



CALIFORNIA STATE
PUBLIC WORKS BOARD

ARNOLD SCHWARZENEGGER, GOVERNOR

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STATE PUBLIC WORKS BOARD
March 10, 2006 Meeting
MINUTES

PRESENT:

Ms. Anne Sheehan, Chief Deputy Director, Department of Finance
Mr. Ron Joseph, Director, Department of General Services
Ms. Cindy McKim, Deputy Director, Department of Transportation

ADVISORY MEMBER:

Director, Employment Development Department

LEGISLATIVE ADVISORS:

Assembly Member
Assembly Member Wilma Chan
Assembly Member Lloyd E. Levine
Senator Gilbert Cedillo
Senator Wesley Chesbro

STAFF PRESENT:

Theresa Gunn, Assistant Administrative Secretary, Public Works Board
Matt Schuller, Budget Analyst, Department of Finance
Stephen Benson, Budget Analyst, Department of Finance
Deborah Cregger, Legal Advisor, Department of General Services

OTHERS PRESENT:

Liz Steller, Department of Parks and Recreations
Shelley Petavini, California Community Colleges
Delilah Andreatta, Department of Parks and Recreations
Liz Yokoyama, Department of General Services
Darlene Masten, California Department of Corrections and Rehabilitation
Phil Osborne, State Treasurer's Office
Sabrina Winn, Department of General Services, RESD, PSB
Irene, Department of Forestry and Fire Protection
Marianne Wetzel, Department of General Services

CALL TO ORDER AND ROLL CALL:

Ms. Anne Sheehan, Chief Deputy Director for the Department of Finance called the meeting to order at 11:10 a.m. Theresa Gunn, Assistant Administrative Secretary for the State Public Works Board, called the roll. A quorum was established.

The minutes from the February 10, 2006 meeting were approved

BOND ITEMS:

No Bond Items

CONSENT CALENDAR:

Ms. Gunn first reported that Consent Item #5 regarding Patton State Hospital in connection with the sale of surplus property had been pulled from the Agenda.

Ms. Sheehan questioned if this Item will be coming back at the next regular meeting in April.

Ms. Gunn answered that this was likely to happen. She then summarized the consent calendar which covered Consent Items #1 through #4 and #6 through #12 that proposed:

- 1 request to authorize the acquisition of real property through the acceptance of a gift., [1]
- 2 requests to authorize an acquisition, [2,4]
- 1 request to authorize the acquisition of real property through the acceptance of a no cost acquisition, [3]
- 1 request to approve preliminary plans and a reversion, [6]
- 1 request to approve an augmentation , [7]
- 1 request to approve augmentation for working drawings and recognize an anticipated deficit to construction, [8]
- 1 request to approve the use of Inmate/Ward Labor and an augmentation, [9]
- 2 requests to approve preliminary plans, [10,11]
- 1 request to approve scope change and local cost increase, [12]

There were **two** 20-day letters for Items #8 and #12.

1) Item # 8, DEPARTMENT OF MENTAL HEALTH RE: Patton State Hospital, in San Bernardino County

This project is to Renovate the Admission Suite, Fire Life Safety, and Environmental Improvements and Seismic Retrofit, Phases II and III, EB Building:

—The notice was to approve an Augmentation for Working Drawings and Recognize an anticipated deficit to construction—

The letter was sent to the Joint Legislative Budget, Senate Appropriations, and the Assembly Appropriation Committees on February 23, 2006 and would expire after March 15, 2006. The approval of this item was contingent on the expiration of the 20-Day period without comment.

2) Item # 9, CALIFORNIA COMMUNITY COLLEGES RE: West Los Angeles College, in Los Angeles County

The project is to build a Science Complex

—The notice was to approve scope change and local cost increase—

The letter was sent to the Joint Legislative Budget, Senate Appropriations, and the Assembly Appropriation Committees on February 23, 2006 and would expire after March 15, 2006. The approval of this item was contingent on the expiration of the 20-Day period without comment.

Ms. Gunn further stated that in summary staff recommended approval of the **Consent Calendar** consisting of Items #1 thru #4 and #6 thru #12.

Ms. Sheehan asked if there was any public comment on any of these Items.

There was no response.

Ms. Sheehan further asked if there had been any discussion about either of the two 20-day letters that were sent.

Ms. Gunn answered that a discussion had happened between the JLBC and staff regarding questions about the Patton State Hospital Project (Consent Item #5). Specifically about whether to scrap the project and start over with a new one or continue with the present plans due to increasing cost increases. Current projections of starting anew would run double what is currently projected to spend on the Patton Project.

Ms. Sheehan then asked if the LAO was informed of this discussion.

Ms. Gunn answered that they had been and have since called and met with PWB staff about additional questions that staff has been resolving answers to.

A motion was made by Mr. Joseph and Second by Ms. McKim to approve the Consent Calendar

The Consent Calendar was approved by a 3-0 vote.

ACTION ITEMS:

Ms. Gunn reported about Item #13 which deals with the New Fifth Appellate District Courthouse in Fresno. The State Acquisition Agreement provides for a Declaration of Master Plan Covenants, Conditions and Restrictions (CC&Rs) for the Project to be recorded on the entire property including the Courthouse Site, the Parking Site and the Developer Property (including building sites and common area totaling approximately 9.72 acres) in the redevelopment Master Plan Area. The CC&Rs were for items such as landscaping maintenance, use of common areas, and improvements within the common areas. This issue had been brought before the Board as an Action Item because the state had not entered into CC&Rs in the past. Ms. Gunn recommended approval of the CC&Rs as they were not harmful to the state and would enable the state, city, and developer to work together to benefit the redevelopment of this area. This action was to authorize approval of Covenants, Conditions and Restrictions consistent with the staff analysis. A representative from the Department of General Services was there to answer in-depth questions if the Board wished.

Ms. Sheehan asked if the Board had any questions about this Action Item.

There was no response.

Ms. Sheehan further stated that she was comfortable with the Staff's recommendation that there would be no problems with CC&R's

Ms. Gunn said that Staff believes that the CC&R's were **diminutive**.

A motion was made by Ms. McKim and Second by Mr. Joseph to approve Action Item #13

Action Item #13 was approved by a 3-0 vote.

REPORTABLES:

Ms. Gunn told the Board that there were **eight** reportable items for this month that staff had approved under authority delegated by the Board.

OTHER BUSINESS:

Ms. Sheehan asked if there were any other business for the board.

Ms. Gunn answered that there was. The Board is asked by Staff to adopt a Resolution authorizing the execution of a contract with a Nationally Recognized Bond Counsel firm. The purpose of this was to assist and advise the Board staff on complex financing, real estate, and federal tax issues. The contract would be up to three years in length. Due to the specialized nature of the services to be rendered, staff recommended exempting the contract from Disabled Veteran Business Enterprise requirements. Consent to contract out from Attorney General's Office had been obtained. Based on proposals received in response to a Request for Qualifications, staff recommended awarding a contract to Squire Sanders & Dempsey LLP, at a cost of \$75,000, pending receipt of approval from the Governor's Office. Ms. Gunn reported that Staff intended to award up to two more contracts in the future with the Board's approval.

1. Squire Sanders & Dempsey LLP \$75,000

A motion was made by Mr. Joseph and Second by Ms. McKim to approve the Resolution.

The Resolution was approved by a 3-0 vote.

NEXT MEETING:

Ms. Gunn and Ms. Sheehan concluded that the next regularly scheduled meeting was set for:

**Friday, April 14, 2006, at 10:00 AM, State Capitol, Room 112.
(not February 14, 2006)**

Ms. Gunn noted as well that a special meeting was scheduled for:

Friday, March 24, 2006, at 10:00 AM, State Capitol, Room 3191.

Chair: ADJOURNMENT (the chair adjourns the meeting)

End at 11:20 AM

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CONSENT ITEM

CONSENT ITEM – 1

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF FORESTRY AND FIRE PROTECTION (3540)
CASPAR CREEK DONATION, MENDOCINO COUNTY
CDF Parcel Number 501A, DGS Parcel Number 10413

Authority: Section 4701-4703 of Public Resources Code

Authorize the acquisition of real property through the acceptance of a gift

APPROVED: 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM – 1

Department of General Services
Department of Forestry and Fire Protection
Caspar Creek Donation

Action requested

The requested action will authorize the acquisition of real property through the acceptance of a gift.

Scope Description

This project is within scope. The Department of Forestry and Fire Protection (CDF) has been offered a gift of approximately 28 acres of land in fee that essentially lies within 100 feet on either side of the centerline of Caspar Creek in Mendocino County for a total of 200 feet in width by approximately one mile in length. The CDF will also acquire an easement that falls within a 200 foot wide strip of land with its centerline being 100 feet each side of the thread of Caspar Creek to accommodate the natural movement of the creek bed. The gifted property is bounded by Jackson Demonstration State Forest on the east and Highway 1 on the west, and contains the thread of Caspar Creek as it crosses the donor's property. The property owner is donating the property for the purposes of furthering CDF's ongoing watershed research study and monitoring activities at Caspar Creek. The property being gifted represents the remaining privately-owned stream channel and adjacent riparian woodland zone along the creek; the state currently owns the immediately adjacent up- and downstream portions of the creek. The creek is considered an important North Coast watershed for anadromous fisheries and securing ownership of this reach will facilitate restoration of the creek.

Funding and Cost Verification

This project is within cost. The only costs associated with this gift of property are administrative costs and title and escrow fees. The owner has agreed to pay up to \$5,000 for costs associated with this donation, in addition to the title and escrow fees.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on October 25, 2005, and the 35-day statute of limitations expired on November 29, 2005.

Project Schedule

The project schedule is as follows:

Anticipated close of escrow: March 2006

Condition of Property

On December 1, 2005, staff from the Department of General Services Environmental Services Section (DGS-ESS) conducted a site survey of the proposed acquisition of approximately 28 acres of land on the lower reach of Casper Creek, Mendocino County. The purpose of the acquisition is to secure the remaining privately-owned stream channel and adjacent riparian woodland zone along the creek; the state currently owns the immediately adjacent up- and downstream portions of the creek. Casper Creek is considered an important North Coast watershed for anadromous fisheries; securing ownership of this reach will facilitate restoration of the creek.

The subject parcel consists entirely of active stream channel and a 100-200 foot wide band of riparian woodland on each side of the channel. This reach of Casper Creek is deeply incised in a narrow canyon. The walls of the canyon are essentially the boundary of the acquisition area. While the parcel has been subject to disturbance from past logging activities on the hillsides above the creek, there is no history of industrial or developed uses occurring within the area proposed for acquisition. Immediately downstream of the parcel is the site of a historic timber mill, but the few remnants that still exist from this mill do not extend into this parcel.

Although the parcel is nearly inaccessible because of the density of vegetation and steep canyon sides, there was no evidence of debris or abandoned equipment that is sometimes present in these settings. The creek bottom supports an exceptional canopy of riparian woodland over its entire length. The upstream boundary is directly adjacent to Jackson Demonstration State Forest; the lower reach is directly adjacent to property either owned or under consideration by the Department of Parks and Recreation/State Coastal Conservancy.

Because of the remote and undeveloped nature of the parcel, a formal preliminary site assessment was not considered necessary for this acquisition. A review of historical materials, interviews with current land managers, and the site survey conducted by DGS-ESS staff found that the property has no short or long-term liabilities, or conditions that should be addressed/disclosed at this time.

Other

- The site is vacant and unimproved, and relocation assistance is not applicable.
- The CDF is not aware of any lawsuits pending concerning the property.
- Pursuant to Section 4701 of the Public Resources Code (PRC), the State Board of Forestry recommended the acquisition of the property.
- Pursuant to Section 4703 of PRC, the Attorney General, by means of a letter dated January 4, 2006, approved the title to be conveyed.
- Title insurance will be obtained and title to the property will be free and clear of any mortgages or liens.
- The CDF will manage the property through its existing land management program.

Staff Recommendation: Authorize the acquisition of real property through the acceptance of a gift

CONSENT ITEM

CONSENT ITEM – 2

**DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF PARKS AND RECREATION (3790)
MONTGOMERY WOODS STATE RESERVE, COOK (SAVE-THE-REDWOODS LEAGUE),
MENDOCINO COUNTY**
DPR Parcel Number 008406-77, DGS Parcel Number 10412

Authority: Chapter 157/03, Item 3790-301-6029(10)

Authorize acquisition

APPROVED: 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM – 2

Department of General Services
Department of Parks and Recreation
Montgomery Woods State Reserve, Cook (Save-the-Redwoods League)

Action requested

The requested action will authorize acquisition consistent with staff analysis.

Scope Description

This project is within scope. The Legislature has approved funding from Proposition 40 (California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002) for new state park system acquisitions without specifying particular parcels. This request will authorize the fee acquisition of approximately 140 acres of land (consisting of two parcels) in assessor's parcels that are contiguous to the Montgomery Woods State Reserve. The combined acquisition of the two Cook parcels will serve to expand the northern boundaries of the Montgomery Woods State Reserve, remove a private in-holding, and provide a direct connection to the Ross property to the northeast. The Ross property is another proposed Department of Parks and Recreation (DPR) acquisition scheduled to close escrow in March 2006. These combined acquisitions will add to the state's inventory of interior coastal habitats of redwood forest and oak woodland.

Funding and Cost Verification

This project is within cost. Chapter 157/03, Item 3790-301-6029 (10) provides a total of \$35,000,000 for the acquisition of high priority parcels of land. The balance of the appropriation is sufficient to acquire the subject property in accordance with legislative intent.

\$513,000 total acquisition costs

\$2,000 project costs previously allocated (Department of General Services, or DGS, staff costs)

\$511,000 project costs to be allocated: \$500,000 acquisition and approximately \$11,000 in overhead costs (title, escrow, and remaining DGS staff costs).

CEQA

A Notice of Exemption was filed with the State Clearinghouse on January 3, 2006, and the 35-day statute of limitations expired on February 7, 2006.

Project Schedule

The project schedule is as follows:

The anticipated close of escrow is March 2006.

Condition of Property

The DGS Environmental Services Section (ESS) staff conducted a site survey of the proposed acquisition of the two Cook properties on Orr Road west of Ukiah in Mendocino County on December 1, 2005. The two nearly contiguous parcels are situated at the northern boundary of Montgomery Woods State Reserve.

The smaller Cook parcel, which is approximately 20 acres, is situated on steeply-sloping terrain directly north of the county road. This parcel is an in-holding just inside the western edge of the state reserve. The majority of the parcel consists of second-growth coniferous forest (redwoods, firs, oaks, etc.). The parcel contains a narrow, unimproved, and overgrown driveway leading from the county road up to the remains of a small, two-room, wood-frame cabin near the middle of the site. The access road is stable and is not a source of erosion or potential slope failure. The cabin has been stripped of all interior improvements, roofing, windows, and other materials that could contain hazards or present a nuisance for the DPR to maintain. There is no evidence the cabin had any fuel storage tanks or septic system. The wood in the cabin may have salvage value for use in other DPR facilities, and is not recommended to be removed. A small (10'x10') historic household trash pit is situated near the edge of the property; however, this site may be in the county road right-of-way. This will be verified prior to acquisition. Based on the materials lying at the surface, the trash pit may have modest value for potentially-important historic debris. However, this is not an issue to have the trash pit cleaned up.

The larger Cook property is an approximately 120-acre parcel that is situated just north of the smaller parcel. This parcel is contiguous with the northern-most edge of the state reserve, and it is directly contiguous with the southwestern edge of the Ross acquisition to the immediate northeast of the reserve. As with the Ross parcel, the larger Cook parcel consists entirely of coniferous forest/oak woodland. Although the larger Cook parcel was previously logged and grazed by cattle, it contains some substantial individual redwood, Douglas fir, and oak trees. The property is situated near the top of steep ridge that divides the lower end of two small watersheds. There is limited access to this site from old ranch/logging roads on the Ross property. With the exception of the few dirt roads, no improvements were observed on this parcel.

Since the majority of the land within the two proposed acquisition sites consists of forest land and open space, an environmental site assessment is not necessary.

Other

- The State Public Works Board approved site selection for this project on February 10, 2006.
- The purchase price shall not exceed estimated fair market value of the property as determined by a DGS-approved appraisal.
- The Save-the-Redwoods League (SRL) has offered to sell the property to the state for \$500,000, approximately 48.5 percent of the current fair market value approved by the DGS with the condition that a use restriction agreement be entered into and recorded requiring the state to use the property for state park purposes. The use restriction can be removed if either of two actions occur: (1) the Legislature makes a finding that all or part of the property is in excess of the state's foreseeable needs and therefore, authorizes the sale of the property; or (2) the State Public Works Board recommends that a transfer of the property to another state agency is necessary for a higher and better public purpose. If the use restriction is removed in either of these events, the DPR, contingent upon appropriation and availability of funds, will be required to pay the SRL percent of the, then, current market value of the property or 51.5 percent of the pro rata then current market value of the portion thereof that is designated for alternative use at the time, excluding the value of any state improvements.
- The SRL shall determine if the trash pit is situated on the subject property; and, if so shall remove the trash prior to the close of escrow pursuant to the terms of the Property Acquisition Agreement (PAA).
- The PAA does not include the state's standard indemnification language, potentially exposing the state to additional fiscal liability; however, the DGS/ESS site visit of the property did not identify conditions that would likely pose an exceptional risk to the

state. Further, given the fact that the property is largely unimproved natural habitat, the risk associated with acquiring these properties without the standard indemnification is low. It should be noted that the lack of indemnification language does not relieve the seller of liability under existing law.

- The acquisition of the 140 acres will include three appurtenant easements that include various rights of ingress and egress, public utilities and the right to take domestic water from a spring located on the Big River.
- The property is vacant and unimproved (with the exception of a small, deteriorating cabin that is essentially uninhabitable). There is no relocation assistance involved with this project.
- The DPR will accept title to the property with the cabin remaining in place. Although it has no immediate plans for its use, it may be able to utilize the old timbers.
- The DPR is not aware of any lawsuits pending concerning the property. The PAA will require delivery of title to the property free and clear of any mortgages or liens.
- This property has restricted access via private roads. There is no direct public access from public roads; however, the property can be accessed through existing reserve lands.
- This acquisition is a 140-acre addition to 31,000 acres already owned within the district. The management plan is to provide periodic patrols of the property as part of the routine patrols for the entire 31,000-acre district. As such, no additional support needs are anticipated with the acquisition of this property.
- While the DPR does not foresee changes at this time to public access, development, or resource needs, any such changes will be addressed through the normal budget process.

Staff Recommendation: Authorize acquisition

CONSENT ITEM

CONSENT ITEM – 3

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF PARKS AND RECREATION (3790)
PORTOLA REDWOODS STATE PARK, BEARMONT 2 (SAVE-THE-REDWOODS LEAGUE),
SAN MATEO COUNTY
DPR Parcel Number 3163; DGS Parcel Number 10414

*Authority: Public Resources Code 5005
Chapter 157/03, 3790-301-6029(10)*

Authorize the acquisition of real property through the acceptance of a no cost acquisition

APPROVED: 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM –3

Department of General Services
Department of Parks and Recreation
Portola Redwoods State Park, Bearmont 2 (Save-the-Redwoods League)

Action requested

The requested action will authorize the acquisition of real property through the acceptance of a no cost acquisition.

Scope Description

This project is within scope. This request will authorize the Department of Parks and Recreation (DPR) to accept a no cost acquisition of approximately 80 acres as an addition to the existing 3,200-acre Portola Redwoods State Park. This property is bordered by the state park to the south and west of its boundaries. The acquisition of this property will not only expand the boundaries of the existing state park, but will facilitate the continuation of the DPR's efforts to provide for the long-term preservation of forestlands that include sustainable redwood forest ecosystems.

Funding and Cost Verification

This project is within cost. The Public Resources Code, Section 5005, allows the DPR to receive and accept in the name of the people of the state any gift, dedication, devise, grant, or other conveyance of title to or any interest in real property, including water rights, roads, trails, and rights-of-way, to be added to or used in connection with the state park system. It may receive and accept gifts, donations, contributions, or bequests of money to be used in acquiring title to or any interest in real property, or in improving it as a part of or in connection with the state park system, or to be used for any of the purposes for which the department is created. It may also receive and accept personal property for any purpose connected with the state park system.

Chapter 157/03, Item 3790-301-6029(10) provides a total of \$35,000,000 for the acquisition of high priority parcels of land. The balance of the appropriation is sufficient for overhead costs (e.g., title/escrow fees and Department of General Services staff time to conduct due diligence) of the subject property (\$10,000) in accordance with legislative intent.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on January 27, 2006, and the 35-day statute of limitations expired on February 24, 2006.

Project Schedule

The project schedule is as follows:

The anticipated close of escrow is April 2006.

Condition of Property

The Department of General Services, Real Estate Services Division, Professional Services Branch, and Environmental Services Section (DGS/PSB/ESS) staff conducted a site survey of the proposed acquisition of an approximately 80-acre parcel that is directly contiguous with the northeastern edge of Portola Redwoods State Park in San Mateo County on January 24, 2006.

The subject parcel is mostly steeply-sloping forestland along Bear Creek. Access to the property is provided by a narrow, unpaved dirt road that runs through the rural residential Bearmont subdivision off Highway 35 and traverses a portion of the parcel. The property is generally undeveloped except for a limited system of old logging/recreational roads and areas that were used by the past owners for summer recreation. The latter uses include a cleared flat near the center of the property, a wooden deck, a small concrete tent pad, and the remnants of a spring-box water system. The property has a healthy forest of second-growth Douglas firs, some redwoods, and other associated habitat. The parcel will increase the amount of forestland preserved by the state park, thus providing potential opportunities to expand the trail system.

The deck and water system will be removed prior to transfer as per the terms of the Property Acquisition Agreement (PAA); the tent pad will be evaluated for removal. If the tent pad is not removed as an environmental concern, it will not pose a long-term hazard or liability. No other debris or improvements were noted that would require removal. Because the property has no history of industrial usage, permanent development, mining, or landfills, PSB/ESS has determined that a formal environmental site assessment is not necessary for this acquisition.

Other:

- The property is vacant and unimproved. There is no relocation assistance involved with this project.
- The DPR's access to the property is from the south and west through the adjacent Portola Redwoods State Park. Additional access roads do exist to the east; however, the DPR does not plan to use, nor need these roads, and there are conditions attached to the use of these roads (e.g., sharing of expenses for any repairs, realignment, and maintenance) that the DPR prefers not to assume. Although the DPR is willing to take title to the property subject to the two road easements, its preference is to eliminate these easements. Therefore, the DPR has requested that the Save-the-Redwoods League (SRL) negotiate and record the appropriate relinquishments via quitclaim deeds prior to the close of escrow in order to terminate these easements. However, since the DPR is willing to take title to the property subject to the easements, their elimination is not a condition of the PAA for this transaction to close escrow. If the quitclaim deeds are obtained and recorded prior to the close of escrow, a portion of the legal description (Parcel 2) will need to be altered to reflect an elimination of the easements. The SRL shall be responsible for having the new legal description prepared and DGS staff would review and approve the final Grant Deed legal description prior to DPR's close of escrow. Because the DPR has access to the west and south of the property, it does not need to use these easterly roads, and therefore, the lack of these roads will not impair its use of the property. In the past year, the predecessor to the SRL, Bearmont, had voluntarily paid \$600 for its share of expenses requested by the homeowner's association for road costs; a cost that DPR will not be responsible for should these easements and obligations not be extinguished. Should the SRL be unsuccessful in obtaining the relinquishments prior to the close of escrow, the DPR will assume this responsibility and pursue the relinquishments itself.
- The DPR is not aware of any lawsuits pending concerning the property. Title to the PAA will require delivery of title be delivered free and clear of any mortgages or liens.
- The SRL acquired the property entirely through private donations for \$1,000,000 (appraised at \$1,200,000). The SRL offered the property to the state at no cost with the condition that a use restriction agreement be entered into and recorded requiring the state to use the property for state park purposes. The use restriction can be removed if either of two actions occur: (1) the Legislature makes a finding that all or part of the property is in excess of the state's foreseeable needs and therefore, authorizes the sale of the property; or (2) the State Public Works Board recommends that a transfer of the property to another state agency is necessary for a higher and better public purpose. If the use restriction is removed in either of these events, contingent upon appropriation and availability of funds, the state will be required to pay 100 percent of the then current market value of the property, excluding the value of any state improvements.

- The PAA does not include the state's standard indemnification language, potentially exposing the state to additional fiscal liability; however, the PSB/ESS site visit of the property did not identify conditions that would likely pose an exceptional risk to the state. Further, given the fact that the property is largely unimproved natural habitat, the risk associated with acquiring this property without the standard indemnification is low. It should be noted that the lack of indemnification language does not relieve the seller of liability under existing law.
- The state will be acquiring a 50 percent interest in mineral rights on the property. The remaining 50 percent, which includes oil, gas, hydrocarbon substances, and surface rights of entry, have been reserved by former property owners in prior deeds. Based upon records from the Department of Conservation, Division of Oil, Gas and Geothermal Resources, there is a low potential for mineral extraction in the area as evidenced by historical records. There has been no exploration or extraction of minerals within the last 50 years or within three miles of the property. Furthermore, the records indicate that drilling performed on adjacent properties were unsuccessful for findings of economically minable minerals and remain abandoned.
- This acquisition is an 80-acre addition to the existing 3,200-acre Portola Redwoods State Park. The DPR intends to provide periodic patrols of the property with existing staff via an existing trail that is on adjacent state park property. As such, support implications for this acquisition will be minimal.
- While the DPR does not foresee changes at this time to public access, development, or resource needs, any such changes will be addressed through the normal budget process.

Staff Recommendation: Authorize the acquisition of real property through the acceptance of a no cost acquisition

CONSENT ITEM

CONSENT ITEM – 4

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF PARKS AND RECREATION (3790)
SINKYONE WILDERNESS STATE PARK, LOST RIVER FOREST (SAVE-THE-REDWOODS
LEAGUE), MENDOCINO COUNTY
DPR Parcel Number 008470-77, DGS Parcel Number 10408

Authority: Chapter 157/03, Item 3790-301-6029(10)

Authorize acquisition

APPROVED: 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM –4

Department of General Services
Department of Parks and Recreation
Sinkyone Wilderness State Park, Lost River Forest (Save-the-Redwoods League)

Action requested

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

Scope Description

This project is within scope. The Legislature has approved funding from Proposition 40 (California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002) for new state park system acquisitions without specifying particular parcels. This request will authorize acquisition of the Lost River Forest property, which is approximately 210 acres of land contiguous to other state-owned property and in the vicinity of Sinkyone Wilderness State Park. Approximately 200 acres are being acquired at less than fair market value and another 10 acres are being offered at no cost to the state. This property encompasses an extremely rare habitat consisting largely of virgin, uncut old-growth redwood forest. This acquisition assists the Department of Parks and Recreation (DPR) in fulfilling two important missions: acquiring in-holdings and adjacent properties to the state park system and providing for the long-term preservation of sustainable redwood forest ecosystems. The acquisition of this property will expand the eastern boundaries of the existing state reserve, and will secure a substantial local watershed that contains diverse interior coastal habitats, especially old growth oaks and conifers.

Funding and Cost Verification

This project is within cost. Chapter 157/03, Item 3790-301-6029(10) provides a total of \$35,000,000 for the acquisition of high priority parcels of land. The balance of the appropriation is sufficient to acquire the subject property in accordance with legislative intent.

\$2,665,000 total acquisition costs

\$3,000 project costs previously allocated (Department of General Services, or DGS, staff costs)

\$2,662,000 project costs to be allocated: \$2,644,000 acquisition and approximately \$18,000 in overhead costs (title, escrow, and remaining DGS staff costs).

CEQA

A Notice of Exemption was filed with the State Clearinghouse on January 3, 2006, and the 35-day statute of limitations expires on February 7, 2006.

Project Schedule

The project schedule is as follows:

The anticipated close of escrow is March 2006.

Condition of Property

The DGS Environmental Services Section (ESS) staff conducted a site survey of the proposed 210-acre acquisition located off of Briceland-Thorn Road, west of Garberville in Humboldt County, on December 2, 2005.

The acquisition area consists of a portion of small watershed that is tributary to the Mattole River. The property is a combination of second-growth redwood forest with some exceptional old-growth specimen trees along the small creek at the base of the watershed's drainage. The property contains evidence of past logging in the form of access roads, drag-out trails, landings, etc. However, a substantial portion of the property is well-forested with second growth redwoods/deciduous trees and riparian woodland habitat. The property has been the subject of some revegetation and erosion control efforts in the past few years as part of a larger program to reduce sediment run-off in the Lost River Forest area. Access to the property is from a former logging road (unpaved) that provides connections to this and other adjacent properties.

The proposed acquisition of this property is part of a state-federal effort to consolidate ownership of redwood forest and riparian habitat in the Mattole River drainage. The Mattole River contains critical aquatic spawning habitat for threatened populations of salmon and steelhead fish in Lost Coast portion of the California coastline. This area is undergoing a gradual restoration of the forestland and riparian areas to improve local fisheries.

The subject area contains no improvements such as houses, infrastructure, mines, landfills, etc. It has only been affected by timber harvest activities. The property does contain one abandoned vehicle (engine and running gear removed), and it is recommended that this vehicle be removed prior to the state taking title.

Given the unimproved forestland nature of the property, its distance from urban areas, and the limited access to the area because of its terrain and dense vegetation, an environmental site assessment is not necessary.

Other

- The State Public Works Board approved site selection for this project on February 10, 2006.
- The purchase price shall not exceed estimated fair market value of the property as determined by a DGS-approved appraisal.
- The Save-the-Redwoods League (SRL) is offering to sell the property to the state for \$2,644,000, approximately 65 percent of the current fair market value approved by the DGS with the condition that a use restriction agreement be entered into and recorded requiring the state to use the property for state park purposes. The use restriction can be removed if either of two actions occur: (1) the Legislature makes a finding that all or part of the property is in excess of the state's foreseeable needs and therefore, authorizes the sale of the property; or (2) the State Public Works Board recommends that a transfer of the property to another state agency is necessary for a higher and better public purpose. If the use restriction is removed in either of these events, the DPR, contingent upon appropriation and availability of funds, will be required to pay the SRL 35 percent of the, then, current market value of the property or 35 percent of the pro rata then current market value of the portion thereof that is designated for alternative use at that time.
- The Property Acquisition Agreement (PAA) does not include the state's standard indemnification language, potentially exposing the state to additional fiscal liability; however, the ESS site visit of the property did not identify conditions that would likely pose an exceptional risk to the state. Further, given the fact that the property is largely unimproved natural habitat, the risk associated with acquiring these properties without the standard indemnification is low. It should be noted that the lack of indemnification language does not relieve the seller of liability under existing law.
- The abandoned vehicle will be removed by the SRL prior to the close of escrow pursuant to the terms of the PAA.

- The property is vacant and unimproved. There is no relocation assistance involved with this project.
- The DPR is not aware of any lawsuits pending concerning the property. The PAA will require delivery of title to the property free and clear of any mortgages or liens.
- This heavily forested property is adjacent to Sinkyone Wilderness State Park. The acquisition is a 210-acre addition to the existing 7,000-acre park already owned by the DPR. The management plan is to provide periodic patrols of the property as part of the routine patrols for the entire 7,000-acre park. As such, no additional support needs are anticipated with the acquisition of this property.
- While the DPR does not foresee changes at this time to public access, development, or resource needs, any such changes will be addressed through the normal budget process.

Staff Recommendation: Authorize acquisition

CONSENT ITEM

CONSENT ITEM – 5

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF MENTAL HEALTH (4440)
PATTON STATE HOSPITAL, UNIMPROVED LAND - SOUTH SIDE OF HIGHLAND AVENUE,
CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO
Surplus Parcel Number SSL 288

Authority: Chapter 1266, Statutes of 1982

Authorize the sale of state surplus property

Item was pulled on March 8, 2006

CONSENT ITEM

STAFF ANALYSIS ITEM – 5

Department of General Services
Department of Mental Health
Patton State Hospital

Unimproved land of 25 acres on the south side of Highland Avenue, San Bernardino County

Action requested

The requested action will authorize the sale of state surplus property consistent with the staff analysis.

Scope Description

This project is within scope. Pursuant to Government Code Section 11011.1 and as authorized by Chapter 1226, Statutes of 1982, the Director of the Department of General Services (DGS), with the approval of the State Public Works Board, is authorized to sell, exchange, or lease for current market value, or for any lesser consideration authorized by law, all or part of approximately 25 acres located at Patton State Hospital on the south side of Highland Avenue, in the County of San Bernardino. The Department of Mental Health has determined that the property is not needed for any current or future program purposes, and declared it surplus to the agency’s needs.

Funding and Cost Verification

The costs associated with the sale of the state surplus property are administrative staff costs of \$395,000. These cost will be paid form the gross proceeds of the sale. No future costs have been identified with the approval of this sale.

Project Schedule

The project schedule is as follows:

The anticipated close of escrow is April 2006.

Other

- Pursuant to Government Code 11011.1 the property was offered to state and local governmental agencies with no expressed interest.
- The approved appraised value of the property is \$5,380,000 dated September 2005.
- The property was offered at a seal bidding auction on December 1, 2005. There were multiple offers and the bidding was opened to oral bids, the highest bid offered to the State was \$7,050,000.
- Pursuant to Article III, Section 9 of the California Constitution, the net proceeds of any monies received from the disposition are to be used to pay principal and interest on bonds issued pursuant to the Economic Recovery Bond Act.
- The state contracted to have a geologic study conducted to assess the potential presence of mineral resources on the subject property. The study determined there were no known or potential economic minerals resources at or near the site. Based upon the findings of the geologic study the state will reserve the mineral rights without a right of surface entry in plane from the surface to a depth of 500 feet below the surface.

Staff Recommendation: Authorize the sale of state surplus property

Item was pulled on March 8, 2006

CONSENT ITEM

CONSENT ITEM – 6

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION (3540)
TWAIN HARTE FOREST FIRE STATION, TWAIN HARTE, TUOLUMNE COUNTY**
Replace Facility

*Authority: Chapter 157/03, Item 3540-301-0660(7)
Chapter 38/05, Item 3540-301-0660(3.75)*

- a. **Approve preliminary plans**
- b. **Approve reversion** **\$292,000**

APPROVED: 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM – 6

Department of Forestry and Fire Protection
Twain Harte Forest Fire Station, Tuolumne County
Replace Facility

Action requested

The requested action will approve preliminary plans and revert excess funding authority for this project.

Scope Description

This project is within scope. The approved project constructs a standard 2-engine forest fire station, including a 12-bed barracks/messhall (3,920 sf), a 3-bay apparatus building with office, restroom, workroom, and storage (1,984 sf), a flammables storage building (120 sf), and a combination generator & pump house with emergency generator (300 sf). Site work includes clearing, grading, drainage, paving, sidewalks, curbs, well drilling, sewer, electrical, telephone, irrigation, fencing, development, landscaping, utilities, and other appurtenances as needed. This project also includes demolition and removal of the existing buildings on the site.

Funding and Cost Verification

This project is within cost. The Budget Act of 2005 reverted the unencumbered balance of the appropriation provided in the Budget Act of 2003 and provided a total of \$3,826,000 in lease revenue bond authority for preliminary plans, working drawings and construction for this project. Because \$292,000 from the Budget Act of 2003 was encumbered to fund the preliminary plans phase of this project, the Budget Act of 2005 inadvertently provided an additional \$292,000 to fund the preliminary plans phase of this project. The requested action reverts the excess project authority created in the Budget Act of 2005. The State Public Works Board adopted a resolution authorizing interim financing for this project in September 2005.

\$4,118,000 total authorized project costs

\$3,826,000 total estimated project costs

\$292,000 project costs previously allocated: preliminary plans \$292,000

\$3,534,000 project costs to be allocated: working drawings \$236,000, construction \$3,298,000 (\$2,675,000 contract, \$134,000 contingency, \$451,000 A&E and other project costs, and \$38,000 agency retained)

\$292,000 excess authority to be reverted: preliminary plans

CEQA

A Notice of Determination was filed with the State Clearinghouse on November 10, 2005, and the waiting period expires on December 9, 2005.

Due Diligence

The Department of General Services prepared a Summary of Conditions Memo on September 9, 2004 for this project and it was noted that no significant issues were identified.

Project Schedule

The project schedule is as follows:

Complete construction: February 2008

Staff Recommendation: Approve preliminary plans and revert excess funding authority

CONSENT ITEM

CONSENT ITEM – 7

DEPARTMENT OF MENTAL HEALTH (4440)
SAN LUIS OBISPO COUNTY
Atascadero State Hospital, 250 Bed Hospital Addition

Authority: Chapter 282/97 Item 4440-301-0001 (1.5)
Chapter 324/98, Item 4440-301-0660

Approve augmentation **\$470,000**
(1.3 percent total project costs)

APPROVED: 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM – 7

Department of Mental Health
Atascadero State Hospital, San Luis Obispo County
250 Bed Hospital Addition

Action Requested

The requested action will approve an augmentation for this project.

Scope Description

This project is within scope. The project consists of a new 250 Bed Hospital Addition at Atascadero State Hospital, consisting of six similarly sized nursing units, a central support area, a connecting corridor, a utility tunnel, and facility improvements totaling approximately 131,000 square feet. The project was completed in early 2002.

Funding and Project Cost Verification

This project is not within cost. Chapter 324/98, Item 4440-301-0660 provided \$33,235,000 for the construction phase of this project. All bid savings have been expended for this project to address change orders related to the original construction of this building and some water intrusion exploration and remediation. An augmentation of \$470,000 (1.3 percent of total project costs) is necessary for construction management of the general contractor repairs, inspections, forensic consulting, mold surveying, and Department of General Services project management associated with a water intrusion problem.

\$36,909,935 total estimated project costs

\$36,439,935 project costs previously allocated: preliminary plans \$1,176,000; working drawings \$2,022,000; construction \$33,241,935[(\$27,329,118 contract; \$1,366,456 contingency; \$1,466,000 A/E; \$1,209,000 other), \$262,198 (EO #C00/01-30), \$633,066 (EO #C00/01-116), \$778,097 (EO #C01/02-102), \$98,000 (EO #C05/06-05), \$90,000 (Pending EO)]

\$470,000 augmentation

CEQA

A Notice of Determination was filed with the State Clearinghouse on January 9, 1998, and the waiting period expired on February 8, 1998.

Project Schedule

The project schedule is as follows:

Complete general contractor responsibilities: May 2006

Due Diligence

Due diligence was completed in 2001.

Other

Lease Revenue bonds for this project were issued by the Board in the fall of 2001: (Department of Mental Health) 2001 Series A (Hospital Addition at Atascadero State Hospital). Because the water intrusion problem was not known at the time, no proceeds of the 2001 Series A bond sale were allocated to address this matter. Since all 2001 Series A bond proceeds for this project have been expended, staff will submit a Written Request of the Board to the State Treasurer's Office to allow the use of unexpended proceeds for the Coalinga State Hospital Bond Sale (2004 Series A) in order to cover the costs of the augmentation. Since the Coalinga State Hospital project has been completed, such a use of remaining proceeds is allowed in Section 2.11 of the Master Indenture and Section 114.05 of the Forty-Ninth Supplemental Indenture pertaining to the 2004 Series A bonds.

Staff Recommendation: Approve augmentation

CONSENT ITEM

CONSENT ITEM – 8

DEPARTMENT OF MENTAL HEALTH (4440)

PATTON STATE HOSPITAL, PATTON, SAN BERNARDINO COUNTY

Renovate Admission Suite and Fire Life Safety and Environmental Improvements and Seismic Retrofit, Phases II and III, EB Building

*Authority: Chapter 157/03, Item 4440-301-0660 (3)
Chapter 38/05; Item 4440-492
Chapter 38/05; Item 4440-301-0660 (2)*

- | | | |
|----|---|--|
| a. | Approve augmentation for working drawings | \$613,000
(1.9 percent of total project costs) |
| b. | Recognize anticipated deficit to construction | \$3,674,000
(11.6 percent; 13.6 percent cumulative) |

APPROVED: 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM – 8

Department of Mental Health
Patton State Hospital, Renovate Admission Suite and Fire Life Safety
and Environmental Improvements and Seismic Retrofit, Phases II and III, EB Building

Action requested

The requested action will approve an augmentation for working drawings and recognize an anticipated deficit to construction.

Scope Description

This project is within scope. This phased project combines four individual projects within the Ed Bernath (EB) Building. This project will: 1 & 2) complete phases II and III of the building upgrade, including ADA improvements and hazardous substances abatement, to meet current fire life safety codes (FLSEI); 3) renovate the Admissions Suite; and 4) provide a seismic retrofit of the entire building, lowering the risk from Level 4 to Level 3. The building is a 133,340 square foot cast in place structure with a basement and three stories.

Funding and Project Cost Verification

This project is not within cost. The Department of Mental Health is requesting first an augmentation of \$613,000 (1.9 percent) for the working drawings phase and second a recognition of an anticipated deficit of \$3,674,000 (11.6 percent; 13.6 percent cumulative) for the construction phase of this project. The augmentation and recognition of an anticipated deficit are necessary in order to complete the FLSEI component of this project. Specifically, the existing HVAC system will need to be replaced, as the existing HVAC system does not meet current mechanical code, and more plumbing equipment and associated piping must be replaced than originally anticipated.

On February 23, 2006, the Department of Finance notified the chairs of the Joint Legislative Budget, the Senate Appropriations, and Assembly Appropriations Committees of its intent to recognize an anticipated deficit for this project after March 15, 2006.

\$35,843,000 total estimated project cost

\$2,574,000 project costs previously allocated: preliminary plans \$885,000 (\$266,000 from phase I, \$619,000 for phases II and III) and Working Drawings, \$1,689,000 (\$525,000 from phase I, \$1,164,000 for phases II and III)

\$28,982,000 project costs to be allocated: construction - \$28,982,000 (\$22,548,000 contract, \$2,103,000 contingency, \$1,553,000 A/E, \$702,000 agency retained items, and \$2,076,000, other project costs)

\$613,000 augmentation requested – working drawings

\$3,674,000 anticipated deficit – construction

CEQA

A Notice of Exemption was filed with the State Clearinghouse on November 2, 2004 and the 35-day notice period expired December 8, 2004.

Project Schedule

The project schedule is as follows:

Approve working drawings:	June 2007
Award contract:	November 2007
Complete construction:	November 2010

Due Diligence

Due Diligence for Phases I, II and III of this project was completed February 18, 2003, with no significant issues.

Staff Recommendation: Approve augmentation for working drawings and recognize anticipated deficit to construction, with both actions contingent upon expiration of the 20-day notification period

CONSENT ITEM

CONSENT ITEM – 9

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
WASCO STATE PRISON, WASCO, KERN COUNTY
Prescreening Facility at Wastewater Treatment Plant

Authority: Chapter 50, Statutes of 2000, Item 5240-301-0001 (38)
Chapter 38, Statutes of 2005, Item 5225-301-0747 (1), 61.27.002

- a. **Approve use of Inmate/Ward Labor**
- b. **Approve augmentation** **\$86,000**
(5.9 percent of total appropriations)

APPROVED: 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM – 9

Department of Corrections and Rehabilitation
Wasco State Prison, Wasco, Kern County
Prescreening Facility at Wastewater Treatment Plant

Action Requested

The requested actions will approve the use of Inmate/Ward Labor (IWL) resources pursuant to Public Contract Code Section 10103.5 and provide an augmentation to this project.

Scope Description

This project is within scope. This project consists of constructing a new prescreening facility to remove large fabric and plastic debris from the wastewater flow upstream of the existing headwork's screw pumps. This facility includes a concrete structure with two channels each containing a mechanically cleaned bar screen. The facility will contain electronically operated slide gates to be operated from ground surface to isolate each mechanically cleaned bar screen and have one or both in operation.

Funding and Project Cost Verification

This project is not within cost. The California Department of Corrections and Rehabilitation (CDCR) is requesting approval of an augmentation for increased project costs of \$86,000. These increased project costs are a result of escalated construction costs and costs for due diligence. The original estimate prepared by the Department of General Services (DGS) for the construction phase was based on a construction start date of July 2005. The project schedule has been delayed, with procurement scheduled to begin in May 2006 and construction beginning in December 2006. At CDCR's request, DGS revised their estimate to take into account the revised construction start date. DGS's revised estimate for the construction phase is \$1,424,000, an increase of \$116,000. CDCR has also received a cost estimate from its IWL Program. The IWL Program cost estimate for the construction phase is \$1,394,000, \$30,000 less than DGS's estimate. Therefore, CDCR is requesting approval to use IWL for construction. Included within the aforementioned construction estimates are the costs for due diligence. These costs are estimated at \$25,000. In 2000, when this project was approved for preliminary plans and working drawings, due diligence was not required for General Fund projects. Therefore funds were not included in the original project cost estimate.

\$1,542,000 total project costs

\$1,456,000 project costs previously allocated: preliminary plans \$59,000; working drawings \$89,000; construction \$1,308,000 (contract \$983,000; contingency \$69,000; project administration \$184,000; agency retained \$72,000)

\$86,000 proposed augmentation: construction \$86,000 (contract \$46,000; contingency \$21,000; project administration \$18,000; agency retained \$1,000)

CEQA

CDCR certifies that it has complied with the requirements of CEQA for this project. A Notice of Exemption was filed with the State Clearinghouse on September 27, 2000, and the waiting period expired on October 27, 2000, with no public comment.

Project Schedule

The project schedule is as follows:

Complete construction: September 2007

Due Diligence

In 2000, when this project was approved for preliminary plans and working drawings, due diligence was not required for General Fund projects. Therefore, due diligence will be completed during the construction phase of the project.

Staff Recommendation: Approve the use of Inmate/Ward Labor and approve the augmentation

CONSENT ITEM

CONSENT ITEM – 10

**CALIFORNIA COMMUNITY COLLEGES (6870)
LOS ANGELES PIERCE COMMUNITY COLLEGE DISTRICT
LOS ANGELES PIERCE COLLEGE, LOS ANGELES COUNTY**
Infrastructure Correction

Authority: Chapter 208/04, Item 6870-301-6028 (9)

Approve preliminary plans

APPROVED: 3/0

CONSENT ITEM

STAFF ANALYSIS –10

Los Angeles Community College District
Los Angeles Pierce College, Los Angeles County
Infrastructure Correction

Action Requested

The requested action will approve preliminary plans for this project.

Scope Description

The project is within scope. This project will re-pave and restore existing damaged asphalt/concrete surfaces on the Los Angeles Pierce campus. The college has a number of serious health and safety issues relating to roadway surfaces, which have resulted in a number of safety hazards and recurring injuries.

Funding and Project Cost Verification

The project is within cost.

\$1,230,000 total authorized project costs

\$615,000 state project funds to be allocated: construction \$615,000 (\$615,000 contracts) at CCI 4100

\$55,000 local project costs previously allocated: preliminary plans \$55,000

\$60,000 local funds to be allocated: working drawings \$47,000, construction \$513,000 (\$368,000 contracts; \$49,000 contingency; \$96,000 construction management, administration, testing and inspection) at CCI 4100

CEQA

This project has been identified in the college's Environmental Impact Report, State Clearinghouse #2002021004.

Due Diligence

Community college districts are local entities and the state does not have title to their real property, hence districts acknowledge that they have full responsibility for clearing due diligence issues for general obligation bond projects.

Project Schedule

The project schedule is as follows:

Approve working drawings: July 2006
Complete Construction: November 2007

Staff Recommendation: Approve preliminary plans

CONSENT ITEM

CONSENT ITEM – 11

**CALIFORNIA COMMUNITY COLLEGES (6870)
LOS ANGELES COMMUNITY COLLEGE DISTRICT
EAST LOS ANGELES COLLEGE, LOS ANGELES COUNTY
Fine and Performing Arts Center**

Authority: Chapter 157/03, Item 6870-301-6028 (32)

Approve preliminary plans

APPROVED: 3/0

CONSENT ITEM

STAFF ANALYSIS – 11

Los Angeles Community College District
East Los Angeles College, Los Angeles County
Fine and Performing Arts Center

Action Requested

The requested action will approve preliminary plans for this project.

Scope Description

The project is within scope. This project provides a 80,030 assignable square feet (asf) replacement fine and performing arts complex. The space includes 24,974 asf lecture, 17,900 laboratory, 5,124 asf office space, 2,599 asf AV/TV space, and 29,433 asf of other related space.

Funding and Project Cost Verification

The project is within cost.

\$31,765,000 total authorized project costs

\$544,000 state project costs previously allocated: preliminary plans \$544,000

\$15,339,000 state project funds to be allocated: working drawings \$526,000, construction \$13,562,000 (\$12,309,000 contracts; \$618,000 contingency; \$635,000 construction management, administration, testing and inspection) at CCI 4100 and equipment \$1,251,000 at EPI 2564

\$543,000 local project costs previously allocated: preliminary plans \$543,000

\$15,339,000 local project funds to be allocated: working drawings \$526,000, construction \$13,562,000 (\$12,309,000 contracts; \$617,000 contingency; \$636,000 construction management, administration, testing and inspection) at CCI 4100 and equipment \$1,251,000 at EPI 2564

CEQA

This project has been identified in the college's Notice of Determination, State Clearinghouse #2004109028.

Due Diligence

Community college districts are local entities and the state does not have title to their real property, hence districts acknowledge that they have full responsibility for clearing due diligence issues for general obligation bond projects.

Project Schedule

The project schedule is as follows:

Approve working drawings:	July 2006
Complete Construction:	November 2007

Staff Recommendation:

Approve preliminary plans

CONSENT ITEM

CONSENT ITEM – 12

CALIFORNIA COMMUNITY COLLEGES (6870)
LOS ANGELES COMMUNITY COLLEGE DISTRICT
WEST LOS ANGELES COLLEGE, LOS ANGELES COUNTY
Science Complex

Authority: Chapter 208/04, Item 6870-301-6041(27)

a. Approve scope change

b. Approve local cost increase

\$20,075,000

APPROVED: 3/0

CONSENT ITEM

STAFF ANALYSIS – 12

Los Angeles Community College District
West Los Angeles College, Los Angeles County
Science Complex

Action Requested

The requested action will approve a scope change and recognize a local cost increase.

Scope Description

The project is not within scope. The authorized scope of the project demolishes 14,703 assignable square feet (asf) of various bungalow space and constructs 21,150 asf laboratory, 1,900 asf office, and 3,100 asf of other space.

The science curriculum at this district has grown significantly since the project was first submitted and approved for funding. In order to accommodate the change in program space, academic and facility planners have determined that additional space is needed. This request will double the size of the building by adding 11,140 asf laboratory, 13,350 asf lecture, and 2,260 asf of office and other support space to provide adequate facilities to meet the educational goals of the sciences curriculum. This change in scope will solely be funded by local bonds.

On February 23, 2006 the Department of Finance notified the chairs of the Joint Legislative Budget, the Senate Appropriations, and Assembly Appropriations Committees of its intent to approve this scope change after March 15, 2006.

Funding and Project Cost Verification

The project is not within cost.

\$16,613,000 total authorized project costs

\$36,688,000 total estimated project costs

\$8,307,000 state project funds to be allocated: construction \$7,558,000 (\$6,805,000 contracts; \$349,000 contingency; \$404,000 construction management, administration, testing and inspection) at CCI 4100; and equipment \$749,000 at EPI 2564

\$564,000 local project costs previously allocated: preliminary plans \$564,000

\$7,742,000 local funds to be allocated: working drawings \$556,000, construction \$6,438,000 (\$5,797,000 contracts; \$298,000 contingency; \$343,000 construction management, administration, testing and inspection) at CCI 4100; and equipment \$748,000 at EPI 2564

\$20,075,000 additional local funds to be allocated: preliminary plans \$340,000, working drawings \$606,000, and construction \$19,129,000 (\$16,773,000 contracts; \$822,000 contingency; \$1,534,000 construction management, administration, testing and inspection)

CEQA

This project has been identified in the college's Environmental Impact Report, State Clearinghouse #2004051112.

Due Diligence

Community college districts are local entities and the state does not have title to their real property, hence districts acknowledge that they have full responsibility for clearing due diligence issues for general obligation bond projects.

Project Schedule

The project schedule is as follows:

Approve working drawings: November 2006

Complete Construction: February 2008

Staff Recommendation:

Approve scope change and local cost increase, contingent upon expiration of the 20-day notification period

ACTION ITEM

ACTION ITEM – 13

DEPARTMENT OF GENERAL SERVICES (1760)
JUDICIAL COUNCIL OF CALIFORNIA (0250)
FIFTH APPELLATE DISTRICT NEW COURTHOUSE, FRESNO COUNTY
JCC Project Number 002, DGS Parcel Number 10001

Authority: Chapter 52/00, Item 0250-301-0001(3)

Authorize approval of covenants, conditions and restrictions

APPROVED: 3/0

ACTION ITEM

STAFF ANALYSIS ITEM – 13

Department of General Services
Judicial Council of California
Fifth Appellate District New Courthouse

Action requested

The requested action will authorize approval of covenants, conditions and restrictions consistent with the staff analysis.

Scope Description

This project is within scope. The project provides for acquisition of land and the construction of a replacement facility for the Fifth Appellate District Court in the City of Fresno. The acquisition phase of the project included acquiring fee simple interest in two parcels approximately 150 feet apart; designated as the Courthouse Site and the Parking Site that total approximately 2.05 acres ("State Property"). The State property was acquired from the Redevelopment Agency of the City of Fresno (the "Agency") and the acquisition was approved by the State Public Works Board (SPWB) on February 6, 2004. The escrow on the Courthouse Site closed on March 9, 2004, and the anticipated close of escrow on the 0.8 acre Parking Site will occur upon the Agency's completion of the surface parking improvements on the Parking Site. The Agreement and Escrow Instructions for the Transfer and Development of Real Property ("State Acquisition Agreement") provides for this to happen no later than the completion date for the construction of the new courthouse facilities.

The State Property is located in a designated redevelopment zone to be developed in two stages, identified as Phase I and Phase II. The Agency has designated a developer to construct adjacent office and commercial improvements in the redevelopment zone, and has finalized a Master Plan Development Agreement with said developer. The State Property is located within the Phase I area. The Agency has acquired all the parcels in the Phase I area, has conveyed the Courthouse Site to the State, and will convey the Parking Site after they

complete the surface parking lot improvements.

The State Acquisition Agreement provides for a Declaration of Master Plan Covenants, Conditions and Restrictions for the Old Armenian Town Project ("CC & Rs") to be recorded on the entire property including the Courthouse Site, the Parking Site and the Developer Property (including building sites and common area totaling approximately 9.72 acres) in the redevelopment Master Plan Area. The content of the CC&Rs is subject to review and approval by the Department of General Services (DGS) and the State Public Works Board (SPWB).

CEQA

A Notice of Exemption was filed with the State Clearinghouse on April 2, 2003, and the 35-day statute of limitations expired on May 8, 2003.

Project Schedule

The project schedule is as follows:

Construction started on the courthouse facilities on November 15, 2005. The contractor is currently mobilizing on site. Project trailers for both the contractors and State have been moved to the site and excavation for the foundation is underway.

Other:

- On February 25, 2004, the DGS executed the State Acquisition Agreement and pursuant to Section 2.13, it is to serve as Interim CC & Rs on the Master Plan Area. The Interim CC &Rs will be released and superseded upon execution and recording of the Declaration of Master Plan CC & Rs.
- A Common Area parcel containing approximately 1.76 acres around the perimeter of and between the Courthouse Site, the Parking Site and the Office Building No. 1 Site together with an easement over a portion of the Courthouse Site (collectively the "Common Area") is located in the Phase I area. Each parcel of property located within the Master Plan Area shall have a perpetual, mutual, nonexclusive easement for pedestrian travel over and across the Common Area.
- The Common Area improvements in front of the Courthouse Facilities and the Office Building No. 1 Site shall include a reflecting water pool or other water amenity and enhanced landscaping. The State shall grant an easement to the developer for the construction and maintenance of the water feature.
- The developer will establish a Property Owner's Association for the purpose of maintaining in perpetuity the landscaping and improvements within the Common Area of the Master Plan Area in accordance with the CC&Rs.
- Adequate oversight authority for the State is contained in the State Acquisition Agreement to assure that future development on the adjacent redevelopment zone parcels will be compatible with the Court's intended use of the property.
- The CC & Rs are for the mutual benefit of the State Property and the Developer Property and each present and future owner and shall run with the land and shall apply to, bind and inure to the benefit of every present and future owner of the subject properties.
- DGS and the Administrative Office of the Courts have completed a review of the CC&Rs and are satisfied that they are consistent with the State Acquisition Agreement.

Staff Recommendation: Authorize approval of covenants, conditions and restrictions

OTHER BUSINESS

OTHER ITEM –

Adopt a Resolution authorizing the execution of a contract with a Nationally Recognized Bond Counsel firm

Authorize entering into a contract with a Nationally Recognized bond counsel law firm to assist and advise the Board staff on complex financing, real estate, and federal tax issues. The contract will be up to three years in length. Due to the specialized nature of the services to be rendered, staff recommends exempting the contract from Disabled Veteran Business Enterprise requirements. Consent to contract out from Attorney General's Office has been obtained. Based on proposals received in response to a Request for Qualifications, staff recommends awarding a contract to the following firm pending receipt of approval from the Governor's Office. We intend to award up to two more contracts in the future.

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| 1. Squire Sanders & Dempsey LLP | \$75,000 |
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APPROVED: 3/0

REPORTABLES

To be presented at meeting.