

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

A JOINT EXERCISE OF POWERS AGENCY

MINUTES

June 8, 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 Chair Mary N. Piepho at 10:20 P.M.

ROLL CALL

PRESENT: Annette Beckstrand (Brentwood), Donald Freitas (Antioch), Brad Nix (Oakley), and Chair Mary N. Piepho (Contra Costa County)

ABSENT: None

STAFF: Dale Dennis, Program Manager

PUBLIC COMMENT

There was no public comment.

CONSENT ITEMS

On motion by Director Beckstrand, seconded by Director Freitas, members of the Authority unanimously adopted the Consent Items, with the removal of Items B through F.

A. APPROVED Minutes of the March 9 and May 11, 2006 meetings.

B. APPROVE the Fiscal Year 2006-07 Work Plan and Budget

Director Beckstrand mentioned Work Orders 6X4426 and 6X4427 related to preliminary and design engineering and right-of-way engineering and services/ property acquisition for the Sand Creek Road Interchange and wanted to ensure there was adequate budget for those items to move forward with Sand Creek Boulevard.

On motion by Director Beckstrand, seconded by Director Nix, members of the Authority unanimously APPROVED Fiscal Year 2006-07 Work Plan and Budget for the State Route 4 Bypass Authority (SR4BPA).

- C. APPROVE and AUTHORIZE the Secretary or Designee to Execute Contract Change Order Nos. 41 and 43 with Bay Cities Paving and Grading, Inc., in the Amount of \$63,755.60, for Segment 1, Package 1.

Director Beckstrand expressed concern with Change Order No. 43 and asked if the infrastructure was being put in advance for the City of Oakley and whether there would be a reimbursement agreement involved.

Mr. Dennis advised that the change order would provide sleeves for the sanitary sewer facilities, but did not include sanitary sewer facilities as part of the contract. There were properties that would need to have connections. The sleeves were PVC sleeves installed so that in the future when the sewer was installed, there could be an opening to slide the sewer pipe through so that the road did not have to be torn up in the future. He explained that the Authority could make a different policy decision or provide different direction, but at this time, reimbursement was not being sought for the sleeves from the City of Oakley.

Director Freitas did not see that there could be an all encompassing policy. He otherwise supported the \$15,000 cost to avoid the need to tear up the pavement in the future when the sewers were installed.

Mr. Dennis stated that staff was working on some contribution agreements with the City of Antioch for components of the project, including a facility that tied into the Brentwood Water Treatment Plant, as well as entering into a contribution agreement with the City of Brentwood because it was a facility that would benefit that City. The City would reimburse the Authority for those costs.

Director Nix noted that the item had come up at the same time as the sinkholes in Antioch, a wall in Brentwood, and an issue with respect to a church in Oakley where the development of the road blocked off any sewer connection. He explained that the sleeves had been recommended by staff as the most cost effective way of resolving the situation and protecting the road, leaving it to the property owners to pay the sewer connection in the future.

On motion by Director Beckstrand, seconded by Director Nix, members of the Authority unanimously APPROVED Contract Change Order (CCO) Nos. 41 and 43 with Bay Cities Paving and Grading, Inc. for an estimated cost of \$63,755.60, for Segment 1, Package 1, and AUTHORIZED the Secretary or designee to sign them on behalf of the Authority.

- D. APPROVE and AUTHORIZE the Secretary or Designee to Execute the First Amendment to Agreement for Maintenance and Electrical Facility Cost Sharing of the State Route 4 Bypass Between the Authority and the City of Brentwood in the Not-to-exceed Amount of \$50,000 for Maintenance of the Landscaping and Irrigation System at the Segment 2 Soundwall.

Director Beckstrand clarified that the contractor had been maintaining the area for three years and stopped maintaining the area the first part of this year.

Mr. Dennis stated that staff had been working with the City for four or five months to prepare the agreement.

Director Freitas verified that the landscaping improvements would at some point become Caltrans' responsibility, and that Caltrans had approved all the plans and actually inspected the landscaping project.

On motion by Director Freitas, seconded by Director Nix, members of the Authority unanimously APPROVED the First Amendment to Agreement for Maintenance and Electrical Facility Cost Sharing of the State Route 4 Bypass between the Authority and the City of Brentwood in the not-to-exceed amount of \$50,000 for maintenance of the landscaping and irrigation system at the Segment 2 soundwall and AUTHORIZED the Secretary or designee to sign it on behalf of the Authority.

- E. APPROVE and AUTHORIZE the Secretary or Designee to Execute Contract Change Order No. 1 for Asbestos Management Group of California Inc., dba AMG for a Cost Increase Not-to-exceed \$20,000 for the Laurel Road Demolition and Abatement Contract.

Director Beckstrand asked when the house in question had been built. She suggested that the Authority should have known that there would be asbestos and that the acquisition price should have been adjusted because of the need for asbestos clean-up. She urged due diligence in the future.

Mr. Dennis noted that access to the home had not been granted by the property owner at bid time and the extent of the asbestos in the home had been unknown.

On motion by Director Nix, seconded by Director Beckstrand, members of the Authority unanimously APPROVED Contract Change Order (CCO) No. 1 for Asbestos Management Group of California Inc., dba AMG, for a cost increase not to exceed \$20,000 for the Laurel Road Demolition and Abatement Contract and AUTHORIZED the Secretary or designee to sign the CCO on behalf of the Authority.

- F. APPROVE and AUTHORIZE the Secretary or Designee to Execute Amendments to the Consulting Services Agreements with the Following Consultants (no payment limit increase) to Extend the Term of the Existing Agreements through June 30, 2007, with no Increase in Payment:
1. Loewke – Environmental Permitting Services for Segments 1 and 3
 2. Mark Thomas and Company – Transfer and Relinquishment Support Services
 3. Parikh Consultants – Geotechnical and Environmental Site Assessment Engineering Services for Segments 2 and 3
 4. Somach, Simmons and Dunn – Environmental Legal Services
 5. Harris and Associates – Encroachment Permit/Construction Inspection
 6. Anita Tucci-Smith – Preparation of Meeting Minutes

Director Freitas indicated he was not in favor of extending the Loewke contract. He supported the termination of that contract.

Mr. Dennis pointed out that Loewke had a long term history with the project, but stated that a change could be made if to bring a different consultant on board to finalize the permit process.

Director Freitas emphasized that years had been spent on the contract and no permits had been issued. Recognizing that the permitting process was difficult, he commented that he had not seen anything take so long for so much with so little in return.

Director Nix verified that no money was being sought at this time simply that the contract periods were to be extended beyond June 30, 2006.

Mr. Dennis also expressed his disappointment that permits had yet to be received. He stated that staff had been working diligently to get the required permits, that the experience had been frustrating, but that it would be difficult bringing someone else up to speed. He had also become involved in the process to secure the necessary permits. When asked by Director Nix, he explained that the delay was primarily due to the resource agencies and the representatives of the agencies had been changed several times. Even with all those difficulties, he commented that the process was getting closer to being completed.

Director Freitas suggested that the only reason why the process was moving forward was because Mr. Dennis was doing a great deal of the work.

On motion by Director Beckstrand, seconded by Director Freitas, members of the Authority unanimously APPROVED and AUTHORIZED the Secretary or designee to execute amendments to the Consulting Services Agreements with the following consultants (no payment limit increase) to extend the term of the existing agreements through June 30, 2007, and AUTHORIZED the Secretary or designee to sign the amendments on behalf of the Authority.

2. Mark Thomas and Company – Transfer of Relinquishment Support Services
3. Parikh Consultants – Geotechnical and Environmental Site Assessment Engineering Services for Segments 2 and 3
4. Somach, Simmons and Dunn – Environmental Legal Services
5. Harris and Associates – Encroachment Permit/Construction Inspection
6. Anita Tucci-Smith – Meeting Minutes Taker

For Item 1, the Loewke contract for environmental permitting services for Segments 1 and 3, Director Nix moved approval to extend that agreement through June 30, 2007 with no payment limit increase. There was no second to that motion.

Chair Piepho asked about the impacts on the current construction if the extension was not approved for Loewke. Mr. Dennis advised that a replacement would be sought and staff would work on the permitting process.

The Chair asked if that work would be significant, to which Mr. Dennis stated that at this point, it appeared to him that the final issues would have to be negotiated and as such, there should not be a lot more information requested from the US Fish and Wildlife Service.

Mr. Dennis estimated, when asked, that the Consulting Services Agreement could be extended 60 to 90 days to allow time for the consultant to assist in completing the final negotiations.

On motion by Director Freitas, seconded by Director Nix, members of the Authority unanimously APPROVED amendment to the Consulting Services Agreement for Loewke for environmental permitting services for Segments 1 and 3 (no payment limit increase) to extend the term of the existing agreement to September 30, 2006, and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority.

DETERMINATION ITEMS

- A. RECEIVE Status Report on the SR4 Bypass Project and the Laurel Road Extension Project.

Program Manager Dennis reported with respect to the Segment 1 project that the right-of-way acquisition process was continuing and moving forward with condemnations. The demolition of the houses to allow the Laurel Road Extension project would be completed shortly. The contractor would prepare the roadway work within the next month. For Segment 3, utilities and advanced construction contracts were moving forward, as was right-of-way acquisition. The final acquisition along the Byron Highway was proceeding.

- B. AUTHORIZE the Chair to Sign a Letter to Congressman Pombo and Congresswoman Tauscher Requesting Assistance to Expedite Issuance of Environmental Permits for Segment 3 of the State Route 4 Bypass

Mr. Dennis referred to the draft letters to Congressman Pombo and Congresswoman Tauscher requesting assistance to expedite the issuance of environmental permits for Segment 3.

Director Freitas requested that the letters clarify that point to explain that *Segment 2 was partially completed*. With respect to the letter to Congresswoman Tauscher, Director Freitas requested that the beginning of the letter "To begin with" be changed. Director Nix agreed.

On motion by Director Beckstrand, seconded by Director Nix, members of the Authority unanimously AUTHORIZED the Chair to sign a letter to Congressman Pombo and Congresswoman Tauscher requesting assistance to expedite issuance of environmental permits for Segment 3 of the State Route 4 Bypass, with a modification to show that *Segment 2 was partially completed* and with a change to the beginning of the Tauscher letter to eliminate "To begin with."

Director Beckstrand reported that the City of Brentwood was preparing a similar letter.

- C. RECEIVE Status Report on the Construction Activities in Segments 1 and 3

Bart Littell, Parsons Brinckerhoff Construction Services, Inc. presented updated photographs of the project and reported that Package 1 was complete and the Package 2 contractor had been let into that area. Temporary striping, K-rail and signage were being installed. Over the last month there had been work on all five bridges with grading throughout the project. The slide repair at the Laurel Road Extension had been completed, the Lindsay Basin was 80 percent complete and all the demolition of houses for the Laurel Road Extension had been completed.

Mr. Littell added that the East Contra Costa Irrigation District (ECCID) irrigation work in Segment 3 had been completed and water was flowing. The traffic signal at Walnut Road and Concord Boulevard had been turned on, the tree removal project had been completed, and PG&E was proceeding with utility work on Marsh Creek Road between Walnut Road and the Byron Highway.

In response to the Chair, Mr. Littell reported that there would be no impacts to the U-picks this season. He also explained that the sinkholes had been repaired although that project had gone over budget.

Mr. Dennis advised that the sinkhole agreement issue was still being resolved with the City of Antioch.

BOARDMEMBER COMMENTS

There were no comments from Boardmembers.

CORRESPONDENCE

There was no correspondence other than that which had been included in Authority packets.

ADJOURNMENT

With no further business to come before the State Route 4 Bypass Authority, Chair Piepho adjourned the meeting at 10:53 P.M. to the next meeting scheduled for July 13, 2006.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk