

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

A JOINT EXERCISE OF POWERS AGENCY

MINUTES
October 5, 2002

The STATE ROUTE 4 BYPASS AUTHORITY meeting was called to order at the Antioch Senior Center, 415 West 2nd Street, Antioch California, by Chair Federal Glover at 12:07 P.M.

ROLL CALL

PRESENT: Nobel Elcenko (Contra Costa Water District, ex-officio), Donald Freitas (Antioch), Brad Nix (Oakley), and Chair Federal Glover (Contra Costa County)

ABSENT: Wade Gomes (Brentwood)

STAFF: Lowell Tunison, Supervising Civil Engineer/Project Manager

DETERMINATION ITEMS

A. APPROVE Minutes of the September 14, 2002 Meeting

On motion by Brad Nix, seconded by Donald Freitas, members of the Authority unanimously APPROVED the minutes from the September 14, 2002 meeting, as submitted.

B. ACCEPT Report from Project Manager on Design Alternatives for the Lone Tree Way Interchange, and CONSIDER Public Comments and CONTINUE to Closed Session with Counsel.

Supervising Civil Engineer Lowell Tunison reported that a draft report on the design alternatives for the Lone Tree Way Interchange had been sent to the Authority and had also been circulated to the cities of Antioch and Brentwood, as well as to interested parties and property owners in the adjacent area. At this point, there had been no official comment from Antioch or Brentwood and the report remained a draft.

Rather than take action at this time, Mr. Tunison recommended that the Authority take public testimony. He reported that Mark Thomas Associates was represented and a presentation could be made if desired by the Authority.

Mr. Tunison otherwise recommended that staff be directed to work with interested parties to work through the technical issues that had been raised in the report to consider a recommendation that would cover all of the pros and cons of the matter, after which a meeting would be scheduled prior to the next meeting in Closed Session with Legal Counsel to address issues related to eminent domain action in the immediately affected area.

Federal Glover verified with Mr. Tunison that the Closed Session would take place prior to the next meeting.

PUBLIC COMMENTS:

Buzz Walker expressed concern with the details of the report and suggested that the report favored the party commissioning the report. He questioned the numbers in the traffic count given that the numbers differed from what he and the City of Antioch had determined. He also opposed the taking of some of his ten acre property, now reduced to eight acres, and expressed his distress with the subject proposal that he characterized as an engineering nightmare in trying to keep Jeffery Way open.

Mr. Walker strongly supported the retention of Jeffery Way, suggested that all the issues had not been explored, and noted that one idea had been proposed while there were others that should have been considered. He described how the original proposal had been changed by Caltrans and he expressed his serious concerns for the consequences.

Mr. Walker stated that he would reluctantly pay for his own study, if he had to, to pursue an appropriate report. He understood that there was a lawsuit involved, he did not have all the details of the lawsuit, but he sought all the public information available on that lawsuit affecting the access to Jeffery Way.

Federal Glover expressed a desire for the affected cities and the County to meet to review the issues and to allow the affected property owners an opportunity to present their case, as well as for the technical staff to review the issue and come to some resolution. He suggested that as an action for the Authority to consider.

Mr. Walker explained that from the outset, the other affected property owners had not been directly involved in the process, although he had since engaged others in the situation because of the numbers of property owners involved. He described the history of the situation where other adjacent property owners had been unaware of the situation and where some property owners had purchased some of the affected properties without being made aware of the situation.

Mr. Walker suggested that the proposal was ludicrous from a safety standpoint, for ease of access, that the adjacent churches needed the access and that access through another property would create traffic problems for all involved.

Mr. Walker stated that the City of Antioch had indicated that it did not want a road into that area. He expressed serious concern for the motivation and the information creating the different outcomes. He also commented that there was a value marked on a property he owned that was in the report and for which he had been offered twice that amount for just two acres in the back of that property. There was therefore a value problem with the property involved. He wanted to be fair and honest with the Authority as he urged the Authority to be with him.

Mr. Glover stressed that there would be a process where the property owners could express their concerns.

Mr. Walker emphasized that those affected had not heretofore been included in the process and they all needed to be included.

Steven Streeter with the Latter Day Saints (LDS) Physical Services Department, Salt Lake City, Utah, advised that he had reviewed the report and had attended a joint meeting in April 2002 when the situation had been discussed. He expressed his appreciation for the attitude of searching for the best solution. He drew the Authority's attention to some of the concerns and comments in the report that would be adverse to the LDS Church.

Mark Hawks, President of the LDS Stake Center representing a number of East County congregations and a member of the affected LDS church, described the use of the buildings that would be impacted by the closure of Jeffery Way. He explained that five different buildings and meeting houses were involved. The building most affected would be the Central Administration Building, which housed three local congregations and a family center. Since most residents utilizing the building lived primarily in Antioch, 95 percent of the traffic flow would flow from Lone Tree Way into Antioch. He emphasized the significance of the building in caring for the needs of its 6,000 members in Eastern Contra Costa County.

Mr. Streeter reported that the building in question was fifteen years old and 25,000 square feet in size, one of the larger LDS churches in North America with a combined attendance of 600 a week and with 1,600 members attending split sessions on Sundays twice a year. Athletic and cultural events occurred regularly, so there was a lot of flow and activity occurring on the site, which flow was paramount to the functionality of the church.

Mr. Streeter stated that when constructed, the church was required to pay for significant improvements off site, a large storm drainage system, and Jeffery Way from Lone Tree Way past the Walker property and across the frontage of the church, which improvements cost over \$200,000 fifteen years ago.

In addition, various fees and assessments totaling \$123,000 had also been paid by the church at that time. On site water storage tanks and other facilities had also required significant costs. The church had significant investments on and off site and the church went to great efforts to maintain the facility.

With that background, Mr. Streeter stated that the concerns related to the lack of effective notice in a potential closure of Jeffery Way. He suggested that there had been no understanding that Jeffery Way would be terminated. Another area of concern in the report was that it sounded as if a study had been referenced that dealt with traditional traffic flows from residential areas, although the reality of the current traffic was associated with the several churches on Jeffery Way, primarily with Sunday traffic. He stated that the closure of Jeffery Way would require traffic to use Lone Tree Way at Shady Willow all the time by all of the churches.

Mr. Streeter suggested that the report also did not recognize the increased risks associated with the LDS church if situated at the end of a dead end road. He noted that with no obvious access, emergency personnel might find access to be difficult in an emergency. The report also had not considered the adverse and economic impacts to the LDS church if Jeffery Way was closed due to traffic problems and the like, which would reduce attendance and make it more difficult to maintain the enthusiasm of congregants.

Mr. Streeter emphasized that another area of concern was in the economic analysis of the options, where Option 2 would realign Jeffery Way, which option was loaded with costs that made little sense. He noted that would relate to a traffic light at Lone Tree Way and that the allocation of cost related to that alignment made little sense as would the realignment of Jeffery Way requiring curb, gutters and other costs. He suggested that there was some differential in the way the evaluations had been undertaken, although he realized that a large portion of the costs related to property acquisition.

Another area of concern was that the approved plan was not a feasible plan. Mr. Streeter noted that the City of Brentwood engineering standard SD-6 was for 600 feet measured from the center of the cul-de-sac to the intersection. If the cul-de-sac was put in Jeffery Way, that distance would be 1,600 feet and would violate Brentwood standards. He emphasized that long dead-end streets would create unsafe conditions.

Mr. Streeter stated therefore that whatever option was developed, the option of terminating Jeffery Way and putting in a cul-de-sac was not an option that would be acceptable to the LDS church. The church would therefore have to do all that it could to ensure that would not be done.

Mr. Streeter added that the other options had some merit and some problems, as well as varying impacts on the church. The Option 2 design, for instance, would create some traffic problems for the church.

Federal Glover sought a copy of Mr. Streeter's report, which report was provided to Mr. Tunison at this time.

Doc Beal from Lighthouse Baptist Church sought an appeal of the Caltrans opinion on the proposal. He stated that he and representatives of the church had attended a public meeting at the LDS church when Antioch Mayor Donald Freitas had chaired the meeting. At that time, a plan had been recommended for which everyone had agreed. He stated that they had been pleased with the plan at that time and it was expected that plan would have proceeded with the engineers.

Since that time, Doc Beal stated that he had received no report on the matter. He inquired why the disparity between engineers on the issue given that there had been engineers at the public meeting at which time everyone had been satisfied. Subsequently, Caltrans had required an on ramp on that particular place, which he suggested was unprecedented. He emphasized that they had been happy with what had been suggested and all had been in unity.

If widening the bridge on Lone Tree Way and with an elevated ramp, Doc Beal suggested that two on ramps would be involved, which seemed extraneous. He commented that it appeared as if that plan was intended to elevate the cost to the point of making that proposal unfeasible.

Reverend Bell, Pastor of New Beginnings Christian Center, stated that his concerns were the same as the LDS, Baptist and other churches in the area. They were vehemently opposed to any type of solution that would cut off access from Jeffery Way to Lone Tree Way contrary to the agreement that had previously been reached by all involved.

Reverend Bell explained that at the time they had purchased the property in 1998 from the Nazarene church, it had been their understanding that all pieces were owned by religious organizations and that those organizations still owned those properties. He stated that they had been meeting with various agencies for over two years and each solution had ended with the retention of Jeffery Way.

Reverend Bell emphasized that there were religious freedoms involved given that the closure of a road that would cut off only church properties limiting an individual's access to his/her worship represented an infringement on religion. He urged that the issue be resolved to allow people to have access to their various churches to be able to worship as was their right.

Steve Welch, Director of Engineering for the Contra Costa Water District (CCWD) reported that the CCWD was an affected property owner in need of continued involvement and review of the reports prepared as part of the proposal. He emphasized the need to keep the CCWD involved in the process as well.

Peter Knoedler, representing the Regency Center, stated that he had been communicating with Mr. Walker about his property. He explained that there was a green time problem and he suggested that there could be an on ramp off of Slatten Ranch and Lone Tree Way, which had previously been agreed upon. He expressed outrage at not receiving a report of the proposal and not being kept apprised of the proposal. He added that he had also not known about another on-ramp that had been referenced in the discussion.

Mr. Tunison recommended a meeting with the property owners to be able to distill the concerns into feasible engineering solutions and return to the Authority with alternatives for discussion. He explained that the project has been what it was since 1994. The first concern was that the roadway had to operate as a State highway and State freeway in accordance with Caltrans standards so that Caltrans would accept it upon completion. The proposal therefore had to incorporate Caltrans' requirements in design and conformity.

Mr. Tunison explained that Caltrans was not happy with the separate ramp, an unconventional design, and he would have to see if that design could be accomplished through design exception. He also recommended a meeting with the interested property owners as soon as possible, hopefully next week if possible, given that the Authority had some time constraints. As such, moving expeditiously would be required. He stated that once all the concerns of the involved parties had been received and conclusions verified, they would be submitted to the Authority for discussion.

Donald Freitas emphasized the need for representatives of Caltrans to be involved in the meeting with the property owners and staff to explain their needs and to hear some of the concerns expressed for the on and off ramps.

As part of the discussion, Mr. Tunison stated that under the approved plan, the cul-de-sac for Jeffery Way had been in the County at the time and had been annexed around

2000. The approval of the property for the then Nazarene church had included the approval of the cul-de-sac.

Donald Freitas noted that the property had been conditioned as a cul-de-sac when annexed into the City of Brentwood.

City of Brentwood City Engineer Bailey Grewal and Brentwood Planning Commissioner Michael Kerchner clarified that the Brentwood General Plan showed a cul-de-sac when the Bypass had previously been approved in 1994. They had been approached to open it up to Lone Tree Way.

Donald Freitas commented that the referenced meeting at the LDS Stake Center had been a successful meeting from his perspective and that the presentation made at that time had been open and clear. He had no problem with the staffs, property owners and other interested parties getting together, but he also sought a community meeting which might be helpful in resolving the issues and pursuing the various alternatives.

Mr. Tunison stated that staff would be available to the property owners to take questions and comments, although Donald Freitas emphasized the need to convene a meeting with all interested parties, including Mark Thomas and Caltrans, when all issues and alternatives could be discussed. He suggested that dialogue and discussion might be a positive thing. He urged a convened meeting where everyone was properly noticed.

Federal Glover wanted to include everyone who was considered to be a stakeholder as well as the general public. With that direction, he urged that a meeting be convened as soon as possible, to include Caltrans, Mark Thomas, the cities of Brentwood and Antioch and Authority staff.

C. ACCEPT Report from Project Manager Regarding Public Meeting Held on October 3, 2002 on the Marsh Creek Road Improvements and CONSIDER Taking Actions as Appropriate

Mr. Tunison reported that a public meeting had been convened with Marsh Creek Road residents and property owners on October 3, 2002 in the City of Brentwood Council Chambers, when 40 people had attended to review three alternatives for Marsh Creek Road improvements. The alternatives included efforts to minimize the impact of improving Marsh Creek Road to State Highway standards as a two lane road with turn lanes, a basic straight line road meandering somewhat to stay away from existing homes and a 120 foot plan line with alternate widenings.

Comments related to the concern for how close to come to the residential homes. A hardship acquisition process was identified and information would be provided to homeowners in that case.

In addition, overall traffic impacts had been discussed, among them was a way to lessen the load of traffic on Marsh Creek Road and Byron Airport Road.

Mr. Tunison reported that the residents had expressed an interest in having that project move ahead and requested that the Authority send a letter to the Board of Supervisors to begin implementation of that project. He stated that the County was now conducting an Airport Master Plan Study and there were some actions being taken by resource agencies regarding some properties around where the route would be located. In addition, that would be the only logical north end of Route 239.

It had been requested that the Board of Supervisors initiate the process of putting the road on the General Plan so that right of way could be protected from future encroachment. Another meeting with the residents had been scheduled for December 21 to provide specific information and to allow the residents to air their concerns again. Information would be returned to the Authority after that time.

On motion by Donald Freitas, seconded by Brad Nix, members of the Authority unanimously ACCEPTED the report from staff on the Marsh Creek Road public hearing and directed staff to prepare a letter for signature to the Board of Supervisors to include the Marsh Creek Road improvements in the General Plan.

D. ACCEPT Report from Project Manager on Options for Management of State Route 4 Bypass Program

Donald Freitas characterized the staff report as succinct, noted a number of issues, particularly one of cost and overhead rate, and suggested that if the Authority wished to continue with what had been suggested, that there was room for negotiations between the County and the Authority with respect to overhead cost. He noted that there was no comparison of cost. He stated that the body should decide who it wanted as staff, suggested it could be under a contractual basis and recommended that the Authority interview a number of people to make a selection. He emphasized the need for the Authority to feel comfortable with the actions before them.

Mr. Freitas also emphasized the importance of designating an individual to manage the Authority by January 2003 or soon thereafter to offer an appropriate transitional period, particularly given the number of ongoing studies, projects and controversy.

When asked, Mr. Tunison suggested that the institutional memory could be arranged.

Donald Freitas recommended that the Authority interview three to five candidates and assign an individual in the February timeframe, as well as explore a contract with Mr. Tunison now so that it could be in place to provide a seamless transition upon his retirement in July. He added that the County needed to provide an explanation of its administrative overhead and that the Authority might need to negotiate the overhead charge.

On motion by Donald Freitas, seconded by Brad Nix, members of the Authority unanimously requested an interview of three to five candidates for the management of the State Route 4 Bypass Program, with the assignment of an individual in February, the exploration of a contract with Mr. Tunison in the interim to provide a seamless transition upon his retirement, and with an explanation of the County's administrative overhead, with a potential negotiation of that overhead charge.

MEMBER AND EX-OFFICIO REPORTS

There were no Member and Ex-officio Member reports.

CORRESPONDENCE

There was no correspondence other than that which had been included in the meeting packets.

PUBLIC COMMENTS

There was no public comment.

ADJOURNMENT

With no further business to come before the State Route 4 Bypass Authority, Chair Glover adjourned the meeting at 12:59 P.M. to the meeting on November 14, 2002.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk