The County of Yuba
BOARD OF SUPERVISORS

JULY 15, 2015

The Honorable Board of Supervisors of the County of Yuba met on the above date, in special session, commencing at 3:30 p.m. within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger, Abe, and Randy Fletcher. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemyer. Chair Griego presided.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Nicoletti

II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher - All present.

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

A. (302-15) Administrative Appeal Hearing - Hold appeal hearing to determine administrative penalty regarding APN 020-510-001(Brikemen LLC) 5841 Garden Avenue, West Linda. (Sixty minute estimate) The Clerk administered the oath of testimony to those wishing to address the Board.

Chief Deputy Counsel John Vacek outlined the purpose of the hearing and order for proceeding.

Code Enforcement Jeremy Strang provided a PowerPoint presentation depicting photos of the property while recapping the cultivation of 98 plants, and recommendation for the Board to confirm the existence of a public nuisance, penalties and costs.

Property Owner Brian Menold recapped the timeline on discovery of grow in May, inability to have tenant remove plants, timelines for required eviction, and repercussion of penalties to be enforced. Mr. Menold responded inquiries from the Board and Mr. Strang regarding rental agreements, prior code enforcement cases, and eviction of tenants.

Mr. Vacek advised the grower has been cited for the cost.

Supervisor Vasquez moved to issue a one day administrative penalty for a cost of $13,715.95. Motion failed for lack of second.

Following further discussion, Supervisor Fletcher moved to allow $4,116 as the costs and penalties. Motion failed for lack of second.

Following further discussion, the Board retired into closed session to deliberate at 4:20 p.m. and returned at 4:36 with all present as indicated above.
MOTION: Move to establish the amount of $34,105.95 as a judgment; to suspend that amount and subtract $4,116 set for deposit for a period of 3 years; require owner to acquire bond for the amount of $30,000; an agreement to be entered into with staff; for owner to provide a copy of the new rental agreement attested to; and allow two weeks to accomplish the bond and agreement.
MOVED: John Nicoletti SECOND: Randy Fletcher
AYES: John Nicoletti, Randy Fletcher, Andy Vasquez, Mary Jane Griego, Roger Abe
NOES: None ABSENT: None ABSTAIN: None

Motion approved by Roll Call Vote.

B. RECESS TO 6:00 P.M.: The Board recessed at 4:40 p.m. and reconvened at 6:08 p.m. with all members present as indicated above.

C. (239-15) Public Hearing - Hold public hearing to receive comments on Magnolia Ranch Specific Plan Draft Environmental Impact Report and direct staff to prepare responses to significant environmental issues. (Continued from June 16, 2015) (Sixty minute estimate) Planner Ed Palmeri recapped the location of the specific plan within the employment village and provided a PowerPoint presentation regarding the following:
   ° Project Summary
   ° Environmental Review Process
   ° Scope of analysis
   ° Disclosure of potential environmental impacts
   ° Receipt of 27 comment letters
   ° 24 significant and unavoidable impacts
   ° 25 Less-than significant impacts
   ° 4 alternatives to proposed project
     * No project (existing rice operations)
     * Alternative site design (housing mix, increased population, increased jobs, increased commercial)
     * Increased employment
     * Lower density
   ° Comment period ends July 15, 2015
   ° Next Steps
     * Review and respond to comments received
     * Prepare final EIR

Chair Griego opened the public hearing.

The following individuals spoke:
   ° Mr. Mark Mulliner
   ° Mr. Monty Hecker
   ° Mr. Greg Forest, representing the applicant
   ° Ms. Frances Hofman
   ° Ms. Robin Burrow
   ° Ms. Claudia Street
   ° Mr. Ed Ritchie

Chair Griego closed the public hearing.
MOTION: Move to extend the written comment period on the Draft EIR to Friday, July 17, 2015 at 5:00 p.m. and direct staff to prepare responses to significant environmental issues
MOVED: John Nicoletti  SECOND: Roger Abe
AYES: John Nicoletti, Roger Abe, Andy Vasquez, Mary Jane Griego, Randy Fletcher
NOES: None  ABSENT: None  ABSTAIN: None

Approved by roll call vote.

IV.  ADJOURN: 7:12 p.m.

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: July 28, 2015