

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

A JOINT EXERCISE OF POWERS AGENCY

MINUTES
February 10, 2005

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 Brad Nix at 8:35 P.M.

ROLL CALL

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

ABSENT: None

STAFF: Dale Dennis, Project Manager

CLOSED SESSION

The Authority adjourned into Closed Session at 8:35 P.M. to consider the following:

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

State Route 4 Bypass Authority vs. Ruckstahl, LLC, Arcadia Development Co.,
Centre Pointe Associates, LP, City of Brentwood, Contra Costa County Superior
Court Case Number C01-02050.

Chair Nix reconvened the meeting at 8:52 P.M. and announced action taken in Closed Session by a unanimous vote for a settlement of \$4.3 million.

PUBLIC COMMENT

Bruce Ohlson, Pittsburg, reported that East County bicyclists were closely watching the Authority with respect to the bicycle/pedestrian overcrossing at the Mokelumne Aqueduct trail since the Authority had not taken action to fund the overcrossing. He stated that the Environmental Impact Report (EIR) required the overcrossing as a mitigation measure. The City of Brentwood had an agreement with the Authority to build the overcrossing within one year of the completion of the trail segments on either side of the Bypass. The Brentwood Parks and Recreation Department would be doing its part in that process in the near future.

Mr. Ohlson stated there was an opportunity for \$2 million from the Metropolitan Transportation Commission (MTC) for the project. He added that bicyclists expected the overcrossing to be constructed in a timely manner.

DETERMINATION ITEMS

A. APPROVE Minutes of January 13, 2005 Meeting

On motion by Donald Freitas, seconded by Mary Piepho, members of the Authority unanimously APPROVED the minutes of the January 13, 2005 meeting, as submitted.

B. APPROVE Relocation Assistance for Segment 1 Tenants on Delizia Ranch Property (Jacuzzi)

Program Manager Dale Dennis presented the recommendation to arrange for payments up to \$41,000 for relocation assistance costs for tenants on Delizia Ranch in Segment 1. Staff was working with relocation specialists in that regard. Since the Bypass would come close to the property and sever utilities to the home, including the leach field, making the house uninhabitable until after the Bypass had been constructed, the tenant would have to be relocated out of the home. The payments to do that would be up to but not exceed \$41,000.

On motion by Donald Freitas, seconded by Mary Piepho, members of the Authority unanimously AUTHORIZED the Secretary or designee to arrange for payment of up to \$41,000 in relocation assistance costs for tenants on the Delizia Ranch Property (Jacuzzi) in Segment 1.

C. APPROVE the Sixth Amendment to the Agreement for Real Property Services with Burchard and Rinehart in the Amount of \$60,000 and AUTHORIZE the Secretary or Designee to Sign it on Behalf of the Authority

Mr. Dennis referred to the Amendment to the Agreement for real property services with Burchard and Rinehart in the amount of \$60,000 to continue with the appraisals for acquisitions in Segments 1, 2 and 3. He stated that the acquisition process would be proceeding during the next eight to nine months.

An overall budget for work completed to date, including the summary of all contracts, including the appraisers, would be presented to the Authority next month. In order to continue the work, the amendment was required at this time.

On motion by Annette Beckstrand, seconded by Donald Freitas, members of the Authority unanimously APPROVED the Sixth Amendment to the Agreement for Real Property Services with Burchard and Rinehart in the amount of \$60,000 and AUTHORIZED the Secretary or designee to sign it on behalf of the Authority.

- D. APPROVE Proposal and Labor Estimate from Contra Costa County Public Works Department, Engineering Design Division, in the Amount of \$550,000 to Perform Final Design Engineering Services Related to Advertisement of Segment 3 and Related Items as well as Provide Support to Authority Staff on Utility, Transfer and Relinquishment Issues and Additional Services on a Time and Materials Basis, and AUTHORIZE the Secretary or Designee to Arrange for Payment

Mr. Dennis referred to a budget increase for the final design and engineering work being performed by County Public Works Department. The County had been doing the final design work for Segment 3 over the last two years and was in a position to submit 100 percent design plans to Caltrans at the end of the month. He wanted to see what had been accomplished to date and look forward to finalizing and getting the contract ready to advertise as to the work needed to continue. The County had included a letter offering several categories of work envisioned that could take place over the next several months. The approach would be to do the work on a time and materials (T&M) basis dependent upon the comments from Caltrans, the final set of plans and continued coordination with utility companies and developers.

Mr. Dennis stated that the County had done a great job moving the project forward with the design. He recommended the increase of the budget to \$550,000, to not exceed \$3.662 million.

Donald Freitas verified that even if the total was approved, on a T&M basis, the funds would be expended only as the need arose.

Mary Piepho stated that she had met with County Public Works staff and had been pleased with the work that the County had done.

Gary Huisingsh of the County Public Works Department, Design Division, referenced a budget of \$2.6 million in November 2003 to get to the point of submitting a 100 percent plans and specs package. He stated that County staff had worked long and hard to put together a good set of plans that would be submitted at the end of the month. That process was \$200,000 under budget and the design team was proud that the plans had been prepared very competitively with consultant design teams.

Mr. Dennis stated that the constructability review had been completed and also some value engineering. The engineering team would be doing some value engineering in the next couple of months that could save significant dollars with construction.

Donald Freitas verified that County staff would be involved with that discussion.

Annette Beckstrand commended County Design staff for speeding up, streamlining the process and addressing the concerns that had been of note in November 2003. She commended Mr. Huisingsh for his effectiveness in streamlining the project in a cost effective manner.

On motion by Donald Freitas, seconded by Annette Beckstrand, members of the Authority unanimously APPROVED Proposal and Labor Estimate from Contra Costa County Public Works Department, Engineering Design Division, in the amount of \$550,000 for a not-to-exceed amount of \$3,662,000, to perform final design engineering services related to advertisement of Segment 3 and related items as well as provide support to Authority staff on utility, transfer and relinquishment issues and additional services on a time and materials basis, and AUTHORIZED the Secretary or designee to arrange for payment.

- E. ACCEPT Status Report on the SR4 Bypass Project and the Laurel Road Extension Projects, Including Cooperative Agreement with Caltrans, and Provide Direction as Appropriate

Mr. Dennis reported that the design plans for Segment 1 Construction Package 2 and the Laurel Road Extension Projects were being finalized, with advertisement planned on February 25, 2005. A special meeting had been scheduled for February 24, 2005 at 6:30 P.M. to approve a Resolution of Necessity on three remaining parcels to allow Segment 1 to move forward.

One outstanding item was the Cooperative Agreement with Caltrans. Staff had been working with Caltrans to bring closure to the language in the Cooperative Agreement. A final draft was expected in the next week, which draft would be circulated to the local jurisdictions.

Mr. Dennis stated it would be critical to work with staff and legal counsel to pursue an expeditious review to ensure comfort with the language. The Cooperative Agreement would have to be executed prior to the opening of bids and the award of contract.

On motion by Mary Piepho, seconded by Annette Beckstrand, members of the Authority unanimously ACCEPTED status report on the SR4 Bypass Project and the Laurel Road Extension projects, including the Cooperative Agreement with Caltrans.

F. ACTION to:

- 1 APPROVE Relocation Agreement Between the Authority and the Bureau of Reclamation for the Relocation of a Section of Lateral 7.3 of the Unit 7.3.1 Lateral Distribution System in Segment 1.
- 2 APPROVE the Issuance of a Contract Change Order with Bay Cities for the Construction of Lateral 7.3 in the Estimated Amount of \$150,000
- 3 AUTHORIZE the Program Manager to Execute an Amendment to the Cost Reimbursement Agreement Between the Authority and the Contra Costa Water District (CCWD) for Material Costs Related to the Construction of Lateral 7.3 Pipeline in the Amount of \$150,000
- 4 AUTHORIZE the Secretary or Designee to Sign the Above Documents on Behalf of the Authority

Mr. Dennis presented the approval of the relocation agreement with the US Bureau of Reclamation which owned an irrigation line in Segment 1 by the Duc Housing and Morimoto property. He stated it was critical to move the line in winter or early spring. He wanted to finalize a design to move forward. He recommended the approval of a contract change order with Bay Cities to allow that work to proceed. He added that the CCWD had gone through a value engineering process. Through some value engineering they were able to modify the design and reduce the cost of the project by \$200,000. He described that as a very cooperative effort between the two agencies and noted it was a critical element to be relocated due to the age and location of the pipe.

Mr. Dennis recommended the approval of the relocation agreement, the issuance of a contract change order, the cost reimbursement agreement and the signing of both documents. With respect to the relocation agreement itself, he stated that there were two or three comments which had been agreed to by US Bureau of Reclamation which was in full agreement with the relocation agreement that had been included in the Board packet.

On motion by Annette Beckstrand, seconded by Donald Freitas, members of the Authority unanimously took the following actions:

1. APPROVED Relocation Agreement Between the Authority and the Bureau of Reclamation for the Relocation of a Section of Lateral 7.3 of the Unit 7.3.1 Lateral Distribution System in Segment 1.

2. APPROVED the Issuance of a Contract Change Order with Bay Cities for the Construction of Lateral 7.3 in the Estimated Amount of \$150,000
 3. AUTHORIZED the Program Manager to Execute an Amendment to the Cost Reimbursement Agreement between the Authority and the Contra Costa Water District (CCWD) for Material Costs Related to the Construction of Lateral 7.3 Pipeline in the Amount of \$150,000
 4. AUTHORIZED the Secretary or Designee to Sign the Above Documents on Behalf of the Authority
- G. APPROVE Service/Relocation Agreement with the Contra Costa Water District (CCWD) in the Estimated Amount of \$795,000 for the Construction of a Concrete Box Culvert at the Contra Costa Canal Impacted by the Laurel Road Extension Project, and AUTHORIZE the Secretary or the Program Manager to Sign it on Behalf of the Authority

Mr. Dennis reported that staff was moving forward with a box culvert at the Contra Costa Canal, similar to what had been performed for the SR4 Bypass project, with similar costs. He recommended the approval of the agreement.

On motion by Donald Freitas, seconded by Annette Beckstrand, members of the Authority unanimously APPROVED Service/Relocation Agreement with the Contra Costa Water District in the amount of \$795,000 for the construction of a concrete box culvert at the Contra Costa Canal impacted by the Laurel Road Extension Project, and AUTHORIZED the Secretary or the Program Manager to sign it on behalf of the Authority.

- H. APPROVE Utility Agreements with Pacific Gas and Electric Company in the Amount of \$109,250 for the Design and Relocation of Their Above and Below Ground Electric Facilities in Segment 1, and AUTHORIZE the Secretary or Designee to Sign it on Behalf of the Authority

Mr. Dennis sought the approval of utility agreements with PG&E, involving four separate agreements, for facilities located in the area of the Bypass, to take place over the next few months. He recommended approval of the agreements.

Donald Freitas noted that PG&E had an ability to not adhere to prescribed time schedules. He questioned whether or not the agreement was sound in that regard. He did not want to see any delays as a result of PG&E's lack of adherence to the time schedule.

Mr. Dennis stated that there was a good relationship with PG&E and some of the work had already taken place without the agreement being in place.

Mr. Dennis otherwise agreed with the concerns and noted that the issue of greatest concern with the design was the joint trench. He had stressed the coordination issue with the contractor and had emphasized the need for coordination in that regard. He stated that the Construction Management team had done a good job so far.

On motion by Donald Freitas, seconded by Mary Piepho, members of the Authority unanimously APPROVED Utility Agreement with Pacific Gas and Electric Company in the amount of \$109,250 for the design and relocation of their above and below ground electric facilities in Segment 1, and AUTHORIZED the Secretary or designee to sign it on behalf of the Authority.

- I. APPROVE an Agreement with Pacific Bell (SBC California) in the Estimated Amount of \$24,669.60 for Facility Relocation Work in Segment 1, and DIRECT the Secretary or Designee to Sign it on Behalf of the Authority

On motion by Donald Freitas, seconded by Annette Beckstrand, members of the Authority unanimously APPROVED an Agreement with Pacific Bell (SBC California) in the estimated amount of \$24,669.60 for facility relocation work on Lone Tree Way (Segment 1) and Laurel and Neroly Roads (Laurel Road Extension Project), and DIRECTED the Secretary or designee to sign it on behalf of the Authority.

- J. APPROVE Mid Year Adjustment to the 2004-05 Fiscal Year Budget

On motion by Annette Beckstrand, seconded by Mary Piepho, members of the Authority unanimously APPROVED the Mid Year Adjustment to the 2004-05 Work Plan and Budget.

- K. ACCEPT Audit Report Prepared by Wallace Rowe and Associates, Certified Public Accountants, for the Fiscal Year Ending June 30, 2004.

Mr. Dennis stated that the audit had been completed with no findings and that the record would reflect the clean audit. He commended Carol Reynolds as the staff doing a good job for the Authority.

On motion by Annette Beckstrand, seconded by Mary Piepho, members of the Authority unanimously ACCEPTED the clean Audit Report prepared by Wallace Rowe and Associates, Certified Public Accountants, for the Fiscal Year ending June 30, 2004.

CORRESPONDENCE

There was no correspondence beyond what had been included in the Board packets.

PUBLIC COMMENTS

There were no comments from the public.

ADJOURNMENT

With no further business to come before the State Route 4 Bypass Authority, Chair Nix adjourned the meeting at 9:17 P.M. to the next meeting scheduled for March 10, 2005.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk