



Joint Exercise of Powers Agency

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

Board of Directors

Thursday, November 8, 2007

6:40 p.m.

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

1. Call to Order
2. Public Comment
3. Consent Items
 - A. **APPROVE** minutes of September 13, 2007 and October 11, 2007 meetings.
 - B. **APPROVE** Contract Change Order No. 59 with De Silva Gates Construction, for an estimated cost increase of \$300,000 for Segment 3, and **AUTHORIZE** the Secretary, or his designee, to sign the change orders on behalf of the Authority.
 - C. **APPROVE** Contract Change Order No. 96 with De Silva Gates Construction/FCI Constructors JV, for an estimated cost increase of \$60,000 for Segment 1, Package 2, and **AUTHORIZE** the Secretary or his designee to sign the change order.
4. Determination Items
 - A. **RECEIVE** status report on the overall State Route 4 Bypass projects and the Laurel Road Extension projects.
 - B. **RECEIVE** status report on construction activities for Segment 1, Segment 3 and the Laurel Road Extension projects (*no staff report*).
 - C. **DIRECT** staff to submit letter to CCTA formally removing the Mokelumne Trail Bicycle/Pedestrian Overcrossing Project in Segment 2 from consideration to receive \$1.5 million of funding from the County portion of the Regional Bicycle and Pedestrian Program (RBPP) since the Authority has been unsuccessful to secure matching funding sources needed for the balance of \$2.5 million for the project (*Total estimated project cost is \$4.0 million*).
 - D. **APPROVE** modifications of striping on westbound Lone Tree Way from Shopping Center Drive to Canada Valley Road, to provide three lanes in lieu of the two lanes that exist today. The current roadway width is sufficient to provide three travel lanes due to the improvements previously constructed by the Authority.

Board of Directors:

Donald P. Freitas, Chair
Robert Taylor, Vice Chair
Brad Nix
Mary N. Piepho

Authority Staff Office:

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

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.

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

A JOINT EXERCISE OF POWERS AGENCY

MINUTES
September 13, 2007

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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 Donald Freitas at 7:48 P.M.

ROLL CALL

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

ABSENT: None

STAFF: Dale Dennis, Program Manager

PUBLIC COMMENT

A representative of SCI Constructors spoke to a potential claim on the project, now worth \$1.1 million related to a sewer line, and reported that he had exhausted all provisions in the contract related to a resolution of that claim. He stated his next step would be litigation. He provided some detailed background to the situation and expressed a desire to reach some resolution prior to pursuing legal action.

CONSENT ITEMS

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

- A. APPROVED Minutes of August 9, 2007 meeting.
- B. The Board took the Following Actions:
 - 1. APPROVED the Right of Way Contract and ACCEPTED the Grant Deed from Contra Costa County Flood Control & Water Conservation District, to the State Route 4 Bypass Authority.
 - 2. AUTHORIZED the Secretary to the Authority, or designee, to execute said Right of Way Contract on behalf of the Authority and APPROVED funding in the amount of \$796,500.

3. AUTHORIZED the Auditor-Controller to issue a check in said amount payable to Placer Title Company, Escrow #615-9351, 1981 N. Broadway #100, Walnut Creek, CA 94596, to be forwarded to the Real Property Division for delivery.
4. DIRECTED the Real Property Division of Contra Costa County to have the above referenced Grant Deed delivered to Placer Title Company for recording in the office of the Contra Costa County Recorder.

DETERMINATION ITEMS

- A. RECEIVE Status Report on the Segment 1, Segment 3 and the Laurel Road Extension Projects

Program Manager Dale Dennis reported that both projects were moving forward on schedule. Three acquisitions were currently in the condemnation process for Segment 1. The acquisition process was essentially complete for Segment 3.

- B. RECEIVE Status Report on Construction Activities for Segment 1, Segment 3 and the Laurel Road Extension Projects

Bart Littell of Parsons Brinckerhoff Construction Services presented updated construction and aerial photographs. He reported that between the two construction projects over \$4 million in construction had been completed this month with the majority of the work occurring on Segment 3. He also presented the milestones of Segment 1 and the Laurel Road Extension Projects. He estimated the completion of Segment 1 by the end of December.

In response to Director Piepho and the location of the fruit stand at Marsh Creek Road and Walnut Boulevard, Mr. Dennis acknowledged some discussion with right-of-way staff and noted that things would be changing in that area.

As to the backups occurring at Sand Creek Road and the Bypass, Director Piepho asked how that would be monitored and urged that those impacts be monitored during the peak hours.

Mr. Dennis described the short term construction impacts in that area that he suggested would be optimized in the future.

In response to Director Nix, Mr. Littell presented an update of the Laurel Road Extension Project.

Director Taylor spoke to the significant changes in traffic, stop lights and speed limits in the area of the Bypass.

Director Taylor urged staff to conduct a drive through to ensure that all safety issues had been considered and addressed given the upcoming rainy season and the soon to end Daylight Savings time.

- C. Staff Recommended that the Board not Approve a Request to Extend Soundwall No. 1 in Segment 3 of the SR4 Bypass Project by Approximately 400 feet at an Estimated Cost of Approximately \$200,000.

Mr. Dennis referred to a handout that had been presented to the Board and to the audience with respect to an item previously brought to the Board's attention by a resident of the Summerset development in Brentwood. Staff had been directed to evaluate the issue and to report back to the Board. He noted that he had worked with the noise consultant and the design engineer to determine the basis for the design of the soundwall.

Referring to the handout, Mr. Dennis described pictures that identified the homes involved and showed how the soundwall had been designed. He explained that the pictures had also identified the gap in the soundwall that had been brought to the Board's attention by the adjacent homeowners. He had verified with the noise consultant that extending the wall would not attenuate the noise any further. He explained that the walls were 14 feet high and that governed the amount of noise affecting the adjacent homes. He noted that 14 feet was also the maximum height that Caltrans would allow at the edge of pavement.

Emphasizing that the wall had been designed and constructed to attenuate noise, Mr. Dennis reiterated that extending the wall farther to the south would not offer any more noise attenuation for the houses in the pictures, although it would offer a visual barrier. He estimated the cost of extending the wall the 400 feet required to provide a visual barrier at \$200,000.

Mr. Dennis recommended that the wall not be extended the additional 400 feet.

In response to Director Piepho as to whether or not landscaping had been considered to provide visual relief, Mr. Dennis explained that staff had started the process of considering landscaping, which was the next item on the agenda.

Director Taylor urged some relief for the adjacent residents.

Mr. Dennis clarified, when asked, that the lights from the Bypass would not be directed into the homes. He also explained in response to Director Piepho as to the funds available for the project, that the project was currently on track although there were some significant issues that would have to be addressed through the 5 percent budget for change orders. While he suggested that the project could be completed within that budget, he suggested there would be few funds remaining.

Mr. Dennis also noted, when asked, that based on the current schedule by January or February there would be a better idea of how much funding, if any, would remain.

Director Nix verified with Mr. Dennis that in order to complete the project, the Bypass Authority was currently borrowing \$25 million to continue to fund Segments 1 and 3, now under construction, and there would be another \$25 million required to fund the construction of the Sand Creek Road Interchange improvements.

Mr. Dennis also cited other improvements and requirements that would require additional funds to complete. As a result, he affirmed that the Authority was in the negative.

Director Nix verified that the soundwall, as designed, had been required by the Environmental Impact Report (EIR) to mitigate the impacts associated with the Bypass.

Director Taylor recognized the costs involved but noted for the record that if constructed, the soundwall would be in place for a very long time. He added that if not a soundwall, something else would have to be installed in the area in question.

PUBLIC COMMENTS OPENED.

The following speakers, residents of the Summerset II development in Brentwood, spoke in favor of the extension of the soundwall or landscaping (as shown below) to address their concerns.

KERMIT SVEEN – Soundwall and Landscaping
LOUISE MCKAY - Landscaping
VINCENT SAVALLA - Landscaping
URSULA MOLODESKY - Landscaping
SPENCER CHASE – Landscaping

Given that the Board had not yet been presented the landscaping design, Chair Freitas requested that the item be deferred pending the discussion of the next item related to that landscaping.

No action on this item was taken by the Board at this meeting.

D. RECEIVE a Presentation by Merrill Morris, a Subconsultant to Mark Thomas and Company, on Levels of Landscaping for SR4 Bypass Corridor and the Laurel Road Extension Project and PROVIDE DIRECTION to Staff, as Appropriate

Mr. Dennis explained that given the status of the project, now was the time to have the Board discuss and provide direction on the landscaping for the SR4 Bypass Corridor.

Mr. Dennis advised that the Board had retained Merrill Morris, a subconsultant to Mark Thomas and Company, to prepare a landscape plan.

Kathy Merrill, Merrill Morris, presented the potential landscaping design for the SR4 Bypass Corridor representing a route comprised of 12.6 miles and an average right-of-way width of 250 feet. She advised that there was a net total right-of-way of 380 acres with 230 acres of unpaved area for potential landscaping.

Ms. Merrill described the stakeholders involved as the residents of Oakley, Brentwood, Antioch, Contra Costa County and Caltrans. She explained that while the landscaping would be funded by the SR4 Bypass Authority, the landscaping would have to be accepted by Caltrans. She described the factors involved in Caltrans' acceptance of landscaping and presented photos of the type of landscaping that had been accepted by Caltrans elsewhere showing base level and upgraded scenarios.

Ms. Merrill explained that her approach would be to consider the cultural landscaping in the area, the changing land use, the appropriate horticulture, and sustainability and water conservation. She presented what could be considered for each segment and the medians in general and stated that the landscaping cost had been estimated at \$16 million.

As to the budget for landscaping, Mr. Dennis stated that the landscaping budget had not yet been established.

Chair Freitas noted that he was not clear on the basic level of landscaping versus upgrades. He suggested that more time and field trips would be required. He supported some color and vitality as opposed to a basic hydroseed treatment. He emphasized that the areas in question were the entrances to communities, which would also have to be taken into consideration.

No action on this item was taken by the Board at this meeting.

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 Freitas adjourned the meeting at 9:15 P.M. to the next meeting scheduled for October 11, 2007.

Respectfully submitted,

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Anita L. Tucci-Smith
Minutes Clerk

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

A JOINT EXERCISE OF POWERS AGENCY

MINUTES
October 11, 2007

The STATE ROUTE 4 BYPASS AUTHORITY meeting was called to order in the Tri-Delta Transit Board Room, 801 Wilbur Avenue, Antioch, California by Chair Donald Freitas at 7:13 P.M.

ROLL CALL

PRESENT: Brad Nix (Oakley), Chris Becnel, Alternate for Bob Taylor (Brentwood), and Chair Donald Freitas (Antioch)

ABSENT: Mary N. Piepho (Contra Costa County)

STAFF: Dale Dennis, Program Manager

PUBLIC COMMENT

Vivian Faye, 464 Desert Gold Terrace, Brentwood, in the Summerset 2 development, requested the use of drought tolerant landscaping with the sound walls to offer a pleasant appearance to the area. She also expressed her support for the Summerset residents concerns related to the gap in the sound wall.

Ursula Modeleski, 1643 Muchen Drive, Brentwood, in the Summerset 3 development, also requested landscaping to cover the sound wall. She further requested that the landscaping to be provided include trees to help shield adjacent homes from the exhaust fumes and noise associated with the SR4 Bypass.

Eileen Mar, 478 Desert Gold Terrace, Brentwood, requested that the Authority consider the property values of the adjacent residents and install some environmentally friendly landscaping along the sound wall to address the health and air concerns of the adjacent residents.

Chair Freitas adjourned into Closed Session at 7:15 P.M.

CLOSED SESSION

Conference with Legal Counsel – Anticipated Litigation

Significant exposure to litigation pursuant to Government Code, Section 54956.9(b): one potential case.

Chair Freitas reconvened from Closed Session at 7:29 P.M. and advised that there was no reportable action from Closed Session.

CONSENT ITEMS

On motion by Director Nix, seconded by Director Becnel, members of the Authority unanimously adopted the Consent Items, with the removal of Item C, as follows:

- A. APPROVED Consulting Services Agreement amendment with PB Americas in the amount of \$57,981 for a not-to-exceed contract amount of \$8,324,957 for an increase in the material testing services budget for Segment 1, Package 2 and the Laurel Road Extension, and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority.
- B. APPROVED Consulting Services Agreement Amendment with Harris and Associates in the amount of \$98,580 for a revised total amount of \$496,844 for construction management services for the Sand Creek Intersection Lowering Project, and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority.
- C. The Board was asked to take the Following Actions: **[REMOVED FOR DISCUSSION]**
 - 1. APPROVE Contract Change Order Nos. 70S1 and 84 with De Silva Gates Construction/FCI Constructors JV, for an estimated cost increase of \$405,000 for Segment 1, Package 2, and AUTHORIZE the Secretary or designee to sign the change orders on behalf of the Authority.
 - 2. APPROVE an increase in the project contingency budget of \$732,215 to reestablish a 5 percent project contingency after consideration of extra work associated with the City of Brentwood waterline installation.
- D. APPROVED Contract Change Order No. 5 with Granite Construction, for an estimated cost increase of \$91,000 for Segment 2, Sand Creek Intersection Lowering Project – Phase 1, Stage 1, and AUTHORIZED the Secretary or designee to sign the change order.
- E. APPROVED Contract Change Order Nos. 9, 41, 46, and 51, with De Silva Gates Construction, for an estimated cost increase of \$618,000 for Segment 3, and AUTHORIZED the Secretary or designee to sign the change orders on behalf of the Authority.

The following item was removed from the Consent Calendar for discussion.

C. The Board was asked to take the Following Actions:

1. APPROVE Contract Change Order Nos. 70S1 and 84 with De Silva Gates Construction/FCI Constructors JV, for an estimated cost increase of \$405,000 for Segment 1, Package 2, and AUTHORIZE the Secretary or designee to sign the change orders on behalf of the Authority.
2. APPROVE an increase in the project contingency budget of \$732,215 to reestablish a 5 percent project contingency after consideration of extra work associated with the City of Brentwood waterline installation.

When asked, Program Manager Dale Dennis identified the approach to set aside a contingency budget to address the potential for additional funding that might be required to address the scope of work of the Authority.

When advised that funds remained in the contingency budget, Chair Freitas stated that he could not support the budget increase at this time.

On motion by Director Nix, seconded by Director Becnel, members of the Authority unanimously APPROVED Contract Change Order Nos. 70S1 and 84 with De Silva Gates Construction/FCI Constructors JV, for an estimated cost increase of \$405,000 for Segment 1, Package 2, and AUTHORIZED the Secretary or designee to sign the change orders on behalf of the Authority.

Vote on motion to APPROVE an increase in the project contingency budget of \$732,215 to reestablish a 5 percent project contingency after consideration of extra work associated with the City of Brentwood waterline installation was continued to a future meeting upon Director Freitas' request that Legal Counsel review voting requirements.

DETERMINATION ITEMS

- A. RECEIVE Status Report on the Segment 1, Segment 3 and the Laurel Road Extension Projects

Program Manager Dale Dennis reported that staff was continuing to move forward with the eminent domain process with three cases in Segment 1, finalizing the last acquisition on Laurel Road, to be returned to the Authority next month.

For Segment 2 and the Sand Creek Intersection Lowering Project, Mr. Dennis reported that project was moving forward on schedule. For the phased project, he stated that the second phase to remove the center portion and get traffic on the newly constructed pavement would be completed by Monday with the western side of the project to commence thereafter. He noted that wet and unsuitable soils had been encountered and there had been additional work related to traffic control.

As of Monday, traffic would be back onto the existing pavement and the left turn would be reinstated on Sand Creek Road. It would take three to four weeks to finish that project on the west side. The project had moved forward quickly and would be completed prior to winter.

B. RECEIVE Status Report on Construction Activities for Segment 1, Segment 3 and the Laurel Road Extension Projects

Bart Littell of Parsons Brinckerhoff Construction Services presented updated construction photographs and reported that a packet of additional information had identified the Marsh Creek Bridge construction. He noted that the bulk of the bridge work had been completed in two and a half months.

Mr. Littell advised that \$4.8 million in construction had occurred within the last month between Segments 1 and 3. Segment 1 was now into Stage 4 of the Laurel Road Extension project with drainage, electrical and general roadway work underway. Work was also continuing on Highway 4 for the westbound connection with paving to occur in that area in the near future.

Mr. Littell stated that discussions were ongoing with the City of Antioch to open a third lane underneath the new Lone Tree Bridge in the eastbound direction of Lone Tree Way. He added that grinding and overhauling would also occur on Lone Tree Way in a week or so. Other work involved the installation of overhead signs on the Bypass on Neroly Road. He also identified the source of the dirt for the future Lone Tree Way embankment. The project was 87 percent complete, 82 percent on time.

For Segment 3, Mr. Littell reported that things were going well throughout the new alignment with drainage work and sound walls. The Marsh Creek Bridge was mostly complete as was most of the lime treatment on the project. One AT&T relocation remained on the project. He reported that Segment 3 was 61 percent complete, 53 percent on time. He reminded the Authority that the project had commenced on November 6, 2006.

As to the timing, Mr. Littell stated that the contractual completion date for Segment 1 was in January 2008. He did not see that the Segment 1 contractor would complete the project much before the contractual completion date. He anticipated a late December completion.

Chair Freitas asked what impact a rainy season would have on the project, reported by Mr. Littell that they were on a working day contract. When work could not be done there would be an extended date of completion, the same as for holidays. He stated that rain days would only be allowed if rain impacted a critical path on the project.

As to the Laurel Road Extension project, Mr. Littell stated that it was on the same timeline. Both were expected to be open at the same time.

Mr. Dennis advised that a July or August 2008 completion was anticipated for Segment 3, although that could occur earlier.

BOARDMEMBER COMMENTS

There were no comments.

CORRESPONDENCE

There was no correspondence.

ADJOURNMENT

With no further business to come before the State Route 4 Bypass Authority, Chair Freitas adjourned the meeting at 7:42 P.M. to the next meeting scheduled for November 8, 2007.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk

**STATE ROUTE 4
BYPASS AUTHORITY**

DATE: November 8, 2007

TO: Board of Directors

FROM: Dale Dennis, Program Manager *NCW*

SUBJECT: Approve Segment 3 Contract Change Order

Recommendation: **APPROVE** Contract Change Order No. 59 with De Silva Gates Construction, for an estimated cost increase of \$300,000 for Segment 3, and **AUTHORIZE** the Secretary, or his designee, to sign the change orders on behalf of the Authority.

Discussion

In last month's staff report, several significant contract change orders were identified and staff indicated they would be brought to the Board for approval once the respective CCO scopes and estimated costs were better defined. The scope and estimated costs for CCO No. 59 is presented below. The other remaining significant CCOs are listed below for information.

Contract Change Order 59:

This change order provides for construction of the west tie-in of Marsh Creek Road that was to be paid for by the Authority, but constructed by the local developer and as such, was not included as part of the original contract. A portion of the new roadway will be constructed as part of this project to facilitate the construction of the Bypass. The west tie-in is required to complete the Segment 3 project, in particular the new connection of the Bypass with Marsh Creek Road and Orchard Lane.

DD:nw:tr
G:\TransEng\2007\SR4BP\Staff Reports\Oct-Dec 2007\dd Segment 3 StaffReport 11-07 CJC.doc

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

Contract Change Order 59 (cont.):

This change will be paid for as an increase in contract items at item unit prices and as extra work at force account for an estimated cost of \$250,000 and \$50,000, respectively. The estimated total cost is \$300,000.

Attached is a worksheet, prepared by PB Americas, which shows a summary of the executed change orders to date as well as the status of several pending change orders. The source for funding contract change orders comes from three places: Supplemental funds, Authority furnished materials and the traditional project contingency. Supplemental funds are set aside by the designer to cover items that are anticipated but are undefined until actual project construction. Authority furnished materials are items that are needed for the project but excluded from the contractor bids. The contingency is for items not anticipated during the design of the project.

OTHER SIGNIFICANT CCOs

Several other significant contract change orders that are currently being evaluated (expected to be more than \$100,000) are presented below. Once the respective CCO scopes and estimated costs are better defined, they will be brought to the Board for approval.

Contract Change Order 40:

This change order provides for construction of yellow flashing beacons noting "signal ahead" at all five project intersections and additional required guardrail. This change was requested by the County and Caltrans. This change is currently being designed and the cost is estimated.

Contract Change Order 53:

This change order provides for additional excavation of select material from the cut section near the former gun club for use in lime-stabilized soil. This change was necessary because the roadway excavation material within Segment 3B, that was to be used by the Contractor for select material from Fairview Avenue Undercrossing to Marsh Creek Road along the "NB" line, was found to be unsuitable for lime treatment. This change provided a new site for excavation of select material and compensated the Contractor for additional roadway excavation, remobilization, and removal and replacement of permanent erosion control measures.

Contract Change Order 57:

This change order provides for construction of revised drainage system 241 along Marsh Creek Road. During potholing of existing utilities it was found that the Chevron and Kinder Morgan gas lines at the UPRR were in conflict with the proposed jack and bore drainage system underneath the railroad tracks. This change will require the drainage system be constructed at greater depths increasing the shoring costs. An additional 400 meters of 450mm culvert and enlarged drainage structures are also required. This change is currently delaying non-critical work on Marsh Creek Road between Sellers Avenue and Byron Highway. This change is currently being designed.