



**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

March 9, 2018

PROPOSED MINUTES

PRESENT:

Ms. Jacqueline Wong-Hernandez, 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. Jacqueline Wong-Hernandez, Chairperson of the Board, called the meeting to order at 10:00 a.m. Ms. Marie Magdaleno, serving as Secretary to the Board, called the roll. A quorum was established.

MINUTES:

The next order of business was to consider approving the minutes from the February 12th Board meeting.

Ms. Lukenbill reported that staff had prepared and reviewed the minutes from the February 12th Board meeting.

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

CONSENT ITEMS:

There were none.

ACTION ITEMS:

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

- Action Item 1: Ms. Lukenbill informed the Board that if approved, the requested action would authorize site selection of 10 parcels in Fresno and Kings Counties for the High Speed Train System project.

Ms. Lukenbill explained that of the nine parcels in Fresno County, eight are needed for utility easements/relocations or for pipe jacking pits adjacent to the BNSF railroad, and the remaining Fresno County parcel is needed for the HSTS at E. Conejo Avenue. The Kings County parcel is needed for a utility easement.

Staff recommended the Board authorize site selection of 10 parcels in Fresno and Kings Counties.

Ms. Wong-Hernandez asked if there were any questions or comments from the Board, or from the public. There were none.

A motion was made by Mr. McGuire and seconded by Ms. Greenberg to approve the Action Item. Action Item 1 was approved by a 3-0 vote (Ms. Wong-Hernandez, Ms. Greenberg and Mr. McGuire all voting aye).

- Action Item 2: Ms. Lukenbill informed the Board that if approved, the requested action would adopt five Resolutions of Necessity (RON) authorizing the use of eminent domain to acquire properties in Fresno, Kings, and Kern Counties.

Ms. Lukenbill stated that between May 2017 and December 2017, the various owners were provided with a first written offer to purchase their property, and on February 16, 2018, Notices of Intent were mailed to each property owner. Ms. Lukenbill further stated that the Board's briefing packages included the RONs, maps for each of the properties, and objection letters from two property owners: the Dias' and the Andranigians. Ms. Lukenbill noted that Ms. Shelli Andranigian, who was present at the meeting, brought a letter related to the Crawshaw property.

Mr. Ephraim Egan, acting as Counsel to the Board on eminent domain issues presented the RON. Mr. Egan 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.

Staff recommended the adoption of RON for properties 1 through 5, authorizing the use of eminent domain.

Ms. Wong-Hernandez invited Ms. Shelly Andranigian to address the Board regarding the Andranigian property. Ms. Andranigian stated that she wanted to address the Board related to eminent domain conditions of the RON that was received. Ms. Andranigian stated that the requirement that the proposed project is planned and located in a manner that will provide the greatest public good and least private injury has not been met because the Authority does not have permits to cross the highway and river to access the impacted land, and until such permits are received, the exact land needed cannot be determined. Ms. Andranigian then addressed the requirement that the acquisition property is needed for the project. Ms. Andranigian stated this condition has not been met because an encroachment permit is still needed from Caltrans. Ms. Andranigian then addressed the requirement that an offer of just compensation be made to the owner of record. Ms. Andranigian stated this condition has not been met because the appraisal offer that was sent during the holiday season included a "low-ball" offer that did not include goodwill related to the impact on the farming operation.

Mr. Odell, counsel for the Authority, addressed the Board at the request of Ms. Wong-Hernandez. He stated that while design is ongoing, the property is needed for the project. Mr. Odell further stated the Andranigians have been provided with an offer that is the good faith, full appraised value for the property, and that issues of compensation would be determined by a jury or negotiated settlement.

Ms. Wong-Hernandez asked whether good faith negotiations would continue if the RON was adopted; Mr. Odell confirmed that negotiations would continue.

Mr. McGuire asked how property owners are informed that goodwill compensation is settled at a later date. Mr. Odell responded.

Ms. Greenberg asked whether the design of the bridge as described could alter the need for the property. Mr. Odell explained that in a design-build procurement process, design continues as the project is developed, and because of that, he can't absolutely guarantee that the property needs won't change.

Ms. Wong-Hernandez asked if there was any comment from the public on this item. There was none.

Ms. Andranigian then read the letter prepared by Norman and Stanley Crawshaw related to their property. The letter expressed the Crawshaws' frustration with the pace and location of the project.

Ms. Wong-Hernandez then asked Steven Alfieris to address the Board, as counsel for the Michael and Germaine Dias. Mr. Alfieris stated that the current design significantly impacts the Dias's property, as it would require the removal of two rows of mature walnut trees. He suggested that utilizing property to the west of the current right-of-way corridor, instead of the property currently identified, would minimize this impact.

Mr. Odell again addressed the Board at the request of Ms. Wong-Hernandez. He stated that by moving the right-of-way to Mr. Alfieris's suggested location would negatively impact a productive dairy, which would be more expensive to relocate. Mr. Odell confirmed that the temporary construction easement as identified is necessary for the project.

Ms. Greenberg asked for confirmation that the Dias property would continue to be the subject of negotiations, and that the overall impacts to the property owners is minimized through the current design. Mr. Odell confirmed.

Mr. McGuire inquired how compensation is considered for a temporary construction easement. Mr. Odell stated that it depends on how long the parcel is needed, and the degree of impact to the property owner.

A motion was made by Ms. Greenberg and seconded by Mr. McGuire to approve the Action Item. Action Item 1 was approved by a 3-0 vote (Ms. Wong-Hernandez, Ms. Greenberg and Mr. McGuire all voting aye).

OTHER BUSINESS:

Ms. Lukenbill requested the Board to adopt a resolution authorizing the delegation of certain functions and approvals to Board staff pursuant to Government Code Section 15770.2, which would replace a prior resolution approved by the Board on January 15, 2016.

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

A motion was made by Mr. McGuire and seconded by Ms. Greenberg to approve the Action Item. Action Item 1 was approved by a 3-0 vote (Ms. Wong-Hernandez, Ms. Greenberg and Mr. McGuire all voting aye).

REPORTABLES:

Ms. Lukenbill then presented the reportable items for the period February 13, 2018 to March 9, 2018, and told the Board that she would be happy to answer any questions. The Board had none.

NEXT MEETING:

Ms. Wong-Hernandez stated the next Board meeting is scheduled for Monday, March 26, 2018 at 10:00 a.m. in Room 113 at the State Capitol.

The meeting was adjourned at 10:45 a.m.