YUBA COUNTY, CALIFORNIA
BOARD OF SUPERVISORS
APRIL 19, 2005 – SPECIAL MEETING

The Honorable Board of Supervisors of the County of Yuba met in special session on the above date, commencing at 1:00 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Dan Logue, John Nicoletti, Mary Jane Griego, Donald Schrader, and Hal Stocker. Also present were County Administrator Kent McClain, County Counsel Daniel Montgomery, and Clerk of the Board of Supervisors Donna Stottlemyer. Madam Chair Griego presided.

CLOSING SESSION

The Board retired into closed session at 1:03 p.m. to discuss one case of threatened litigation pursuant to Government Code §54956.9(b) and returned into open session at 2:27 p.m. with all Board and staff members present as indicated above. There was no announcement from closed session.

RECESS

The Board recessed at 2:27 p.m. to the regularly scheduled meeting at 6:00 p.m.

The Board reconvened at 6:00 p.m. with all Board and staff members present as indicated above.

CONSENT AGENDA

Upon motion of Supervisor Logue, seconded by Supervisor Nicoletti, and unanimously carried, the Board took the following actions:

A. Administrative Services

1) Authorized the Chair to execute Substitution of Trustee and Deed of Full Reconveyance as it relates to SMC Cabinets land sale involving Steven Michael and Bonnie J. Long.

2) Approved grant of easement for Linda County Water District and authorized the Chair to execute same.
B. Clerk of the Board of Supervisors: Approved the minutes of the regular meeting of April 5, 2005, as written.

C. Community Development: Authorized appropriation of funds for 2004 Community Development Block Grant in the amount of $236,300 to various line items for anticipated payments and program administration costs through June 30, 2005.

D. Health and Human Services

1) Approved an amendment to lease agreement with Peach Tree Clinic, Inc. for space and shared services at Feather River Center and authorized the Chair to execute same.

2) Approved a Memorandum of Understanding between Health and Human Services and Probation for services under the Child Abuse Prevention, Intervention and Treatment Program and authorized the Chair to execute same.

E. Public Works: Approved a park development agreement with Reunen and Bards, (Edgewater Ranch) LP and authorized the Chair to execute same.

F. Risk Management/Personnel

1) Approved salary adjustment for the Deputy Superintendent classification to within 15 percent of the Superintendent of Institutions.

2) Approved a salary adjustment for the Nurse, Communication Dispatcher, and Engineering classifications.

3) Adopted Resolution No. 2005-51, which is on file in Yuba County Resolution Book No. 36, which is entitled: "RESOLUTION AMENDING THE CLASSIFICATION SYSTEM BASIC SALARY SCHEDULE NO. 2005-02," as it relates to Nurse, Communication Dispatcher, Engineering, and Deputy Superintendent classifications effective April 1, 2005.

SPECIAL PRESENTATION

PUBLIC COMMUNICATIONS

No one came forward.

BOARD OF SUPERVISORS

A. **Yuba River Basin Project**: Upon motion of Supervisor Stocker, seconded by Supervisor Schrader, and unanimously carried, the Board authorized correspondence to Senator Boxer regarding the Yuba River Basin Project.

B. **Nexus Fee Study**: At the request of County Counsel and upon motion of Supervisor Schrader, seconded by Supervisor Logue, and unanimously carried, the Board added to the agenda consideration of extending Resolution No. 2005-39 for 30 days as the need to take action arose prior to the agenda being posted.

Upon motion of Supervisor Logue, seconded by Supervisor Schrader, and unanimously carried, the Board authorized a 30-day extension of Resolution No. 2005-39, Interim Resolution amending the Plumas Lake Specific Plan and North Arboga Study Area Road Fees.

C. **Implementation Agreement**: Following presentation by County Administrator Kent McClain regarding the proposed agreement which would bring compliance with State Reclamation Board requirements for levee repair permit. Following Board discussion, upon motion of Supervisor Stocker, seconded by Supervisor Schrader, and following a roll call vote with Supervisors Nicoletti, Griego, Schrader, and Stocker voting in the affirmative and Supervisor Logue voting in opposition, the Board approved the Implementation Agreement among the County of Yuba, Three Rivers Levee Improvement Authority, Reclamation District No. 784, and State of California; authorized the Chairman to execute same; and authorized the County Administrator and County Counsel to make and approve minor changes to the agreement.

D. **Advanced Funding Agreement**: Following presentation by County Administrator Kent McClain and Board discussion, upon motion of Supervisor Schrader, seconded by Supervisor Logue, and unanimously carried, the Board approved the Advanced Funding Agreement among the County of Yuba, Three Rivers Levee Improvement Authority, Reclamation District No. 784, and State of California; authorized the Chairman to execute same; and authorized the County Administrator and County Counsel to make and approve minor changes to the agreement.
ORDINANCES AND PUBLIC HEARINGS

Public Hearing/Ordinance - Hold public hearing; adopt resolution adopting a mitigated negative declaration under the California Environmental Quality Act and approving an amendment to the Plumas Lake Specific Plan No. 2003-003, Tentative Subdivision Tract Map No. TSTM 2003-0024, and Development Agreement No. DA 2005-002 (Leal, et al); approve Specific Plan Land Use designation from Business Park to Medium Density Residential and establishing an affordable housing program; waive reading and adopt ordinance approving development agreement with Jill Leal, Pietro Savati, and Jill Grant; Community Development Director Tim Sellings, Assistant Director Pete Calarco, and Contract Associate Planner Zach Thomas gave a power point presentation on the proposed project and responded to Board inquiries.

Madam Chair Griego opened the public hearing.

Ms. Jill Leal, project applicant, recapped history and land use issues of the property and efforts to develop commercial property.

Mr. Tom Williams, Yuba River Moulding and Millwork, expressed his desire to maintain current operating conditions of 24 hours a day and a total protection from noise complaints if the Board were to approve a zoning change.

Mr. John Mulligan, Ella Road, expressed concern regarding a zone change from commercial to residential.

Mr. Sam Neasham, Counsel for project applicants, proposed amended language to section (d) on page eight, and (g) on page 10 of the development agreement.

Following Board discussion upon motion of Supervisor Schrader, seconded by Supervisor Logue, and a roll call vote with Supervisors Logue, Nicoletti, and Schrader voting in support and Supervisors Griego and Stocker voting in opposition, the public hearing was closed and the Board took the following actions:

- Adopted Resolution No. 2005-52, which is on file in Yuba County Resolution Book No. 36, which is entitled: “RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING AN AMENDMENT TO THE PLUMAS LAKE SPECIFIC PLAN NO. SPA 2003-003; TENTATIVE SUBDIVISION TRACT MAP NO. TSTM2003-0024; AND DEVELOPMENT AGREEMENT NO. DA2005-002(LEAL, ET. AL).”
• Waived reading and adopted Ordinance No. 1345, which is on file in Yuba County Ordinance Book No. 18, which is entitled: "AN ORDINANCE ADOPTING AND APPROVING A DEVELOPMENT AGREEMENT BETWEEN COUNTY OF YUBA AND JILL LEAL, PETRO SAVOTTI AND JILL GRANT UNDER GOVERNMENT CODE SECTION 65867.5 AND SECTION 11.40.080 OF THE YUBA COUNTY ORDINANCE CODE," as amended.

CORRESPONDENCE

Upon motion of Supervisor Schrader, seconded by Supervisor Logue, and unanimously carried, the Board accepted the following correspondence:

A. Bulletin from United States Forest Service enclosing second quarter schedule of proposed actions for Plumas National Forest. No action.

B. Letter from Regional Council of Rural Counties dated April 4, 2005 regarding County membership. No action.

C. Letter from Kristina Jones dated April 7, 2005 regarding Yuba Highlands development proposal. REFER TO STAFF.

Referred to Community Development

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Stocker:
• Memorial adjournment in memory of Mrs. Evelyn Webb

Supervisor Schrader:
• Memorial adjournment in memory of Mr. James Denny
• Consideration of policy for traffic requirements to be based on hazards rather than studies and reports

County Administrator Kent McClain advised the Public Works Director would prepare a report for the Board.

Supervisor Nicoletti:
• Memorial adjournment in memory of Mr. Donald McCullough Jr.
Supervisor Logue:
- Upcoming meeting with Yuba Community College and Chico State University regarding a satellite university component at Yuba Community College

CLOSED SESSION

County Counsel Daniel Montgomery advised labor negotiations regarding Management Sheriff’s Association/Deputy Sheriff’s Association and the County were not needed for discussion.

The Board retired into closed session at 7:50 p.m. to discuss the following:

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

B. Personnel pursuant to Government Code §59957 Public Employee Discipline/Dismissal/Release

The Board returned into open session at 8:03 p.m. with all Board and staff members present as indicated above. There was no announcement.

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 8:04 p.m. in memory of Mrs. Evelyn Webb, Mr. James Denny, and Mr. Donald McCullough Jr. by Madam Chair Griego.

Chair

ATTEST: DONNA STOTTLEMeyer
CLERK OF THE BOARD OF SUPERVISORS

Approved: May 17, 2005