

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

A JOINT EXERCISE OF POWERS AGENCY

MINUTES
April 14, 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 7:12 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, Program Manager

PUBLIC COMMENT

There were no comments from the public.

DETERMINATION ITEMS

A. APPROVE Minutes of March 10, 2005 Meeting.

On motion by Donald Freitas, seconded by Annette Beckstrand, members of the Authority APPROVED the minutes of the March 10, 2005 meeting, as submitted with Mary Piepho's abstention due to absence.

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

Project Manager Dale Dennis reported that staff continued to move forward with utility relocations and right-of-way acquisitions for Segment 3. The work was on schedule. He advised that April 28 and June 23 would be designated special Board meetings to allow consideration of special Resolutions of Necessity for Segment 3 of the Bypass.

Donald Freitas reported that April 28 had also been designated as the next meeting of the Urban Limit Line (ULL) Task Force at the Embassy Suites in Walnut Creek, which would conflict with the State Route 4 Bypass Authority meeting scheduled for that date.

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After discussion, the special meeting originally proposed for April 28 was rescheduled tentatively to Tuesday, May 3, 2005 at 7:00 P.M. in the Tri-Delta Transit Board Room.

Annette Beckstrand advised that she would not be available for the June 23 meeting. That special meeting was tentatively rescheduled to Thursday, June 30, 2005 at 7:00 P.M. in the Tri-Delta Transit Board Room.

Mr. Dennis added that Segment 3 activities continued, including working with JMMC regarding the acquisition at the corner of Concord Avenue and Balfour Road and working with City of Brentwood staff to include the Marsh Creek Trail portion of the Segment 3 Bypass into the project, to be constructed simultaneously with the Bypass. Regarding the development of the Vineyards adjacent to the Bypass on Fairview Avenue, he reported that a cost sharing agreement was being prepared for some of the improvements required as part of the Bypass and as part of that development.

Mr. Dennis further advised that the bid opening for Segment 1 Laurel Road Extension had been scheduled for May 3, to be submitted to the Board on May 12 for approval. A Cooperative Agreement with Caltrans would need to be executed prior to the award of contract.

Noting two issues that would have to be addressed, Mr. Dennis identified one related to the relinquishment component of the agreement to make sure that the agreement provided a process for establishing what the relinquishment would be for the cities of Oakley and Brentwood, and the County. He had been working with local staff and with Caltrans on a relinquishment process.

Mr. Dennis explained that the other issue was that Caltrans had included in the agreement a stipulation that before the Bypass was adopted, the Bypass would need to meet the then current Caltrans standards, which could be problematic since design changes and associated costs could not be identified at this time. He stated that staff had worked with Caltrans District staff to ensure that everyone was working today with what everyone knew today, which should be the project that Caltrans would be willing to accept. He explained that issue was being addressed through Caltrans.

Annette Beckstrand questioned whether or not Caltrans was bringing the current Highway 4 up to its standards before relinquishing it to the cities.

Mr. Dennis noted that Caltrans had indicated that it would do what it could, which would be negotiated, but it was not likely that the roadway would be brought up to all current standards.

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Annette Beckstrand emphasized her concern for Caltrans' double standard.

Mr. Dennis clarified that Bypass Authority staff had been negotiating with City staff and had been meeting with Caltrans. Mark Thomas had been working with the cities and had done an evaluation of the existing SR4, which had been presented to the State to identify the areas that would need to be improved to bring it up to Caltrans standards. That evaluation was currently being reviewed by Caltrans.

Donald Freitas questioned whether or not that situation was a real issue. He did not want to spend 90 percent of the time on 10 percent of the project. He encouraged Mr. Dennis and the applicable attorneys to include language in the agreement to ensure that the project would be able to move forward while protecting the cities own interests. He emphasized the importance of maintaining the opportunities for reasonable negotiations. He did not want Caltrans to be able to unduly withhold its approval process.

Brad Nix commented that the City of Oakley had considerable funds at stake in bringing Highway 4 up to speed. He did not want to allow Caltrans to jeopardize the process and withhold its approvals.

Annette Beckstrand raised the question of liability with respect to an unsafe roadway and allowing development outside of incorporated areas which could mean that the road would remain unsafe given Caltrans' current negotiations.

Mr. Dennis stated that the local jurisdictions and Caltrans would identify the cost to relinquish or to repair. Through the preparation of a transfer and relinquishment report all the improvements that would need to be made would have to be identified before the project could be constructed and transferred. Each city would enter into a separate relinquishment with the State.

Mr. Freitas understood that could be a two to a two and a half year process. He noted that each city would negotiate with Caltrans.

Mr. Dennis stated that staff would continue to work on the language in the agreement. With respect to encroachment and design exceptions, staff would work on language that Caltrans would not withhold reasonable approval of those things through the adoption process.

Brad Nix wanted staff to work as hard as possible to allow the Bypass to be accepted as is, particularly since it was being constructed to Caltrans standards.

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Mr. Dennis also reported that staff was moving forward with utility relocations and right of way acquisitions for the Laurel Road Extension Project and working with the Contra Costa County Flood Control & Water Conservation District on improvements adjacent to Segment 1, and possibly working out an approach to include Flood Control District work with the Bypass work to obtain economies of scale.

Mary Piepho questioned whether or not County Counsel should assist in the preparation of language in that agreement, to which Mr. Dennis advised that County Counsel was working with the Bypass Authority in preparing that agreement.

- C. ACCEPT Status Report and APPROVE Contract Change Order Nos. 15 and 24 with Bay Cities Paving and Grading, Inc., for a net cost reduction of \$38,480.91 for Segment 1, Construction Package 1, and AUTHORIZE the Secretary or Designee to Sign Them on Behalf of the Authority

Construction Manager Bart Littell presented construction photos to identify the work currently being undertaken. He reported that in the last month two major items were being constructed; the storm drains in the interchange area which were complete, and the bridge work which was proceeding well. Over the next month, construction of the bridge would continue and base rock for the roadway would be placed. The project was 45 percent complete with a 35 percent time lapse. The project was also under budget at this point.

Mr. Littell also described the work being done to eliminate some of the construction requirements resulting in a \$60,000 credit. He added that work and coordination with the Contra Costa Water District (CCWD) was going well. With respect to the squirrel control program, the work was going well and no burrowing owls had been observed.

On motion by Donald Freitas, seconded by Annette Beckstrand, members of the Authority unanimously ACCEPTED status report and APPROVED Contract Change Orders Nos. 15 and 24 with Bay Cities Paving and Grading, Inc. for a net cost reduction of \$38,480.91 for Segment 1, Construction Package 1, and AUTHORIZED the Secretary or designee to sign them on behalf of the Authority.

- D. APPROVE License Agreement Between the Authority and the Contra Costa Water District (CCWD) for a Temporary Road Crossing Over the Contra Costa Canal Necessary for the Construction of Segment 1 Construction Package 2, and AUTHORIZE the Secretary or Designee to Sign it on Behalf of the Authority

Mr. Dennis reported that the License Agreement with the CCWD for the temporary road crossing over the Contra Costa Canal would facilitate the contractor's operations for moving dirt from one side of the canal to the other. The agreement provided the criteria and the contractor authorization to use the box canal for a temporary roadway.

Mr. Dennis recommended approval of the License Agreement.

On motion by Annette Beckstrand, seconded by Mary Piepho, members of the Authority unanimously APPROVED License Agreement between the Authority and the Contra Costa Water District (CCWD) for a temporary road crossing over the Contra Costa Canal necessary for the construction of Segment 1 Construction Package 2, and AUTHORIZED the Secretary or designee to sign it on behalf of the Authority.

E. BOARD RECOMMENDED TO TAKE THE FOLLOWING ACTIONS:

1. APPROVE Right of Way Contract and ACCEPT Grant Deeds Listed Below:

<u>Grantors</u>	<u>Document</u>	<u>Date</u>	<u>Payee</u>	<u>Amount</u>
James G. and Renee D. Thorpe	59612	03-03-03	Placer Title Co. Escrow #615-7542 9181 N. Broadway #100 Walnut Creek, CA 94596	\$22,900

2. AUTHORIZE the Secretary or Designee to Sign Said Right of Way Contract.
3. APPROVE Payment as Listed Above for Said Property Rights and AUTHORIZE the Auditor-Controller to Issue a Check in Said Amount Payable to the Listed Payee, to be Forwarded to the Real Property Division for Delivery.
4. AUTHORIZE the Program Manager to DIRECT the Contra Costa County Real Property Division to Have the Above Referenced Grant Deed Delivered to Placer Title Company for Recording in the Office of the Contra Costa County Recorder.

Mr. Dennis recommended the approval of the Right of Way Contract, the acceptance of the Grant Deed, the authorization to sign the Right of Way Contract, the approval and authorization for payment and the authorization and direction to record the Grant Deed with the County Recorder.

There was no public comment.

On motion by Annette Beckstrand, seconded by Mary Piepho members of the Authority unanimously:

- A. APPROVED Right of Way Contract and ACCEPTED Grant Deed listed below:

<u>Grantors</u>	<u>Document</u>	<u>Date</u>	<u>Payee</u>	<u>Amount</u>
James G. and Renee D. Thorpe	59612	03-03-0-3	Placer Title Co. Escrow #615-7542 9181 N. Broadway #100 Walnut Creek, CA 94596	\$22,900

- B. AUTHORIZED the Secretary or designee to sign said Right of Way Contract.
- C. APPROVED payment as listed above for said property rights and AUTHORIZED the Auditor-Controller to issue a check in said amount payable to the listed payee, to be forwarded to the Real Property Division for delivery.
- D. AUTHORIZED the Program Manager to DIRECTED the Contra Costa County Real Property Division to have the above referenced Grant Deed delivered to Placer Title Company for recording in the office of the Contra Costa County Recorder.

F BOARD RECOMMENDED TO TAKE THE FOLLOWING ACTIONS:

- 1. APPROVE and ACCEPT the Right of Entry from Contra Costa County Flood Control & Water Conservation District (District)
- 2. AUTHORIZE the Secretary or Designee to Sign Said Right of Entry

Mr. Dennis explained that the request for Right of Entry approval from the Flood Control District for the Laurel Road Extension portion of the project would provide the Right of Entry early on to allow the contractor to do the work until the acquisition was complete. He requested approval and authorization as noted.

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

- A. APPROVED and ACCEPTED the Right of Entry from Contra Costa County Flood Control & Water Conservation District (District).
- B. AUTHORIZED the Secretary or designee to sign said Right of Entry.
- G. APPROVE Utility Agreements with Pacific Gas and Electric Company in the Amount of \$156,900 for the Design and Relocation of Their Above and Below Ground Electric Facilities in Segment 3, and AUTHORIZE the Secretary or Designee to Sign it on Behalf of the Authority

Mr. Dennis identified three agreements for utility relocation for Segment 3 involving a joint trench area along Balfour Road where an electrical facility and a gas pipeline were being relocated and the relocation of 2300 meters of overhead pole line along Marsh Creek Road. He recommended approval of the utility agreements, as presented.

On the question, Mr. Freitas noted that all cities had some problems with PG&E and their cooperation in some of the agreements, particularly with respect to timeliness of work. He questioned whether or not staff had worked through that process.

Mr. Dennis stated that staff was very conscious of working with PG&E and had success with the PG&E staff person involved in the process. While that staff person was being moved out of the area, he was hopeful that the soon-to-be-assigned replacement staff member would be just as easy to work with.

On motion by Mary Piepho, seconded by Donald Freitas members of the Authority unanimously APPROVED Utility Agreements with Pacific Gas and Electric Company in the amount of \$156,900 for the design and relocation of their above and below ground electric facilities in Segment 3, and AUTHORIZED the Secretary or designee to sign it on behalf of the Authority.

- H. APPROVE Consulting Services Agreement Amendment with Biggs Cardosa Associates (Biggs) in the Amount of \$8,500 for a Not to Exceed Amount of \$178,500 to Provide Additional Structural Design Services for Segment 3 Necessary to Address Changes in Caltrans Design Criteria for Sound Walls, and AUTHORIZE the Secretary or Designee to Sign it on Behalf of the Authority

Mr. Dennis referred to the request for a Consulting Services Agreement Amendment with Biggs Cardosa for structural design services for Segment 3 to address Caltrans changes in design criteria for sound walls.

Noting that Caltrans periodically changed its design standards, Mr. Dennis stated that as part of the completion of the 100 percent final plans, changes would have to be made to adhere to the design standards. He recommended approval of the amendment as presented.

On motion by Mary Piepho, seconded by Annette Beckstrand members of the Authority unanimously APPROVED Consulting Services Agreement Amendment with Biggs Cardosa Associates (Biggs) in the amount of \$8,500 for a not to exceed amount of \$178,500 to provide additional structural design services for Segment 3 necessary to address changes in Caltrans design criteria for sound walls, and AUTHORIZED the Secretary or designee to sign it on behalf of the Authority.

MEMBER COMMENTS

Annette Beckstrand thanked staff for keeping the construction and design process moving.

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 7:38 P.M. to the next meeting scheduled for May 12, 2005.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk