



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, November 5, 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 CESAR E. GARCIA, FIRST UNITED METHODIST CHURCH OF SELMA, 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 Vice Chairman Mendes, 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 19 - 44

A motion was made by Supervisor Brandau, seconded by Supervisor Quintero, that the consent agenda be approved with the exception of items 22 and 39 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

3. Presentation of Retirement Plaque to Crisilda Montanez - Department of Social Services - 26 Years of Service

Presented retirement plaque to Crisilda Montanez

Chairman Magsig

4. Adopt resolution recognizing the 2019 inductees of the Fresno Athletic Hall of Fame

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. 19-411

5. Proclaim the month of November 2019 as National Runaway Prevention 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. 19-412

Supervisor Pacheco

6. Proclaim November 4 - 8, 2019 as National Veterans Small Business Week in Fresno County

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. 19-413

Administrative Office

7. Receive presentation from Paul Yoder and Michael Corbett, State lobbyists, regarding legislative actions

Received presentation from Paul Yoder and Michael Corbett, State lobbyists

Behavioral Health

8. Approve Amendment to the Salary Resolution adding 17 positions effective November 4, 2019, as reflected on Appendix E

A motion was made by Supervisor Pacheco, 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

Salary Resolution No. 19-038

Internal Services

9. Approve Amendment to the Salary Resolution adding one Building Maintenance Specialist position to the Internal Services Department, Facility Services Org 8935, effective November 18, 2019 as reflected in Appendix "D"; and adopt Budget Resolution increasing the FY 2019-20 appropriations and estimated revenues for the Internal Services Department, Facility Services Org 8935 in the amount of \$64,422 (4/5 vote)

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

Salary Resolution No. 19-039, Resolution No. 19-416

Public Works and Planning

10. Conduct public hearing to consider adopting Resolution of Necessity, per California Code of Civil Procedure, Section 1245.230, authorizing eminent domain proceedings and deposit of funds (\$7,500) with State of California - Condemnation Deposit Fund, to facilitate Travers Creek Bridge Replacement on Lincoln Avenue, Federal Project No. BRLO-5942(226) (4/5 vote)

A motion was made by Vice Chairman Mendes, seconded by Chairman Magsig, that this matter be approved as recommended. The motion carried by the following vote:

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

Resolution No. 19-415

Board of Supervisors' Committee Reports and Comments

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

Supervisor Brandau stated that he will not support giving the County Administrative Officer the authority to give salary increases if that discussion is held in closed session as Supervisor Brandau believes that is the role of the Board. Supervisor Brandau announced that tonight is the celebration of the 70th Anniversary of the Fresno Lions Club, where he will present a proclamation on behalf of the Board. Chairman Magsig reported attending the San Joaquin Valley Regional Association of Counties 2019 conference in Modesto on October 24 - 25, 2019. Chairman Magsig announced that he will be a moderator on a piece relating to economic development and water at the California Economic Summit hosted in Fresno November 7th and 8th

Board Appointments

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

A motion was made by Supervisor Brandau, seconded by Vice Chairman Mendes, that the nomination for appointments and reappointment be approved as follows:

Behavioral Health Board

Appointed Dr. Michelle Reed, to the position previously held by Curtis Thornton (term to expire 4/1/2022)

Citizens Review Panel (Library Sales Tax)

Appointed Tammie Wenter to the position previously held by Steve Rapada (term to expire 1/3/2023)

Emergency Medical Care Committee

Appointed David Bacci to the position previously held by Shauna Day (term to expire 1/4/2021)

Fresno Regional Workforce Development Board

Reappointed David Mercer (term to expire 11/1/2021)

The motion carried by the following vote:

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

Public Presentations

13. Public Presentations - This portion of the meeting reserved for persons desiring to address the Board on any matter not on this agenda - Pursuant to Administrative Policy No. 29, presentations are limited to 3 minutes per person and no more than 15 minutes total per topic

Received

Closed Session

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

Held; no reportable action

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

Held; no reportable action

16. Conference with Labor Negotiator (Government Code, section 54957.6): Agency Negotiator: Paul Nerland; Employee Organization: All Bargaining Units and Management and Unrepresented Employees - Hours, Wages and Terms and Conditions of Employment

Held; no reportable action

17. Conference with Real Property Negotiators - Government Code 54956.8 Properties: 200 W. Pontiac Way, Clovis, CA 93612 and 3500 Pelco Way, Clovis, CA 93612; County Negotiator: Jean M. Rousseau, County Administrative Officer or Designee. Negotiating Parties: Pontiac 3 & 5, LLC, and Pontiac 2, LLC, Under Negotiations: Instructions to County's negotiator may concern purchase or lease of properties, price, terms and conditions

Held; no reportable action

18. Conference with legal counsel - Existing Litigation - Government Code, section 54956.9(d)(1) - Government Code, section 54956.1(d)(1) – Forgotten Fresno v. County of Fresno, Fresno County Superior Court, Case No. 18CECG04248

Held; no reportable action

Adjourn

A motion was made by Vice Chairman Mendes, seconded by Supervisor Brandau, 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: November 19, 2019

CONSENT AGENDA

A motion was made by Supervisor Brandau, seconded by Supervisor Quintero, that the consent agenda be approved with the exception of items 22 and 39 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

19. Approve minutes of meeting for October 22, 2019

Approved as recommended

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

Supervisor Brandau

- 19.1 Proclaim November 3, 2019 as "70th Anniversary for the North Fresno Lions Club" day in Fresno County

Approved as recommended

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

Resolution No. 19-402

Supervisor Mendes and Supervisor Pacheco

20. Adopt Resolution honoring Mr. Mark Borba who has been selected as the 2019 Agriculturalist of the Year by the Fresno Chamber of Commerce

Approved as recommended

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

Resolution No. 19-403

Auditor Controller-Treasurer/Tax Collector

21. Delegate investment authority to the Auditor-Controller/Treasurer-Tax Collector for the 2020 calendar year; and adopt revisions in the "County of Fresno Treasury Investment Pool Investment Policy"

Approved as recommended

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

22. Approve one (1) resolution granting thirty-four (34) claims for excess proceeds, and ordering distribution after the 90-day waiting period, where claimants submitted information and proof sufficient to establish a right to all or any portion of the excess proceeds; and denying twenty-one (21) claims for excess proceeds either because there are not sufficient proceeds available, because claimants failed to submit information and proof sufficient to establish a right to all or any portion of the excess proceeds, or because the claims have been satisfied by other means

A motion was made by Supervisor Pacheco, seconded by Vice Chairman Mendes, that this matter be approved with the exception of Tax Sale Item Nos. 396 and 144 which will return to the Board on December 10, 2019, for further action. The motion carried by the following vote:

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

Agreement No. 19-414

County Clerk/Registrar of Voters

23. Authorize the Director of Internal Services/Chief Information Officer or his designee to execute Vote Center Facility Use Agreements as Vote Centers are identified by the Fresno County Clerk/Registrar of Voters and agree to the terms and conditions of the Vote Center Facility Use Agreement, without returning to the Board of Supervisors, subject to the review and approval of County Counsel, Fresno County Clerk/Registrar of Voters and the Auditor-Controller/Treasurer-Tax Collector

Approved as recommended

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

District Attorney

24. Approve and authorize the Chairman to execute Amendment I to Lease Agreement #15-585 with Joe Cooper for office space used by the District Attorney, 929 L Street, Fresno, CA 93721, amending the term of the Lease to continue on a month-to-month basis, with termination on or before September 30, 2020, and with fixed monthly rent of \$17,215; and authorize the County Administrative Officer or the Director of Internal Services/Chief Information Officer, or a designee of one of them, to give notice of termination and terminate Lease Agreement #15-585, as amended, upon 90 days' written notice

Approved as recommended

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

Agreement No. 15-585-1

Administrative Office

25. 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. 19-404

26. Adopt Resolution approving the Procedural Rules for the Office of the County Hearing Officer

Approved as recommended

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

Resolution No. 19-405

27. Approve revised Administrative Policy 46 - Review of applications referred by California Department of Alcoholic Beverage Control; and no changes recommended for Administrative Policies 22 and 23

Approved as recommended

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

Human Resources

28. Approve the Addenda to Memoranda of Understanding regarding County Health Premium Contributions for Plan Year 2020, effective December 16, 2019, for the following Representation Units: a) Unit 25 - Engineering Technicians b) Unit 40 - Probation Services Managers

Approved as recommended

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

29. Implement new information technology management classifications, and place affected incumbents into these classifications, effective November 4, 2019, as reflected on Appendix "C"

Approved as recommended

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

Salary Resolution No. 19-037

Internal Services

- 30.** Approve and authorize the Chairman to execute a Lease and Maintenance Agreement with Jones-Walbaum Corporation, doing business as American Business Machines, to lease three black-and-white high-speed digital copiers and one color digital copier, effective December 9, 2019 and continuing for a term of sixty (60) months, total not to exceed \$545,000

Approved as recommended

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

Agreement No. 19-565

- 30.1** Approve and authorize the Chairman to execute First Amendment to Sale/Purchase Agreement No. 19-486 with CMG Construction Management, Inc. (CMG) to extend CMG's 60-day due diligence period to a 90-day due-diligence period; and approve and authorize the Chairman to execute First Amendment to Lease Agreement No. 19-488 with CMG Construction Management, Inc. to update the end date of the Phase 1 term of the Lease to December 31, 2021, and to update the end date of the Phase 2 term of the Lease to December 31, 2020

Approved as recommended

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

Agreement No. 19-486-1, Agreement No. 19-488-1

Probation

- 31.** Approve and authorize the Chairman to execute a retroactive Agreement with the City of Kerman to assign a sworn Police Officer to the Public Safety Realignment Adult Compliance Team, effective July 1, 2019 through June 30, 2020 (\$150,511)

Approved as recommended

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

Agreement No. 19-568

- 32.** Approve and authorize the Chairman to execute a retroactive revenue Agreement with Sanger Unified School District to provide partial funding for services provided by a Deputy Probation Officer assigned to various Sanger Unified School District school campuses, effective July 1, 2019, not to exceed five consecutive years, which includes a one-year base contract and four optional one-year extensions, total not to exceed \$187,500

Approved as recommended

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

Agreement No. 19-569

- 33.** Approve and authorize the Chairman to execute a retroactive Agreement with the City of Selma to assign a sworn Police Officer to the Public Safety Realignment Adult Compliance Team, effective July 1, 2019 through June 30, 2020 (\$182,643)

Approved as recommended

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

Agreement No. 19-570

- 34.** Approve and authorize the Chairman to execute an amended Equitable Sharing Agreement and Certification with the Federal Government authorizing the Probation Department to participate in the Federal Equitable Sharing Program from September 1, 2019 through August 31, 2020, and certifying as to funds received and expended during FY 2018-19; and authorize the Chief Probation Officer to submit the amended Equitable Sharing Agreement and Certification and any and all "Application for Transfer of Federally Forfeited Property (Form DAG-71)," and other required documents, as appropriate, and authorize the Chief Probation Officer to designate a department employee to accept forfeited property, transfer documents, and/or receive money

Approved as recommended

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

Agreement No. 19-571

Public Health

- 35.** 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, 2019 through June 30, 2020 (\$7,843,308)

Approved as recommended

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

Agreement No. 19-572

- 36.** Approve and authorize the Chairman to execute a retroactive First Amendment to Agreement No. 04-104 with the County of Tulare, for Emergency Medical Services Administration to modify compensation terms, effective July 1, 2019 with no change in the unlimited renewals and increasing the annual maximum by \$12,433 to \$53,875

Approved as recommended

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

Agreement No. 04-104-1

37. Approve and authorize the Chairman to execute a retroactive revenue Agreement with the California Emergency Medical Services Authority, for multi-county emergency medical services coordination, effective July 1, 2019 through June 30, 2020 (\$405,729)

Approved as recommended

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

Agreement No. 19-574

Public Works and Planning

38. Adopt Budget Resolution increasing FY 2019-20 appropriations for Public Works and Planning Fund 0085, Subclass 17406, Public Works and Planning - Special Studies Deposits Org 1186 in amount of \$100,000 using available fund balance to inspect, repair, and reconstruct any county roads that are damaged by activities related to implementation of Little Bear Solar Project (4/5 vote); and adopt Budget Resolution increasing FY 2019-20 appropriations and estimated revenues for Public Works and Planning - Road Maintenance and Operations Org 4510 in amount of \$100,000 (4/5 vote)

Approved as recommended

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

Resolution No. 19-406, Resolution No. 19-407

39. Approve and authorize Chairman to execute Agreement with Kingsburg Linnaea Villas, LP for HOME Investment Partnerships Program funds for development of Linnaea Villas affordable senior apartment project in City of Kingsburg (\$1,000,000); and authorize Director of Department of Public Works and Planning, or designee, upon review and approval by County Counsel as to legal form and Auditor-Controller/Treasure-Tax Collector as to accounting form, to execute all loan and related necessary documents for Linnaea Villas Project, including any amendments thereto, as shall be necessary for purpose of developing 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: 3 - Magsig, Mendes, and Pacheco

Noes: 2 - Brandau, and Quintero

Agreement No. 19-579

40. Conduct second hearing on an Ordinance to amend Chapter 11.24 - Speed Limits of the Fresno County Ordinance Code, Sections 11.24.010 through 11.24.100, to reflect various changes to the Ordinance Code as a result of recent traffic studies; and waive the reading of the Ordinance in its entirety

Approved as recommended

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

Ordinance No. 19-022

41. Approve and authorize submittal of recommended projects to Fresno Council of Governments as candidate projects for Surface Transportation Block Grant Federal funding; endorse City of Fresno's submittal of joint City/County projects to Fresno Council of Governments as candidate projects for Congestion Mitigation and Air Quality and Surface Transportation Block Grant Federal funding; and adopt Resolution supporting and implementing timely use of funding

Approved as recommended

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

Resolution No. 19-408

42. Approve and authorize the Chairman to execute resolution (a) rescinding the County's earlier "rejection" of the previously-offered dedication of a 1-foot by 60-foot strip of real property for a future street on San Bruno Avenue (the Dedication of Real Property), (b) accepting the Dedication of Real Property, and (c) authorizing the Director of Public Works and Planning, or his designee, to record adopted resolution in the Office of the County Recorder, and to execute any such documents as may be necessary to effectuate the County's acceptance of the Dedication of Real Property (Government Code § 66477.2)

Approved as recommended

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

Resolution No. 19-409

Social Services

43. Adopt a Resolution authorizing the Department to transmit images of fingerprints of Departmental employees to the California Department of Justice and receive from said agency local, State, and Federal level criminal history records, to determine the suitability of individuals who may have access to Federal Tax Information; authorize the Department's Director or designee to establish the minimum suitability standards for Departmental employees to access Federal Tax Information; authorize the Department's Director or designee to determine the suitability of said Departmental employees based on their local, State, and Federal level criminal history obtained from the California Department of Justice; and, authorize the Department's Director or designee to submit an application to the California Department of Justice to send fingerprint records and receive confidential criminal history information, which is controlled by State and Federal statutes

Approved as recommended

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

Resolution No. 19-410

- 44.** Approve and authorize the Chairman to execute retroactive Amendment I to the following CalWORKs home visitation services agreements, effective February 12, 2019, with no change in term to June 30, 2020: 1) Centro La Familia Advocacy Services, Inc., A-19-077, increasing the maximum by \$514,853 to a total of \$1,329,853; 2) Comprehensive Youth Services of Fresno, Inc., A-19-078, increasing the maximum by \$125,000 to a total of \$1,725,000; 3) Exceptional Parents Unlimited, Inc., A-19-079, increasing the maximum by \$137,500 to a total of \$1,487,500; and 4) Westside Family Preservation Services Network, A-19-080, increasing the maximum by \$15,000 to a total of \$485,000

Approved as recommended

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

Agreement No. 19-077-1, Agreement No. 19-078-1, Agreement No. 19-079-1, Agreement No. 19-080-1