



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, September 1, 2020

9:00 AM

Hall of Records

IMPORTANT NOTICE REGARDING PUBLIC PARTICIPATION DUE TO COVID-19

Due to the current Shelter-in-Place Order covering the State of California and Social Distance Guidelines issued by Federal, State, and Local Authorities, the County is implementing the following changes for attendance and public comment at all Board of Supervisors meetings until notified otherwise. The Board chambers will be open to the public. Any member of the Board of Supervisors may participate from a remote location by teleconference pursuant to California Governor Gavin Newsom's Executive Order N-25-20.

- The meeting will be webcast. The public may observe the live stream of the Board of Supervisors Meeting at: <https://fresnocounty.Legistar.com>
- If you attend the Board of Supervisors meeting in person, you will be required to maintain appropriate social distancing, i.e., maintain a 6-foot distance between yourself and other individuals. Due to Shelter-in-Place Order requirements, the number of people in the Board of Supervisors Chambers will be limited. Members of the public who wish to make public comments will be allowed in on a rotating basis even if seating in the chambers is limited.
- If you choose not to attend the Board of Supervisors meeting but desire to make general public comment, or comment on a specific item on the agenda, you may do so as follows:

Written Comments

• Members of the public may submit written comments as follows: by email to BOScomments@fresnocountyca.gov, by mail or by hand delivery at the Clerk of the Board's office in the Hall of Records at the above address. Comments should be submitted as soon as possible but not later than 15 minutes before start of meeting. You will need to provide the following information:

- Board Meeting Date
- Item Number
- Comments

- Please submit a separate e-mail for each item you are commenting on.
- Please be aware that public comments received that do not specify a particular agenda item will be made part of the record of proceedings as a general public comment.
- If a written comment is received after the start of the meeting it will be made part of the record of proceedings, provided that such comments are received prior to the end of the Board meeting.
- Written comments will be provided to the Board members. Comments received during the meeting may not be distributed to Board members until after the meeting has concluded.

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. For those who are present and 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 online at: <http://fresnocounty.legistar.com>.

Invocation and Pledge of Allegiance

1. Approve Agenda
2. Approve Consent Agenda - Item Numbers 15 - 42

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

Supervisor Brandau

3. Adopt Resolution directing the Public Health Director and Fresno County Interim Public Health Officer to provide support to Fresno County Schools servicing special needs students desiring to return to onsite instruction for physical therapy and individually guided learning

Administrative Office

4. Consider and take action on request for Determination of public convenience or necessity on application for Alcoholic Beverage License Type 21 filed by Falcon Junction, Inc., located at 29477 Auberry Rd., Prather, CA 93651

Human Resources

5. Conduct the first hearing to amend the Fresno County Master Schedule of Fees, Charges, and Recovered Costs Ordinance by amending Section 1600 - Human Resources; waive reading of the Ordinance in its entirety and set the second hearing for September 22, 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)

Public Health

- 5.1 Ratify the Agreement and First Amendment with Fresno Economic Opportunities Commission for the COVID-19 Equity Project - Base, previously executed by the County Administrative Officer acting as the Emergency Services Director, effective August 19, 2020 through December 30, 2020 (\$4,039,556); and ratify the Agreement with Fresno Economic Opportunities Commission for the COVID-19 Equity Project - African American Coalition, previously executed by the County Administrative Officer acting as Emergency Services Director, effective August 7, 2020 through December 30, 2020 (\$1,648,671)

Public Works and Planning

6. Conduct a public hearing on Conditional Use Permit application number 3600 pursuant to 873(F) of the Zoning Ordinance Code to: a. consider and adopt the Proposed Mitigated Negative Declaration and Mitigation Monitoring Reporting Program prepared for Initial Study Application No. 7423; and b. determine that the required findings specified in Fresno County Zoning Ordinance Section 873-F can be made to approve development of an outpatient clinic on a 0.79-acre parcel in the Rural Residential (RR) Zone District; and, c. adopt a Resolution approving Classified Conditional Use Permit Application No. 3600. The project is located on the northern side of Auberry Road, 340 feet west of its intersection with Morgan Canyon Road (29323 Auberry Road) (Sup. Dist. 5) (APN 118-422-46)
7. Consider appeal of Planning Commission's denial of Classified Conditional Use Permit Application No. 3632, proposing to allow an agricultural commercial center consisting of an approximately six-acre flea market with related improvements on a 78.18-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District; and if Appeal is granted and the Planning Commission's denial of Classified Conditional Use Permit Application No. 3632 is overturned: a. adopt Mitigated Negative Declaration prepared for Initial Study Application No. 7568 and approve the proposal subject to project Mitigation Measures and Conditions of Approval; and b. make the required Findings specified in Fresno County Zoning Ordinance, Section 873(f) for approval of the Classified Conditional Use Permit Application No. 3632; and c. adopt Resolution approving Classified Conditional Use Permit Application No. 3632 for a flea market, with Conditions of Approval. The subject property is located on the north side of W. Jayne Avenue approximately 2,556 feet west of its intersection with S. El Dorado Avenue and 6.4 miles east of the nearest city limits of City of Coalinga (23436 W. Jayne Avenue, Coalinga, CA) (APN 073-090-20S)
8. Authorize the Department of Public Works and Planning to prepare an agreement with the Fresno County Transportation Authority to provide construction management services for the Golden State Corridor Infrastructure Improvements Project and return to your Board for final cost

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 legal counsel - Initiation of Litigation; Government Code, section 54956.9(d)(4) (2 Cases)
13. Conference with legal counsel – Significant Exposure to Litigation; Government Code, section 54956.9(d)(2) (2 Cases)
14. 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
- 14.1 Conference with legal counsel - Existing Litigation - Government Code, section 54956.9(d)(1) - County of Fresno v. Immanuel Schools - Superior Court Case No. 20 CE CG 02447
- 14.2 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

Adjourn**NEXT MEETINGS:**

Budget Hearings September 14 - 18, 2020 - 9:00 AM
September 22, 2020 - 9:00 AM
October 6, 2020 - 9:00 AM

CONSENT AGENDA

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

Board of Supervisors

15. Approve minutes of meeting for August 18, 2020, and August 25, 2020, Special Meeting

Chairman Mendes

16. Proclaim the week of September 6-12, 2020 as National Suicide Prevention Week, and September 2020 as National Suicide Prevention Month in Fresno County
17. Proclaim the month of September 2020 as National Alcohol and Drug Addiction Recovery Month in Fresno County

Chairman Mendes and Supervisor Magsig

18. Adopt resolution to support the increase of the California tractor trailer gross vehicle weight limitation from 80,000 pounds to 88,000 pounds during the COVID-19 Public Health Emergency

Auditor Controller-Treasurer/Tax Collector

19. Adopt a resolution establishing tax rates, and levying taxes on the secured roll, for the countywide rate of one percent, voter approved indebtedness, ad valorem taxes for revenue districts, and unitary taxes in Fresno County for the Fiscal Year 2020-21

County Clerk/Registrar of Voters

20. Adopt a Resolution approving election consolidation requests filed by the following entities for the November 3, 2020 Statewide General Election

District Attorney

21. Receive and file annual report of the Real Estate Fraud Prosecution program pursuant to California Government Code Section 27388
22. Approve and authorize the Chairman to execute Amendment II to Lease Agreement #15-585 with Joe Cooper for office space used by the District Attorney, 929 L Street, Fresno, CA 93721, amending the term of the Lease to terminate on or before November 30, 2020, with fixed monthly rent of \$17,215

Administrative Office

23. Adopt resolution authorizing the County Auditor-Controller/Treasurer-Tax Collector to make one or more loans to the Coalinga-Huron Recreation and Parks District under Government Code section 23010 for fiscal year 2020-21 in the aggregate maximum amount of \$400,000
24. 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
25. Adopt a Resolution extending the term of the Civil Grand Jury due to the impacts of the COVID-19 Public Health Emergency

Behavioral Health

26. Accept the Hinds Hospice Local Outreach to Suicide Survivors Team 2019-2020 Annual Report

County Counsel

27. Approve and authorize the Chairman to execute Settlement Agreement with petitioner Comunidades Unidas Por Un Cambio in connection with Comunidades Unidas Por Un Cambio v. County of Fresno, et al., Fresno Superior Court Case No. 18CECG04586 (\$130,000 payment)

Human Resources

28. Adopt a Resolution amending the Cafeteria Plan for the Employees of County of Fresno to implement changes due to updated Federal regulations and Internal Revenue Service Notice 2020-29
29. Approve Amendment to the Salary Resolution adjusting the salary of the Senior Engineer and Supervising Engineer classifications, effective September 7, 2020, as reflected in Appendix B
30. Approve Amendment to the Salary Resolution deleting one vacant Assistant County Administrative Officer and adding one Chief Operating Officer to the Administrative Office Org 0120; and placing the Chief Operating Officer classification in Band B of the Senior Management Compensation Plan, effective September 21, 2020, as reflected on Appendix C

Internal Services

31. Approve and authorize the Chairman to execute a First Amendment to Agreement No. 19-464 with GovernmentJobs.com Inc., dba NEOGOV, for maintenance and support of various employee management software systems, effective upon execution with no change in term to May 14, 2023, and increasing the maximum compensation amount by \$458,110, including \$205,615 of Coronavirus Aid, Relief, and Economic Security Act funding, to a total of \$1,133,000

Public Health

32. Approve and authorize the Chairman to execute a Data Use Agreement with Michigan Public Health Institute, for participation in the National Fatality Review Case Reporting System, effective upon execution until terminated by either party (\$0)
33. Approve and authorize the Chairman to execute a retroactive Amendment III to Agreement No. 16-683 with Children and Families Commission of Fresno County for the Nurse-Family Partnership program extending the term by one year from July 1, 2020 to June 30, 2021 and increasing the maximum by \$210,249 to a total of \$1,037,186; and approve and authorize the Chairman to execute a retroactive Amendment III to Agreement No. 16-684 with Children and Families Commission of Fresno County for the Nurse Liaison program extending the term by one year from July 1, 2020 to June 30, 2021 and increasing the maximum by \$394,361 to a total of \$1,783,291
34. Adopt Resolution proclaiming termination of the accumulating livestock carcasses local emergency in Fresno County

Public Works and Planning

35. Approve and authorize Chairman to execute an Agreement with City of Selma for the Selma Sidewalk ADA Improvements, Community Development Block Grant Project No. 20651, effective upon execution through December 10, 2021 (\$204,791)
36. Approve and authorize the Chairman to execute the First Amendment to Agreement No. 17-385 with the California State University, Fresno Foundation, for student intern services, increasing the maximum amount of the contract by \$100,000, to \$180,000
37. Adopt plans and specifications and award Contract 20-07-C, Road Maintenance and Rehabilitation Account (SB-1) Asphalt Concrete Overlays at various locations in Fresno County, to the low bidder, Yarbs Paving & Grading, Inc., 11339 S. Peach Avenue, Fresno, CA 93725, including the base bid and all additive bids, in the amount of \$4,554,095.30
38. Approve and authorize the Chairman to execute the Exhibit 9-B Local Agency Disadvantaged Business Enterprise Annual Submittal Form with the California Department of Transportation for Federal FY 2020-21
39. Adopt plans and specifications and award Contract 20-06-C, Lost Lake Nature Trail, to the low bidder, Bush Engineering, 518 North Redington Street, Hanford, CA 93230, in the total amount of \$224,720
40. Approve and authorize Chairman to execute the First Amendment to Agreement No. 14-686 with DLR Group, Inc., for architectural services and construction administration for West Annex Jail, currently under construction, effective upon execution with no change in term and increasing the extra services allocation by \$247,407 to \$1,649,807, which will increase the total maximum compensation amount to \$7,573,807

41. Consider and take the following actions for Tract No. 4870, Bella Vista, which is located on the south side of Millerton Road, approximately eight miles north of the City of Fresno: 1. consider and approve reduction of Performance and Maintenance Security Bond to the amount of \$600,000.00 for Phase I On-site Improvements and \$390,000.00 for Phase II Off-Site Improvements to guarantee performance and maintenance of improvements; and 2. consider and approve reduction of the Labor and Materials Security to \$300,000.00; and 3. release the Monumentation Security; and 4. authorize Director of Public Works and Planning or designee to release the remaining balance of the Performance and Maintenance Security Bond when the Subdivider has faithfully performed all contractual obligations necessary for the release as determined by the Director or designee

Social Services

42. Approve and authorize the Chairman to execute First Amendment to Lease Agreement No. 20-091 with 380 Ashlan LLC, at 380 W. Ashlan, Clovis, CA 93612, to extend the term of the existing Agreement by four months from September 1, 2021 to January 1, 2022 with no change to the compensation maximum of \$166,072,374