The County of Yuba

BOARD OF SUPERVISORS

MAY 28, 2019

Call to order 9:00 a.m. with Supervisors Andy Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, and Supervisor Randy Fletcher. Also present was County Counsel Michael Ciccozzi, County Administrator Robert Bendorf, and County Administrator Executive Assistant Amanda Nix.

PLEDGE OF ALLEGIANCE Led by Supervisor Bradford

ROLL CALL - Supervisors Vasquez, Leahy, Lofton, Bradford, Fletcher- All present

CONSENT AGENDA

MOTION: Move to approve consent agenda
MOVED: Randy Fletcher SECOND: Gary Bradford
AYES: Andy Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES/ABSTAIN/ABSENT: None

210/2019 Emergency Services: Adopt resolution to approve renewal of ongoing local emergency proclamation due to Flood Waters. Adopted Resolution No. 2019-54

218/2019 Emergency Services: Adopt resolution proclaiming the existence of an ongoing local emergency in the County of Yuba due to Historic Rainfall. Adopted Resolution No. 2019-55


258/2019 Probation: Adopt resolution authorizing Yuba County Probation to apply for and enter into agreements with the California Office of Emergency Services, and First Five Yuba for grants relating to the delivery of Victim and Program Services; and authorize the Chief Probation Officer to submit applications, modifications, and amendments, and grant awards or amendments and perform other actions as necessary. Adopted Resolution No. 2019-57

266/2019 County Administrator: Approve Budget Transfer in the amount of $49,500 to amend General Government Budget Revenue State Other Account #101-0101-361-62-00 and Professional Services Expense Account #101-0101-411-23-00 as related to County’s participation in 2020 Census. Approved

260/2019 Board of Supervisors: Reappoint Kimberley Leverett to Plumas Lake Specific Plan Design Review Committee as a Resident Representative with a term ending May 23, 2021. Approved

265/2019 Community Development and Services: Approve construction services agreement with H&T Consulting Inc. DBA Knight CM Group for 2017 Storm Damage Repair project, and authorize Chair to execute. Approved
253/2019 Community Development and Services: Approve Amendment No. 1 to the professional services agreement with Wood Rodgers, Inc. for the Spring Valley Road Bridge Replacement project. Approved

281/2019 Board of Supervisors: Reappoint Ms. Sheila Gee to Yuba County Commission on Aging as an At-Large Representative with a term ending April 5, 2022. Approved

282/2019 Board of Supervisors: Appoint Ms. Kate Donaldson to Sutter-Yuba Behavioral Health Advisory Board as Consumer Representative with a term ending June 30, 2021. Approved

287/2019 Community Development and Services: Authorize Community Development and Services Agency Director and Public Works Director to negotiate a lot line adjustment between County owned parcel 866 Cedar Lane (APN 020-133-012) and a parcel owned by Gill Property Development, LLC located at 5780 Feather River Blvd (APN 020-133-011) Approved

290/2019 Clerk of the Board: Approve meeting minutes of April 23, 2019. Approved as written

289/2019 County Counsel: Approve Professional Services Agreement with Baron & Budd and Dixon Diab & Chambers LLP, and authorize Chair to execute. Approved

273/2019 Administrative Services: Approve three year contract with C&S Engineers, Inc. to design and inspect Yuba County Airport Taxiway Project, and authorize Chair to execute. Approved

SPECIAL PRESENTATIONS

214/2019 Receive presentation on Electronic Cigarettes: Trends, Health Effects, and Uncertainty. (No background information) (Fifteen minute estimate) Heath Education Specialist Carin Watts provided a PowerPoint presentation on the dramatic increase of underage use of e-cigarettes.

• 78% increase in use
• Increase attributed to marketing flavors such as cotton candy or watermelon
• Marketed as a healthy alternative to traditional smoking

PUBLIC COMMUNICATIONS

Ms. Mary Battista: commended Code Enforcement for their recent assistance.

COUNTY DEPARTMENTS

261/2019 County Administrator: Adopt resolution waiving certain fees for local independent fire districts in Yuba County and authorize Chair to execute. (Ten minute estimate) Deputy County Administrator Grace Mull provided a brief recap and responded to Board inquiries.

MOTION: Move to approve
MOVED: Randy Fletcher SECOND: Gary Bradford
AYES: Andy Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES/ABSTAIN/ABSENT: None

Adopted Resolution No. 2019-58

05/28/2019
254/2019 County Administrator: Approve funding for initiation of Infrastructure Development along the Highway 65 corridor. (Ten minute estimate) County Administrator Robert Bendorf, Community Development Director Kevin Mallen, and OPUD General Manager John Tillerson recapped need for engineering study and responded to Board inquiries.

MOTION: Move to approve
MOVED: Doug Lofton SECOND: Andy Vasquez
AYES: Andy Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES/ABSTAIN/ABSENT: None

Adopted Resolution No. 2019-58 via unanimous Roll Call Vote

271/2019 Board of Supervisors: Approve Yuba-Sutter Farm Bureau Centennial Celebration Sponsorship. (Five minute estimate) County Administrator Robert Bendorf provided a brief recap and recommended support for the Yuba-Sutter Farm Bureau Centennial Celebration.

MOTION: Move to approve
MOVED: Randy Fletcher SECOND: Gary Bradford
AYES: Andy Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES/ABSTAIN/ABSENT: None

267/2019 Community Development and Services: Award Contract No. 2019-9200 for the 2019 Overlay Phase 1 (Valley) Project to Teichert Construction, the apparent low bidder and authorize Chair to execute upon review and approval of County Counsel. (Five minute estimate) Director Mike Lee and Deputy Director Perminder Bains recapped project, funding sources, and award of project to low and responsible bidder Teichert Construction.

MOTION: Move to approve
MOVED: Andy Vasquez SECOND: Gary Bradford
AYES: Andy Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES/ABSTAIN/ABSENT: None

268/2019 Community Development and Services: Award Contract No. 2019-9201 for the 2019 Overlay Phase II (Hills) Project to All American Construction, the apparent low bidder and authorize Chair to execute upon review and approval of County Counsel. (Five minute estimate) Deputy Director Perminder Bains recapped project, funding sources, and award of project to low and responsible bidder All American Construction.

MOTION: Move to approve
MOVED: Randy Fletcher SECOND: Doug Lofton
AYES: Andy Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES/ABSTAIN/ABSENT: None

Approved via unanimous Roll Call Vote

286/2019 County Administrator: Adopt Yuba County Administrative Policy No. B-9, Pension Funding Policy; and provide direction to staff on establishing an Internal Revenue Code Section 115 Trust. (Ten minute estimate) Deputy County Administrator Leanne Link recapped recommended pension funding policy; provided information on establishing a section 115 trust, and responded to Board inquiries. County Administrator Robert Bendorf stated he would follow-up with a workshop.
MOTION: Move to approve
MOVED: Gary Bradford SECOND: Randy Fletcher
AYES: Andy Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES/ABSTAIN/ABSENT: None

259/2019 Community Development and Services: Receive Code Enforcement report, and review the Nuisance Abatement Special Tax Assessment and Lien recorded on property located at 1108 Murphy Road, Yuba County (20 minute estimate) Code Enforcement Manager Jeremy Strang recapped the Nuisance Abatement Special Tax Assessment and Lien recorded on property 1108 Murphy Road, Yuba County. Mr. Derek Rushing spoke on behalf of his parent-in-laws, the property owners, and requested the Board waive the assessment and lien.

No action taken.

ORDINANCES AND PUBLIC HEARINGS- The clerk read the disclaimer

278/2019 Community Development and Services: Hold public hearing and adopt resolution confirming the diagram and assessments within the Gledhill Landscaping and Lighting District. (Five minute estimate) Director Mike Lee provided a brief recap.

Chair Leahy opened public hearing. No one came forward.

MOTION: Move to close public hearing and adopt
MOVED: Andy Vasquez SECOND: Doug Lofton
AYES: Andy Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES/ABSTAIN/ABSENT: None

Adopted Resolution No. 2019-60

279/2019 Community Development and Services: Hold public hearing and adopt resolution determining and imposing assessments within Linda Lighting and Maintenance District. (Five minute estimate) Director Mike Lee provided a brief recap.

Chair Leahy opened public hearing. No one came forward.

MOTION: Move to close public hearing and adopt
MOVED: Andy Vasquez SECOND: Doug Lofton
AYES: Andy Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES/ABSTAIN/ABSENT: None

Adopted Resolution No. 2019-61

CORRESPONDENCE The Board received the following correspondence:


280/2019 Notice from Pacific Gas & Electric Company regarding application for Commission approval under the Public Utilities Code Section 851 to sell the Narrows Hydroelectric Project to Yuba County Water Agency.

05/28/2019
BOARD AND STAFF MEMBERS’ REPORTS

Supervisor Lofton:
• Community Cleanup June 1, 2019
• Memorial adjournment: Ms. Betty Lopez

Supervisor Bradford:
• Support for Marysville bypass
• Memorial adjournment: Mr. Burt Haughey

County Administrator Robert Bendorf responded to inquiries relating to support of a bypass

Supervisor Fletcher:
• Foothills Community Cleanup June 8, 2019
• Commended County Trapper Matt Kincade for his response to a reported mountain lion threat

Supervisor Leahy:
• Commended County and employees for their innovative efforts on infrastructure and policy for CalPers

CLOSED SESSION: The Board retired into closed session at 10:36 a.m. and returned at 1:30 p.m. with all members present as indicated above. There was nothing to report.

140/2019 CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code §54957.6 – Agency designated representatives: Robert Bendorf, Jill Abel, and Don Turko; Employee Organizations: DSA/MSA/PPOA

288/2019 CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code section 54956.8 - The real property is identified as a lot line adjustment between County owned parcel 866 Cedar Lane (APN 020-133-012) and a privately owned parcel 5780 Feather River Blvd (APN 020-133-011). County negotiators: Director of Community Development and Services Agency, Kevin Mallen and Director of Public Works, Mike Lee, Property Owner and representative: Gill Property Development LLC. The instruction will concern price and terms of payment.

272/2019 Public Employee Performance Evaluation pursuant to Government Code section 54957(b) – Title: County Administrator

1:30 P.M. ADMINISTRATIVE HEARINGS- The clerk read the disclaimer.

274/2019 Community Development and Services: Public Hearing - Hold cost accounting hearing to determine enforcement costs and penalties to be assessed against property located at 3090 Plumas Arboga Road, Arboga, CA 95961, and to authorize a special tax assessment and abatement lien. (Fifteen minute estimate) (Roll Call Vote) Code Enforcement Manager Jeremy Strang presented a PowerPoint Presentation depicting facts and timelines and responded to Board inquiries.

Chair Leahy opened hearing.

Ms. Lisa Hankins advised she was given incorrect information by her attorney, who has since been disbarred, and requested penalties be waived.
MOTION: Move to close public hearing and note the Board exercised its discretion and considered those factors set forth in Ordinance Code Section §7.36.770; adopt findings of facts, conclusions of law and orders authorizing assessment of administrative costs and penalties in the amount of $11,991.78; and recording of lien regarding 3090 Plumas Arboga Road (Lisa Brewer (Hankins) and Larry Brewer)
MOVED: Andy Vasquez SECOND: Randy Fletcher
AYES: Andy Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES/ABSTAIN/ABSENT: None

Adopted via unanimous Roll Call Vote

275/2019 Community Development and Services: Public Hearing - Hold cost accounting hearing to determine enforcement and abatement costs to be assessed against property located at 1618 Larry Street, Olivehurst, CA 95961, and to authorize a special tax assessment and abatement lien. (Fifteen minute estimate) (Roll Call Vote) Code Enforcement Manager Jeremy Strang provided a PowerPoint presentation depicting facts and timelines and responded to Board inquiries.

Chair Leahy opened hearing.

Mr. Obeth Lucatero-Chavez, tenant, requested all fees be waived.

MOTION: Move to close public hearing and note the Board exercised its discretion and considered those factors set forth in Ordinance Code Section §7.36.770; adopt findings of facts, conclusions of law and orders authorizing assessment of administrative costs and penalties in the amount of $8,378.58; and recording of lien regarding 1618 Larry Street, Olivehurst, CA 95961, (Les Bates)
MOVED: Andy Vasquez SECOND: Randy Fletcher
AYES: Andy Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES/ABSTAIN/ABSENT: None

Adopted via unanimous Roll Call Vote

ADJOURN: at 1:49 p.m. in memory of Ms. Betty Lopez, and Mr. Burt Haughey.

ATTEST: RACHEL FERRIS
CLERK OF THE BOARD OF SUPERVISORS

Chair

Approved: June 25, 2019

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