

RESOLUTION NO. 2026-\_\_\_\_\_


A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, APPROVING REIMBURSEMENT OF ELIGIBLE CONSTRUCTION COSTS IN AN AMOUNT WHICH EXCEEDS THE ENGINEER'S ESTIMATE BY MORE THAN TEN PERCENT, FOR A TOTAL REIMBURSEMENT AMOUNT OF \$1,165,392.08 FOR THE CONSTRUCTION OF IMPROVEMENTS RELATED TO THE FRESNO UNIFIED SCHOOL DISTRICT ALTERNATIVE EDUCATION CAMPUS AND ADMINISTRATIVE BUILDING

WHEREAS, on May 13, 2022, the City of Fresno (City) and Fresno Unified School District (FUSD) entered into an Infrastructure Reimbursement Agreement (Agreement) pertaining to the construction of off-site water infrastructure improvements and appurtenances required as conditions of approval of the Alternative Education Campus and Administrative Building located at Assessor's Parcel Number 470-021-01T (Project); and

WHEREAS, the Agreement required construction of the following, consistent with the Project conditions: a 16-inch replacement water main in the street formerly known as East Ventura Avenue from South Tenth Street westerly across the Project frontage, a replacement 16-inch water main in the street formerly known as East Ventura Avenue between South Cedar Avenue and South Tenth Street, an 8-inch replacement water main in South Tenth Street between the street formerly known as East Ventura Avenue and East Lane Avenue, and related appurtenances (collectively "Improvements"); and

WHEREAS, the Project conditions provided that one hundred (100) percent of the cost of the construction of the Improvements would be reimbursed by the City; and

Date Adopted:  
Date Approved:  
Effective Date:

City Attorney Approval: 

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Resolution No.

WHEREAS, the Engineer's Estimate of the Eligible Construction Costs of constructing the Improvements was identified in the Agreement as \$770,655.00; and

WHEREAS, Section 2.3 of the Agreement requires City Council approval if the amount of the Eligible Construction Costs exceeds the Engineer's Estimate by more than 10 (ten) percent; and

WHEREAS, FUSD has submitted documentation to the Department of Public Utilities detailing the final Eligible Construction Costs (Actual Construction Costs); and

WHEREAS, based on the documentation provided, the Actual Construction Costs detailed in Exhibit A total \$1,165,392.08, which exceeds the Engineer's Estimate of \$770,655.00 by more than 10 (ten) percent; and

WHEREAS, FUSD has demonstrated to the reasonable satisfaction of the Director of Public Utilities that the amount incurred in excess of the Engineer's Estimate resulted from circumstances not caused by FUSD, its contractors or subcontractors, and beyond their control, and is justifiable.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The foregoing recitals are true and correct.
2. The Council approves reimbursement to FUSD in the amount of \$1,165,392.08 which reflects the Actual Construction Costs for the construction of the Improvements.
2. Nothing in this resolution binds or obligates the City's general fund, taxing authority, or borrowing power.
3. This resolution shall be effective upon final approval.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, AMY K. ALLER, Interim City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2026.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

AMY K. ALLER  
Interim City Clerk

By: \_\_\_\_\_ Date  
Deputy

APPROVED AS TO FORM:  
ANDREW JANZ  
City Attorney

By: \_\_\_\_\_ Date  
Jennifer M. Quintanilla  
Senior Deputy City Attorney

Attachment:  
Exhibit A – Actual Construction Costs

**Exhibit A - Actual Construction Costs**

<b>Description</b>	<b>Date</b>	<b>Document</b>	<b>Amount</b>
<b>A. Original Eligible Construction Costs per Infrastructure Reimbursement Agreement</b>	5/13/2022	Executed Agreement	<b>\$ 770,655.00</b>
<b>B. Actual Construction Costs (per submitted documentation)</b>			
Davis Moreno - Item A1470 Off Site Plumbing Utilities Materials	12/23/2024	Certificate for Payment	\$ 550,000.00
Davis Moreno - Item OS-1030 Water Lines Off Site	12/23/2024	Certificate for Payment	\$ 429,757.00
		<b>Subtotal 1</b>	<b>\$ 979,757.00</b>
<b>Difference 1: between Original Estimated Construction Costs and Actual Construction Costs</b>			<b>\$ 209,102.00</b>
<b>C. Change Orders</b>			
Crew stand-by changes for utility conflict	1/22/2024	Davis Moreno Construction, Inc. - CCR #135	\$ 10,598.94
Setup/tear down daily traffic control at Ventura for added utility work	1/12/2024	Davis Moreno Construction, Inc. - CCR #127	\$ 5,708.10
Offset 16" main over existing utilities	11/28/2023	Davis Moreno Construction, Inc. - CCR #125	\$ 25,265.10
Offset 16" main over existing utilities - 8" main	11/28/2023	Davis Moreno Construction, Inc. - CCR #125	\$ 16,613.38
Offset over unknown 2" fire service lateral	1/12/2024	Davis Moreno Construction, Inc. - CCR #129	\$ 20,976.34
Offset 16" main over existing utilities (Station 21+40 & 21+60)	1/12/2024	Davis Moreno Construction, Inc. - CCR #129	\$ 34,287.82
Added cost for AC paving - asphalt	2/19/2024	Davis Moreno Construction, Inc. - CCR #141	\$ 5,876.64
8" fire service check valve & box orientation	1/12/2024	Davis Moreno Construction, Inc. - CCR #129	\$ 2,268.40
Offset unknown 2" irrigation service lateral	1/12/2024	Davis Moreno Construction, Inc. - CCR #129	\$ 20,079.58
Additional crash barrier monthly rental - January & February	3/28/2024	David Moreno Construction, Inc. - CCR #138-R1	\$ 1,335.60
Provide B52 Christy box lid at existing vault	2/19/2024	Davis Moreno Construction, Inc. - CCR #140	\$ 980.50
Additional barrier monthly rental - March	3/28/2024	David Moreno Construction, Inc. - CCR #138-R1	\$ 667.80
Provide larger B52 vault raise service to 24"	3/28/2024	Davis Moreno Construction, Inc. - CCR #148	\$ 7,576.88
		<b>Subtotal 2</b>	<b>\$ 152,235.08</b>
<b>Difference 2: between Original Estimated Change Orders Costs and Actual Changes Order Costs</b>			<b>\$ 152,235.08</b>
<b>D. Connection Fees</b>			
4" Water Meter	1/31/2024	B24-01247 Invoice	\$ 10,100.00
6" Water Meter	1/31/2024	B24-01247 Invoice	\$ 13,200.00
4" Water Meter	1/31/2024	B24-01248 Invoice	\$ 10,100.00
		<b>Subtotal 3</b>	<b>\$ 33,400.00</b>
<b>Difference 3: between Original Estimated Connection Fees and Actual Connection Fees</b>			<b>\$ 33,400.00</b>
<b>Total Difference between Original Estimated Construction Costs and Actual Construction Costs (Sum of Differences 1, 2, and 3)</b>			<b>\$ 394,737.08</b>
<b>Total Actual Construction Costs and Connection Fees (Sum of Subtotals 1, 2, and 3)</b>			<b>\$ 1,165,392.08</b>
<b>Amount Eligible for Reimbursement</b>			<b>\$ 1,165,392.08</b>