



STAFF ANALYSIS

STATE PUBLIC WORKS BOARD

Friday, June 12, 2020 at 10:00 a.m.

This meeting will take place entirely virtually and can be accessed through the following link or phone numbers*:

<https://zoom.us/j/92868025091?pwd=djI5R3RIQIBQSHBiZ3I1UVdrSHQ3QT09>

Meeting ID: 928 6802 5091

Password: 4N%ACpq4

Or

Phone: (669) 219 2599**

(669) 900 9128**

(213) 338 8477**

Meeting ID: 928 6802 5091

Password: 531483

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*Due to the Governor's proclamation of a State of Emergency resulting from the threat of COVID-19, and pursuant to the Governor's Executive Order N-29-20, issued March 17, 2020, the Board meeting will take place entirely virtually on May 8, 2020. Members of the Board will participate in this meeting remotely via telephonic or video conference. The meeting may be observed through the Zoom link and telephone number identified above. If using the Zoom platform, please install the Zoom application and enter the virtual conference room prior to the 10:00 a.m. meeting start time. Members of the public may participate through telephone, the Zoom platform, or by submitting public comment in advance. If members of the public wish to submit comments in advance, the Board asks members of the public to provide written comments to Kat.Lee@dof.ca.gov prior to the meeting. To the extent possible, all written comments will be distributed to the members of the Board prior to the meeting.

** This phone number **IS NOT** a toll free number.

Pursuant to section 11125 of the Government Code, notice of all Board meetings will be given at least ten days in advance and such notice must include a copy of the agenda. Members of the Public may address the Board prior to it taking action on any matter in the agenda.

This notice and the Board agenda for the current month are available on the State Public Works Board website. [Please click here to view.](#) The full Board member briefing package is available upon request. Please send an email to Kat.lee@dof.ca.gov.

Individuals who need disability-related accommodation are invited to make their requests and preferences known to Kat Lee at (916) 445-9694 or e-mail to Kat.lee@dof.ca.gov, five days prior to the meeting.

CONSENT ITEMS

CONSENT ITEM—1

**CALIFORNIA HIGHWAY PATROL (2720)
TRACY AREA OFFICE REPLACEMENT
SAN JOAQUIN COUNTY**

Authority: Section 14669.18 of the Government Code

Consider approving a second amendment to the lease purchase agreement.

STAFF ANALYSIS ITEM—1

California Highway Patrol
Tracy Area Office Replacement
San Joaquin County

Action Requested

If approved, the requested action would approve a second amendment to the lease purchase agreement to extend the date of the state's right to cancel the lease to September 30, 2020.

Background

On September 24, 2018, the Board authorized an acquisition through the approval of a lease-purchase agreement with early options to purchase. Under this agreement a developer, Magnon Companies, Inc, would acquire approximately five acres of property to develop and construct a replacement California Highway Patrol (CHP) area office in Tracy. At the end of the term of the agreement, or when the early option is exercised, the state will own the facility and property. The proposed facility will consist of approximately 25,000 square feet of office space, with a vehicle service area, fuel island, truck and bus citation clearance area, communications tower with radio vault, secured and public parking, and related improvements.

Although the Board approved the lease purchase agreement, there were several issues identified with the preferred site, which required resolution prior to development of the project. As a result, under the original terms of the lease purchase agreement, the state could unilaterally cancel the lease without penalty if the developer does not complete the following by September 30, 2019:

- Acquire five acres of undeveloped land from the current landowner. These five acres would be separated from a larger 18 acre parcel.
- Secure an appurtenant easement from the City of Tracy for the installation of utilities and access to the proposed project.
- Secure a Conditional Use Permit for a CHP Communication Tower.

On November 8, 2019, the Board authorized amendment of the lease purchase agreement to extend the September 30, 2019 date to March 31, 2020. This extension was based on the latest date the current land owner would hold the property for Magnon Companies, Inc. Subsequent to the amendment of the lease purchase agreement, the negotiations with the City of Tracy regarding access easements to the property required more time than anticipated, with the city approving the Grant of an

Access and Utility Easement and Conditional Use Permit on May 5, 2020. Although the developer has secured the necessary easement and use permit, completing the acquisition process is expected to take a several months. Once it was evident that the March 31, 2020 date could not be met, the land owner agreed to extend the acquisition date to September 30, 2020. This request would make a conforming amendment to the Lease Purchase Agreement amending the date of the state's right to cancel the lease from March 31, 2020 to September 30, 2020.

Staff Recommendation: **Approve a second amendment to the Lease Purchase Agreement.**

CONSENT ITEM—2

**CALIFORNIA COMMUNITY COLLEGES (6870)
STATE CENTER COMMUNITY COLLEGE DISTRICT, CLOVIS COMMUNITY COLLEGE: APPLIED TECHNOLOGY BUILDING, PHASE 1
FRESNO COUNTY**

Authority: *2019 Budget Act, Item 6870-301-6087(48)*

Consider approving preliminary plans

STAFF ANALYSIS ITEM—2

California Community Colleges
State Center Community College District
Clovis Community College, Applied Technology Building, Phase 1
Fresno County

Action Requested

If approved, the requested action will approve preliminary plans.

Scope Description

This project is within scope. The proposed project includes the construction of a new 44,450 assignable-square-foot instructional building consisting primarily of laboratory space, with some space dedicated for lecture, office, learning resources, and AV/TV. Once complete, the new facility will house applied technology fields such as wastewater technology, food processing and manufacturing, environmental technology, and electronics.

Funding and Project Cost Verification

This project is within cost. The latest total estimated cost of the project is \$50,552,000 (\$25,883,000 GO Bond and \$24,669,000 local) compared to \$51,481,000 (\$26,091,000 GO Bond and \$25,390,000 local) at the time of 2019 Budget Act. This decrease in project costs reflects that the increase in the California Construction Cost Index is less than the reduction in escalation. The state share of preliminary plans and working drawings was appropriated in the 2019 Budget Act and the state share of the construction phase is proposed for the 2020 budget.

- \$3,587,000 Total authorized project cost
- \$50,552,000 Total estimated project cost
 - \$843,000 State costs previously allocated: \$843,000 preliminary plans
 - \$843,000 Local costs previously allocated: \$843,000 preliminary plans
- \$25,040,000 State costs to be allocated: \$951,000 working drawings and \$24,089,000 construction
- \$23,826,000 Local costs to be allocated: \$950,000 working drawings and \$22,876,000 construction

CEQA

The district filed a Notice of Determination for the Clovis Community College Master Plan with the State Clearinghouse on February 2, 2002, and the 35-day statute of limitations expired without challenge. However, the Master Plan did not contemplate an Applied Technology Building or equivalent facility. Completion of CEQA for this project is needed prior to approval of working drawings.

Real Estate Due Diligence

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

Project Schedule

Approve preliminary plans	June 2020
Complete working drawings	April 2021
Start construction	July 2021
Complete construction	January 2023

Staff Recommendation:

Approve preliminary plans.

MINUTES

Consider approving the minutes from the May 8, 2020 meeting.

Staff have reviewed the minutes from the May 8, 2020 meeting and recommend approval.

Staff Recommendation: Approve minutes from the May 8,2020 meeting

ACTION ITEMS

ACTION ITEM—1

HIGH SPEED RAIL AUTHORITY (2665) INITIAL OPERATING SEGMENT, SECTION 1 VARIOUS COUNTIES

*Authority: 2012 Budget Act, Item 2665-306-0890 (1), as reappropriated by the 2018 Budget Act
2012 Budget Act, Item 2665-306-6043 (1), as reappropriated by the 2018 Budget Act
2014 Budget Act, Item 2665-306-3228 (1),
Section 39719(b) (2) of the Health and Safety Code
Section 39719.1 of the Health and Safety Code
Section 15854 of the Government Code*

Consider the adoption of Resolutions of Necessity authorizing the use of eminent domain by the High Speed Rail Authority to acquire the following properties for the High Speed Train System:

- 1. Pistoresti Property (Madera County)
Authority Parcel Number: MF-20-1257-1
Assessor Parcel Number: 037-010-017**
- 2. Crossings Property (Fresno County)
Authority Parcel Numbers: FB-10-0421-1, FB-10-0421-2, and FB-10-0430-1
Assessor Parcel Number: 385-110-98**
- 3. RJ Farms Property (Fresno County)
Authority Parcel Number: FB-10-1319-2
Assessor Parcel Number: 335-090-61**
- 4. Eskelsen Property (Fresno County)
Authority Parcel Number: FB-10-1481-1
Assessor Parcel Number: 338-080-36 (formerly designated as 338-080-30)**
- 5. Vie Del Property (Fresno County)
Authority Parcel Numbers: FB-10-1357-1, FB-10-1360-1, FB-10-1360-2,
FB-10-1360-3, FB-10-1360-6, FB-10-1360-7, FB-10-1360-8; FB-10-1362-1,
FB-10-1362-2, FB-10-1362-5, and FB-10-1362-6
Assessor Parcel Numbers: 042-170-16S, 042-180-05, and 042-180-13 (formerly
designated as 042-180-07)**
- 6. Soares Property (Kings County)
Authority Parcel Number: FB-16-0973-1
Assessor Parcel Number: 014-130-058**
- 7. Dias Property (Kings County)
Authority Parcel Numbers: FB-16-0941-1 and FB-16-0941-2
Assessor Parcel Number: 016-200-043**

STAFF ANALYSIS ITEM—1

High Speed Rail Authority
Initial Operating Segment, Section 1
Various Counties

Action Requested

Adopt Resolutions of Necessity authorizing the use of eminent domain by the High Speed Rail Authority to acquire properties for the High Speed Train System.

Background

Under California Eminent Domain Law, the Board is the governing body of the High Speed Rail Authority (Authority) for purposes of adopting Resolutions of Necessity that are required for the Authority to initiate eminent domain proceedings. To adopt a Resolution of Necessity the Board must consider that the following conditions have been met:

- (A) The public interest and necessity require the project;
- (B) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (C) The property sought to be acquired is necessary for the project; and,
- (D) The offer required by Government Code section 7267.2 has been made to the owner or owners of record.

The properties are within the right of way for the Initial Operating Segment, Section 1, extending from Madera to Shafter, and are within the preferred alignment as previously approved by both the High Speed Rail Authority Board of Directors and the Federal Railroad Administration. Acquisition of these properties will allow the Authority to move forward with construction of the High Speed Train System (HSTS).

The Authority notified the Board's staff that between February 2020 and April 2020 the respective property owners were provided with a first written offer to purchase the subject property, as required by Government Code section 7267.2. The Authority has informed the Board's staff that negotiations to acquire the property are continuing; however, to keep the project on schedule, the adoption of Resolutions of Necessity to authorize the use of eminent domain is required at this time.

On May 27, 2020, Notices of Intent to adopt a Resolution of Necessity were mailed by Board staff to the property owners. These notices were sent in accordance with Code of Civil Procedure section 1245.235.

Property Specific Information:

1. Pistori Property (Madera County)

Authority Parcel Number: MF-20-1257-1

Assessor Parcel Number: 037-010-017

Partial Acquisition: Approximately 0.31 acre in fee

The parcel is needed for construction of the High Speed Rail corridor approximately ½ mile northwest of Avenue 17.

2. Crossings Property (Fresno County)

Authority Parcel Numbers: FB-10-0421-1, FB-10-0421-2, and FB-10-0430-1

Assessor Parcel Number: 385-110-98

Partial Acquisition: Approximately 0.23 acre in easement

The parcel is needed for an easement to construct, repair, maintain, access, and operate above and below surface PG&E utilities.

3. RJ Farms Property (Fresno County)

Authority Parcel Number: FB-10-1319-2

Assessor Parcel Number: 335-090-61

Partial Acquisition: Approximately 0.75 acre in easement

The parcel is needed for a temporary construction easement to move large equipment in to the bore pits and place piping for the irrigation district under the BNSF and HSR corridor between E. Adams Avenue and E. Sumner Avenue.

4. Eskelsen Property (Fresno County)

Authority Parcel Number: FB-10-1481-1

Assessor Parcel Number: 338-080-36 (formerly designated as 338-080-30)

Partial Acquisition: Approximately 0.13 acre in fee

The parcel is needed for the East Manning Avenue grade separation.

5. Vie Del Property (Fresno County)

Authority Parcel Numbers: FB-10-1357-1, FB-10-1360-1, FB-10-1360-2,

FB-10-1360-3, FB-10-1360-6, FB-10-1360-7, FB-10-1360-8; FB-10-1362-1,

FB-10-1362-2, FB-10-1362-5, and FB-10-1362-6

Assessor Parcel Numbers: 042-170-16S, 042-180-05, and 042-180-13 (formerly designated as 042-180-07)

Partial Acquisition: Approximately 0.62 acre (0.19 acre in fee, 0.43 acre in easement)

The parcel is needed for the High Speed Rail corridor between E. Floral and E. Mountain View Avenue and for easements for PG&E and the irrigation district.

6. Soares Property (Kings County)

Authority Parcel Number: FB-16-0973-1

Assessor Parcel Number: 014-130-058

Partial Acquisition: Approximately 0.02 acre in easement

The parcel is needed for an easement to accommodate the realignment of an overhead electrical line adjacent to the Fargo Avenue grade separation.

7. Dias Property (Kings County)

Authority Parcel Numbers: FB-16-0941-1 and FB-16-0941-2

Assessor Parcel Number: 016-200-043

Partial Acquisition: Approximately 0.83 acre in easement

The parcel is needed for utilities easement for overhead lines and utility towers adjacent to the High Speed Rail corridor just south of Houston Avenue

Staff Recommendation:

Adopt Resolutions of Necessity authorizing the use of eminent domain by the Authority to acquire properties for the HSTS.

OTHER BUSINESS

NONE

REPORTABLES

TO BE PRESENTED AT MEETING