



# Board of Supervisors

## Agenda - Final-Revised

*Buddy Mendes, 4th District, Chairman*  
*Brian Pacheco, 1st District, Vice-Chairman*  
*Andreas Borgeas, 2nd District*  
*Henry Perea, 3rd District*  
*Deborah A. Poochigian, 5th District*

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

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Tuesday, September 27, 2016

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 to 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 19 - 47

*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 Mendes**

3. Proclamation honoring National Voter Registration Day and High School Voter Education Week

**Supervisor Pacheco**

4. Present certificate in recognition of Fresno Regional Workforce Development Board Youth Participant Outstanding Achievement Award Winner, Lourdes Zavala
5. Present certificates honoring Mendota police officers for their act of bravery

**Chairman Mendes**

6. Confirm Appointment of Oscar J. Garcia effective October 17, 2016 to fill the unexpired term of Auditor-Controller/Treasurer-Tax Collector pursuant to Fresno County Charter Section 14

**Sheriff/Coroner**

7. Adopt Budget Resolution increasing the FY 2016-17 appropriations and estimated revenues in Public Defender's Org 2880 in the amount of \$40,639 (4/5 vote); adopt Budget Resolution increasing the FY 2016-17 appropriations and estimated revenues in District Attorney-Public Administrator's Org 2860 in the amount of \$144,816 (4/5 vote); adopt Budget Resolution increasing the FY 2016-17 appropriations and estimated revenues in Sheriff-Coroner's Org 3111 in the amount of \$392,985 (4/5 vote); adopt Budget Resolution increasing the FY 2016-17 appropriations in the Local Community Corrections Org 3436 in the amount of \$578,440 (4/5 vote); and approve Amendment to the Salary Resolution adding positions to the Public Defender's Org 2880, District Attorney-Public Administrator's Org 2860 and Sheriff-Coroner's Org 3111 effective October 10, 2016 as reflected in Appendix C

**Administrative Office**

8. Adopt a Budget Resolution to reflect Net County Cost savings carryover from FY 2015-16 into FY 2016-17 in the amount of \$10,715,765 (4/5 vote): (a) increasing the FY 2016-17 appropriations by \$4,025,334 for various General Fund Departments for one-time expenditures; and (b) committing unassigned fund balance in the General Fund for the West Annex Jail in downtown Fresno (\$6,190,431), the Sheriff-Patrol Vehicle Replacement Fund (\$300,000), and the Sheriff-Eagle 2 Replacement Fund (\$200,000); adopt a Budget Resolution: (a) decreasing appropriations for Fund 0400 Capital Projects-District Attorney Building Org 8854 in the amount of \$2,177,556.13 from proceeds of Tobacco Settlement Asset-Backed Bonds, Subordinate Series 2006 (2006 Tobacco Securitization Bonds), currently on deposit in the County's Endowment Fund, that were originally committed for a portion of the District Attorney Building, and cancelling such amount originally committed for the District Attorney Building; (b) decreasing appropriations for Fund 0400 Capital Projects-District Attorney Building Org 8854 in the amount of \$32,012.87 from proceeds of Tobacco Settlement Asset-Backed Bonds, Series 2002 (2002 Tobacco Securitization Bonds), currently on deposit in Fund 0400, Subclass 10200, that were originally committed for a portion of the District Attorney Building, and cancelling such amount originally committed for the District Attorney Building; (c) preliminarily earmarking proceeds of 2006 Tobacco Securitization Bonds currently on deposit in the County's Endowment Fund in the amount of \$2,177,556.13 for a portion of the costs of the West Annex Jail Project; and (d) preliminarily earmarking proceeds of 2002 Tobacco Securitization Bonds currently on deposit in the Fund 0400, Subclass 10200, in the amount of \$32,012.87 for a portion of the costs of the West Annex Jail Project; adopt a Budget Resolution increasing FY 2016-17 appropriations and estimated revenues in the Capital Projects Fund 0400, District Attorney Building Org 8854 by \$2,530,353 (4/5 vote); provide direction to staff regarding allocation of additional funding of \$800,000 to the Animal Control Facility to increase the County's requested match for a proposed donation in order to provide for a larger facility than the Board has allocated or to allocate the funds for other capital projects

**Public Works and Planning**

9. Adopt Resolution which establishes County of Fresno Policy for Cash-Flow Loans to County Service Areas and County Waterworks Districts to Facilitate Access to State and Federal Grants and Low-Interest Loans
10. Consider and adopt Negative Declaration prepared for Initial Study Application No. 7147; and approve Ordinance pertaining to Amendment Application No. 3809 rezoning four contiguous parcels totaling 77.96 acres from R-1-B(c) Zone District and R-1-C(c) Zone District to the 'O' Zone District to allow the properties to be farmed with recycled water from an existing wastewater treatment facility, use of recycled water was authorized by Conditional Use Permit No. 3503, project site is located within Millerton Specific Plan, approximately 4,000 feet west of Auberry road, approximately 2,000 feet south of Millerton Road and 2.5 miles east of unincorporated community of Friant

11. Receive presentation and oral report regarding ongoing implementation of Sustainable Groundwater Management Act and status of formation of Groundwater Sustainability Agencies within County of Fresno; and authorize Chairman to execute proposed Joint Powers Agreement for implementation of Sustainable Groundwater Management Act in North Kings Groundwater Subbasin and designate a Board member and two alternates to serve as a member of Board of Directors for North Kings Groundwater Sustainability Agency

### **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 5 minutes per person and no more than 15 minutes 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 – Initiation of Litigation – Government Code section 54956.9(d)(4) (2 cases)
17. Conference with legal counsel – Significant Exposure to Litigation – Government Code section 54956.9(d)(2) or (d)(3) (2 cases)
18. Conference with legal counsel – Significant Exposure to Litigation – Government Code section 54956.9(d)(2) (3 case)
- 18.1 Conference with legal counsel – Existing Litigation Government Code section 54956.9(d)(1) - County of Fresno v. Frances Andrade, et al., Case Number 16 CECG 02431

## Adjourn

### **NEXT MEETINGS:**

*October 11, 2016 - 9:00 AM*

*October 18, 2016 - 9:00 AM*

Requests for disability-related modification or accommodation needed in order to participate in the meeting must be made to the Clerk to 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**

19. Approve minutes of meeting for September 13, 2016

**Supervisor Borgeas**

20. Conduct Second Hearing and Adopt Ordinance Prohibiting Scavenging adding new Section 8.24.060 to Chapter 8.24 Waste Disposal of Title 8 of the Fresno County Ordinance Code and waive further reading of the Ordinance in its entirety

**Supervisor Poochigian**

21. Adopt resolution thanking Reverend Larry Arce for his many years of outstanding work on behalf of the Fresno Rescue Mission and the faith-based community of Fresno County

**Auditor Controller-Treasurer/Tax Collector**

22. Conduct the second hearing on an ordinance to amend Section 300 of the Fresno County Master Schedule of Fees, Charges and Recovery Costs (MSF) Ordinances by amending Section 300 relating to the Auditor-Controller/Treasurer-Tax Collector Fees; and waive reading of the ordinance in its entirety

**District Attorney/Public Administrator**

23. Retroactively authorize the District Attorney-Public Administrator's previous submittal of a grant application to the California Office of Traffic Safety (OTS) for continuation of the Alcohol and Drug Impaired Driver Vertical Prosecution Program (\$879,955); adopt resolution approving and authorizing the Chairman to execute grant Agreement for the Alcohol and Drug Impaired Vertical Prosecution Program with the California Office of Traffic Safety (OTS) for the period October 1, 2016 through September 30, 2017 (\$566,153); approve amendment to the Salary Resolution (Appendix "D") deleting one Deputy District Attorney IV position from the District Attorney-Grants Org 28622500 effective October 10, 2016; and adopt Budget Resolution decreasing appropriations and estimated revenues in the amount of \$194,315 from the FY 2016-17 District Attorney-Public Administrator Budget Org 2862
24. Receive and file annual report of the Real Estate Fraud Prosecution program pursuant to California Government Code Section 27388

**District Attorney/Public Administrator and Sheriff/Coroner**

25. Authorize Chairman to execute Resolution proclaiming opposition to Proposition 57: Criminal Sentences. Parole. Juvenile Criminal Proceedings and Sentencing. Initiative Constitutional Amendment and Statute

**Sheriff/Coroner**

26. 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 is the support provider for its licensed products; and approve and authorize the Chairman to execute a sole source Agreement with Microsoft Corporation (Microsoft) for maintenance and technical support of Microsoft products used by the Sheriff-Coroner's Office effective October 2, 2016 through October 1, 2019 (\$306,624)

**Administrative Office**

27. Approve and authorize the Chairman to execute a Funding Agreement between the Pacific Forest and Watershed Lands Stewardship Council and the County of Fresno and accepting a lump sum payment to implement property tax neutrality requirements stipulated in a settlement agreement between Pacific Gas and Electric entities and the California Public Utilities Commission
28. Approve and authorize Chairman to execute Cradle to Career Partnership Agreement effective upon execution (\$0)

**Agriculture**

29. Approve and authorize the Chairman to execute a revenue Agreement with the California Department of Pesticide Regulation for the Enforcement Evaluation and Improvement Project effective upon execution by the State through February 28, 2017 (\$117,713)

**Behavioral Health**

30. Retroactively approve and authorize the Director of the Department of Behavioral Health to execute a Confidentiality Agreement with the California Department of Health Care Services to disclose confidential information about the temporary suspension or payment suspension of certified Drug Medi-Cal providers that are or were in contract with the County Department of Behavioral Health, effective October 12, 2015 (\$0); and, delegate authority to the Director of the Department of Behavioral Health to approve and execute subsequent amendments to the Confidentiality Agreement

**Human Resources**

31. Approve Resolutions Rejecting Claims for Damages; and, approve Resolutions Rejecting Applications for Leave to Present a Late Claim

32. Approve the Memorandum of Understanding (MOU) for Representation Unit 13 - Crafts and Trades and Unit 43 - Computer Employees, represented by Stationary Engineers - Local 39, effective September 26, 2016 through July 1, 2018; approve the related Salary Resolution Amendments as reflected on Appendix "E"
33. Confirm direction to staff to administratively adjust appointed Department Head salaries as proposed on Attachment A; and, approve Salary Resolution amendments adjusting appointed Department Head flat salaries as reflected in Appendix "F", effective September 26, 2016
34. Approve the Memorandum of Understanding (MOU) for Representation Unit 19 - Professional Employees, represented by the Professional Association of Employees (Association), effective September 26, 2016 through June 30, 2018; approve the related Salary Resolution Amendments as reflected on Appendix "B"

### **Internal Services**

35. 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 under the "agreement with a federal, state, or local governmental agency" exception for the State of California Department of General Services Natural Gas Services Program to provide natural gas for County non-core natural gas accounts; and approve and authorize Chairman to execute a retroactive agreement with the State of California Department of General Services Natural Gas Services Program for the period of July 1, 2016 to June 30, 2017 to provide natural gas for County non-core natural gas accounts
36. Approve and authorize the Chairman to execute Amendment One to Agreement 13-675 with Tri-Signal Integration, Inc., to increase the maximum Agreement cost by \$720,000 for a maximum potential five-year cost not to exceed \$1,215,000; Approve and authorize the Chairman to execute Amendment One to Agreement 13-676 with Geil Enterprises, Inc. dba Valley Security & Alarm, to increase the maximum Agreement cost by \$143,000 for a maximum potential five-year cost not to exceed \$313,000

### **Library**

37. Adopt Resolution accepting and expressing gratitude for the monetary donation of \$1,450 from the Woodward Park and Sunnyside Chapter of the Friends of the Library to purchase software for wireless mobile printing at the Woodward Park and Sunnyside Regional Libraries during FY 2016-17; and adopt Budget Resolution increasing the FY 2016-17 appropriations and estimated revenues for the County Library Book Fund Org 7521 in the amount of \$1,450 (4/5 vote)
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 as X-Act Technology Solutions, Inc. is the only authorized Wi-Fi services provider meeting specified requirements; and approve and authorize the Chairman to execute an Agreement with X-Act Technology Solutions, Inc. to provide Wi-Fi services for the Library's 34 branches effective October 1, 2016 through September 30, 2018 (\$180,753.24)



**Probation**

39. Approve and authorize Chairman to execute a retroactive revenue Agreement with the Fresno County Superintendent of Schools for services provided by two Deputy Probation Officers for the Truancy Intervention Program effective July 1, 2016 through June 30, 2017 (\$137,456)
40. Retroactively authorize the Chief Probation Officer's previous submittal of a grant application for California Office of Traffic Safety's (OTS) Intensive Probation Supervision of High-Risk Felony and Repeat DUI Offenders Program to fund Probation's Repeat DUI caseload positions for the period of October 1, 2016 through September 30, 2017; and approve and authorize the Chairman to execute a grant agreement with California Office of Traffic Safety (Grant Number AL1703) to provide Intensive Probation Supervision for High Risk Felony and Repeat DUI Offenders for the period of October 1, 2016 through September 30, 2017 (\$364,254)

**Public Health**

41. Approve and authorize the Chairman to execute revenue Agreement with the California Department of Public Health for a Nutrition Education and Obesity Prevention Grant to provide nutrition education and community engagement services, effective October 1, 2016 through September 30, 2019 (\$5,999,043); and approve Amendments to Agreements No. 13-721 with Public Health Institute, No. 13-722 with Fresno County Superintendent of Schools through its Office of Education, No. 13-723 with California Health Collaborative and No. 13-724 with Community Food Bank to provide nutrition education and/or community engagement services for an additional three months, effective October 1, 2016, increasing the maximums for the three-year terms of November 12, 2013 through December 31, 2016

**Public Works and Planning**

42. Approve and authorize Chairman to execute agreement with Golder Associates, to provide engineering services for American Avenue Disposal Site - Phase III, Modules 7 & 8 Excavation and Liner System Construction Project (\$650,000)
43. Award Contract No. 16-02-C, ADA Path on Grove Avenue and Jensen Avenue, to bidder with lowest responsive bid, Seal Rite Paving & Grading, 4237 W Swift Ave, Fresno in total amount of \$257,843
44. Approve and authorize Chairman to execute First Amendment to Agreement P-15-201-P for Engineering Consultant Services for design of Fancher Creek Bridle Trail Project (\$150,000)
45. Accept easement deed and authorize Chairman to execute right-of-way contract and temporary construction permit required for Jensen Avenue and Temperance Avenue Traffic Signal Project for total monetary consideration of \$2,800

**Social Services**

46. Adopt recommended resolution approving and authorizing Director of Department of Public Works and Planning, or his or her designee, to approve and execute agreements with requesting cities substantially in the form of the template agreement attached as Exhibit A to the recommended resolution, subject to approval as to legal form by County Counsel; and find that approval of recommended resolution is exempt from California Environmental Quality Act and direct Department of Public Works and Planning to file Notice of Exemption with the Office of the Fresno County Clerk
47. Adopt Resolution dissolving the Human Resources Advisory Board