

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, January 25, 2005

9:00 A.M.

BOARD RECONVENED

Supervisors: McQuiston, Maben, Patrick, Watson, Rubio
ROLL CALL: All Present

SALUTE TO FLAG - Led by Supervisor Patrick

NOTE: The vote is displayed in bold below each item. For example, Patrick-Maben denotes Supervisor Patrick made the motion and Supervisor Maben seconded the motion.

CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT: ALL ITEMS LISTED WITH AN ASTERISK (*) OR A NUMBER SIGN (#) WERE CONSIDERED TO BE ROUTINE AND APPROVED BY ONE MOTION.

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Resolution honoring Carolle Tomlinson upon her retirement with 38 years of service to the County of Kern (from 1/18/05) - ADOPTED RESOLUTION; MADE PRESENTATION TO CAROLLE TOMLINSON; PUBLIC DEFENDER MARK ARNOLD, ASSISTANT PUBLIC DEFENDER TONY HYDER, AND CAROLLE TOMLINSON HEARD

Patrick-McQuiston: All Ayes

- 2) Resolution honoring Deborah Evans upon her retirement with 37 years of service to the County of Kern (from 1/18/05) - ADOPTED RESOLUTION; MADE PRESENTATION TO DEBORAH EVANS; DAPHNE WASHINGTON, DIRECTOR, WASTE MANAGEMENT, AND DEBORAH EVANS HEARD

Maben-Patrick: All Ayes

- 3) Resolution honoring Patrick Mitchell upon his retirement with 34 years of service to the County of Kern (from 1/18/05) - ADOPTED RESOLUTION; MADE PRESENTATION TO PATRICK MITCHELL; DAPHNE WASHINGTON, DIRECTOR, WASTE MANAGEMENT, AND PATRICK MITCHELL HEARD

Rubio-Maben: All Ayes

- 4) Resolution honoring Edward E. Johnston upon his retirement with 33 years of service to the County of Kern - ADOPTED RESOLUTION; MADE PRESENTATION TO ED JOHNSTON; ANN BARNETT, AUDITOR-CONTROLLER-COUNTY CLERK, AND ED JOHNSTON HEARD

Patrick-McQuiston: All Ayes

- 5) Proclamation proclaiming March 28 - April 3, 2005 as Scottish Heritage Week in Kern County - PROCLAIMED; MADE PRESENTATION TO GARY LOCKHART; GARY LOCKHART HEARD

McQuiston-Maben: All Ayes

- *6) Resolution honoring Esther Magana upon her retirement with 37 years of service to the County of Kern - ADOPTED RESOLUTION; REFERRED TO BOARD OF TRADE FOR PREPARATION

Patrick-Maben: All Ayes

- *7) Resolution honoring Grace Kissack for her many contributions to the people of the Kern River Valley and Kern County - ADOPTED RESOLUTION; REFERRED TO BOARD OF TRADE FOR PREPARATION

Patrick-Maben: All Ayes

APPOINTMENTS

- *8) Reappointments of Tom Eichman, Paul J. Burzych, and Allen T. Sloan as At-large Members to the Building Appeals Board, terms to expire January 8, 2009 - MADE REAPPOINTMENTS

Patrick-Maben: All Ayes

- *9) Appointment of Sandra Pieper Larson as Third District Member to the Civil Service Commission, term to expire July 9, 2005 - MADE APPOINTMENT

Patrick-Maben: All Ayes

- *10) Reappointment of Keith Cornell Wolaridge as Fourth District Member to the Human Relations Commission, term to expire January 19, 2007 - MADE REAPPOINTMENT

Patrick-Maben: All Ayes

PUBLIC PRESENTATIONS

- 11) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU! - NO ONE HEARD

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 12) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) -

SUPERVISOR MABEN READ A STATEMENT REGARDING KERN COUNTY'S BIOSOLIDS ORDINANCE

RECEIVED AND FILED DOCUMENT; DIRECTED A COPY OF THE STATEMENT BE DELIVERED TO STATE SENATOR DEAN FLOREZ

Maben-Patrick: All Ayes

SUPERVISOR WATSON DISCUSSED A PROPOSED REFERRAL TO COUNTY STAFF RELATIVE TO BIOSOLIDS

REFERRED TO RESOURCE MANAGEMENT AGENCY AND COUNTY COUNSEL TO REPORT BACK TO THE BOARD BY FEBRUARY 15, 2005 WITH THE HISTORY OF BIOSOLIDS MANAGEMENT IN KERN COUNTY; RECEIVED AND FILED DOCUMENT

Maben-Patrick: All Ayes

DEPARTMENTAL REQUESTS

BOARD OF SUPERVISORS

- *13) Request of Second District Supervisor Don Maben for a proposed Amendment to Agreement 048-2004 with the National Museum of the United States Air Force to extend the 2004 Loan Agreement for display of aircraft at Boron Museum from December 31, 2004 to March 31, 2005 (No Fiscal Impact) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 057-2005

Patrick-Maben: All Ayes

CLERK OF THE BOARD

- *14) Amended Conflict of Interest Code for the West Kern Community College District (No Fiscal Impact) - APPROVED

Patrick-Maben: All Ayes

COUNTY COUNSEL

- *15) Resolution authorizing the issuance and sale of bonds of the Maricopa Unified School District, Election of 2004, Series 2005 in the aggregate principal amount not to exceed \$4,000,000 (Fiscal Impact: None) - ADOPTED RESOLUTION 2005-027

Patrick-Maben: All Ayes

- *16) Request of Kern Medical Center for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Maben: All Ayes

- *17) Proposed Ordinance repealing Subsection (22) of Section 10.16.160 of Chapter 10.16, Title 10 concerning a bus loading zone located on the north side of Petrol Road (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Maben: All Ayes

- *18) Proposed Ordinance adding Subsections (178) and (179) to Section 10.16.041 of Chapter 10.16, Title 10 concerning no stopping zones along the south and north sides of Eucalyptus Drive (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Maben: All Ayes

DISTRICT ATTORNEY

- *19) Proposed Resolution authorizing submission of grant application for the Kern County Community Gun Violence Prosecution Program to the Department of Justice, Office of Justice Programs in the amount of \$109,543 and execution of grant documents (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-028

Patrick-Maben: All Ayes

FIRE DEPARTMENT

- 20) Request to continue Local Emergency Proclamation (Fiscal Impact: None) - APPROVED; EXTENDED LOCAL EMERGENCY FOR AN ADDITIONAL TWO WEEK PERIOD

Patrick-Maben: All Ayes

- 21) Report on 2004 Fire Season Wildland Fire Operations and Fire Plan Projects - JEFF COLE, CHIEF OPERATING OFFICER, PINE MOUNTAIN CLUB; MARCENE HUGHES, PRESIDENT, KERN RIVER VALLEY FIRE SAFE COUNCIL; JOE FONTAINE, TEHACHAPI FIRE SAFE COUNCIL; AND BOB ADDISON, DIRECTOR OF PARKS, HEARD; SUPERVISOR WATSON MADE A PRESENTATION TO KERN COUNTY FIRE CREW 82 ON BEHALF OF THE WEST SIDE RECREATION AND PARK DISTRICT; RECEIVED AND FILED

Maben-Patrick: All Ayes

KERN MEDICAL CENTER

- *22) Notification of retroactive Capital Asset Performer Agreement with American Biomedical Group, Inc., an independent contractor, for equipment management and maintenance services (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Maben: All Ayes

- *23) Request for Chairman's signature on approval transmittal sheet concerning Medical Staff Bylaws previously approved on December 13, 2004 - AUTHORIZED CHAIRMAN TO SIGN

Patrick-Maben: All Ayes

- *24) Proposed Amendment No. 2 to Agreement 935-2004 with California Nurses Bureau, an independent contractor, for temporary nurse staffing, increasing the contractual not to exceed amount by \$15,000, from \$175,000 to \$190,000, to accommodate potential future nurse staffing needs (Fiscal Impact: \$15,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 058-2005

Patrick-Maben: All Ayes

- *25) Proposed Amendment No. 1 to Agreement 697-2004 with Vedior North America, LLC, an independent contractor, for temporary nurse staffing, increasing the annual not to exceed amount by \$280,900, from \$155,000 to \$435,900, for year one of the agreement, and increasing the contractual not to exceed amount from \$310,000 to \$590,900 over the two-year term of the Agreement (Fiscal Impact: \$280,900; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 059-2005

Patrick-Maben: All Ayes

- *26) Proposed retroactive Agreement with World Health Staffing, Inc., an independent contractor, for temporary nurse staffing, from December 17, 2004 through December 16, 2005, in an amount not to exceed \$6,500,000 (prior notification December 15, 2004) (Fiscal Impact: \$6,500,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 060-2005

Patrick-Maben: All Ayes

LIBRARY

- *27) Request for relief of accountability of 29,393 accounts, from 1996 through June 30, 2000, in the amount of \$913,017.68 (Fiscal Impact: None) - APPROVED

Patrick-Maben: All Ayes

- *28) Request for sole source procurement and three-year Agreement with Newsbank for Access to Database News Package, in an amount not to exceed \$52,500 (Fiscal Impact: \$52,500; General Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 061-2005; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDER

Patrick-Maben: All Ayes

MENTAL HEALTH SERVICES

- *29) Request to employ retired County employee, DeAn Drakos, as an extra-help Mental Health Nurse, Range 59.5,, Step E, Budget Unit 4120, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period following date of employment (Fiscal Impact: \$28,485.60) - APPROVED

Patrick-Maben: All Ayes

- *30) Request for approval of form Memorandum of Understanding to be entered into with non-County Agencies for the Kern County Homeless Collaborative in the Supportive Housing Program HMIS (Homeless Management Information System) and authorize Director to execute subject to approval by County Counsel as to form (Fiscal Impact: None) - APPROVED

Patrick-Maben: All Ayes

PARKS AND RECREATION DEPARTMENT

- 31) Proposed grant Agreement with Kern County Children and Families Commission to develop ten playgrounds, in the amount of \$1,000,000, from January 1, 2005 to June 30, 2006 (Fiscal Impact: \$1,000,000 - State Grant) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 062-2005

Patrick-McQuiston: All Ayes

SHERIFF

- *32) Proposed addition of one (1) Office Services Technician position, effective January 25, 2005 (Fiscal Impact: \$5,105, Not Budgeted; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Maben: All Ayes

- *33) Application to hold the Whiskey Flat Day's Celebration Parade on February 19, 2005 in Kernville (Fiscal Impact: None) - FOUND THAT THE SHERIFF HAD NOTED HIS APPROVAL ON THE PERMIT AND THAT THE PARADE WILL NOT RESULT IN THE UNDUE OR UNMANAGEABLE OBSTRUCTION OR HINDRANCE OF TRAFFIC ON THE HIGHWAY WHERE IT IS TO BE HELD; WILL NOT LEAD TO BREACH OF THE PEACE, PROPERTY DAMAGE, OR OTHER DISORDERLY OR UNLAWFUL CONDUCT; WILL NOT CONFLICT WITH OTHER PARADES PREVIOUSLY GRANTED PERMITS, AND THAT THE SHERIFF HAS FACILITIES TO PROPERLY SUPERVISE THE PARADE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Maben: All Ayes

- *34) Unusual travel request for Sergeant Jess Baker and Aircraft Mechanic Adam Valdez to attend the Helicopter Operator Management Course & Expo in Anaheim, California, from January 31, 2005 to February 8, 2005, in an amount not to exceed \$7,110 (Fiscal Impact: \$7,110; Budgeted; Discretionary) - APPROVED

Patrick-Maben: All Ayes

TREASURER-TAX COLLECTOR

- *35) Proposed Resolution and Agreement with the Bakersfield Redevelopment Agency for Sale of Tax-Defaulted Properties in the amount of \$25,300 (taxes and tax sale fees), plus the cost of giving notice (Fiscal Impact: \$25,300) - APPROVED; ADOPTED RESOLUTION 2005-029; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 063-2005

Patrick-Maben: All Ayes

ADJOURNED TO CLOSED SESSION

Patrick

CLOSED SESSION

COUNTY COUNSEL

- 36) Request for closed session regarding a lawsuit entitled Jeffrey Scott Foster vs. County of Kern, et al., Kern County Superior Court Case No. S1500-CL-196071 LPE (Government Code Section 54956.9(a)) - (SEE RESULTS OF CLOSED SESSION AT BEGINNING OF 2:00 P.M. SESSION)
- 37) Request for closed session regarding a lawsuit entitled County of Kern vs. Carl Sparks, et al., and the seven Commander-related pay-reimbursement cases KCSC Case No. S-1500-CV254074 RJA (Government Code Section 54956.9(a)) -

(If public reporting is required by Government Code Section 54957.1 relating to the above matters, the public reporting of any action taken in closed session will be made at the beginning of the 2:00 p.m. session of the Board of Supervisors.)

RECONVENED FROM CLOSED SESSION; RECESSED TO 2:00 P.M.

Patrick-McQuiston

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
Chairman, Board of Supervisors

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BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
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Regular Meeting
Tuesday, January 25, 2005

2:00 P.M.

BOARD RECONVENED

Supervisors: McQuiston, Maben, Patrick, Watson, Rubio
ROLL CALL: All Present

RESULTS OF CLOSED SESSION

Request for closed session regarding a lawsuit entitled Jeffrey Scott Foster vs. County of Kern, et al, Kern County Superior Court Case No. S1500-CL-196071 LPE (Government Code Section 54956.9(a)) (from Item No. 36 a.m.) - CHAIRMAN WATSON REPORTED ON RESULTS OF CLOSED SESSION, AGENDA ITEM NO. 36 FROM THE 9:00 A.M. SESSION, WHERE, BY UNANIMOUS VOTE, THE BOARD ACCEPTED THE ARBITRATED AMOUNT OF \$25,000 IN FULL SETTLEMENT OF A MOTOR VEHICLE ACCIDENT, AUTHORIZED COUNTY COUNSEL TO EXECUTE ALL SETTLEMENT DOCUMENTS, AND AUTHORIZED THE AUDITOR-CONTROLLER-COUNTY CLERK TO PAY AS DIRECTED BY COUNTY COUNSEL

CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT: ALL ITEMS LISTED WITH AN ASTERISK (*) OR A NUMBER SIGN (#) WERE CONSIDERED TO BE ROUTINE AND APPROVED BY ONE MOTION.

BOARD ACTION SHOWN IN CAPS

ADJOURNED AS BOARD OF SUPERVISORS; RECONVENED AS KERN SANITATION AUTHORITY

Patrick-Maben: All Ayes

KERN SANITATION AUTHORITY

- #1) Request for relief of accountability of accounts receivable, in the amount of \$13,209.75 (Fiscal Impact: None) - APPROVED

Maben-Patrick: All Ayes

ADJOURNED AS KERN SANITATION AUTHORITY; RECONVENED AS BOARD OF SUPERVISORS

Maben-Patrick: All Ayes

PUBLIC PRESENTATIONS

- 2) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. **SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU! - NO ONE HEARD**

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 3) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - **SUPERVISOR PATRICK RECOGNIZED STEPHEN PELZ, THE NEW EXECUTIVE DIRECTOR OF THE HOUSING AUTHORITY OF THE COUNTY OF KERN**

AT THE REQUEST OF SUPERVISOR RUBIO, REFERRED TO COUNTY ADMINISTRATIVE OFFICE TO REPORT BACK TO THE BOARD IN TWO WEEKS REGARDING HIS CONCERNS RELATING TO STAFF DEVELOPMENT, EDUCATION PROGRAMS, TRAVEL EXPENDITURES AND ACCOUNTING AND REVIEW MEASURES BY THE FIRST FIVE COMMISSION; RECEIVED AND FILED DOCUMENT

Rubio-Maben: All Ayes

CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- *4) **Request from Neil Christman and Daniel Wright by B.J. Tucker and Associates to change the permitted uses from five-acre residential to 2-1/2-acre residential on 20 acres located approximately 300 feet north of East Jarvis Avenue, southeast of Ridgecrest (SD #1)**

Specific Request:

(a)&(c) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 5.7 to Map Code(s) 5.6 (GPA #3, Map #71-14; GPA #4, Map #71-14)

(b)&(d) A change in zone classification from E (5) to E (2 1/2) (ZCC #15, Map #71-14; ZCC #16, Map #71-14)

(Negative Declaration; Published Daily Independent) (from 12/7/2004) - REFERRED BACK TO STAFF

Patrick-Maben: All Ayes

HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- *5) **Request from Dolly and Daniel Stigthans by GPS Services to change the permitted uses from exclusive agriculture to 1/2-acre estate allowing mobile homes on a 312-square foot portion of a 65.5-acre parcel located at the northerly terminus of Dawson Drive, approximately 950 feet north of Anchorage Drive, Wofford Heights (SD #1)** Specific Request: A change in zone classification from A to E (1/4) MH or a more restrictive district (ZCC #7, Map #17) (General Rule, Section 15061(b)(3); Published Kern Valley Sun) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2005-030 AND ENACTED ORDINANCE G-7184 APPROVING ZONE CHANGE AS REQUESTED
Patrick-Maben: All Ayes
- *6) **Request from Craig Sunderland to change the permitted uses from general commercial to light industrial on one acre located at 6726 Lake Isabella Boulevard, Lake Isabella (SD #1)** Specific Request: A change in zone classification from C-2 to M-1 or a more restrictive district (ZCC #11, Map #41-30) (Categorically Exempt, Section 15303; Published Kern Valley Sun) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2005-031 AND ENACTED ORDINANCE G-7185 APPROVING ZONE CHANGE, WITH ADDITION OF THE PD (PRECISE DEVELOPMENT COMBINING) DISTRICT
Patrick-Maben: All Ayes
- *7) **Request from John Basham by CITA Development to change the permitted uses from medium-density residential to neighborhood commercial on approximately 5,400 square feet of a 0.59-acre parcel located at 3312 Niles Street, east Bakersfield (SD #3)** Specific Request: A change in zone classification from R-2 P to C-1 or a more restrictive district (ZCC #32, Map #103-26) (General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2005-032 AND ENACTED ORDINANCE G-7186 APPROVING ZONE CHANGE AS REQUESTED
Patrick-Maben: All Ayes

- *8) **Request from Heath Road Partners, LLC, by SmithTech/USA, Inc., to change the permitted uses from drilling island to estate residential on 2.08 acres located north of Chateau Montelena Drive, at the west end of Sequoia Grove Avenue, Rosedale area (SD #4)**

Specific Request:

A change in zone classification from DI to E (1/4) or a more restrictive district (ZCC #145, Map #101)
(Categorically Exempt, Section 15303; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2005-033 AND ENACTED ORDINANCE G-7187 APPROVING ZONE CHANGE, TO BECOME EFFECTIVE UPON RECORDATION OF A FINAL SUBDIVISION MAP

Patrick-Maben: All Ayes

- 9) **Request from Major Singh Kooner by Quad Knopf to change the permitted uses from mobile home park to 1/4-acre residential on 18 acres located on the north and south sides of Nanak Road, approximately 500 feet west of Weedpatch Highway, east Bakersfield (SD #5)**

Specific Request:

A change in zone classification from MP PD to E (1/4) or a more restrictive district (ZCC #29, Map #124-1)
(Negative Declaration; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTION 2005-034 AND ENACTED ORDINANCE G-7188 APPROVING ZONE CHANGE WITH THE ADDITION OF THE MORE RESTRICTIVE PE (PETROLEUM EXTRACTION COMBINING) DISTRICT

Rubio-Maben: All Ayes

- 10) **Request from Kern County Planning Department to revise the Kern County Zoning Ordinance, Countywide (All SD's)**

Specific Request:

Revisions to the Kern County Zoning Ordinance. Proposed text amendments include, but are not necessarily limited to, the following: (1) changes affecting the permitted height of buildings and structures in the A, A-1, C-2, and M-3 Districts and in various Combining Districts by imposing a 100-foot or greater maximum height requirement in areas affected by restricted military airspace and revoking Interim Urgency Height Ordinance; (2) new restrictions on the maximum size, height, and location of accessory buildings in residential districts; (3) modification of uses permitted in the A District, including the addition of agricultural greenwaste and animal waste composting as conditionally permitted uses; (4) modification of the M-2 and M-3 Districts to add food or beverage product manufacturing as a permitted use; (5) modification of uses permitted in the NR District to require a conditional use permit for oilfield-related storage yards; (6) changes to development standards and setback requirements related to commercial wind farm development in the WE Districts. No changes in zoning district classification affecting public or private property are proposed. (Zoning Ordinance Revisions - Fall 2004)

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(General Rule, Section 15061(b)(3); Published Bakersfield Californian, Daily Midway Driller, Kern Valley Sun, Mojave Desert News, Mountain Enterprise, News Review, Rosamond Weekly News, Tehachapi News) - OPENED HEARING; HAL ROMANAWITZ, PRESIDENT, KERN WIND ENERGY AND OAK WIND ENERGY, AND DWIGHT DEACON, EDWARDS AIR FORCE BASE, AIR FORCE FLIGHT CENTER, HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ENACTED ORDINANCE G-7189 APPROVING PROPOSED CHANGES WITH THE EXCEPTION OF THE PORTION RELATING TO ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS WHICH WAS REFERRED BACK TO STAFF

Maben-Patrick: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY
Planning Department

Miscellaneous

S.D. #1

- *11) Request from Prince Palace Corporation for determination of public convenience for the issuance of off-sale general liquor license at 35184 Seventh Standard Road, Bakersfield, pursuant to the Alcohol Beverage Control Act, Section 23958 of the Business and Professions Code (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-035

Patrick-Maben: All Ayes

All S.D.'s

- *12) Proposed Ordinance extending Interim Urgency Ordinance regulating structure and tower height within military restricted airspace and low-level flight routes and corridors for one (1) additional year (Fiscal Impact: None) - ENACTED ORDINANCE G-7190

Patrick-Maben: All Ayes

- 13) Proposed Consulting Agreement with Jones and Stokes Associates for preparation of two (2) Dairy Animal Facilities Environmental Impact Reports, in an amount not to exceed \$783,100, and appropriation of unanticipated revenue in the amount of \$196,500 from State Water Resources Control Board Grant and Conditional Use Permit Application Processing Fees (Fiscal Impact: Fiscal Year 2004-2005, \$196,500; Not Budgeted; Discretionary; Applicant and Grant Funded) - BOB REEVES, WASCO, HEARD; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 064-2005; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$196,500 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$196,500 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2750

McQuiston-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY
Community and Economic Development Department

Hearing

S.D. #1

- *14) Public Hearing to amend the County of Kern's Fiscal Year (FY) 2003-2004 Annual Action Plan for Community Development Programs for the Rancho Algodon Housing Rehabilitation Project, CD No. 33.03.6 (Fiscal Impact: \$536,000; HOME Investment Partnership Program; Budgeted; Discretionary) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED AMENDMENT TO COUNTY'S FY 2003-2004 ANNUAL ACTION PLAN FOR RANCHO ALGODON HOUSING REHABILITATION TO ALLOW ACCEPTANCE OF LOW BID; AUTHORIZED DIRECTOR TO SUBMIT ALL DOCUMENTATION RELATED TO AMENDMENT TO HUD

Patrick-Maben: All Ayes

S.D. #5

- *15) Proposed Agreement with the City of Arvin to provide Community Development Block Grant funds for Arvin Street Reconstruction Improvements, Phase III, CD No. 12.04.1, in an amount not to exceed \$300,389 (Fiscal Impact: \$300,389; Federal Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 065-2005

Patrick-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY
Environmental Health Services - Animal Control Services

S.D. #2

- *16) Proposed Professional Services Agreement with Southern Kern Veterinary Hospital for veterinary medical services (Fiscal Impact: \$20,000 Annually; Spay/Neuter Trust Fund) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 066-2005

Patrick-Maben: All Ayes

All S.D.'s

- 17) Response to Board referral regarding Partnership for Animals Subcommittee report (Fiscal Impact: None) - LIZ KEOGH; BETH RASMUSSEN; JOHN LINDFORD; KAREN ANDERSON; MERL RASMUSSEN; JANICE ANDERSON; AND MARILYN STEWART HEARD

RECEIVED AND FILED; REFERRED TO COUNTY ADMINISTRATIVE OFFICE TO REPORT BACK TO THE BOARD REGARDING A MANAGEMENT AUDIT OF THE ANIMAL CONTROL DIVISION RELATING TO ANIMAL CARE AND ANIMAL CONTROL POLICIES, PROCEDURES AND OPERATIONS; RECEIVED AND FILED DOCUMENTS

Maben-McQuiston: All Ayes

REFERRED TO ENVIRONMENTAL HEALTH SERVICES AND ANIMAL CONTROL TO REPORT BACK TO THE BOARD IN TWO WEEKS TO PROVIDE MORE INFORMATION ON ANIMAL ADOPTIONS AND RECOVERY, THE VOLUNTEER PROGRAM AND THE GREEN GATE ISSUE

Maben-McQuiston: All Ayes

- *18) Proposed Form Animal Adoption Partnership Application and Agreement for the release of animals from Kern County animal shelters and request for Director or his designee to execute agreement with non-profit animal rescue groups, subject to approval as to form by County Counsel (Fiscal Impact: \$5,000 Annual Revenue to County) - APPROVED

Patrick-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #3

- *19) Proposed construction of Wings Way at Seventh Standard Road and request for approval of plan layout and adoption of Negative Declaration (Fiscal Impact: \$625,000; HUD Block Grant Funds; Budgeted; Discretionary) - APPROVED; MADE FINDING THAT PROJECT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT; ADOPTED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM; AUTHORIZED ROADS TO FILE NOTICE OF DETERMINATION AND CERTIFICATE OF FEE EXEMPTION; DIRECTED ROADS TO PROCEED WITH PROJECT

Patrick-Maben: All Ayes

S.D. #4

- *20) Contract No. 05007, identification of apparent low bid from Bowman Asphalt, Inc., for construction on Belle Terrace, South Real Road and Wood Lane, in an amount not to exceed \$65,255.08 (Fiscal Impact: \$65,255.08; Transportation Development Act Funds; Budgeted; Discretionary) - IDENTIFIED APPARENT LOW BID; AUTHORIZED ROADS TO PREPARE NECESSARY CONTRACT DOCUMENTS AND RELEASE ALL OTHER BID GUARANTEES

Patrick-Maben: All Ayes

WASTE MANAGEMENT

All S.D.'s

- *21) Proposed addition of one (1) full-time Office Services Coordinator position and one (1) full-time Office Services Specialist position, and concurrent deletion of one (1) full-time Office Services Technician position to Budget Unit 8999, effective January 25, 2005; and deletion of one (1) full-time Senior Office Services Specialist position from Budget Unit 8999, effective February 25, 2005 (Fiscal Impact: \$2,623.40; Solid Waste Enterprise Fund; Not Budgeted; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Maben: All Ayes

- *22) Proposed Amendment No. 2 to Agreement 128-2001 with Scrap Tire Co-Op/Golden By-Products, Inc., to provide waste tire recycling services, extending the term to February 13, 2006 (Fiscal Impact: \$120,000; Solid Waste Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 067-2005

Patrick-Maben: All Ayes

- *23) Proposed Resolution to set public hearing for Tuesday, February 22, 2005, at 2:00 p.m., to consider the report entitled, "2005 Solid Waste Administration Fee for Franchise Garbage Haulers", and to establish and assess the Administrative Fee - RECEIVED AND FILED; ADOPTED RESOLUTION 2005-036; DIRECTED COUNTY COUNSEL TO PREPARE, AND CLERK OF THE BOARD TO PUBLISH, HEARING NOTICE

Patrick-Maben: All Ayes

- *24) Request for relief of accountability of Accounts Receivables, in the amount of \$782.07 (Fiscal Impact: None) - APPROVED

Patrick-Maben: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *25) Response to Board referral regarding alternative of replacing the County Administrative Officer position with County Executive Officer position, and possible changes in the role/functions of the CAO (Fiscal Impact: None) - RECEIVED AND FILED; CONTINUED IN-PROGRESS RECRUITMENT TO FILL CAO POSITION

Patrick-Maben: All Ayes

- *26) Proposed response to Grand Jury Reports entitled Larry J. Rhoades Crossroads Facility and James G. Bowles Juvenile Hall (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER TRANSMITTING BOARD'S RESPONSE TO PRESIDING JUDGE OF THE SUPERIOR COURT

Patrick-Maben: All Ayes

- *27) Proposed response to Grand Jury Report entitled Kern County Sheriff's Department Headquarters (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER TRANSMITTING BOARD'S RESPONSE TO PRESIDING JUDGE OF THE SUPERIOR COURT

Patrick-Maben: All Ayes

- *28) Proposed response to Grand Jury Report entitled Kern County Department of Child Support Services (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER TRANSMITTING BOARD'S RESPONSE TO PRESIDING JUDGE OF THE SUPERIOR COURT

Patrick-Maben: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

S.D. #1

- *29) Change Order No. 1 for the Ridgecrest Administration Building reroof and HVAC replacement, an increase of \$2,852.21, for a new total of \$310,399.21 (1650.7131) (Fiscal Impact: \$2,852.21; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Maben: All Ayes

- *30) Change Order No. 14 for the Juvenile Treatment Facility, an increase of \$90,000, for a new total of \$17,402,250.06 (1960.8166) (Fiscal Impact: \$90,000; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Maben: All Ayes

S.D. #2

- *31) Proposed extension of Lease Agreement 994-99 with the Friend Family Trust for use of 2300 Highway 58, Mojave, as a Career Services Center One-Stop office, for an additional three-year period commencing June 1, 2005 through May 31, 2008 (Fiscal Impact: \$5,510 per month, \$160 Additional Per Month; Budgeted) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061(b)(3); AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; AUTHORIZED GENERAL SERVICES TO NOTIFY THE FRIEND FAMILY TRUST OF COUNTY'S INTENTION TO EXTEND TERM OF LEASE AGREEMENT

Patrick-Maben: All Ayes

S.D. #5

- *32) Change Order No. 2 for the Superior Court 2nd Floor Training Room and D17 Courtroom restroom remodel, an increase of \$9,601, for a new total of \$460,219.10. (Fiscal Impact: \$9,601; Budgeted; Discretionary) (9410.7000D) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Maben: All Ayes

All S.D.'s

- *33) Identify apparent low bid from Becka Construction Company for the Job Order Contract, Sewer Collection System, Phase I, in an amount not to exceed \$400,000 (Various Projects) (Fiscal Impact: Up to \$400,000; Budgeted; Discretionary) - IDENTIFIED APPARENT LOW BID; AUTHORIZED GENERAL SERVICES TO RELEASE ALL OTHER BID GUARANTEES AND PREPARE CONTRACT DOCUMENTS

Patrick-Maben: All Ayes

- *34) Identify apparent low bid from Kaweah Construction Company for the Job Order Contract, Wastewater Treatment Plant, Phase I, in an amount not to exceed \$300,000 (Various Projects) (Fiscal Impact: Up to \$300,000; Budgeted; Discretionary) - IDENTIFIED APPARENT LOW BID; AUTHORIZED GENERAL SERVICES TO RELEASE ALL OTHER BID GUARANTEES AND PREPARE CONTRACT DOCUMENTS

Patrick-Maben: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *35) Budget Transfers - APPROVED NO. 82 THROUGH NO. 84

Patrick-Maben: All Ayes

- *36) Minutes for week of December 13, 2005 - APPROVED WITH CORRECTION TO DECEMBER 14, 2004, ITEM NO. 27 A.M., TO ADD **RESOLUTION 2004-439A**; AND TO DECEMBER 14, 2004, ITEM NO. 7 P.M., TO ADD **RESOLUTION 2004-459**

Patrick-Maben: All Ayes

- *37) Miscellaneous Letters and Documents - APPROVED

Patrick-Maben: All Ayes

- *38) Miscellaneous Departmental Referrals by Clerk of the Board
- APPROVED AND FILED

Patrick-Maben: All Ayes

- *39) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED

Patrick-Maben: All Ayes

ADJOURNED TO TUESDAY, FEBRUARY 1, 2005, AT 9:00 A.M.

Rubio

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
Chairman, Board of Supervisors

**AMERICANS WITH DISABILITIES ACT
(Government Code Section 54953.2)**

The Board of Supervisors Chamber is accessible to persons with disabilities. Disabled individuals who need special assistance to attend or participate in a meeting of the Board of Supervisors may request assistance at the Clerk of the Board of Supervisors, Fifth Floor, 1115 Truxtun Avenue, Bakersfield, California or by calling (661) 868-3585. Every effort will be made to reasonably accommodate individuals with disabilities by making meeting material available in alternative formats. Requests for assistance should be made five (5) working days in advance of a meeting whenever possible.

37) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Clerk of the Board

- A) Letter from Chris Frank re resignation as a Director of the Kern County Board of Trade (Copies to each Supervisor and CAO)

Engineering & Survey Services

- B) Received, prepared Certificate of Acceptance and transmitted to Recorder for recordation an Irrevocable Offer of Dedication from David W. and Gail D. Williams, Tract 6025, Lot 53

Environmental Health Services

- C) Six (6) thank you letters for donations to the Bakersfield Animal Care Center and Mojave Animal Shelter (Copies to each Supervisor and CAO)

Miscellaneous

- D) Letter from Ginger Moorhouse, Bakersfield Californian, re emergency closed sessions and requirements of the Ralph M. Brown Act (Copies to each Supervisor, CAO and County Counsel)
- E) Letter from Doug Bellomo, Federal Emergency Management Agency, re Letter of Map Revision (LOMR) dated July 23, 2004, and proposed modified flood elevation determinations affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for unincorporated areas of Kern County (Copies to each Supervisor, CAO and Engineering & Survey Services)
- F) Letter from Dr. Cary Shakespeare re resignation from medical staff appointment at Kern Medical Center (Copies to each Supervisor, CAO and Kern Medical Center)
- G) Letter from Thomas Paxson, Kern County Air Pollution Control District, re 2004 Air Toxics Annual Report (Copies to each Supervisor and CAO)
- H) Letter from Ray Arthur, Ridgecrest Area Convention & Visitors Bureau/Ridgecrest Regional Film Commission, in opposition to proposal of Greater Bakersfield Convention and Visitors Bureau to take over functions of the Kern County Board of Trade (Copies to each Supervisor, CAO and Board of Trade)
- I) Letter from Nancy Bass, Indian Wells Valley Airport District, in opposition to proposal of Greater Bakersfield Convention and Visitors Bureau to take over functions of the Kern County Board of Trade (Copies to each Supervisor, CAO and Board of Trade)
- J) Letter from Linda Cadena re suggestions to help find lost or stolen pets (Copies to each Supervisor, CAO and Animal Control)

- K) Letter from Robert M. Weygandt, Placer County Board of Supervisors, re Agricultural Niche Marketing Workshop on Friday, February 4, 2005 (Copies to each Supervisor, CAO and Agricultural Commissioner)
- L) Report from Los Padres National Forest re Schedule of Proposed Action (SOPA) from January 1, 2005 through March 31, 2005 (Copies to each Supervisor, CAO and Planning)
- M) Preliminary official statement re Maricopa Unified School District General Obligation Bonds, Election of 2004, Series 2005
- N) Notice of Preparation from Castaic Lake Water Agency (CLWA) re Draft Environmental Impact Report, Honby Pipeline (Copy to Planning)
- 38) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
 - A) Letter from Kristine Boyer, Buena Vista Water Storage District, re appointment in lieu of election for three members of the Board of Directors - REFERRED TO COUNTY COUNSEL
- 39) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
 - A) Claim in the matter of Elizabeth Ann Miller vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Sandra J. Larson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - C) Claim in the matter of Denise Perry vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - D) Claim in the matter of Billy Strickland vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - E) Claim in the matter of Charles James Moffett vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - F) Late claim in the matter of Rickey Antony Smithson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - G) Late claim in the matter of Michael L. Banks vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - H) Response to defendant's motions in the matter of Sammye Richardson, et al vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - I) Notice of Discrimination Complaint in the matter of Juli Anne Marquez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management and Personnel)

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