



County of Fresno

Action Summary - Final

Board of Supervisors

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Nathan Magsig, 5th District, Chairman
Buddy Mendes, 4th District, Vice-Chairman
Brian Pacheco, 1st District
Steve Brandau, 2nd District
Sal Quintero, 3rd District

Jean M. Rousseau, County Administrative Officer
Daniel C. Cederborg, County Counsel
Bernice E. Seidel, Clerk of the Board of Supervisors

Tuesday, May 7, 2019

9:00 AM

Hall of Records

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

Invocation and Pledge of Allegiance

FRESNO COUNTY DISTRICT 2 SUPERVISOR STEVE BRANDAU GAVE THE INVOCATION AND LED THE BOARD OF SUPERVISORS IN THE PLEDGE OF ALLEGIANCE

1. Approve Agenda

A MOTION WAS MADE BY SUPERVISOR QUINTERO, SECONDED BY TO SUPERVISOR BRANDAU, TO APPROVE REQUEST TO ADD ITEM NOT INCLUDED ON POSTED AGENDA: CONFERENCE WITH REAL PROPERTY NEGOTIATORS - GOVERNMENT CODE, SECTION 54956.8 PROPERTIES: NORTH EAST CORNER OF SOUTH CEDAR AND EAST KINGS CANYON (APN 461-020-03T); COUNTY NEGOTIATOR: JEAN M. ROUSSEAU, COUNTY ADMINISTRATIVE OFFICER OR DESIGNEE. NEGOTIATING PARTIES: C M G CONSTRUCTION MANAGEMENT GROUP, UNDER NEGOTIATIONS: INSTRUCTIONS TO COUNTY'S NEGOTIATOR MAY CONCERN LEASE AND/OR PURCHASE OF PROPERTY, PRICE, TERMS AND CONDITIONS. THE MOTION FAILED FOR LACK OF AFFIRMATIVES VOTES:

Ayes: 2 - Brandau, and Quintero

Noes: 3 - Magsig, Mendes, and Pacheco

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR PACHECO, THAT THE AGENDA BE APPROVED WITH THE EXCEPTION OF ITEMS 14 AND 15 WHICH WERE DELETED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

2. Approve Consent Agenda - Item Numbers 26 - 66

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR BRANDAU, THAT THE CONSENT AGENDA BE APPROVED WITH THE EXCEPTION OF ITEM 53 WHICH WAS DELETED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Board of Supervisors

3. Presentation of Retirement Plaque to Catherine A. Crosby - Department of Public Works and Planning - 17 Years of Service

PRESENTED RETIREMENT PLAQUE TO CATHERINE A. CROSBY

Chairman Magsig

4. Proclaim May 2019 as Lyme Disease Awareness Month in Fresno County

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

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

Resolution No. 19-188

5. Proclaim May 2019 as "Foster Care Month" in Fresno County

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

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

Resolution No. 19-189

Supervisor Quintero

6. Proclaim May 2019 as Mental Health Awareness Month in Fresno County

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

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

Resolution No. 19-190

7. Presentation by the Fresno Grizzlies

RECEIVED

Administrative Office

8. Consider and take action on request for determination of public convenience or necessity on application for Alcoholic Beverage License Type 20 filed by Poonia Family Enterprises, LLC at 50 S McCall Ave., Sanger, CA, 93657-9744

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR PACHECO, THAT THE REQUEST FOR DETERMINATION BE APPROVED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

9. Consider and take action on request for Determination of public convenience or necessity on application for Alcoholic Beverage License Type 21 filed by Harbans Kaur and Harbans Singh Lehra, DBA Elkhorn Avenue Market, located at 3126 W. Elkhorn Ave., Caruthers, CA 93609-9616

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR BRANDAU, THAT THE REQUEST FOR DETERMINATION BE APPROVED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Public Works and Planning

10. Adopt Resolution authorizing partial Cancellation of Agricultural Land Conservation Contract No. 775 filed by Richard and Carol Carstens, based on ability to make five Consistency Findings listed under Government Code, Section 51282 (b); and authorize Chairman to sign Certificate of Tentative Cancellation and approve recordation of Certificate of Cancellation when all conditions included in Certificate of Tentative Cancellation have been satisfied, subject property is located on north side of W. Parlier Avenue Alignment between S. Valentine Avenue and S. Marks Avenue approximately nine miles west of City of Fowler

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

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

Resolution No. 19-191

11. Adopt Mitigated Negative Declaration prepared for Initial Study Application No. 7543, including Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3835; find that proposed rezone of five acres from RR Zone District to C-6(c) Zone District is consistent with General Plan, including Housing Element, and Sierra-South Regional Plan. Although proposed rezone will reduce inventory of land identified in Housing Element for development of housing for above moderate income population by five acres, proposal meets Findings A and B of Government Code, Sections 65863(b)(1); approve Ordinance pertaining to Amendment Application No. 3835 thereby rezoning subject five-acre site from R-R to C-6(c) Zone District limited to Variety Stores, Automobile Parts Sales (new), and Hardware Stores as requested by Applicant; and designate County Counsel to prepare fair and adequate summary of proposed Ordinance, and direct Clerk of the Board to post and publish required summary in accordance with Government Code, Section 25124(b)(1), subject property is located on south side of State Route 180 approximately 2,540 feet east of its intersection with George Smith Road within unincorporated community of Squaw Valley

A MOTION WAS MADE BY SUPERVISOR PACHECO, SECONDED BY VICE CHAIRMAN MENDES, TO ACT ON THE MATTER AS FOLLOWS:

1. ADOPTED THE MITIGATED NEGATIVE DECLARATION PREPARED FOR INITIAL STUDY APPLICATION NO. 7543, INCLUDING THE MITIGATION MONITORING AND REPORTING PROGRAM PREPARED FOR AMENDMENT APPLICATION NO. 3835;

2. FIND THAT THE PROPOSED REZONE OF FIVE ACRES FORM RR (RURAL RESIDENTIAL) ZONE DISTRICT TO C-6(C) GENERAL COMMERCIAL, CONDITIONAL) ZONE DISTRICT IS CONSISTENT WITH THE GENERAL PLAN, INCLUDING THE HOUSING ELEMENT, AND THE SIERRA-SOUTH REGIONAL PLAN. ALSO FIND THAT ALTHOUGH THE PROPOSED REZONE WILL REDUCE THE INVENTORY OF LAND IDENTIFIED IN THE HOUSING ELEMENT FOR DEVELOPMENT OF HOUSING FOR ABOVE MODERATE INCOME POPULATION BY FIVE ACRES, THE PROPOSAL MEETS FINDINGS A AND B OF GOVERNMENT CODE, SECTIONS 65863(B)(1), AND WILL NOT HAVE AN IMPACT ON MEETING THE REGIONAL HOUSING NEEDS ASSESSMENT;

3. APPROVED ORDINANCE PERTAINING TO AMENDMENT APPLICATION NO. 3835, THEREBY REZONING THE SUBJECT FIVE-ACRE SITE FROM R-R (RURAL RESIDENTIAL) TO C-6(C) (GENERAL COMMERCIAL CONDITIONAL) ZONE DISTRICT LIMITED TO VARIETY STORES, AUTOMOBILE PARTS SALES (NEW), AND HARDWARE STORES) AS REQUESTED BY THE APPLICANT; SUBJECT TO THE MITIGATION MONITORING AND REPORTING PROGRAM, INCLUDING CONDITIONS OF APPROVAL AND NOTES AS LISTED IN EXHIBIT B OF ATTACHMENT A; AND THE FOLLOWING ADDITIONAL CONDITIONS: 1) COMMERCIAL STRUCTURES SHALL USE AN EXTERIOR EARTH-TONE COLOR SCHEME AND NON-REFLECTIVE ROOFING MATERIAL (BROWN, TAN, ETC.) THAT REDUCES GLARE AND BLENDS WITH OR COMPLIMENTS THE SURROUNDING LANDSCAPE AND ON-SITE LANDSCAPING. COLOR SCHEMES SHALL BE SUBMITTED AT THE TIME OF SITE PLAN REVIEW AND APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND PLANNING PRIOR TO PERMIT ISSUANCE;

2) THE NUMBER OF CONTRASTING COLORS ON THE BUILDING EXTERIOR SHALL BE MINIMIZED WITH PRIMARY COLORS SOLELY UTILIZED TO ACCENT BUILDING ELEMENTS SUCH AS DOOR AND WINDOW FRAMES OR SIGNAGE LETTERING. FLUORESCENT COLORS, SHALL BE PROHIBITED; 3) ANY ARCHITECTURAL DETAIL SHALL BE PAINTED TO COMPLIMENT THE PRIMARY (ANCHOR) STRUCTURE'S FAÇADE AND SHALL TIE-IN WITH ADJACENT ON-SITE BUILDINGS; 4) ONE FREE-STANDING BUSINESS SIGN ADVERTISING ONLY THE ON-SITE USE SHALL BE PERMITTED. THE SIGN SHALL BE A MAXIMUM OF 15 FEET IN HEIGHT AND 100 SQUARE FEET IN AREA AND SHALL BE EXTERNALLY ILLUMINATED BY CONTINUOUS, STATIONARY, SHIELDED LIGHT SOURCES DIRECTED SOLELY AT THE SIGN AND INSTALLED IN A MANNER AS TO MINIMIZE GLARE ON THE PUBLIC RIGHT-OF-WAY OR ADJACENT PROPERTIES. THE SIGN FRAME, PYLON/POLE AND LIGHT STANDARDS SHALL BE PAINTED IN AN IDENTICAL EARTH TONE, NON-REFLECTIVE COLOR SCHEME APPROVED FOR THE COMMERCIAL STRUCTURE(S); 5) BUILDING SIGNAGE SHALL BE LIMITED TO THE EXTERIOR FACING STATE ROUTE 180 AND UTILIZE INDIVIDUAL INTERIOR LIGHTED LETTERING MOUNTED TO THE BUILDING EXTERIOR; 6) ALL OUTDOOR STORAGE AREAS SHALL BE SCREENED BY FENCING OR LANDSCAPING AND SHALL NOT BE VISIBLE FROM STATE ROUTE 180 OR ANY OTHER PUBLIC ROADWAY; 7) DEVELOPMENT SHALL MAINTAIN A MINIMUM OF 600 FEET OF SIGHT DISTANCE IN EACH DIRECTION FROM THE DRIVE ENTRANCE; AND, 8) THE APPLICANT SHALL ENTER INTO AN AGREEMENT INDEMNIFYING THE COUNTY FOR ALL LEGAL COSTS ASSOCIATED WITH ITS APPROVAL OF INITIAL STUDY NO. 7543 AND AMENDMENT APPLICATION NO. 3835 AND PROVIDE A BOND IN THE AMOUNT OF \$150,000 AS SECURITY FOR ANY SUCH LEGAL COSTS INCURRED BY THE COUNTY;

4. DESIGNATED COUNTY COUNSEL TO PREPARE A FAIR AND ADEQUATE SUMMARY OF THE PROPOSED ORDINANCE, AND DIRECTED THE CLERK OF THE BOARD TO POST AND PUBLISH THE REQUIRED SUMMARY IN ACCORDANCE WITH GOVERNMENT CODE SECTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Ordinance No. R-484-3835

12. Adopt Mitigated Negative Declaration prepared for Initial Study Application No. 7402, including Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3827; find that proposed rezone of one acre from R-2 Zone District to R-P(c) Zone District is consistent with General Plan, including the Housing Element, and Biola Community Plan. Although proposed rezone will reduce inventory of land identified in Housing Element for development of housing for very low and low income by one acre, proposal meets Findings A and B of Government Code, Sections 65863(b)(1); approve Ordinance pertaining to Amendment Application No. 3827 thereby rezoning subject one-acre site from R-2 to R-P(c) Zone District limited to existing residential buildings; one-family, two-family, and multiple-family dwellings; ground floor only medical, dental, or professional office, and signs as requested by Applicant; and designate County Counsel to prepare fair and adequate summary of proposed Ordinance, and direct Clerk of the Board to post and publish required summary in accordance with Government Code, Section 25124(b)(1), subject property is located on south side of Shaw Avenue on southeast corner of its intersection with Third Street, in unincorporated community of Biola

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

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

Ordinance No. R-485-3827

13. Adopt plans and specifications for Contract No. 18-16-C, 2018-19 Bituminous Seal Coats at Various Locations in Fresno County, receive verbal report on bid opening, and award to bidder with lowest responsive bid

RECEIVED VERBAL REPORT. A MOTION WAS MADE BY SUPERVISOR BRANDAU, SECONDED BY SUPERVISOR PACHECO, TO ADOPT PLANS AND SPECIFICATIONS AND AWARD CONTRACT NO. 18-16-C, 2018-19 BITUMINOUS SEAL COATS AT VARIOUS LOCATIONS IN FRESNO COUNTY TO THE LOWEST RESPONSIBLE BIDDER, AMERICAN PAVEMENT SYSTEMS, INC., 1012 11TH STREET, 1000, MODESTO, CALIFORNIA, IN THE AMOUNT OF \$1,362,923.30 FOR THE BASE BID AND ADDITIVE BIDS 3A AND 4A. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

14. Conduct public hearing to consider adoption of Resolution of Necessity, per California Code of Civil Procedure, section 1245.210 et seq., authorizing eminent domain proceedings and deposit of funds (\$7,800) with State of California - Condemnation Deposit Fund, to facilitate Travers Creek Bridge Replacement on Parlier Avenue, Federal Project No. BRLO-5942(227) (4/5 vote)

DELETED

15. Conduct public hearing to consider the adoption of Resolution of Necessity, per California Code of Civil Procedure, section 1245.210 et seq., authorizing eminent domain proceedings and deposit of funds (\$53,400) with State of California - Condemnation Deposit Fund, to facilitate Bridge Preventative Maintenance Program Scour Mitigation Project, Federal Project No. BPMP-5942(240) (4/5 vote)

DELETED

16. Conduct public hearing under Water Code, section 10723 and adopt Resolution of Intention providing that County of Fresno elects to undertake sustainable groundwater management and serve as exclusive Groundwater Sustainability Agency for those portions of Pleasant Valley Groundwater Subbasin that are within County's jurisdictional boundary and outside Pleasant Valley Water District's and City of Coalinga's jurisdictional boundary; and direct Department of Public Works and Planning staff to submit to Department of Water Resources a notice, pursuant to Sections 10723.8 and 10724(b) of Water Code, that County of Fresno intends to undertake sustainable groundwater management and serve as exclusive Groundwater Sustainability Agency for those portions of Pleasant Valley Groundwater Subbasin that are within County's jurisdictional boundary and outside Pleasant Valley Water District's and City of Coalinga's jurisdictional boundary

CONDUCTED PUBLIC HEARING. NO PUBLIC TESTIMONY RECEIVED. CLOSED PUBLIC PORTION. A MOTION WAS MADE BY SUPERVISOR PACHECO, SECONDED BY VICE CHAIRMAN MENDES, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Resolution No. 19-192

17. Hold public hearing to consider vacation of public road Right-of-Way of Wilson Avenue, from 161.74 feet south of Lansing Way southerly to end of maintained road, as shown in Vicinity Map; adopt required findings and Resolution approving vacation of public road Right-of-Way of Wilson Avenue, from 161.74 feet south of Lansing Way southerly to end of maintained road. The Board must make the following findings: (a) vacation is determined to meet criteria for general vacation, pursuant to Chapter 3 of Part 3 of Division 9 of Streets and Highways Code, and easements for benefit of City of Fresno and Pacific Gas and Electric are reserved in vacation, (b) from all evidence submitted, section of Wilson Avenue described in notice of hearing is unnecessary for present or prospective public use, (c) public road Right-of-Way of Wilson Avenue described in notice of hearing is not useful as non-motorized transportation facility, pursuant to Section 892 of Streets and Highways Code, (d) vacation is consistent with County General Plan; and direct the Clerk to cause certified copy of Resolution to be recorded without acknowledgement in Fresno County Recorder's Office

CONDUCTED PUBLIC HEARING. NO PUBLIC TESTIMONY RECEIVED. CLOSED PUBLIC PORTION. A MOTION WAS MADE BY SUPERVISOR BRANDAU, SECONDED BY VICE CHAIRMAN MENDES, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Resolution No. 19-193

- 17.1 Adopt Resolution finding that Huntington Lake Road is a critical route for emergency response and evacuation serving the town of Big Creek and Huntington Lake Basin, and therefore warrants suspension of competitive bidding process for emergency road repair at a segment of Huntington Lake Road located three quarters of a mile north of the town of Big Creek; make a finding that it is in the best interest of the County to suspend competitive bidding process consistent with Administrative Policy No. 34 for unusual and extraordinary circumstances that exist requiring immediate Huntington Lake Road Repair to maintain service essential to public health and safety and authorize the Purchasing Manager to negotiate, approve, and execute all related agreements, contracts, and other documents necessary for the remediation and restoration, upon terms that he deems necessary and in the County's best interest, subject to approval as to legal form by County Counsel and as to accounting form by the Auditor-Controller/Treasurer-Tax Collector; and determine that adoption of a Resolution acknowledging emergency nature of Huntington Lake Road Repair is exempt from requirements of California Environmental Quality Act, Public Resources Code, section 21000, et seq., and direct Department of Public Works and Planning staff to file Notice of Exemption with Office of Fresno County Clerk

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

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

Resolution No. 19-194

Board of Supervisors' Committee Reports and Comments

18. 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 QUINTERO REPORTED THAT ON MAY 3RD, DISTRICT 3 AND THE CITY OF FRESNO'S DISTRICT 5 SPONSORED THE ANNUAL SENIOR SPRING FLING HELD AT THE MOSQUEDA COMMUNITY CENTER WITH APPROXIMATELY 500 SENIORS IN ATTENDANCE. THE EVENT IS HELD IN MAY AS MAY IS OLDER AMERICANS MONTH. CHAIRMAN MAGSIG EXPRESSED THANKS TO THE COUNTY ADMINISTRATIVE OFFICE FOR FULFILLING THE REQUEST OF HAVING A U.S. FLAG FLYING ON THE FLAG POLE OVER THE HALL OF RECORDS. SUPERVISOR MENDES ANNOUNCED THE SUCCESS OF THE RIVERDALE RODEO HELD MAY 5, 2019

Board Appointments

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

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR QUINTERO, THAT THE NOMINATION FOR APPOINTMENTS BE APPROVED AS FOLLOWS:

CHILDREN AND FAMILIES COMMISSION

APPOINTED SHANTAY R. DAVIES BALCH TO REPLACE SHANNON KOONTZ-MONIS (TERM TO EXPIRE 1/3/2023)

COMMISSION ON THE STATUS OF WOMEN

APPOINTED KACEY AUSTON-TIBBETTS TO REPLACE TORELLA MINOR (TERM TO EXPIRE 6/30/2019)

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Public Presentations

20. 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

RECEIVED

Closed Session

21. Conference with legal counsel - Initiation of Litigation; Government Code, section 54956.9(d)(4) - 2 Cases

THE BOARD OF SUPERVISORS, BY UNANIMOUS VOTE, AUTHORIZED THE INITIATION OF THE FILING OF A CIVIL COMPLAINT FOR INJUNCTIVE RELIEF FOR THE MAINTENANCE OF A NUISANCE AGAINST RAYMOND CARDENAS, FEDERICO CARDENAS, AND LUPE CARDENAS-MOHLER, THE APPARENT PROPERTY OWNERS OF 5448 E. LANSING WAY IN FRESNO

22. Conference with legal counsel – Significant Exposure to Litigation; Government Code, section 54956.9(d)(2) - 2 Cases

HELD; NO REPORTABLE ACTION

23. 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

24. 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

HELD; NO REPORTABLE ACTION

25. Conference with legal counsel – Existing Litigation Government Code section 54956.9(d)(1) - Quentin Hall et al v. County of Fresno et al. US District Court Eastern District Cases#1:11-cv-02047-LJO-BAM

HELD; NO REPORTABLE ACTION

- 25.1 Conference with legal counsel - Existing Litigation - Government Code, section 54956.9(d)(1) - 3 County of Fresno v. Alex Azar II; United States District Court, Eastern District of California; Case No. 1:18-CV-01139-LJO-BAM

HELD; NO REPORTABLE ACTION

- 25.2 Conference with legal counsel - Existing Litigation - Government Code, section 54956.9(d)(1) - Wilma Deloney v. County of Fresno, et al.; United States District Court, Eastern District of California; Case No. 1:17-CV-013336-LIO-EPG; Carlos Herrera v. County of Fresno, et al.; United States District Court, Eastern District of California; Case No. 1:18-CV-01297-AWI-EPG

HELD; NO REPORTABLE ACTION

Adjourn

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR BRANDAU, TO ADJOURN THE MEETING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

APPROVED:

/s/ Nathan Magsig
NATHAN MAGSIG, CHAIRMAN OF THE
BOARD OF SUPERVISORS OF THE
COUNTY OF FRESNO

ATTEST:

BY: /s/ Bernice E. Seidel
BERNICE E. SEIDEL
CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF FRESNO, STATE OF CALIFORNIA

APPROVED ON: May 14, 2019

CONSENT AGENDA

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR BRANDAU, THAT THE CONSENT AGENDA BE APPROVED WITH THE EXCEPTION OF ITEM 53 WHICH WAS DELETED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Board of Supervisors

26. Approve minutes of meeting for April 23, 2019

APPROVED AS RECOMMENDED

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

27. Approve amendments to Conflict of Interest Code for Golden Plains Unified School District

APPROVED AS RECOMMENDED

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

Chairman Magsig

28. Approve certificate honoring Betty L. Elser for being recognized by the Fresno County Women's Chamber of Commerce as the 2019 Mother of the Year

APPROVED AS RECOMMENDED

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

29. Adopt resolution supporting the 43rd Annual Climb to Kaiser event and restriction of State Route 168 as deemed appropriate and necessary by the State of California Department of Transportation

APPROVED AS RECOMMENDED

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

Resolution No. 19-159

Supervisor Quintero

30. Proclaim the week of April 29th through May 3rd as Maternal Mental Health Awareness Week in Fresno County

APPROVED AS RECOMMENDED

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

Resolution No. 19-160

Assessor/Recorder

31. Conduct second hearing on and adopt an Ordinance to add Chapter 4.57, "Reassessment of Property Damaged or Destroyed by Misfortune or Calamity," to Title 4, "Revenue and Finance," of the Ordinance Code of Fresno County; and waive the reading of the Ordinance in its entirety

APPROVED AS RECOMMENDED

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

Ordinance No. 19-011

County Clerk/Registrar of Voters

32. 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 for continued software maintenance, technical support and related services for the County Clerk Services System; and Approve and authorize the Chairman to execute a retroactive Agreement with Granicus, LLC, for continued software maintenance and technical support of the County Clerk Services System, 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 \$284,317

APPROVED AS RECOMMENDED

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

Agreement No. 19-191

33. Adopt a Resolution approving the County Clerk/Registrar of Voters to conduct a Special Municipal Election on August 13, 2019 for the City of Fresno to fill a Council member vacancy on the Fresno City Council, District 2; and Adopt a Resolution approving the County Clerk/Registrar of Voters to conduct a runoff election on November 5, 2019 in the event that no candidate receives a majority (50% + 1) of all the votes cast in the August 13, 2019 City of Fresno special election between the two candidates receiving the highest number of votes cast in the August 13, 2019 special election

APPROVED AS RECOMMENDED

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

Resolution No. 19-161, Resolution No. 19-162

District Attorney

34. Adopt Resolution accepting and expressing gratitude for the donation of \$300,000 from Table Mountain Rancheria for the Fresno County District Attorney's Identification Theft Prosecution Unit for FY 2018-19

APPROVED AS RECOMMENDED

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

Resolution No. 19-163

35. Adopt resolution approving and authorizing the Chairman to execute and the District Attorney to submit Grant Agreement, including required certifications, for continued funding of the Victim Restitution Program with the California Victim Compensation Board, for the period July 1, 2019 through June 30, 2022 (\$190,788); and authorize the District Attorney and/or her designees, to execute the required policies or statements necessary to carry out the Grant Agreement

APPROVED AS RECOMMENDED

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

Resolution No. 19-164, Agreement No. 19-192

36. Retroactively authorize the District Attorney's previous submittal of Grant Application to the California Governor's Office of Emergency Services (Cal OES) for the Violence Against Women Vertical Prosecution program for FY 2019-20 (\$270,060); and approve and authorize the Chairman to execute a Grant Application/Agreement and Certification of Assurance of Compliance for the Violence Against Women Vertical Prosecution program with the Cal OES, for the period July 1, 2019 through June 30, 2020 (\$270,060)

APPROVED AS RECOMMENDED

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

Agreement No. 19-193

Sheriff/Coroner/Public Administrator

37. Retroactively authorize the Sheriff's previous submittal of a grant application to the State of California Department of Parks and Recreation for Off-Highway Motor Vehicle Grant funds (\$349,201); and approve and authorize Chairman to execute resolution approving the Sheriff to submit an application to the State of California Department of Parks and Recreation for Off-Highway Motor Vehicle Grant funds and approving required certifications

APPROVED AS RECOMMENDED

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

Resolution No. 19-165

38. Retroactively authorize the Sheriff's previous submittal of a Drug Cannabis Eradication Suppression Program (DCE/SP) application to the U.S. Department of Justice (DOJ), Drug Enforcement Administration (DEA); authorize the Chairman to execute, by initialing and signing, the Letter of Agreement (LOA) and Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements and Assurances (including the certification) effective October 1, 2018 through September 30, 2019 (\$106,500); and authorize the Sheriff-Coroner-Public Administrator, or her/his designee, to act as the official representative of Fresno County, as required by paragraph 1 of Assurances, to act in connection with the application and to provide such additional information as may be required pursuant to the DCE/SP

APPROVED AS RECOMMENDED

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

Agreement No. 19-194

39. Approve and authorize Chairman to execute the Boating Safety and Enforcement Financial Aid Program Agreement with the State of California Department of Parks and Recreation Division of Boating and Waterways for FY 2019-20 in the amount \$452,764; approve and authorize Chairman to execute Resolution authorizing participation in the program and certifying funds will be used for boating safety programs; and authorize the Sheriff, or her authorized representative, to sign quarterly claims for reimbursement and annual activity reports

APPROVED AS RECOMMENDED

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

Agreement No. 19-195, Resolution No. 19-166

40. Retroactively authorize the Sheriff's Office previous submittal of a grant application in the amount of \$139,261 to the State of California Department of Parks and Recreation Division of Boating and Waterways for a new patrol vessel; and retroactively authorize the Sheriff's Office previous submittal of a grant application in the amount of \$15,699 to the State of California Department of Parks and Recreation Division of Boating and Waterways for vessel repaint and dry suits

APPROVED AS RECOMMENDED

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

41. Approve and authorize Chairman to execute a retroactive revenue Agreement with the U.S. Army Corps of Engineers for the Sheriff's Office to provide law enforcement services for Pine Flat Lake campsites for the period of May 1, 2019 through April 30, 2020 (\$65,173.16)

APPROVED AS RECOMMENDED

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

Agreement No. 19-196

42. Adopt Budget Resolution increasing FY 2018-19 appropriations and estimated revenues for the Sheriff-Coroner-Public Administrator Org 3111 in the amount of \$800,000 for the reimbursement of Civil Division expenses and to purchase replacement radios for the Civil Unit (4/5 vote); and adopt Budget resolution increasing the FY 2018-19 appropriations in the Sheriff Automated GC 26731 Org 1455 in the amount of \$800,000 (4/5 vote)

APPROVED AS RECOMMENDED

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

Resolution No. 19-167, Resolution No. 19-168

Administrative Office

43. Adopt Resolution designating the Fresno Arts Council to serve as the County of Fresno's local partner with the California Arts Council for FY 2019-20

APPROVED AS RECOMMENDED

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

Resolution No. 19-169

44. Approve the Workforce Innovation and Opportunity Act Mandated Partner Phase II Memorandum of Understanding template, in substantially similar form as attached, for use with the Fresno Regional Workforce Development Board's mandated partners; and, authorize the County Administrative Officer to approve and execute, on behalf of the County, all Memorandums of Understanding between the Fresno Regional Workforce Development Board and its mandated partners, subject to approval by the County Counsel as to legal form, and as to accounting form by the Auditor-Controller/Treasurer-Tax Collector, with the exception of the Memorandum of Understanding with the Department of Social Services, which will brought before the Board for approval

APPROVED AS RECOMMENDED

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

45. Conduct second hearing to amend the Fresno County Master Schedule of Fees, Charges and Recovered Costs Ordinance by adding Subsection 414 of Section 400 - Board of Supervisors, Assessment Appeal Application Processing Fee (\$86); waive reading of the Ordinance in its entirety, and adopt proposed ordinance

APPROVED AS RECOMMENDED

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

Ordinance No. 19-012

Behavioral Health

46. Approve and authorize the Chairman to execute Amendment I to Agreement No. 17-265 with Turning Point of Central California, Inc. to provide specialty mental health services and substance use disorder outpatient treatment services, effective upon execution with no change in term to June 30, 2022 and decreasing the maximum by \$1,191,108 to a total of \$12,433,797

APPROVED AS RECOMMENDED

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

Agreement No. 17-265-1

47. Approve and authorize the Chairman to execute Amendment II to Agreement No. 16-430-1 with California Health Collaborative for Substance Use Disorder Prevention services, effective upon execution, with no change to the compensation amount or term of July 1, 2016 through June 30, 2020 (\$1,453,332); and, approve and authorize the Chairmen to execute Amendment II to Agreement No. 16-431-1 with Youth Leadership Institute for Substance Use Disorder Prevention services, effective upon execution, with no change to the compensation amount or term of July 1, 2016 through June 30, 2020 (\$2,666,664)

APPROVED AS RECOMMENDED

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

Agreement No. 16-430-2, Agreement No. 16-431-2

48. Approve and Authorize the Chairman to execute a Master Agreement with various locum tenens vendors to provide recruitment services for qualified psychiatrists, which will supersede Master Agreement 18-112, effective upon execution through June 30, 2023, which includes a three-year and six-month base contract and two optional one year extensions, not to exceed \$37,500,000; and, authorize the Director, Department of Behavioral Health, to add vendors as needed by the Department to the Master Agreement and to renegotiate and approve rates based upon the prevailing market

APPROVED AS RECOMMENDED

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

Agreement No. 19-200

Human Resources

49. Approve the Salary Resolution Amendment to Section 533 - Bilingual Skill Pay, as reflected in Appendix "B", effective May 6, 2019, for Unrepresented classifications

APPROVED AS RECOMMENDED

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

Salary Resolution No. 19-018

50. Approve Resolutions Rejecting Claims for Damages**APPROVED AS RECOMMENDED**

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

Resolution No. 19-170, Resolution No. 19-171, Resolution No. 19-172, Resolution No. 19-173, Resolution No. 19-174, Resolution No. 19-175, Resolution No. 19-176, Resolution No. 19-177, Resolution No. 19-178, Resolution No. 19-179

Internal Services**51. 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 for the solicitation of maintenance and support for cashiering systems and software for County departments; and Approve and authorize the Chairman to execute an Agreement with N. Harris Computer Corporation for iNovah cashiering software, hardware, and software maintenance and support, effective May 7, 2019, not to exceed ten consecutive years, which includes a five-year base contract and five optional one-year extensions, total not to exceed \$890,000****APPROVED AS RECOMMENDED**

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

Agreement No. 19-201

52. Approve and authorize the Chairman to execute a Job Order Contracting Agreement with Durham Construction Company, Inc., for repair, remodeling, and other repetitive projects to be done according to unit prices, effective June 5, 2019 through June 4, 2020, total not to exceed \$2,000,000; and Approve and authorize the Chairman to execute a Job Order Contracting Agreement with Velis Engineering, Inc., for repair, remodeling, and other repetitive projects to be done according to unit prices, effective June 5, 2019 through June 4, 2020, total not to exceed \$2,000,000; and Approve and authorize the Chairman to execute a Job Order Contracting Agreement with Haus Construction, Inc., for repair, remodeling, and other repetitive projects to be done according to unit prices, effective June 5, 2019 through June 4, 2020, total not to exceed \$2,000,000; and Approve and authorize the Chairman to execute a Job Order Contracting Agreement with Newton Construction & Management, Inc., for repair, remodeling, and other repetitive projects to be done according to unit prices, effective June 5, 2019 through June 4, 2020, total not to exceed \$2,000,000**APPROVED AS RECOMMENDED**

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

Agreement No. 19-202, Agreement No. 19-203, Agreement No. 19-204, Agreement No. 19-205

- 53.** Approve and authorize the Chairman to execute Amendment I to Agreement No. 17-459 with Gartner, Inc., to add a staff member to the subscription-based research, executive coaching, and advisory services, effective upon execution with no change in term to August 31, 2022, and increasing the maximum by \$120,380 to a total of \$1,098,038

DELETED

- 54.** Approve and authorize the Chairman to sign a letter of request to the Federal General Services Administration Office that the authority over the FresnoCountyJobs.gov domain name be delegated to the County of Fresno, California

APPROVED AS RECOMMENDED

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

Probation

- 55.** Approve and authorize the Chairman to execute First Amendment to Agreement No. A-19-039 with Turning Point of Central California, Inc., for transitional housing beds, sustenance, and associated services, effective upon execution with no change in term to January 31, 2024 and increasing the maximum by \$3,000,000 to a total of \$6,000,000

APPROVED AS RECOMMENDED

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

Agreement No. 19-039-1

- 56.** Adopt Budget Resolution increasing FY 2018-19 appropriations and estimated revenues for Probation Org 3430 in the amount of \$42,000 to fund the difference between a standard police vehicle and a Chevrolet Tahoe for the K9 Unit (4/5 vote); and adopt Budget Resolution increasing FY 2018-19 appropriations for Federal Asset Forfeiture Org 1142 in the amount of \$42,000 (4/5 vote)

APPROVED AS RECOMMENDED

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

Resolution No. 19-180, Resolution No. 19-181

57. Approve and authorize the Chairman to execute the First Amendment to Agreement No. 16-693 with Boys & Girls Club for targeted re-entry program services, effective upon execution with no change in term to December 15, 2021 and increasing the maximum by \$129,167 to a total of \$279,167; and Adopt Budget Resolution increasing FY 2018-19 appropriations and estimated revenues for Probation Org 3440 in the amount of \$6,250 (4/5 vote); and Adopt Budget Resolution increasing FY 2018-19 appropriations in the Local Innovation Sub Account Org 3438 in the amount of \$6,250 (4/5 vote)

APPROVED AS RECOMMENDED

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

Agreement No. 19-693-1, Resolution No. 19-182, Resolution No. 19-183

Public Health

58. Adopt Resolution authorizing submittal of one-year grant applications to the California Department of Resources Recycling and Recovery for Local Enforcement Agency Grant Program funds for FYs 2019-20 through 2023-24; and, approve and authorize the Director of the Department of Public Health, or designee, to execute and submit one-year grant applications and all grant documents necessary to the California Department of Resources Recycling and Recovery for Local Enforcement Agency Grant Program funds for FYs 2019-20 through 2023-24 (\$141,790)

APPROVED AS RECOMMENDED

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

Resolution No. 19-184

59. Approve and authorize the Chairman to execute an Amendment to Agreement No. 17-198 with the California Department of Health Care Services (CDHS), to extend the term of the existing agreement for the Intergovernmental Transfer (IGT) program for Blue Cross of California Partnership Plan dba Anthem Blue Cross by 18 months from June 30, 2019 to December 31, 2020 with no increase in the maximum compensation of \$718,355; 17-199 with the CDHS to extend the term of the existing agreement for the IGT program for CalViva Health by 18 months from June 30, 2019 to December 31, 2020 with no increase in the maximum compensation of \$1,796,438; 17-200 with the CDHS to extend the term of the existing agreement for the IGT program assessment fee for Blue Cross of California Partnership Plan dba Anthem Blue Cross by 18 months from June 30, 2019 to December 31, 2020 with no increase in the maximum compensation of \$143,671; and, 17-201 with the CDHS to extend the term of the existing agreement for the IGT program assessment fee for CalViva Health by 18 months from June 30, 2019 to December 31, 2020 with no increase in the maximum compensation of \$359,288

APPROVED AS RECOMMENDED

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

Agreement No. 17-198-1, Agreement No. 17-199-1, Agreement No. 17-200-1, Agreement No. 17-201-1

60. Approve and authorize the Chairman to execute a Memorandum of Understanding with Providers (public agencies and private organizations) for Medical Prophylaxis in a Closed Point of Dispensing, effective upon execution with unlimited one-year auto-renewals, unless terminated by either party (\$0); and, the Director of the Department of Public Health, or designee, to add and/or delete Providers to/from the Memorandum of Understanding, as necessary

APPROVED AS RECOMMENDED

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

Agreement No. 19-212

Public Works and Planning

61. Adopt Budget Resolution increasing FY 2018-19 appropriations for American Avenue Disposal Site Org 9026 in amount of \$400,000 using American Avenue Disposal Site Enterprise Fund 0700 General Reserves (4/5 vote); and approve and authorize Chairman to execute Amendment II to Agreement No. 14-323 with Quinn Company for unanticipated repairs on landfill equipment at American Avenue Disposal Site, effective upon execution with no change in term to June 30, 2019 and increasing maximum by \$400,000 to a total of \$4,450,000

APPROVED AS RECOMMENDED

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

Resolution No. 19-185, Agreement No. 14-323-2

62. Adopt Budget Resolution increasing FY 2018-19 appropriations and estimated revenues for Public Works and Planning - Grants Org 5512 for the Beverage Container & Litter Reduction Grant in the amount of \$11,000 (4/5 vote)

APPROVED AS RECOMMENDED

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

Resolution No. 19-186

63. Adopt plans and specifications and award Contract 18-10-C, North Avenue Shoulder Improvements to low bidder, AJ Excavation, Inc., 9662 W. Kearney Blvd., Fresno, in amount of \$924,227

APPROVED AS RECOMMENDED

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

- 64.** Approve and authorize Chairman to execute Amendment to California Department of Fish and Wildlife (CDF&W) Agreement No. 1600-2015-0143-R4 for Lake Alteration for County Service Area 34 Phase II Winchell Cove Pipeline Project to construct second pipeline to deliver water, effective upon execution by CDF&W through January 26, 2023; and authorize Director of Department of Public Works and Planning, or designee, to approve any future amendments to CDF&W Lake Alteration Agreement No. 1600-2015-0143-R4 subject to review and approval by County Counsel as to legal form and Auditor-Controller/Treasurer-Tax Collector as to accounting form

APPROVED AS RECOMMENDED

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

Agreement No. 19-214

- 65.** Adopt Resolution revising number of miles of maintained Fresno County roads

APPROVED AS RECOMMENDED

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

Resolution No. 19-187

Social Services

- 66.** Approve and authorize the Chairman to execute an Agreement with the California State Association of Counties for Welfare Client Data Systems Management services, effective July 1, 2019, not to exceed four consecutive years, which includes a three-year base contract and one optional one-year extension, total not to exceed \$2,258,446

APPROVED AS RECOMMENDED

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

Agreement No. 19-215