



STATE PUBLIC WORKS BOARD
November 14, 2016

PROPOSED MINUTES

PRESENT:

Ms. Eraina Ortega, Chief Deputy Director, Department of Finance
Mr. Daniel Kim, Director, Department of General Services
Mr. Kome Ajise, Chief 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. Karessa Belben, Executive Assistant for the Board, called the roll. A quorum was established.

MINUTES:

Ms. Lukenbill reported that the minutes from the October 14, 2016 meeting were still under review and would be considered for approval at the December 9, 2016 meeting.

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

CONSENT:

The Consent Calendar consisted of three items, however Ms. Lukenbill reported that the second item had been pulled from the agenda. The remaining two consent items were as follows:

Consent Item 1: Consider authorizing acquisition of approximately 19 acres on the University of California, Riverside campus for the consolidation and relocation of the Air Resources Board's Southern California motor vehicle and engine emissions testing and research facility.

Consent Item 3: Consider authorizing site selection of an approximately 5.3 acre parcel in San Bernardino County for a replacement area office facility for the California Highway Patrol.
There were no comments or questions from the Board or public.

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

ACTION:

The next order of business was to hear three action items. Before the first item was heard, Ms. Ortega addressed the attendees of the meeting regarding the change of meeting location by the Senate Sergeants at the October 14, 2016 meeting. She explained that, despite best efforts on behalf of staff of the Board, counsel for the Center Point property owner was unable to attend the meeting due to the confusion. Though the RON had been properly adopted, it would be heard again at this meeting.

Action Item 1: If approved, the requested action would rescind three Resolutions of Necessity authorizing the use of eminent domain to acquire the properties in Kern, Madera, and Fresno counties. Specifically, the rescissions included the Daniel Property, the Center Point Property, and the Parallamo property.

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

Staff recommended approval of the action item.

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

Action Item 2: If approved, the action would adopt 14 Resolutions of Necessity authorizing the use of eminent domain to acquire properties in Madera, Fresno, Kings and Tulare counties, totaling approximately 53 acres.

Harjinder Chima, acting as counsel to the Board, presented the Resolutions of Necessity to the Board.

There were three speakers that addressed the Board. The first speaker, Mr. Dylan Crosby, addressed the Board on behalf of the Center Point property. He first asked that the Board consider reimbursement for his travel expenses to the meetings, due to the confusion of the October 14, 2016 meeting. He also stated that he believed the State was proceeding against the property in bad faith, due to having two separate cases, and that the High Speed Rail project is not located in a manner that would cause the least private injury or the greatest public good. Ms. Ortega asked that Ms. Chima and High Speed Rail's counsel address Mr. Crosby's statements. Ms. Chima stated that the Board has no authority to grant attorney's fees, and addressed the two cases, stating that the first acquisition was the necessary take area and that it subsequently came clear that more property was necessary, which prompted the second RON. Ms. Chima concluded by stating that she believed the intention of the High Speed Rail was to combine the two proceedings into one once the second RON had been adopted. Mr. Odell of the High Speed Rail confirmed that Ms. Chima was correct and the cases would be consolidated. Mr. Kim asked Mr. Crosby for more information regarding the use of the property. Mr. Crosby explained that Center Point planned to build an industrial park on the property and that it would possibly take a few more years to develop. Ms. Ortega thanked Mr. Crosby and asked for Mr. Derek Hoffman to approach the Board.

Mr. Hoffman represented the owners of 2113 E Manning Avenue. Their main concern was that the permanent take area of the High Speed Rail project is designed to take the well that provides water to the skilled care center located on the property. Mr. Hoffman asked that if the Board does adopt the resolution, that it also require sequencing to ensure a new well is in place before the old well is rendered unusable. Ms. Ortega asked for the number of residents, and Mr. Hoffman stated that he believed it was in the tens or dozens. Mr. Odell addressed the Board and stated that the State will be compensating the property owner for the well, and that they will be ensuring water is flowing to the property at all times of the project. Ms. Ortega asked if the sequencing would be in place to ensure this and Mr. Odell confirmed that the agreement could be reached without going to court during negotiations. Mr. Kim asked if High Speed Rail had identified an area that the well would be relocated to. Mr. Odell and Mr. Hoffman both confirmed that the area had not been identified yet, but that it was a discussion being had.

The final speakers of the meeting were Mr. Frank Oliveira and Mr. Louis Oliveira on behalf of the Oliveira property. Mr. Frank Oliveira addressed the Board, stating that an action was being taken against someone that he did not believe was listed on the title. He also stated that he did not

believe that High Speed Rail had a required permit to cross the Kings River. Ms. Chima addressed the Board with a copy of the title from September of 2016, showing that the individual listed on the Notice of Intent was in fact listed on the title. Mr. Oliveira stated that the tax bill comes only in Mr. Louis Oliveira's name. Ms. Ortega stated that she did not believe that the issue of vesting could be cleared up at the Board meeting and asked what possible consequences would be. Ms. Chima informed Ms. Ortega that should the vesting be incorrect, the Board would rescind the RON and adopt an alternate RON without that individual on it. Mr. Ajise asked how the title is worded, and Ms. Chima read the title. Mr. Oliveira stated that the ownership has changed twice since 2002 and that he believed the title company had pulled an old copy of the title. Ms. Chima addressed this comment by stating that generally the title company pulls the most recent title as of the day it is printed. Mr. Odell addressed the topic of the permit, stating that the permits would be necessary for construction, but that it is conceivable they would not have the permits at this point. Ms. Ortega asked Ms. Chima for a recommendation on the title issue. Ms. Chima recommended the Board use the title as verification. Mr. Kim asked Ms. Chima to confirm the course of action if the title is not correct. Ms. Chima stated that either the RON would need to be rescinded and readopted, or that the individual could be dismissed from the lawsuit. Mr. Oliveira asked if the individual stated in the Notice of Intent would need to come forward with the litigation. Ms. Chima confirmed that if the individual is on the title, the litigation would be against her. Mr. Oliveira presented his tax bill to the Board, and the Board confirmed with High Speed Rail that if there is an error on the title, the individual would be excused from litigation. Counsel confirmed. Mr. Ajise stated that while it is an interesting dynamic, the purpose of the Board is to determine necessity of the property. Ms. Ortega asked for High Speed Rail to commit to resolving the issue of the clarification of the title.

Ms. Ortega asked for any other public comments or questions from the Board. There were none.

Staff recommended approval of the action item.

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

Action Item 3: If approved, the requested action would approve the addition of a new clause to the Optional Right of Way Clauses in Exhibit B authorized by Resolution at the November 6, 2015 Public Works Board Meeting.

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

Staff recommended approval of the action item.

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

OTHER BUSINESS:

Staff presented one business item which consisted of recognizing the Annual Financial Report from Gilbert Associates Inc. for the Public Buildings Construction Fund.

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

REPORTABLES:

Staff reported that the reportables were available in the Agenda with Analysis and in the Board's briefing packages. There were no questions or comments on the reportables.

NEXT MEETING:

Ms. Ortega stated the next Board meeting is scheduled for Friday, December 9 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 10:47 a.m.