



# Board of Supervisors

## Agenda - Final-Revised

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*Sal Quintero, 3rd District, Chairman*  
*Andreas Borgeas, 2nd District, Vice-Chairman*  
*Brian Pacheco, 1st District*  
*Buddy Mendes, 4th District*  
*Nathan Magsig, 5th District*

*Jean M. Rousseau, County Administrative Officer*  
*Daniel C. Cederborg, County Counsel*  
*Bernice E. Seidel, Clerk of the Board of Supervisors*

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Tuesday, August 7, 2018

9:00 AM

Hall of Records

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The Fresno County Board of Supervisors welcomes you to this meeting and encourages your participation. This agenda contains a brief general description of each item to be considered. The number of the item being heard is indicated on the Clerk's desk. Please see note below regarding consent agenda items. The Chairman will call for public testimony as each item is heard. If you wish to speak to an individual item please step to the podium during this time period and state your name for the record. If you wish to speak on a matter which does not appear on the agenda, you may do so during the Public Presentation period at the end of the regular session.

All supporting documentation is available for public review in the office of the Clerk of the Board of Supervisors located in the Hall of Records building, 2281 Tulare Street, Room 301, Fresno, 93721 during regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday. Agenda items are also available online at:

<http://fresnocounty.legistar.com>.

### **Invocation and Pledge of Allegiance**

1. Approve Agenda
2. Approve Consent Agenda - Item Numbers 26 - 62

*These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the Board Members and the public will be given the opportunity to remove any item from the Consent Calendar. Items removed from the Consent Calendar may be heard immediately following approval of this Consent Calendar or set aside until later in the day*

### **Supervisor Magsig**

3. Proclaim August 7, 2018 as Stan Oken Day in Fresno County

### **Supervisor Mendes and Supervisor Pacheco**

4. Adopt Resolution in memory of Fred Machado

**Chairman Quintero**

5. Receive presentation and oral report from H. Spees, Strategic Initiatives, Office of Mayor Lee Brand, City of Fresno regarding Homelessness Task Force and designate Supervisor Quintero to serve as a member of the Homelessness Task Force

**Sheriff/Coroner**

6. Conduct first hearing to amend the Fresno County Master Schedule of Fees, Charges and Recovered Costs Ordinance by amending Subsection 2609 of Section 2600 - Sheriff-Coroner; waive reading of the Ordinance in its entirety; and set second hearing for August 21, 2018; designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance; and direct the Clerk of the Board to post and publish the required summary in accordance with Government Code Section 25124(b)(1)

**Administrative Office**

7. Consider and take action on request for determination of public convenience or necessity on application for Alcoholic Beverage License Type 21 filed by Alwajih Enterprise, Inc., DBA Cargo Mart, located on 20952 S Elm Ave., Laton, CA 93242

**Probation**

8. Approve and authorize the Chairperson to execute a retroactive revenue Agreement with Fresno Unified School District to provide partial funding for services provided by nine Deputy Probation Officers assigned to various Fresno Unified School District school campuses, effective July 1, 2018 through June 30, 2019, total not to exceed \$337,500; and approve Amendment to the Salary Resolution adding one Deputy Probation Officer position to Probation Org 3430, effective August 13, 2018, as reflected in Appendix C
9. Approve Amendment to the Salary Resolution adding three Deputy Probation Officer positions and six Probation Technician positions to Probation Org 3430 effective August 13, 2018 as reflected in Appendix D

**Public Health**

10. Confirm appointment of Dr. Sara Goldgraben, effective August 7, 2018, to the position of Health Officer pursuant to Fresno County Charter Section 16
11. Conduct first hearing to amend the Master Schedule of Fees, Charges, and Recovered Costs Ordinance by amending Section 900 - Environmental Health by adding subsection 951 and waive reading of the Ordinance in its entirety and set second hearing for September 11, 2018; and, designate County Counsel to prepare a fair and adequate summary of the proposed ordinance and direct the Clerk of the Board to post and publish the required summary in accordance with California Government Code, section 25124(b)(1)

**Public Works and Planning**

12. Consider Appeal of Planning Commission's denial of Unclassified Conditional Use Permit Application No. 3501 proposing to allow high-intensity park, with related improvements for special events and meetings, on an approximately 5.4-acre portion of a 20-acre parcel in AE-20 Zone District; and if Appeal is granted; adopt Mitigated Negative Declaration prepared for Initial Study Application No. 6986, and determine that required Findings specified in Fresno County Zoning Ordinance, Section 873(F) can be made for approval of Conditional Use Permit; subject property is located at northwest corner of W. Clinton and N. Madera Avenues approximately 2.3 miles north of nearest city limits of City of Kerman
13. Consider appeal filed by Applicant regarding Conditions of Approval Nos. 2 and 3 of Planning Commission's approval of Variance Application No. 4039, requiring certification be provided that Reno Road has been improved to not less than the A-15 County Road Improvement standard across the frontage of proposed Parcel 1 and Parcel 2 to Auberry Road, and the requirement to provide for maintenance of this road segment, project site is located on south side of E. Reno Road, approximately 700 feet west of Auberry Road, approximately one mile northeast of nearest city limits of City of Fresno

**Administrative Office**

14. Conduct public forum in accordance with Government Code section 7283.1(d); receive report from the Sheriff regarding the Sheriff's Office interaction and communication with the United States Immigration and Customs Enforcement; and receive public comment

**Board of Supervisors' Committee Reports and Comments**

15. Board of Supervisors' Committee Reports and Comments - Receive and provide direction (this item reserved for committee reports by members of the Board of Supervisors)

**Board Appointments**

16. Approve amended Chairman's 2018 Appointments of Board Members to various Boards, Commissions Committees, appointing Supervisor Pacheco to replace Supervisor Magsig as the representative to the Fresno County Local Agency Formation Commission (LAFCo) and appointing Supervisor Mendes as the alternate to LAFCo (as reflected on Exhibit A); approve the amended California Form 806 - Agency Report of Public Official Appointments as presented in Exhibit B, and direct the Clerk of the Board to post on the County's internet website
17. Board Appointments - Receive Boards, Commissions and Committees Vacancy Report; and Appoint Applicants as necessary

**Public Presentations**

18. Public Presentations - This portion of the meeting reserved for persons desiring to address the Board on any matter not on this agenda - Pursuant to Administrative Policy No. 29, presentations are limited to 3 minutes per person and no more than 15 minutes total per topic

**Closed Session**

*The public may comment on Closed Session items prior to the Board's recess to Closed Session*

19. Conference with legal counsel – Significant Exposure to Litigation - Government Code section 54956.9(d)(2) (2 Cases)
20. Conference with legal counsel - Initiation of Litigation; Government Code Section 54956.9(d)(4) - 2 Cases
21. Conference with Labor Negotiator (Government Code, section 54957.6): Agency Negotiator: Paul Nerland; Employee Organization: All Bargaining Units and Management and Unrepresented Employees - Hours, Wages and Terms and Conditions of Employment
22. Conference with Labor Negotiator (Government Code, section 54957.6): Agency Negotiator: Delfino Neira; Employee Organization: SEIU-Local 2015 - Hours, Wages and Terms and Conditions of Employment
23. Conference with Legal Counsel- Existing Litigation- Government Code, Section 54956.9 (d)(1) - Michael Estrada vs. County of Fresno; Workers' Compensation Appeals Board Number ADJ97987389
24. Conference with Real Property Negotiators - Government Code 54956.8 Properties: 2100 Tulare Street, Fresno, CA 93721; County Negotiator: Jean M. Rousseau, County Administrative Officer or Designee. Negotiating Parties: Lance-Kashian & Co., Under Negotiations: Instructions to County's negotiator may concern lease and option to purchase of properties, price, terms and conditions
25. Conference with Real Property Negotiators - Government Code 54956.8. Property: Undeveloped land at Turner and Armstrong in the Fancher Creek Development; County Negotiator: Jean M. Rousseau, County Administrative Officer or Designee. Negotiating Parties: Fancher Creek Properties LLC., Under Negotiations: Instructions to County's negotiator may concern purchase of properties, price, terms and conditions
- 25.1 Conference with legal counsel – Existing Litigation Government Code section 54956.9(d)(1) - Phillips v. State of California et al. Fresno County Superior Court Case Number 15CECG02201

**Adjourn****NEXT MEETINGS:**

*August 21, 2018 - 9:00 A.M.*

*September 11, 2018 - 9:00 A.M.*

Requests for disability-related modification or accommodation needed in order to participate in the meeting must be made to the Clerk of the Board of Supervisors (559) 600-3529 no later than Monday at 9:00 a.m.

**CONSENT AGENDA**

*(Any Board Member may pull any consent item for discussion or separate vote)*

**Board of Supervisors**

26. Approve minutes of meeting for July 10, 2018

**Chairman Quintero**

- 26.1 Adjourn In Memory of Barbara Hunt

**Supervisor Magsig**

- 26.2 Adjourn in Memory of Brian Hughes

**Supervisor Mendes**

27. Adjourn in Memory of Louie P. Cardoza of Selma, California

**Supervisor Magsig and Supervisor Mendes**

28. Make a finding that it is in the best interest of the County to suspend the competitive bid process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for a focused Opportunity Analysis; approve and authorize the Chairman to execute an agreement with the Economic Development Corporation to identify specific properties that have development opportunities along key transportation corridors within Districts 1, 4 and 5, effective upon execution through June 30, 2019, total not to exceed \$80,500; and, approve the use of Board of Supervisors District 1, 4 and 5 funds for these expenditures per Administrative Policy No. 75

**County Clerk/Registrar of Voters**

29. Accept the Certified Statement of Vote for the June 5, 2018 Consolidated Statewide Primary Election

**District Attorney/Public Administrator**

30. Approve Amendment to the Salary Resolution allocating two additional Supervising Legal Assistant positions to District Attorney Org 2860, effective August 13, 2018 as reflected in Appendix E
31. Approve and authorize the Chairman to execute a retroactive revenue Agreement with the Fresno Unified School District to provide funding for one Deputy District Attorney for the Attendance Matters Program, effective July 1, 2018 through June 30, 2019 (\$240,000)

32. Adopt Resolution accepting and expressing gratitude for the donation of \$300,000 from Table Mountain Rancheria for the Fresno County District Attorney's Identification Theft Prosecution Unit for FY 2018-19

### **Sheriff/Coroner**

33. Adopt Budget Resolution increasing FY 2018-19 appropriations for the Public Facility Fees Fund 1550, Subclass 15506, Sheriff Patrol & Investigations to transfer \$28,027.91 plus accrued interest (4/5 vote); and adopt Budget Resolution increasing FY 2018-19 appropriations and estimated revenues for the Sheriff-Coroner Org 3111 in the amount of \$28,027.91 plus accrued interest, for the purchase of a used vehicle (4/5 vote)

### **County Counsel**

34. Approval of settlement agreement and mutual release between County of Fresno and Wood Bros., Inc. (WBI) pertaining to Contact No. 16-22-SW, for excavation and construction of the liner system for American Avenue Disposal Site, Modules 7 and 8, providing for a reduction in the assessment of liquidated damages from \$185,000 to \$100,000

### **Administrative Office**

35. Approve and authorize the Chairman to execute a retroactive Agreement with the Superior Court of California for charges to County Departments for the Court's Odyssey System access, door access, badges, and WiFi usage effective August 1, 2018, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$600,000
36. Adopt Resolution proclaiming continuation of the local emergency status relating to the extremely high levels of tree mortality and hazardous conditions created by the drought and request that the Governor continue to provide resources and support to mitigate risk of falling trees and increased fire hazard
37. Authorize Board members to execute a resolution supporting Congressional efforts to secure continued Federal funding for the 2014 Farm Bill Pilot Projects, including the Fresno Bridge Academy program

### **Agriculture**

38. Approve and authorize the Chairman to execute a retroactive Cooperative Agreement with the California Department of Food and Agriculture for the Nursery Inspection program, effective July 1, 2018 through June 30, 2019, with a total reimbursement amount of \$11,785

**Behavioral Health**

39. Approve and authorize the Chairman to execute a Master Agreement with multiple Short-Term Residential Treatment Programs and out-of-state group homes for the provision of specialty mental health services to clients residing in their program, effective upon execution, not to exceed five consecutive years, which includes a three-year base contract and two option one-year extensions, total not to exceed \$4,500,000; and, authorize the Director of the Department of Behavioral Health, or designee, to add and/or delete Short-Term Residential Treatment Programs and out-of-state group homes to/from the Master Agreement
40. Make a finding that is in the best interest of the County to suspend the competitive bid process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances as Relias Learning, LLC is the only provider to offer a Learning Management System meeting specified requirements; and, approve and authorize the Chairman to execute an Agreement with Relias Learning, LLC, to provide a learning management system for the Department of Behavioral Health, effective September 1, 2018, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$535,111

**Human Resources**

41. Approve and authorize Chairman to execute Agreement to Defend Public Officer(s) or Employee(s) for: William Nemoto, Correctional Officer III, David Gutierrez, Correctional Officer IV and John Palacios, Correctional Officer III, as named in United States District Court Eastern District Court of California Case No: 1:15-CV-01200-BAM-(PC), Michael Hernandez Gonzalez v. Mims, et al.
42. Approve the Memoranda of Understanding for the following Representation Units represented by SEIU Local 521, effective July 30, 2018, through July 26, 2020: Unit 03 - Mental Health Professionals and Social Workers, Unit 04 - Eligibility Workers, Unit 12 - Clerical, Paramedical, Building and Service Employees, Unit 22 - Professional, Para-Professional, and Technical Employees, Unit 36 - Supervisory Employees; and approve the related Salary Resolution Amendments as reflected on Appendix "B"
43. Approve and authorize Chairman to execute Agreement to Defend Public Officer or Employee for: Department of Child Support Services, Director Kari Gilbert, as named in United States District Court Eastern District Court of California Case No.1:17-CV-01748-DAD-EPG, Madhu Sameer v. Sameer Khera, et al.
44. Approve and authorize the Chairman to execute Third Amendment to Agreement No. 16-049 with San Joaquin Valley Insurance Authority for Cash Advances and Repayment

**Internal Services**

45. Approve and authorize the Chairman to execute a retroactive assignment of Agreement No. 13-693 from Loss Protection and Investigations, Inc., to Iron Mountain Secure Shredding, Inc., for the shredding and destruction of confidential documents and information media
46. Approve and authorize the Chairperson to execute retroactive Master Agreement with multiple vendors to amend and restate, and replace and supersede existing and previously amended Purchasing Agreement No. P-17-081-P for components, emergency response and large scale installation services for Identiv-Hirsch Velocity access control system services, effective March 15, 2017, increasing the maximum agreement cost by \$250,000, for a total potential five-year cost not to exceed \$799,000

**Public Health**

47. Approve and authorize the Chairman to execute a retroactive Amendment I to Agreement No. 16-683 with Children and Families Commission of Fresno County for the Nurse-Family Partnership program extending the term by one year from July 1, 2018 to June 30, 2019 and increasing the maximum by \$226,356 to a total of \$626,964; approve and authorize the Chairman to execute a retroactive Amendment I to Agreement No. 16-684 with Children and Families Commission of Fresno County for the Nurse Liaison program extending the term by one year from July 1, 2018 to June 30, 2019 and increasing the maximum by \$385,592 to a total of \$1,049,973
48. Approve and authorize the Chairman to execute a retroactive revenue Agreement with the City of Fresno, for dispatching services for the City of Fresno Fire Department through the Fresno County Emergency Medical Services Communications Center, effective July 1, 2018 through June 30, 2021 total not to exceed \$2,463,741; and, approve and authorize the Chairman to execute a retroactive Agreement with K.W.P.H. Enterprises, d.b.a. American Ambulance, for City of Fresno Fire Department dispatching services through the Fresno County Emergency Medical Services Communications Center, effective July 1, 2018 through June 30, 2021 total not to exceed \$2,261,395

**Public Works and Planning**

49. Approve and authorize Chairman to execute Program Supplement Agreement No. N252 Rev. 1 to Administering Agency-State Master Agreement for Federal Aid Project No. 06-5942R with California Department of Transportation for Federal Project No. BRLO-5942(238) Ennis Road over Sand Creek Bridge (\$100,000)
50. Conduct second hearing and adopt Ordinance to amend Fresno County Master Schedule of Fees, Charges, and Recovered Costs Sections 1000 - Computer Services (EMIS); 1500 - Parks and Recreation; and 2200 - Public Works; and waive reading of Ordinance in its entirety



51. Adopt Resolution approving Measure C Extension Local Transportation Pass-Through Revenue Certification and Claim forms for FY 2018-19 and authorize the Chairman to execute the claim forms, certifying that the revenues are not being used to substitute property tax funds previously used for local transportation purposes, and confirming the County's intent to complete reporting requirements no later than November 15, 2018
52. Approve petition for waiver of absences for Kent Stratford to allow him to retain his position on Fresno County Zoo Authority Board
53. Adopt Resolution declaring surplus County owned excess property, a single-family residence, located at 4585 E. Harvard Avenue, Fresno, and authorize Clerk of the Board to publish a notice of intention to sell County owned excess property for minimum bid of \$80,000 by public auction on September 11, 2018 at 9:00 a.m. (4/5 vote)
54. Adopt plans and specifications for Contract No. 18-05-J, Class A (General Engineering) Job Order Contract, and award to bidder with lowest responsive bid, Durham Construction Company, Inc., 1025 Holland Avenue, Clovis in total amount of \$1,500,000; adopt plans and specifications for Contract No. 18-06-J, Class A (General Engineering) Job Order Contract, and award to bidder with second lowest responsive bid, Newton Construction & Management, Inc., 2436 Broad Street, San Luis Obispo, in total amount of \$1,500,000; adopt plans and specifications for Contract No. 18-J-01, Class B (General Building) Job Order Contract, and award to bidder with lowest responsive bid, Durham Construction Company, Inc., 1025 Holland Avenue, Clovis, in total amount of \$1,500,000; adopt plans and specifications for Contract No. 18-J-02, Class B (General Building) Job Order Contract, and award to bidder with second lowest responsive bid, Haus Construction, Inc., 1479 W. Barstow, Fresno, in total amount of \$1,500,000; and adopt plans and specifications for Contract No. 18-J-03, Class B (General Building) Job Order Contract, and award to bidder with third lowest responsive bid, Puma Construction and Restoration, Inc., 4387 W. Santa Ana, Fresno, in total amount of \$1,500,000
55. Amend authorization allowing Director of Department of Public Works and Planning, subject to review and approval of County Counsel and Auditor-Controller/Treasurer-Tax Collector, to execute a Utility Agreement with Pacific Gas & Electric and any amendments that Director deems necessary for construction of Auberry Road at Copper Avenue Traffic Signal Installation Project, increasing maximum authorization by \$56,688 to \$180,000
56. Accept Easement Deed and authorize Chairman to execute Right-of-Way Contract to facilitate Travers Creek Bridge Replacement, Federal Project No. BRLO-5942(227) on Parlier Avenue for a total monetary consideration of \$8,700
57. Authorize Director of Department of Public Works and Planning, subject to review and approval by County Counsel and Auditor-Controller/Treasurer-Tax Collector, to execute amendments to Emergency Drought Funding Assistance Program grant from Department of Water Resources, as deemed necessary by the Director for receipt of \$2,463,560 for Fresno County Westside Water Distribution Improvement project at County Service Areas 30 (El Porvenir) and 32 (Cantua Creek), including cumulative changes of up to \$250,000 in the grant amount

**Social Services**

58. Approve and authorize the Chairman to execute a Memorandum of Understanding with the California Automated Consortium Eligibility System, a Joint Powers Authority, for the procurement, implementation, maintenance, and operations of shared welfare services for all 58 California counties, effective after execution by all 18 Welfare Client Data System Consortium Counties and the California Automated Consortium Eligibility System, and terminating upon the formation of the California Statewide-Automated Welfare System
59. Make a finding that it is in the best interest of the County to suspend the competitive bidding process consistent with Administrative Policy 34 for unusual or extraordinary circumstances for an Automated Client Appointment Management System for the Department of Social Services; and approve and authorize the Chairman to execute an Agreement with EZappt, LLC for maintenance and enhancement of the Automated Client Appointment Management System, effective August 8, 2018, not to exceed five consecutive years, which includes a two-year base contract with three optional one-year extensions, total not to exceed \$170,000
60. Approve and authorize the Chairman to execute a Memorandum of Understanding with the California Department of Child Support Services for access to the California Support Enforcement System effective upon execution by the California Department of Child Support Services, not to exceed three consecutive years (\$0)
61. Approve and authorize the Chairman to execute an Agreement with Golden State Family Services, Inc. for Therapeutic Foster Care Services, effective upon execution, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed, \$2,500,000
62. Approve and authorize the Chairman to execute a Lease Agreement with E Street Fresno, LLC for 10,500 square feet of office space at 1209 E St., Fresno, CA for use by the Department of Social Services, effective November 19, 2018, not to exceed two consecutive years, which includes a one-year base contract and one optional one-year extension, total not to exceed \$263,453