



CALIFORNIA STATE  
**PUBLIC WORKS BOARD**

EDMUND G. BROWN JR. • GOVERNOR

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STATE PUBLIC WORKS BOARD

August 17, 2015

**MINUTES**

**PRESENT:**

Ms. Eraina Ortega, Chief Deputy Director, Department of Finance  
Mr. Malcolm Dougherty, Director, Department of Transportation  
Mr. Daniel Kim, Director, Department of General Services

**CALL TO ORDER AND ROLL CALL:**

Ms. Eraina Ortega, Chairperson of the Board called the meeting to order at 11a.m.  
Ms. Aurelia Bethea, Executive Assistant for the Board, called the roll. A quorum was established.

**MINUTES:**

A comment from the chair was made regarding the passing of Mr. Greg Rogers.  
The first order of business was approval and adoption of the minutes from the July 13, 2015 meeting.  
Ms. Sally Lukenbill reported that staff had reviewed the minutes and recommended approval and adoption of the minutes.

**A motion was made by Mr. Dougherty and seconded by Mr. Kim to approve and adopt the minutes from the July 13, 2015 meeting. The minutes were approved by a 3-0 vote (Ms. Ortega, Mr. Dougherty, and Mr. Kim all voting aye).**

**CONSENT ITEMS:**

Ms. Lukenbill informed the Board the Consent Calendar consists of Items 1 through 13.

In summary, the Consent Calendar included the following items:

- Two requests to authorize site selection  
[Item 1 for the Judicial Council and Item 5 for the Department of Parks and Recreation]
- Two requests to approve performance criteria  
[Items 2 and 3 for the California Highway Patrol]
- One request to approve preliminary plans  
[Item 4 for the Department of Forestry and Fire Protection]
- One request to approve preliminary plans, the use of Inmate/Ward labor, an augmentation, and to recognize revised project costs.  
[Item 6 for the Department of Corrections and Rehabilitation]
- Four requests to approve preliminary plans, the use of Inmate/Ward labor, and an augmentation.  
[Items 7 through 10 for the Department of Corrections and Rehabilitation]

- One request to approve preliminary plans and an augmentation [Item 11 for the Department of Corrections and Rehabilitation]
- One request to establish scope, cost and schedule [Item 12 for the Department of Corrections and Rehabilitation]
- And one request to approve preliminary plans and recognize an anticipated deficit [Item 13 for the Department of Corrections and Rehabilitation]

Staff recommended approval of the Consent Calendar consisting of Consent Items 1 through 13. There were no comments or questions from the Board or the public.

**A motion was made by Mr. Dougherty and seconded by Mr. Kim to approve Consent Items 1 through 13. The Consent Items were approved by a 3-0 vote (Ms. Ortega, Mr. Dougherty, and Mr. Kim voting aye).**

**ACTION:**

Ms. Lukenbill presented the Action Items to the Board.

Action Item 1: If approved, the requested action would approve a First Amendment to the Easement Acquisition Agreement for eight Union Pacific Railroad parcels, for the High Speed Rail Project.

Staff recommended approving the First Amendment to the Easement Acquisition Agreement.

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

**A motion was made by Mr. Dougherty and seconded by Mr. Kim to adopt the staff recommendations. Action Item 1 was approved by a 3-0 vote (Ms. Ortega, Mr. Dougherty, and Mr. Kim voting aye).**

Action Item 2: If approved, the requested action would authorize site selection of Assessor Parcel Number 036-280-009, for the High Speed Rail Project.

Staff recommended authorizing site selection of this parcel.

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

**A motion was made by Mr. Dougherty and seconded by Mr. Kim to adopt the staff recommendations. Action Item 2 was approved by a 3-0 vote (Ms. Ortega, Mr. Dougherty, and Mr. Kim voting aye).**

Action Item 3: If approved, the requested action would authorize site selection of 21 assessor's parcels in full or in part, for the High Speed Rail Project.

Staff recommended authorizing site selection of 21 assessor's parcels in full or in part.

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

**A motion was made by Mr. Dougherty and seconded by Mr. Kim to adopt the staff recommendations. Action Item 3 was approved by a 3-0 vote (Ms. Ortega, Mr. Dougherty, and Mr. Kim voting aye).**

Action Item 4: If approved, the requested action would authorize site selection of 46 properties in full or in part, for the High Speed Rail Project.

Staff recommended approving site selection of 46 properties in full or in part.

There was a comment from the board regarding the fact that these are public right of way roads and streets. Staff confirmed that there will be another item on this issue in the next few weeks. The board agreed that the sites are needed and presented no further questions.

There were no additional public comments or questions.

**A motion was made by Mr. Dougherty and seconded by Mr. Kim to adopt the staff recommendations. Action Item 4 was approved by a 3-0 vote (Ms. Ortega, Mr. Dougherty, and Mr. Kim voting aye).**

Action Item 5: If approved, the requested action would rescind Resolution of Necessity 2015-0041, which authorized the use of eminent domain for the Archer property in Kings County, for the High Speed Rail Project.

Staff recommends approving the rescission of Resolution of Necessity 2015-0041, authorizing the use of eminent domain to acquire one property.

The board presented a question regarding whether there was a design change. Staff confirmed that there was a design change which may affect whether it is a full or part take and that a new appraisal will be done. The board questioned if the item will appear again and staff confirmed that it may.

**A motion was made by Mr. Dougherty and seconded by Mr. Kim to adopt the staff recommendations. Action Item 5 was approved by a 3-0 vote (Ms. Ortega, Mr. Dougherty, and Mr. Kim voting aye).**

Action Item 6: If approved, the requested action would approve 12 Resolutions of Necessity authorizing the use of eminent domain to acquire properties totaling approximately 53.1 acres in Madera, Fresno, Kings, and Tulare Counties, for the High Speed Rail Project. Specifically, this action would approve Resolutions of Necessity for properties 1-8 and 10-13. Property 9, the Gomez property, will not be part of your vote today. Harj Chima, acting as Counsel to the Board on eminent domain addressed the issues raised in the letters objections and presented the Resolutions of Necessity.

To conclude, staff recommended adoption of 12 Resolutions of Necessity authorizing the use of eminent domain to acquire properties totaling approximately 53.1 acres in Madera, Fresno, Kings, and Tulare Counties. Specifically, the action approved Resolutions of Necessity for properties 1-8 and 10-13.

The board questioned whether there was sufficient time based on the objection letters for the property owners to attend the meeting. Staff confirmed that there was sufficient time, and though many property owners say they will attend and are noticed of the meeting, ultimately they do not. Property owner presented his opposition to the appraisal that HSR gave versus the appraisal he received privately. He also presented a question regarding an irrigation issue on his remaining property. The board informed the property owner that the board members are there to determine the necessity of the acquisition and not the compensation discrepancies. The board also informed him that they have contacted their Right of Way team regarding his concern, and that irrigation costs are included in the appraisal.

There were no additional public comments or questions.

**A motion was made by Mr. Dougherty and seconded by Mr. Kim to adopt the staff recommendations. Action Item 6 was approved by a 3-0 vote (Ms. Ortega, Mr. Dougherty, and Mr. Kim voting aye).**

**Closed Session:**

The next order of business was the Closed Session for the Board to confer with legal counsel regarding pending litigation pursuant to Government Code section 11126(e)(1) and (e)(2)(A), as follows:

1. *The STATE OF CALIFORNIA, acting by and through the State Public Works Board vs. LOIS RACO, a surviving spouse; LOIS M. RACO, also known as Lois M. Raco, a widow; and Does One through Fifty.*  
*Fresno County Superior Court, Case No. 15 CE CG 00943*
  
2. *People of the State of California v. Bluechip Investments Inc., & Bluechip Investments Inc., Bluechip Investments Inc. v. State Public Works Board et.al.*  
*Fresno County Superior Court Case No. 14 CD CG 03398*

Ms. Ortega reconvened the public Board meeting after conferring with counsel on the litigation.

**NEXT MEETING:**

Ms. Ortega stated the next Board meeting is scheduled for September 11, at 10:00 a.m. in the 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.