



# Joint Exercise of Powers Agency

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

## Board of Directors

Thursday, June 8, 2006

7:50 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 March 9 and May 11, 2006 meetings.
  - B. **APPROVE** the Fiscal Year 2006-07 Work Plan and Budget.
  - C. **APPROVE** and **AUTHORIZE** the Secretary or his designee to execute Contract Change Order Nos. 41 and 43 with Bay Cities Paving and Grading, Inc., in the amount of \$63,755.60, for Segment 1, Package 1.
  - D. **APPROVE** and **AUTHORIZE** the Secretary or his designee to execute the First Amendment to Agreement for Maintenance and Electrical Facility Cost Sharing of the State Route 4 Bypass between the Authority and the City of Brentwood in the not-to-exceed amount of \$50,000.00 for maintenance of the landscaping and irrigation system at the Segment 2 soundwall.
  - E. **APPROVE** and **AUTHORIZE** the Secretary or his designee to execute Contract Change Order No. 1 for Asbestos Management Group of California Inc., dba AMG. for a cost increase not to exceed \$20,000.00 for the Laurel Road Demolition and Abatement Contract.
  - F. **APPROVE** and **AUTHORIZE** the Secretary or his designee to execute amendments to the following Consulting Services Agreements with the following consultants (no payment limit increase) to extend the term of the existing agreements through June 30, 2007, with no increase in payment:
    1. Loewke – Environmental Permitting Services for Segments 1 and 3
    2. Mark Thomas and Company – Transfer and Relinquishment Support Services
    3. Parikh Consultants – Geotechnical and Environmental Site Assessment Engineering Services for Segments 2 and 3
    4. Somach, Simmons and Dunn – Environmental Legal Services
    5. Harris and Associates – Encroachment Permit/Construction Inspection
    6. Anita Tucci-Smith – Preparation of Meeting Minutes

**Board of Directors:**

Mary N. Piepho, Chair  
Donald P. Freitas, Vice Chair  
Annette Beckstrand  
Brad Nix

**Authority Staff Office:**

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

4. Determination Items

- A. **RECEIVE** status report on the SR4 Bypass project and the Laurel Road Extension project.
- B. **AUTHORIZE** the Chair to sign a letter to Congressman Pombo and Congresswoman Tauscher requesting assistance to expedite issuance of environmental permits for Segment 3 of the State Route 4 Bypass (*letter to be mailed under separate cover to Board members, copies available upon request and at meeting*).
- C. **RECEIVE** status report on construction activities in Segments 1 and 3. (*no attachment*).

4. Board Member Comments

5. Correspondence

6. 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.*

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

**A JOINT EXERCISE OF POWERS AGENCY**

**MINUTES**

March 9, 2006

The STATE ROUTE 4 BYPASS AUTHORITY meeting was called to order in the Tri Delta Transit Meeting Room, 801 Wilbur Avenue, Antioch, California by Chair Mary N. Piepho at 7:18 P.M.

**ROLL CALL**

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

ABSENT: None

STAFF: Dale Dennis, Program Manager

**PUBLIC COMMENT**

There was no public comment.

**CONSENT ITEMS**

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

- A. APPROVED the 2005-06 Mid-Year Work Plan and Budget.
- B. APPROVED two Right of Entry Agreements with Contra Costa Water District (CCWD) to enter onto CCWD lands to construct the Segment 3 mainline roadway at Concord Avenue and Balfour Road to install a joint trench required for the relocation of gas and electrical facilities along Balfour Road, and AUTHORIZED the Secretary or designee to sign them on behalf of the Authority.
- C. AWARDED the Demolition Contract for the Laurel Road Extension project as follows:
  1. AWARDED the contract for Laurel Road Extension Project for the demolition and abatement of four single-family structures and improvements located on four sites in the City of Oakley to Asbestos Management Group of California Inc. db AMG, the lowest responsive and responsible bidder, in the amount of \$80,673.00 and;

REQUIRED the contractor to provide a faithful performance bond and a payment bond satisfactory to the Secretary or designee in the amount of 100 percent of the bid price.

2. AUTHORIZED the Secretary or designee, to execute the awarded contract, on behalf of the Authority, subject to the Secretary or designee having first reviewed and found sufficient all required documents in the contract signed by the contractor and the required bonds and evidence of insurance.
  3. DECLARED that, should the award of contract to be invalidated for any reason, the Board would not in any event have awarded the contract to any other bidder, but instead would have exercised its discretion to reject all of the bids received. Nothing herein shall prevent the Board from re-awarding the contract to another bidder in cases where the successful bidder establishes a mistake, refuses to sign the contract or fails to furnish required bonds or insurance.
- D. APPROVED a \$22,850 amendment to the Consulting Services Agreement with Biggs Cardosa Associates for a revised not to exceed total contract amount of \$215,200 to provide on-call structural design services during the construction of Segment 3, and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority.
- E. APPROVED Contract Change Order Nos. 34 and 35 with De Silva Gates/FCI JV for an estimated net cost increase of \$1,100,000 for Segment 1, Package 2 and AUTHORIZED the Secretary or designee to sign the change orders on behalf of the Authority.
- F. APPROVED a \$377,731 amendment to the Consulting Services Agreement with Parsons Brinckerhoff Construction Services, Inc. (PBCS) for a revised not-to-exceed total contract amount of \$6,137,157, and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority.

#### **DETERMINATION ITEMS**

- A. RECEIVE Report from Program Manager on Evaluation of Future Noise Levels for the "Back Nine" at Brentwood Country Club in Segment 3 and DIRECT Program Manager to Take the Necessary Steps to Implement Alternative A in the Estimated Cost of \$72,000

Program Manager Dale Dennis advised that the item related to the noise levels at the "Back Nine" for the Brentwood Country Club in Segment 3.

Mr. Dennis explained that staff had worked with the Authority's noise consultant and Brentwood staff in the last three to four months to discuss alternatives. He presented three alternatives identified in a March 9, 2006 staff report to the Board. He recommended Alternative 1.

After considerable discussion by the Board, Chair Piepho asked for public comments.

#### PUBLIC COMMENTS:

Rose Strother, a resident of the Summerset development, Brentwood, suggested that the City of Brentwood had failed to comply with its own standards of sound mitigation from the SR4 Bypass. She noted that Summerset I, II and III properties were already getting a 14 foot soundwall and the Summerset IV development should receive the same. She expressed concern about the impact of the Bypass on property values.

Felice Underwood, Summerset IV, Brentwood, stated that all of the residents from Summerset IV wanted a 14 foot high soundwall 3,000 linear feet long to protect them from traffic noise and prevent a decrease in property value. She noted that residents were already experiencing an inability to sell properties adjacent to the Bypass. She presented a petition to the Chair signed by 426 Summerset residents in support of extending "...the construction of the proposed soundwalls from south of Fairview Avenue to the end of the Summerset Development, in order to protect Summerset residents from additional traffic noise, increased air pollution, as well as a reduction in our property values and our overall safety concerns."

Ken Harris, a Summerset/Orchard resident, Brentwood, stressed the importance of noise concerns to residents. With respect to Alternative 1, he suggested it would take too long for the landscaping to screen the homes in Summerset IV. He reiterated the desire for a 14 foot soundwall. He stated that residents had met with Authority staff on a number of occasions. He supported Alternative 3 and urged the City of Brentwood to help in the cost of that alternative.

Jeff Morris, Summerset IV, Brentwood, suggested that the cities of Antioch, Brentwood and Oakley had collected enough money from development fees to address the problem and he suggested that those funds should be used to protect residents impacted by the Bypass. He asked the Authority to install the soundwall and the RAC.

Mark Underwood, Summerset IV, Brentwood, referred to the 2003 EIR and stated that the sound study at that time had identified a sound level of 62 to 66 db. He did not support RAC and stated that the Federal Highway Administration (FHA) did not approve rubberized roads for mitigation. He opined that an 8 foot soundwall would not be high enough to provide sufficient mitigation.

Mr. Underwood suggested that if the Authority installed an 8 foot wall, it should be constructed so that an additional six feet of height could be added to it, if needed. He expressed concern about the impact of increased sound on property values, which he stated were dropping.

Jim Slawson, Vice President of the Board of Directors of the Homeowners Association (HOA) for Summerset IV, Brentwood, read a position statement from the Board that had been presented to the Brentwood City Council. The HOA formally requested a plan for a 14 foot soundwall extension from Fairview Avenue as earlier reported. He noted that the estimated cost of \$1 million accounted for only a two percent increase in the Segment 3 project.

Tom Meyer, Brentwood, recommended that a bid option be included to avoid time delays. He stated that residents would also attend Brentwood City Council meetings to pursue his/her concerns.

John Lal, Brentwood, stated that the soundwall programs adopted by state and federal agencies did not identify planting as a mitigation measure, although he believed trees would help to address noise concerns. He stated that the noise study had been conducted in 1994, prior to the development of the area, and may no longer be applicable. He urged the Board to consider the fact that the Summerset residents were all over 55 years old and because of their age, were more sensitive to noise.

At the conclusion of Public Comment, the Board had additional discussion. Director Nix then suggested that Alternative 2, combined with RAC, would attenuate noise and would address visual concerns. He suggested staff contact the City of Brentwood to assist with the cost. He also suggested requesting assistance with landscaping from the City of Brentwood.

Director Beckstrand supported a combination of Alternatives 1 and 2 and a request to the City of Brentwood for help with landscaping. She suggested that the City could fund \$200,000 for landscaping in that area to share in the cost. She would present that proposal to the Brentwood City Council.

Brentwood City Engineer Bailey Grewal verified that a landscaping corridor 1,500 feet long and 50 feet wide would cost approximately \$200,000. He identified the approximate location of that corridor within the SR4 Bypass right-of-way.

Director Freitas stated with respect to Alternative 2 that it would require Caltrans approval. He stated that Caltrans could deny the request for a soundwall. He also noted that the developer should be brought into the discussion since the developer had funded the soundwall for Summerset III.

Director Nix recommended that Brentwood maintain the landscaping if it chose to install it.

Chair Piepho agreed that Brentwood and the developer bore more responsibility than the Authority.

Director Freitas recommended that the speakers also speak to the developer.

On motion by Director Beckstrand, seconded by Director Nix and carried unanimously to approve the combination of Alternatives 1 and 2 taking into consideration a potential cost of \$450,000 to \$500,000 to move forward on the options, conditioned on Caltrans approval. The Brentwood representative would request \$200,000 from the Brentwood City Council for landscaping, discuss the maintenance of that landscaping, and would work to discuss the situation with the developer related to his responsibility in that regard to augment what was being done. An addendum for a combination of Alternatives 1 and 2 would be prepared, which it was acknowledged could delay the bid award.

B. Board Recommended to Take the Following Actions:

1. APPROVE Agreement with City of Antioch to Memorialize the Understanding Between the Authority and the City of Antioch with Respect to Lone Tree Way Sinkholes, and AUTHORIZE the Secretary or Designee to Sign it on Behalf of the Authority
2. APPROVE Contract Change Order No. 39 with Bay Cities Paving and Grading, Inc. for an Estimated Cost of \$75,000.00 for Segment 1, Package 1, and AUTHORIZE the Secretary or Designee to Sign the Change Order

Mr. Dennis advised that David Schmidt had drafted an agreement between the Authority and the City of Antioch. A number of years ago, the Authority undertook improvements on Lone Tree Way, through an agreement with the developer. The improvements were the responsibility of the developer. Two sinkholes developed during the course of construction of the improvements and they were both repaired as part of the construction contract. Subsequently, three more sinkholes had developed.

Mr. Dennis reported that the Authority and Antioch City staff were not in agreement as to the cause of the sinkholes and it was unlikely that an agreement could be reached. He recommended that the Authority repair the sinkholes as quickly as possible. Antioch had not yet accepted the roadway. He recommended repairing the sinkholes and memorializing an agreement to have Antioch accept Lone Tree Way and be responsible for any future maintenance.

David Schmidt, County Counsel, noted that of the three sinkholes, one had been repaired by the developer of the Lowe's project at a cost of \$75,000.

Mr. Schmidt recommended that Board approval of the Change Order be contingent upon Antioch's execution of the agreement he drafted, or a similar agreement.

Mr. Schmidt stated that there were three critical provisions in the Agreement. First, the Authority would be obligated to hire a contractor to repair the sinkholes. These repairs were estimated at \$75,000. Second, Antioch would be required to accept the road into the City's street system. Third, the Authority would be relieved of any responsibility to complete future repairs, unless there was a major pavement failure that would cost more than \$100,000 to repair.

Mr. Dennis verified that the concepts of the agreement had been discussed with City staff although Antioch had not seen the agreement. He recommended approval of the agreement in concept.

Director Freitas advised that Antioch's City Attorney had not yet reviewed the agreement.

Director Beckstrand noted that blame was hard to identify in this case. She was concerned about the provision regarding major pavement failure.

Director Nix had similar concerns.

Director Freitas stated that Antioch did not agree with the Authority's position in this case.

Mr. Dennis stated that the agreement was an attempt to bring some closure to this issue. Staff of the Authority and the City agreed that any additional sinkholes would have developed by now.

Mr. Schmidt acknowledged that this was an unusual situation for the Authority. He stated that the road was a City road and potentially the primary exposure was with the City.

Mr. Dennis noted the need for further discussions to try to reach an agreement with Antioch. He emphasized the potential liability to the Authority given the current size of the sinkholes.

Director Freitas stated that the Antioch City Attorney would need to be involved in the discussions. He noted that Antioch also feared additional pavement failures.

Director Nix favored repairing the sinkholes. He recommended using a neutral outside reputable expert to review the situation, potentially involving binding arbitration.

On motion by Director Nix, seconded by Director Beckstrand to approve the agreement in concept and the change order contingent upon agreement with the City of Antioch, and with the elimination of the bulk of Paragraph 3 of the agreement, to include: "Upon

completion of the sinkhole, Antioch should be responsible for any and all roadway repair in the future.”

After a discussion of the work that could and should be done now with or without agreement with the City of Antioch, Director Nix withdrew his motion and Director Beckstrand withdrew her second.

On a new motion by Director Nix, seconded by Director Beckstrand, members of the Authority unanimously APPROVED Contract Change Order No. 39 with Bay Cities Paving and Grading, Inc. for an estimated cost of \$75,000 for Segment 1, Package 1, and AUTHORIZED the Secretary or designee to sign the change order on behalf of the Authority.

Director Freitas urged that County Counsel be directed to work with the Antioch City Attorney to discuss the issue with respect to available options. He supported Director Nix' recommendation for a mutually agreed upon outside expert to work with staff to identify the situation and to come up with solutions.

- C. APPROVE the Contra Costa County Public Works (County) Overhead Rates for Calendar Year 2006 for Services Provided to the Authority as Included in the Letter from Contra Costa County Dated January 12, 2006 (*Item Continued from February 9, 2006*)

Mr. Dennis noted that this item had previously been discussed and had been continued from the February 9 meeting. At that time, the Board had directed staff to look at costs associated with hiring an engineering firm to take over from the County for engineering services for the construction of Segment 3. Staff had also been directed to meet with County and CCTA staff to discuss the County overhead rates. He distributed a handout identifying County Real Property and Design Division overhead rates closer to, but not below the 3.0 multiplier.

Mr. Dennis stated that charge rates were compared to see if the charges were in line with other firms. In general, the County's rates were comparable to rates charged in the private sector.

Mr. Dennis advised that the cost to replace the County at this time would be from \$85,000 to \$105,000. He stated that depending on how the replacement firm was selected, it could create delays in the construction of Segment 3.

Mr. Dennis recommended that the County continue providing engineering services for the balance of the project. If there were any future projects, he stated that the Authority could evaluate whether to use the County for providing design services or the private sector.

Mr. Dennis also recommended that the Authority approve the overhead rates as a basis, to be retroactive to January 1, and continue discussions between the CCTA and the County to reduce those rates further and that whatever rate was finally agreed upon would be retroactive to January 1.

Director Freitas agreed with the staff recommendation to continue with the County. He had raised the concern of the overhead rates for several years and he suggested it was extraordinary that the County administrative overhead was at 3.34 percent, or higher. He stated that he was not persuaded by the Public Works Department's assertion that the overhead could not be changed. He believed that retiree benefits and including costs for a building that had not begun should not be included in the overhead, and he recommended that those charges be eliminated.

On the issue at hand and that issue alone, Director Freitas supported the staff recommendation. He stated that the CCTA would be discussing the issue on March 10 and he would not have the same position at that time given the 30 year timeframe for the CCTA projects in question and the fact that the Public Works Department was not competitive. He emphasized the equity issue. He thanked staff for the work that had been done.

Director Nix supported the staff recommendation, but suggested looking at the total cost rather than just the multiplier. He stated that the Authority partnered with the County and he suggested it was critical to maintain that partnership. He was concerned with what could happen with the efficiency on the project if the County were replaced.

On motion by Director Freitas, seconded by Director Beckstrand, members of the Authority unanimously APPROVED the Contra Costa County Public Works overhead rates for Calendar Year 2006 for services provided to the Authority as included in the letter from Contra Costa County dated January 12, 2006.

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

Mr. Dennis stated that staff was moving forward with Segment 1 and the Laurel Road Extension, the demolition of the houses on Laurel Road, and the Segment 3 permit process with meetings with the jurisdictional agencies.

E. RECEIVE Status Report on the Construction of Segment 1, Packages 1 and 2

Bart Littell of Parsons Brinckerhoff Construction Services, presented updated photographs of the status of construction and reported that \$1 million worth of construction had been completed in spite of the rain. He advised that Package 1 could be completed with ten straight days of good weather, on schedule and well under budget.

With respect to Package 2, Mr. Littell stated that involved primarily bridgework. The substructure work continued on all the bridges. The work was proceeding on Segment 3 with signal work at Walnut Boulevard and Concord Avenue. The East Contra Costa Irrigation District (ECCID) related work at Walnut Boulevard and Marsh Creek Road was also ongoing.

### **BOARDMEMBER COMMENTS**

Director Beckstrand asked Mr. Dennis to research the action taken by the Authority several years ago related to the John Marsh Historical Society's request for a name change for a portion of the Bypass to John Marsh Expressway.

Director Beckstrand also requested a draft of the current minutes related to the evaluation of future noise levels for the "Back Nine" at Brentwood Country Club in Segment 3 for the upcoming meeting of the Brentwood City Council.

### **CORRESPONDENCE**

Mr. Schmidt introduced Kristie Hirschenberger who would cover the Board meetings during his absence of several weeks.

### **PUBLIC COMMENTS**

There were no public comments.

### **ADJOURNMENT**

With no further business to come before the State Route 4 Bypass Authority, Chair Piepho adjourned the meeting at 9:29 P.M. to the next meeting scheduled for April 13, 2006.

Respectfully submitted,

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**

May 11, 2006

The STATE ROUTE 4 BYPASS AUTHORITY meeting was called to order in the Tri Delta Transit Meeting Room, 801 Wilbur Avenue, Antioch, California by Vice Chair Donald Freitas at 8:48 P.M.

**ROLL CALL**

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

ABSENT: None

STAFF: Dale Dennis, Program Manager

Vice Chair Freitas adjourned into Closed Session at 8:49 P.M.

**CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Government Code Section 54956.9(a))

- A. *State Route 4 Bypass Authority vs. Lindsay, et al*, Contra Costa County Superior Court No. C05-01112
- B. *State Route 4 Bypass Authority vs. Castello, et al*, Contra Costa County Superior Court No. C05-01024
- C. *State Route 4 Bypass Authority vs. Delizia Ranch, LLC, et al*, Contra Costa County Superior Court No. C05-00757

Vice Chair Freitas reconvened into open session at 9:22 P.M. and had nothing to report from Closed Session.

**PUBLIC COMMENT**

There was no public comment.

**CONSENT ITEMS**

On motion by Director Nix, seconded by Director Beckstrand, members of the Authority unanimously adopted the Consent Items, with the removal of Item C as requested by Director Freitas.

- A. APPROVED Minutes of April 13, 2006.
- B. APPROVED a \$45,000 amendment to the Consulting Services Agreement with Nolte Associates Inc. for a revised not-to-exceed contract amount of \$216,800 to develop preliminary design alternatives for the Balfour Road Interchange and to assist staff in the preparation of grant applications for the use of rubberized asphalt concrete (RAC) in Segment 3, and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority.
- C. APPROVE a \$3,000 amendment to the Consulting Services Agreement with Fugro West, for a revised not-to-exceed payment limit of \$307,000, to cover costs associated with the chemical evaluation of fill material for restoration of Authority property at Balfour Road and Concord Avenue (*costs to be reimbursed by Blackhawk/Nunn*), and AUTHORIZE the Secretary or designee to sign the amendment on behalf of the Authority. **[REMOVED FOR DISCUSSION]**
- D. APPROVED a \$56,760 amendment to the Consulting Services Agreement with Harris and Associates (*mostly reimbursable by encroachment permit deposits*), for a revised not-to-exceed contract amount of \$2,872,304, to complete the inspection of the restoration of Authority-leased property, activities in Segment 2, and currently-assigned Authority-issued encroachment permits through the term of the contract (June 30, 2006), and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority.
- E. APPROVED Utility Agreement with Pacific Gas and Electric Company in the estimated amount of \$120,000 for the design and installation of an extension to raise an electrical transmission line tower in conflict with the Segment 3 project, and AUTHORIZED the Secretary or designee to sign it on behalf of the Authority.
- F. APPROVED Contract Change Order Nos. 21, 25, and 28 with De Silva Gates Construction/FCI Constructors JV, for a not-to-exceed amount of \$42,342 for Segment 1, Package 2, and AUTHORIZED the Secretary or designee to sign them on behalf of the Authority.
- G. APPROVED Contract Change Order No.1 with Soil Enterprises, Inc. for a not-to-exceed amount of \$13,000 for the Tree Removal on Marsh Creek Road and Segment 3B Project, and AUTHORIZED the Secretary or designee to sign it on behalf of the Authority.

- H. APPROVED Contract Change Order No. 2 with McGuire and Hester for a not-to-exceed amount of \$25,000 for the Undergrounding and Relocation of ECCID Facilities Project in Segment 3, and AUTHORIZED the Secretary or designee to sign it on behalf of the Authority.
- I. APPROVED Joint Use Agreement between the Authority and Chevron Pipe Line Company (Chevron) for an 18-inch diameter pipeline in Segment 3 near the Vasco Road/Walnut Boulevard intersection, and AUTHORIZED the Secretary or designee to sign it on behalf of the Authority.
- J. Recommended that the Board take the following actions related to the SR4 Bypass, Segment 3 construction project:
  - 1. REJECTED all bids previously submitted for the project.
  - 2. APPROVED the plans and specifications and AUTHORIZED the rebidding of the project. *Bids for this work to be received on May 30, 2006 at 2:00 P.M. at the Authority Offices.*
  - 3. DIRECTED the Secretary or designee to publish a Notice to Contractors in accordance with the procedures in Public Contract Code Sections 20390-20393 inviting bids for the work.
  - 4. AUTHORIZED the Secretary or designee to issue bid addenda as needed for clarification of contract bid documents.

The following item was removed for discussion:

- C. APPROVE a \$3,000 amendment to the Consulting Services Agreement with Fugro West, for a revised not-to-exceed payment limit of \$307,000, to cover costs associated with the chemical evaluation of fill material for restoration of Authority property at Balfour Road and Concord Avenue (*costs to be reimbursed by Blackhawk/Nunn*), and AUTHORIZE the Secretary or designee to sign the amendment on behalf of the Authority.

In response to Vice Chair Freitas who had questioned the increase, Program Manager Dale Dennis advised that Fugro West had billed \$4,000 in what staff had believed was a final bill, although Fugro had later determined that there were additional costs of \$3,000 that had not previously been billed. While it had been the staff understanding that there was sufficient capacity to cover the costs, it had later been determined that there was not enough to cover that extra amount.

Vice Chair Freitas had a concern with the firm and the way it had approached the cost tracking and invoicing for the project.