



**SOLANO TRANSPORTATION AUTHORITY**  
**Board Minutes for Special Meeting of**  
**January 30, 2013**

**I. CALL TO ORDER**

Chairman Hardy called the regular meeting to order at 4:10 p.m. A quorum was confirmed.

**MEMBERS**

**PRESENT:** Steve Hardy, Chair City of Vacaville  
Osby Davis, Vice-Chair City of Vallejo  
Elizabeth Patterson City of Benicia  
Jack Batchelor, Jr. City of Dixon  
Harry Price City of Fairfield  
Norman Richardson City of Rio Vista  
Pete Sanchez City of Suisun City  
Jim Sperring County of Solano

**MEMBERS**

**ABSENT:** None.

**STAFF**

**PRESENT:** Daryl K. Halls Executive Director  
Bernadette Curry Legal Counsel  
Janet Adams Deputy Executive Director/Director of Projects  
Johann Masiclat Clerk of the Board/Office Manager  
Sheila Jones Administrative Assistant

**ALSO**

**PRESENT:** *In Alphabetical Order by Last Name:*  
Matt Brogan Mark Thomas & Co.  
Lisa Chavez District Representative for Senator Wolk  
Madilynn Cudney R&D Transportation & Mobility Management  
Partners  
Dale Dennis PDM Group, Inc.  
Woody Darnelle Super Store  
Barry Eberling Daily Republic  
Bill Emlen County of Solano  
Nicolas Endrawos Caltrans  
George Gwynn, Jr. Suisun City Resident  
Wayne Lewis City of Fairfield  
Kevin Lally Greenan, Peffer, Sallander & Lally LLP  
Ann Maher Member of the Public  
John Mangels Mangels Ranch  
Beth Perrill Caltrans  
Brandon Thomson District Representative for Congressman  
Garamendi

**II. CONFIRM QUORUM/STATEMENT OF CONFLICT**

A quorum was confirmed by the Clerk of the Board. There was no Statement of Conflict declared at this time.

**III. APPROVAL OF AGENDA**

On a motion by Board Member Batchelor, and a second by Board Member Price, the STA Board approved the agenda.

**IV. OPPORTUNITY FOR PUBLIC COMMENT**

George Gwynn, Jr. commented on the need to adhere to the Brown Act and issues associated with the Fairfield-Suisun Sewer District.

**V. EXECUTIVE DIRECTOR'S REPORT**

None presented.

**VI. COMMENTS FROM METROPOLITAN TRANSPORTATION COMMISSION (MTC), CALTRANS, AND STAFF:**

**MTC Report:**

None presented.

**Caltrans Report:**

None presented.

**STA Reports:**

None presented.

**VII. CONSENT CALENDAR**

On a motion by Board Member Patterson, and a second by Board Member Batchelor, the STA Board approved Consent Calendar Item A.

**A. Local Preference Policy Goal for I-80/I-680/SR 12 Interchange Complex Project Manager Contract**

Recommendation:

Approve the STA Local Preference Policy Goal of 2% for the I-80/I-680/SR 12 Interchange Complex Project Manager Contract.

**VIII. ACTION – FINANCIAL ITEMS**

**A. None.**

**IX. ACTION – NON-FINANCIAL ITEMS**

**A. Conduct Public Hearings and Adopt Resolutions of Necessity to Acquire Property by Eminent Domain, if necessary, for the Westbound I-80 to State Route 12 (West) Connector and Green Valley Road Interchange Improvements Project (Initial Construction Package)**

Janet Adams presented the Initial Construction Package (Alternative C, Phase 1) of the WB I-80 to SR 12 (West) Connector and Green Valley Interchange which will construct a two-lane WB I-80 to WB SR 12 Connector, with a grade separation over the new WB I-80 Green Valley Road Interchange. She provided an overview of each of the project parcel locations.

Janet Adams also cited that compensation for the property is not an issue that should be considered at today's hearings. She added that despite proceeding with condemnation process, staff will continue their efforts to try to reach amicable agreement with all of the property owners. All property acquired for the project will be transferred to Caltrans.

In addition, Ms. Adams announced that 2 property owners and the STA have reached an agreement, therefore, she requested that the STA Board remove from the recommendation the Resolution of Necessity No. 2013-02.a, 02.b, 02.c (Dittmer) and Resolution of Necessity No. 2013-03 (PEM Green Valley).

Bernadette Curry outlined the proceeding process for the acquisition of property from the remaining 8 private property owners through the eminent domain process.

She cited that in order to construct the project on schedule, it is necessary to obtain the needed property interests from the property owners by means of condemnation. She added that the adoption of the Resolutions of Necessity will allow the condemnation process to proceed.

She also noted that it is recommended that the STA Board hold public hearings regarding the proposed condemnation actions. The affected property owners have been notified of the content, time and place of the public hearing as required by law. The scope of the public hearings, in accordance with Section 1245.235(c) and of the California Code of Civil Procedure Sections, should be limited to the following findings:

- (a) The public interest and necessity require the Project.
- (b) The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- (c) The property sought to be acquired is necessary for the Project.
- (d) That the offer required by section 7267.2 of the Government Code has been made to the owner or owners of record.

Recommendation:

Conduct a separate public hearing and adopt a separate Resolution of Necessity to acquire by eminent domain, if necessary, each of the following properties needed for the WB I-80 to SR 12 (West) Connector and Green Valley Road Interchange Improvements Project (Initial Construction Package) as specified in Attachment B.

At this time, Chairman Hardy opened the Public Hearings as follows:

Resolution of Necessity No. 2013-01 (Mangels)

Chairman Hardy opened the Public Hearing at 4:35 p.m.

John Mangels spoke on behalf of the Mangels family. He requested a 1 to 1 slope be considered instead of a 2 to 1 slope which will accommodate 2.69 acres more of their property. He stated that Caltrans deemed the rock content of the hill unstable for a 1 to 1 slope. He noted that a PG&E powerline easement running across the property would be severed from future use and an overlook site would be taken away in the process. He hopes to come to an amicable solution with STA negotiators soon to avoid legal hassles.

The Chair closed the Public Hearing at 4:39 p.m. and referred the matter to the Board for action.

**Board Comments:**

Mayor Davis requested clarification on the ratio.

Matt Brogan, Mark Thomas & Co., Inc., engineer on behalf of the STA, responded that investigation of the soil deemed the 1 to 1 slope not a feasible solution and the instability of the slope could bring falling rocks down on the highway causing safety issues therefore the 1 to 1 slope was not approved by Caltrans. He stated that a wall for the 1 to 1 slope was estimated to cost a half a million dollars and was not considered a feasible solution.

Mayor Patterson expressed concerns regarding unsafe slopes in general and favored the 2 to 1 slope based on safety and cost findings.

On a motion by Board Member Spering, and a second by Board Member Price, the STA Board unanimously approved the Resolution of Necessity for No. 2013-01 (Mangels).

Resolution of Necessity No. 2013-04 (Lees Pet Club)

Chairman Hardy opened the Public Hearing at: 4:44 p.m.

No testimony was provided.

The Chair closed the Public Hearing at 4:45 p.m. and referred the matter to the Board for action.

On a motion by Board Member Spering, and a second by Board Member Price, the STA Board unanimously approved the Resolution of Necessity for No. 2013-04 (Lees Pet Club).

Resolution of Necessity No. 2013-05 (Napa Tahoe Specialty)

Chairman Hardy opened the Public Hearing at: 4:46 p.m.

No testimony was provided.

The Chair closed the Public Hearing at 4:47 p.m. and referred the matter to the Board for action.

On a motion by Board Member Spering, and a second by Board Member Price, the STA Board unanimously approved the Resolution of Necessity for No. 2013-05 (Napa Tahoe Specialty).

Resolution of Necessity No. 2013-06 (IMET, LLC)

Chairman Hardy opened the Public Hearing at: 4:46 p.m.

No testimony was provided.

The Chair closed the Public Hearing at 4:47 p.m. and referred the matter to the Board for action.

On a motion by Board Member Patterson, and a second by Board Member Richardson, the STA Board unanimously approved the Resolution of Necessity for No. 2013-06 (IMET, LLC).

Resolution of Necessity No. 2013-07 (Watt/Fairfield)

Chairman Hardy opened the Public Hearing at: 4:48 p.m.

No testimony was provided.

The Chair closed the Public Hearing at 4:49 p.m. and referred the matter to the Board for action.

On a motion by Board Member Patterson, and a second by Board Member Spring, the STA Board unanimously approved the Resolution of Necessity for No. 2013-07 (Watt/Fairfield).

Resolution of Necessity No. 2013-08 (Campi)

Chairman Hardy opened the Public Hearing at: 4:50 p.m.

No testimony was provided.

The Chair closed the Public Hearing at 4:51 p.m. and referred the matter to the Board for action.

On a motion by Board Member Batchelor, and a second by Board Member Price, the STA Board unanimously approved the Resolution of Necessity for No. 2013-08 (Campi).

Resolution of Necessity No. 2013-10 (Egan)

Chairman Hardy opened the Public Hearing at: 4:52 p.m.

No testimony was provided.

The Chair closed the Public Hearing at 4:53 p.m. and referred the matter to the Board for action.

On a motion by Board Member Patterson, and a second by Board Member Spring, the STA Board unanimously approved the Resolution of Necessity for No. 2013-10 (Egan).

Resolution of Necessity No. 2013-09 (Plaza Court Properties)

At this time, Janet Adams informed the STA Board of a letter received earlier, January 30, 2013 regarding Plaza Court Properties, LLC's objection to the public hearing. She noted their request to continue the hearing to the next Board meeting allowing them time to resolve some of the outstanding concerns. They are listed as follows:

- 1.) The construction easement would disrupt the RV Dealership tenant significantly. Certainly there are less disruptive places where a temporary construction easement can be obtained; and
- 2.) The project calls for the creation of a slope wall, the engineering, safety, and engineering of which are issues of significant concern.

**Public Comments:**

George Gwynn, Jr. commented on eminent domain.

Mayor Patterson and Mayor Davis requested clarification on the location and length of the wall.

Matt Brogan responded that the walls would be along either side of the existing driveway location to extend out to the new location of Lopes Rd. to allow access to the driveway. He stated that the length of the wall is estimated to be 25 to 40 feet and 1.5 to 3 feet in height to minimize impacts to an existing building and avoid water drainage issues.

Chairman Hardy opened the Public Hearing at: 4:54 p.m.

Bob Karn, a civil engineer with Robert Karn and Associates spoke on behalf of Ron Barber, co- owner of the Plaza Court Properties, LLC who was unable to attend. Mr. Karn stated that an offer was made in April of 2012, followed by discussion in June, a meeting in July, and another meeting with STA in August. He stated that communication went dormant until November 2012, and in the meantime, there was an address change; therefore the notice of intent to adopt the resolution on December 13, 2012 was never received and considered untimely. He asked the Board for their consideration to allow further negotiation with the STA regarding this project in which all parties have concurred is beneficial.

**Board Comments:**

Mayor Davis asked staff and legal counsel to address the offer and timing issues.

Janet Adams responded that the numerous meetings were spent trying to address the design issues associated with the design as originally presented. She stated that modifications were made addressing those issues affecting the bioswales associated with the geotechnical design of the slope to make it a stable driveway.

Janet Adams noted that some revisions under settlement terms were made over the summer to minimize work done on the property which lowered the offer being made.

Mayor Davis asked legal counsel for confirmation of sufficient legal compliance throughout the process.

Bernadette Curry responded that the Notice of Intent to adopt the Resolution of Necessity letter was in accordance to civil code.

Kevin Lally, STA special legal counsel for right of way matters, stated that there is a government code that requires an offer to be made before initiation with the property owners, 7267.2 and requires an appraisal of the property rights to be acquired. He stated that an offer was made pursuant to that government code section based on those rights acquired but subsequently they were requested to reevaluate the property design and that a counter offer was never made.

Bob Karn requested that both parties sit down in good faith for discussion, and he would like to meet as early as next week to get back on schedule.

Norman Richardson commented that the letter was mailed to a good address.

Jim Spering verified with staff that access to this property was available during the time in question. He stated that he does not support delaying the funding of this project and urges counsel to add language to the resolution because he does not want to put the project in jeopardy due to miscommunications.

Bernadette Curry stated that the proceedings will be withdrawn due to amicable resolutions.

Jim Spering requested that staff make an effort to meet with the property owner as soon as possible to ensure they are heard and treated fairly.

Daryl Halls indicated staff would do so.

The Chair closed the Public Hearing at 5:20 p.m. and referred the matter to the Board for action.

Harry Price commented that he was pleased with the Board's decision.

On a motion by Board Member Jim Spering, and a second by Board Member Osby Davis, the STA Board unanimously approved the Resolution of Necessity No. 2013-09 (Plaza Court Properties).

**X. INFORMATIONAL – NO DISCUSSION**

A. None.

**XI. BOARD MEMBER COMMENTS**

Board Members Patterson and Price both complimented staff and commented that this is the way government should work on a local level.

**XII. ADJOURNMENT**

The meeting was adjourned at 5:27 p.m.

The next regular meeting of the STA Board is scheduled at **6:00 p.m., Wednesday, January 9, 2013, Suisun City Hall Council Chambers.**

**Attested by:**

  

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**Johanna Masielat**  
Clerk of the Board

**/February 6, 2013**  
**Date**