



CALIFORNIA STATE
PUBLIC WORKS BOARD

GRAY DAVIS, GOVERNOR

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STATE PUBLIC WORKS BOARD
September 14, 2001

MINUTES

PRESENT:

Ms. Annette Porini, Chief Deputy Director, Department of Finance
Ms. Rosamond Bolden, Chief Deputy Director, Department of General Services
Mr. James Roberts, Deputy Director, Finance, Department of Transportation
Mr. Juan Fernandez, Director, Securities Management Division, State Treasurer's Office

ADVISORY MEMBER:

Director, Employment Development Department

LEGISLATIVE ADVISORS:

Assembly Member, Darrell Steinberg
Assembly Member Kevin Shelley
Assembly Member Sally Havice
Senator Richard G. Polanco
Senator Betty Karnette
Senator Wesley Chesbro

STAFF PRESENT:

James Tilton, Administrative Secretary, State Public Works Board
Karen Finn, Assistant Administrative Secretary, Public Works Board
Kathryn Amann, Assistant Administrative Secretary, Public Works Board
Madelynn McClain, Executive Secretary, State Public Works Board
Deborah Cregger, Legal Counsel for State Public Works Board
Jennifer Harris, Budget Analyst, Department of Finance
Brian Dewey, Budget Analyst, Department of Finance
Lisa Mangat, Budget Analyst, Department of Finance
Stan Hiuga, Budget Analyst, Department of Finance
Jim Martone, Budget Analyst, Department of Finance
Kathy Chovan, Budget Analyst, Department of Finance
Genevieve Frederick, Budget Analyst, Department of Finance

OTHERS PRESENT:

Anita Nord, State Treasurer's Office
Michael Lim, State Treasurer's Office
David Gerard, Department of Mental Health
Jack Strieger, Department of Mental Health
Mike Miller, Department of Corrections
John Schwander, Department of Corrections
Allen Fujii, Department of Parks and Recreation
Phil Henderson, Department of General Services
Mike Butler, Department of General Services
J. Wernide, Attorney General's Office
J. Phillips, Attorney General's Office
Ron Small, Department of General Services

Bressy Vim Zee, Department of General Services
Irene Anderson, Department of General Services
Gerry Clark, Department of General Services
Chris Vance, State Treasurer's Office

CALL TO ORDER AND ROLL CALL:

Ms. Porini, Chairperson, Chief Deputy Director, Department of Finance at 10:15 am called the meeting to order. Mr. Tilton, Administrative Secretary for the State Public Works Board called the roll. A quorum was established.

Ms. Porini then noted that the Board would like to take the opportunity to thank and congratulate Mr. James Roberts, representative of the Department of Transportation, on his contribution to the State Public Works Board and his 50 years of State Service by presenting him with a certificate of appreciation.

APPROVAL OF MINUTES:

Mr. Tilton reported staff had reviewed the minutes from the August 10, 2001, meeting and believed them to accurately reflect the Board's proceedings at the meetings and recommended approval.

Hearing no other objections, the minutes of the August 10, 2001, meeting were unanimously approved.

BOND ISSUES:

Mr. Tilton reported that there were five bond items. We are pulling Item #1, Department of General Services, Department of Mental Health, California Community Colleges, Energy Conservation Revenue Bond Projects at the request of the Joint Legislative Budget Committee to allow more time to review this project.

Item #2, Department of Forestry and Fire Protection, Hesperia Forest Fire Station, Relocate Facility. This item will adopt a resolution authorizing interim financing.

Mr. Tilton noted that staff recommends approval of Bond Item #2.

A motion was made by Mr. Roberts and Seconded by Ms. Bolden to approve Bond Item #2 of the Bond Calendar. The motion was passed by a 4-0 vote.

Item #3, Department of Forestry and Fire Protection, Lassen-Modoc Ranger Unit, Replace Apparatus Building and Auto Shop. This item will adopt a resolution authorizing interim financing.

Mr. Tilton noted that staff recommends approval of Bond Item #3.

A motion was made by Mr. Fernandez and Seconded by Ms. Bolden to approve Bond Item #3 of the Bond Calendar. The motion was passed by a 4-0 vote.

Item #4, Department of Forestry and Fire Protection, Stevens Creek, Replace Facility. This item will adopt a resolution authorizing interim financing.

Mr. Fernandez from the State Treasurer's Office noted that the proposed project would be on land that the Department of Forestry and Fire Protection is leasing from a local entity. Mr. Fernandez noted that he would like the Board to approve the resolution, but allow the legal

counsel to review the lease to make sure that bonds can be sold with the underlying lease. If there were any problems to bring the item to the attention of the Board at the next meeting.

Ms. Porini then asked Ms. Deborah Cregger, Legal Counsel for the State Public Works Board, to review the lease and if there were any questions or problems to bring it to the attention to the Board at the next meeting.

Mr. Tilton noted that staff recommends approval of Bond Item #4.

A motion was made by Mr. Roberts and Seconded by Ms. Bolden to approve Bond Item #4 of the Bond Calendar. The motion was passed by a 4-0 vote.

Item #5, Department of Corrections, California Men's Colony, Wastewater Treatment Upgrade. This item will adopt a resolution authorizing interim financing.

Mr. Tilton noted that staff recommends approval of Bond Item #5.

A motion was made by Mr. Fernandez and Seconded by Mr. Roberts to approve Bond Item #5 of the Bond Calendar. The motion was passed by a 4-0 vote.

CONSENT CALENDAR:

Mr. Tilton noted that the Consent Calendar covered Items #6 through #19. We are pulling Item #12, Department of General Services, Department of Food and Agriculture, Desert Empire Fair, due to concerns raised by the Department of General Services.

The **revised consent calendar** covers Items #6 through #11 and Items #13 through #19.

Mr. Tilton indicated that in summary, the revised consent calendar proposes five requests to approve preliminary plans, one request to authorize acquisition, three requests to authorize site selection, one request to authorize site selection and acquisition, and three requests to recognize scope change.

Mr. Tilton noted that there were three 20-day letters. Item #13, Department of Forestry and Fire Protection, Sonora Forest Fire Station, Relocate Facility, recognize scope change. A 20-day letter was sent to the Legislature on July 16, 2001, without comment. Item #16, Department of Parks and Recreation, Morro Bay State Park, Campground Rehabilitation and Day Use Area, recognize scope change. Item #17, Department of Parks and Recreation, Sonoma Coast State Beach, Trail Rehabilitation and Development, recognize scope change. A 20-day letter was sent to the legislature on August 24, 2001, without comment.

Staff recommends approval of the revised consent calendar, Items #6 through #11, and Items #13 through #19.

A motion was made by Ms. Bolden, and by Seconded Mr. Roberts to adopt the Revised Consent Calendar, and to approve Agenda Items #6 through #11 and Items #13 through #19.

The revised consent calendar was adopted by a 3-0 vote.

ACTION ITEMS:

Mr. Tilton noted there were eight action items. Item #22, Department of General Services, State Coastal Conservancy, Polacco, is being pulled at the request of the Department of General Services.

Item #20, Department of General Services, State Coastal Conservancy, Bank, Ventura County. This item will authorize acquisition of a public access easement and passive recreational use through acceptance of an offer to dedicate.

A motion was made by Mr. Roberts, and Seconded by Ms. Bolden to adopt Action Item #20.

The Action Item was adopted by a 3-0 vote.

Item #21, Department of General Services, State Coastal Conservancy, Schoefer. This item will authorize acquisition of a public access easement through acceptance of an offer to dedicate.

A motion was made by Ms. Bolden, and Seconded by Mr. Roberts to adopt Action Item #21.

The Action Item was adopted by a 3-0 vote.

Item #23, Department of General Services, State Coastal Conservancy, Rahsohoff. This item will authorize acquisition of public access easement through acceptance of an offer to dedicate.

A motion was made by Ms. Bolden, and Seconded by Mr. Roberts to adopt Action Item #23.

The Action Item was adopted by a 3-0 vote.

Item #24, Department of General Services, Department of Parks and Recreation, MacKerricher State Park. This item will authorize acquisition of public access easement through acceptance of an offer to dedicate.

A motion was made by Mr. Roberts, and Seconded by Ms. Bolden to adopt Action Item #24.

The Action Item was adopted by a 3-0 vote.

Item #25, California Highway Patrol, Santa Fe Springs Replacement Facility. This item will approve project termination and the reversion of funds.

A motion was made by Ms. Bolden, and Seconded by Mr. Roberts to adopt Action Item #25.

The Action Item was adopted by a 3-0 vote.

Item #26, California Highway Patrol, San Diego Area Office, Building Alterations. This item will approve project termination and the reversion of funds.

A motion was made by Ms. Bolden, and Seconded by Mr. Roberts to adopt Action Item #26.

The Action Item was adopted by a 3-0 vote.

Item #27, Department of General Services, Department of Mental Health, Sexually Violent Predator Facility. This item will adopt a resolution of necessity authorizing the use of eminent domain (condemnation) to acquire outstanding mineral interests in state owned property (Parcel Numbers 085-020-12, 13, and 14) consisting of approximately 320 acres in Fresno County for use by the Department of Mental Health.

Mr. Tilton noted that before the Board takes action, Deborah Cregger, Legal Counsel to the State Public Works Board, will outline the condemnation process and the Public Works Board authority. In addition, Ron Small from the Department of General Services, and representatives from the Department of Mental Health are available to answer any questions the Board may have.

Ms. Cregger stated that the Property Acquisition Law authorizes the Board to acquire property for a particular use through eminent domain. To use the power of eminent domain to acquire any interest in the property necessary for that use. This item is dealing with a Resolution of Necessity to exercise eminent domain for rights in mineral interests and the state already owns, and has the title to this property. Prior to commencing the action of eminent domain, the Board is to adopt a Resolution of Necessity, which consists of several factors:

1. The Board find the public interest and necessity require the project, which is the Sexually Violent Predator Facility. The Department of Mental Health has prepared a written memorandum dated August 20, 2001, in support of the need for the project.
2. The SVP project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury. Again, the memorandum from the Department of Mental Health, which address this element, as well as, a memorandum from the Department of Corrections dated May 11, 2001. Since the State owns the fee title, the condemnation here is limited only to mineral interests.
3. The acquisition of the property interests described in the Resolution (mineral interest rights) are necessary for the SVP project.
 - a. By law, the owner of mineral rights has the legal ability to utilize as much of the land surface as needed to economically develop the underlying mineral estate.
 - b. In addition, the owner of the mineral interests need not always compensate the fee owner of the land of loss in use or damage to structures caused by the mineral development activities.
 - c. In essence the fee owner uses and occupies the land and any improvements thereon subject to the rights of the mineral interest owners to develop the underlying mineral estate.
 - d. Consequently, the state, as fee owner of this property, needs to acquire the outstanding mineral interests to ensure the Department of Mental Health has the legal right and ability to operate the SVP project without interruption or interference from future onsite extradition and/or exploration of minerals.

Ms. Cregger noted that mineral interests is an esoteric area of the law and the Board has not done a condemnation on just mineral interests before. Ms. Cregger said that Ron Small, a Department of General Services attorney, is experienced in this area and if the Board has any questions, he would be happy to address them.

One last element that the Board needs to find in the Resolution and that just and fair offers have been made to the mineral interest holders, or if an offer has not been made, due diligence has

been exercised to locate people. The Department of General Services staff have done appropriate due diligence in this regard and have hired a private investigator to help assist in locating those people who weren't readily available or who had hired the services of a geologist.

Ms. Porini stated that the sole issue before the Board is the Resolution of Necessity, the need to acquire these interests.

Ms. Cregger noted that the Board does not concern itself with the valuation as long as there is assurance that the State made a fair and just offer. After the Board's motion, the Attorney General's Office will file an action in condemnation, and in that court hearing, the value issues will primarily be explored. Some of the complaints from mineral interest holders was the value. That will be addressed in that hearing.

Ms. Porini then noted that we had received several letters from people on this issue that will be part of the public record.

Mr. Tilton stated that the two letters do raise not just the issue of price, but the issue of surface access issues compared to the royalty interest. It may be helpful to have Ron Small describe that distinction.

Mr. Roberts said that after all had been said, the issue is still the people's ability to retain their mineral rights. He said that we could modify our resolution allowing them to slant drill from off-site adjacent property. If there was a compromise available we should try to make that happen.

Ms. Cregger then stated that we could do that since the resolution was written broadly enough that if it was appropriate, some of the mineral interest owners have adjacent properties or have the right to use surface minerals and the State will only proceed to acquire the surface rights of entry to about 500 feet and leave with the property the mineral interest owner the ability to use undersurface minerals. There are certain cases where that might not be viable. But we would have to deal with that in the context of each individual property owner.

Ms. Porini said that the Resolution is broad enough to allow for that kind of discussion to take place and possible compromises to be made.

Mr. Roberts said that he was not convinced that the Resolution was really that broad. He recommended revising the Resolution to include the assurance of a compromised solution.

Mr. Tilton suggested that the issue is we cannot force that separation of surface rights and royalties of minerals. But, we can accept that offer back from the owners and from an operational point is that we retain 500 feet below the surface.

Mr. Ron Small said that the owner's of mineral estates have the right to extract minerals from the estate and can use as much of the surface as they want. But they only have the right to use the surface estate above their mineral estate. So, when we are offering to buy their properties we can't provide any assurance that they can slant drill. Mr. Roberts then stated that they were offering the fact that they owned adjacent property in their letter. Mr. Small replied that they didn't have all the facts to support that conclusion. If they are willing to take certain risks then we would be willing to compromise in that situation. On the other hand, one owner stated that they don't have assurances, the State could have their surface rights if they found them comparable surface rights elsewhere. This is not a feasible option. Mr. Tilton then stated that if the owners come to us and offer the surface rights but want to keep the royalties below, we can accept that. Mr. Tilton said that is what Mr. Roberts wants to be assured that it is accepted and not just take the mineral rights and royalties if someone is offering the surface rights.

Ms. Porini asked if there was anyone in the audience that would like to comment on this item.

A motion was made by Ms. Bolden, and Seconded by Mr. Roberts to adopt Action Item #27, the Revised Resolution of Necessity.

The Action Item was adopted by a 3-0 vote.

OTHER BUSINESS:

Mr. Tilton noted that there were no items of other business

REPORTABLES:

Mr. Tilton indicated there were sixteen reportables.

NEXT MEETING:

Mr. Tilton noted that the next PWB meeting is scheduled for Friday, October 12, 2001, at 10:00 am in Room 112.

Having no further business, the meeting was adjourned at 10:45 a.m.

BOND ITEMS

BOND – ITEM 1

**DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF MENTAL HEALTH (4440)
CALIFORNIA COMMUNITY COLLEGES (6870)
ENERGY CONSERVATION REVENUE BOND PROJECTS**

Authority: Government Code Sections 15814.10 – 15814.25

Adopt a resolution to:

1. Authorize the sale of Energy Conservation Revenue Bonds for the projects identified in Attachment A.
2. Authorize execution of the Energy Service Contracts for the projects identified in Attachment A. Authorization is contingent upon the a) non-eventful passage of the 15-day JLBC notification requirement; b) execution of a Schedule VI certifying energy savings for each contract; and c) receipt of a validity opinion from the participating agencies' counsel.
3. Authorize the use of interim financing, if needed, for the projects identified in Attachment A to be repaid from the Public Buildings Construction Fund from proceeds of the sale of bonds.
4. Approve the form of indenture as part of the interim finance package, with such insertions, deletions and changes therein as the Administrative Secretary, with the advice of counsel, may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Total estimated cost:

\$18,900,000

APPROVED.

BOND ITEMS

STAFF ANALYSIS – ITEM 1

Department of General Services, Department of Mental Health
California Community Colleges
Energy Conservation Revenue Bond Projects

Action Requested

The requested action will authorize the sale of Energy Conservation Revenue Bonds for some of the projects identified in Attachment A; conditionally authorize execution of the Energy Service Contracts for those same projects identified in Attachment A; authorize the use of interim financing, if needed, for those projects to be repaid from the Public Buildings Construction Fund

from proceeds of the sale of bonds; and approve a form of indenture to be used in the interim financing package.

Scope Description

Department of Mental Health, Metropolitan State Hospital: Retrofit of the existing building automation systems and installation of a comprehensive energy management system that will provide one source of control for the HVAC system and the steam heating and hot water systems for the major buildings; replacement of the existing motors on the air handler units with high efficiency motors; retrofit of the existing lighting system with electronic ballasts, T8 lamps, compact fluorescent lamps, luminescent emitted diodes exit signs, and motion sensors; and installation of an irrigation reclaimed water system for the landscape grounds.

Department of Mental Health, Napa State Hospital: Installation of a new looped piping system for recycled water with laterals to existing irrigation stations and construction of a new 500,000 gallon steel tank on a concrete foundation, and associated piping and demolition of existing concrete reservoir.

Department of General Services, Ronald Reagan Building: An upgrade of the chilled water Thermal Energy Storage (TES) System to increase the storage capacity for cooling of the facility and reduce peak electrical demand and consumption costs; replacement of the existing cooling towers with adequately sized equipment with increased capacity; installation of a parking garage Carbon Monoxide Control System (CO System) and Variable Speed Drives (VSDs) on the fan motors; an upgrade of the current lighting system to more efficient lamps and ballasts, installation of occupancy sensors to automatically turn lights off in unoccupied spaces, and retrofit of existing compact fluorescent exit sign with new LED exit signs; installation of variable speed controllers on the constant speed chilled water and condenser water pump, the existing TES pumps, and the constant-speed hot water pumps; installation of variable speed controllers on the vane axial fan systems and other miscellaneous smaller fan systems; upgrade of the Direct Digital Controls (DDC) and optimized control strategies for the chiller plant and the air handler units; the addition of a domestic hot water heater including all the necessary piping, valves, insulation and electrical work; upgrade of the Variable Air Volume (VAV) system to conserve energy by resetting the static pressure and supply air temperature set-points based on the loads of the air handler units; and utilization of dial up after-hours controls to allow specific areas of the building to be conditioned on an as-needed basis to minimize cooling in non-utilized spaces after normal business hours.

California Community Colleges, Long Beach Community College District: Expansion of the energy management system and installation of kW meter monitoring points for the main electrical feeds for the Liberal Arts Campus and the Pacific Coast Campus; installation of a 280 kW cogeneration system in Building R to heat the pools and back feed power to the Liberal Arts Campus power grid and/or Buildings Q and R; installation of a 280 kW cogeneration system to power the Pacific Coast Campus; installation of a 280 kW cogeneration system to power the Liberal Arts Campus power grid and provide space cooling; repiping of the Building L chilled water system to enable one chiller to supply chilled water to the entire building during low cooling load conditions; and repiping of the Building M chilled water system to enable one chiller to supply chilled water to the entire building during low cooling load conditions.

Funding and Project Cost Verification

The total amount set forth in the Energy Service Contracts is \$18,900,000, with a total construction cost of \$15,384,260 for the energy conservation projects. The projected savings achieved through each Energy Service Contract are set forth in Attachment A.

Project Schedule Summary

The schedules for each project component as prepared by the Department of General Services, Energy Management Division, are identified in Attachment A.

Energy Service Contracts

The Department of General Services, Energy Management Division, as staff to the State Public Works Board ("Board") has recommended the projects described in Attachment A for financing through the Energy Conservation Revenue Bond Program (Government Code Sections 15814.10 – 15814.25). Several energy conservation projects are typically combined into a single Energy Service Contract as long as the projects as a whole achieve the required cost savings over the term of the financing.

Prior to the Board executing the proposed Energy Service Contracts, the following events or activities must occur:

1. Passage of the 15-day notice period to the Joint Legislative Budget Committee (Government Code Section 15814.20 and Chapter 7, Senate Bill 5X).
2. Execution of the Project Savings Certification found in Schedule VI of the Energy Service Contract by the Program Director, Energy Management Division, Department of General Services.
3. Delivery by the participating agency of a signed Energy Service Contract together with an unqualified opinion of its counsel containing the information set forth in Section 2.01(a)-(d) of the Energy Service Contract.

Staff Recommendations: Adopt resolution.

BOND ITEMS

BOND – ITEM 2

DEPARTMENT OF FORESTRY AND FIRE PROTECTION (3540)
HESPERIA FOREST FIRE STATION, SAN BERNARDINO COUNTY
Relocate Facility

Authority: Chapter 106/01, Item 3540-301-0660 (5)

Adopt a resolution to:

1. Authorize the sale of the State Public Works Board Lease Revenue Bonds.
2. Authorize the execution of the Construction Agreement between the Department of Forestry and Fire Protection and the State Public Works Board.
3. Approve the form of and authorize the execution of a Facility Lease between the Department of Forestry and Fire Protection and the State Public Works Board.
4. Approve the form of and authorize the execution of an Agreement for the Transfer of Control and Possession of State Owned Real Property (Transfer Agreement) between the Department of Forestry and Fire Protection and the State Public Works Board.
5. Authorize the use of interim financing, to be repaid from the Public Buildings Construction Fund from the proceeds from the sale of bonds.

Total estimated cost:

\$1,653,000

APPROVED.

BOND ITEMS

STAFF ANALYSIS – ITEM 2

Department of Forestry and Fire Protection
Hesperia Forest Fire Station, Replace Facility

Action Requested

The action requested will adopt a resolution authorizing interim financing.

Scope Description

This project is within scope. The approved project authorizes the construction of a standard 2-engine forest fire station, which consists of a 2,940 sq. ft. barracks/messhall building (12 bed), a 1,990 sq. ft. wood frame apparatus building (1 office, 3 bays), a 100 sq. ft. fuel building (2 pumps and 2-1,000 gallon fuel tanks), site work, utilities, and appurtenances.

Funding and Cost Verification

This project is within cost. Item 3540-301-0660 (4), Budget Act of 1999, appropriated \$916,000 for the construction phase of this project. Based on bids received, all of which exceeded the amount provided by more than 20 percent, it was determined that this project could not proceed with funds available. Therefore, on January 12, 2001, the Public Works Board terminated the project and reverted the construction appropriation. The Legislature has since provided additional funding for the continuation of this project. Item 3540-301-0660 (5), Budget Act of 2001, provides a total of \$1,653,000 (\$1,620,000 for construction and an additional \$33,000 for working drawings) for this project. The added working drawing funds are needed to properly reopen this project for bids.

\$1,767,000	total estimated project costs
\$114,000	project costs previously allocated: preliminary plans \$49,000 and working drawings \$65,000
\$1,653,000	project costs to be allocated: working drawings \$33,000 and construction \$1,620,000 (\$ 1,399,000 contract; \$70,000 contingency; \$151,000 A&E and other project costs)

CEQA

A Notice of Determination was filed on August 13, 1997 with the State Clearinghouse, and the 30-day statute litigation period has concluded with no legal challenges.

Project Schedule

The project schedule is as follows:

Proceed to bid:	August 2001
Complete construction:	March 2003

Staff Recommendation: Adopt resolution.

BOND ITEMS

BOND – ITEM 3

DEPARTMENT OF FORESTRY AND FIRE PROTECTION (3540)
LASSEN-MODOC RANGER UNIT HEADQUARTERS, LASSEN COUNTY
Replace Apparatus Building and Auto Shop

Authority: Chapter 106/01, Item 3540-301-0660 (3)

Adopt a resolution to:

1. Authorize the sale of the State Public Works Board Lease Revenue Bonds.
2. Authorize the execution of the Construction Agreement between the Department of Forestry and Fire Protection and the State Public Works Board.
3. Approve the form of and authorize the execution of a Facility Lease between the Department of Forestry and Fire Protection and the State Public Works Board.
4. Approve the form of and authorize the execution of an Agreement for the Transfer of Control and Possession of State Owned Real Property (Transfer Agreement) between the Department of Forestry and Fire Protection and the State Public Works Board.
5. Authorize the use of interim financing, to be repaid from the Public Buildings Construction Fund from the proceeds from the sale of bonds.

Total estimated cost:

\$1,378,000

APPROVED.

BOND ITEMS

STAFF ANALYSIS – ITEM 3

Department of Forestry and Fire Protection
Lassen-Modoc RUH, Replace Apparatus Building and Auto Shop

Action Requested

The action requested will adopt a resolution authorizing interim financing.

Scope Description

This project is within scope. The approved project authorizes the construction of a new 5-bay Auto Shop with attached Dozer storage, restroom and tool storage area. This structure will be a pre-engineered insulated metal building slab on grade. Construction activities provided by the Department of Forestry and Fire Protection (CDF) include: a 1,900 sq. ft. Apparatus Building; site grading; paving; curbs and sidewalks; underground utilities; and the demolition of the existing Shop and Apparatus Building. The Cost of these activities is now reflected in the Agency Retained items.

Item 3540-301-0001 (8), Budget Act of 1998 provided funding for the preliminary plans and working drawings phases of this project. These funds were transferred to the Department of General Services (DGS) to perform the design work for the entire project. However, as previously reported, CDF performed the design activities for the Agency Retained portion of the project without the necessary authorization and funded these activities through its support budget. As a result this project was no longer within approved scope or cost and was subsequently terminated by the Public Works Board on July 14, 2000. This project has since received Legislative approval and is now within scope and cost.

Funding and Cost Verification

This project is within cost. Item 3540-301-0660 (3), Budget Act of 2001, provides \$ 13,000 for working drawings and \$1,365,000 for the construction phase of this project. The amount provided for working drawings will incorporate CDF's Agency Retained designs into the designs for the entire project.

\$1,552,000 total estimated project costs

\$174,000 project costs previously allocated: preliminary plans \$105,000 and working drawings \$69,000

\$1,378,000 project costs to be allocated: working drawings \$13,000 and construction \$1,365,000 (\$925,000 contract, \$46,000 contingency, \$108,000 A&E, and other \$286,000 Agency Retained)

CEQA

A Notice of Determination was filed on April 6, 1999 with the State Clearinghouse, and the 30-day statute litigation period has concluded with no legal challenges.

Project Schedule

The project schedule is as follows:

Proceed to bid: August 2001

Complete construction: September 2002

Staff Recommendation: Adopt resolution.

BOND ITEMS

BOND – ITEM 4

DEPARTMENT OF FORESTRY AND FIRE PROTECTION (3540)

STEVENS CREEK, SANTA CLARA COUNTY

Replace Facility

Authority: Chapter 106/01, Item 3540-301-0660 (1)

Adopt a resolution to:

1. Authorize the sale of the State Public Works Board Lease Revenue Bonds.
2. Authorize the execution of the Construction Agreement between the Department of Forestry and Fire Protection and the State Public Works Board.
3. Approve the form of and authorize the execution of a Facility Lease between the Department of Forestry and Fire Protection and the State Public Works Board.
4. Approve the form of and authorize the execution of an Agreement for the Transfer of Control and Possession of State Leased Real Property (Transfer Agreement) between the Department of Forestry and Fire Protection and the State Public Works Board.
5. Authorize the use of interim financing, to be repaid from the Public Buildings Construction Fund from the proceeds from the sale of bonds.

Total estimated cost:

\$1,754,000

APPROVED.

BOND ITEMS

STAFF ANALYSIS – ITEM 4

Department of Forestry and Fire Protection
Stevens Creek Forest Fire Station, Replace Facility

Action requested

The action requested will adopt a resolution authorizing interim financing.

Scope Description

This project is within scope. The approved project authorizes the construction of a standard 1-engine Department of Forestry and Fire Protection (CDF) forest fire station. The new station consists of a 1,697 sq. ft. 2-bay apparatus building; a 2,330 sq. ft. 8-bed barracks/messhall building, a 100 sq. ft. fuel building; and site work. Site work includes utilities, paving, and necessary appurtenances.

Funding and Cost Verification

This project is within cost. Item 3540-301-0001 (3), Budget Act of 1999, appropriated \$913,000 for the construction phase of this project. Based on bids received, all of which exceeded the amount provided by more than 20 percent, it was determined that this project could not proceed with funds available. Therefore, on January 12, 2001, the Public Works Board terminated the project and reverted the construction appropriation. The Legislature has since provided increased funding for the continuation of this project. Item 3540-301-0660 (1), Budget Act of 2001, provides a total of \$1,754,000 (\$1,720,000 for construction and an additional \$34,000 for working drawings) for this project. The additional working drawing funds are needed to properly reopen this project for bids.

\$1,877,000 total estimated project costs

\$123,000 project costs previously allocated: preliminary plans \$59,000 and working drawings \$64,000

\$1,720,000 project costs to be allocated: working drawings \$34,000 and construction \$1,720,000 (\$1,446,000 contract, \$72,000 contingency; \$202,000 A&E and other project costs)

CEQA

A Notice of Exemption was filed on January 12, 1999 with the State Clearinghouse, and the 35-day waiting period has concluded with no legal challenges.

Project Schedule

The project schedule is as follows:

Approve working drawings: August 2001
Complete construction: January 2003

Staff Recommendation: Adopt resolution.

BOND ITEMS

BOND – ITEM 5

DEPARTMENT OF CORRECTIONS (5240)
CALIFORNIA MEN’S COLONY, SAN LUIS OBISPO, SAN LUIS OBISPO COUNTY
Wastewater Collection Treatment Upgrade

Authority: Chapter 50/99, Item 5240-301-0001 (16.1)
Chapter 52/00, Item 5240-301-0001 (20)
Chapter 106/01, Item 5240-301-0660 (1)

Adopt a resolution to:

1. Authorize the sale of the State Public Works Board Lease Revenue Bonds.
2. Approve the form of and authorize the execution of the Construction Agreement between the Department of Corrections and the State Public Works Board.
3. Approve the form of and authorize the execution of new and/or amended Facility Leases between the Department of Corrections and the State Public Works Board.
4. Approve the form of and authorize the execution of new and/or amended Site Leases between the Department of Corrections and the State Public Works Board.
5. Authorize the use of interim financing to be paid from the Public Building Construction Fund from the proceeds from the sale of the bond.

Total estimated cost: \$27,681,000

APPROVED.

BOND ITEMS

STAFF ANALYSIS – ITEM 5

Department of Corrections
California Men's Colony, San Luis Obispo, San Luis Obispo County
Wastewater Collection Treatment Upgrade

Action requested

The action requested will adopt a resolution authorizing interim financing.

Scope Description

This project is within scope. The project includes clearing, demolition, grading, paving, excavation, and construction of headworks, influent pump station, aerated grit chamber, three splitter boxes, two oxidation ditches, two secondary clarifiers, return activated sludge/waste activated sludge pump station, eight unit tertiary filters, two chlorine contact basins, chlorination/dechlorination storage, and feed pump building, prefabricated metal system maintenance building, biosolids, dewatering building with two centrifuges, temporary biosolids drying area, motorized control center/generator building, 1,100 feet of 24-inch diameter trunk sewer and appurtenances, electrical and instrumentation, repair and reconstruction of existing improvements affected by the work, and incidentals for a complete and usable facility.

The project also includes approximately 22,000 feet of 12 to 24-inch diameter trunk sewer from CMC's West and East screening facilities to the wastewater treatment plant and improvements to the West and East screening facilities.

Funding and Cost Verification

This project is within cost.

\$27,681,000 total estimated project cost

\$2,054,000 project costs previously allocated: preliminary plans \$950,000 and working drawings \$1,104,000

\$25,627,000 project costs to be allocated: contracts \$21,989,000; contingency \$1,539,000; A/E \$2,099,000

CEQA

A Notice of Determination was filed with the State Clearinghouse on June 12, 2000, and the waiting period expired on July 12, 2000.

Project Schedule

The project schedule is as follows:

Completion of working drawings: September 2001
Complete construction: November 2003

Staff Recommendation: Adopt resolution.

CONSENT ITEMS

CONSENT – ITEM 6

DEPARTMENT OF GENERAL SERVICES (1760)
NAPA STATE HOSPITAL, NAPA COUNTY
Building 199, Unit 2: Structural Retrofit

Authority: Chapter 52/00, Item 1760-301-0768 (13)
Chapter 106/01, Item 1760-301-0768 (5)

a. **Approve preliminary plans**

APPROVED.

CONSENT ITEMS

STAFF ANALYSIS – ITEM 6

Department of General Services
Napa State Hospital, Building 199, Unit 2: Structural Retrofit

Action Requested

The requested action will approve preliminary plans and the release of working drawing funds for this project.

Scope Description

This project is within scope. Building 199, Unit 2 (Middle) is one of three wings of building 199. Building 199 is a two-story reinforced concrete building with a partial basement. A seismic evaluation concluded that the expected performance of Unit 2, if it were subjected to the Design Basis Earthquake, would be consistent with Risk Level V as defined by the DSA Levels of Earthquake Risk and Acceptability Table. The purpose of the structural retrofit is to improve the building's expected performance to Risk Level III. Architectural/mechanical/electrical costs are limited to incidental work to enable the structural retrofit only.

Funding and Project Cost Verification

This project is within budget. Chapter 52/00, Item 1760-301-0768 (13) appropriated funds for preparation of Preliminary Plans (\$174,000). Chapter 106/01, Item 1760-301-0768 (5) appropriated funds for Working Drawings (\$209,000) and Construction (\$2,270,000).

\$2,653,000 total estimated project cost

\$174,000 project costs previously allocated for preliminary plans

\$2,479,000 project costs to be allocated from Chapter 106/01 appropriation: working drawings \$209,000; construction \$2,270,000 (\$1,678,000 contract, \$117,000 contingency, \$216,000 A&E, \$259,000 other project costs) at CCCI 4019.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on November 16, 2000, and the waiting period expired on December 20, 2000.

Project Schedule

The project schedule is as follows:

Approve working drawings:	May 2002
Complete construction:	September 2003

Staff Recommendation: Approve preliminary plans and the release of working drawing funds.

CONSENT ITEMS

CONSENT – ITEM 7

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF FORESTRY AND FIRE PROTECTION (3540)
McCLELLAN PARK AVIATION MANAGEMENT UNIT, SACRAMENTO COUNTY
CDF 178, DGS Parcel 10021

Authority: Chapter 106/01, Item 3540-301-0001(40)

- a. **Authorize site selection and acquisition consistent with the staff analysis**

APPROVED.

CONSENT ITEMS

STAFF ANALYSIS – ITEM 7

Department of General Services
Department of Forestry and Fire Protection
McClellan Park Aviation Management Unit

Action Requested

The requested action will authorize site selection and acquisition consistent with the staff analysis.

Scope Description

This project is within scope. The approved project provides for the acquisition of approximately 25 acres and existing buildings at McClellan Park (formerly McClellan Air Force Base) for use by the Department of Forestry and Fire Protection's (CDF) Aviation Management Unit (AMU) as an aircraft maintenance facility. The acquired site will enable the relocation of the AMU from current leased facilities at Mather Field to McClellan Park. The project includes the acquisition of fee simple interest through a lease purchase agreement of approximately 25 acres together with common areas and approximately 50,000 square feet of industrial space in 3 existing buildings.

The County of Sacramento ("County") currently leases McClellan Park from the Federal Government pursuant to an Economic Development Conveyance Agreement. The County will not acquire title to the McClellan Air Force base property until the Department of Defense certifies that hazardous materials remediation has been completed. Pursuant to federal law, the United States remains legally responsible for all hazardous materials conditions on McClellan Air Force Base. The lease purchase agreement will provide that the County, as sub-landlord, will convey title to the property upon its receipt of title from the federal government. The lease purchase agreement provides for a ninety-nine (99) year term with a lump-sum payment occurring within the first six (6) months of the lease term.

Since CDF performs the majority of its aircraft maintenance after the close of fire season, it is critical that operations commence at the new facility as soon as possible. The lease purchase agreement provides that the County will make improvements to the property in order for CDF to immediately utilize the property for its aircraft maintenance operations. The cost of these improvements will be covered by CDF using funds appropriated in its support budget for this purpose.

Funding and Cost Verification

This project is within cost. Chapter 106, Budget Act of 2001, Item 3540-301-0001(40) provides \$4,546,000 for this acquisition of fee simple interest and there is a sufficient balance remaining in the account to pay the total project costs outlined below. The property can be acquired with the funds available and in accordance with Legislative intent.

\$4,694,000 total estimated project costs

\$148,000 project costs previously allocated: study \$148,000

\$4,546,000 project costs to be allocated: acquisition \$4,546,000

CEQA

A Notice of Exemption was filed with the State Clearinghouse on August 2, 2001, and the waiting period expired on September 6, 2001.

Project Schedule

The project schedule is as follows:

Occupancy is anticipated October 2001.

Other:

- The site meets the requirements of the California Department of Forestry and Fire Protection (CDF).
- There is no relocation assistance involved with this project.
- The purchase price does not exceed the estimated fair market value as determined by a Department of General Services (DGS) approved appraisal.
- There is no implied dedication involved with this project.
- The property will be acquired through a 99-year lease purchase, close of escrow will occur within the lease purchase period, contingent upon completion of environmental remediation of the Base by the U.S. Air Force.

Staff Recommendation: Authorize acquisition consistent with the staff analysis.

CONSENT ITEMS

CONSENT – ITEM 8

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF PARKS AND RECREATION (3790)
WILL ROGERS STATE HISTORIC PARK, LOS ANGELES COUNTY

Authority: Government Code 14664(b)(1)(C)

- a. **Authorize acquisition through an exchange of real property consistent with the staff analysis**

APPROVED.

CONSENT ITEMS

STAFF ANALYSIS – ITEM 8

Department of Parks and Recreation
Will Rogers State Park

Action requested

The requested action will authorize acquisition through an exchange of real property consistent with the staff analysis.

Scope Description

For many years, approximately one quarter acre of the Will Rogers State Park has been encroached upon by an adjacent landowner. To resolve the encroachment, the landowner has offered a portion of his adjacent property in exchange for the encroached area owned by the State. The State Department of Parks and Recreation (DPR), the Department of General Services (DGS), the Attorney General and the landowner have all agreed that the best manner to resolve the matter is through an exchange of the encroached area for the adjacent property of equal value. Pursuant to the requirements of Government Code 14664(b)(1)(C), the Department of General Services (DGS) provided 30-day notice on October 16, 2000 to the Joint Legislative Budget Committee and the applicable Members of the Senate and Assembly who represent the district.

Funding and Cost Verification

The property will be acquired by the State in exchange for an adjacent State owned parcel that is approximately 100 square feet smaller than the property being acquired. The only other acquisition costs are those related to the processing of this exchange.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on February 11, 2000, and the waiting period expired on February 17, 2000.

Project Schedule

The project schedule is as follows:

The anticipated close of escrow is September 2001.

Other:

- A DGS appraisal review has concluded the market value of the State owned property in this exchange agreement does not exceed the market value of the property being acquired by the State.
- The Department of Parks and Recreation (DPR) is not aware of any lawsuits pending concerning the property. The exchange agreement will require delivery of clear title to the State.
- The property is vacant and unimproved.
- DGS site inspection revealed no visible evidence of hazardous conditions.
- DPR indicates that approval of this acquisition will not obligate the State to additional operating costs.

Staff Recommendation: Authorize acquisition through an exchange of real property consistent with the staff analysis.

CONSENT ITEMS

CONSENT – ITEM 9

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF PARKS AND RECREATION (3790)
KENT PROPERTY, ANDREW MOLERA STATE PARK
MONTEREY COUNTY
DGS Parcel Number 10050, DPR Parcel Number A30300

Authority: Chapter 52/00, Item 2660-301-0890 (a)

- a. **Authorize site selection**

APPROVED.

CONSENT ITEMS

STAFF ANALYSIS – ITEM 9

Department of General Services
Department of Parks and Recreation
Kent Property, Andrew Molera State Park

Action requested

The requested action will authorize site selection for this project.

Scope Description

This project is within scope. The Legislature has provided for expenditure Federal grant funds by the Department of Transportation (DOT) for federal discretionary transportation corridor improvement grants and formula Section 163 grants. This request will authorize site selection of a 17.2 acre viewshed property for the preservation of open space, scenic and natural resources. This property is adjacent to Highway 1 near the community of Big Sur and also shares a boundary with the existing Andrew Molera State Park, which is 4,800 acres in size. Although a relatively small parcel, its acquisition is key to preventing an approved commercial development, and to providing important access links in a trail system. It will also provide a potential southern entry to the park.

Funding and Cost Verification

This project is within cost. Chapter 52/00, Item 2660-301-0890 provides expenditure authority to DOT of \$1,656,000,000, which can be used for grants of this nature, and there is a sufficient balance remaining in the account to pay the total acquisition cost. The grant is administered by DOT, which has approved funding for the acquisition of this property. The funding will be available as a deposit to the escrow with title passing to the State of California, acting by and through the Department of Parks and Recreation (DPR). Acquisition staff costs, including potential inspections of the property for compliance with the terms of the Grant, are the only costs to the Department of Parks and Recreation (DPR) for this acquisition. This land will be purchased for \$560,000 using the Federal Scenic Byways grant in the Caltrans budget.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on February 20, 2001, and the waiting period expired on March 27, 2001.

Project Schedule

The project schedule is as follows:

The anticipated close of escrow is November 2001.

Other

- DPR indicates that approval of this acquisition will not obligate the State to additional operating costs other than potential inspections of the property for compliance with the terms of the Grant.
- The purchase price does not exceed the appraised value approved by DOT.
- The property is vacant and unimproved.
- There are no indications or history of contamination.

Staff Recommendation: Authorize site selection.

CONSENT ITEMS

CONSENT – ITEM 10

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF PARKS AND RECREATION (3790)
ANZA-BORREGO DESERT STATE PARK, SAN DIEGO COUNTY
DGS Parcel Number 10051, DPR Parcel Numbers A24401 – A24405

Authority: Chapter 50/99, Item 3790-301-0001(5)

- a. Authorize site selection

APPROVED.

CONSENT ITEMS

STAFF ANALYSIS – ITEM 10

Department of Parks and Recreation
Anza-Borrego Desert State Park

Action Requested

The requested action will authorize site selection for this project.

Scope Description

This project is within scope. Without specifying particular parcels, the Legislature has approved the funding for the purchase of additions of various sized parcels of land that are substantially enclosed within adjoining state Park property provided that the purchase would improve operations of the existing State Park unit. This request will authorize site selection for approximately 32.5 acres of land surrounded by Anza-Borrego State Park.

Funding and Cost Verification

This project is within cost. Chapter 50/99, Item 3790-301-0001(5) provides \$500,000 for this acquisition program and there is a sufficient balance remaining in the account to pay the total project costs outlined below. Total costs of \$493,600 were previously allocated from this appropriation for acquisition projects. The property can be acquired with the funds available and in accordance with Legislative intent.

\$3,100	total estimated project costs
\$500	project costs previously allocated: administrative costs
\$2,600	project costs to be allocated: \$2,600 acquisition

CEQA

A Notice of Exemption was filed with the State Clearinghouse on May 12, 1999, and the waiting period expired on June 16, 1999.

Project Schedule

The project schedule is as follows:

The anticipated close of escrow is November 2001.

Other:

- The parcel contained in this project is being sold by San Diego County through a tax sale for less than market value. The value is based upon delinquent property taxes owed to the County (\$2,350), together with the County's administrative costs associated with the transfer of title (\$281.25).
- A justification of value was approved by DGS on May 19, 1999. The total sale price is within the value approved by DGS staff.
- The Department of Parks and Recreation (DPR) is not aware of any lawsuits pending concerning the property. The property acquisition agreement will require delivery of clear title to the State.
- The property is vacant and unimproved.
- The Chapter 8 Agreement to Purchase Tax-Defaulted Property will clear title to the property.
- DPR indicates that approval of this acquisition will not obligate the State to additional operating costs.

Staff Recommendation: Authorize site selection.

CONSENT ITEMS

CONSENT – ITEM 11

DEPARTMENT OF GENERAL SERVICES (1760)
SANTA MONICA MOUNTAINS CONSERVANCY (3810)
SADDLETREE CONSERVATION AND TRAIL EASEMENTS, LOS ANGELES COUNTY
Project Number SMC221D, DGS Parcel Number 10052

Authority: *Public Resources Code Sections 33203 and 33203.5*

a. **Authorize site selection**

APPROVED.

CONSENT ITEMS

STAFF ANALYSIS – ITEM 11

Department of General Services
Santa Monica Mountains Conservancy
Saddletree Conservation and Trail Easements

Action requested

The requested action will authorize site selection for this project.

Scope Description

This project is within scope. The project is consistent with and implements the Rim of the Valley Corridor Master Plan and fulfills the purposes of Division 23 of the Public Resources Code. This acquisition consists of 65 acres for a Conservation easement and 9.4 acres for a Trail easement that will be part of the Rim of the Valley Trail Corridor adopted by the State Legislature (Public Resources Code, Section 33204). The property lies between the City of Los Angeles Stetson Ranch Equestrian Center and a dedicated city trail through the Cascades Golf Course. With the exception of a dirt road, the parcels are unimproved. The subject parcels are owned by the Saddletree Homeowner's Association, however, only their governing board needs to approve these easement acquisitions

Funding and Cost Verification

This project is within cost.

\$220,000 total estimated project costs. \$195,000 for direct land costs,
\$25,000 administrative costs

\$0 project costs previously allocated.

\$0 project costs to be allocated. No funds need to be allocated. All necessary funding has been secured through a grant from Los Angeles County to the Santa Monica Mountains Conservancy.

CEQA

A Notice of Exemption was mailed to the State Clearinghouse on August 8, 2001, and the waiting period expires on September 12, 2001.

Project Schedule

The project schedule is as follows:

The anticipated close of escrow is December, 2001.

Other:

- The Conservation easement was appraised at \$195,000, however, the property owners are conveying the Trail easement to the state at no additional cost.
- The purchase price shall not exceed estimated fair market value as determined by a Department of General Services (DGS) approved appraisal.
- All management costs will be funded by the Mountains Recreation and Conservation Authority.

Staff Recommendation: Authorize site selection.

CONSENT ITEMS

CONSENT – ITEM 12

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF FOOD AND AGRICULTURE (8570)
53RD DISTRICT AGRICULTURE ASSOCIATION
DESERT EMPIRE FAIR, KERN COUNTY
Project Number DFA-003, DGS Parcel No. 9859

Authority: Department of Food and Agriculture Code 25903

- a. **Authorize acquisition consistent with the staff analysis**

PULLED.

CONSENT ITEMS

STAFF ANALYSIS – ITEM 12

Department of General Services, Department of Food and Agriculture
53rd District Agricultural Association, Desert Empire Fair, Kern County

Action requested

This request will authorize acquisition consistent with the staff analysis.

Scope Description

This project is within scope. This request will authorize acquisition of fee simple interest in approximately 20.84 acres located on the south side of the Desert Empire Fair identified as DGS Parcel Number 9859. A Resolution to acquire the property was approved by the 53rd District Agricultural Association (DAA) at its July 19, 2001 Board Meeting.

Funding and Cost Verification

This project is within cost. The Kern County Supervisors have made available a contribution of \$40,000 toward demolition costs. The Kern County Waste Management Department has agreed to accept the demolition material in their landfill and waive all gate fees. The total cleanup cost will be \$102,400 through acceptance of a bid for all labor and related costs through October 31, 2001. The acquisition cost to the state will not exceed the \$80,000 allocated from the Fair and Exposition fund, as approved by the Department of Food and Agriculture, Division of Fairs and Expositions under Task #9097. Acquisition costs include demolition and removal of abandoned buildings, back taxes, title fees and escrow fees.

CEQA

A Notice of Determination was filed with the State Clearinghouse on August 7, 2001, and the waiting period expired on September 6, 2001.

Project Schedule

The project schedule is as follows:

The anticipated close of escrow is November 2001.

Other:

- The project was approved for site selection by the State Public Works Board on August 10, 2001.
- An independent fee appraisal was reviewed by the Department of General Services (DGS) and the proposed offer does not exceed the fair market value approved by DGS staff.
- The 53rd District Agricultural Association (53rd DAA) is not aware of any lawsuits pending concerning the property. The property acquisition agreement will require delivery of clear title to the property.
- The property is vacant and unimproved with the exception of the abandoned housing units stored on the property and there is no relocation assistance involved with this project.
- Kern County Air Pollution Control District provided confirmation August 3, 2001, that testing of the housing units to be removed by the State from the property indicates no regulated asbestos containing material is present and that all debris can be deposited in municipal solid waste landfill. No indication of any other toxic materials were identified in the Phase II environmental testing conducted on the site.

Staff Recommendation: Authorize acquisition consistent with the staff analysis provided to the Board.

CONSENT ITEMS

CONSENT – ITEM 13

DEPARTMENT OF FORESTRY AND FIRE PROTECTION (3540)
SONORA FOREST FIRE STATION, TUOLUMNE COUNTY
Relocate Facility

Authority: Chapter 324/98, Item 3540-301-0001 (26)
Chapter 50/99, Item 3540-301-0001 (33)
Chapter 106/01, Item 3540-301-0001 (26)

a. **Recognize scope change**

APPROVED.

CONSENT ITEMS

STAFF ANALYSIS – ITEM 13

Department of Forestry and Fire Protection
Sonora Forest Fire Station, Relocate Facility

Action requested

The requested action will recognize a scope change for this project.

Scope Description

This project is not within scope. The approved project, as recognized by the Legislature, authorizes the purchase of an approximate 6-acre site and the construction of a barracks/messhall building, a dozer/transport storage building, an automotive shop, and an office building. However, in response to unsafe traffic conditions and insufficient space at the current site, the dozer and automotive shop functions have been moved to the Baseline Conservation Camp (CC). Therefore, this scope change seeks to eliminate the automotive shop and dozer shed from this project. Additionally, CDF is requesting that the planned 14-bed barracks/messhall building be reduced to a 12-bed barracks/messhall building and the removal of office space provided for the relocated staff. A 20-day scope change letter was sent to the Legislature on July 16, 2001, without comment.

Funding and Cost Verification

This project is within cost. Chapter 106, Budget Act of 2001, recognized \$3,421,000 as the total estimated cost of this relocation project. It is estimated that the proposed scope change will result in a reduction of \$739,000 in the recognized total project costs.

\$3,421,000 total authorized project costs

\$2,682,000 total estimated project costs

\$604,000 project costs previously allocated: acquisition \$322,000, preliminary plans \$87,000 and working drawings \$195,000

\$2,078,000 project costs to be allocated: construction \$1,696,700 (\$1,696,000 contract, \$85,000 contingency and \$296,700 A&E costs)

CEQA

A Notice of Determination was filed with the State Clearinghouse on August 4, 2000, and the waiting period expired on September 9, 2000.

Project Schedule

The project schedule is as follows:

Approve preliminary plans:	February 2002
Approve working drawings:	October 2002
Complete construction:	March 2004

Staff Recommendation: Recognize scope change.

CONSENT ITEMS

CONSENT – ITEM 14

DEPARTMENT OF FORESTRY AND FIRE PROTECTION (3540)
WEAVERVILLE FOREST FIRE STATION, TRINITY COUNTY
Replace Facility

Authority: Chapter 50/99, Item 3540-301-0001 (15)
Chapter 106/01, Item 3540-301-0001 (13)

a. **Approve preliminary plans**

APPROVED.

CONSENT ITEMS

STAFF ANALYSIS – ITEM 14

Department of Forestry and Fire Protection
Weaverville Forest Fire Station, Replace Facility

Action requested

The requested action will approve preliminary plans and the release of working drawing funds for this project.

Scope Description

This project is within scope. The approved project authorizes the construction of a standard one-engine forest fire station. The new station consists of a standard 2,330 sq. ft 8-bed barracks/messhall building, a 1,697 sq. ft. 1-engine two-bay apparatus building (including a 900 sq. ft. detached office), and a 100 sq. ft. fuel building. The project will also include site work, utilities, paving, and other appurtenances as needed.

Funding and Cost Verification

This project is within cost.

\$2,378,000 total estimated project costs

\$261,000 project costs previously allocated: acquisition \$208,000 and preliminary plans \$53,000

\$146,000 project costs to be allocated: working drawings \$146,000 and construction \$1,971,000 (\$1,491,000 contract, \$75,000 contingency, and \$405,000 A&E)

CEQA

A Notice of Determination was filed with the State Clearinghouse on March 26, 1999 and the waiting period expired on April 30, 1999.

Project Schedule

The project schedule is as follows:

Approve preliminary plans:	August 2001
Approve working drawings:	January 2002
Complete construction:	May 2003

Staff Recommendation: Approve preliminary plans and the release of working drawing funds.

CONSENT ITEMS

CONSENT – ITEM 15

DEPARTMENT OF PARKS AND RECREATION (3790)
DONNER MEMORIAL STATE PARK, NEVADA COUNTY
Replace Restrooms and Water System

Authority: Chapter 52/00, Item 3790-301-0001 (2)
Chapter 106/01, Item 3790-301-0005 (30.7)

a. **Approve preliminary plans**

APPROVED.

CONSENT ITEMS

STAFF ANALYSIS – ITEM 15

Department of Parks and Recreation
Donner Memorial State Park, Truckee, Nevada County
Replace Restrooms and Water System

Action requested

The requested action will approve preliminary plans and the release of working drawing funds for this project.

Scope Description

This project is within scope. This project will replace aging and deteriorated facilities at Donner Memorial State Park as well as make improvements to meet current visitor demand and use patterns. Specifically, the project will replace some of the existing water lines serving the day use area and the Creek Campground, replace five combination buildings with new combination buildings, and construct a new comfort station at the China Cove day use area.

Funding and Cost Verification

This project is within cost.

\$2,116,000 previously estimated project cost

\$2,116,000 total estimated project costs

\$155,000 project costs previously allocated: preliminary plans \$155,000

\$1,961,000 project costs to be allocated: working drawings \$147,000, construction \$1,814,000 (\$1,486,000 contract, \$104,000 contingency, \$202,000 A&E costs \$22,000 agency retained items), at CCCI 4019

CEQA

A Notice of Exemption was filed with the State Clearinghouse on August 9, 2001, and the waiting period expired on September 9, 2001.

Project Schedule

The project schedule has slipped due to inability to perform necessary topographic surveys due to snow conditions. The updated schedule is as follows:

Approve preliminary plans: September 2001

Approve working drawings: March 2002

Complete construction: May 2003

Staff Recommendation: Approve preliminary plans and the release of working drawing funds.

CONSENT ITEMS

CONSENT – ITEM 16

DEPARTMENT OF PARKS AND RECREATION (3790)
MORRO BAY STATE PARK, SAN LUIS OBISPO COUNTY
Campground Rehabilitation and Day Use Area

Authority: Chapter 139/94, Item 3790-301-786(3)
Chapter 324/98, Item 3790-301-0001(1)
Chapter 50/99, Item 3790-301-0001(1)
Chapter 52/00, Item 3790-301-0001 (4)

a. **Recognize scope change**

APPROVED.

CONSENT ITEMS

STAFF ANALYSIS – ITEM 16

Department of Parks and Recreation, Morro Bay State Park, Campground and Day Use Rehabilitation

Action Requested

The requested action will recognize a scope change for this project.

Scope Description

This project is not within scope. The project consists of providing for the renovation or replacement of deteriorating facilities in the existing campground, realign the entry road, correct other unsafe and undesirable access and circulation problems and provide the needed installation of additional day-use improvements at Morro Bay State Park. The proposed scope change would eliminate the proposed road realignment and the new campfire center, and reduce the number of new picnic sites from 30 to 12 due to recently identified cultural and natural resource issues. Full resolution of these issues would require additional time and significant additional costs for monitoring and mitigation. The proposed scope reduction will allow DPR to proceed with the other elements of the project that are not problematic, and thereby allow the department to improve the level of service to the visiting public in a timelier manner. A scope change letter was sent on June 8, 2001. On June 26, 2001, the JLBC sent a letter raising concerns regarding this project. A second scope change letter was sent to the Legislature on August 24, 2001, without comment.

Funding and Project Cost Verification

This project is within cost.

\$3,974,000	previously estimated project costs
\$3,732,000	total estimated project costs
\$267,000	project costs previously allocated: preliminary plans \$267,000
\$3,465,000	project costs to be allocated: working drawings \$260,000 and construction \$3,205,000 (\$2,617,000 contract, \$183,000 contingency, \$251,000 A&E, \$154,000 agency retained) at CCCI 4019
\$242,000	estimated savings based on previously recognized costs

CEQA

CEQA compliance is not required for this action.

Project Schedule

The project schedule is as follows:

Approve preliminary plans:	October 2001
Approve working drawings:	October 2002
Complete construction:	February 2004

Staff Recommendation: Recognize scope change.

CONSENT ITEMS

CONSENT – ITEM 17

DEPARTMENT OF PARKS AND RECREATION (3790)
SONOMA COAST STATE BEACH, SONOMA COUNTY
Trail Rehabilitation and Development

Authority: Chapter 52/00, Item 3790-301-0001 (5)
Chapter 106/01, Item 3790-301-0005 (30.8)

- a. Recognize scope change

APPROVED.

CONSENT ITEMS

STAFF ANALYSIS – ITEM 17

Department of Parks and Recreation
Sonoma Coast State Beach, Trail Rehabilitation and Development

Action Requested

The requested action will recognize a scope change for this project.

Scope Description

This project is not within scope. The project consists of providing a safe pedestrian trail and rehabilitating existing coast beach access trails. The project will also repair/replace worn-out or missing signs, comfort facilities, interpretive panels, steps and erosion control devices. The proposed scope change would decrease the amount of pedestrian trail being constructed or repaired from 25,000 linear feet to 7,500 linear feet of trail (including 1,000 l.f. of accessible trail) and 1,100 l.f. of boardwalk. Also, the number of trail bridges would be reduced from four to three. These changes are proposed in order to minimize impacts to quality native plant communities and designated wetlands that were identified in on-site reviews during preliminary plans. The resulting project will still provide improve visitor service and coastal access, while protecting the natural and cultural resources. A scope change letter was sent to the Legislature on June 8, 2001. On June 26, 2001, the JLBC sent a letter raising concerns with this project. A second scope change letter was sent to the Legislature on August 24, 2001, without comment.

Funding and Project Cost Verification

This project is not within cost. Based on a rough estimate the costs associated with scope change, construction costs will increase by a net amount of \$9,000 or 2.1 percent of the construction cost. The decrease in the amount of trail and bridge work, along with the higher unit cost for the additional boardwalks, results in estimated savings of about \$88,000 in construction contract costs. However, contractor markup items, such as, general conditions and overhead/profit were inadvertently omitted from prior project estimates. When these costs are included, we estimate a small increase in total project cost of about \$9,000. Any cost increase will be formally recognized at preliminary plan approval when an official estimate is available.

\$762,000	total estimated project costs
\$152,000	project costs previously allocated: Study phase \$31,000; preliminary plans \$121,000
\$601,000	project costs to be allocated: working drawings \$44,000 and construction \$557,000 (\$421,000 contract, \$30,000 contingency, \$55,000 A&E, \$51,000 agency retained) Adjusted to current CCCI 4019 as recognized in the 2001-02 Governor's Budget.
\$9,000	estimated cost increase

CEQA

This action does not require completion of CEQA process. This will be accomplished prior to approval of preliminary plans.

Project Schedule

The project schedule is as follows:

Approve preliminary plans	October 2001
Approve working drawings	March 2002
Complete construction	January 2003

Staff Recommendation: Recognize scope change.

CONSENT ITEMS

CONSENT – ITEM 18

UNIVERSITY OF CALIFORNIA (6440)
DAVIS CAMPUS, YOLO COUNTY
Tower II Phase 2

Authority: Chapter 52/00, Item 6440-301-0001 (2)

a. Approve preliminary plans

APPROVED.

CONSENT ITEMS

STAFF ANALYSIS – ITEM 18

University of California, Davis
Tower II Phase 2

Action Requested

The requested action will approve preliminary plans for this project.

Scope Description

This project is within scope.

The Tower II Phase 2 project will construct interior improvements and mechanical systems in 46,200 gsf and 28,200 asf on two shelled floors of the UCDMC Tower II building. The third floor will house the Obstetrics Program; the fourteenth floor will house adult medical/surgical patients.

Funding and Project Cost Verification

\$19,971,000 total estimated project cost.

\$4,294,000 project costs previously allocated: preliminary plans \$1,073,000 (Hospital Reserves), working drawings \$1,426,000 (Hospital Reserves), construction \$1,795,000 (\$1,692,685 contract, \$50,260 contingency, \$52,055 A& E) (Hospital Reserves) at CCCI 4019.

\$15,677,000 project costs to be allocated: construction \$15,677,000 (\$14,783,411 contract, \$438,956 contingency, \$454,633 A & E) (\$1,532,000 -- Hospital Reserves, \$9,145,000 -- State Funds – lease revenue bonds, \$5,000,000 --State funds – General Fund) at CCCI 4019.

CEQA

The University certifies that this project is in compliance with CEQA.

Project Schedule

The project schedule is as follows:

Approve working drawings: September 2001
Complete construction: February 2002

Staff Recommendation: Approve preliminary plans.

CONSENT ITEMS

CONSENT – ITEM 19

UNIVERSITY OF CALIFORNIA (6440)
UNIVERSITY WIDE, CONTRA COSTA COUNTY
Northern Regional Library Facility, Phase 3

Authority: Chapter 52/00, Item 6440-301-0574(1)

a. **Approve preliminary plans**

APPROVED.

CONSENT ITEMS

STAFF ANALYSIS – ITEM 19 University of California, University wide Northern Regional Library Facility, Phase 3

Action Requested

The requested action will approve preliminary plans and release of working drawing funds for this project.

Scope Description

This project is within scope.

The project will construct the third of six projected phases at the Northern Regional Library Facility at the Richmond Field Station. The addition will provide new shelving area with a capacity of 2.2 million volumes, associated support space and mechanical systems and expansion to the reading room.

Funding and Project Cost Verification

\$18,507,000 total estimated project cost.

\$810,000 project costs previously allocated: preliminary plans \$810,000.

\$17,697,000 project costs to be allocated: working drawings \$1,033,000, construction \$16,177,000 (\$14,916 contract, \$719,000 contingency, \$542,000 A&E) at CCCI 4019 and equipment \$487,000 at EPI 2564.

CEQA

The University certifies that this project is in compliance with CEQA.

Project Schedule

The project schedule is as follows:

Approve working drawings: July 2002

Complete construction: October 2003

Staff Recommendation: Approve preliminary plans and release of working drawing funds.

ACTION ITEMS

ACTION – ITEM 20

DEPARTMENT OF GENERAL SERVICES (1760)
STATE COASTAL CONSERVANCY (3760)
BANK, VENTURA COUNTY
Project Number SCC 105D, Permit No. CDP 181-31

- a. **Authorize acquisition of a public access easement and passive recreational use through acceptance of an Offer to Dedicate**

APPROVED.

ACTION ITEMS

STAFF ANALYSIS – ITEM 20

Department of General Services
State Coastal Conservancy
Bank, Offer to Dedicate Public Access Easement

Action requested

The requested action will authorize acquisition of a public access easement and passive recreational use through acceptance of an Offer to Dedicate.

Irrevocable Offer to Dedicate

The Coastal Commission granted conditional development Permit Number 181-31 on August 25, 1978, for the installation of rock revetment to protect an existing single family dwelling in the coastal zone. The conditional permit required the property owner to record an irrevocable Offer to Dedicate (OTD) a public access easement over the property in the form of a Irrevocable Offer to Dedicate. This OTD expires, if not accepted within 21 years of its creation. This OTD will expire on October 2, 2001, unless accepted by a qualified governmental entity or non-profit organization. The State Coastal Conservancy approved a Resolution to accept the subject OTD on June 25, 2001.

Terms and Restrictions

This OTD is an ambulatory sandy beach lateral that is 25 feet inland from the mean high tide line that will be used for public access and passive recreational use. The property is located in the Mussel Shoals Community, a beachfront residential area in northern Ventura County. It consists mainly of single family houses built between Highway 101 and the ocean, and is accessible directly from the freeway. The residential lots front directly on to the beach, separated only by seawalls or revetments. The public has access to the beach property is from a parking lot at the base of a nearby oil pier.

Cost

Other than potential inspections of the property for compliance with the terms of the OTD, the only costs associated with acceptance of this OTD are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on July 13, 2001, and the waiting period expired on August 17, 2001.

Other

- No structures are ever to be erected within the easement.
- The easement is along the ocean front boundary 25 feet from the mean high tide line, but not closer to the residence than the top of the revetment.

Staff Recommendation: Adopt a resolution authorizing acquisition of a public access easement through acceptance of an Offer to Dedicate.

ACTION ITEMS

ACTION – ITEM 21

**DEPARTMENT OF GENERAL SERVICES (1760)
STATE COASTAL CONSERVANCY (3760)
SCHOEFER, MENDOCINO COUNTY**

- a. **Authorize acquisition of public access easement through acceptance of an offer to dedicate**

APPROVED.

ACTION ITEMS

STAFF ANALYSIS – ITEM 21

Department of General Services
State Coastal Conservancy, Schoefer

Action requested

The requested action will authorize site selection and acquisition consistent with the staff analysis.

Irrevocable Offer to Dedicate

The Coastal Commission granted Coastal Development Permit Number 80-CC-122 on July 9, 1980, for the proposed division of the subject parcel into four (4) parcels. The permit required the property owner to record an irrevocable Offer to Dedicate (OTD) a public access easement over the property. Although only one of the OTD's is due to expire this year, the five are interrelated. This OTD is irrevocable for a period of twenty-one years. The OTD will expire on October 6, 2001 (from the date of recordation), unless it is accepted by the State of California or an approved local governmental agency. On August 2, 2001, the Coastal Conservancy voted unanimously to accept this OTD.

Terms and Restrictions

The Conservancy authorized acceptance of the OTD's, but also acknowledged the current unfeasibility of opening the easements to public use. An access way that provides not only a longer trail, but also a more efficient pattern for pedestrian access to this location is needed. The current configuration of the lateral easements makes public use infeasible, and staff does not believe the easements should be opened for public use at this time. Under terms of two of the OTD's, the accepting agency must enter into an agreement with the current owners of the vertical and lateral "Schoefer" easements to maintain the trail and to indemnify and hold the landowners harmless before those easements can be opened to the public. Acceptance of the Schoefer Lane easements at this time would preserve opportunities for future public access, should additional property interests be acquired or dedicated, or should physical changes to the landscape permit feasible use of the easements at a later date. It is the Conservancy's intention to hold the easements without developing any improvements on them, until it becomes feasible to construct improvements and open them to the public.

Cost

Other than potential inspections of the property for compliance with the terms of the OTD, the only costs associated with acceptance of this OTD are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on August 8, 2001, and the waiting period expires on September 12, 2001.

Project Schedule

The project schedule is as follows:

The anticipated acquisition is September 2001.

Staff Recommendation: Authorize site selection and acquisition consistent with the staff analysis.

ACTION ITEMS

ACTION – ITEM 22

DEPARTMENT OF GENERAL SERVICES (1760)
STATE COASTAL CONSERVANCY (3760)
POLACCO, SANTA BARBARA COUNTY
Project Number SCC 104D, Permit Number CDP 307-28

- a. **Authorize acquisition of a public access easement and passive recreational use through acceptance of an Offer to Dedicate**

PULLED.

ACTION ITEMS

STAFF ANALYSIS – ITEM 22

Department of General Services
State Coastal Conservancy
Polacco, Offer to Dedicate Public Access Easement

Action requested

The requested action will authorize site selection and acquisition consistent with the staff analysis.

Irrevocable Offer to Dedicate

The Coastal Commission granted Coastal Development Permit Number 307-28 on June 10, 1980, for covering and inclosing an existing sundeck. The permit required the property owner to record an irrevocable Offer to Dedicate (OTD) a public access easement over the shoreline portion of the property, between the toe of the bluff and the tideline. This OTD is irrevocable for a period of twenty-one years. The OTD will expire on September 25, 2001 (21 years from the date of recordation), unless it is accepted by the State of California or an approved local governmental agency. On June 25, 2001, the State Coastal Conservancy voted unanimously to accept this OTD.

Terms and Restrictions

This OTD lies along the sandy beach from the mean high tide line to the toe of the bluff (not the bluff), which is approximately 150 feet high. The beach where the OTD is located is largely private, but there are no private property signs and it is used for public access and passive recreational use along the shoreline only. The public can access the beach from nearby Arroyo Burro Beach County Park that lies approximately 1.5 miles down coast from this site. No improvements are needed to make this piece of beach accessible to the public, and it should be allowed to remain in its natural condition. Acceptance of the Polacco OTD in Santa Barbara is consistent with the city's Coastal Plan for public access.

Cost

Other than potential inspections of the property for compliance with the terms of the OTD, the only costs associated with acceptance of this OTD are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on July 13, 2001, and the waiting period expired on August 17, 2001.

Project Schedule

The project schedule is as follows:

The anticipated acquisition is September 2001.

Staff Recommendation: Authorize site selection and acquisition consistent with the staff analysis provided to the Board.

ACTION ITEMS

ACTION – ITEM 23

DEPARTMENT OF GENERAL SERVICES (1760)
STATE COASTAL CONSERVANCY (3760)
RANSOHOFF, MONTEREY COUNTY
Project Number SCC 106D, Permit Number CDP P-80-113

- a. **Authorize acquisition of public access easement through acceptance of an Offer to Dedicate**

APPROVED.

ACTION ITEMS

STAFF ANALYSIS – ITEM 23

Department of General Services
State Coastal Conservancy
Ransohoff, Offer to Dedicate Public Access Easement

Action requested

The requested action will authorize acquisition of public access easement through acceptance of an offer to dedicate.

Irrevocable Offer to Dedicate

The Coastal Commission granted Coastal Development Permit Number P-80-113 on July 28, 1980 for the construction of a single family dwelling, driveway and well. The permit required the property owner to record an irrevocable Offer to Dedicate (OTD) a public access easement over the beach, extending from the base of the south facing slope to the mean high tide line. This OTD is irrevocable for a period of twenty-one years. The OTD will expire on October 12, 2001 (from the date of recordation), unless it is accepted by the State of California or an approved local governmental agency. On June 25, 2001, the Coastal Conservancy voted unanimously to accept this OTD.

Terms and Restrictions

This OTD is a beach lateral along a 30 acre parcel located on a remote pocket beach called "Wreck Beach." The lateral runs from the mean high tide line to the base of the south facing bluff. Public access to the beach is not currently possible because the road and trail that access the beach are not owned by the permit applicant, and lie on private property. Wreck Beach has hazardous conditions and the trail down to it is considered dangerous. Access should not be permitted unless the accessway is greatly improved through an access program. A condition of the Coastal Commission permit states that the permittee must agree to participate in any access program in any form that the certified Local Coastal Program designates for Pias Road which is access to the road/trail to Wreck Beach. It is the intention of the Coastal Conservancy to transfer the ownership of the OTD to Monterey County when they complete an access plan.

Cost

Other than potential inspections of the property for compliance with the terms of the OTD, the only costs associated with acceptance of this OTD are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on July 13, 2001, and the waiting period expired on August 17, 2001.

Project Schedule

The project schedule is as follows:

The anticipated acquisition is September 2001.

Staff Recommendation: Authorize acquisition of a public access easement through acceptance of an offer to dedicate.

ACTION ITEMS

ACTION – ITEM 24

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF PARKS AND RECREATION (3790)
MACKERRICHER STATE PARK
DPR Project Number 190D, Permit Number 79-CC-302

- a. **Authorize acquisition of public access easement through acceptance of an offer to dedicate**

APPROVED.

ACTION ITEMS

STAFF ANALYSIS – ITEM 24

Department of General Services, Department of Parks and Recreation
MacKerricher State Park

Action Requested

The requested action will authorize acquisition of a public easement through acceptance of an offer to dedicate.

Coastal Development Permit

The Coastal Commission granted conditional Permit Number 79-CC-302 to Ronald N. Aurswald for the proposed development of his single family dwelling on property within the coastal zone. On September 22, 1980 in accordance with the conditional permit, the property owner recorded an Offer to Dedicate (OTD) an easement for Public Access and Passive Recreational Use along the shoreline. The OTD expires, if not accepted within 21 years of its creation. This OTD will expire on September 21, 2001 unless accepted by an appropriate governmental or non-profit organization.

Terms and Restrictions

The OTD grants a 1/31 interest in an easement for public access and recreational use along the shoreline adjacent to a private subdivision containing 31 lots. The shoreline parcel consists of 8.5 acres and would be contiguous with MacKerricher State Park's most northerly boundary at Ten Mile River.

Cost

The only costs associated with accepting this OTD are staff costs to process the acceptance. No significant future costs have been identified with the acceptance of this OTD.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on July 10, 2001, and the waiting period expired on August 14, 2001.

Other

- A total of 17 OTDs have been made for interests in this property. All contain identical language except this OTD, which included an inserted clause stating “Acceptance of this easement relieves Grantor (Ronald N. Aurswald) of any and all present or future liabilities arising from its use.” Only the property owner initialed this clause and we are uncertain as to when it was inserted. It appears that civil code provides the same protection as this interline action so the State is not exposed to any greater liability as a result of this statement.
- The PWB will be asked to accept the remaining 16 OTDs in future months. PWB staff has not completed the review of these requests and the expiration of the OTDs permit additional review time.
- DPR indicates that approval of this acquisition will not obligate the state to additional operating costs.

Staff Recommendation: Authorize acquisition of public access easement through acceptance of an offer to dedicate consistent with the staff analysis.

ACTION ITEMS

ACTION – ITEM 25

CALIFORNIA HIGHWAY PATROL (2720)
LOS ANGELES COUNTY
Santa Fe Springs Replacement Facility

Authority: Chapter 106/01, Item 2720-301-0044 (2)

- a. **Approve project termination**
- b. **Approve reversion** **\$1,985,000**

APPROVED.

ACTION ITEMS

STAFF ANALYSIS – ITEM 25

CHP Santa Fe Springs Replacement Facility

Action Requested

The requested action will approve project termination and reversion of funds for this project.

Scope Description

This project is within scope. The project consists of acquiring a 3.0 acre site for the construction of a 21,827 SF CHP office. Project scope includes parking, fencing, flagpole, fuel island with underground tank and canopy, emergency generator with building, landscaping and utilities.

Funding and Project Cost Verification

This project is not within cost. Prior to passage of the 2001 Budget Act, the Department of General Services completed a budget package for this project. The fiscal estimate included with this budget package was 45 percent higher than the original project estimate. Project costs cannot be reduced sufficiently to stay within budget without impairing CHP's ability to deliver program services. Legislative notification was provided on July 18, 2001, without comment.

\$6,958,000 total estimated project costs

\$1,985,000 total funds appropriated (preliminary plans and working drawings)

\$1,985,000 reversion

CEQA

N/A

Project Schedule

N/A

Staff Recommendation: Approve project termination and reversion of funds.

ACTION ITEMS

ACTION – ITEM 26

CALIFORNIA HIGHWAY PATROL (2720)
SAN DIEGO COUNTY
San Diego Area Office - Building Alterations

Authority: Chapter 106/01, Item 2720-301-0044 (3)

- a. **Approve project termination**
- b. **Approve reversion** **\$174,000**

APPROVED.

ACTION ITEMS

STAFF ANALYSIS – ITEM 26

CHP San Diego Area Office – Building Alterations

Action Requested

The requested action will approve project termination and reversion of funds for this project.

Scope Description

This project is within scope. The project consists of renovating the CHP field office located in San Diego. Renovation includes relocating the vehicle service function to a new metal building, and enclosing the existing vehicle service area to increase usable office space. Renovation would include ADA plumbing modifications, hazardous materials abatement, new floor and wall finishes, and expansion of men's and women's restroom/locker facilities. Site work includes a canopy for motorcycle parking cover, parking lot refinishing, and entry and exit gates for secure parking.

Funding and Project Cost Verification

This project is not within cost. Prior to passage of the 2001 Budget Act, the Department of General Services completed a budget package for this project. The fiscal estimate included with this budget package was 41% higher than the original project estimate. Project costs cannot be reduced sufficiently to stay within budget without impairing CHP's ability to deliver program services. Legislative notification was provided on July 18, 2001, without comment.

\$1,632,000 total estimated project costs

\$174,000 total funds appropriated (preliminary plans and working drawings)

\$174,000 reversion

CEQA

N/A

Project Schedule

N/A

Staff Recommendation: Approve project termination and reversion of funds.

ACTION ITEMS

ACTION – ITEM 27

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF MENTAL HEALTH (4440)
SEXUALLY VIOLENT PREDATOR FACILITY, FRESNO COUNTY

Authority: Chapter 324/98, Item 4440-301-0001 (1.1)
Chapter 50/99, Item 4440-301-0660 (1)
Chapter 52/00, Item 4440-301-0001 (1.5)
Chapter 106/01, Item 4440-301-0660 (1)

- a. **Adopt a Resolution of Necessity authorizing the use of eminent domain (condemnation) to acquire outstanding mineral interests in state owned property (Parcel numbers 085-020-12, 13 and 14) consisting of approximately 320 acres in Fresno County for use by the Department of Mental Health**

APPROVED, WITH MODIFICATIONS TO THE RESOLUTION.

ACTION ITEMS

STAFF ANALYSIS – ITEM 27

Department of General Services, Department of Mental Health,
Sexually Violent Predator Facility, Parcel 085-020-12, 13, 14

Action Requested

Adopt a Resolution of Necessity authorizing the use of eminent domain (condemnation) to acquire mineral interests in state owned property (Parcel numbers 085-020-12, 13 and 14) consisting of approximately 320 acres in Fresno County, for use by the Department of Mental Health.

Scope Description

This project is within scope. The overall purpose of the project is to design and construct a new mental health facility for the treatment and rehabilitation of Sexually Violent Predators (SVP's) in a secure environment that protects the public, staff, and the patients. The project includes 1,148,851 gross square feet (gsf) of building area and infrastructure development. The maximum-security psychiatric hospital facility includes 74,370 gsf of administration, 850,722 gsf of clinical services and program, 157,041 gsf of support services, 31,115 gsf of plant operations space, and a maximum-security perimeter system. The required infrastructure developments include site grading, an electrical substation, a wastewater treatment plant, roadways and drainage systems.

The site selected for the construction of the SVP facility is state owned property adjacent to the Pleasant Valley State Prison in Coalinga, Fresno County. The state acquired fee title to this property in the early 1990's for the purpose of constructing the Pleasant Valley State Prison, but it did not acquire the outstanding mineral right interests. On December 8, 2000, the State Public Works Board approved site selection, and recognized the need to acquire the outstanding mineral interests that include the surface rights of entry and also the subsurface mineral

interests. Acquisition of the mineral interests is necessary to ensure that the operation of the facility cannot be interrupted by future onsite extraction and/or exploration of minerals. This is especially important since the SVP facility is being financed with lease revenue bonds and recently the presence of outstanding mineral interests has become a disclosure matter and their presence has precluded refunding the Pleasant Valley State Prison.

The Department of General Services (DGS) contracted with an investigator to locate the owners, and contracted with a geologist to assist it in ascertaining the market value of the mineral interests. The investigator located 34 (fractional) owners of mineral interests and 13 owners of royalty interest on the property. Based on the market and geologic data, in June 2001, DGS sent formal offer letters to all located owners. Many owners declined to sell at the offered price and others declined to sell at any price; sales have been negotiated with those owners who opted to sell.

By law the owner of mineral rights has the legal ability to utilize as much of the land surface as needed to economically develop the mineral estate; such rights are generally superior to the property rights held by the owner of the land. In addition, the owner of the mineral interests need not compensate the owner of the land for loss in use or damage to structures caused by the mineral development activities. Consequently, the State, as owner of the land, needs to acquire these outstanding mineral interests to ensure the Department of Mental Health's unfettered right to use and occupy the SVP facility without interruption of ongoing operations.

In order to adopt the Resolution of Necessity that is required to initiate the eminent domain (condemnation) proceedings, the Board must consider and find the following:

1. The public interest and necessity require the proposed project;
2. The proposed project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury;
3. The property described in the resolution is necessary for the proposed project; and
4. That either a just and fair offer of purchase was made in accordance with
5. Government Code Section 7267.2 or the offer has not been made because the owner cannot be located with reasonable diligence.

In addition to the statements that will be made by representatives of the Department of Mental Health and the Department of General Services relative to the factual support for the above elements, information materials are also included as attachments to this agenda item.

CEQA

A Notice of Determination was filed with the State Clearinghouse on October 6, 2000, and the waiting period expired on November 6, 2000.

Other

- The land adjacent to the Pleasant Valley State Prison upon which the SVP facility will be built was originally included in the legal description of the prison. On May 11, 2001, the State Public Works Board approved the execution of the first amendment to the facility lease and the first amendment to the site lease for the prison, to "carve-out" from the leases the land on which the SVP facility will be constructed.
- The DGS and the Department of Corrections are taking steps to acquire the outstanding mineral interests on the state owned property on which the Pleasant Valley State Prison is located in order to allow for the potential refunding of the outstanding debt.
- All know property owners were given written notice of the hearing as required by Code of Civil Procedure Section 1245.235.
- There is no relocation assistance involved with the acquisition of the mineral interests.

Staff Recommendation: Adopt a Resolution of Necessity authorizing the use of eminent domain (condemnation) to acquire mineral interests in state owned property (Parcel numbers 085-020-12, 13 and 14) consisting of approximately 320 acres in Fresno County, for use by the Department of Mental Health.

OTHER BUSINESS

1. **Recognition of Outstanding Service to the State Public Works Board – James E. Roberts, representative of the Department of Transportation.**

REPORTABLES

To be presented at meeting.

Respectfully Approved,

JAMES E. TILTON
Administrative Secretary