The County of Yuba

BOARD OF SUPERVISORS

NOVEMBER 17, 2015

The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 9:30 a.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 Vasquez

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

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
MOVED: John Nicoletti
SECOND: Randy Fletcher
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None
ABSENT: None
ABSTAIN: None

A. Board of Supervisors


2. (499-1115) Appoint Al Lassaga, Earl Parker, and Paul Baggett to Brophy Water District Board of Directors for four-year terms pursuant to Elections Code §10515. Approved.

3. (501-1115) Approve findings of fact and conclusion of law and order for property located at 5919 Park Court, Linda, APN 021-203-003/Hyalite Investments Inc. and authorize Chair to execute. Approved.

B. Clerk of the Board of Supervisors


C. County Administrator

1. (502-1115) Approve supporting reinstatement of federal grant funds for construction phases of Fifth Street Bridge and authorize Chair to execute letter to Congressman Garamendi. Approved.

D. Emergency Services

1. (503-1115) Adopt resolution proclaiming the existence of ongoing local drought emergency in County pursuant to Government Code §8630. Adopted Resolution No. 2015-121, which is on file in Yuba County Resolution Book No. 46.

E. Health and Human Services
1. (504-1115) Approve Children's Medical Services (CMS) Plan and Fiscal Plan Guidelines for Fiscal Year 2015-2016 and authorize Chair to execute certifications and statements. Approved.

IV. PUBLIC COMMUNICATIONS:

- Sheriff-Coronor Steve Durfor - Award of $20 million for jail expansion funds for medical mental health programs
- Mr. Eduardo Madera - Registry of independent jurisdictional representative
- Mr. Brook Hilton - Presentation to Board regarding AB 266 Medical Marijuana

V. COUNTY DEPARTMENTS

A. Administrative Services

1. (505-1115) Adopt resolution terminating the agreement with Environmental Alternatives which operates 4H Camp in Dobbins. (Five minute estimate) Administrative Director Doug McCoy recapped agreements and change of operations for 4H Camp and donation of camp to Boy Scout, any sale of land with reimbursement to County, timber harvest plan and harvest split 50/50 of revenues, longtime users of camp. Mr. McCoy responded to Board inquiries.

Mr. Tim Wilkison, Environmental Alternatives, recapped discussions regarding changes of 4H Camp operations and supported.

MOTION: Move to adopt       MOVED: John Nicoletti  SECOND: Randy Fletcher
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None  ABSENT: None  ABSTAIN: None

Adopted Resolution No. 2015-122, which is on file in Yuba County Resolution Book No. 46.

2. (506-1115) Adopt resolution authorizing six grant deeds or property known as 4H Camp in Dobbins to be granted to Golden Empire Council of the Boy Scouts of America and approve agreement granting properties to Golden Empire Council of the Boy Scouts of America and authorize Chair to execute. (Fifteen minute estimate) Mr. Charles Brasfield, Boy Scouts of America Golden Empire Council, recapped site plan for operation of 4H Camp, and responded to Board inquiries.

The following individual spoke: Ms. Cindy Cassady, Tri-Counties Women Group

MOTION: Move to adopt resolution declaring property known as 4H Camp in Dobbins as surplus and authoring County to grant property Boys Scouts of America in fee simple with intention that property will be used for park, recreation, and educational purposes.
MOVED: Andrew Vasquez  SECOND: Randy Fletcher
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None  ABSENT: None  ABSTAIN: None

Adopted Resolution No. 2015-123, which is on file in Yuba County Resolution Book No. 46.

B. County Administrator

1. (507-1115) Receive information on proposed Healthy Weight Loss Challenge between Sutter and Yuba counties and provide direction on participation. (Ten minute estimate)
Public Information Officers Russ Brown and Chuck Smith, Sutter County, recapped statistics of obesity and challenge; and responded to inquiries. Health Officer Dr. Nichole Quick responded to inquiries.

Received consensus to move forward with challenge.

VI. CORRESPONDENCE: The Board may direct any item of informational correspondence to a department head for appropriate action.


B. (509-1115) Notice from California Water Resources Control Board on public hearings and pre-hearing conference on petition for changes of specific water right permits for the California Waterfix Project. Received.

VII. BOARD AND STAFF MEMBERS’ REPORTS

Supervisor Vasquez:
- Veterans Day Parade November 11, 2015
- Water Education Conference in Paso Robles

Supervisor Nicoletti:
- Homeless Community Cleanup
- Swan Festival and tour of Bullards Bar Dam November 14, 2015
- Peach Tree Healthcare expansion into Sacramento
- Veterans Day Parade November 11, 2015
- Special Memorial Service at Marysville Historic Cemetery November 21, 2015, 10:00 a.m.
- Homeless Ad Hoc Committee

Supervisor Abe:
- Veterans Day Parade November 11, 2015
- Water Agency water group meeting November 12, 2015
- League of Cities November 6, 2015

Supervisor Fletcher:
- Congressman Garamendi meeting regarding Goldfields November 10, 2015
- Veterans Day Parade November 11, 2015
- Water Agency water group meeting November 12, 2015
- Yuba Sutter Transit Authority November 12, 2015
- Community meeting on foothill issues November 14, 2015

Supervisor Griego:
- Memorial Adjournments - Mrs. Emilie Wilson and Mr. Richard Sinnott
- Yuba Sutter Transit Authority November 12, 2015
- Interview with TRLIA Director applicants and consideration of adding alternate Director to TRLIA
- Community meeting on proposed Olivehurst roundabout November 5, 2015
- SACOG Transportation meeting November 5, 2015
- SACOG Regional meeting November 20, 2015

11/17/2015

MINUTE BOOK NO. 72 PAGE 161
Community Development and Services Director Kevin Mallen: Code Enforcement 2015 medical marijuana statics

VIII. RECESS TO 2:00 P.M. NOVEMBER 18, 2015: The Board recessed November 17, 2015 at 11:39 a.m. and reconvened November 18, 2015 at 2:00 p.m. with all Board members present.

IX. ADMINISTRATIVE APPEAL HEARINGS: The clerk read the disclaimer and administered the oath to all testifying.

A. (510-1115) Administrative Appeal Hearing - Hold hearing regarding imposition of administrative penalties in the amount of $62,832.32 regarding 10440 Texas Hill Road, APN 048-160-042/Jed Kenniston. (Thirty minute estimate) (Roll Call Vote) Chair Griego opened the public hearing.

Code Enforcement Manager Jeremy Strang recapped change in the cost accounting document and decrease in total amount of cost accounting to $59,807.07.

County Counsel Angil Morris-Jones responded to specific objections from Attorney David Vasquez, counsel for Mr. Kenniston, relating to notification and total amount of cost accounting.

Mr. Strang presented a PowerPoint presentation depicting photos of violations, recapping onsite grading, plant count, inspections, and background of processing equipment found on site. Mr. Strang responded to Board inquiries.

Mr. Vasquez made specific inquiries to Code Enforcement Officer John Jacenich relating to phone conversation with Mrs. Kenniston and when property was brought into compliance.

Chair Griego closed the public hearing.

MOTION: Move to confirm existence of public nuisance; confirm administrative penalty for $19,300 per day; confirm enforcement costs of $59,807.07; Order enforcement costs be paid within 30 days of the date of order; Order a special tax assessment when fees go unpaid and a lien be recorded with the Yuba County Recorder’s Office

MOVED: Roger Abe SECOND: Andrew Vasquez
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None ABSENT: None ABSTAIN: None

X. RECESS TO 6:00 P.M. NOVEMBER 19, 2015: The Board reconvened at 6:01 p.m. with all Board members present.

Supervisor Fletcher advised of a conflict of interest and left the meeting at 6:02 p.m.

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

A. (511-1115) Public Hearing - Hold public hearing and approve Certification of the Magnolia Ranch Specific Plan (MRSP) Final Environmental Impact Report; adopt resolution certifying Final Environmental Impact Report, approving mitigation monitoring plan, and adopting Environmental Quality Act Findings of Fact and Statement of Overriding Consideration for Magnolia Ranch Specific Plan Project. (Roll Call Vote) (Ten minute estimate) Director Kevin Mallen and Planning Director Wendy Hartman advised the following PowerPoint presentation would include the Environmental Impact Report (EIR) and traffic issues (Listed as A. and B. on the agenda) and responded to inquiries throughout presentation:
Chair Griego opened the hearing. The following individuals spoke:

- Mr. Lee Bashen
- Ms. Heather Steer
- Ms. Frances Hofman
- Mr. Bruce Burrow
- Ms. Robin Burrow
- Ms. Sandy Gilbert
- Ms. Debra Hecker
- Mr. Monty Hecker
- Mr. Ernest Ehnisz
- Ms. Johanna Lassaga
- Mr. Dana Davis
- Ms. Juanita Sommervold
- Mr. Joe Henderson
- Mr. Hal Stocker

Chair Griego closed the public hearing.

Mr. Matthew Gerken, AECOM, responded to Board inquiries.

Following discussion on misunderstanding of hearing both items at the same time, the Chair opened the floor to comments on the MRSP traffic fees and the following individuals spoke:

- Ms. Frances Hofman
- Mr. Phillip Villo
- Mr. Monty Hecker
- Ms. Debra Hecker

MOTION: Move to approve and adopt  MOVED: John Nicoletti  SECOND: Andrew Vasquez
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego
NOES: Roger Abe  ABSENT: Randy Fletcher  ABSTAIN: None
By roll call vote, adopted Resolution No. 2015-124, which is on file in Yuba County Resolution Book No. 46.

B. (512-1115) Public Hearing- Hold public hearing and adopt resolution adopting Magnolia Ranch Specific Plan Regional Traffic Fee Nexus Study and establishing Magnolia Ranch Specific Plan Regional Traffic Fee. (Roll Call Vote)(Ten minute estimate)

MOTION: Move to adopt MOVED: John Nicoletti SECOND: Andrew Vasquez
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego Roger Abe
NOES: Roger Abe ABSENT: Randy Fletcher ABSTAIN: None

By roll call vote, adopted Resolution No. 2015-125, which is on file in Yuba County Resolution Book No. 46.

C. (513-1115) Public Hearing - Hold public hearing and adopt resolution for consideration of the Magnolia Ranch Specific Plan project: Specific Plan SP 2006-0002, Tentative Subdivision Tract Map TSTM 2006-0045 and TSTM 2015-0004; adopt ordinance rezoning certain property and approving development agreement by and between the County of Yuba and CEM Investments relative to the Magnolia Ranch Project subject to the conditions of approval and findings. (Roll Call Vote) (60 minute estimate) Director Kevin Mallen and Planning Director Wendy Hartman provided at PowerPoint presentation recapping the following and responded to inquiries throughout presentation:

- Background and project description
- Change of Zone to Specific Plan
- Tentative Maps
  - Two large lot maps
  - Phase I and II
  - Drainage, water, and sewer
  - Utilities
- Development Agreement
  - Term – 15 years with two five-year extensions possible
  - Impact Fees
  - Wheatland Bypass
  - Employment Village
- Fiscal Impact Study (EPS)
  - Includes costs to provide services
  - Two scenarios analyzed: Phase I and Full Buildout
  - Phase I – Net annual deficit $412,000
  - Full Buildout – Net annual surplus $146,000
- Public Comments on Project Merit
- Planning Commission recommendation

Mr. Greg Forest, applicant representative, provided a PowerPoint presentation recapping the following and responded to inquiries:

- 2030 General Plan – Employment Village, Policy CD13.5, Infrastructure Master Plan
- OPUD Sphere of Influence
- Development Agreement inclusions
- Plan Features – Business Park, Village Core, Age-restricted housing
- Site Plan
- Public Benefits
Chair Griego opened the public hearing the following individuals spoke:
  o  Mr. Charles Altekruse
  o  Mr. Al Lassaga
  o  Ms. Robin Ehnisz
  o  Mr. Phillip Villo
  o  Mr. Brett Guerrero
  o  Mr. Logan Pinasco
  o  Ms. Robin Burrow
  o  Ms. Sandy Gilbert
  o  Ms. Debra Hecker
  o  Mr. Monty Hecker

Supervisor Abe moved to put the matter on the ballot. Motion failed for lack of a second.

Public comments continued:
  o  Ms. Johanna Lassaga
  o  Mr. Dana Davis
  o  Mr. Ernest Ehnisz
  o  Ms. Kellly Lowery
  o  Ms. Brynda Stranix
  o  Mr. Chris Norem
  o  Mr. John Schleimer

The Board recess at 10:05 p.m. and reconvened at 10:19 p.m. with all present as indicated.

Public Comments continued:
  o  Ms. Tami Holland Davis
  o  Ms. Frances Hofman
  o  Mr. James Tapia
  o  Mr. Dale Ehler
  o  Mr. Mario Rodriguez
  o  Mr. Doyle Radford Jr.
  o  Mr. Frank Albert
  o  Mr. Mark Mulliner
  o  Mr. Dave Vaughn
  o  Mr. Danny Roles
  o  Mr. John Taylor
  o  Mr. Jeff Humerlach

MOTION: Move to adopt resolution approving Magnolia Ranch Specific Plan project: Specific Plan SP 2006-0002, Tentative Subdivision Tract Map TSTM 2006-0045 and TSTM 2015-0004
MOVED: Andrew Vasquez  SECOND: John Nicoletti
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego
NOES: Roger Abe   ABSENT: Randy Fletcher  ABSTAIN: None

By roll call vote, adopted Resolution No. 2015-126, which is on file in Yuba County Resolution Book No. 46
MOTION: Move to adopt ordinance rezoning certain property and approving development agreement by and between the County of Yuba and CEM Investments relative to the Magnolia Ranch Project subject to the conditions of approval and findings
MOVED: Andrew Vasquez SECOND: John Nicoletti
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego
NOES: Roger Abe ABSENT: Randy Fletcher ABSTAIN: None

By roll call vote, adopted Ordinance No. 1551, which is on file in Yuba County Ordinance Book No. 24.

XII. ADJOURN: 11:35 p.m. in memory of and Mrs. Emilie Wilson and Mr. Richard Sinnott.

Chair

ATTEST: DONNA STOTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: December 8, 2015