



Board of Supervisors

Agenda - Final-Revised

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Nathan Magsig, 5th District, Chairman
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Brian Pacheco, 1st District
Steve Brandau, 2nd District
Sal Quintero, 3rd District

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

Tuesday, October 22, 2019

9:00 AM

Hall of Records

PROGRAM ACCESSIBILITY AND ACCOMMODATIONS: The Americans with Disabilities Act (ADA) Title II covers the programs, services, activities and facilities owned or operated by state and local governments like the County of Fresno ("County"). Further, the County promotes equality of opportunity and full participation by all persons, including persons with disabilities. Towards this end, the County works to ensure that it provides meaningful access to people with disabilities to every program, service, benefit, and activity, when viewed in its entirety. Similarly, the County also works to ensure that its operated or owned facilities that are open to the public provide meaningful access to people with disabilities.

To help ensure this meaningful access, the County will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities. If, as an attendee or participant at the meeting, you need additional accommodations such as an American Sign Language (ASL) interpreter, an assistive listening device, large print material, electronic materials, Braille materials, or taped materials, please contact the Clerk of the Board of Supervisors staff, as soon as possible during office hours at (559) 600-3529, option 4 or at Clerk/BOS@fresnocountyca.gov. Reasonable requests made at least 48 hours in advance of the meeting will help to ensure accessibility to this meeting. Later requests will be accommodated to the extent reasonably feasible.

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 22 - 51

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

Chairman Magsig

3. Proclaim the month of October 2019 as Domestic Violence Awareness Month in Fresno County
4. Proclaim November 2019 as "National Adoption Month" in Fresno County

Supervisor Pacheco

5. Discuss and provide direction, if necessary, on whether Fresno County should implement an economic development incentive program and the possible application of any such program to relocation of Darling Ingredients to a new site at the Fresno-Clovis Regional Wastewater Treatment Plant

Administrative Office

6. Review and approve the founding structure of Street2Home Fresno County, which will serve as the countywide collective impact initiative maintaining focus on the adopted Homelessness Priorities; and if a structure is approved, adopt Resolution agreeing to coordinate with the designated incorporated city representatives, the Fresno-Madera Continuum of Care, and the Fresno Housing Authority to focus on the development of homelessness reduction strategies that include prevention, housing, victim and diversion services through Street2Home Fresno County; and, where possible, coordinate with the City of Fresno, the Fresno-Madera Continuum of Care, and the Fresno Housing Authority to develop aligned spending plans that support a continuum of services

Public Health

7. 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, as Fresno Humane Animal Services is uniquely qualified vendor that possesses the community contacts and breadth of knowledge needed to effectively operate the shelter for animal control services; and, approve and authorize the Chairman to execute an Agreement with Fresno Humane Animal Services to provide mandated animal control services, effective January 1, 2020 through December 31, 2029, total not to exceed \$18,931,782

Public Works and Planning

8. Conduct first hearing and take action to: approve proposed amendments to Fresno County Ordinance Code, Title 17 - Divisions of Land, Chapter 17.92 - Clovis Development Fees Applicable within Sphere of Influence of City of Clovis, and a Schedule of Fees; set second hearing for December 10, 2019 and waive reading of Ordinance in its entirety; designate County Counsel to prepare fair and adequate summary of proposed Ordinance; and direct Clerk of the Board to post and publish requested summary in accordance with Government Code, Section 25124(b)(1)
9. Consider appeal of Planning Commission's denial of Variance Application No. 4074 proposing to allow creation of two parcels (2.5-acre and 2.4-acre) having a lot width or frontage of 160 feet (165 feet required) and a lot depth to width ratio of 4.12:1 (4:1 maximum allowed) from existing 4.9-acre parcel (gross) in the AE-20 Zone District, subject parcels are located on south side of W. McKinley Avenue, approximately 420 feet east of its intersection with N. Garfield Avenue, and one-mile south of nearest city limits of City of Fresno
10. Review submission of vacation of public road right-of-way of Dunlap Road and adopt report of Director of Department of Public Works and Planning regarding Vacation Application No. V15-03's conformity with County General Plan as required by Government Code, section 65402, subdivision (a); initiate proceeding under Chapter 3, Part 3, Division 9, of Streets and Highways Code, and adopt Resolution of Intention and Notice of Hearing for November 19, 2019 at 9:00 a.m. for vacation of Dunlap Road public road right-of-way, Vacation Application No. V15-03; direct Clerk of the Board of Supervisors to set hearing by fixing date, hour, and place of hearing and cause posting, publishing, and mailing of notice(s), as required by Chapter 3, Part 3, Division 9, of Streets and Highways Code; and direct Department of Public Works and Planning to post notices on site as required by Chapter 3, Part 3, Division 9, of Streets and Highways Code
11. Consider and take action on appeal of Planning Commission's denial of Unclassified Conditional Use Permit (UCUP) Application No. 3629, proposing to allow County of Fresno Regional Environmental Compliance Center (Regional ECC) for collection of household hazardous waste, with sanitary facilities, warehouse, collection structure, and hazardous materials storage containers, as well as office and classroom, on 2.67 acres of County-owned property in City of Fresno's IL Zone District; and if your Board grants appeal and overturns Planning Commission's denial of UCUP Application No. 3629: (a) make required findings specified in County Zoning Ordinance Section 873(F) for approval of UCUP No. 3629; (b) adopt Resolution approving UCUP Application No. 3629, for County of Fresno Regional ECC, with staff's recommended Conditions of Approval; and (c) adopt Mitigated Negative Declaration prepared for Initial Study Application No. 7561, and approve proposal subject to project Mitigation Measures and Conditions of Approval, subject site is located on southwest corner of Dan Ronquillo Drive and S. West Avenue, within city limits of City of Fresno

Board of Supervisors' Committee Reports and Comments

12. 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

13. Board Appointments - Receive Boards, Commissions and Committees Vacancy Report; and Appoint Applicants as necessary

Public Presentations

14. 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

15. 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
16. Conference with Legal Counsel- Existing Litigation - Government Code, section 54956.9(d)(1) - John Ramirez vs. County of Fresno; Workers' Compensation Appeals Board Number ADJ10669748
17. Conference with legal counsel - Initiation of Litigation; Government Code, section 54956.9(d)(4) - 2 Cases
18. Conference with legal counsel – Significant Exposure to Litigation; Government Code, section 54956.9(d)(2) - 2 Cases
19. Conference with legal counsel - Existing Litigation - Government Code, section 54956.9(d)(1) - Rebecca Cassidy v. County of Fresno, et al., Fresno County Superior Court Case No.: 18CECG00624; Risk Management Claim No.: 9836
20. Conference with Real Property Negotiators - Government Code, Section 54956.8; Property: UMC Campus located at the northeast corner of South Cedar Avenue and East Kings Canyon Road, Fresno, CA; County Negotiator: Jean M. Rousseau, County Administrative Officer or designee. Negotiating Parties: CMG, Inc. Under negotiations: Instructions to County's negotiator may concern sale and lease terms and conditions including price

Sitting as the Fresno County In-Home Supportive Services Public Authority Board of Directors and as the Fresno County Board of Supervisors:

21. Conference with Labor Negotiator (Government Code, section 54957.6): Agency Negotiator: Joy Cronin; Employee Organization: SEIU-Local 2015 - Hours, Wages and Terms and Conditions of Employment

Adjourn

NEXT MEETINGS:

November 5, 2019 - 9:00 AM

November 19, 2019 - 9:00 AM

CONSENT AGENDA

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

Board of Supervisors

22. Approve minutes of meeting for October 8, 2019
23. Approve the form of the Model Conflict of Interest Code (Model COI Code) for Fresno County local agencies (Exhibit A); Direct Clerk of the Board to submit the Model COI Code to the Fair Political Practices Commission (FPPC) for review

Supervisor Pacheco

- 23.1 Adjourn in memory of Mario DeFrancesco who was a long-time Firebaugh farmer and community leader

District Attorney

24. Retroactively authorize the District Attorney's previous submittal of a grant application to the State of California, Department of Insurance (CDI) for continuation of the Disability and Healthcare Insurance Fraud program for the period of July 1, 2019 through June 30, 2020 (\$383,810); adopt a Resolution authorizing the District Attorney to execute retroactive Grant Award Agreement, including any extensions or amendments, for continued funding of the Disability and Healthcare Insurance Fraud program with the CDI for the period July 1, 2019 through June 30, 2020 (\$183,653); adopt Budget Resolution increasing FY 2019-20 appropriations and estimated revenues in the amount of \$42,153 in the District Attorney's Special Revenue Fund 0060, CDI Disability and Healthcare Fraud Program, Org 1102 (4/5 vote); and adopt Budget Resolution increasing FY 2019-20 appropriations and estimated revenues in the amount of \$42,153 in the District Attorney-Grants Org 2862 (4/5 vote)
25. Retroactively approve and authorize the District Attorney's previous submittal of a grant application to the State of California, Department of Insurance (CDI) for continuation of the Automobile Insurance Fraud program, for the period July 1, 2019 through June 30, 2020 (\$592,740); and adopt Resolution approving and authorizing the District Attorney to execute retroactive Grant Award Agreement, including any extensions or amendments, for continued funding of the Automobile Insurance Fraud program with the CDI, for the period July 1, 2019 through June 30, 2020 (\$405,405)

26. Retroactively authorize the District Attorney's previous submittal of a grant application to the State of California, Department of Insurance (CDI) for continuation of the Workers' Compensation Insurance Fraud program, for the period July 1, 2019 through June 30, 2020 (\$1,429,879); and adopt a Resolution authorizing the District Attorney to execute retroactive Grant Award Agreement, including any extensions or amendments, for continued funding of the Workers' Compensation Insurance Fraud program with the CDI, for the period July 1, 2019 through June 30, 2020 (\$1,275,026)

Sheriff/Coroner/Public Administrator

27. Conduct second hearing to amend the Fresno County Master Schedule of Fees, Charges, and Recovered Costs Ordinance by amending Subsection 2609 of Section 2600 - Sheriff and waive reading of the ordinance in its entirety
28. Approve and authorize the submission of an Application for Financial Aid in the amount of \$1,713,334 to the State of California Department of Parks and Recreation Division of Boating and Waterways for the FY 2020-21 Boating and Enforcement Aid Program in Fresno County
29. Make a finding that it is in the best interest of the County to waive the competitive bidding process under Administrative Policy No. 34 due to unusual or extraordinary circumstances, as Microsoft Corporation is the support provider for its licensed products; and approve and authorize the Chairman to execute a sole source retroactive Agreement with Microsoft Corporation (Microsoft) for maintenance and technical support of Microsoft products used by the Sheriff's Office effective October 2, 2019 through October 1, 2020 (\$121,851)

Behavioral Health

30. Approve and authorize the Chairman to execute an Agreement with Corporation for Supportive Housing, for Technical Assistance consulting services related to the California Department of Housing and Community Development's No Place Like Home Program and facilitation of a Supportive Housing Institute, for a three-year term effective upon execution through October 21, 2022 (\$400,000)
31. Approve and authorize the Chairman to execute Amendment II to Agreement No. 15-257 with Kings View Corporation for the Projects for Assistance in Transition from Homelessness Program to add a Mobile Outreach Team component using Homeless Mentally Ill Outreach and Treatment one-time State funding, effective upon execution with no change in term to June 30, 2020 and increasing the maximum by \$729,000 to a total of \$3,619,728

Human Resources

32. Approve and authorize the Chairman to execute agreement with Retireefirst for the purpose of providing management and administrative services relating to health benefits for retirees; and, approve and authorize the Director of Human Resources, or designee, to execute related health plan documents subject to review and approval by County Counsel and the Auditor-Controller/Treasurer-Tax Collector
33. Approve Resolutions Rejecting Claims for Damages
34. Approve and authorize the Chairman to execute an Agreement with the Workforce Development Board, effective October 23, 2019 through October 1, 2021

Internal Services

35. Approve and authorize the Chairman to execute a retroactive Assignment of Agreement No. 17-382-1 from The Presort Center of Fresno LLC, to Pre-Sort Center of Stockton, Inc., dba PacWest Direct, effective August 13, 2019

Probation

36. Approve and authorize the Chairman to execute retroactive Agreement with the City of Clovis, effective from July 1, 2019 through June 30, 2020, with a total of \$674,400; adopt Budget Resolution increasing the FY 2019-20 appropriations in the Local Community Corrections Org 3436 in the amount of \$152,400 (4/5 vote); and adopt Budget Resolution increasing the FY 2019-20 appropriations and estimated revenues in Probation Org 3430 in the amount of \$152,400 (4/5 vote)
37. Approve and authorize the Chairman to execute a retroactive Agreement with the City of Kingsburg to assign a sworn Police Officer to the Public Safety Realignment Adult Compliance Team, effective July 1, 2019 through June 30, 2020 (\$154,110)
38. Make a finding that it is in the best interest of the County to waive the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for the solicitation of Behavioral Health Coordinator(s) to supervise local doctoral candidate interns providing treatment services to youth housed at the Juvenile Justice Campus; and approve and authorize the Chairman to execute an Agreement with Sierra Education and Research Institute (SERI) to provide Behavioral Health Coordination services for the Juvenile Justice Campus, effective October 22, 2019 not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$625,000
39. Retroactively authorize the Chief Probation Officer's previous submittal of a grant application to the California Board of State and Community Corrections (BSCC) for the Title II Juvenile Delinquency Prevention and Intervention Grant Program Funds (\$890,562)

40. Retroactively authorize the Chief Probation Officer's previous submittal of a grant application to the State of California, Governor's Office of Emergency Services (Cal OES), for the Probation Specialized Units Program (\$133,333); approve and authorize the Chairman to execute a retroactive Grant Application/Agreement for the Probation Specialized Units Program with Cal OES, for the period of October 1, 2019 through September 30, 2020; and adopt resolution authorizing the Chairman to sign the retroactive grant application, and to execute retroactive Grant Award Agreement and any extensions or amendments thereto with Cal OES for the period of October 1, 2019 through September 30, 2020, subject to approval by County Counsel and the Auditor-Controller/Treasurer-Tax Collector (\$133,333)

Public Health

41. Approve Amendment to the Salary Resolution adding one Supervising Public Health Nurse position; one Health Educator position; Medical Social Worker I/II/III position; and, deleting one unfilled Health Education Assistant position; two unfilled Health Education Specialist positions; five unfilled Office Assistant I/II/III positions; two unfilled Public Health Laboratory Assistant positions, and, one Supervising Office Assistant position in the Public Health Org 5620, effective October 21, 2019, as reflected in Appendix C
42. Approve and authorize the Chairman to execute an Agreement with Eurofins DQCI LLC, for mandated milk and dairy testing services, effective November 1, 2019 through October 31, 2024, not to exceed five consecutive years, which includes a three-year base contract, with two optional one-year extensions, total not to exceed \$303,684
43. Confirm appointments of Dr. Rajeev Verma and Dr. Rais Vohra to the position of Deputy Public Health Officer on an extra-help basis pursuant to the Fresno County Charter, Sections 12 and 16, providing them with the authority to act on behalf of the County Health Officer in his/her absence, sharing coverage with Dr. Kenneth Bird, retrospectively effective October 21, 2019

Public Works and Planning

44. Approve and authorize the Chairman to execute the following amendments to the Exclusive Service Area Program Agreements: Amendment II to Agreement No. 17-564 with Allied Waste Services of North America, LLC, Amendment II to Agreement No. 17-565 with Granite Solid Waste, Inc., Amendment II to Agreement No. 17-566 with Mid Valley Disposal, LLC, Amendment II to Agreement No. 17-567 with Miramonte Sanitation, Inc., Amendment II to Agreement No. 17-568 with Orange Avenue Disposal, Inc., Amendment II to Agreement No. 17-569 with Peña's Disposal, Inc., and Amendment II to Agreement No. 17-571 with USA Waste of California, Inc. to establish a successor recycling surcharge methodology based on recyclable commodity market index, establish maximum rates for organic materials collection, and revise Schedule of Maximum Special Service Rates to include charges for overfilled containers, as well as charges for recycling and organic materials contamination, with no change to Agreement term of February 28, 2018 through February 28, 2028

45. Approve and authorize Chairman to execute Cost Share Letter of Agreement for Propositions 1 and 68 Sustainable Groundwater Planning Grant Program Proposal Application of Delta-Mendota Subbasin, coordinated and prepared for submittal by San Luis & Delta-Mendota Water Authority on behalf of Fresno County Management Areas A & B Groundwater Sustainability Agency and Authorizing Agencies within the Subbasin
46. Make finding that it is in the best interest of the County to waive competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances as Universal Tau-II crash cushions are manufactured by Barrier Systems, Inc., and only available through Statewide Safety and Signs, their authorized distributor, and necessary to match other products utilized for most of County's recently constructed bridge projects, and is consistent with provisions of Public Contract Code Section 3400(B)(2); and authorize Department of Public Works and Planning staff to incorporate these sole-sourced components in project design; and adopt plans and specifications and award Contract 19-05-C, Outside Canal on Russell Avenue Bridge Replacement Project, Federal Project No. BRLS-5942(195) to low bidder, Agee Construction Corporation, 1039 Hoblitt Avenue, Clovis, CA in amount of \$3,810,616
47. Approve and authorize Chairman to execute First Amendment to Agreement No. 17-115 with Asbury Environmental Services dba World Oil Environmental Services for collection services and to establish fee schedule for non-conforming oil filters, effective upon execution with no change to compensation amount or term of March 28, 2017 to March 29, 2022, total not to exceed \$251,750
48. Adopt Resolution approving partial Cancellation of Agricultural Land Conservation Contract No. 6142 filed by Duane and Karen Soares, based on ability to make five Consistency Findings listed under Government Code, Section 51282 (b); and authorize Chairman to sign Certificate of Tentative Cancellation and approve recordation of Certificate of Cancellation when all conditions included in Certificate of Tentative Cancellation have been satisfied, subject property is located on north side of W. Central Avenue between S. Valentine Avenue and S. Brawley Avenue approximately two miles west of nearest city limits of City of Fresno
49. Adopt Resolution approving 24-month discretionary extension to exercise Tentative Tract Map No. 5943 in accordance with Section 66452.26 of Subdivision Map Act, extending the life of Tentative Tract Map from August 30, 2019 to August 30, 2021, subject property is located on southeast corner of Bretz Road and Garnet Lane intersection, approximately 1.2 miles east of State Route 168 and 1.2 miles south of unincorporated community of Shaver
50. Adopt Resolution of Intention initiating proceeding under Chapter 3, Part 3, Division 9 of Streets and Highways Code (collectively, the "Vacation Laws"), setting 9:00 a.m. on November 19, 2019, in the Board of Supervisors' chambers, as the time, date, and place for the Board to conduct a hearing for proposed vacation of certain excess road right-of-way of Sky Harbour Road, north of Millerton Road (approximately 0.85 acres, approximately 1,445 feet long, with width varying from 45 feet to 2 feet) (Vacation Application No. V18-01), directing Clerk of the Board to cause posting, publishing, and mailing of notice(s), as required by Vacation Laws, and directing Department of Public Works and Planning to post notices on site as required by Vacation Laws

51. Approve and authorize Chairman to execute Agreement with WP Gateway Villas Apartments, LP for HOME Investment Partnerships Program funds for development of Gateway Villas Apartments in City of Kerman (\$980,000); and authorize Director of Public Works and Planning, or his designee, to execute all loan and related documents necessary to the project, including any amendments thereto, subject to prior review and approval of County Counsel and Auditor-Controller/Treasure-Tax Collector, as shall be necessary for purpose of developing the Project, as described in Section I of the Agreement