



# Joint Exercise of Powers Agency

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

## Board of Directors

Tuesday, July 16, 2013

5:10 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 the June 13, 2013 Board meeting.
  - B. **APPROVE** the First Amendment to the Cooperative Agreement between the Authority, the State of California, and the Contra Costa Transportation Authority for the Sand Creek Road Interchange and Four-Lane Widening Project on the former SR4 Bypass (District Agreement No. 4-2266), which Amendment revises the project funding for design (PS&E) and construction; and **AUTHORIZE** the Chair to sign the Amendment on behalf of the Authority, substantially in the form attached to the staff report.
4. Determination Items
  - A. **RECEIVE** status report on the projects on the former SR4 Bypass.
5. Boardmember Comments
6. Correspondence
7. Adjournment

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) 313-2275.

"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:  
Mary N Piepho, Chair  
Wade Harper, Vice Chair  
Robert Taylor  
Kevin Romick

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**

JOINT EXERCISE OF POWERS AGENCY

June 13, 2013

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 Piepho at 6:48 P.M.

**ROLL CALL**

PRESENT: Kevin Romick (Oakley), Robert (Bob) Taylor (Brentwood), and Chair Mary N. Piepho (Contra Costa County)

ABSENT: Wade Harper (Antioch)

STAFF: Dale Dennis, Project Manager  
David Schmidt, Legal Counsel

**PUBLIC COMMENT**

There were no comments from the public.

**CONSENT ITEMS**

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

- A. APPROVED minutes of the May 9, 2013 Board meeting.
- B. APPROVED the Revised End of Year FY 2012/13 Work Plan and Budget.
- C. APPROVED the FY 2013/14 Work Plan and Budget.
- D. APPROVED amendment to the Consulting Services Agreement with Geocon Consultants, Inc. (no payment limit increase) to extend the term to June 30, 2013; and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority.
- E. APPROVED a \$7,500 amendment to the Agreement with Anita Tucci-Smith (revised payment limit of \$45,000) for minute-taking services to extend the term to June 30, 2015; and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority.

- F. APPROVED a \$2,000 amendment to the Consulting Services Agreement with Wood Biological Consulting, Inc. (revised payment limit of \$36,500) to assist staff to complete environmental permit conditions for Segment 1 of the former SR4 Bypass and extend the term to December 31, 2013; and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority.
- G. APPROVED a \$5,700 amendment to the Consulting Services Agreement with Wood Biological Consulting, Inc. (revised payment limit of \$45,800) for environmental services in Segment 3 of the former SR4 Bypass to extend the term to December 31, 2013; and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority.

### **DETERMINATION ITEMS**

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

Dale Dennis, Project Manager, reported that: (1) the design of the Balfour Road Interchange project was moving forward on schedule to be able to look at the funding as part of the Strategic Plan update; (2) the amendment for the Sand Creek Road Interchange project had been approved last month and the project was moving forward on design with respect to the second bridge and the roadway, and funding hopefully would be able to be secured in the Strategic Plan update; and (3) the SR4/SR160 Connector Ramps project was moving forward on design and the Contra Costa Transportation Authority (CCTA) advised that it should be ready to advertise for construction in the fall.

Mr. Dennis referred to the question raised last month with respect to California Highway Patrol (CHP) officers on duty on the former Bypass and reported that Ross Chittenden of the CCTA had checked into that situation and had found that the message board was providing misinformation. The intent was for the CHP to be present during construction for construction safety and the message board would have to be changed accordingly. He suggested the message board might be removed or the message changed until the CHP was on site for safety purposes.

Director Taylor explained that he had also spoken with Mr. Chittenden about additional CHP presence.

Chair Piepho reported that she too had spoken with Mr. Chittenden and had also requested additional CHP presence.

When asked about the bridge, Mr. Dennis explained that traffic would be moved over in the July/August timeframe.

Director Piepho urged care with the scheduling to avoid moving traffic on the first day of the new school year.

**BOARDMEMBER COMMENTS**

There were no Boardmember comments.

**CORRESPONDENCE**

There was no correspondence.

**ADJOURNMENT**

Chair Piepho adjourned the meeting of the State Route 4 Bypass Authority at 6:55 P.M. to the next meeting scheduled for Thursday, July 11, 2013.

Respectfully submitted,

Anita L. Tucci-Smith  
Minutes Clerk

**STATE ROUTE 4  
BYPASS AUTHORITY**

**DATE:** July 16, 2013

**TO:** Board of Directors

**FROM:** Dale Dennis, Program Manager 

**SUBJECT:** Approve First Amendment Cooperative Agreement for the Sand Creek Interchange and SR4 Bypass Widening Project

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**Recommendation:** **APPROVE** the First Amendment to the Cooperative Agreement between the Authority, the State of California, and the Contra Costa Transportation Authority for the Sand Creek Road Interchange and Four-Lane Widening Project on the former SR4 Bypass (District Agreement No. 4-2266), which Amendment revises the project funding for design (PS&E) and construction, and **AUTHORIZE** the Chair to sign the Amendment on behalf of the Authority, substantially in the form attached to the staff report.

**Discussion**

The Cooperative Agreement outlines the roles and responsibilities of the Authority, the State, and CCTA under which the SR4 Bypass/Sand Creek Interchange and 4-lane widening project (north of Lone Tree Way to Sand Creek) will be designed, funded and constructed. In the original agreement, the Authority was responsible for funding the local share of the project for Plans, Specifications and Estimate (PS&E) in the amount of \$4.0 million. Funding for construction was provided using \$33.0 million in Corridor Mobility Improvement Account (CMIA) funding secured from the California Transportation Commission (CTC) and being administered through CCTA.

The proposed amendment updates the amount of funding budgeted for PS&E, i.e., an increase from 4.0 million to \$5.85 million. The \$5.85 million for PS&E has been and is funded as follows: 1) \$0.617 million in ECCRFFA funding (recently approved by the Board for the additional widening from Sand Creek to San Jose Avenue); and 2) \$5.233 million (funding previously expended for the original base design). Funding for Construction is adjusted by reducing the amount of CMIA funding from \$33.0 million to \$31.787 million (reflecting the bid savings), and adding new CCTA Local funding in the amount of \$5.135 million, thereby increasing the total cost for Construction from \$33.0 million to \$36.922 million.

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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

AMENDMENT NO. 1 TO AGREEMENT

THIS AMENDMENT NO. 1 TO AGREEMENT, ENTERED INTO EFFECTIVE ON \_\_\_\_\_, 20\_\_\_\_, is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as "STATE," the

STATE ROUTE 4 BYPASS AUTHORITY, a California Joint Powers Agency, referred to herein as "AUTHORITY,"

and

CONTRA COSTA TRANSPORTATION AUTHORITY, a public entity, referred to herein as "CCTA."

RECITALS

1. The parties hereto entered into a Cooperative Agreement (District Agreement No. 04-2266) on December 30, 2011, agreeing on the terms and conditions for cooperating on the Project Approval and Environmental Documentation (PA&ED), Plans, Specifications and Estimate (PS&E) and Construction components of the project for the SR4 Bypass widening from 2 lanes to 4 lanes from south of the Laurel Road Interchange in Antioch to Sand Creek Road in Brentwood and the Sand Creek Road Interchange, collectively referred to herein as "PROJECT."
2. The parties hereto now wish to enter into Amendment No. 1 to Agreement 04-2266 (District Agreement No. 04-2266-A1) to increase the amount of AUTHORITY's Local funding for PS&E by \$1,850,000, from \$4,000,000 to \$5,850,000, thereby increasing the total cost for PS&E from \$4,000,000 to \$5,850,000. Funding for Construction will also be adjusted by reducing the amount of CMIA funding from \$33,000,000 to \$31,787,000 reflecting the bid savings, and adding new CCTA Local funding in the amount of \$5,135,000, thereby increasing the total cost for Construction from \$33,000,000 to \$36,922,000. These funding amounts will be amended by revising Exhibit A, Funding Summary. The reason for the increase in PS&E funding is to update the funding amount that was identified in the original Agreement and also due to a change in the scope of the PROJECT.

IT IS THEREFORE MUTUALLY AGREED:

1. Exhibit A, Funding Summary, of the original Agreement is hereby replaced in its entirety by Exhibit A-1, Funding Summary attached to and made a part of this Amendment No. 1 to Agreement, and any reference to Exhibit A in the original Agreement is deemed to be a reference to Exhibit A-1.
2. All other terms and conditions of the original Agreement (District Agreement No. 04-2266) shall remain in full force and effect.
3. This Amendment No. 1 to Agreement is hereby deemed to be a part of the original Agreement (District Agreement No. 04-2266).

**SIGNATURES**

Parties declare that:

1. Each party is an authorized legal entity under California state law.
2. Each party has the authority to enter into this Agreement.
3. The people signing this Agreement have the authority to do so on behalf of their public agencies.

STATE OF CALIFORNIA  
Department of Transportation

By: \_\_\_\_\_  
Deputy District Director

Approved as to form and procedure:

\_\_\_\_\_  
Attorney  
Department of Transportation

Certified as to budgeting of funds:

\_\_\_\_\_  
District Budget Manager

Certified as to financial terms and conditions:

\_\_\_\_\_  
Accounting Administrator

STATE ROUTE 4 BYPASS AUTHORITY

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

Attest: Julie Bueren, Secretary

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

Approved as to form:  
Sharon L. Anderson  
County Counsel

By: \_\_\_\_\_  
David F. Schmidt  
Deputy County Counsel



CONTRA COSTA COUNTY  
TRANSPORTATION AUTHORITY

By: \_\_\_\_\_  
Janet Abelson  
Chair

Attest: \_\_\_\_\_  
Randell H. Iwasaki  
Executive Director

Approved as to form

By: \_\_\_\_\_  
Malathy Subramanian  
CCTA Counsel

**EXHIBIT A-1**

**FUNDING SUMMARY**

Funding Source	Funding Agency	Fund Type	PA&ED	PS&E	Construction Costs	Total Funds Type
LOCAL	AUTHORITY	Local	\$300,000	\$5,850,000	\$0	\$6,150,000
LOCAL	CCTA	Local	\$0	\$0	\$5,135,000	\$5,135,000
STATE	CCTA	Corridor Mobility Improvement Account (CMIA)	\$0	\$0	\$31,787,000	\$31,787,000
		Subtotals by Component	\$300,000	\$5,850,000	\$36,922,000	\$43,072,000