



**CALIFORNIA STATE
PUBLIC WORKS BOARD**

EDMUND G. BROWN JR. • GOVERNOR

915 L STREET ■ NINTH FLOOR ■ SACRAMENTO CA ■ 95814-3706 ■ (916) 445-9694

STATE PUBLIC WORKS BOARD

August 14, 2017

PROPOSED MINUTES

PRESENT:

Ms. Eraina Ortega, Chief Deputy Director, Department of Finance
Mr. Jeff McGuire, Chief Deputy Director, Department of General Services
Ms. Ellen Greenberg, 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. Patrice Coleman, Executive Assistant for the Board, called the roll. A quorum was established.

MINUTES:

The first order of business was to consider approving the minutes from the July 17th Board meeting. Ms. Lukenbill reported that staff had prepared and reviewed the minutes from the July 17th Board meeting and recommended approval of those meeting minutes.

Ms. Ortega asked if there were any questions or comments regarding the minutes. There were none.

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

CONSENT ITEMS: No Consent Items

ACTION ITEMS:

The next order of business was to hear the Action Items.

- Action Item 1: Ms. Lukenbill informed the Board that if approved, the request would authorize acquisition of approximately 3 acres of land in the City of Santa Maria, Santa Barbara County, for the construction of a replacement DMV field office. This action would also authorize the execution of a Property Acquisition Agreement and other such documents as may be required to approve the acquisition. The acquisition of the property is contingent upon satisfactory results of a Phase II Environmental Site Assessment report for the property.

Staff recommended the Board approve acquisition of the parcel in Santa Maria for a new DMV field office, and the related Property Acquisition Agreement, contingent upon satisfactory results of the Phase II environmental assessment.

Ms. Ortega asked if there were any questions or comments. There were none.

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

- Action Item 2: Ms. Lukenbill indicated that if approved, the requested action would approve the adoption of two amended Resolutions of Necessity authorizing the use of eminent domain to acquire properties in Kings County.

Staff recommended the Board approve the adoption of two amended Resolutions of Necessity authorizing the use of eminent domain, for the High Speed Train project.

Ms. Ortega asked if there were any questions or comments. There were none.

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

- Action Item 3: Ms. Lukenbill indicated that if approved, the action would adopt 9 Resolutions of Necessity authorizing the use of eminent domain to acquire properties in Madera, Fresno, Kings, Tulare, and Kern Counties totaling approximately 235 acres, for the High Speed Train project.

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

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. Ortega asked if there were any questions or comments. Ms. Greenberg asked for clarification on the current use of the Atwell property. Mr. Odell, representing the High Speed Rail Authority responded, indicated that Atwell and Alpaugh are one in the same for the purposes of the RON - Atwell owns the property and Alpaugh owns water rights. Mr. Odell stated the property contains retention ponds that deliver irrigation water to private customers in a commercial setting, and the HSR right-of-way will go directly through the ponds. Mr. Odell stated that the use of the retention ponds will not be compromised as there are numerous ways to mitigate any impact. Mr. Odell indicated that while HSR continues to work with Atwell on the

best mitigation options, the RON is needed to gain access to the property to inspect the ponds and to assess potential impacts of the rail line.

Ms. Greenberg asked if the RON were adopted, would there continue to be an agreement with the water district to use the property. Mr. Odell confirmed that HSR would continue to work with Atwell and the water district on mitigation measures.

Ms. Chima pointed out that if the parties are unable to reach a resolution, the court would make a determination as to the best mitigation option.

Mr. Odell added that any damages related to the mitigation measures would be an issue of compensation.

Ms. Ortega asked if there were any property owners present, and whether there were any further questions or comments from the public. There were none.

Staff recommended adoption of Resolutions of Necessity for 9 properties authorizing the use of eminent domain.

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

- Action Item 4: Ms. Lukenbill indicated that if approved, the requested action would authorize acquisition of property from BNSF, and the execution of the Purchase and Sales Agreement and other such documents as may be required to approve the acquisition of the property, for the High Speed Train project.

Staff recommended the Board authorize acquisition of property from BNSF, and authorize the execution of the Purchase and Sales Agreement and other such documents as may be required to approve the acquisition of the property.

Ms. Ortega asked if there were any questions or comments. There were none.

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

- Action Item 5: Ms. Lukenbill indicated that if approved, the requested action would approve the acquisition of an interest in property and execution of an Agreement for Release of Easement and related documents with Union Pacific Railroad Company, for the High Speed Train project.

Staff recommended the Board approve the acquisition of an interest in property and execution of an Agreement for Release of Easement and related documents with Union Pacific Railroad Company.

Ms. Ortega asked if there were any questions or comments. There were none.

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

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, September 8, 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. There were none. The meeting was adjourned at 10:16 a.m.