The County of Yuba

BOARD OF SUPERVISORS

DECEMBER 6, 2011 - MINUTES

The Honorable Board of Supervisors of the County of Yuba met in special session on the above date, commencing at 6:03 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Roger Abe, and Hal Stocker. Mary Jane Griego was absent. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemyer. Chairman Abe presided.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Abe

II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker - Supervisor Griego absent.

MOTION: At the request of Counsel, move to add to the agenda under County Departments/Community Development and Services as Item 3 a resolution regarding a grant application as the need to take action arose subsequent to the agenda being posted

MOVED: Hal Stocker SECOND: John Nicoletti
AYES: Hal Stocker, John Nicoletti, Andy Vasquez, Roger Abe
NOES: None ABSENT: Mary Jane Griego ABSTAIN: None

III. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

MOTION: Move to approve Consent Agenda

MOVED: Hal Stocker SECOND: John Nicoletti
AYES: Hal Stocker, John Nicoletti, Andy Vasquez, Roger Abe
NOES: None ABSENT: Mary Jane Griego ABSTAIN: None

A. Assessor

1. Adopt resolution authorizing Assessor to execute application for vessel registration information from California Department of Motor Vehicles. (Finance and Administration Committee recommends approval) (516-11) Adopted Resolution No. 2011-105, which is on file in Yuba County Resolution Book No. 42, entitled: "RESOLUTION AUTHORIZING THE ASSESSOR TO EXECUTE AN APPLICATION TO FOR VESSEL REGISTRATION INFORMATION FROM THE CALIFORNIA DEPARTMENT OF MOTOR VEHICLES."

2. Adopt resolution exempting from property taxation all real property having a base year value and all personal property with a full cash value of $5,000 or less. (Finance and Administration Committee recommends approval) (517-11) Adopted Resolution No. 2011-106, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION EXEMPTING FROM TAX CERTAIN PROPERTY WITH AN ASSESSED VALUE FOR WHICH PROPERTY TAXES WOULD AMOUNT TO LESS THAN THE COST OF ASSESSING AND COLLECTING THE TAX."
B. Administrative Services


C. Board of Supervisors

1. Adopt resolution approving grant application and execution of a grant contract with the California Arts Council. (519-11) Adopted Resolution No. 2011-107, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION APPROVING THE APPLICATION AND AUTHORIZING EXECUTION OF A GRANT CONTRACT WITH THE CALIFORNIA ARTS COUNCIL."


3. Approve the certification statement regarding compositions of Local Planning Council membership and authorize the Chair to execute same. (521-11) Approved.

D. Clerk of the Board of Supervisors


3. Approve minutes of the meetings October 25, November 1, 8, and 15, 2011. (524-11) Approved as written.

E. Community Development and Services

1. Adopt resolution authorizing the Yuba County Community Development and Services Director or his designee to complete the purchase of single family residences APN 020-293-012 and 019-260-033 as part of the Neighborhood Stabilization program and execute all documents needed for completion of purchase, rehabilitation, and resale. (525-11) Adopted Resolution No. 2011-108, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION AUTHORIZING YUBA COUNTY COMMUNITY DEVELOPMENT AND SERVICES AGENCY DIRECTOR OR HIS DESIGNEE TO COMPLETE THE PURCHASE OF SINGLE FAMILY RESIDENCES APN 020-293-012 AND APN 019-260-033 AS PART OF THE NEIGHBORHOOD STABILIZATION PROGRAM AND EXECUTE ALL DOCUMENTS NEEDED FOR COMPLETION OF PURCHASE, REHABILITATION, AND RESALE."

IV. SPECIAL PRESENTATION

A. Receive State of the Schools report from Yuba County Office of Education pursuant to the Williams Uniform Compliant Act. (Ten minute estimate) (526-11) Superintendent Scotia Holmes Sanchez briefly recapped findings of the seven schools visited and responded to Board inquiries.

V. PUBLIC COMMUNICATIONS:

Mr. Charles Foster commended river bottom access at Broadway Road.
Mr. Rodney Waters and Mr. Al Moody, Lord's Gym of Yuba County, advised the focus of Lord's Gym would be a youth center and requested future consideration of fee waivers related to development.

VI. COUNTY DEPARTMENTS

A. Board of Supervisors

1. Appoint one individual from each supervisory district to the Yuba County Resource/Development Code Advisory Committee with term ending upon adoption of the Development Code update. (Ten minute estimate) (527-11) District Three appointment continued to December 13, 2011.

   MOTION: Move to appoint Richard Reiss District 1 Representative
   MOVED: Andy Vasquez      SECOND: John Nicoletti
   AYES: Andy Vasquez, John Nicoletti, Roger Abe, Hal Stocker
   NOES: None   ABSENT: Mary Jane Griego ABSTAIN: None

   MOTION: Move to appoint G. Michael Payne District 2 Representative
   MOVED: John Nicoletti      SECOND: Hal Stocker
   AYES: John Nicoletti, Hal Stocker, Andy Vasquez, Roger Abe,
   NOES: None   ABSENT: Mary Jane Griego ABSTAIN: None

   MOTION: Move to appoint Keith Brown District 4 Representative
   MOVED: Roger Abe      SECOND: Hal Stocker
   AYES: Roger Abe, Hal Stocker, Andy Vasquez, John Nicoletti,
   NOES: None   ABSENT: Mary Jane Griego ABSTAIN: None

   MOTION: Move to appoint Charlie Sexton District 5 Representative
   MOVED: Hal Stocker      SECOND: John Nicoletti
   AYES: Hal Stocker, John Nicoletti, Andy Vasquez, Roger Abe,
   NOES: None   ABSENT: Mary Jane Griego ABSTAIN: None

2. Reconsider approval of repayment agreement with City of Marysville and take action as appropriate. (Ten minute estimate) (505-11) Continued to December 13, 2011.

B. Community Development and Services

1. Acknowledge typographical corrections to Supervisorial District Two and Five Boundaries contained in adopted Ordinance No. 1510. (Five minute estimate) (528-11) Community Development and Services Director Kevin Mallen briefly recapped corrections.

   MOTION: Move to approve       MOVED: John Nicoletti      SECOND: Andy Vasquez
   AYES: John Nicoletti, Andy Vasquez, Roger Abe, Hal Stocker
   NOES: None   ABSENT: Mary Jane Griego ABSTAIN: None

2. Provide staff direction on Sacramento Area Council of Governments Metropolitan Transportation Plan/Sustainable Communities Strategy for 2035 Draft Environmental Impact Report and authorize preparation of comment letter and the Chair to execute. (Ten minute estimate) Board direction given to bring forward response if necessary to the January 3, 2012 Board meeting.
3. Adopt resolution approving grant application to California Public Health's Safe Drinking Water State Revolving fund on behalf of River Highlands Community Services District for water supply and operational improvements and authorizing Public Works Director to execute all necessary documents for grant and completion of project. (533-11) Public Works Director Mike Lee recapped the grant, project improvements, and responded to Board inquiries.

MOTION: Move to adopt resolution
MOVED: Hal Stocker
SECOND: John Nicoletti
AYES: Hal Stocker, John Nicoletti, Andy Vasquez, Roger Abe
NOES: None
ABSENT: Mary Jane Griego
ABSTAIN: None

Adopted Resolution No. 2011-109, which is on file in Yuba County Resolution Book No. 42 entitled: "APPROVE GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH'S SAFE DRINKING WATER STATE REVOLVING FUND ON BEHALF OF THE RIVER HIGHLANDS COMMUNITY SERVICES DISTRICT FOR WATER SUPPLY AND OPERATIONAL IMPROVEMENTS."

VII. ORDINANCES AND PUBLIC HEARINGS: The clerk read the disclaimer.

A. Ordinance - Hold public hearing, waive reading, and introduce ordinance amending section 13.00.050 and 13.00.056 of Chapter 13, Title XIII of the Yuba County Ordinance Code relating to the Sheriff's Department. (Law and Justice Committee recommends approval) (Ten minute estimate) (530-11) Sheriff Durfor recapped fees related to the burglary alarm program, adult offender work program and work release program. Mr. Durfor responded to Board inquiries.

Chairman Abe opened the public hearing. No one came forward.

MOTION: Move to close public hearing
MOVED: John Nicoletti
SECOND: Andy Vasquez
AYES: John Nicoletti, Andy Vasquez, Roger Abe, Hal Stocker
NOES: None
ABSENT: Mary Jane Griego
ABSTAIN: None

B. Appeal - Record appeal of the Staff Development Committee/Zoning Administrator's decision to approve AP2011-0002 (Oregon House Farms Produce Stand) and take action as appropriate. (30 minute estimate) (531-11) Planning Director Wendy Hartman provided a Power Point presentation recapping the application, process, conditions of approval, subsequent traffic survey and responded to Board inquiries.

Appellant David Soares recapped California Environmental Quality Act guidelines requiring environmental review of the project and responded to Board inquiries.

Applicant Jeanette Cavaliere responded to concerns raised and discussed traffic impacts.

Public Comment:
- Mr. Rick Brown, Oregon House
- Ms. Sandra Grabowski, Oregon House
- Mr. Greg Crompton, Dobbins
- Mr. William Bozza, Dobbins letter read by David Soares
- Mr. Thomas Hart, Oregon House
- Mr. Charles Sharp, Oregon House
- Ms. Janet Marchant, Dobbins
Mr. Rod Hisken, Oregon House
Mr. Larry Moller, Seward Lane
Ms. Shirley Storey, Broyles Trail
Ms. Marieke Perla, Oregon House
Mr. Nick Spaulding, Oregon House
Ms. Emily Gordon, Frenchtown Dobbins Road
Ms. Catherine Summers, Dobbins
Mr. Eric Johnson, Oregon House
Mr. Phillip Story, Oregon House

Public Works Director Mike Lee recapped the traffic study performed.

MOTION: Move to close public hearing and waive reading
MOVED: Hal Stocker  SECOND: Andy Vasquez
AYES: Hal Stocker, Andy Vasquez, John Nicoletti, Roger Abe
NOES: None  ABSENT: Mary Jane Griego  ABSTAIN: None

Ms. Hartman responded to Board inquiries.

MOTION: Move to uphold the appeal and deny the project
MOVED: Hal Stocker  SECOND: Roger Abe
AYES: Hal Stocker, Roger Abe  NOES: Andy Vasquez, John Nicoletti
ABSENT: Mary Jane Griego  ABSTAIN: None
Motion Failed.

MOTION: Move to deny the appeal and uphold the project
AYES: Andy Vasquez, John Nicoletti  NOES: Hal Stocker, Roger Abe
ABSENT: Mary Jane Griego  ABSTAIN: None
Motion Failed.

Community Development and Services Director Kevin Mallen recapped possible conditions regarding traffic concerns and responded to Board inquiries.

MOTION: Move to deny the appeal, grant the permit with additional conditions of no parking on county right of way and accommodate all parking on site
MOVED: Hal Stocker  SECOND: Andy Vasquez
AYES: Hal Stocker, Andy Vasquez, John Nicoletti, Roger Abe
ABSENT: Mary Jane Griego  ABSTAIN: None

VIII. CORRESPONDENCE - (532-11)

A. Letter from Donald Rae regarding flood protection and Three Rivers Levee Improvement Authority (TRLIA). Accepted. Mr. Rae provided further comments regarding a change in TRLIA board members, conducting a performance audit, and goldfields level of protection.

B. Two notices from California Fish and Game Commission regarding the American pika and cedars buckwheat. Accepted.

D. Letter from North Coast Long-term Services and Support Coalition regarding template for restructuring services for the 28 fee-for-service counties. Accepted.

IX. BOARD AND STAFF MEMBERS’ REPORTS:
Supervisor Nicoletti: Memorial Adjournment - Mr. Virgil Buttz Jr. and Mr. Monty Payne
Supervisor Stocker: Memorial Adjournment - Mrs. Myrtle Wolf and Mr. Gary Ellison

X. CLOSED SESSION: The Board retired into closed session at 9:30 p.m. to discuss the following:

A. Potential litigation pursuant to Government Code §54956.9(b) - One Case

The Board returned from closed session at 9:38 p.m. with all present as indicated above.

Counsel Angil Morris-Jones advised by unanimous vote the Board gave authority and approved the claim.

XI. ADJOURN: 9:40 p.m. in memory of Mrs. Myrtle Wolf, Mr. Virgil Buttz Jr., Mr. Gary Ellison, and Mr. Monty Payne by Chairman Abe.

[Signature]
Chair

ATTEST: DONNA STOTLLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

[Signature]
Approved: January 3, 2012