



STATE PUBLIC WORKS BOARD
April 15, 2022

APPROVED MINUTES**PRESENT:**

Ms. Gayle Miller, Chief Deputy Director, Department of Finance
Ms. Ana Lasso, Director, Department of General Services
Mr. Mike Keever, Chief Deputy Director, Department of Transportation

CALL TO ORDER AND ROLL CALL:

Ms. Gayle Miller, Chairperson of the Board, called the meeting to order at 10:00 am
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 March 11, 2022 and March 30, 2022 Board meetings.

Ms. Lukenbill stated that staff had prepared and reviewed the minutes from the March 11, 2022 and March 30, 2022 Board meetings 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 with no objections.

CONSENT ITEMS:

The next order of business was to consider the Consent Calendar which consisted of one item.

- Consent Item 1: If approved, the request would recognize a scope change, approve preliminary plans, and recognize revised project costs for the Adult Local Criminal Justice Facilities Construction project in Madera County for the Department of Corrections and Rehabilitation.

The project consisted of the design and construction of an expansion and renovation of the existing Madera County jail located on county-owned land in Madera, California. The expansion and renovations would provide approximately 22,000 square feet of

additional housing, program, and support service spaces to the current county jail.

Ms. Lukenbill noted that at the time of establishment, the total estimated project cost was \$20,347,000 lease revenue bond financing. Subsequent to that action, a new project cost estimate was prepared in association with the completion of preliminary plans and a requested scope change. Based on the revised estimate, the current total estimated project cost was \$24,149,000, which was an increase of \$3,802,000.

The scope change would locate the new housing unit addition adjacent and connected to the existing housing unit, rather than adding two additional stories, to minimize disruption to the existing facility's population. The requested scope change would also eliminate the safety cells in the housing unit and the shelved storage that was no longer needed. Additionally, the renovations to the intake/booking area would include a new lobby, interview rooms, and booking work counter.

Ms. Lukenbill noted that the Consent Item required a 20-day notice to the Joint Legislative Budget Committees and the fiscal committees in each house and the review period for the notice had expired with no adverse comments.

Staff recommended approval of Consent Item 1.

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. Lasso and seconded by Mr. Keever. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Ms. Lasso, and Mr. Keever all voting aye).

ACTION ITEMS:

The next order of business was to consider one action item.

- Action item 1: If approved, the request would adopt nine 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 stated that the Authority notified the Board's staff that for properties 1 through 4 and property 9, between September 2021 and November 2021, the respective property owners were provided with a first written offer to purchase the subject properties, 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 5 through 8, a formal offer to purchase the Property was not mailed due to inability to locate the owner of record or any descendants.

On March 29, 2022, Notices of Intent to adopt a RON were mailed by Board staff to the property owners of properties 1 through 4 and property 9. The Notices of Intent for properties 5 through 8 were posted at the respective property boundaries. The notices were sent in accordance with Code of Civil Procedure section 1245.235.

Ms. Lukenbill noted that the members' briefing packages contained the Resolutions of Necessity and surveyor maps for each of the nine properties, an objection letter from representatives of property #2, the Ford/RFC Investments property in Fresno County, as well as High Speed Rail's response to the objection.

Melissa Wurster, serving as counsel to the Board on Eminent Domain items, presented the RONs and started with the 8 unopposed RONs.

Ms. Wurster stated that the 8 unopposed RONs had been reviewed to ensure there is prima facie evidence that the factors set forth in Code of Civil Procedure Section 1245.230 are present.

She 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 8 unopposed RONs, prima facie evidence for the factors was present such that the Board may adopt the RON, 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 8 unopposed Resolutions of Necessity for Properties 1 and 3-9 authorizing the use of eminent domain to acquire properties or interests in properties for High Speed Rail.

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

A motion was made by Ms. Miller to move approval of the 8 unopposed Resolutions of Necessity for (Properties 1 and 3-9), and was seconded by Ms. Lasso. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Ms. Lasso, and Mr. Keever all voting aye).

Next Ms. Wurster presented the opposed Resolution of Necessity for property #2, the Ford/RFC Investments property in Fresno County.

Ms. Wurster noted that in a letter sent to the Board, a representative for the property owner objected to the acquisition on the basis that it would create a "private injury" hardship to the property owner, as it would result in reduced income from the businesses that currently rent space on the property. The letter also stated that further private injury would be created as the acquisition would result in a potential lawsuit and legal fees for breach of contract resulting from the displacement of the tenants.

Ms. Wurster stated that The Resolution of Necessity, the objections, and the High Speed Rail Authority's response had been reviewed, and it was counsel's opinion that High Speed Rail Authority's written response adequately addressed all objections made on behalf of the property owner. In addition, prima facie evidence that the factors set forth in Code of Civil Procedure Section 1245.230 were present, and if the Board agreed and determined the factors were present, the Board may move to adopt the Resolution of Necessity.

Staff recommended adoption of the Resolution of Necessity authorizing the use of eminent domain for the Ford/RFC Investments property in Fresno County.

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

Ms. Carter-Ford, property owner of the Ford/RFC Investments property in Fresno County, stated that she did not receive a response from the High Speed Rail Authority.

Ms. Carter-Ford explained that she has a tenant on her property, with whom she had a contract, and believed that has been offered inadequate compensation for her property.

Ms. Miller explained that the action taken by the State Public Works Board that day would approve the RON; however, the Board does not weigh in on issues of compensation. Ms. Miller also asked counsel to address Ms. Carter-Ford's question.

Ms. Wurster explained that the work would not immediately commence if the RON was adopted and that compensation would be determined at a later time with the High Speed Rail Authority.

Ms. Kendall Bonebrake, Assistant Chief Counsel of the High Speed Rail Authority, gave a brief explanation of their response to Ms. Carter-Ford's objection and stated that she would email the High Speed Rail Authority's response, and assured Ms. Carter-Ford that negotiations for compensation would continue.

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

GENERAL PUBLIC COMMENT:

NONE

REPORTABLES:

Ms. Lukenbill presented the reportable items for the period March 29, 2022 through April 4, 2022 and said he would be happy to answer any questions.

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 Monday, May 16, 2022 at 10am, and the location of the meeting would 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.