
Called to order at 9:03 a.m., in the Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville. Supervisors present: Dolan, Houx, Josiassen, Yamaguchi and Chair Beeler. Also present: Paul McIntosh, Chief Administrative Officer; Bruce Alpert County Counsel; and Marion Reeves, Assistant Clerk of the Board.

Pledge of Allegiance to the Flag of the United States of America.

Observation of a Moment of Silence.

CORRECTIONS AND/OR CHANGES TO THE AGENDA. (72)

0415-001 ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION.

1. Canteen Correctional Services - approval is requested for a revenue agreement with Canteen Correctional Services for provision of commissary services in the Butte County Jail. The term of the agreement is September 1, 2004, through August 31, 2007, with a maximum amount payable to the County of 37% of the net sales. The agreement is the result of a competitive proposal process - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

AT THE REQUEST OF THE SHERIFF'S OFFICE, THIS ITEM REMOVED FROM THE AGENDA WITHOUT BOARD CONSIDERATION OR ACTION. THE ITEM IS EXPECTED TO RETURN ON THE AGENDA OF AUGUST 31, 2004.

CONSENT AGENDA

- 0415-002
1. Fiscal Year 2003-2004 Final Budget Transfer - the department has prepared the final budget transfer for fiscal year 2003-2004. The transfer clears deficit appropriations and makes transfers needed to close the 2003-2004 fiscal year - action requested - APPROVE BUDGET TRANSFER B-544 (4/5 vote required).
 2. J. Gregory Long, D.O. - approval is requested for a sole source agreement with J. Gregory Long, D.O., for the provision of professional services in the specialized field of psychiatry. The term of the agreement is August 1, 2004, through June 30, 2005, with a maximum amount payable of \$184,120 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 0415-002 3. State of California, Department of Alcohol and Drug Programs - Amendment - approval is requested for an amendment to the revenue agreement with the State of California, Department of Alcohol and Drug Programs, for Negotiated Net Amount and Drug/Medi-Cal funds. The amendment increases the fiscal year 2003-2004 allocation by \$21,829, and revises the budget detail forms to reflect the increase. All other terms and provisions remain the same - action requested - ADOPT RESOLUTION 04-142 APPROVING AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN; AND AUTHORIZE THE CHAIR TO SIGN AMENDMENT SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. R40320)
4. State of California, Department of Alcohol and Drug Programs - approval is requested for a grant agreement with the State of California, Department of Alcohol and Drug Programs, for funds for the Comprehensive Drug Court Implementation Program. The agreement provides the County with \$70,104 for Project Year 4 - action requested - ADOPT RESOLUTION 04-143 APPROVING AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; AND AUTHORIZE THE CHAIR TO SIGN AGREEMENT SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. R40325)
5. Youth For Change - approval is requested for a sole source agreement with Youth For Change for the provision of sheltering services for the Homeless Emergency Runaway Effort (HERE) Program. The term of the agreement is August 11, 2004, through September 29, 2005, with a maximum amount payable of \$49,800 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
6. Willow Glen Care Center - approval is requested for a sole source agreement with the Willow Glen Care Center for the provision of rehabilitation services to referred clients. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable of \$83,005 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
7. Butte County Probation Department/Butte County Department of Behavioral Health - Amendment - approval is requested for an amendment to the Memorandum of Understanding with the Probation Department for the provision of drug testing services for Drug Court programs. The amendment extends the term of the agreement though June 30, 2005, increases the maximum amount payable by \$20,154 (grant funds) for the extended term, and revises the agreement's attachments to reflect the changes. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X10941)

- 0415-002 8. Butte County Probation Department/Butte County Department of Behavioral Health - Amendment - approval is requested for an amendment to the Memorandum of Understanding with the Probation Department for services in support of Substance Abuse and Crime Prevention Act programs. The amendment extends the term of the agreement through June 30, 2005, increases the maximum amount payable by \$292,453 (department budget) for the extended term, and revises the agreement's attachments to reflect the changes. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X13481)
9. Authorize Payment of Field Purchase Orders - approval is requested, pursuant to the Butte County Purchasing Policy Manual, to authorize payment of four Field Purchase Orders (FPOs) in the total amount of \$7,859.39 (department budget). The FPOs were inadvertently used to purchase items that exceeded the purchase limit for FPOs. The errors occurred as a result of a misunderstanding of the purchasing process, and procedures will be developed to prevent the oversight from occurring in the future - action requested - AUTHORIZE THE PAYMENT OF FIELD PURCHASE ORDERS F317289, F317244, AND F317245 IN THE TOTAL AMOUNT OF \$5,164.09, AND F318620 IN THE AMOUNT OF \$2,695.30.
10. Resolution in Remembrance and Recognition of Margaret "Peg" Taylor and the Peg Taylor Center for Adult Day Health Care - Supervisor Houx is requesting the Board adopt a resolution celebrating the 100th birthday of Margaret "Peg" Taylor and recognizing the important role the Peg Taylor Center for Adult Day Health Care plays in the lives of Butte County citizens - action requested - ADOPT RESOLUTION 04-144 AND AUTHORIZE THE CHAIR TO SIGN.
11. Consolidated Area Housing Authority of Sutter County - approval is requested for an agreement with the Consolidated Area Housing Authority of Sutter County for administration of the County's Housing Rehabilitation Loan Program. The term of the agreement is three years, with a maximum amount payable of \$40,000 per year (HCD Program Income). The agreement is the result of a Request For Proposal - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
12. First Responder Homeland Defense Act - approval is requested for support of S2239, the First Responder Homeland Defense Act. Senator Boxer has introduced the federal legislation which would authorize funding, technical assistance and direct grants to local law enforcement, firefighters and public health workers - action requested - SUPPORT S2239 (BOXER) AND AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER TO CONVEY THAT SUPPORT TO THE NECESSARY PARTIES.

- 0415-002 13. Resolution Supporting Proposition 1A - approval is requested for a resolution of support for Proposition 1A, a Constitutional Amendment which will appear on the November ballot. The amendment will protect local government revenues by limiting the State's ability to take and use local government funding - action requested - ADOPT RESOLUTION 04-145 AND AUTHORIZE THE CHAIR TO SIGN.
14. A.D.I. Investigative Services - Amendment - approval is requested for an amendment to the agreement with A.D.I. Investigative Services for the provision of Legal Process Server services. The amendment increases the maximum amount payable by \$3,000 (department budget). All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X14200)
15. Help America Vote Act (HAVA) Grant - approval is requested to ratify the grant application submitted to the Secretary of State for HAVA funds. The funds will be utilized for voter education and precinct officer training assistance. The grant awards are based on the number of eligible voters per county, and Butte County is eligible for an award of up to \$85,000. There is no required match for the grant. The accelerated time line for submission of the grant application required the County Clerk-Recorder to submit the application prior to Board approval to insure the County's eligibility for the award. Board approval is now requested for a resolution which will ratify the grant application and authorize the County Clerk-Recorder to sign all future documents associated with the grant - action requested - RATIFY GRANT APPLICATION; AND ADOPT RESOLUTION 04-146 AUTHORIZING ACCEPTANCE OF FUNDS AND AUTHORIZING THE COUNTY CLERK-RECORDER TO SIGN GRANT DOCUMENTS AND AUTHORIZE THE CHAIR TO SIGN.
16. Resource Design Technology, Inc., and KRC Holdings, Inc. - Amendment - approval is requested for an amendment to the agreement with Resource Design Technology, Inc., and KRC Holdings, Inc., for the preparation of an Environmental Impact Report for the M&T Chico Ranch Mine. The amendment adds additional work needed to complete the report, and increases the maximum amount payable by \$66,578.75. The applicant, KRC Holdings, Inc., provides the funding for the agreement and Board approval is also requested to accept and appropriate the funds for the amendment. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER B-010 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT. (Contract No. X11681)

- 0415-002 17. United States Department of Justice/United States Department of the Treasury - approval is requested for the Federal Annual Certification Report which provides a summary of equitable sharing activity for fiscal year 2003-2004 - action requested - APPROVE CERTIFICATION REPORT AND AUTHORIZE THE CHAIR TO SIGN.
18. Resolution in Recognition of Richard Prater upon His Retirement from the County of Butte - action requested - ADOPT RESOLUTION 04-147 AND AUTHORIZE THE CHAIR TO SIGN.
19. Juvenile Hall Construction Fund Balance - approval is requested to transfer the available project fund balance from the Juvenile Hall Capital Project budget to the current fiscal year budget. The funds will be utilized to resolve construction quality issues - action requested - APPROVE BUDGET TRANSFER B-011 (4/5 vote required) ACCEPTING AND APPROPRIATING FUND BALANCE AS DETAILED IN THE AGENDA REPORT.
20. Resolution to Amend the Salary Ordinance - the department has prepared a resolution which will amend the salary ordinance as follows: ADMINISTRATIVE-EMERGENCY SERVICES - deletes one 3/4-time position of Office Assistant II, and adds one full-time position of Office Assistant II - action requested - ADOPT RESOLUTION 04-148 AND AUTHORIZE THE CHAIR TO SIGN.
21. IRC Section 125 Flexible Spending Plan Amendment - approval is requested for amendments to the County's IRC Section 125 Flexible Spending Plan document. The amendment revises the definition of Medical Expense (Section 6.2(c)), adds a section regarding the Health Insurance Portability and Accountability Act, and revises the Summary Plan Description - action requested - APPROVE AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL.
22. Creative Benefits, Inc. - approval is requested for an agreement with Creative Benefits, Inc., for the administration of the County's IRC Section 125 Flexible Spending Plan. The term of the agreement is July 1, 2004, through June 30, 2006, and will automatically extend on a year-to-year basis unless cancelled by either party. The cost of the agreement is based on the number of County employees, and is estimated at \$9,000 per year. That cost is distributed to all County departments. Savings generated by participation in the program exceed the cost of the administrative services - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 0415-002 23. Library Donations - pursuant to Government Code Section 25355, donations of \$913.18 from the Paradise Friends of the Library, \$855 from the Oroville Friends of the Library, \$150 from Izzy's Burger Spa of Paradise, \$150 from Dorothy Dingfelder of Chico, and \$100 from Virginia Boggs of Chico, have been received for the Butte County Trust Fund for the purchase of books - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.
24. Donations for Operations - pursuant to Government Code Section 25355, a donation of \$4,521.80 from the Gridley Friends of the Library, has been received to fund extra help support staff at the Gridley Branch Library - action requested - ACCEPT DONATION AND AUTHORIZE A LETTER OF APPRECIATION.
25. Budget Transfer for Purchase - approval is requested to transfer \$4,750 from the Ward Welfare Fund to the department's budget to provide the appropriation needed to purchase video conferencing equipment for use in detention hearings for juveniles - action requested - APPROVE BUDGET TRANSFER B-013 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
26. Grant Funds - approval is requested to accept and appropriate \$2,000 received from the Organized Crime Drug Enforcement Task Force. The funds will be utilized to help pay for overtime costs incurred in Butte Interagency Narcotics Task Force operations - action requested - APPROVE BUDGET TRANSFER B-012 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
27. Private Industry Council, Inc. - Amendment - approval is requested for an amendment to the sublease agreement with the Private Industry Council, Inc., for office space in the building located at 2445 Carmichael Road in Chico. The amendment increases the square footage leased for the medical clinic, adds \$15,000 for change orders and modifications for fiscal year 2004-2005, and adds \$10,000 for change orders and modifications for fiscal year 2005-2006. Funding for the amendment will be provided by an increase in realignment revenue, and approval is also requested to increase the anticipated realignment revenue for the lease by \$20,847. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER B-017 (4/5 vote required) INCREASING ANTICIPATED REALIGNMENT REVENUE AND AGREEMENT APPROPRIATION AS DETAILED IN THE AGENDA REPORT. (Contract No. X10770)

- 0415-002 28. Private Industry Council, Inc. - Amendment - approval is requested for an amendment to the sublease agreement with the Private Industry Council, Inc., for office space in the building located at 202 Mira Loma Drive in Oroville. The amendment adds \$10,000 for change orders and modifications for fiscal year 2004-2005, and \$10,000 for change orders and modifications for fiscal year 2005-2006. Funding for the amendment will be provided by an increase in realignment revenue, and approval is also requested to increase the anticipated realignment revenue by \$10,000. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER B-016 (4/5 vote required) INCREASING ANTICIPATED REALIGNMENT REVENUE AND AGREEMENT APPROPRIATION AS DETAILED IN THE AGENDA REPORT. (Contract No. X13127)
29. Redwood Toxicology Laboratory, Inc. - Amendment - approval is requested for an amendment to the agreement with Redwood Toxicology Laboratory, Inc., for the provision of drug testing services. The amendment extends the term of the agreement through December 31, 2004, adds oral fluids laboratory testing, and increases the maximum amount payable by \$10,000 (department budget) for the extended term. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X14247)
30. California Department of Health Services - approval is requested for a revenue agreement with the California Department of Health Services for funds to implement the Immunization Network of Northern California. The County will act as lead agency for the 15-county northern California region. The term of the agreement is July 1, 2004, through June 30, 2005, with a maximum amount payable to the County of \$275,000 for the project. The department is requesting to appropriate \$21,065. The remaining funds were included in the department's budget - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER B-014 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
31. Women, Infants and Children Program Funding - approval is requested to accept and appropriate \$44,640 received by the State of California as an additional allocation for the Woman, Infants and Children Program. The funds are to be used to make one-time hardware purchases of computers and other equipment for the Information Dissemination Project - action requested - APPROVE BUDGET TRANSFER B-015 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

- 0415-002 32. Relief of Accountability - pursuant to Government Code Section 29390, approval is requested for relief of accountability for \$120.00 missing from the receipts of the Public Health Clinic office on October 20, 2003. The Auditor-Controller has reviewed the matter and found no evidence of fraud or gross negligence. As recommended by the Auditor-Controller, the department has purchased and installed safes for use in the clinics - action requested - GRANT RELIEF OF ACCOUNTABILITY.
33. Resolution in Recognition of John Lambert upon His Retirement from the County of Butte - action requested - ADOPT RESOLUTION 04-149 AND AUTHORIZE THE CHAIR TO SIGN.
34. Equipment Purchase Budget Transfer - approval is requested to transfer \$8,000 from the Federal Revenue Sharing Trust Account to help fund the purchase of tactical clothing and equipment for the Special Incident Response Team (SIRT) - action requested - APPROVE BUDGET TRANSFER B-019 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
35. Equipment Purchase Budget Transfer - approval is requested to transfer \$6,000 from the Civil Trust Account to fund the purchase of three computers for the Civil Division - action requested - APPROVE BUDGET TRANSFER B-020 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
36. Drug Endangered Children Grant Appropriation - the department will receive a federal grant allocation of \$94,900.69 to fund the Drug Endangered Children program for fiscal year 2004-2005. To continue funding the program until the allocation is received, approval is requested to accept and appropriate \$68,831 of COPS Meth Program revenue to the department's budget to provide the appropriations needed for program expenses - action requested - APPROVE BUDGET TRANSFER B-018 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
37. Pre-Sort Center - approval is requested for an agreement with Pre-Sort Center to print, fold, insert, meter and mail the annual Secured Property Tax bills in September. The term of the agreement is September 1, 2004, through December 31, 2004, with a maximum amount payable of \$45,000 (\$10,000 for services, \$35,000 for postage [department budget]). Board approval is also requested to transfer \$35,000 from the department's ISF postage account to the department's operating account to provide the allocation needed for postage under the contract - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER B-021, TRANSFERRING FUNDS AS DETAILED IN THE AGENDA REPORT.

- 0415-002 38. Introduction of an Ordinance Amending Chapter 2, Article XIII.5, Section 2-100.30, 2-100.40, 2-100.70 and 2-100.80 of the Butte County Code Relating to Powers and Duties of the Children and Families Commission - the Commission is requesting the Board adopt an ordinance which will incorporate the Commission's recommended changes to the Membership, Term of Office, Powers and Duties, and Advisory Committee provisions of the Butte County Code regarding the Butte County Children and Families Commission - action requested - WAIVE READING OF THE ORDINANCE.
- 39. Butte County Children and Families Commission - submitted are the Commission's recommendations for membership vacancy appointments - action requested - APPOINT/REAPPOINT KAREN MARLATT, COMMUNITY BASED ORGANIZATION REPRESENTATIVE; LINDA MOORE, CHILD CARE AGENCY REPRESENTATIVE; JEFF FONTANA, COMMUNITY BASED ORGANIZATION REPRESENTATIVE; AND YVONNE NENADAL, ALTERNATE MEMBER; TO TERMS TO END ~~APRIL~~ JULY 1, 2006.
- 40. Paradise Memorial Hall Committee - action requested - APPOINT/REAPPOINT PAUL H. HARMON, DELEGATE, AND PETER J. FRIETAG, ALTERNATE, AMERICAN LEGION, PARADISE POST 259; AND RICHARD J. CAMPBELL, DELEGATE, AND EDWARD J. MCGREEHAM, ALTERNATE, VETERANS OF FOREIGN WARS, MAX BILLIE POST NO. 2039; TO TERMS TO END JUNE 30, 2005. (84)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH ITEM 3.40 AMENDED TO CORRECT THE TERM ENDING DATE TO JULY 1, 2006, AND THE REMOVAL OF ITEM 3.37.

M S
VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

PRESENTATION OF A RESOLUTION BY CHAIR BEELER TO JOHN LAMBERT UPON HIS RETIREMENT FROM THE SHERIFF'S OFFICE.

REGULAR AGENDA

0415-003 Boards, Commissions and Committees. (242)

- 1. Appointments to Listed Vacancies.

MOTION: I MOVE TO APPOINT WALT KOERNER, DELEGATE, AND BILL ENZ, ALTERATE, CALIFORNIA VETERANS SQUARE DANCE ASSOCIATION; JOSEPH FRANK, DELEGATE, AND CARROLL TRADER, ALTERNATE, DISABLED AMERICAN VETERANS-PARADISE CHAPTER 106; AND RAYMOND JOHNSON, DELEGATE, AND NIGEL PARKHURST, ALTERNATE, PARADISE VETERANS COUNCIL; TO THE PARADISE VETERANS MEMORIAL HALL COMMITTEE TO TERMS TO END JUNE 30, 2005.

S M
VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

- 2. Board Member or Committee Reports. (NONE)

0415-004 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (280)

REPORT TO THE BOARD ON THE STATUS OF THE OREGON FIRE BY JOHN GULSERIAN, EMERGENCY SERVICES OFFICER, AND HENRI BRACHAIS, FIRE CHIEF.

1. Legislative Report - update of legislative activities by Strategic Local Government Services - action requested - ACCEPT FOR INFORMATION.

PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER, INFORMS THE BOARD THAT THE COUNTY HAS RECEIVED WORD FROM THE STATE CONTROLLER'S OFFICE THAT THERE WAS AN ERROR IN THEIR FINDING CONCERNING AN AUDIT EXCEPTION AND THE COUNTY'S CONTINUED APPLICATION OF AN EXCEPTION FOR FIRE SERVICES WHEN CALCULATING THE ERAF SHIFT. LANGUAGE HAS BEEN INSERTED IN SB1086 THAT CLARIFIES THE EXEMPTION AS ON-GOING.

0415-005 Chico Redevelopment Agency - consideration of activities related to the merger of the Greater Chico Urban Area Redevelopment Project Area with the Chico Merged Redevelopment Project Area - actions requested:

1. APPROVE CITY/COUNTY/AGENCY LETTER AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER;
2. INTRODUCE AND WAIVE THE READING OF AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF BUTTE APPROVING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE GREATER CHICO URBAN AREA REDEVELOPMENT PROJECT; AND
3. ADOPT A RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION FOR AMENDMENTS TO THE REDEVELOPMENT PLANS FOR CENTRAL CHICO, CHICO MUNICIPAL AIRPORT, SOUTHEAST CHICO AND GREATER CHICO URBAN AREA REDEVELOPMENT PROJECTS AND AUTHORIZE THE CHAIR TO SIGN. (609)

MOTION: I MOVE TO APPROVE THE CITY/COUNTY/AGENCY LETTER AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; INTRODUCE AND WAIVE THE READING OF AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF BUTTE APPROVING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE GREATER CHICO URBAN AREA REDEVELOPMENT PROJECT; AND FURTHER MOVE TO ADOPT RESOLUTION 04-150 APPROVING A MITIGATED NEGATIVE DECLARATION FOR AMENDMENTS TO THE REDEVELOPMENT PLANS FOR CENTRAL CHICO, CHICO MUNICIPAL AIRPORT, SOUTHEAST CHICO AND GREATER CHICO URBAN AREA REDEVELOPMENT PROJECTS AND AUTHORIZE THE CHAIR TO SIGN.

S M

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

0415-006 Northern Sacramento Valley Regional Water Quality Management - consideration of participation in a collaborative effort with Glenn County (lead agency), Colusa County and Tehama County for development of a Regional Water Planning Process associated with groundwater related activities - action requested - ADOPT RESOLUTION AUTHORIZING PARTICIPATION AND AUTHORIZE THE CHAIR TO SIGN.

MOTION: I MOVE TO ADOPT RESOLUTION 04-151 AUTHORIZING PARTICIPATION AND AUTHORIZE THE CHAIR TO SIGN.

M S

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

0415-007 AB 3030 Groundwater Management Plan - consideration of the recommendation of the Water Commission to adopt a resolution setting a public hearing to determine whether to adopt a groundwater management plan, and to consider any protests thereto, pursuant to Water Code Section 10753.5 - action requested - ADOPT RESOLUTION SETTING A PUBLIC HEARING FOR SEPTEMBER 28, 2004, AT 10:30 A.M., TO CONSIDER ADOPTION OF A GROUNDWATER MANAGEMENT PLAN AND AUTHORIZE THE CHAIR TO SIGN.

MOTION: I MOVE TO ADOPT RESOLUTION 04-152 SETTING A PUBLIC HEARING FOR SEPTEMBER 28, 2004, AT 10:30 A.M., TO CONSIDER ADOPTION OF A GROUNDWATER MANAGEMENT PLAN AND AUTHORIZE THE CHAIR TO SIGN.

S M

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

0415-008 Items Removed from the Consent Agenda for Board Consideration and Action. (2331) (NONE)

RECESS: 10:06 a.m.

RECONVENE: 10:21 a.m.

REGULAR AGENDA

RECESSED AT 10:21 A.M. AS THE BUTTE COUNTY BOARD OF SUPERVISORS AND CONVENEED AS THE BUTTE COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY BOARD.

IN-HOME SUPPORTIVE SERVICES
PUBLIC AUTHORITY BOARD
MINUTES
AUGUST 17, 2004

Called to order at 10:21 a.m. in the Butte County Board of Supervisors Room, 25 County Center Drive, Oroville. Board members present: Dolan, Houx, Josiassen, Yamaguchi, and Chair Beeler. Also present: Marion Reeves, Deputy Clerk.

Agenda Items (NONE)

Public Comment

0406-001 Comments to the Board on issues and items not listed on the agenda. Presentations will be limited to five minutes. Please note that pursuant to California state law, the Board is prohibited from taking action on any item not listed on the agenda. (2355) (NONE)

Closed Session

0406-002 RECESS TO A CLOSED SESSION CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54957.6:

AGENCY REPRESENTATIVES: JEANNE GRAVETTE AND CRAIG JORY.

EMPLOYEE ORGANIZATION: UNITED DOMESTIC WORKERS OF AMERICA.

ITEM REMOVED FROM THE AGENDA WITHOUT BOARD CONSIDERATION OR ACTION. MR. JORY WAS UNABLE TO ATTEND THE MEETING. THE ITEM HAS BEEN RESCHEDULED TO AUGUST 31, 2004.

Adjournment

Adjourned at 10:22 a.m., as the Butte County In-Home Supportive Services Public Authority Board and reconvened as the Butte County Board of Supervisors.

RECESS: 10:22 a.m.

RECONVENE: 10:31 a.m.

PUBLIC HEARINGS AND TIMED ITEMS

0415-009 Continued Public Hearing - Larry Bradley - Tentative Parcel Map - consideration of an appeal of the Development Review Committee's denial of a Tentative Parcel Map to divide a 34.6 acre parcel into three parcels of 10.3, 10.6 and 13.6 +/- acres on property zoned A-10 (Agricultural - 10 acre parcels). This is a project on which notice of intent to adopt a negative declaration with mitigation measures regarding environmental impacts has been given. The property is located on the northwest corner of Durham-Dayton Highway and Esquon Road, Durham, and identified as APN 040-150-112 (TPM 02-23) - action requested - AT THE REQUEST OF THE APPLICANT, CONTINUE THE HEARING TO AN UNSPECIFIED DATE. (FROM 2-11-03 [5.01])

PUBLIC HEARING RECONVENED AT 10:32 A.M., AND CONTINUED OPEN TO AN UNSPECIFIED DATE TO ALLOW WORK ON THE GENERAL PLAN UPDATE TO BE COMPLETED BEFORE THIS ITEM IS CONSIDERED.

CLOSED SESSION

0415-010 **RECESS:** THE BOARD RECESSED AT 10:34 A.M., TO A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1): ONE POTENTIAL CASE. (2460)

RECONVENE: THE BOARD RECONVENED AT 10:55 A.M., FROM A CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1): ONE POTENTIAL CASE. (2468) (NO ANNOUNCEMENTS)

PUBLIC HEARINGS AND TIMED ITEMS

0415-011 Continued Public Hearing - Raymond Teesdale - Tentative Parcel Map and Lot Line Adjustment - Appeal - consideration of an appeal of the Development Review Committee's denial of a Tentative Parcel Map and Lot Line Adjustment to divide a 46.28 acre parcel into four 10 acre lots and a 6.28 acre remainder on property zoned A-5 (Agricultural - 5 acre parcels). The property is located approximately 1,300 feet north of Central House Road on the west side of the Western Pacific Railroad tracks, near the intersection of Central House Road and Lone Tree Road, Oroville, and identified as APN 028-020-054 and 046 (MM [TPM 02-19]) - action requested - AT THE REQUEST OF THE APPLICANT, CONTINUE THE HEARING TO AN UNSPECIFIED DATE. (FROM 3-3-04 [5.01]) (2470)

0415-011 PUBLIC HEARING RECONVENED AT 10:56 A.M., AND CONTINUED OPEN TO AN UNSPECIFIED DATE TO ALLOW WORK ON THE GENERAL PLAN UPDATE TO BE COMPLETED BEFORE THIS ITEM IS CONSIDERED.

0415-012 Public Hearing - Community Development Block Grant (CDBG) Program - consideration of an application to the CDBG Economic Development Allocation's California Community Economic Enterprise Fund. The County's CDBG Enterprise Fund request is to provide funding to develop a Micro-enterprise Business Assistance Program which will support businesses that are located within unincorporated Butte County. Businesses having five (5) or fewer employees would be eligible for this program's assistance. General program administration costs will also be funded by the grant. The total amount of the grant application is \$175,125 - action requested - ADOPT RESOLUTION APPROVING SUBMISSION OF THE GRANT APPLICATION AND AUTHORIZE THE CHAIR TO SIGN.

PUBLIC HEARING OPENED: 10:56 A.M.
PUBLIC HEARING CLOSED: 11:04 A.M.

MOTION: I MOVE TO ADOPT RESOLUTION 04-153 APPROVING SUBMISSION OF THE GRANT APPLICATION AND AUTHORIZE THE CHAIR TO SIGN.

M S

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

0415-013 Public Hearing - Robert Wray - Appeal Certificate of Merger - consideration of an appeal of a denial of an application to modify the common boundary between two parcels, located on the west side of the Skyway, approximately ½ mile south of Cliff Hanger Lane in the Paradise area, and identified as APN 011-240-007 and 041 - action requested - STAFF RECOMMENDS THE BOARD DENY THE APPEAL, FINDING THAT APPROVAL OF THIS PROPOSAL WOULD NOT BE IN CONFORMANCE WITH BUTTE COUNTY CODE SECTION 20-180.2(f)(2), IN THAT IT WOULD MAKE A PARCEL CONFORMING TO PRIMARY ZONING NON-CONFORMING. (3100) (**00)

PUBLIC HEARING OPENED AT 11:05 A.M., AND CONTINUED OPEN TO SEPTEMBER 28, 2004, AT 11:00 A.M., TO ALLOW TIME FOR THE APPLICANT TO MEET WITH PUBLIC WORKS AND DEVELOPMENT SERVICES DEPARTMENT STAFF TO SEE IF ADJUSTMENTS CAN BE MADE TO THE PROJECT THAT WILL LEAVE ONE OF THE PARCELS CONFORMING AND/OR REVISE THE PROJECT TO ALLOW APPROVAL.

CLOSED SESSION

0415-014 RECESS: THE BOARD RECESSED AT 11:25 A.M. TO A CLOSED SESSION CONFERENCE WITH LEGAL COUNCIL REGARDING PUBLIC EMPLOYEE PERFORMANCE EVALUATION, INCLUDING GOALS, PURSUANT TO GOVERNMENT CODE SECTION 54957: COUNTY COUNSEL; AND CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6: AGENCY REPRESENTATIVES: JEANNE GRAVETTE AND WILLIAM AVERY. EMPLOYEE ORGANIZATIONS: BUTTE COUNTY EMPLOYEES ASSOCIATION (GENERAL UNIT); BUTTE COUNTY MANAGEMENT EMPLOYEES ASSOCIATION (MANAGEMENT AND SUPERVISORY UNIT); DEPUTY SHERIFF'S ASSOCIATION (GENERAL UNIT AND MANAGEMENT AND SUPERVISORY UNIT); BUTTE COUNTY CORRECTIONAL OFFICERS' ASSOCIATION (GENERAL UNIT AND MANAGEMENT AND SUPERVISORY UNIT); PROFESSIONAL EMPLOYEES UNIT; SOCIAL SERVICES WORKERS UNIT; AND PROBATION PEACE OFFICERS' ASSOCIATION. (**278)

RECONVENE: THE BOARD RECONVENED AT 1:44 P.M. FROM A CLOSED SESSION CONFERENCE WITH LEGAL COUNCIL REGARDING PUBLIC EMPLOYEE PERFORMANCE EVALUATION, INCLUDING GOALS, PURSUANT TO GOVERNMENT CODE SECTION 54957: COUNTY COUNSEL; AND CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6: AGENCY REPRESENTATIVES: JEANNE GRAVETTE AND WILLIAM AVERY. EMPLOYEE ORGANIZATIONS: BUTTE COUNTY EMPLOYEES ASSOCIATION (GENERAL UNIT); BUTTE COUNTY MANAGEMENT EMPLOYEES ASSOCIATION (MANAGEMENT AND SUPERVISORY UNIT); DEPUTY SHERIFF'S ASSOCIATION (GENERAL UNIT AND MANAGEMENT AND SUPERVISORY UNIT); BUTTE COUNTY CORRECTIONAL OFFICERS' ASSOCIATION (GENERAL UNIT AND MANAGEMENT AND SUPERVISORY UNIT); PROFESSIONAL EMPLOYEES UNIT; SOCIAL SERVICES WORKERS UNIT; AND PROBATION PEACE OFFICERS' ASSOCIATION. (**330) (NO ANNOUNCEMENTS)

PUBLIC HEARINGS AND TIMED ITEMS

0415-015 Continued Public Hearing - Implementation of Resolution 98-172, a Resolution Amending the North Chico Specific Plan - on December 1, 1998, the Board of Supervisors passed and adopted Resolution 98-172 amending the North Chico Specific Plan to include a PD - Planned Development Combining Zone and to change land use designations for property owned by Robert and Ann Stephens from SR-1/OS (Suburban Residential/Open Space) and OS (Open Space) to SR-1/PD (Suburban Residential 1-acre parcels, Planned Development Combining Zone) and OS/PD (Open Space, Planned Development Combining Zone). The Resolution approved the revision of texts, exhibits, and tables to reflect the changes under the Specific Plan Amendment. The revisions are being provided to the Board to complete the implementation of Resolution 98-172. The Board of Supervisors will also be considering options for a maximum building coverage limitation (as specified under North Chico Specific Plan Table 7-2 Summary of Zone District Development Standards) for the Planned Development Combining Zone because the existing development standard for the Planned Development Combining Zone does not specify a maximum building coverage limitation - action requested - STAFF RECOMMENDS THE BOARD TAKE THE FOLLOWING ACTIONS:

1. FIND THAT AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION WERE PERFORMED FOR THIS PROJECT AND APPROVED BY THE BOARD OF SUPERVISORS ON DECEMBER 1, 1998; THAT THIS PROJECT IS IMPLEMENTING CHANGES TO THE NORTH CHICO SPECIFIC PLAN THAT WERE AUTHORIZED UNDER THE DECEMBER 1, 1998, APPROVAL AND, THEREFORE, NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED; AND FIND THAT STAFF REVIEWED THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE NORTH CHICO SPECIFIC PLAN FOR POTENTIAL ENVIRONMENTAL ISSUES ASSOCIATED WITH CHANGING THE DEVELOPMENT STANDARDS FOR THE PLANNED DEVELOPMENT COMBINING ZONE AND DID NOT FIND ANY CONFLICT WITH THE IMPACTS AND MITIGATION MEASURES AS SET FORTH IN THE FINAL EIR OR THE DECEMBER 1, 1998, MITIGATED NEGATIVE DECLARATION;
2. AMEND TABLE 7-2, SUMMARY OF ZONE DISTRICT DEVELOPMENT STANDARDS, AS PER OPTION B, CONCERNING THE PLANNED DEVELOPMENT COMBINING ZONE'S DEVELOPMENT STANDARDS. OPTION B WILL REVISE TABLE 7-2 WITHIN THE NORTH CHICO SPECIFIC PLAN AS SHOWN IN ATTACHMENT F OF THE STAFF REPORT, AND ADD TABLE 7-2(a) AS SHOWN IN ATTACHMENT G OF THE STAFF REPORT; AND
3. ACCEPT ALL THE REVISIONS TO THE TEXT, EXHIBITS, AND TABLES OF RESOLUTION 98-172 AND DIRECT STAFF TO INCORPORATE THE REVISIONS INTO ALL PRINT AND ELECTRONIC COPIES OF THE NORTH CHICO SPECIFIC PLAN. (FROM 7-13-04 [5.02]) (**334)

PUBLIC HEARING OPENED: 1:46 A.M.
PUBLIC HEARING CLOSED: 2:10 A.M.

0415-015 MOTION: I MOVE TO FIND THAT AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION WERE PERFORMED FOR THIS PROJECT AND APPROVED BY THE BOARD OF SUPERVISORS ON DECEMBER 1, 1998; THAT THIS PROJECT IS IMPLEMENTING CHANGES TO THE NORTH CHICO SPECIFIC PLAN THAT WERE AUTHORIZED UNDER THE DECEMBER 1, 1998, APPROVAL AND, THEREFORE, NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED; AND FIND THAT STAFF REVIEWED THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE NORTH CHICO SPECIFIC PLAN FOR POTENTIAL ENVIRONMENTAL ISSUES ASSOCIATED WITH CHANGING THE DEVELOPMENT STANDARDS FOR THE PLANNED DEVELOPMENT COMBINING ZONE AND DID NOT FIND ANY CONFLICT WITH THE IMPACTS AND MITIGATION MEASURES AS SET FORTH IN THE FINAL EIR OR THE DECEMBER 1, 1998, MITIGATED NEGATIVE DECLARATION. MOVE TO AMEND TABLE 7-2, SUMMARY OF ZONE DISTRICT DEVELOPMENT STANDARDS, (OPTION B), AS RECOMMENDED BY THE PLANNING COMMISSION, CONCERNING THE PLANNED DEVELOPMENT COMBINING ZONE'S DEVELOPMENT STANDARDS. OPTION B WILL REVISE TABLE 7-2 WITHIN THE NORTH CHICO SPECIFIC PLAN AS SHOWN IN ATTACHMENT F OF THE STAFF REPORT, AND ADD TABLE 7-2(a) AS SHOWN IN ATTACHMENT G OF THE STAFF REPORT; AND FURTHER MOVE TO ACCEPT ALL THE REVISIONS TO THE TEXT, EXHIBITS, AND TABLES OF RESOLUTION 98-172 AND DIRECT STAFF TO INCORPORATE THE REVISIONS INTO ALL PRINT AND ELECTRONIC COPIES OF THE NORTH CHICO SPECIFIC PLAN.

S M

VOTE: 1 Y 2 N 3 N 4 Y 5 Y (Motion Carried)

0415-016 Continued Public Hearing - Steve Schuster - Tentative Subdivision Map Appeal (Sierra Moon Subdivision) - consideration of appeals of the Development Review Committee's approval of a Tentative Subdivision Map to create 119 single family residential parcels in accordance with a previously approved Planned Unit Development and Development Agreement. Consideration of a proposed Tentative Subdivision Map to create 118 (revised from 119) single family residential parcels in accordance with a previously approved Planned Unit Development and Development Agreement. The property is 300 acres total in size. The 118 residential parcels would be clustered in the southwest and northwest portion of the 229 acre area that is the subject of the Development Agreement and Planned Unit Development. A 70.15 acre remainder parcel is also proposed. The proposed single family residential lots would range in size from one-third of an acre to over one-acre in size, with half acre lots being the predominant size. In accordance with the Development Agreement, traffic circulation would be accomplished by subdivision road connections to Hicks Lane at two locations on the east side of the property, and Spyglass Road and Guntren Road on the west side of the property. In accordance with the Development Agreement, a total of 103 acres of open space shall be retained along Hicks Lane and Mud Creek, and a total of approximately 32 acres of open space would be retained along Keefer Slough and north of Mud Creek. Drainage and storm water run-off would be directed into three on-site retention basins. Sewage disposal would be accomplished by a community sewage disposal system to be located on the 103 acre open space parcel. Domestic and fire flow water supplies would be accomplished through a public water system. This is a project on which notice of intent to adopt a negative declaration with mitigation measures regarding environmental impacts has been given. The property is zoned SR-1/PD (Suburban Residential- 1 acre parcels/Planned Development); OS/PD (Open Space/Planned Development) and is located north of Chico and west of the Chico Airport on the west side of Hicks Lane, approximately 3,000 feet south of Keefer Road in the North Chico Specific Plan area and identified as APN 047-710-001 - STAFF RECOMMENDS THE BOARD TAKE THE FOLLOWING ACTIONS:

1. SUBJECT TO FINDINGS I(A-D) AS DETAILED IN THE STAFF REPORT DATED JULY 13, 2004, DENY THE APPEALS AND APPROVE A MITIGATED NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACTS;
2. FIND THAT THIS PROJECT WILL HAVE AN IMPACT TO FISH AND/OR WILDLIFE HABITAT AND APPROVE THE COLLECTION OF DEPARTMENT OF FISH AND GAME FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4 AND CCR 753.5; AND
3. SUBJECT TO FINDINGS III(A-G) AS DETAILED IN THE STAFF REPORT DATED JULY 13, 2004, AND THE CONDITIONS OF APPROVAL DETAILED IN EXHIBIT "A" OF THE STAFF REPORT DATED JULY 13, 2004, DENY THE APPEALS AND APPROVE TENTATIVE SUBDIVISION MAP 03-01 FOR STEPHEN J. SCHUSTER (APN 047-710-001). (FROM 7-13-04 [5.03]) (DB [TSM 03-01]) (**1512) (**00)

PUBLIC HEARING RECONVENED: 2:20 P.M.

PUBLIC HEARING CLOSED: 3:20 P.M.

RECESS: 3:45 p.m.

RECONVENE: 3:58 p.m.

PUBLIC HEARING AND TIMED ITEMS

0415-016 Continued Public Hearing - Steve Schuster - Tentative Subdivision Map Appeal (Sierra Moon Subdivision) - consideration of appeals of the Development Review Committee's approval of a Tentative Subdivision Map to create 119 single family residential parcels in accordance with a previously approved Planned Unit Development and Development Agreement. Consideration of a proposed Tentative Subdivision Map to create 118 (revised from 119) single family residential parcels in accordance with a previously approved Planned Unit Development and Development Agreement. The property is 300 acres total in size. The 118 residential parcels would be clustered in the southwest and northwest portion of the 229 acre area that is the subject of the Development Agreement and Planned Unit Development. A 70.15 acre remainder parcel is also proposed. The proposed single family residential lots would range in size from one-third of an acre to over one-acre in size, with half acre lots being the predominant size. In accordance with the Development Agreement, traffic circulation would be accomplished by subdivision road connections to Hicks Lane at two locations on the east side of the property, and Spyglass Road and Guntren Road on the west side of the property. In accordance with the Development Agreement, a total of 103 acres of open space shall be retained along Hicks Lane and Mud Creek, and a total of approximately 32 acres of open space would be retained along Keefer Slough and north of Mud Creek. Drainage and storm water run-off would be directed into three on-site retention basins. Sewage disposal would be accomplished by a community sewage disposal system to be located on the 103 acre open space parcel. Domestic and fire flow water supplies would be accomplished through a public water system. This is a project on which notice of intent to adopt a negative declaration with mitigation measures regarding environmental impacts has been given. The property is zoned SR-1/PD (Suburban Residential- 1 acre parcels/Planned Development); OS/PD (Open Space/Planned Development) and is located north of Chico and west of the Chico Airport on the west side of Hicks Lane, approximately 3,000 feet south of Keefer Road in the North Chico Specific Plan area and identified as APN 047-710-001 - STAFF RECOMMENDS THE BOARD TAKE THE FOLLOWING ACTIONS:

1. SUBJECT TO FINDINGS I(A-D) AS DETAILED IN THE STAFF REPORT DATED JULY 13, 2004, DENY THE APPEALS AND APPROVE A MITIGATED NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACTS;
2. FIND THAT THIS PROJECT WILL HAVE AN IMPACT TO FISH AND/OR WILDLIFE HABITAT AND APPROVE THE COLLECTION OF DEPARTMENT OF FISH AND GAME FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4 AND CCR 753.5; AND

0415-016 3. SUBJECT TO FINDINGS III(A-G) AS DETAILED IN THE STAFF REPORT DATED JULY 13, 2004, AND THE CONDITIONS OF APPROVAL DETAILED IN EXHIBIT "A" OF THE STAFF REPORT DATED JULY 13, 2004, DENY THE APPEALS AND APPROVE TENTATIVE SUBDIVISION MAP 03-01 FOR STEPHEN J. SCHUSTER (APN 047-710-001). (FROM 7-13-04 [5.03]) (DB [TSM 03-01]) (**1512) (**00)

PUBLIC HEARING RECONVENED: 2:20 P.M.
PUBLIC HEARING CLOSED: 3:20 P.M.

MOTION: I MOVE TO DENY THE APPEAL FOR LACK OF PUBLIC INPUT (DUNLAP AND MCGUIRE).

S M

VOTE: 1 Y 2 N 3 N 4 Y 5 Y (Motion Carried)

MOTION: I MOVE TO DENY THE APPEAL FOR NON-DISCLOSURE OF FUTURE DEVELOPMENT IN THE AREA (CAMPBELL, DUNLAP, MCGUIRE, PAGE) AND DIRECT STAFF TO INCLUDE A DISCLOSURE STATEMENT REGARDING FUTURE DEVELOPMENT IN THE AREA ON THIS RECORDED MAP, AND FUTURE RECORDED MAPS FOR PROJECTS IN THE NORTH CHICO SPECIFIC PLAN AREA.

S M

VOTE: 1 2 3 4 5 (Vote Not Called)

MOTION: I MOVE TO DENY THE APPEAL FOR NON-DISCLOSURE OF FUTURE DEVELOPMENT IN THE AREA (CAMPBELL, DUNLAP, MCGUIRE, AND PAGE).

S M

VOTE: 1 Y 2 N 3 N 4 Y 5 Y (Motion Carried)

MOTION: I MOVE TO DENY THE APPEAL THAT APPELLANTS PURCHASED HOMES ALONG SPYGLASS ROAD DUE TO THE QUIET, COUNTRY-LIKE SETTING (DUNLAP AND MCGUIRE).

S M

VOTE: 1 Y 2 N 3 N 4 Y 5 Y (Motion Carried)

MOTION: I MOVE TO DENY THE APPEAL FOR FIRE SERVICE ACCESS TO THE NORTH CHICO SPECIFIC PLAN AREA (FERENZ).

S M

VOTE: 1 Y 2 N 3 N 4 Y 5 Y (Motion Carried)

MOTION: I MOVE TO DENY THE APPEAL FOR NEGATIVE IMPACTS ON PROPERTY VALUES (DUNLAP, MCGUIRE AND PAGE).

S M

VOTE: 1 Y 2 Y 3 N 4 Y 5 Y (Motion Carried)

MOTION: I MOVE TO DENY THE APPEAL FOR LOSS OF SCENIC VISTA (DUNLAP AND MCGUIRE).

S M

VOTE: 1 Y 2 N 3 N 4 Y 5 Y (Motion Carried)

MOTION: I MOVE TO DENY THE APPEAL FOR LOSS OF ENDANGERED SPECIES HABITAT (DUNLAP AND MCGUIRE).

S M

VOTE: 1 Y 2 Y 3 N 4 Y 5 Y (Motion Carried)

0415-016 MOTION: I MOVE TO DENY THE APPEAL THAT THE SCHUSTER DEVELOPMENT IS NOT THE SAME AS THE STEPHENS DEVELOPMENT (PAGE).

S M

VOTE: 1 Y 2 Y 3 N 4 Y 5 Y (Motion Carried)

MOTION: I MOVE TO DENY THE APPEAL FOR THE 82-FOOT EASEMENT NOT RECORDED (DUNLAP, MCGUIRE AND PAGE).

S M

VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

MOTION: I MOVE TO DENY THE APPEAL FOR EXCESSIVE TRAFFIC IMPACTS IN THE GENERAL AREA (CAMPBELL, DUNLAP, MCGUIRE, FERENZ).

M

VOTE: 1 2 3 4 5 (Motion Died for Lack of Second)

MOTION: I MOVE TO DENY ALL THE APPEALS ON TRAFFIC ISSUES (EXCESSIVE TRAFFIC IMPACTS IN THE GENERAL AREA, EXCESSIVE TRAFFIC IMPACTS ON SPYGLASS ROAD, INSUFFICIENT CIRCULATION IN PLACE AS SPECIFIED BY THE NORTH CHICO SPECIFIC PLAN, LACK OF PEDESTRIAN IMPROVEMENTS IN ADJACENT SUBDIVISIONS, ON STREET PARKING HAZARDS, DRIVEWAYS ON SPYGLASS ARE CONTRARY TO THE NORTH CHICO SPECIFIC PLAN, SPYGLASS ROAD CLASSIFICATION AND CHARACTER ISSUES, AND LACK OF CALMING MEASURES ON EXISTING PORTIONS OF SPYGLASS ROAD [CAMPBELL, DUNLAP, MCGUIRE, FERENZ AND HALL]); AND FURTHER MOVE TO SET UP A TEMPORARY CUL-DE-SAC ON SPYGLASS (A ROAD LAID DOWN WITH A TEMPORARY GATE), AND HAVE THE TEMPORARY CUL-DE-SAC THERE FOR THREE YEARS TO GIVE US TIME TO TRY TO DEAL WITH THE FINANCING MECHANISM TO TRY TO DEAL WITH INFRASTRUCTURE ISSUES.

M S

VOTE: 1 2 3 4 5 (Vote Pending Motion to Amend)

MOTION: I MOVE TO AMEND SUPERVISORS JOSIASSEN'S MOTION TO CLOSE SPYGLASS. RATHER THAN THE THREE YEARS, I WOULD AMEND THE MOTION TO CLOSE IT UNTIL SUCH TIME AS HICKS, GARNER, EATON AND KITTY HAWK ARE IMPROVED TO THE ROAD STANDARDS CALLED FOR IN THE NORTH CHICO SPECIFIC PLAN.

S M

VOTE: 1 N 2 Y 3 Y 4 N 5 N (Motion Failed to Carry)

MOTION: I MOVE TO DENY ALL THE APPEALS ON TRAFFIC ISSUES (EXCESSIVE TRAFFIC IMPACTS IN THE GENERAL AREA, EXCESSIVE TRAFFIC IMPACTS ON SPYGLASS ROAD, INSUFFICIENT CIRCULATION IN PLACE AS SPECIFIED BY THE NORTH CHICO SPECIFIC PLAN, LACK OF PEDESTRIAN IMPROVEMENTS IN ADJACENT SUBDIVISIONS, ON STREET PARKING HAZARDS, DRIVEWAYS ON SPYGLASS ARE CONTRARY TO THE NORTH CHICO SPECIFIC PLAN, SPYGLASS ROAD CLASSIFICATION AND CHARACTER ISSUES, AND LACK OF CALMING MEASURES ON EXISTING PORTIONS OF SPYGLASS ROAD [CAMPBELL, DUNLAP, MCGUIRE, FERENZ AND HALL]); AND FURTHER MOVE TO SET UP A TEMPORARY CUL-DE-SAC ON SPYGLASS (A ROAD LAID DOWN WITH A TEMPORARY GATE), AND HAVE THE TEMPORARY CUL-DE-SAC THERE FOR THREE YEARS TO GIVE US TIME TO TRY TO DEAL WITH THE FINANCING MECHANISM TO TRY TO DEAL WITH INFRASTRUCTURE ISSUES.

M S

VOTE: 1 Y 2 N 3 N 4 Y 5 Y (Motion Carried)

0415-016 MOTION: I MOVE TO DENY ALL THE APPEALS ON DRAINAGE ISSUES (DUNLAP, MCGUIRE AND PAGE).

S M

VOTE: 1 Y 2 N 3 N 4 Y 5 Y (Motion Carried)

MOTION: I MOVE TO DENY THE APPEALS FOR ALL THE WATER QUALITY ISSUES (PAGE).

S M

VOTE: 1 Y 2 N 3 N 4 Y 5 Y (Motion Carried)

MOTION: I MOVE TO DENY THE APPEALS FOR ALL THE AIRPORT ISSUES (DUNLAP, MCGUIRE, HALL, PAGE, NORTH VALLEY PILOTS ASSOCIATION, WILSON AND ZWICKER).

S M

VOTE: 1 Y 2 Y 3 N 4 Y 5 Y (Motion Carried)

MOTION: I MOVE THAT WE CLOSE SPYGLASS UNTIL SUCH TIME AS HICKS, GARNER, EATON, AND KITTY HAWK ARE IMPROVED TO ROAD STANDARDS AS CALLED FOR IN THE NORTH CHICO SPECIFIC PLAN.

S M

VOTE: 1 N 2 Y 3 Y 4 N 5 N (Motion Failed to Carry)

MOTION: SUBJECT TO FINDINGS I (A-D) AS DETAILED IN THE STAFF REPORT DATED JULY 13, 2004, I MOVE FOR A MOTION OF INTENT TO APPROVE A MITIGATED NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACTS; FIND THAT THIS PROJECT WILL HAVE AN IMPACT TO FISH AND/OR WILDLIFE HABITAT AND APPROVE THE COLLECTION OF DEPARTMENT OF FISH AND GAME FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4 AND CCR 753.5; AND SUBJECT TO FINDINGS III (A-G) AS DETAILED IN THE STAFF REPORT DATED JULY 13, 2004, AND THE CONDITIONS OF APPROVAL DETAILED IN EXHIBIT "A" OF THE STAFF REPORT DATED JULY 13, 2004, FURTHER MOVE FOR A MOTION OF INTENT TO APPROVE TENTATIVE SUBDIVISION MAP 03-01 FOR STEPHEN J. SCHUSTER (APN 047-710-001), INCLUDING THE MOTION MADE BY SUPERVISOR JOSIASSEN REGARDING CREATION OF A TEMPORARY CUL-DE-SAC ON SPYGLASS ROAD, THE CLARIFICATION BY PUBLIC WORKS THAT HICKS LANE WILL BE DEVELOPED TO COUNTY STANDARDS ALONG THE PROPERTY LINE OF THE SCHUSTER DEVELOPMENT UP TO THE BRIDGE AT MUD CREEK; AND THE ADDITIONAL TWO CONDITIONS INCLUDED IN THE STAFF REPORT DATED JULY 13, 2004, (ATTACHMENT B) REGARDING THE REQUIREMENT FOR FUTURE SEWER SERVICE CONNECTIONS, AND THE SIGNS REGARDING DUST COMPLAINTS AS REQUESTED BY THE AIR QUALITY MANAGEMENT DISTRICT. IT IS ALSO NOTED THAT IF THE PROPERTY OWNERS ALONG LIMOUSIN DRIVE WOULD LIKE TO PURCHASE TREES AND PLANT THEM AT THE BORDER OF THEIR PROPERTY AND THE DEVELOPMENT (TO ACT AS A BARRIER) MR. SCHUSTER HAS OFFERED TO PAY FOR THEM.

S M

VOTE: 1 Y 2 N 3 N 4 Y 5 Y (Motion Carried)

BOARD DIRECTION TO CHIEF ADMINISTRATIVE OFFICE STAFF AND COUNTY COUNSEL STAFF TO INVESTIGATE AND RETURN TO THE BOARD POSSIBLE ALTERNATIVES THE COUNTY CAN TAKE TO ADDRESS INFRASTRUCTURE ISSUES AND THE ABILITY TO PROVIDE FOR THEM AT THE BEGINNING OF A DEVELOPMENT PROJECT.

PUBLIC COMMENT

0415-017 Comments to the Board on issues and items not listed on the agenda. Presentations will be limited to five minutes. Please note that pursuant to California state law, the Board of Supervisors is prohibited from taking action on any item not listed on the agenda. (**3059)

1. DAVE PALMERLEE ADDRESSED THE BOARD TO ASK ABOUT THE APPEARANCE OF A WHITE MOUNTAIN AT THE LANDFILL.

MIKE CRUMP, DIRECTOR-PUBLIC WORKS, EXPLAINED THAT THE WHITE MOUNTAIN IS ACTUALLY A COVER THAT IS BEING USED IN THE CLOSURE OF ONE OF THE CELLS AT THE LANDFILL. THE LINER WILL EVENTUALLY BE COVERED BY A VEGETATIVE SOIL LAYER, AND GRASS WILL BE PLANTED ON IT.

ADJOURNMENT : THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 4:36 P.M., TO RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE HELD TUESDAY, AUGUST 31, 2004, AT 9:00 A.M.

R.J. BEELER, CHAIR

ATTEST:

Paul McIntosh, Chief Administrative
Officer and Clerk of the Board

By: _____