



CALIFORNIA STATE
PUBLIC WORKS BOARD

EDMUND G. BROWN JR. • GOVERNOR

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STATE PUBLIC WORKS BOARD
March 11, 2016

MINUTES

PRESENT:

Ms. Eraina Ortega, Chief Deputy Director, Department of Finance
Mr. Malcolm Dougherty, Deputy Director, Department of Transportation
Mr. Daniel Kim, Director, Department of General Services
Mr. Blake Fowler, Director, Public Finance Division, State Treasurer
Mr. Tom Yowell, Chief Deputy Director, State Controller

CALL TO ORDER AND ROLL CALL:

Ms. Eraina Ortega, Chairperson of the Board called the meeting to order at 10:00 a.m.
Ms. Karessa Belben, Executive Secretary for the Board, called the roll. A quorum was established.

BOND ITEM:

Bond Item 1: If approved would adopt a resolution to authorize interim financing and other related actions for the Judicial Council, New Yreka Courthouse in Siskiyou County.

There were no questions or comments from the public or the Board.

A motion was made by Mr. Kim and seconded by Mr. Fowler to approve and adopt the resolution for the Bond Item. The motion was passed unanimously (Ms. Ortega, Mr. Kim, Mr. Dougherty, Mr. Fowler, and Mr. Yowell all voting aye).

Bond Item #2: If approved would adopt a resolution and would approve the execution of documents and other related actions to authorize the sale of the State Public Works Board Lease Revenue Refunding Bonds Series 2016 B for the Department of General Services (DGS), San Diego Office Building Complex.

There were no questions or comments from the public or the Board.

A motion was made by Mr. Dougherty and seconded by Mr. Yowell to approve and adopt the resolution for the Bond Item. The motion was passed unanimously (Ms. Ortega, Mr. Kim, Mr. Dougherty, Mr. Fowler, and Mr. Yowell all voting aye).

MINUTES:

The next order of business was approval and adoption of the February 12, 2016 minutes. Ms. Lukenbill reported that staff had reviewed and recommended approval and adoption of the minutes.

A motion was made by Mr. Kim and seconded by Mr. Dougherty to approve and update the minutes. The minutes were approved by a 3-0 vote (Ms. Ortega, Mr. Kim, and Mr. Dougherty voting aye).

CONSENT ITEMS:

Ms. Lukenbill informed the Board the Consent Calendar consisted of one item, which was a request to consider authorizing acquisition for the Judicial Council, New Ukiah Courthouse, Railroad Depot Site, Mendocino County.

Staff recommended approval of the Consent Item.

There were no comments or questions from the Board or the public.

A motion was made by Mr. Dougherty and seconded by Mr. Kim to approve the Consent Item. The Consent Item was approved by a 3-0 vote (Ms. Ortega, Mr. Kim, and Mr. Dougherty voting aye).

ACTION ITEMS:

Ms. Lukenbill presented the Action Items to the Board.

Action Item 1: If approved, the requested action would amend Resolution of Necessity 2014-0008 adopted on April 10, 2015 authorizing the use of eminent domain to acquire the HPI/GSA – 4C L.P. /Sunrise Equities property in Fresno County.

Mr. Dougherty asked for clarification on whether the Resolution of Necessity had been acted on before and what action was necessary for the court order to be fulfilled. Ms. Lukenbill confirmed that it had been acted on, and Ms. Chima addressed the Board about the court order. She confirmed that Counsel believed the court order required an amendment and not a whole new Resolution.

Mr. Edward Burg addressed the Board on behalf of HPI/GSA-4C L.P. He stated that he believed adopting an amendment would not fulfill the court order and that it would be a violation of the law. Mr. Burg also stated that there was no evidence that the property fulfills any of the requirements for the take of the property. He argued that the Board had predetermined that the property will be taken and that it is not an impartial analysis of the pros and cons of each property.

Ms. Kristen Renfro addressed the Board following Mr. Burg, on behalf of Sunrise Equities. She stated that they concur with in all of the objections stated by HPI. She argued that the Staff Analysis did not contain any information about why the use of the property, if taken, would be a more necessary use than its current use as an IRS storage facility. She asked that the Board not adopt the proposed resolution.

Mr. Dougherty asked the Board's counsel about whether the judge's ruling from the court order questioned any of the same concerns that Mr. Burg and Ms. Renfro presented. Ms. Chima confirmed that the judge had not addressed any of their concerns and that the order only required a new Resolution of Necessity.

Mr. Don O'Dell from High Speed Rail Authority addressed the Board about Mr. Burg's comments, and stated that the necessity has already been confirmed and that what is being brought into question is a procedural defect in the language.

Mr. Dougherty stated that the decisions being made by the Board are not predisposed decisions and are made by considering the necessity, greatest public good and least private harm.

Ms. Ortega concluded that the Board's Counsel had advised the Board to move forward, and that if at court, the judge wants a different solution, the Board will address it at that time.

There were no additional questions or comments from the Board or public.

A motion was made by Mr. Dougherty and seconded by Mr. Kim to approve Action Item 1. The Action Item was approved by a 3-0 vote (Ms. Ortega, Mr. Kim, and Mr. Dougherty voting aye).

Action Item 2: If approved, the action would adopt six Resolutions of Necessity authorizing the use of eminent domain to acquire properties in Madera, Fresno and Kings Counties. Harj Chima, acting as Counsel to the Board on eminent domain issues confirmed that the RONS were reviewed, and each complied with the requirements set forth in Code of Civil Procedures 1245.230.

Ms. Ortega asked for any public comment. Seeing none, Mr. Dougherty addressed Ms. Lukenbill regarding the objection letters that had been received and asked for confirmation that the meeting notice had been sent with proper timing and the correct time and location. Ms. Lukenbill confirmed that it had. Ms. Chima offered to present each objection letter to the Board. However, Mr. Dougherty informed Ms. Chima that he wanted to ensure that the individuals had proper notice of when and where the meeting was being held.

There were no further questions from the public or Board.

A motion was made by Mr. Kim and seconded by Mr. Dougherty to approve Action Item 2. The Action Item was approved by a 3-0 vote (Ms. Ortega, Mr. Kim, and Mr. Dougherty voting aye).

OTHER BUSINESS:

There was no other business to present at this meeting.

Ms. Ortega called Mr. Oliveira from his speaker card. Mr. Oliveira addressed the Board about his personal information being lost by the High Speed Rail Authority. Mr. Oliveira requested that the Board refer the matter to the California Transportation Office of the Inspector General and the Office of the State Auditor.

Ms. Ortega asked Mr. Oliveira if he had presented the situation to the High Speed Rail Authority. He stated that he had not. Ms. Ortega asked Mr. Oliveira to submit the information in writing to both Boards so that the situation can be handled properly. Mr. Oliveira restated his situation and confirmed that he will submit it to the High Speed Rail Authority. Mr. Dougherty stated that he also believes the situation should be brought up to the High Speed Rail Authority, because the situation is not under the purview of the Board. Mr. Oliveira asked if his request had been denied, and Mr. Dougherty reminded him that the statement is public comment and that the Chair of the Board has already informed Mr. Oliveira how to raise the issue properly.

Alan Glen of High Speed Rail addressed the Board that it was the first time he was hearing of Mr. Oliveira's complaint. Mr. Oliveira gave a copy of the letter he read from to Ms. Belben to add to the meeting file.

Karen Stout addressed the Board regarding her property in King's County. She informed the Board that her husband had passed away before the contracts had been signed with High Speed

Rail, and now there was a lawsuit being presented to her. The Board asked the Right of Way agent from High Speed Rail to answer the question. Mr. Glen stated that he would be willing to meet with Ms. Stout to resolve the issue after the meeting.

Ms. Ortega asked if there were any comments or questions from the Board or the public. There were none.

REPORTABLES:

Ms. Lukenbill presented the reportable items for February 13, 2016 through March 11, 2016.

NEXT MEETING:

Ms. Ortega stated the next Board meeting is scheduled for Friday, March 18 at 11:00 a.m. in Room 112 at the State Capitol.

The meeting was adjourned at 10:40 a.m.