



STATE PUBLIC WORKS BOARD
March 13, 2015

MINUTES

PRESENT:

Ms. Eraina Ortega, Chief Deputy Director, Department of Finance
Mr. Esteban Almanza, Acting Director, Department of General Services
Mr. Kome Ajise, Deputy Director, Department of Transportation

CALL TO ORDER AND ROLL CALL:

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

Ms. Ortega stated that Bond Item #1 was pulled from the calendar; and approval the minutes from the February 13, 2015 meeting would be postponed to the next regularly scheduled meeting. Therefore, the first Item brought before the Board was the Consent Items.

CONSENT ITEMS:

Ms. Lukenbill informed the Board the Consent Calendar consists of Items 1 through 7.

In summary, the Consent Calendar includes the following items:

- 1 request to approve preliminary plans for the Silver Peak Site [Item 1 for CHP]
- 1 request to authorize site selection [Item 2]
- 4 requests to approve preliminary Plans [Item 3, 5, 6, and 7]
- 1 requests to approve preliminary plans and recognize revised project costs [Items 4]

Staff recommended approval of the Consent Calendar consisting of Consent Items 1 through 7. There were no comments or questions from the Board or the public.

A motion was made by Mr. Ajise and seconded by Mr. Almanza to approve Consent Items 1 through 7. The Consent Items were approved by a 3-0 vote (Ms. Ortega, Mr. Almanza, and Mr. Ajise voting aye).

ACTION ITEMS:

Action Item #1: Mr. Phil Osborn, Board staff, informed the Board that approval of Action Item #1 would acknowledge the proposed Second Amendment to the Purchase and Sale Agreement negotiated by the Department of General Services and Brookfield Homes related to the sale of the Fred C. Nelles Youth Correctional Facility.

Staff confirmed the terms thereof do not alter the Board's Resolution dated June 10, 2011, in which approval of the sale conditioned on defeasance of a portion of the Board's outstanding 2000 Series B bonds.

Staff recommended the Board acknowledge the proposed Second Amendment to the Purchase and Sale Agreement negotiated by the Department of General Services and Brookfield Homes related to the sale of the Fred C. Nelles Youth Correctional Facility.

Mr. Jeff Collier, City of Whittier, presented himself available for questions anyone may have had regarding the city's process and application. Susan Brandt-Hawley, Brandt-Hawley law Group representing the Whittier Conservancy, addressed the Board with opposition to the proposed Action and requested that the amendment not be accepted by the Board. Ms. Helen Rahder, Former Mayor of Whittier and current Executive Director of the Whittier Conservancy, addressed the Board stating that this California Landmark should be cherished and adeptly reused. Ms. Rahder is on record for not supporting this extension and would like the Board to vote against this action. Mr. Dave Bartlett, representing Brookfield Residential Properties, informed the Board of his working with the Department of General Services to complete CEQA and that CEQA can take a long time. The most important resources on site are being considered, and he requested more time to get through the process. Mr. Ajise asked if the city manager is willing to work out current issues, and Mr. Collier confirmed so. Ms. Brandt-Hawley asked that the Board clarify the terms of the extension.

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

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

Action Item 2: Ms. Lukenbill, Board staff, stated if approved the requested action would approve site selection of properties that were site-selected at the May 2014 PWB meeting with either an outdated or incorrect Assessor's Parcel Number (APN), or where a review of a larger acquisition parcel identified the need to site select an additional APN. Ms. Lukenbill also stated that in several cases a single parcel was split into multiple parcels or a larger map of a particular parcel revealed the need to site select an additional APN. This action is intended to rectify the technical errors.

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

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

Action Item 3: Ms. Lukenbill informed the Board that the requested action would approve 28 Resolutions of Necessity authorizing the use of eminent domain to acquire approximately 72.2 acres in Madera, Fresno and Kings Counties. Specifically, the requested action would approve Items 1-16, 18-19, and 21-30. Harj Chima, acting Counsel to the Board on eminent domain issues, presented the Resolutions of Necessity.

Staff recommended approval of 28 Resolutions of Necessity authorizing the use of eminent domain to acquire approximately 72.2 acres in Madera, Fresno and Kings counties for the construction of the High Speed Train System. Specifically, the requested action would approve Items 1-16, 18-19, and 21-30.

Mr. Mark Wasses, Lawyer representing 2 property owners in Item 18 and Item 29, which are adjoining properties, requested on behalf of the property owners that Items 18 and 29 be pulled and put over to another meeting to give more time for negotiations.

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

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

The next order of business was the Closed Session for the Board to confer with legal counsel regarding anticipated litigation pursuant to Government Code Section 11126(e)(2)(c)(i). Ms. Ortega reconvened the public Board meeting reporting the Board approved a proposed settlement agreement in the following case:

People of the State of California, acting by and through the State Public Works Board v. Frank Solomon, Jr., Trustee of the Frank Solomon, Jr., Living Trust, Dated February 7, 2002, et al., Fresno County Superior Court Case No. 14CECG00643.

REPORTABLES:

Ms. Lukenbill informed the Board there were three Reportable Items this month:

Judicial Council of California, New Hollister Courthouse, San Benito County

Approve an augmentation

Department of Corrections and Rehabilitation, Tuolumne Juvenile Detention Center, Tuolumne County, Execute a Project Delivery and Construction Agreement

Consent to a Ground Lease and Right of Entry

NEXT MEETING:

Ms. Ortega stated the next Board meeting is scheduled for Thursday, March 26, at 10:00 am in the **State Capitol, Room 113.**

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

The meeting was adjourned at 10:52 a.m.