



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, July 9, 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

Pastor Jesus Valencia, Vision Church Fowler PCG, gave the invocation and 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 THIS AGENDA BE APPROVED WITH EXCEPTION OF ITEM 20 WHICH WAS DELETED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

2. Approve Consent Agenda - Item Numbers 27 - 73

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR BRANDAU, THAT THE CONSENT AGENDA BE APPROVED WITH THE EXCEPTION OF ITEMS 36, 46, 66 AND 72 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE. ITEM NO. 35 WAS CONTINUED TO AUGUST 6, 2019, AND ITEM 58 WAS DELETED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Chairman Magsig

3. Proclaim August 2019 as Breastfeeding Awareness Month in Fresno County

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, 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. 19-278

4. Proclaim July 8-12, 2019 as Eligibility Workers, Job Specialists, and Appeals Specialists Appreciation 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. 19-279

Supervisor Mendes

5. Proclaim July 21-27, 2019, as Probation, Parole, and Pretrial Week in the County of Fresno in recognition of their service to Fresno County residents

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, 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. 19-280

District Attorney

6. Approve and authorize the Chairman to execute a Lease Agreement, including an Option to Purchase, with River Park Properties II, a California limited partnership, for 70,495 square feet of office space and parking area located at 2100 Tulare Street, Fresno, CA (APN 468-251-10), for use by the Office of the District Attorney for a lease term of twenty years, effective the date the Office of the District Attorney commences operations from the building or the substantial completion of improvements occurs (anticipated to be on or about March 1, 2020), lease cost not to exceed \$17,341,770 for the first ten years of the Lease Term and with an option to purchase for \$18,000,000 at the end of the 10th year of the lease term; authorize the Director of Internal Services/Chief Information Officer, or his designee, to execute, upon review and approval by County Counsel, Notice of Lease Term Dates, Memorandum of Lease, Estoppel and/or Subordination and Non-Disturbance Agreements regarding the recommended lease agreement, if County is requested by River Park Properties II, a California limited partnership, (Lessor) to sign such documents; and adopt Budget Resolution increasing FY 2019-20 appropriations for the District Attorney Building Org 8854 in the amount of \$5,455,540 (4/5 vote)

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: 4 - Mendes, Brandau, Pacheco, and Quintero

Noes: 1 - Magsig

Agreement No. 19-331, Resolution No. 19-281

Administrative Office

- 6.1** Confirm appointment of Raman Bath, effective July 15, 2019, to the position of Fresno County Librarian pursuant to Fresno County Charter Section 16

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR BRANDAU, THAT THIS MATTER BE APPROVED CONTINGENT UPON COMPLETION OF THE STANDARD BACKGROUND CHECK. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Internal Services

7. Approve the purchase by the County of the real property located at 190 and 192 South West Avenue, Fresno, CA 93706 (APNs 458-270-15 and 458-060-61), which is approximately 122,839 square feet of vacant light industrial real property ("Property"), from Seller, Horizon Enterprises, LP, for the purchase price of \$460,000, plus \$35,000 estimated closing costs; Approve and authorize the Chairman to execute, a Sale and Purchase Agreement and Escrow Instructions ("Purchase Agreement") for the County's purchase of the Property; Authorize staff to undertake additional due diligence investigations, if needed, including any further environmental studies and appraisals of the Property, as deemed necessary or appropriate by staff, in connection with the County's purchase of the Property; Authorize and direct the Director of Internal Service/Chief Information Officer (Director of ISD/CIO), or his designee, to take any and all actions he deems necessary or appropriate, and in the best interest of the County, all of which shall be consistent with the Purchase Agreement and the foregoing Board approvals and actions, to: a. Open, carry out, and close escrow for the County's purchase of the Property from Seller, deliver the County's \$46,000 deposit, deliver the County's acceptance of Seller's Grant Deed at closing, and obtain title insurance in favor of the County for the Property in the amount of the purchase price of the Property; b. Review, approve, execute and/or deliver any agreements (not including the Purchase agreement), documents, certificates, notices, and instruments, and any amendments to any of the foregoing (all of which shall be subject to prior review and approval thereof as to legal form by County Counsel, and, if applicable, as to accounting form by the County Auditor-Controller/ Treasurer-Tax Collector), and take any other actions to initiate, carry out, and finalize the County's purchase of the Property from the Seller; and c. Perform any other obligations, or exercise any other rights, of County under the Purchase Agreement, or such other agreements, or documents, certificates, notices, or instruments, to finalize the County's purchase of the Property; Direct staff to initiate and pursue environmental review and the County land use entitlement process for the Property as the preferred site for a new animal control location, or other potential use by the County, promptly following the close of the sale of the Property, all pursuant to the California Environmental Quality Act (CEQA); Adopt Budget Resolution increasing FY 2019-20 appropriations for the Capital Projects Fund 0400, Subclass 10055, Animal Control Facility Org 8855, in the amount of \$495,000, for the Property purchase (4/5 vote)

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

Agreement No. 19-332, Resolution No. 19-282

8. Conduct first hearing to amend Section 3800-General Services of the Master Schedule of Fees, Charges, and Recovered Costs Ordinance by amending subsections 3804, and 3809-3813; waive the reading of the Ordinance in its entirety, and set the second hearing for August 6, 2019; Designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance; Direct the Clerk of the Board to post and publish the required summary in accordance with Government Code Section 25124(b)(1)

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

9. Conduct first hearing to amend Section 4300-Information Technology Services of the Master Schedule of Fees, Charges, and Recovered Costs, where subsections 4301, 4324, and 4325 are deleted, and subsections 4302-4315, 4317, 4319-4323, and 4326-4329 are updated; waive the reading of the Ordinance in its entirety; and set the second hearing for August 6, 2019; 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)

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

Library

10. Receive Library Facilities Master Plan report and provide direction to staff regarding library facilities

RECEIVED LIBRARY FACILITIES MASTER PLAN REPORT. BY CONSENSUS, THE BOARD DIRECTED STAFF TO FOLLOW DUE DILIGENCE AND TAKE MEASURES NECESSARY TO EVALUATE FRESNO COUNTY LIBRARIES AND COMMUNITY NEED AS IT ARISES. STAFF TO INFORM THE BOARD WHEN NEEDING TO MAKE ANY RECOMMENDATIONS FOR NEW LIBRARIES OR CLOSURES

Public Works and Planning

11. Accept certified voter count provided by Fresno County Clerk/Registrar of Voters showing number of registered voters residing in Zone AJ of County Service Area No. 35; conduct public hearing to hear and consider any protests to CSA 35AJ Boundary Change No. 3 and, if there is not a majority protest to CSA 35AJ Boundary Change No. 3, conduct public protest hearing to receive and consider all objections or protests, if any, to proposed benefit assessment for road maintenance purposes for CSA 35AJ Boundary Change No. 3 and upon completion tabulate all ballots returned; if there is no majority protest, adopt resolutions changing boundaries of Zone AJ and levying benefit assessment

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR PACHECO, THAT THIS MATTER BE ACTED ON AS FOLLOWS: ACCEPTED CERTIFIED VOTER COUNT ON FILE WITH THE CLERK OF THE BOARD, DATED APRIL 5, 2019, PROVIDED BY THE FRESNO COUNTY CLERK/REGISTRAR OF VOTERS, SHOWING THE NUMBER OF REGISTERED VOTES RESIDING IN ZONE AJ OF COUNTY SERVICE AREA NO. 35. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

CONDUCTED PROTEST HEARING FOR ANY PROTESTS TO THE PROCEEDING DESIGNATED "CSA 35-AJ BOUNDARY CHANGE NO. 3." RECEIVED PUBLIC TESTIMONY. CLOSED PROTEST HEARING AND DIRECTED STAFF TO TABULATE ALL WRITTEN OBJECTIONS FOR THE PROCEEDING. STAFF CONFIRMED THAT THERE WERE NOT WRITTEN OBJECTIONS FROM A MAJORITY OF REGISTERED VOTERS RESIDING WITHIN THE TERRITORY COVERED BY CSA 35-AJ WITH BOUNDARIES CHANGED AS PROPOSED, SO THAT THERE WAS NOT A MAJORITY PROTEST

CONDUCTED PROTEST HEARING TO RECEIVE AND CONSIDER ALL OBJECTIONS OR PROTESTS, IF ANY, TO THE PROPOSED BENEFIT ASSESSMENT FOR ROAD MAINTENANCE PURPOSES FOR CSA 35-AJ BOUNDARY CHANGE NO. 3. NO PUBLIC TESTIMONY RECEIVED. CLOSED PROTEST HEARING AND DIRECTED STAFF TO TABULATE ALL WRITTEN OBJECTIONS AND BALLOTS FOR THE PROCEEDING. STAFF CONFIRMED THAT BALLOTS SUBMITTED IN FAVOR TO THE PROPOSED BENEFIT ASSESSMENT EXCEEDED THE BALLOTS SUBMITTED IN OPPOSITION, WITH BALLOTS WEIGHTED ACCORDING TO THE PROPORTIONAL FINANCIAL OBLIGATION OF EACH AFFECTED PROPERTY, SO THAT THERE WAS NOT A MAJORITY PROTEST

PRIOR TO ACTION TAKEN BY THE BOARD, STAFF ANNOUNCED CORRECTION TO RECOMMENDED ACTION 3A OF AGENDA ITEM TO REFLECT "IF THE BALLOTS SUBMITTED IN FAVOR TO THE PROPOSED BENEFIT ASSESSMENT EXCEED THE BALLOTS SUBMITTED IN OPPOSITION, WITH BALLOTS WEIGHTED ACCORDING TO THE PROPORTIONAL FINANCIAL OBLIGATION OF EACH AFFECTED PROPERTY . . ."

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR MAGSIG, THAT THIS MATTER BE ACTED ON AS FOLLOWS: ADOPTED RESOLUTION CHANGING THE BOUNDARIES OF COUNTY SERVICE ARE NO. 35, ZONE 'AJ,' TO INCLUDE CERTAIN ADJACENT TERRITORY," AND ADOPTED RESOLUTION APPROVING AND LEVYING BENEFIT ASSESSMENT FOR ROAD MAINTENANCE COSTS ON REAL PROPERTY IN COUNTY SERVICE AREA NO. 35, ZONE 'AJ'. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Resolution No. 19-283, Resolution No. 19-284

12. Adopt plans and specifications for Contract 18-23-C, San Joaquin River (Redinger Lake) Bridge on Italian Bar Road Replacement Project, Federal Project No. BRLO-5942(214), and award construction contract to lowest responsible bidder, American Paving Co., 315 N. Thorne Avenue, Fresno, in the amount of \$7,563,709.90

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

13. Adopt plans and specifications for Contract No. 19-03-C, Watts Creek Bridge on Watts Valley Road Bridge Replacement Project, receive verbal report on the bid opening, and award to the bidder with the lowest responsive bid

RECEIVED VERBAL REPORT. A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR PACHECO, THAT THIS MATTER BE ACTED ON AS FOLLOWS: 1) ADOPTED PLANS AND SPECIFICATIONS FOR CONTRACT NO. 19-03-C, WATTS CREEK BRIDGE ON WATTS VALLEY ROAD BRIDGE REPLACEMENT PROJECT, FEDERAL PROJECT NO. BRLO-5942(248), AND 2) AWARDED THE CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIBLE BIDDER AGEE CONSTRUCTION, INC., 1039 HOBLITT AVENUE, CLOVIS, CALIFORNIA 93612, IN THE TOTAL AMOUNT OF \$1,449,941.60. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Brandau

14. Adopt plans and specifications for Contract No. 19-07-C, 2018-2019 County and SB-1 Asphalt Concrete Overlays, receive verbal report on the bid opening, and award to the bidder with the lowest responsive bid

RECEIVED VERBAL REPORT. A MOTION WAS MADE BY SUPERVISOR PACHECO, SECONDED BY CHAIRMAN MAGSIG, THAT THIS MATTER BE ACTED ON AS FOLLOWS: 1) ADOPTED PLANS AND SPECIFICATIONS FOR CONTRACT NO. 19-07-C, 2018-2019 COUNTY AND SB-1 ASPHALT CONCRETE OVERSLAYS, AND 2) AWARDED THE CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, GRANITE CONSTRUCTION COMPANY, 2716 GRANITE COURT, FRESNO, CALIFORNIA 93706, FOR THE BASE BID AND ADDITIVE BIDS 7A, 8A, 9A AND 11A, IN THE TOTAL AMOUNT OF \$5,919,931.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Board of Supervisors' Committee Reports and Comments

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

CHAIRMAN MAGSIG REPORTED ON HIS VISIT WITH JOHN ERICKSON, THE SHERIFF DEPUTY WHO WAS SHOT IN THE LINE OF DUTY LAST WEEK. CHAIRMAN MAGSIG ALSO ACKNOWLEDGED ATTENDING THE GLOBAL INVESTORS MEETING IN NEW YORK, THE CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC) CONFERENCE IN FRESNO AND ANNOUNCED HE WILL BE ATTENDING THE NATIONAL ASSOCIATION OF COUNTIES (NACO) CONFERENCE ON JULY 11, 2019

Board Appointments

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

A MOTION WAS MADE BY SUPERVISOR PACHECO, SECONDED BY VICE CHAIRMAN MENDES, THAT THE NOMINATION FOR APPOINTMENT AND REAPPOINTMENTS BE APPROVED AS FOLLOWS:

BEHAVIORAL HEALTH BOARD

REAPPOINTED SHANTAY R. DAVIES-BALCH (TERM TO EXPIRE 4/1/2022)

CITIZENS REVIEW PANEL (LIBRARY SALES TAX)

REAPPOINTED PETER ROONEY (TERM TO EXPIRE 1/3/2023)

COMMISSION ON THE STATUS OF WOMEN

REAPPOINTED JENNIFER PAN (TERM TO EXPIRE 6/30/2021)

REAPPOINTED KAMALJIT GILL (TERM TO EXPIRE 6/30/2021)

REAPPOINTED SIMRAN KAUR (TERM TO EXPIRE 6/30/2021)

REAPPOINTED GAIL GASTON (TERM TO EXPIRE 6/30/2021)

ZOO AUTHORITY

APPOINTED KRISTINA GARABEDIAN TO REPLACE GERALD LYLES (TERM TO EXPIRE 1/4/2021)

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Public Presentations

17. 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

HELD; RECEIVED

Closed Session

18. Conference with legal counsel - Initiation of Litigation; Government Code, section 54956.9(d)(4) - 3 Cases

THE BOARD OF SUPERVISORS, BY UNANIMOUS VOTE, AUTHORIZED THE COUNTY TO INITIATE LITIGATION, EITHER IN CONJUNCTION WITH OTHER COUNTIES OR ON ITS OWN, AND THROUGH COUNTY COUNSEL OR RETENTION OF OUTSIDE COUNSEL, AGAINST THE CALIFORNIA STATE DEPARTMENT OF HEALTH SERVICES OVER THE NETWORK ADEQUACY REGULATIONS AND THE FAILURE OF THAT STATE DEPARTMENT TO ADEQUATELY FOLLOW ANY PUBLICATION OR REGULATION PROMULGATION REQUIREMENTS

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

HELD; NO REPORTABLE ACTION

20. 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

DELETED; NOT HELD

21. Conference with Legal Counsel- Existing Litigation - Government Code, section 54956.9(d)(1) - Chelsie Bovard vs. County of Fresno; Workers' Compensation Appeals Board Number ADJ10877039, ADJ10877038

HELD; NO REPORTABLE ACTION

22. Conference with Legal Counsel- Existing Litigation - Government Code, section 54956.9(d)(1) - Ana Hurtado Esquivel vs. County of Fresno; Workers' Compensation Appeals Board Number ADJ10809623

HELD; NO REPORTABLE ACTION

23. Conference with legal counsel - Existing Litigation - Government Code, section 54956.9(d)(1) - Daniel Garza v. ABS Global, Inc., et al., Fresno Superior Court Case No.: 17CECG01654; Risk Management Claim No.: 9728

HELD; NO REPORTABLE ACTION

24. Conference with Legal Counsel- Existing Litigation - Government Code, section 54956.9(d)(1) - Robert Martinez vs. County of Fresno; Workers' Compensation Appeals Board Number ADJ11296308

HELD; NO REPORTABLE ACTION

25. Conference with Legal Counsel- Existing Litigation - Government Code, section 54956.9(d)(1) - Sonia Mills vs. County of Fresno; Workers' Compensation Appeals Board Number ADJ10008450

HELD; NO REPORTABLE ACTION

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

26. Conference with Labor Negotiator (Government Code, section 54957.6): Agency Negotiator: Joy Cronin; Employee Organization: SEIU-Local 2015 - Hours, Wages and Terms and Conditions of Employment

HELD; RECEIVED PUBLIC TESTIMONY; NO REPORTABLE ACTION

Adjourn

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR QUINTERO, THAT THIS MEETING BE ADJOURNED 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 August 8, 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 36, 46, 66 AND 72 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE. ITEM NO. 35 WAS CONTINUED TO AUGUST 6, 2019, AND ITEM 58 WAS DELETED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Board of Supervisors

27. Approve minutes of meeting for June 18, 2019

APPROVED AS RECOMMENDED

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

Supervisor Quintero

28. Adjourn in Memory of Peter Yer Vang

APPROVED AS RECOMMENDED

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

29. Adjourn in Memory Robert Levine

APPROVED AS RECOMMENDED

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

30. Approve and authorize the use of Board of Supervisor District 3 funds in the amount of \$1000 for the Community Outreach event, Carnival in September 2019

APPROVED AS RECOMMENDED

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

Assessor/Recorder

31. Approve and authorize the Chairman to execute an Agreement with Pro Document Solutions, Inc., DBA ProvoteSolutions, for various print and mail services, effective upon execution, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$625,000

APPROVED AS RECOMMENDED

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

Agreement No. 19-308

Auditor Controller-Treasurer/Tax Collector

32. Approve revised Administrative Policy 16 - Cash Shortages to provide that departments are to follow the processes defined in the Cash Manual and clarify the responsibility of the Auditor-Controller/Treasurer-Tax Collector to maintain the Cash Manual, approve and adopt Cash Manual to improve internal controls over cash handling, adopt a Resolution establishing cash difference funds and overage funds for the Auditor-Controller/Treasurer-Tax Collector, the Assessor-Recorder, the Clerk/Registrar of Voters, Probation, Public Health, and Public Works and Planning; delegating to the County Auditor authority to replenish cash difference funds and to transfer overage funds to the General Fund; and ratifying prior actions concerning accounts with comparable functions; and, adopt a Resolution updating the procedures to relieve County officers and employees of shortages in County funds in the absence of fraud or gross negligence and delegating to the County Auditor limited authority to replenish shortages of up to \$500 in County funds

APPROVED AS RECOMMENDED

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

Resolution No. 19-268, Resolution No. 19-269

County Clerk/Registrar of Voters

33. Consider candidates and appoint directors to the Tranquillity Resource Conservation District Board of Directors. Thomas J. Fairless and Jerry Radinoff terms expiring in 2022, and Anthony Borges term expiring in 2020

APPROVED AS RECOMMENDED

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

Sheriff/Coroner/Public Administrator

34. Adopt and authorize Chairman to execute Resolution approving special tax amount, and levying special tax in the maximum total amount of \$265,299.48, on developed real properties within (Mello-Roos) Countywide Community Facilities District (CFD) No. 2006-01 (District), including its Annexation Territories, for enhanced police protection services for FY 2019-20

APPROVED AS RECOMMENDED

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

Resolution No. 19-270

Administrative Office

35. Authorize the Chairman to execute a Grant Deed for the transfer of title for the Superior Court of California, County of Fresno, Main Courthouse Division to the State of California on behalf of the Judicial Council of California; and authorize the Chairman or his designee to execute Amended and Restated Transfer Agreement and an Amended and Restated Joint Occupancy Agreement between the County of Fresno and the Judicial Council of California, together with other related documents

CONTINUED TO AUGUST 6, 2019

36. 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 services to promote and market the resources and economy of Fresno County; and, approve and authorize the Chairman to execute a retroactive sole source Agreement with the Economic Development Corporation serving Fresno County to promote and market the resources and economy of Fresno County, effective July 1, 2019 through June 30, 2020 (\$38,000)

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

Agreement No. 19-333

37. Approve and authorize the chairman to execute an agreement with Brown Armstrong Accountancy Corporation to provide audit services in the amount of \$198,000 for Fiscal Year 2018-19 with the possibility of four one year extensions in the amount of \$198,000 per year not to exceed \$990,000; and, authorize the County Administrative Officer to execute certain amendments to the agreement with Brown Armstrong Accountancy Corporation for each of the one-year extension periods

APPROVED AS RECOMMENDED

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

Agreement No. 19-309

38. 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. 19-271

Behavioral Health

39. Adopt and authorize the Chairman to execute Resolution authorizing: (a) Fresno County's acceptance of a \$2,183,000 allocation from the California Department of Housing and Community Development No Place Like Home Noncompetitive Allocation Program; and, (b) Subject to review and approval by County Counsel as to legal form, and Auditor-Controller/Treasurer-Tax Collector approval as to accounting form, the Chairman's, or designee, execution of future awards, agreements, and amendments related to the No Place Like Home Noncompetitive Allocation Program; and, adopt revised Resolution authorizing Fresno County's participation in the California Department of Housing and Community Development No Place Like Home Competitive Program

APPROVED AS RECOMMENDED

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

Resolution No. 19-272, Resolution No. 19-273

40. Approve and authorize the Chairman to execute a Memorandum of Understanding with Clovis Unified School District for the coordination of mental health services at school sites, effective upon execution, not to exceed four consecutive years, which includes a two-year base contract and two optional one-year extensions (\$0)

APPROVED AS RECOMMENDED

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

Agreement No. 19-310

41. Approve and authorize the Chairman to execute a retroactive Agreement with Regents of the University of California on behalf of the University of California, San Francisco (UCSF) for the provision of clinical learning experiences as part of the Longitudinal Integrated Fresno Experience (LIFE) program, effective August 1, 2018 through June 30, 2023 (\$0)

APPROVED AS RECOMMENDED

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

Agreement No. 19-311

Human Resources

42. Conduct the second hearing on and adopt an Ordinance to amend the Master Schedule of Fees, Charges, and Recovered Costs Ordinance by amending Section 1600 - Human Resources; and waive reading of the ordinance in its entirety

APPROVED AS RECOMMENDED

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

Ordinance No. 19-015

- 43.** Approve Salary Resolution Amendment adjusting the salary of the Agricultural Technician - Seasonal classification in accordance with Footnote 6 of the Salary Resolution, as reflected on Appendix "C", effective July 1, 2019

APPROVED AS RECOMMENDED

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

Salary Resolution No. 19-023

- 44.** Approve the Memorandum of Understanding for Representation Unit 30 - Deputy District Attorneys, represented by the Fresno County Prosecutors Association, effective July 1, 2019, through June 27, 2021; and, approve the related Salary Resolution Amendment as reflected on Appendix "B"

APPROVED AS RECOMMENDED

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

Salary Resolution No. 19-024

- 45.** Approve and authorize Chairman to execute Agreement to Defend Public Officers or Employees for: Brandi Orth, County Clerk/Register of Voters, as named in Eastern District Court Case No: 1:19-CV-00808-AWI-BAM, The Unitarian Universalist Church of Fresno v. Brandi Orth, Risk Management claim No.: 10096

APPROVED AS RECOMMENDED

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

Agreement No. 19-312

Internal Services

- 46.** Approve and authorize the Chairman to execute an Agreement with Smartspace USA, Inc. for Conference Room Scheduling Software and Hardware, effective July 9, 2019, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$830,000

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

Agreement No. 19-334

47. 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 Americans with Disabilities Act surveying software; and Approve and authorize the Chairman to execute an Agreement with BlueDAG LLC. for Americans with Disabilities Act surveying software, effective July 9, 2019, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$370,000

APPROVED AS RECOMMENDED

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

Agreement No. 19-313

48. Approve and authorize the Chairman to execute a Second Amendment with JSG Consultants, LLC, dba JSG Elevator Consultants, LLC, to amend, restate, replace, and supersede existing and previously amended Purchasing Agreement No. P-19-158-Q for elevator consultant services, effective upon execution, extending the maximum term by two years from March 31, 2022 to March 31, 2024, and increasing the maximum by \$200,000, to a total of \$299,000

APPROVED AS RECOMMENDED

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

Agreement No. 19-314

49. Adopt Budget Resolution increasing the FY 2019-20 appropriations for Internal Services Department, Fleet Services-Equipment Org 8911 in the amount of \$8,709,562 for the scheduled purchase of replacement vehicles and equipment

APPROVED AS RECOMMENDED

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

Resolution No. 19-274

50. Approve and authorize the Chairman to execute a Master Equity Lease Agreement with Enterprise Fleet Management, Inc., which provides the financing ability and infrastructure to lease vehicles, effective upon execution, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions; Authorize the Director of Internal Services/Chief Information Officer or his/her designee to authorize and execute documents associated with the day-to-day activities of the Enterprise Master Equity Lease Agreement

APPROVED AS RECOMMENDED

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

Agreement No. 19-315

Library

51. Retroactively authorize the County Librarian's previous submittal of a grant application to Arts Midwest on behalf of the National Endowment for the Arts for The Big Read Program to promote "Citizen: An American Lyric" by Claudia Rankine (\$15,000); approve and authorize the Chairman to ratify the County Librarian's previous execution of a retroactive grant award agreement and acceptance of grant funds from the National Endowment for the Arts, effective September 1, 2019 through June 30, 2020 (\$15,000); authorize the County Librarian, or their designee, to sign expenditure forms and activity reports for the grant agreement; and adopt Budget Resolution increasing FY 2019-20 appropriations and estimated revenues in the Library Grants Org 7517 in the amount of \$15,000 (4/5 vote)

APPROVED AS RECOMMENDED

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

Agreement No. 19-316, Resolution No.19-275

Probation

52. Approve and authorize the Chairman to execute a revenue agreement with Fresno City College, effective upon execution through June 30, 2023, not to exceed \$183,750 per year

APPROVED AS RECOMMENDED

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

Agreement No. 19-317

53. Make a finding that it is in the best interest of the County to suspend the competitive bid process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances, as Focus Forward has provided prevention and intervention services through mentorship to youth at the Juvenile Justice Campus since 2006; and authorize the Chairman to execute an Agreement with Focus Forward for prevention and intervention services for youth housed at the Juvenile Justice Campus, effective July 20, 2019, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$458,605

APPROVED AS RECOMMENDED

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

Agreement No. 19-318

- 54.** Make a finding that 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 JBI is the only vendor that provides its proprietary RMS system, which assists the Probation Department with all aspects of the Federal Title IV-E program; and approve and authorize the Chairman to execute Agreement with JBI, LTD for services for the Federal Title IV-E program effective July 25, 2019, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$600,000

APPROVED AS RECOMMENDED

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

Agreement No. 19-319

- 55.** Retroactively authorize the Chief Probation Officer's previous submittal of a grant application to the California Board of State and Community Corrections (BSCC) for the Edward Byrne Justice Assistance Grant (JAG) Program (\$3,136,875)

APPROVED AS RECOMMENDED

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

Public Health

- 56.** Approve and authorize the Chairman to execute a retroactive Agreement with the City of Selma, for paramedic ambulance services, effective July 1, 2019, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$67,500

APPROVED AS RECOMMENDED

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

Agreement No. 19-320

- 57.** Approve and authorize the Chairman to execute a retroactive revenue Agreement with California Department of Public Health Office of AIDS for the HIV Prevention Grant Program activities, effective January 1, 2019 through December 31, 2022 (\$1,196,820)

APPROVED AS RECOMMENDED

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

Agreement No. 19-321

58. Conduct second hearing on and adopt an Ordinance amending the Fresno County Master Schedule of Fees, Charges, and Recovered Costs Section 900 - Environmental Health, sections 902 through 906, 908 through 917, 919 through 934.1, 938 through 940.2, and 948 through 951, and waive reading of Ordinance in its entirety

DELETED

59. Approve and authorize the Chairman to execute a retroactive revenue Agreement with Laton Community Service District, for dispatching of the Laton Fire Department by the Fresno County Emergency Medical Services Communications Center, effective July 1, 2019, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$14,305; and approve and authorize the Chairman to execute a retroactive Agreement with KWPH Enterprises, d.b.a. American Ambulance, for dispatching of the Laton Fire Department by the Fresno County Emergency Medical Services Communications Center, effective July 1, 2019, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$12,302

APPROVED AS RECOMMENDED

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

Agreement No. 19-322, Agreement No. 19-323

60. Approve and authorize the Chairman to execute a retroactive revenue Agreement with the California Department of Public Health for enhanced congenital syphilis prevention activities, effective January 1, 2019 through December 31, 2023 (\$700,000)

APPROVED AS RECOMMENDED

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

Agreement No. 19-324

61. Approve and authorize the Chairman to execute a retroactive revenue Agreement with the California Department of Public Health, for the Prevention Forward interventions grant, effective April 1, 2019 through June 29, 2020 (\$43,000); and approve and authorize the Director of the Department of Public Health, or designee, to execute the State Contractor's Release for the final invoice

APPROVED AS RECOMMENDED

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

Agreement No. 19-325

Public Works and Planning

62. Adopt Resolution establishing Transportation Mitigation Impact Fees to mitigate transportation and circulation impacts for development of Tract No. 6189, subject property is located on south side of Millerton Road between Friant and Auberry Roads

APPROVED AS RECOMMENDED

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

Resolution No. 19-276

63. Adopt Resolution establishing Transportation Mitigation Impact Fees to mitigate transportation and circulation impacts associated with development of Tract No. 4934, subject property is located on south side of Millerton Road between Brighton Crest Subdivision and Friant-Kern Canal

APPROVED AS RECOMMENDED

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

Resolution No. 19-277

64. Approve and authorize Chairman to execute Consent to Common Use Agreement with Pacific Gas and Electric Company to establish common use area for Auberry Road and Copper Avenue Traffic Signal Installation, Federal Project Number HSIPL-5942(241), effective upon execution in perpetuity (\$0); and authorize Director of Department of Public Works and Planning to execute, subject to review and approval of County Counsel as to legal form and Auditor-Controller/ Treasurer-Tax Collector as to accounting form, any amendments necessary to ensure compliance with Federal Highway Administration and California Department of Transportation requirements

APPROVED AS RECOMMENDED

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

Agreement No. 19-326

65. Approve and authorize Chairman to execute Agreement with Enviroscope, a sole proprietorship, for landscape maintenance and weed control services for various Special Districts, 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 \$300,000

APPROVED AS RECOMMENDED

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

Agreement No. 19-327

66. Approve and authorize Chairman to execute Application for Central Valley Flood Protection Board Encroachment Permit; and subject to review and approval by County Counsel as to legal form and Auditor-Controller/Treasurer-Tax Collector as to accounting form, any associated permits, licenses, agreements, amendments, or other documents required to complete Lost Lake Trail Project; and authorize Director of Department of Public Works and Planning, subject to review and approval by County Counsel as to legal form and Auditor-Controller/Treasurer-Tax Collector as to accounting form, to execute California Department of Fish and Wildlife Streambed Alteration Agreement and any subsequent amendments, or other documents required to complete Lost Lake Trail Project

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

67. Approve and Authorize Director of Department of Public Works and Planning, or designee, to: (1) submit applications for National Fish and Wildlife Foundation's Sacramento District California In-Lieu Fee Program Credit Purchases; and, (2) execute, subject to review and approval by County Counsel as to legal form and Auditor-Controller/Treasurer-Tax Collector as to accounting form, In-Lieu Fee Program Credit Transfer Agreements with National Fish and Wildlife Foundation's Sacramento District California to purchase Mitigation Credits to satisfy compensatory mitigation requirements for various, specifically identified bridge replacement and rehabilitation projects within In-Lieu Fee Program Service Area

APPROVED AS RECOMMENDED

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

68. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA), find that the environmental assessment associated with E. Fig and W. North Avenues Reconstruction Project as shown in Negative Declaration (State Clearinghouse No. 2013101076) prepared, adopted, and submitted by Fresno Metropolitan Flood Control District, were reviewed and considered, and determined to be adequate pursuant to CEQA Guidelines Section 15096; and adopt plans and specifications for E. Fig and W. North Avenues Reconstruction Project, related to South Fresno Economic Development Project, Economic Development Administration Grant Project No. 07-01-07079, for which Fresno Metropolitan Flood Control District is Grant recipient

APPROVED AS RECOMMENDED

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

69. Reject all bids for Contract No. 18-11-C, Fresno County Wildlife Conservation Board - Shaver Lake Marina ADA Improvements and Observation Deck Construction

APPROVED AS RECOMMENDED

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

70. Approve and authorize Chairman to execute Amendment I to Agreement No. 16-397 with Shaver Lake Civic League, to purchase an additional truck for the Shaver Lake Volunteer Fire Department, install a back-up generator, and other improvements for County Service Area No. 31 - Shaver Lake, effective upon execution with no change in term to June 30, 2021 and increasing the maximum by \$110,000 to a total maximum of \$1,403,163

APPROVED AS RECOMMENDED

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

Agreement No. 16-397-1

Social Services

71. Approve and authorize the Chairman to execute a retroactive revenue Agreement with the California Department of Veterans Affairs for Proposition 63 Mental Health Services Act funding for the Fresno County Department of Social Services - Veterans Services Office, effective July 1, 2019 through June 30, 2020 (\$49,000)

APPROVED AS RECOMMENDED

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

Agreement No. 19-329

72. Approve and authorize the Chairman to execute an Agreement with WestCare, California Inc. for Housing Navigation services, effective upon execution through May 31, 2021, total not to exceed \$455,945; an Agreement with WestCare, California Inc. for Rapid Rehousing services, effective upon execution through June 30, 2022, total not to exceed \$2,677,398; and, an Agreement with Fresno Economic Opportunities Commission for Youth Bridge Housing services, effective upon execution through May 31, 2021, total not to exceed \$327,884

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: 3 - Magsig, Mendes, and Pacheco

Noes: 2 - Brandau, and Quintero

Agreement No. 19-335, Agreement No. 19-336, Agreement No. 19-337

- 73.** Approve and authorize the Chairman to execute First Amendment to Lease Agreement No. 17-644 with Pontiac 3 & 5, LLC, at 200 Pontiac Way, Clovis, CA 93612, for Tenant Improvements, increasing the office space from 23,580 square feet to 95,534 square feet and reducing the warehouse space from 65,227 square feet to 0 square feet, excluding the 9-11 Memorial from the Lease, and Renewing the Lease for one (1) nineteen-year period upon completion of Tenant Improvements, total not to exceed (\$87,786,679); Authorize the Director of Internal Services/Chief Information Officer or his/her representative, to approve and execute Occupancy Notice confirming the building square footage, not to exceed 95,534 square feet, rent schedule, and final tenant improvement amortization schedule

APPROVED AS RECOMMENDED

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

Agreement No. 17-644-1