

YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

DECEMBER 9, 2008

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:46 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors John Nicoletti, Mary Jane Griego, Donald Schrader, and Hal Stocker. Also present were County Administrator Robert Bendorf, Deputy County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Laura DeShazer. Chairman Nicoletti presided.

ELECTION OF OFFICER

Vice-chairman of the Board: Following nomination of Supervisor Griego by Supervisor Schrader and with no further nominations for the office of Vice-chairman, upon motion of Supervisor Schrader, seconded by Supervisor Stocker and unanimously carried, the Board elected Supervisor Griego as Vice-chairman for the remainder of 2008. ELECT VICE CHAIR

CONSENT AGENDA

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

- A. Administrative Services: Approved consent to sublease and Lease Agreement between Continental Pacific Lumber Industries and Century Nationwide, Inc., for property located at 1401 Melody Road, Olivehurst and authorized the Chairman to execute same. APPROVE LEASE AGRMNT.
- B. Board of Supervisors: Adopted Resolution No. 2008-155, which is on file in the Yuba County Resolution Book No. 39, which is entitled: "A RESOLUTION APPROVING THE AMENDED BY-LAWS OF THE CHILD CARE PLANNING COUNCIL OF YUBA AND SUTTER COUNTIES." ADOPT RESOLUTION NO. 2008-155
- C. Clerk of the Board of Supervisors: Approved the minutes from the regular meeting of November 18, 2008, as written. APPROVE MINUTES
- D. Clerk Recorder/Elections: Accepted Statement of Vote for the November 4, 2008 Presidential General Election pursuant to Elections Code §15400. ACCEPT STATEMENT

E. County Administrator: Authorized a Budget Transfer in the amount of \$24,795 from various line items to Account No. 126-9504-419-23-00 (Professional Services) for the creation of a new economic development website. AUTHORIZE BUDGET TRANSFER

F. Community Development and Services

1) Authorized a Budget Transfer in the amount of \$20,000 from various line items to Account No. 102-9200-431-62-00 (Fixed Assets) for the purchase and installation of radar speed signs near Olivehurst Elementary School on McGowan Parkway and Yuba Gardens Middle School on Powerline Road, Olivehurst. AUTHORIZE BUDGET TRANSFER

2) Adopted Resolution No. 2008-156, which is on file in the Yuba County Resolution Book No. 39, which is entitled: "A RESOLUTION OF THE BOARD OF SUPERVISORS AUTHORIZING AN AMENDMENT TO THE LEVEE FEE REPAYMENT SCHEDULE OF THE FUNDING AGREEMENT BETWEEN THE COUNTY AND AXEL KARLSHOEJ WHICH WAS ENTERED INTO TO MEET THE CASH FLOW NEEDS OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY LEVEE PROJECT." ADOPT RESOLUTION NO. 2008-156

G. Health and Human Services: Approved an agreement with Placer County for the provision of public health laboratory services with the Public Health Division of the Health and Human Services Department commencing July 1, 2008 through June 30, 2013 and authorized the Chairman to execute same. APPROVE AGRMNT.

H. Treasurer-Tax Collector: Adopted Resolution No. 2008-157, which is on file in the Yuba County Resolution Book No. 39, which is entitled: "RESOLUTION DELEGATING INVESTMENT AUTHORITY TO THE YUBA COUNTY TREASURER." ADOPT RESOLUTION NO. 2008-157

SPECIAL PRESENTATION

California's General Aviation Airports: Yuba County Airport Manager Mary Hansen presented a video highlighting the importance of retaining general aviation transportation infrastructure to generate revenue, value, life-saving services and link neighborhoods to the world. PRESENT VIDEO

PUBLIC COMMUNICATIONS

Economic Development Coordinator John Fleming updated the status of commercial and industrial development in Yuba County.

Ms. Frances Hofman, Marysville, commented regarding poor road conditions, economic losses, and the 200 year flood protection standard in Yuba County.

County Administrator Robert Bendorf briefly recapped the Deal of the Year award ceremony on December 3, 2008 in New York and displayed the crystal award which was presented by Bond Buyer in recognition of the Yuba Levee Financing Authority Bond Sales.

Supervisor Schrader announced the Yuba County Water Agency was the recipient of the Theodore Roosevelt Environmental Award for environmental stewardship on December 3, 2008, in Long Beach, California for its Lower River Yuba Accord.

ITEM OF PUBLIC INTEREST

A. Mad K Country LLC/The Branding Iron/Dance Permit: Upon motion of Supervisor Schrader, seconded by Supervisor Griego, and unanimously carried, the Board approved the dance permit for Mad K Country LLC, doing business as The Branding Iron, located at 5861 Feather River Boulevard. APPROVE
DANCE
PERMIT

B. Virginia Mahoney/Ginny's Now and Then/Second Hand Dealer Permit: Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and unanimously carried, the Board approved the second hand dealer permit for Virginia Mahoney, doing business as Ginny's Now and Then, located at 5402 Lindhurst Avenue. APPROVE
PERMIT

C. Indemnification Agreement/Phase 4 Feather River Setback Levee: Three Rivers Levee Improvement Authority Counsel Scott Shapiro recapped the Board requirement for Indemnification and responded to Board inquiries.

Upon motion of Supervisor Griego, seconded by Supervisor Stocker, and carried following a roll call vote with Supervisors Griego, Stocker and Nicoletti voting in support and Supervisor Schrader voting in opposition, the Board approved the Indemnification Agreement between the County of Yuba, Central Valley Flood Protection Board, Three Rivers Levee Improvement Authority, and Reclamation District Number 784 to allow for completion of the Phase 4 Feather River Levee Setback; authorized the Chairman to execute same; and approved correspondence to Central Valley Flood Protection Board. APPROVE
AGRMNT.

RECESS

The Board recessed at 11:02 a.m. and reconvened at 11:20 a.m. with all Board and staff members present as indicated above.

ORDINANCES AND PUBLIC HEARINGS

Deputy Clerk of the Board Laura DeShazer read the disclaimer.

1) Ordinance/Repealing and Re-enacting as Amended Chapter 11.25 of Title XI of the Yuba County Ordinance Code relating to Grading, Drainage and Erosion Control (Second Reading) (Continued from November 18, 2008): Chairman Nicoletti opened the public hearing. No one came forward.

Upon motion of Supervisor Schrader, seconded by Supervisor Stocker, and unanimously carried, the public hearing was closed, the reading was waived, and the Board adopted Ordinance No. 1466, which is on file in Yuba County Ordinance Book No. 20, which is entitled: "AN ORDINANCE/REPEALING AND RE-ENACTING AS AMENDED CHAPTER 11.25 OF TITLE XI OF THE YUBA COUNTY ORDINANCE CODE RELATING TO GRADING, DRAINAGE AND EROSION CONTROL."

ADOPT
ORDINANCE
NO. 1466

2) Ordinance/Repealing and Re-enacting as Amended Chapter 2.110 of Title II of the Yuba County Ordinance Code regulating the public use of the Yuba County Airport (First Reading): Airport Manager Mary Hansen recapped the ordinance and responded to Board inquiries. Chairman Nicoletti opened the public hearing. No one came forward.

Upon motion of Supervisor Schrader, seconded by Supervisor Griego, and unanimously carried, the public hearing was closed, the first reading was waived, and the Board introduced an ordinance repealing and re-enacting as amended Chapter 2.110 of Title II of the Yuba County Ordinance Code regulating the public use of the Yuba County Airport.

WAIVE
READING

3) Public Hearing/Findings of Fact, Conclusions of Law and Orders Authorizing the Assessment/8787 Highway 70, Marysville (Harmon, James D.): Following a brief recap by Supervising Building Official Jeremy Strang, Chairman Nicoletti opened the public hearing.

Ms. Vivian Harmon advised her son had inherited the property from his father which was in poor condition, had worked diligently to meet the requirements of the county, and requested to pay fees in the amount of \$558.00.

Following Board discussion, upon motion of Supervisor Schrader, seconded by Supervisor Griego, and unanimously carried, the public hearing was closed, and the Board adopted Findings of Facts, Conclusions of Law and Orders authorizing assessment of costs and penalties in the amount of \$558.00 to be paid by June 15, 2009, regarding property located at 8787 Highway 70, Marysville (Harmon, James D.).

ADOPT
FINDINGS OF
FACT

4) Public Hearing/California Citizens Option for Public Safety Program Funds: HELD
 County Administrator Robert Bendorf recapped proposed expenditures for California PUBLIC
 Citizens Option for Public Safety Program (COPS) funds for fiscal year 2008/2009. HEARING

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

5) Public Hearing/General Plan Amendment, Specific Plan Amendment, Tentative Subdivision Tract Map, Statement of Findings of Fact and Overriding Considerations and Mitigation Monitoring Plan/Country Club Estates: Following a Power Point presentation recapping the previous actions regarding the project, Assistant Planning Director Ed Palmeri and Consultant Jose Bodipo-Memba responded to Board inquiries.

JTS Communities Director Rob Aragon and EDAW Consultant Pooja Singh provided a Power Point presentation recapping the Country Club Estates Project principals, vision, and land uses.

The following individuals spoke in regard to the project:

- Mr. Seth Merewitz, Mc Donough, Holland and Allen
- Mr. Thomas Platter, Olivehurst
- Mr. Don Graham, Olivehurst, submitted a written statement identified as Exhibit EXHIBIT "A"
 "A" which is attached to and made part of these minutes
- Mr. Tom Eres, representing Hofman Ranch
- Planning Director Wendy Hartman on behalf of Agricultural Director Louie Mendoza

Following Board discussion, upon motion of Supervisor Griego, seconded by Supervisor Stocker and unanimously carried, the public hearing was closed, and the Board adopted RESOLUTION
 Resolution No. 2008-158, which is on file in the Yuba County Resolution Book No. 39, NO. 2008-158
 which is entitled: "RESOLUTION FROM HEARING DE NOVO HELD FOR
 CONSIDERATION OF COUNTRY CLUB PROJECT AND APPROVAL OF GENERAL
 PLAN AENDMENT, SPECIFIC PLAN AMENDMENT AND TENATIVE
 SUBDIVISION MAP; AND FOR ADOPTION OF STATEMENTS OF FINDINGS OF
 FACT AND OVERRIDING CONSIDERATIONS, AND A MITIGATION
 MONITORING PLAN," as amended; and adopted Ordinance No. 1467, which is on file in ADOPT
 Yuba County Ordinance Book No. 20, which is entitled: "AN ORDINANCE REZONING ORDINANCE
 CERTAIN PROPERTY IN THE COUNTY OF YUBA," identified as Assessor Parcel NO. 1467
 Number 016-030-001, Assessor Parcel Number 016-030-011 and Assessor Parcel Number
 016-030-022 from Exclusive Agricultural Zone (AE) to Planning Reserve Zone (PR).

RECESS

The Board recessed at 1:26 p.m. and reconvened at 1:29 p.m. with all Board and staff members present as indicated above.

CORRESPONDENCE

The Board received the following:

A. Letter from the California Department of Finance advising of determination of tax revenue transfer from redevelopment agencies to the Education Revenue Augmentation Fund. REFER TO STAFF

Referred to Community Development and Services

B. Letter from Yuba County Resource Conservation District regarding the Yuba River Parkway acquisition project funding. REFER TO STAFF

Referred to County Administrator

C. Letter from Senator Sam Aanestad regarding submission of potential legislative proposals for 2009.

D. Letter from various citizens urging support of a village center in the Oregon House/Dobbins community. REFER TO STAFF

Referred to Community Development and Services

E. Letter from Gary Dibble regarding consideration of a Conditional Use Permit and change of zoning to allow for a winery. REFER TO STAFF

Referred to Community Development and Services

F. 2008 Local Agency Biennial Notice advising no change is required to conflict of interest code for Plumas Brophy Fire Protection District.

G. Letter from State of California Department of Parks and Recreation advising of the Statewide Park Development and Community Revitalization Act of 2008 grant program. REFER TO STAFF

Referred to Community Development/County Administrator

H. Letter from the United States Department of the Interior, Bureau of Indian Affairs REFER TO
enclosing Notice of Land Acquisition Application for the Enterprise Rancheria of Maidu STAFF
Indians of California.

Referred to County Administrator

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Supervisor Schrader: Attended Aqua Conference at the State Capitol during first week of
December 2008

Supervisor Stocker:

- Memorial adjournment in memory of Mr. Marden "Marty" Tull, Ms. Alice Cramer,
Mr. Robert A. Rex, Mr. Elwood Hall

Supervisor Griego:

- Memorial adjournment in memory of Mr. Terry Sutton
- Three Rivers Levee Improvement Authority received 404 and 408 permits for levee
project

County Administrator Robert Bendorf: Participated in Thanksgiving meal deliveries with
local charities

CLOSED SESSION

The Board retired into closed session at 1:37 p.m. to discuss the following:

- A. Threatened litigation pursuant to Government Code §54956.9(b) - One Case
- B. Pending litigation pursuant to Government Code §54956.9(a) - Carter vs. County
of Yuba

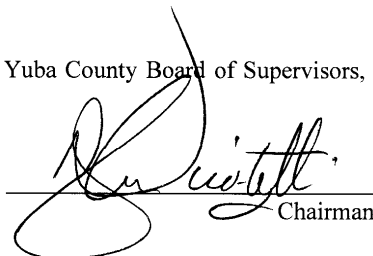
C. Personnel pursuant to Government Code §54957 - Performance Evaluation/County Counsel

D. Labor negotiations pursuant to Government Code §54957.6 - Unrepresented Management/County Counsel

The Board returned from closed session at 2:17 p.m. with all Board and staff members present as indicated above. There was no announcement.

ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 2:17 p.m.


Chairman

ATTEST: DONNA STOTTEMEYER
CLERK OF THE BOARD OF SUPERVISORS


Laura DeShazer, Deputy Clerk

Approved: 1/20/2009

Date: December 9, 2008
To: Yuba County Supervisors
Re: JTS Project

I am Don L. Graham and I live at 1049 Anderson Ave., Olivehurst. With regard to the Country Club Estates project, I want you to know that my concerns about the development of Anderson Ave. remain even as I have drawn your attention to before.

I would, however, point out to you that Mr. Rob Aragon paid me a visit last week and wrote me a letter to that effect. In the first place, he pointed out that he understands my concerns regarding the project. I do appreciate Mr. Aragon's efforts to resolve the traffic circulation issue, however, the issue of my privacy has not been resolved.

What has been resolved is the uncertainty of the use of Anderson Ave. during Phase I, II & III Buildout as access to the project.

I have the impression that Mr. Aragon is a man of integrity, that he is an honorable man that I may count on to keep his word.

Though not the final solution I had hoped for, Mr. Aragon's willingness to meet and assess alternatives to the Anderson Ave. Configuration prior to recordation of Phase 4 Final Map is a compromise which I am willing to live with for the time being.

December 9, 2008

EXHIBIT "A"