



STATE PUBLIC WORKS BOARD
January 14, 2022

APPROVED MINUTES

PRESENT:

Ms. Gayle Miller, Chief Deputy Director, Department of Finance
Ms. Ana Lasso, Director, Department of General Services

CALL TO ORDER AND ROLL CALL:

Ms. Gayle Miller, Chairperson of the Board, called the meeting to order at 10:02 a.m.
Ms. Kat Lee, Secretary of the Board, called the roll. A quorum was established.

BOND ITEMS:

NONE

MINUTES:

The next order of business was to approve the minutes from the December 10, 2021 Board meeting.

Ms. Lukenbill stated that staff had prepared and reviewed the minutes from the December 10, 2021 Board meeting and recommended approval of the meeting minutes.

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 Ms. Miller and seconded by Ms. Lasso to approve the meeting minutes. The motion passed unanimously through a 2-0 roll-call vote (Ms. Miller and Ms. Lasso both voting aye).

CONSENT ITEMS:

The next order of business was to consider the Consent Calendar which consisted of three items.

- Consent Item 1: If approved, the request would approve the preliminary plans phase of the North Orange County Community College District: Fullerton College Music/Drama Complex – Buildings 1100 and 1300 Replacement project in Orange County for the California Community Colleges.
- Consent Item 2: If approved, the request would approve the preliminary plans phase of the Data Center Upgrades project in Sacramento County, for the Franchise Tax Board.

- Consent Item 3: If approved, the request will recognize a scope change and approve an augmentation in the amount of \$266,000 General Fund for the working drawings phase of the Los Alamitos STARBASE Classroom Building in Orange County for the California Military Department.

Ms. Lukenbill noted that Consent Items 1 and 3 required 20-day notices to the Joint Legislative Budget Committees and the fiscal committees in each house. The 20-day review period for the notices had expired with no adverse comment.

Staff recommended approval of the Consent Calendar.

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 Ms. Miller and seconded by Ms. Lasso. The motion passed unanimously through a 2-0 roll-call vote (Ms. Miller and Ms. Lasso both voting aye).

ACTION ITEMS:

The next order of business was to consider two action items.

- Action item 1: If approved, the request would adopt an amended Resolution of Necessity (RON) authorizing the use of eminent domain to acquire property or interest in property for the High Speed Rail Authority.

Ms. Lukenbill stated that on August 14, 2020, the Board adopted Resolution of Necessity 2020-0047, authorizing the use of eminent domain to acquire the Kular Property in Fresno County. Resolution of Necessity 2020-0047 was being amended due to a revised RON legal description for the use of easement FB-10-1487-1.

On December 29, 2021, a notice of Intent to adopt an amended RON was mailed to the property owner. The notice was sent in accordance with Code of Civil Procedure section 1245.235.

Staff recommended adoption of the amended Resolution of Necessity authorizing the use of eminent domain to acquire the property or interest in property for High Speed Rail.

A motion was made by Ms. Miller and seconded by Ms. Lasso. The motion passed unanimously through a 2-0 roll-call vote (Ms. Miller and Ms. Lasso both voting aye).

- Action item 2: If approved, the request would adopt thirteen Resolutions of Necessity authorizing the use of eminent domain by the High Speed Rail Authority, to acquire properties or interests in properties for the High Speed Train System.

Ms. Lukenbill noted that the Board received an objection letter and request to appear for property #2, the Calaveras Materials property in Fresno County, the night before the Board meeting. Because of the timing of the receipt of the letter, the Board and the Authority did not have an opportunity to review the objection letter, and staff

recommended Property #2, Calaveras Materials, be pulled.

Ms. Lukenbill stated that the Authority notified the Board's staff that for Properties 1, 3-7, 9, 10, and 14, between October 2020 and October 2021, the respective property owners were provided with a first written offer to purchase the subject property, as required by Government Code section 7267.2. The Authority had informed the Board's staff that negotiations to acquire the property were continuing; however, to keep the project on schedule, the adoption of Resolutions of Necessity to authorize the use of eminent domain was required at the time. For Properties 8 and 11-13, a formal offer to purchase the Property was not mailed due to inability to locate the owner of record or any descendants.

On December 29, 2021, Notices of Intent to adopt a Resolution of Necessity were mailed by Board staff to the owners of Properties 1, 3-7, 9, 10, and 14. The Notice of Intent for Properties 8 and 11-13 were posted at the respective property boundaries. The notices were sent in accordance with Code of Civil Procedure section 1245.235.

Ms. Lukenbill stated that the members' briefing packages contained the Resolutions of Necessity and surveyor maps for each of the properties, an objection letter, and a request to appear before the Board from representatives of Property 14, Wasco Real Properties II property in Kern County, as well as High Speed Rail's response to the objection.

Ms. Lukenbill stated that Board counsel had reviewed the objections raised in the Wasco Real Property II letter, and based on that review, staff felt comfortable recommending that the Board move forward with the adoption of the Resolutions of Necessity for the remaining properties, specifically, Properties 1 and 3 through 14. Staff recommended the Board consider the Wasco Real Properties II property separately from the 12 Resolutions of Necessity which did not receive objections. As a result, the 12 unopposed Resolutions of Necessity (Properties 1, and 3 through 13) would be presented first, with a separate vote.

Joe Carroll, serving as counsel to the Board on Eminent Domain items, presented the RONS and started with the unopposed RONS.

He explained that it was counsel's opinion that there was prima facie evidence that the factors set forth in Code of Civil Procedures section 1245.230 were present. It was counsel's opinion that for the 12 unopposed Resolutions of Necessity, prima facie evidence for these factors is present such that the Board may adopt the Resolutions of Necessity, and if the Board agreed and determined that the factors were present, the Board may move to adopt the RONS.

Staff recommended adoption of the 12 unopposed Resolutions of Necessity authorizing the use of eminent domain to acquire properties or interests in properties for High Speed Rail (Properties 1 and 3 through 13).

A motion was made by Ms. Miller and seconded by Ms. Lasso. The motion passed unanimously through a 2-0 roll-call vote (Ms. Miller and Ms. Lasso both voting aye).

Next Mr. Carroll presented the opposed Resolution of Necessity.

Mr. Carroll stated that the opposed Resolution of Necessity was for the Wasco Real Properties II property in Kern County (Property 14).

He explained that the objections made by the property owner's counsel as well as the Authority's written responses had been reviewed, and it was counsel's opinion that the Authority addressed all objections presented. In addition, there was prima facie evidence that the factors set forth in Code of Civil Procedures section 1245.230 were present. It was counsel's opinion that for the Resolution of Necessity for the property, prima facie evidence for these factors is present such that the Board may adopt the Resolutions of Necessity, and if the Board agreed and determined that the factors were present, the Board may move to adopt the RON.

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

A motion was made by Ms. Miller and seconded by Ms. Lasso. The motion passed unanimously through a 2-0 roll-call vote (Ms. Miller and Ms. Lasso both voting aye).

GENERAL PUBLIC COMMENT:

NONE

REPORTABLES:

Ms. Lukenbill presented the reportable items for the period November 30, 2021 through January 3, 2022.

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

NEXT MEETING:

Ms. Miller stated that the next Board meeting was scheduled for Friday, February 11, 2022 at 10am, through a zoom meeting link that will be posted on the Board's website.

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

The meeting was concluded.