



STATE PUBLIC WORKS BOARD
February 12, 2016

MINUTES

PRESENT:

Ms. Eraina Ortega, Chief Deputy Director, Department of Finance
Mr. Kome Ajise, Chief 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 adopted would authorize interim financing for the Department of Corrections and Rehabilitation, Juvenile Project, Santa Clara County.

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

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

Bond Item #2: If adopted would authorize interim financing for the Department of Corrections and Rehabilitation, Juvenile Project, Yolo County.

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

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

Bond Item #3: If adopted would authorize interim financing for the Board of State and Community Corrections, Adult Local criminal justice project, Stanislaus 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. Ajise, Mr. Fowler, and Mr. Yowell all voting aye).

MINUTES:

The next order of business was approval and adoption of the January 15, 2016 and January 29, 2016 minutes. Ms. Lukenbill reported that staff had reviewed and recommended approval and adoption of the minutes.

Mr. Fowler requested an updated title reflecting Ms. Giordano as Assistant Director, Public Finance Division, State Treasurer on the January 15, 2016 minutes, and for himself as Director, Public Finance Division, State Treasurer, on the January 29, 2016 minutes.

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

CONSENT ITEMS:

Ms. Lukenbill informed the Board the Consent Calendar consisted of Items 1 and 2.

In summary, the Consent Calendar included the following items:

Consent Item 1: Request to consider authorizing site selection for the Parkfield Fire Station Replacement Project in Monterey County.

Consent Item 2: Request to recognize a scope change for the San Diego Readiness Center renovation project for the California Military Department.

Staff recommended approval of the Consent Calendar consisting of Consent Items 1 and 2.

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

A motion was made by Mr. Kim and seconded by Mr. Ajise to approve Consent Items 1 through 3. The Consent Items were approved by a 3-0 vote (Ms. Ortega, Mr. Kim, and Mr. Ajise voting aye).

ACTION:

Ms. Lukenbill presented the Action Items to the Board.

Action Item 1: If approved, the action would adopt five Resolutions of Necessity authorizing the use of eminent domain to acquire properties in Fresno, Kings, and Tulare Counties. Harj Chima, acting as Counsel to the Board on eminent domain issues addressed the concerns raised in the letters of objection and presented the Resolutions of Necessity.

Ms. Ortega asked the Board and public if there were any questions or comments regarding properties 1, 2, 4, and 5. As there were none, Ms. Ortega suggested making a motion to approve the Resolutions for those properties before hearing from the J.G. Boswell Company, which was listed as property number 5 on the agenda.

A motion was made by Mr. Ajise and seconded by Mr. Kim to approve Action Item 1, properties 1, 2, 4, and 5. The Action Item was approved by a 3-0 vote (Ms. Ortega, Mr. Kim, and Mr. Ajise voting aye).

The Board was addressed by Mr. Dennis Tristao on behalf of the J.G. Boswell Company, property 3. He thanked the Board for the 30-day delay granted at the January 15, 2016 Public Works Board meeting. Mr. Tristao reported that the company is comfortable with the Resolution of Necessity moving forward. He also requested that the Board allow ConEdison the same courtesy. Ms. Ortega thanked Mr. Tristao for his time and input.

Arnie Owsley and Lisa McCurdy from Greenberg Traurig, LLP addressed the Board with an update in regard to ConEdison. Ms. McCurdy thanked the Board for the extension and reported that small steps have been made. She stated that there has not been an updated appraisal and they have not received a determination whether the property is considered personal or realty. Ms. McCurdy reported that ConEdison has received two notices of eligibility for relocation assistance. Ms. McCurdy also reported that she requested and has not received copies of the personal property inventory. She requested another 30-day extension. Mr. Owsley addressed the Board in regard to the potential cost impact and the redesign build. He thanked the Board and asked them to consider the complexity of the project. Ms. McCurdy stated that while she understands the Board's purview, she believes the lack of a personal property inventory impacts the just compensation offer.

Harj Chima reminded the Board that the just compensation offer required is for the real property and only applies to the owner. She also stated that the solar panels are considered personal property and are covered under the relocation assistance program.

Don Grebe addressed the Board, stating that the property owner has agreed that the price is fair, and that the lease is a separate issue. Mr. Grebe assured the Board that High Speed Rail is working closely with ConEdison to resolve all outstanding issues, and requested that the Resolution be approved.

Ms. Ortega thanked Ms. McCurdy and Mr. Owsley for appearing. She stated that she felt an appropriate place had been reached to adopt the Resolution of Necessity, knowing that negotiations would be continuing while keeping the timeline of the project.

Mr. Ajise stated that he was in agreement with Ms. Ortega.

Mr. Kim stated that he can appreciate the technical challenges that are presented, but is still struggling with the fact that ConEdison went ahead with their development, knowing that the State had planned to purchase that land for the High Speed Rail project.

Ms. McCurdy addressed the Board again regarding the personal property inventory, and stated again that it has yet to be determined if the panels are personal or realty property.

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

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

Action Item 2: If approved, would authorize a Resolution of the State Public Works Board Delegating Authority to Execute Contracts for the Acquisition or Possession and Use of Real Property for the California High Speed Rail Project to the Chairperson of the Board, or his or her representative.

Staff recommended approval of Action Item 2.

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

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

Action Item 3: If approved, the requested action would rescind Resolution of Necessity 2015-0053 adopted on May 20, 2015 authorizing the use of eminent domain to acquire the Thomason property.

Staff recommended approval of Action Item 3.

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

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

Ms. Ortega stated that Action Item 4 had been removed the Agenda.

OTHER BUSINESS:

There was no other business to present at this meeting.

REPORTABLES:

Ms. Lukenbill presented the reportable items for January 16, 2016 through February 12, 2016.

NEXT MEETING:

Ms. Ortega stated the next Board meeting is scheduled for Friday, March 11 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. There were none.

The meeting was adjourned at 10:33 a.m.