



Board of Supervisors

Agenda - Final-Revised

Buddy Mendes, 4th District, Chairman
Steve Brandau, 2nd District, Vice-Chairman
Brian Pacheco, 1st District
Sal Quintero, 3rd 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 21, 2020

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 19 - 59

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

Board of Supervisors

3. Presentation of Retirement Plaque to Travis M. Redmond - Department of Library - 20 Years of Service

Sheriff/Coroner/Public Administrator

4. Conduct first hearing to amend the Fresno County Ordinance Code, Title 6, to add Chapter 6.39, "County of Fresno Massage Establishment and Out Call Massage Services Ordinance;" waive reading of the Ordinance in its entirety and set the second hearing for February 25, 2020; designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance; and direct the Clerk of the Board to post and publish the required summary in accordance with Government Code, Section 25124(b)(1)

Administrative Office

5. Accept presentation by the Children and Families Commission of Fresno County on the Commission's FY 2018-19 Audit Report and State Annual Report

Behavioral Health

6. Approve Amendment to the Salary Resolution adding 20 positions and removing 1 position to the Department of Behavioral Health Org 5630, effective January 27, 2020 as reflected in Appendix C

Internal Services

7. Approve Amendment to the Salary Resolution adding one Building Maintenance Specialist position to the Internal Services Department, Facility Services Org 8935, effective January 27, 2020, as reflected in Appendix E; and adopt Budget Resolution increasing the FY 2019-20 appropriations and estimated revenues for the Internal Services Department, Facility Services Org 8935, in the amount of \$52,515 (4/5 vote)

Public Works and Planning

8. Conduct a public hearing and receive written protests from Waterworks District No. 42, Alluvial-Fancher subdivision property owners on a proposal to increase the water service fee, as required under California Constitution Article XIII-D (Proposition 218) and upon completion of the public protest hearing, approve item A or B. A. If the Board finds that there is not a majority protest, adopt a Resolution adopting increased water service fees for Waterworks District No. 42, effective March 1, 2020. B. If the Board finds that there is a majority protest, make a Finding that there is a majority protest and abandon the proceedings to increase the water service fee

Board of Supervisors' Committee Reports and Comments

9. 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

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

Public Presentations

11. 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

12. 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
13. Conference with Real Property Negotiators - Government Code, Section 54956.8; Property: Main Courthouse Building, 1100 Van Ness Avenue, Fresno, CA 93724; County Negotiator: Jean M. Rousseau, County Administrative Officer or designee. Negotiating Parties: Judicial Council of the State of California. Under negotiations: Instructions to County's negotiator may concern terms and conditions to transfer fee title or other interest to Judicial Council
14. Conference with Legal Counsel - Existing Litigation - Government Code section 54956.9(d)(1) - John Doe v. County of Fresno; Fresno County Superior Court Case Number 19CECG04252
15. Conference with Legal Counsel- Existing Litigation - Government Code, section 54956.9(d)(1) - David Morris vs. County of Fresno; Workers' Compensation Appeals Board Number ADJ7062285

16. Conference with Legal Counsel- Existing Litigation - Government Code, section 54956.9(d)(1) - Cheryl Edwards vs. County of Fresno; Workers' Compensation Appeals Board Number ADJ8911778
17. Conference with legal counsel - Existing Litigation - Government Code, section 54956.9(d)(1) - GSE Bonds Antitrust Litigation, Case No. 1:19-cv-01704 (JSR), United States District Court for the Southern District of New York
18. Conference with Legal Counsel - Existing Litigation - Government Code section 54956.9(d)(1) - Phillips, et al. v. State of California, et al., Fresno County Superior Court Case Number 15CECG02201
- 18.1 Conference with legal counsel - Initiation of Litigation; Government Code, section 54956.9(d)(4) - 2 Cases
- 18.2 Conference with legal counsel – Significant Exposure to Litigation; Government Code, section 54956.9(d)(2) - 2 Cases

Adjourn

NEXT MEETINGS:

February 4, 2020 - 9:00 AM

February 25, 2020 - 9:00 AM

CONSENT AGENDA

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

Board of Supervisors

19. Approve minutes of meeting for January 7, 2020

Chairman Mendes

20. Adopt Resolution in recognition of the Honorable Judge Lawrence O'Neill's retirement as Chief Judge of the U.S. District Court for the Eastern District of California in January 2020
21. Adjourn in Memory of Carl Nichols nicknamed "The Wizard of the Westside" as the most important single source of information on farming in the westside of the Valley

Supervisor Quintero

- 21.1 Adjourn in Memory of Larry Raven, local developer

Auditor Controller-Treasurer/Tax Collector

22. Receive and file the County of Fresno Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2019

County Clerk/Registrar of Voters

23. Adopt a Resolution approving election consolidation requests filed by the entities included in the March 3, 2020 Presidential Primary Election as listed in the agenda item recommended action

County Counsel

- 23.1 Approve and authorize County Counsel to execute a retroactive specialized legal services Agreement with Olson Remcho, LLP, to represent the County of Fresno, along with 13 other defendant counties, in BNSF Railway Company v. Alameda County, et al., U.S.D.C. (N.D.), Case No. 19-cv-07230-HSG, effective January 1, 2020 in substantial compliance with the terms of the Agreement; and approve and authorize the Auditor-Controller/Treasurer-Tax Collector to issue payment to the County of Kern for the County of Fresno's apportioned equal share of legal fees incurred under the specialized legal services Agreement with Olson Remcho, LLP; and approve and authorize County Counsel to execute the Joint Defense Agreement with 13 defendant counties in BNSF Railway Company v. Alameda County, et al., U.S.D.C. (N.D.), Case No. 19-cv-07230-HSG in substantial compliance with the terms of the Joint Defense Agreement

Sheriff/Coroner/Public Administrator

24. Authorize a waiver of the 28 hours per week and 960 hours per calendar year maximum hours limitation for the Extra-Help positions listed on Attachment A in the Sheriff's Office, pursuant to the provisions set forth in the Salary Resolution, section 1100 and Personnel Rules 2040 and 4240

Administrative Office

25. Retroactively approve and authorize the County Administrative Officer to serve as the primary contact for Fresno County related to the one-time funding opportunity, and submittal of a Letter of Interest on December 10, 2019, to the Department of Health Care Services to initiate Whole Person Care-Like Pilot capacity; and, approve and authorize the Chairman to execute a Resolution as requested by the California Department of Health Care Services, indicating the County's intent to utilize the one-time funding available through the 2019-20 Governor's budget to initiate Whole Person Care-Like Pilot capacity in the amount of \$894,377
26. Approve Amendment to the Salary Resolution reclassifying one Principal Administrative Analyst allocation to Project Administrator - Homelessness position in the County Administrative Office Org 0120, effective January 27, 2020 as reflected in Appendix F

Behavioral Health

27. Approve and authorize the Chairman to execute a retroactive Master Agreement with various contractors for Permanent Supportive Housing Services, effective January 1, 2020, not to exceed four and a half consecutive years, which includes a two-and-half-year base contract with two optional one-year extensions, total not to exceed \$675,000; Authorize the Director of the Department of Behavioral Health, or designee, to add and/or delete qualified contractors to the Master Agreement, as necessary

Human Resources

28. Approve the Addenda to the Memoranda of Understanding for Representation Unit 13 - Crafts and Trades, effective January 27, 2020, and; approve the related Salary Resolution Amendment as reflected in Appendix A
29. Approve and authorize the Chairman to execute a three (3) year agreement, with two one (1) year extensions, with Nationwide Retirement Solutions, Inc., to provide record-keeping and communication services to the County of Fresno 457(b) Deferred Compensation Plan, effective January 24, 2020, not to exceed five (5) total years, total not to exceed \$2,000,000

Internal Services

30. Approve and authorize the Chairman to execute a First Amendment to Agreement No. 16-556 with Nobico, Inc., dba Integrated Electronics, for products and services related to the County's closed-circuit television systems, effective upon execution with no change in term to June 18, 2020 and increasing the maximum by \$250,000 to a total of \$950,000
31. 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 Automated Merchant Systems, Inc. is the only vendor that integrates with the Assessor-Recorder's current Eagle Recorder system; and approve and authorize the Chairman to execute an Agreement with Automated Merchant Systems, Inc. for credit card processing services related to accessing recorded documents online through the Eagle Recorder system, effective upon execution by the vendor, which includes a three-year base contract and two automatic one-year extensions (\$0)
32. Approve Amendment to the Salary Resolution adding two (2) Program Technician allocations to the Internal Services Department, Fleet Services Org 8910, effective January 27, 2019 as reflected in Appendix D
33. Approve and authorize the Chairman to execute an Agreement with ThyssenKrupp Elevator Corporation for elevator maintenance and repair services, effective upon execution, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$5,500,000

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

34. Approve and authorize the Chairman to execute a retroactive assignment of Lease Agreement No. 01-130-5 from FMAAA Foundation to Fresno Rescue Mission, effective August 10, 2019, with no changes to the ongoing term or maximum compensation

Sitting as the Fresno County Board of Supervisors:

Approve and authorize the Chairman to execute a retroactive assignment of Lease Agreement No. 01-130-5 from FMAAA Foundation to Fresno Rescue Mission, effective August 10, 2019 with no changes to the ongoing terms or maximum compensation; approve and authorize the Chairman to execute a retroactive assignment of Lease Agreement No. 04-561-3 from FMAAA Foundation to Fresno Rescue Mission, effective August 10, 2019 with no changes to the ongoing term or maximum compensation; approve and authorize the Chairman to execute a retroactive assignment of Lease Agreement No. 10-309-4 from FMAAA Foundation to Fresno Rescue Mission, effective August 10, 2019 with no changes to the ongoing term or maximum compensation; approve and authorize the Chairman to execute a retroactive assignment of Lease Agreement No. 11-742-3 from FMAAA Foundation to Fresno Rescue Mission, effective August 10, 2019 with no changes to the ongoing term or maximum compensation; approve and authorize the Chairman to execute a retroactive assignment of Lease Agreement No. 12-141-3 from FMAAA Foundation to Fresno Rescue Mission, effective August 10, 2019 with no changes to the ongoing term or maximum compensation

- 34.1 Approve the Memorandum of Understanding (MOU) between the In-Home Supportive Services Public Authority and Service Employees International Union Local 2015, effective upon approval by the Public Authority Governing Board through December 31, 2022 and; contingent upon approval of action one, review and approve the FY 2019-20 In Home Supportive Services Public Authority Rate Change Request Packet (State Form SOC 449) for submission to the California Department of Social Services

Sitting as the County of Fresno Board Supervisors:

Approve the Memorandum of Understanding (MOU) between the In-Home Supportive Services Public Authority and Service Employees International Union Local 2015, effective upon approval by the Public Authority Governing Board through December 31, 2022 and; contingent upon approval of action one, review and approve the FY 2019-20 In Home Supportive Services Public Authority Rate Change Request Packet (State Form SOC 449) for submission to the California Department of Social Services

Probation

35. Approve and authorize the Chairman to execute a retroactive revenue Agreement with Central Unified School District to provide partial funding for services provided by two Deputy Probation Officers assigned to various Central Unified School District school campuses, effective July 1, 2019, not to exceed five consecutive years, which includes a one-year base contract and four optional one-year extensions, total not to exceed \$375,000
36. Approve and authorize the Chairman to execute a retroactive revenue Agreement with Fresno Unified School District to provide partial funding for services provided by nine Deputy Probation Officers assigned to various Fresno Unified School District school campuses, effective July 1, 2019, not to exceed five consecutive years, which includes a one-year base contract and four optional one-year extensions, total not to exceed \$1,687,500

Public Health

37. Approve and authorize the Chairman to execute Amendment I to Agreement No. 17-638 with the California Department of Public Health for immunization services, reducing total compensation by \$86,283, effective upon execution through June 30, 2022 (\$2,310,402)
38. Approve and authorize the Chairman to execute a retroactive grant Application/Revenue Agreement and Articles, Assurances, Certifications, Terms and Conditions, and Governing Body Resolution for submission to the California Governor's Office of Emergency Services for the FY 2019 Emergency Management Performance Grant, effective July 1, 2019 through June 30, 2021 (\$656,508). Approve and authorize the Chairman to execute the Proof of Authority Letter assuring the California Governor's Office of Emergency Services that the County will provide and appropriate all matching funds, including any cash match, required for the Emergency Management Performance Grant, affirming liability arising from performance of the agreement will be the County's responsibility, and that funds will not be supplanted
39. Approve and authorize the Chairman to execute a Community Learning Center Partnership Agreement with Children and Families Commission of Fresno County to co-locate County staff at the Lighthouse facility to deliver services, effective upon execution (\$0)
40. Approve and authorize the Chairman to execute a retroactive Data Use Agreement with Michigan Public Health Institute, for participation in the National Fatality Review Case Reporting System, effective January 1, 2020 through December 31, 2023. (\$0)

Public Works and Planning

41. Approve and authorize the Chairman to execute Agreement with the City of Fowler for the Fowler Panzak Park ADA Restroom, Community Development Block Grant Project No. 19231, effective upon execution through March 12, 2021 (\$304,240)

- 42.** Adopt resolution assuming financial responsibility for costs of relocation of Laton Community Services District's water and wastewater facilities required for Laton Sidewalk Project, Federal Project No. HSIPL-5942(275); Approve and authorize the Director of the Department of Public Works and Planning, subject to the review and approval of County Counsel as to legal form and the Auditor-Controller/Treasurer-Tax Collector as to accounting form, to execute a Utility Agreement with Laton Community Services District, and any amendments thereto, in connection with the construction of the Laton Sidewalk Project; Approve and authorize the Director of the Department of Public Works and Planning, subject to the review and approval of County Counsel as to legal form and the Auditor-Controller/Treasurer-Tax Collector as to accounting form, to execute a Utility Agreement with Laguna Irrigation District, and any amendments thereto, in connection with the construction of the Laton Sidewalk Project; Accept the as-is donation of a storm drainage basin area (at Gonser Street and East Riverdale Avenue in Laton) and connected storm water drainage improvements along Gonser Street in Laton from the Laton CSD, and approve and authorize the Director to approve and execute a related Agreement (to acquire property and right of way and to assume certain storm drain-related operations and maintenance duties), with Laton CSD in substantial form as the attached Agreement, on file with the Clerk, including any revisions thereto as may be approved by the Director as he deems to be in the best interest of the County, all of which shall be subject to the review and approval of County Counsel as to legal form and the Auditor-Controller/Treasurer-Tax Collector as to accounting form, and in connection with the West Laton Drainage Master Plan; Authorize the Director to approve and execute any further deeds, certificates, instruments or documents that the Director deems necessary to acquire the storm drainage basin and connected storm water drainage improvements, and/or to accept and record dedications thereof for purposes related to the Laton Sidewalk Project, all of which shall be subject to the review and approval of County Counsel as to legal form and the Auditor-Controller/Treasurer-Tax Collector as to accounting form
- 43.** Adopt Resolution establishing Infrastructure Plan Fees to provide for Millerton New Town Infrastructure Facilities for Tract No. 6189 (Phase 2 of Vesting Tentative Tract No. 4968); and adopt Resolution establishing Specific Plan Fees to provide for Millerton New Town Facilities
- 44.** Approve Amendment to FY 2018-19 Action Plan, deleting the Biola 5th Street Sidewalk and Storm Drain, Phase II, Community Development Block Grant Project No. 18031 (\$250,000); and approve and authorize Chairman to execute Amendment I to Agreement No. 18-187 with the Biola Community Services District for the Biola 5th Street Sidewalk and Storm Drain, Community Development Block Grant Project No. 17031, effective upon execution to September 30, 2020 and increasing the maximum by \$250,000 to a total of \$550,000
- 45.** Adopt Resolution establishing Transportation Mitigation Impact Fees to mitigate transportation and circulation impacts from development associated with Site Plan Review Application No. 8101; and approve and authorize Chairman to execute Public Facilities Fee Agreement with McCall Investment Corporation, for Transportation Mitigation Impact Fees related to intersection improvements at Belmont and McCall Avenues in amount of \$8,788 plus 3% (\$264) for administration of the Public Facilities Fee Fund, effective upon execution. The subject property is located on northeast corner of E. Kings Canyon Road (State Route 180) and N. McCall Avenue

46. Approve and authorize the Chairman to execute Addendum I to Infrastructure Improvement, Maintenance, Protection, and Repair Agreement No. 17-045 (acquisition of Little Panoche Creek Jumper Bridge) with Panoche Valley Solar, LLC (\$0); and, determine that the foregoing action is exempt from further review under the California Environmental Quality Act, Public Resources Code, section 21000
47. Adopt Budget Resolution increasing FY 2019-20 appropriations for County Service Area No. 34 Millerton New Town, Fund 0830, Subclass 16000, Org 9174 using general reserves in the amount of \$266,160 for the Millerton Lake Pump Communications Project (4/5 vote)
48. Adopt Resolution establishing Infrastructure Plan Fees to provide for Millerton New Town Infrastructure Facilities for Tract No. 4934; and adopt Resolution establishing Specific Plan Fees to provide for Millerton New Town Facilities
49. Adopt Budget Resolution increasing FY 2019-20 appropriations for Public Works and Planning - CalHOME Reuse Account, Fund 0086, Subclass 17504, Org 1204, in amount of \$450,000 (4/5 vote); and adopt Budget Resolution increasing FY 2019-20 appropriations and estimated revenues for Public Works and Planning - Grants Org 5512 in amount of \$450,000 to use for affordable single-family housing developments (4/5 vote)
50. Adopt plans and specifications for Contract 19-14-SW, American Avenue Disposal Site Groundwater Monitoring Wells Replacement Project, and award Contract 19-14-C to the lowest bidder, Krazan & Associates, Inc., 215 W. Dakota Avenue, Clovis, CA 93612, in the amount of \$824,300.00
51. Conduct second hearing on and adopt an Ordinance to amend Chapter 11.24 - Speed Limits of the Fresno County Ordinance Code, Sections 11.24.030 through 11.24.100, to reflect various changes to the Ordinance Code as a result of recent traffic studies; and waive the reading of the Ordinance in its entirety
52. Adopt Budget Resolution increasing FY 2019-20 appropriations and estimated revenues for Library Capital Improvements Org 7530 in the amount of \$202,500 using available fund balance to complete construction upgrades at Central Library Building - 2nd Floor, located at 2420 Mariposa Street, Fresno 93721 (4/5 vote); and adopt Budget Resolution increasing FY 2019-20 appropriations for Capital Projects Fund 0400, Subclass 10068, Central Library Upgrades - 2nd Floor Org 8868, in amount of \$202,500 to fund construction and associated costs of the renovation work (4/5 vote)
53. Adopt a Resolution of Intention initiating a proceeding under Chapter 3, Part 3, Division 9 of the Streets and Highways Code (collectively, the "Vacation Laws"), setting 9:00 a.m. on February 25, 2020, in the Board of Supervisors' chambers, as the time, date, and place for the Board to conduct a hearing for the proposed vacation of the Mary Avenue public road right-of-way, from the north right-of-way line of Daleville Avenue, continuing northerly approximately 178 feet (Vacation Application No. V18-02), directing the Clerk of the Board to cause the posting, publishing, and mailing of notice(s), as required by the Vacation Laws, and directing the Department of Public Works and Planning to post notices on site as required by the Vacation Laws

- 54. Approve and authorize Chairman to execute a Grant Agreement with California Department of Resources Recycling and Recovery for the FY 2019-20 Tire-Derived Product Grant Program, effective upon execution through April 1, 2022 (\$72,048)
- 55. Approve and accept Final Map for Tract No. 5505, located on the South Side of Millerton Road approximately one-quarter mile east of the Friant-Kern Canal
- 56. Adopt Mitigated Negative Declaration prepared for the James Bypass Bridge Replacement Project on Manning Avenue (Two Bridges), three miles east of the nearest city limits of the City of San Joaquin (Initial Study Application No. 7326, SCH No. 2019129056), Federal Project Number BRLO-5942(233)

Social Services

- 57. Approve and authorize the Chairman to execute a lease agreement with Kosla Properties, LLC, for 21,440 square feet of office space at 3830 McCall Ave, Selma, CA 93662, for use by the Department of Social Services, effective upon the first date of occupancy, not to exceed 19 consecutive years, total not to exceed \$13,112,149; and, authorize the Director of Internal Services to terminate L-281 (Agreement #13-511) upon completion of tenant improvements at 3830 McCall Ave., Selma, CA 93662
- 58. Approve and authorize the Chairman to execute a retroactive Amendment III to Agreement 15-023 with Reading and Beyond for the provision of Supplemental Nutrition Assistance Program Employment and Training services, effective January 2, 2020 with no change in term to March 31, 2021 and increasing the maximum by \$822,776 to a total of \$3,537,287
- 59. Accept the Marjaree Mason Center Annual Report for the period of October 1, 2018 through September 30, 2019