



# Board of Supervisors

## Agenda - Final-Revised

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*Sal Quintero, 3rd District, Chairman*  
*Vacant, 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, January 8, 2019

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. Administering of the Oath of Office to County Clerk/Registrar of Voters Brandi L. Orth and Supervisors Brian Pacheco and Buddy Mendes
2. Designation of Officers
3. Remarks by Board Members
4. Approve Agenda

**5. Approve Consent Agenda - Item Numbers 23 - 48**

*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****6. Proclaim the month of January 2019 as "National Slavery and Human Trafficking Prevention Month" in Fresno County****Supervisor Mendes and Supervisor Pacheco****7. Adopt Resolution in recognition of the Agricultural Commissioner/Sealer of Weights & Measures Les Wright's retirement from Fresno County****Supervisor Pacheco****8. Proclaim January 14th - 28th, 2019 as United Way Employee Workplace Giving Days in Fresno County****County Counsel****9. Consider and adopt proposed extension of Interim Urgency Ordinance No. 18-021 through December 5, 2019, pursuant to Government Code Section 65858, prohibiting the possession, planting, cultivation, harvesting, drying, or processing of nonmedical cannabis outdoors on the grounds of a private residence to the fullest extent permitted by State law, and the establishment or operation of a business engaged in commercial cannabis activity, in the unincorporated areas of Fresno County (4/5 vote); Accept and direct staff to issue Report prepared pursuant Government Code section 65858, subdivision (d), describing the measures taken to alleviate the conditions which led to the adoption of Interim Urgency Ordinance No. 18-021; Determine that extension of the Interim Urgency Ordinance is exempt from the requirements of the California Environmental Quality Act, Public Resources Code section 21000, et seq., and direct staff to file a Notice of Exemption with the Office of the Fresno County Clerk****Administrative Office****10. Conduct first hearing on an Ordinance amending Fresno County Ordinance Code Title 2 - Administration, Chapter 2.81- Office of the County Hearing Officer to designate staff to the Office of the County Hearing Officer; waive the reading of the ordinance in its entirety; and set second hearing for January 29, 2019; 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)**

**Public Works and Planning**

11. Adopt Mitigated Negative Declaration prepared for the Sand Creek Bridge Replacement Project on Ennis Road, approximately one-third mile south of George Smith Road, near the community of Squaw Valley (Initial Study Application No. 7217, State Clearinghouse No. 2017061045)

**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. Approve the Chairman's 2019 Appointments of Board Members to various Boards, Commissions and Committees as presented in Exhibit A; adopt 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
14. Board Appointments - Receive Boards, Commissions and Committees Vacancy Report; and Appoint Applicants as necessary

**Public Presentations**

15. 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*

16. Conference with legal counsel - Initiation of Litigation; Government Code, section 54956.9(d)(4) (4 Cases)
17. Conference with legal counsel – Significant Exposure to Litigation; Government Code, section 54956.9(d)(2) (2 Cases)
18. Conference with legal counsel - Existing Litigation - Government Code, section 54956.9(d)(1) - Keith A.McNeil v. James Funk, et al., Eastern District Court Case No.: 1:17-CV-00799-LJO-SAB; Risk Management Claim No.: 9723
19. 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

20. Conference with Real Property Negotiators - Government Code, Section 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
21. Conference with legal counsel - Existing Litigation - Government Code section 54956.9(d)(1); Ceasar Campos and Latana M Chandavong v. Fresno County Deputy Sheriffs' Association, County of Fresno, et al. - United States District Court for the Eastern District of California, Case No. 1:18-cv-01660-AWI-EPG
22. Conference with legal counsel - Existing Litigation - Government Code section 54956.9(d)(1); Phillips v. California, County of Fresno, et al.; Fresno County Superior Court Case No. 15CE02201

### **Adjourn**

#### **NEXT MEETINGS:**

*January 29, 2019 - 9:00 A.M.*

*February 12, 2019 - 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**

23. Approve minutes of meeting for December 11, 2018
24. Approve amendments to Conflict of Interest Codes for Big Creek Community Services District, Fresno Irrigation District, Fresno's Chaffee Zoo Corporation, and Selma Health Care District

**Chairman Magsig**

25. Adjourn in memory of Kent Burkhart
26. Adjourn in memory of Sheri Bohigian
27. Adjourn in memory of David McDonald

**Auditor Controller-Treasurer/Tax Collector**

28. Approve and authorize the Chairman to execute Amendment 1 to Agreement #16-205 with RT Lawrence, Inc., for remittance processing services, adding compatibility conversion services related to the new property tax system, effective January 8, 2019 with no change in term to May 23, 2021 and increasing the maximum by \$73,460 to a total of \$273,841.

**District Attorney**

29. Approve and authorize the Chairman to execute Amendment I to Purchasing Agreement P-18-002-P with ViaTRON Systems Inc. for scanning and shredding services, effective upon execution with no change in the term to December 31, 2021, and increasing the maximum compensation amount by \$200,000, to a total of \$287,317
30. Approve Amendment to the Salary Resolution adding one Executive Assistant position and deleting one vacant Legal Assistant position from District Attorney Org 2860, effective January 14, 2019 as reflected in Appendix C

**Administrative Office**

31. 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; authorize the Purchasing Manager to execute professional service agreements and other documents, subject to review and approval by County Counsel and the Auditor-Controller/ Treasurer-Tax Collector, necessary for the identification, removal, and disposal of dead and dying trees in Fresno County for an amount not to exceed \$13,510,564; and, adopt Budget Resolution increasing the FY 2018-19 appropriations and estimated revenues for Public Works and Planning - Grants Org 5512 in the amount of \$1,390,032 for the identification, removal, and disposal of dead and dying trees in the County (4/5 vote)
32. Adopt Resolution authorizing the County to enter into the 2020 Census County-Optional Outreach Agreement for fiscal year 2018-19; and, approve and authorize the Chairman to execute the County Opt-In letter for submittal with the 2020 Census County-Optional Outreach Agreement for fiscal year 2018-19
33. Adopt Resolution approving the form of agreement for county hearing officers, authorizing the County Administrative Officer to execute agreements with attorneys who will serve as county hearing officers, and authorizing the County Administrative Officer to modify hourly rates and insurance requirements equally for all hearing officers, subject to approval by County Counsel as to legal form

**Agriculture**

34. Conduct second hearing to amend the Fresno County Master Schedule of Fees, Charges and Recovered Costs Ordinance by amending subsection 3305 of Section 3300-Agriculture (Weights & Measures) and waive reading of the Ordinance in its entirety

**Behavioral Health**

35. Approve and authorize the Chairman to execute an Agreement with Fresno Economic Opportunities Commission to coordinate with the Department of Behavioral Health, and/or their subcontracted staff, for the provision of consultation, assessment and referral services under the Early Head Start Program, effective upon execution, not to exceed three consecutive years, which includes a one-year base contract and two optional one-year extensions (\$0)
36. Approve and authorize the Chairman to execute Amendment II to Agreement No. 15-156 with Reading and Beyond for increased salaries, operating, and administrative costs for the Supervised Child Care Services, effective upon execution with no change in term to June 30, 2020 and increasing the maximum compensation by \$55,050 to a total of \$720,740

37. Approve and authorize the Chairman to execute the Termination of Joint Occupancy Agreement with the Judicial Council of California for the Firebaugh courthouse facility located at 1325 O Street, Firebaugh, California 93622; and Approve and authorize the Chairman to execute a Lease Agreement with the City of Firebaugh for approximately 2,090 square feet of exclusive space for use by the Fresno County Public Library and Agricultural Commissioner, located at 1325 O Street, Firebaugh, California 93622, effective upon execution, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions (\$0)
38. Conduct second hearing on and adopt an Ordinance to amend Chapter 13.28 of Title 13 of the County of Fresno Ordinance Code (the "Ordinance Amendment"), renaming that Chapter and setting out alternative procedures for leasing and licensing of any real property belonging to, leased by, or licensed by the County ("County Real Property"), and waive the reading of the proposed Ordinance Amendment in its entirety. The proposed amendment to Section 13.28.040 within Chapter 13.28 would reauthorize the County Administrative Officer or his designee to approve and execute leases and licenses not exceeding five years and \$5,000 per month. The proposed addition of Section 13.28.030(C) Chapter 13.28 would exclude from formal and informal bidding procedures a lease, sublease or license of County Real Property not exceeding 10 years and with a rental amount up to \$35,000 per month, as long as the lessee or licensee provides a service to or for the benefit of the County, the State, or any local public agency
39. Approve and authorize the Chairman to execute a Third Amendment to Agreement No. 15-026 with Schindler Elevator Corporation for preventative maintenance, repair, and additional elevator services, effective upon execution with no change in term to January 12, 2020 and increasing the maximum compensation by \$800,000, for a total potential 5-year not to exceed amount of \$3,688,120
40. Approve and authorize the Chairman to execute an Agreement with California Business Machines, Inc. for the purchase, rental, and maintenance of copiers, 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 \$4,000,000
41. Approve and authorize the Chairman to execute a Second Amendment to Purchasing Agreement No. P-16-130-C with Enterprise Rent-A-Car, a subsidiary of EAN Services, LLC, to increase the maximum allowable amount for products and services of the County's vehicle rental services, effective upon execution, extending the term through February 28, 2021 and increasing the maximum by \$400,100 to a total of \$500,000

42. Approve and authorize the Chairman to execute an Agreement for a shared Library with West Hills Community College District for the operation of a County public library to be shared with the West Hill's academic library in the new West Hills North District Center campus located at 1511 Ninth Street, Firebaugh, effective upon execution by both parties for an initial ten year term with the option to renew for successive ten year extensions, not to extend beyond June 30, 2117 (\$0) and approve and authorize the Chairman to execute a Lease Agreement for Agricultural Commissioner office space in the new West Hills North District Center campus located at 1511 Ninth Street, Firebaugh, effective upon execution by both parties for an initial ten year term with the option to renew for successive ten year extensions not to extend beyond June 30, 2117 (\$0)
35. Approve and authorize the Chairman to execute an Agreement with Fresno Economic Opportunities Commission to coordinate with the Department of Behavioral Health, and/or their subcontracted staff, for the provision of consultation, assessment and referral services under the Early Head Start Program, effective upon execution, not to exceed three consecutive years, which includes a one-year base contract and two optional one-year extensions (\$0)
43. Approve and authorize the Chairman to execute First Amendment to Agreement No. 06-274 with Valley Children's Hospital to acknowledge the hospital's name change and revise new student screening requirements, effective upon execution, with no change to the unlimited one-year extensions (\$0)

### **Public Works and Planning**

44. Approve and authorize Chairman to execute Agreement with City of Selma for Selma Sheridan Street Storm Drain, Community Development Block Grant Project No. 18651 (\$271,500)
45. Approve and authorize Chairman to execute Amendment II to Agreement No. 16-506 with City of Selma, for Selma Ringo Park Improvements, Community Development Block Grant Project No. 16651, effective upon execution with no change in the term to July 29, 2019 and increasing the maximum by \$58,792, to a total of \$183,792
46. Conduct second 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; and, waive reading of Ordinance in its entirety and adopt proposed Ordinance
47. Conduct second hearing on and adopt Ordinance amending Chapter 11.24 - Speed Limits of Fresno County Ordinance Code, Sections 11.24.010 through 11.24.100, to reflect various changes to Ordinance Code, some of which result from recent traffic studies; and waive reading of Ordinance in its entirety



48. Approve and authorize the Chairman to execute a Right-of-Way Transfer Agreement with the California High Speed Rail Authority for the transfer of right-of-way as required for Construction Package 2-3 of the High Speed Rail Project (\$0); and Authorize the Director of the Department of Public Works and Planning, or designee, to accept and approve in writing, on behalf of the County, minor changes to Exhibit A of the Right-of-Way Transfer Agreement for Construction Package 2-3 of the High Speed Rail Project to reflect final transfers