



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 14, 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

KEVIN FOSTER, PASTOR FROM LIFEBRIDGE COMMUNITY CHURCH, GAVE THE INVOCATION AND FRESNO COUNTY BOARD OF SUPERVISOR STEVE BRANDAU, LED THE BOARD OF SUPERVISORS IN THE PLEDGE OF ALLEGIANCE

1. Approve Agenda

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

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

2. Approve Consent Agenda - Item Numbers 16 - 37

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR BRANDAU, THAT THE CONSENT AGENDA BE APPROVED WITH THE EXCEPTION OF ITEMS 23.1 AND 24 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Board of Supervisors

2.1 Presentation of Retirement Plaque to Cornell Michael Archie - Department of Social Services - 29 Years of Service

PRESENTED RETIREMENT PLAQUE TO CORNELL MICHAEL ARCHIE

Chairman Magsig

3. Proclaim May 15 through May 25, 2019 as Public Works Week 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. 19-202

4. Adopt resolution recognizing and expressing appreciation for General Manager, Alan Hofmann, of the Fresno Metropolitan Flood Control District for 40 years of service to the District

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. 19-203

Supervisor Quintero

- 4.1 Present plaque to commemorate 40 years of service to incorporated and unincorporated communities in Fresno County

PRESENTED PLAQUE

County Clerk/Registrar of Voters

5. Approve and authorize the Chairman to execute an Agreement with Dominion Voting Systems, Inc., for the purchase of voting equipment, election services, maintenance and support, effective May 14, 2019 through May 13, 2024, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$2,898,404; and Adopt Budget Resolution increasing the FY 2018-19 appropriations and estimated revenues for the County Clerk-Elections Org 2850 in the amount of \$3,577,130.54 (4/5 vote); and Adopt Resolution authorizing the County Clerk/Registrar of Voters to author and submit the Application to the State of California for funding Consideration, and accept the award upon the State's approval of application, under the Voting Modernization Bond Act of 2002; and Approve the Agreement with the Voting Modernization Board for receipt of Voting Modernization Funds and authorize the County Clerk/Registrar of Voters to execute the Agreement upon funding award

A MOTION WAS MADE BY SUPERVISOR QUINTERO, 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

Agreement No. 19-227, Resolution No. 19-204, Resolution No. 19-205

Behavioral Health

6. Receive the Fresno County Behavioral Health Board Annual Report for 2018

RECEIVED

Public Works and Planning

7. Receive presentation by Department of Public Works and Planning regarding status of implementation of Sustainable Groundwater Management Act within Fresno County

RECEIVED

Board of Supervisors' Committee Reports and Comments

8. 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 ANNOUNCED THE ARNIE NIXON CENTER HELD A DEDICATION FOR THE COMMUNITY MURAL PROJECT FOR CHILDREN'S LITERATURE, LOCATED IN SOUTHEAST FRESNO BY ROOSEVELT HIGH SCHOOL. THE MURAL WAS PAINTED BY RAFAEL LOPEZ, A CHILDREN'S BOOK ILLUSTRATOR, FROM THE BOOK MAYBE SOMETHING BEAUTIFUL. SUPERVISOR QUINTERO ENCOURAGED EVERYONE TO VIEW THE MURAL AND VISIT THE ARNIE NIXON CENTER LOCATED AT THE FRESNO STATE LIBRARY AND EXPRESSED APPRECIATION FOR THE HARD WORK AND COMPLETION OF THE PROJECT. SUPERVISOR BRANDAU REPORTED SPEAKING WITH RYAN JACOBSEN OF THE FRESNO COUNTY FARM BUREAU REGARDING THE CHINESE TARIFF SITUATION. HE STATED THAT ALTHOUGH MANY CROPS ACROSS FRESNO COUNTY MAY BE AFFECTED, THERE IS A POSITIVE OUTLOOK AS THERE COULD BE VERY LONG TERM BENEFITS WITH GREAT UPSIDE POTENTIAL FOR FRESNO COUNTY IF WE CAN HAVE A BREAKTHROUGH WITH CHINA. SUPERVISOR MAGSIG ANNOUNCED THE PASSING OF MARYALICE KALOOSTIAN, WHO SERVED AS DISTRICT DIRECTOR FOR A NUMBER OF STATE SENATORS

Board Appointments

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

A MOTION WAS MADE BY SUPERVISOR QUINTERO, SECONDED BY SUPERVISOR PACHECO, THAT THE NOMINATION FOR REAPPOINTMENTS BE APPROVED AS FOLLOWS:

FRESNO-KINGS-MADERA REGIONAL HEALTH AUTHORITY
REAPPOINTED DAVID HODGE, MD (TERM TO EXPIRE 5/2/2022)
REAPPOINTED DAVID CARDONA, MD (TERM TO EXPIRE 5/2/2022)

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Public Presentations

10. 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

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

HELD; NO REPORTABLE ACTION

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

HELD; NO REPORTABLE ACTION

13. 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

14. 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

15. 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

HELD; NO REPORTABLE ACTION

Adjourn

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR BRANDAU, TO ADJOURN THE MEETING FOLLOWING CLOSED SESSION. 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 June 4, 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 ITEMS 23.1 AND 24 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Board of Supervisors

16. Approve minutes of meeting for May 7, 2019

APPROVED AS RECOMMENDED

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

Supervisor Mendes

17. Proclaim June 1, 2019 as Elizabeth Motta day in Fresno County honoring her as President of the Luso-American Foundation and recognizing the organization's 150 year anniversary

APPROVED AS RECOMMENDED

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

Resolution No. 19-195

Supervisor Quintero

- 17.1 Adjourn in Memory of William Secrest Sr.

APPROVED AS RECOMMENDED

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

Auditor Controller-Treasurer/Tax Collector

18. Authorize the Auditor-Controller/Treasurer-Tax Collector to immediately provide thirty (30) days written notice to Sonant Corporation to terminate Agreement No. 05-158, as amended, for the Tax Collector's Interactive Voice Response and Web Payment System, pursuant to the Without Cause provision of the Agreement

APPROVED AS RECOMMENDED

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

Sheriff/Coroner/Public Administrator

19. Approve and authorize the Fresno County Administrative Office to submit the Bulletproof Vest Partnership (BVP) application to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) which, if awarded, would provide reimbursement up to 50% of the purchase price of bulletproof vests for the Sheriff's Office, the District Attorney's Office and the Probation Department, effective from July 1, 2019 through August 31, 2021 (\$319,389.66)

APPROVED AS RECOMMENDED

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

- 19.1 Approve Amendment to the Salary Resolution increasing by one the number of Sheriff Lieutenant positions allocated in the Sheriff-Coroner-Public Administrator's Org 3111 with no increase in total positions, effective May 20, 2019 as reflected in Appendix C

APPROVED AS RECOMMENDED

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

Salary Resolution No. 19-019

Administrative Office

20. Approve the appointment of Jeff Yribarren to the Reclamation District No. 1606 Board to the term expiring December 2, 2022

APPROVED AS RECOMMENDED

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

21. 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 - Magsig, Mendes, Brandau, Pacheco, and Quintero

Resolution No. 19-196

Agriculture

22. Authorize the Fresno County Agricultural Commissioner/Sealer of Weights and Measures to approve, and execute on behalf of the County of Fresno, specific revenue agreements for FY 2019-20 (estimated \$2,611,620), subject to approval as to legal form by County Counsel, and approval as to accounting form by the Auditor-Controller/Treasurer-Tax Collector; and, authorize the Fresno County Agricultural Commissioner/Sealer to approve, and execute on behalf of the County of Fresno, amendments to these same revenue agreements on behalf of the County of Fresno, which may increase or decrease each agreement maximum by an amount not to exceed the greater of 15% of the agreement maximum, or \$10,000, subject to approval as to legal form by County Counsel, and approval as to accounting form by the Auditor-Controller/Treasurer-Tax Collector

APPROVED AS RECOMMENDED

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

Behavioral Health

23. Approve and authorize the Chairman to execute a retroactive Application / Agreement with the California Department of Health Care Services for Substance Abuse and Mental Health Services Administration Community Mental Health Services Block Grant funds for dual diagnosis mental health services in licensed residential board and care facilities, effective July 1, 2018 through June 30, 2019 (\$2,588,632); and, approve and authorize the Director of the Department of Behavioral Health, or designee, to execute associated grant agreement documents, expenditure forms and reports on behalf of the Board of Supervisors

APPROVED AS RECOMMENDED

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

Agreement No. 19-217

- 23.1 Approve and authorize the Chairman to execute retroactive Amendment I to Master Agreement A-18-250 to increase funds effective September 1, 2018 through June 30, 2023 (\$9,000,000)

A MOTION WAS MADE BY SUPERVISOR BRANDAU, 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

Agreement No. 18-250-1

Fresno County Employees' Retirement Association

24. Approve and authorize Chairman to execute resolution adopting the amended election procedures for the Board of Retirement of the Fresno County Employees' Retirement Association (FCERA); and, direct the Clerk of the Board of Supervisors to transmit a certified copy of the adopted resolution, to the Board of Retirement, the Retirement Administrator of FCERA, and the Fresno County Clerk/Registrar of Voters

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR PACHECO, THAT THIS MATTER BE CONTINUED TO JUNE 18, 2019. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Probation

25. Adopt Budget Resolution increasing FY 2018-19 appropriations in the Public Safety Realignment Act of 2011 (AB 109) Planning Grant Org 3439 in the amount of \$10,000 (4/5 vote)

APPROVED AS RECOMMENDED

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

Resolution No. 19-197

Public Health

26. Approve and authorize the Chairman to execute a retroactive revenue Agreement with California Department of Public Health, for the Maternal, Child and Adolescent Health and Black Infant Health programs, effective July 1, 2018 through June 30, 2019 (\$7,259,287.08)

APPROVED AS RECOMMENDED

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

Agreement No. 19-218

27. Make a finding that it is in the best interest of the County to suspend the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances as Nurse-Family Partnership has an established nurse home visitation program; and, approve and authorize the Chairman to execute a retroactive Agreement with Nurse-Family Partnership for a nurse home visitation program, effective July 1, 2018 through June 30, 2021 (\$106,085)

APPROVED AS RECOMMENDED

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

Agreement No. 19-219

- 28.** Approve and authorize the Chairman to execute retroactive Amendment II to Agreement No. 15-266 with the California Department of Public Health, for the California Home Visiting Program, effective July 1, 2017 through June 30, 2019 and decreasing the maximum by \$439,366 to a total of \$3,134,562

APPROVED AS RECOMMENDED

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

Agreement No. 15-266-2

- 29.** Approve and authorize the Chairman to execute retroactive Amendment III to Agreement No. 15-524 with the California Department of Public Health, for Sexually Transmitted Disease Prevention programs, effective January 1, 2019, with no change in term to June 30, 2019 and decreasing the maximum by \$8,619 to a total of \$410,891

APPROVED AS RECOMMENDED

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

Agreement No. 15-524-3

- 30.** Approve and authorize the Chairman to execute an Amendment I to Agreement No. 17-018 with California Department of Public Health, for Sexually Transmitted Diseases Prevention Programs, with no change in the term to June 30, 2019 and increasing the maximum by \$75,111 to a total of \$228,777

APPROVED AS RECOMMENDED

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

Agreement No. 17-018-1

Public Works and Planning

31. Adopt Resolution of Intention to change to boundaries of County Service Area No. 35, Zone AJ, to include certain adjacent territory and set public hearing on July 9, 2019, at 9:00 a.m., or as soon after as practicable, in Board of Supervisors chambers, to consider proposed boundary change; and adopt Resolution of Intention to Levy Benefit Assessments for road maintenance costs on real property in County Service Area No. 35, Zone AJ, to direct preparation and filing with Clerk of the Board a written Engineer's Report under Benefit Assessment Act of 1982 and Proposition 218, and set and authorize giving notice of public meeting on June 17, 2019, at 6:00 p.m. at Woodward Park regional library and public hearing on July 9, 2019, at 9:00 a.m., or as soon after as practicable, in Board of Supervisors chambers, to consider proposed assessment, authorize and direct preparation of assessment ballots and related materials, and designating Director of Department of Public Works and Planning and/or his designees to tabulate assessment ballots

APPROVED AS RECOMMENDED

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

Resolution No. 19-198, Resolution No. 19-199

32. Approve and authorize Chairman, on behalf of County Service Area No. 49, to execute Agreement with Westside Elementary School District for temporary construction permit on Westside Elementary School District property for well testing, with an effective term of one year (\$1); and adopt specifications for Contract No. 18-12-C, Five Points Water System Improvements, County Service Area No. 49 Pilot Hole Testing, and award Contract No. 18-12-C to lowest responsive bidder, Zim Industries, Inc., 4532 E. Jefferson Ave., Fresno, in amount of \$239,050

APPROVED AS RECOMMENDED

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

Agreement No. 19-223

33. Take following actions for Tract No. 6057, Adriatic Villas, located on north side of Bullard Avenue east of West Avenue in unincorporated area of Fresno County: (1) approve reduction of Performance and Maintenance Security posted from \$60,500 to \$16,500 to guarantee maintenance of improvements for one year; (2) release Labor and Materials Security posted in amount of \$10,000; and (3) release Monumentation Security posted in amount of \$1,000

APPROVED AS RECOMMENDED

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

- 34.** Approve and authorize Chairman to execute Third Amendment to Amended and Restated Memorandum of Understanding between County of Fresno and City of Fresno regarding tax sharing, annexation and land use extending the term by one year from June 30, 2019 to June 30, 2020, and authorize County Administrative Officer to execute future one-year extensions to Memorandum of Understanding for a period not to exceed five years; and determine that approval and authorization of Chairman to execute Third Amendment to Amended and Restated Memorandum of Understanding between County of Fresno and City of Fresno is exempt from requirements of California Environmental Quality Act, Public Resources Code, section 2100, et seq., and direct Department of Public Works and Planning staff to file Notice of Exemption with Office of the Fresno County Clerk

APPROVED AS RECOMMENDED

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

Agreement No. 19-224

- 35.** Adopt Resolution initiating proceedings under, Chapter 3 of the Landscaping and Lighting Act of 1972 for County Service Area 2, Tenaya Estates, and appointing Assessment Engineer to prepare and file Engineer's Report; receive and approve Engineer's Report: Tenaya Park Assessment District, County Service Area 2; and adopt Resolution of Intention to set public hearing on June 4, 2019 at 9:00 a.m., to consider assessment for operation and maintenance of Tenaya Park, benefitting properties within County Service Area 2, Tenaya Estates, which includes 142 residential parcels

APPROVED AS RECOMMENDED

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

Resolution No. 19-200, Resolution No. 19-201

- 36.** Approve and authorize Chairman to execute an Agreement with Mid Valley Disposal, LLC, for American Avenue Disposal Site landfill use, effective July 1, 2019, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions (\$0)

APPROVED AS RECOMMENDED

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

Agreement No. 19-225

Social Services

37. Approve and authorize the Chairman to execute an Agreement with Marjaree Mason Center, Inc. for Emergency Shelter and Rapid Rehousing services, effective May 14, 2019 through August 16, 2019, total not to exceed \$58,480.09

APPROVED AS RECOMMENDED

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

Agreement No. 19-226