

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

A JOINT EXERCISE OF POWERS AGENCY

MINUTES
September 14, 2002

The STATE ROUTE 4 BYPASS AUTHORITY meeting was called to order at the Antioch Senior Center, 415 West 2nd Street, Antioch California, by Chair Federal Glover at 12:34 P.M.

ROLL CALL

PRESENT: Nobel Elcenko (Contra Costa Water District, ex-officio), Donald Freitas (Antioch), Wade Gomes (Brentwood), Brad Nix (Oakley), and Chair Federal Glover (Contra Costa County)

ABSENT: None

STAFF: Lowell Tunison, Supervising Civil Engineer/Project Manager

DETERMINATION ITEMS

A. APPROVE Minutes of the June 22, 2002 Meeting (*July 11 and August 8 meetings canceled*).

On motion by Donald Freitas, seconded by Brad Nix, members of the Authority unanimously APPROVED the minutes from the June 22, 2002 meeting, as submitted.

B. APPROVE an End of Year Adjustment to the Fiscal Year 2001/02 Work Plan and Budget

Supervising Civil Engineer Lowell Tunison presented and recommended approval of the end of year adjustment to the Fiscal Year 2001/02 Work Plan and Budget.

On motion by Donald Freitas, seconded by Wade Gomes, members of the Authority unanimously APPROVED an end of year adjustment to the Fiscal Year 2001/02 Work Plan and Budget.

C. ACCEPT Status Report from Project Manager on Design Alternatives for the Lone Tree Way Interchange

Mr. Tunison advised that a recommendation would be returned to the Board at the next meeting. He explained that Authority staff had been meeting with Caltrans' local district and headquarters staff regarding design exceptions, utility encroachments, working with other utility companies and the other two cities involved. A draft document would be circulated between the two cities early next week, and would return to the Authority for formal recommendation on October 5.

Federal Glover inquired whether or not the design would address the issues of the LDS Church, and Mr. Tunison stated that there would be some, none or significant impacts in that case in that each alternative would have a different effect.

As to how significant the impacts could be, Mr. Tunison stated that the design could affect the LDS Church access to Jeffrey Way. One version would affect the amount of access to Lone Tree Way. There were two alternatives to the approved project, which was the closure of Jeffrey Way.

Given the alternatives, Buzz Walker, an affected property owner, explained that the Lighthouse Baptist Church and Church of the New Beginnings had asked him to monitor the meeting. He urged the Authority to remember that there were current neighbors and future neighbors who would be impacted, and that access to Jeffrey Way was a major consideration. He expressed concern that those who would be affected had not been included in the process.

Mr. Walker urged the Authority to invite and involve the affected property owners into the process, to provide the appropriate information to those involved, and to allow them to be a part of the alternatives.

Peter Knoedler emphasized the impacts that could seriously affect the adjacent property owners and expressed dismay that those affected property owners had not been included in the process to be apprised of those potential impacts. He suggested that there were other alternatives that could be considered if all affected parties were included. He emphasized the need for the several churches in the area to have appropriate access to their sites and he urged the Authority to include them in the process.

Frank Gibson, representing the LDS Church, stated that their concern was that access remain open. They wanted the opportunity to review the draft proposals so that their headquarters in Salt Lake City could analyze the impacts to be placed on the church, which was a property owner on the street.

Chair Glover emphasized the importance of presenting the information to the property

owners to apprise them of the situation and the potential impacts that could be imposed. Mr. Tunison noted that the original request from the Board was to bring a recommendation from the City of Antioch to the SR4 Bypass Authority and to offer a recommendation. He sought direction from the Authority on how it wanted staff to proceed.

Federal Glover emphasized that those impacted by the design of the project would have to be involved. He noted that staff from the cities of Antioch and Brentwood had met with some of the property owners over time.

Mr. Tunison inquired whether or not the Authority wanted to see the recommendations from City staff prior to having that information presented to the property owners.

Donald Freitas suggested that inherent in the direction from the Authority was that members and property owners needed to receive information for a dialogue with the affected property owners to take place. He suggested that no meeting should occur with the property owners until the staff report had been provided.

Chair Glover concurred with the need for the Authority to be provided information prior to a meeting with the property owners to be able to speak to the issue.

Mr. Tunison stated that once comments from the cities had been provided, he would provide Boardmembers with that information and meet with individual property owners or a group of property owners to circulate that information to be able to have a clear understanding of what was involved.

Nobel Elcenko advised that there was also an issue with the Contra Costa Water District (CCWD) in the area, which could be a problem with Buzz Walker's property and the other properties situated along that CCWD's pipeline.

Mr. Walker commented that it was thanks to Mr. Freitas that the issue had come to light and City of Antioch staff had a public meeting with all of the property owners. He was uncomfortable as the focus of the issue and explained that he had been the one working with the City and the CCWD over time. Recognizing the tremendous cooperation he had received throughout that process, he otherwise emphasized the need to address the situation.

With respect to that public meeting with Antioch staff, Antioch Traffic Engineer Ed Franzen stated that after that meeting, which he had not been able to attend, he had been directed to amend the contract to eliminate the signal and keep the street open. He was concerned with a change in direction and he sought guidance from the Board.

Mr. Franzen added that there was a public process to close a publicly owned street and to his understanding, that process had not yet taken place.

Mr. Freitas clarified the request for information to be shared with the Board and with the property owners prior to the next Board meeting. There was Board consensus to that direction.

Mr. Nix asked that the CCWD be included as part of the process, to also include all affected property owners. On that point, he stressed that the Board would be meeting in three weeks and in order for the affected property owners to have some time to receive and review that information, he assumed that information would be disseminated within the next week and a half prior to the October 5 meeting.

Mr. Tunison advised that they would be meeting with the CCWD on September 16, would meet with Brentwood staff on September 17 and would be communicating with the Acting Public Works Director in Antioch early next week. As such, he expected that a document would be ready in a week and a half.

D. ACCEPT Report from Project Manager on Environmental Permitting Activities for Segments 1 and 3

Mr. Tunison presented a report requested by the Board regarding the relationship between Environmental Science Associates (ESA) and Richard Loewke regarding permitting activities. He reported that the US Fish and Wildlife Service (USFWS) had now adopted new protocols for red-legged frogs and it was time to make a change from ESA, which had been assisting staff in the negotiations with the USFWS and the California Department of Fish and Game (CDFG), to a skilled planner to take more of the load.

To clarify the situation in response to Donald Freitas, Mr. Tunison stated that ESA did biological studies and provided input in negotiations with the USFWS and the CDFG. Mr. Loewke would take a more active role given the higher level of contact with those agencies.

Mr. Freitas inquired of the cost of that more active role, reported by Mr. Tunison that the cost was currently being developed. It was expected to be in the range of \$100,000 to \$200,000.

Mr. Freitas expressed a concern with that cost and stated that he would not support the proposal as a result.

Wade Gomes clarified that the action being requested of the Board at this time was simply to accept the report, and Mr. Tunison affirmed that was the case and that no funds were involved at this point.

On motion by Wade Gomes, seconded by Brad Nix, members of the Authority ACCEPTED Report from Project Manager on environmental permitting activities for Segments 1 and 3, with Donald Freitas' no vote.

- E. APPROVE Right of way Agreement and ACCEPT Grant Deed with S.H. Cowell Foundation in the Amount of \$625,000 and AUTHORIZE Payment in Accordance with the Agreements

Mr. Tunison presented an amended staff report to the report included in the Board packets and advised that the Grant Deed with S.H. Cowell Foundation had not been executed. The approval by the Authority had been signed by the Cowell Foundation and it was recommended that the deeds be accepted. Under the agreement, he stated that the deeds would have to be provided prior to the close of escrow. While Cowell had not signed the deed on advice of counsel, they would do so prior to the close of escrow.

Mr. Tunison recommended that the agreement be approved and that the Grant Deed return to the Board for acceptance.

When asked by Mr. Freitas, Mr. Tunison clarified that the Authority had prevailed on what it needed and had ensured that no more property than was needed would be acquired.

On motion by Donald Freitas, seconded by Wade Gomes, members of the Authority unanimously APPROVED Right of Way Contract with the S.H. Cowell Foundation, AUTHORIZED the Secretary or designee to execute said Right of Way Contract and APPROVED payment of \$625,000 for said property rights and AUTHORIZED the Auditor-Controller to issue a check in said amount to S.H. Cowell Foundation to be forwarded to the Real Property Division for delivery.

- F. ACCEPT the Completed Contract with Teichert Construction for the Segment 2, Phase I Project and DIRECT the Secretary or His Designee to File the Notice of Completion and APPROVE Balancing Change Order

Mr. Tunison presented the request to accept the contract as complete. Referring to the staff report and the fact that the cost had not been identified, he explained that given a

credit, there would be a no net increase in cost. As such, Contract Change Order No. 38 would require no Board action.

Mr. Gomes inquired whether or not work remained in Segment 2, and Mr. Tunison reported that other than some minor items not in the contract, such as an uninterrupted power source, the work was complete. He added that a contract for fence work because of additional right of way would have to return to the Board for later action. Landscaping had also not been completed, although almost all of the planting had been completed. Three more years of maintenance remained.

With respect to the required landscaping, Mr. Tunison explained that Caltrans staff had noted that their normal policy with a locally sponsored project would require landscaping. As such, he suggested that the question was how much would be taken away from the construction dollars if Caltrans wanted the whole Bypass to be landscaped.

On motion by Wade Gomes, seconded by Donald Freitas, members of the Authority unanimously APPROVED Contract Change Order No. 38 as complete and AUTHORIZED the Secretary or his designee to execute it, and APPROVED Resolution No. 2002/ , a Resolution of Acceptance and Notification of Completion of the State Route 4 Bypass Project, Segment 2, Phase I, Project No. 4660-6X4405.

MEMBER AND EX-OFFICIO REPORTS

Mr. Freitas explained that Mr. Tunison would be retiring on July 1, 2002, which had implications to how each of the groups; the East Contra Costa Regional Fee and Financing Authority, the East County Transportation Improvement Authority and the State Route 4 Bypass Authority would be staffed. He raised the issue since he believed that there was a need for a transitional period between Mr. Tunison's retirement and a new staff person and that a policy decision was needed as to the designation of that staffing.

Given his understanding of the length of time involved in the County staffing process, Mr. Freitas emphasized that there would have to be some direction offered by the Board in the near future to ensure a smooth transition of new staff to avoid impacts to ongoing projects. He suggested, for instance, that the Board would need to determine whether it would be willing to have the County Public Works Department designate the staff for the three groups or whether another individual should be selected.

Chair Glover requested that the item be placed on a future agenda of each Authority to identify the options available, with a set of those options to be presented at a future meeting.

Mr. Nix suggested that one option would be whether or not there could be some consulting arrangement post retirement with Mr. Tunison.

CORRESPONDENCE

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

As an information item, Mr. Tunison explained that a design for Marsh Creek Road was being considered. He explained that the Board in prior years had assured that they would meet with property owners along Marsh Creek Road. While there was no specific plan, he stated that County staff, as project engineers, would meet with property owners in a public meeting and he would inform Boardmembers of when that meeting would occur.

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 1:02 P.M. to the special meeting on October 5, 2002.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk