



# City of Fresno

2600 Fresno Street  
Fresno, CA 93721  
[www.fresno.gov](http://www.fresno.gov)

**Meeting Minutes - Final**  
**City of Fresno Capital Projects**  
**Oversight Board**  
**BOARDMEMBERS**  
*Chair Joe Garcia*  
*Vice Chair Michael Lopez*  
*Boardmember Ann Kloose*  
*Board Member Brian Whelan*  
*Board Member Nathan Alonzo*  
*Board Member Tony Canales*  
*Board Member Ram Nunna*

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Wednesday, March 20, 2019

5:30 PM

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

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**Special Meeting**

The purpose of this meeting of the City of Fresno Capital Project Oversight Board is to meet and consider the following:

The City of Fresno Capital Projects Oversight Board met in a special session in Room 2165 on the date and time written above.

## **1. CALL TO ORDER/ROLL CALL**

*The meeting was called to order at 5:35 P.M.*

*Present 6 - Chair Garcia, Vice Chair Lopez, Board Member Alonzo, Board Member Kloose, Board Member Whelan, Board Member Nunna*

*Absent 1 - Board Member Canales*

## **2. APPROVAL OF THE AGENDA**

On motion of Board Member Alonzo, seconded by Board Member Kloose, the above item was approved. The motion carried by the following vote:

**Aye - 6: Chair Garcia, Vice Chair Lopez, Board Member Alonzo, Board Member Kloose, Board Member Whelan, Board Member Nunna**

**Absent - 1: Board Member Canales**

[ID19-1431](#) Signed Special Meeting Notice

### **3. APPROVAL OF MINUTES**

**On motion of Board Member Alonzo, seconded by Board Member Kloose, the below item was adopted. The motion carried by the following vote:**

**Aye - 6: Chair Garcia, Vice Chair Lopez, Board Member Alonzo, Board Member Kloose, Board Member Whelan, Board Member Nunna**

**Absent - 1: Board Member Canales**

[ID19-1421](#) Approve the Minutes of January 7, 2019

### **4. ELECTION OF OFFICERS**

*Nomination for Michael Lopez to become Chair*

**On motion of Board Member Kloose, seconded by Board Member Alonzo, the above item was approved. The motion carried by the following vote:**

**Aye - 6: Chair Garcia, Vice Chair Lopez, Board Member Alonzo, Board Member Kloose, Board Member Whelan, Board Member Nunna**

**Absent 1: Board Member Canales**

[ID19-1422](#) Election of Officers

*Nomination for Joe Garcia to become Vice Chair*

**On motion of Board Member Whelan, seconded by Board Member Kloose, the above item was approved. The motion carried by the following vote:**

**Aye - 6: Chair Lopez, Vice Chair Garcia, Board Member Alonzo, Board Member Kloose, Board Member Whelan, Board Member Nunna**

**Absent - 1: Board Member Canales**

## **5. WORKSHOPS**

[ID19-1423](#) DPU Large Construction Contracts Update (Information Only, No Action)  
a. DPU Large Construction Contracts Change Status Report

*Public Utilities Manager Pavic presented the Workshop to the Board. City Attorney Collet stated that the Workshop was for informational purposes of the Board and that public comments are not permitted during the Workshop.*

## **CHANGE ORDERS**

[ID19-1426](#) Approve Friant Kern Canal Pipeline (FKCP) Project - Change Order No. 8

*Public Utilities Manager Pavic stated that this will be the last change order for this project. He also stated that items 1 and 2 on page 2 of 3, if approved will be presented to the City Council on April 25, 2019. Upon call, there was no public comment.*

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

**Aye 6: Chair Lopez, Vice Chair Garcia, Board Member Kloose, Board Member Whelan, Board Member Alonzo, and Board Member Nunna**

**Absent 1: Board Member Canales**

[ID19-1427](#) Approved Recycled Water Transmission Main Segment SW1C2 (RWTM-SW2C2) Project Change Order No. 2

*Public Utilities Manager Pavic presented this item to the Board. He stated that the project is almost done. Items 2, 4, 5, 6, and 7 relate to surface condition and the change order is a credit. Boardmember Kloose stated that she did not have any conflicts of interest with this item. Upon call, there was no public comment.*

**On motion of Board Member Alonzo, seconded by Vice Chair Garcia,**

that the above Action Item be approved. The motion carried by the following vote:

**Aye 6: Chair Lopez, Vice Chair Garcia, Board Member Kloose, Board Member Whelan, Board Member Alonzo, and Board Member Nunna**

**Absent 1: Board Member Canales**

[ID19-1425](#) Approve Kings River Pipeline (KRP) Project - Change Order No. 8

*Public Utilities Manager Pavic presented this item to the Board. He stated that this change order is a credit, but it is not the final change order for this project. Upon call, there was no public comment.*

**On motion of Board Member Kloose, seconded by Board Member Alonzo, the above item was approved. The motion carried by the following vote:**

**Aye 5: Chair Lopez, Vice Chair Garcia, Board Member Kloose, Board Member Alonzo, and Board Member Nunna**

**Abstain 1: Board Member Whelan**

**Absent 1: Board Member Canales**

[ID19-1428](#) Approve Recycled Water Transmission Main Segment SW1B (RWTM-SW1B) Project Change Order No. 1

*Public Utilities Manager Pavic presented this item to the Board. He stated that this change order is a credit of \$321,000. The status of this project is complete. Upon call, there was no public comment. Boardmember Kloose asked a question regarding item number 9.*

**On motion of Vice Chair Garcia, seconded by Board Member Kloose, the above item was approved. The motion carried by the following vote:**

**Aye 5: Chair Lopez, Vice Chair Garcia, Board Member Kloose, Board Member Alonzo, and Board Member Nunna**

**Abstain 1: Board Member Whelan**

**Absent 1: Board Member Canales**

[ID19-1429](#) Approve Recycled Water Transmission Main Segment SW1C (RWTM-SW1C) Project Change Order No. 2

*This item was presented to the Board by Public Utilities Manager Pavic. He explained that the project is complete and this is the last change order in the amount of \$275,000. This settlement will be going to the City Council for final approval if approved by this Board. Upon call, there was no public comment.*

**On motion of Board Member Alonzo, seconded by Vice Chair Garcia, the above item was approved. The motion carried by the following vote:**

**Aye 5: Chair Lopez, Vice Chair Garcia, Board Member Kloose, Board Member Alonzo, and Board Member Nunna**

**Abstain 1: Board Member Whelan**

**Absent 1: Board Member Canales**

[ID19-1424](#)

Actions pertaining to the Fulton Street Reconstruction Project construction contract with American Paving Company of Fresno, California

1. Approve Contract Change Order No. 72, which decreases the contract amount by \$283,408.21
2. Approve Contract Change Order No. 73, which increases the contract amount by \$360,000.00

*Public Works Assistant Director Morrison presented this item to the Board. He stated that this should be the last change order and that the project was substantially complete. They have been working closely with the contractor to resolve issues.*

*Change order number 72 is a decrease to the contract and represents actual quantities. Change order number 73 is a net increase of \$360,000 which is essentially a settlement of the notice of intent to claim that the contractor filed. The initial contract end date was May 8, 2017, but our actual completion date was October 2016. Public Works Assistant Director*

*Morrison talked about the numerous basements that they discovered during the construction and how they effected the project. Boardmember Whelan confirmed that the \$360,000 is what was agreed upon. The Boardmembers asked a few more questions that were responded to by Public Works Assistant Director Morrison.*

*Public Works Assistant Director Morrison talked about the one remaining issue that they are working on. There is some concrete that is starting to curl that is causing tripping hazards. Right now the designers are looking into it and it is being treated as a warranty issue. More discussion ensued on this topic.*

*Upon call, there was no public comment.*

*Boardmember Kloose asked if this item would be coming back to the Board. City Attorney Collet resonded that it will only come back to this Board if there is a change order or if there is a summary presentation at the end of the project. Boardmember Kloose expressed that she would like to see this item come back to the Board, and she questioned who is liable for the warranty issues. City Attorney Collet explained. There was more discussion regarding the warranty.*

*Boardmember Whelan asked if the Board can accept the change order with a caveat. After discussion, Boardmember Kloose made the following motion:*

*Approve Change Order 73 as amended: "The language within Contract Change Order No. 73 is amended as follows: This Contract Change Order fully and completely resolves all claims between American Paving Company and the City of Fresno. The settlement excludes warranties and/or latent construction defects as to the design, work performed and/or equipment and materials supplied on the project.*

*By signing this Change Order, the City and the Contractor mutually agree that payment authorized by this Change Order is a full settlement of all claims and is full resolution of all matters surrounding the claims between the parties."*

*Boardmember Whelan seconded the motion.*

**On motion of Board Member Kloose, seconded by Board Member Whelan, the above item was approved as amended. The motion carried by the following vote:**

**Aye 6: Chair Lopez, Vice Chair Garcia, Board Member Kloose, Board Member Whelan, Board Member Alonzo, and Board Member Nunna**

**Absent 1: Board Member Canales**

## **7. UNSCHEDULED COMMUNICATION**

*Upon call, there was no public comment.*

## **8. MEMBER COMMENTS**

*Upon call, there were no member comments.*

## **9. ADJOURN**

*The meeting adjourned at 6:35 P.M.*

*The above minutes were approved at the April 1, 2019 meeting with a motion from Vice Chair Garcia and a second from Boardmember Kloose.*

*The motion passed on a 6-0 vote with Boardmember Whelan 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.