



MEMORANDUM

to Nieves Castro, Project Manager, Caltrans District 3 Planning

from Joan Chaplick, Public Involvement Specialist, MIG, Inc.

re SR 99 Soundwall Community Safety and Enhancement Project Meeting Summary

date March 3, 2010

Participants

Nieves Castro, Caltrans District 3 Planning
Bobbe Dworkis, Sacramento County Neighborhood Services
Eva Gordon, Caltrans Excess Lands
Hilary Gould, Sacramento County Neighborhood Services
Rusty Grout, Caltrans District 3 Maintenance
Ray Lopez, Caltrans District 3 Maintenance
John Wells, Caltrans District 3 Maintenance
Kris Wimberly, City of Sacramento Neighborhood Services
Joan Chaplick, MIG Inc.
Nicole Lewis, MIG Inc.

Welcome and Introductions

Joan Chaplick welcomed meeting participants and invited a round of introductions. She briefly reviewed the afternoon's agenda items. The purpose of the meeting was to review progress on action items identified during the January 27, 2010 meeting.

Project Status and Outreach Activities to Date

Joan opened discussion with an update on outreach materials. At the last meeting, the group agreed there was a need to translate additional materials (specifically, Eva's project timeline), add Roberto Cardenas' contact information to Spanish-language materials, and ensure that Hilary had copies of newly updated materials for his outreach. This has been completed and updated materials were posted to the project website.

Hilary Gould provided an update on outreach to property owners in the project area. He informed the group that he is in the process of moving his business to another location and his time has been limited. In addition, has had difficulty getting "face time" for people. Very few people answer their doors. In response to this challenge, Hilary created a leave behind folder that includes project information in both English and Spanish, including the

representative authorization letter and Caltrans contact information. He uses a red folder that has a basic label identifying the contents. Since Hilary does not have administrative support, the team agreed to provide additional copies, with a more finished label.

Caltrans will reproduce and provide 20 copies of the folder of project materials for distribution in the community, to leave at homes when direct contact is not made. Hilary also requested that Caltrans provide additional copies of the dual-sided bilingual representative authorization letter. Joan offered MIG assistance in developing outreach folders. Nieves Castro expressed interest in keeping administrative work of this nature kept in-house. If Caltrans staff are oversubscribed, MIG will assist as directed by Nieves.

Hilary reminded the group of his initial conversation with Araceli Morales, daughter of Ramona Pineda (3231 21st). To date, they have not been able to get together in follow-up.

Ms. Cane (3511 26th Ave) has been out of communication for weeks, in part as a result of a death in the family. Ms. Cane hired a woman to manage the property in question. According to the property manager, rent is being collected by house payments are not being made. The property manager suggested that Ms. Cane would not be interested in this project due to financial constraints.

Kris Wimberly provided an update on the status of properties in the project area that are within the City's jurisdiction. Of these properties, two are vacant. 3221 21st Avenue is the property with graffiti on soundwall. The owners here are more than likely moving through the foreclosure process.

3326 22nd Avenue is currently vacant and boarded. The property was recently inspected for the City rental housing program. At this time, it appears that the property owner will let property ownership revert back to the bank, though Kris is not sure where in this process they are. However, this property will likely go into foreclosure.

Nieves asked if there is a mechanism such as code enforcement or some other jurisdictional process through which Caltrans can move forward with fencing properties that are in limbo with respect to ownership and the foreclosure process. Eva expressed that if this were possible from a legal and procedural standpoint, it would be the decision of Caltrans Maintenance whether or not to do this.

According to Kris, Caltrans may be able to fence properties adjacent to Caltrans property or public rights of way, such as at the end of dead-end streets. However, she was not sure whether these properties were at the end of a street. She also noted it is difficult to determining a what stage a property thought to be in foreclosure is at until the foreclosure is finalized.

Bobbe Dworkis asked Hilary if he has begun outreach in the County portion of the project area. Hilary shared that he has left folders at some homes in the County area.

Eva-Marie Gordon updated the project team on progress related to her work on the project since the January 27 meeting. Eva shared that, while it was the original intent to conduct outreach to Phase I property owners first, moving on to Phases II and III when done, the decision has been made to conduct outreach to Phases I and II simultaneously to keep the project moving forward.

According to Eva, Caltrans surveyors are in the process of monumenting the project area, or locating monuments within the neighborhood to locate and map property lines. They are surveying the entire project area all at once.

Eva reported that, in terms of surveying property, excess lands projects do not have priority over project-specific projects. The timeline of this project may be delayed as a result of this (perhaps one month, according to Eva's contact in Surveying). She suggested that a simple conversation with higher-ups to let them know of the situation may help move things forward. Nieves and Rusty offered to follow up with the appropriate higher-level staff.

Eva also reported that Caltrans Legal Department is interested in this project. From what she understands, there is concern about retaining a highway easement on the property sold and what this implies. She sent an email this morning describing what this means and sharing the draft language that will be included in the property deeds, including limiting conditions for use of the property. She shared that she plans to proceed with this project until she is advised otherwise.

Bobbe asked if all deeds will be processed at one time. Eva's hope is to take all deeds from each phase at once. Like the rest of the project, this step will happen in phases. She confirmed that a contract is needed before sale can be approved.

Eva has not received any calls from interested or inquiring property owners about this project in a number of weeks.

Eva shared two documents for team review and discussion: a follow-up letter to Phase I property owners and the draft language developed for the sale proposal and property deeds. The project team first reviewed draft proposal and deed language, focusing discussion on limiting conditions.

The project team then reviewed draft contract language provided by Eva, which led to discussion of the matter of providing the option to paint the soundwall. Rusty asked if Caltrans is giving property owners the option to paint the soundwall in direct response to requests that they be able to do so. Eva confirmed that this was correct.

Rusty expressed concern that allowing property owners to paint the soundwall may create issues with neighbors. There may be a lack of consideration for neighbors in terms of what is painted and, if this does lead to conflict, Caltrans would be in the position of acting as mediator or referee.

The team agreed that inviting landowners to paint may be problematic and discussed possible ways to address this situation. One suggestion was simply to remove language from the proposal and deed. Another suggestion was to create an indemnification clause.

Bobbe suggested allowing property owners to paint the soundwall without the permission of Caltrans, provided they meet or adhere to certain criteria or standards. Eva pointed out that this creates the need to create and enforce such standards, which Caltrans does not want to do.

Kris asked Eva if she believes not allowing property owners to paint the soundwall will be a deal breaker for those that have expressed interest in doing so. Eva does not believe that it will.

The project team made the decision not to allow painting of the soundwall. Eva will still create an indemnification clause.

One project team member requested clarification of draft proposal language about Caltrans removal of non-permanent structures in the case of soundwall maintenance or repair, and who becomes responsible for the replacement of these structures if this happens. Eva clarified that Caltrans Right-of-Way would replace structures defined as non-permanent or pay money to replace them. She assured the group that while Caltrans' responsibility in this case may not be specified in deed language, it is standard operating procedure for Caltrans Right-of-Way to replace damaged structures. In the event of this happening, Right-of-Way would get involved immediately. Eva clarified that the deed states that a property owner is not allowed to construct permanent structures in the easement area, and Caltrans would not be responsible for the replacement of permanent structures.

Eva reminded the group of the need to provide property owners a list approved plants for landscaping. The group decided to provide a list of plants that Caltrans encourages and a list of plants that it discourages. Eva will contact Caltrans Landscape Architect Ken Murray for these lists.

Eva provided additional clarification on terms of the deed related to replacement or repair of fencing. Landowners will be legally responsible for the fence. If a repair needs to take place on the soundwall and fence is damaged or removed in this process, Caltrans will work with property owners to repair fencing.

The information included in the letter thanking Phase I property owners for their interest is similar to the first letter that was sent to introduce the project, but includes more specifics with respect to project timeline and dates. Phase II will follow the same timeline and the letter to Phase II property owners will essentially be the same.

In reference to the letter content, Kris and Nieves asked, at what point in time will fencing of the properties be addressed? Eva's current focus is on the sale process, but she expressed that there are many details and issues related to fencing to be addressed and resolved. She

believes that the earliest Caltrans could start discussing fencing and providing advice on this issue would be after the sale contract is signed and before sales approval.

Nieves suggested that Eva include the process graphic for the project with the letter when she sends it to property owners.

Potential Options for Fencing and Fencing Costs

Several issues related to fencing and fencing costs were discussed during the meeting. Eva reported, as discussed on January 27, every landowner is responsible for contacting USA before they dig or excavate on their property. As long as Caltrans notes that it has provided the needed information and a phone number for USA, it is the homeowner's responsibility to make the phone call. Caltrans will contact USA prior to sinking the posts needed to secure the property.

Rusty reported that when you hand-dig and do not contact USA to locate underground utilities, you are less likely to run into problems. But if you bring in a mechanized digger and there are any issues and you haven't called them, property owners could face legal consequences.

If it is determined that property owners will be responsible for fencing, Eva will provide the USA brochure with the sales contract.

Rusty reported that per state guidelines, Caltrans cannot give away fencing. Taxpayers purchased this fence and any surplus materials have to be auctioned. From Rusty's point of view, Caltrans can sell the fence as part of the property transaction, treating it as part of the property.

Eva confirmed that the existing fencing can be appraised as part of the land appraisal process, and that the appraised value of the land could include fencing. The fence would be valued at a low price, perhaps as low as 10 cents a linear foot.

Eva expressed a desire to provide only one option to landowners in terms of whether or not fencing is included in the sale of the property. This will make the process much simpler. On the other hand, providing property owners the option of purchasing the fence with the property will complicate matters significantly for Caltrans.

Joan suggested that the group work to articulate the package of materials and services that comes with purchase of the property, and whether providing property owners a choice in which package they accept is something that is administratively feasible for Caltrans. Selling the fence along with the property is one way of providing an economical and sustainable solution to securing property sold as part of this project.

Hilary noted that some people may not want to purchase or use the existing fence on the property. In these cases, what are their options for getting rid of it? Rusty verified that if

property owners purchase the fence as part of the property, Caltrans can't make agreements to haul unwanted fence away. Property owners would be directed to recycle fence materials via their own means, following existing City and County guidelines or use of existing programs.

One project team member asked if Caltrans can cut and extend the fence to the soundwall if the fence is sold to the property owners, so property owners will not have to do this work. Extending the fence to the soundwall is a critical point in the process.

From Rusty's point of view, committing Caltrans resources to doing this would be a good investment of staff resources. Cutting and stringing fence would represent a few days work and would alleviate the long-term maintenance liability. Rusty has to make sure the Deputy for the program agrees. Joan expressed that citing Caltrans' provision of labor and materials for this portion of the project would be in support of the Title 6 requirements for the funding provided through the Public Participation and Engagement Contract to address environmental justice issues and improve safety and provide community enhancements in low-income and minority neighborhoods.

Similar to the approach to surveying the property, Maintenance would set all anchors in the soundwall and string all fence at once, and would do so once agreements with property owners are in place. Rusty's plan would be to bring in other programs to assist with this work, rather than committing the fence and guardrail crew entirely. Rusty will talk with Steve and make sure we renew our commitment.

The group then discussed the issue of Caltrans cutting and restringing fence that it no longer owns. If Caltrans sells the existing fence as part of the property, then Caltrans would not be able to cut or alter the existing fence without permission of the property owners. The group discussed the challenges involved in this scenario, and namely the challenge of needing to communicate with every property owner in advance of altering or removing fence on their property.

One team member noted that by no means will everyone want the existing fence. If Caltrans sells the fence to all property owners and an owner wants to change and replace the fence him/herself, it is his/her responsibility.

Another scenario was suggested involving Caltrans providing and stringing new fence to secure the properties. While there may be benefits to selling the existing fence to property owners, this also creates challenges. If Caltrans does not sell the fence, it then has the ability to recycle the fence at the same time it installs fencing to secure newly transferred land.

Caltrans would need to provide both materials and labor in order to ensure that properties are secured and efficiently. Rusty will ask Steve for permission to provide materials and labor so Caltrans can fence the properties itself. If Rusty thinks he needs something formally to sell this to Steve, he indicated he will ask Nieves for assistance, and Caltrans will potentially tap MIG to prepare needed materials.

Joan helped conclude discussion by expressing that if Caltrans can provide labor and materials, everyone benefits and the project gets completed in a very time and resource efficient way. All property owners would be treated the same. Caltrans would have some control over the project timing and implementation. Once implemented, Caltrans responsibilities within the area are greatly reduced. There would be no need to spend time trying to identify community partners to donate or provide affordable resources for property owners without the financial or physical capacity to secure their properties.

Rusty expressed that this is a commitment for Caltrans Maintenance but the long-term benefit is immense. From a maintenance perspective, this long-term benefit is the reason to participate in the project and the reason Rusty believes Steve suggested getting involved in the project to begin with.

Homeowner Implementation and Resource Strategy

Joan distributed two draft documents: implementation steps for landowners who have purchased the property, and the strategy to secure community resources for the project. These are working drafts of materials that MIG developed based on needs identified in the January 27 meeting. Joan shared these materials to demonstrate that if labor and materials are provided by Caltrans, the effort needed by many parties, as reflected in these draft documents, essentially “goes away.”

Community Meeting Logistics

The project team then discussed logistics for the upcoming community meeting. MIG provided a list of potential meeting venues for review and discussion. The Fruitridge Community Center at 4000 Fruitridge Road was identified as the preferred location. It is centrally located in the project area at the City/County border, has parking, and is a neutral location that community members are familiar with. It has freeway and transit access and many people can walk there.

John Wells has placed a call to the New Hope Baptist Church on 42nd, which could be another potential meeting venue.

The project team determined that the meeting will be held on a week night and that food and childcare will need to be provided. MIG will develop a flyer for the community meeting, which, in addition to time, venue, etc., will provide this information.

MIG will follow up with the Fruitridge Community Center regarding room availability and to determine if childcare arrangements are possible. Given that the meeting will likely take place in May or June, MIG will cross reference meeting space availability with the Sacramento Unified School District calendar to make sure that the meeting is not scheduled during graduation week.

Joan reminded the group that during the last team meeting there was the suggestion to provide crime statistics for the project area to help build a case for project need. MIG has conducted some initial research to determine the statistics that are publicly available, and explored data available online via the City of Sacramento Police Department and Sacramento County Sheriff Department crime reporting databases. The conclusion is that there is a lot of data available but that, if shared with the community, it should be used carefully and in a way that does not promise that this project will alleviate existing problems. It was noted that no one knows better than the community members themselves that crime and safety are issues, suggesting that any crime and safety information should be used carefully.

Kris shared that she called the City Community Service Officer (CSO) in an effort to gather information about calls for service. Number of calls for service is different than number of crimes reported (which is what is available online) and seems more appropriate and useful information to share. She has yet to hear back from the CSO.

John noted that liability concerns about fire and safety were in part the genesis for the project. This raised the question of whether it would be possible to have representatives from the Police Department, Sheriff Department and Highway Patrol (which has jurisdiction over the Caltrans right-of-way) attend the community meeting. As we get closer to the meeting date and have a clear idea of the agenda, we can determine their role in the meeting. At a minimum, they should be invited and made aware of the project.

Nieves asked if elected officials and County supervisors have been informed of this project, and if they would be interested in attending this meeting. Kris shared that Sacramento Council member Lauren Hammond has been informed and will continue to receive updates.

Eva asked if there was interest in having media attend the meeting. She commented that this is a very positive project, and an example of the State, City and County working together for the benefit of the community that the media may be interested in. Joan shared that general coverage of the meeting by local grass-roots media could be valuable. Nieves indicated that the Caltrans Media Officer will reach out to media as he sees fit.

Next Steps and Next Meeting

The project team identified the following action items:

- Complete and distribute meeting notes to team – MIG
- Add Ray Lopez to contact list and distribution - MIG
- Send calendar entry to Caltrans project team for next meeting date – Nieves
- Discuss project with Steve, with goal of securing Caltrans approval for provision of fencing materials and required labor to remove and string fencing as needed – Rusty

- Determine if/how Caltrans can fence properties that are in the foreclosure process
Make contact with staff as appropriate to expedite the monumenting and surveying process for the project – Nieves and Rusty
- Update deed language based on outcomes of meeting discussion – Eva
- Contact Caltrans Landscape Architect Ken Murray for lists of plants for landscaping - Eva
- Contact Fruitridge Community Center regarding meeting room and childcare availability -MIG
- Invite law enforcement representatives attend the meeting - TBD
- Keep City Council (and County Supervisors?) informed of project – Kris and Bobbe

Next meeting date: Wednesday, April 7, 1 to 3pm. Caltrans District 3, 2800 Gateway Oaks Drive, Sacramento.