



Joint Exercise of Powers Agency

City of Antioch City of Brentwood City of Oakley County of Contra Costa

Board of Directors

Thursday, November 9, 2006

6:35 p.m.

Tri-Delta Transit Meeting Room

801 Wilbur Avenue

Antioch, California

1. Call to Order
2. Closed Session

Conference with legal counsel - Existing Litigation (Gov. Code, §54956.9(a))

- A. *State Route 4 Bypass Authority v. Tullio Jacuzzi, et.al.*, C.C.C. Superior Court No. C05-00570
- B. *State Route 4 Bypass Authority v. Toshiko Morimoto, et.al.*, C.C.C. Superior Court No. C05-00485
- C. *State Route 4 Bypass Authority v. Ronald E. Nunn, et.al.*, C.C.C. Superior Court No. C05-00857
- D. *State Route 4 Bypass Authority v. Robert L. Calisesi, et.al.*, C.C.C. Superior Court No. C06-00003
- E. *State Route 4 Bypass Authority v. Patricia Caramagno-Robertson, et.al.*, C.C.C. Superior Court No. C05-01993
- F. *State Route 4 Bypass Authority v. Virginia L. Wurts, et.al.*, C.C.C. Superior Court No. C05-01678

3. Public Comment

4. Consent Items

- A. **APPROVE** Minutes of October 12, 2006.
- B. **APPROVE** Contract Change Order No's 43, 45, 50, 54, 56 with De Silva Gates Construction/FCI Constructors JV, for an estimated cost increase of \$192,046.00 for **Segment 1, Package 2**, and **AUTHORIZE** the Secretary or his designee to sign the contract change orders.
- C. **APPROVE** Contract Change Order No. 1 with DeSilva Gates Construction, L.P. for an estimated cost increase of \$100,000.00 for additional traffic control on **Segment 3** of the State Route 4 Bypass and **AUTHORIZE** the Secretary or his designee to sign the contract change order.
- D. **APPROVE** Contract Change Order No. 7 with McGuire and Hester for a cost increase of \$45,921.86 for the **Undergrounding and Relocation of ECCID Facilities Project in Segment 3** and **AUTHORIZE** the Secretary or his designee to sign the contract change order. In addition, **APPROVE** an increase of \$25,000.00 in contingency funds (for a new contract budget amount of \$713,636.50) to cover additional change order work currently being negotiated with McGuire and Hester.
- E. **APPROVE** the 2005-06 End of Year Work Plan and Budget.

Board of Directors:

Mary N. Piepho, Chair
Donald P. Freitas, Vice Chair
Annette Beckstrand
Brad Nix

Authority Staff Office:

Contra Costa County
255 Glacier Drive
Martinez, CA 94553
(925) 686-0619

- F. **ACCEPT** Audit Report prepared by Wallace Rowe and Associates, Certified Public Accountants, for the Fiscal Year ending June 30, 2006.
- G. **APPROVE** Utility Agreements with Pacific Gas and Electric Company in the estimated total amount of \$130,440.00 for relocation of electrical facilities in conflict with the Segment 3 project at three locations, and **AUTHORIZE** the Secretary or his designee to sign the agreements on behalf of the Authority.
- H. **APPROVE** Distribution Service and Extension Agreement with Pacific Gas and Electric Company in the not-to-exceed amount of \$78,145.93 for electrical services required for Segment 1 operations, and **AUTHORIZE** the Secretary or his designee to sign the agreement on behalf of the Authority.

Determination Items

- A. **RECEIVE** status report on Segment 1, Segment 3 and the Laurel Road Extension projects (*no staff report*).
- B. **RECEIVE** status report on construction activities for Segment 1, Segment 3 and the Laurel Road Extension projects (*no staff report*).
- C. It is recommended the Board take the following actions:
 - 1) **RECEIVE** presentation on approach for delivering the Sand Creek Interchange
 - 2) **APPROVE** an amendment to the Consulting Services Agreement with Mark Thomas and Company in the amount of \$631,385.00 for a revised not-to-exceed amount of \$9,620,815.00 to complete design for Phase 1, Stage 1 of the Sand Creek Road Interchange in Segment 2, and **AUTHORIZE** the Secretary or his designee to sign the amendment on behalf of the Authority.
 - 3) **DIRECT** staff to negotiate a scope and fee with Mark Thomas & Co. for final design for Phase 1, Stage 2 and Phase 2 of the Sand Creek Interchange.

5. Board Member Comments

6. Correspondence

7. Adjournment

The Authority will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Program Manager at least 24 hours before the meeting, at (925) 686-0619.

11/3/06

**STATE ROUTE 4 BYPASS AUTHORITY
Antioch - Brentwood - Oakley and Contra Costa County**

A JOINT EXERCISE OF POWERS AGENCY

MINUTES
October 12, 2006

The STATE ROUTE 4 BYPASS AUTHORITY meeting was called to order in the Tri-Delta Transit Meeting Room, 801 Wilbur Avenue, Antioch, California by Vice Chair Donald Freitas at 7:52 P.M.

ROLL CALL

PRESENT: Annette Beckstrand (Brentwood), Federal Glover (Contra Costa County), Brad Nix (Oakley), and Vice Chair Donald Freitas (Antioch)

ABSENT: None

STAFF: Dale Dennis, Program Manager

CLOSED SESSION

Vice Chair Freitas adjourned into Closed Session at 7:53 P.M.

Conference with Legal Counsel – Existing Litigation (Government Code § 54956.9(a))

State Route 4 Bypass Authority vs. Vierra, et. al
C.C.C. Superior Court No. C06-00024

Vice Chair Freitas reconvened at 7:55 P.M. and advised that there was no reportable action from the Closed Session.

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARING

- A. CONDUCT a Public Hearing to Consider the Adoption of Resolution No. 2006/07, a Resolution of Necessity for acquisition by eminent domain of certain interests in real property necessary for the construction of Segment 3 of the State Route 4 Bypass. The properties are located at the Marsh Creek Road/Byron Highway Intersection as shown in a map attached to the agenda dated October 12, 2006

Carmen Piña-Sandoval, Contra Costa County Real Property Division, requested that the Board adopt a Resolution of Necessity for acquisition by eminent domain of certain interests in real property necessary for the construction of Segment 3 of the State Route 4 Bypass. She recommended that the public hearing be opened, that testimony be taken and that action be taken as outlined in the Board Order.

Vice Chair Freitas OPENED THE PUBLIC HEARING

There was no one to speak to the item.

Vice Chair Freitas CLOSED THE PUBLIC HEARING

On motion by Director Glover, seconded by Director Nix, members of the Authority unanimously adopted Resolution 2006/07, a Resolution of Necessity for acquisition by eminent domain of certain interests in real property necessary for the construction of Segment 3 of the State Route 4 Bypass. The properties are located on Marsh Creek Road and Byron Highway near the Marsh Creek Road/Byron Highway Intersection, subject to findings pursuant to C.C.P. Section 1245.235, that the public interest and necessity required the proposed project, the project was planned and located in the manner that would be most compatible with the greatest public good and the least private injury; the properties sought to be acquired were necessary for the project; and the offer of compensation required by Section 7267.2 of the Government Code had been made to the owner or owners of record.

CONSENT ITEMS

On motion by Director Nix, seconded by Director Glover, members of the Authority unanimously adopted the Consent Items, as follows, with the removal of Item E.

- A. APPROVED minutes of September 13 and 21, 2006.
- B. THE BOARD WAS ASKED TO TAKE THE FOLLOWING ACTIONS:
 - i. APPROVED the Right of Way Contracts and ACCEPTED the Grant Deeds and Grant of Easements listed below:

<u>Grantors</u>	<u>Document</u>	<u>Date</u>	<u>Payee</u>	<u>Amount</u>
Alice J. Bunn	59658/ 59659	09-14-06	Placer Title Co. Escrow #615-8014/8015 1981 N. Broadway #100 Walnut Creek, CA 94596	\$ 42,400