



County of Fresno

Action Summary - Final

Board of Supervisors

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

Paul Nerland, County Administrative Officer
Daniel C. Cederborg, County Counsel
Bernice E. Seidel, Clerk of the Board of Supervisors

Tuesday, October 22, 2024

9:30 AM

Hall of Records

Present: 5 - Supervisor Steve Brandau, Chairman Nathan Magsig, Vice Chairman Buddy Mendes, Supervisor Brian Pacheco, and Supervisor Sal Quintero

Invocation and Pledge of Allegiance

JAKE OSBORNE, YOUTH AND MISSIONS PASTOR AT THE WELL KINGSBURG, GAVE THE INVOCATION AND LED THE BOARD OF SUPERVISORS IN THE PLEDGE OF ALLEGIANCE

1. Approve Agenda

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR QUINTERO, THAT THIS AGENDA BE APPROVED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

2. Approve Consent Agenda - Item Numbers 24-49

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR BRANDAU, THAT THIS CONSENT AGENDA BE APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 25 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Board of Supervisors

3. Presentation of Retirement Plaque to Clark Crapo - District Attorney's Office - 20 Years of Service

PRESENTED RETIREMENT PLAQUE TO CLARK CRAPO

4. Adopt Resolution recognizing Fresno County Stock Clerk Douglas "Doug" King for his dedicated service to Fresno County

A MOTION WAS MADE BY SUPERVISOR QUINTERO, SECONDED BY VICE CHAIRMAN MENDES, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 24-351

Supervisor Brandau

5. Conduct first hearing to amend the Ordinance Code of Fresno County, Title 15, to add Chapter 15.90, "Vacant Structures and Buildings;" waive reading of the Ordinance in its entirety and set the second hearing for November 5, 2024; 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)

A MOTION WAS MADE BY SUPERVISOR BRANDAU, SECONDED BY SUPERVISOR QUINTERO, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

6. Conduct first hearing to amend the Ordinance Code of Fresno County, Title 10, to add Chapter 10.31, "Graffiti Abatement;" waive reading of the Ordinance in its entirety and set the second hearing for November 5, 2024; 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)

A MOTION WAS MADE BY SUPERVISOR BRANDAU, SECONDED BY SUPERVISOR QUINTERO, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Sheriff/Coroner/Public Administrator

7. Approve Amendment to the Salary Resolution adding eight positions to Sheriff-Coroner-Public Administrator's Org 3111, and deleting eight vacant positions from Sheriff-Coroner-Public Administrator's Org 3111, effective October 28, 2024, as reflected in Appendix D; approve Amendment to the Salary Resolution, deleting the Forensic Services Coordinator position and reinstating a Supervising Criminalist position in the Sheriff's Org 3111, effective October 28, 2024, as reflected in Appendix D; approve Amendment to the Salary Resolution to add one additional Sheriff's Captain allocation to the current allocation within Group 2 and deleting the Sheriff Administrative Services Director position from Group 2, effective October 28, 2024, as reflected in Appendix D; and adopt Budget Resolution increasing FY 2024-25 appropriations and estimated revenues for Sheriff's Org 3111 in the amount of \$162,715 to fund the Criminalist and Financial Analyst (4/5 vote)

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR QUINTERO, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Salary Resolution No. 24-028, Resolution No. 24-353

8. 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-Public Administrator, waive reading of the Ordinance in its entirety; and set second hearing for December 3, 2024; 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)

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR BRANDAU, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Administrative Office

9. Adopt Resolution updating the Fresno County Operational Area Master Emergency Services Plan; and, authorize the Emergency Services Director to implement future updates to the Fresno County Operational Area Master Emergency Services Plan in compliance with local, State or Federal codes

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR QUINTERO, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 24-354

Probation

10. Conduct first hearing to amend the County of Fresno Master Schedule of Fees, Charges and Recovered Costs Ordinance by amending Subsection 1815 - Daily Rate of Section 1800 - Probation; and waive the reading of the proposed Ordinance in its entirety; and set second hearing of the proposed Ordinance, including its requested Board adoption, for November 5, 2024; 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 of the proposed Ordinance in accordance with Government Code Section 25124(b)(1)

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR QUINTERO, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Social Services

11. Under Administrative Policy No. 34 for competitive bids or requests for proposals, determine that an exception to the competitive bidding requirement is satisfied and a suspension of competition is warranted due to unusual or extraordinary circumstances, and that the best interests of the County would be served by entering into an agreement with Poverello House as the vendor is uniquely qualified to provide ongoing triage center emergency shelter services; and approve and authorize the Chairman to execute an Agreement with Poverello House for triage emergency shelter services, effective November 1, 2024 through June 30, 2025, total not to exceed \$342,005

A MOTION WAS MADE BY SUPERVISOR BRANDAU, SECONDED BY SUPERVISOR QUINTERO, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 24-562

Public Works and Planning

- 11.1 Receive presentation on current and proposed County facility capital projects and provide direction regarding priorities and next step

RECEIVED PRESENTATION ON CURRENT AND PROPOSED COUNTY FACILITY CAPITAL PROJECTS. NO DIRECTION WAS GIVEN BY THE BOARD

12. Adopt resolution to fill a Supervising Architect position with Extra-Help retiree, Noel Roger Davidson, effective October 23, 2024, finding, pursuant to Government Code Section 7522.56 (f)(1), that a 180-day separation period for retired employees returning to employment as Extra-Help is not applicable based on your Board's certification that the nature of employment and appointment is necessary to fill a critically needed position before the 180-day separation period

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR PACHECO, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 24-355

13. Conduct public protest hearing, as required by Public Utilities Code section 6234, for Board of Supervisors ("Board") to receive, hear, and pass upon any timely written protests, including any timely written objections, made by any interested person against Board granting a franchise, up to 25 years, on a non-exclusive basis ("non-exclusive franchise"), by ordinance, to Toro Energy of California AA, LLC, (also referred to as Toro Energy), upon annual payment of a franchise fee to the County, to construct, maintain and use pipes and appurtenances for transmitting derived gas from Toro Energy's landfill-gas-to-energy project ("LFGTE Project") at County's American Avenue Disposal Site ("AADS") for any and all purposes, as allowed by a County-approved conditional use permit and/or road permit condition, from LFGTE Project at AADS at 18950 W. American Avenue, Kerman, in, along, across, upon, and under following public streets and highways within unincorporated area of Fresno County: from the County's AADS, eastward on W. American Avenue for approximately 4 miles, and then southward on S. Madera Avenue for approximately 4 miles, to a PG&E connection location approximately a half of a mile north of W. Manning Avenue, just east of S. Madera Avenue/SR 145, Kerman; and after conducting and closing public protest hearing, do following, as determined by Board: a. determine that no timely written protests, including timely written objections, have been made against Board granting of non-exclusive franchise to Toro Energy, and Board may proceed to act on recommended action 3; or b. determine that one or more timely written protests, including timely written objections, have been made against Board granting of non-exclusive franchise to Toro Energy, and have been heard by Board, and pass upon such protest(s), including such objection(s), as applicable: i. protest(s), including objection(s), are insufficient; ii. protest(s), including objection(s), are overruled or denied; or iii. protest(s), including objection(s), are sufficient; and c. if Board determines that all such protests, including all such objections, are insufficient or overruled or denied, Board may proceed to recommended action 3; and d. if Board determines that only some of such protests, including some of such objections, are insufficient or overruled or denied, Board will determine, under recommended action 2.e., if remaining protests, including remaining objections, are sufficient; and e. if Board determines that any such protests, including objections, are sufficient, then Board may grant such protests, and sustain such objections, and abandon these proceedings; and conduct first hearing, including first reading of an ordinance granting non-exclusive franchise, as described above, to Toro Energy; Waive reading of ordinance in its entirety and set second hearing of ordinance for December 3, 2024; and designate County Counsel to prepare a fair and adequate summary of proposed ordinance; and direct Clerk of the Board to post and publish required summary in accordance with Government Code section 25124(b)(1)

CONDUCTED PUBLIC PROTEST HEARING, AS REQUIRED BY PUBLIC UTILITIES CODE SECTION 6234, FOR THE BOARD TO RECEIVE, HEAR, AND PASS UPON ANY TIMELY WRITTEN PROTESTS, INCLUDING TIMELY WRITTEN OBJECTIONS, MADE BY ANY INTERESTED PERSON AGAINST THE BOARD GRANTING OF THE NON-EXCLUSIVE FRANCHISE TO TORO ENERGY. NO PUBLIC TESTIMONY RECEIVED. NO WRITTEN PROTESTS, INCLUDING WRITTEN OBJECTIONS, RECEIVED. CLOSED THE PUBLIC PROTEST HEARING. A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR QUINTERO, THAT THIS MATTER BE ACTED ON AS FOLLOWS: DETERMINE THAT NO TIMELY WRITTEN PROTESTS, INCLUDING TIMELY WRITTEN OBJECTIONS, HAVE BEEN MADE AGAINST THE BOARD GRANTING OF THE NON-EXCLUSIVE FRANCHISE TO TORO ENERGY, AND THAT THE BOARD MAY PROCEED TO ACT ON THE FIRST PUBLIC HEARING OF THE ORDINANCE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

CONDUCTED FIRST PUBLIC HEARING, INCLUDING FIRST READING OF AN ORDINANCE GRANTING THE NON-EXCLUSIVE FRANCHISE TO TORO ENERGY. NO PUBLIC TESTIMONY OR OTHER INFORMATION RECEIVED. CLOSED PUBLIC HEARING. A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR QUINTERO, THAT THIS MATTER BE ACTED ON AS FOLLOWS: WAIVE READING OF THE ORDINANCE IN ITS ENTIRETY AND SET THE SECOND HEARING OF THE ORDINANCE FOR DECEMBER 3, 2024; 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). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

14. Consider and adopt the Mitigated Negative Declaration, including the Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3856 based on Initial Study No. 8389; and Find that the proposed rezone of the subject 2.15-acre parcel from the existing dual zoned M-3(c) (General Industrial, Conditional) and C-M(c) (Commercial and Light Manufacturing, Conditional) to a single zoning of C-M(c) (Commercial and Light Manufacturing, Conditional) Zone District with a new list of limited uses applicable to the entire property is consistent with the County's General Plan and County-adopted Roosevelt Community Plan; and Adopt an ordinance pertaining to Amendment Application No. 3856 thereby rezoning the subject 2.15-acres site from the dual zoned M-3(c) (General Industrial, Conditional) and C-M(c) (Commercial and Light Manufacturing, Conditional) to a single zoning of C-M(c) (Commercial and Light Manufacturing, Conditional) Zone District; 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 Government Code, Section 25124(a) (the subject parcel is located on the southwest corner of E. Central Avenue and S. Peach Avenue, approximately 1.05-miles south from the City of Fresno (APN: 331-090-92) (3967 E. Central Avenue) (Sup. Dist. 4))

CONSIDERED MITIGATED NEGATIVE DECLARATION, INCLUDING THE MITIGATION MONITORING AND REPORTING PROGRAM PREPARED FOR AMENDMENT APPLICATION NO. 3856 BASED ON INITIAL STUDY NO. 8389. CONDUCTED PUBLIC HEARING. RECEIVED PUBLIC TESTIMONY. CLOSED PUBLIC HEARING

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR QUINTERO, THAT THIS MATTER BE ACTED ON AS FOLLOWS: 1) ADOPT THE MITIGATED NEGATIVE DECLARATION, INCLUDING THE MITIGATION MONITORING AND REPORTING PROGRAM BASED ON INITIAL STUDY NO. 8389 THAT WAS PREPARED FOR AMENDMENT APPLICATION NO. 3856; 2) FIND THAT THE PROPOSED REZONE OF THE SUBJECT 2.15-ACRE PARCEL FROM THE EXISTING DUAL ZONED M-3(c) (GENERAL INDUSTRIAL, CONDITIONAL) AND C-M(c) (COMMERCIAL AND LIGHT MANUFACTURING, CONDITIONAL) TO A SINGLE ZONING OF C-M(c) (COMMERCIAL AND LIGHT MANUFACTURING, CONDITIONAL) ZONE DISTRICT WITH A NEW LIST OF LIMITED USES APPLICABLE TO THE ENTIRE PROPERTY IS CONSISTENT WITH THE COUNTY'S GENERAL PLAN AND COUNTY-ADOPTED ROOSEVELT COMMUNITY PLAN; 3) ADOPT AN ORDINANCE PERTAINING TO AMENDMENT APPLICATION NO. 3856 THEREBY REZONING THE SUBJECT 2.15-ACRES SITE FROM THE DUAL ZONED M-3(c) (GENERAL INDUSTRIAL, CONDITIONAL) AND C-M(c) (COMMERCIAL AND LIGHT MANUFACTURING, CONDITIONAL) TO A SINGLE ZONING OF C-M(c) (COMMERCIAL AND LIGHT MANUFACTURING, CONDITIONAL) ZONE DISTRICT; AND 4) 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; AND 5) INCLUDE THE FOLLOWING INDEMNIFICATION CONDITION: THE APPLICANT SHALL ENTER INTO AN AGREEMENT INDEMNIFYING THE COUNTY FOR ALL LEGAL COSTS ASSOCIATED WITH ITS ADOPTION OF THE MITIGATED NEGATIVE DECLARATION FOR THE PROJECT BASED ON INITIAL STUDY NO. 8389 AND APPROVAL OF AMENDMENT APPLICATION NO. 3856, AND PROVIDE SECURITY IN AN AMOUNT DETERMINED BY THE COUNTY OF FRESNO FOR ANY SUCH LEGAL COSTS INCURRED; THE AGREEMENT AND PAYMENT OF SECURITY SHALL BE DUE UNLESS THE LITIGATION PERIOD HAS EXPIRED, IN WHICH CASE THE REQUIREMENTS FOR THE INDEMNIFICATION AGREEMENT AND SECURITY SHALL BE CONSIDERED NULL AND VOID. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Ordinance No. R-503-3856

15. Consider Appeal of Planning Commission's technical denial to permit the development of a 16-lot rural residential development with an exception for private road width and minimum centerline road curve radius per County Ordinance Code 17.72.333-A in R-R-Zone District; and if Appeal is granted and technical denial of project is overturned: a. adopt Mitigated Negative Declaration including Mitigation Monitoring and Reporting Program based on Initial Study No. 8307 which was prepared for Project; and b. adopt a Resolution approving General Plan Amendment No. 566 amending Land Use Element of Fresno County General Plan by changing land use designation of subject parcels from Agricultural to Rural Residential; and c. approve an Ordinance pertaining to Amendment Application No. 3850 changing zoning on subject parcels from existing AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to R-R (Rural Residential, two-acre net minimum parcel size) Zone District; and d. adopt a Resolution approving Tentative Tract Map Application No. 6420 and Variance Application No. 4140 per recommended findings in Staff Report for creation of a 16-lot rural residential development with an exception for private road width and minimum centerline road curve radius per County Ordinance Code 17.72.333-A and to waive public road frontage requirement and 4 to 1 lot depth to lot width ratio requirement for development; and e. designate County Counsel to prepare a fair and adequate summary of proposed Ordinance described in Recommended Actions d. above and direct Clerk of Board to post and publish requirement summary in accordance with Government Code, Section 25124(a) (subject parcels are located on southeast corner of Friant Road and Willow Avenue, approximately 1,870 feet north of City of Fresno boundary (APN: 579-060-37;55) (12760 and 12762 N. Friant Road) (Sup. Dist. 2))

PRIOR TO BOARD DISCUSSION, THE DEPARTMENT ANNOUNCED THE FOLLOWING CORRECTIONS: RECOMMENDED ACTION 2e REFERENCED RECOMMENDED ACTION 2d AS DESCRIBING THE PROPOSED ORDINANCE, BUT IS CORRECTED TO REFERENCE RECOMMENDED ACTION 2c.; AND IN THE CONCLUSION OF THE DISCUSSION SECTION OF THE AGENDA ITEM (PAGE 4, THIRD PARAGRAPH), THE INDEMNIFICATION CONDITION LISTED VARIANCE APPLICATION NO. 4170, BUT IS CORRECTED TO LIST VARIANCE APPLICATION NO. 4140. SUPERVISOR QUINTERO RECUSED HIMSELF UNDER THE LEVINE ACT

CONSIDERED APPEAL OF THE PLANNING COMMISSION'S TECHNICAL DENIAL TO PERMIT THE DEVELOPMENT OF A 16-LOT RURAL RESIDENTIAL DEVELOPMENT WITH AN EXCEPTION FOR PRIVATE ROAD WIDTH AND MINIMUM CENTERLINE ROAD CURVE RADIUS PER COUNTY ORDINANCE CODE 17.72.333-A IN THE R-R-ZONE DISTRICT. RECEIVED PUBLIC TESTIMONY. CLOSED PUBLIC HEARING

A MOTION WAS MADE BY SUPERVISOR BRANDAU, SECONDED BY VICE CHAIRMAN MENDES, THAT THIS MATTER BE ACTED ON AS FOLLOWS: 1) GRANT APPEAL AND OVERTURN THE PLANNING COMMISSION'S TECHNICAL DENIAL OF GENERAL PLAN AMENDMENT APPLICATION NO. 566; 2) ADOPT THE MITIGATED NEGATIVE DECLARATION INCLUDING THE MITIGATION MONITORING AND REPORTING PROGRAM BASED ON INITIAL STUDY NO. 8307 WHICH WAS PREPARED FOR THE PROJECT; 3) ADOPT A RESOLUTION APPROVING GENERAL PLAN AMENDMENT NO. 566 AMENDING THE LAND USE ELEMENT OF THE FRESNO COUNTY GENERAL PLAN BY CHANGING THE LAND USE DESIGNATION OF THE SUBJECT PARCELS FROM AGRICULTURAL TO RURAL RESIDENTIAL; 4) APPROVE AN ORDINANCE PERTAINING TO AMENDMENT APPLICATION NO. 3850 CHANGING THE ZONING ON THE SUBJECT PARCELS FROM THE EXISTING AE-20 (EXCLUSIVE AGRICULTURAL, 20-ACRE MINIMUM PARCEL SIZE) ZONE DISTRICT TO THE R-R (RURAL RESIDENTIAL, TWO-ACRE NET MINIMUM PARCEL SIZE) ZONE DISTRICT; 5) ADOPT A RESOLUTION APPROVING TENTATIVE TRACT MAP APPLICATION NO. 6420 AND VARIANCE APPLICATION NO. 4140 PER THE RECOMMENDED FINDINGS IN THE STAFF REPORT FOR THE CREATION OF A 16-LOT RURAL RESIDENTIAL DEVELOPMENT WITH AN EXCEPTION FOR PRIVATE ROAD WIDTH AND MINIMUM CENTERLINE ROAD CURVE RADIUS PER COUNTY ORDINANCE CODE 17.72.333-A AND TO WAIVE THE PUBLIC ROAD FRONTAGE REQUIREMENT AND THE 4 TO 1 LOT DEPTH TO LOT WIDTH RATIO REQUIREMENT FOR THE DEVELOPMENT; 6) DESIGNATE COUNTY COUNSEL TO PREPARE A FAIR AND ADEQUATE SUMMARY OF THE PROPOSED ORDINANCE DESCRIBED IN RECOMMENDED ACTION 2c, AND DIRECT THE CLERK OF THE BOARD TO POST AND PUBLISH THE REQUIRED SUMMARY IN ACCORDANCE WITH GOVERNMENT CODE, SECOND 25124; AND 7) INCLUDE THE FOLLOWING INDEMNIFICATION CONDITION: THE APPLICANT SHALL ENTER INTO AN AGREEMENT INDEMNIFYING THE COUNTY FOR ALL LEGAL COSTS ASSOCIATED WITH ITS APPROVAL OF INITIAL STUDY NO. 8307, GENERAL PLAN AMENDMENT APPLICATION NO. 566, AMENDMENT APPLICATION NO. 3850, TENTATIVE TRACT MAP APPLICATION NO. 6420 AND VARIANCE APPLICATION NO. 4140 AND PROVIDE SECURITY IN AN AMOUNT DETERMINED BY THE COUNTY FOR ANY SUCH LEGAL COSTS INCURRED; THE AGREEMENT AND PAYMENT OF SECURITY SHALL BE DUE UNLESS THE LITIGATION PERIOD HAS EXPIRED, IN WHICH CASE THE REQUIREMENTS FOR THE INDEMNIFICATION AGREEMENT AND SECURITY SHALL BE CONSIDERED NULL AND VOID. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 4 - Brandau, Magsig, Mendes, and Pacheco

Recuse: 1 - Quintero

Resolution No. 24-356, Ordinance No. R-504-3850, Resolution No. 24-357

Board of Supervisors' Committee Reports and Comments

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

VICE CHAIRMAN MENDES COMMENTED WORKING WITH KEN SCHMIDT ON ISSUES RELATED TO THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA) AND GROUNDWATER SUSTAINABILITY AGENCIES (GSAs) DUE TO MR. SCHMIDT BEING HIGHLY KNOWLEDGEABLE ON GROUNDWATER MOVEMENT. SUPERVISOR BRANDAU REPORTED ON THE SHERIFF DEPARTMENT'S EVENT ON OCTOBER 19, 2024, FOR ITS 168TH YEAR AND EMPLOYEE RECOGNITION

Board Appointments

17. Receive Boards, Commissions and Committees Vacancy Report; and Appoint Applicants as necessary

RECEIVED VACANCY REPORT. A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR PACHECO, THAT THE NOMINATION FOR APPOINTMENT BE APPROVED AS FOLLOWS:

CIVIL SERVICE COMMISSION

APPOINT RAYMOND MCPHERSON TO THE POSITION PREVIOUSLY HELD BY JORDAN HOUSTON (TERM TO EXPIRE 01/06/2025)

THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Public Presentations

18. Public Presentations - This portion of the meeting is 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
HELD; NO PUBLIC PRESENTATIONS WERE MADE

Closed Session

19. Conference with Labor Negotiator (Government Code, section 54957.6): Agency Negotiator: Hollis Magill; Employee Organization: All Bargaining Units and Management and Unrepresented Employees - Hours, Wages and Terms and Conditions of Employment
HELD; NO REPORTABLE ACTION
20. Conference with legal counsel - Initiation of Litigation; Government Code, section 54956.9(d)(4) (3 Cases)
HELD; NO REPORTABLE ACTION

- 21.** Conference with legal counsel - Significant Exposure to Litigation; Government Code, section 54956.9(d)(2) (2 Cases)
HELD; NO REPORTABLE ACTION
- 22.** Conference with legal counsel - Existing Litigation pursuant to Government Code Section 54956.9(d)(1): Jeffrey Penry: ADJ12380186; ADJ12238621
HELD; NO REPORTABLE ACTION
- 23.** Conference with Real Property Negotiators - Government Code, Section 54956.8; UMC Campus located at the corner of South Cedar Avenue and East Kings Canyon Road, Fresno, CA; County Negotiator: Paul Nerland or designee. Negotiating Parties: Sevak Khatchadourian: Instructions to County's negotiator may concern sale, lease and escrow terms and conditions including price
HELD; NO REPORTABLE ACTION
- 23.1** Conference with Real Property Negotiators - Government Code, Section 54956.8; CSA 34 water treatment and sewer facilities APNs 30054228T and 30054224T; County Negotiator: Paul Nerland or designee. Negotiating Parties: San Jose Water: Instructions to County's negotiator may concern sale, lease and escrow terms and conditions including price
HELD; NO REPORTABLE ACTION

Sitting as the Fresno County In-Home Supportive Services Public Authority Governing Board

- 23.2** Sitting as the In-Home Supportive Services Public Authority Governing Board: Conference with Labor Negotiator (Government Code, section 54957.6): Agency Negotiator: Oralía Gomez; Employee Organization: SEIU-Local 2015 - Hours, Wages and Terms and Conditions of Employment
RECEIVED PUBLIC TESTIMONY PRIOR TO RECESSING TO CLOSED SESSION. HELD; NO REPORTABLE ACTION

Adjourn

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR QUINTERO, THAT THIS MEETING BE ADJOURNED FOLLOWING CLOSED SESSION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

APPROVED:

/s/ Nathan Magsig
NATHAN MAGSIG, CHAIRMAN OF THE
BOARD OF SUPERVISORS OF THE
COUNTY OF FRESNO

ATTEST:

BY: /s/ Bernice E. Seidel

BERNICE E. SEIDEL

CLERK OF THE BOARD OF SUPERVISORS

COUNTY OF FRESNO, STATE OF CALIFORNIA

APPROVED ON NOVEMBER 5, 2024

CONSENT AGENDA

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR BRANDAU, THAT THIS CONSENT AGENDA BE APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 25 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Board of Supervisors

- 24.** Approve minutes for October 8, 2024

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

- 24.1** Accept Certificate of Facts regarding declarations of candidacy for eligible positions for the Landowner voting districts; and appoint, in lieu of election, Landowner candidates who filed declarations of candidacy unopposed

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Chairman Magsig

- 25.** Proclaim October 30, 2024 as Weatherization Day in Fresno County

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR BRANDAU, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 24-352

District Attorney

- 26.** Approve Amendment to the Salary Resolution allocating one (1) additional Supervising District Attorney Investigator position, with no net increase in positions, within District Attorney Org 2860, effective October 28, 2024, as reflected in Appendix C

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Salary Resolution No. 24-026

Sheriff/Coroner/Public Administrator

27. Retroactively authorize the Sheriff-Coroner-Public Administrator, or his authorized representative, to submit the County's application to the U.S. Department of Justice, United States Marshals Service ("USMS"), for a new Office of Detention Services Intergovernmental Agreement relating to the County's housing of federal prisoners in the Fresno County Jail, using the web-based Federal Intergovernmental Agreement system; approve and authorize the Chairman to execute Office of Detention Services Intergovernmental Agreement (No. 97-02-0015), and its Amendment No. 1 to Office of Detention Services Intergovernmental Agreement No. 97-02-0015, both with the USMS, and both relating to the County's housing of federal prisoners in the Fresno County Jail (collectively, the "Amended New IGA"); and authorize the Sheriff, or his designee, to approve and accept the USMS' designated effective date for the Amended New IGA, and any USMS numbering or renumbering of the Amended New IGA or any document thereof

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 24-545, Agreement No. 24-546

28. Approve and authorize the Chairman to execute a retroactive Agreement with MediWaste Disposal LLC for transport of medical waste from County facilities and disposal, effective July 29, 2024 through July 28, 2029, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$1,000,000

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 24-547

29. Approve and authorize the Chairman to execute a retroactive Agreement with DFC, Inc., dba Advanced Helicopter Services, for aircraft maintenance services for the Sheriff's Office aircrafts consisting of one MD530F, two MD500E helicopters, and one Cessna T206H airplane, effective October 1, 2024, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$8,000,000

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 24-548

30. Adopt Resolution to establish revolving cash fund for Sheriff-Coroner-Public Administrator's Office Area 2 for use in investigative activities in the amount of \$5,000

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 24-348

Administrative Office

31. Approve and authorize the Chairman to execute a License Agreement with City of Fresno to operate mobile shower and restroom services for unhoused persons at the Fresno Fairgrounds, 4535 E. Hamilton Avenue, Fresno, CA 93702, effective November 1, 2024 through April 30, 2025 with an optional six-month extension (\$0)

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 24-549

32. Under Administrative Policy No. 34 for competitive bids or requests for proposals (AP 34), determine that an exception to the competitive bidding requirements under AP 34 is satisfied and a suspension of competition is warranted due to unusual or extraordinary circumstances, and that the best interests of the County would be served by entering into an Agreement with Tone Consulting Group LLC as the vendor currently provides broadband consulting services and it is the only vendor able to continue services without causing major delays in the County's broadband projects; and Approve and authorize the Chairman to execute a retroactive Agreement with Tone Consulting Group LLC for broadband consulting services, effective July 1, 2024, not to exceed three consecutive years, which includes a two-year base contract and one optional one-year extension, total not to exceed \$722,000

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 24-550

- 33.** Approve and authorize the Chairman to execute a First Amendment to Subrecipient Agreement No. 23-119 with Fresno Economic Opportunities Commission (Fresno EOC) for provision of American Rescue Plan Act - State and Local Fiscal Recovery Funds (ARPA-SLFRF), which will revise the expenditure plan and the modification clause, with no increase to the maximum compensation (48,584); and Authorize the County Administrative Officer or designee to approve and execute written changes to the items in the project budget, which, when added together during the term of the Agreement, do not exceed ten percent (10%) of the total maximum compensation payable to Subrecipient, and which do not result in any change to the maximum compensation amount payable to Fresno EOC

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 24-551

Human Resources

- 34.** Approve Amendment to the Salary Resolution, Section 100, updating Footnote "3", effective October 28, 2024, as reflected on Appendix "B"; Approve Amendment to the Salary Resolution, Section 100, deleting Footnote "7", effective October 28, 2024, as reflected on Appendix "B"; and Approve Amendment to the Salary Resolution, Section 100, adding Footnote "10", effective October 28, 2024, as reflected on Appendix "B"

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Salary Resolution No. 24-027

- 35.** Approve an Addendum to the Memorandum of Understanding (MOU) for Representation Unit 2 - Sheriff's and Probation Personnel, represented by the Fresno County Public Safety Association, effective December 9, 2024

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Internal Services

- 36.** Approve and authorize the Chairman to execute an Agreement with Samsara, Inc., through a cooperative agreement with Sourcewell, for products and services related to vehicle tracking, effective October 22, 2024, not to exceed three consecutive years, total not to exceed \$936,969

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 24-552

37. Approve reclassification of FY 2023-24 Internal Services Department - Information Technology Org 8905, Facility Services Org 8935, and Security Org 8970 expenditures determined to be Capital Assets as identified on Exhibits A, B, and C pursuant to County Administrative Office Management Directive 400 - Property and Equipment

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

38. Approve and authorize the Chairman to execute an Agreement with Zetron, Inc. through a cooperative agreement with National Association of State Procurement Officials to provide public communication products, services, and solutions for Zetron-brand dispatch and communication systems, effective November 1, 2024, through October 31, 2029, for a five-year term, total not to exceed \$1,175,000

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 24-553

Probation

39. Retroactively approve and authorize the Chief Probation Officer's previous submittal of a grant application to the State of California Office of Traffic Safety (OTS) for the Probation Department's 2025 Intensive Supervision of High-Risk Felony and Repeat DUI Offenders (Repeat DUI) Program (\$343,000); and approve and authorize the Chairman to execute a Retroactive Grant Agreement with OTS (Grant Number AL25022), with an electronic signature, to provide Intensive Probation Supervision for Repeat DUI Offenders for the period of October 1, 2024 through September 30, 2025 (\$343,000)

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 24-554

Public Health

40. Approve and authorize the Chairman to execute a retroactive revenue Agreement with the California Emergency Medical Services Authority for multi-county emergency medical services coordination, effective July 1, 2024 through June 30, 2025 (\$960,447)

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 24-555

41. Approve and authorize the Chairman to execute First Amendment to Agreement with Fresno Economic Opportunities Commission for implementing the school-based dental sealant program, effective upon execution with no change to the term of July 1, 2023 through June 30, 2027 and increasing the maximum by \$30,000 to a total of \$950,000

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 24-556

42. Under Administrative Policy No. 34 for competitive bids or requests for proposals (AP 34), determine that an exception to the competitive bidding requirement under AP 34 is satisfied and a suspension of competition is warranted due to unusual or extraordinary circumstances, and that the best interests of the County would be served by entering into an agreement with Fresno Economic Opportunities Commission (EOC) as EOC through their LGBTQ+ Resource Center and Health Services clinic are the only vendor able to fulfill all needed services at once for this contract to the community; and, Approve and authorize the Chairman to execute a retroactive Agreement with EOC to provide outreach, health education, screenings, and treatments for communicable diseases to the Fresno County communities most at-risk, effective October 1, 2024, not to exceed four years and nine months, which includes a two year and nine-month base contract and two optional one-year extensions, total not to exceed \$1,500,000

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 24-557

Public Works and Planning

43. Adopt plans and specifications for Contract 24-S-01 ECC Educational Building and award to lowest bidder GCB1 Inc. dba GC Builders, 3003 N. Monroe Avenue, Fresno, CA 93723, in total amount of \$2,753,499

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

44. Adopt Modified 2023 Caltrans Standard Plans and Specifications as County Standard Plans and Specifications for Public Works Transportation Projects; and authorize Director of Public Works and Planning to update County Standard Plans and Specifications to best serve County's needs

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

- 45.** Approve and authorize Chairman to execute Agreement with Del Rey Community Services District for Del Rey Fire Hydrant Replacement Community Development Block Grant Project No. 24151, which consists of replacement of existing obsolete and/or non-functioning municipal fire hydrants with new fire hydrants at various locations within Del Rey Community Services District service area, effective upon execution through February 2, 2026, total Community Development Block Grant funding amount not to exceed \$300,000; and approve and authorize Director of Public Works and Planning to evaluate and grant timeline extensions and scope modifications for completion of Project as requested by Del Rey Community Services District, in compliance with Federal Community Development Block Grant Regulations, and so long as modifications do not change fundamental nature of Project

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 24-558

- 46.** Approve and authorize the Chairman to execute Amendment No. 2 to Agreement No. 22-399 with Stearns, Conrad, & Schmidt, Consulting Engineers, Inc., dba SCS Engineers for consultant services related to solid waste planning and implementation of solid waste management programs compliant with both State regulations and the Fresno County Ordinance Code, assigning additional tasks to SCS Engineers, and increasing the maximum compensation amount by \$200,000 to a total of \$680,000

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 24-559

- 47.** Adopt Budget Resolution increasing appropriations and estimated revenues for Parks and Grounds Org 7910 in amount of \$254,982 for purchase of equipment to be used for maintenance of parks throughout County (4/5 vote); and adopt Budget Resolution increasing FY 2024-25 appropriations in Public Works and Planning Org 1191 - County Park Donations in amount of \$254,982 (4/5 vote); and approve recommendation to fund \$254,982 for purchase of equipment for various County operated parks from Ernest Lawrence Estate, Org 1191 - County Park Donations

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Resolution No. 24-349, Resolution No. 24-350

Social Services

48. Approve and authorize the Chairman to execute retroactive Agreement with Fresno County Superintendent of Schools to continue participation in the Foster Youth Network, effective July 1, 2024 through June 30, 2027 (\$0); and, approve and authorize Department of Social Services and Probation employees who require access to the Foster Youth Network to execute a Foster Youth Services Coordinating Program of Sacramento, Foster Focus Confidentiality Agreement with Sacramento County Office of Education

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 24-560

49. Under Administrative Policy No. 34 for competitive bids or requests for proposals determine that an exception to the competitive bidding requirement is satisfied and a suspension of competition is warranted due to unusual or extraordinary circumstances, and that the best interests of the County would be served by continuing a subscription with Cornerstone OnDemand, Inc. (previously known as Saba Software, Inc.) as it meets the needs as a Learning Management System for the Department; and Approve and authorize the Chairman to execute an Agreement with Cornerstone OnDemand, Inc. effective November 3, 2024 through November 2, 2026 total not to exceed \$173,524

APPROVED AS RECOMMENDED

Ayes: 5 - Brandau, Magsig, Mendes, Pacheco, and Quintero

Agreement No. 24-561