YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

OCTOBER 21, 2008

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:30 a.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 Robert Bendorf, Chief Deputy County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Laura DeShazer. Chairman Logue presided.

CONSENT AGENDA

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

A. Community Development and Services: Approved use of the 2009 Community Services Block Grant monies recommended by Yuba County Community Services Commission to the following:

- Craftsman for Christ $9,000
- QUEST Nutrition $11,205
- QUEST Medicare $3,860
- Harmony Health Family Resource Center $37,500
- Casa de Esperanza $10,458
- NorCal Services for Deaf and Hard-of-Hearing $7,470
- Butchie’s Pool: Community Pool for the Handicapped $11,205
- Yuba Feather Community Services $5,020
- Yuba Sutter Legal Center $15,688
- Salvation Army $22,412
- Yuba County Housing Authority Family Self-Sufficiency $15,200
- Mental Health America Family Self-Sufficiency $3,800
- Salvation Army Family Self-Sufficiency $31,000

B. Clerk of the Board of Supervisors: Approved minutes of the regular meeting of October 7, 2008, as written.

APPROVE FUNDING

10/21/08 MINUTE BOOK NO. 65 PAGE 234
C. Health and Human Services: Approved the California Department of Veteran Affairs (CDVA) Subvention and Medi-Cal Certificates of Compliance for Fiscal Year 2008/2009 and authorized the Chairman to execute same.

D. Personnel/Risk Management: Approved catastrophic leave for an employee in the Clerk-Recorder’s Office.

CONSENT DISCUSSION

Community Services Block Grant/Senior Nutrition Services: Following discussion initiated by Supervisor Schrader regarding the unsatisfactory service of the current delivery process, the Board concurred that a more satisfactory program to meet the requirements of nutrition and delivery should be sought.

Upon motion of Supervisor Stocker, seconded by Supervisor Griego, and carried with Supervisor Schrader voting in opposition, the Board approved the use of funding from the 2008 Community Services Block Grant to Butte County Community Action Agency for senior nutrition services.

SPECIAL PRESENTATION

University of California, Davis/Centennial Anniversary: At the request of the University, the presentation was continued to November 18, 2008.

PUBLIC COMMUNICATIONS

No one came forward.

ORDINANCES AND PUBLIC HEARINGS

Chairman Logue read the disclaimer.

1. Ordinance Repealing and Re-enacting Title X, Chapter 10.05, Section 10.05.095 of the Yuba County Ordinance Code relating to Administrative Provisions: Chief Building Inspector Marty Griffin indicated adoption of Ordinance No. 1440 on March 11, 2008, language was inadvertently deleted and would be replaced with this correction.

Chairman Logue opened the public hearing. No one came forward.
Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the public hearing was closed, the first reading was waived, and the Board introduced an ordinance repealing and re-enacting Title X, Chapter 10.05, Section 10.05.095 of the Yuba County Ordinance Code relating to Administrative Provisions.

2. Public Hearing/Resolutions of Necessity/State Route 20 and Kibbe Road: Chairman Logue recapped the hearing process and opened the public hearing.

Public Works Director Mike Lee provided an update on events since September 23, 2008 and provided a PowerPoint presentation recapping:

- Intersection improvements
- Affected properties
- Purpose and findings required to adopt resolutions of necessity
- Public interest and necessity required
- Project plan and location for compatibility with greatest public good and least private injury

Attorney Gary Livaich, representing land owners, spoke in opposition to acquisition of properties by eminent domain.

Upon motion of Supervisor Schrader, seconded by Supervisor Griego, and carried with Supervisor Stocker voting in opposition, the public hearing was closed and the Board adopted the following resolutions which are on file in Yuba County Resolution Book No. 39:

- Resolution No. 2008-131 entitled: “RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA DECLARING THE PUBLIC NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY FOR THE WIDENING AND IMPROVEMENT OF KIBBE ROAD AND HIGHWAY 20 (CODE CIV. PROC. § 1245.230),” as it relates to APN 006-290-012 (Tull);

- Resolution No. 2008-132 entitled: “RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA DECLARING THE PUBLIC NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY FOR THE WIDENING AND IMPROVEMENT OF KIBBE ROAD AND HIGHWAY 20 (CODE CIV. PROC. § 1245.230),” as it relates to APN 006-290-047 (Tull);
• Resolution No. 2008-133 entitled: "RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA DECLARING THE PUBLIC NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY FOR THE WIDENING AND IMPROVEMENT OF KIBBE ROAD AND HIGHWAY 20 (CODE CIV. PROC. § 1245.230)," as it relates to APN 006-290-015 (Fecuo);

• Resolution No. 2008-134 entitled: "RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA DECLARING THE PUBLIC NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY FOR THE WIDENING AND IMPROVEMENT OF KIBBE ROAD AND HIGHWAY 20 (CODE CIV. PROC. § 1245.230)," as it relates to APN 006-290-016 (Cote);

• Resolution No. 2008-135 entitled: "RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA DECLARING THE PUBLIC NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY FOR THE WIDENING AND IMPROVEMENT OF KIBBE ROAD AND HIGHWAY 20 (CODE CIV. PROC. § 1245.230)," as it relates to APN 006-290-051 (Simon);

• Resolution No. 2008-136 entitled: "RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA DECLARING THE PUBLIC NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY FOR THE WIDENING AND IMPROVEMENT OF KIBBE ROAD AND HIGHWAY 20 (CODE CIV. PROC. § 1245.230)," as it relates to APN 006-290-052 (Simon);

• Resolution No. 2008-137 entitled: "RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA DECLARING THE PUBLIC NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY FOR THE WIDENING AND IMPROVEMENT OF KIBBE ROAD AND HIGHWAY 20 (CODE CIV. PROC. § 1245.230)," as it relates to APN 006-290-008 (Epperson);

• Resolution No. 2008-138 entitled: "RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA DECLARING THE PUBLIC NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY FOR THE WIDENING AND IMPROVEMENT OF KIBBE ROAD AND HIGHWAY 20 (CODE CIV. PROC. § 1245.230)," as it relates to APN 006-290-049 (Cameron);
Resolution No. 2008-139 entitled: “RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA DECLARING THE PUBLIC NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY FOR THE WIDENING AND IMPROVEMENT OF KIBBE ROAD AND HIGHWAY 20 (CODE CIV. PROC. § 1245.230),” as it relates to APN 006-290-031 (McCann); and

Resolution No. 2008-140 entitled: “RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA DECLARING THE PUBLIC NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY FOR THE WIDENING AND IMPROVEMENT OF KIBBE ROAD AND HIGHWAY 20 (CODE CIV. PROC. § 1245.230),” as it relates to APN 006-100-078 (Magee).

ITEM OF PUBLIC INTEREST

On-Sale Beer Alcoholic Beverage License/12585 Rices Crossing/Fellowship of Friends, Lincoln Lodge: Following a brief recap from Assistant Planner Kevin Perkins, upon motion of Supervisor Nicoletti, seconded by Supervisor Stocker, and unanimously carried, the Board made a finding of public convenience and necessity and approved the issuance of an On-Sale Beer Alcoholic Beverage Type 51 (Club) License for Fellowship of Friends dining facility, Lincoln Lodge, located at 12585 Rices Crossing, Oregon House.

CORRESPONDENCE

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

A. Three 2008 Local Agency Biennial Notices advising no change is required to the conflict of interest codes for Camptonville Union Elementary School, Smartville Fire District, and District 10 – Hallwood Community Service District.

B. One 2008 Local Agency Biennial Notice advising an amendment is required to the conflict of interest code for Olivehurst Public Utilities District.


D. Notification from Sacramento Area Council of Governments (SACOG) regarding 2008 SACOG Salutes Awards.
BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Stocker:
- Memorial adjournment in memory of Mr. James Burkholder and Mr. Bob Brown
- Community opposition of firearms use on Soper-Wheeler land and private hunting clubs in the foothills

Supervisor Schrader:
- Commended Mr. Dave Emler for celebrating 50 years of perfect attendance in the Marysville Rotary Club
- “Green Print” ordinance as it would relate to the General Plan and potential negative impact to local economy

Supervisor Griego:
- Memorial adjournment in memory of Mr. Jerry Haas, Mr. Chuck Watters, and Mr. Ivan Hancock
- South County candidate's night sponsored by Olivehurst Economic and Image Improvement Committee on October 23, 2008
- Senior Resource Expo Friday, October 24, 2008 at Olivehurst Community Center, from 10:00 a.m. to 2:00 p.m.
- Attended high school planning exercise by Planning Department for Lindhurst, Wheatland, and Marysville High School students held October 16, 2008

Supervisor Nicoletti:
- Received consensus for out-of-state travel for a conference regarding coordination of land use decisions with state and federal government
- Community Services Block Grant funding process related to the Gleeners, Friday Night Live, and Friday Night Lights programs
- Attended high school planning exercise by Planning Department for Lindhurst, Wheatland, and Marysville High School students held October 16, 2008

Supervisor Logue:
- Proclamation for Mr. Bob Brown a World War II Veteran

Assistant County Administrator Randy Margo:
- Encouraged Board members to tour the South Annex building with Administrative Services Director Doug McCoy
- Proposal application for the 2009 Local Government Omnibus Bill
RECESS

The Board recessed at 10:25 a.m. and reconvened at 10:33 a.m. with all Board and staff members present as indicated above.

COMMUNITY DEVELOPMENT AND SERVICES

General Plan Land Use Alternatives: Project Planner Dan Cucchi provided a Power Point and led discussion on the following:

- Board Development Constraints
- Growth Projections
- Linda/Olivehurst/Plumas Lake/Wheatland growth potential
- Amendment to the Wheatland General Plan
- Potential Urbanized Growth Capacity
- Alternatives

Consultant Matthew Kerkin continued the presentation highlighting conceptual alternatives as follows:

- Basis of Alternatives
  - Alternative 1 – Focused Growth: Prioritize conservation
  - Alternative 2 – Focused Growth: Moderate Conservation
  - Alternative 3 – Expansive Valley Growth
  - Alternative 4 – Expansive Valley and Foothills Growth
  - Alternative 5 – Landowner and Developer Requests

Project Planner Dan Cucchi concluded the Power Point presentation with an overview of General Plan Workshop data which included:

- Public Input
- Preferred Alternative Concept
- Less preferred Alternative Concept
- Common Public Criteria
- Supporters of Alternatives
- Advisory Committee Input regarding preferred concept
- Planning Commission Input
  - Employment
  - Complete Neighborhoods
  - Revitalization
  - Rural Character Atmosphere
Transportation
 Alternatives – Desired a mixed approach

The following individuals spoke regarding the General Plan Update preferred alternatives and impacts:

- Ms. Enita Elphick, City of Wheatland Mayor
- Mr. and Mrs. Bob Bronswick, Hammonont-Smartville Road landowner
- Mr. Greg Forest, Bear River and Magnolia Ranch Projects Representative
- Mr. Mike Spencer, Chippewau Project Representative
- Mr. Tom Eres, Hofman Ranch, Home Ranch, and Johnson Ranch Representative
- Mr. Randy Collins, Woodbury Plan Area Representative
- Mr. Louis Mendoza, Agriculture Commissioner
- Mr. Cory Wilkins, Wheatland
- Mr. Darin Gale, Franklin Avenue, North State Environmental Impact Agency

Following Board discussion, Community Development and Services Director Kevin Mallen advised alternatives would be refined as indicated by the Board for an upcoming workshop to be scheduled in November.

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, Chairman Logue adjourned the meeting at 12:54 p.m. in memory of Mr. James Burkholder, Mr. Bob Brown, Mr. Jerry Haas, Mr. Chuck Watters, and Mr. Ivan Hancock.

Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: 11/18/08

Laura DeShazer, Deputy Clerk