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

**A JOINT EXERCISE OF POWERS AGENCY**

**MINUTES  
May 8, 2008**

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 Bob Taylor at 6:56 P.M.

**ROLL CALL**

PRESENT: Donald Freitas (Antioch), Mary N. Piepho (Contra Costa County), and Chair Bob Taylor (Brentwood)

ABSENT: Brad Nix (Oakley)

STAFF: Dale Dennis, Program Manager

Chair Taylor adjourned into Closed Session at 6:56 P.M.

**CLOSED SESSION**

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

*State Route 4 Bypass Authority vs. Christina Nena Custodio, Trustee, et al, C.C.C. Superior Court No. C05-00373*

Chair Taylor reconvened into open session at 7:12 P.M. and advised that there was nothing to report from Closed Session.

**PUBLIC COMMENT**

There was no public comment.

**CONSENT ITEMS**

On motion by Director Freitas, seconded by Director Piepho, members of the Authority unanimously adopted the Consent Items, as follows:

- A. APPROVED the Revised 2007-08 Work Plan and Budget.

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- B APPROVED the 2008-09 Work Plan and Budget.
- C. APPROVED a \$64,313 amendment to the Consulting Services Agreement Amendment with Harris and Associates for a revised total amount of \$3,549,756 for construction management services for the Sand Creek Intersection Lowering Project and Segment 2 encroachment permits, and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority. The Sand Creek Intersection costs are funded with Measure J funds from CCTA.
- D. APPROVED a \$41,418 amendment to the Consulting Services Agreement with PB Americas, Inc. for a revised not-to-exceed total contract amount of \$4,483,780 to provide additional archaeological monitoring and reporting services required for the construction of the "west end" connection of Marsh Creek Road to Segment 3, and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority.
- E. APPROVAED the addition of Stephen Kowalewski as a designee for the Secretary of the State Route 4 Bypass Authority.
- F. APPROVED contract amendment with MCE Corporation in the amount of \$1,096.52 for a not-to-exceed contract amount of \$66,220.52 to cover labor and equipment costs to install a pressure reducer in the irrigation mainline of the Segment 3 mitigation planting irrigation system in Segment 3 and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority.

**DETERMINATION ITEMS**

- A RECEIVE Status Report on the Overall State Route 4 Bypass Projects and the Laurel Road Extension Projects

Program Manager Dale Dennis referred to the budget meeting in April when it had been recognized that there would be a \$2.5 million short term cash flow issue in the August/September timeframe. The direction from the Board at that time had been to remove the Rubberized Asphalt Concrete (RAC) from the current Segment 3 construction package with the installation of the RAC to occur next year. There was an estimated \$500,000 cost to delay the work. At this point in time, the Construction Manager had been directed to move in that direction. Staff had continued to work with the County to find additional revenue potential, either a source to be used as a backup or a loan to be used to keep the RAC in the current contract.

Mr. Dennis added that revenues were being tracked to ensure that the \$2.5 million shortfall did not increase. He explained that as long as they were continuing to get revenues projected by the local jurisdictions, the delay of the RAC would allow the Authority to maintain a positive cash balance.

Mr. Dennis also explained whether that shortfall would increase or decrease would depend on the cash flow and expenditures. Revenues were tracked each month to see how the cash flow was working. Given the good revenues in April, if revenues of \$500,000/month were received over the next four months and if expenditures were accurate, he suggested that the shortfall would be addressed.

For Segment 1, Mr. Dennis reported that right-of-way (ROW) negotiations were continuing. One parcel was still going through condemnation. The other parcel that had not been paid for was with the Contra Costa County Flood Control District (CCCFCD), which had a lease with payment due November 30, 2009. The Laurel Road Extension was essentially complete and punch list items were being addressed.

Mr. Dennis reported that Segment 3 and the Sand Creek Road Stage 1 Phase 1 was continuing. He stated that 65 percent plans had been submitted to Caltrans for Phase 2 and comments were expected soon. The design was on schedule. The Sand Creek Interchange ROW acquisition was moving forward. The widening was in a similar status, where 65 percent plans had been submitted to Caltrans for review, moving forward for ROW acquisition as well. Segment 3 ROW was essentially complete, with construction underway.

Director Freitas referred to the Harris and Associates contract and the savings that had been anticipated. He asked if there had actually been a cost savings.

Mr. Dennis described the Harris and Associates contract with Mark Thomas & Company support and the construction contract, with a total cost of \$3.8 million. He reported that the project had been completed under budget by approximately \$700,000, which would be available to move to the Sand Creek Interchange project.

Director Freitas requested information on the total cost savings overall for the project with change orders and the originally expected construction cost with the construction management and change orders versus what had really occurred.

In response to the Chair as to the cost of removing the RAC from the contract, to be replaced at a later date, Mr. Dennis reiterated that the direction to staff was to remove it and if there was a loan with the County of \$2.5 million the contractor could possibly finish the work this year. At some point in time he stated it would become problematic because of the additional cost of moving the work back in to the existing contract. He added that staff was working with County staff and County staff had identified a source where funds might be available for borrowing (Iron Horse Trust Account). If borrowing the \$2.5 million and paying the same interest as the trust account, the fund would be held whole and the funds could be borrowed for 6 to 7 months or until they could be paid back.

Chair Taylor asked staff to keep the Board informed. He expressed concern for borrowing more money and wanted to ensure that the funds could be paid back.

Mr. Dennis stated that the current projections showed that such a loan could be paid back in six months.

Chair Taylor asked staff to conservatively consider a potential one year payback. He supported a conservative approach.

Director Piepho noted that Mr. Dennis had been working with the Public Works Director given County staff's concern for the installation of the RAC. Mr. Dennis and staff were working to consider funding opportunities so that the project could remain intact. She stated that Mr. Dennis had met with others as well.

Director Freitas suggested that the Authority had absorbed an enormous amount of risk and some were very reluctant that would be the direction to go. The more information related to revenue generation and containment of costs the better. He added that ultimately the issue was how much risk they wanted to take. He would be willing to consider a special meeting, if necessary. He supported a comprehensive discussion.

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 construction photos and reported with respect to Segment 3 that the focus of the work had been on Marsh Creek Road, working on a change order to do the west tie in on Marsh Creek Road. He described that work as challenging, although it had been done and was open today. He added that Orchard Lane was no longer a through road. It would be permanently cul-de-saced.

For Marsh Creek to Sellers, Mr. Littell reported that the work was being completed in two phases. Traffic had been switched this week with the next phase in process. There was also a large storm drain pipe that needed to be bored under Byron Highway. Excavation had commenced for that work which would be done over the next few weeks. He advised that the one-way detour would still be in place during the U-Pick season to the mid or end of June. He advised that the work was 74 percent complete, 80 percent on time. He added that \$1.2 million of work had been done this month. The current completion for the entire project was expected in the August/September timeframe.

Mr. Littell acknowledged, when asked, that the cherry picks had started this week. He presented a report of the traffic flow during the U-Pick season. Working with the contractor, Marsh Creek Road down to Hoffmann Lane had been opened. He noted that four U-Picks would be impacted. Two were on Hoffmann Lane. By opening up Marsh Creek Road to Hoffmann Lane there would be some relief for two of the U-Picks although the Marsh Creek Road U-Picks would be impacted.

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Director Piepho noted that Hoffmann Lane was a rural road.

Mr. Littell clarified that signs had identified that Hoffman Lane was open to local traffic and signs also identifying the U-Picks would be installed. There would also be signs for the Marsh Creek Road U-Picks. A sign would be placed on Sellers Avenue to identify the direction for the U-Picks. He added that Marsh Creek Road was open to the entire area and Orchard Lane was closed. The U-Pick on Orchard Lane would be accessed from Concord Avenue. A changeable message sign would be placed at Marsh Creek and Sellers to identify the U-Pick detour with another to indicate that the Marsh Creek Road U-Picks were open during construction.

Director Piepho urged consideration of simple, easy to read signs.

Mr. Littell explained that during the Memorial Day weekend staff would be on site. He stated that the changeable message signs would be placed tomorrow and the stationery signs with *Local Traffic* and *U-Pick* would be placed in the next few days.

In response to Director Piepho, Mr. Dennis stated that the press release for the U-Picks would be distributed tomorrow.

#### **BOARDMEMBER COMMENTS**

There were no comments.

#### **CORRESPONDENCE**

There was no correspondence.

#### **ADJOURNMENT**

With no further business to come before the State Route 4 Bypass Authority, Chair Taylor adjourned the meeting at 7:43 P.M. to the next meeting scheduled for June 12, 2008.

Respectfully submitted,

Anita L. Tucci-Smith  
Minutes Clerk