

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

**A JOINT EXERCISE OF POWERS AGENCY**

**MINUTES**  
March 8, 2007

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 9:47 P.M.

**ROLL CALL**

**PRESENT:** Brad Nix (Oakley), Bob Taylor (Brentwood), and Chair Donald Freitas (Antioch)

**ABSENT:** Mary N. Piepho (Contra Costa County)

**STAFF:** Dale Dennis, Program Manager

**CLOSED SESSION**

Chair Freitas adjourned into Closed Session at 9:47 P.M.

**Conference with Legal Counsel – Existing Litigation (Government Code § 54956.9(a))**

1. *State Route 4 Bypass Authority vs. Anthony Marian Massoni, Trustee, et al., Contra Costa County Superior Court No. C05-01745*
2. *State Route 4 Bypass Authority vs. Dianne Simoni, Trustee, et al., Contra Costa County Superior Court No. C05-01769*
3. *State Route 4 Bypass Authority vs. Immanuel Baptist Church of Antioch, et al., Contra Costa County Superior Court No. C06-00002*
4. *State Route 4 Bypass Authority vs. H. John Bloomfield, Trustee, et al., Contra Costa County Superior Court No. C05-02371*

Chair Freitas reconvened at 10:22 P.M. and advised that there was no reportable action from the Closed Session.

**PUBLIC COMMENT**

There was no public comment.

**CONSENT ITEMS**

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

LIAZ

State Route 4 Bypass Authority Minutes  
March 8, 2007  
Page 2

A. APPROVED minutes of February 8, 2007 meeting

B. THE BOARD TOOK THE FOLLOWING ACTIONS:

1. APPROVED the Right of Way Contracts and ACCEPTED the Grant Deeds and Grant of Easements listed below:

<u>Grantors</u>	<u>Document</u>	<u>Date</u>	<u>Payee</u>	<u>Amount</u>
Doris May Polari, Trustee Patricia Ann Hoffner and Frank Joseph Polari, Jr., Trustees Loretta Oliveri and Christine Oliveri, Co-Trustees	59663/ 59664	03-07	Placer Title Co. Escrow #615-7881/8016 981 N. Broadway #100 Walnut Creek, CA 94596	\$207,000

- a. AUTHORIZED the Secretary or designee to execute said Right of Way Contracts on behalf of the State Route 4 Bypass Authority.
- b. APPROVED payments as listed above for said property rights and AUTHORIZED the Auditor-Controller to issue checks in said amount payable to listed payees, to be forwarded to the Real Property Division for delivery.
- c. DIRECTED the Real Property Division of Contra Costa County to deliver the above-referenced Grant Deeds and Grant of Easements delivered to Placer Title Company for recording in the office of the Contra Costa County Recorder.

C. REQUEST Contra Costa County to notify property owner(s) to install improvements previously deferred under Deferred Improvement Agreement(s) for State Route 4 Bypass project, and DIRECT staff to take other appropriate action.  
**[REMOVED FOR DISCUSSION]**

D. APPROVED the 2006-07 Mid-Year Work Plan and Budget.

E. APPROVED Contract Change Order No's. 38S1, 69, and 70, with De Silva Gates Construction/FCI Constructors JV, for an estimated cost increase of \$467,400 for Segment 1, Package 2, and AUTHORIZED the Secretary or designee to sign the change orders; and APPROVED an increase of \$1,013,351 in contingency funds to cover change order work and costs for the Bid Schedule C portion of the contract (Contra Costa County Flood Control and Water Conservation District work) and underground work at Jeffrey Way reimbursed by Ronald Nunn per an earlier agreement.

- F. APPROVED Consulting Services Agreement amendment with Parsons Brinckerhoff (PB) in the amount of \$50,000 for a not-to-exceed contract amount of \$3,833,310 for on-call biological monitoring services related to burrowing owls during the construction of Segment 3 as directed by Authority staff, and AUTHORIZED the Secretary or designee to sign the amendment.

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

- C. REQUEST Contra Costa County to notify property owner(s) to install improvements previously deferred under Deferred Improvement Agreement(s) for State Route 4 Bypass project, and DIRECT staff to take other appropriate action.

Program Manager Dale Dennis stated that the item had recently been brought to staff's attention by Contra Costa County staff that there were deferred improvement agreements on properties within the SR4 Bypass on Marsh Creek Road. He recommended that the Board direct the County to call up the Deferred Improvement Agreement to allow the property owner to either install improvements or provide funding to install improvements.

Legal Counsel David Schmidt advised that there were two such Deferred Improvement Agreements, one in connection with the Bloomfield property and the other with the Pagenkopp property and the improvements were approximately \$294,000 in total. He recommended calling up those agreements and taking advantage of the obligations with those properties.

On motion by Director Nix, seconded by Director Taylor, members of the Authority unanimously REQUESTED that Contra Costa County call up the Deferred Improvement Agreements for State Route 4 Bypass project and DIRECTED staff to take other appropriate action.

**DETERMINATION ITEMS**

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

Mr. Dennis reported that staff continued to move forward on final acquisitions of a number of parcels. With respect to the other major issues such as the PG&E service points previously identified, he stated that staff had contacted Will Hardee of PG&E to get movement on the issue. A response was expected soon.

Mr. Dennis reported that Segment 3 was moving forward with final ROW acquisition.

State Route 4 Bypass Authority Minutes  
March 8, 2007  
Page 4

Mr. Dennis also referenced the other major issue brought to the Authority's attention last month with the concern over the burrowing owl. He reported some success moving the owls from the ROW and stated that the area had now been disked and the burrows were being hand collapsed to make sure there was no place for the owl to come back into the ROW and nest.

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 provided an updated aerial photo to the Board. He reported that \$6 million in construction had occurred between Segment 1 and Segment 3 last month. Segment 1 bridge work was ongoing as was joint trench work and electrical work and the median on Highway 4 near the Antioch bridge continued to be graded, the dirt from which was going to the Laurel Road Extension. Hauling in that case was to be completed next week. Jeffrey Way was nearly ready to pave with curb and gutter and base rock. The abutment for the Laurel Road overhead had also been completed. He added that the falsework over Neroly Road would be completed in a couple of weeks.

With respect to Laurel Road, Mr. Littell stated that once the dirt was in, it would slow down some with all the joint trench work and undergrounding all the poles in that area.

Speaking to Segment 3, Mr. Littell advised that paving had begun on the Marsh Creek Road section from Orchard to Walnut. He suggested that traffic would be switched to the new pavement and the north half of Marsh Creek Road would be started in two weeks. He commented that the work had been accelerated to beat the U-Pick season. With no rain, the May 1 date should be met.

Mr. Littell also stated for Segment 3 that grading was being done between Balfour Road and Fairview Avenue. Temporary signals were operating at Walnut Boulevard and Orchard Road. The Fairview bridge was going well, the falsework was being erected for the Fairview undercrossing, and lots of drainage work was ongoing along with utility work along Marsh Creek Road with AT&T, PG&E and other relocations.

Mr. Littell reported that Segment 1 was 66 percent complete and 55 percent on time. He noted that the contractual completion date for Segment 1 was the end of December 2007. The contractor was making great progress and he suggested that the main line of the Bypass could be ready to open in September or October. He added that the Laurel Road Extension would be beyond that timeline.

Mr. Dennis noted the possibility that if the contractor was willing to work with them there could be an opportunity to open the main line and keep Laurel Road closed.

State Route 4 Bypass Authority Minutes  
March 8, 2007  
Page 5

Discussions were ongoing with the contractor to see if that could occur.

A Board tour of Segment 1 and Segment 3 was recommended.

**BOARDMEMBER COMMENTS**

There were no Boardmember comments.

**CORRESPONDENCE**

- A. E-mail from [Mail@eastcountyyouropinioncounts.com](mailto:Mail@eastcountyyouropinioncounts.com).
- B. Letter from Carol A. Jensen from the John Marsh Historic Trust, Inc.

When asked how the John Marsh Historic Trust issue was being addressed, Mr. Dennis advised that Director Taylor, who had replaced Annette Beckstrand who had worked on that issue, would have to be brought into the process to name the road.

**ADJOURNMENT**

With no further business to come before the State Route 4 Bypass Authority, Chair Freitas adjourned the meeting at 10:38 P.M. to the next meeting scheduled for April 12, 2007.

Respectfully submitted,

Anita L. Tucci-Smith  
Minutes Clerk