



Joint Exercise of Powers Agency

City of Antioch City of Brentwood County of Contra Costa City of Oakley

AGENDA Board of Directors

(No In-person Meeting)

Thursday, June 9, 2022

6:30 p.m.

Tri-Delta Transit Meeting Room
801 Wilbur Avenue
Antioch, California

To slow the spread of COVID-19, in lieu of a public gathering, the State Route 4 Bypass Authority Board of Directors meeting will be accessible via Zoom to all members of the public as permitted by Government Code Section 54953(e). Members of the public may participate in the meeting online, or by telephone. To participate in the meeting please use the information.

To participate by phone, dial **+1 720-707-2699** US. The meeting ID is **834 8818 1926**
Passcode: **813130**

To participate online using Zoom, hold down CTRL + click the following:

[Join Zoom Meeting Here](#) Meeting ID: Meeting ID: 834 8818 1926 (Passcode: 813130).

In lieu of making public comments at the meeting, members of the public also may submit public comments before or during the meeting by emailing comments to Program Manager Dale Dennis at dodennis@thecyberjungle.com. If you have difficulty emailing a public comment, please contact Nancy Wein, Contra Costa County Public Works Department, at (925) 313-2275.

All comments submitted by email to the above email address before the conclusion of the meeting will be included in the record of the meeting. When feasible, the Board Chair, or designated staff, also will read the comments into the record at the meeting, subject to a two-minute time limit per comment.

The Board Chair may reduce the amount of time allotted to read comments at the beginning of each item or public comment period depending on the number of comments and the business of the day. Your patience is appreciated.

A break may be called at the discretion of the Board Chair.

To obtain a copy of a staff report or other written materials related to an open session item on the agenda, please contact Nancy Wein, at the Contra Costa County Public Works Department, by phone at (925) 313-2275, or by email to Nancy.Wein@pw.cccounty.us.

Board of Directors:

Diane Burgis, Contra Costa County – Chair
Lamar Thorpe, City of Antioch – Vice Chair
Joel Bryant, City of Brentwood
Aaron Meadows City of Oakley

Authority Staff Office:

Contra Costa County
255 Glacier Drive
Martinez, CA 94553
(925) 313-2000

AGENDA
June 9, 2022

1. Call to Order

2. Determination

A. Teleconference Meetings: CONSIDER authorizing the Authority's Board of Directors to continue teleconference meetings under Government Code section 54953(e) and make related findings; **DETERMINE** that the Authority's Board of Directors will hold virtual meetings for the next 30 days; and **DIRECT** the Secretary/Designee of the Authority's Board of Directors to return this matter to the Board of Directors within 30 days for reconsideration.

B. Mokelumne Bicycle/Pedestrian Overcrossing Project – Staff will provide a status update on construction of this project.

3. Public Comment

4. Consent Items

A. APPROVE minutes of the May 12, 2022 meeting.

B. APPROVE the Fiscal Year 2021-2022 End of Year Budget.

C. APPROVE the Fiscal Year 2022-2023 Budget.

D. APPROVE amendments to Consulting Services Agreements with the following consultants and **AUTHORIZE** the Secretary or designee to execute the amendments on behalf of the Authority (no attachments):

1. Amendment to agreement with Mark Thomas and Company – Engineering Design Services for the former SR4 Bypass, to extend the termination date from June 30, 2022, to a new termination date of June 30, 2023, with no change in the payment limit.
2. Amendment to agreement with WSP USA, Inc. – Construction Management Support Services for the former SR4 Bypass, to extend the termination date from June 30, 2022, to a new termination date of June 30, 2023, with no change in the payment limit.

Board of Directors:

Diane Burgis, Contra Costa County – Chair
Lamar Thorpe, City of Antioch – Vice Chair
Joel Bryant, City of Brentwood
Aaron Meadows City of Oakley

Authority Staff Office:

Contra Costa County
255 Glacier Drive
Martinez, CA 94553
(925) 313-2000

5. Boardmember Comments

6. Adjournment

The Authority will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact Staff at least 24 hours before the meeting, at (925) 595-4587. Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the State Route 4 Bypass Authority to a majority of members of the Board of Directors less than 72 hours prior to that meeting are available for public inspection at 255 Glacier Drive, Martinez, CA during normal business hours.

Board of Directors:

**Diane Burgis, Contra Costa County – Chair
Lamar Thorpe, City of Antioch – Vice Chair
Joel Bryant, City of Brentwood
Aaron Meadows City of Oakley**

Authority Staff Office:

**Contra Costa County
255 Glacier Drive
Martinez, CA 94553
(925) 313-2000**

**STATE ROUTE 4
BYPASS AUTHORITY**

DATE: June 9, 2022

TO: Board of Directors

FROM: Dale Dennis, Program Manager 

SUBJECT: Continuing Teleconference Meetings (AB 361, Government Code § 54953(e))

Recommendation: Staff recommends the Board take the following actions:

1. **FIND** that the Board of Directors has reconsidered the circumstances of the Statewide state of emergency proclaimed by the Governor on March 4, 2020, and the Countywide local emergency proclaimed by the Governor on March 10, 2020.
2. **FIND** that the following circumstances exist: (a) the Statewide state of emergency and the Countywide local emergency continue to directly impact the ability of the Authority to meet safely in person because, as of June 1, 2022, the COVID-19 case rate in Contra Costa County is in the "high" community transmission tier, the highest tier of the CDC's four community transmission tiers; and (b) the County Health Officer's recommendations for safely holding public meetings, which recommend virtual meetings and other measures to promote social distancing, are still in effect.
3. **AUTHORIZE** the Authority's Board of Directors to continue teleconference meetings under Government Code section 54953(e) for the next 30 days.
4. **DIRECT** the Authority's Secretary, or designee, and staff to take all actions necessary to implement the intent and purpose of this Board order, including conducting open and public meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act.
5. **DIRECT** the Authority Secretary, or designee, to return to the Board of Directors, acting in all its capacities, no later than 30 days after this Board order is adopted, with an item to reconsider the state of emergency and whether to continue meeting virtually under the provisions of Government Code section 54953(e) and to make required findings.

Discussion:

On May 12, 2022, the Board of Directors adopted Resolution 2022/02, which authorized the Board of Directors to conduct teleconferencing meetings under Government Code section 54953(e). This section of the Brown Act, which was added by Assembly Bill 361, allows a local agency to use special teleconferencing rules during a declared state of emergency. When a legislative body uses the emergency teleconferencing provisions under Government Code section 54953(e), the following rules apply:

- The agency must provide notice of the meeting and post an agenda as required by the Brown Act and Better Government Ordinance, but the agenda does not need to list each teleconference location or be physically posted at each teleconference location.
- The agenda must state how members of the public can access the meeting and provide public comment.
- The agenda must include an option for all persons to attend via a call-in or internet-based service option.
- The body must conduct the meeting in a manner that protects the constitutional and statutory rights of the public.
- If there is a disruption in the public broadcast of the meeting, or of the public's ability to comment virtually for reasons within the body's control, the legislative body must stop the meeting and take no further action on agenda items until public access and/or ability to comment is restored.
- Local agencies may not require public comments to be submitted in advance of the meeting and must allow virtual comments to be submitted in real time.
- The body must allow a reasonable amount of time per agenda item to permit members of the public to comment, including time to register or otherwise be recognized for the purposes of comment.
- If the body provides a timed period for all public comment on an item, it may not close that period before the time has elapsed.
- AB 361 sunsets on January 1, 2024.

Under Government Code section 54953(e), if the local agency wishes to continue using these special teleconferencing rules after adopting an initial resolution, the legislative body must reconsider the circumstances of the state of emergency every 30 days and make certain findings. The agency must find that the state declared emergency continues to exist and either that it continues to directly impact the ability of officials and members of the public to meet safely in person, or that state or local officials continue to impose or recommend measures to promote social distancing.

The Board of Directors last considered these matters on May 12, 2022, made the required findings, and adopted Resolution No. 2022/02 continued the use of special teleconferencing rules. The Board of Directors can again make these findings. The statewide state of emergency continues to exist, and the state and the countywide local emergencies continue to directly impact the ability of the Board of Directors to meet safely in person because, according to the CDC, the COVID-19 case rate in Contra Costa County remains in the "high" community transmission tier, the highest tier of the CDC's four community transmission tiers. According to the CDC, as of June 1, 2022, the seven-day rolling average of new cases per day was approximately 346.85 cases per day, per 100,000 of population.

In addition, on April 15, 2022, the County Health Officer issued recommendations for safely holding public meetings that included recommended measures to promote social distancing. Among the Health Officer's recommendations: (1) on-line meetings (teleconferencing meetings) are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19; (2) if a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended when possible to give those at higher risk of an/or higher concern about COVID-19 an alternative to participating in person; (3) a written safety protocol should be

developed and followed, and it is recommended that the protocol require social distancing – i.e., six feet of separation between attendees – and face masking of all attendees; (4) seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times. These recommendations are still in effect.

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

JOINT EXERCISE OF POWERS AGENCY

May 12, 2022

To slow the spread of COVID-19, in lieu of a public gathering, the STATE ROUTE 4 BYPASS AUTHORITY (SR4BA) Board of Directors meeting was accessible via Zoom to all members of the public as permitted by Government Code Section 54953(e). Members of the public were permitted to participate in the meeting online, or by telephone, and in lieu of making public comments at the meeting, members of the public could submit public comments before or during the meeting through dodennis@thecyberjungle.com.

Chair Diane Burgis called the meeting to order at 6:38 P.M.

ROLL CALL

PRESENT: Joel Bryant (Brentwood), Aaron Meadows (Oakley), Lamar Thorpe* (Antioch), and Chair Diane Burgis (Contra Costa County)

*Arrived after Roll Call and before the Public Hearing item (Item 5 below)

ABSENT: None

STAFF: Dale Dennis, Program Manager
Lucy Owens, Right of Way Agent
Stephen Siptroth, Deputy County Counsel

DETERMINATION

- A. Teleconference Meetings: CONSIDER adopting SR4BA Resolution No. 2022/02 to authorize the Board of Directors to conduct teleconference meetings under Government Code Section 54953(e) and make related findings set forth in the resolution; DETERMINE that the Authority will hold virtual meetings for the next 30 days; and DIRECT the Program Manager or Secretary of the Board to return this matter to the Board within 30 days for reconsideration.

On motion by Director Meadows, seconded by Director Bryant, the Authority APPROVED Resolution No. 2022/02 to authorize the Board of Directors to conduct teleconference meetings under Government Code Section 54953(e) and make related findings set forth in the resolution; DETERMINED that the Authority will hold virtual meetings for the next 30 days; and DIRECTED the Program Manager or Secretary of the Board to return this matter to the Board within 30 days for reconsideration.

The motion carried by the following Roll Call vote:

AYES: Bryant, Meadows, Burgis
NOES: None
ABSTAIN: None
ABSENT: Thorpe

PUBLIC COMMENT

Bruce Ohlson, Pittsburg, requested the status of the Mokelumne Bicycle/Pedestrian Overcrossing Project.

Mr. Dennis reported that construction had started, the contractor had been underway for about a month and the work was proceeding. An item could be placed on the next meeting agenda to provide more detail.

CONSENT ITEMS

(This item was listed as Item 5 on the agenda and was taken out of order by the Chair.)

On motion by Director Meadows, seconded by Director Bryant, the Authority APPROVED the Consent Items, as follows, which carried by the following Roll Call vote:

- A. APPROVED minutes of the January 12, 2022 meeting (*February, March and April 2022 meetings cancelled*).

AYES: Bryant, Meadows, Burgis
NOES: None
ABSTAIN: None
ABSENT: Thorpe

Director Thorpe joined the meeting at this time.

PUBLIC HEARING

- A. HEARING to consider adoption of Resolution of Necessity No. 2022/03 for acquisition by eminent domain of interests in real property required for the State Route 4 Bypass Project – Segment 3, as recommended by the SR4 Bypass Authority's Program Manager, Brentwood area.

(This item was listed as Item 4 on the agenda and was taken out of order by the Chair.)

Director Meadows noted that he was employed by Trilogy Vineyards, LLC, a source of income for conflict-of-interest purposes that legally precluded his participation. (Government Code § 87103). Director Meadows announced that, due to this conflict, he would recuse himself and he then left the meeting by logging out of Zoom.

Chair Burgis introduced the item, opened the public hearing, and invited staff to make a presentation.

Mr. Dennis reported the proposed acquisition required for the SR4 Bypass Project - Segment 3 was one of the last acquisitions required.

Mr. Dennis stated the SR4 Bypass Authority needed to provide an access easement to the Contra Costa Water District (CCWD) to allow access to their pipeline that had been eliminated with the construction of Segment 3 of the SR4 Bypass. Mr. Dennis presented maps to show the location of the full access easement for the pipeline and noted that the access easement had been secured from PG&E.

Lucy Owens, Authority Right of Way staff, stated this was the time to consider whether the Board should adopt the Resolution of Necessity authorizing the SR4 Bypass Segment 3. Ms. Owens referred to the staff report dated May 12, 2022 that contained the specific information supporting the condemnation and outlining the action requested to be taken. After hearing the item, considering the evidence, and closing the hearing, she recommended that the Board take the actions outlined in the staff report. When asked, she reported that the property owner was Trilogy Vineyards, LLC.

Although notified of the hearing, Mr. Dennis stated that no representative from Trilogy Vineyards was in attendance.

No written comments were submitted, or oral comments made, by any member of the public.

Chair Burgis closed the public hearing.

On motion by Director Bryant, seconded by Director Thorpe, the Authority MADE each of the findings in Section B of the staff report and set forth below; ADOPTED the Resolution of Necessity No. 2022/03 for acquisition by eminent domain of interests in real property required for the State Route 4 Bypass Project – Segment 3, as recommended by the SR4 Bypass Authority's Program Manager, Brentwood area (Project No. 4660-6X4414); and AUTHORIZED the Program Manager to negotiate and execute a common interest agreement with Contra Costa Water District, subject to approval as to form by the County Counsel, or designee:

1. The public interest and necessity required the project.
2. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The property sought to be acquired is necessary for the project.
4. The offer of compensation required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

The motion carried by the following vote:

AYES: Bryant, Thorpe, Burgis
NOES: None
ABSTAIN: None
ABSENT: Meadows (recused)

BOARDMEMBER COMMENTS

Director Bryant looked forward to the completion of the Mokelumne Bicycle/Pedestrian Overcrossing project for the City of Brentwood and for Brentwood residents.

Director Thorpe agreed.

ADJOURNMENT

Chair Burgis adjourned the meeting of the State Route 4 Bypass Authority at 6:53 P.M. to Thursday, June 9, 2022 at 6:30 P.M. or other day/time deemed appropriate.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk

**STATE ROUTE 4
BYPASS AUTHORITY**

DATE: June 9, 2022

TO: Board of Directors

FROM: Dale Dennis, Program Manager



SUBJECT: End of Year FY 2021/22 Work Plan and Budget

Recommendation: **APPROVE** the End of Year FY 2021/22 Work Plan and Budget.

Discussion:

Staff recommends the Board approve the attached FY2021/22 Work Plan and Budget.

DD:nw

C:\Users\daleuser\Desktop\Dale 09.16.18\Documents and Settings\SR4 Bypass II -1\Staff Reports\June 2022\Staff Report End of Year Bdgt 21-22
FY budget.doc

ACTION OF BOARD ON _____

APPROVED AS RECOMMENDED ____ **OTHER**____

VOTE OF DIRECTORS

_____ **UNANIMOUS (ABSENT** _____)

AYES: _____ **NOES:** _____

ABSENT: _____ **ABSTAIN:** _____

I hereby certify that this is a true and correct copy of
an action taken and entered on the minutes of the
Board of Directors on the date shown.

ATTESTED _____
Secretary to the Authority

STATE ROUTE 4 BYPASS AUTHORITY

End of Year Budget

WORK PLAN AND BUDGET FOR FISCAL YEAR 2021/22

Summary of Estimated Revenue and Expenditures

<i>Estimated Revenue</i>	EOY FY Budget
Funding from East Contra Costa Regional Fee and Financing Authority	360,000
TOTAL	\$360,000

Total estimated funds available through 6/30/22	\$360,000
--	------------------

Estimated Program Expenditures

	EOY FY Budget
State Route 4 Bypass Program	
A. General	180,000
B Segment 1	-
C. Segment 2	50,000
D. Segment 3A, 3B and Marsh Creek Road	130,000
TOTAL	\$360,000
TOTAL Budgeted Expenditures	\$360,000

Total estimated expenditures through 6/30/22	\$360,000
---	------------------

STATE ROUTE 4 BYPASS AUTHORITY

WORK PLAN AND BUDGET FOR FISCAL YEAR 2021/22

EXPENDITURES

End of Year
(EOY) Budget

State Route 4 Bypass - General Program No. 60725				
WORK ORDER	ITEM		FY Budget	EOY FY Budget
4409	Project Management / Admin.	Management of SR4BP Program. (Staff time, including audit, accounting, county counsel and administrative support)	100,000	100,000
4410	Risk Management	Maintain a risk management program. Budget includes payment of policy insurance premium for the SR4BPA for \$10M of coverage.	20,000	20,000
4414	SR4 Transfer and R/W Activities	ROW staff and consultants will continue working with Caltrans on the completion and submittal of records and documents for the transfer of Bypass to Caltrans, complete and record of Survey and and other R/W activities.	30,000	30,000
4444	Property Management & Maintenance	Property management activities related to SR4BPA parcels not transferred to Caltrans. Includes property at SW quadrant of Sand Creek IC area and others. Includes maintenance activities on an as-needed basis, including - debris removal, fence repair, and weed abatement. Also, ongoing DTSC review costs for former gun club property.	30,000	30,000
State Route 4 Bypass Prgm No. 60725 - General Subtotal			\$ 180,000	180,000
State Route 4 Bypass: Segment 2 Program No. 60434				
WORK ORDER	ITEM		FY Budget	EOY FY Budget
4499	Mokelumne Pedestrian and Bicycle Overcrossing	Right of way /Construction Mokelumne Pedestrian and Bicycle Overcrossing of SR4	50,000	50,000
State Route 4 Bypass: Segment 2 - Prgm No. 60435 Subtotal			\$ 50,000	50,000
State Route 4 Bypass: Segment 3 Program No. 60436				
WORK ORDER	ITEM		FY Budget	EOY FY Budget
4425	Balfour Road Design and Utility Relocation	CCTA is responsible for project for design, utility relocation and construction activities. SR4BA is responsible for R/W acquisition. Any ROW activities related to CCWD, will be reimbursed by CCWD.	130,000	130,000
State Route 4 Bypass: Segment 3 - Progm No. 60436 Subtotal			\$ 130,000	130,000
TOTAL EXPENDITURES			\$ 360,000	\$ 360,000

**STATE ROUTE 4
BYPASS AUTHORITY**

DATE: June 9, 2022

TO: Board of Directors

FROM: Dale Dennis, Program Manager



SUBJECT: FY 2022/23 Work Plan and Budget

Recommendation: **APPROVE** the FY 2022/23 Work Plan and Budget.

Discussion:

Staff recommends the Board approve the attached FY2022/23 Work Plan and Budget.

DD:nw

C:\Users\daleuser\Desktop\Dale 09.16.18\Documents and Settings\SR4 Bypass II -1\Staff Reports\June 2022\Staff Report FY Bdgt 22-23 FY budget.doc

ACTION OF BOARD ON _____

APPROVED AS RECOMMENDED ____ **OTHER**____

VOTE OF DIRECTORS

_____ **UNANIMOUS (ABSENT** _____)

AYES: _____ **NOES:** _____

ABSENT: _____ **ABSTAIN:** _____

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Directors on the date shown.

ATTESTED _____
Secretary to the Authority

STATE ROUTE 4 BYPASS AUTHORITY

Fiscal Year Budget

WORK PLAN AND BUDGET FOR FISCAL YEAR 2022/23

Summary of Estimated Revenue and Expenditures

<i>Estimated Revenue</i>	
Funding from East Contra Costa Regional Fee and Financing Authority	730,000
TOTAL	\$730,000

Total estimated funds available through 6/30/23	\$730,000
--	------------------

Estimated Program Expenditures

State Route 4 Bypass Program	
A. General	180,000
B Segment 1	-
C. Segment 2	450,000
D. Segment 3A, 3B and Marsh Creek Road	100,000
TOTAL	\$730,000
TOTAL Budgeted Expenditures	\$730,000

Total estimated expenditures through 6/30/23	\$730,000
---	------------------

STATE ROUTE 4 BYPASS AUTHORITY

**Fiscal Year
Budget**

WORK PLAN AND BUDGET FOR FISCAL YEAR 2022/23

EXPENDITURES

State Route 4 Bypass - General Program No. 60725			
WORK ORDER	ITEM		FY Budget
4409	Project Management / Admin.	Management of SR4BP Program. (Staff time, including audit, accounting, county counsel and administrative support)	100,000
4410	Risk Management	Maintain a risk management program. Budget includes payment of policy insurance premium for the SR4BPA for \$10M of coverage.	20,000
4414	SR4 Transfer and R/W Activities	ROW staff and consultants will continue working with Caltrans on the completion and submittal of records and documents for the transfer of Bypass to Caltrans, complete and record of Survey and and other R/W activities.	30,000
4444	Property Management & Maintenance	Property management activities related to SR4BPA parcels not transferred to Caltrans. Includes property at SW quadrant of Sand Creek IC area and others. Includes maintenance activities on an as-needed basis , including - debris removal, fence repair, and weed abatement. Also, ongoing DTSC review costs for former gun club property.	30,000
State Route 4 Bypass Prgm No. 60725 - General Subtotal			\$ 180,000

State Route 4 Bypass: Segment 2 Program No. 60434			
WORK ORDER	ITEM		FY Budget
4499	Mokelumne Pedestrian and Bicycle Overcrossing	Right of way /Construction Mokelumne Pedestrian and Bicycle Overcrossing of SR4	450,000
State Route 4 Bypass: Segment 2 - Prgm No. 60435 Subtotal			\$ 450,000

State Route 4 Bypass: Segment 3 Program No. 60436			
WORK ORDER	ITEM		FY Budget
4425	Balfour Road Design and Utility Relocation	CCTA is responsible for project for design, utility relocation and construction activities. SR4BA is responsible for R/W acquisition. Any ROW activities related to CCWD, will be reimbursed by CCWD.	100,000
State Route 4 Bypass: Segment 3 - Prgm No. 60436 Subtotal			\$ 100,000

TOTAL EXPENDITURES			\$ 730,000
---------------------------	--	--	-------------------