



**CALIFORNIA STATE
PUBLIC WORKS BOARD**

EDMUND G. BROWN JR. • GOVERNOR

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STATE PUBLIC WORKS BOARD
February 10, 2017

PROPOSED MINUTES

PRESENT:

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

CALL TO ORDER AND ROLL CALL:

Ms. Eraina Ortega, Chairperson of the Board called the meeting to order at 10:00 a.m.
Ms. Patrice Coleman, Executive Assistant for the Board, called the roll.

A quorum was established.

MINUTES:

The first order of business was to consider two Bond Items. approval of the December 9, 2016 minutes. Ms. Lukenbill reported that staff had reviewed and recommended approval of those meeting minutes.

There were no questions or comments regarding the minutes.

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

CONSENT ITEMS:

The next order of business was the consent calendar. Ms. Lukenbill reported that the Consent Calendar consisted of three items. Ms. Lukenbill asked the Board to note that Consent Item 4 for the California Conservation Corps had been pulled from the agenda and would not be part of the their vote.

Consent Item 1: Consider approving acquisition of approximately 6.2 acres of land in Ventura County for a replacement area office facility for the California Highway Patrol.

Consent Item 2: Consider authorizing site selection of two parcels in Santa Barbara County to ultimately acquire up to 3.5 acres for the construction of a replacement field office in the City of Santa Maria for the Department of Motor Vehicles.

Consent Item 3: Consider approving a scope change for the Department of Parks and Recreation. The scope change would reduce the number of bridges along Big Haul River Road in Mendocino Headlands State Park, from two bridges to a single bridge and a single culvert

crossing removal. The reduced scope is necessitated by a reduction in the availability of grant funding for the project.

Ms. Lukenbill reported that Consent Item 3 required a 20-day notice to the Legislature and that the 20-day review period had expired without objections from the Legislature.

Staff recommended approval of the consent calendar.

There were no questions or comments from the public or the Board regarding the consent items.

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

ACTION ITEMS:

The next order of business was to hear three action items.

Action Item 1: If approved, the requested action would authorize site selection of 8 parcels in Fresno and Kings Counties for the High Speed Train System (HSTS) project.

Staff recommended approval of the action item.

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

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

Action Item 2: If approved, the requested action would rescind three Resolutions of Necessity authorizing the use of eminent domain to acquire properties in Kings County. All three rescissions are directly related to design changes which render the parcels unnecessary for the project. Specifically, the rescissions include:

Richards Family Land Property: Resolution of Necessity 2015-0044 adopted on April 10, 2015.

MC Land Company Property: Resolution of Necessity 2015-0010 adopted on April 10, 2015.

Fagundes Property: Resolution of Necessity 2015-0012 adopted on March 13, 2015.

Staff recommended the Board Approve the rescission of three Resolutions of Necessity authorizing the use of eminent domain to acquire Kings County.

Mr. Dougherty asked for clarification about the reasoning for rescinding the parcels. He asked if it is because they are no longer needed or because the descriptions changed. Ms. Lukenbill stated the parcels are no longer needed for the project.

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

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

Action Item 3: If approved, the action would adopt 11 Resolutions of Necessity authorizing the use of eminent domain to acquire properties in Madera, Kern, and Kings Counties, totaling approximately 34 acres. Specifically, the request would adopt Resolutions of Necessities for properties 1-9 and 11-12. Property #10, Grooman, was pulled from the agenda and will not be part of the vote.

Harj Chima, acting counsel to the Board on eminent domain issues, presented the Resolutions of Necessity. Ms. Chima reported that the proposed Resolutions of Necessities before the Board had been reviewed, to ensure that they complied with the conditions set forth in Code of Civil Procedure Section 1245.230. Specifically, each Resolution provided:

1. The public interest and necessity require the Project;
2. That the proposed Project is planned and located in a manner that will provide the greatest public good with the least private injury;
3. The acquisition property described in Exhibit A to each of the Resolutions is necessary for the project; and
4. The offers of just compensation required by Government Code section 7267.2 have been made to all owners of record as required by the statute.

Ms. Chima also reported that she reviewed the objection letter that was submitted on the Rosa Property and did not have any concerns with the Board moving forward.

Mr. Dougherty asked whether there would be public comment on any property. Ms. Ortega stated we had received an objection letter but the property owners were not able to attend the meeting. Mr. Dougherty asked if there was only an objection letter on property one. Ms. Lukenbill and Ms. Chima both said that was correct. Ms. Lukenbill reported they did not receive any letters from any other property owners.

Mr. McGuire had a question on the Rosa Property. He said that there is a mediation session scheduled on January 27, and he wanted to understand the links with this action. Ms. Chima stated that she did not know if High Speed Rail had additional information. She reported that some of the counties are requiring that prior to cases being litigated, that High Speed Rail initiate mediation session with property owners prior to any litigation being filed. Ms. Chima did not know if that was the case here. Ms. Chima stated, that should not affect the adoption of the RON. Ms. Chima stated if the case is settled, then litigation would not be filed pursuant to the adoption of the RON.

Mr. Grebe, on behalf of High Speed Rail, reported they have a voluntary mediation meeting scheduled for January 27 in Visalia with the property owner. Ms. Ortega noted that consistent with past RONS, nothing prohibits negotiations to continue to reach an amicable solution, despite adoption of the RON.

Mr. Dougherty had a question specifically about property No. 11 (Rodriguez). He stated there are three parcels on the map. One of them is for the alignment of the "high speed train" the second is for the alignment for a modification to Ave. 17, and the last is the excess parcel. Mr. Dougherty questioned whether it is appropriate for the Board to condemn the third parcel, as opposed to condemning only what is needed for Ave. 17 and the HSR alignment.

Mr. Grebe responded that the uneconomic remnant would be part of the condemnation action, but that negotiations with the property owner were ongoing. Ms. Chima confirmed for Mr. Dougherty that acquiring the parcel through condemnation fits within the conditions set forth in code of civil procedure 1245.230.

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

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

Ms. Ortega noted that there were no other business items. Ms. Lukenbill then presented the reportable items, and told the Board that she would be happy to answer any questions. The Board had none.

NEXT MEETING:

Ms. Ortega stated the next Board meeting is scheduled for Friday, February 10, 2017 at 10:00 a.m. in Room 113 at the State Capitol.

Ms. Ortega asked if there were any comments or questions from the Board or the public. Seeing none, the meeting was adjourned at 10:17 a.m.