



# Board Agenda Item 44

DATE: March 11, 2025

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director  
Department of Public Works and Planning

SUBJECT: Delegate Authority to Execute an Agreement with Fresno Metropolitan Flood Control District

## RECOMMENDED ACTION(S):

1. **Approve and authorize the Director of Public Works and Planning, or his/her designee, to execute an Agreement with the Fresno Metropolitan Flood Control District for reimbursement of costs for Design and Construction of Storm Drainage Facilities (preliminary engineer's estimate is \$144,946), subject to the review and approval of County Counsel as to legal form and the Auditor-Controller/Treasurer-Tax Collector as to accounting form; and**
2. **Approve and authorize the Director of Public Works and Planning, or his/her designee, to approve and execute Amendments with the Fresno Metropolitan Flood Control District up to a total additional amount of \$55,054, approximately 38% of preliminary engineer's estimate total, for a total agreement not to exceed amount of \$200,000, subject to the review and approval of County Counsel as to legal form and the Auditor-Controller/Treasurer-Tax Collector as to accounting form.**

Approval of the recommended actions would authorize the Director of Public Works and Planning, or his/her designee, to execute an Agreement with the Fresno Metropolitan Flood Control District (FMFCD) to reimburse the County for design and construction costs of Jensen Avenue Reconstruction between Fruit Avenue and Martin Luther King Jr. Boulevard Project (Project), Federal Aid Number STPL-5942(296), and to approve amendment(s) up to \$200,000. This item pertains to a location in District 1.

## ALTERNATIVE ACTION(S):

If the first recommended action is not approved, the Project will be delayed. If the second recommended action is not approved, the Project may suffer delays before or during construction, if costs exceed the estimate and/or if additional work is required to complete FMFCD's improvements.

## FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. FMFCD will pay all costs associated with the design and construction of drainage facilities. Sufficient appropriations and estimated revenues are included in the Department's Road Org 4510 FY 2024-25 Adopted Budget.

## DISCUSSION:

The recommended Agreement with FMFCD is for the design and construction of a drainage pipe in

conjunction with the Jensen Avenue Reconstruction between Fruit Avenue and Martin Luther King Jr. Boulevard Project. The reconstruction consists of approximately 0.5 mile of Jensen Avenue (Fruit Avenue to West Avenue). The road will be reconstructed using a full-depth reclamation cement treated method. The project also includes the improvement of drainage facilities, with the County's contractor coordinating between utility companies, City of Fresno, and FMFCD regarding construction specifications. Once the drainage improvements are constructed, the Department will transfer control of the drainage pipe to FMFCD for operation and maintenance. The recommended Agreement that will be signed by the Director, will be subject to the review and approval as to form by County Counsel, and as to accounting form by the Auditor-Controller/Treasurer-Tax Collector. The work on the drainage facilities will not begin until the recommended Agreement is fully executed. Authorizing the Director to sign the Agreement ensures that there are no delays in construction of this project.

FMFCD is responsible for operation and maintenance of channels, storm drains, and other such facilities under the District's Storm Drainage and Flood Control Master Plan. Prior to construction at the Jensen Avenue Reconstruction between Fruit Avenue and Martin Luther King Jr. Boulevard, the County will obtain from FMFCD approval of plans, design specifications, and cost for all drainage facility improvements. Under the recommended Agreement, FMFCD will reimburse the County for actual construction costs of the drainage facility and the County's actual expenditures for the drainage facilities (including a percentage of actual costs, for construction engineering and oversight).

The recommended Agreement with FMFCD contains provisions and processes in the event the total construction bid exceeds twenty percent (20%) of the preliminary estimate for the reimbursable drainage facilities, and for addressing any portion of drainage facility construction which does not conform to the approved project plans. In the event the bid exceeds 20% of the preliminary estimate, the recommended Agreement provides that FMFCD may elect to fund the excess costs to construct or choose not to proceed with construction of the drainage pipe, or the County may elect to pay for the costs that are over the 20% excess amount. The recommended Agreement also provides that if FMFCD inspects the drainage pipe and finds a non-conformity with the project plans, the County must have the non-conformity corrected, at no additional cost to FMFCD. If the non-conformity cannot be corrected within a reasonable time, the reimbursement due to the County may be adjusted to account for the non-conformity.

The recommended Agreement also contains mutual indemnification provisions, which is common in Agreements between public agencies.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with Fresno Metropolitan Flood Control District

CAO ANALYST:

Salvador Espino