any modification, or demolition.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management (OCCM) conducted an initial site visit of the Court Facility on November 8, 2007, to assess the general condition of the property. The site visits entailed a tour of the facility and surrounding property including a review of the real property for apparent conditions that could adversely impact the habitability or safety of the property; and to identify any tenancies, encroachments, apparent easements, or other rights to occupy or use the property that might be vested in parties other than the County or the Court. 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:

Licensed structural engineers performed a Tier I seismic safety assessment of the building located in the court facility in August 2003, and inspected and evaluated the court facility for seismic safety in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division. This seismic evaluation of the Court Facility was then peer-reviewed by other qualified engineers.

The AOC 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 (SB 10) 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 December 16, 2008.
- The Transfer Agreement requires that delivery of title to the property would be free and clear of any mortgages or liens.
- The County has agreed to indemnify the AOC for any liability imposed on the AOC 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.
- It should be noted that the seismic evaluation has determined that in the event of seismic disturbance the facility may pose significant risk to persons and property which could create substantial liability to the state. However, the Transfer Agreement 4.3.11 provides indemnification to AOC for seismic related damage and injury per Government Code Section 70324.
- The Joint Occupancy Agreement provides for rights of first refusal and rights of first offer in favor of either the County or Council, in the event that either party desires to vacate the court facility, in accordance with Government Code Section 70342(e).
- The terms of the Transfer Agreement state that the County will continue to offer its building software and telecommunication services to the State. Effective as of the closing, the AOC grants the County rights of ingress, egress and access to all parts of real property to which any component, subcomponent, or connection of these systems are located.
- The AOC is not aware of any lawsuits pending concerning the property.
- There are no historic issues, relocation assistance, or implied dedication associated with the Court Facility.
- In accordance with the Act, the Transfer Agreement provides for the transfer of parking spaces in the number and type as was made available for Court use as of October 1, 2001.

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
MEADOW LARK JUVENILE COURT
SAN DIEGO COUNTY
AOC Facility Number 37-E1, DGS Parcel Number 10604

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—2

Judicial Council of California
Administrative Office of the Courts
Meadow Lark Juvenile Court

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 County of San Diego (County) is transferring fee title in and to the court facility commonly known as Meadow Lark Juvenile Court, located at 2851 Meadow Lark Drive in San Diego, California (court facility), to the State of California (state) acting by and through the Judicial Council of California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement between the Council, AOC, and the County for the Transfer of Responsibility and Title for Court Facility, dated September 16, 2008 (Transfer Agreement).

The court facility consists of approximately 1.3 acres of real property improved with a two-story Juvenile Court main building and two attached modular court structures, and associated landscaping. The facility was constructed in 1977 and the Superior Court will occupy 33,600 square feet (77.1 percent) of floor space and the County will occupy 10,000 square feet (22.9 percent) of usable floor space in the court facility for County administrative purposes. 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). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on November 4, 2008. The 35-day statute of limitations period expired on December 9, 2008, without challenge.

Project Schedule

The estimated close of escrow is February 2010.

Condition of Properties

The AOC, staff agency to the Council, was responsible for conducting site visits to the Court Facility; for contracting for the professional services of an environmental professional for the Phase I Environmental Site Assessment (Phase 1); for the building assessment; and for the seismic assessment. The following findings were made from the combined resources identified above:

Phase I:

A Phase I report was completed on July 1, 2009, in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The Phase I 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 found no on-site or off-site recognized environmental conditions with respect to the subject property. The Phase I does cite the likelihood of a presence of lead-based paints (LBP), asbestos containing materials (ACM), and PCB contained in the light ballasts based, which are typical of buildings constructed prior to 1978. Additionally, the report noted that the condition of these materials was observed to be good condition. No notable signs of chipped paint surfaces or exposed ACM surfaces were reported on the Phase I that would likely pose a threat to the health and safety of to the occupants with respect to the LBP or ACMs. Moreover, AECOM observed that the two transformers on site evidenced no leakages.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management (OCCM) has reviewed the Phase I Assessment and the Team Jacobs Initial Condition Assessment of the Court Facility on

July 17, 2009, to assess the general condition of the property. The site visits entailed a tour of the facility and surrounding property including a review of the real property for apparent conditions that could adversely impact the habitability or safety of the property; and to identify any tenancies, encroachments, apparent easements, or other rights to occupy or use the property that might be vested in parties other than the County or the Court. 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:

Licensed structural engineers performed a Tier I seismic safety assessment of the building located in the court facility in May 2003, and inspected and evaluated the court facility for seismic safety in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division. This seismic evaluation of the court facility was then peer-reviewed by other qualified engineers.

The AOC determined that the building has a seismic safety rating of Level IV, as defined in the Risk Acceptability Table of the State Building Seismic Program, developed by the Division of State Architect, April 1994.

Other

- The County adopted a Resolution on September 16, 2008, approving the Transfer Agreement to transfer title and responsibility of the court facility to the state.
- The state may refuse to accept responsibility for the court facility only if (a) the court facility contains one or more "deficiencies," as defined at Government Code Section 70326(b), and (b) the county and the AOC have not made provisions for the correction of the deficiencies as part of the Transfer Agreement, pursuant to Section 70326(c) or Section 70327(d) of the Government Code. Neither of these situations exists.
- The Transfer Agreement requires that delivery of title to the property would be free and clear of any mortgages or liens.
- Concurrently with the conveyance of title to the court facility, the County grants the state a non-exclusive Access Easement Deed for purposes appurtenant ingress and egress through a portion of the grounds area from public streets to the Court Facility.
- The AOC is not aware of any lawsuits pending concerning the property.
- The terms of the Transfer Agreement state that the County will continue to offer its telecommunication services and voice network system to the State. Effective as of the date of transfer, the AOC grants the County rights of ingress, egress and access to all parts of real property to which any component, subcomponent, or connection of the telecommunication and voice systems are located.
- A small addition (overhang) to the court facility encroaches directly over an existing utility easement. This encroachment will be handled by the County and the San Diego Gas and Electric Company by means of an Encroachment Agreement prior to the close of escrow.

- The County has agreed to indemnify the AOC for any liability imposed on the AOC 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 Joint Occupancy Agreement provides for rights of first refusal and rights of first offer in favor of either the County or JCC, in the event that either party desires to vacate the Court Facility, in accordance with Government Code Section 70342(e).
- The Phase I report indicates that it is likely that there are potential concerns for LBM and ACM containing materials in the building. Prior to any structural changes or renovations, all appropriate local, state, and federal rules/regulations will be followed with respect to the handling and disposal of these materials. In addition, prior to any ground disturbing activities, appropriate local, state, and federal rules/regulations will be followed with respect to handling and possible disposal of contaminated soil.
- There are no historic issues, relocation assistance, or is no implied dedication associated with the court facility.
- In accordance with the Act, the Transfer Agreement provides for the transfer of parking spaces in the number and type as was made available for Court use as of October 1, 2001.

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

CONSENT ITEMS

CONSENT ITEM—3

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
POMONA NORTH COURTHOUSE
LOS ANGELES COUNTY
AOC Facility Number 19-W2, DGS Parcel Number 10618

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—3

Judicial Council of California
Administrative Office of the Courts
Pomona North Courthouse

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 County of Los Angeles (County) is transferring fee title in and to the court facility commonly known as the Pomona North Courthouse, located at 350 West Mission Blvd., Pomona, California (court facility), to the State of California (state) acting by and through the Judicial Council of California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement between the Council, AOC, and the County for the Transfer of Responsibility and Title for Court Facility, dated December 16, 2008 (Transfer Agreement). The court facility consists of approximately 1.1 acres of real property improved with a two-story building and associated landscaping. The North Building was constructed in 1950 and the South Building was constructed in 1965. The Superior Court occupies 96.3 percent or 33,000 square feet of the entire facility, and the County occupies 3.7 percent or 1,300 square feet. 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 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). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on February 3, 2009. The 35-day statute of limitations period expired on March 10, 2009, without challenge.

Project Schedule

The estimated close of escrow is January 2010.

Condition of Property

The AOC, staff agency to the Council, was responsible for conducting site visits to the court facility; for contracting for the professional services of an environmental professional for the Phase I Environmental Site Assessment (Phase I); for the building assessment; and for the seismic assessment. The following findings were made from the combined resources identified above:

Phase I:

A Phase I report was completed in April 2008 in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The report found no on-site or off-site recognized environmental conditions (REC) with respect to the subject site. The Phase I however, does cite a De Minimis Environmental Condition regarding a closed 5,000-gallon diesel underground storage tank (UST), located on the site, which was drained and filled with slurry in 1999. A No Further Action letter was granted by the Los Angeles County regulatory agency. The UST is not representative of an REC; however, the report recommend that in the event of future excavation of the UST's location, a soil and soil vapor monitoring be conducted. Also based on the age of construction of the court facility, there was the potential presence of lead-based paints, asbestos containing materials in the building and PCB in the electrical transformers.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management (OCCM) conducted an initial site visit of the Court Facility on November 8, 2007, to assess the general condition of the property. The site visits entailed a tour of the facility and surrounding property including a review of the real property for apparent conditions that could adversely impact the habitability or safety of the property being transferred and conveyed to the state; and to identify any tenancies, encroachments, apparent easements, or other rights to occupy or use the property that might be vested in parties other than the County or the Court. 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:

Licensed structural engineers performed a Tier I seismic safety assessment of the building located in the court facility in August 2003, and inspected and evaluated the court facility for seismic safety in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division. This seismic evaluation of the court facility was then peer-reviewed by other qualified engineers.

The AOC 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 (SB 10) 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 December 16, 2008.
- The Transfer Agreement requires that delivery of title to the property would be free and clear of any mortgages or liens.
- The County has agreed to indemnify the AOC for any liability imposed on the AOC 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 Phase I report indicates that it is likely that there are potential concerns for lead-based paint, asbestos containing materials in the building and PCB containing fluids in the electrical equipment manufactured prior to July 1979. Prior to any structural changes or renovations, all appropriate local, state, and federal rules/regulations will be followed with respect to the handling and disposal of these materials. The AOC will also seek all available information from the County for the asbestos containing building materials (ACMs), lead based paint (LBP) and polychlorinated biphenyl (PCBs) at the site. In absence of such data availability the AOC will conduct survey of possible hazards prior to any modification, or demolition.
- It should be noted that the seismic evaluation has determined that in the event of seismic disturbance the facility may pose significant risk to persons and property which could create substantial liability to the State of California. However, the Transfer Agreement provides indemnification to the AOC for seismic related damage and injury per Government Code Section 70324.
- The Joint Occupancy Agreement provides for rights of first refusal and rights of first offer in favor of either the County or JCC, in the event that either party desires to vacate the Court Facility, in accordance with Government Code Section 70342(e).
- The Transfer Agreement provides that the County's equity interest in the real property will be compensated, should the Council sell or release title to the real property after the transfer of title.
- The Transfer Agreement also provides that the County will continue to own, maintain and provide the State with uninterrupted use and access to the court facility's Building Software and hardware and use of its telecommunications services.
- The AOC will grant the County the right of ingress, egress, and access to all parts of the court facility where any component or subcomponent of the County's telecommunications or information technology equipment is located for the County's continued use, operation, and maintenance

- The AOC is not aware of any lawsuits pending concerning the property.
- All provisions regarding parking for AOC and County staff are addressed in the Transfer Agreement and Joint Occupancy Agreement for Pomona Courthouse South. These documents include the transfer of parking accommodations pursuant to the Act, which provides for the transfer of parking spaces in the number and type as was made available for Court use as of October 1, 2001.
- There are no historic issues, relocation assistance, or implied dedication associated with the Court Facility.

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

CONSENT ITEMS

CONSENT ITEM—4

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
RICHMOND BAY DISTRICT COURTHOUSE
CONTRA COSTA COUNTY
AOC Facility Number 07-F1, DGS Parcel No. 10582

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—4

Judicial Council of California
Administrative Office of the Courts
Richmond Bay District Courthouse

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 County of Contra Costa (County) is transferring fee title in and to the court facility commonly known as the Richmond Bay District Courthouse, located at 100 37th Street, Richmond, California (court facility), to the State of California (State) on behalf of the Judicial Council of California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement Between the Council, AOC, and the County for the Transfer of Responsibility and Title for Court Facility, dated March 31 2009 (Transfer Agreement). The Court Facility consists of an approximately 67,700 square foot, two-story, building situated on 4.3 acres of real property with parking and associated landscaping. The facility was constructed in 1953 and The Superior Court occupies 39,800 square feet (75.0 percent) of the facility and the County will continue to occupy 13,700 square feet (25.0 percent) of the facility utilized for County administrative and library purposes. Following the 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). After transfer of title, the County will continue to occupy the "county exclusive space" that it has been occupying under the terms and conditions of the Joint Occupancy Agreement executed by the county and the AOC in conjunction with the Transfer Agreement. The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on November 4, 2009. The 35-day statute of limitations period expired on December 9, 2008, without challenge.

Project Schedule:

The estimated close of escrow is March 2010.

Condition of Property

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

Phase I:

A Phase I report was completed March 2007 in accordance with the American Society for Testing and Materials (ASTM). The Phase I included an evaluation of significant environmental, health, and safety conditions impacting the interior and exterior of the court facility. The Phase I cited no onsite or offsite Recognized Environmental Condition (REC) for this site but acknowledged there may be limited Asbestos Containing Materials (ACM) in vinyl baseboards and mastics office and hallway areas. AOC has asked the County to provide plans and data related to LBP, PCB and ACM hazards that may be available.

Building Assessment:

On March 8, 2007, Staff from the AOC's Office of Court Construction and Management (OCCM) conducted its initial site visit to Richmond Bay Courthouse to assess the general condition of the property and has continued to monitor the condition of the court facility since that time. The site visit entailed a tour of the facility and surrounding property including a review of the real property for apparent conditions that could adversely impact the habitability or safety 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:

Licensed structural engineers performed a Tier I seismic safety assessment of the building located in the court facility in April 2003, and inspected and evaluated the court facility for seismic safety in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division. This seismic evaluation of the court facility was then peer-reviewed by other qualified engineers. The building was determined to have 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, which is an acceptable seismic safety rating for the transfer of the title to the Court Facility to the State under Government Code Section 70324. The building is transferring to the state pursuant to the provisions of Government Code section 70324 (SB 10) 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 adopted a Resolution on December 16, 2008, approving the Transfer Agreement to transfer title and responsibility of the court facility to the state.
- The state may refuse to accept responsibility for the court facility only if (a) the Court Facility contains one or more “deficiencies,” as defined at Government Code Section 70326(b), and (b) the county and the AOC have not made provision for the correction of the deficiencies as part of the Transfer Agreement, pursuant to Section 70326(c) or Section 70327(d) of the Government Code. Neither of these situations exists.
- The Transfer Agreement requires that delivery of title to the property be free and clear of any mortgages or liens.
- The AOC is not aware of any lawsuits pending concerning the property.
- The County has agreed to indemnify the AOC for any liability imposed on the AOC pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), or related provisions for environmental conditions at the time of transfer whether known or not known that existed in, on, or under the real property at the time of transfer.
- The Phase I report indicates that it is likely that there are potential concerns for asbestos containing materials (ACM) in the building. Prior to any structural changes or renovations, all appropriate local, state, and federal rules/regulations will be followed with respect to the handling and disposal of ACM materials. In addition, prior to any ground disturbing activities, appropriate local, state, and federal rules/regulations will be followed with respect to handling and possible disposal.
- The Transfer Agreement acknowledges that the court facility is being transferred to the AOC with a level V seismic rating, and acknowledges the County’s responsibility and liability under Section 70324(a) of SB1732.
- The AOC and the County have entered into a Joint Occupancy Agreement for the facility which grants the parties the right of ingress, egress and access to all parts of the facility necessary for the purpose of using, maintaining, expansion and replacement of their respective areas.
- The Transfer Agreement also provides that the county will continue to maintain and provide the State with uninterrupted use and access to the court facility’s Building Software and hardware and use of its telecommunications services
- There are no historic issues associated with the court facility.
- There is no relocation assistance involved with this transfer.
- There is no implied dedication involved with this transfer.
- In accordance with the Act, the Transfer Agreement provides for the transfer of parking spaces in the number and type as was made available for Court use as of October 1, 2001.

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

CONSENT ITEMS

CONSENT ITEM—5

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
SANTA MONICA COURTHOUSE
LOS ANGELES COUNTY

AOC Facility Numbers 19-AP1 and AP3, DGS Parcel No. 10616

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—5

Judicial Council of California
Administrative Office of the Courts
Santa Monica Courthouse

Action Requested

If approved, the action would authorize the acceptance of real property through a transfer of title

Scope Description

This transaction is within scope. The County of Los Angeles (County) is transferring fee title in and to the court facility commonly known as Santa Monica Courthouse, located at 1725 Main Street, Santa Monica, California (court facility), to the State of California (state) acting by and through the Judicial Council of the California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement Between the Council, AOC, and the County for the Transfer of Responsibility for Court Facility, dated November 18, 2008 (Transfer Agreement). The Court Facility consists of approximately 3.1 acres of real property improved with two two-story courthouse buildings, on site parking, and associated landscaping. The initial facility was built in the 1950's and the wings were added in 1960. The Annex was constructed in 2005. The Superior Court (78.5 percent or 76,000 sq. ft.) and the County (21.5 percent or 21,000 sq. ft.) both occupy the entire facility. Following the no-cost of 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). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on February 24, 2009. The 35-day statute of limitations period expired on March 31, 2009, without challenge.

Project Schedule

The estimated close of escrow is January 2010.

Condition of Property

The AOC, staff agency to the Council, was responsible for conducting a site visit to the Court Facility site in January 2008; for contracting services of environmental professionals for the Phase I and II Environmental Site Assessments; for the building assessment; and for the seismic assessment. The following findings were made from the combined resources identified above:

Phase I

A Phase I report was completed May 2008 in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The Phase I found no evidence of recognized or historical environmental conditions on the subject property. The report however, identified six open, leaking underground storage tank (LUST) cases located from gas stations within one-half mile of the site and in a potentially hydraulically-upgradient position. The Phase I also identified three historical dry cleaners located within 1/10 mile of the site.

Phase II

A Phase II was completed on November 3, 2008, to investigate the subject property for any resultant environmental issues associated with the numerous historical gas stations and dry cleaners referred to in the May 2008 Phase I report. The CAM 17 metals results in soil samples indicate no evidence of a release. With the exception of arsenic, all metals concentrations were below EPA Region 9 residential screening levels. All arsenic concentrations were below typical background concentrations for arsenic. It was recommended that dust control be conducted during any future earthwork at the site and that users of fill from the site be notified of the arsenic concentrations prior to moving soil offsite. No VOC concentrations were detected in soil samples. The soil gas concentrations do not exceed shallow soil gas screening levels where CHHSLs for commercial land use have been published. For the two VOCs identified in soil gas that do not have assigned CHHSLs and exceed the historical OSWER Screening Levels, a generic screening by the Johnson – Ettinger model indicates that acceptable cancer risk and/or hazard quotient levels are present. Therefore contaminants of concern do not appear to be migrating beneath the property from offsite sources at levels of concern and no further assessment appears to be warranted.

Building Assessment

Staff from the AOC's Office of Court Construction and Management (OCCM) conducted a site visit of the Court Facility on October 15, 2007, to assess the general condition of the property. The site visit entailed a tour of the facility and surrounding property including a review of the real property for apparent conditions that could adversely impact the habitability or safety 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

Licensed structural engineers performed a Tier I seismic safety assessment of the building located in the court facility in July 2003, and inspected and evaluated the court facility for seismic safety in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division. This seismic evaluation of the court facility was then peer-reviewed by other qualified engineers.

The AOC determined that original courthouse 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, which is an acceptable seismic safety rating for the transfer of the title to the Court Facility to the state under Government Code Section 70327.

The building is transferring to the state pursuant to the provisions of Government Code section 70324 (SB 10) 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. The other building, known as the Annex, was constructed in 2005 and was therefore exempt from seismic review.

Other

- The County adopted a Resolution on November 18, 2008, approving the Transfer Agreement to transfer title and responsibility of the court facility to the state.
- The Transfer Agreement requires that delivery of title to the property to be free and clear of any mortgages or liens.
- The AOC is not aware of any pending lawsuits or implied dedication concerning the property.
- The Joint Occupancy includes among other provisions, the Council's rights of first refusal and rights of first offer in favor of the County and Council to expand into and occupy the real property in accordance with Government Code Section 70342(e).
- The County assigned its interest to a Lease Agreement, wherein the Los Angeles County Law Library will continue to occupy both space on the second floor and 1 parking space in the parking area by means of an Assignment and Assumption of Occupancy Agreement dated November 18, 2008.
- The County has agreed to indemnify the AOC for any liability imposed on the AOC 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 Phase I report indicates that it is likely that there are potential concerns for lead-based paint and asbestos containing materials in the building. Prior to any structural changes or renovations, all appropriate local, state, and federal rules/regulations will be followed with respect to the handling and disposal of these materials. In addition, prior to any ground disturbing activities, appropriate local, state, and federal rules/regulations will be followed with respect to handling and possible disposal of contaminated soil.
- The terms of the Transfer Agreement states that the County will continue to own and maintain, and the state will have uninterrupted use of and access to the Building Software and associated hardware.
- It should be noted that the seismic evaluation has determined that in the event of seismic disturbance the facility may pose significant risk to persons and property which could create substantial liability to the state. However, the Transfer Agreement provides indemnification to AOC for seismic related damage and injury per Government Code Section 70324.
- In accordance with the Act, the Transfer Agreement provides for the transfer of parking spaces in the number and type as was made available for Court use as of October 1, 2001.
- There is no relocation assistance associated with this court transfer.
- There are no historic issues associated with the court facility.

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

CONSENT ITEMS

CONSENT ITEM—6

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
VAN NUYS WEST COURTHOUSE
LOS ANGELES COUNTY
AOC Facility Number 19-AX2, DGS Parcel Number 10620

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—6

Judicial Council of California
Administrative Office of the Courts
Van Nuys West Courthouse

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 County of Los Angeles (County) is transferring fee title in and to the court facility commonly known as Van Nuys West Courthouse, and located at 14400 Erwin Street Mall in Van Nuys, California (court facility), to the State of California (state) on behalf of the Judicial Council of California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement between the Council, AOC, and the County for the Transfer of Responsibility and Title for Court Facility, dated November 18, 2008 (Transfer Agreement). The Court Facility consists of approximately 1.4 acres of real property improved with a 10-story building and associated landscaping. The facility was constructed in 1955 and

The Superior Court occupies approximately 235,000 square feet (80.5 percent) of the court facility and the County will continue to occupy approximately 33,000 square feet (19.5 percent). 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). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on June 3, 2008. The 35-day statute of limitations period expired on July 8, 2008, without challenge.

Project Schedule

The estimated close of escrow is February 2010.

Condition of Property

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

Phase I:

A Phase I report was completed June 2009, in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The Phase I found data gaps for the history of the property and it was recommended that a Phase II report be completed.

A Phase II environmental site assessment was performed in October 2008, to address a data gap identified in the Phase I and to assess the potential impact of a historical underground storage tank. Based on the Phase II assessment, the data gap was determined not to be significant and that no evidence of a fuel release was found. In addition, the report found no on-site or off-site recognized environmental conditions with respect to the subject site, but did note potential issues of concern (IOC). The IOCs identified include the likelihood of the presence of lead based paints, asbestos and PCB in the building and electrical system due to the period in which the court facility was constructed.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management (OCCM) conducted an initial site visit of the Court Facility on September 14, 2007, to assess the general condition of the property. The site visits entailed a tour of the facility and surrounding property including a review of the real property for apparent conditions that could adversely impact the habitability or safety of the property; identification of furnishings, fixtures, and equipment that the County will transfer and convey to the State along with the real property; and to identify any tenancies, encroachments, apparent easements, or other rights to occupy or use the property that might be vested in parties other than the County or the Court. 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:

Licensed structural engineers performed a Tier I seismic safety assessment of the building located in the court facility in October 2003, and inspected and evaluated the court facility for seismic safety in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division. This seismic evaluation of the court facility was then peer-reviewed by other qualified engineers. The AOC 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 (SB 10) 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 Board of Supervisors approved the Transfer Agreement to transfer title and responsibility of the court facility to the state on November 18, 2008, and authorizing the Chairman 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 AOC.
- The County has agreed to indemnify the AOC for any liability imposed on the AOC 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 Phase I report indicated that it is likely that there are potential concerns for lead-based paint, asbestos containing materials in the building and polychlorinated biphenyl (PCB) containing fluids in the electrical equipment manufactured prior to 1979. Prior to any structural changes or renovations, all appropriate local, state and federal rules/regulations will be followed with respect to the handling and disposal of these materials. The AOC will also seek all available information from the County for the asbestos containing building materials, lead based paint and PCBs at the site. In absence of such data availability the AOC will conduct surveys of possible hazards prior to any modification or demolition.
- The terms of the Transfer Agreement state that the County will retain ownership of the telecommunications system in the court facility; and will continue to offer this system together with the building's software services to the state. Effective as of the closing, the AOC grants the County rights of ingress, egress and access to all parts of real property to which any component, subcomponent or connection to the telecommunication system or building software is located.
- The Joint Occupancy Agreement provides for rights of first refusal, rights of first offer and rights to purchase the other party's equity, in favor of either the County or the Council, in the event that either party desires to vacate/sell the Court Facility, in accordance with Government Code Sections 70342(e) and 70344(b).
- The AOC is not aware of any lawsuits pending concerning the property.

- It should be noted that the seismic evaluation has determined that in the event of seismic disturbance the facility may pose significant risk to persons and property which could create substantial liability to the state. However, the Transfer Agreement provides indemnification to AOC for seismic related damage and injury per Government Code Section 70324.
- In accordance with the Act, the Transfer Agreement provides for the transfer of parking spaces in the number and type as was made available for Court use as of October 1, 2001.
- There are no historic issues, relocations assistance or implied dedications associated with the Court Facility.

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

CONSENT ITEMS

CONSENT ITEM—7

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF PARKS AND RECREATION (3790)
HUNGRY VALLEY STATE VEHICULAR RECREATION AREA - GORMAN PHASE I
ACQUISITIONS
LOS ANGELES COUNTY
DPR Parcel Number 14716, DGS Parcel Numbers 10575, 10575.1, and 10575.2

Authority: Chapters 171 and 172, Statutes of 2007; 3790-301-0263(1)

Consider authorizing acquisition

CONSENT ITEMS

STAFF ANALYSIS ITEM—7

Department of General Services
Department of Parks and Recreation,
Hungry Valley State Vehicular Recreation Area - Gorman Phase I Acquisitions
Los Angeles County

Action requested

If approved, the requested action would authorize acquisition.

Scope Description

This project is within scope. The Legislature has approved funding for the purchase of interests in lands consistent with the Off-Highway Vehicle Trust Fund consisting of monies from motor vehicle fuel taxes, OHV Green Sticker registration fees, and other sources without specifying particular parcels. This request will authorize the acquisition of approximately 53 acres of land, consisting of five separate legal parcels, which are adjacent to the Hungry Valley State Vehicle Recreation Area (SVRA), near Gorman, California. This acquisition will create a buffer between the dust and noise of the SVRA and neighboring properties.

Funding and Cost Verification

This project is within cost. The Budget Act of 2007, Item 3790-301-0263(1) provides \$2,900,000 for fee simple interest and overhead for this acquisition. The properties can be acquired with the remaining funds and in accordance with Legislative intent. The acquisition is comprised of the following parcels:

- Gorfork, LLC. ; two parcels, 23.2 total acres for \$450,000
- Isaac & Lena Martin; two parcels, 25.1 total acres for \$477,000
- Curtis Martin; one parcel, 5.1 acres (improved) for \$342,000

\$1,277,000 total project costs

\$ 3,000 project costs previously allocated: DGS staff costs

\$1,274,000 project costs to be allocated: \$1,269,000 acquisition and approximately \$5,000 overhead costs

CEQA

The Department of General Services filed a Notice of Exemption with the State Clearinghouse on May 4, 2009, and the 35-day statute of limitations expired period on June 9, 2009, without challenge.

Real Estate Due Diligence

A Phase I Environmental Site Assessment was completed in November 2009, by Geotechnical Consultants, Inc. The Phase I did not reveal any evidence of recognized environmental conditions in connection with the subject properties and, therefore, concluded no further investigations.

Project Schedule

The anticipated close of escrow is January 2010.

Condition of Property

On April 29, 2009, DGS-ESS staff visited five parcels that comprise the first phase of the Hungry Valley State Vehicular Recreation Area (SVRA), Gorman Acquisitions. The acquisitions consist of approximately 53 acres of contiguous parcels situated south of the Interstate 5 and Gorman School Road interchange. The land is generally level to gently sloping and covered with indigenous grasses and wildflowers. The Hungry Valley SVRA surrounds the subject properties on the east, south and west. To the north are Gorman Elementary/Middle School, several single family residences, and Peace Valley Road, the frontage road along Interstate 5.

Of the five subject parcels, one has an unoccupied single-family residence, in fair to good condition, with a detached garage. Another parcel has a vacant steel barn, a metal shed, two grain silos and a wooden corral. The three remaining parcels are vacant. The parcels are secured by a locked gate and perimeter fencing. Aside from these improvements, the properties remain in their natural state. The properties, including the structures, showed no indication for environmental concern.

Other:

- The proposed site meets the location requirements of the Department of Parks and Recreation (Parks)
- The purchase price shall not exceed estimated fair market value as determined by a Department of General Services (DGS) approved appraisal.
- The Parks 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.
- All of the subject parcels are unoccupied; therefore relocation assistance is not warranted.
- Additional resources will not be required, by Parks, to operate this property.
- There is no implied dedication applicable to this project.
- Mineral rights with surface rights of entry, to a depth of 500 feet, were previously conveyed on the parcels proposed to be acquired. The Parks has determined there is no known mining activity in the area and mineral extraction would not unreasonably interfere with the intended use of the property.
- The Property Acquisition Agreement does not include the state's standard indemnification language, potentially exposing the state to additional fiscal liability; however, the DGS/ESS site visit did not identify conditions that likely pose an exceptional risk to the state. As such, the risk associated with acquiring this property without the standard indemnification language does not relieve the seller of liability under existing law.
- The Parks has indicated the future use of the improvements is uncertain. If public use of the residence is contemplated, compliance with ADA accessibility requirements would require investigation for determination.

Staff Recommendation: Authorize acquisition.

CONSENT ITEMS

CONSENT ITEM—8

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF PARKS AND RECREATION (3790)
HUNGRY VALLEY STATE VEHICLE RECREATION AREA - FRAZIER PARK ACQUISITION
LOS ANGELES COUNTY
DPR Parcel Number 14894, DGS Parcel Number 10589

Authority: Chapters 171 and 172, Statutes of 2007, Item 3790-301-0263 (1)

Consider authorizing acquisition

CONSENT ITEMS

STAFF ANALYSIS ITEM—8

Department of General Services
Department of Parks and Recreation
Hungry Valley State Vehicle Recreation Area - Frazier Park Acquisition
Los Angeles County

Action requested

If approved, the requested action would authorize acquisition.

Scope Description

This project is within scope. The Legislature has approved funding for the purchase of interests in lands consistent with the Off-Highway Vehicle Trust Fund consisting of monies from motor vehicle fuel taxes, OHV Green Sticker registration fees, and other sources without specifying particular parcels. The requested action would authorize acquisition of approximately 72 acres of land located adjacent to the northern boundary of Hungry Valley SVRA near Frazier Mountain Park Road, Gorman, Los Angeles County.

Funding and Cost Verification

This project is within cost. The Budget Act of 2007, Item 3790-301-0263(1), provides \$2,900,000 for fee simple interest and overhead for this acquisition. The property can be acquired with the remaining funds and in accordance with Legislative intent.

\$1,008,000 total project costs

\$ 3,000 project costs previously allocated: DGS staff costs

\$1,005,000 project costs to be allocated: \$1,000,000 acquisition and approximately \$5,000 in overhead costs

CEQA

A Notice of Exemption was filed with the State Clearinghouse on November 10, 2009, and the 35-statute of limitations expired on December 14, 2009, without challenge.

Real estate Due Diligence

A Phase I Environmental Site Assessment was completed in November 2009, by Geotechnical Consultants, Inc. The property is encumbered with a natural gas pipeline easement and a fiber optic easement. The Phase I reports that these easements have no significant potential for soil or groundwater contamination. Two parallel 12-inch oil pipelines are not in service and were cut and capped in 1992. The Phase I did not reveal any evidence of recognized environmental conditions in connection with the subject property and, therefore, recommended no further investigations.

Project Schedule

The anticipated close of escrow is January 2010.

Condition of Property Statement

On April 29, 2009, Department of General Services (DGS), Environmental Services Section (ESS) staff conducted a site visit to assess the general condition of approximately 72 acres of undeveloped land located at the southwest corner of North Peace Valley Road and unnamed paved service road to Frazier Mountain High School in Gorman, Los Angeles County. The general area property use is primarily undeveloped land, except for Interstate 5 located about 200 feet east and a High School campus located about one-half mile west. The Hungry Valley SVRA is located immediately south and adjacent to the subject property. The land is generally level with a westward slope, vegetated by indigenous shrubs and grasses.

Other

- The purchase price shall not exceed the estimated fair market value as indicated in a DGS-approved appraisal.
- DPR is not aware of any lawsuits pending concerning the property. The property acquisition agreement (PAA) requires delivery of title to the property free and clear of any mortgages or liens.

- The PAA does not include DGS' standard environmental indemnification language. However, based on the DGS-ESS site visit and review of the Phase I Environmental Site Assessment, and the unimproved character of the property, it does not appear that there are environmental concerns that would impose exceptional risk to the State. It should be noted that lack of standard indemnification language does not relieve the seller or prior owners of liability under existing law.
- The proposed acquisition would be an addition to an existing state park. While Parks does not foresee additional resource needs at this time, any such changes would be addressed through the normal budget process.
- The property is encumbered by oil and gas pipeline and fiber optic easements. These easements are addressed in the DGS-approved appraisal and concluded by Parks staff to have no adverse impact on Parks intended use of the property.
- There are no historic issues, implied dedication, or relocation assistance associated with this proposed acquisition.

Staff Recommendation: Authorize acquisition.

CONSENT ITEMS

CONSENT ITEM—9

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF PARKS AND RECREATION (3790)
HUNGRY VALLEY STATE VEHICLE RECREATION AREA ,GORMAN ACQUISITIONS -
PHASE II
LOS ANGELES COUNTY
DPR Parcel Number 14853, DGS Parcel Number 10576

Authority: Chapters 171 and 172, Statutes of 2007, Item 3790-301-0263(1)

Consider authorizing acquisition

CONSENT ITEMS

STAFF ANALYSIS ITEM—9

Department of General Services
Department of Parks and Recreation
Hungry Valley State Vehicular Recreation Area - Gorman Acquisitions – Phase II
Los Angeles County

Action requested

If approved, the requested action would authorize acquisition.

Scope Description

This project is within scope. The Legislature has approved funding for the purchase of interests in lands consistent with the Off-Highway Vehicle Trust Fund, made up of monies from motor vehicle fuel taxes, Off-Highway Vehicle Green Sticker registration fees and other sources, without specifying particular parcels. This request will authorize acquisition of fee simple interest of a parcel containing approximately 17.9 acres as an addition to the Hungry Valley State Vehicular Recreation Area (SVRA). This acquisition will create a buffer between the dust and noise of the SVRA and neighboring properties.

Funding and Cost Verification

This project is within cost. The Budget Act of 2007, Item 3790-301-0263(1) provides \$2,900,000 for fee simple interest and overhead for this acquisition. The properties can be acquired with the remaining funds and in accordance with Legislative intent.

This acquisition includes one grant deed for a total acquisition cost of \$310,000 plus costs.

\$320,000 total project costs

\$320,000 project costs to be allocated: \$310,000 acquisition and approximately \$10,000 in overhead costs

CEQA

The Department of General Services filed a Notice of Exemption with the State Clearinghouse on May 4, 2009, and the 35-day statute of limitations expired on June 8, 2009, without challenge.

Project Schedule

The anticipated close of escrow is January 2010.

Condition of Property

On April 29, 2009, DGS-ESS staff visited the site. The approximately 17.9 acre parcel is comprised of undeveloped land in its natural state, Gorman Creek, and perimeter fencing. The parcel is relatively flat and predominantly covered with grasses and perennial plants.

A Phase I Environmental Site Assessment was completed in November 2009, by Geotechnical Consultants, Inc. The Phase I did not reveal any evidence of recognized environmental conditions in connection with the subject property and therefore recommended no further investigations.

Other

- The proposed site meets the location requirements of the Department of Parks and Recreation (Parks)
- The purchase price shall not exceed estimated fair market value as determined by a Department of General Services (DGS) approved appraisal.
- The Parks 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.
- Additional resources will not be required, by Parks, to operate this property.
- There is no implied dedication applicable to this project.
- Mineral rights with surface rights of entry, to a depth of 500 feet, were previously conveyed on the parcels proposed to be acquired. The Parks has determined there is no known mining activity in the area and that mineral extraction would not unreasonably interfere with the intended use of the property.

- The Property Acquisition Agreement does not include the state's standard indemnification language, potentially exposing the state to additional fiscal liability; however, the DGS-ESS site visit did not identify conditions that likely pose an exceptional risk to the state. As such, the risk associated with acquiring this property without the standard indemnification language does not relieve the seller of liability under existing law.

Staff Recommendation: Authorize acquisition

CONSENT ITEMS

CONSENT ITEM—10

DEPARTMENT OF DEVELOPMENTAL SERVICES (4300)
FAIRVIEW DEVELOPMENTAL CENTER, UPGRADE FIRE ALARM SYSTEM
ORANGE COUNTY

Authority: Chapters 268 and 269, Statutes of 2008, Item 4300-301-0001 (3)

Consider approving preliminary plans

CONSENT ITEMS

STAFF ANALYSIS ITEM—10

Department of Developmental Services
Fairview Developmental Center, Upgrade Fire Alarm System
Orange County

Action requested

If approved, the requested action would approve preliminary plans.

Scope Description

This project is within scope. The project will remove existing fire alarm systems and all related materials and equipment. Install new functional and code compliant fire alarm system, including annunciators, smoke dampers, battery backup, equipment, central annunciation equipment, etc. Replace existing fire alarm system in 17 consumer occupied and utilized buildings.

Funding and Cost Verification

This project is within cost. Total appropriations for this project provide \$9,773,000 General Fund for preliminary plans, working drawings, and construction. Funding for the construction phase of this project was appropriated in the 2009 Budget Act.

DGS indicates that there were some unanticipated expenses as a continuous inspection level inspector will be required to be on hand during the entire construction phase of the project, based on the Intermediate Care Facility I-2 Occupancy Level. As a result, they currently estimate that construction will cost \$550,000 (\$411,500 for additional construction inspection and \$124,200 in additional construction and contingency costs, and other project costs) more than originally estimated or approximately 6.01 percent total project costs. Finance expects that this project will be brought within budget during the development of working drawings, and as such, no anticipated deficit will be recognized at this time.

\$ 9,744,000	total estimated project costs
\$ 9,744,000	total authorized project costs
\$ 597,000	project costs previously allocated: preliminary plans
\$ 9,697,000	project costs to be allocated: \$572,000 working drawings and \$9,125,000 construction (\$7,238,500 contracts, \$506,700 contingencies, and \$1,379,800 A&E).

CEQA

A Notice of Exemption has been filed with the State Clearinghouse on August 18, 2009, and the statute of limitations expired without challenge.

Real Estate Due Diligence

The Department of General Services has prepared a Summary of Conditions Memo on September 8, 2009, and it is noted that no issues were identified.

Project Schedule

Approve preliminary plans	January 2010
Complete working drawings	October 2010
Complete construction	July 2012

Staff Recommendation: Approve preliminary plans.

CONSENT ITEMS

CONSENT ITEM—11

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
STATEWIDE
SMALL MANAGEMENT EXERCISE YARDS (PSYCHIATRIC SERVICES UNITS AND
SECURITY HOUSING UNITS)
VARIOUS COUNTIES

Authority: Chapter 1, Statutes of 2009, Item 5225-301-0001(3)

Consider approving preliminary plans

CONSENT ITEMS

STAFF ANALYSIS ITEM—11

Department of Corrections and Rehabilitation
Statewide

Small Management Exercise Yards (Psychiatric Services Units and Security Housing Units)
Various Counties

Action Requested

If approved, the requested action would approve preliminary plans.

Scope Description

This project is within scope. Based on a January 2007 statewide assessment of the housing capacity of Psychiatric Services Units (PSU) and Security Housing Units (SHU), it was determined that approximately 150 additional Small Management Exercise Yards (SMY) were needed to meet California Code of Regulations Title 15 requirements for out-of-cell exercise time. The Budget Act of 2007 provided funding for preliminary plans and working drawings for 50 of these yards at the California Correctional Institution (CCI). The Budget Act of 2009 provides funding for the preliminary plans and working drawings for the remaining 100 yards.

However, a statewide reassessment of the existing housing capacity of PSU and SHU was conducted in June 2009. Based on this reassessment, it was determined that an additional five SMYs were needed. In October 2009, the PWB approved a scope change for this project and authorized the inclusion of design work for the additional five yards in the funding of the 2009 Budget Act.

The scope of this project includes 105 SMYs at these institutions:

- 10 yards at Pelican Bay State Prison
- 16 yards at California State Prison, Sacramento
- 47 yards at California State Prison, Corcoran
- 23 yards at California Correctional Institution
- 9 yards at Valley State Prison for Women

Funding and Cost Verification

This project is within cost. The Budget Act of 2009 appropriated \$278,000 General Fund for preliminary plans and working drawings for this project. It is anticipated that construction funding for this project will be requested in a future budget.

\$ 278,000	total authorized project cost
\$ 8,353,000	total estimated project cost
\$ 153,000	project costs previously allocated: preliminary plans
\$ 8,200,000	project costs to be allocated: \$125,000 working drawings and \$8,075,000 construction (\$6,318,000 contract, \$388,000 contingency, \$966,000 other project costs, and \$403,000 agency retained items)

CEQA

A Notice of Determination was filed with the State Clearinghouse on August 5, 2009, and the statute of limitations expired on September 10, 2009, without challenge.

Real Estate Due Diligence

The Department of General Services prepared a Summary of Conditions Memo for each institution. There were no issues identified that would impede the development of the project.

Project Schedule

Approve preliminary plans	January 2010
Complete working drawings	March 2010
Complete construction	September 2011

Staff Recommendation: Approve preliminary plans.

CONSENT ITEMS

CONSENT ITEM—12

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
CALIFORNIA STATE PRISON, CORCORAN, WASTEWATER TREATMENT PLANT
IMPROVEMENTS
CORCORAN, KINGS COUNTY

*Authority: Chapters 38 and 39, Statutes of 2005, Item 5225-301-0001 (13)
Chapters 47 and 48, Statutes of 2006, Item 5225-301-0001 (19)
Chapter 7, Statutes of 2007, Section 28(a), Assembly Bill 900*

Consider recognizing revised project costs

CONSENT ITEMS

STAFF ANALYSIS ITEM—12

Department of Corrections and Rehabilitation
California State Prison, Corcoran, Wastewater Treatment Plant Improvements
Corcoran, Kings County

Action Requested

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

Scope Description

The project is within scope. The approved project will eliminate manual operations that can lead to worker injuries, provide independent metering for both the California State Prison, Corcoran's and the Substance Abuse Treatment Facility's influent wastewater, and provide faster drying and removal of solids without removing excess soil materials off the bottom of the drying beds. The improvements will relieve significant safety problems and improve the ability of staff to efficiently manage waste solids from the facility.

The wastewater treatment plant improvements include constructing a prescreening structure to house the mechanical bar screens and provide flow metering of both institution's wastewater. The project also includes paving of the eight existing sludge drying beds to prevent the incorporation of soil materials into the dewatered sludge and the percolation of the water from the sludge into the groundwater. The project will supply standby power from the Substance Abuse Treatment Facility's power generation station to the aeration devices in order to maintain the microbiology in the plant's aeration process during a power outage. Additional electrical improvements will consist of routing conduit and wire between the screening structure and the existing electrical building, supplying power for the new equipment, and installation of return signals for monitoring.

Funding and Project Cost Verification

This project is within cost. Recognized construction costs were \$6,089,000 when scope, cost and schedule were originally established in November 2007. In February 2008, a bid was awarded at \$4,759,000. Additional dewatering activities were necessary during the construction phase as a result of a high water table at California State Prison, Corcoran. This resulted in additional construction costs totaling \$138,000 for contractor services (\$49,000), A&E services (\$55,000), and guarding costs (\$34,000). These cumulative changes will revise the construction cost of the project to \$4,957,000. This action will recognize revised project costs of \$5,511,000.

\$6,643,000	total authorized project costs
\$5,511,000	total estimated project costs
\$6,643,000	project costs previously allocated: \$290,000 preliminary plans, \$264,000 working drawings, and \$6,089,000 construction (\$4,821,000 contracts, \$338,000 contingency, \$480,000 A&E, \$365,000 other project costs, and \$85,000 agency retained items)
\$1,132,000	project cost decrease: construction (-\$1,194,000 contracts, -\$85,000 contingency, \$45,000 A&E, \$68,000 other project costs, and \$34,000 agency retained items)

CEQA

A Notice of Determination was filed with the State Clearinghouse on April 4, 2006, and the statute of limitations May 10, 2006, without challenge.

Real Estate Due Diligence

The Department of General Services prepared a Summary of Conditions Memo for this project on December 7, 2006, and it was noted that no issues were identified.

Project Schedule

Approve preliminary plans	July 2006
Complete working drawings	July 2007
Complete construction	August 2009

Staff Recommendation: Recognize revised project costs.

CONSENT ITEMS

CONSENT ITEM—13

CALIFORNIA COMMUNITY COLLEGES (6870)
STATE CENTER COMMUNITY COLLEGE DISTRICT, FRESNO CITY COLLEGE
OLD ADMINISTRATIVE BUILDING, NORTH AND EAST WINGS, PHASE III
FRESNO COUNTY

Authority: Chapter 1, Statutes of 2009, Item 6870-301-6041 (5)

Consider approving preliminary plans

CONSENT ITEMS

STAFF ANALYSIS ITEM—13

California Community Colleges
State Center Community College District, Fresno City College
Old Administrative Building, North and East Wings, Phase III
Fresno County

Action Requested

If approved, the requested action would approve preliminary plans.

Scope Description

This project is within scope. This project activates 23,105 assignable square feet (asf) of space in the 1910 Old Administrative Building on the campus of Fresno City College. The project space, once activated, will have the capacity to generate 14,747 weekly student contact hours and serve 983 full time equivalent students. Project space includes lecture, 4,517 asf, laboratory and laboratory service, 10,846 asf, office and office service, 4,087 asf, Audio Visual /Television, 1,721 asf, and other space, 1,934 asf.

Funding and Project Cost Verification

This project is within cost.

\$10,141,000 total estimated project costs
\$10,141,000 total authorized project costs
\$ 51,000 state funds previously allocated: preliminary plans
\$ 9,380,000 state funds to be allocated: \$102,000 working drawings and \$8,459,000 construction (\$7,293,000 contracts, \$510,000 contingency, \$145,000 A&E, \$366,000 tests and inspection, and \$145,000 project administration) and \$819,000 equipment.
\$ 288,000 local funds previously allocated
\$ 422,000 local funds to be allocated: \$400,000 working drawings, and \$22,000 equipment.

CEQA

A Notice of Determination was filed with the State Clearing House on August 7, 2007, and the waiting period has expired without challenge.

Real Estate Due Diligence

Community college districts have full responsibility for clearing due diligence issues for general obligation bond projects.

Project Schedule

Approve preliminary plans	January 2010
Complete working drawings	October 2011
Complete construction	January 2013

Staff Recommendation: Approve preliminary plans.

CONSENT ITEMS

CONSENT ITEM—14

**CALIFORNIA COMMUNITY COLLEGES (6870)
WEST VALLEY - MISSION COMMUNITY COLLEGE DISTRICT
REPLACE FIRE ALARM SYSTEM DISTRICTWIDE
SANTA CLARA COUNTY**

*Authority: Chapters 268 and 269, Statutes of 2008, Item 6870-301-6041 (4),
as reappropriated by the Budget Act of 2009
Chapter 1, Statutes of 2009, Item 6870-301-6041 (18)*

Consider approving preliminary plans

CONSENT ITEMS

STAFF ANALYSIS ITEM—14

California Community Colleges
West Valley - Mission Community College District
Replace Fire Alarm System Districtwide
Santa Clara County

Action Requested

If approved, the requested action would approve preliminary plans.

Scope Description

This project is within scope. This project replaces the fire alarm systems at both the West valley College and Mission College with a system that complies with the current safety regulations. The project affects 20 buildings at West Valley College and 14 buildings at Mission College. The project also removes the kiosks associated with a non-operable, non-repairable emergency phone system that was installed by the district.

Funding and Project Cost Verification

This project is within cost.

\$13,000,000 total estimated project costs
\$ 523,000 project costs previously allocated: preliminary plans
\$12,477,000 project costs to be allocated: \$684,000 working drawings and \$11,793,000 construction

CEQA

A Notice of Exemption was filed with the State Clearinghouse on April 29, 2005, and the statute of limitations period has expired without challenge.

Real Estate Due Diligence

Community college districts have full responsibility for clearing due diligence issues for general obligation bond projects.

Project Schedule

Approve preliminary plans	January 2010
Complete working drawings	May 2010
Complete construction	December 2012

Staff Recommendation: Approve preliminary plans.

ACTION ITEMS

ACTION ITEM—1

DEPARTMENT OF GENERAL SERVICES (1760)
OFFICE BUILDING 8 & 9 RENOVATION
SACRAMENTO COUNTY

Authority: Chapter 106, Statutes of 2001, Item 1760-301-0660 (1),
Chapter 379, Statutes of 2002, Item 1760-301-0660 (2), as reappropriated by the
Budget Act of 2003, Chapter 157 and
Chapter 38, Statutes of 2005, Item 1760-301-0660 (2)

Consider approving an augmentation

\$2,896,000
(2.1 percent total project)
(15.8 percent cumulative)

ACTION ITEMS

STAFF ANALYSIS ITEM—1

Scope Description

This project is within scope. This project consists of the renovation of two-eighteen story towers, Office Building 8 (OB 8) and Office Building 9 (OB 9). A two story reception building will connect the towers, providing one public entrance, and a new childcare center to be located on the first floor of OB 8. The renovation consists of the abatement of hazardous materials; structural upgrade of both buildings to Seismic Risk Level III; demolition of all interior partitions including removal and replacement of existing finishes; demolition and upgrades to portions of the existing mechanical, electrical, plumbing, telephone, data, elevator and security systems; upgrade of all Fire and Life Safety items and upgrades for the Americans with Disabilities Act (ADA) to current codes.

Funding and Cost Verification

This project is not within cost. A total of \$154,615,640 has been appropriated through lease revenue financing for the preliminary plans, working drawings, and construction of this project. The original construction contract was awarded in September of 2006, for a total estimated project cost of \$135,978,000. The State Public Works Board previously approved three augmentations totaling \$18,637,640 (approximately 12 percent cumulative of the total authorized project) to cover increased construction costs. This augmentation would result in a cumulative augmentation of \$21,533,640 (15.8 percent of the total project), and will allow the project to be completed.

A notice of suspension was sent to the contractor in January 2009 per Budget Letter 08-33. Subsequently, the project was approved to proceed resulting in approximately three months of associated delay, mobilization, storage, transportation, and other related costs to restart the project. A portion of the requested \$2.9 million will fund the costs of restarting the construction phase (\$2,161,000) and the remainder of funds will cover estimated additional construction costs for site conditions associated with OB 9 (\$735,000).

The estimated costs of project suspension are a result of delays in execution of scheduled work, mobilization and re-mobilization costs, material cost increases, out-of-sequence work, delays, and other associated costs. As a result of the extended duration of the project, additional funds will also be needed for various professional services, including architecture and engineering costs, fees for the Department of General Services, construction project management fees, and air monitoring charges. Although many issues were uncovered during the renovation of OB 8 and the costs were projected in previous requests, different conditions exist for the renovation of OB 9. They include a very deep storm drain line that requires replacement, added demolition and hazardous materials removal, differing structural conditions and utility locations.

On December 28, 2009 the Department of Finance notified the chairs of the Joint Legislative Budget, the Senate Appropriations, and Assembly Appropriations Committees of its intent to approve this augmentation not less than 20 days from the above date. This request is an Action Item because it is contingent on that review period expiring on January 17, 2010 without adverse comment.

\$154,615,640 total authorized project costs

\$157,511,640 total estimated project costs

\$154,615,640 project costs previously allocated: preliminary plans \$3,774,000, working drawings \$4,303,000, construction \$146,538,640 (contract \$114,321,000; contingency \$7,565,390; A&E costs \$4,986,000; and other items \$19,666,250)

\$2,896,000 requested augmentation: construction

CEQA

A Notice of Determination was filed with the State Clearinghouse on August 20, 2003 and the 35 day statutes of limitation period expired on September 18, 2003, without challenge.

Real Estate Due Diligence

The Department of General Services completed a Summary of Conditions Letter for this project on May 18, 2005 and no significant issues were identified.

Project Schedule

Approve preliminary plans	May 2004
Complete working drawings	May 2006
Complete construction:	July 2010

Staff Recommendation: Approve augmentation contingent on expiration of the 20-day notice period without adverse comment.

ACTION ITEMS

ACTION ITEM—2

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
ESTRELLA CORRECTIONAL FACILITY
INFILL PROJECT
PASO ROBLES, SAN LUIS OBISPO COUNTY

Authority: Sections 15819.40(a) and 15819.402 - 15819.404 of the Government Code

Consider establishing scope, cost, and schedule

ACTION ITEMS

STAFF ANALYSIS ITEM—2

Department of Corrections and Rehabilitation
Estrella Correctional Facility, Infill Project
Paso Robles, San Luis Obispo County

Action Requested

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

Scope Description

This project will convert the existing El Paso de Robles Youth Correctional Facility into the Estrella Correctional Facility (ECF), a Level II facility with design capacity for 630 adult male inmates. The ECF will be a fully autonomous facility, including inmate housing, rehabilitation programs, health care services, support services, and facility administration. Inmate housing will include dormitory space for 490 inmates, 40 cells in the Cambria Living Unit, and 100 cells

in a 270 housing unit, resulting in total design capacity for 630 inmates. However, based on an evaluation of existing housing units and program space, the CDCR has determined the appropriate occupancy capacity for this facility will be 1,000 inmates. This project includes renovation of existing buildings and construction of several new buildings, as well as site and infrastructure improvements.

In addition to being a part of the CDCR's infill bed plan, this project is a component of the CDCR's plan to provide constitutionally adequate mental health care as required by the *Coleman* Court. The CDCR's long term mental health plan includes establishing 150 Enhanced Outpatient Program (EOP) and 40 Administrative Segregation Unit EOP beds at the ECF. This project is necessary to establish those beds.

On December 14, 2009, 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 State Public Works Board no sooner than 30 days from that date. This request is an Action Item because it is contingent on that review period expiring on January 13, 2010, without adverse comment.

Funding and Cost Verification

This action would allocate \$111,155,000 of the \$1,800,000,000 Public Buildings Construction Fund (lease revenue bond authority) appropriated in Section 15819.403(a) of the Government Code to complete design and construction for this project.

\$111,420,000	total estimated project cost
\$ 265,000	project costs previously allocated: study
\$111,155,000	project costs to be allocated: \$6,151,000 preliminary plans, \$5,771,000 working drawings, and \$99,233,000 construction (\$79,119,000 contract, \$5,538,000 contingency, \$4,460,000 A&E, \$7,024,000 other project costs, and \$3,092,000 agency retained items)

CEQA

Appropriate CEQA documentation will be completed during the preliminary plans phase.

Real Estate Due Diligence

Real estate due diligence will be completed during the preliminary plans phase.

Project Schedule

Approve preliminary plans	July 2010
Complete working drawings	December 2010
Complete construction	May 2012

Staff Recommendation: **Establish scope, cost, and schedule contingent on expiration of the 30-day notice period without adverse comment.**

OTHER BUSINESS

NONE

REPORTABLES

To be presented at the meeting.