



County of Fresno

Action Summary - Final

Board of Supervisors

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Sal Quintero, 3rd District, Chairman
Andreas Borgeas, 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 to the Board of Supervisors

Tuesday, February 6, 2018

9:00 AM

Hall of Records

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

Invocation and Pledge of Allegiance

PASTOR JOHN FLORES, RIVERS OF LIVING WATER CHURCH, GAVE THE INVOCATION AND BERNICE E. SEIDEL, CLERK TO THE BOARD OF SUPERVISORS, LED THE BOARD IN THE PLEDGE OF ALLEGIANCE

1. Approve Agenda

A MOTION WAS MADE BY VICE CHAIRMAN BORGEAS, SECONDED BY SUPERVISOR MAGSIG, THAT THE AGENDA BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

2. Approve Consent Agenda - Item Numbers 19 -36

A MOTION WAS MADE BY VICE CHAIRMAN BORGEAS, SECONDED BY SUPERVISOR MAGSIG, THAT THE CONSENT AGENDA BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Chairman Quintero

3. Proclaim February 6, 2018 as Fresno State Football Day

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

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

Resolution No. 18-052

4. Proclaim February 6, 2018 as Coach Jeff Tedford Day

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

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

Resolution No. 18-053

Public Works and Planning

5. Receive Fresno County Zoo Authority 2016-17 Annual Report

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

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

County Counsel

6. Approve Amendment to the Salary Resolution adding one Deputy County Counsel position to the County Counsel Org 0710, effective on February 26, 2018 as reflected on Appendix C

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

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

Salary Resolution No. 18-008

Administrative Office

7. Consider adoption of resolution placing an amendment to Fresno County Charter, section 16, relating to the qualifications of the Director of Public Works and appointment of the County Surveyor on the June 5, 2018 ballot for voter approval

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

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

Resolution No. 18-054

Public Works and Planning

8. Receive presentation addressing information provided by Exclusive Service Area Program haulers related to impact of Senate Bill 1, Road Repair and Accountability Act of 2017; and direct staff to either: (a) approve requested adjustment of 0.41%, as determined by the County's consultant, to Exclusive Service Area Program maximum cart and bin rates, as a pass-through expense, effective April 1, 2018 to reflect increases to rates based on Senate Bill 1 and direct staff to coordinate with haulers to provide all customers with advance written notice of approved maximum cart and bin rates 30 days prior to effective date; or (b) take no action at this time and leave maximum cart and bin rates at current levels

RECEIVED PRESENTATION ADDRESSING INFORMATION PROVIDED BY THE EXCLUSIVE SERVICE AREA PROGRAM HAULERS RELATED TO THE IMPACT OF SENATE BILL 1, THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

A MOTION WAS MADE BY SUPERVISOR PACHECO, SECONDED BY VICE CHAIRMAN BERGEAS, TO DIRECT STAFF TO TAKE NO ACTION AT THIS TIME AND LEAVE THE MAXIMUM CART AND BIN RATES AT CURRENT LEVELS AND RETURN TO THE BOARD IN JUNE, 2018, TO REVIEW AFFECTS OF SENATE BILL 1. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 4 - Borgeas, Mendes, Pacheco, and Quintero

Noes: 1 - Magsig

9. Conduct first hearing of proposed ordinance to amend Sections 11.24.010 through 11.24.100 of Chapter 11.24 of Fresno County Ordinance Code to reflect changes for speed limits as listed on Ordinance Summary Attachment, waive reading of Ordinance in its entirety; and set second hearing for March 6, 2018; and designate County Counsel to prepare a fair and adequate summary of proposed ordinance and direct Clerk to the Board to post and publish required summary in accordance with Government Code Section 25124(b)(1)

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

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

10. Adopt Mitigated Negative Declaration prepared for Initial Study Application No. 7091, including Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3816; approve Ordinance pertaining to Amendment Application No. 3816 thereby rezoning subject 30.05-acre parcel from AL-20 Zone District to the M-1(c) Zone District to allow a limited number of Light Manufacturing uses as requested by the Applicant; designate County Counsel to prepare a fair and adequate summary of proposed ordinance, and direct Clerk to the Board to post and publish required summary in accordance with Government Code Section 25124(b)(1); and subject property is located at southwest corner of W. Belmont Avenue and N. Marks Avenue, adjacent to City Limits of Fresno, pertains to location in District 1

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

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

Ordinance No. R-479-3816

Board of Supervisors' Committee Reports and Comments

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

SUPERVISOR MAGSIG REPORTED THAT ALTHOUGH THE STOCK MARKET IS IN TURMOIL, IT IS STABILIZING, THERE SHOULDN'T BE MAJOR IMPACTS TO THE COUNTY RETIREMENT FUNDS. SUPERVISOR MENDES QUESTIONED THE REASON AND NECESSITY FOR THE JOINT MEETING SCHEDULED WITH THE FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION BOARD (FCERA). SUPERVISOR MAGSIG STATED THAT FOR 2018 THE ENTIRE BOARD IS LOOKING AT CHANGING DIRECTIVES WHICH DRIVE INVESTMENT STRATEGIES OF FCERA. THE SUPERVISORS CONCLUDED TO HOLD THE JOINT MEETING SCHEDULED FOR MARCH 22 AT FCERA'S FACILITY, WITH THE CLERK TO THE BOARD NOTIFYING FCERA OF THE TIME CHANGE TO THE MEETING. SUPERVISOR MENDES REPORTED THAT ON WEDNESDAY, FEBRUARY 7, 2018, IN SACRAMENTO, THERE WILL BE A READDRESS OF THE TEMPERANCE FLAT PROJECT SCORE AND PEOPLE WILL BE ABLE TO PARTICIPATE BY WEBINAR

Board Appointments

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

A MOTION WAS MADE BY VICE CHAIRMAN BORGEAS, SECONDED BY SUPERVISOR MAGSIG, THAT THE NOMINATION FOR REAPPOINTMENT AND APPOINTMENT BE APPROVED AS FOLLOWS:

**COALINGA-HURON MOSQUITO ABATEMENT DISTRICT
REAPPOINTED CRAIG STEVEN FINSTER (TERM TO EXPIRE 1/3/2022)**

**HISTORICAL LANDMARKS AND RECORDS COMMISSION
APPOINTED JOHN HOULIHAN (TERM TO EXPIRE 1/4/2021)**

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Public Presentations

13. 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
HELD; THERE WERE NO COMMENTS FROM MEMBERS OF THE PUBLIC

Closed Session

14. Conference with legal counsel – Significant Exposure to Litigation - Government Code section 54956.9(d)(2) (2 Cases)
HELD; NO REPORTABLE ACTION
15. Conference with legal counsel - Initiation of Litigation; Government Code Section 54956.9(d)(4) - 2 Cases
HELD; NO REPORTABLE ACTION
16. 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
HELD; NO REPORTABLE ACTION
17. Conference with Real Property Negotiators - Government Code 54956.8 Properties: 3821 N. Clark St., 2085 E. Dakota Ave. and 2025 E. Dakota Ave., Fresno, CA 93726; County Negotiator: Jean M. Rousseau, County Administrative Officer or Designee. Negotiating Parties: Fresno Madera Agency on Aging, Under Negotiations: Instructions to County's negotiator may concern purchase or lease of properties, price, terms and conditions
HELD; NO REPORTABLE ACTION
- 17.1 Conference with Real Property Negotiators - Government Code 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 purchase of properties, price, terms and conditions
HELD; NO REPORTABLE ACTION
18. Conference with Real Property Negotiators - Government Code 54956.8. Property: In the Vicinity of DeWolf and Huntsman Avenues, near Selma, CA 93662 (APN's 348-130-69ST and 348-130-71ST); County Negotiator: Robert W. Bash, Director of Internal Services/Chief Information Officer. Negotiating Parties: City of Selma, Under Negotiations: Instructions to County's negotiator may concern sale of property, price, terms and conditions
HELD; NO REPORTABLE ACTION

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

- 18.1** Conference with Labor Negotiator (Government Code, section 54957.6): Agency Negotiator: Delfino Neira; Employee Organization: SEIU Local 2015 – Hours, Wages and Terms and Conditions of Employment

HELD; NO REPORTABLE ACTION

Adjourn

A MOTION WAS MADE BY SUPERVISOR MAGSIG, SECONDED BY SUPERVISOR PACHECO, TO ADJOURN THE MEETING FOLLOWING CLOSED SESSION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

APPROVED:

/s/ Sal Quintero
SAL QUINTERO, CHAIRPERSON OF THE
BOARD OF SUPERVISORS OF THE
COUNTY OF FRESNO

ATTEST:

BY: /s/ Bernice E. Seidel

BERNICE E. SEIDEL

CLERK TO THE BOARD OF SUPERVISORS

COUNTY OF FRESNO, STATE OF CALIFORNIA

APPROVED ON: February 20, 2018

CONSENT AGENDA

A MOTION WAS MADE BY VICE CHAIRMAN BORGEAS, SECONDED BY SUPERVISOR MAGSIG, THAT THE CONSENT AGENDA BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Board of Supervisors

- 19.** Approve minutes of meeting for January 23, 2018

APPROVED AS RECOMMENDED

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

Supervisor Magsig

- 19.1** Adopt Proclamation to honor the Grand Opening of the Vineyards, California Armenian Home

APPROVED AS RECOMMENDED

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

Resolution No. 18-044

Supervisor Pacheco

- 20.** Adjourn in Memory of Cathy Elaine Ponte

APPROVED AS RECOMMENDED

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

County Clerk/Registrar of Voters

- 21.** Approve City of Fresno's request for County of Fresno to consent to the County Clerk's use of County funds and equipment to perform functions relating to the conduct of municipal elections of the City of Fresno

APPROVED AS RECOMMENDED

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

Administrative Office

22. 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

APPROVED AS RECOMMENDED

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

Resolution No. 18-045

23. Approve Reclamation District No. 1606 request to move from odd to even-numbered year elections and set the date for the Districts' elections to occur on the same day as the Statewide General Election

APPROVED AS RECOMMENDED

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

Human Resources

24. Approve the Addenda to the Memoranda of Understanding regarding salary range adjustments for a total of seven identified classifications in the following Representation Units: 4 - Eligibility Workers; 12 - Clerical, Paramedical, Building & Service Employees; and 22 - Professional, Para-Professional & Technical Employees, all represented by SEIU Local 521, effective February 12, 2018, as reflected in Appendix B; Approve the Addendum to the Memorandum of Understanding regarding salary range adjustments for two identified classifications in Representation Unit 13 - Crafts and Trades, represented by Stationary Engineers Local 39, effective February 12, 2018, as reflected in Appendix B; Adjust the hourly rate for seven identified classifications to \$11.00/hour and the salary range for two identified classifications to range 880 (\$11.00/hour) in Salary Resolution, section 100 - Alphabetical Position Listing, effective February 12, 2018, as reflected in Appendix B

APPROVED AS RECOMMENDED

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

Salary Resolution No. 18-005

25. Conduct second hearing and adopt County of Fresno Ordinance Code amending section 2.08.060 and repealing section 2.08.090 of Title 2, Chapter 2.08, and enacting new section 2.04.040 of Title 2, Chapter 2.04 related to the Clerk of the Board of Supervisors; waive the reading of the Ordinance in its entirety; and, approve amendment to the Salary Resolution as reflected on Appendix "A", effective March 8, 2018

APPROVED AS RECOMMENDED

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

Ordinance No. 18-002, Salary Resolution No. 18-006

Public Health

26. Approve and authorize the Chairman to execute a revenue agreement and certifications with the California Department of Public Health for Local Oral Health Plan funds, effective upon execution through June 30, 2022 (\$2,644,280)

APPROVED AS RECOMMENDED

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

Agreement No. 18-047

27. Approve and authorize Department of Public Health to submit grant application to California Department of Forestry and Fire Protection for the Local Assistance for Tree Mortality Grant Program, effective July 1, 2017 through January 31, 2020 (\$880,133)

APPROVED AS RECOMMENDED

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

Public Works and Planning

28. Approve and authorize Chairman to: Execute Indemnification and Defense Agreement with Shawn Shiralian, as required by condition of approval of Unclassified Conditional Use Permit Application No. 3528 relating to construction and operation of an Interstate Freeway Interchange Commercial Development at the northwest corner of Interstate 5 and Nees Avenue, approximately 17 miles west of nearest city limits of City of Firebaugh; execute Escrow Agreement with Shawn Shiralian and United Security Bank as financial security for the Indemnification & Defense Agreement (\$150,000); and authorize Director of Public Works and Planning to do any and all things and take any and all actions and execute and provide any and all notices, certificates, and other documents which he may deem necessary or advisable in order to administer the Indemnification & Defense Agreement and the Escrow Agreement on behalf of the County

APPROVED AS RECOMMENDED

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

Agreement No. 18-048, Agreement No. 18-049

29. Approve and authorize Chairman to execute Memorandum of Understanding with ten other water users to participate and contribute to the cost of preparing the San Joaquin River / Friant-Kern Canal Watershed Sanitary Survey Update (\$8,879)

APPROVED AS RECOMMENDED

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

Agreement No. 18-050

30. Adopt Resolution approving Central Valley Project Interim Renewal Contract and authorize Chairman of the Board of Supervisors to execute Contract as designated County Official

APPROVED AS RECOMMENDED

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

Resolution No. 18-046, Agreement No. 18-051

31. Approve and authorize Chairman to execute Agreement with Arvin-Edison Water Storage District for transfer of 900 acre-feet of water for County Service Area 34 benefitting residences and golf course in Brighton Crest Subdivision, County Service Area 34, Zone A, and residences in Bella Vista Subdivision, County Service Area 34, Zone C, and residences in Renaissance at Bella Vista Subdivision, County Service Area Zone D, during 2018 water year of March 1, 2018 through February 28, 2019, for total maximum cost of \$544,500

APPROVED AS RECOMMENDED

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

Agreement No. 18-052

32. Approve and authorize the Chairman to execute Agreement with the Malaga County Water District for the Malaga Arriaga Community Center Roof and A/C, Community Development Block Grant Project No. 17451 (\$250,000)

APPROVED AS RECOMMENDED

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

Agreement No. 18-053

33. Approve Budget Resolution decreasing FY 2017-18 appropriations and estimated revenues in Public Works and Planning-Grants Org 5512 in amount of \$500,000; approve Budget Resolution increasing the FY 2017-18 appropriations and estimated revenues in Public Works and Planning-Grants Org 5512 in amount of \$502,000 (4/5th vote); approve Budget Resolution increasing FY 2017-18 appropriations in Home Investment Fund Org 1202 in amount of \$500,000 (4/5th vote); and approve Budget Resolution increasing FY 2017-18 appropriations in CalHome Reuse Account Org 1204 in amount of \$2,000 (4/5th vote)

APPROVED AS RECOMMENDED

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

Resolution No. 18-047, Resolution No. 18-048, Resolution No. 18-049, Resolution No. 18-050

34. Retroactively authorize previous submittal of recommended projects to Fresno Council of Governments as candidate projects for Congestion Mitigation and Air Quality and Surface Transportation Block Grant Federal funding; and adopt resolution supporting and implementing timely use of funding

APPROVED AS RECOMMENDED

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

Resolution No. 18-051

35. Approve City of Clovis' request to acquire road easements without eminent domain action from two parcels adjacent to existing County road right-of-way in unincorporated areas of Fresno County for construction of left turn lane on Auberry Road at entrance road for Clovis Landfill

APPROVED AS RECOMMENDED

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

Social Services

36. Approve Amendment to the Salary Resolution adjusting the County Veterans' Services Officer Salary from Band F to Band E for Org 7110, effective February 12, 2018, as reflected on Appendix D; Approve Amendment to the Salary Resolution adding one Accountant I/II position, one Administrative Assistant I/II/III position and deleting two Office Assistant I/II/III positions for the Department of Social Services Org 5610, effective February 12, 2018, as reflected on Appendix D; and, Approve Amendment to the Salary Resolution placing Social Work Practitioner position in full combination with Social Worker I/II/III for In-Home Supportive Services Public Authority Org 5611, effective February 12, 2018, as reflected on Appendix D

APPROVED AS RECOMMENDED

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

Salary Resolution No. 18-007