

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

A JOINT EXERCISE OF POWERS AGENCY

MINUTES
June 22, 2002

The STATE ROUTE 4 BYPASS AUTHORITY meeting was called to order in the Ambrose Community Center Board Room at 3105 Willow Pass Road, Bay Point, California, by Chair Federal Glover at 8:22 A.M.

ROLL CALL

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

ABSENT: Nobel Elcenko (Contra Costa Water District, ex-officio) and Wade Gomes (Brentwood)

STAFF: Lowell Tunison, Supervising Civil Engineer/Project Manager

PUBLIC HEARING to APPROVE Conveyance of Real Property to Ruckstahl LLC in Conjunction with Settlement of Eminent Domain Proceedings

Supervising Civil Engineer/Project Manager Lowell Tunison reported that the Public Hearing was required by State law because the conveyance of real property to Ruckstahl LLC in conjunction with settlement of eminent domain proceedings involved a disposal of excess public property for the Lone Tree Way area, which action to convey would require unanimous action by the Authority.

Chair Glover OPENED THE PUBLIC HEARING. There was no one to speak for or against the item.

On motion by Brad Nix, seconded by Donald Freitas and carried unanimously to CLOSE THE PUBLIC HEARING.

On motion by Donald Freitas, seconded by Brad Nix, members of the Authority unanimously APPROVED the conveyance of real property to Ruckstahl LLC in conjunction with settlement of eminent domain proceedings.

DETERMINATION ITEMS

A. APPROVE Minutes of the May 9, 2002 Meeting

On motion by Donald Freitas, seconded by Brad Nix, members of the Authority unanimously APPROVED the minutes from the May 9, 2002 meeting, as submitted.

B. APPROVE Segment 2 Contract Change Orders

Mr. Tunison reported that there were no change orders for Segment 2 at this time.

C. APPROVE an End of Year Adjustment to the Fiscal Year 2001-2002 Work Plan and Budget

Mr. Tunison identified the need to modify an item related to liability insurance. He explained that staff was still in the process of negotiating with the underwriters. Pending the completion of those negotiations, the same terms and coverage of insurance would be extended for one month. He commented that if those negotiations were not successful, the Authority's cost for liability insurance would increase.

On motion by Donald Freitas, seconded by Brad Nix, members of the Authority unanimously APPROVED an end of year adjustment to the Fiscal Year 2001-2002 Work Plan and Budget.

D. APPROVE the Work Plan and Budget for the Fiscal Year 2002-2003

Mr. Tunison presented the Work Plan and Budget for Fiscal Year 2002-2003. He recommended approval of the Work Plan and Budget contingent upon the approval of the Work Plan by the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) and the East County Transportation Improvement Authority (ECTIA), which was the source of revenue for the State Route 4 Bypass Authority.

On motion by Donald Freitas, seconded by Brad Nix, members of the Authority unanimously APPROVED the Work Plan and Budget for Fiscal Year 2002-2003.

E. APPROVE a Consulting Services Agreement Amendment with Environmental Science Associates to Extend the Term of the Contract, and AUTHORIZE the Secretary or his Designee to Execute it on Behalf of the Authority

Mr. Tunison explained that the extension of the terms of the contracts for Environmental Science Associates, Fehr and Peers, Richard T. Loewke, Charles M. Salter and Associates and Taber Consultants all related to an extension of time on agreements with no change in the dollar amounts. He added that the item related to Harris and Associates, also on the agenda, had been deleted.

In response to Donald Freitas as to a clarification of the Environmental Science Associates (ESA) contract extension, particularly in relation to the Richard T. Loewke contract, Mr. Tunison explained that while both contracts related to addressing permit requirements, the Loewke contract did not provide the technical portion of that work. He added that Richard Loewke was a planner specializing in permit activities and provided his own subcontractors to do the biological studies for the permitting process. In addition, the ESA contract was specific to Segment 2 while the Loewke contract was specific to Segments 1 and 3.

When asked, Mr. Tunison explained that there was no coordination of activities between the two contracts. He noted that ESA had previously conducted permitting studies for Segment 2. With staff's desire to make a change for the permitting activities, Richard Loewke had been selected to assist in that regard.

Donald Freitas raised an economy of scale issue and expressed concern with an apparent lack of continuity and coordination of the two contracts and contractors.

Mr. Tunison commented that the ground rules changed so fast that there was no economy of scale and any of the work that ESA had done was not lost but had to be supplemented by additional work.

Mr. Freitas remained concerned and requested to be provided more detail at the next meeting to identify exactly how the process, specifically related to coordination, was working.

On motion by Donald Freitas, seconded by Brad Nix, members of the Authority unanimously APPROVED a Consulting Services Agreement Amendment with Environmental Science Associates to extend the term and continue to provide biological and wetland resource services as a condition of the Segment 2 environmental permits, and AUTHORIZED the Secretary or his designee to execute it on behalf of the Authority.

F. APPROVE a Consulting Services Agreement Amendment with Fehr and Peers to Extend the Term of the Contract, and AUTHORIZE the Secretary or his Designee to Execute it on Behalf of the Authority

On motion by Donald Freitas, seconded by Brad Nix, members of the Authority unanimously APPROVED a Consulting Services Agreement Amendment with Fehr and Peers Associates Inc. to extend the term and continue to provide traffic engineering and operational analysis for Segment 3, and AUTHORIZED the Secretary or his designee to execute it on behalf of the Authority.

- G. APPROVE a Consulting Services Agreement Amendment with Harris and Associates to Extend the Term of the Contract, and AUTHORIZE the Secretary or his Designee to Execute it on Behalf of the Authority

This item had been deleted from consideration.

- H. APPROVE a Consulting Services Agreement Amendment with Richard T. Loewke to Extend the Term of the Contract, and AUTHORIZE the Secretary or his Designee to Execute it on Behalf of the Authority

On motion by Donald Freitas, seconded by Brad Nix, members of the Authority unanimously APPROVED a Consulting Services Agreement Amendment to extend the term of the contract with Richard T. Loewke to continue to perform on call environmental services for permitting on Segments 1 and 3, and AUTHORIZED the Secretary or his designee to execute it on behalf of the Authority.

- I. APPROVE a Consulting Services Agreement Amendment with Charles M. Salter and Associates to Extend the Term of the Contract, and AUTHORIZE the Secretary or his Designee to Execute it on Behalf of the Authority

On motion by Donald Freitas, seconded by Brad Nix, members of the Authority unanimously APPROVED a Consulting Services Agreement Amendment to extend the term of the contract with Charles M. Salter and Associates to continue to perform acoustical analysis and noise assessment as directed by Authority staff, and AUTHORIZED the Secretary or his designee to execute it on behalf of the Authority.

- J. APPROVE a Consulting Services Agreement Amendment with Taber Consultants to Extend the Term of the Contract, and AUTHORIZE the Secretary or his Designee to Execute it on Behalf of the Authority

On motion by Donald Freitas, seconded by Brad Nix, members of the Authority unanimously APPROVED a Consulting Services Agreement Amendment with Taber Consultants to extend the term and allow them to continue to provide environmental assessment and geotechnical services for the Segment 1 Project, and AUTHORIZED the Secretary or his designee to execute it on behalf of the Authority.

- K. APPROVE a Short Form Service Contract Amendment with Anita Tucci-Smith in the Amount of \$6,000 to Continue to Provide Minute Taking Services and Increase the Term of the Contract, and AUTHORIZE the Secretary or his Designee to Execute it on Behalf of the Authority

Mr. Tunison explained that the contract would allow the continuation of the Minute Taking Services offered by Anita Tucci-Smith.

On motion by Donald Freitas, seconded by Brad Nix, members of the Authority unanimously APPROVED an Amendment to the existing contract with Anita Tucci-Smith in the amount of \$6,000 and increased the term of the contract to allow her to continue to take minutes for the State Route 4 Bypass Authority and East Contra Costa Regional Fee and Financing Authority, and AUTHORIZED the Secretary or his designee to execute it.

MEMBER AND EX-OFFICIO REPORTS

There were no Member or Ex-officio Member Reports.

CORRESPONDENCE

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

PUBLIC COMMENTS

There was no public comment.

ADJOURNMENT

With no further business to come before the State Route 4 Bypass Authority, Chair Glover adjourned the meeting at 8:34 A.M. to the next meeting set for July 11, 2002.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk