

YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

DECEMBER 15, 2009 – SPECIAL MEETING

The Honorable Board of Supervisors of the County of Yuba met in session on the above date, commencing at 8:30 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, and Hal Stocker. Supervisor Roger Abe was absent. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Nicoletti presided.

CLOSED SESSION

The Board retired into closed session at 8:30 a.m. to discuss a personnel matter pursuant to Government Code §54957 entitled "Personnel Appeal in the matter of L.H."

The Board returned from closed session at 9:03 a.m. with all Board members present as indicated above.

Chairman Nicoletti advised counsel was provided direction regarding the matter.

RECESS

Chairman Nicoletti recessed the special meeting at 9:03. The Board reconvened in regular session at 9:35 a.m. with all Board and staff members present including Supervisor Roger Abe. REGULAR MEETING

Chairman Nicoletti removed from the consent agenda two agreements related to Honeycut Aviation and Red Carpet Aviation Services advising no action would be taken on these items.

CONSENT AGENDA

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

A. Administrative Services

1) Approved a renewal enrollment agreement with Microsoft State and Local Government Enterprise and authorized the Chairman to execute same. APPROVE AGRMNT.

2) Adopted Resolution No. 2009-121, which is on file in Yuba County Resolution Book No. 40, entitled: "RESOLUTION AUTHORIZING AND APPROVING THE RENAMING OF THE CONFERENCE ROOMS IN THE YUBA COUNTY GOVERNMENT CENTER TO HONOR THE CITY OF MARYSVILLE AND THE CITY OF WHEATLAND." ADOPT RESOLUTION NO. 2009-121

B. Agricultural Commissioner: Adopted Resolution No. 2009-122, which is on file in Yuba County Resolution Book No. 40, entitled: "RESOLUTION APPROVING AND AUTHORIZING THE YUBA COUNTY AG COMMISSIONER TO EXECUTE AN AGREEMENT BETWEEN THE COUNTY OF GLENN AND THE COUNTY OF YUBA FOR THE YUBA COUNTY DEPARTMENT OF AGRICULTURE TO SUPPLY CONSULTING, PROGRAMMING AND MAINTENANCE SERVICES FOR THE PERMIT 6/AG GIS PESTICIDE PERMITTING PROJECT FOR GLENN COUNTY." ADOPT RESOLUTION NO. 2009-122

C. Board of Supervisors: Appointed Kathy Brown as the Public Agency Representative to the Child Care Planning Council for a term to end of September 30, 2012. APPOINT REP.

D. Clerk of the Board of Supervisors: Approved the minutes of the regular meeting of December 1, 2009 as written. APPROVE MINUTES

E. Clerk-Recorder/Elections: Adopted Resolution No. 2009-123, which is on file in Yuba County Resolution Book No. 40, entitled: "RESOLUTION AUTHORIZING THE COUNTY CLERK TO RAISE BASE RECORDING FEE FOR THE FIRST PAGE OF EACH DOCUMENT PRESENTED FOR RECORDING TO TEN DOLLARS PURSUANT TO GOVERNMENT CODE SECTION 27361(a)." ADOPT RESOLUTION NO. 2009-123

F. Community Development and Services

1) Approved the following funding recommendations for the 2009 Community Services Block Grant - American Recovery and Reinvestment Act: APPROVE FUNDING

- Harmony Health Family Resource Center \$ 65,000
- Yuba County office of Education \$ 78,285
- Yuba County Administrative Services \$ 50,000

- 2) Approved lease agreements with Olivehurst Public Utility District for Lindhurst Memorial Park and Eufay Woods Memorial Park for park improvements using 2002 Parks Bond Act Funds and authorized the Chairman to execute same. APPROVE AGRMNTS.
- 3) Authorized a Budget Transfer in the amount of \$1,584,395 from Account No. 116-0000-371-9899 (2009 NSP fund) to various line items for the 2009 Neighborhood Stabilization Program Grant No. 09-NSP-6129 consistent with Board approval of program on December 1, 2009. AUTHORIZE BGT. TRNSFR.
- G. Sheriff-Coroner: Adopted Resolution No. 2009-124, which is on file in Yuba County Resolution Book No. 40 entitled: "A RESOLUTION AUTHORIZING YUBA COUNTY SHERIFF'S DEPARTMENT TO OFFER A DOG LICENSING AMNESTY PERIOD BEGINNING JANUARY 1, 2010 AND ENDING FEBRUARY 28, 2010." ADOPT RESOLUTION NO. 2009-124

PUBLIC COMMUNICATIONS

Following Ms. Freda Calvert, Hammonton Road, expressing concern regarding the Water Agency meeting regarding Yuba River water rights, Supervisor Stocker concurred and expressed concern to continue public access. Chairman Nicoletti urged working through the Agency advising the intent was not to exclude but to provide protection.

ADMINISTRATIVE SERVICES

Reorganizational Changes: Director Doug McCoy recapped the request for reclassifications of four positions due to retirement and employee transition and resultant cost savings, and responded to Board inquiries.

Supervisor Griego left the meeting at 9:47 a.m. and returned at 9:48 a.m.

Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the Board approved the proposed reorganizational changes regarding four position classifications in Administrative Services. APPROVE POSITIONS

PERSONNEL-RISK MANAGEMENT

Reorganizational Changes/Administrative Services: Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the Board adopted Resolution No. 2009-125 and 2009-126, which are on file in Yuba County Resolution Book No. 40 entitled: "RESOLUTION AMENDING THE DEPARTMENTAL POSITION AND ALLOCATION SCHEDULE NO. 2009-88;" and "RESOLUTION AMENDING THE CLASSIFICATION SYSTEM - BASIC SALARY SCHEDULE NO. 2009-89." ADOPT RESOLUTION NO. 2009-125 AND 2009-126

Supervisor Nicoletti left the chambers at 9:51 a.m.

BOARD OF SUPERVISORS

Reconsideration of Reimbursement Expenses/\$1,520.05/Chairman Nicoletti: Vice Chair Griego presided and recapped the Board adopted policy for travel and reimbursements. Supervisor Stocker opposed the travel and felt the proclamation could have been presented locally. Following Board discussion, County Administrator Robert Bendorf recapped funds for travel use and supported Mr. Nicoletti's attendance at the event and reimbursement and felt it supported the county strategic plan regarding economic development.

Supervisor Stocker moved to deny reimbursement. The motion died for lack of second.

Following Board discussion regarding financial contributions from individual Board members, upon motion of Supervisor Abe, seconded by Supervisor Griego, and carried with Supervisor Stocker opposing, the Board approved reimbursement up to \$1,520.25 for Chairman Nicoletti's out-of-state travel on October 23-25, 2009 to present a proclamation to Cotton Rosser at his induction to the National Cowboy and Western Heritage Museum Rodeo Hall of Fame.

APPROVE
RMBRSMNT

Supervisor Nicoletti rejoined the meeting at 10:03 a.m.

CORRESPONDENCE

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

A. Letter from California Department of Housing and Community Development advising the County's grant application did not receiving funding from the 2009-10 Community Development Block Grant general allocation.

B. Letter from Area 4 Agency on Aging regarding Board appointments to the Governing Board.

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Vasquez:

- Lions Christmas fundraiser

- Linda Liaison meeting regarding introduction of North Beale Road Revitalization Plan
- Olivehurst Christmas Parade December 12, 2009
- Drive-through protest on Sunday, December 13, 2009 regarding possible loss of Marysville Post Office Distribution Facility
- Big Lems Bar-B-Q restaurant in Linda

Supervisor Abe:

- Yuba Sutter Mental Health annual dinner
- Sierra Sacramento Valley Emergency Medical Services meeting regarding possible addition of Shasta County to the seven member board and possible impacts

Supervisor Stocker:

- Childhood Obesity Ad Hoc meeting held December 10, 2009
- Appreciation ceremony for Dobbins/Oregon House Fire District volunteers
- Olivehurst Christmas Parade
- Fire Safe Council regarding roadside clearing

Supervisor Griego:

- Childhood Obesity Ad Hoc meeting held December 10, 2009 and presentation on Shasta County program
- Rotary Club meeting; Olivehurst Christmas Parade
- First 5 Yuba Commission meeting held December 14, 2009
- Commended Supervisor Vasquez regarding drive-through protest and reminder of December 16, 2009 6:30 p.m. meeting at Packard Library on Post Office Distribution Center

Supervisor Nicoletti:

- Memorial Adjournment - Mr. Don Peterson
- Corps of Engineers meeting regarding Marysville ring levee held Tuesday, December 8, 2009
- Olivehurst Christmas Parade
- Yuba Sutter Economic Development Corp. regarding Beale and ongoing operations
- Kiwanis Club of Marysville and Yuba City Salvation Army Bell Ringing Drive

Assistant County Administrator Randy Margo: Criminal Justice Committee meeting regarding passage of Senate Bill 678 and significant impacts regarding probation/parole

CLOSED SESSION

The Board retired into closed session at 10:30 a.m. to discuss the following:

- A. Conference with Real Property Negotiator pursuant to Government Code §54956.8 regarding the following:
- 1) Property: APN 014-300-081 and 082 (Gilbert) Negotiating Parties: County of Yuba/Mike Lee Negotiation: Potential land purchase for OPUD park site; Price and Terms of Payment
 - 2) Property: APN 016-350-003 (Leak) Negotiating Parties: County of Yuba/Mike Lee Negotiation: Potential land purchase for OPUD park site; Price and Terms of Payment
 - 3) Property: APN 021-427-003 and 021-425-002 (Yuba Gardens Associates) Negotiating Parties: County of Yuba/Mike Lee Negotiations: Price and Terms of Payment
- B. Personnel pursuant to Government Code §54957 - Public Appointment/Public Guardian
- C. Pending litigation pursuant to Government Code 54956.9(a) - State of California Ex rel. etc. vs. River Highlands Community Services District

RECESS

The Board recessed from closed session at 12:00 p.m. and reconvened in open session at 1:00 p.m. with all Board and staff members present as indicated above.

ORDINANCE

The Clerk read the disclaimer.

Supervisor Nicoletti left the dais. Vice Chair Griego presided.

- 1) Ordinance/Title VIII of the Yuba County Ordinance Code/adding Chapter 8.30 relating to Social Host Responsibility: County Administrator Robert Bendorf recapped the ordinance, related penalties, and purpose of deterring underage drinking. Mr. Will Cheesman, San Diego Research Foundation, recapped impacts to underage drinking and implementing a program. Mr. Bendorf, Mr. Cheesman, and Counsel responded to Board inquiries regarding responsible persons, liability, the citation process, and response costs.

Ms. Amber Royer, Friday Night Live Executive Director, recommended parents be the responsible party for aged 18 and under.

Following Board discussion regarding the landlord and homeowner as the responsible person, Vice Chair Griego referred the matter to committee for revisions and recommendation.

Supervisor Nicoletti returned to the dais. Chairman Nicoletti presided.

2) Public Hearing/Resolution Re-adopting Initial Study/Mitigated Negative Declaration and Adopting the Revised 2008 - 2013 Housing Element of the Yuba County General Plan: Planning Director Wendy Hartman provided a Power Point presentation recapping the update process and recommended changes to the following:

- Multi-family housing
- Assumption for Commercial and Mixed-use Zones
- Monitoring of affordable housing and farm worker housing programs

Following Board inquiries, Chairman Nicoletti opened the public hearing. No one came forward.

Upon motion of Supervisor Vasquez, seconded by Supervisor Griego, and unanimously carried, the Board closed the public hearing and adopted Resolution No. 2009-127, which is on file in Yuba County Resolution Book No. 40 entitled: "RESOLUTION RE-ADOPTING INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND ADOPTING THE REVISED 2008 - 2013 HOUSING ELEMENT OF THE YUBA COUNTY GENERAL PLAN."

ADOPT
RESOLUTION
NO. 2009-127

3) Public Hearing/Resolution Adopting the North Beale Corridor Complete Streets and Revitalization Plan as a Design Guide to Development of North Beale Road from Lindhurst Avenue to Linda Avenue: Planning Director Wendy Hartman and Assistant Ed Palmeri provided a Power Point presentation on the conceptual plan for North Beale corridor including the following:

- Community Vision and Values
- Priorities
- Recommendations for Character, Travel, and Reinvestment and Infill Development
- Short-term solutions of pedestrian crossings, adequate lighting, median islands, and roundabouts

Following Board inquiries, Chairman Nicoletti opened the public hearing. The following individuals spoke:

- Ms. Jennifer Jones, on behalf of Rachel Ferrill, Linda
- Mr. Marc Flacks, Yuba College Instructor

Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the Board closed the public hearing and adopted Resolution No. 2009-128, which is on file in Yuba County Resolution Book No. 40 entitled: "A RESOLUTION ADOPTING THE NORTH BEALE CORRIDOR COMPLETE STREETS AND REVITALIZATION PLAN AS A DESIGN GUIDE TO DEVELOPMENT OF NORTH BEALE ROAD FROM LINDHURST AVENUE TO LINDA AVENUE." ADOPT RESOLUTION NO. 2009-128

RECORD APPEAL

Planning Commission's determination on Conditional Use Permit in commercial zone district (LUC2009-0043) from Dick Sanchez (Sanchez Truck Repair and Towing) and Denise Stark: Planning Director Wendy Hartman outlined the process and briefly recapped the hearing and decision of the Planning Commission and responded to Board inquiries.

Mr. Dick Sanchez, appellant, recapped his application for a conditional use permit (CUP), associated fees, and community service provided advising towed vehicles are limited to a 30-day stay and requested the business be allowed by "being grandfathered in" or through the CUP process.

Ms. Denise Stark, property owner, requested the business be allowed on the property for two years and advised temporary beautification of the lot would be implemented.

Following Board discussion, Chairman Nicoletti opened the public hearing. The following individuals spoke on the following:

- Ms. Valda Perry, Broadway Road, uphold appeal
- Mr. Iain Wallace, Rocklin, uphold Planning Commission (PC)
- Mr. Ronald Ringen, Lindhurst, uphold PC
- Mr. Don Schrader, Ellis Road, uphold appeal and allow CUP with conditions
- Mr. Rick Brown, Lindhurst Avenue, uphold appeal
- Mr. John Taylor, Plumas Lake, uphold PC
- Mr. Surinder Dhaliwal, Sanchez towing employee, uphold appeal

Counsel responded to specific Board inquiries regarding legality and effects on business.

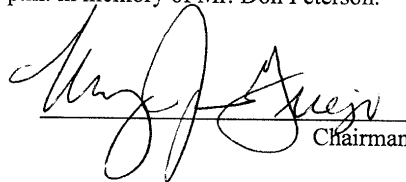
Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and carried with Supervisor Vasquez opposing, the Board approved developing an interim plan for effected businesses to facilitate a transition, and upheld the Planning Commission decision by denying the appeal. DENY APPEAL

Chairman Nicoletti advised the earlier determination regarding the Public Guardian appointment was rescinded and Asha Davis had been appointed the Public Guardian and further advised staff direction was given to take action pursuant to real property negotiations.

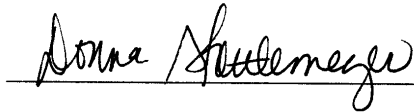
CLOSE
SESSION
ANNOUNCE

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, Chairman Nicoletti adjourned the meeting at 3:45 p.m. in memory of Mr. Don Peterson.


Chairman

ATTEST: DONNA STOTTEMEYER
CLERK OF THE BOARD OF SUPERVISORS



Approved: 
