



Joint Exercise of Powers Agency

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

Board of Directors

Thursday, January 12, 2017

6:30 p.m.

Tri-Delta Transit Meeting Room

801 Wilbur Avenue

Antioch, California

1. Call to Order
2. Election of Officers
3. Public Comment
4. Consent Items
 - A. **APPROVE** minutes of the November 12, 2015, June 9, 2016 and September 8, 2016 meetings (*October, November and December meetings cancelled*).
 - B. **ACCEPT** Audit Report prepared by Wallace Rowe and Associates, Certified Public Accountants, for the Fiscal Year ending June 30, 2016. (Copies sent to Board Members under separate cover. Copies available to public upon request.
5. Determination
 - A. **RECEIVE** status report on projects associated with the former SR4 Bypass.
6. Adjournment

DD:nw

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The Authority will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact Staff at least 24 hours before the meeting, at (925) 595-4587.

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."

Board of Directors:

Doug Hardcastle, City of Oakley - Chair
Federal Glover - Alternate, Contra Costa County – Vice Chair
Tony Tiscareno, City of Antioch
Robert Taylor, City of Brentwood

Authority Staff Office:

Contra Costa County
255 Glacier Drive
Martinez, CA 94553
(925) 313-2000

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

A JOINT EXERCISE OF POWERS AGENCY

MINUTES

November 12, 2015

The regular Board meeting of the STATE ROUTE 4 BYPASS AUTHORITY was called to order in the Tri Delta Transit Board Room, 801 Wilbur Avenue, Antioch, California by Chair Bob Taylor at 6:56 P.M.

ROLL CALL

PRESENT: Mary N. Piepho (Contra Costa County), Tony Tiscareno (Antioch), Vice Chair Doug Hardcastle (Oakley), and Chair Robert (Bob) Taylor (Brentwood)

ABSENT: None

STAFF: Dale Dennis, Program Manager
Stephen Siptroth, Legal Counsel

PUBLIC COMMENT

There were no comments from the public.

CONSENT ITEMS

On motion by Director Piepho, seconded by Director Tiscareno, the Authority adopted the Consent Items by the following vote:

AYES: Hardcastle, Piepho, Tiscareno, Taylor

NOES: None

ABSTAIN: None

ABSENT: None

- A. APPROVED Minutes of the June 11, 2015 meeting (*July, August, September and October meetings cancelled*).
- B. APPROVED an amendment to the Consulting Services Agreement with Dean Chapman and Associates, in a not-to-exceed amount of \$5,000, for a revised payment limit of \$93,000, for right-of-way appraisal services for SR4 Balfour Road Interchange project, and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority.

- C. SR4 BALFOUR ROAD INTERCHANGE PROJECT: The following actions were taken:
1. APPROVED the conveyance of an Easement Deed for the 230Kv electric transmission line to Pacific Gas and Electric Company, a California corporation, pursuant to Government Code Section 25526.6.
 2. DETERMINED that conveyance of said easement is in the public interest and will not substantially conflict or interfere with the Authority's use of the property.
 3. AUTHORIZED the Secretary or Designee to execute the Easement Deed on behalf of the Authority.
 4. DIRECTED the Real Estate Division of the Public Works Department to deliver a certified copy of the Staff Report dated November 12, 2015 with the Easement Deed to the Pacific Gas and Electric Company for acceptance and recording in the office of the County Recorder.
- D. APPROVED an amendment to the Consulting Services Agreement with PDM Group Inc. (Dale Dennis) in the not-to-exceed amount of \$185,984 to continue to provide Program Manager services, and extend the term to June 30, 2017 to continue to provide Program Manager services, and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority.

DETERMINATIONS ITEMS

- A. RECEIVE Status Report on Projects Associated with the Former SR4 Bypass

Dale Dennis, Program Manager, reported that the connector ramps project was moving forward on schedule and should be open during the first quarter of 2016.

- B. Hold PUBLIC HEARING and CONSIDER adoption of Resolution of Necessity for acquisition of real property rights required for the SR4/Balfour Road Interchange project as recommended by the SR4 Bypass Authority's Program Manager, Brentwood area.

Mr. Dennis reported that staff was moving forward with the Balfour Road Interchange project and had scheduled a public hearing to consider the adoption of a Resolution of Necessity. He referred to the two maps that had been distributed and advised that staff had been working closely with City of Brentwood staff on the project. One of the key elements of the interchange and the most challenging had been addressing the Kinder Morgan Pump Station Facility relocation, which was in one the loop area in the northwest quadrant. He described the planned approach to address that issue and explained that the facility would have to be maintained in the interchange area which is where the drag reducing additive reduced the friction and allowed the pumps to move more efficiently.

Mr. Dennis explained that the replacement property was currently owned by the Bypass Authority and would be exchanged for the Kinder Morgan property to allow the relocation of the pump station. The property to be condemned was necessary for that relocation.

Lucy Owens, the SR4 Bypass Right-of-Way Agent, described the public hearing process for the Board's consideration of whether to adopt a Resolution of Necessity, and referred to the staff report which contained specific information regarding the condemnation and which outlined the actions that would have to be taken by the Board.

PUBLIC HEARING OPENED

There was no one to speak to the item.

PUBLIC HEARING CLOSED

Director Hardcastle verified with Mr. Dennis that Kinder Morgan would be responsible for remediating the property and had been working with the Regional Water Quality Control Board (RWQCB) on a Remediation Plan.

Mr. Dennis advised that the property would not be signed off until it had been found to be remediated. He referenced the proposed property exchange and explained that the Authority would not be in the chain of title until the entire remediation had been completed and a "No Further Action" had been issued by the RWQCB.

In response to Chair Taylor as to how El Niño could affect the project, Mr. Dennis explained that the work would likely not be started until April or May, although if it was able to be started sooner, work could be done through the winter months weather permitting.

On motion by Director Piepho, seconded by Director Tiscareno, the Authority made the findings and determinations that the proposed project was in the public interest and necessity required for the proposed project; the project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury; the property sought to be acquired is necessary for the project; and the offer of compensation required by Section 7267.2 of the Government Code has been made to the owner or owners of record; and ADOPTED the Resolution of Necessity (Attachment A – No. 2015/02) to acquire the required property rights by eminent domain. Project No. 4660-6X4425. The motion carried by the following vote:

AYES: Hardcastle, Piepho, Tiscareno, Taylor
NOES: None
ABSTAIN: None
ABSENT: None

BOARDMEMBER COMMENTS

There were no comments from Boardmembers.

CORRESPONDENCE

There was no correspondence.

ADJOURNMENT

Chair Taylor adjourned the meeting of the State Route 4 Bypass Authority at 7:04 P.M. to Thursday, December 10, 2015 at 6:30 P.M. or other day/time deemed appropriate by the Committee.

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

June 9, 2016

The regular Board meeting of the STATE ROUTE 4 BYPASS AUTHORITY was called to order in the Tri Delta Transit Board Room, 801 Wilbur Avenue, Antioch, California by Chair Doug Hardcastle at 6:30 P.M.

ROLL CALL

PRESENT: Robert (Bob) Taylor (Brentwood), Tony Tiscareno (Antioch), Vice Chair Mary N. Piepho (Contra Costa County), and Chair Doug Hardcastle (Oakley)

ABSENT: None

STAFF: Dale Dennis, Program Manager

PUBLIC COMMENT

Bruce Ohlson, representing Bike East Bay, the regional bicycle advocacy organization, and the Delta Pedalers, the local recreation bicycle club, distributed a memorandum dated May 4, 2000 from the City of Brentwood related to the overcrossing for the Mokelumne Aqueduct Trail, stated that the overcrossing was a requirement of the Environmental Impact Report (EIR) for State Route 4, and reiterated bicyclists' desire and need for the overcrossing.

Director Piepho requested that staff provide at an upcoming meeting, a status updated on the implementation of the Mokelumne Overcrossing.

CONSENT ITEMS

On motion by Director Piepho, seconded by Director Tiscareno, the Authority adopted the Consent Items by the following vote:

AYES: Taylor, Tiscareno, Piepho, Hardcastle

NOES: None

ABSTAIN: None

ABSENT: None

- A. APPROVED minutes of the May 12, 2016 meeting.
- B. APPROVED amendments to Consulting Services Agreements with the following consultants to extend the term of the agreements through the dates listed below, with

no other changes to the agreements; and AUTHORIZED the Secretary or designee to execute the amendments on behalf of the Authority.

1. Amendment to agreement with Geocon Consultants, Inc., for on-call environmental site assessment services for the former SR4 Bypass, to extend the termination date from June 30 2016, to a new termination date of June 30, 2017.
2. Amendment to agreement with Wood Biological Consulting, Inc., for on-call environmental services in Segment 3 of the former SR4 Bypass, to extend the termination date from June 30, 2016, to a new termination date of June 30, 2017.
3. Amendment to agreement with Mark Thomas and Company – Engineering Design Services for the former SR4 Bypass, to extend the termination date from June 30, 2016, to a new termination date of June 30, 2017.

C. APPROVED the 2016/17 Work Plan and Budget.

DETERMINATIONS ITEMS

A. RECEIVE Status Report on Projects Associated with the Former SR4 Bypass

Program Manager Dale Dennis reported that the main focus was the Balfour Road Interchange project where Authority staff was continuing to work on acquiring the necessary right-of-way for the project.

BOARDMEMBER COMMENTS

There were no comments from Boardmembers.

CORRESPONDENCE

There was no correspondence.

ADJOURNMENT

Chair Hardcastle adjourned the meeting of the State Route 4 Bypass Authority at 6:36 P.M. to the meeting scheduled for Thursday, July 14, 2016 at 6:30 P.M. or other day/time deemed appropriate by the Committee.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk

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

JOINT EXERCISE OF POWERS AGENCY

September 8, 2016

The regular Board meeting of the STATE ROUTE 4 BYPASS AUTHORITY was called to order in the Tri Delta Transit Meeting Room, 801 Wilbur Avenue, Antioch, California, by Chair Doug Hardcastle at 6:33 P.M.

ROLL CALL

PRESENT: Robert (Bob) Taylor (Brentwood), Tony Tiscareno (Antioch), Vice Chair Mary N. Piepho (Contra Costa County), and Chair Doug Hardcastle (Oakley)

ABSENT: None

STAFF: Dale Dennis, Program Manager
Stephen Siptroth, County Counsel

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARING

- A. HOLD public hearing and CONSIDER adoption of Resolution of Necessity for acquisition of real property rights required for the SR4/Balfour Road Interchange Project, as recommended by the SR4 Bypass Authority's Program Manager, Brentwood area.

Dale Dennis, Program Manager, stated the item was a public hearing for a Resolution of Necessity which he expected would be the last Resolution of Necessity required for real property rights for the Balfour Road Interchange Project.

Lucy Owens, Senior Right of Way Agent, SR4 Bypass Authority staff, advised that the staff report contained specific information supporting the condemnation of property and outlined the considerations to take with respect to the Resolution of Necessity related to the SR4/Balfour Road Interchange Project. She recommended the action outlined in the staff report after all persons had been heard to testify, all evidence had been considered, and the public hearing had been closed.

Members of the Board acknowledged the need for the work to be done as quickly as possible given the volume of traffic involved.

PUBLIC HEARING OPENED

There was no one to speak.

PUBLIC HEARING CLOSED

On motion by Director Tiscareno, seconded by Director Piepho, the Authority MADE the findings and determinations that the public interest and necessity required the proposed project; the project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury; the property sought to be acquired is necessary for the project; and the offer of compensation required by Section 7267.2 of the Government Code has been made to the owner or owners of record; and ADOPTED the Resolution of Necessity (Attachment A – No. 2016/02) to the staff report dated September 8, 2016, to acquire the required property rights by eminent domain, which shall cause Resolution of Necessity No. 2016/01 to be superseded only as to the parcels described in Appendix "A" attached to Resolution of Necessity No. 2016/02. Project No. 4660-6X4425. The motion carried by the following vote:

AYES: Piepho, Taylor, Tiscareno, Hardcastle
NOES: None
ABSTAIN: None
ABSENT: None

CONSENT ITEMS

Mr. Dennis requested that Item D be removed from Consent, to be returned to the Board at a future meeting.

On motion by Director Piepho, seconded by Director Taylor, the Authority adopted the CONSENT ITEMS, as shown. The motion carried by the following vote:

AYES: Piepho, Taylor, Tiscareno, Hardcastle
NOES: None
ABSTAIN: None
ABSENT: None

- A. APPROVED minutes of the June 30, 2016 meeting (*July and August meetings cancelled.*)
- B. APPROVED an amendment to the Consulting Services Agreement between the Authority and PDM Group Inc., to increase the payment limit by \$132,768, from \$512,980, to a new payment limit of \$645,748, and to extend the termination date from June 30, 2017, to a new termination date of June 30, 2018, for continued Program Manager services, and AUTHORIZED the Secretary, or designee, to

execute the amendment on behalf of the Authority.

- C. APPROVED an Agreement between the Authority and the City of Brentwood, substantially in the form attached to the staff report dated September 8, 2016, regarding the Segment 3 Riparian Mitigation Site and Mitigation Funds, which outlines the conditions and terms for the long-term maintenance of the Segment 3 Riparian Mitigation Site and payment of the maintenance funds to the City of Brentwood, and AUTHORIZED the Secretary, or designee, to execute the agreement on behalf of the Authority.

The following item was REMOVED FROM CONSENT.

- D. **Segment 1 Right of Way – Purchase and Sale Agreement with Richland Planned Communities:** The Board had been asked to take the following actions:

- a. DETERMINE that the Authority property described as Exhibit “A” (“Property”) in the staff report dated September 8, 2016 is no longer required for highway purposes pursuant to Streets and Highways Code section 960.
- b. APPROVE the conveyance of the Property to the below Grantee by the Purchase and Sale Agreement and Quitclaim Deed substantially in the form attached to the staff report and listed below:

<u>Grantee</u>	<u>Documents</u>	<u>Sales Price</u>
Richland Planned Communities	Purchase and Sale Agreement Quitclaim Deed	\$50,000.00

- c. AUTHORIZE the Secretary to the Authority, or designee, to make non-substantive changes, as may be required, to the Purchase and Sale Agreement, and, if negotiations with Richland Planned Communities are successful, to EXECUTE said Purchase and Sale Agreement on behalf of the Authority. Should any substantive changes be required to the Agreement, it will be brought back to the Board for approval.

DETERMINATION ITEMS

- A. RECEIVE Status Report on Projects Associated with the Former SR4 Bypass

Program Manager Dennis advised that the Balfour Road Interchange Project was out to bid and bid opening would be September 26; the work was expected to involve two construction seasons from start to finish.

With respect to the timing of the Mokelumne Trail Overcrossing project, Mr. Dennis explained that the Board had always been committed to the completion of that project

given its importance to East County, and it had always been a timing and prioritization issue. As to funding for the project, he noted that if the new Contra Costa Transportation Authority (CCTA) tax measure passed, the project could move forward on a more accelerated basis. If the measure did not pass, he estimated the project could be constructed in the next four to six years unless the Board changed the current project priorities.

Mr. Dennis added that the Joint Exercise of Powers Authority (JEPA) had established a prioritization list which had been reflected in the ECCRFFA Strategic Plan. Any change to the established priorities would require a full complement of the Board and a unanimous vote. He indicated that the next priority to the current list could be the Mokelumne Trail Overcrossing Project, which was at the 65 percent design stage.

BOARDMEMBER COMMENTS

There were no comments.

ADJOURNMENT

Chair Hardcastle adjourned the State Route 4 Bypass Authority meeting at 6:44 P.M. to the next meeting scheduled for Thursday, October 13, 2016.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk

**STATE ROUTE 4
BYPASS AUTHORITY**

DATE: January 12, 2017

TO: Board of Directors
FROM: Dale Dennis, Program Manager 
SUBJECT: Accept Audit Report for Fiscal Year 2015/16

Recommendation: **ACCEPT** Audit Report prepared by Wallace Rowe and Associates, Certified Public Accountants, for the Fiscal Year ending June 30, 2016. *(Copies sent to Board Members under separate cover. Copies available to public upon request.)*

Discussion:

An audit for the 2015/16 Fiscal Year has been performed on the finances of the Authority as required by the Joint Exercise of Powers Agreement. The report of the independent auditor, Wallace Rowe and Associates, Certified Public Accountants, has no recommendations for changes or improvements.

DD:nw:
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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