



STATE PUBLIC WORKS BOARD
June 14, 2019

APPROVED MINUTES**PRESENT:**

Ms. Gayle Miller, Chief Deputy Director, Department of Finance
Mr. Daniel Kim, Director, Department of General Services
Ms. Ellen Greenberg, Deputy Director, Department of Transportation
Mr. Bryan Cash, Assistant Secretary for Administration and Finance, Natural Resources Agency

CALL TO ORDER AND ROLL CALL:

Ms. Gayle Miller, Chairperson of the Board, called the meeting to order at 10:01 a.m.
Ms. Kat Lee, serving as Secretary to the Board, called the roll. A quorum was established.

APPROVAL OF MINUTES:

The first order of business was to approve the minutes from the May 10th Board meeting.

Ms. Sally Lukenbill, Deputy Director for the Board, reported that the staff had prepared and reviewed the minutes from the May 10th Board meeting and recommended approval of the minutes.

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

A motion was made by Mr. Kim and seconded by Ms. Greenberg to adopt the staff recommendation and approve the minutes from the May 10th Board meeting. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Mr. Kim, and Ms. Greenberg all voting aye).

CONSENT ITEMS:

The next order of business was to consider two Consent Calendars. First, Consent Calendar A was presented, which included two projects within the Natural Resources Agency. Ms. Lukenbill presented the following:

- Consent Item 1: Consider recognizing a scope change for the Baker Fire Station: Relocate Facility Project in Tehama County, for the Department of Forestry and Fire Protection.
- Consent Item 2: Consider authorizing an above market value acquisition of real property and the execution of a Property Acquisition Agreement and related documents for the Temecula Fire Station Relocate Facility Project in Riverside County, for the Department of Forestry and Fire Protection.

Ms. Lukenbill noted that Consent Item 1 required a 20-day notice to the Joint Legislative Budget Committees and the fiscal committees in each house, and the review period for those actions had expired without adverse comment.

Ms. Lukenbill stated that the Secretary for Natural Resources was a voting member for Consent Calendar A.

Staff recommended approval of Consent Calendar A.

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

A motion was made by Mr. Cash and seconded by Ms. Greenberg to adopt the staff recommendation and approve Consent Calendar A. The motion passed unanimously through a 4-0 roll-call vote (Ms. Miller, Ms. Greenberg, Mr. Cash, and Mr. Kim all voting aye).

After Consent Calendar A, Mr. Cash left the meeting, as there were no additional items on the agenda for which Mr. Cash, representing the Natural Resources Agency, was a voting member.

Next, Ms. Lukenbill presented Consent Calendar B, which consisted of four items. Ms. Lukenbill noted that Consent Items 3 and 4 were pulled from the agenda and would not be part of the vote. Ms. Lukenbill presented the following:

- Consent Item 1: Consider accepting real property through a transfer of title for the Burbank Courthouse in Los Angeles County, for the Judicial Council of California.
- Consent Item 2: Consider accepting real property through a transfer of title for the San Fernando Courthouse in Los Angeles County, for the Judicial Council of California.
- Consent Item 3: Pulled
- Consent Item 4: Pulled
- Consent Item 5: Consider recognizing a scope change and revised project costs for the Tri County Regional Juvenile Project in Yuba County, for the Department of Corrections and Rehabilitation.
- Consent Item 6: Consider approving preliminary plans and recognizing an anticipated deficit for the San Francisco Community College District, Alemany Center: Seismic and Code Upgrade Project in San Francisco County, for the California Community Colleges.

Ms. Lukenbill noted that Consent Items 5 and 6 required a 20-day notice to the Joint Legislative Budget Committees and the fiscal committees in each house, and the review period for these actions had expired without adverse comment.

Staff recommended approval of Consent Calendar B.

Ms. Miller asked if there were any comments or questions from the Board, or from the public.

Mr. Kim had a question regarding consent item 6. He noted that there were cost increases associated with additional code changes. Mr. Kim asked for information on the way California Community Colleges projects project costs.

Mr. Harold Flood, Specialist in the Facilities Planning Unit with the Chancellor's Office of the California Community Colleges, addressed Mr. Kim's question and explained that his department gets the original cost estimate before the project starts. Mr. Flood explained that for

this project, project costs were developed in 2015, and code changes since then have resulted in changes to the project and increased costs.

Mr. Kim asked if it was typical for there to be a long period of time between the original project estimate and the design and construction activities.

Mr. Flood noted that it is typically three years between cost development and approval of preliminary plans. However, this project was delayed one year due to staffing issues on the campus.

Mr. Kim encouraged Mr. Flood to consider reevaluating the cost development process used by the Community Colleges.

A motion was made by Ms. Greenberg and seconded by Mr. Kim to adopt the staff recommendation and approve Consent Calendar B. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Ms. Greenberg, and Mr. Kim all voting aye).

ACTION ITEMS:

The next order of business was to consider 1 Action Item.

- Action Item 1: If approved, the action would adopt three Resolutions of Necessity authorizing the use of eminent domain to acquire properties in Madera, Fresno and Kings Counties.

Shadbanou Azad, serving as counsel to the Board on eminent domain issues, presented the Resolutions of Necessity.

Ms. Azad noted that the Resolutions of Necessity for the Liberty Farms, Boswell, and Tevendale properties had been reviewed to ensure there was prima facie evidence that the factors set forth in Code of Civil Procedure Section 1245.230 were present. Specifically, that the Resolutions provided:

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. Azad stated that it was counsel's opinion that prima facie evidence for the factors were present such that the Board may adopt the Resolutions of Necessity, and if the Board agreed and determined the factors were present, the Board might move to adopt Resolutions of Necessity for the three properties.

Staff recommended adoption of the three Resolutions of Necessity authorizing the use of eminent domain.

Ms. Miller asked if there were any questions from the Board.

Ms. Greenberg asked for additional information related to the need for the Boswell property.

Ms. Kendall Bonebrake, counsel for the High Speed Rail Authority, and Mr. Donald Odell, Director of Real Property for the High Speed Rail Authority, approached the Board.

Mr. Odell presented a map of the area containing the Boswell property, and Ms. Bonebrake used the map to illustrate the need for the property.

Ms. Greenberg asked if in the future, any map presented to the Board could be labeled more clearly.

Ms. Greenberg asked if the rail alignment was finalized and if they're able to make the final determination of the need for the property.

Ms. Bonebrake confirmed that it was finalized and that they were able to make the final determination of the need for the property.

Ms. Miller asked if there were any comments from the property owners, or from the public. There were none.

A motion was made by Mr. Kim and seconded by Ms. Greenberg to adopt the three Resolutions of Necessity. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Ms. Greenberg, and Mr. Kim all voting aye).

Ms. Miller reiterated the need for clearer information related to Resolutions of Necessity and related exhibits prior to the Board meeting.

Ms. Bonebrake and Mr. Odell agreed to provide legends, labels, provide the packet ahead of time, and make the map larger in the future.

OTHER BUSINESS:

NONE

REPORTABLES:

Ms. Lukenbill presented the reportable items and told the Board that she would be happy to answer any questions. The Board had none.

NEXT MEETING:

Ms. Miller stated that the next Board meeting is scheduled for Friday, July 12th, 2019 at 10 am in Room 113 at the State Capitol.

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

The meeting was adjourned at 10:20 am.