YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

NOVEMBER 16, 2004

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 6:00 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Dan Logue, Bill Simmons, Donald Schrader, and Hal Stocker. Supervisor Mary Jane Griego was absent. Also present were County Administrator Kent McClain, County Counsel Daniel Montgomery, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Simmons presided.

Chairman Simmons announced County Counsel’s item regarding the Tentative Subdivision Tract Map No. 2004-0005/Planned Unit Development 2004-0001 (Messick/Genesis Engineering) under County Departments has been continued to December 7, 2004.

CONTINUE TO 12/7/04

CONSENT AGENDA

Upon motion of Supervisor Schrader, seconded by Supervisor Logue, and carried with Supervisor Griego being absent, the Board took the following actions:

A. Agricultural Extension: Authorized Budget Transfer in the amount of $35,000 from Account No. 101-0000-371-9899 (Miscellaneous Revenues) to Account No. 101-0101-411-4240 (4-H Camp Contribution) for a pool cover, shower repairs, and incidental camp repairs.

B. Clerk of the Board of Supervisors: Approved the minutes of the regular meetings of October 19 and November 2, 2004 as written.


D. Community Development: Adopted Resolution No. 2004-161, which is on file in Yuba County Resolution Book No. 35, which is entitled: “RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OF THE YUBA COUNTY COMMUNITY SERVICES COMMISSION TO EXECUTE CONTRACTS WITH THE AGENCIES APPROVED TO RECEIVE COMMUNITY SERVICES BLOCK GRANT FUNDING.”

APPROVE MINUTES

CERTIFY ELECTION

ADOPT RESOLUTION NO. 2004-161
E. Emergency Services: Approved Fiscal Year 2004 Homeland Security Grant Projects and authorized the Chairman to execute same.

F. Health and Human Services

1) Approved agreement with California Department of Health Services for entering death certificate data in the Automated Vital Statistics System and authorized the Chairman to execute same.

2) Approved agreement with Sierra Cascade Nutrition and Activity Consortium for Nutrition Education and Physical Activity Program reimbursement funds and authorized the Chairman to execute same.

G. Public Works: Adopted Resolution No. 2004-162, which is on file in Yuba County Resolution Book No. 35, which is entitled: “RESOLUTION APPROVING FINAL MAP OF TRACT MAP NO. 2004-18 (EDGEWATER UNIT 8);” and authorized the Chairman to execute the Subdivision Map Improvement Agreement with Reynen & Bardis Communities, Inc.

SPECIAL PRESENTATION

First Christian Church: Chairman Simmons presented Pastor David Pummill a proclamation in recognition of the 125th Anniversary for First Christian Church.

PUBLIC COMMUNICATIONS

No one came forward.

COMMUNITY DEVELOPMENT

1) P and P Kwik Trip/Alcohol License: Following presentation by Planner Zach Thomas, upon motion of Supervisor Schrader, seconded by Supervisor Logue, and carried with Supervisor Griego being absent, the Board approved finding the issuance of an off-sale alcohol license at P and P Kwik Trip, 4881 Olivehurst Avenue will serve public convenience or necessity.

2) Dobbins Country Store/Alcohol License: Upon motion of Supervisor Schrader, seconded by Supervisor Stocker, and carried with Supervisor Griego being absent, the Board approved finding the issuance of a retail alcoholic beverage license transfer from Riverfront Park to Dobbins Country Store at 10320 Old Dobbins Road will serve public convenience or necessity.
COUNTY ADMINISTRATOR

1) First Quarter Financial Report/Fiscal Year 2004/05: Assistant County Administrator Randy Margo recapped first quarter revenues and expenditures advising expenditures are within budget and revenues are below projections due to implementation of Senate Bill 1096. Mr. Margo responded to Board inquiries.

2) Reclamation Board Levee Permit Special Conditions/Levee Repair Projects: Following presentation by County Administrator Kent McClain regarding Reclamation Board staff recommendation for permit issuance, Chairman Simmons directed the advisory committee of Supervisors Logue and Schrader to meet with Mr. McClain and prepare a response for Chairman signature to be presented at the Reclamation Board hearing on November 19, 2004.

ORDINANCES AND PUBLIC HEARINGS

Chairman Simmons read the disclaimer.

1) Public Hearing and Ordinance/Mitigated Negative Declaration/General Plan Amendment 2003-0001 (Hess)/Rezoning Ordinance Chapter 12.15.010: Senior Planner Stacey Jolliffe recapped the request to change zoning from valley agriculture to industrial and responded to Board inquiries.

Chairman Simmons opened the public hearing and inquired if anyone wished to address this issue. No one came forward.

Upon motion of Supervisor Stocker, seconded by Supervisor Logue, and carried with Supervisor Griego being absent, the public hearing was closed, the reading was waived, and the Board adopted Resolution No. 2004-163, which is on file in Yuba County Resolution Book No. 35, which is entitled: “RESOLUTION OF APPROVAL GENERAL PLAN AMENDMENT 2003-0001 (HESS) AND MITIGATED NEGATIVE DECLARATION;” and adopted Ordinance No. 1333, which is on file in Yuba County Ordinance Book No. 13, which is entitled: “AN ORDINANCE REZONING CERTAIN PROPERTY IN THE COUNTY OF YUBA,” identified as portions of APN 14-230-135 and 14-230-139.

2) Planning Commission (PC) Appeal/Conditional Use Permit CUP 2003-0016 (Calvary Chapel/Laughlin and Spence): Clerk of the Board Donna Stottlemeyer administered the oath of testimony to all parties wishing to testify.
Following presentation by Senior Planner Stacey Jolliffe regarding the Conditional Use Permit to allow a church at Marysville Road and Getty Court, amendment to Planning Commission’s CUP No. 9 to clarify and specify necessary roadway improvements, and subject appeals, Chairman Simmons opened the public hearing.

Ms. Joyce Wimple, on behalf of Citizens Opposed to CUP 2003-0016, provided written comments which are a part of the administrative record which outlined the following:

- Traffic safety issues
- Traffic Study prepared by Ken Anderson
- Zoning and land use
- Rural Land Use and Institutionalized Person Act

Ms. Wimple urged denial of the permit due to traffic safety issues or delay approval until a traffic study could be conducted during peak traffic between May 30 and September 5 of 2005.

The following individuals addressed noted concerns associated with the project and urged denial:

- Ms. Marjorie Jones, Fruitland Road, zoning and traffic
- Mr. Dan Ford, Dry Creek Lane, impact to water supply, detract from view, traffic safety, and future growth
- Mr. Paul Myers, Marcia Lane, traffic safety and zoning
- Mr. Dan Walker, Fruitland Road, traffic safety
- Mr. Martin Jones, Marysville Road, litigation, and increased traffic
- Mr. Kevin Shires, Marysville Road, traffic issues
- Ms. Sylvia Rhinehart, Dry Creek Lane presented written comments regarding proposed Condition #9, street lighting impact, possible future growth which are a part of the administrative record
- Mr. Ben Wimple, Marysville Road, traffic

Mr. Fred Morawczenki, on behalf of Calvary Chapel, recapped the project, urged Board approval, and responded to Board inquiries.

Mr. Ken Anderson recapped the submitted traffic study and responded to Board inquiries.

Public Works Director Kevin Mallen responded to Board inquiries regarding traffic safety issues and road conditions.
The following individuals spoke in support of the project:
- Mr. Ed Simmons, Shadowbrook Road
- Mr. Eddie Simmons, Loop Road

Mr. James Lynch, Attorney for Calvary Chapel, recapped the traffic study and urged Board approval of the project with recommendations as proposed and responded to Board inquiries.

Following Board discussion, upon motion of Supervisor Schrader, seconded by Supervisor Logue, and carried with Supervisor Griego being absent, the public hearing was closed.

Upon motion of Supervisor Schrader, seconded by Supervisor Logue, and carried with Supervisor Griego being absent, the Board denied both appeals.

**CORRESPONDENCE**

A. Bulletin from California Office of Traffic Safety announcing Drunk and Drugged Driving Prevention Month campaign. No action.

B. Calendar of Events from California Rural Legal Assistance, Inc., for upcoming workshops. No action.

C. Invitation from Davita announcing open house on November 30, 2004 to celebrate opening of Marysville Dialysis Center. No action.


E. Letter from Cox, Castle and Nicholson LLP protesting fees imposed as they relate to Tentative Subdivision Tact Map 2002-602, Hawes Ranch. Referred to County Administrator, County Counsel, Public Works and Community Development.

F. Bulletin from California Department of Social Services advising of County Children’s Trust Fund Share of Kid’s Plate revenue for Fiscal Year 2003/04. No action.

G. Faxed copy of letter from Congressman Herger dated October 18, 2004 regarding request for rural designation for Linda and Olivehurst. Referred to Community Services.
H. Memorandum from Child Support Services Director dated November 12, 2004 advising offices will be closed to the public December 1 through 3, 2004. No action.

BOARD AND STAFF MEMBERS’ REPORTS

Reports were received on the following:

Supervisor Schrader:
  • Memorial adjournment in memory of Mr. Bill Gains

Supervisor Logue:
  • Failure of Proposition 70

Supervisor Stocker:
  • Memorial adjournment in memory of Mr. Andrew LaBruzzi
  • Article in Sacramento Bee regarding Central Valley growth

Supervisor Simmons:
  • A joint meeting with the City of Marysville

Clerk of the Board of Supervisors Donna Stottlemeyer:
  • Board meeting schedule for December 2004

Supervisor Logue moved to cancel the regular meeting scheduled for December 28, 2004. Supervisor Stocker seconded the motion. Chairman Simmons cancelled the meeting as a matter of procedure with no vote being taken.

CLOSED SESSION

The Board retired into closed session at 8:45 p.m. to discuss the following:

A. Pending litigation pursuant to Government Code §54956.9(a) - Noda vs. County of Yuba

B. Pending litigation pursuant to Government Code §54956.9(a) - Calvert vs. County of Yuba

C. Pending litigation pursuant to Government Code §54956.9(a) - People vs. Donahoo
The Board returned from closed session at 10:07 p.m. with all Board and staff members present as indicated above.

There was no announcement from closed session.

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 10:07 p.m. in memory of Mr. Bill Gains and Mr. Andrew LaBruzzo by Chairman Simmons.

/s/ Bill Simmons, Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

/s/ Donna Stottlemyer

Approved: December 7, 2004