



# City of Fresno

2600 Fresno Street  
Fresno, CA 93721  
www.fresno.gov

## Meeting Minutes - Final City of Fresno Capital Projects Oversight Board BOARDMEMBERS

*Ann Kloose, Chair; Tyler Mackey, Vice Chair; Joe Garcia, Boardmember; Brad Hyatt, Boardmember; Walt Plachta, Boardmember; Sal Gonzales, Boardmember; Al Solis, Boardmember; Esmeralda Soria, Non-voting Boardmember*

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Monday, May 1, 2017

5:30 PM

City Hall Meeting Room A  
(2165)  
2600 Fresno Street, 2nd  
Floor

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### 1. CALL TO ORDER

*The meeting was called to order at 5:33 P.M.*

**Present** 5 - Chairperson Ann Kloose, Vice Chair Tyler Mackey, Board Member Joe Garcia, Board Member Sal Gonzales, and Board Member Walt Plachta

**Absent** 3 - Board Member Brad Hyatt, Non-voting Member Esmeralda Soria, and Board Member Al Solis

### 2. APPROVAL OF THE AGENDA

*Motion to approve the agenda*

**On motion of Board Member Plachta, seconded by Vice Chair Mackey, the above item was approved. The motion carried unanimously.**

**Aye:** 5 - Chairperson Kloose, Vice Chair Mackey, Board Member Garcia, Board Member Gonzales and Board Member Plachta

**Absent:** 2 - Board Member Hyatt, Non-voting Member Soria and Board Member Solis

### 3. APPROVAL OF MINUTES

*Motion to approve the minutes of February 13, 2017*

**On motion of Board Member Plachta, seconded by Chairperson Kloose, that the above be approved. The motion carried by the**

following vote:

**Aye:** 5 - Chairperson Kloose, Vice Chair Mackey, Board Member Garcia, Board Member Gonzales and Board Member Plachta

**Absent:** 2 - Board Member Hyatt, Non-voting Member Soria and Board Member Solis

[ID17-598](#) Approval of Minutes of February 13, 2017

#### 4. ADMINISTER THE OATH OF OFFICE

[ID17-599](#) Administer the Oath of Office to Al Solis.

*No action as Mr. Solis was not in attendance. Continue to next meeting.*

#### 5. ELECTION OF OFFICERS

[ID17-650](#) Election for Chair

*Motion to elect Vice Chair Kloose as Chair of the City of Fresno Capital Projects Oversight Board.*

**On motion of Vice Chair Mackey, seconded by Board Member Plachta, that the above Action Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairperson Kloose, Vice Chair Mackey, Board Member Garcia, Board Member Gonzales and Board Member Plachta

**Absent:** 2 - Board Member Hyatt, Non-voting Member Soria and Board Member Solis

[ID17-651](#) Election for Vice Chair

*Motion to Elect Boardmember Mackey to Vice Chair of the City of Fresno Capital Projects Oversight Board.*

**On motion of Board Member Garcia, seconded by Chairperson Kloose, that the above Action Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairperson Kloose, Vice Chair Mackey, Board Member Garcia, Board Member Gonzales and Board Member Plachta

**Absent:** 2 - Board Member Hyatt, Non-voting Member Soria and Board Member Solis

## 6. COMMITTEE

[ID17-653](#) Approve the creation of a committee to hear items before the Oversight Board where less than a quorum is present

*Chair Kloose moved to approve item six "Approve the creation of a committee to hear items before the Oversight Board where less than a quorum is present". Chair Kloose stated she supports creating a committee to avoid holding up progress due to our inability to have a quorum. She understands this is bad policy that is unfortunately necessary.*

*Vice Chair Mackey stated he definitely objects to creating a committee, the reason why is because it would be a betrayal to 40,000 people who stood silent, because this was the compromise. In the \$400 million dollar project that everyone was up in arms about and it barely failed by something like 100,000 votes. So I strenuously object. Lee Brand and Clint Olivier both decided this would be the best way to make a compromise. I think the solution is that there are nine members on this board. We should make a formal statement and lean on the one person who has not made an appointment. Appoint a ninth member and let's get a quorum each meeting.*

*Chair Kloose stated that she agrees with what Vice Chair Mackey is saying and what he is saying is absolutely correct. But we have to have a remedy at this point so I think the compromise to what you are saying is to consider when there is a need for action and we failed to provide a quorum, that the city (whatever the department) if they have an item that they need to move forward with, they do so and bring it back for ratification and that's probably the most conservative that I would go. We allow city staff to move forward and they come back to us for ratification. This way they don't have to wait for us to produce a quorum. I don't want to hold up projects, I don't want to have delays because we cannot do what we're supposed to do.*

*Boardmember Garcia asked the attorney if she would explain the idea of a subcommittee. Deputy City Attorney, Freeman went over what having a subcommittee means and we would need to notice for both the Board and the subcommittee. She also gave an example of an ad hoc committee and a standing committee.*

*Boardmember Garcia said besides the fact that we are wasting a lot of money and time waiting around to see if we will have a quorum, and then we cannot meet that requirement, can anyone identify anything specific that caused any delays on a project that was of detriment to the tax payers?*

*Michael Carbajal said there was an instance early on where we had a change order that was timely and they made the decision to process that change order without getting the board's approval first. Then they came back and said that they wanted to present this information to you the board, that's the one instance. We've got three change orders on the agenda tonight, and we've been holding one of them for about a month. So the potential does exist. So far it's been a low risk but the potential is there.*

*Chair Kloose asked how everyone feels about moving forward with the change order and coming back to the board for ratification. Boardmember Gonzales is on board with either of the two options. This has been done once in the past, but the Chair is looking to put this process in writing like a policy for the city staff to follow if we run into the situation of not having a quorum again.*

*Vice Chair Mackey suggested that each person on the board talk with the person who appointed them about the constant lack of a quorum. He also wants it on the record that Councilmember Baines needs to make his appointment so we won't have such a difficult time getting a quorum. Vice Chair Mackey also made a motion to table this item until the next meeting and provide the following three options to vote on:*

- 1. Approve the creation of a sub-committee to hear items before the Oversight Board where less than a quorum is present.*
- 2. Create a policy to address when a quorum is not established that City staff can move forward with a change order until a quorum is established, then have the approval to the change order be ratified by the Board after the fact.*
- 3. Leave the process like it is.*

**On motion of Vice Chair Mackey, seconded by Board Member Plachta, that the above Action Item be tabled. The motion carried by the following vote:**

**Aye:** 5 - Chairperson Kloose, Vice Chair Mackey, Board Member Garcia, Board Member Gonzales and Board Member Plachta

**Absent:** 2 - Board Member Hyatt, Non-voting Member Soria and Board Member Solis

## 7. CHANGE ORDERS

[ID17-602](#) Approve Regional Transmission Main Segment A1 (RTM-A1) Project - Change Order No. 1

*Michael Carbajal, Project Manager went over the change order to the board. There are five items on the change order for a total amount of \$88,281.79. There was no public comment on this item. Board member Gonzales made a motion to approve change order no. 1.*

**On motion of Board Member Gonzales, seconded by Vice Chair Mackey, that the above Action Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairperson Kloose, Vice Chair Mackey, Board Member Garcia, Board Member Gonzales and Board Member Plachta

**Absent:** 2 - Board Member Hyatt, Non-voting Member Soria and Board Member Solis

[ID17-643](#) Approve Kings River Pipeline (KRP) Project - Change Order No. 2

*Michael Carbajal, Project Manager, presented change order no. 2 to the board. There are five items on this change order in the amount of \$54,830. There was no public comment on this item. Board member Garcia made a motion to approve change order no. 2.*

**On motion of Board Member Garcia, seconded by Board Member Plachta, that the above Action Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairperson Kloose, Vice Chair Mackey, Board Member Garcia, Board Member Gonzales and Board Member Plachta

**Absent:** 2 - Board Member Hyatt, Non-voting Member Soria and Board Member Solis

[ID17-604](#) Approve Southeast Surface Water Treatment Facility (SESWTF) Project  
- Change Order No. 8

*Michael Carbajal, Project Manager, presented change order no. 8. He distributed an updated page to the board which has been added as a supplement to the Legistar system. This change order has 21 item for a total amount of \$469,975.00. Vice Chair Mackey suggested that the workshops appear first on the agenda before the change orders. There was no public comment on this item. Vice Chair Mackey made a motion to approve change order no. 8.*

**On motion of Vice Chair Mackey, seconded by Board Member Plachta, that the above Action Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairperson Kloose, Vice Chair Mackey, Board Member Garcia, Board Member Gonzales and Board Member Plachta

**Absent:** 2 - Board Member Hyatt, Non-voting Member Soria and Board Member Solis

## 8. WORKSHOPS

[ID17-597](#) BRT Update

*Brian Marshall, Director of Transportation, Jim Shaad, Assistant Director of Transportation, and Rudy LeFlore of the LeFlore Group, LLC presented a Workshop for the BRT project and answered questions from the board.*

[ID17-600](#) WORKSHOP - Recharge Fresno Update:  
a) DPU Large Construction Contracts Change Status Report (CSR)  
b) No presentation. Staff available to answer questions relating to CSR

*There were no questions from the board on this item.*

[ID17-601](#) WORKSHOP - Preview of semi-annual Recharge Fresno Update presentation to Council

*Michael Carbajal, Project Manager, presented the Preview of semi-annual Recharge Fresno Update to the board.*

[ID17-605](#) Fulton Street Reconstruction Project Update

*Randall Morrison, Deputy City Engineer presented the Fulton Street*

*Reconstruction Project Update to the board and answered their questions.*

## **9. UNSCHEDULED COMMUNICATION**

*No one from the public spoke during Unscheduled Communication.*

## **10. MEMBER COMMENTS**

*Chair Kloose recapped the meeting and stated the next agenda will include "Approving a Committee" along with three options to discuss and vote on.*

*Vice Chair Mackey would like to see a graphic on change orders before the approval of the change order. In the future the agenda should reflect change order approvals after workshops.*

## **11. ADJOURN**

*The meeting adjourned at 7:54 p.m.*

*The above minutes were approved at the June 5, 2017 meeting on a motion by Vice Chair Mackey and seconded Boardmember Plachta. The motion was approved on a vote of 5-0 with Boardmember Solis abstaining and Boardmember Garcia absent.*

PLEASE NOTE: Due to size and volume, supporting documents are provided to board members in electronic format. Copies of supporting documents are available for public review in the Office of the City Clerk.