



**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

July 16, 2018

PROPOSED MINUTES

PRESENT:

Ms. Jacqueline Wong-Hernandez, Chief Deputy Director, Department of Finance
Mr. Jeff McGuire, Chief Deputy Director, Department of General Services
Mr. Ryan Chamberlain, Chief 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. Kathryn Lee, serving as Secretary to the Board, called the roll. A quorum was established.

MINUTES:

The first order of business was to consider approving the minutes from the June 11th Board meeting.

Ms. Lukenbill reported that staff had prepared and reviewed the minutes from the June 11th Board meeting.

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

ACTION ITEMS:

The next order of business was to consider three Action Items.

- Action Item 1: Authorize site selection of 8 parcels in Fresno, Kern and Kings Counties for the High Speed Train System project

Staff recommended the Board authorize site selection of parcels in Fresno, Kern 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 Mr. Chamberlain to approve and adopt the resolution for the action item. The motion was passed unanimously through an oral vote 3-0 (Ms. Wong-Hernandez, Mr. Chamberlain, and Mr. McGuire all voting aye).

- Action Item 2: Adopt one amended Resolution of Necessity authorizing the use of eminent domain to acquire the Brazil Property in Kings County.

Staff recommended adoption of the resolution.

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 Mr. Chamberlain to approve and adopt the resolution for the Action item. The motion was passed unanimously through a roll-call vote 3-0 (Ms. Wong-Hernandez, Mr. McGuire, and Mr. Chamberlain all voting aye).

- Action Item 3: Adopt eleven Resolutions of Necessity authorizing the use of eminent domain to acquire properties in Fresno, Kings, Kern, and Tulare Counties.

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

Mr. Egan first presented nine unopposed Resolutions of Necessity for properties 1-6, 8, 10 and 11. He stated that the Resolutions of Necessity 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, and that if the Board agreed and determined these factors were present, the Board may move to adopt the nine Resolutions of Necessity.

Staff recommended adoption of the nine Resolutions.

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. Chamberlain and seconded by Mr. McGuire to approve and adopt Resolutions of Necessity for properties 1-6, 8, 10 and 11. The motion was passed unanimously through a roll-call vote 3-0 (Ms. Wong-Hernandez, Mr. Chamberlain, and Mr. McGuire all voting aye).

Mr. Egan then presented the Resolution of Necessity for property #7.

Mr. Egan told the Board that the Resolution of Necessity had been reviewed and it is counsel's opinion that there is prima facie evidence that the factors set forth in Code of Civil Procedure Section 1245.230 were present for the Sandridge Partners property. After hearing comments regarding the Sandridge Partners property, if the Board agrees and determines these factors are present, the Board may move to adopt the Resolutions of Necessity for Sandridge Partners.

Mr. Daniel Stein, counsel for Sandridge Partners, addressed the Board and provided reasons why he believed the RON shouldn't be adopted, including the failure to satisfy public interest and necessity for the property, and an inadequate evaluation of the environmental effects of taking the property and therefore noncompliance with California Environmental Quality Act (CEQA) requirements.

Mr. Stein submitted written objections to the Board on behalf of Sandridge Partners.

Ms. Kendall Bonebrake, counsel for the Authority, responded to issues raised by Mr. Stein.

Ms. Wong-Hernandez asked for more information regarding the CEQA issues raised by Mr. Stein.

Ms. Bonebrake responded to Ms. Wong-Hernandez, noting that CEQA for the project was completed within separate construction segments.

Mr. Stein noted that programmatic environmental impact reports and reviews are appropriate for large scale projects, but that the current process does not consider the impact to specific properties.

Mr. Don Odell, the acting director of Real Property for the Authority, added that the Authority closely examines properties identified as environmentally sensitive.

Mr. McGuire asked if there were any unique qualities related to the property that should have been considered in the programmatic and environmental review.

Mr. Stein responded that farmland is particularly impacted due to the need to relocate property features, including wells.

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

A motion was made by Mr. Chamberlain and seconded by Mr. McGuire to approve and adopt the resolution for the Action item. The motion was passed unanimously through a roll-call vote 3-0 (Ms. Wong-Hernandez, Mr. Chamberlain, and Mr. McGuire all voting aye).

Mr. Egan presented the Resolution of Necessity for property #9.

Mr. Egan told the Board that the Resolution of Necessity, the objections, and the High Speed Rail Authority's response have been reviewed and it is counsel's opinion that there is prima facie evidence that the factors set forth in Code of Civil Procedure Section 1245.230 are present for the de Jong property, and further stated that after hearing comments regarding the de Jong property, if the Board agrees and determines these factors are present, the Board may move to adopt the Resolution of Necessity.

Ms. Wong-Hernandez asked for comment from the property owner. Owner and owner's counsel were not present. Ms. Wong-Hernandez asked that the Ms. Bonebrake address the Board regarding the written objections raised on this property by de Jong's counsel, C. William Brewer.

Ms. Bonebrake responded to the issues raised by the De Jong's, and expressed that there were no issues raised that would prevent the adoption of the Resolution of Necessity. She also noted that negotiations with the property owner would continue for this property.

Staff recommended adoption of the Resolution of Necessity.

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 Mr. Chamberlain to approve and adopt the resolution for the Action item. The motion was passed unanimously through a roll call vote 3-0 (Ms. Wong-Hernandez, Mr. McGuire, and Mr. Chamberlain all voting aye).

OTHER BUSINESS:

There were none.

REPORTABLES

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. Wong-Hernandez stated the next Board meeting is scheduled for Monday, August 6, 2018 at 10:00 a.m. in Room 113 at the State Capitol.

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

The meeting was adjourned at 10:33 a.m.