



# Joint Exercise of Powers Agency

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

## Board of Directors

Thursday, December 9, 2010

6:30 p.m.

Tri-Delta Transit Meeting Room  
801 Wilbur Avenue  
Antioch, California

1. Call to Order
2. Public Comment
3. Consent Item(s)
  - A. **APPROVE** minutes of November 18, 2010 special meeting (November 11, 2010 meeting cancelled).
  - B. Staff recommends the Authority take the following actions:
    1. **ADOPT** Resolution No. 2010/02 to convey to the City of Brentwood real property identified in the Notice of Intention to Convey Real Property.
    2. **DIRECT** the Real Property Division to cause the Grant Deed to be delivered to the grantee for acceptance and recording.
  - C. **APPROVE** an amendment to the Consulting Services Agreement with Geocon Consultants Inc. in the amount of \$12,350 for a total not-to-exceed amount of \$33,350 to perform additional sampling to determine the potential for chemical contamination east of the Kinder Morgan Pump Station to address Caltrans concerns, and **AUTHORIZE** the Secretary or designee to sign the amendment on behalf of the Authority.
  - D. **APPROVE** an amendment to the Consulting Services Agreement with Mark Thomas and Company in the amount of \$145,750 a total not-to-exceed amount \$16,663,826 to prepare an Addendum to the SR4 Bypass Final Environmental Impact Report to address minor changes for the Balfour Road Interchange and complete associated planning and environmental studies, and **AUTHORIZE** the Secretary or designee to sign the amendment on behalf of the Authority.
4. Determination Item(s)
  - A. **RECEIVE** status report on the SR4 Bypass projects.
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.

"Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the State Route 4 Bypass Authority to a majority of members of the Board of Directors less than 72 hours prior to that meeting are available for public inspection at 255 Glacier Drive, Martinez, CA during normal business hours."

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**Board of Directors:**  
Jim Frazier, Chair  
Federal Glover, Vice Chair  
Robert Taylor  
Brian Kalinowski

**Authority Staff Office:**  
Contra Costa County  
255 Glacier Drive  
Martinez, CA 94553  
(925) 686-0619

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

A JOINT EXERCISE OF POWERS AGENCY

MINUTES

November 18, 2010

\*\*Special Meeting\*\*

The STATE ROUTE 4 BYPASS AUTHORITY meeting was called to order in the Oakley City Council Chambers by Chair Jim Frazier at 6:00 P.M.

**ROLL CALL**

PRESENT: Chair Jim Frazier (Oakley), Brian Kalinowski (Antioch) and Bob Taylor (Brentwood)

ABSENT: Federal Glover (Contra Costa County),

STAFF: Dale Dennis, Program Manager

**CLOSED SESSION**

Chair Frazier adjourned into closed session at 6:01 P.M.

- A. Conference with Legal Counsel – Pending litigation pursuant to Government Code §54954.2(a): One case. City of Brentwood vs. Peter C. Landgraf, et. al., Contra Costa County Superior Court Case #MSC08-01723

Chair Frazier reconvened from closed session at 6:20 P.M. and advised that there was nothing to report.

**PUBLIC COMMENT**

There were no comments from the public.

**CONSENT ITEMS**

On motion by Director Kalinowski, seconded by Director Taylor, the Authority unanimously adopted the Consent Items, as follows:

- A. APPROVE minutes of October 14, 2010 meeting.
- B. APPROVE an amendment to the Consulting Services Agreement with PB Americas in the amount of \$20,047, for a not to exceed amount of \$6,429,170, to complete archeological services related to improvements being constructed on Marsh Creek Road by a developer under an Authority-issued encroachment permit, and AUTHORIZE the Secretary or designee to sign the amendment on behalf of the Authority. (All costs are reimbursable by the developer through an inspection deposit.)

**DETERMINATION ITEMS**

A. RECEIVE Status Report on the SR4 Bypass Projects.

Mr. Dennis provided a status report on the progress of the delivery of phase one and phase two of the SR4 Bypass, as well as a status of the transfer and relinquishment of the SR4 Bypass to Caltrans.

**BOARDMEMBER COMMENTS**

There were no Boardmember comments.

**CORRESPONDENCE**

There was no correspondence.


**ADJOURNMENT**

With no further business to come before the State Route 4 Bypass Authority, Chair Frazier adjourned the meeting at 6:25 P.M. to the next meeting scheduled for December 9, 2010.

**STATE ROUTE 4  
BYPASS AUTHORITY**

**DATE:** December 9, 2010

**TO:** Board of Directors

**FROM:** Dale Dennis, Program Manager 

**SUBJECT:** State Route 4 Bypass Authority – Segment 2. Convey State Route 4 Bypass Authority owned real property to the City of Brentwood.

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**Recommendation:** Staff recommends the Authority take the following actions.

- A. **ADOPT** Resolution No. 2010/01 to convey real property associated with Sand Creek Road to the City of Brentwood.
- B. **DIRECT** the Real Property Division to cause the Grant Deed delivery to the grantee for acceptance and recording.

**Discussion:** On October 14, 2010, the Board took the following actions:

- In accordance with the terms and conditions of the Joint Exercise of Powers Agreement (JEPA), the Authority declared its intention to convey Authority-owned real property identified as a portion of Assessor's Parcel No. 019-082-006, (also known as a portion of Sand Creek Road), and identified in the Notice of Intention to Convey Real Property to the City of Brentwood.
- Determined this property is not required for Authority future use.
- Scheduled final action to take place on December 9, 2010, at 6:45 p.m. in the Tri-Delta Transit Meeting Room, 801 Wilbur Avenue, Antioch, California, to consummate this conveyance by a unanimous vote.
- Pursuant to Government Code Section 6061, directed Real Property to publish a Notice of Intention to Convey Real Property one time, at least one week preceding the final action, in the Contra Costa Times.

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**ACTION OF BOARD ON** \_\_\_\_\_ **APPROVED AS RECOMMENDED** \_\_\_ **OTHER**\_\_\_

VOTE OF DIRECTORS  
\_\_\_\_\_ UNANIMOUS (ABSENT \_\_\_\_\_)  
**AYES:** \_\_\_\_\_ **NOES:** \_\_\_\_\_  
**ABSENT:** \_\_\_\_\_ **ABSTAIN:** \_\_\_\_\_

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Directors on the date shown.

**ATTESTED** \_\_\_\_\_  
Secretary to the Authority

**THE BOARD OF DIRECTORS  
STATE ROUTE 4 BYPASS AUTHORITY,  
A JOINT POWERS AGENCY**

**SUBJECT:** Adopt Resolution No. 2010/01 approving the conveyance of Authority-owned real property to the City of Brentwood  
Project No. 4460-6X4445  
Brentwood Area  
[SCH# 89032824 and SCH# 198903824]

**RESOLUTION NO. 2010/01**  
(Gov. Code § 25365)

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The Board of Directors, as governing body of the State Route 4 Bypass Authority, a joint powers entity, by **(unanimous)** vote **RESOLVES THAT:**

On October 14, 2010, the Board directed Authority staff to publish a notice of its intention to convey to the City of Brentwood the real property shown on the attached map (Exhibit C).

The Board fixed December 9, 2010, at 6:45 p.m., in the Tri-Delta Transit Meeting Room, 801 Wilbur Avenue, Antioch, California, as the time and place when it would meet to consummate the conveyance of the real property shown therein to the City of Brentwood; said Notice was duly published in the Contra Costa Times.

The Board determined that said property is no longer required for Authority use.

This Board hereby **APPROVES** the conveyance of the Authority-owned property shown on the attached map by the State Route 4 Bypass Authority to the City of Brentwood. The Board of Directors hereby **AUTHORIZES** the Secretary or Designee to execute the attached Grant Deed to the City of Brentwood on behalf of the Authority, and **DIRECTS** the Real Property Division to cause its delivery to the City of Brentwood for acceptance and recording.

PASSED and ADOPTED on

by the following vote:

AYES:

NOES:

ABSENT:

I HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced, passed and adopted by unanimous vote of the State Route 4 Bypass Authority, at a meeting of said Board of Directors on the date indicated above.

Date: \_\_\_\_\_

Julia R. Bueren, Secretary  
State Route 4 Bypass Authority

By: \_\_\_\_\_

Recording Requested By:  
City of Brentwood

When Recorded Return to:  
City of Brentwood  
Public Works Dept.  
Engineering  
118 Oak Street  
Brentwood, CA 94513  
Attn: Debra Galey

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## GRANT DEED

For Value Received, STATE ROUTE 4 BYPASS AUTHORITY, a joint powers agency,

**GRANT(S) in fee** to CITY OF BRENTWOOD, a municipal corporation

the following described real property in the City of Brentwood, County of Contra Costa, State of California.

**FOR DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.**

*Dated this* \_\_\_\_\_ *day of* \_\_\_\_\_, 2010.

By \_\_\_\_\_

By \_\_\_\_\_

**ATTACH APPROPRIATE ACKNOWLEDGEMENT**



State Route 4 Bypass Authority  
Excess Parcel to City of Brentwood  
Portion of APN 019-082-006  
Adjacent to CT 62080-34  
Right-of-Way Record Map R-10284.06

## EXHIBIT "A"

Real Property in the City of Brentwood, County of Contra Costa, State of California, being a portion of the southwest  $\frac{1}{4}$  of Section 10, Township 1 North, Range 2 East, Mount Diablo Meridian, also being a portion of Parcel 7 granted to the State Route 4 Bypass Authority in the Final Order of Condemnation recorded January 31, 2003 in Series Number 2003-0049906 Contra Costa County records, described as follows:

Commencing at a granite monument at the centerline intersection of Sand Creek Road and San Jose Avenue as shown on the Record of Survey filed March 13, 1991 in Book 97 of LSM at page 34; thence along the centerline of Sand Creek Road north  $89^{\circ}28'39''$  west 108.551 meters; thence south  $23^{\circ}02'26''$  east 8.313 meters to the southerly right of way line of Sand Creek Road, and the Point of Beginning; thence from said Point of Beginning along said southerly right of way line south  $89^{\circ}28'39''$  east 79.105 meters to a point on the westerly line of "Parcel 1" described in Exhibit "A" of the Final Order of Condemnation (Case No. C94-02472) to the Contra Costa Water District (CCWD) recorded November 14, 1995 in series No. 95-197781, Contra Costa County records; thence leaving said right of way line and along said CCWD parcel south  $0^{\circ}53'18''$  west 73.388 meters; thence continuing along said CCWD parcel south  $19^{\circ}55'39''$  east 51.634 meters to the westerly right of way line of San Jose Avenue, thence along said right of way line south  $0^{\circ}56'05''$  west 64.269 meters; thence leaving said right of way line, north  $19^{\circ}56'15''$  west 15.666 meters; thence north  $27^{\circ}22'49''$  west 193.898 meters to the Point of Beginning.

Containing an area of 7,081 square meters of land more or less.

**Together with** the appurtenant surface rights over the adjoining CCWD Parcel 1 as said rights are reserved and set forth in said Final Order of Condemnation (95-197781).


**And Reserving therefrom** any and all abutter's rights of access, appurtenant to grantor's remaining property (access controlled highway 4).

Bearings are based on the California Coordinate System of 1983 (CCS83), Zone III, Epoch 1991.35. Distances given are grid distances. To obtain ground distance, multiply distance given by 1.0000650.

Distances shown are in meters. Multiply distances shown by 3.28083333 to convert to U.S. survey foot. Areas shown are in square meters, multiply areas shown by 10.764 to convert to square feet.

**Exhibit "B"** a plat is attached hereto and by this reference made a part hereof.

This real property description has been prepared by me or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: 

Licensed Land Surveyor  
Contra Costa County Public Works

Date: 10/7/2010

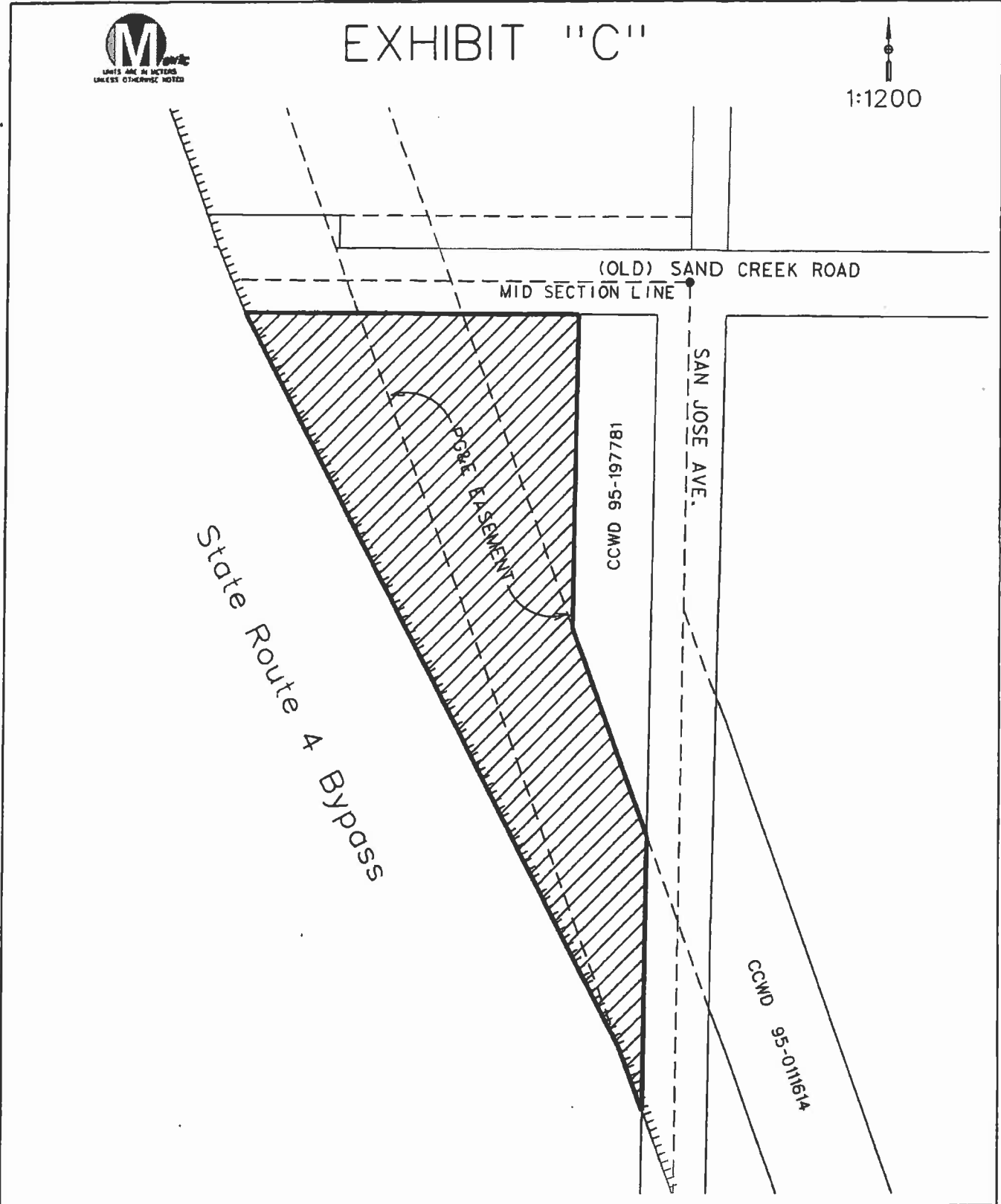


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# EXHIBIT "C"

1:1200



## State Route 4 Bypass Segment 2 Excess Parcel to City of Brentwood

Instrument : Grant Deed	Scale	1:1200	Date	September 2010
	Drawn By	KT	File No.	A-SR4BP2-2010
Series No.	Recorded	Checked By	JS	Cod File
		Seg2RemPcl34exC Brentwood.dgn		

**STATE ROUTE 4  
BYPASS AUTHORITY**

**DATE:** December 9, 2010

**TO:** Board of Directors

**FROM:** Dale Dennis, Program Manager 

**SUBJECT:** Approve Contract Amendment with Geocon Consultants, Inc. to perform additional sampling at Kinder Morgan Pump Station

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**Recommendation:** **APPROVE** an amendment with Geocon Consultants Inc. (Geocon) in the amount of \$12,350 for a not-to-exceed amount of \$33,350 to perform additional sampling to determine the potential for chemical contamination east of the Kinder Morgan Pump Station to address Caltrans concerns, and **AUTHORIZE** the Secretary or designee to sign the amendment on behalf of the Authority.

**Discussion**

The proposed work by Geocon (attached) involves collecting groundwater samples at eight locations around the existing Kinder Morgan Pump Station on Balfour Road to identify the limits of possible chemical contamination within the SR4 Bypass right of way to satisfy Caltrans concerns. These samples would supplement an ongoing sampling and monitoring program by Kinder Morgan already in place around its facility. Kinder Morgan is working with the California Regional Water Quality Control Board (CRWQCB) to determine the extent of existing chemical contamination around the pump station and has established numerous monitoring wells that are sampled on a quarterly basis. Kinder Morgan has acknowledged they are the "responsible party" which means they need to work with the CRWQCB to remedy the existing chemical contamination on its property (pump station) and any existing contamination on surrounding properties to the satisfaction of the CRWQCB.

Staff is working closely with Caltrans to resolve concerns on this issue as it relates to the transfer and relinquishment process. The sampling by Geocon will provide additional information and documentation as part of this effort to satisfy Caltrans concerns.

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**ACTION OF BOARD ON** \_\_\_\_\_ **APPROVED AS RECOMMENDED** \_\_\_ **OTHER** \_\_\_

VOTE OF DIRECTORS  
\_\_\_\_\_ UNANIMOUS (ABSENT \_\_\_\_\_)  
**AYES:** \_\_\_\_\_ **NOES:** \_\_\_\_\_  
**ABSENT:** \_\_\_\_\_ **ABSTAIN:** \_\_\_\_\_

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Directors on the date shown.

ATTESTED \_\_\_\_\_  
Secretary to the Authority



Proposal No. LE-10-110  
December 2, 2010

Ms. Nancy Wein  
Contra Costa County Public Works  
255 Glacier Drive  
Martinez, California 94553

Subject: GRAB-GROUNDWATER SAMPLING DOWNGRADIANT OF  
KINDER MORGAN PUMP STATION  
SR4 BYPASS – SEGMENT 2  
BRENTWOOD, CONTRA COSTA COUNTY, CALIFORNIA

Dear Ms. Wein:

Per your request, Geocon is submitting this proposal to perform grab-groundwater sampling downgradient of the Kinder Morgan Pump Station, located near the intersection of SR4 Bypass and Balfour Road in Brentwood, California. The purpose of the sampling is to determine if impacted groundwater from the pump station petroleum hydrocarbon release has migrated beneath the SR4 Bypass. The information is needed before Caltrans will further consider right-of-way transfer.

### **PROPOSED SCOPE OF SERVICES**

#### Pre-Field Activities

- Mark proposed boring location and provide 48-hour-minimum notification to Underground Service Alert (USA) as required by law prior to job site mobilization.
- Prepare and submit boring permits and fees to the Contra Costa Environmental Health to advance direct-push borings at the subject site.
- Retain the services of a private utility location company to clear proposed boring locations.
- Retain the services of a California-certified laboratory to perform the analytical testing of grab-groundwater samples.

#### Field Sampling Activities

- Advance ten borings to an approximate depth of 15 feet using direct-push methods and collect one grab-groundwater from each boring for laboratory analysis.
- Analyze the grab-groundwater samples for total petroleum hydrocarbons as gasoline, as diesel, and as motor oil using Environmental Protection Agency (EPA) Test Method 8015M, and benzene, toluene, ethylbenzene, xylenes (BTEX) and methyl-tert butyl ether (MTBE) using EPA Test Method 8260.
- Prepare a report documenting the limited site investigation. The report will include an evaluation of the sample results and distribution of petroleum hydrocarbon impacts to groundwater.

**PROPOSED FEE**

We propose to perform the scope of services outlined herein for an estimated time and materials fee of \$12,350. Our scope of services will be performed in accordance with the attached *Schedule of Fees/Terms and Conditions* which is incorporated into and made part of this proposal, and is valid for a period of 60 days from the date of this Proposal. If unanticipated field conditions are encountered that require a significant modification to the recommended scope of work and/or that require an increase to the estimated fee; we will not proceed with the modified scope or increased amount without obtaining your written authorization. Additional requested services beyond the proposed scope will be billed on a time-and-materials basis in accordance with our *2009 Schedule of Fees, Environmental Services*.

The estimated hours and outside services associated with the proposed scope of services are broken down as follows:

<u>Task Description</u>	<u>Hours and Outside Services</u>	<u>Amount</u>
Obtain drilling permit from Contra Costa Env. Health	4 hrs plus boring permit fee	\$1,050
Mark boring locations and private utility clearance	6 hrs plus private locator	\$1,200
Direct-push rig	Daily rate	\$3,000
Direct-push rig supplies	Daily rate	\$500
Geocon field labor	10 hrs	\$900
Geocon field supplies/equipment/truck	Daily rate	\$250
Sample analysis	\$225/sample	\$2,250
Report preparation and project management	30 hrs	\$3,200
		<hr/>
		\$12,350

**EXECUTION OF CONTRACT**

Please carefully review the contents of this proposal and the enclosed *Terms and Conditions for Performance of Services* (Terms), which is incorporated into and made a part of this proposal. If they meet with your approval, execute both copies of the Terms and return both copies to our office. We will then endorse the documents and return one fully executed copy to you. We will commence with the scope of services outlined herein upon receipt of your written authorization; however, services provided by Geocon will be pursuant to the Terms and *Schedule of Fees* until or unless a mutually agreed upon, negotiated contract is finalized. Please note that it is necessary to indicate your project representative agent on the first sheet of the Terms and the address where all Client notices and communications should be sent. If you do not have an in-house representative agent, please indicate a designated agent.

Please contact us if you have any questions concerning the contents of this Proposal or if we may be of further service.

Sincerely,

**GEOCON CONSULTANTS, INC.**



Richard Day, PG, CEG, CHG  
Vice President

RWD:rwd

Attachments

2009 Schedule of Fees

Terms and Conditions for Performance of Services

- (1) Addressee (pdf via e-mail)

**STATE ROUTE 4  
BYPASS AUTHORITY**

**DATE:** December 9, 2010

**TO:** Board of Directors

**FROM:** Dale Dennis, Program Manager 

**SUBJECT:** Approve Contract Amendment with Mark Thomas and Company to prepare an addendum for the Balfour Road Interchange

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**Recommendation:** **APPROVE** an amendment with Mark Thomas and Company (MTCO) in an amount not-to-exceed \$145,750 to prepare an Addendum to the SR4 Bypass Final Environmental Impact Report (EIR) to address minor changes for the Balfour Road Interchange and complete associated planning and environmental studies, and **AUTHORIZE** the Secretary or designee to sign the amendment on behalf of the Authority.

**Discussion**

At the meeting in October, the Board approved an Amendment in the amount of \$50,000 to allow Mark Thomas to begin the work to prepare an Addendum to the SR4 Bypass EIR with the understanding that staff would bring back a detailed scope and fee for the work to the Board for consideration. Staff now recommends the Board approve an amendment to the MTCO contract in an amount of \$145,750, for a total budget of \$195,750 to complete the preparation of an Addendum to address minor changes for the Balfour Road Interchange configuration including supporting environmental studies, such as noise and air quality studies and updated biological and cultural resources studies.

The attached letter from Mark Thomas and Company dated December 2, 2010 provides additional detail of the scope and budget for the Addendum to the SR4 Bypass EIR.

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**ACTION OF BOARD ON** \_\_\_\_\_ **APPROVED AS RECOMMENDED** \_\_\_ **OTHER**\_\_\_

VOTE OF DIRECTORS  
\_\_\_\_\_ UNANIMOUS (ABSENT \_\_\_\_\_)  
**AYES:** \_\_\_\_\_ **NOES:** \_\_\_\_\_  
**ABSENT:** \_\_\_\_\_ **ABSTAIN:** \_\_\_\_\_

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Directors on the date shown.

**ATTESTED** \_\_\_\_\_  
Secretary to the Authority



**MARK THOMAS & COMPANY, INC.**

Providing Engineering, Surveying and Planning Services

December 2, 2010

Mr. Dale Dennis  
Project Delivery Management Group  
1034 Rolling Woods Way  
Concord, CA 94521

**RE: BALFOUR ROAD INTERCHANGE SCOPE OF SERVICES**

Dear Mr. Dennis:

Mark Thomas & Company, Inc. (MTCO) is pleased to provide you this scope of services to perform preliminary engineering and environmental clearance for the Balfour Road Interchange on the State Route 4 Bypass. This scope of work will include refinement of interim and ultimate preliminary interchange geometry and the preparation of an Addendum to document refinements to the Balfour Road Interchange since the 1994 EIR was adopted. In addition to the interchange, this scope of work will include consideration of the relocation of the Kinder Morgan pump station on the north side of Balfour Road within the footprint of the ultimate Balfour Road Interchange. In addition to doing this scope of work with MTCO Staff, MTCO will work with CirclePoint to prepare the EIR Addendum. As is outlined in the attached scope of service, CirclePoint will engage the services of several technical subconsultants.

**OFFICES**

Cupertino  
Fresno  
Pleasanton  
Redwood City  
Sacramento  
Salinas  
San Jose  
Walnut Creek

MTCO proposes to perform the attached scope of service on a time and materials basis for a fee not to exceed \$195,750.

Should you have any questions or would like to discuss any matters further, please feel free to call me at 925-938-0383.

Sincerely,

**MARK THOMAS & COMPANY, INC.**

  
Sasha Dansky, PE  
Principal

Enclosures: Scope of Services

c (w): Nancy Wein, Contra Costa County

## **PROJECT UNDERSTANDING**

Mark Thomas & Company, Inc. (MTCO) proposes to conduct preliminary engineering and environmental review in order to complete an Environmental Impact Report (EIR) addendum, analyzing the changes made to the geometry from that which was originally envisioned as part of the State Route 4 Bypass (Bypass) EIR and document any associated impacts and any additional right of way requirements.

It is anticipated that the Bypass/Balfour Road Interchange (Balfour IC) will be constructed in two phases. The first phase will construct an undercrossing bridge structure and provide full access control for a 2- to 3-lane freeway interchange. These first phase improvements (Phase I Project) will construct eastbound and westbound on- and off-ramps in addition to the grade separation structure. The Balfour IC Phase 1 Project will accommodate either a 2- or 4-lane freeway facility extending from the Sand Creek Interchange and will tie to the 2-lane Bypass facility south of Balfour Road. Should 4-lanes extend south from Sand Creek Road, the additional two lanes will terminate at the northerly on- and off- ramps at the Balfour IC. The Project will accommodate a future transit median.

The Phase II project improvements will construct the second undercrossing at the interchange and extend the 4-lane freeway configuration south of Balfour Road.

## **PROJECT SCOPE OF SERVICES**

This scope of services includes preliminary engineering and environmental planning services in order to prepare an EIR addendum for both the interim and ultimate project phases. As part of the scope of services, MTCO will prepare an EIR Addendum.

### **TASK 1 – PROJECT MANAGEMENT**

#### **1.1 Project Coordination**

Mark Thomas & Company, Inc. will coordinate with the State Route 4 Bypass Authority (Authority) and the City of Brentwood as needed to successfully deliver this project. MTCO will also coordinate with the consultant team including internal meetings, e-mails, phone calls, etc. needed to successfully deliver the project.

#### **1.2 Prepare and Update Critical Path Method Schedule and Status Reports**

MTCO will prepare a Critical Path Method (CPM) schedule and update it on a monthly basis. Each month the CPM schedule shall be sent to the Authority project manager along with an update on progress that has been made over the previous month, anticipated activities over the next month, the status of all outstanding action items, and any critical path items that need attention and that may delay the project. MTCO will provide the Authority a project status report on a bi-weekly basis indicating progress on scope, schedule and budget items.

#### **1.3 Project Meetings**

MTCO will participate in up to six project meetings. The meetings may include attendance by the Authority, members of the consultant team, the City of Brentwood and others as needed.

MTCO will distribute an agenda at least two days prior to the meeting and distribute meeting minutes (including action items) after the meeting.

#### **1.4 Utility Coordination**

MTCO will coordinate and work with utility owners within the project limits. This scope assumes that preliminary relocation plans will be developed for the PG&E transmission towers, City of Brentwood domestic facilities and the Kinder Morgan Pump Station. MTCO will coordinate with the owners on behalf of the Authority; however, final relocation plans will be prepared by the utility owners. This scope assumes five utility coordination meetings with the Authority and the utility companies. Meeting minutes and action items will be prepared by MTCO.

### **TASK 2 –PRELIMINARY DESIGN**

#### **2.1 Data Gathering / Review**

MTCO will obtain As-built information for the existing Bypass, Balfour Road and adjacent developments, including planned and constructed physical features and drainage improvements.

#### **2.2 Geometric Alternatives and Geometric Approval Drawings**

MTCO will prepare one set of interim and ultimate interchange geometries. The alternatives shall be developed in AutoCAD and presented at 1" = 100' scale. The alternatives shall show geometric information (i.e. typical cross sections, profiles, structure limits, retaining walls and weave lengths, etc.). These initial alignments will not be to a Geometric Approval Drawing (GAD) level.

Fehr & Peers Associates (FPA) completed the traffic forecasting studies in March 2007 that will be used as the basis for this scope of work. Because the studies were completed with a design year forecast of 2035 and traffic volumes have generally dropped since traffic counts were completed, this scope assumes that the forecasting and modeling done by FPA as part of earlier work will be sufficient for this scope of work and no new forecasting or traffic analysis is required.

#### **2.3 Cost Estimates**

MTCO will prepare a Caltrans standard 6-page cost estimates for each project alternative (six 6-page estimates total) shown in the Draft Project Report. The unit costs for construction items shall be based on current bids. The unit costs for the project cost estimates will be developed using current bid results on similar projects.

### **TASK 3 PERFORM ENVIRONMENTAL STUDIES AND PREPARE ENVIRONMENTAL DOCUMENT**

Working as a subconsultant to MTCO, CirclePoint and its subconsultants will perform various studies in order to prepare an addendum to the existing Bypass EIR. The addendum would be prepared in conformance with the California Environmental Quality Act (CEQA). All work would be completed within the footprint of the project, including the footprint of required utility relocations. The following existing or proposed land uses are assumed:

- Northeast – Summerset residential subdivision and golf course
- Southeast - Vacant land (planned for retail, commercial, and residential uses)
- Southwest – John Muir Medical Center
- Northwest - Commercial and residential uses

### **3.1 General Environmental Studies**

CirclePoint, working with a variety of subconsultants, will perform the various environmental studies identified below in support of the preparation of the EIR Addendum. The EIR Addendum will consider both the interim and ultimate Balfour Road Interchange improvements.

#### **3.1.1 Visual Impact Assessment and Scenic Resource Evaluation**

The construction of an interchange could potentially affect existing views of Mt. Diablo from publicly accessible locations such as trails or sidewalks. CirclePoint will work with the Authority and City of Brentwood, as needed, to identify suitable viewpoints from which to simulate the proposed interchange. CirclePoint will use the simulations to evaluate the potential visual impacts of the increase in height of the structure as it relates to potential obstruction of views to Mt. Diablo. Two visual simulations are assumed. The production of the simulations will require electronic (AutoCAD) information regarding elevations, sections, grading, and basic materials to produce a realistic computer generated simulation.

##### ***Deliverable:***

- Visual Simulations and Exhibits

#### **3.1.2 Noise Study**

The proposed project would create a grade-separated interchange at Bypass and Balfour Road. The noise analysis would primarily focus on noise-sensitive residential land uses located adjacent to the Project. The noise study proposed in this scope of work will evaluate noise impacts in accordance with CEQA pursuant to FHWA policies.

##### ***Setting***

Noise measurements are planned at eight to ten locations. Three of these locations would include measurements of 24 hours in duration to evaluate daily noise level trends at noise-sensitive receivers in the project vicinity. Other measurements would be conducted over short-term periods of 10 to 15 minutes. Traffic conditions would be simultaneously monitored during short-term measurements through vehicle counts and speed measurements. Using these data, the loudest hour noise levels and day/night average noise levels (Ldn) would be identified for each measurement location.

##### ***Model Future Noise Levels***

FHWA's Transportation Noise Model (TNM) would be used to predict future noise levels with and without the project and will consider both the interim and ultimate interchange geometry. The model would be calibrated to measured noise and traffic conditions and then used to predict future noise levels. Traffic noise modeling would be conducted in accordance with the Caltrans

recommended procedures. We will also calculate the change in operational noise levels expected with the relocation of the existing Kinder Morgan pump station nearer to existing sensitive land uses based on noise data observed in the field and available project plans and specifications.

### ***Identify Noise Impacts***

Sensitive land uses (e.g., exterior residential use areas) where noise levels are predicted to exceed FHWA noise level guidelines, or that would experience a substantial increase in noise levels, would be considered impacted by the project. Mitigation of traffic noise impacts would be considered at these locations. The feasibility or effectiveness of noise barriers would be evaluated through traffic noise modeling. A preliminary barrier design would be presented to achieve the required noise reduction at affected receivers.

### ***Construction Noise***

Construction noise would be predicted using FHWA's Roadway Construction Noise Model (RCNM). The range of potential noise levels due to construction activities would be identified. Measures to reduce any potentially disturbing construction noise impacts would be presented.

This scope assumes that the existing and proposed regional commercial uses would not require any sound mitigation.

CirclePoint's subconsultant, **Illingworth & Rodkin**, will perform the above described tasks.

### ***Deliverables:***

- Preliminary Noise Barrier Recommendation
- Technical Noise Report for use in Environmental Document

### **3.1.3 Air Quality Study**

The state protocol for carbon monoxide generally identifies surface intersections as having the highest potential for causing CO violations. Traffic generally flows better through an interchange, so both regional and local emissions should be reduced. CirclePoint will qualitatively confirm whether the flow of traffic associated with an interchange would worsen assumptions for air quality. If additional quantitative analysis is required, CirclePoint would prepare a separate scope and fee.

The document will also discuss the project's effects on greenhouse gas (GHG) emissions during construction. Using the Sacramento Metropolitan Air Quality Management District's Road Construction Emissions Model, total emissions will be estimated over the course of construction based on the project description and construction schedule. The discussion will include a summary of the current state and/or local thresholds for construction GHG emissions.

CirclePoint's subconsultant, **Don Ballanti**, will perform the above described tasks.

### ***Deliverable:***

- Technical Air Quality Report for use in Environmental Document

### **3.1.4 Energy and Various Other Studies**

CirclePoint's scope assumes that other topics such as land use, socio-economics, geology, hydrology, energy, utilities, and public services can be discussed qualitatively. The negative declaration will reference the mitigation measures included in the original 1994 FEIR, as amended by the 2004 Supplemental FEIR, and it is assumed that many of these measures would be sufficient to mitigate any potential effects in these areas. If additional quantitative analysis in any of these areas is required, then a separate scope and fee would be prepared.

The initial study will discuss in more detail the proposed relocation of the Kinder Morgan facility and will also discuss the planned relocation of the Contra Costa Water District (CCWD) water line and PG&E transmission towers. CirclePoint will gather information regarding these relocations from MTCO and the Authority.

### **3.1.5 Hazardous Waste Preliminary Site Investigations**

Under separate contract to the Authority and beyond the scope of these services, Geocon will be conducting site specific hazardous waste testing as an updated Phase I assessment within the project limits. The results of the testing and the updated Phase I assessment will be summarized in the Addendum.

### **3.1.6 Biological Studies**

The proposed limits of disturbance and the direct and indirect effects thereof must be defined and evaluated pursuant to State and Federal requirements. A new biological assessment will in all likelihood be required as part of permitting. The 1999 Biological Opinion specifically referred to a two lane facility. The proposed interchange would therefore represent a change and the new limits of disturbance must be taken into account.

CirclePoint's subconsultant, **RCL Ecology**, will perform a reconnaissance survey and prepare a letter report of findings for the subject project site. The purpose of the survey will be to determine if any habitat is present for special-status plants and wildlife, and to determine what additional analysis and reports will be required for permitting of the acquisition. This process is further described below.

#### ***Pre-Field Analysis***

This will consist of a search of the current California Natural Diversity Database (CNDDDB) as well as the U.S. Fish and Wildlife Service (USFWS) list of special-status wildlife and plants to determine if any of the species have been previously recorded on or near the site.

#### ***Reconnaissance Survey***

Using the above list, a pedestrian survey of the site will be made to determine if habitat for any of the species exists in the area. Based on the results of this survey, certain species will likely be ruled out due to lack of habitat. Should habitat exist for specific USFWS or state-listed species, specific agency protocol surveys may be required to determine their presence or absence. In this instance, a budget augmentation would be requested for that additional work.

### ***Waters and Wetlands***

As the waters on site are assumed to be under jurisdiction of the U.S. Army Corps of Engineers (USACE), California Department of Fish and Game (CDFG), and Regional Water Quality Control Board (RWQCB); a formal wetland delineation will be prepared for USACE verification.

### ***Protected Trees***

A survey will document the presence or absence of protected trees.

### ***Mitigation***

Standard mitigation recommendations will be provided in order to avoid or mitigate effects on species, their habitats, or other jurisdictional features. Should formal agency mitigation plans be required, a separate budget augmentation will be requested for their preparation.

### ***Agency Permits***

The report will determine if permits would be required from either state, federal or local agencies. It is assumed that actual permit applications will be processed in future design phase.

### ***Deliverable:***

- Reconnaissance Survey Letter Report

### **3.1.7 Various Cultural Resource Studies**

The proposed project includes right of way that was not previously surveyed. Therefore, CirclePoint and CirclePoint's subconsultant, **William Self Associates (WSA)** would conduct a records search and field visit to document the probability of archeological resources. The steps are shown below.

### ***Archival and Records Research***

Consultation with the California Historical Resources Information System (CHRIS), Northwestern Information Center (NWIC) at Sonoma State University to conduct a record search of the proposed project area will not be necessary. WSA's record search for the adjacent Venture Corp. project at Balfour Road and State Route 4 encompasses the area comprising the right of way acquisition and the results of that record search will be used to identify known cultural resource sites and previous surveys in or near this project area. All previous cultural resource surveys, known historic or prehistoric sites, and listed or eligible National Register of Historic Places or California Register of Historic Resources properties within the area of the record search will be identified. Copies of applicable site records and survey reports will be made as necessary, and site locations will be plotted on the USGS topo quad. State and local historic site inventories will also be reviewed to identify the presence of any listed sites in the project vicinity. Additional data on the history and prehistory of the area on file at WSA will be also reviewed.

### ***Native American Heritage Commission Consultation***

As with the records search, additional consultation with the Native American Heritage Commission (NAHC) in Sacramento will not be necessary, since the area comprising the right of way acquisition is encompassed in the area that is already subject to consultation on behalf of Venture Corp. Information provided by the NAHC from their Sacred Lands file on traditional or cultural lands within the project area and vicinity and a listing of interested Native American contacts will be included in WSA's report on this project. No individual or tribal members will be notified as part of this scope of work. CirclePoint may wish to use the list of individuals to solicit comment on the project's environmental documentation if desired.

### ***Archaeological Survey***

In accordance with CEQA Sections 15064.5 and 15126.4, as a means of evaluating the potential impacts to cultural resources, the approximately 1.1-acre project areas will be examined by qualified archaeological field researchers under the supervision of an archaeologist meeting federal criteria under 36 CFR 61. This is intended to be an intensive survey of the entire project area conducted to meet the requirements of CEQA. Any newly discovered historic (over 50 years of age) or prehistoric archaeological sites, and architectural resources over 45 years in age on the survey parcel must be recorded, as required, on appropriate Department of Parks and Recreation Primary Record (DPR 523) and associated (e.g., Building-Structure-Object) forms. For purposes of this proposal, WSA assumes that there are no structures on the project parcels that are 45 years of age or older and structural documentation will not be necessary. No site record preparation is anticipated, and if necessary must be conducted on a cost-amendment basis. Any cultural resources discovered during the survey will be evaluated for significance (California Register of Historic Resources eligibility) in accordance with the criteria in CEQA Section 15064.5. No subsurface testing will be conducted as part of this proposal.

### ***Cultural Resource Letter Report Preparation***

A letter-format report will be prepared to include a brief description of the project, its location, a discussion of the results of the record and literature search, the cultural setting of the area, and the results of the pedestrian survey. Mitigation recommendations, if warranted, will be presented. If existing conditions do not permit assessment of site significance (as may be the case with a buried archaeological site), a proposal for site testing or additional data gathering will be presented. Such testing could involve hand or mechanical auger borings or other subsurface examination procedures as necessary to determine site extent and composition.

#### ***Deliverable:***

- Cultural Resource Letter Report

### **3.2 Administrative EIR Addendum Draft Document**

CirclePoint will prepare an administrative draft EIR Addendum, and will revise this document into a Screen-check Draft EIR Addendum based on one set of consolidated comments from the Authority. This revised Draft EIR Addendum will be submitted to Authority staff.

#### ***Deliverables:***

- 5 copies of Administrative Draft EIR Addendum

- 10 copies of Draft EIR Addendum for circulation

### **3.3 Public Outreach**

#### **3.3.1 Displays for Public Meeting**

MTCO will prepare displays for one public meeting for the Project. MTCO and CirclePoint will participate in various pre-hearing meetings with Authority and other consultants, get input and prepare the displays.

#### **3.3.2 Public Notice of Project Meeting**

As indicated above, CirclePoint will prepare and distribute notices to properties within 300 feet of the project limits alerting them that the Authority intends to refine the Balfour Road Interchange and as such has conducted studies consistent with the approved Bypass EIR. The public notice will provide information on a public meeting to be held to receive comments on the Balfour Road IC and the studies conducted.

#### **3.3.3 Public Meeting**

MTCO and CirclePoint staff will arrange, prepare for, and participate in one public meeting that will be conducted after the completion of the Draft EIR Addendum and prior to the preparation of the final EIR Addendum

### **3.4 Public Meeting Comment Responses and Correspondence**

#### **3.4.1 Responses to Public Meeting Comments**

CirclePoint will assemble all the public comments received at the public meeting and verify that the EIR Addendum addresses each comment. The rest of the consultant team will assist CirclePoint in responding to public comments related to their areas of expertise received at the public meeting. The scope assumes that no more than 20 individual comments are received at the public meeting.

### **3.5 Final EIR Addendum**

#### **3.5.1 Prepare Final EIR Addendum**

CirclePoint will revise the Final EIR Addendum and responses to comments based set of consolidated comments from the Authority. Based on the responses provided to comments received, CirclePoint will then prepare the Final EIR Addendum. It is assumed that the Authority Board will adopt the EIR Addendum at a public board meeting.

#### ***Deliverable:***

- 10 copies of Final EIR Addendum

#### **3.5.2 Mitigation Monitoring and Reporting Program**

CirclePoint will prepare an updated Mitigation Monitoring and Reporting Program (MMRP) pursuant to CEQA Section 15097 that addresses any issues identified in the EIR Addendum. The updated MMRP will be prepared in the form of a spreadsheet matrix and will include all proposed mitigation measures specifically related to the Balfour Road IC, the party responsible

for implementation, the party responsible for monitoring, and the monitoring action to be used to ensure compliance. As appropriate, the updated MMRP will incorporate mitigation measures from the original Bypass EIR, as some of those mitigation measures would still be applicable to the construction of this portion of the Bypass.

The Authority will review and provide comments on the updated MMRP. CirclePoint will revise the MMRP using redline/strike-out and submit to the Authority for final approval.

***Deliverable:***

- Electronic copies of the MMRP

**FEE ESTIMATE**

MTCO proposes to provide the design services as outlined above on a time and materials basis with a fee not to exceed **One Hundred Ninety Five Thousand Seven Hundred Fifty Dollars** (\$195,750). The proposed budget amounts for MTCO and each of our subconsultants is provided below for your consideration:

<b>MTCO</b>	
Project Management	\$8,500
Coordination/Meetings	\$9,500
Data Collection	\$4,500
Develop Interim/Ultimate Geometrics	\$40,000
Prepare Cost Estimates	\$6,500
Utility Coordination (Kinder Morgan)	\$10,500
Noise (Illingworth & Rodkin)	\$42,500
Air Quality	\$4,500
Biology	\$8,750
Visual Resources	\$10,000
Circlepoint Mgmt/Meetings, etc.	\$6,500
CirclePoint Addendum	\$19,000
Unallocated Contingency	\$25,000
<b>TOTAL</b>	<b>\$195,750</b>

**EXCLUSIONS**

Items not specifically described in the above written scope of services will be considered extra services. This scope of work specifically excludes the following:

- Survey or mapping services
- Preparation of a Project Report
- Preparation of environmental documents under the National Environmental Protection Act
- No scoping is anticipated and only the preferred project alternative will be studied.